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## Asymmetric Decentralization in Different Eras: Indonesia's Experience

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### Abstract

The issue of selling islands in Indonesia online ([www.liputan6.com](http://www.liputan6.com)) disturbs our thinking to examine the actors and the prevailing format of governance. The format of governance in Indonesia in different eras has been very adaptive and sometimes ambiguous (double-faced) because, on the one hand, it has the face of decentralization but on the other hand, it has the face of asymmetrical decentralization, centralization, or re-centralization. The pattern of asymmetric decentralization in archipelagic countries (archipelago) is expected to be able to contribute to the development of local competencies owned by each region, as has been the successful experience of various countries that have successfully implemented asymmetric decentralization, such as Japan. Asymmetric decentralization in Indonesia is a historical continuation since the colonial period and is confirmed in three constitutions that have been in force. The rationale for asymmetric decentralization can be referred to in the constitution as the highest legal entity. Asymmetric decentralization concerns fundamental matters related to the pattern of relations between the center and the regions in the design of different authorities, institutions, finances, and controls. Asymmetrical decentralization can at least be given to autonomous regions with consideration of constitutional history, territorial politics, socio-culture, economic development, and national security defense.

**Keywords:** Asymmetrical decentralization, historical constitutional, politics, socio-culture, local economy, security defense.

### 1. Introduction

After the big bang decentralization was introduced through Law Number 22 of 1999 concerning Regional Government, it seems that there has been a slowdown since being replaced by Law Number 32 of 2004, Number 12 of 2008, Number 23 of 2014, and thereafter. As a result, only in a matter of two or three years at that time, the demands for revisions had become quite widespread. One of the aspirations for revising is for the regions to be given greater freedom or independence to manage their households because the current decentralization is considered to have a high degree of centralization, considered adaptive and ambiguous (two-faced) or "recentralized", so that the pattern of governance currently important and interesting to discuss in the framework of asymmetric decentralization (Madubun & Akib, 2017).

Interestingly discussing the issue of asymmetric decentralization is also by the summary views of experts and researchers (Hayati & Ifansyah, 2019; Kaho, 2001; Kurniadi, 2012; Shindyawati, 2019; UGM, 2010; Utomo, 2009) that when Law Number 22/1999 was replaced with Law Number 32/2004, there were many

criticisms and objections from various groups, especially actors at the local level. This new rule is considered to bring a new centralized or uniform agenda. The spirit of diversity is dwindling, and the recognition of the unique characteristics of a region is disappearing. Due to these various criticisms, the discourse of asymmetric decentralization has developed. Therefore, the idea of asymmetric decentralization should not be perceived as a form of deviation from the basic idea of decentralization for a unitary state, but instead seen as an instrument to strengthen the goals of decentralization to create effectiveness and efficiency in state administration, as well as strengthen democratic structures at the local level with multi-dimensional impacts. especially regional politics, socio-culture, local economy, defense, and national security within the framework of the Unitary State of the Republic of Indonesia (USRI).

Discussions on decentralization are always complicated and because of that complexity discussions on decentralization patterns are always important and interesting. One of the complexities in the discussion of decentralization of governance is the variable form of a unitary state (McGarry, 2007; Costa-Font and Turati, 2018; Isra, de Villiers, and Arifin, 2019). Therefore, the classic question is how much authority (degree of freedom) can autonomous regions have and how far are the restrictions on the central government's right to intervene (degree of intervention) in the regions? Until now, no one has made any conclusions related to the ideal proportion between the degree of freedom and the degree of intervention (Benkler, 2016; Kuhlmann & Hirsch, 1993). Another intriguing question is whether is it logical for a unitary state to provide decentralization to regions in its territory in an asymmetrical decentralization. Isn't that already leading to the form of a federation state?" Although the question is very logical, the philosophy of decentralization itself wants to eliminate the uniformity created by the center and recognize the traditional rights of people who have diverse characteristics and uniqueness of history, culture, ethnology, social institutions, and values, as well as wisdom other locales. Decentralization that ignores objective facts in the form of architectural wealth and cultural heritage (social endowment), or that thinks that society moves linearly in one direction and in the same way, is not true decentralization.

Decentralization is a concept that implies the delegation of authority from the central government to lower-level governments to manage their territory. This understanding is to Ahmad's (2005) view that decentralization is a relatively large authority, especially in making various important decisions that are delegated from higher to lower levels of the organization broadly through the chain of command. The authority delegated according to some experts (Abel, 1942; Hanson, 2022; Work, 2002) covers the legislative, judicial or administrative fields, or according to Henry Maddick (1965) covers certain fields and functions to officials or bodies in autonomous regions through deconcentration or devolution (Bankauskaite & Saltman, 2007; Santagati et al., 2020; Smith, 2001; Utomo, 2009), as opposed to centralization.

According to experts (Hanson, 2022; Mills, 1994; Mwinjuma et al., 2015; Santagati et al., 2020; Smith, 2001; Utomo, 2009) there are variants of decentralization, namely deconcentration, constitutional decentralization or political decentralization, devolution, and privatization. Whatever the variants, decentralization aims to enable the government to further increase the efficiency and effectiveness of its service functions at all levels of society. While asymmetric decentralization is the autonomy that is implemented in a country with dissimilar and dissimilar principles. Heterogeneous (asymmetric) decentralization formats are used as an alternative policy in addressing diversity challenges in archipelagic countries. Based on this understanding, the results of this normative research or literature study aim to explain the asymmetrical decentralization of governance formats in different eras (colonial, early independence, New Order, reform) as a good experience from Indonesia.

## RESULTS AND DISCUSSION

Since the colonial period, the colonialists had thought of an asymmetrical decentralization design-unequal arrangements between regions for their colonies in Indonesia. However, the Vereenigde Oostindische Compagnie (VOC), which went bankrupt and was replaced by the Dutch, never seriously managed the administration of the colonies. The first arrangement was made during the Daendels era when the Netherlands was colonized by France so that the Dutch colony automatically became a French colony. During the Raffles era, the administrative division continued after Indonesia was handed over to England based on the London Convention (1814) which divided Java into 16 gewest (Hayati & Ifansyah, 2019;

Kurniadi, 2012; Shindyawati, 2019; Utomo, 2009)

After Indonesia was handed back to the Netherlands, the Dutch began to take Java more seriously and divide it into three provinces and 67 regencies (including 18 cities), and two special regions (Jogja and Solo). Regions outside Java are managed by a model of direct and indirect governance that uses local traditional rulers as liaisons with the "people". By using local authorities, the Netherlands can save expenses related to budget efficiency for personnel. This is the secret to why the Dutch, with only relatively very few personnel, were able to control Indonesia, which at that time consisted of around 30 million people.

Even though it is based more on economic considerations, there have been asymmetrical differences in the treatment of regions in Indonesia. Some evidence that the management of colonial-colonial government relations used the principle of asymmetry is as follows:

First, only areas in Java were managed seriously, while areas outside Java did not receive proper attention. One example is the port of Makassar which is an important area in the spice trade from Maluku (Poelinggomang, 2002) but is not divided into administrative regions such as provinces or regencies. Attention was only focused on ports which were expected to contribute revenue to the colonialists. Some other areas, for example, Bali, were not conquered until the early 19th century (Robinson, 1995). Some of the reasons for this are population size considerations and basic infrastructure such as roads. Java has a large population and a long history of reigning kings. The population is important to increase production which still relies on agriculture and plantations, while the history of the kingdom is important to see the road infrastructure for transportation. Even though they alternated with power, they were never in a truly "dead" position, so roads became an important matter for troop mobilization and the kingdom's economy.

Second, both in Java and outside Java, the colonial government had implemented asymmetry by giving special treatment to royal territories. VOC entered into a special agreement with Mataram before it was divided into two in the Giyanti 1755 agreement. It is recorded that there had been 111 special contracts between the VOC and Sunan (Soemardjan, 1962). This continued until the Japanese occupation. The same thing also happened outside Java. In the elucidation of the 1945 Constitution, it is explained that the Dutch Government entered into agreements with traditional and customary institutions totaling no less than 250 contracts in the form of self-management, or *zelfbesturende lanschappen*. These Dutch economic and political contracts are a form of appreciation for the asymmetry of these kingdoms.

The governance management mechanism was halted during the struggle for independence but has always shown serious efforts in managing asymmetric decentralization. Attempts to create three-level regions, namely provinces, regencies, and villages, could not be carried out according to the ideas of Law Number 1 of 1957 due to unclear conditions of government. However, several important things were done by the revolutionary government of the Republic of Indonesia, namely by establishing eight provinces in Indonesia (three provinces in Java) on September 1, 1945. Central Java Province, so the four kings in the two cities issued a decree on September 5, 1945, so that it would be integrated into Indonesian territory with the authority to regulate their kingdom (Hayati & Ifansyah, 2019; Kurniadi, 2012; UGM, 2010).

When the union was formed, several regions began to show a regional existence that threatened Indonesia, according to the Dutch plan. Unfortunately, after returning to the form of unity, several provinces experienced setbacks. The most serious example is in the case of Aceh, where the central government combined Aceh with the province of North Sumatra, which had a very different character. This was one of the initial disappointments that made Aceh consolidate itself in the form of demands for independence.

During the New Order government, after politics was considered more stable, the regulation used Law Number 5 of 1974 which, although it emphasized that Indonesia was decentralized, basically implemented centralization. The regions mentioned as having specialties, namely the Special Capital Region of Jakarta, the Special Region of Aceh, and the Special Region of Yogyakarta are no different from other provinces. The mention of these special regions was only based on the Law on the formation of each region which was carried out in 1950. The only thing that was different only happened in the Special Region of Yogyakarta, which was always led by Sultan Hamengku Buono IX as governor even though he held other positions, for example as a minister or vice president. When Sultan Hamengku Buono IX died in 1988, the Special Region of Yogyakarta did not have a governor, so the deputy governor held the position of deputy governor who was Paku Alam VIII who was elderly (aged). For 10 years until the Regional People's Representative Council of

the Special Region of Yogyakarta elected Sultan Hamengku Buono X as governor in 1998, there was practically no effective government, so the nuances of asymmetry that was carried out at will by Suharto on a certain side caused problems in the Special Region of Yogyakarta.

After 1998 there was a change in the flow of democratization and reform of central-regional relations at once, decentralization often cannot be separated from democratization. Decentralization is inseparable from democratization because for the democratization process to take place it has to be done by providing space for the emergence of democratization in the regions, one of which is manifested in respect for local diversity through decentralization. But basically, decentralization is different from democratization, between power (politics) and government management (decentralization) as described above.

Since the beginning of decentralization, demands to accommodate regional uniqueness have emerged very strongly. The Special Autonomy Law was passed in 2001 and the Nangro Aceh Darussalam Law in 1999. Demands for the Yogyakarta Special Law have also appeared since 2001, but have not strengthened. One of them is the demand for asymmetry which coincides with the emergence of protests and is often accompanied by violence against traditional groups. Coupled with the trauma of East Timor being separated from Indonesia, efforts to promote asymmetric decentralization have always been suspected of being against efforts to maintain the integrity of the USRI.

The description above provides an understanding that decentralization is a global trend that is believed to be able to overcome various problems of modern countries. In Indonesia itself, decentralization is a radical change that goes hand in hand with political reform and is marked by the collapse of the New Order regime at the end of the 20th century. Since decentralization and political reform are a package of changes in state and government management, it is only natural that one of the main demands for reform action is the implementation of genuine decentralization, not centralized decentralization as happened in the previous period, namely asymmetrical decentralization based on democratization at the center and the regions (local democracy).

Local democracy development has the probability to be further strengthened by acknowledging and accommodating every difference in the characteristics, potential, needs, and historical background of each region into the national policy system. Given that each region within a country has a diverse political, social, and cultural anatomy, a different (or asymmetrical) decentralization design is a strategic alternative to avoid regional disappointment with the national government. That is why, both in unitary states and federal states in modern times, decentralization tends not only to be used as a political strategy through the transfer of authority/power, or as an economic strategy through financial and fiscal balancing, but also as a cultural strategy to realize the principle of diversity in unity or unity in diversity.

The concept of asymmetric decentralization itself developed from the concept of asymmetric federation introduced by Charles Tarlton in 1965 (Tillin, 2007). According to Tillin, there are two types of the asymmetric federation, namely *de facto* and *de jure* asymmetry. The first type refers to differences between regions in terms of area size, economic potential, culture, and language, or differences in autonomy, representation system, or authority arising from differences in these characteristics. Meanwhile, the second asymmetry is a constitutional product that is consciously designed to achieve certain goals. This relates to the allocation of authority in different amounts, or the granting of autonomy in certain policy areas, to certain regions only.

If in a federal state there are two types of the asymmetrical federation, what types or forms of asymmetrical decentralization can be introduced for a unitary state, especially Indonesia? In this case, there are at least three forms that can be considered and/or further developed in the context of the revision of the Regional Government Law.

First, asymmetric decentralization is packaged in the framework of the current law, namely Law Number 32 of 2014. It must be admitted that this law opens opportunities for asymmetric decentralization, even if it is only seen from the type or field of government affairs. The concept of concurrent affairs (management carried out jointly) should be addressed by each region by identifying the potential and characteristics of each region, and there is no need to pretend that all areas of affairs must be carried out by the region. An area that does not have a sea area, of course, is not eligible to form a Maritime and Fisheries Service. Similarly, for an area characterized by a large city, even a metropolis, the establishment of a Forestry and

Plantation Service is unnecessary. If each region does not have the orientation to form institutions optimally, asymmetric decentralization based on the types of functions will develop automatically.

Second, asymmetric decentralization has occurred in Indonesia in the form of variations on the autonomy granted to the regions. Currently, there are four forms of regional autonomy, namely: 1) broad autonomy for regencies/cities in general, 2) limited autonomy for provinces, 3) special autonomy for Papua (UU No. 21/1999) and Nangroe Aceh Darussalam (Law No. 18/1999 in conjunction with Law No. 11/2006), and 4) special autonomy for Jakarta as the National Capital (Law No. 29/2007). Including a real example at this time with the implementation of the national program to relocate the nation's capital, from Jakarta to East Kalimantan. From the start, the Ministry of Home Affairs said that Jakarta would lose the title of Special Capital Region after the Indonesian capital was officially moved to East Kalimantan. However, Jakarta can get another title according to the decision of the central government. Acting Director General of Regional Autonomy of the Ministry of Home Affairs, Akmal Malik, said that despite losing the designation of Special Capital Region, Jakarta still has the opportunity to become a special autonomous region (<https://www.inews.id/news/nasional/ibu-kota-transfer-ke-kaltim>). Thus, when several forms of autonomy are executed simultaneously like this, then asymmetric decentralization has occurred.

Third, asymmetric decentralization is more varied than the first and second forms above. In its broadest form, asymmetric decentralization is the reaction or individual treatment of the central government to the regions based on the real needs, potentials, and root causes of the problems in the area. Bali, for example, apart from having limited autonomy as a province, needs to be granted special autonomy in the fields of culture, tourism, and the development of beliefs (*casu quo/c.q.* Hindu-Hudha Religion). Yogyakarta can also be granted special autonomy with historical considerations, the position of regional leadership, and its old political roots as a formerly sovereign country. While East Kalimantan and West Kalimantan can be given special autonomy in regional development and management of natural resources in border areas. At the same time, the seven island provinces (Maluku, North Maluku, North Sulawesi, East Nusa Tenggara, West Nusa Tenggara, Bangka Belitung, and Riau Archipelago) should be given additional, broader powers in the areas of sea and air transportation, fisheries and maritime affairs, as well as environmental conservation. In short, the Center can provide models of autonomy based on the identification and specific proposals from each region.

The next question is whether the granting of asymmetric decentralization will threaten the integrity of the unitary state (*c.q.* The USRI). This concern seems too exaggerated, considering that many unified countries in the world also implement asymmetric decentralization, such as Japan, China, and France. Even though they implement asymmetric decentralization, the integrity of the unitary state is unshakable, except for "small cases" in the form of separatist movements in the Uyghurs, China.

In Japan, asymmetrical decentralization can be witnessed in the policy of designating an area as a core city (*Chukaku-shi*) or a city with special cases (*Tokurei-shi*). China also provides different treatments to regions through the application of the concept of market decentralization. Based on this concept, the Chinese government created special economic zones, open coastal cities, and development zones. In 1978 four special economic zones were designated, namely Shenzhen, Zhuhai, Shantou, and Xiamen. This policy was accompanied by the granting of very broad autonomy to the provinces of Guangdong and Fujian to develop the economy in the region, for example giving them the authority to approve investments worth more than US\$ 30 million.

To further strengthen this market decentralization, until 1984 14 coastal cities and several cities in the interior (along the Yangtze river basin and the border with Russia) were assigned broad powers similar to special economic zones (Wu, 2012). A similar thing happened in France where of the 22 existing Regions, the Corse or Corsica region was a region that was given special autonomy that the other 21 Regions did not have. Objectively this is driven by the geographical position of Corsica which is somewhat separated from the mainland and has a specific historical background. In addition, it can also be said that asymmetric decentralization is not only feasible to be developed in a federal state. The concept of autonomy in a unitary state and a federal state cannot be fundamentally distinguished, as Work (2002) said that "There is no broad-based generalization that can be made about the correlation of federal/unitary states and decentralization".

The facts show that a federal state can be highly centralized, such as Malaysia, whereas a unitary state such as China has a relatively high degree of (economic) decentralization. Even so, there is a trend that occurs in both forms of state, namely the movement of the pendulum of the political system which is more directed at strengthening decentralization and the balance of authority and responsibility in administering the state and government. This has implications for demands to reduce interference or central authority, which has so far been packaged in a deconcentration framework, as a variant of decentralization. The movement of the decentralization pendulum itself has different speeds and variations in each country so it encourages asymmetrical decentralization construction. Decentralization is not the goal. Decentralization, whether symmetrical or asymmetrical, is only a tool or a vehicle for realizing the goals of the nation and state, namely a clean and effective government on the one hand, and a just, prosperous and prosperous society on the other.

The essence and value orientation in the concept of asymmetric decentralization, as stated above, is by the expert's view that this formal alternative has the content (type and scale) of authority and patterns of relationships between government units. In contrast to the pattern of uniform relations between government units in symmetrical decentralization, in asymmetrical decentralization, the uniqueness and difference are intertwined in the degree of autonomy and power that radiates in the substance of authority which is also different from what characterizes the asymmetric unit. Watts (2000) from Queen's University, Canada emphasized that the rationale for adopting an asymmetrical model is indeed no longer influenced by the form of the state structure, but by the extent to which the decentralization option can function effectively or vice versa even dysfunctional for efforts to manage local diversity and specificity. Meanwhile, according to Rahmatunnisa et al., (2018), if several objective conditions in society (preconditions of asymmetry in Tarlton's terms) do require a special management administrative framework and are expected to be able to bring benefits more effectively than are carried out in ordinary/multiple ways, then asymmetric decentralization is worth considering.

## 2. Conclusion

The adaptation of the asymmetrical decentralization pattern in Indonesia is based on the need for a strong and reliable government administration framework for managing local diversity. This format of organizing the State is a form of government flexibility in responding to the reality of regional and community diversity as a source of input for the functioning of the political/governmental system. Therefore, to answer the needs in this digital era, political, government administration, and public finance experts convey public ideas based on the essence and orientation of plural policy and institutional values within the framework of asymmetric decentralization, thus facilitating coordination, integration, synchronization, simplification (CISS) governance based on management information system (MIS), or e-government in the current era of volatility, uncertainty, complexity, ambiguity (VUCA)..

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