



Formation of New Autonomous Regions in The Indonesian Constitutional System

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Abstract: This study examines the formation of New Autonomous Regions (DOB) within Indonesia's constitutional framework and analyzes the principles and impacts of the moratorium policy on DOB creation from legal and political perspectives. Grounded in the decentralization principle of the Unitary State of the Republic of Indonesia (NKRI), DOB formation aims to promote equitable development and enhance public services. However, the moratorium policy, in place since 2014, reflects concerns over fiscal burdens and regional readiness, creating tensions with local aspirations. Using a juridical-normative approach, the study reviews key legal frameworks, including the 1945 Constitution and Law Number 23 of 2014, alongside case studies of Papua, West Papua, and Sorong. Findings reveal that while the legal basis for DOB formation is clear, implementation faces administrative and political challenges. The moratorium, lacking a robust legal foundation, prioritizes national fiscal and political considerations over local needs, particularly in regions like Papua with strong demands for autonomy. The study underscores the need for a balanced, transparent approach to reconcile decentralization goals with effective governance.

Keywords: New Autonomous Region, decentralization, Moratorium, Law, Constitutional Affairs.

1. Introduction

The establishment of New Autonomous Regions (DOB) is an integral part of the implementation of the principle of regional autonomy as mandated in Articles 18, 18A, and 18B of the 1945 Constitution of the Republic of Indonesia. The main objectives of the establishment of new autonomous regions are to improve the quality of public services, accelerate equitable regional development, and strengthen national stability through a more proportional distribution of government authority (Yuhandra et al., 2022). New autonomous regions are also seen as a strategic instrument to address inter-regional disparities and encourage the effectiveness of decentralization implementation (Handayani & Prasetyo, 2022).

Since the implementation of the moratorium policy in 2014, the process of establishing new autonomous regions (DOBs) has been delayed nationwide. The moratorium was imposed based on state fiscal considerations, an evaluation of the performance of previous new autonomous regions, which was deemed suboptimal, and the lack of a comprehensive evaluation system for the effectiveness of regional expansion (Ministry of Home Affairs, 2015; Moksiin et al., 2021). This policy has created tension between public aspirations for regional expansion and central government policies focused on budget efficiency and government consolidation.

In Papua, West Papua, and Sorong, aspirations for regional expansion remain high. Local communities believe that new autonomous regions (DOBs) are necessary to accelerate access to public services, strengthen political representation, and ensure fairer resource management (Tabuni et al., 2023). Proposals to establish new provinces, such as South Papua, Central Papua, Highlands Papua, and Southwest Papua, continue to grow even though the government has not yet fully lifted the moratorium.

The legal basis for the formation of new autonomous regions, in addition to the 1945 Constitution, is also stipulated in Law Number 23 of 2014 concerning Regional Gov-

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ernment. This law regulates the technical requirements for the formation of new autonomous regions, including administrative, geographic, demographic, and economic aspects (Yuhandra et al., 2022). However, the implementation of new autonomous regions is heavily influenced by national political factors, including discretionary decisions by the central government.

Circular Letter of the Minister of Home Affairs Number 120/253/SJ of 2015 emphasized that any proposal to establish a new autonomous region (DOB) must consider budget efficiency, the fiscal capacity of the parent region and the prospective new region, and socio-political stability. This demonstrates that the process of establishing a new autonomous region (DOB) is based not only on meeting administrative requirements but also on macroeconomic considerations of a national strategic nature (Moksiin et al., 2021).

In constitutional law studies, the formation of new autonomous regions (DOB) is a manifestation of the principle of decentralization, aligned with the principle of a unitary state. Regional expansion is inseparable from the principles of effective, efficient, and participatory governance. Expansion must be carried out with due regard for the principles of legality, legal certainty, and protection of the rights of regional communities.

According to a study by Ibrahim et al. (2020), the formation of new autonomous regions without prior objective evaluation and thorough planning tends to create fiscal dependence on the central government and increase administrative burdens. Therefore, the moratorium policy can be viewed as a legal and administrative measure to refine the legal instruments and policies for new autonomous regions before proceeding.

The establishment of New Autonomous Regions (DOB) cannot be separated from a unique legal and socio-political approach, considering that this region has special characteristics as regulated in Law Number 2 of 2021 concerning Amendments to Law Number 21 of 2001 concerning Special Autonomy for Papua Province. The policy of regional expansion in Papua, including West Papua, is explicitly mandated in Article 76 paragraph (2) which opens up space for the expansion of provinces and districts/cities as part of efforts to accelerate development, improve public services, and protect the basic rights of Indigenous Papuans (OAP). In this case, the establishment of Southwest Papua Province through Law Number 29 of 2022 is a constitutional realization of the aspirations of the people that have been voiced for more than a decade. The central government, through an affirmative approach within the framework of special autonomy, makes regional expansion a means to address structural inequalities and expand political representation at the local level.

The success of the formation of new autonomous regions in West Papua is not solely determined by the fulfillment of formal procedural aspects as stipulated in Law Number 23 of 2014 concerning Regional Government and Circular Letter of the Minister of Home Affairs Number 120/253/SJ of 2015. The process of expansion must take into account the principles of institutional effectiveness, fiscal efficiency, and guarantees of socio-political stability in the resulting regions. In the study of constitutional law, the existence of new autonomous regions must always be examined within the framework of a unitary state with the principle of asymmetric decentralization, especially in regions with special autonomy status. The formation of Southwest Papua, for example, necessitates strengthening governance, developing civil servant resources that are inclusive of indigenous peoples, and a proportional and accountable mechanism for allocating special autonomy funds. Therefore, the institutional design of new autonomous regions in West Papua must take into account the socio-cultural characteristics of indigenous communities and ensure their substantive participation in every process of governance.

The expansion of West Papua is not merely an administrative process, but also involves reconciling the relationship between the state and the Papuan people, who have long felt marginalized within the national development structure. From a constitutional rights perspective, the formation of new autonomous regions must be interpreted as fulfilling the right to equitable development (right to development), as well as guaranteeing the right to recognition of the cultural, political, and social identities of local communities. Failure to manage the expansion fairly and participatory has the potential to give

rise to horizontal conflict and local political fragmentation, which are counterproductive to the primary goals of decentralization. Therefore, a progressive juridical approach is needed that emphasizes not only procedural compliance but also ensures that every expansion policy is truly based on the principles of the rule of law, the protection of human rights, and respect for social diversity within the framework of the Unitary State of the Republic of Indonesia.

Thus, this research aims to examine the legal basis for the formation of new autonomous regions and to examine the legal and political principles underlying the moratorium policy.

The primary objective of this research is to analyze the legal basis for the establishment of New Autonomous Regions (DOBs) in Indonesia, with a particular focus on the constitutional and statutory frameworks, including Articles 18, 18A, and 18B of the 1945 Constitution and Law Number 23 of 2014 concerning Regional Government. Additionally, this study aims to evaluate the legal and political principles underpinning the moratorium policy on regional expansion, as instituted in 2014, by examining its implications for fiscal efficiency, administrative effectiveness, and socio-political stability, particularly in the context of regions with special autonomy status, such as Papua and West Papua.

2. Materials and Methods

The Materials and Methods should be described with sufficient details to allow others to This research uses a normative legal approach, as explained by Soekanto and Mamudji (2019), which defines normative legal research as library research that focuses on the study of written legal norms and legal principles. This approach is considered appropriate because the research focuses on examining normative provisions regarding the formation of New Autonomous Regions (DOB) and the moratorium principle within the framework of Indonesian constitutional law. To strengthen the analysis, a statute approach and a conceptual approach are used, as developed in the legal research methodology by Peter Mahmud Marzuki (2021).

The type of data used in this study is secondary data, consisting of primary legal materials, such as the 1945 Constitution of the Republic of Indonesia, Law Number 23 of 2014 concerning Regional Government, and the moratorium policy on the formation of new autonomous regions issued by the government. In addition, secondary legal materials were also used, namely accredited legal scientific journals, constitutional law textbooks, and relevant research reports. According to Ibrahim (2020), the use of secondary legal materials is crucial for providing theoretical context and scientific reasoning in supporting legal analysis.

Data collection was conducted through library research, examining regulatory documents, legal doctrine, accredited journal articles, and official government sources. Data analysis was conducted qualitatively using interpretive techniques, as suggested by Burhanuddin (2020) in his study of constitutional law. This technique is used to interpret legal norms and explain their relationship to factual conditions, particularly regarding the practice of establishing new autonomous regions and implementing moratoriums.

To ensure data validity and the accuracy of findings, source triangulation was conducted by comparing various expert opinions, legal doctrines, and relevant laws and regulations. According to Sugiyono (2022), triangulation is an important technique in qualitative research to test the credibility and consistency of data. With this methodology, the research is expected to contribute to the development of constitutional law and the formulation of more rational and equitable regional autonomy policies in Indonesian constitutional practice.

This study employs a normative legal research approach, as defined by Soekanto and Mamudji (2019), which involves library-based research focusing on written legal norms and principles. This method is suitable for analyzing normative provisions related to the formation of New Autonomous Regions (DOB) and the moratorium policy within Indonesia's constitutional law framework. The research integrates a statute approach and a conceptual approach, following the legal research methodology outlined by Peter

Mahmud Marzuki (2021), to provide a comprehensive examination of legal texts and their underlying concepts.

Data Used: The study utilizes secondary data, comprising primary legal materials, including the 1945 Constitution of the Republic of Indonesia, Law Number 23 of 2014 on Regional Government, Government Regulation Number 78 of 2007, and official government moratorium policies on DOB formation. Secondary legal materials, such as accredited legal journals, constitutional law textbooks, and relevant research reports, are also used to provide theoretical context and scientific reasoning, as emphasized by Ibrahim (2020).

Data Collection: Data was collected through library research, involving a systematic review of regulatory documents, legal doctrines, accredited journal articles, and official government sources. This process ensured a robust compilation of legal and scholarly materials relevant to DOB formation and the moratorium policy.

Data Processing and Analysis: The collected data was processed qualitatively using interpretive techniques, as recommended by Burhanuddin (2020) for constitutional law studies. This involved analyzing legal norms, interpreting their implications, and relating them to the practical context of DOB establishment and moratorium implementation. The analysis focused on identifying legal principles, administrative challenges, and political dynamics influencing regional autonomy policies.

Data Validation: To ensure the credibility and consistency of findings, source triangulation was conducted, as suggested by Sugiyono (2022). This involved cross-referencing expert opinions, legal doctrines, and relevant regulations to validate the data and strengthen the analysis. This methodology aims to contribute to the development of constitutional law and inform the formulation of equitable and rational regional autonomy policies in Indonesia.

3. Results and Discussion

3.1 Regional expansion within the framework of the Indonesian constitutional system

A new autonomous region (ADOB) is a form of regional government unit formed through the administrative division of a parent region, as part of the implementation of the principle of decentralization in the Indonesian constitutional system. The term "autonomy" comes from the Greek words *autos* (self) and *nomos* (law), meaning self-government based on self-established laws. The Encyclopedia of Social Science defines autonomy as the legal self-sufficiency of a social body and actual independence, which politically means self-government.

According to Prof. Oppenheim, an autonomous region is a part of a country that has its own legal existence, is independent, but remains within the framework of a unitary state. A new autonomous region (DOB) is a legal entity that has the right to regulate and manage its own affairs based on national law. Juniarto Ridwan & Achmad Sodik Sudradjat (2014) stated that the transition from a centralized to a decentralized system through new autonomous regions aims to create effective and efficient regional governance, and is able to improve public services, community participation, and equitable regional development.

According to Bagir Manan (2005), regional autonomy has two meanings: formal, to expand community participation; and material, to achieve local prosperity. Meanwhile, Sarundajang emphasized that the right to autonomy is limited within each region's jurisdiction and is not superior to other regions.

DOB was born as a logical consequence of the implementation of the principle of decentralization and the need for social justice, improved public services, and the effectiveness of local bureaucracy, but still within the framework of intact state sovereignty.

The formation of New Autonomous Regions (DOB) is a consequence of the implementation of the principle of decentralization in the Indonesian constitutional system. Regional expansion has been known since the beginning of independence and has increasingly developed during the reform era as an effort to increase the effectiveness of regional government and expand public services (Widjaja, 2005). In the context of de-

centralization, regional autonomy means the transfer of some government affairs from the central government to regions, which have the authority to regulate and manage their own affairs (Kansil & Kristine, 2008).

Normatively, the formation of new autonomous regions is regulated in Government Regulation Number 78 of 2007 concerning Procedures for the Formation, Elimination, and Merger of Regions, and is reinforced in Law Number 23 of 2014 concerning Regional Government. The requirements for regional formation consist of three main aspects: administrative, technical, and physical territorial aspects. Administrative requirements include approval from the Regional People's Representative Council (DPRD) and regional heads at the district/city and provincial levels, as well as recommendations from the Minister of Home Affairs. Technical requirements include economic capacity, regional potential, socio-cultural aspects, population size, and security factors. Meanwhile, physical territorial requirements include the area's scope, the location of the prospective capital city, and the readiness of government infrastructure (PP No. 78 of 2007).

According to Sumartini (1999), every regional formation must have a strong legal basis to provide legitimacy and ensure the stability of local government. Furthermore, Miriam Budiardjo explains that regional autonomy rights granted by the central government differ from sovereignty, where autonomy is limited and exists within the framework of a unitary state, not a separate sovereignty (Abdullah, 2002).

The primary goal of establishing a new autonomous region (DOB) is to improve public service performance, strengthen local bureaucratic capacity, and accelerate regional development. However, its implementation must still consider regional readiness in institutional, fiscal, and socio-political aspects. Therefore, the process of establishing a new autonomous region (DOB) is not only a matter of fulfilling administrative requirements but also requires a comprehensive study to prevent burdening the state or exacerbating inter-regional inequality (Rosidin, 2010).

The formation of New Autonomous Regions (DOB) is an implementation of the principles of decentralization and regional autonomy as stipulated in Government Regulation No. 78 of 2007 concerning Procedures for the Formation, Dissolution, and Merger of Regions. However, the success of its implementation is largely determined by various supporting factors, both structural and functional.

According to Riwu Kaho (2010:66–70), there are four fundamental factors that support the effectiveness of regional autonomy implementation, namely: (1) the quality of human resources implementing it, (2) the adequacy and management of regional finances, (3) the availability of adequate equipment and infrastructure, and (4) the effectiveness of the organization and management of regional government. Human resources are a central factor because they are the main subject in the implementation of government functions. Professional, integrated, and competent implementers are crucial for the success of regional governance.

Furthermore, the financial aspect is a key determinant, as without adequate funding support, the implementation of government affairs will be disrupted. This includes potential local revenue (PAD), transfers from the central government, and regional fiscal governance capabilities. Meanwhile, the availability of equipment and technology plays a role in supporting bureaucratic efficiency. Finally, sound organization and management are needed to ensure effective decision-making, inter-unit coordination, and the targeted implementation of regional development programs.

On the other hand, the formation of new autonomous regions also faces a number of conceptual, technical, and political obstacles. Eugene Bardach (1977), in his work, *The Implementation Game*, stated that the success of a policy is not solely determined by the clarity of the program formulation, but rather by the extent to which the policy can be translated and implemented concretely in the field. Bardach emphasized the gap between the normative formulation on paper and the bureaucratic and socio-political realities on the ground.

Furthermore, Jones (1984) stated that one of the main problems in public policy implementation is the shift in orientation from political to administrative aspects. In the

context of the formation of new autonomous regions (DOB), this shift creates a tug-of-war between local elites, the central government, and other stakeholders, often obscuring the original objectives of decentralization. This results in the expansion process not always being oriented towards effective public services but instead becoming a political instrument.

Other obstacles hampering the formation of new autonomous regions include the weak planning capacity of parent regions, limited objective data on the potential of prospective new autonomous regions, and minimal public participation in the process of preparing new autonomous regions' documents. This situation is exacerbated by the politicization of new autonomous regions, which uses new autonomous regions as a tool for mobilizing electoral support within the local political context.

The establishment of New Autonomous Regions (DOB) in Papua is a significant example of asymmetric decentralization in Indonesia. This process demonstrates the complex relationship between national policies and local aspirations, which do not always align. According to a study by Evarukdijati (2022), regional expansion in Papua began in 1993 and reached a peak in intensity during the reform era, with the establishment of West Papua Province in 1999 through Law Number 45 of 1999.

Decentralization in Papua formally aims to accelerate development and expand access to public services for communities in geographically difficult-to-reach areas. However, the reality on the ground shows that the regional expansion process is often not based on a comprehensive assessment of local needs. There is a disparity between the desire of some communities to obtain better public services through new autonomous regions (DOBs) and the growing resistance from other groups who view the expansion as an elite, non-participatory project.

Several regional heads in Papua, such as the Regent of Yahukimo, have stated that new autonomous regions (DOBs) represent a strategic opportunity to expand access to development and strengthen regional capacity. Conversely, the rejection from several students and community leaders reflects a legitimacy deficit in the expansion process. This is exacerbated by the security response, which has led to escalating social tensions.

This situation emphasizes that the implementation of the new autonomous region policy, particularly in Papua, requires an approach that is not solely based on legal and administrative aspects, but also takes into account sociological, cultural, and political aspects in depth. Thus, the Papua case study demonstrates that regional expansion policies cannot be separated from the local context and power relations between the central and regional governments.

a. The 1945 Constitution of the Republic of Indonesia (UUD 1945)

The 1945 Constitution is the highest legal basis that serves as the main foundation for the formation of New Autonomous Regions. Article 18 Paragraph (1) emphasizes that the Unitary State of the Republic of Indonesia is divided into autonomous provinces and districts/cities. Meanwhile, Paragraph (2) states that regional governments have the right to regulate and manage their own government affairs according to the principles of autonomy and assistance tasks. This provision provides constitutional legitimacy for regional expansion as a form of implementing the principle of decentralization. Thus, the formation of new autonomous regions is a manifestation of the constitutional guarantee regarding the division of authority between the central and regional governments.

b. Law Number 23 of 2014 concerning Regional Government

Law No. 23 of 2014 provides a more technical normative reference for regional governance, including the requirements and procedures for establishing new autonomous regions. Articles 33 to 42 stipulate the criteria for the formation, elimination, and merger of regions, including administrative, technical, and physical indicators of territorial integrity. This law also emphasizes the importance of academic studies and recommendations from the Regional People's Representative Council (DPRD), the Governor, and the Ministry of Home Affairs. In this context, Law 23/2014 serves as the legal basis

that outlines the formal legal mechanisms for aspirations for regional expansion, while also emphasizing that the process is not merely political in nature but must be based on objective studies.

c. Law Number 2 of 2021 concerning Special Autonomy for Papua

Specifically for the Papua and West Papua regions, the legal basis for the formation of new autonomous regions (DOBs) is more specifically regulated in Law No. 2 of 2021, a revision of the Papua Special Autonomy Law. Article 76 stipulates that regional expansion in Papua can be carried out by considering political, administrative, and legal aspects, socio-cultural unity, human resource readiness, basic infrastructure, and economic capacity. This law provides special status (*lex specialis*) for Papua, so that expansion does not always follow general norms as stipulated in the Regional Government Law. The establishment of the provinces of South Papua, Central Papua, and Highlands Papua in 2022 is a direct implementation of this provision.

d. Government Regulation Number 78 of 2007 concerning Procedures for the Formation, Elimination, and Merger of Regions

This regulation serves as the basis for the technical implementation of the provisions of the Regional Government Law in the context of new autonomous regions (DOB). It details administrative stages, such as meeting basic requirements, administrative requirements, and technical requirements. It also includes the obligation to conduct regional studies and prepare proposal documents by local governments, as well as verification by a central team. This regulation also establishes evaluative boundaries regarding regional fiscal and human resource readiness. Thus, PP 78/2007 serves as a regulatory instrument that bridges the gap between legal norms and the technical realities of new autonomous regions (DOB) formation.

e. Presidential Decree and Presidential Instruction Regarding the Moratorium on Regional Expansion

Although not legally binding, presidential decrees (Keppres) and presidential instructions (Inpres) regarding the moratorium on the formation of new autonomous regions (DOBs) serve as the basis for internally binding administrative policies for government agencies. Since 2014, the central government has imposed a moratorium on regional expansion through official statements from the Minister of Home Affairs and sectoral policy instruments. This policy is strategic for fiscal control and performance evaluation of established autonomous regions. While not eliminating the constitutional and legal basis for new autonomous regions, this moratorium demonstrates that the implementation of regional formation is also subject to national policies that consider political and budgetary stability.

3.2 The Legal and Political Principles of the Moratorium on the Formation of New Autonomous Regions (DOB) in Indonesia

The principle of a moratorium on the formation of New Autonomous Regions (DOB) refers to a policy of temporarily halting regional expansion by the central government. This moratorium does not automatically revoke the legal basis for the formation of new autonomous regions, but rather delays their implementation for specific reasons, such as fiscal efficiency, consolidation of governance, and evaluation of existing new autonomous regions. In this context, the moratorium is not a permanent ban, but rather a strategic administrative policy responsive to national conditions, including legal, political, and institutional capacity.

Constitutionally, the formation of new autonomous regions is rooted in Article 18 of the 1945 Constitution of the Republic of Indonesia. Article 18 paragraph (1) states that the Unitary State of the Republic of Indonesia is divided into provincial and district/city regions, each of which has its own regional government. Paragraph (2) states that these regions have the right to regulate and manage their own government affairs according to

the principle of autonomy. The Constitution does not explicitly regulate the mechanism for regional expansion, but provides a normative basis that decentralization and regional autonomy are the main principles in regional governance. Therefore, from a legal standpoint, the formation of new autonomous regions is possible and valid, as long as it follows the constitutional principles and objectives of autonomy.

Article 18B paragraph (1) of the 1945 Constitution stipulates that the state recognizes and respects regional government units that are unique or special in nature, as regulated by law. This means that the formation of new autonomous regions based on regional specialization, such as in Papua, can have a legal basis and different treatment compared to other regions. The Constitution opens up legal space for asymmetric autonomy designs, which is important in understanding the policy of expanding the Papua region, which is still being implemented despite the national moratorium.

The legal basis for the formation of new autonomous regions (DOBs) is further elaborated in Law Number 23 of 2014 concerning Regional Government. This law regulates the administrative, technical, and territorial requirements that must be met for regional expansion. Articles 33 to 42 detail the procedures for establishing new autonomous regions, including community initiative, approval from the Regional People's Representative Council (DPRD), recommendations from the governor, academic studies, and considerations from the central government. Normatively, this law does not include a moratorium clause, but it remains the primary legal basis for future expansion.

However, in practice, since 2014, the government, through the Ministry of Home Affairs, has implemented a moratorium on the formation of new autonomous regions (DOBs). This was first officially announced by the then-Minister of Home Affairs, Gamawan Fauzi, and reinforced by the subsequent Minister of Home Affairs, Tjahjo Kumolo. This moratorium aims to restructure regional government, control the state's fiscal burden, and evaluate the effectiveness of previously established new autonomous regions. Several newly formed new autonomous regions have faced serious problems, such as high fiscal dependency, low bureaucratic capacity, and local political conflict.

In practice, the moratorium was not established through a law or presidential regulation, but rather through political and administrative decisions in the form of instructions and internal policies of the Ministry of Home Affairs. This means that, formally, there is no constitutional or statutory prohibition against the expansion of regions. However, the government used its discretionary power within the presidential system to delay the implementation of expansion in the national interest. Within this framework, the moratorium is the result of political and technocratic considerations, not a legal restriction.

Although the moratorium is enforced nationally, Papua is an exception. This refers to Law Number 2 of 2021 concerning Special Autonomy for Papua Province. Article 76 paragraph (2) of the law states that regional expansion in Papua can be carried out without following the general mechanisms as stipulated in the Regional Government Law, provided that it meets national strategic considerations. This indicates that certain regions can be exempted from the national moratorium on the basis of special law (*lex specialis*).

Based on these provisions, in 2022 the government established three new autonomous regions (DOBs) in Papua: South Papua Province, Central Papua Province, and Highland Papua Province. This establishment is based on Laws No. 14, 15, and 16 of 2022, which were ratified by the House of Representatives (DPR) and the government. Although the moratorium remains in effect nationally, the new autonomous regions (DOBs) in Papua were established to accelerate development, address the aspirations of indigenous communities, and strengthen national integration. This demonstrates the flexibility of the moratorium, allowing for exceptions based on political considerations and strategic needs.

In 2023, another new autonomous region (DOB) was established in West Papua, namely Southwest Papua Province, based on Law Number 29 of 2022. This establishment increased the number of provinces in Papua from two to six. Thus, Papua became the

region with the most expansions during the moratorium period. This phenomenon confirms that the moratorium is relative, not absolute, and can be extended if there are specific supporting regulations and a strong political argument.

The 2014 moratorium was prompted by the high number of proposals for new autonomous regions (DOBs), reaching over 300 across Indonesia. The government assessed that many newly formed autonomous regions were unable to maintain fiscal and administrative independence. According to data from the Ministry of Finance, over 80% of regencies/cities remained heavily dependent on central transfer funds. Therefore, the moratorium policy was implemented to ensure that existing new autonomous regions could be consolidated before further formation of new regions.

The moratorium also reflects the government's caution in dealing with local political pressure. Proposals for regional expansion are often driven by local political elites with electoral and power interests. By postponing regional expansion, the central government seeks to avoid unhealthy political fragmentation and ensure that regional formation is truly based on objective needs and not merely narrow political considerations. In this regard, the moratorium serves as a tool to control excessive local political dynamics.

The moratorium must also be viewed from the perspective of good governance. One of the main principles of good governance is the effectiveness and efficiency of public services. Many new autonomous regions (NOBs) formed after the reforms have failed to develop basic infrastructure, experienced social conflict, and failed to provide adequate public services. Therefore, the moratorium serves as a preventative measure to ensure that the newly formed NOBs do not become a burden on the state or worsen the quality of public services in the regions.

Within the framework of state administrative law, this moratorium also demonstrates the application of the principle of prudence in the exercise of governmental authority. The government, as the authority to establish new autonomous regions, has chosen to postpone the implementation of this constitutional right, taking into account the greater public interest. This principle of discretionary authority is permitted under Indonesia's positive legal system as long as it does not conflict with the constitution and violates the general principles of good governance (AUPB), such as accuracy, legal certainty, and proportionality.

The moratorium on the formation of new autonomous regions (DOBs) in Indonesia is a strategic response to structural challenges within the regional government system. Legally, the establishment of new autonomous regions remains firmly grounded in constitutional and statutory law. However, politically and administratively, temporary restrictions are in place to maintain fiscal efficiency, political stability, and government effectiveness. The case of Papua demonstrates that, with a specific legal basis and national strategic reasons, regional expansion can still occur. This demonstrates the dynamic nature of the moratorium policy, adapting to national socio-political conditions.

4. Conclusions

Autonomous Regions (DOB) in Indonesia has been clearly regulated in the 1945 Constitution and Law Number 23 of 2014 concerning Regional Government, as a form of implementing the principle of decentralization for equitable development and improving the quality of public services. Second, the principle of the moratorium on the formation of new autonomous regions (DOB) is legally not contrary to laws and regulations because it is part of the discretionary authority of the central government, while politically it reflects efforts to maintain national stability, budget efficiency, and regional administrative readiness, although in practice there are exceptions such as the formation of new autonomous regions in Papua and West Papua in 2022 which emphasizes the flexible and strategic nature of the moratorium policy.

The formation of New Autonomous Regions in Indonesia, governed by the 1945 Constitution and Law Number 23 of 2014, is a key mechanism for advancing decentralization and equitable development. The moratorium policy since 2014, while legally

within the central government's discretion, reflects efforts to ensure fiscal stability and administrative readiness but has created tensions with local aspirations and democratic principles. In the context of national political dynamics, the moratorium balances democratic consolidation and fiscal stability but risks undermining local governance and equitable development. The case studies of Papua, West Papua, and Sorong illustrate the practical challenges and strategic considerations of DOB formation. To align with Indonesia's decentralization goals, a more transparent, participatory, and legally grounded approach to DOB formation and moratorium policy is essential.

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