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# PROBLEMS AND CHALLENGES OF ASYMMETRICAL DEMOCRACY IN INDONESIA

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### **ABSTRACT**

This study delves into the challenges and issues arising from asymmetrical democracy in Indonesia, focusing on local political dynamics in regions such as Aceh, Papua, Jakarta, and Yogyakarta (DIY). Through qualitative analysis, researchers assessed how political autonomy and hierarchical administrative structures influence checks and balances within local institutions. In Aceh and Papua, significant issues were identified concerning the perception of political autonomy by regents and mayors, which contrasts with special laws designating the governor as the primary authority. Both regions highlight how historical conflicts and separatist aspirations shape governance structures and local democratic management. Jakarta, with its unique model, demonstrates how the governor's exclusive power at the provincial level can impact inter-governmental interactions and local interests. Meanwhile, in Yogyakarta, the sultan's dominance as governor raises questions about the quality of local democracy and the potential safeguarding of the sultan's interests. These findings underscore the urgent need for stringent checks and balances and clear delineation of authority to ensure effective local governance amidst the challenges of asymmetrical democracy in Indonesia.

**Keywords:** general election, asymmetrical democracy, electoral design

## INTRODUCTION

The democratization process following the New Order era has paved the way for regions to achieve enhanced political and administrative autonomy (Choi, 2007; Hapsah & Mas'udi, 2012). As reforms commenced, the essence of democracy clarified the guidelines for regional self-rule and decentralization, as highlighted in the 1945 Constitution's amendments (Bunnell & Miller, 2011). The constitution's second amendment outlines key aspects of regional governance. Firstly, to bolster regional autonomy, every regional government, whether provincial, district, or city, possesses a Regional People's Representative Council (DPRD) with members chosen in general elections (Ulum, 2019). Additionally,

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regional government heads are chosen democratically (though not explicitly mentioned) and possess the authority to enact local rules. Secondly, the dynamics between governmental powers should consider regional uniqueness and diversity, ensuring that authority is exercised with fairness and cohesion. Lastly, the nation acknowledges and values distinct regional government entities and indigenous communities, respecting their inherent rights (Robertson & Vatrapu, 2010).

The decentralization and regional autonomy framework set out in the constitution proves challenging to convert into actionable laws and regulations. Both Law Number 22 of 1999 on Regional Government, issued prior to the second amendment of the 1945 Constitution, and Law Number 23 of 2014, are in line with the constitution. However, the way these laws address decentralization is not adequately structured, particularly in defining the mechanism and granting autonomy for local democratic and administrative processes (Brinkerhoff & Wetterberg, 2013; Hayati & Ifansyah, 2019).

Currently, the detailed execution of regional autonomy principles hasn't found an optimal approach, leading to a lack of harmony in both administrative and political dimensions (Sigfrid et al., 2019). This is evident in several ways. Firstly, there's ambiguity in prioritizing regional autonomy between provincial and district/city tiers, resulting in unclear distribution of powers and responsibilities. This vagueness often leads to conflicts between provinces and districts (Le Billon, 2001). Secondly, the decentralization focus doesn't align with local democratic processes, such as the direct election of regional leaders at both provincial and district/city levels. In their bid to win these elections, local politicians might exploit various strategies, even if they don't serve the public's best interests (Sarman, 2019). Thirdly, the power dynamics and authority distribution among governments remain loosely defined, leading to inter-regional disputes. Lastly, the state's preoccupation with administrative matters has led to the neglect of local cultural and political rights (Berenschot & Mulder, 2019; Habibi, 2020; Sirait et al., 2022).

Democratization lays a robust groundwork for decentralization and regional autonomy, but the reverse isn't necessarily true (Raza et al., 2018;

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Setiawan, 2022). Observations indicate that political decentralization hasn't fostered the growth of a well-established local democratic system. From the time Decentralization Law 1903 was implemented to Law Number 23 of 2014, it's evident that Indonesia's decentralization hasn't been leveraged to bolster democracy or ensure the well-being of its citizens. The challenge with decentralization in Indonesia remains in defining the power dynamics between the central (national) and regional (local) governments, inter-regional relations, and organizing the regional government structure. Consolidating power and authority distribution across and within government levels proves challenging. The nature of power dynamics between the national and local governments is still influenced by debates over the extent of autonomy. Inter-regional power dynamics are complicated by unclear authority divisions. Furthermore, intra-regional power dynamics are still marked by undemocratic power struggles. Discrimination (Huddy, 2001; Lon & Widyawati, 2018), nepotism (Haning, 2018), patronage (Habibi, 2021; Trantidis & Tsagkroni, 2017), and intimidation remain prevalent tactics employed by local politicians to retain or gain power (Nathan & Brierley, 2020).

After the New Order era, the government started focusing on certain regions by providing them with special autonomy, distinct from the general regional autonomy. This special autonomy is often termed as asymmetric decentralization by many, though some experts have sought to redefine it. Regardless of the varied interpretations of asymmetric decentralization, the state has granted diverse autonomies. This includes regulations specific to the Special Capital Region (DKI) Jakarta, efforts to codify the specialties of the Special Region of Yogyakarta (DIY) into distinct laws, and granting unique privileges to Papua and Aceh as a gentle approach to separatist demands. In this context, asymmetric decentralization denotes the provision of distinct autonomies to these four regions (Ali, 2019; Fiorillo et al., 2021; Hayati & Ifansyah, 2019).

However, the introduction of asymmetric decentralization and special autonomy to certain Indonesian regions hasn't notably advanced democratization or governmental efficiency. Currently, the nation confronts escalating conflicts,

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both horizontally and vertically, coupled with a decline in public welfare. This is particularly evident in Papua. Such a situation raises pivotal questions about Indonesia's asymmetric decentralization evolution. How committed has the national government been in bestowing autonomy tailored to diverse regional requirements? What progress has been made in terms of development and democratization in these specially autonomous regions? What challenges or barriers to democratization have emerged with the implementation of asymmetric decentralization in these regions? And, what factors influence democratization in regions with asymmetric decentralization provisions?

## RESEARCH METHODS

This study adopts a qualitative approach with descriptive analysis to explore and elucidate phenomena associated with the development of asymmetric decentralization and the provision of special autonomy to several regions in Indonesia. The qualitative method was selected as it enables researchers to deeply probe into the nuances, perceptions, and experiences of various stakeholders involved in the decentralization and autonomy processes. For this research, primary data was gathered through in-depth interviews with key figures involved in the implementation and oversight of these policies, such as government officials, regional representatives, and experts in the field of decentralization. Observations and document analyses were also undertaken to achieve a holistic understanding of asymmetric decentralization and its implications. Secondary data was derived from a range of literature, encompassing journals, articles, reports, and official documents pertinent to the subject matter.

The data analysis process involved categorizing, interpreting, and presenting the amassed data. The aim of this analysis is to discern patterns, themes, and interconnections among the various elements present in the data (Miles et al., 2018). The findings are then articulated in a structured and detailed descriptive narrative. Through the employment of the qualitative method and descriptive analysis, this study aspires to furnish a comprehensive and profound insight into the evolution of asymmetric decentralization in Indonesia, highlighting the challenges and prospects that have emerged along the way.

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#### RESULTS AND DISCUSSION

In the aftermath of the post-New Order era, Indonesia underwent significant changes in its decentralization and regional autonomy frameworks. Initially, Law Number 22 of 1999 on regional autonomy marked the post-New Order phase by specifying that the central government held authority over only five areas, with the rest being the responsibility of provincial and district/city governments. This was further elaborated by PP No. 25 of 2000, which defined the roles of the provincial government, leaving other jurisdictions to the districts/cities. This legislation also introduced a checks and balances system for local government entities. While there was a marked improvement in local democratization compared to previous periods, Law Number 22 of 1999 lacked a robust foundation for the implementation of presidential democracy at the local level. As a result, many regional heads were removed from their positions due to the rejection of their accountability reports by the DPRD.

Law 23 of 2014, which replaced Law Number 32 of 2004 and amended Law Number 22 of 1999, was designed to provide clarity on the division of authority between different levels of government. It also aimed to enhance democratic mechanisms at the local level. A significant feature of this law was the establishment of direct local elections for both provincial and district/city levels. According to this law, the DPRD no longer has the power to dismiss regional heads without due process. These regional leaders are now accountable to the public through the DPRD and are also required to present administrative reports to the central government.

While the post-New Order regulations have been progressive in promoting local self-governance, there are exceptions in their application across regions. For example, the Special Capital Region (DKI) Jakarta and the Special Region of Yogyakarta (DIY) have unique governance structures due to their historical significance. DKI Jakarta has always been accorded a special status, and its unique provisions have been revised multiple times. As per Law Number 29 of 2007, the Governor of DKI Province is required to synchronize his programs with the central government, which is also responsible for supporting Jakarta's

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development. Given its strategic importance to national interests, the funding for specific governmental activities in the national capital is covered by the relevant ministries and institutions through the state budget. Furthermore, Article 14 of Law Number 29 of 2007 allows the DKI Jakarta Provincial Government, recognizing its special function, to propose the establishment of new technical agencies to the central government to support the development objectives of the nation's capital. Jakarta's autonomy is unique and is limited to the provincial level, with city and regency administrations under the province acting in an administrative capacity to implement the governor's policies. This setup ensures that the provincial government's political processes remain largely unaffected by local grassroots demands.

Following the post-New Order era, while Yogyakarta once held the title of Indonesia's capital city, it didn't receive any special status from this designation. Instead, Yogyakarta's privileges stem from its historical roots, with traditional royal/sultanate institutions from Mataram still prevalent today. Unlike Jakarta and other regions with established special autonomy laws, Yogyakarta has yet to have its own Special Autonomy Law. However, Yogyakarta's unique rights, particularly the sultan's dual role as the Governor of DIY, have long been acknowledged. Various regional administration laws have recognized Yogyakarta's special rights. However, during the drafting of the Yogyakarta Privileges Bill, President Susilo Bambang Yudhoyono's administration raised concerns about Yogyakarta's monarchical system. This led to regional uproar, with many accusing the government of disrespecting Yogyakarta. After intense debates, it was agreed that the sultan, as the Governor of DIY, would need ratification from the Yogyakarta DPRD every five years.

Besides Jakarta and Yogyakarta, the government also granted special autonomy to Aceh and Papua due to political reasons. Papua's Special Autonomy was introduced to address past policies that caused tensions, including development disparities, human rights violations, and neglect of indigenous rights. Similarly, Aceh's special autonomy was granted under comparable circumstances. In simpler terms, the special autonomy for both regions was the central

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government's response to separatist demands, addressing issues of justice, identity clarity, and integration history.

To counteract separatist activities, Papua and Aceh share several similarities in their special autonomy provisions. These include broader authorities in various sectors, equal special autonomy and natural resource revenue sharing funds, freedom to express local identity, the right to establish local parties, and the authority to form representative institutions besides the DPRD. These provisions reflect a centralized design aimed at appearing separatist movements in both provinces.

Despite the special treatments for Jakarta, Yogyakarta, Aceh, and Papua, other regions also demand special attention due to cultural factors or significant local resource contributions. The increasing demands for special autonomy from various regions indicate a shift in Indonesia's decentralization and regional autonomy. This shift highlights several issues: the post-New Order autonomy hasn't addressed local community needs; high central government intervention makes regional autonomy seem insincere; the central government lacks a clear decentralization plan and local democracy mechanism; and the central government's commitment to managing autonomous regions is inconsistent, often influenced by regional political demands and rent-seeking behaviors. For instance, the government's leniency in creating new regions, despite many failing, and the increased regional confidence from greater political expression, suggest regions desire more autonomy.

Despite growing regional demands for unique or special status, it appears the government is hesitant to readily grant these requests. This reluctance isn't solely based on financial concerns but more on the central government's capacity to oversee diverse regions. The push from regions seeking special autonomy is paradoxical, given that the relationship between the central government and areas with such status remains contentious.

## The Problem of Asymmetric Democracy

Theoretically, decentralization is anticipated to foster enhanced local democracy. By bringing the government closer to its citizens, decentralization

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promotes public participation in policy-making, amplifies the voices of underrepresented groups, and more. However, the implementation of a decentralized system hasn't always yielded the anticipated outcomes. Many practices and schemes in regional administration don't align with local democratic mechanisms, leading to disruptions at the grassroots level. For instance, while special autonomy is emphasized at the provincial level, it doesn't guarantee that governors in regions like Aceh and Papua will heed local regents or mayors. The simultaneous direct local elections at both provincial and district/city levels further blur the focus on regional autonomy.

Several factors contribute to these local disturbances. Beyond the misaligned election format and special autonomy emphasis, other issues include the central government's lack of commitment to supervising special autonomy, insufficient local institutional capacity, and more. These causal factors can be further understood by examining democratization trends in special autonomy regions like Papua, Aceh, Jakarta, and Yogyakarta.

The varied decentralization and autonomy frameworks for specific regions significantly shape the local political landscape. In essence, the ambiguity surrounding decentralization and regional autonomy arrangements has majorly contributed to political disruptions at the grassroots level. A clear consequence is that emphasizing special autonomy at the provincial level hasn't guaranteed political and administrative harmony locally. The practical implications vary across regions due to distinct influencing factors. For instance, Jakarta's situation differs from Aceh and Papua, given their unique autonomy structures.

# **Problem Focus of Special Autonomy**

In regions like Aceh and Papua, there seems to be a misalignment between the emphasis on provincial-level autonomy and the direct election of regional leaders, encompassing both governors and regents/mayors. Despite special laws granting the governor the highest authority, regents and mayors still perceive themselves as having political autonomy due to their direct election. The Special Autonomy Laws for Papua and Aceh designate the governor as the primary authority, yet district/city level institutions still follow Law no. 32/2004, which

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doesn't stress political hierarchy. Consequently, expecting regents/mayors to adhere to the governor's directives becomes challenging, as they believe in their political independence.

This confusion arises from conflating political autonomy, such as local politician elections, with hierarchical administrative matters. A clear distinction should exist between the outcomes of regional elections, ensuring local democratization, and the emphasis on special autonomy for hierarchical administrative processes. Administrative procedures, which should be structured, often become muddled by political interests, leading to inefficiencies. Etzioni (1983) termed this as the dilemma of democracy in bureaucracy.

The situation in Aceh and Papua contrasts with Jakarta. In Jakarta, the governor holds unique power at the provincial level, undivided between district and city levels. This design ensures smoother inter-governmental relations. However, the governor often seems more symbolic, aligning more with national programs than local interests. The only counterbalance to the Governor of Jakarta is the provincial DPRD, but its representation of Jakarta's populace is questionable. Allegedly, negotiations between the governor and DPRD are influenced by third-party interests, such as business magnates and national politicians.

Improperly regulated autonomy can lead to power misuse. Under the guise of special autonomy, governors might enact biased policies. Effective local democracy requires robust checks and balances. Discriminatory policies, especially concerning fund allocation and infrastructure provision, are evident in Aceh and Papua.

In Aceh, Governor Irwandi Yusuf was accused of bias against those with opposing political views. For instance, regents in central Aceh felt marginalized in development fund allocation, attributing it to past political and cultural differences. Such lingering resentments from past conflicts continue to hamper governance. Even within the same political faction, as seen between Governor Irwandi and the Pidie Regent, disagreements persist, rooted in past electoral rivalries. This highlights the deep-seated factionalism within the region.

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In Papua, despite the annual increase in special autonomy funds, some districts still find the allocation insufficient. Particularly, remote districts believe that the provincial government's distribution of these funds is inequitable. These districts, grappling with geographical challenges and lacking basic infrastructure, feel overlooked by the governor. They receive funds comparable to more developed coastal districts. This discontent was evident in 2008 during a regents' meeting in Jayapura, where regents from the central highlands openly expressed their dissatisfaction and staged a walkout in protest against the perceived unfair distribution. This led to the establishment of the Association of Regents of the Central Highlands of Papua.

Regions subjected to such discrimination may seek separation. The broader implications of this bias aren't limited to sub-districts wanting to become independent districts or districts desiring to form new provinces. Some provinces even contemplate seceding to become sovereign nations. This discrimination has given rise to new political factions advocating for independence. For instance, Aceh Leuser Antara and Aceh Barat Selatan (ALA-ABAS) wish to detach from Aceh, the Association of Central Mountains Districts aims to establish a new province separate from Papua, and there's a growing sentiment for Papua to secede from the Unitary State of the Republic of Indonesia (NKRI).

# **Asymmetrical Democracy in Papua**

In addition to the focus on special autonomy, the distinct institutional designs in asymmetrical decentralization lead to challenges in maintaining checks and balances across various special autonomy regions. The effectiveness of checks and balances among local institutions appears to be inconsistent. In Papua, the balance, particularly between the executive and legislative branches, has been ineffective due to each institution's political exclusivity. The relationship between the Governor, the Papuan People's Representative Council (DPRP), and the Papuan People's Council (MRP) has been strained. The fierce competition among elites for public positions is intensified by their diverse backgrounds, encompassing ethnicity, religion, and regional affiliations. Consequently, many

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regional regulations specific to Papua have been overlooked, and transitions within local institutions often face hurdles.

The institutional dynamics in Papua became more intricate with the underdevelopment of the MRP. Intended as a symbol of Papua's unique local institutional structure, the MRP turned out to be politically impotent. Although regulated by Government Regulation No. 54 of 2004, the MRP's roles and powers remain undefined in regional regulations. This has left the relationship between the MRP, Governor, and DPRP ambiguous, leading to unclear review mechanisms for indigenous Papuans.

The MRP's inability to meet the expectations of the Papuan people seems to stem from central government interference. The government, fearing the MRP might pave the way for Papuan independence, has tried to curtail its influence. This is evident in the stringent eligibility criteria for MRP members, as outlined in Government Regulation Number 54 of 2004. Interestingly, these restrictions contrast with the more lenient criteria for Papua's gubernatorial candidates. The MRP's formation itself was delayed, taking three years instead of the mandated six months after the enactment of Papua's special autonomy. This delay hindered the implementation of many special autonomy agendas.

The government's efforts to diminish the MRP's influence appear to have succeeded. The MRP lacks the political clout that the Papuan populace anticipated. Its diminished authority has relegated it to a cultural role, similar to other customary institutions. Furthermore, the MRP's limited authority has resulted in an imbalanced relationship with the local government, particularly the DPRP and the governor. The complexities of local democratization have increased, as evidenced by the MRP's involvement in the gubernatorial selection process, which delayed the appointment of the Governor of Papua for nearly two years.

## **Asymmetrical Democracy in Aceh**

The challenges of maintaining checks and balances among local political institutions are evident in Aceh. The political landscape of Aceh is dominated by local political parties, particularly Partai Aceh. The governor's role in

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implementing special autonomy in Aceh is complex. While he must maintain a positive relationship with the national government, he also navigates the diverse interests of local institutions. Governor Irwandi has historically faced conflicts with district heads outside the GAM faction. Moreover, even within GAM, there are ideological factions that have grown distrustful of Irwandi. Many in the Aceh Party believe that Irwandi has become too influenced by the central government's strategies, risking Aceh's unique status and aligning it with other autonomous regions.

The absence of effective checks and balances in Aceh is manifested in the close collaboration between the governor and the DPRD. However, this collaboration often revolves around political exchanges to safeguard their mutual political and economic interests. The establishment of local parties, unique to Aceh, also impacts its political dynamics. While the Aceh Party's dominance in GAM strongholds was intended to represent the people, it has inadvertently fostered elite-centric enclaves. At the district level, the overwhelming influence of local parties underscores the prevalence of collusion to shield political and economic interests, rather than promoting checks and balances. The interplay between the executive and legislative branches often leans towards corrupt practices. Furthermore, the dominance of local parties at the provincial level highlights the legislative body's limited capacity. Many of its members, being former combatants with limited education, lack a comprehensive understanding of governance and politics.

## Asymmetrical Democracy in the Special Capital Region of Jakarta

Unlike the situations in Papua and Aceh, the lack of effective checks and balances in Jakarta's political institutions is prominently seen in the way DPRD politicians push their interests during the legislative process, ostensibly to address public goods requirements. These interests are integrated as primary proposals, commonly referred to as "pokir," which are then translated into development financing budgets within the APBD. In Jakarta, and possibly in other regions, there are suspicions that business figures exploit their connections with DPRD members to convert these proposals into specific budget allocations. This issue

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was notably evident in the 2011 DKI Jakarta APBD, which incorporated a significant portion, approximately IDR 2.6 trillion or around 9.14%, as pokir from members of the DKI Provincial DPRD. This pokir was distributed across 166 SKPD budget items and regional work units, culminating in projects that encompassed 1,793 activities. The root of this problem lies in the insufficient oversight and the failure to decentralize local policies to the district/city level.

## Asymmetrical Democracy in the Special Region of Yogyakarta

In the case of DIY (Yogyakarta), the dominant hegemonic system embodied by the sultan's role as governor raises significant concerns about the state of local democracy. There are suspicions that the sultan's overwhelming authority aids in consolidating the palace's control over valuable resources, particularly land in Yogyakarta. In essence, the potent hegemony might be influencing certain policies to safeguard the sultan's socio-economic interests.

The profound influence of the Yogyakarta Palace hampers the checks and balances within the formal government structure. The DPRD appears hesitant to assert its independence from the governor for effective oversight. Similarly, community-based scrutiny of the governor's administration remains limited. District heads and mayors also display unwavering loyalty and compliance towards the governor.

The blurred lines of local democratization in areas with special autonomy, such as Papua, Aceh, and Yogyakarta, highlight the disorganized distribution of authority among governmental entities, both nationally and locally, driven by elite interests. As Robison & Hadiz (2004) suggest, the issue isn't decentralization itself but the manner in which decentralized power dynamics have evolved. The ambiguity in local institutional authority is evident in scenarios like regents bypassing the governor to liaise directly with national entities or governors neglecting coordination with local legislative bodies. Such challenges weaken local democratization, leading to political instability at the local level.

Providing excessive autonomy to regions, ostensibly to reintegrate separatist factions, appears neglectful. It appears the national government is intentionally overlooking issues like corruption, collusion, and discrimination.

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Consequently, corruption, especially in strong separatist regions like Papua and Aceh, has become rampant, with some instances being blatantly evident.

The intimacy of power relations also plays a crucial role in the efficient allocation of resources and infrastructure. For instance, the smooth reception of special autonomy funds or other developmental finances hinges on the rapport between the governor and the regent/mayor. In cases of discord, the regent/mayor might bypass the provincial level and directly engage with the central government. The power dynamics established at the local level continue to enable the expansion of these problematic patterns.

# **Addressing Regional Challenges and Bridging Gaps**

The Election Supervisory Agency (Bawaslu) plays a pivotal role in addressing the challenges of asymmetrical democracy in Indonesia, especially in regions with distinct political dynamics such as Aceh, Papua, Jakarta, and Yogyakarta (DIY). As the primary institution responsible for overseeing the electoral process, Bawaslu ensures that democratic principles are upheld, even in areas with unique governance structures and historical conflicts. Their oversight extends to monitoring the conduct of local elections, ensuring that they are free from undue influence, corruption, and other malpractices. By doing so, Bawaslu aims to create a level playing field where the voices of all citizens, regardless of their regional affiliations, are heard and represented.

In regions like Aceh and Papua, where historical conflicts and separatist aspirations can potentially skew the democratic process, Bawaslu's presence is crucial in ensuring that elections are conducted transparently and fairly. Their interventions help bridge the gap between local aspirations and national democratic standards. Furthermore, in places like Yogyakarta, where traditional governance structures intersect with modern democratic processes, Bawaslu ensures that the electoral process respects both the cultural heritage and the democratic rights of the citizens. Through its continuous efforts, Bawaslu strives to strengthen Indonesia's democratic fabric by addressing the unique challenges posed by asymmetrical democracy.

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#### **CONCLUSION**

Decentralization in Indonesia aims to accommodate local interests and reduce conflict and separatism. Even though the special autonomy in Aceh has succeeded in reducing separatist turmoil, horizontal conflicts still occur frequently. Meanwhile, the special autonomy in Papua has not had a significant impact and separatist conflicts are increasing. The effectiveness of asymmetric decentralization in Aceh and Papua is a big question, especially if it is not managed properly. Some international figures have even said that decentralization can have a negative impact if it is not implemented properly.

To improve decentralization policies, the government must pay attention to two main aspects: the commitment of the central government and the capacity of local institutions. The central government's commitment includes fostering, coordinating, and supervising autonomous regions. Meanwhile, the capacity of local institutions emphasizes the importance of community support in the governance of autonomous regions. Decentralization that is not managed properly can trigger conflicts based on local identities and be misused by certain elements. Therefore, the government must ensure the empowerment of local institutions and consistency in law enforcement to reduce resistance to decentralization and prevent demands for separatism.

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