

Unitary State and Asymmetric Decentralization: A Conceptual Approach

Sri Nur Hari Susanto¹, Suparno², Untung Sri Hardjanto³,
Kadek Cahya Susila Wibawa^{4*}

^{1,2,3,4}Faculty of Law, Universitas Diponegoro Jalan dr. Antonius Suroyo, Tembalang, Semarang City,
Central Java, Indonesia, 50275

*kadekwibawa@lecturer.undip.ac.id

ABSTRACT:- The concepts of unitary and federal states within the context of decentralization and deconcentration are not dichotomously opposed; rather, they exist on a continuum or matrix relationship. The choice between symmetric and asymmetric decentralization is heavily influenced by this continuum, allowing the pendulum swing to shift either centripetally or centrifugally. In reality, the relationship between central and regional governments in different countries demonstrates that the pendulum swing of unitarism (unity) and federalism often moves in opposite directions.

Keywords: Unitary State; Decentralization; Autonomy.

I. INTRODUCTION

The forms of modern states in the world today are generally classified into two types: federal states (*federal states, bondstaat, bundesstaat*) and unitary states (*unitary states, eenheidstaat*) (Elazar, 1997). There is a relatively balanced number and distribution of countries adopting these systems. This indicates that neither concept is inherently dominant over the other, although empirically, unitary states outnumber federal states. Elazar further argues that categorizing modern states into two forms, unitary and republic, can obscure the three original models of political systems: hierarchic, organic, and covenantal. The characteristics of the first two models lean more towards unitary states, while the third model is closer to the concept of federal states.

The meaning of a unitary state itself is relatively consensual, in the sense that it is generally agreed upon, as seen in the definitions of decentralization and deconcentration. In this case, a unitary state is defined as a state that is constitutionally governed as a single independent unit, with a constitutionally created legislative body. The political power of a unitary state can be transferred to lower levels of government, but the central government holds the fundamental right to revoke the transferred authority. The government can adjust its powers by expanding or diminishing them without needing approval from the involved institutions. Consequently, local governments may be established or dissolved based on the political will at the central level.

In terms of their structures, unitary and federal states are singularly organized regarding population, territory, governance, and authority. A unitary state may adopt a centralized or decentralized governance system (Budiarjo, 2000). Although both centralization and decentralization principles can be applied in unitary states, in reality, the push for democratization—which demands that governments provide greater opportunities for public participation in decision-making—has prompted many unitary states to expand decentralization by delegating powers to lower government units.

This means that there is a connection between the unitary state and decentralization. Decentralization may be implemented in lower government units as long as it is within the framework of a unitary state. Moreover, decentralization may involve deconcentration, devolution, or delegation.

II. RESEARCH METHOD

This study is normative juridical (doctrinal), using secondary legal sources (literature). It employs a conceptual approach, drawing from the perspectives and doctrines that develop within legal science (Marzuki, 2014). The analysis is descriptive and qualitative, presented in a narrative style through non-statistical linguistic argumentation descriptions.

III. RESULTS AND DISCUSSION

1. *The Concept of a Unitary State*

The meaning of a unitary state is relatively consensual, in the sense that it does not incite the same level of debate as seen in the definitions of decentralization and deconcentration. In this case, a unitary state is defined as a state constitutionally governed as one single entity, with a constitutionally established legislative body. The political power of a unitary state can be transferred to lower levels of government, but the central government retains the fundamental right to revoke the transferred authority. The government has the authority to extend or diminish its powers without needing approval from the involved institutions. Local governments can be established or dissolved based on the political will at the central level. This definition implies a connection between the form of a unitary state and decentralization. Decentralization may be implemented in lower government units as long as it is within the framework of a unitary state. Moreover, decentralization may involve deconcentration, devolution, or delegation.

As a logical implication of the implementation of a new decentralization policy framework, the authority and affairs of local governments (especially regencies/municipalities) are expanding, while the authority and affairs of central government elements are diminishing. However, to maintain the existence, integrity, and “sovereignty rights” of a nation-state, the central government still has certain rights in the regions. It can intervene through supervision, guidance, oversight, and evaluation of local autonomy performance. The central government’s right to “intervene” in regional matters can be exercised directly by central-level agencies (departments/non-departmental government bodies) or indirectly through their regional representatives.

As a concept, a unitary state is commonly contrasted with a federal or union state. A country is categorized as a federal state if the states within that country have inherent authorities that the central or federal government cannot revoke. In a federal state, no level of government is subordinate to another, and no particular government can unilaterally centralize or decentralize power.

Federalism, as an institutional principle, identifies itself as the antithesis of centralization. In this context, Baldi (1999) states: “*Federalism denies the existence of just one “center” able to centralize or decentralize power, and it develops, instead, a multi-centered and noncentralized structure of government, where each center is given a guaranteed portion of power which can not be removed by the others*”.

Eko Prasajo (2008) argues that a country cannot be purely unitary or completely federal. The elements of the relationship between the central and regional governments are not monocentric but rather polycentric, moving from one continuum to another, from the unitary continuum to the federal continuum, and vice versa. The meeting point of the balance between the centripetal and centrifugal forces in the relationship between central and regional governments can be studied from various aspects, including the hierarchy and positions of local governments, the division of authority, the central government’s intervention in regional affairs, regional participation at the central level, the distribution (balance) of financial resources, and conflict resolution between levels of government.

Buchanan (1995) provides an interesting illustration, suggesting that the unitary state model and the federal model are not completely opposed extremes but rather move towards an equilibrium point known as competitive federalism.

A unitary state (or a federal state) can be decentralized or centralized; however, the global trend shifts towards decentralization. Decentralization is aimed at improving public participation, increasing bureaucratic accountability, boosting administrative efficiency, and being more responsive to community needs, among other objectives (Fritzen & Lim, 2006).

The central government holds the ultimate responsibility for governance, especially concerning state budget expenditures. Therefore, top-down decentralization reforms initiated by the central government must be carried out with efficiency in mind. Meanwhile, the push and demands for decentralization from the bottom-up are oriented toward expanding democracy. Even within the same type of state, the variety of decentralization can significantly differ. Moreover, as discussed above, the decentralization models in unitary and federal states vary greatly.

2. *The concept of Symmetric and Asymmetric Decentralization*

In Indonesia, asymmetric decentralization represents a unique pattern of relations between the central and regional governments for specific reasons. This concept is known as special autonomy (otsus) and special regions, where a region receives different authorities, institutions, and finances unlike other regions (Parandaru).

According to Smith, as cited by Azfar (1999), states that a unitary state can devolve important affairs, resulting in a new form of state, known as a semi-federal (quasi-federal arrangement). This model can be uniform (symmetrical) in some aspects but can also be non-uniform (asymmetrical). The Philippines and Indonesia are examples of this quasi-federal arrangement model. The Philippine government granted greater autonomy to the Muslim Mindanao and Cordillera regions in 1989 while maintaining a uniform (symmetrical) structure for other regions.

A comparable situation exists in Indonesia, where the provinces of Aceh and Papua are granted particular (asymmetric) autonomy. The special autonomy for Aceh and Papua is respectively regulated by Law No. 18 of 2001 on Special Autonomy for the Province of Special Region of Aceh as the Province of Nanggroe Aceh Darussalam, which was later replaced by Law No. 11 of 2006 on the Governing of Aceh and Law No. 21 of 2001 in conjunction with Law No. 35 of 2008 on Special Autonomy for the Province of Papua. Conversely, the same (symmetric) system applies to other regions (except for Jakarta as the capital city and the Special Region of Yogyakarta) as stipulated in Law No. 29 of 2007 on the Provincial Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia (replacing Law No. 34 of 1999 on the Provincial Government of the Special Capital Region of the Republic of Indonesia, Jakarta). This condition is commonly known as asymmetric decentralization.

Decentralization as a system interacts with its operating environment, which includes political, socio-cultural, economic, historical, and geographical factors. Therefore, a comprehensive understanding of decentralization requires an ecological approach. This approach facilitates a more dynamic analysis than a unidirectional approach. For example, the distinct “special” statuses of regions such as Aceh and Yogyakarta, and the reasons for the differences between Aceh’s and Yogyakarta’s special statuses cannot be fully explained by legal provisions alone. It also requires consideration of non-legal factors.

Other terms that refer to a similar concept are asymmetric regionalism or asymmetric federalism. An example of asymmetric regionalism can be seen in Spain, which grants autonomy on demand to sub-national governments (autonomy on demand). As a result, the extent and specifics of authority vary among sub-national governments. Similarly, in the United Kingdom, England practices administrative deconcentration, Wales chooses decentralization, and Scotland applies the principle of neo-regionalism.

Historically, in Indonesia, Law No. 5 of 1974 on Regional Government and previous laws allowed the central government apparatus in the regions to be run by vertical agencies acting as extensions of central government bodies. Subsequently, according to Law No. 22 of 1999, Law No. 32 of 2004, and Law No. 23 of 2014 on Regional Government, the central government’s representatives in the regions are Governors, alongside vertical agencies that specifically handle the central government’s absolute affairs. This means that within the framework of regional autonomy, provinces serve two roles: they act as representatives of the central government (deconcentration apparatus) and, at the same time, as executors of regional autonomy (decentralization apparatus). Conversely, districts or municipalities no longer have deconcentration functions.

As the decentralization tasks of provinces diminish, it becomes essential to reinforce the functions of coordination, guidance, and supervision, which are the implications of deconcentration tasks. This is intended to ensure that the wheels of regional autonomy at the district or municipality level remain on track and do not result in unwanted excesses. In other words, the deconcentration function of provinces becomes a key factor in determining the success or failure of implementing the broadest possible political decentralization (devolution).

4. Facts

In order to achieve balance and control the potential adverse effects that may arise from the implementation of decentralization, it is logical for the central government in a unitary state to remain involved in playing a role in the local development policy cycles through the implementation of deconcentration functions. Deconcentration can be seen as an integrated component of decentralization. This aims to prevent regions implementing decentralization from becoming overly self-centered or ego-centric, focusing solely on their own interests—particularly in terms of regional considerations. Strengthening deconcentration ensures that regional development policies are always placed in a broader and more strategic development context. (*embedding local policy into broader context of national development and interest*).

The benefit of deconcentration lies in its role as a counterbalance to the strong current of decentralization. Meanwhile, in federal countries, balancing the relationship between the central (federal) government and state governments also becomes a crucial issue. While most use instruments of decentralization to achieve this balance, some countries, such as Malaysia, prefer to implement deconcentration as a strategy to administer their relationships with their states or regions. (Work, R., 2002).

These facts lead to the understanding that there is no single uniform model of decentralization and deconcentration among countries, even those with the same form of government. The more common condition is that it is more typical for a country to implement both decentralization and deconcentration simultaneously, while also adopting various forms of decentralization.

Asymmetric decentralization tends to be the favored choice. This choice is rational given the fact that within a country, including unitary states, each region does not share the same characteristics, potential, historical background, or political setting. Hence, different arrangements become a reasonable demand. This aligns with Tillin’s (2006) statement that there are essentially two types of asymmetric federation, namely de facto asymmetry and de jure asymmetry. De facto asymmetry refers to differences among regions in terms of territory size, economic potential, culture, and language, or differences in autonomy, representation systems, or authority due to these characteristics. On the other hand, de jure asymmetry is a product of the constitution,

established consciously to achieve specific objectives. This relates to the allocation of different levels of authority or granting autonomy in particular policy areas to selected regions.

IV. CONCLUSION

Asymmetric decentralization does not stray from the fundamental idea of decentralization; rather, it can strengthen the goals of decentralization by creating effective and efficient governance while also reinforcing democratic structures at the local level. The development of local democracy is more likely to be strengthened by recognizing and accommodating the different characteristics, potential, needs, and historical backgrounds of each region into the national policy system. The most important dimension of the variations and formats of decentralization is achieving the essence of decentralization, namely the balance of roles and responsibilities between the central and local governments. This new balance can be achieved by reducing the central government's level of intervention and granting greater autonomy to local governments. Given the diverse political, social, and cultural landscapes of each region within a country, various decentralization designs (asymmetric) emerge as strategic alternatives to prevent regional dissatisfaction with the national government. Therefore, in today's modern era, in both unitary and federal states, decentralization is not merely a political strategy through the transfer of authority or power nor solely an economic strategy through financial and fiscal balance but also a cultural strategy to realize the principle of "diversity in unity" or "unity in diversity."

REFERENCES

- [1]. Azfar, Omar, Satu Kähkönen, Anthony Lanyi, Patrick Meagher, and Diana Rutherford. (1999). *Decentralization, Governance and Public Services, The Impact Of Institutional Arrangements: A Review of the Literature*, IRIS Center, University of Maryland, College Park. September, Maryland.
- [2]. Baldi, Brunetta. (1999). *Beyond the Federal-Unitary Dichotomy*, Working paper, Institute of Governmental Studies, University of California, Berkeley.
- [3]. Buchanan, James M. (1995). *Federalism as an Ideal Political Order and an Objective for Constitutional Reform*, in *Publius*, Vol. 25, No. 2 (Spring). Oxford University Press., Oxford.
- [4]. Budihardjo, Miriam. (2000). *Dasar-dasar Ilmu Politik*, Gramedia, Jakarta.
- [5]. Elazar, Daniel J.. (1997), *Contrasting Unitary and Federal Systems*, in *International Political Science Review / Revue Internationale de Science Politique*, Vol. 18, No. 3, Sage Publications.
- [6]. Fritzen, Scott A. and Patrick W. O. Lim. (2006). *Problems and Prospects of Decentralization In Developing Countries*, LKY School of Public Policy, National University of Singapore.
- [7]. Jeffery, Charlie, and Daniel Wincott. (2006). *Devolution in the United Kingdom: Statehood and Citizenship in Transition*, in *Publius: The Journal of Federalism*, Vol. 36 No. 1. Oxford University Press., Oxford.
- [8]. Marzuki, Peter Mahmud. (2013). *Penelitian Hukum*, Kencana Prenada Media Group, Jakarta.
- [9]. Parandaru, Inggra. (2024). *Desentralisasi Asimetris : Daerah Istimewa dan Daerah Khusus Menyangga Keutuhan NKRI*. <https://kompaspedia.kompas.id/baca/paparan-topik/desentralisasi-asimetris-daerah-istimewa-dan-daerah-khusus-menyangga-keutuhan-nkri>
- [10]. Prasojo, Eko. (2008). *Konstruksi Ulang Hubungan Pemerintah Pusat dan Pemerintah Daerah di Indonesia : Antara Sentripetalisme dan Sentrifugalisme*, Pidato Pengukuhan Guru Besar Tetap dalam Ilmu Administrasi Negara, FISIP-UI, Jakarta.
- [11]. Tillin, Louise (2006). *United in Diversity ? Asymmetry in Indian Federalism*, in *Publius: The Journal of Federalism*, Volume 37 Number 1. Oxford University Press.
- [12]. Wagner, Richard. (2001), Chapter 2: *Competitive Federalism in Institutional Perspective*, dalam *Racheter, Donald P. and Richard Wagner, ed. Federalist Government in Principle and Practice*, Kluwer Academic Publisher, http://www.limitedgovernment.org/books/federalist_gov.html