

LEGAL POLICY ON REGULATING THE ACCELERATION OF DEVELOPMENT IN DISADVANTAGED REGIONS IN THE IMPLEMENTATION OF NATIONAL DEVELOPMENT WITH A COLLABORATIVE GOVERNANCE APPROACH

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ABSTRACT

According to National Medium-Term Development Plan for 2020-2024 (RPJMN 2020-2024), there are still 62 regencies specified as disadvantaged regions. The emergence of these disadvantaged regions is empirically a result of uneven national development in the past. Therefore, an affirmation policy from the government is needed to accelerate the development in disadvantaged regions through an acceleration program. The essence of forming regulations to accelerate the development of disadvantaged regions will be examined using a legal and conceptual approach. The discussion in this study is related to the legal politics of forming regulations to accelerate the development of disadvantaged regions, which is an integral part of the implementation of national development. The results of this research indicate that the legal politics of regulating the acceleration of development in disadvantaged regions in the implementation of national development is a mandate of the 2005-2025 RPJPN Law, Regional Government Law, and Ministry of State Law, which is aimed at providing development preferentially to disadvantaged regions and implemented to include the fulfillment of basic needs as well as basic facilities and infrastructure in disadvantaged regions in order to achieve public welfare through equitable development in Indonesia. Concurrently, accelerating development in disadvantaged regions through the implementation collaborative governance approach is a government policy aimed at creating synergy and integrating programs and activities executed by relevant ministries/agencies and partnering with communities and businesses to support funding for the accelerating development in disadvantaged regions.

Keywords: accelerating development in disadvantaged regions; disadvantaged regions; legal policy.

INTRODUCTION

The assertion of state government power in the construction of Indonesia's constitutional system, based on Article 4 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, essentially aims to encourage the realization of the existence of a presidential government system. As cited from the opinion of Jimly Asshiddiqie¹, one of the essential characteristics of a presidential government system is that the responsibility of government lies on the President's shoulders. Therefore only the President has the authority to form the government, establish the cabinet, appoint and dismiss Ministers and public officials, and the mechanism for appointment and dismissal is based on political appointment. Thus, implementing the presidential government system involves concentrating governing power and responsibility upon the President. It is because no higher state institution exists than the President except the 1945 Constitution of the Republic of Indonesia. In the context of a constitutional state, politically, the President is only accountable to the people, while legally, the President is accountable to the 1945 Constitution of the Republic of Indonesia.²

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¹ Jimly Asshiddiqie, *Konstitusi dan Konstitualisme Indonesia*, Sinar Grafika, Jakarta: 2021, p. 169.

² Saptono Jenar, "Politik Hukum Pembentukan Urusan Pemerintahan Pembangunan Daerah Tertinggal Dalam Penyelenggaraan Pembangunan Nasional", *Justitia Et Pax*, Vol. 38, June 2022: p.175.

In practice, within the presidential system of government, it is also determined that the position of the President is the top management in the implementation of governmental power. Given the extensive scope of governmental power, the President is assisted by ministers in carrying out governmental power. The breadth of governmental power in the executive branch is certainly due to Indonesia adopting the ideology of a modern legal state, often referred to as a welfare state. In a welfare state, the government's duties are not only carried out in the field of government but also include the field of public welfare in order to achieve the country's goals by implementing national development.³

In line with that, Bagir Manan explained that there are 4 (four) types of duties and authorities in in the power of the President to administer the government in the field of state administration, namely:⁴

1. Duties and responsibilities of administration in the field of security and public order;
2. Duties and responsibilities of organizing government affairs ranging from correspondence to documentation and others;
3. Duties and responsibilities of state administration in the field of public services; and
4. Duties and responsibilities of state administration in providing for the general welfare.

Regarding the task and authority of organizing public welfare in the field of state administration, it is implemented as one of the duties and responsibilities of the government that the President carries out in the implementation of national development. In the context of national development implementation, the President is not the sole executor of national development but also involves the participation of all components of the nation. It is clearly stated in Article 1 number 2 of Law Number 25 of 2004 regarding the National Development Planning System (NDPS Law), which states that national development is an effort carried out by all components of the nation to achieve national goals. As stated in the fourth paragraph of the preamble to the 1945 Constitution of the Republic of Indonesia, one of the national goals is to promote the general welfare. As a legal consequence, it can be understood that the implementation of national development must be oriented toward realizing public welfare.

Currently, the implementation of national development has entered the fourth or final phase of the long-term national development plan period of 2005-2025 as regulated in Law Number 17 of 2007 on the National Long-Term Development Plan for 2005-2025 (RPJPN 2005-2025). As the final phase of the long-term national development plan for 2005-2025, the ultimate outcome of the implementation of national development programs outlined in the National Medium-Term Development Plan for 2020-2024 (RPJMN 2020-2024), that will determine the overall success of national development as stipulated in Indonesia's vision for 2025. The success of national development according to Indonesia's 2025 vision is the realization of an independent, advanced, fair, and prosperous Indonesia, supported by (1) strong and democratic national leadership

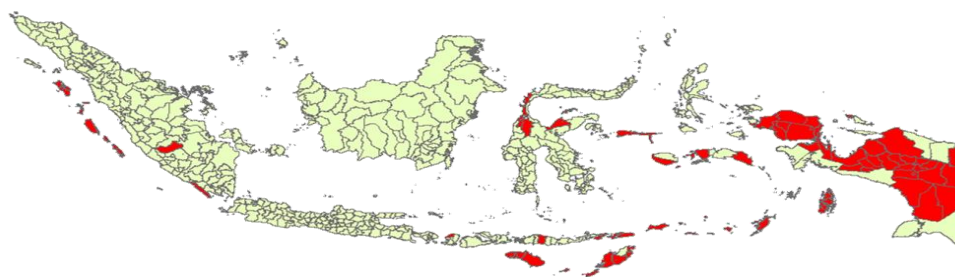
³ Ridwan, *Diskresi dan Tanggung Jawab Pemerintah*, FH UII Press, Yogyakarta: 2014, p. 3.

⁴ Rahayu Prasetyaningsih, "Menakar Kekuasaan Presiden Dalam Pembentukan Peraturan Perundang-undangan Menurut Undang-Undang Dasar 1945," *Padjadjaran Jurnal Ilmu Hukum (PJIH)*, Vol. 4, August 2017, p.269.

commitment, (2) consistency in government policies, (3) prioritization of the people, and (4) active participation of society and the business world. It is recognized that point 3 above is substantively oriented toward realizing public welfare.⁵

In fact, the national development goals aimed at achieving general welfare have not been fully realized until now, indicated by the fact that the welfare of people in disadvantaged regions has not been fulfilled, and there is still regional disparity.⁶ As referred to in Presidential Regulation Number 63 of 2020 regarding the Designation of Disadvantaged regions for 2020-2024 (PP DT 2020-2024), there are still 62 regencies designated as disadvantaged regions for the period of 2020-2024. Geographically, the distribution of disadvantaged regions for 2020-2024 includes 7 (seven) regencies in Sumatra, 14 (fourteen) regencies in Nusa Tenggara, 3 (three) regencies in Sulawesi, 8 (eight) regencies in Maluku, and 30 (thirty) regencies in Papua.

Figure 1 Map of Disadvantaged regions Year of 2020-2024



Source: The Directorate General for Acceleration of Disadvantaged Region Development (2021)

Based on the development achievements in 2019, the macro indicator of the Human Development Index (HDI) for the average disadvantaged regions (*daerah tertinggal/DT*) was 58.91, while for the disadvantaged regions that have been developed (*daerah tertinggal entas/DTE*) in 2019, it was relatively better at 65.64, compared to the national average HDI of 71.92. The percentage of people living in poverty (*Presentase Penduduk Miskin/PPM*) in DT in 2019 was 25.85%, much higher than the figure for DTE in 2019 which was 14.01% and the national average of 9.22%.⁷

Figure 2 Graph of Achievement of Macro Indicators for Disadvantaged Regions in 2019.



⁵ Yohanes Suhardin, "Peranan Negara dan Hukum Dalam Memberantas Kemiskinan Dengan Mewujudkan Kesejahteraan Umum," *Jurnal Hukum dan Pembangunan*, Vol. 42, September 2012, p. 305.

⁶ Mirza Zuhri, Abd. Jamal, dan Putri Bintusy Syathi, "Analysis of Short and Long Term on Government Expenditure Realization and Income Disparity Toward Poverty in Aceh Province, Indonesia," *International Journal of Business, Economics and Social Development*, Vol. 3, May 2022, p. 89.

⁷ Appendix of Presidential Regulation Number 105 of 2021 regarding the National Strategy for Accelerating the Development of Disadvantaged Regions for 2020-2024.

Source: The Directorate General for Acceleration of Disadvantaged Region Development (2021)

Referring to the results of research conducted by the National Development Planning Agency (*Badan Perencanaan Pembangunan Nasional/Bappenas*), the conditions in disadvantaged regions generally include:⁸

1. The quality of human resources and community welfare is still low and lagging behind other regions.
2. Limited availability of basic public facilities and infrastructure.
3. The productivity of the community still needs to improve.
4. The management of local resources for economic development has yet to be optimal.
5. Accessibility to growth centers is still lacking.
6. Incentives for the private sector and entrepreneurs to invest have yet to be made available.

Furthermore, communities in disadvantaged regions also have limited access to social, economic, and health services and are isolated from surrounding areas. This is because the government (both central and local) has yet to prioritize development in disadvantaged regions to the fullest extent, as it is considered not directly to generate regional income.⁹ Considering the welfare conditions of communities that have not been fully realized in disadvantaged regions, it is interesting to discuss this from a legal and political perspective further. Because from a legal and political standpoint, the urgency of implementing national programs to accelerate the development of disadvantaged regions is very important in realizing the country's goals, especially concerning public welfare. Referring to the opinion of Jimly Asshiddiqie¹⁰, who stated that the constitutional realization of public welfare is a concept of a social welfare state as stated in Chapter XIV of the 1945 Constitution. Therefore, the philosophy of Indonesia's idealized notion of the rule of law is a social justice legal state (*social welfare rechtstaat*) and a welfare state based on law.

The issuance of Government Regulation No. 78 of 2014 regarding the Acceleration of Development in Disadvantaged Regions (PP PPDT) as a legal instrument for implementing accelerated development in disadvantaged regions is a realization of legal development in a social justice legal state.¹¹ PP PPDT substantially directs the completion of public welfare in implementing national development, including affirmative action, namely the government's commitment to accelerating development in disadvantaged regions. Thus, the legal issues to be addressed in this writing are (1) How is the regulation of the implementation of accelerated development in disadvantaged regions viewed from a legal and political perspective? and (2) How can accelerated development in disadvantaged regions be achieved through a collaborative governance approach?

⁸ Saptono Jenar, "The Acceleration Development of Disadvantaged Region: On Government Affairs Perspective," *Jurnal Nurani Hukum*, Vol. 4, December 2021, p. 2.

⁹ Explanation of Government Regulation Number 78 of 2014 regarding the Acceleration of Development in Disadvantaged Regions.

¹⁰ Jimly Asshiddiqie, *Konstitusi Keadilan Sosial*, Penerbit Buku Kompas, Jakarta: 2018, p. 172-173.

¹¹ Agus Riwanto, "Mewujudkan Hukum Berkeadilan Secara Progresif Perspektif Pancasila," *Al-Ahkam: Jurnal Ilmu Syariah dan Hukum*, Vol. 2, February 2018, p. 140.

METHODS

The research method in this writing uses normative legal research.¹² The nature of legal research in this writing is prescriptive, which is a type of legal research aimed at providing an understanding of the legal policy of regulating the acceleration of development in disadvantaged areas in the implementation of national development and the acceleration of development in disadvantaged areas in the implementation of national development with a collaborative governance approach concept. The approach used in this legal research is the statutory approach and conceptual approach to provide legal argumentation or legal reasoning by using a systematically problematic thinking model.¹³ The statutory approach used in this legal research includes the context of the application of legal policy theory in the formation of legislation regarding the regulation of accelerating development in disadvantaged areas and how to understand conceptually the concept of collaborative governance in accelerating development in disadvantaged areas as regulated in legislation. The primary legal materials used in this legal research include:

1. Constitution of the Republic of Indonesia of 1945;
2. Law Number 25 of 2004 regarding the National Development Planning System;
3. Law Number 17 of 2007 regarding the National Long-Term Development Plan for 2005-2025;
4. Law Number 39 of 2008 regarding the State Ministry;
5. Law Number 23 of 2014 regarding Regional Government;
6. Government Regulation Number 78 of 2014 regarding the Acceleration of Development in Disadvantaged Areas;
7. Presidential Regulation Number 18 of 2020 regarding the National Medium-Term Development Plan for 2020-2024;
8. Presidential Regulation Number 63 of 2020 regarding the Determination of Disadvantaged Areas for 2020-2024;
9. Presidential Regulation Number 85 of 2020 regarding the Ministry of Villages, Disadvantaged Regions, and Transmigration; and
10. Presidential Regulation Number 105 of 2021 regarding the National Strategy for Accelerating Development in Disadvantaged Areas for 2020-2024.

The secondary legal materials in this legal research include all related publications that provide in-depth enrichment of legal issues in the research. These materials are collected through a literature study, which involves collecting writing materials sourced from various books, scientific journals, and relevant internet sources related to the research's substance.

¹²Yati Nurhayati, Ifrani, dan M. Yasir Said, "Metodologi Normatif dan Empiris Dalam Perspektif Ilmu Hukum," *Jurnal Penegakan Hukum Indonesia (JPHI)*, Vol. 2, February 2021, p.8.

¹³Bernard Arief Sidharta, *Ilmu Hukum Indonesia Upaya Pengembangan Ilmu Hukum Sistemik Yang Responsif Terhadap Perubahan Masyarakat*, Genta Publishing, Yogyakarta: 2013, p. 83-84.

DISCUSSION

Regulation of the Implementation of Acceleration of Disadvantaged Regions in National Development from the Perspective of Legal Politics.

Constitutionally, Indonesia explicitly recognizes itself as a rule-of-law state. The juridical implications of this textual provision in Article 1, paragraph (3) of the 1945 Constitution may be interpreted to mean that the law is the basis of every action in the organization of the state, including the administration of government by authorities (rule by law, not rule by man).¹⁴ As one of the countries that adhere to the tradition of continental European law (civil law), the existence of legal products in the form of legislation (*wettelijk regels*) is the central point in legitimizing various policies made by the state or government (legislation as a policy instrument).¹⁵ In countries that adhere to the tradition of continental European law, the focus is on forming written law or codified law systems in developing national law. It is because the continental European legal tradition is heavily influenced by legal positivism, which places high value on the existence of written law created by authorized government bodies or officials, as opposed to law based on concrete cases created by the judiciary (jurisprudence).¹⁶

In forming written law or legislation, the factual reality cannot be separated from the influence of "politics" in forming legal material in legislation. It aligned with the opinion of Sri Soemantri¹⁷, who stated that the context of the influence of "politics" in forming legal material in legislation is referred to as legal politics. It can be understood that legal politics is the purpose and reason for forming a piece of legislation. In line with this, Hikmahanto Juwana further explains that legal politics in the formation of a piece of legislation is very important to understand to know the legal reasoning why a piece of legislation needs to be formed and to determine what needs to be translated into legal sentences and become articles in the body of the legislation. This is because legislation and the formulation of norms contained in legal material serve as a bridge between established legal politics and the implementation of legal politics in the implementation stage of the legislation. Therefore, there must be consistency and correlation between both of them.¹⁸

Regulations-making in practice is a process that relates to the realization of law in reality (*das sein*) through legal formation (*rechtsvorming*).¹⁹ It is the implementation of legal development that cannot be separated from the practice of legal studies (*rechtsboefing; rechtsbedrijven*), where it is closely related to the issue of how to create laws that will be applied to a society based on empirical

¹⁴ Made Hendra Wijaya, "Karakteristik Konsep Negara Hukum Pancasila," *Jurnal Advokasi*, Vol 5, September 2015, p. 201.

¹⁵ A. Hamid S. Attamimi, "Fungsi Ilmu Perundang-undangan Dalam Pembentukan Hukum Nasional", dalam Maria Farida Indrati (ed), "*Kumpulan Tulisan A. Hamid S. Attamimi: Gesetzgebungswissenschaft Sebagai Salah Satu Upaya Menanggulangi Hutan Belantara Peraturan Perundang-undangan*", Badan Penerbit FH UI, Depok: 2021, p. 15.

¹⁶ B. Hestu Cipto Handoyo, *Prinsip-Prinsip Legal Drafting & Desain Naskah Akademik*, Cahaya Atma Pustaka, Yogyakarta: 2014, p. 12.

¹⁷ Sri Soemantri, *Hukum Tata Negara Indonesia Pemikiran Dan Pandangan*, PT. Remaja Rosdakarya, Bandung: 2018, p. 130.

¹⁸ Sulasi Rongiyati, "Politik Hukum Pembentukan Undang-Undang Nomor 9 Tahun 2016 tentang Pencegahan dan Penanganan Krisis Sistem Keuangan: Analisis Terhadap Kewenangan Komite Stabilitas Sistem Keuangan", dalam Suhariyono Ar (ed), "*Politik Hukum Pembentukan Undang-Undang Analisis Terhadap Beberapa Undang-Undang Tahun 2016*", Pusat Penelitian Badan Keahlian DPR RI Bekerjasama Dengan Intelgensia Intrans Publishing, Jakarta-Malang: 2016, p. 75.

¹⁹ Fredy Rahalus, "Kajian Filosofis Terhadap Pembentukan Hukum Di Indonesia Berdasarkan Pemikiran Filsafat Hukum Jacques Ranciere," *Jurnal Sapienta et Virtus*, Vol. 7, March 2022, p. 19.

conditions and factual problems faced. Referring to Aminuddin Ilmar's opinion, it is stated that the legal material must be dynamic in the creation of legislation. It means that the legal material formed in legislation ideally should have relevance, responsiveness, and anticipatory characteristics towards various dynamic phenomena of community needs,²⁰ both at the local, national, and also international levels, considering that currently, the law must also adapt to multiple influences from contemporary elements of globalization. Therefore, legal politics in the creation of legislation aims to encourage the existence of law to have active functional and role mobility in accordance with the development of national and international community conditions over time. It is aligned with the integrative legal theory developed by Romli Atmasasmita, which provides a comprehensive and holistic legal analysis model for facing and anticipating national and international developments in various aspects of community life. However, it prioritizes national interests in all fields and maintains local characteristics while adjusting international development into the local legal system and vice versa proportionally.²¹ Based on this understanding, the author will explain the regulation of accelerating development in disadvantaged regions in the implementation of national development in the context of legal politics.

Referring to the Appendix of the RPJPN 2005-2025 in Chapter II Current Conditions, Sub-Chapter II.I General Conditions, Letter H on Regional and Spatial Planning, which mentions that there are still issues with disadvantaged regions that require significant attention and development support from the government. It is further stated that in order to achieve equitable development, the government will increase regional development, reduce overall social inequality, implement policies that prioritize society, and also towards groups and regions that are still weak. Meanwhile, the fundamental objective to be achieved in reducing development disparities between regions is not solely aimed at equalizing physical development in each region but rather at reducing disparities in the quality of life and welfare of society within and between regions. As a form of equitable development, it can be seen through indicators of improving the quality of life and welfare of society that are becoming equal throughout the country, including reducing inter-regional disparities in all regions of Indonesia.

In factual terms, it is generally said that development programs have not touched communities in remote areas, so their access to social, economic, and political services is very limited, and they are isolated from surrounding areas. The well-being of communities living in remote areas requires a great deal of attention and support from the government in terms of development. The challenges faced in developing remote areas, including those inhabited by isolated indigenous communities, include: (1) limited transportation access connecting remote areas to more developed areas; (2) relatively low and scattered population density; (3) poverty in resources, particularly natural and human resources; (4) lack of priority given to development in remote areas by local governments because it is not seen as generating direct local revenue (*pendapatan asli daerah/PAD*); (5)

²⁰Aminuddin Ilmar, *Membangun Negara Hukum Indonesia*, Phinatama Media, Makassar: 2014, p. 9-11.

²¹Romli Atmasasmita, *Teori Hukum Integratif Rekonstruksi Terhadap Teori Hukum Pembangunan dan Teori Hukum Progresif*, Mandar Maju, Bandung: 2019, p. 80.

suboptimal support from related sectors for the development of these areas.²² Based on these issues, it can be understood that the policy framework for regional development to support the fulfillment of basic rights for communities in remote areas and accelerate development efforts in these areas is through the implementation of a National Program for Accelerated Development of Remote Areas (PPDT) as part of National Development.

Referring to Article 1 number 3 jo Article 4 paragraph (1) of PP PPDT, it introduces that disadvantaged regions are regional units at the district level whose territory and community are less developed compared to other regions on a national scale, which are assessed by 6 (six) criteria namely (1) Community Economy; (2) Human Resources; (3) Facilities and Infrastructure; (4) Regional Financial Capacity; (5) Accessibility; and (5) Regional Characteristics. The essence of the paradigm of disadvantaged region development (*paradigma daerah tertinggal/PDT*) can be understood as a planned process, effort, and action to improve the quality of the community and the region, which is an integral part of national development. In the context of this process, effort, and action, it is then manifested through the National PPDT Program, which is a concrete form of government support and refinement of PDT in the fields of planning, funding, and implementation of PDT. Ontologically, Regional Development in the context of PDT is the authority of the regional government, in this case, the provincial and district governments, while the central government only functions as a motivator and facilitator in the implementation of the National PPDT Program.²³ Thus, regarding PPDT in the era of regional autonomy, the focus is on regional development. This is based on Article 262 paragraph (2) of Law Number 23 of 2014 concerning Regional Government (Regional Government Law), which mandates that regional development plans pay attention to accelerating the development of disadvantaged regions. In its explanation, it is stated that "paying attention to accelerating the development of disadvantaged regions" means that the regional government must adhere to the national program in handling disadvantaged regions. The provision referred to in Article 262, paragraph (2) of Regional Government Law is theoretically referred to as a "*provisio*"²⁴ and can also be understood as "legal recognition" of the implementation of the National PPDT Program, which obliges regional governments (provinces and districts) to carry out regional development in accordance with the mandate of Article 2, paragraph (2) of the RPJPN 2005-2025 and its Appendix. Normatively, regional development is an integral part of national development. Therefore the regional government (provinces and districts) is the implementing agency in implementing PPDT at the regional level following the provisions of Article 260, paragraph (1) of Regional Government Law, supported by the central government as a steering agency.

The legal policy regulation of PPDT is essentially a form of response by the Government (central government, provincial government, and district government) in an effort to address the empirical condition of uneven regional development across the country, where the uneven

²²Nabillah Amir, "Aspek Hukum Pengaturan Tata Ruang Terhadap Alih Fungsi Lahan Dalam Rangka Pembangunan Nasional", *Jurnal Justiciabelen*, Vol. 1, February 2018, p. 131.

²³Jooner Rambe, *Kebijakan dan Strategi Percepatan Pembangunan Daerah tertinggal Dalam Mendukung Penerapan dan Pertumbuhan Ekonomi Indonesia*, Mitra Wacana Media, Jakarta: 2018, p. 246.

²⁴Jimly Asshiddiqie, *Perihal Undang-Undang*, RajaGrafindo Persada, Depok: 2017, p. 127.

development between Java and non-Java is still very evident in terms of the provision of public facilities, especially health and education facilities. This results in a lack of access to basic needs in the areas or regions that are left behind, particularly in the areas of health and education.²⁵ In addition, the PPDT regulation was established as a concrete implementation of the Government's (Central and Regional) efforts to fulfill one of the components of the state's vision, namely public welfare.²⁶ Referring to the mandate of the Constitution, it can be understood that the regulation of PPDT is an affirmative action by the Government towards the people in disadvantaged regions.²⁷ Regarding the context of the formation of legislation, PPDT is a delegated legislation formed based on the vague mandate of the RPJPN 2005-2025 as the legal basis for addressing regional disparities nationally while considering the local context of regional development policy directions.²⁸

Accelerating the Development of Disadvantaged Regions through the Collaborative Governance Approach

It is determined that the authority for PPDT at the national level is coordinated by the Minister who oversees government affairs in the field of disadvantaged regional development as stipulated in Article 5 paragraph (3) of Law Number 39 of 2008 regarding the State Ministry (Ministry Law), Article 1 number 26 and Article 26 of PPDT. Based on Presidential Regulation Number 85 of 2020 regarding the Ministry of Villages, Disadvantaged Regions, and Transmigration (Ministry of PDTT), the Minister who oversees government affairs in the field of disadvantaged regional development as stipulated in Article 5 paragraph (3) of the Ministry Law, Article 1 number 26 and Article 26 of PPDT is the Minister of Villages, Disadvantaged Regions, and Transmigration (Mendes-PDTT). Referring to Article 4 of the Ministry of PDTT states that the Minister who leads the Ministry of PDTT has duties of carrying out government affairs in the field of the village and rural development, community empowerment in villages, acceleration of disadvantaged regional development, and transmigration to assist the President in carrying out state governance.

Referring to Article 21, paragraph (3) of PP PPDT states that the implementation of PPDT aims to be directed towards fulfilling the basic needs and infrastructure of disadvantaged regions. In its explanation, "basic needs" include clothing, food, and shelter. Meanwhile, "basic facilities and infrastructure" include roads, healthcare services, and education. It is then determined that in the effort to fulfill these basic needs and infrastructure of disadvantaged regions, the focus of development should be at least on 5 (five) aspects, namely (1) economy; (2) human resources and social culture; (3) natural resources and environment; (4) facilities and infrastructure; and (5)

²⁵ Achmad Sani Alhusain, "Kebijakan Pemerataan Pembangunan Daerah di Indonesia", dalam I Wayan Rusastra (ed), *Arah Kebijakan Pembangunan Daerah: Peran Legislasi, Aspek Tematik, dan Pemerataan*, P3DI Setjen DPR RI dan Azza Grafika, Jakarta-Yogyakarta: 2015, p. 06.

²⁶ *Konsideran Menimbang huruf a Peraturan Pemerintah Nomor 78 Tahun 2014 tentang Percepatan Pembangunan Daerah Tertinggal*.

²⁷ Saptono Jenar, "Analisis Penetapan Daerah Tertinggal Tahun 2020-2024 dan Rencana Aksi Nasional Percepatan Pembangunan Daerah Tertinggal Tahun 2020," *Indonesia Law Reform Journal*, Vol. 2, March 2022, p.3.

²⁸ Saptono Jenar dan Agnes Harvelian, "Landasan Yuridis Peraturan Pemerintah Nomor 78 Tahun 2014 tentang Percepatan Pembangunan Daerah Tertinggal Ditinjau Dari Teori Daya Laku Hukum (*Geltung*)", *IBLAM Law Review*, Vol. 2, June 2021, p. 22-23.

institutions as regulated in Article 21 paragraphs (2) and (3) of PPDT PP. Referring to the explanation in Article 21, paragraph (2) of PPDT PP, each aspect of development is described as follows:

1. Economic Aspect

Economic development in disadvantaged regions focuses on efforts to increase the community's total income and per capita income.

2. Human Resources and Social Culture Aspect

Human resources development is the development of humans as subjects (human capital) and objects (human resources) of development, which includes the entire human life cycle from birth to the end of life, especially regarding religion, education, and health.

3. Natural Resources and Environment Aspect

Development of natural resources and the environment in disadvantaged regions focuses on optimizing the exploration and exploitation of natural resource potential while considering the environment sustainably, including dealing with disaster-prone areas.

4. Facilities and Infrastructure Aspect

Development of facilities and infrastructure in disadvantaged regions focuses on efforts to fulfill the community's basic needs, especially in terms of accessibility to healthcare, education, energy, clean water, telecommunications, transportation, and economic infrastructure.

5. Institutional Aspect

Institutional development focuses on the development of local government institutions, community institutions, and the development of regulations that are pro-disadvantaged regions.

Taking into account the scope of implementation of PPDT above, it means that the paradigm of PPDT implementation focuses on favoring human resources that are oriented towards people-centered development and regional development that is oriented towards regional economic advantage based on sustainable development.²⁹ As a national development instrument in achieving sustainable development, the paradigm of PPDT implementation is basically for fulfilling the community's basic needs so that they can have a better life without sacrificing future generations. The utilization of natural resources must consider the relationship between the carrying capacity of nature and population growth so that economic development must make the maintenance of biodiversity a prerequisite for the sustainable availability of natural resources for the present and future. By considering the interconnection between the availability of natural resources and the social system, the implementation of PPDT must be integrated.³⁰

In order to implement the scope of PPDT, it certainly requires a large and applicable amount of funding or financing. Referring to Articles 33 and 34 of PPDT state that the funding for the

²⁹Syamsuri, "Analisis Teoritik Model Pembangunan Daerah (Desa) Tertinggal", *Jurnal Ilmu Sosial, Politik, dan Pemerintahan (JISPAR)*, Vol. 3, January 2014, p. 18-19.

³⁰Humphrey Wangke, Implementasi Tujuan Pembangunan Berkelanjutan Melalui Kemitraan Multistakeholder (Studi Tentang Pengelolaan Ekosistem Daratan di Provinsi Maluku dan Sulawesi Utara), dalam Humphrey Wangke (ed), *Membangun Kemitraan Untuk Keberlanjutan Pembangunan*, Yayasan Pustaka Obor Indonesia, Jakarta: 2019, p. 22.

implementation of PPDT in the narrow sense comes from the State Budget (*Anggaran Pendapatan dan Belanja Negara/APBN*) and Regional Budget (*Anggaran Pendapatan dan Belanja Daerah/APBD*). The funding scheme for implementing PPDT sourced from APBN comes from related ministries/agencies through implementing programs/activities in disadvantaged regions and from Special Allocation Funds (*Dana Alokasi Khusus/DAK*), while APBD funding comes from provincial and district/city government budgets. Both APBN and APBD must be utilized as a public budget to realize public welfare in disadvantaged regions.³¹

In practice, the government funding sources from APBN or APBD for implementing PPDT have limitations. Thus, other funding sources outside of APBN and APBD are needed to accelerate development in disadvantaged regions through collaborative schemes by partnering with non-state stakeholders (communities and businesses).³² Referring to Article 35, paragraph (1) of PPDT, it is determined that PPDT funding can also come from communities and businesses. In the explanation of Article 35 paragraph (1) of PPDT, it is further stated that communities and businesses need to be involved in accelerating the development of disadvantaged regions so that the required funds are not solely expected from funding allocations sourced from APBN/APBD, but also from financing by the private sector or community self-help. It means that the provisions of Article 35 paragraph (1) of PPDT indicate the existence of alternative funding outside of APBN and APBD in implementing PPDT in the broad sense using a collaborative governance approach.

Theoretically, the concept of collaborative governance was born in the realm of public administration.³³ In practice, collaborative governance refers to a group of interdependent stakeholders from various sectors who work together to develop and implement policies to address complex problems or multi-faceted situations.³⁴ As a model in development implementation, the concept of collaborative governance aims to unite various stakeholders into a collective forum with public institutions to participate in consensus-based decision-making. In other words, collaborative governance is a regulatory arrangement in which one or more public institutions and non-state stakeholders are directly involved in a formal collective decision-making process that is consensus-oriented, deliberative and aims to create or implement public policies and manage programs or public assets.³⁵

In the implementation of PPDT, in practice, government policies are directed towards mainstreaming programs/activities to address 6 (six) DT criteria, namely (1) Community Economy; (2) Human Resources; (3) Infrastructure; (4) Regional Financial Capacity; (5) Accessibility; and (6) Regional Characteristics. As stated in the Annex of Presidential Regulation Number 105 of 2021 regarding the National Strategy for Acceleration of Development in Disadvantaged Regions in 2020-2024 (Perpres STRANAS-PPDT 2020-2024), which states that:

³¹Yenny Sucipto, dkk., *APBN Konstitusional Prinsip dan Pilihan Kebijakan*, Galang Pustaka, Yogyakarta: 2015, p. 92-93.

³²Mardiasmo, Wamenkeu: Tak Cukup Bila Andalkan APBN dan APBD, (2018), <<https://www.kemenkeu.go.id/publikasi/berita/wamenkeu-tak-cukup-bila-andalkan-apbn-dan-apbd/>>, [accessed on 30/03/2022].

³³Antun Mardiyanta "State of the art: Konsep partisipasi dalam ilmu administrasi publik State of the art: Participation concept in public administration." *Jurnal Masyarakat, Kebudayaan Dan Politik*, Vol. 26, December 2013, p. 233.

³⁴La Ode Syaiful Islamy H., *Collaborative Governance Konsep dan Aplikasi*, Deepublish, Yogyakarta: 2018, p. 5.

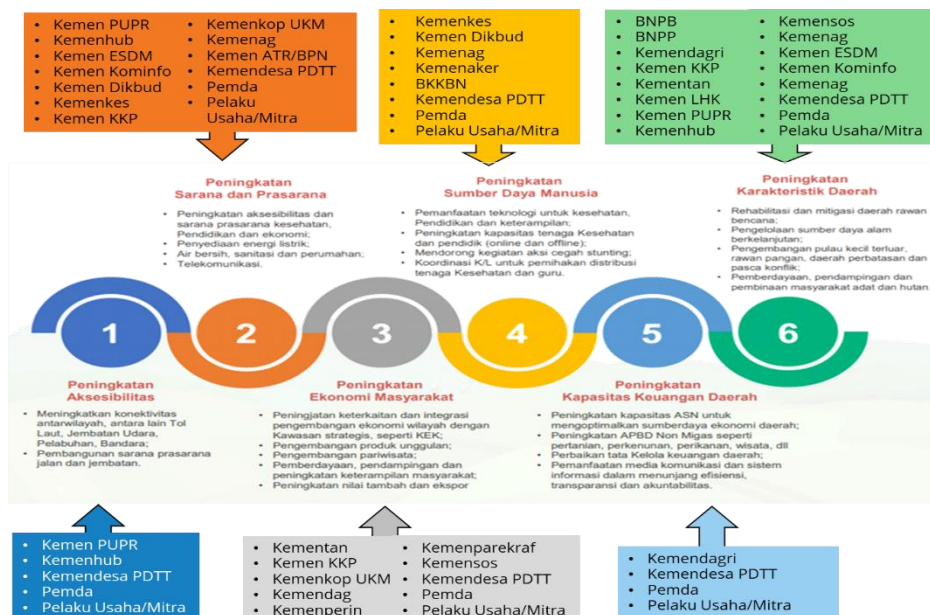
³⁵La Ode Syaiful Islamy H., *Ibid.*, p. 41.

"The key to alleviating disadvantaged areas is to address the criteria for the causes of underdevelopment which include the criteria for community economy, human resources, infrastructure, accessibility, regional financial capacity, and regional characteristics. Efforts to alleviate disadvantaged areas are multidimensional, therefore it needs to be done with a collaborative strategy involving cross-sectors and cross-actors, including the central and regional governments, through financing sourced from the State Budget (APBN) and Regional Budget (APBD) as well as the support of business actors/partners, including the involvement of communities at the village level."

The statement above is certainly relevant to the provisions in Article 35, paragraph (1) and paragraph (2) of the PP PPDT, which state that funding for PPDT can come from the community and businesses. The participation of the community and businesses is carried out in the form of partnership programs in disadvantaged regions.

Referring to Glasbergen's³⁶ opinion states that partnership is a collaborative arrangement involving development actors consisting of two or more layers of society, such as the government, private sector, and civil society organizations (CSOs) engaged in non-hierarchical processes where development actors strive to achieve sustainable development. This understanding may mean that partnership with the collaborative governance concept approach in implementing PPDT is an activity that aims to organize and coordinate cooperation involving development stakeholders to solve and overcome various backwardness problems in DT so that DT can be lifted from its backwardness criteria and can be on par with other advanced regions on a national scale.

Picture 3. Collaborative Governance in National Strategy for Accelerating Development in Disadvantaged Regions 2020-2024 (STRANAS-PPDT 2020-2024)



Source: The Directorate General for Acceleration of Disadvantaged Region Development (2021)

³⁶ Humphrey Wangke, *Op.Cit.*, p. 26.

Based on Presidential Regulation Number 18 of 2020 on the National Medium-Term Development Plan for 2020-2024 (RPJMN 2020-2024), it is stated that Indonesia has big targets planned to achieve a higher level as a middle-income country and to accelerate its escape from the middle-income country trap. In addition, Indonesia is also working hard to achieve a balance in development to reduce inequality between regions, both between Java and outside Java, as well as between the Western Region of Indonesia (KBI) and the Eastern Region of Indonesia (KTI). Several targets have also been set for RPJMN 2020-2024 to be achieved by 2024, including: (1) Poverty rate in the range of 6.0-7.0 percent; (2) Economic growth of 6.0 percent; (3) Human Development Index (HDI) of 75.54; (4) Gini Ratio reaching 0.360-0.374; (5) Open unemployment rate (OUR) of 3.6-4.3 percent; and (6) Reduction of greenhouse gas emissions (GHG) towards the target of 29 percent by 2030 (Paris Agreement). In the implementation of PPDT in 62 disadvantaged regions, RPJMN 2020-2024 targets that 25 of those regions can be lifted out of poverty by 2024, with the scenario of increasing HDI from 58.82 in 2019 to around 62.2-62.7 in 2024 and the PPM in those regions is targeted to decrease from 25.82 percent in 2019 to 23.5-24 percent in 2024.³⁷

Based on Figure 3 above shows that the collaborative governance concept approach applied in the implementation of PPDT as determined in the Annex of STRANAS-PPDT 2020-2024 involves the roles of related Ministries/Agencies, Local Governments, and Business Actors/Partners (communities) in each PPDT implementation in each criterion. Thus, through various programs and activities carried out by the government in the 62 DTs in each policy implementation, partnerships with communities and business actors can be established to support funding in implementing PPDT. The collaborative governance concept approach through partnerships can be implemented following the goals and policies of the government to achieve the target of eradicating 25 DTs in 2024 as mandated by the RPJMN 2020-2024. Therefore, implementing PPDT with a collaborative governance concept approach is an important essence of forming strategic partnerships between the government and communities, and business actors to optimize the implementation of PPDT, especially in encouraging funding schemes from sources outside the APBN and APBD.

CLOSING

As mandated by the 4th paragraph of the 1945 Constitution of the Republic of Indonesia, one of the state's goals is to advance public welfare. In order to carry out this mandate, national development is implemented to address various problems to advance the welfare of communities in disadvantaged regions. As a concrete form of implementing national development directed towards providing fairness and realizing the welfare of people in disadvantaged regions, acceleration of disadvantaged region development is organized. To develop laws to regulate the implementation of the acceleration of disadvantaged region development, Regulation of the Government Number 78 of 2014 regarding the Acceleration of Disadvantaged Region Development was established as a regulation for the acceleration of disadvantaged region development based on the provisions in Law

³⁷ Muhyiddin, "Covid-19, New Normal, dan Perencanaan Pembangunan di Indonesia," *Jurnal Perencanaan Pembangunan*, Vol 4, Juni 2020, p.248-249.

Number 17 of 2007 regarding the National Long-Term Development Plan for 2005-2025, Law Number 39 of 2008 regarding the State Ministry, and Law Number 23 of 2014 concerning Regional Government.

Thus, the legal policy for regulating the acceleration of development in disadvantaged regions in national development is to implement Law Number 17 of 2007 regarding the National Long-Term Development Plan for 2005-2025, Law Number 39 of 2008 regarding the State Ministry, and Law Number 23 of 2014 regarding Regional Government, to prioritize development in disadvantaged regions and fulfill their basic needs, as well as provide basic infrastructure in order to achieve public welfare through equitable development across the territory of the Republic of Indonesia. Meanwhile, the acceleration of development in disadvantaged regions in national development with a collaborative governance approach is a form of government policy to build synergy and integration of programs and activities carried out by relevant Ministries/Agencies and partner with communities and businesses to support funding for the acceleration of development in disadvantaged regions.

As a suggestion, in order to optimize the implementation of accelerating the development of disadvantaged areas in the 62 designated areas as stated in Presidential Regulation Number 105 of 2021 regarding the National Strategy for Accelerating the Development of Disadvantaged Areas for the years 2020-2024, the government needs to form partnerships with various elements of society and business actors to achieve the target of eradicating underdevelopment in 25 disadvantaged districts by 2024. Thus, support from funding sources outside the APBN and APBD in accelerating the development of disadvantaged areas can effectively contribute to supporting programs and activities implemented by the government in the 62 disadvantaged areas.

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