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An Analysis of Presidential Regulation 105/2021: The National Strategy for Accelerating the Development of Disadvantaged Regions 2020-2024 and Its Implications for Provincial Government

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ABSTRACT

In the context of implementing the Government's policy towards reducing regional disparities, Presidential Regulation Number 105 of 2021 concerning National Strategic of the Acceleration of Development of Disadvantaged Regions 2020-2024 (STRANAS-PPDT 2020-2024) has been issued as an elaboration of Presidential Regulation Number 18 of 2020 concerning National Medium-Term Development Plan 2020-2024 (RPJMN 2020-2024). In accordance with the provisions of Article 8 paragraph (3) of Government Regulation Number 78 of 2014 concerning the Acceleration of Development of Disadvantaged Regions (PP PPDT) juncto Article 4 paragraph (2) of STRANAS-PPDT 2020-2024, has implications to 11 (eleven) provincial governments to immediately formulate and determine the Regional Strategy for the Acceleration of Development of Disadvantaged Regions 2020-2024 (Provincial STRADA-PPDT 2020-2024). To support the preparation of the Provincial STRADA-PPDT 2020-2024, the Government through the Minister of Village, Development of Disadvantaged Regions, and Transmigration coordinates with the minister of national development planning and the minister of home affairs to facilitate the implementation of the preparation of the Provincial STRADA-PPDT 2020-2024. The research concluded that, to provide guidance to the provincial government in the preparation of the provincial STRADA-PPDT 2020-2024 and as a legal basis for the implementation of facilitation for the preparation of the Provincial STRADA-PPDT 2020-2024, the Ministry of Village,



Development of Disadvantaged Regions, and Transmigration needs to establish guidelines of the preparation of the Provincial STRADA-PPDT 2020-2024.

Keywords: *Acceleration of Development of Disadvantaged Regions; STRANAS PPDT 2020-2024; Provincial STRADA-PPDT 2020-2024.*

INTRODUCTION

The President Joko Widodo (Jokowi) on 10 December 2021 was signed Presidential Regulation Number 105 of 2021 on National Strategy of the Acceleration of Development of Disadvantaged Regions 2020-2024 (Perpres STRANAS-PPDT 2020-2024).¹ As an integral part of national development, thus the STRANAS-PPDT must refer to the national development policy for 2020-2024 as stated in the National Medium-Term Development Plan 2020-2024 (RPJMN 2020-2024) which is stipulated by Presidential Regulation Number 18 of 2020 (Perpres RPJMN 2020-2024). In principle, the substance of the RPJMN 2020-2024 refers to the National Long-Term Development Plan 2005-2025 (RPJPN 2020-2025), Indonesia's Vision 2045, and the President's Vision and Mission 2020-2024. The Vision of the President of 2020-2024 is "The Realization of an Advanced Indonesia that is Sovereign, Independent, and Based on Mutual Cooperation (Gotong Royong)" which is realized through 9 (nine) Missions known as the Second Nawacita, are:

¹ "Gov't Issues Regulation to Speed Up Development in Underdeveloped Regions," Cabinet Secretariat of The Republic of Indonesia, n.d.

1. Improving National Human Quality.
2. Productive, Independent, and Competitive Economic Structure.
3. A Just and Equal Development.
4. Achieving a Sustainable Environment.
5. Improving National Human Quality.
6. Enforcement of a Corruption-Free, Dignified, and Reliable Legal System.
7. Protection for the whole nation and provide a sense of security for all citizens.
8. Clean, Effective, and Reliable Government Management.
9. Regional Government Synergy within the Framework of the Unitary State.

And the 7 (seven) Development Agendas 2020-2024, are:

1. Economic Resilience.
2. Regional Development.
3. Quality and Competitive Human Resources.
4. Mentality Revolution and Culture Development.
5. Infrastructure Strengthening.
6. Environment Development.
7. Legal Political Stability and Public Transparency.

Referring to the third mission and the second development agenda, regional development is directed to overcome the problem of regional inequality. With the aim of, among others:

1. Increasing equity between the eastern and western regions of Indonesia, and between Java and other islands.
2. Increasing the competitive advantage of regional growth centers.
3. Improving the quality of governance of basic services, competitiveness, and regional independence.
4. Increasing the synergy of regional spatial use.

In practice, the implementation of regional development is then implemented with several priority regional development programs, one of which is the national program for the acceleration of development of disadvantaged regions (PPDT). It is determined that the National Program of PPDT in the 2020-2024 RPJMN has the following objectives:

1. Reducing number of disadvantaged area (regencies) in 2024 (improved 25 regencies).
2. Reducing percentage of poor people in disadvantaged areas (PPM).
3. Increasing Average HDI in disadvantaged areas Human Development Index (IPM).

As an effort to achieve the PPDT targets as referred to in the RPJMN 2020-2024, the STRANAS-PPDT 2020-2024 is the roadmap which is described from the 2020-2024 RPJMN and then used as a guideline by relevant ministries/agencies and local governments (regional of the provincial government and regional of the regency government) in the implementation of PPDT.² With regard to the implementation of PPDT by local governments, it refers to the provisions of Article 262 paragraph (2) of Law Number 23 of 2014 concerning Regional Government as has been amended several times, most recently by Law Number 11 of 2020 concerning Job Creation (UU Pemd), it is stated that the Regional development plan pays attention to PPDT, then in the elucidation to UU Pemd it is further stated that the regional government is obliged to guide the national program PPDT.

Based on this, the issuance of the Perpres STRANAS-PPDT 2020-2024 as a manifestation of the implementation of the national program PPDT, has legal implications for regional governments, especially for

² Dennis Shoosmith, Nathan Franklin, and Rachmat Hidayat, "Decentralised Governance in Indonesia's Disadvantaged Regions: A Critique of the Underperforming Model of Local Governance in Eastern Indonesia," *Journal of Current Southeast Asian Affairs* 39, no. 3 (2020): 359-80, <https://doi.org/10.1177/1868103420963140>. p. 366.

provincial governments to pay attention to the PPDT national program in their regional development plans in accordance with the provisions of Article 262 paragraph (2) UU Pemd. Based on this background description, this article will conduct a legal analysis regarding the implications of the stipulation of the Presidential Regulation Number 105 of 2021 on National Strategic of the Acceleration of Development of Disadvantaged Regions 2020-2024 for the provincial government and the role of the Government in facilitating the preparation of PPDT planning by the provincial government.

This research uses normative legal research method. This method aims to find principles or doctrines of positive law (*ius constitutum*). This type of research is generally known as dogmatic study or commonly known as doctrinal research or normative legal research. Types and sources of law materials, such as primary legal materials, and secondary legal materials. While the method collecting legal material is identifying and/or explore relevant laws and regulations, and then analyze the data using by statute approach and the result is presented in analytical form descriptive or prescriptive analysis.³

The primary legal materials in this study include:

- a. The Constitution of the Republic Indonesia 1945;
- b. Law Number 25 of 2004 concerning National Development Planning System;
- c. Law Number 17 of 2007 concerning the National Long-Term Development Plan for 2005-2025;
- d. Law Number 12 of 2011 concerning the Regulation Making;

³ Ervina Dwi Indriati, Sary ana, and Nunung Nugroho, "Philosophy Of Law And The Development Of Law As A Normative Legal Science," *International Journal of Educational Research & Social Sciences* 3, no. 1 (February 2022): 314-21, <https://doi.org/10.51601/IJERSC.V3I1.293>. p. 316.

- e. Law Number 23 of 2014 concerning Regional Government as has been amended several times, most recently by Law Number 11 of 2020 concerning Job Creation;
- f. Government Regulation Number 78 of 2014 concerning Acceleration of Development of Disadvantaged Regions;
- g. Government Regulation Number 19 of 2022 concerning Deconcentration and Assistance;
- h. Presidential Regulation Number 18 of 2020 concerning the 2020-2024 National Mid-Term Development Plan;
- i. Presidential Regulation Number 85 of 2020 concerning the Ministry of Village, Development of Disadvantaged Regions, and Transmigration;
- j. Presidential Regulation Number 105 of 2021 concerning the National Strategy of the Acceleration of Development of Disadvantaged Regions 2020-2024; and
- k. Regulation of the Minister of Home Affairs Number 86 of 2017 concerning Procedures for Planning, Controlling and Evaluation of Regional Development, Procedures for Evaluation of Draft Regional Regulations concerning Draft Regional Regulations concerning Regional Long-Term Development Plans and Regional Medium-Term Development Plans, as well as Procedures for Amendment to Long-Term Development Plans Regions, Regional Medium-Term Development Plans, and Regional Government Work Plans.

Meanwhile, secondary legal materials are documents other than legal products that provide additional information on primary legal materials. Secondary legal materials in this research include book literature as well as research results and scientific articles related to PPDT.

REGULATION OF THE ACCELERATION OF DEVELOPMENT OF DISADVANTAGED REGIONS

As a state based on law, in essence the rule of law is the mainstream in the administration of the state in Indonesia. The embodiment of state administration that puts its main principles on the law is what is referred to as the principle of legality (*wetmatigheid*).⁴ Where in essence it is determined that every state administrator or government equipment (*bestuursorgan*) must be guided by legal provisions in every government action (*bestuurshandeling*).⁵ One of the government instruments used by every *bestuursorgan* is a plan (*het plan*) which aims to carry out the duties and responsibilities of the Government in the field of public welfare through the implementation of national development.⁶ Meanwhile, national development is a manifestation of the state's efforts through the Government in realizing one of the state's goals, namely realizing public welfare as stated in the fourth paragraph of the opening of the Constitution of the Republic of Indonesia 1945.

Currently, national development is implemented through a national development planning system (SPPN), as regulated by Law Number 25 of 2004 concerning the National Development Planning System (UU SPPN). The context of national development planning contained therein covers the implementation of macro planning for all government functions covering all areas of life in an integrated manner and applies nationally. Substantively, the regulation of the SPPN is basically to encourage the existence of a national development planning synergy, both the planning prepared by the

⁴ W. Riawan Tjandra, *Hukum Administrasi Negara* (Jakarta: Sinar Grafika, 2018). p. 101.

⁵ W. Riawan Tjandra. p. 145.

⁶ Enny Agustina, "The Existence of Legal Protection of Citizens to Government Action in Making Decision of State Administrative," *SHS Web of Conferences* 54 (2018): 03001, <https://doi.org/10.1051/SHSCONF/20185403001>. p. 4.

central government and by the regional government. So that national development programs that are designated as national priorities are in principle required to be relevant to regional development in order to synergize programs/activities to achieve national development targets and goals.⁷ This shows a consequence of the adoption of the concept of a unitary state, so that whatever is the target and target of national development must be supported and must be implemented consistently and consistently by local governments. Although in the perspective of regional autonomy regulation, regional development affairs are the authority of the regional government, however, regional governments in preparing their regional development plans must pay attention to the national programs set out in national development.

National programs prepared by the Government are then incorporated into national development planning documents based on strategic development issues covering aspects of globality, nationality, and locality and then outlined through long-term, medium-term, and short-term/annual planning schemes. Based on the stipulations in the UU SPPN, the long-term development plan (RPJPN) is stipulated by law, the medium-term development plan (RPJMN) is stipulated by a Presidential Regulation (Perpres), and the short-term/annual plan or called the government work plan (RKP) determined by Presidential Regulation.⁸ Currently, the regulation of the RPJPN refers to Law Number 17 of 2007 concerning the National Long-Term Development Plan for 2005-2025 (UU RPJPN 2005-2025). It is determined that the RPJPN 2005-2025 is a national development planning document which is a description of the objectives of the establishment of the Indonesian State Government as stated in the

⁷ Yesi Anggraini, Armen Yasir, and Zulkarnain Ridlwan, "Perbandingan Perencanaan Pembangunan Nasional Sebelum Dan Sesudah Amandemen Undang-Undang Dasar 1945," *Fiat Justisia: Jurnal Ilmu Hukum* 9, no. 1 (April 2015): 74-88, <https://doi.org/10.25041/FIATJUSTISIA.V9NO1.589>. p. 83-84.

⁸ Imam Mahdi, "Reformulasi Sistem Perencanaan Pembangunan Nasional Model Garis-Garis Besar Haluan Negara," *Al Ijarah: Jurnal Pemerintahan Dan Politik Islam* 2, no. 1 (July 2018): 1-14, <https://doi.org/10.29300/IMR.V2I1.1025>. p. 9-10.

Preamble to the 1945 Constitution of the Republic of Indonesia and then derived into the form of a vision, mission, and direction of national development for a period of 20 years starting from from 2005 to 2025. Judging from its legal status, the existence of the UU RPJPN 2005-2025 is then a guide in the formation of the RPJMN every 5 years by the President.⁹

The regulatory material of the UU RPJPN 2005-2025 contains a national development program to be implemented by the Government over a span of 20 years, from 2005 to 2025. The national development program to be implemented is then described in the Attachment of the UU RPJPN 2005-2025. In the context of realizing a more equitable and just development, one of the national development programs that will be implemented is a national program that encourages an increase in the government's alignment with developing disadvantaged and remote areas, especially those outside Java. This is intended so that these areas can grow and develop more quickly and can reduce the lagging behind in their development from other more developed areas. socio-economic, and political services and isolated from the surrounding area. Where empirically it can be seen that underdeveloped areas still have limited access to transportation that connects to relatively more developed areas, population density is still relatively small and scattered, limited resources (both natural and human resources), have not prioritized development in this area. underdeveloped areas by local governments because they do not have the potential to directly increase local revenue (PAD), and have not optimized the support of the relevant Ministries/Institutions (K/L) in providing programs or activities that can develop the region. In addition, the implementation of development in several border areas is still very far behind compared to development in neighboring countries because the development of outward-looking border areas has not been prioritized. Meanwhile, conditions in the outermost small islands are

⁹ Mahdi.

still difficult to develop because of their isolated location and difficult to reach due to limited access to transportation, besides that there are no residents or only a few inhabitants of these islands and have not been touched by services. foundation of the Government. Based on this, to encourage the realization of the welfare of the people in these underdeveloped areas, great attention and support for development is needed from the government, especially by local governments.¹⁰

To implement national programs in the context of development in underdeveloped areas and to encourage the realization of community welfare in underdeveloped areas as referred to in the Attachment of the UU RPJPN 2005-2025, according to the attribution authority possessed by the President based on Article 5 paragraph (2) of the Constitution of Republic Indonesia 1945 as well as Article 12 of Law Number 12 of 2011 concerning the Regulation Making as has been amended several times, most recently by Law Number 13 of 2022 concerning the Second Amendment of Law Number 12 of 2011 concerning the Regulation Making (UU PPP), then the President issued Government Regulation Number 78 of 2014 concerning Acceleration of Development of Disadvantaged Regions (PP PPDT). In Article 1 Number 1 PP PPDT explains that Development of Disadvantaged Regions (PDT), is a planned process, effort, and action to improve the quality of the community and region which is an integral part of national development. Furthermore, the PDT is implemented by National Program namely the Acceleration of Development of Disadvantaged Regions (PPDT). As for the meaning of PPDT is an affirmative and sharpening action in planning, funding and implementing of the PDT. Related to PPDT planning, thus the STRANAS-PPDT 2020-2024 was enacted as an effort by the

¹⁰ Saptono Jenar, "The Acceleration Development of Disadvantaged Region: On Government Affairs Perspective," *Nurani Hukum* 4, no. 2 (December 2021): 1-15, <https://doi.org/10.51825/NHK.V4I2.12214>. p. 2-3.

government to realize the implementation of PDT in the planning sector.¹¹

Normatively, STRANAS-PPDT 2020-2024 as the delegated regulation of the provisions of Article 10 paragraph (1) of PP PPDT. In practice, Perpres STRANAS-PPDT 2020-2024 is to regulate the provisions of the 5-year plan of the implementation for development of disadvantaged regions and spell out of RPJMN. Thus, substantively, STRANAS-PPDT 2020-2024 is an elaboration of the substance of the Presidential Regulation RPJMN 2020-2024. As an elaboration of the RPJMN 2020-2024 in the development of disadvantaged regions, in essence the STRANAS-PPDT 2020-2024 provides PPDT policy in national scheme directions for various programs and activities that will be implemented by the central government in the framework of PPDT as listed in the Attachment of STRANAS-PPDT 2020-2024. The attachment of the STRANAS-PPDT 2020-2024 is the commitment of the central government, which in this case is the related K/L in giving sides to the development of disadvantaged regions, which is carried out in an integrated and synergic manner. Where the K/L commitment is then concreted into the Strategy Plan (RENSTRA) document and also becomes part of the government's annual development plan as stipulated in the RKP.¹²

Referring to Presidential Regulation Number 63 of 2020 concerning the Determination of Disadvantaged Regions 2020-2024, it is stated that in the RPJMN 2020-2024 period there are 62 regencies designated as disadvantaged regions in the national scale. The determination of the 62 regencies was based on the macro indicators of the Human Development Index (IPM) and Percentage of the Poor

¹¹ Saptono Jenar and Agnes Harvelian, "Landasan Yuridis Peraturan Pemerintah Nomor 78 Tahun 2014 Tentang Percepatan Pembangunan Daerah Tertinggal Di Tinjau Dari Teori Daya Laku Hukum (Geltung)," *Iblam Law Review* 1, no. 2 (2021): 1-29, <https://doi.org/10.52249/ilr.v1i2.21>. p. 7.

¹² Saptono Jenar, "Analisis Penetapan Daerah Tertinggal Tahun 2020-2024 Dan Rencana Aksi Nasional Percepatan Pembangunan Daerah Tertinggal Tahun 2020," *Indonesia Law Reform Journal* 2, no. 1 (March 2022): 1-17, <https://doi.org/10.22219/ILREJ.V2I1.19528>. p. 3.

(PPM) in 2019. The average HDI in underdeveloped areas was 58.91 (fifty eight point ninety one), while nationally the HDI is at 71.92 (seventy one point ninety two). Meanwhile, PPM in underdeveloped areas is 25.85% (twenty five point eighty five percent), much higher than at the national level which is at 9.22% (nine point twenty two percent). Meanwhile, the number of provinces covering 62 regencies as disadvantaged regions is 11 provinces. The maps and details of disadvantaged regions as referred may be seen in Figure 1 and Table 1 below:

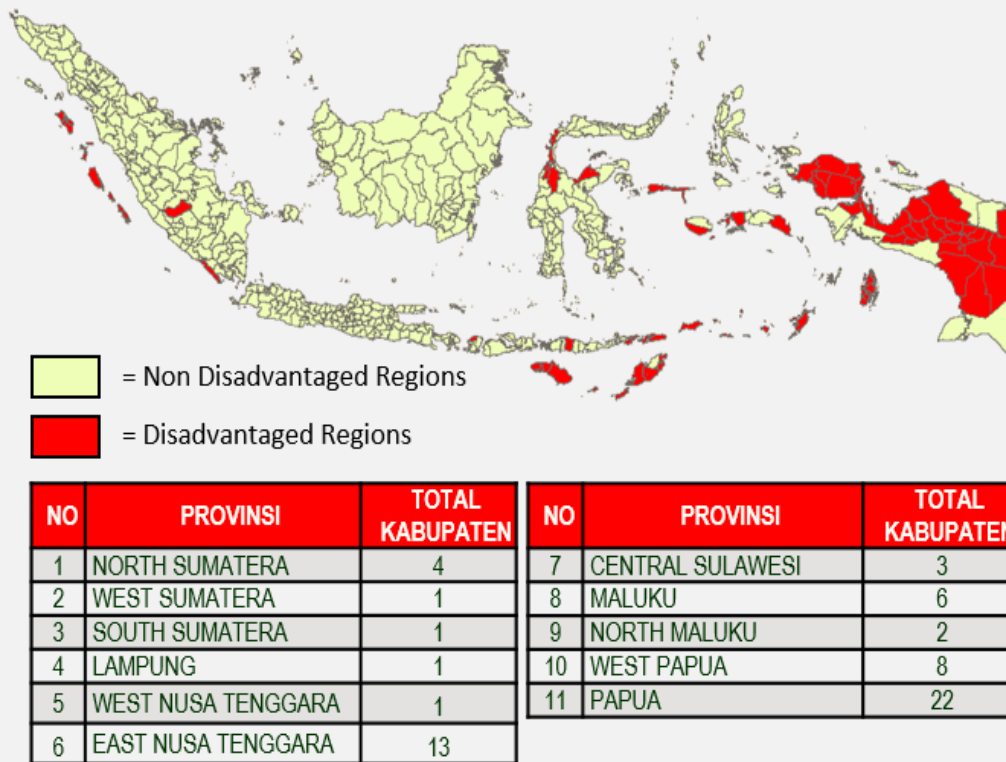


Figure 1
Disadvantaged Regions Map 2020-2024 Source: MVDDRT (2021)

NO.	REGION	PROVINCE	NO.	REGION	PROVINCE
1	Nias	North Sumatera	31	Sula Islands	North Maluku
2	South Nias	North Sumatera	32	Taliabu Island	North Maluku
3	North Nias	North Sumatera	33	Teluk Wondama	West Papua
4	West Nias	North Sumatera	34	Teluk Bintuni	West Papua
5	Mentawai Islands	West Sumatera	35	South Sorong	West Papua
6	North Musi Rawas	South Sumatera	36	Sorong	West Papua
7	West Pesisir	Lampung	37	Tambrau	West Papua
8	North Lombok	West Nusa Tenggara	38	Maybrat	West Papua
9	West Sumba	East Nusa Tenggara	39	South Manokwari	West Papua
10	East Sumba	East Nusa Tenggara	40	Arfak Mountains	West Papua
11	Kupang	East Nusa Tenggara	41	Jayawijaya	Papua
12	South Central Timor	East Nusa Tenggara	42	Nabire	Papua
13	Belu	East Nusa Tenggara	43	Paniai	Papua
14	Alor	East Nusa Tenggara	44	Puncak Jaya	Papua
15	Lembata	East Nusa Tenggara	45	Boven Digoel	Papua
16	Rote Ndao	East Nusa Tenggara	46	Mappi	Papua
17	Central Sumba	East Nusa Tenggara	47	Asmat	Papua
18	Southwest Sumba	East Nusa Tenggara	48	Yahukimo	Papua
19	East Manggarai	East Nusa Tenggara	49	Bintang Mountains	Papua
20	Sabu Raijua	East Nusa Tenggara	50	Tolikara	Papua
21	Malaka	East Nusa Tenggara	51	Keerom	Papua
22	Donggala	Central Sulawesi	52	Waropen	Papua
23	Tojo Una-una	Central Sulawesi	53	Supiori	Papua
24	Sigi	Central Sulawesi	54	Mamberamo Raya	Papua
25	Tanimbar Islands	Maluku	55	Nduga	Papua
26	Aru Islands	Maluku	56	Lanny Jaya	Papua
27	West Seram	Maluku	57	Central Mamberamo	Papua
28	East Seram	Maluku	58	Yalimo	Papua
29	Southwest Maluku	Maluku	59	Puncak	Papua
30	South Buru	Maluku	60	Dogiyai	Papua
			61	Intan Jaya	Papua
			62	Deiyai	Papua

Table 1
List of 62 Disadvantaged Regions Based on Each Province¹³

¹³ Source: Presidential Regulation Number 63 of 2020 concerning the Determination of Disadvantaged Regions 2020-2024

IMPLICATION OF THE STRANAS-PPDT 2020-2024 FOR THE PROVINCIAL GOVERNMENT

To find out the essence of this research, the first focus is to find the implications of the STRANAS-PPDT 2020-2024 for the provincial government (especially the provincial government which has disadvantaged regions in its territory). In the context of this research, the meaning of the legal implications intended is how the involvement of the provincial government after the issuance of the STRANAS-PPDT 2020-2024. As for the implementation of the national program to accelerate development of disadvantaged regions at the regional level, there are 11 provincial governments that have underdeveloped regencies in their territory. In accordance with the mandate of Article 262 paragraph (2) of the UU Pemda, it is determined that regional development plans (in this context, namely provincial and regency regions) pay attention to PPDT, where local governments are required to guide the national program of PPDT.

In line with the provisions referred to in the UU Pemda, it can be understood that 11 provincial government that have disadvantaged regions in their territory are in principle obliged to guide the national program of PPDT as regulated in the RPJMN. To implement these provisions, based on RPJMN 2020-2024 jo Article 8 paragraph (1) PP PPDT it is determined that PPDT planning at the regional level is part of the Regional Medium-Term Development Plan (RPJMD) and Provincial Government Work Plan (RKPD). Referring to the provisions of Article 8 paragraph (2) PP PPDT it is stated that the PPDT Planning at the provincial level is prepared by the Provincial Government through a consultation process with the Government. Then it is determined in Article 12 that the PPDT planning at the provincial level consists of the Regional Strategy for the Acceleration of Development of Disadvantaged Regions (Provincial STRADA-PPDT) and the Regional Action Plan for the Acceleration of Development of Disadvantaged Regions (Provincial

RAD-PPDT). It is explained in Article 13 PP PPDT that substantively the Provincial STRADA-PPDT is an elaboration of the Provincial RPJMD and takes into account the STRANAS-PPDT which is stipulated every 5 (five) years by the Governor (See In Figure 2). Understanding the provisions as referred to in Article 13 of the PP PPDT, in order to integrate PPDT planning into the provincial RPJMD, the provincial government is obliged to prepare STRADA-PPDT. In addition, to provide legal certainty to the Provincial STRADA-PPDT, the Governor stipulates the Provincial STRADA-PPDT with a legal instrument in the form of Regulation of Governor. As for the content of the Regulation of Governor, in principle it must pay attention to or guide the material content of STRANAS-PPDT.

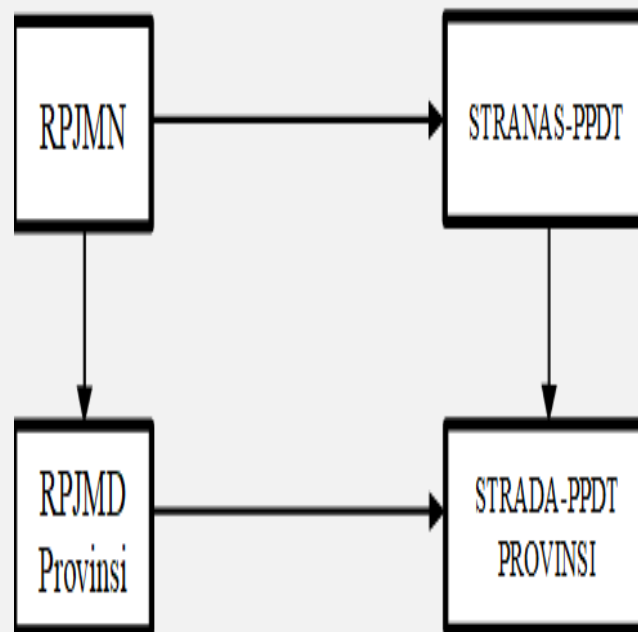


Figure 2
The linkage STRANAS-PPDT and Provincial STRADA-PPDT
Source: Ditjen PPDT (2021)

NO.	PROVINCE	DETERMINATION OF RPJMD	NO.	PROVINCE	DETERMINATION OF RPJMD
1.	North Sumatera	Regional Regulation of the Province of North Sumatera Number 5 of 2019 on the Regional Medium-Term Development Plan of the Province of North Sumatera 2019-2023			Plan of the Province of East Nusa Tenggara 2018-2023
2.	West Sumatera	Regional Regulation of the Province of West Sumatera Number 6 of 2021 on the Regional Medium-Term Development Plan of the Province of West Sumatera 2021-2026	7.	Central Sulawesi	Regional Regulation of the Province of Central Sulawesi Number 13 of 2021 on the Regional Medium-Term Development Plan of the Province of Central Sulawesi 2021-2026
3.	South Sumatera	Regional Regulation of the Province of South Sumatera Number 1 of 2019 on the Regional Medium-Term Development Plan of the Province of South Sumatera 2019-2023	8.	Maluku	Regional Regulation of the Province of Maluku Number 1 of 2020 on the Regional Medium-Term Development Plan of the Province of Maluku 2019-2024
4.	Lampung	Regional Regulation of the Province of Lampung Number 13 of 2019 on the Regional Medium-Term Development Plan of the Province of Lampung 2019-2024	9.	North Maluku	Regional Regulation of the Province of North Maluku Number 7 of 2020 on the Regional Medium-Term Development Plan of the Province of North Maluku 2020-2024
5.	West Nusa Tenggara	Regional Regulation of the Province of West Nusa Tenggara Number 2 of 2021 on the Amendment to Regional Regulation of the Province of West Nusa Tenggara Number 1 of 2019 on the Regional Medium-Term Development Plan of the Province of West Nusa Tenggara 2019-2023	10.	Papua	Regional Regulation of the Province of Papua Number 3 of 2019 on the Regional Medium-Term Development Plan of the Province of Papua 2019-2023
6.	East Nusa Tenggara	Regional Regulation of the Province of East Nusa Tenggara Number 4 of 2019 on the Regional Medium-Term Development	11.	West Papua	Regional Regulation of the Province of West Papua Number 3 of 2017 on the Regional Medium-Term Development Plan of the Province of Papua 2017-2022

Tabel 2.0 List of Determination of Provincial RPJMD

Source: Processed Data

In accordance with the provisions of Article 19 paragraph (3) of the UU SPPN jo Article 264 paragraph (1) of the UU Penda, it is determined that the RPJMD is stipulated by a Regional Regulation. Table 2 above is a list of 11 provincial RPJMDs as well as regional regulations that stipulate the provincial RPJM documents. In fact, the Provincial RPJMD documents in the 11 provinces mentioned above have been determined before the issuance of the STRANAS-PPDT. In addition, due to differences in the timing of regional head elections from one another, the period of the Provincial RPJMD differs from one another. This has resulted in the need for government efforts to identify and analyze the contents of the 11 Provincial RPJMDs.

The consequence of the existence of a norm in the PP PPDT which states that the Provincial STRADA-PPDT is an elaboration of the Provincial RPJMD and paying attention to the STRANAS-PPDT has implications for the need for adjustments to the content material that will be set forth in the Provincial STRADA-PPDT 2020-2024 against the Provincial RPJMD and adjusts it to the material content on STRANAS-PPDT 2020-2024 to provide legal certainty. Because, the importance of legal certainty in compiling the content material of the Provincial STRADA-PPDT 2020-2024, it is mandatory to guide the content of the Perpres STRANAS-PPDT 2020-2024 which was formed after the publication of the respective Provincial RPJMD. So that in providing legal certainty, the process of preparing the Provincial STRADA-PPDT document must be consulted with the government.

Technically, the preparation of the Provincial STRADA-PPDT is also regulated more operationally into the Regulation of the Minister of Home Affairs Number 86 of 2017 concerning Procedures for Planning, Controlling and Evaluation of Regional Development, Procedures for Evaluation of Draft Regional Regulations concerning Draft Regional Regulations concerning Regional Long-Term Development Plans and Plans Regional Medium-Term Development, and Procedures for Amendment to Regional Long-Term Development Plans, Regional Medium-Term Development Plans,

and Regional Government Work Plans (Permendagri). The Permendagri is an implementing regulation (*verordnung*) of Article 277 of the UU Pemda. In Form E.3 Attachment of the Permendagri, it is determined that the action program for disadvantaged, frontier, outermost, and post-conflict regions is defined as one of the components in Policy Control and Evaluation of the Medium Term Development Planning of the Provinces. So that the Provincial STRADA-PPDT as a form of action program for disadvantaged regions is one of the important things that must be prepared by provinces that have disadvantaged regencies in their territory.

The existence of the Provincial STRADA-PPDT document is a PPDT planning document at the provincial level which becomes a guideline in the implementation of PPDT by the provincial government. As the implementation of general government affairs, the Governor monitors and evaluates the level of achievement of the Provincial STRADA-PPDT, and Regency STRADA-PPDT in his area and the results of the monitoring and evaluation of the level of achievement of the Provincial STRADA-PPDT, and Regency STRADA-PPDT in his area then reported to the Minister who administers government affairs in the development of disadvantaged regions.

Cumulatively, the Minister who carries out government affairs in the development of disadvantaged regions then reports on the achievements of the entire implementation of STRANAS-PPDT, Provincial STRADA-PPDT, and Regency STRADA-PPDT. The mechanism refers to the provisions of Article 31 PP PPDT and is in accordance with the mechanism for implementing general government affairs as regulated in Article 25 paragraph (1) letter g of the UU Pemda.

THE GOVERNMENT'S ROLE IN FACILITATING THE PREPARATION OF PROVINCIAL STRADA-PPDT

To support the formation of the preparation of the Provincial STRADA-PPDT in 11 provinces that have disadvantaged regions in their area, certain treatments are needed in their preparation. Referring to the provisions of Article 9 of the Perpres STRANAS-PPDT 2020-2024 which stipulates that the Minister who carries out government affairs in the development of disadvantaged regions facilitates the preparation of the Provincial STRADA-PPDT and Regency STRADA-PPDT. The form of facilitation is carried out in coordination with the minister who organizes government affairs in the field of national development planning and the minister who organizes domestic government affairs.

With regard to the implementation of the facilitation, referring to the provisions regulated in Article 22 of PP PPDT which states that the Minister who carries out government affairs in the development of disadvantaged regions coordinates the management of PPDT at the national level with ministers/heads of institutions, Provincial Governments, and Regency Governments. In the context of coordinating the management of PPDT at the provincial level in terms of facilitating the preparation of the Provincial STRADA-PPDT, then based on the provisions of Article 24 letter a PP PPDT it is determined that the Minister who carries out government affairs in the development of disadvantaged regions shall stipulate guidelines for PPDT Planning for provinces and regencies.¹⁴

Referring to the provisions of Article 4 of Presidential Regulation Number 85 of 2020 concerning the Ministry of Village,

¹⁴ Saptono Jenar, "Politik Hukum Pembentukan Urusan Pemerintahan Pembangunan Daerah Tertinggal Dalam Penyelenggaraan Pembangunan Nasional," *Justitia et Pax* 38, no. 1 (June 2022), <https://doi.org/10.24002/JEP.V38I1.5066>. p. 196.

Development of Disadvantaged Regions, and Transmigration (Perpres Kemendesa PDTT) states that the Ministry of Village, Development of Disadvantaged Regions, and Transmigration has the task of carrying out government affairs in the field of village and rural development, empowerment rural communities, acceleration of development of disadvantaged regions, and transmigration to assist the President in administering state government. It was further determined that in carrying out these tasks, the Ministry of Village, Development of Disadvantaged Regions, and Transmigration carried out the following functions:

- a. formulation, determination, and implementation of policies in the field of rural and rural development, economic development and investment in village, disadvantaged regions, and transmigration, development of transmigration areas, as well as harmonizing the acceleration of development of disadvantaged regions;
- b. coordinating the implementation of tasks, fostering, and providing administrative support to all organizational elements within the Ministry of Village, Development of Disadvantaged Regions, and Transmigration;
- c. management of state property/wealth which is their responsibility;
- d. supervision of the implementation of tasks within the Ministry of Village, Development of Disadvantaged Regions, and Transmigration;
- e. implementation of technical guidance and supervision of the implementation of the affairs of the Ministry of Village, Development of Disadvantaged Regions, and Transmigration in the regions;
- f. implementation of policy development and competitiveness, preparation of integrated development plans, and management of data and information in the field of rural and rural development, disadvantaged regions, and transmigration;
- g. implementation of human resource development and empowerment of rural communities, disadvantaged regions, and transmigration; and

- h. implementation of substantive support to all organizational elements within the Ministry of Village, Development of Disadvantaged Regions, and Transmigration.

Referring the provisions in the Perpres Kemendesa PDTT, in principle the Minister who carries out government affairs in the development of disadvantaged regions is the Minister of Village, Development of Disadvantaged Regions, and Transmigration. Furthermore, to provide legal certainty in the implementation of facilitation in the preparation of the Provincial STRADA-PPDT, the Minister of Village, Development of Disadvantaged Regions, and Transmigration needs to stipulate guidelines of PPDT Planning for the province. This is certainly highly needed by the 11 provinces as reference material in the formation of the Governor Regulation that regulates the Provincial STRADA-PPDT. The problem that arises at this time is the Regulation of the Minister of Village, Development of Disadvantaged Regions, and Transmigration has not yet been established regarding guidelines for the preparation of PPDT planning at the provincial level. So that this can be a problem in the preparation of the Provincial STRADA-PPDT both in terms of adjusting the content material of the Provincial STRADA-PPDT with the Provincial RPJMD and with the STRANAS-PPDT 2020-2024.

The implication of *rechtsvacuum* the Regulation of the Minister of Village, Development of Disadvantaged Regions, and Transmigration regarding guidelines for the preparation of PPDT planning at the provincial level, it is potentially impossible to facilitate the preparation of the Provincial STRADA-PPDT in accordance with the provisions of Article 24 letter a PP PPDT jo provisions of Article 9 of the Perpres STRANAS-PPDT 2020-2024. Thus, there is an urgency to immediately form the Minister of Village, Development of Disadvantaged Regions, and Transmigration concerning guidelines for the preparation of PPDT planning at the provincial level as a legal basis in the implementation of facilitation for the preparation of the Provincial STRADA-PPDT 2020-2024.

CONCLUSION

Based on the discussion above, it is concluded that the issuance of Presidential Regulation Number 105 of 2021 concerning National Strategic of the Acceleration of Development of Disadvantaged Regions 2020-2024 has implications for 11 provincial governments that have disadvantaged regions to formulate and stipulate Governor Regulation concerning Regional Strategy of the Acceleration of Development of Disadvantaged Regions (Provincial STRADA-PPDT) in accordance with the provisions of Article 8 paragraph (3) of Government Regulation Number 78 of 2014 concerning Acceleration of Development of Disadvantaged Regions jo Article 4 paragraph (2) Presidential Regulation Number 105 of 2021 concerning National Strategic of the Acceleration of Development of Disadvantaged Regions 2020-2024.

In the preparation of the Governor Regulation concerning Provincial STRADA-PPDT 2020-2024, the material content of the Provincial STRADA-PPDT is the elaboration of each Provincial Medium-Term Development Plan (Provincial RPJMD) and guides the STRANAS-PPDT 2020-2024 as regulated in the provisions of Article 262 paragraph (2) of Law Number 23 of 2014 concerning Regional Government as amended several times, most recently by Law Number 11 of 2020 concerning Job Creation jo the Regulation of the Minister of Home Affairs Number 86 of 2017 concerning Procedures for Planning, Control and Evaluation of Regional Development, Procedures for Evaluation of Draft Regional Regulations concerning Draft Regional Regulations Regarding Regional Long-Term Development Plans and Regional Medium-Term Development Plans, as well as Procedures for Amendment to Regional Long-Term Development Plans, Regional Medium-Term Development Plans, and Regional Government Work Plans. In order to prepare the Provincial STRADA-PPDT 2020-2024, the Government through the Minister of Village, Development of Disadvantaged Regions, and

Transmigration coordinates with the minister of the national development planning and the minister of the home affairs in order to facilitate the implementation of the preparation of the Provincial STRADA-PPDT 2020-2024. In addition, to provide guidance to the provincial government in the preparation of the provincial STRADA-PPDT 2020-2024, the Minister of Village, Development of Disadvantaged Regions, and Transmigration needs to establish guidelines of PPDT Planning for the provincial governments.

Through the results of the research, the authors suggest that the Ministry of Village, Development of Disadvantaged Regions, and Transmigration immediately issue a Regulation of the Minister of Village, Development of Disadvantaged Regions, and Transmigration concerning guidelines for preparing PPDT planning at the provincial level as a guide for provincial local governments in the preparation of the Provincial STRADA-PPDT as well as the legal basis for the implementation of facilitation for the preparation of Provincial STRADA-PPDT 2020-2024. The material content in the Regulation of the Minister of Village, Development of Disadvantaged Regions, and Transmigration concerning guidelines for the preparation of PPDT planning at the provincial level is to be coordinated with the minister of the national development planning and the minister of the home affairs.

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