

## RESOLUTION OF INTER-DISTRICT/CITY BOUNDARY DISPUTES IN INDONESIA (STUDY ON CONSTITUTIONAL COURT DECISION NUMBER 71-PS/PUU-XXI/2023)

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### ABSTRACT

*This research discusses the regulation and process of resolving discrepancies in using Protected Rice Fields (PRF) by Indonesian laws and regulations. PRF has an important role in protecting strategic food resources and maintaining national food security. This research aims to analyze the regulatory framework governing PRF and identify challenges in the resolution process, as well as present steps that can be taken to improve PRF management. This research uses a normative research approach with an analysis of applicable regulations and procedures related to PRF in Indonesia. The research results highlight the need for increased coordination between central and regional governments in determining and monitoring PRF, strict law enforcement, regular updating of PRF data, outreach to the community, providing incentives to farmers, and increasing investment in agricultural infrastructure. These steps are expected to increase the effectiveness of PRF management, which will ultimately support national food security and farmer welfare.*

### KEYWORDS

*Protected Rice Fields (PRF), PRF Arrangement, PRF Settlement*



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### INTRODUCTION

As a democratic country based on law, Indonesia seeks to realize the welfare of the people through various regulations, including regional autonomy, to achieve optimal government services (Qibtiyah & Muafifah, 2019). Autonomy in the narrow sense means independent, while in the broad sense means empowered, so that regional autonomy is the independence of the region in making decisions about its interests, including the authority of local government and the division of territory (Zainudin et al., 2023). In Indonesia, regional expansion occurs when a region is deemed more empowered if it is separated from the existing regional government and formed into a new administrative administration (Djatmiati & Sujatmoko, 2022).

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Regional expansion involves the transfer of power from the old to the new government, often leading to conflicts over boundary demarcation (Marpaung & IGKAR, 2015). Regional expansion is often criticized because the old region feels economically disadvantaged, while the new region wants to manage the potential area, triggering conflict and debate in various circles.

Sidik Pramono stated that in 2005 there were 148 new autonomous regions (7 Provinces, 114 Regencies, and 27 Cities) formed from 1999-2004, the Ministry of Home Affairs conducted an evaluation of 2 Provinces, 40 Regencies, and 15 Cities. The result was that 79% of the new regions did not have clear boundaries. Syamsudin Haris said that as a result of regional expansion, horizontal conflicts have arisen, ranging from natural resource management issues to boundary issues both between districts/cities and between provinces (Simbolon, 2021).

The resolution of the problem of regional expansion must be based on juridical aspects, in accordance with Law No. 32/2004, which states that the formation of new regions must be stipulated by law (Listiyani & Said, 2018). Article 4 Paragraph (2) of the Regional Establishment Law includes name, region, boundaries, capital city, authority, regional head, DPRD, staffing, funding, equipment, documents, and regional devices. The settlement of territorial disputes in the formation of new autonomous regions is carried out by the Constitutional Court in accordance with Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Article 24 paragraph (2) of the 1945 Constitution states that the Constitutional Court is part of the judicial power, so that in resolving border disputes between regions, the Constitutional Court examines the law against the 1945 Constitution in accordance with Law Number 24 Year 2003.

The Constitutional Court's authority to review laws against the 1945 Constitution strengthens the balance between the political decisions of the DPR and the legal decisions of the Constitutional Court, which allows the annulment of laws that are contrary to basic law even though they have been democratically approved by the DPR (Mahfud, 2010). As of 2014, the Constitutional Court has issued 9 decisions related to the examination of laws on the establishment of autonomous regions in the settlement of regional border disputes, with 5 decisions rejecting the petition, 2 decisions rejecting, 1 decision granting in full, and 1 decision granting in part.

In writing this thesis, the author focuses on the territorial boundary dispute that occurred between Lebong Regency and North Bengkulu Regency. The applicant feels aggrieved because of the provisions in the regulation referred to as the Norm Provisions for the Establishment of North Bengkulu Regency as follows:

1. Article 1 Number 10 and Letter A General Explanation Number II About the Development of Old Autonomous Regions in South Sumatra Section letter b about Regency Sub Section 1 Number 10 Law Number 28 of 1959 concerning the Stipulation of Emergency Law No. 4 of 1956 (State Gazette 1956 No. 55)
2. Emergency Law No. 5 of 1956 (State Gazette of 1956 No. 56)
3. Emergency Law No. 6 of 1956 (State Gazette of 1956 No. 57) Concerning the Establishment of Level II Regions, Including Kotapraja, Within the Environment of Level I Region of South Sumatra, as an Act (State Gazette of

the Republic of Indonesia of 1959 Number 73, Supplement to State Gazette of the Republic of Indonesia Number 1821)

The applicants' argument highlighting the unclear scope and boundaries of the North Bengkulu Regional Government refers to Article 1.10 which sets out the area with the exception of the area of Bengkulu Township, as referred to in the Decree of the Military Governor of the Special Military Region of South Sumatra dated 2 February 1950. The applicants feel aggrieved that this lack of clarity has allowed the release of their territories into the administrative area of North Bengkulu Regency, such as Kecamatan Padang Bano and some village areas in 6 other kecamatan. The release of these areas is supported by Minister of Home Affairs Regulation No. 20/2015 on the Regional Boundaries of North Bengkulu Regency with Lebong Regency, Bengkulu Province. The research also highlighted legislation related to regional boundaries, such as Minister of Home Affairs Regulation No. 1/2006 and Minister of Home Affairs Regulation No. 76/2012, which give the governor the authority to resolve regional boundary conflicts, as well as Minister of Home Affairs Regulation No. 141/2012 on the affirmation of regional boundaries, which provides guidelines and time limits for resolving such conflicts. The determination of clear regional boundaries is important to maintain legal certainty in regional government administration.

The applicant asserted that the dispute was not only about the affirmation of regional boundaries as a result of the Permendagri, but also about the scope of the territory between the two regions, asking the Court to examine the harm caused by the legal uncertainty in the Provisions for the Establishment of North Bengkulu Regency that allowed the loss of part of their territory. The argument is based on several points, including that the boundary dispute focuses on the coordinate points of the regional boundary according to Permendagri No. 141/2017, while the area coverage dispute questions the law on the establishment of Regional Government. Furthermore, boundary affirmation disputes can be resolved by improving the Permendagri on the disputed boundaries, while area coverage disputes require improving the law on regional formation. Without clarification in the law, legal uncertainty will continue, increasing the risk of disputes related to area coverage.

The dispute between the Applicant and North Bengkulu Regency was protracted because, although Permendagri No. 20/2015 had been issued to establish the regional boundary, the crux of the dispute was the coverage of the two regions. The Applicant lost Padang Bano Sub-district and parts of 18 villages, turning the dispute into an issue of territorial coverage, which is within the authority of the Constitutional Court as it is regulated in law. The lack of clarity on coverage and boundaries in the law establishing North Bengkulu Regency makes it difficult to test the issue in the Supreme Court of Indonesia, potentially leading to unfair judgment and a violation of the principle of *audi alteram partem*. The objection from the applicant, namely the regional government of Lebong Regency, is based on the following arguments:

1. The Applicant outlined the agreement to confirm the boundaries between North Bengkulu Regency and Lebong Regency as outlined in the Memorandum of Agreement dated February 5, 2007, but asserted that the

agreement was not final because the Applicant had withdrawn the agreement and requested a review to the Governor of Bengkulu Province due to various issues that had not received a response.

2. The Chairman of the Lebong Regency DPRD lodged an objection to the Governor of Bengkulu Province regarding the unbalanced attendance at the boundary discussion meeting, as well as the difference in the contents of point 5 of the agreement conveyed verbally with the contents of point 5 listed in the signed printout.
3. The Regent of Lebong Regency filed an objection to the Governor of Bengkulu regarding the imbalance in the presence of the North Bengkulu Regency Government, which brought all the Departments and technical agencies in the discussion of the agreement, as well as the difference in the contents of point 5 of the agreement between those displayed on the infocus screen and those listed on the printout sheet, which led to the allegation that the North Bengkulu Regency Government wanted to win alone without paying attention to input from the community and the Lebong Regency Government.

Although the Governor of Bengkulu Province did not respond to the objection, the letters of objection from the Chairman of the DPRD and the Regent of Lebong Regency demonstrate the consistency of the Applicant's position in not agreeing to the affirmation of the regional boundary with North Bengkulu Regency, even after the issuance of Permendagri No. 20/2015. The Applicant continued its objection by sending an Objection Letter to the Governor of Bengkulu through the Regent of Lebong Regency on April 02, 2015, which emphasized several points of the Applicant's objection, including:

1. In point 5 a and b of the letter, the Applicant asserts that there was an earlier agreement between North Bengkulu Regency and Rejang Lebong Regency (the Applicant's parent regency) dated April 09, 2002, which included reconstruction or tracking of boundaries and installation of boundary markers along 35 km, but the agreement was never implemented in the field.
2. In point 6 of the letter, the Applicant asserts that the map on which North Bengkulu Regency relies to determine the boundary with Lebong Regency is inaccurate, as the map, which was created by the Dutch War Office in 1927 and published in 1945, does not show the exact boundary on the ground between the two regencies because it was created for the purposes of war strategy, not for the purposes of administrative boundaries.
3. In point 9 of the letter, the Applicant reiterated the imbalance in attendance at the meeting to discuss the 2007 agreement and the difference in the content of point 5 of the agreement between what was displayed and what was printed.
4. In point 11 of the letter, the Applicant asserts that the letter of objection and withdrawal of the agreement dated February 5, 2007, submitted through the Chairman of the DPRD and the Regent of Lebong Regency to the Governor of Bengkulu Province, never received a response.

5. In point 15 letter a of the letter, the Applicant asserts that the issuance of Permendagri No. 20/2015 has changed the distance of community services, including changes in the distance of Kecamatan Padang Bano which is now only 13.86 km from the capital of Lebong Regency, while it is 29 km from the capital of North Bengkulu Regency.

In the petition, the Applicant added a Written Statement from the Former Regent of Lebong Regency, Drs. H. Dalhadi Umar, B.Sc, dated 4 August 2023, acknowledging the mistake of signing the Memorandum of Agreement dated 5 February 2007 and reaffirming the points of objection, and was ready to testify as a witness of fact at the Constitutional Court trial. The consistency of the Applicant's rejection of the Memorandum of Agreement, which became the basis for the issuance of Permendagri No. 20/2015, as evidenced by the facts and continued rejection, strengthened the Applicant's legal interest in filing the petition. In addition, the Memorandum of Agreement could not confirm the Applicant's right to the Padang Bano Sub-district area, because:

- a) There is a statement letter from 7 village heads in the administrative area of North Bengkulu Regency recognizing the Padang Bano area as part of the Applicant's administrative area;
- b) The Padang Bano area was reviewed in the 2002 agreement as part of the Upper Lebong Sub-district, so when the sub-district was handed over to the Applicant through expansion, the Padang Bano area also belonged to the Applicant;
- c) communities in the Padang Bano area and parts of 18 villages in six other kecamatan in the 2009 and 2014 general elections were included in the Electoral District of Lebong Regency, not North Bengkulu Regency.

The legal uncertainty in the Norms Provisions of the Formation of North Bengkulu Regency, the Applicant suffered a factual loss in the form of the release of part of the coverage of the Applicant's area, namely 1 (one) Padang Bano Sub-district for all parts of its territory, along with part of the territory of 18 (eighteen) Villages spread across 6 (six) Applicant Sub-districts as follows:

**Table 1. The Applicant's Territory Legitimized as Part of North Bengkulu Regency**

No.	Subdistrict Name	Extent of Territory Taken
1	Padang Bano Sub-district	100% (one hundred percent) of the sub-district area was captured.
2	Kecamatan Pinang Belapis	Part of the Village area from 7 (seven) Village area taken namely: 1. Pinang Belapis Village 2. Sungai Lisai Village 3. Ketenong Village I 4. Ketenong II Village 5. Ketenong Jaya Village

		6. Saweak Mine Village 7. Bioa Putiak Village
3	District of North Lebong	Part of the Village area from 1 (one) Village area was taken, namely: Ladang Palembang Village.
4	Tubei Sub-district	Some of the village areas of the 3 (three) village areas were taken, namely: 1. Gunung Alam Village 2. Sukau Village Come 3. Tik Teleu Village
5	District of Central Lebong	Some village areas from 4 (four) village areas were taken, namely: 1. Tanjung Bungai Village 1 2. Semelako III Village 3. Upper Semelako Village 4. Lake Liang Village
6	Kecamatan Lebong Atas	Part of the Village area of 1 (one) Terambil Village area, namely: Tik Village Cliffs.
7	South Lebong Sub-district	Some village areas of 2 (two) village areas were taken, namely: 1. Test Village 2. Mangkurajo Village

Source: Presentation at the hearing.

The list of Sub-Districts of Lebong Regency Expansion includes 13 sub-districts, including Padang Bano, Rimbo Pengadang, Topos, South Lebong, Bingin Kuning, Central Lebong, Lebong Sakti, Upper Lebong, Pelabai (Tubei), North Lebong, Amen, Uram Jaya, and Pinang Belapis. The applicant felt aggrieved by the Norms Provisions of the Formation of North Bengkulu Regency, which caused the loss of the Padang Bano Sub-district area and part of the area of 18 villages in 6 other sub-districts. In the context of the Act Establishing North Bengkulu Regency, clarity regarding the scope and boundaries of its territory is difficult to find by the Applicant, so that the claim of the Regional Government of North Bengkulu Regency to part of the Applicant's territory is not based on clear law, causing legal uncertainty where each Regional Government refers to its respective formation law.

In addition to the loss of rights, powers and obligations as an autonomous region in the area taken, the Applicant also suffered other losses as follows:

1. Factual loss because the assets in the area were damaged and abandoned. The total assets of the Applicant mentioned above amounted to Rp17,339,139,650 (seventeen billion three hundred thirty nine million one hundred thirty nine six hundred fifty rupiah). All of them are still located in the ex-District of Padang Bano and all of them are abandoned.

2. Through Lebong Regency Regional Regulation No. 14/2012 concerning the Lebong Regency Regional Spatial Plan, the Applicant has prioritized the development of Padang Bano Sub-district for Plantation Cultivation, but lost the opportunity to implement these development priorities after losing the Padang Bano Sub-district area.
3. The loss of these areas also had an impact on the cultural aspects of the Applicant, because Lebong Regency has customs, dialects, folklore, and typical dances that are not owned by North Bengkulu Regency, so that the loss of the Padang Bano Sub-district area made the Applicant unable to protect, foster, and develop the culture of the Lebong people in that area.

Based on the arguments presented by the applicant, in this case the Lebong Regency government, the provisions of the Norms and Test Stones requested are in the regulations:

1. Provisions of Article 1 Number 10 and Letter A of General Explanation Number II About the Development of Old Autonomous Regions in South Sumatra Section letter b about Regency Sub Section 1 Number 10 of Law Number 28 of 1959 concerning the Stipulation of Emergency Law No. 4 of 1956 (State Gazette of 1956 No. 55), Emergency Law no. 5 of 1956 (State Gazette of 1956 No. 56) and Emergency Law No. 6 of 1956 (State Gazette of 1956 No. 57) concerning the Establishment of Level II Regions, Including Kotapraja, within the Environment of Level I Region of South Sumatra, as an Act (State Gazette of the Republic of Indonesia of 1959 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 1821):
2. Provisions of the 1945 Constitution of the Republic of Indonesia on the rules:
  - a. Provisions of Article 18 paragraph (1), paragraph (2), paragraph (5)
  - b. Provisions of Article 25A
  - c. Provisions of Article 28C paragraph (1) and paragraph (2)
  - d. Provisions of Article 28D paragraph (1)
  - e. Provisions of Article 28I paragraph (3)
  - f. Provisions of Article 32 paragraph (1)
  - g. Provisions of Article 32 paragraph (1)

The Applicant believes that the statutory provisions submitted for review are contrary to the 1945 Constitution of the Republic of Indonesia and do not have binding legal force, with the main reason being that the Legislation Establishing North Bengkulu Regency does not regulate the scope of administrative areas and clear boundaries, causing multiple interpretations and legal uncertainty. This is based on Article 1 paragraph (1) of the 1945 Constitution, which establishes Indonesia as a unitary state in the form of a Republic, with regional governments as an integral part of a democratic system. However, the Law Establishing North Bengkulu Regency has not provided clarity regarding administrative boundaries, which has led to legal uncertainty, including the legitimization of unlimited government work areas, the use of sub-district expansion authority that extends

beyond other administrative areas, and potential violations of the rights of local communities to regulate their own government affairs and interests. Each of the legal uncertainties argued by the Applicant is based on the following reasons:

1. The lack of clarity regarding the scope of the administrative area and the boundaries of the Regional Government of North Bengkulu Regency in the Law Establishing North Bengkulu Regency has legitimized the exercise of the rights, powers and obligations of autonomous regions by the North Bengkulu Regional Government on an unlimited basis. This is because the establishment law does not provide clear confirmation of this. As a result, there is confusion in determining in which areas the Regional Government of North Bengkulu Regency can carry out its regional government affairs. This lack of clarity also creates difficulties in ascertaining the boundaries of the rights, powers and obligations of the autonomous region, and provides an opportunity for the Regional Government of North Bengkulu Regency to claim territory from the Applicant or other regions. Although the Applicant has a clear scope of territory in its formation law, this lack of clarity remains a source of protracted territorial disputes. It is therefore important to confirm the scope of the administrative area of the North Bengkulu Regency Regional Government in accordance with the law, taking into account the evidence of the expansion of regencies and sub-districts that the Applicant has constitutionally undertaken.
2. The lack of clarity on the scope of the administrative area and boundaries of the regional government of North Bengkulu Regency in the Law on the Establishment of North Bengkulu Regency legitimizes the use of the authority to form sub-districts without clear boundaries, thus crossing the administrative areas of other regional governments. Although the law authorizes regional governments to form sub-districts, such formation must be done by regional regulation and approval from the Minister of Home Affairs through the provincial governor. However, the regulation that only allows the expansion or merger of sub-districts suggests that the formation of sub-districts should be limited to the administrative area of the district or city itself. Therefore, clarity of territorial coverage and administrative boundaries of a regional government is important to prevent the act of forming a sub-district that crosses the administrative territory of another regional government. The territorial dispute between the Petitioner and the Regional Government of North Bengkulu Regency arises from the lack of clarity of territorial coverage and boundaries in the Act Establishing North Bengkulu Regency, which has legitimized the regional government to expand the sub-district area without regard to clear administrative boundaries, thus creating territorial conflicts that require legal certainty.
3. In the context of the Law Establishing North Bengkulu Regency, there is a lack of clarity regarding the scope of the administrative area and boundaries of the Regional Government of North Bengkulu Regency, which has led to legitimizing the Regional Government to incorporate



communities in the disputed area, particularly in Kecamatan Padang Bano and several villages in six other kecamatan, without regard to the rights of local communities to regulate and manage their customary affairs. This is contrary to the guarantees in the 1945 Constitution of the Republic of Indonesia which affirms the right of communities to develop local traditions, customs and culture. This ambiguity also deprives the Applicant of the ability to recognize and protect the rights of indigenous peoples in the region, who are culturally and linguistically distinct from the administrative area of North Bengkulu Regency. Therefore, the Court has legal grounds to declare that the provisions of the establishment law are contrary to the 1945 Constitution, especially in the context of the scope of the administrative area which includes Kecamatan Padang Bano and some other areas.

Based on the background that the author has described, the writing of this thesis will raise a theme regarding "Settlement of Inter-District / City Boundary Disputes in Indonesia (Study on the Constitutional Court Decision Number 71-PS / PUU-XXI / 2023)".

## **RESEARCH METHOD**

The research method applied is a normative juridical approach, which aims to analyze the regulations and the process of resolving non-conformity of PRF use in accordance with the legal framework in Indonesia. The research stages include the collection of legal data related to regulations governing protected paddy fields, such as legislation related to the protection of sustainable food agricultural land, as well as in-depth analysis of the provisions related to the settlement of land use incompatibilities. The data is then analyzed using a normative approach to identify weaknesses in the regulations and the settlement process. A literature study will also be involved to evaluate the contributions of previous research and formulate practical solutions based on the findings. The final step is to draw conclusions to provide guidance to the government, community and private sector in maintaining the sustainability of paddy fields as a valuable national asset. The research results will be presented in the form of a scientific article that will be published.

## **RESULT AND DISCUSSION**

### **Administrative Area Designation Arrangements at the Regency/City Level in Indonesia**

Administrative regions at the district/city level are an integral part of the government structure in Indonesia. The regulation and establishment of administrative regions at the district/municipality level plays an important role in local governance and regional development. The regulation and establishment of administrative regions at the district/municipality level in Indonesia is a very important part of local governance and regional development. With a strong

theoretical foundation but faced with the challenges of geographic, demographic and political complexity, effective resolution requires an inclusive and sustainable approach. Efforts to increase public participation and strengthen transparency in the decision-making process are key to ensuring efficient and equitable administrative delimitation for all parties involved.

Districts/municipalities in Indonesia are administrative units that have their own legal regulations governing regional governance and community life at the local level. The rule of law governing districts/municipalities is based on the 1945 Constitution of the Republic of Indonesia, Article 18 Paragraph (1), which states that the unitary state of the Republic of Indonesia is divided into provinces, regencies, and cities. In addition, Law No. 23/2014 on Regional Government is the main legal umbrella that regulates the governance of districts/cities in Indonesia. This law regulates the formation, authority, and duties and responsibilities of local governments in managing their regions.

Article 18 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms the basic principle of the unitary state of the Republic of Indonesia, which is divided into provinces, regencies and municipalities. An analysis of this article indicates several important things. First, this article provides a constitutional basis for the administrative division of Indonesia, affirming the position and authority of provinces, regencies and municipalities as an integral part of the unitary state of the Republic of Indonesia. Second, this administrative division reflects the constitutionally regulated principle of regional autonomy, providing space for regions to organize and manage their own government affairs in accordance with their local needs and potential. Third, this article strengthens Indonesia's system of dividing administrative regions into three levels, namely provinces, districts and cities, allowing the central and local governments to coordinate and collaborate in governance and development. Fourth, the structured administrative division assists in integrated and efficient governance, with each level of government having clear responsibilities in the delivery of public services and development in their respective regions. Fifth, this article has major implications for development at the local level, ensuring coordination between central and regional governments in planning and implementing sustainable and equitable development across Indonesia.

Regional formation in Indonesia is a process that involves several stages in accordance with the provisions of the law, such as feasibility assessment, public consultation, approval from the central government, and determination by the legislature. This process is designed to ensure that the interests of local communities and the established criteria are carefully considered (Jalil et al., 2022). However, this process is faced with a number of challenges, such as administrative and bureaucratic issues that are time-consuming and complex, as well as challenges related to suboptimal public consultation and potential conflicts between local and national interests. Nonetheless, the regional formation policy has had a significant impact on the development of regions and governance in Indonesia. The

implications include infrastructure development, public services, resource allocation, and management of regional potential (Nurfatriani et al., 2022). In addition, regional formation can also affect local and national political dynamics, as well as the relationship between the central and regional governments (Suryawati et al., 2023).

District/city governments have broad duties and authorities in regulating and managing their areas. This includes the provision of public services, infrastructure development, spatial planning, environmental management, as well as control and supervision of community activities within the region. The rule of law regulates in detail the authority and responsibility of local governments in various aspects of community life at the local level. The rule of law governing districts/cities has significant implications for regional development and governance (Albanese et al., 2021; Tang et al., 2023). With a clear legal basis, local governments can carry out targeted and sustainable development planning in accordance with the needs and potential of their regions. In addition, the rule of law is also the basis for local governments to carry out the function of supervision and control of community activities so that they run in accordance with applicable regulations.

The regulation of the establishment of administrative regions at the district/city level has a strong theoretical foundation (Ren et al., 2018; Zhou et al., 2019). The concept of regional autonomy, which regulates the relationship between the central and regional governments, is the basis for the establishment of administrative regions. Regional autonomy gives local governments the authority to manage local affairs in accordance with the needs and characteristics of the region.

In addition, theories of resource sharing and management and theories of local public administration also influence the organization of administrative regions. The division of natural, demographic, and economic resources is an important consideration in establishing effective administrative regions (Reynaud et al., 2020). The local public administration aspect emphasizes the importance of efficient regional organization to provide optimal public services to the community.

Regional government, according to Article 18 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, is an organization that holds the right to exercise sovereign or supreme power, divided into provinces, regencies, and cities. The implementation of government affairs by the Regional Government and the Regional People's Representative Council is in accordance with the principle of the widest possible autonomy within the system and principles of the Unitary State of the Republic of Indonesia, as stipulated in Law No. 23 of 2014 concerning Regional Government, Article 1 Point 2.

### **Analysis of the Law as a Norm Provision for the Establishment of North Bengkulu Regency Contrary to the 1945 Constitution of the Republic of Indonesia**

The establishment of districts in Indonesia is governed by various legal regulations, however, in some cases, there are provisions in the law that may conflict with the principles enshrined in the 1945 Constitution of the Republic of Indonesia. This creates a potential conflict between the written rules and the constitution, which affects the district formation process substantially. Article 18 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that the unitary state of the Republic of Indonesia is divided into provinces, regencies and cities. However, in some cases, the laws governing the formation of districts may not fulfill the principles stated in the 1945 Constitution.

The consequences of this incompatibility can be diverse, including failures in development and effective governance at the local level. In addition, the legal uncertainty created by unconstitutional legal provisions can impede fair and equitable legal proceedings and affect the credibility of the legal system in the eyes of the public. Therefore, efforts should be made to ensure that laws governing the formation of districts are in accordance with the principles enshrined in the 1945 Constitution, so as to create a stable and sustainable legal continuity in Indonesia.

## CONCLUSION

Protected Rice Fields (PRFs) are key to maintaining national food security. Nonetheless, the implementation of PRF-related regulations still faces challenges that require improved coordination between central and local governments, as well as stricter law enforcement. The proposed measures to improve PRF management include improved coordination, strict law enforcement, regular data updates, socialization to the public on the importance of PRF, provision of incentives to farmers, increased investment in agricultural infrastructure, regular policy evaluation, and participation of local communities. By implementing these measures, it is expected that PRF management can be more effective and support national food security and farmers' welfare.

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