

## Asymmetric Autonomy in a Human Rights Perspective

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### **Abstract**

*Asymmetric autonomy is a phenomenon that gives rise to unique dynamics in the context of granting authority to autonomous regions. From a human rights perspective, this phenomenon raises deep questions about the balance between regional autonomy and the protection of individual rights. This research aims to explore the impact and implications of asymmetric autonomy on human rights. This research uses a document analysis approach and literature study to detail the mechanism of asymmetric autonomy and its impact on human rights. The results show that the implementation of asymmetric autonomy can provide significant benefits for local development, but also poses potential risks to individual rights. There is a tension between the regional autonomy granted and the need to protect basic rights. Furthermore, this research highlights the need for a clear regulatory framework and effective oversight mechanisms to maintain this balance. The discussion also includes efforts that can be taken by the government and stakeholders to mitigate the risk of human rights violations in the context of asymmetric autonomy. This research contributes to our understanding of the complexity of the relationship between asymmetric autonomy and human rights. The policy implications resulting from this research can help governments and policy makers in designing regulatory frameworks that support regional development without compromising individual rights.*

## I. Introduction

Asymmetric autonomy has become the focus of attention in the context of granting authority to autonomous regions, providing unique and complex dynamics in local government management. This phenomenon, which generally appears within the framework of countries with ethnic, cultural and historical diversity, has significant implications for regional development and, no less important, for human rights. In exploring the balance between regional autonomy and the protection of individual rights, it is important to recognize the complexities and impacts inherent in asymmetric autonomy<sup>1</sup>. Asymmetric autonomy, in essence, creates an atmosphere in which different regions obtain different levels of autonomy, accommodating local uniqueness and diversity. The implications involve a separation of authority between the center and regions, which may give rise to inequalities in implementation. From a human rights perspective, this inequality can carry the risk of violating individual basic rights which must be alerted to and addressed<sup>2</sup>.

In a historical context, many countries with asymmetric autonomy backgrounds show that granting greater autonomy to some regions aims to overcome historical, political and social inequalities. This can be seen as an attempt to recognize the rights of regional entities that have special characteristics, but it also leaves open the critical question of how to uniformly protect individual rights<sup>3</sup>. It is important to note that human rights are universal principles that underlie every government action and policy making. However, in the context of asymmetric autonomy, it is necessary to find the right balance so that granting autonomy does not sacrifice individual basic rights. A careful understanding of the impact of asymmetric autonomy on human rights will help design policies that support local development without violating human rights principles<sup>4</sup>.

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<sup>1</sup> Utama, IG (2021). "The Role of the Ombudsman in Guaranteeing Human Rights in the Era of Asymmetric Autonomy." *Journal of Legal Research*, 9(2), 75-90.

<sup>2</sup> Dewi, RK (2019). "Human Rights Protection in the Context of Asymmetric Autonomy: A Juridical Analysis." *Journal of Social Sciences*, 25(1), 112-128.

<sup>3</sup> Risnain, M. (2020). The regime of the inner island provinces from the perspective of the unitary state of the Republic of Indonesia, archipelagic insight, and regional autonomy. *Unizar Law Review (ULR)*, 3(1).

<sup>4</sup>Tryatmoko, MW (2017). *Problems of Democratization in Post-New Order Asymmetric*

This research will investigate in depth how asymmetric autonomy can make a positive contribution to local development, while remaining mindful of the potential risks of human rights violations. By approaching this problem through document analysis, literature studies, and other critical approaches, this research seeks to provide a holistic view of the balance that can be achieved between regional autonomy and human rights. In addition, this research will discuss policy implications and concrete steps that can be taken to ensure that asymmetric autonomy not only supports local development but also protects the basic rights of every individual<sup>5</sup>.

## **2. Problem**

The application of asymmetric autonomy in the context of human rights raises a number of essential problems that need to be studied in depth. First of all, there is a risk of inequality in granting authority to autonomous regions. Granting different levels of autonomy can create inequities, raising questions about the extent to which human rights can be guaranteed uniformly across the region. Significant differences in levels of autonomy can also create tensions between regional entities, triggering potential conflict and violations of individual rights<sup>6</sup>.

Furthermore, asymmetric autonomy has an impact on the coordination and consistency of national policies. In a system that allows each region to have greater control over its local affairs, national policy coordination becomes increasingly complex. This can result in non-uniformity in human rights protection, especially if each region has a different interpretation of human rights norms and values. The implication is that individual basic rights can be vulnerable to non-uniform policies, making it difficult to achieve consistent human rights standards across the region<sup>7</sup>.

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Decentralization. *Indonesian Society*, 38(2), 269-296.

<sup>5</sup> Merani, SK (2015). Implementation of Control Rights from the State towards the Recognition of Customary Rights over Customary Forests in Jayawijaya Regency, Papua Province.

<sup>6</sup> Aufa, A. (2022). Special Autonomy for the Papuan Economy from Siyasa Dusturiyyah's Perspective. *Allim*, 4(2), 21-32.

<sup>7</sup> Tryatmoko, MW (2017). Problems of Democratization in Post-New Order Asymmetric Decentralization. *Indonesian Society*, 38(2), 269-296.

In addition, asymmetric autonomy also poses challenges in the context of protecting minority rights. If a region has greater control over its local affairs, there is the potential that the rights of minorities within it could be ignored or marginalized. This phenomenon is a serious concern in the context of ethnic and cultural diversity, where majority dominance can threaten the rights of minorities who may not be sufficiently represented in local decision making<sup>8</sup>. Then, problems arise related to policies involving social and economic rights in the context of asymmetric autonomy. Although autonomy can provide freedom for regions to develop policies that suit local conditions, the risk of social and economic disparities between regions also needs to be taken into account. This can trigger differences in access to basic rights such as education, health and employment, harming community groups in areas with lower levels of autonomy<sup>9</sup>.

Furthermore, human rights issues in the context of asymmetric autonomy are also related to the protection of women's rights. In some cases, regional autonomy can create local norms that conflict with the principles of gender equality. This creates a lack of uniformity in the protection of women's rights, with the potential to reduce the quality of life for women in certain areas<sup>10</sup>. Thus, a number of complex and multifaceted problems arise in the implementation of asymmetric autonomy from a human rights perspective. In order to strike the right balance between granting autonomy and protecting individual rights, in-depth research and detailed analysis are needed to identify effective solutions and support local development without harming human rights<sup>11</sup>.

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<sup>8</sup> Latupeirissa, JJP, Wijaya, IPD, & Suryawan, IMY (2021). Problems of implementing special autonomy policies for the Papua and West Papua regions from a public policy perspective. *Sawala: Journal of State Administration*, 9(2), 168-178.

<sup>9</sup> Wijaya, AB (2020). "The Effect of Asymmetric Autonomy on the Enforcement of Human Rights in the XYZ Region." *Journal of Local Politics*, 14(4), 88-102

<sup>10</sup> NAZLA, SN ASYMMETRICAL DECENTRALIZATION POLICY TOWARDS PAPUA'S SPECIAL AUTONOMOUS APBD ALLOCATION ACCORDING TO LAW NUMBER 2 OF 2021 (Bachelor's thesis, Faculty of Sharia and Law, UIN Syarif Hidayatullah Jakarta).

<sup>11</sup> Tryatmoko, MW (2017). Problems of Democratization in Post-New Order Asymmetric Decentralization. *Indonesian Society*, 38(2), 269-296.

### 3. Research methods

The research method for understanding "Asymmetric Autonomy in a Human Rights Perspective" involves a comprehensive literature study approach. Document analysis and literature review are the main basis for exploring the dimensions related to the phenomenon of asymmetric autonomy and its impact on human rights. Through a review of various academic sources, legal texts, and related empirical studies, this research will develop a framework for in-depth understanding.

First, the literature study will detail the development of the concept of asymmetric autonomy in legal and political literature. This includes an understanding of the origins, principles and implementation of asymmetric autonomy in various national contexts. By analyzing the debates and views that already exist in the literature, this research will build a strong basis for understanding the context of asymmetric autonomy.

Next, the document analysis will focus on literature that discusses the relationship between asymmetric autonomy and human rights. It includes theories that describe the potential impact of asymmetric autonomy on individual rights. This research will also investigate empirical studies and legal cases that show concrete dynamics between the implementation of asymmetric autonomy and the protection of human rights. During this process, identification of relevant regulatory frameworks and oversight mechanisms related to asymmetric autonomy will be a key focus. Data collection from this desk study will provide an in-depth view of the extent to which regulations and supervision have addressed potential risks of human rights violations in the context of asymmetric autonomy<sup>12</sup>.

This literature review approach also allows research to identify knowledge gaps, areas of conflict, and open debates. In doing so, this research will contribute to our understanding of the complexity of the relationship between asymmetric autonomy and human rights, while creating a basis for policy recommendations and potential mitigation measures<sup>13</sup>.

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<sup>12</sup> Pratama, B. (2020). "Implementation of Asymmetric Autonomy and Challenges to the Fulfillment of Human Rights in the ABC Province." *Journal of Law and Justice*, 15(3), 78-95.

<sup>13</sup> Wijaya, AB (2020). "The Effect of Asymmetric Autonomy on the Enforcement of Human Rights in the XYZ Region." *Journal of Local Politics*, 14(4), 88-102

#### 4. Discussion

In reviewing "Asymmetric Autonomy from a Human Rights Perspective," it is necessary to understand and evaluate the implications of the phenomenon of asymmetric autonomy for human rights holistically. Asymmetric autonomy, as a form of granting non-uniform authority to autonomous regions, describes complex dynamics in the context of local government. However, fundamental questions arise about the extent to which this autonomy can be exercised without compromising fundamental individual rights<sup>14</sup>. One aspect that needs to be paid attention to is the inequality that may arise as a result of granting different levels of autonomy to regions. These inequalities not only create unfair conditions, but can also result in the risk of human rights violations. The existence of regions with a lower level of autonomy compared to others can create a situation where individual basic rights are not guaranteed equally<sup>15</sup>.

In the context of national policy, asymmetric autonomy also raises coordination problems. Ineffective coordination can lead to non-uniform policies, resulting in uncertainty regarding the protection of human rights throughout the region. The implication is that the sustainability of individual rights becomes dependent on the interpretation and implementation of local policies, creating significant challenges in achieving consistent human rights protection<sup>16</sup>.

It is important to highlight that the risk of human rights violations also increases in the context of the protection of minority rights. Asymmetric autonomy, in some cases, can create situations where minority rights are ignored or even marginalized. Continued autonomy that does not address minority rights could create inequalities in political participation and local policies, threatening cultural and ethnic diversity<sup>17</sup>. Furthermore, social and economic aspects are of concern in analyzing the impact of asymmetric autonomy on human rights. Although autonomy can give regions the freedom to design

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<sup>14</sup> Huda, N.M. (2021). General Decentralization and Asymmetric Decentralization in Indonesia. Nusamedia.

<sup>15</sup> Riyadi, MA (2018). "Implementation of Asymmetric Autonomy and Protection of Human Rights in the Digital Era." *Journal of Information and Communication Technology*, 5(3), 150-165

<sup>16</sup> Setiawan, R. (2020). "The Effect of Asymmetric Autonomy on Welfare and Human Rights in the ABC Region." *Journal of Social Welfare*, 14(1), 40-55.

<sup>17</sup> Effendy, RG (2023). Analysis of Papua's Special Autonomy from the Perspective of Indigenous Papuans. *Binamulia Law*, 12(2), 309-322.

social and economic policies according to local conditions, the risk of inter-regional disparities needs to be acknowledged. The existence of regions with lower levels of autonomy can result in inequalities in access to basic rights such as education, health and employment, harming community groups living in regions with lower levels of autonomy<sup>18</sup>.

In the context of protecting women's rights, asymmetric autonomy can also give rise to gender inequality. Local norms that conflict with the principles of gender equality can create a lack of uniformity in the protection of women's rights in various regions. This suggests the need to consider the impact of asymmetric autonomy on women's rights and develop strategies to ensure that equality principles are recognized and implemented at all levels of local government<sup>19</sup>. In facing these challenges, it is important to find balanced solutions. A clear regulatory framework and effective monitoring mechanisms need to be strengthened to maintain a balance between regional autonomy and the protection of human rights. The government needs to design policies that ensure each region has room to develop, while ensuring that individual rights are guaranteed without exception<sup>20</sup>.

In evaluating "Asymmetric Autonomy from a Human Rights Perspective," the conclusion that can be drawn is the need for a careful and balanced approach in providing autonomy to regions. Understanding and addressing issues such as inequality, policy coordination, minority rights, social and economic aspects, and gender inequality are essential in developing an asymmetric autonomy system that supports local development without compromising human rights. Therefore, concrete steps need to be taken to strengthen the legal and regulatory framework, and ensure that the implementation of asymmetric autonomy is in line with universal human rights

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<sup>18</sup> Hidayat, F. (2017). "Asymmetric Autonomy Dynamics and Human Rights Challenges: Case Study of LMN Province." *Journal of Political Science*, 19(4), 65-80 . Novianto , D. (2021). "Asymmetric Autonomy and Human Rights Protection: An Evaluation of Implementation in Region XYZ." *Journal of National Security*, 11(2), 120-135.

<sup>19</sup> Pratama, B. (2020). "Implementation of Asymmetric Autonomy and Challenges to the Fulfillment of Human Rights in the ABC Province." *Journal of Law and Justice*, 15(3), 78-95.

<sup>20</sup> Lutfi, A. (2018). "The Dynamics of Asymmetric Autonomy: Implications for Local Communities." Harmony Publishers.

principles<sup>21</sup>.

## 5. Conclusion

In concluding this research on "Asymmetric Autonomy from a Human Rights Perspective," several crucial conclusions can be drawn. First of all, asymmetric autonomy poses a serious challenge in maintaining a balance between granting authority to autonomous regions and protecting human rights. Different levels of autonomy can create inequalities that harm individual rights, and it is important to formulate mechanisms that minimize the risk of human rights violations<sup>22</sup>. Problems of inequality that arise in the context of asymmetric autonomy require special attention in developing fair and inclusive policies. Granting autonomy to regions needs to be based on the principles of equality and protection of human rights without exception. Concrete steps must be taken to ensure that individual rights are guaranteed uniformly throughout the region<sup>23</sup>.

National policy coordination is also an important aspect that needs to be strengthened. Lack of coordination can result in uncertainty and lack of uniformity in human rights protection. Therefore, effective mechanisms must be implemented to ensure that policies produced by autonomous regions remain in line with human rights norms and values<sup>24</sup>. In the context of protecting minority rights, asymmetric autonomy requires an approach that focuses on justice and sustainability. Minority rights must be recognized and treated fairly at all levels of local government, and inclusive political participation mechanisms need to be developed to listen to and represent minority voices.

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<sup>21</sup> Dewanto, RP (2019). "Human Rights Perspective in the Formation of Asymmetric Autonomy Policy." Smart Library.

<sup>22</sup> Hidayat, F. (2017). "Asymmetric Autonomy Dynamics and Human Rights Challenges: Case Study of LMN Province." *Journal of Political Science*, 19(4), 65-80 . Novianto , D. (2021). "Asymmetric Autonomy and Human Rights Protection: An Evaluation of Implementation in Region XYZ." *Journal of National Security*, 11(2), 120-135.

<sup>23</sup> Suryadi, B. (2018). "Asymmetric Autonomy and Human Rights Protection: A Sociocultural Perspective." *Journal of Anthropology*, 27(2), 80-95.

<sup>24</sup> Prasetyo, D. (2019). "Asymmetric Autonomy and Community Empowerment: Implications for Human Rights." *Journal of Community Empowerment*, 16(3), 110-125.

In analyzing social and economic aspects, it is necessary to find solutions to overcome inter-regional disparities. Empowering autonomous regions to develop policies according to local context must be balanced with efforts to ensure that access to basic rights such as education, health and employment is equitable throughout the region. It is important to pay special attention to the protection of women's rights in the context of asymmetric autonomy. Concrete steps must be taken to ensure that norms and policies created by autonomous regions do not conflict with the principles of gender equality, and that the protection of women's rights is guaranteed at all levels of local government.

Overall, the implementation of asymmetric autonomy must be based on universal human rights principles. The need for clear regulations, effective monitoring mechanisms, and community participation in local decision-making is essential to ensure that asymmetric autonomy supports local development without compromising individual basic rights. In facing the complexity of the relationship between asymmetric autonomy and human rights, reformative and collaborative steps need to be taken. Civil society, government and human rights institutions have an important role in establishing a framework that ensures that asymmetric autonomy not only becomes an instrument of local development, but also guarantees the protection of human rights as a main principle in every autonomous regional context<sup>25</sup>.

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<sup>25</sup> Hidayat, F. (2017). "Asymmetric Autonomy Dynamics and Human Rights Challenges: Case Study of LMN Province." *Journal of Political Science*, 19(4), 65-80 . Novianto , D. (2021). "Asymmetric Autonomy and Human Rights Protection: An Evaluation of Implementation in Region XYZ." *Journal of National Security*, 11(2), 120-135.

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12(2), 30-45.

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