



Interpretation of the Authority of Services and Agencies in the Regional Government Structure

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ABSTRACT

This article aims to clarify the interpretation of the authority of two nomenclatures of regional apparatus, namely regional services and regional bodies, in order to make it easier for regional governments to group government structures in their regions more accurately. The interpretation of the authority of Departments and Agencies in the regional government structure is related to the assignment of certain tasks and responsibilities to these institutions to carry out technical and administrative functions in accordance with their respective fields. This aims to create efficiency in the administration of regional government and ensure that each institution has a clear role and is in accordance with its expertise and duties. The research method applied is a normative juridical method with a conceptual approach. The research results show indications of differences between departments and agencies, which have significantly different functions and authorities; Regional services act as implementers of government affairs in the region, while regional bodies function as supporters of government affairs in the region.

Keywords: Authority; Local agencies; Regional Agency; Regional Government Structure

1. INTRODUCTION

The juridical basis for the formation of regional government was mentioned in the 1945 Constitution of the Republic of Indonesia explicitly verbis, which is precisely in chapter VI concerning Regional Government. The regulation of regional government as stated in the 1945 Constitution of the Republic of Indonesia (UUD NRI) is a form of proof of constitutional recognition of the existence of regional government and its authority (Silalahi et al., 2022).

In essence, the aim of handing over the broadest autonomy to regional governments is to realize community welfare as a manifestation of the implementation of regional government by improving services, empowerment, participation and regional competitiveness. By granting broad autonomy to regions, regions can actually increase their competitiveness based on aspects of justice, democracy, specificity, equality and regional potential as well as the diversity

that exists in the regions within the framework of the Unitary State of the Republic of Indonesia. The implementation of regional autonomy delegates power to regional governments in preparing regional apparatus organizations. The main consideration in organizing regional apparatus into an organization is through the division of government affairs into regional government affairs, which consists of mandatory, optional and general government affairs. Special government dynamics in the field of regional government, the government has explicitly regulated the division of government affairs which includes absolute, concurrent and general government affairs. Absolute government affairs are government affairs which constitute the absolute authority of the government and cannot be contested by the regional government. Meanwhile, concurrent government affairs are government affairs which are handed over to regional governments which are then divided between government affairs which are the authority of the provincial government and government affairs which are the authority of the district/city government. while general government affairs are government affairs which fall under the authority of the President as head of government.

The definition of Regional Government itself is contained in Article 1 paragraph (2) of Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government, namely that Regional Government is the administration of government affairs by the Regional Government and DPRD according to the principle of broadest autonomy. in the system and principles of the Republic of Indonesia. Meanwhile, in regional administration there are the principles of deconcentration and decentralization.

Deconcentration according to Rondinelli in Rahyunir Rauf wrote that the essence of deconcentration only concentrates on dividing the composition of administrative authority and responsibility between central departments and central officials in the field. Meanwhile, Decentralization according to Koesoemahatmaja in Rahyunir Rauf writes that decentralization is the handover of government power from the central government to regional governments to handle their own households (Zulfikar et al., 2022).

In carrying out its authority, regional governments are given freedom or autonomy over their regional arrangements which have also been guaranteed in the constitution, specifically in article 18 paragraph (5) which states that "Regional governments exercise the broadest possible autonomy, except for government affairs which are determined by law as central government affairs". This recognition is precisely a form of legitimization of the authority of regional governments over the management of their respective regions in accordance with the needs of their regions. The existence of regional governments is basically an extension of the central government, however regional governments are given jurisdiction or authority over autonomous regional management with the broadest possible principle of regional autonomy. In supporting this autonomous regional management, regional apparatus was formed whose original intention was to assist the regional head and DPRD in aspects of government implementation which were presumably the authority of the regional government. So if we look further, the ultimate goal of establishing regional apparatus is to realize the original intent of regional autonomy; carry out related government affairs in accordance with

legislation; and providing public services (Wahyuni, 2018).

The aim of this research is first, to find out and analyze the position of Government Regulation Number 72 of 2019 concerning Amendments to Government Regulation Number 18 of 2016 concerning Regional Apparatus. Second, to find out and analyze the interpretation of the authority of agencies and agencies regarding content material in Government Regulation Number 72 of 2019 concerning Amendments to Government Regulation Number 18 of 2016 concerning Regional Apparatus (Manan, 2005).

This research focuses on the effectiveness and efficiency of regional apparatus in administering regional government. Meanwhile, this research focuses on the clarity of functions and authority of regional apparatus, especially regional agencies and regional bodies. So the difference between the two lies in the research method, namely the previous research used the socio-legal method while this research uses the conceptual approach method.

2. THEORY OF THE RESEARCH

2.1. Authority:

Authority in the context of departments and agencies can be interpreted as the rights, responsibilities and authority possessed by a regional government organizational unit to carry out certain functions.

a. Functions of Regional Services

Regional offices have the main function of implementing government affairs in the region. Its duties include implementing policies, monitoring and assessing the results of government activities in areas that are its main tasks and functions.

b. Functions of Regional Bodies

Regional bodies play a role in supporting government affairs in the region. Its main function is to provide technical, administrative and policy support to agencies and other organizational units in order to achieve local government goals.

c. Interpretation of Authority Based on Legislative Regulations

Interpretation of the authority of departments and agencies is based on the provisions of related laws and regulations, which list the duties, authority and responsibilities of each regional government organizational unit.

d. Principle of Subsidiarity

The concept of subsidiarity is applied in the interpretation of authority, where the department has the main authority in carrying out government affairs at the regional level, while the agency functions as an active supporter only when necessary.

e. Coordination and Synergy

To achieve efficiency and effectiveness, it is important to have coordination and synergy between departments and agencies in carrying out their respective duties and functions. This can be realized through good communication and clear division of roles.

f. Performance Assessment

Interpretation of the authority of agencies and agencies can be confirmed through objective performance assessments, including evaluation of goal achievement, efficient use of resources, and contribution to regional development.

g. Regional Autonomy Context

The interpretation of authority must be adjusted to the principle of regional autonomy, where regional governments have room to regulate and manage government affairs in accordance with

local interests and characteristics. This theory aims to provide conceptual guidance in understanding and interpreting the authority of agencies and agencies in local government structures, taking into account legal aspects, functions and organizational management principles.

3. RESEARCH METHOD

The type of research applied is normative research using a conceptual approach and a statutory approach. The data collection method used in this research includes literature study techniques, which involve analysis of various references, especially statutory regulations related to regional government law and regional apparatus (Budi Juliardi et al., 2023). These references include statutory regulations, journal articles and reference books that are related to regional government law. All the data that was collected was then analyzed descriptively qualitatively by referring to the theoretical basis.

4. RESULT AND DISCUSSION

4.1. Interpretation of the Authority of Services and Agencies regarding the Content of Government Regulations on Regional Apparatus

Government Regulations on Regional Apparatus are basically intended as guidelines and clarity of direction aimed at regional governments for structuring the organizational structure of regional apparatus that is efficient and effective based on the needs and capabilities of each region accompanied by integration, coordination, synchronization, communication, and institutional simplification between central government and regional government. The formation of regional apparatus always takes into

account considerations of financial factors, population factors, workload volume factors, and regional capacity factors based on government authority that has been delegated to regional governments as matters that must be carried out by each regional government through the implementation of regional apparatus. In its implementation, regional apparatus implements the principles of ideal organ structure, including balance of performance load, structuring of functions and supports based on effectiveness and efficiency, as well as clarity of span of control over work procedures. The legal basis for the position of government regulations regarding regional apparatus is regulated in the attachment to Law Number 23 of 2014. This is because in structuring regional government institutions, the amount of workload and clarity of tasks and functions determines the nomenclature of regional institutional structuring (Yanuarti & Rusman, 2018). However, current institutional arrangements aim to support regional governments in developing objective and rational regional instruments that adapt to the potential of each region as well as the political and legal dynamics that exist in the region. William stated that the main object in capacity development is institutions as the highest level with the widest coverage (macro level). Here it can be understood that capacity development (institutional capacity) consists of five levels, each of which is interconnected as one system, including the individual level, the organizational level and the broad institutional level. The institutional level itself consists of three different levels, namely the organizational network, the regulatory network, and the level of social norms or actions. In current developments, the essence of government is established to meet the basic needs of society, such as the

need for a sense of security where the state has the function of being a night watchman. where the majority of people look after and the others sleep at night, and this can create peace, security and comfort. Therefore, it can be said that the main objective of the government in carrying out its functions is to provide excellent service to the community. The government can often be called a civil servant or public servant.

At a conceptual level, institutional quality in a regional apparatus is determined by the extent of performance, output and outcomes, where these criteria are always related to the development and development of organizational institutional capacity as well as being the main factor in the institutional development of regional apparatus organizations. Regional apparatus is at the forefront as a representation of the state in order to provide excellent service to the community in order to realize one of the ideals of the state as stated in the preamble to the 1945 Constitution of the Republic of Indonesia, namely protecting the entire Indonesian nation and all of Indonesia's blood, advancing general welfare, educating national life, and participate in implementing world order. The existence of the formation of regional apparatus organizations cannot be separated from the implementation of the principle of decentralization of government processes in accordance with what is stated in Article 18 paragraph (5) of the 1945 Constitution of the Republic of Indonesia which confirms that regional governments carry out the widest possible autonomy, except for government affairs which are regulated by law. determined as a matter for the central government. The presence of the principle of decentralization has had an impact on the transfer of authority which was initially the authority of the central government and

then later shifted to the authority of regional governments which were hierarchical in nature. (Sentosa, 2022).

The preparation of regional apparatus organizations cannot be separated from the dynamics of regulations regarding regional government starting from the level of laws to regional regulations. Fluctuations in regional apparatus regulations are actually determined by the formation of basic policies for the administration of regional government in the field of law, namely the policy direction given to lower level sub-governments or lower levels and uniform government management. Problems like this are part of determining policies for structuring regional apparatus. Since June 2016, the emergence of Government Regulation Number 18 of 2016 concerning Regional Apparatus which amends Government Regulation Number 41 of 2007 concerning Regional Apparatus Organizations, which has had an impact on the dynamics of government institutional structures in the regions (Rauf, 2017).

Examining the concept of the Republic of Indonesia, the existence of regional government is regulated in article 18 of the 1945 Constitution of the Republic of Indonesia where regional government becomes a sub-system of the national government. Therefore, in order to implement regional government, it should be based on the principles of regional government administration (Fauzani, 2021). In the implementation of government in Indonesia, there are several general principles that apply, including the principles of decentralization, deconcentration and the principle of assistance or medebewind. According to Rondinelli in Koswara, deconcentration is essentially the transfer of administrative authority and responsibility between

central government officials and central government officials in the regions. Therefore, the point of implementation of deconcentration is more centralized in the regions with the distribution of some of the work carried out in the regions, but the authority to make policies in the regions is not given because decision making remains in the hands of the central government (Wibowo et al., 2021).

4.2. The position of the head of office

The position of the head of service is below and is responsible to the regent/mayor through the district/city Regional Secretary. In regional services, Technical Implementation Units (UPT) can be formed to carry out activities both operational and supporting in nature in a certain area or several certain areas within the sub-district scope. In its development, with the Minister of State Apparatus Empowerment and Bureaucratic Reform (PAN-RB) Regulation of the Republic of Indonesia Number 17 of 2021 concerning the Equalization of Administrative Positions into Functional Positions in order to implement the provisions of Article 350A of Government Regulation Number 17 of 2020 concerning Amendments to Government Regulation Number 11 of 2017 concerning Management of Civil Servants, there is a position adjustment mechanism for regional government agencies by simplifying the organizational structure both at the central and regional levels. However, this regulation does not eliminate regulations governing regional apparatus.

Basically, mandatory government affairs are a burden on agencies related to matters that are fundamental in implementing the duties of a region. If we look at the substance of mandatory government affairs which consists of several departments, their authority is

nothing more than a fundamental pillar of the establishment of a regional government. So that its existence as an agency is absolute as the main executor of the existence of regional government.

In order to support the implementation of government affairs, provincial regional governments can form provincial regional liaison bodies in the national capital by forming provincial regional regulations. The formation of regional liaison bodies and provincial regional bodies is based on guidelines determined by the Minister of Home Affairs after obtaining written considerations from the Menpan-RB. Written considerations must be submitted by the Minister for Empowerment of State Apparatus and Bureaucratic Reform because in the Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform Number 17 of 2021 concerning Equalization of Administrative Positions into Functional Positions, equalization of administrative positions in government agencies consists of administrator positions, positions supervisor, and executive position which is echelon V.

The administrator position is equivalent to a functional position at the intermediate expert level. Meanwhile, the supervisory position is equivalent to a functional position at young expert level. Meanwhile, implementing officials who are echelon V are equivalent to functional positions at the first expert level. The mechanism for equalizing positions is carried out after going through the stages of simplifying the organizational structure. Especially in regional agencies, equalization of positions begins with a written submission to the Minister of Home Affairs with a copy to the Menpan-RB. After that, the Minister of Home Affairs validated the

proposal for equalization of positions as an approval for the approval determination by following the guidelines provided in Permenpan-RB Number 17 of 2021. After that, the Minister of Home Affairs gave approval through a determination of the proposal for equalization of positions after obtaining written consideration from Menpan-RB.

The approval is determined by the Minister of Home Affairs and submitted to the regional Civil Service Development Officer who is copied to the Minister of Administrative and Bureaucratic Reform and the Head of BKN. After equalization of functional officials, the Regional Civil Service Development Officer appoints and inaugurates the functional officials. After that, a report on equalization of positions is made by the Regional Civil Service Development Officer, where the substance of the report at least contains the name and employee identification number of the administrative official who has been equalized, the number of the recommendation letter, the name of the functional position that has been recommended, the name of the position at the time of inauguration, the number of the decision letter. inauguration, and the date of official inauguration which is equivalent to the Minister of Home Affairs with a copy to the Menpan-RB, the Head of the State Civil Service Agency, and the supervisory agency in this case the Regional Head.

5. CONCLUSION

Based on the findings in this research, the author can conclude that regional services act as implementers of government affairs which fall under regional authority, and are responsible to the regional head through the regional secretary. Therefore, the use of the term 'service' for matters that are not regulated by mandatory or optional

regional authority is not appropriate. On the other hand, regional bodies function as supporting elements of government affairs which are also the authority of the region, with responsibility to the regional head through the regional secretary. As a supporting element, the term 'agency' can only be used if it relates to supporting elements of government affairs. In a vertical power structure, both agencies and agencies are at the same level and are responsible to the regional head through the regional secretary. Horizontally, regional agencies are responsible for implementing government affairs, while regional agencies focus on managerial aspects and personnel and financial planning for each regional agency. The main factor that differentiates agencies and agencies lies in the substance of authority, where agencies handle mandatory and optional government affairs related to implementing elements, while agencies are always related to managerial aspects, personnel planning and financial aspects.

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