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The Implementation of Local Government Organizational Structures Formation: A Legal Study in Indonesia

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Abstract

This research aims at finding out the formation of local government organizational structure in Indonesia, and knowing the implementation of the formation of local government organizational structure. It was conducted in Indonesia. Research results show that the formation of the organizational structure of local government in Indonesia currently refers to no—23 of 2014 concerning Regional Government and Number 18 of 2016, Regarding Regional Apparatuses. The rationale for drafting regional apparatuses in the form of an organization (Regional Devices) is due to the existence of government affairs, which are the authority of the region, consisting of obligatory affairs and optional affairs, but this does not mean that every handling of government affairs must be formed into a separate organization. Formation implementation of the organizational structure of Local Government in Indonesia is in the form of implementation of government administration as well as government programs and activities, both at the Regional Government, namely Governors and Regents/Mayors, and assisted by regional apparatus. Regional Apparatuses or Regional Apparatus Organizations (OPD) are organizations or institutions in the Regional Government responsible to the Regional Head in administering regional government. Each region forms regional apparatuses based on regional characteristics, potential, and needs.

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1. Introduction

The goal of national development is to improve the welfare of the community or all Indonesian people so that the task of the government, both the central and regional governments, is to provide good service to every community need (Marston et al., 2020). The current local government, in line with the implementation of regional autonomy, has the authority to regulate and manage its area, intending to provide the best service for the community in the area, which leads to encouraging the community to progress and succeed in every business.

Indonesia is a country whose territory is divided into regions Province (Labobar, 2020). The province is further divided into regions Regency and a reality. Every province, regency, and city area have a law-regulated regional administration (Hakim, 2020). The regional government is the implementation of government affairs by the local government and legislative to the principle of autonomy and co-administration with the principle of broadest autonomy within the system and principles of the Unitary State of the Republic of Indonesia.

Law Number 23 of 2014 concerning Regional Government, Article 1 letter stipulates that: "regional autonomy is the right, authority, and obligation of an autonomous region to regulate and manage itself government Affairs and the interests of the local community in the system of the Unitary State of the Republic of Indonesia" (Indonesia, 2002). This understanding is inseparable from the notion of autonomy which in the context of politics and government implies self-government. The word "autonomy" comes from the word "autonomy" which has two meanings. First, stand-alone, with self-government and autonomous regions. In administering the regional government, there is what is called Regional Autonomy. Regional autonomy is the authority to regulate local government affairs according to their initiative based on the people's aspirations. Thus, decentralization embodies local community autonomy to solve various problems and provide welfare services for the community concerned. The role of local government is very important in accelerating the development of disadvantaged areas (Jenar, 2021).

The role of local government in efforts to develop their region is very strategic (Warner, 2001). The role of the regional government includes preparing the availability of facilities and infrastructure, both in the form of physical facilities and direct subsidies; another role is that the regional government must also provide continuous technical and non-technical guidance to the community, which is encouraging and empowering the community so that they can plan, build, and manage the infrastructure and facilities themselves to support efforts to accelerate development in underdeveloped areas as well as carry out other supporting activities independently.

To accelerate the achievement of its goals and to optimize its role, local governments also need to encourage the participation of other competent parties in efforts to accelerate the development of underdeveloped areas, such as the private sector and non-governmental organizations. Regions must also encourage coordination and cooperation between regions involving two or more regions. The other important thing to note is the readiness of local governments to provide data and information that are easily accessible to the public and act as consulting partners in accelerating the development of underdeveloped areas.

Against the achievement of the goals described earlier, then the formation of the organizational structure of local government in Indonesia is very important, which will greatly determine the success of achieving national development goals that are evenly distributed throughout the territory of the unitary state of the Republic of Indonesia, where the organizational structure of local government is better known as regional apparatus organization (OPD).

The basis for the preparation of regional apparatus in the form of an organization is due to the existence of government affairs, which are the authority of the region and consist of mandatory affairs

and optional affairs, but this does not mean that every handling of government affairs must be formed into a separate organization. The regional apparatus organization (OPD) that will be formed is certainly oriented towards an organization that is efficient, effective, and rational according to regional needs and capabilities, as well as coordination, integration, synchronization, and simplification between one work unit and other work units, to facilitate the achievement of objectives according to prescribed standards and plans.

The notion of decentralization distinguishes UU No. 23 of 2014. Because the notion of autonomy contains an element of "authority to regulate," or in other words, it also contains the notion of independence (Frug & Barron, 2006). Based on the normative definition in Law No. 23 of 2014. While deseneutralization, as regulated in Article 1 points 7 and 8 of Law no. 23 of 2014, states that the principle of autonomy is the basic principle of administering Regional Government based on Regional Autonomy, while decentralization is the transfer of Governmental Affairs by the Central Government to autonomous regions based on the Principle of Autonomy.

According to Saragih (2003), there are differences in decentralization and regional autonomy. Because in decentralization, there must be a distribution of authority or power from a higher level of government to a lower government, while regional autonomy means the freedom to carry out or carry out something by a political unit or part of a region/territory concerning the political community or the state. With decentralization, some or all of the central authority will be reduced because it is handed over to the regions, while the regions that receive the handover are autonomous; that is, they can determine their ways based on their initiatives freely (Saragih, 2003).

The basis for the formulation of regional apparatus organizations in the form of an organization is due to the existence of government affairs, which are the authority of the region consisting of mandatory affairs and optional affairs, but this does not mean that every handling of government affairs must be formed into a separate organizational form. The arrangement of a regional apparatus organization needs to look at the potential, be it opportunities, opportunities as well as challenges and obstacles. The organization that is formed must aim to optimally fulfill public (community) services so that conditions that describe good governance are created (Lapuente & Van, 2020).

The characteristics of the organizational structure of regional apparatuses have been regulated and explained in Government Regulation (PP) Number 18 of 2016, specifically, Article 1 number 1: Regional Apparatuses are elements supporting the head of the Region and the Regional People's Legislative Assembly in the implementation of Government Affairs which are the authority of the Regions. In this context, then normatively (Agustina, 2019). The rationale for drafting regional apparatuses as an organization is that there are government affairs that are the region's authority, consisting of mandatory and optional affairs. However, this does not mean that every handling of government affairs must be formed into a separate organization.

2. Materials and Methods

The approach method used is the sociological juridical method, which means that the research looks at the legal aspects that occur in society. The technique used in this research is Descriptive Analysis, a problem-solving procedure that is examined by analyzing and then describing or describing the data obtained from field observations and literature studies, then analyzed and interpreted by providing conclusions.

3. Results and Discussions

Establishment of Local Government Organizational Structure in Indonesia

The formation of the organizational structure of local government in Indonesia currently refers to the Law Law (UU) No. 23 of 2014 concerning Regional Government and Government Regulation (PP) Number 18 of 2016 Concerning Regional Devices. The rationale for drafting regional apparatuses as an organization is that there are government affairs that are the region's authority, consisting of mandatory and optional affairs. However, this does not mean that every handling of government affairs must be formed into a separate organization (Indonesia, 2002).

Government Regulation (PP) Number 18 of 2016, Article 1 number 10 stipulates that: Mandatory Government Affairs are Government Affairs that all Regions must carry out, and Article 1 number 11 stipulates that: Optional Government Affairs are Government Affairs that the region must carry out following the potential of the region.

Thus, the implementation of mandatory governmental affairs is carried out by all regencies/cities. In contrast, implementing optional governmental affairs can only be carried out by regions with superior potential and regional characteristics, which can be developed in the context of developing regional autonomy. It is intended for efficiency and to bring out the leading sectors of each region to optimize the utilization of regional resources to accelerate the process of increasing people's welfare.

Government Regulation (PP) Number 18 of 2016, Article 5 numbers 1 and 2 regulates types of Regional Apparatuses, both provincial Regional Apparatuses and regency/city Regional Apparatuses, which consist of:

1) Provincial apparatuses consist of:
   a. The regional Secretariat;
   b. DPRD Secretariat;
   c. Inspectorate;
   d. Service; and;
   e. Body.
2) Regency/city Regional Apparatuses consist of:
   a. The regional Secretariat;
   b. DPRD Secretariat;
   c. Inspectorate;
   d. Service;
   e. Body; and;
   f. Subdistrict.

Based on the construction above, then, in carrying out affairs Local government, the District head assisted by regional apparatus consisting of the following.

a. The regional secretary leads the Regional Secretariat and an element of staff and is responsible to the Regent/Mayor. Has the duties and obligations of assisting the Regent/Mayor in formulating policies and coordinating the implementation of the tasks of regional work units, as well as carrying out other governmental tasks and administrative services.
b. The Inspectorate is a supervisory element.
c. The Regional Office is led by the head of the service, responsible to the Regent/Mayor through the regional secretary. It is an element of implementing government affairs handed over to the region.

d. The agency is led by a section head responsible to the Regent/Mayor through the regional secretary, carrying out supporting functions for regional government affairs.
e. The sub-district is located under and is responsible to the regent/mayor. It has the task of assisting the regent/mayor in carrying out certain services to the community with the task and authority to manage the sub-district area and supervise the sub-district or village to provide services to the community in the area.

Establishment Implementation of Local Government Organizational Structure in Indonesia

Implementation of government administration, as well as government programs and activities, to the Regions, both Governors and Regents/Mayors, are assisted by regional apparatus. Regional Apparatuses or Regional Apparatus Organizations (OPD) are organizations or institutions in the Regional Government responsible to the Regional Head in administering regional government. Each region forms regional apparatuses based on regional characteristics, potential, and needs.
The main basis for the formation of regional apparatus organizations in the form of an organization is the existence of government affairs which are the authority of the region, which consist of mandatory affairs and optional affairs, but this does not mean that every handling of government affairs must be formed into a separate organization. The formation of regional apparatuses is solely based on rational considerations to carry out government affairs which are the authority of the regions effectively and efficiently.

The Organizational Structuring of Regional Apparatuses and the preparation of the organizational structure of the Regional Work Units (SKPD) are currently carried out based on the regulatory framework, objective needs, and regional strategic environmental conditions. The regulatory framework in question is Government Regulation Number 41 of 2007 as an amendment to the previous Government Regulation. In addition to PP No. 41/2007, which has since been amended to Government Regulation Number 18 of 2016 concerning Regional Apparatuses, the institutional arrangement of regional apparatuses also pays attention to laws and regulations relevant to the organizational management program.

Based on Law 23 of 2014 concerning Regional Government, provincial and district/city regional apparatuses are determined through Regional Regulations in the following form. Provincial Regional Apparatuses include Regional Secretariat, DPRD Secretariat, Inspectorate, Services, and Agencies. Regency/City Regional Apparatuses include Regional Secretariat, DPRD Secretariat, Inspectorate, Services, and Agencies (Indonesia, 2002).

The formation of regional apparatus organizations in the form of services or agencies is classified based on Type A (large workload), Type B (medium workload), and Type C (small workload). Determination of the workload for the service is based on population size, area size, size of each Government Affairs, which is the authority of the region, and the financial capacity of the Region for Mandatory Government Affairs and based on potential projections of employment, and land use for Optional Government Affairs. In comparison, the agency's workload is based on population, area size, regional financial capacity, and scope of tasks.

The name/nomenclature of Services and Agencies is adjusted to the grouping and classification that has been determined. The collection of affairs accommodated in the form of the service consists of the following:

1. Education, youth, and sports sector;
2. Health;

3. The social, labor, and transmigration fields;
4. The field of transportation, communication, and informatics;
5. The field of population and civil registration;
6. Culture and tourism sector;
7. The field of public works includes the construction of clans, irrigation, creation of works, and spatial planning;
8. The economic sector includes cooperatives and micro, small, and medium enterprises, industry, and trade;
9. Land service sector;
10. The agricultural sector includes food crops, animal husbandry, inland fisheries, maritime affairs, fisheries, plantations, and forestry;
11. Mining and energy sector; and
12. Revenue, financial and asset management.

The organization of affairs accommodated in the form of agencies, offices, inspectorates, and hospitals, consists of:

1. The field of development planning and statistics;
2. Field of research and development;
3. The field of national unity, politics, and community protection;
4. environmental sector;
5. The field of food security;
6. investment sector;
7. Library, archive, and documentation field;
8. The field of community empowerment and village governance;
9. The field of women's empowerment and family planning;
10. The field of personnel, education, and training;
11. Supervision field; and
12. The health service sector.

With the existence of a new President and Vice President and with the Establishment of the new Ministry Nomenclature, the Ministry of Home Affairs has conducted discussions to make changes to Government Regulation Number 41 of 2007 concerning Regional Apparatus Organizations, which have then been changed to become government Regulation Number 18 of 2016 concerning Regional Apparatuses, so that the guidelines and classification of affairs can change.

In addition to the regional apparatus above, Governors/Regents/Mayors can form integrated service units to improve and integrate cross-sectoral public services in the field of licensing. The integrated service unit is a combination of elements of the regional apparatus that carry out the licensing function. In order to ensure the effectiveness and proper implementation of regional government administration, the government has issued statutory regulations relating to the supervision of regional government administration. This regulation is Government Regulation Number 12 of 2017 concerning the Development and Supervision of Regional Government, signed by the President of the Republic of Indonesia, Joko Widodo, on April 5, 2017.

Government Regulation Number 12 of 2017 concerning the Development and Supervision of Regional Government is stipulated as a form of implementing the provisions of Article 353 in order to provide legal certainty regarding the procedures for imposing administrative sanctions in the administration of Regional Government and to implement the provisions of Article 383 of Law Number 23 of 2014 concerning Regional Government.

According to this regulation, the development of Regional Government Administration: a. province, carried out by 1. Minister for general development; and 2. Technical ministers/heads of non-ministerial government institutions for technical assistance; b. Regency/city, carried out by the governor as a representative of the Central Government for general and technical development. General development as intended includes a. Division of government affairs; b. regional institutions; c. staffing at the Regional Apparatus; d. regional finance; e. regional development; f. public services in the regions; g. regional cooperation; h. regional policies, i., regional head and DPRD, and J. other forms of coaching following the provisions of the legislation.

In comparison, technical guidance is carried out on the technical implementation of government affairs, handed over to the provinces. Technical guidance as intended is carried out on implementing government affairs handed over to the regency/municipal area. As for the supervision of the Implementation of Regional Government, according to this PP, it is for a. province, carried out by 1. Minister for general supervision; and 2. technical ministers/heads of non-ministerial government agencies for technical supervision; b. regency/municipality, carried out by the governor as the representative of the Central Government for general and technical supervision.

The general supervision referred to includes a. division of government affairs; b. regional institutions; c. staffing at the Regional Apparatus; d. regional finance; e. regional development; f. public services in the regions; g. regional cooperation; h. regional policies, i., regional head and DPRD, and J. other forms of supervision following the provisions of laws and regulations. Meanwhile, the technical supervision referred to is carried out on the technical implementation of the substance of government affairs that is delegated to the provincial areas, and the technical supervision as referred to is carried out on the technical implementation of the substance of government affairs which is delegated to the regency/municipal areas.

Closing provisions of Government Regulation No. 12 of 2017 concerning the Guidance and Supervision of Regional Government, among other things, states that Government Regulation Number 79 of 2005 concerning Guidelines for the Development and Supervision of Regional Government Administration (State Gazette of the Republic of Indonesia of 2005 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 4593), is revoked and declared not apply.

4. Conclusion

The conclusions of this study are as follows:

1. The formation of the organizational structure of local government in Indonesia currently refers to no—23 of 2014 concerning Regional Government and Number 18 of 2016, Regarding Regional Apparatuses. The rationale for drafting regional apparatuses in the form of an organization (Regional Devices) is due to the existence of government affairs, which are the authority of the region, consisting of obligatory affairs and optional affairs, but this does not mean that every handling of government affairs must be formed into a separate organization.
2. Formation implementation of the organizational structure of Local Government in Indonesia is in the form of implementation of government administration and government programs and activities at the Regional Government, namely Governors and Regents/Mayors, and assisted by regional apparatus. Regional Apparatuses or Regional Apparatus Organizations (OPD) are organizations or institutions in the Regional Government responsible to the Regional Head in administering regional government. Each region forms regional apparatuses based on regional characteristics, potential, and needs.

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