

# POLICY DYNAMICS ON SUBDISTRICTS AND VARIOUS POST-REFORMATION IMPLICATIONS

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## POLICY DYNAMICS ON SUBDISTRICTS AND VARIOUS POST-REFORMATION IMPLICATIONS

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### ABSTRACT

With various changes to the policy on the sub-district certainly has a variety of implications in the management of the sub-district as seen from the birth of law Number 22 of 1999, Law 32 of 2014 concerning local government and government regulation Number 19 of 2008 concerning subdistricts in the form of licensing services, recommendations, coordination, guidance, supervision, facilitation, determination, administration and other authority delegated and the absence of licensing service criteria. Subsequently, it was replaced by Law Number 23 of 2014 and Government Regulation Number 17 of 2015 concerning Districts that in carrying out their duties, the sub-district head could also be delegated a portion of the authority of the regency/city government affairs. The delegation of part of the authority of government affairs from the Regent/mayor to the District Head covering various government affairs in-licensing and nonlicensing services. This is in the form of licensing services carried out through integrated services and innovation development with criteria, simple processes, small-scale licensing objects, does not require study complex technicalities; and does not require high technology. Non-licensing services delegated to the Camat are based on criteria related to the supervision of licensed objects, smallscale activities, and direct services to the routine community. Delegation is also based on mapping public services according to the characteristics of the District and / or the needs of the local community. Then the determination of the transfer of a portion of the Regent's authority to the District Head is no longer stipulated by the Regulations of the Regent but is determined through a Decree of the Regent and the village which is a sub-district apparatus.

*Keywords: policy dynamics, district, implications*

### INTRODUCTION

<sup>1</sup> Goldstein believes that institutions reflect a set of dominant ideas that are translated through legal mechanisms in formal government organizations. If ideas are wrapped up in institutions through legal procedures, they will continue to have a policy impact over time. Generally, this institutional influence stems from the existence of official organizations whose rules, norms, expectations, and

traditions create constraints on individuals in these organizations, on elected leaders outside the organization and in society at large. As a result, he argues that the institutional structure alone is a sufficient explanation for the American post-war trade policy.

The critical belief system of those who enforce the law (Goldstein, 1988: 181-2) Hall and Taylor recognize that institutionalist history has difficulty in explaining 'branching points' when major changes occur in institutions and historical developments move to new paths. As such they are usually looking to place institutions in a causal chain that accommodate the role of other factors, especially socio-economic development and the diffusion of ideas (Hall and Taylor 1996: 942).

Policy dynamics can be interpreted by changes that occur due to changes in rules that will change the pattern, structure and various implications in public policy. As is the case in carrying out running concurrent affairs and general government affairs, the Head of the Regency / City Region is assisted by the regional apparatus. Juridically the existence of regional apparatus has changed between Law Number 23 the Year 2014 and Law Number 32 the Year 2004. Regional Apparatus based on article 120 paragraph (2) Law Number 32 the Year 2004 consists of;

1. Regional Secretariat
2. Regional Service
3. Regional Technical Institutions
4. Regional Secretariat
5. District
6. Village

This shows that the district and village institutions are part of the district/city apparatus so that the district and village are directly accountable to the regent / mayor. However, in Law Number 23 Year 2014, there was a change that the village which so far based on Law Number 32 the Year 2004 placed the as a regional apparatus but at present become a sub-district apparatus, so that the consequence is that the village is no longer directly responsible to the Regent / Mayor but is directly responsible to the district.

Principle of Assistance Task according to (Based on article 1 point (11) of Law Number 23 Year 2014, is; assignment from the central government to the autonomous region to carry out part of government affairs which are the authority of the central government or from the provincial government to regency / city carry out part of government affairs which are the authority of the provincial regions Based on article 1 point (11) of Law Number 23 Year 2014, are: assignments from the central government to autonomous regions to carry out part of government affairs which are the authority of the central government or from provincial governments to district / city regions to carry out part of government affairs which are the authority of the provincial region.

## DISCUSSION

### A. Pattern of Change

During Law Number 5 of 1974, the sub-district head as the head of the region had attributive authority as regulated in article 80. To everyone who had been appointed as head of the territory, he automatically attached the authority regulated in that article. Whereas according to article 66 paragraph (4) of Law Number 22 the year 1999, the authority of the subdistrict is meaning that the has only authority if there is an active action from regent/mayor to delegate part of the authority of the government to him (Wasistiono, 2009: 48). Whereas the position of the Subdistrict is explained in article 221 of Law no. 23 of 2014 as follows:

- 1) District or city regions form sub-districts to improve coordination of government administration, public services and empowerment of rural or urban communities.
- 2) The Sub-District as referred to in paragraph (1) shall be established by a Regency or City Regulation based on government regulations.
- 3) District or City Draft Bill on the formation of sub-districts which have been approved by the regent of the mayor and regency or city DPRD, before being determined by the regent or mayor is submitted to the minister through the governor as the representative of the Central Government for approval.

Furthermore, the Subdistrict Classification is regulated in Article 223 of Law No. 23 years 2014 as follows:

- 1) Subdistricts are classified as:
  - a. Type A sub-districts are formed for sub-districts with large workloads.
  - b. Type B sub-districts are formed for sub-districts with a small workload.

Determination of workload based on population, area, and some villages or villages. The difference in sub-district classification according to Law No.32 of 2004 which is then regulated in PP No. 19/2008 of the District Organization Structure can be maximally patterned with 5 Section Heads and can be patterned at least with 3 Section Heads. At present, the sub-districts are regulated by Type A-class (sub-districts with large workloads) and Type B classifications of sub-districts with small workloads.

As for various patterns of changes that occur in the change of law Under Article 226 there are some changes with the provisions contained in Article 126 of Law Number 32 of 2004 concerning Regional Government, as for the changes, namely: First, the delegation of authority of regents/mayors is based on service mapping public in accordance with the characteristics and/or needs of the community in the concerned District. This provision was not previously regulated in Law Number 32 of 2004 concerning the Regional Government. Based on this, this provision makes

it easy for the Regency / City Regional Government in the context of service to the community, this is because every region there are differences.

Second, the delegation of regent/mayor's authority is determined by the decree of / mayor which is a change in the previous matter, delegation or regent/mayor's authority as regulated in Article 126 paragraph (7) of Law Number 32 the Year 2004 concerning Regional Government is stipulated by regent/mayor regulations. one of the things that are fundamentally changed is that the devolution of authority is no longer regulated through the Regulations of the Regent, but is determined through a Regent's Decree and based on Government Regulation Number 17 of 2018 concerning Districts. The Comparison of changes between Government Regulation Number 17 the Year 2018 with Government Regulation Number 19 the Year 2008 concerning Subdistricts namely:

- 1) Provisions for the transfer of part of the regent's authority to the subdistrict based on Article 11 of Government Regulation Number 17 of 2018 consists of government affairs which are the authority of regency/city regions and to carry out co-administration tasks. Related to government affairs consisting of licensing and non-licensing services.
- 2) In the provision of Article 11 paragraph (3) Government Regulation Number 17 of 2018 contains the criteria for licensing services while in the provisions of Article 15 paragraph (2) Government Regulation Number 19 of 2008 does not contain provisions for licensing service criteria.
- 3) Article 11 paragraph (4) and (5) Government Regulation Number 17 the Year 2018 that services are developed as public service innovations and implemented through integrated services.
- 4) In Article 11 paragraph (7) Government Regulation Number 17 Year 2018 that government affairs as carried out based on mapping public services in accordance with the characteristics of the District and / or the needs of the local community, while the provisions of Article 15 paragraph
- 5) Government Regulation Number 19 the Year 2008 Partial Abundance regent/mayor's authority to the subdistrict is based on externality and efficiency criteria. Various changes occurred in the case of authority in the sub-district which had implications for the demand for services to the community.

## B. District Function

The delegation of part of the Regent / Mayor's authority to the Head of the District which was previously regulated regarding the Transfer of Part of the Authority to the District Head must be adjusted to the development of the existing laws and regulations. Adjustment to the provisions regarding the transfer of part of the Regent's authority to the District Head is based on the provisions of Article 11 paragraph (1) Government Regulation Number 17 of 2018 concerning Sub-

Districts that the district head has delegated part of the authority of the Regent / Mayor consisting of: to carry out Government Affairs which are the authority of the regency/city area.

- a. The delegation of part of the government affairs consists of licensing and non-licensing services. For licensing services can be done through integrated services and innovation development with the criteria: i) simple process; ii) small-scale licensing objects; iii) does not require complex technical studies; and iv) does not require high technology. As for nonlicensing services delegated to the sub district based on criteria: i) relating to supervision of the object of licensing; ii) small scale activities, and iii) direct services to the routinecommunity.
- b. Financing  
*First*, the costs for administering the affairs delegated to the subdistrict are borne by the District Budget. *Second*, the amount of costs for the administration of affairs delegated to the sub-district head is determined according to the magnitude of the assignment and the burden of assignments assigned, taking into account the area, population, and complexity of problems in the working area.

The duties of the subdistrict are regulated in Article 225 of Law No. 23 of 2014 the subdistrict as referred to in Article 224 paragraph (1) has the following tasks: First, Carry out general government affairs. Second, as referred to in Article 25 paragraph (6). Third, coordinate community empowerment activities. Fourth, coordinate implementation efforts. Fifth, peace and public order. Sixth, Coordinate the implementation and enforcement of local regulations. Seventh, Coordinate the maintenance of infrastructure and facilities. Eighth, general service. Ninth, Coordinate the implementation of activities. Tenth, governance carried out by regional officials in the sub-district. Eleventh, Fostering and supervising the implementation of village or village activities. Twelfth, Carrying out government affairs which are the authority of regency or city areas that are not carried out by district or city work units in the sub-districts and Carry out other tasks by statutory provisions.

### C. Policy Implications

The issuance of Government Regulation Number 17 the Year 2018 regarding Sub-District has implications for changes in the position of the village institution, which of course also results in changes in regency/city Regional Regulations on Work Organization Organizational Structure (SOTK) which is now called the Regional Apparatus Organization or abbreviated (OPD). For more details about the change in the position of village institutions in the local government system in Indonesia based on Act Number 32 of 2004 concerning the Regional Government into Act Number 23 of 2014 concerning Regional Government, including changes that occur are as follows; First, there has been a change in the working relationship between the Head of the Village and the Sub-District Head, which so far has only been coordinating and is now a superior and subordinate (the subdistrict is the direct superior of the Village Head). Secondly, there has been a change in terms of the district and village budgeting due to changes in the village position.

Third, there has been a change in the supervision and evaluation system of the village that has been carried out by the Mayor. Fourth, the change in the village staffing system, which has been the full responsibility of the Mayor, is now the responsibility of the subdistrict. Fifth, the change in the system of the district accountability to the Mayor has now become the district.

According to Rahyunir Rauf (2016; 5) that; The subdistrict is part of the regional apparatus given the authority to coordinate the administration of the administration in the subdistrict area, which in the implementation of its tasks obtains the delegation of a portion of government authority from the Regent / Mayor in handling part of regional autonomy affairs, and also in the framework of carrying out general governmental tasks. While the Subdistrict based on article 1 point (24) of Law Number 23 the Year 2014, is as follows; "Subdistricts or other names are parts of the regency/city area led by a subdistrict." Based on the mandate of Law Number 23 of 2014 above, it can be seen that the village which used to be a regional apparatus, while at present becomes a sub-district device. The village according to Article 229 paragraph (2) of Law Number 23 the Year 2014 are; "The village is led by a village chief called the village as a subdistrict official and is responsible to the district.

The sub-district is part of the regional apparatus, therefore the sub-district has its organizational structure. According to Miftah Thoha (2014; 3-4), that; "Overall, the institutional arrangement policy for the central government organization still follows the methods set by the previous government. But the structure of the New Order era is somewhat saved, the structure is now very large and costs money. "village is part of the sub-district apparatus, therefore the village is formed by regency/city regulations based on government regulations. The village is appointed by the Regent / Mayor upon the origin of the regional secretary from the regional apparatus of civil servants who meet the requirements by statutory provisions.

There was a change in the Law on Regional Government, from Law Number 32 of 2004 to Law Number 23 of 2014 concerning Regional Government, so there was also a change in the position of the village from the regional apparatus to the sub-district apparatus. So that in this study wanted to know the comparison of the position of the village which was previously a regional apparatus while at present a sub-district device. In a Comparative study, according to Sadu Wasistiono and Simangunsong (2015; 143), namely; "The main focus that appears in learning comparative study methods is comparing one institution with other similar institutions. In the sense of comparison contained the same elements and different elements. "

## CONCLUSION

The policy dynamics are marked by changes in rules from time to time, as seen from a significant pattern occurring as in Law Number 5 of 1974, the subdistrict as head of the region has attributive authority as regulated, and to everyone who has been appointed as head of the region , then automatically he has inherent the authority regulated in that article. Whereas according to article 66 paragraph (4) of Law Number 22 the Year 1999, the authority of the subdistrict is in nature,

meaning that the subdistrict only has authority if there is active action from the regent/mayor to delegate part of the governmental authority to him. Under law 23 of 2014, the transfer of authority of regents/mayors is carried out based on the mapping of public services by the characteristics and/or needs of the community in the sub-district concerned. This provision was not previously regulated in Law Number 32 of 2004 concerning the Regional Government. Based on this, this provision makes it easy for the Regency / City Regional Government in the context of service to the community, this is because every region there are differences. the determination of the delegation of part of the Regents / Mayors 'authority to the District Head is no longer determined by Regents / Mayors' Regulations but is determined through a Regent / Mayor's Decree. And has implications for changes that the village becomes a sub-district device.

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