Implementation Of The Authority Of Head Of The Regional Government In Organizing (Study In Tamalanrea City Of Makassar)

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Abstract: The purpose of this study is to analyze the extent to which the implementation of the authority of sub-district heads in the implementation of local government based on the applicable laws, especially in Tamalanrea Sub-district, and to analyze the factors that influence the implementation of the authority of the sub-district in the sub-district of Tamamrea.

Keyword: Implementation, The Authority, Regional Government

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I. INTRODUCTION

Implementation of regional autonomy in Indonesia has a long journey with dynamics that have ups and downs. If observed the implementation of autonomy or decentralization of government can not be separated from the development of existing political configuration, meaning that the existing political configuration will determine the relationship between central and local government. Authoritarian political configurations tend to produce centralized government relations (deconcentration), and democratic political arrangements tend to create decentralized (autonomous) governance relationships.

Indonesia is a growing country with a decentralized and deconcentrated system that provides an opportunity for local governments to implement their governments independently. Regulated in Article 18 of the 1945 Constitution (hereinafter referred to as the 1945 Constitution) after the amendment. Furthermore, after the enactment of Law No. 23 of 2014 on the amendment of Law Number 32 Year 2004 regarding Regional Government, as the elaboration of Article 18, brought new changes in the implementation of local government. This law has fundamentally altered the practices of government, one of which concerns the status, duties and functions of the kecamatan. The change brought about the change in the form of organization, financing, personnel filling, fulfillment of logistical needs and accountability, in addition to changes in the definition of the kecamatan itself. Kecamatan is an administrative area in the framework of deconcentration which is the working environment of governmental apparatus that performs the implementation of general government duty in the area before the birth of Law Number 12 Year 2008, whereas after the birth of Law Number 12 Year 2008 in Article 126 Article 2, regency or municipality in the context of the decentralization principle. That is, if in the framework of the principle of dekosentrasi Kecamatan is one of the administrative areas of government, in addition to National, Provincial, District and Municipality, as well as administrative city. However, at present the Kecamatan is the working area of the regional apparatus. Can be said also that the District is not a territory of power, but the District is the service area.

The change of the Kecamatan nomenclature as described above brings consequences to the change of the Sub-district's position as the leader of the kecamatan organization. The sub-district head is not the head of the region, which has power as the sole ruler of government. In the present day, the Camat acts as head of the working area which is in the region in the sense of authority or power. Based on the provisions of Law Number 23 Year 2014, Article 221 paragraph (1) regulates the Kecamatan as referred to in Article 224 paragraph (1) Sub-district headed by the head of sub-district called Camat who in the execution of his duty to obtain some delegation of authority of regent or mayor to handle some affairs Local government. The functioning of the Camat in carrying out these tasks, will greatly depend on how much delegation of authority given by the Regent or Mayor to him. As stipulated in the Decree of the Minister of Home Affairs Number 158 of 2004 on Guidelines of Sub-District Organizations in Article 3 states that Camat has the duty and function of exercising the authority delegated by the Regent or Mayor, in accordance with the characteristics of the region, regional needs and other government functions based on the legislation, invitation. Other government duties mentioned above are explicitly regulated in Law No. 23 of 2014 Article 225 paragraph (1) stipulates that, Camat also
performs general government duties. Delegation of delegation of authority has a goal to create the effectiveness and efficiency of governance, while improving public services in the region.

During this implementation of some of the existing authority is still concentrated on the District or City. This can lead to problems: First, the District / City Government will tend to have too heavy workload (overload) so that the function of service to the community becomes less effective. On the other hand, as a result of overwhelming authority, the District / City Government, designed to accommodate its authority, makes the institutional format larger and inefficient. Secondly, the sub-district as a District / Municipal Government and Sub-district Government apparatus as a Kecamatan device will emerge as an organization with minimal function. Kecamatan and Kelurahan only have routine administrative tasks that have been run, without any effort to further empower these two institutions. This at once indicates an incredible waste of organization (Sri Wahyuningsih, 2011: 5).

The Regional Government has the authority to regulate and manage its own governmental affairs according to the principle of autonomy and co-administration in accordance with the 1945 Constitution of the Republic of Indonesia. The granting of wide-ranging autonomy to the regions is submitted to accelerate the realization of the welfare of the community through the improvement of services, empowerment and community participation.

In addition, through broad autonomy, the region is expected to improve competitiveness by taking into account the principles of democracy, equity, justice, privilege, and specificity and potential and regional diversity in the system of the Republic of Indonesia.

In order to improve the effectiveness of the implementation of regional autonomy, the regions need to pay attention to the relationships between government and inter-governmental structures, potential and regional diversity. The aspect of the authority relation concerns the specificity and diversity of the region in the system of the Unitary State of the Republic of Indonesia. Aspects of financial relations, public services utilization of natural resources and other resources are carried out fairly and harmoniously.

It should also be noted that the opportunities and challenges in global competition by utilizing the development of science and technology. In order to carry out its role, the regions are given the widest authority accompanied by the granting of rights and obligations to organize regional autonomy within the unity of local government administration system.

One of the most essential changes concerns the status, duties and functions of sub-districts which previously constituted a regional apparatus within the framework of deconcentration principle. Changed its status to a regional device within the framework of the principle of decryption. As a regional apparatus, the subdistrict head in carrying out his duties gets the authority transferred from and is accountable to the regent / mayor.

The arrangement of the administration of the sub-district both in terms of formation, position, duties and functions are legally regulated by government regulations. As a regional apparatus, the sub-district heads can devote significant authority over community service affairs. In addition, the subdistrict head will also carry out the general tasks of the government.

The sub-district head in carrying out his duties is assisted by the kecamatan apparatus and is accountable to the regent / mayor through the district / city secretary. The accountability of the sub-district head to the district head / mayor through the regional secretary is administrative liability.

Understanding through does not mean the sub-district is a direct subordinate to the regional secretary, because the camat is structurally directly under the regent / mayor. The sub-district head also acts as the head of the territory (working area, but does not have the territory in the sense of regional authority), because it performs the general duties of the government in the subdistrict area, especially the attributable authority in the field of government coordination of all government institutions in the sub-districts, the administration of tranquility and order, legislation, guidance on the implementation of village and / or kelurahan government, as well as other governmental duties in the sub-district. Therefore, the position of the sub-district is different from that of other government agencies in the kecamatan, since the administration of other government agencies in the kecamatan must be in the coordination of the sub-district head.

The sub-district administrator as a regional apparatus also has specificity compared to other regional apparatus in carrying out its main duties and functions to support the implementation of the decentralization principle. The specificity is the existence of an obligation to integrate socio-cultural values, create stability in the dynamics of politics, economy and culture, strives for the realization of peace and order of the region as the realization of the welfare of the people and society in the framework of building the integrity of territorial integrity.

In this case, the main function of the sub-district is to provide services to the community, as well as to carry out regional development tasks. Philosophically, sub-districts headed by sub-district heads need to be strengthened from aspects of infrastructure facilities, administrative systems, finance and authority of the district government as a hallmark of regional government that holds strategic positions in relation to the implementation
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territory. The sub-district head as the representative of the district government is an extension of the regent / mayor in the subdistrict whose duty and function is to lead the administration of general government affairs. The districts as a regional apparatus has an important position in the system of governance in the region, and has the duty to execute government authorities delegated by regents / mayors to handle some regional autonomy affairs as regulated in Law No. 23 of 2014 article 225 paragraph (1) are as follows:

a. Carrying out general government affairs as referred to in Article 25 paragraph (6)
b. Coordinate community empowerment activities
c. Coordinate the effort of organizing peace and public order
d. Coordinate enforcement and enforcement of Perda and Perkada
e. Coordinate the maintenance of public facilities and infrastructure
f. Coordinate the implementation of government activities carried out by the Regional Devices in the kecamatan

g. Fostering the administration of village and / or kelurahan government

h. Implementing Governmental Affairs which is the Authority of the Regencies / Municipalities in the kecamatan and
i. Carry out other duties in accordance with the provisions of the legislation Unadngan

In addition to the duties referred to in Article 225 paragraph (1) of Law No. 23 of 2014 also mentioned in Article 226 paragraph (1) Camat exercises the authority of the government delegated by the regents / mayors to handle some regional autonomy affairs as well as subdistrict heads / mayor to carry out some of the government affairs that are the authority of the district / city.

Implementation of the authority of the subdistrict head as mentioned above includes the administration of government affairs within the sub-district according to the laws and regulations, and the delegation of some of the regents / mayors' authority to the subdistrict head is based on the criteria of externalization and efficiency.

The sub-district heads in their districts as regional apparatus have the duty to exercise the authority of the government that the regents / mayors abound by virtue of laws and regulations. The most important task of the subdistrict head is to coordinate the implementation of the government with the relevant agencies in the area of work. So the authors are motivated to conduct research and research results poured into a scientific work in the form of a thesis that is currently still in the form of a research proposal under the title Implementasi Camat In the Implementation of Regional Government Implementation.

II. FORMULATION OF THE PROBLEM

Based on the description of the background of the problem then formulated several issues as follows:

1. How is the implementation of the authority of the sub-district head in the implementation of local government based on Law No. 23 of 2014?
2. What factors influenced the implementation of subdistrict authority in Tamalanrea Sub-district?

III. THEORETICAL FRAMEWORK

Participation Theory

Literally, participation comes from the English word participation which means participation. In a broader sense, participation can be interpreted as a form of participation or participation actively or proactively in an activity. Sumarto in Sembodo (2006) explains that participation is a process that allows for better interaction among stakeholders so that deliberative agreements and actions, where space for listening, studying, reflection and initiating a joint action can occur. Thus, the participation of the community has a very important role to encourage a more focused development process and in accordance with the needs of the community. Agus Salim, Regional Government Political and Legal Studies, (Bogor: Ghalia Indonesia, Conyers mentions three main reasons why community participation has a very important meaning in development:

1) community participation is a tool for obtaining information about the conditions, needs and attitudes of local people without the presence of development projects and projects will fail,
2) communities will be more trustworthy of development programs or projects if they feel involved in the preparation and planning process, as they will know more about the project and will have a sense of belonging to a particular project
3) in the perspective of democracy that participation is the right of society to be involved in development. Abe further reiterated that "the participation of the community is a right, not an obligation." As stated in the UN Declaration on Human Rights of Chapter 21 that every citizen has the right to participate in government affairs, directly or indirectly.

Leadership Theory

Regardless of the system of electing local leaders who are turning to de jure and de facto systems, there is an important point that we need to underline whatever system we are so strongly hoping for as the people, namely the birth of local, global-minded leaders, in the sense of knowing what conditions he leads and perceives
thoughts or insights globally. This is very important as it is said to be straightforward by a general from the United States air force: "I do not think you. Moh Solekhan, have to be wearing stars on your shoulders or a title to be a leader. Anybody who wants to raise his hand can be a leader any time means that the real leadership is not determined by one's rank or position. Leadership is something that comes from within and is the fruit of a person's decision to want to be a leader, both for himself, for his family, for his work environment, and for the social environment and even for his country. Leadership is a decision and more a result of the process of character change or internal transformation within a person. Leadership is not a title or title, but a birth from a long process of change in a person. When one discovers the vision and mission of his life, when there is inner peace and forming a solid structure, when every speech and action begins to affect his environment, and when his existence encourages change in his organization, that is when a person is born into a true leader. So the leader is not just a title or position given from outside but something that grows and develops in a person. Leadership is born from an internal process. It is time for leaders both in local and national level it is time to realize and implement the meaning of leadership as well as possible because they are the foundation and hope of the people.

**Authority Theory**

Authority is a mandate imposed on a person to have certain duties and responsibilities in an organization's household, whether in the form of household in the daily sense, the household, the household and the other household.

When the authority is granted, it means that a person has regarded the leader as manager or head of the unit to organize and run the life of the organization's household so that the authority he receives as a trustee can be carried out properly and correctly in accordance with the norms, organizational rules to achieve the goals set.

Be thankful to the people who are given the mandate and the mandate to manage an authority properly and responsibly. God with great power gives one's confidence to be a Khalifah on earth. But beyond that belief God has to give some notes and preconditions that must be fulfilled, for which the leader who is given authority to manage something that is mandated must have the ability. Because without ability, it is impossible for a person to be given the trust to lead even though God has given "assurance" that authority as a leader is inherent from the beginning of human creation. But the ability to be a leader is absolutely necessary and this can be fulfilled through a knowledgeable process of knowledge.

Knowledgeable standard of knowledge is quite clear that is understanding and mastering a particular field of one or more branches of science. As a creature of God, he must also understand and master the sciences of God to forge the human personality to be more faithful and pious to Him, have a noble and beradaplak.

Ability derived from the knowledgeable process of knowledge must be continuously on-time and upgraded from time-time so that someone who exercises his authority to qualify as a trustful, non-corrupt leader is not fond of misappropriating the authority in his embryo.

Although it seems simple, then actually become a leader is not easy, let alone then attached a number of responsibilities that responsibility must be accountable to a number of people who lead and to God who from the beginning has given confidence to be the Caliph on earth.

According to legal terms, that attribution implies the division (power). In attribution (the division of the rule of law) created an authority, the usual way to complete the organ of government with the ruler of the government and its powers is through attribution.

In this case the legislator determines the new government's ruler and gives him a governmental organ and authority both to the existing organs that are formed on the occasion. For attribution, can only be done by the original lawmakers (legislators, Parliament lawmakers in the formal sense, crown, and organs of the general court organization). Whereas the legislators represented the crown, the ministers, the government organs authorized for it and have to do with the power of government carried out jointly. (H.D Van Wijk, see, Agussalmi A.Gadjong. 2007:25)

While the word Delegation (Delegatie) means the handover of authority from higher officials to low. Such submission can not be justified by or under the force of law. In the delegation submitted an authority. So with the delegation there is a transfer of authority from one governmental body or government official to another government agency or governmental authority. In the delegation always demanded a legal basis. Because if the delegate wants to withdraw the authority he has delegated, then it must be with the same legislation. The authority gained from the delegation may also be sub-delegated to the sub-delegates. This subdelegataris applies equally to delegates. Thus the authority derived from attribution and delegation may be mandated to the subordinate organs or organs when the organ or official officially obtaining the authority is incapable of exercising such authority.

Suemondt (See, Mustamin Dg.Matutu Dick, 2004: 138-139), explains that the delegation is the transfer of authority by the individual or legal entity which until now (the surrender) was appointed to run it, to
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an individual or other legal entity from then on exercise the delegated authority, on his behalf and in his own opinion. So in the delegation there is a transfer of authority from the party itself that has been appointed to exercise the authority, while the attribution is the granting of authority from the party who is not (without) appointed to exercise the authority.

The word mandate (mandaat) implies command (opdracht). In the law, both the giving of power (lastgeving) and the full power (volmacht). The mandate of authority of power is defined as a power of attorney (usually simultaneously with the order) by the government equipment which gives this authority to another person, who will execute it on behalf of the first government tool's responsibility.

On the mandate there is no creation or submission of authority. The central characteristic of the mandate is a form of representation, the mandate acts on behalf of the represented. It's just that on mandate, mandans still authorized to handle his own authority if he wants it. Mandans can also give any instructions to the mandate as it deems necessary. Mandans is fully responsible for the decisions taken under mandato so it is juridically-formal that the mandate is basically not someone else from mandans. In addition to subordinate employees in accordance with the laws that govern them.

According to Henrich, the mandate can be an opdracht on an instrument to exercise its own competence, as well as legal action by the holder of an authority to authorize. Full (Volmacht) to something else. To carry out the mandate's name competence. So the recipient mandate acts on behalf of others. According to Lubberdink, the responsibility for the exercise of authority remains with the authorizer, because the author has provided both general guidance and special instructions to the mandate (in Soewoto, 1998: 7). Juridically, the transfer of authority contains the first two terms, the handover in the formal sense of the delegation of authority set forth in legislation, which can be formulated in three forms of formulation, among others (1) general formulation (see Law No.1 / 1945), (2) the formulation of the formula rinei (see Law No.22 / 1948, Law No.5 / 1974), (3) the first (common) and second form of mixed formulation (see Law No.1 / 1957 and Law No.18 / 1965, and secondly, submission in the material sense of the handover of affairs which further becomes the authority of the autonomous region.

The mechanism of delegation of authority from the (central) government to the local government brings logical consequences in the structuring of the "rule of the game" to organize the legality procedure, in order to remain within the framework of the rule of law agreed in the state. The function of authority as a medium for local government, to carry out duties and obligations of local governments. Authority is the main attribute of power. Tangible responsible leadership and accountability (C. Wright Mills, See, Agussalim A.Gadjong 1969: 145-172).

IV. DISCUSSION

Sub-District Position In the Era of Regional Autonomy

Since Law No. 5 of 1974 on the Principles of Governance in the Region has positioned sub-districts as administrative areas and their existence as an element of the central government's means is essentially to carry out deconcentrated tasks as meant in Article 81 and general explanation of Law Number 5 of 1974 namely the implementation of general government duties.

In addition to implementing deconcentrated tasks, sub-district governments are also charged with the successful implementation of decentralization and assistance tasks. As the head of the region as a regional apparatus, the head of the subdistrict head is the head of the region in his working area, and in realizing his duties and obligations constantly coordinates the administration of the general government and the tasks assigned by the central, provincial and district governments. The duties of the subdistrict head as stipulated in Government Regulation No. 18 of 2016 in Article 50 are: "Sub-district is a regional apparatus of district / municipality as regional technical implementer having certain working area and headed by sub-district head and is responsible to the regent / mayor through secretary area".

As the head of the region, the sub-district heads the government, coordinating the development and fostering the livelihood of the people in the sub-district as well as having the authority and obligation as the head of the sub-district. Besides the duties and authorities in the sub-district head, the subdistrict leader other than as a leader in his working area as well as administrative government in general, and the creator of state stability.

Function of the Head of the District

The head of the sub-district in his capacity as a regional apparatus, has the duty to exercise the authority of the government delegated by the regents / mayors based on legislation. Besides, the head of sub-district is a government organizer in his working area, the most important task of the sub-district is to coordinate the organizers with the relevant agencies in their working areas. In the case of regents / mayors delegating some authority to the sub-district head, there are several things that need attention:
(a) That the delegation of authority is intended in the context of optimizing the main tasks and functions of sub-district heads in order to create efficiency and effectiveness of government officials.
(b) The purpose of delegation of authority to the sub-district head, in order to realize better service, cheap and fast
(c) The realization of community empowerment
(d) Realization of the balance of government administration, development implementation and community empowerment.

Paying attention to the authority of the district and observing the intent and purpose of the delegation from the bupati and the mayor to the sub-district head, the purpose of implementing the authority of the sub-district head is more focused on the functioning of coordination, supervision and function of the district by taking into account the aspirations and potentials that grow and develop in the community to carry out its responsibilities.

In implementing the function of the head of sub-district as mentioned above, subsequent camat activity is to carry out its function as a government in its working area, that is:
(1) Coordinate the implementation of government in the sub-district region that is coordinating internationally; village / lurah collecting taxes and levies in accordance with the Act
(2) Implementation of state ideology development activities and national unity; namely: to provide guidance and counseling on the actualization of the values of Pancasila which bersandikan unity and unity of the nation, instill and foster awareness of the land, eliminate discrimination, encourage participation and dynamics of local politics for citizens effectively, create a conducive, in order to create harmony between ethnic, religion in a sociocultural and religious atmosphere, strives for the creation of national resilience, and fosters society to live in harmony and peace
(3) Implementation of community service, conducting, giving information, construction of basic services
(4) Implementation of community empowerment, such as fostering community activities, supervision of social organizations and non-governmental organizations.

The type of authority of heads of sub-district heads in regional autonomy delegated by regents / mayors is more of a form of guidance and delegation of authority itself is of course adjusted to the conditions, specifications, characteristics and needs of the kecamatan and the ability of the area

In performing their duties, functions and responsibilities as regional apparatus, the sub-districts must be supported by a solid, efficient and effective organization. Therefore, in conducting the formation of sub-districts within an area, and the guidelines of the kecamatan organization are stipulated in the Minister of Home Affairs Regulation after receiving consideration from the minister who conducts the government affairs in the field of utilizing the state apparatus. In the provisions of article 51 paragraph 2 of government regulation No.18 of 2016 it is mentioned that the type A sub-district organization consists of 1 (one) secretary, at most 5 (five) sections, and in paragraph (2) the secretariat shall at most 2 (two) sub section, while type B sub-district consists of 1 (one) secretary, at most 4 (four) sections, and paragraph (2) secretariat in charge of at most 2 (two) sub-sections. And also regulated in the Regulations and also regulated in the Mayor of Makassar City Regulation No. 113 of 2016 on the Position, Organizational Structure, Duties and Functions and Working Procedures District Type A in the area of Makassar.

The Sub-district as a territorial apparatus shall be the head of the sub-district as the Head of Territory in his working area, and in realizing his duties and authorities constantly coordinating the administration of the government and the tasks assigned by the central, provincial, and district governments of the duties and functions of the sub- Law Number 23 Year 2014, influenced by 5 factors namely the substance of law, facilities and infrastructure, the quality and quantity of human resources and the area of the district.

V. CONCLUSION

1. Implementation of subdistrict authority in Tamalanrea sub-district of Makassar City is not yet fully optimal. This is due to the lack of authority of the subdistrict head as a mandate of the local government as well as due to limited facilities and infrastructure and limited human resource quality
2. The authority of subdistrict heads according to Law Number 23 Year 2014 tends not to provide flexible policies or discretion to the sub-district head to act according to the dynamics of the community's needs

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