

Legal Politics Deconcentration Study on Post-Reform Regional Development Planning

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ABSTRACT

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The principle of deconcentration is a necessity in the era of decentralization to ensure the establishment of Indonesian unitary state. The dynamics of drafting laws and regulations are actually an effort to find the most appropriate format in managing the relationship between the centre and the regions, in the sense of how to accommodate the centre's interests without stifling creativity and regional initiatives in planning development. This article tries to examine the dynamics of deconcentration in post-reform regional development planning. The period is divided into the 2004-2014 and 2014-2019 periods, each period marked by the issuance of a series of laws and regulations, each period reflecting a certain policy direction (legal politics) of deconcentration. This research is normative juridical research with a statutory approach in which the data obtained will be analyzed qualitatively and presented descriptively. The research results show that in the 2004-2014 period, deconcentration tends to be a complement and a formality to maintain a unitary state, while in the 2014-2019 period, deconcentration appears to be stronger in line with the authority of decentralization. The similarity in these two eras is that the implementation structure of deconcentration still overlaps with the structure of decentralization, thus allowing confusion and overlapping. The research results show that in the 2004-2014 period, deconcentration tends to be a complement and a formality to maintain a unitary state, while in the 2014-2019 period, deconcentration appears to be stronger in line with the authority of decentralization.

1. INTRODUCTION

Local wisdom is the Indonesian nation's identity so that the Indonesian people's wealth and potential. In social life, law and society are two things that cannot be separated. Where there is society, there is the law.¹ Therefore we need the Rule of Law

¹ Ahmad Sholikin, "The Future Of Decentralization Politics In Indonesia," *Jurnal Politik Dan Sosial Kemasyarakatan* 10, no. 3 (2018): 1–13.

to regulate social life to achieve public order. These legal rules are either written or unwritten—applicable nationally and regionally, in public and private Law.

This study aims to determine the pattern of legal policy regarding the role of the governor as a representative of the government (deconcentration) in post-reform regional development planning. This study is motivated by the dynamics of the deconcentration arrangement that ebbs and flows along with local government laws in Indonesia.

Based on a study conducted by Dinoroy Aritonang during the New Order era under Law Number 18 of 1965 concerning the Principles of Regional Government, the politics of decentralization is very strong wherein the administration of government affairs in the regions, more autonomy is applied to the regions and co-administration tasks (*medebewind*) and deconcentration. Become a vital complement. Meanwhile, based on Law Number 5 of 1974 concerning the Principles of Regional Government where deconcentration is as strong as the principle of decentralization.²

This study also wants to confirm the main finding of the utomo research that the relevance of deconcentration is weakened due to the ineffectiveness of managing the principle of deconcentration in government administration. Theoretically, the existence of deconcentration brings benefits in a decentralized unitary state. However, in practice, there are many demands to shift the deconcentration program and budget into a decentralized scheme because deconcentration is seen as not bringing many benefit to both the central and local governments.

The perspectives in both studies are still general, so research with a more specific scope of government affairs or functions is needed to analyze the pattern of deconcentration policies. Planning is one of the mandatory affairs under the authority of the provincial and city district governments, as well as an obligation in the implementation of regional autonomy. Planning is also a supporting function of government affairs that are under the authority of the region in addition to finance, staffing, as well as education and training, research and development carried out by regional agencies as regional apparatus.

Post-reform, local government is regulated in Law Number 22 of 2009 concerning regional government, Law Number 32 of 2004 concerning Regional Government and Law Number 23 of 2014 concerning Regional Government and their implementing regulations. Regional Development Planning is also subject to Law Number 25 of 2004

² Anwar Nasution, "The Government Decentralization Program in Indonesia," *Central and Local Government Relations in Asia: Achieving Fiscal Sustainability*, vol. 6, 2017, <https://doi.org/10.4337/9781786436870.00017>.

concerning the National Development Planning System with all its implementing regulations.³

To realize the objectives of this research, it will be carried out by examining the role of the governor as a representative of the government in the formation of regional development planning documents. This research is normative juridical research with a comparative approach to legislation. The object of the study is the regulation of deconcentration in the field of development planning. The data obtained will be analyzed qualitatively and presented descriptively.

Based on the description above, it can be seen that the role of the governor as a representative of the central government has experienced ups and downs in the sense of strengthening and weakening the authority of district or city areas in the field of development planning. In other words, there is a repulsive relationship between decentralization and deconcentration after the reform era. In this context, research on legal policy in the relationship between governors as representatives of the district or city government in the formation of regional development planning documents will find its urgency.

2. RESEARCH METHOD

This research is normative juridical research with a statutory approach in which the data obtained will be analyzed qualitatively and presented descriptively. The data used in this study include primary data and secondary data. Primary data consists of books, laws, and regulations that are relevant to the topic to be studied. Secondary data consists of journals and other internet sources.

3. RESULTS AND DISCUSSION

3.1. Deconcentration in the Implementation of Regional Government

Post-reform, regional government affairs are regulated in Law Number 32 of 2004 concerning Regional Government and Law Number 23 of 2014 concerning Regional Government. These two laws also regulate regional development planning, although specifically the field of development planning has been regulated in Law number 25 of 2004 concerning the National Development Planning System and PP 86 of 2017 as the implementation of the provisions of Law 23 of 2014 in the field of regional development planning.⁴

Law Number 32 of 2004 applies the principle of autonomy to the fullest in the sense that regions are given the authority to administer and regulate all government affairs

³ Tommy Firman, "Decentralization Reform and Local-Government Proliferation in Indonesia: Towards a Fragmentation of Regional Development," *Review of Urban and Regional Development Studies* 21, no. 2 (2010): 143–57.

⁴ Paul Barnes, "Implementation of Good Governance by Regional Governments in Indonesia," *Jurisprudencie Journal* 2, no. 2 (2015): 1–36.

other than those of the government as stipulated in this Law. Regions have the authority to make regional policies to provide services, increase participation, initiatives, and community empowerment aimed at improving people's welfare. In line with this principle, the principle of real autonomy and responsibility is also implemented.

Along with this principle, the implementation of regional autonomy must always be oriented towards improving the welfare of the community by always paying attention to the interests and aspirations that grow in the community. In addition, the implementation of regional autonomy must also be able to guarantee harmonious relations between regions and the government - meaning that they must be able to maintain and maintain the territorial integrity of the state and the establishment of the Unitary State of the Republic of Indonesia in order to realize the goals of the state and harmony between regions and other regions.⁵

In administering the government, the government uses the principles of decentralization, co-administration, and deconcentration in accordance with statutory regulations. Meanwhile, in the implementation of the regional government, the principle of autonomy and co-administration is used.

The administration of government is realized through the administration of government affairs which are divided into absolute affairs, general government affairs and joint or concurrent affairs.⁶ Absolute affairs and the general government are the responsibility of the President as the head of government whose implementation can be delegated to regional heads through a deconcentration scheme.

Concurrent affairs are carried out jointly between various levels of government so that in every concurrent affair, there is always a section of affairs that is under the authority of the government, provincial government and district/city regional governments. To realize the proportional division of affairs, criteria for the division of government affairs are set, which include externalities, accountability and efficiency, as well as national strategic interests. This pattern of relations between the centre and the regions is carried out through the principle of decentralization.

In administering the government, the government also implements based on the principle of deconcentration in accordance with the laws and regulations. The implementation of this principle is placed in the province as an administrative area so that the governor has a dual-position or role, namely as the head of the province (Local Self Government) as well as the Head of Region/Deputy of the Central Government in the region (Local State Government). In other terms, as the head of the autonomous region

⁵ Syaiku Usman, "Indonesia ' s Decentralization Policy: Initial Experiences and Emerging Problems," *The SMERU Research Institute* 60, no. September (2001): 1–28.

⁶ ANDI PITONO, "Asas Dekonsentrasi Dan Asas Tugas Pembantuan Dalam Penyelenggaraan Pemerintahan," *Jurnal Kebijakan Publik* 3, no. 1 (2012): 15–26.

(local self-government) and the head of the administrative region (field government), the Regent and Mayor only act as the head of the autonomous region.

The relationship between the governor's position as an autonomous region and as a representative of the government in the region is always interesting to study.⁷ The governor acts as the head of the autonomous region when carrying out the authorities that are mandatory and optional affairs of the provincial government based on the principle of decentralization. Meanwhile, the position of the governor as a representative of the government in the regions is in the context of bridging and shortening the span of control in the implementation of the duties and functions of the government, including fostering and supervising the administration of government affairs in regencies and cities.

In principle, in maintaining the balance of relations between the central government and regional governments, the governor adheres to the Integrated Perfectoral System as a form of consistency in maintaining the unitary state so as not to cause overlapping (spanning) of government affairs between the central government and district/city local governments and balance between district/city regional governments.⁸

Deconcentration is enforced because not all government authorities and tasks can be carried out using the principle of decentralization. In addition, as a consequence of the unitary state, it is not possible for all government authorities to be decentralized and autonomous even to the regions.

The principle of a unitary state requires the integrity of the government system that does not release the control of the central government over the regions. However, such control must not castrate or minimize the meaning of decentralization, which is the point of autonomy in the district/city area. However, the central government must prevent the state from disintegrating by controlling all forms of local government activities. The central government is fully responsible for the implementation of governance both at the centre and in the provinces and districts/cities.

The governor acts as a representative of the government in the region, namely when the governor carries out absolute government affairs, which are the authority of the government delegated to him, including foreign policy; defence; security; justice; national monetary and fiscal; and religion.

The authority of the governor as a representative of the government in the regions, in Law no. 32 of 2004, is still very limited. This is what then at the practical level raises problems, including the ineffectiveness of the guidance, supervision and coordination functions carried out by the governor towards the Regent/Mayor due to the unclear duties

⁷ Hendry John Piris, "Peran Politik Hukum Dalam Perencanaan Pembangunan Daerah," *Sasi* Vol. 20, no. 2 (2014): 14–21.

⁸ Irwan Waris, "Pergeseran Paradigma Sentralisasi Ke Desentralisasi Dalam Mewujudkan Good Governance," *Jurnal Kebijakan Publik* 3, no. 1 (2012): 38–47, <https://ejournal.unri.ac.id/index.php/JKP/article/view/884/877>.

and functions of the governor in his capacity as a representative of the government in the region.⁹

In the provisions of Article 38 of Law Number 32 of 2004 it is stated that the duties and authorities of the governor as a representative of the government are:

- a. fostering and supervising the administration of district/municipality regional governments;
- b. coordination of the administration of Government affairs in the provinces and districts/cities;
- c. coordination of guidance and supervision of the implementation of co-administration tasks in the provinces and districts/cities.

To implement the provisions of Article 38 of Law Number 32 of 2004, Government Regulation Number 19 of 2010 was issued concerning Procedures for the Implementation of Duties and Authorities and Financial Position of the Governor as a Government Representative in the province as amended by Government Regulation Number 43 of 2011 concerning Amendments to Government Regulation Number 19 of 2010 concerning Procedures for the Implementation of Duties and Authorities as well as the Financial Position of the Governor as a Representative of the Government in the Province.

This regulation is intended to strengthen the position of the governor as a representative of the government who has a very strong role in safeguarding the national interest and in ensuring that national policies can be implemented effectively in accordance with the norms, standards, procedures and criteria that have been determined throughout the territory of Indonesia.

In addition, this strengthening is also intended to strengthen relations between levels of government in which the relationship between governors and regents/mayors is stratified, where governors can carry out the role of fostering and supervising the implementation of regional government. On the other hand, regents/mayors can report problems that occur in local government administration, including in relations between regencies/cities.¹⁰

The general provisions of the government regulation are formulated about the concept of coordination, guidance, and supervision by the governor. In addition, Article 3 describes the duties of the governor as a representative of the government in the province, which includes:

- a. coordination of governance between the provincial government and vertical agencies, and between vertical agencies in the province concerned;

⁹ Dudung Abdullah, "Hubungan Pemerintah Pusat Dengan Pemerintah Daerah," *Jurnal Hukum Positum* 1, no. 1 (2016): 83, <https://doi.org/10.35706/positum.v1i1.501>.

¹⁰ Adissya Mega Christia and Budi Ispriyarso, "Desentralisasi Fiksal Dan Otonomi Daerah Di Indonesia," *Law Reform* 15, no. 1 (2019): 149, <https://doi.org/10.14710/lr.v15i1.23360>.

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- b. coordination of the administration of government between the provincial government and the regency/municipal government in the province concerned;
 - c. coordination of inter-district/municipal government administration in the province concerned;
 - d. coordination in the preparation, implementation and control as well as evaluation in the context of synchronization Plan Regional Long-Term Development (RPJPD)
 - e. coordination of guidance and supervision of the implementation of co-administration tasks in the provinces and districts/cities;
 - f. fostering and supervising the administration of district/municipality regional governments;
 - g. maintain the life of the nation and state and maintain the integrity of the Unitary State of the Republic of Indonesia;
 - h. maintain and practice the ideology of Pancasila and democratic life;
 - i. maintain political stability; and
 - j. maintain ethics and norms of governance in the region.

Changes carried out by PP 19 of 2010 include adding the governor's duties as listed in letter d. According to our study, this change is based on several considerations, firstly efforts to optimize the role of the governor as a representative of the government, especially to increase the synergy of central and regional development, secondly harmonization of the implementing provisions of Law Number 25 of 2004 concerning the National Development Planning System which in some of its provisions regulates the consultation on the final draft of the Regional Medium-Term Development Plan (RPJMD) and evaluation of the Regional Regulation Bill (Raperda) of RPJMD.

According to Mardiyanto Wahyu, the lack of clarity of authority in the power relations between governors and regents/mayors has given rise to 4 patterns of conflictual relationships, firstly the regent/mayor's "rebellion" against the governor's instructions, secondly, the conflict of authority between the governor and the regent/mayor, the third unfair political competition, four personal feuds.¹¹

Besides these four conflicts, there are still structural/institutional conflicts. In carrying out its functions, the role of the governor is carried out by regional apparatus, which incidentally is regional apparatus in the decentralization function. This practice can cause ineffectiveness in the guidance, supervision and coordination functions carried out by the governor towards regents/mayors.

In the absence of regulation on organs that assist governors as government representatives, this authority is in practice "forced" to be taken over by the provincial Regional Work Units (SKPD). Conceptually it is not appropriate because local

¹¹ W. Jati, "Inkonsistensi Paradigma Otonomi Daerah Di Indonesia: Dilema Sentralisasi Atau Desentralisasi," *Jurnal Konstitusi* 9, no. 4 (2012): 743–70.

government organs carry out the government's authority. These various "disharmony" phenomena encourage the government to strengthen the position of the Governor through Law Number 23 of 2014 concerning regional government.¹²

Law No. 32 of 2004 concerning Regional Government, the governor only has 2 (two) positions, namely as the head of an autonomous region and as a representative of the government in the region, while according to Law 23 of 2014 the governor has 3 (three) functions, namely as the head of an autonomous region, as a representative of the government in the region and as the "representative" of the President in carrying out general government affairs.

The governor as the head of the autonomous region when carrying out concurrent affairs as regulated in Article 11 and Article 12 of Law no. 23 of 2014. The division of authority for autonomous regions in this Law is not too rigid as regulated in Law no. 32 of 2004, because in fact, the authority here can be shared with each other, both with the Government and the Regency/City Government, therefore the nomenclature used is no longer the affairs of the provincial government and the affairs of the district/city government, but concurrent affairs consisting of mandatory and optional affairs. This authority is a concretization of the decentralized function of the governor.

The governor acts as a representative of the government in the regions within the framework of the concretization of the deconcentration principle in terms of:

- a. The governor carries out absolute government affairs, which are the authority of the government delegated to him, including foreign policy, defence, security, justice, national monetary and fiscal, and religion.
- b. The governor carries out concurrent affairs, which are the authority of the government delegated to him
- c. The authority of the governor to carry out the guidance and supervision of the administration of Government Affairs by the Regency/City Region

Meanwhile, the governor is said to act as the "representative" of the President in carrying out general government affairs, namely when the governor exercises the authority as stipulated in Article 25 Paragraph (1) of Law no. 23 of 2014. To carry out general government affairs, the governor can be assisted by vertical agencies. In carrying out general government affairs, the governor is responsible to the President through the Minister of Home Affairs.

Based on this study, we can convey several things as follows. First, deconcentration is a necessity in a decentralized system to enforce a unitary state. Second, until now, the implementation of the deconcentration function is still being carried out by the decentralized apparatus. Third, a comprehensive study is needed so that the

¹² Eka NAM Sihombing, "Problematika Penyusunan Program Pembentukan Peraturan Daerah," *Jurnal Legislasi Indonesia* 13, no. 3 (2018): 285–95, <https://doi.org/10.31219/osf.io/dguc2>.

deconcentration and decentralization program activities do not overlap. Fourth, in the field of medium-term planning, mechanisms are needed to synergize with national strategic programs.

3.2. Regional Development Planning

Regional development planning is part of the overall financial management process. Regional financial management is the entire activity that includes planning, implementation, administration, reporting, accountability, and supervision of regional finance. Planning is the starting point for the implementation of regional financial management. The importance of this process is often illustrated in the expression that "Failure in Planning and Budgeting is the same as Planning for Failure and Budget Leaks". Planning and budgeting is the most crucial process in government administration because it is related to the goal of the government itself to prosper its people. Planning and budgeting are integrated processes because the output of planning is budgeting.¹³

Before the reformation era, national development planning followed a centralistic pattern, meaning that regional development planning policies followed the central government's policies based on the Broad Outlines of the Nation's Direction (GBHN) set by the People's Consultative Assembly of the Republic of Indonesia (MPR RI). This MPR stipulation is then used as a legal basis for the President to elaborate it in the form of a Five-Year Development Plan (REPELITA). Furthermore, this Repelita becomes the basis for the preparation of the State Revenue and Expenditure Budget (APBN) by the government and the House of Representative Council (DPR).

Amendments to the 1945 Constitution have implications in the management of development, namely:

- a. Strengthening the position of the legislature in the preparation of the APBN;
- b. The elimination of the GBHN as a guideline for the preparation of national development plans; and
- c. Strengthening Regional Autonomy and decentralization of government within the Unitary State of the Republic of Indonesia

The three changes above make the centralized planning pattern irrelevant to the spirit of regional autonomy, which gives broad, real, and responsible authority to the regions. In this regard, a pattern/mechanism is needed to harmonize and harmonize development, both national development, regional development and inter-regional development.

These various considerations led to the issuance of Law No. 25 of 2004 concerning the National Development Planning System (SPPN) whose scope includes:

¹³ Mardyanto Wahyu Triyatmoko, "Power Relations between Governors and Regents/Mayors: Case Studies in Bali, West Kalimantan, Central Java," *Journal of Political* 10, no. 1 (2013): 113–26.

- a. National Development Planning includes implementing macro planning for all government functions covering all areas of life in an integrated manner within the Territory of the Republic of Indonesia.
- b. National Development Planning consists of development planning compiled in an integrated manner by Ministries/Agencies and development planning by Regional Governments in accordance with their respective authorities.
- c. The National Development Planning as referred to in paragraph (2) produces:
 - 1) long-term development plans;
 - 2) medium-term development plan; and
 - 3) annual development plan

The existence of this law is very strategic in the era of regional autonomy, this is at least when viewed from the provisions regarding the main objectives and functions of national development planning as follows:

- a. Support coordination between actors
- b. Ensure the creation of integration, synchronization, the synergy between regions, space, time, government functions, and between the centre and the regions.
- c. Ensure linkages and consistency Among planning, budgeting, implementation and monitoring.
- d. Optimizing community participation
- e. Ensuring the efficient, effective, fair and sustainable use of resources.

Regulations on regional development planning are more specifically regulated in Law Number 32 of 2004 in conjunction with Law Number 23 of 2014 concerning Regional Government and their implementing regulations.

National development planning is broadly divided into two periods, namely the period before and after the reform marked by the amendment of the 1945 Constitution. Empi Muslion JB44 in more detail, divides the budget planning period into five periods

- a. First period 1958-1967 (old order)
- b. Planning Period 1968-1998 (new order)
- c. Planning for the 1998-2000 period of the reform order.
- d. 2000-2004 period planning
- e. Planning Period 2005-present

During the old order, development planning tended to be centralized and top-down, while one of the themes promoted by the spirit of reform was to combat all aspects of centralism. This desire is accommodated in several laws including Law Number 17 of 2003 concerning State Finances, Law Number 23 of 2003 concerning the Election of the President and Vice President, Law Number 10 of 2004 concerning the Establishment of Legislative Regulations, Law 25 of 2004 concerning the Development Planning System, Law No. Number 32 of 2004 concerning Regional Government.

According to Law Number 25 of 2004, regional heads organize and are responsible for regional development planning in their regions. In carrying out the regional development planning, the regional head is assisted by the head of the regional development planning agency (Bappeda) as the head of the regional work unit (SKPD), which carries out regional development planning in accordance with his duties and authorities.

The National Development Planning System is a unified development planning procedure to produce long-term, medium-term and annual development plans carried out by elements of government administrators at the centre and regions by involving the community.

3.3. The Governor's Role as Government Representative in Regional Development Planning

Deconcentration is a necessity in a unitary state that has a wide area. The principle of deconcentration is applied because not all government authorities and tasks can be carried out using decentralization. In addition, through deconcentration, the government still has various powers over various affairs in accordance with statutory provisions.¹⁴

Based on the provisions of Article 3 letter d of PP Number 43 of 2011 concerning Amendments to PP Number 19 of 2010 concerning Procedures for the Implementation of Duties and Authorities as well as Financial Position of the Governor as a Representative of the Government in the Province, it is stated that the duties of the governor as a representative of the government in the province are,

"Coordination in the preparation, implementation and control and evaluation in the context of synchronizing the Regional Long-Term Development Plan (RPJPD), Regional Medium-Term Development Plan (RPJMD), and Regency and City Regional Government Work Plans (RKPD) to refer the RPJPD, RPJMD, and Provincial RKPD and National Long-Term Development Plan (RPJPN), National Medium-Term Development Plan (RPJMN), and Government Work Plan (RKP) as well as national development policies set by the government

The existence of this norm is interesting when viewed from the perspective of a unitary state. First, to confirm the existence of regional development as part of national development. Second, to realize synchronization between various regional and national development planning documents. Third, the legal basis for the government's control mechanism over regional development planning. Fourth, it accommodates national

¹⁴ Yesi Anggraini, Armen Yasir, and Zulkarnain Ridlwan, "Perbandingan Perencanaan Pembangunan Nasional Sebelum Dan Sesudah Amandemen Undang-Undang Dasar 1945," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 9, no. 1 (2016): 74–88, <https://doi.org/10.25041/fiatjustisia.v9no1.589>.

development policies as material for synchronizing regional development planning documents.

The government's role in regional development can be traced from various regulations such as Law Number 32 of 2004, Minister of Home Affairs Regulation Number 54 of 2010, Law Number 23 of 2014 concerning Regional Government and Minister of Home Affairs Number 86 of 2017. These various regulations are constantly trying to find the ideal and appropriate format for how to organize the relationship between the centre and the regions so that this relationship can guarantee the establishment of the unitary state of the Republic of Indonesia as mandated by the 1945 Constitution

The position of the governor as a representative of the government in the planning process does not get adequate regulation in Law Number 32 of 2004 concerning Regional Government. Some aspects of planning in this Law are as follows:

- a. Governor who because of his position is also a representative of the government in the province concerned and is responsible to the President⁴⁷
- b. The governor has several duties and authorities⁴⁸ as a representative of the government.
- c. Regional development planning as an integral part of the national development planning system.
- d. Does not regulate the evaluation or synchronization of development planning.
- e. Regulating the governor's evaluation of the Raperda APBD and the Draft Regulation on the Elaboration of the APBD with indicators of public interest and higher laws and regulations

In our opinion, the limitation of this regulation is because several factors influence it, firstly the ratification and enactment of Law 32 of 2004 is close to the ratification and promulgation of Law Number 25 of 2004 concerning the National Development Planning System, secondly, further regulations regarding the position of the governor as a representative of the government will be regulated in a government regulation.

The implementing regulation of Law Number 32 of 2014, which regulates the governor's authority as a representative of the government, was published in 2010 and was amended in 2011. The vacuum of regulations during these times has caused a series of conflicts in the relationship between the governor and the regent/mayor.

The relationship between governors and regencies/municipalities in the field of development planning is regulated in Permendagri 54 of 2010, which in certain parts regulates the involvement of the government represented by the governor in the process of forming Regency/city development planning documents.

- a. In the formation of the RPJPD, consultation and clarification were carried out to the governor.

- b. In the formation of the RPJMD, consultation and clarification were carried out to the governor
- c. Informing the RKPD, the preparation of the initial plan must refer to the Provincial RPJM and RPJMN and submit the RKPD to the governor.

The role of the governor as a representative of the government strengthened after the enactment of Law number 23 of 2014 concerning Regional Government and Permendagri 86 of 2017. The strengthening of the role of the governor as a representative of the government in Law 23 of 2014 can at least be seen from several things as follows,

- a. Representing the President carrying out guidance and supervision of the administration of Government Affairs, which are the authority of the district/city and Co-Administration Tasks
- b. Can impose sanctions in accordance with the provisions of laws and regulations on district/city Regional Government administrators
- c. Having a Governor's Apparatus as a representative of the government
- d. Evaluate the draft district/city regulations governing the RPJPD, RPJMD, APBD, changes to the APBD, accountability for APBD implementation, regional taxes, regional levies, and regional spatial planning

The role of the governor as a representative of the government in regional development is regulated in more detail in Minister of Home Affairs regulation (Permendagri) Number 86 of 2017 as an implementing regulation of Law 23 of 2014 concerning regional government, this can be seen at least in several ways as follows:

- a. Through a consultation mechanism on the initial draft of the RPJPD/RPJMD
- b. Through an evaluation mechanism of the draft RPJPD and RPJMD that the DPRD has approved
- c. Indicators of the governor's evaluation of the RPJPD and RPJMD
- d. Reference documents in the preparation of the initial draft RKPD
- e. Governor's facilitation of the RKPD Perkada Draft

In the process of preparing this Planning document, there are several interesting things to observe, firstly, consultation activities on the RPJPD and RPJMD drafts are coordinated by Bappeda by involving provincial regional officials. By the governor as a representative of the government based on deconcentration. The second "intervention" of the central government in the preparation of planning documents (national priority programs) is only possible in the annual planning (RKPD).

Government intervention in influencing regional development planning is seen in preparing the Regional Government Work Plan (RKPD). In the provisions of the article, the government can influence regional development planning through 3 documents that become references for the preparation of the RKPD, namely the Government Work Plan, the National Strategic Program and Guidelines for the Preparation of the RKPD. In

addition, the government can also take advantage of the provincial RKPD where the governor also acts as a representative of the government in the region.

Based on the description above, deconcentration has strengthened through the Permendagri Number 86 of 2017. The first, consultations with the governor were carried out on the initial draft of the RPJPD and RPJMD, so that the government could control it from the beginning. The second, after being approved by the DPRD, the RPJPD/RPJMD is evaluated by the governor, the third evaluation indicators are clearly stated so that it is not just a formality. Lastly, in the preparation of the RKPD, the government regulates the reference documents in preparing the initial draft of the RKPD.

4. CONCLUSION

The implementation of the principle of deconcentration always goes hand in hand with the principle of decentralization in which the two can be distinguished but cannot be separated as two sides of a coin. The relationship is dynamic in the sense that it weakens at one time and strengthens at another. The post-reformation period is divided into two, the first is the 2004-2014 era which is marked by Law Number 25 of 2005 concerning the National Development Planning System and Law Number 32 of 2004 concerning Regional Government and all implementing regulations related to deconcentration and development planning. Second Era 2014 - 2019 which was marked by the issuance of Law number 23 of 2014 concerning Regional Government and its implementing regulations.

The provisions of Law 32 of 2004 have proven that deconcentration complements the era of decentralization. The governor does not have the duties, authorities and adequate tools to carry out his functions. The ineffectiveness of the governor's role has led to a series of conflictual events with the governor and regents/mayors until the issuance of PP Number 43 of 2011 concerning Amendments to Government Regulation Number 19 of 2010 concerning Procedures for the Implementation of Duties and Authorities and Financial Position of the Governor as a Representative of the Government in the Province. This regulation tries to give a new spirit for strengthening the governor as a representative of the government

In the same era, the government also issued Law No. 25 of 2004 concerning the national development planning system, equipped with implementing regulations. Based on this law, the existence of the governor as a representative of the government in regional development planning tends to be weak and formalistic. The first indication is in the preparation of the RPJPD/RPJMD. District/city consultations are carried out on the final draft. Second, on the RPJPD/RPJMD drafts that the DPRD has approved. The governor "only" clarifies. on the RPJMD and RPJMN documents.

The issuance of Law Number 23 of 2014 concerning Regional Government and Permendagri 86 of 2017 seeks to strengthen the governor's position as a representative of

the government in various ways. First, consultation activities were carried out on the initial draft of the RPJPD and RPJMD. Both governors have the right to evaluate the draft RPJPD and RPJMD that the DPRD has approved with predetermined indicators. Third, to the RKPD The government has the right to facilitate the draft RKPD whose initial draft preparation must refer to a series of higher planning documents and national strategic programs.

The shift in the implementation of the governor's consultation from the initial draft to the final draft will significantly affect the effectiveness of the governor's coordination function as a representative of the government. The draft RPJPD/RPJMD that has been approved by the DPRD has also changed from clarification to evaluation. Substantially the two assessment indicators are the same, namely conformity with higher laws and regulations, public interest, and decency. The difference is that clarification is carried out on regional regulations while the evaluation is still in the form of draft regional regulations that have not yet been made determined by the regional head.

REFERENCES

- Abdullah, Dudung. "Hubungan Pemerintah Pusat Dengan Pemerintah Daerah." *Jurnal Hukum Positum* 1, no. 1 (2016): 83. <https://doi.org/10.35706/positum.v1i1.501>.
- Anggraini, Yesi, Armen Yasir, and Zulkarnain Ridlwan. "Perbandingan Perencanaan Pembangunan Nasional Sebelum Dan Sesudah Amandemen Undang-Undang Dasar 1945." *FIAT JUSTISIA: Jurnal Ilmu Hukum* 9, no. 1 (2016): 74–88. <https://doi.org/10.25041/fiatjustisia.v9no1.589>.
- Barnes, Paul. "Implementation of Good Governance by Regional Governments in Indonesia." *Jurisprudentie Journal* 2, no. 2 (2015): 1–36.
- Christia, Adissya Mega, and Budi Ispriyarso. "Desentralisasi Fiskal Dan Otonomi Daerah Di Indonesia." *Law Reform* 15, no. 1 (2019): 149. <https://doi.org/10.14710/lr.v15i1.23360>.
- Firman, Tommy. "Decentralization Reform and Local-Government Proliferation in Indonesia: Towards a Fragmentation of Regional Development." *Review of Urban and Regional Development Studies* 21, no. 2 (2010): 143–57.
- Jati, W. "Inkonsistensi Paradigma Otonomi Daerah Di Indonesia: Dilema Sentralisasi Atau Desentralisasi." *Jurnal Konstitusi* 9, no. 4 (2012): 743–70.
- Nasution, Anwar. "The Government Decentralization Program in Indonesia." *Central and Local Government Relations in Asia: Achieving Fiscal Sustainability*. Vol. 6, 2017. <https://doi.org/10.4337/9781786436870.00017>.
- Piris, Hendry John. "Peran Politik Hukum Dalam Perencanaan Pembangunan Daerah." *Sasi* Vol. 20, no. 2 (2014): 14–21.
- Pitono, Andi. "Asas Dekonsentrasi Dan Asas Tugas Pembantuan Dalam Penyelenggaraan Pemerintahan." *Jurnal Kebijakan Publik* 3, no. 1 (2012): 15–26.
- Sholikin, Ahmad. "The Future Of Decentralization Politics In Indonesia." *Jurnal Politik Dan Sosial Kemasyarakatan* 10, no. 3 (2018): 1–13.
- Sihombing, Eka NAM. "Problematika Penyusunan Program Pembentukan Peraturan Daerah." *Jurnal Legislasi Indonesia* 13, no. 3 (2018): 285–95. <https://doi.org/10.31219/osf.io/dguc2>.

-
- Triyatmoko, Mardyanto Wahyu. "Power Relations between Governors and Regents/Mayors: Case Studies in Bali, West Kalimantan, Central Java." *Journal of Political* 10, no. 1 (2013): 113–26.
- Usman, Syaiku. "Indonesia 's Decentralization Policy : Initial Experiences and Emerging Problems." *The SMERU Research Institute* 60, no. September (2001): 1–28.
- Waris, Irwan. "Pergeseran Paradigma Sentralisasi Ke Desentralisasi Dalam Mewujudkan Good Governance." *Jurnal Kebijakan Publik* 3, no. 1 (2012): 38–47. <https://ejournal.unri.ac.id/index.php/JKP/article/view/884/877>.



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