Position and Effectiveness of Bupati Team for Accelerating Regional Development in Majene District

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ABSTRACT
This study examines the positioning and effectiveness of the district development acceleration escort team in the Majene district. The type of research used in this writing is normative-empirical, where the method studies library material as well as legislative regulations, and the effectiveness that occurs in society. This research approach is a legislative approach and a conceptual approach. Both approaches are used in analyzing the position and effectiveness of the Bupati support team to accelerate regional development in the district of Majene. This research is carried out with the aim that the research is useful and in accordance with the intended purpose, the purpose of the research to know the position and effectiveness of TBUP3D.

Keywords: Regent's Team, Overseeing the Acceleration of Development

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INTRODUCTION
Regional governance is the conduct of administrative affairs by the local government and the Council of Regional People's Representatives (DPRD) according to the basis of autonomy and the duty of assistance with the principle of wide-ranging autonomy in the system and principles of the Union State of the Republic of Indonesia as referred to in the UUD 1945. The local government in Indonesia consists of the provincial government, district/city consisting of the head of the district and the Council of Regional People's Representatives (DPRD).

In practice, the policy of regional autonomy or decentralization in Indonesia is considered very important to be enforced. The importance of autonomy is due to the following reasons: first, for the efficiency of government, that is, by giving authority to the region, the duties of government can be divided between the central government and the local government. Devolution of authority (devolution of authority) to lower and smaller units or units of government is an absolute and inevitable necessity; second, for political education, i.e. as a means of training and development of democracy and the participation of the public in local general elections and the formulation of public policy.

In the context of the Indonesian rule of law, law enforcers are reminded that in
carrying out their duty to follow and understand the legal values that live in society. The government, as the servant of the people itself, will influence all the attitudes and actions of the government in order to maintain the State and government. For this, the Government must be involved as a servant in almost every aspect of public life, such as the economy, trade, public health, education, housing, sports, agriculture and so on. The involvement of the government as a servant of the community in various aspects of social life as presented above is a symbol of the rule of law of the welfare state.

In accelerating development there are some districts that have formed teams or special staff to promote the well-being of their communities. This was done in response to the main challenges of the era of Industry 4.0 revolution, one of which exists in the district of Majene, after he was appointed Sukri-Aris as the Bupati and Deputy Bupati Majene on June 27, 2021, he formed the team in controlling the development process and the policies that exist in the Majene area by issuing the Perbup No. 17 year 2021 About the Team Bupati for the acceleration of regional development in Majene district. It is true contextually about the rules on the formation of this special staff does not exist but with the Law on the Regional Government No. 23 of 2014 the creation of these special staff is carried out because it has become the authority of the local government as an autonomous region. It represents the application of welfare state and freisermessen in the theory of state law and administrative law as well as the realization of the foundations of good governance. (AUPB).

In this context, a special study on this team is needed in particular with regard to the position and effectiveness for the acceleration of development in the district of Majene. Furthermore, the term bupati team is not contained in the nomenclature in the Law No. 23 of 2014 on regional government nor in the provisions of PP No. 18 of 2016 on the organization of regional apparatus. The case raised in this writing as stipulated in the Decree No. 17 of 2021 overlaps authority with the staff of experts and other officers in relation to the position and authority of the Team for the supervision of the acceleration of construction in the district of Majene.

RESEARCH METHODS

This research uses the type or type of empirical normative research. This type of research is adjusted to the formulation of the problem proposed as a consequence of the research legal issues in the background of the problem of the Position and Effectiveness of the Regent’s Team in Supervising the Acceleration of Development in Majene Regency.

This research uses a Legislation research approach and a conceptual approach. Both approaches are used to analyze the Position and Effectiveness of the Regent’s Team in Supervising the Acceleration of Development in Majene Regency. This research was conducted at the Majene Regent’s Office and the Office of the Regional House of Representatives of Majene Regency.

This research uses primary data, which are data taken in the field, through expert team interview techniques. Secondary data in the form of primary legal materials which include the 1945 Constitution, Law No. 23 of 2014, Government Regulation No. 72 of 2019 and Regent Regulation No. 17 of 2021. Secondary legal materials used by the author in this
thesis research are library materials that support and explain the concepts of primary legal materials and tertiary legal materials, such as materials as supporting data for writing research.

The Efforts to answer the problems raised in the background of the problem in this study used the nature of qualitative descriptive analysis research with deductive-inductive thinking methods. The method is a qualitative analysis method, namely an analysis that uses conclusions, based on theoretical data or doctrines and laws and regulations.

RESULTS
B. Overview of Positioning
A position is defined as the place or position of a person in a social group. A social position is the place in which a person is generally in his society in relation to others, in the sense of his social environment, there are generally three types of positions, namely,

a) Ascribed Status, That is, a person's position in society, without regard to spiritual differences and abilities, is acquired by birth.
b) Achieved status, That is, the position attained by a person by deliberate efforts, this position is obtained depending on the ability of each in pursuing and achieving its goal.
c) Assigned status is often closely related to achieved status. It means a group or group of members of a higher position to someone who has served, who has fought something to meet the needs and interests of the community.

C. Overview of the Role
Roles are the completeness of relationships based on the roles that people have because they occupy special social status. It is said that there are two kinds of expectations in the role: first, the expectations of the society towards the role-holders, and secondly, the hopes of the person towards the society or towards those associated with it in the performance of their roles or responsibilities.

Role theory according to experts:
a) Role according soekanto is a dynamic process of position. When a person exercises his rights and duties in accordance with his position, he has already exercised his role.
b) According Merton Role as a pattern of behavior that is expected of people who occupy a certain status.
c) According Doughterty that the role involves patterns of product creation as opposed to behavior or action.

Role expectations are defined as what others believe about how you should act in a situation. How you behave is largely determined by the role defined in the context of your actions.

Role conflict when an individual is faced with different role expectations, the result is a role conflict. This conflict arises when a individual finds that to qualify one perimeter can make it harder to fulfil another role.

D. Overview of Legal Effectiveness
If a rule of law is obeyed by the majority of its objectives, we will say that the rule is effective. Nevertheless, although it may be said that it is effective, but we still question its effectiveness, as has been described earlier, one obeys or does not obey a law rule depending on his interests.

Lawrence M Friedman argues that the effectiveness and success of law enforcement depends on three elements of the legal system, namely:

a) Struktur Hukum (Struktur of Law)

b) Subtansi Hukum (Substance of the law)

c) Budaya Hukum (Legal culture)

E. Authority Overview

The term “authority” in English and “bevoegdheid”. Term “bevoegdheid” used in the concepts of private law and public law, whereas authority is always used in public law. Philip M. Hadjon stated that authority as a public concept consists of at least three components, namely, influence, base of law, conformity of law.

In administrative law there is a division on the nature of governmental authority, i.e. there are powers of a binding, optional and free nature, especially in relation to the authority to make and publish decisions of a regulatory and fixed nature by governmental bodies.

F. Development Overview

Siagian from his book Development Administration presents "development as a change creates a better state of state and society than the present conditions, whereas development as a growth shows the ability of a group to continue to develop both qualitatively and quantitatively, and is something that absolutely must happen in development.”.

Development is a kind of social change with new ideas for social life with the aim of obtaining a higher income and providing a higher standard of living by way of good social organization and modern production.

G. Position of Bupati Team for Regional Development Acceleration Support in Majene District

The word "development" is often associated with the economic development of a country. Rapid development can be a boost to a country's progress or not. Developed nations are believed to have a prosperous society anyway, which has resulted in development always being a hot topic of discussion in the economic, political and social interests. Development is a kind of social change with ideas for social life with the aim of obtaining higher incomes by way of good social organization and modern production.

Development is a change towards a better condition through planned efforts, development is renewal which is also a form of change in the desired direction but is more related to values or value systems. By looking at the two definitions above, we can conclude that development planning is a process of preparing stages involving various elements in order to utilize and allocate existing resources in order to improve social welfare in an environment, region, or area within a certain period of time.
Development planning is a major function of development management that is always needed because the need for development is greater than resources. Regional development planning aims to realize regional development in the context of increasing and equitable distribution of community income, employment opportunities, business opportunities, improving access and quality of public services and regional competitiveness. Therefore, a team to accelerate the implementation of regional development in Majene Regency is needed, as for the legal basis for the formation of this regent’s team is:

a) LEGAL RULES

The Regent in carrying out his duties and authorities to accelerate development based on the targets of the Regional medium-term development plan is required to establish Regent’s Team for the Acceleration of Development (TBUP3D).

The legal basis for the formation of the Regent Team to oversee the acceleration of regional development in Majene Regency is Regent Regulation Number 17 of 2021 but amended by Regent’s Regulation No. 9 Year 2022 About the Regent Team to oversee the acceleration of regional development in Majene district.

b) Philosophical Foundation

That regional development planning aims to realize regional development in the context of increasing and equitable distribution of community income, employment opportunities, business opportunities, improving access and quality of public services and regional competitiveness. That in order to achieve the objectives and targets of regional development, a regional development acceleration team is needed.

c) Authority TBUP3D

As Regulated in Regent Regulation Number 9 Year 2022 first amendment from Regent’s Regulation No. 17 Year 2021 about Regent’s Team for the Acceleration of Development. The authority of the Regent Team is to oversee the acceleration of regional development. Collect and process data and / or information from the community, regional apparatus and / or other agencies in the context of carrying out their duties; Attend meetings led by the Regent, Deputy Regent, and / or Regional Secretary as well as activities carried out inside and outside the region related to the implementation of their duties; Use facilities and infrastructure or office facilities in the context of carrying out their duties.

d) Principles and objectives

As Regulated in Regent Regulation Number 9 Year 2022 first amendment from Regent’s Regulation No. 17 Year 2021 about Regent’s Team for the Acceleration of Development, Organizational structure of the TBUP3D as described in articles 2, 3, and 4 are as follows:

- Article 2 With this Regent Regulation, a Regent’s Team for Supervising the Acceleration of Regional Development is formed, hereinafter abbreviated as TBUP3D non-discrimination.

- Article 3 TBUP3D is formed in the context of Supervising the Acceleration of Regional Development in accordance with the vision, mission and programs of the Regent and Deputy Regent stipulated in the Regional Development Plan. TBUP3D as referred to in verse (1) consists of the following:
1) Legal, government, regional apparatus, personnel, population, statistics, communication and cooperation, land and community and village empowerment;
2) The economy and development sector includes investment, finance and regional assets, regional-owned enterprises, development planning, public works and spatial planning, housing, transportation, environment, agriculture, forestry, marine and fisheries, energy and mineral resources, cooperatives, small and medium enterprises as well as industry and trade; and
3) The people's welfare sector includes education, health, youth and sports, libraries, archives, labor, women's empowerment and child protection, family planning and family welfare, social, religion, culture, tourism and transmigration.

- Article 4 TBUP3D TBUP3D is operationally under and responsible to the Regent and administratively responsible to the Regional Secretary.

From the results of an interview with the Head of the Legal Section of the Regional Secretary of Majene Regency, on July 12, 2022. Mr. Ruski Hamid said "the basic thing for the issuance of regulations is of course there are three philosophies, juridical, and sociological. Regarding the status of the regent's team, it is not a team of experts, it is a special team (special staff) in other words, it is called in this Perbup, namely the regent's team. So because it is not a team of experts who are included in the regent's team, they do not have to be academics such as doctors, professors, but those who are included in this team are those who know a lot about the Regent's vision and mission. So even if he is a professor or doctor if he does not understand the regent's vision and mission then he is not worthy of being included in the regent's team, they do not have to be academics such as doctors, professors, but those who are included in the regent's team are people who have formulated the regent's vision and mission since the regent became a regent candidate. For example, if the regent makes a policy, this team says that the regent should not do so because our vision and mission speaks like this. So in the regent's team, all of them are non-ASN whose allowances are borne by the Regional government every month “."

An interview with Mrs. Salmawati Djamado
"After sharing at the Makassar Mayor's office, there is indeed a special team for accelerating development oversight and on average from academics such as professors and doctors, related to budgeting it is not listed and does not have an office every day and is not directly related to the OPD, that's the truth. Meanwhile, in Majene district, almost the average team of regents overseeing the acceleration of regional development that is used is in fact from the success team and that is not justified when we conduct a working visit. The average acceleration team in the mayor of Makassar that is used is a professor. Based on the results of the working visit, the acceleration escort team is not directly related to the OPD later during the formulation of the RKPD planning and is asked for exposure, so when the regional head needs input or there are things that are in certain conditions, this special team is asked for opinions. Therefore, of course, as the Chairman of the Majene DPRD, I do not know the point of view of this team because I have occupied two places to study the existence of this special team.”."
Based on the contents of Article 5 of Regent’s Regulation No. 9 Year 2022 regarding the duties of the Regent’s Team for Supervising the Acceleration of Development which at point (b) states that, "providing consideration of advice and input in the preparation and implementation of Regent and Deputy Regent policies".

The phrase "providing consideration of advice and input in the preparation and implementation of Regent and Deputy Regent policies" is seen as colliding with article 11 paragraph (4) point (b) of the Minister of Home Affairs Regulation Number 134/2018 concerning the position, work relationship procedures, and competency standards of regional head expert staff which reads: "The coordinative working relationship as referred to in paragraph (3) is carried out by expert staff with regional apparatus, (b) Formulation of local government policies and strategies related to planning the implementation of supervision and evaluation of government administration.”

Related to the governance, there will be the same task regarding policy formulation and consideration of advice and input in the preparation and implementation of policies. The formulation of policies carried out by expert staff may be challenged by special staff so that it will have a negative impact on the implementation of government.

In the theory put forward by Lawrance M Friedman related to legal structure, it is not only about institutions but also about the organization of management and apparatus resources. In other words, when there is overlapping authority, there will be chaos in the government which certainly has a comprehensive impact, including on society.

When referring to the legislation article 8 of Undang-undang Nomor 12 Tahun 2011 which reads;

"(1) types of laws and regulations other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, the House of Representatives, the Supreme Court, the Constitutional Court, the Supreme Audit Agency, the Judicial Commission, Bank Indonesia, Ministers, agencies, Institutions or commissions at the level established by Law or Government by order of Law, Provincial DPRD, Governors, Regency / City DPRD, Regents / Mayors, Village Heads or at the level. (2) The laws and regulations as referred to in paragraph (1) shall be recognized and have binding legal force to the extent that they are governed by higher laws and regulations or established by authority.""

Therefore, in paragraph (2) the phrase "higher laws and regulations or established based on authority", it can be interpreted that the position of the expert staff is higher than the special staff, in other words the Regent's Team for Supervising the Acceleration of Development, therefore to form a good implementation, at least Regent’s Regulation No. 9 Year 2022 must be amended and / or Peraturan Bupati No. 9 Tahun 2022 must be revoked, in other words, the special staff must be dissolved.

The foregoing is in line with H.D Stout, who said that law is one of the system components in the life of a state in a legal state so that it runs optimally, it is determined by the process of working on structural components, substance, and cultural components.
The appointment of the Regent's Team is the Authority (discretion) of the Regent, in this context, the Regent as the Head of the Region as regulated by his authority according to Undang-Undang Nomor 23 Tahun 2014 concerning the formation of legislation, making it possible through Regent regulations as the Head of the Region to appoint special staff or regent teams with different backgrounds to provide considerations and input or recommendations to the Regent.

In the legislation there is nothing that regulates contextually regarding the Regent's special staff, but in the 1945 Constitution of the Republic of Indonesia in Article 18 point (2) the provincial, district and city governments regulate and manage their own government affairs according to the principles of autonomy and assistance tasks, in point (5) reads that regional governments exercise the widest possible autonomy, except for government affairs which are determined by law as central government affairs and in point (6) states that regional governments have the right to establish regional regulations and other regulations to implement autonomy and assistance tasks.

According to researchers, the Regent's Team for Supervising the Acceleration of Regional Development (TBUP3D) can be formed to assist the performance of the Regent and Deputy Regent as long as they pay attention to the contents of the article in Regent's Regulation No. 9 Year 2022 so that there is no overlap of authority with Expert staff and it is true that the birth of TBUP3D through Peraturan Bupati No. 9 Tahun 2022 is a discretionary authority, but the birth of this rule through discretion will bring a dilemma if all forms of governance will bring arbitrariness. So that the concept of legal structure in the concept offered by Lawrance M Friedman is difficult to achieve.

H. Effectiveness of the Regent Team for the Acceleration of Regional Development in Majene Regency

The role of local government in regional development planning is a strategic position related to its function as a public service to improve welfare, prosperity, security, justice and peace for the community. Because regional development planning is an activity to be carried out in the future, in this case starting from the stages of the program preparation process and activities involving various elements in it, for the sake of utilizing and allocating existing resources with the aim of improving the welfare of the community in general in an area planned within a certain period of time.

Carrying out this development, government officials are asked to accelerate development starting from planning, preparation, implementation, and submission of work results, so that the objectives of the vision and mission of the regional head listed in the RPJMD for the welfare of the community are immediately realized. However, government administration activities in supporting the acceleration of development carried out by public officials in making or taking policies must still refer to the applicable laws and regulations.

The role of TBUP3D which was formed by the Regent of Majene based on Regent Regulation Number 9 Year 2022 on the first amendment to Regent’s Regulation No. 17 Year 2021 concerning the Regent Team for Supervising the Acceleration of Regional Development in Majene Regency as the Head of the Region as regulated by his authority according to Undang-Undang Nomor 23 Tahun 2014 concerning the formation of legislation, making it possible through Regent regulations as the Head of the Region to appoint special staff or regent teams with different backgrounds to provide considerations and input or recommendations to the Regent.
Development. The formation of TBUP3D emphasizes more on overseeing the acceleration of development that evaluates the policies of the regent and can also be based on suggestions from TBUP3D regents so that the regent issues regulations or policies.

The Regent's Team for Supervising the Acceleration of Regional Development (TBUP3D) formed by the Regent of Majene, this is evidenced by a copy provided by the Legal Section of the Majene Regional Secretariat to the Researcher, Regent’s Regulation No. 9 Year 2022 concerning the Regent's Team for Supervising the Acceleration of Regional Development (TBUP3D). Researcher Interview with Mr. Rusbi Hamid

Mr. Rusbi Hamid said: “The role of TBUP3D is to conduct an analytical study of the regent’s policy, then the second is to conduct studies and analysis in the context of policy making by the Regent and Deputy Regent, the third is to monitor the implementation of the budgeting planning process carried out by regional apparatus. Regarding the working mechanism, for example, if the Regent makes a policy, then we together with the team are reviewed and then analyzed and can also be born a team or individuals because in this team there are divisions, one of which is law and government, the third is the field of economy and development, the third is the field of welfare. The results of the study from the fields in this team are reported to the regent in order to make policy, for example, apart from the chairman, I am also one of the coordinators of the economy and development, for example, if the marine and fisheries sector conducts a study on coastal supervision, the results of the study I conducted I reported to the regent and then the results of the study were brought to unsulbar in friends at the unsulbar research institute (LPPM). Then related to monitoring in the budget planning process carried out by related agencies such as deviating from the established program we will review whether it is wrong or not then the implementation such as deviating from the program carried out and reported to the regent and the work accountability of TBUP3D is directly responsible to the regent because we are the regent’s team, then the work target of this team is to accelerate regional development in Majene district and automatically we are given allowances because we are decree. Then related to this regent regulation, it does not violate because there is no law above it that violates it.

In the era of autonomy, central government interference is decreasing and regions are given greater authority to manage development in their respective regions, so the development planning system that used to be sectoral is now regional. Regional development planning now pays more attention to the potential and special characteristics of the region, while the center is more macro in nature and only provides general directions and targets.

According to Goulet there are three components of development goals including:

1) Economic growth
2) Social change and
3) Ethical values

The advantages gained by using auxiliary staff are usually recognized when the staff has technical knowledge and skills that leaders or subordinates do not have, for example found in many organizations, especially business organizations, as well as environmental impact analysis is needed in many organizations to assist leaders in solving problems.
Staff empowerment needs to have a good understanding of the work capabilities of their subordinates so that they can empower them effectively. Often staff empowerment is done by assigning tasks to staff that are done in stages in terms of scope and difficulty.

According to researchers, the role of TBUP3D is not or has not been effective. This is because when reviewed during the formation of TBUP3D there has been no significant impact presented. Given the role of government in regional development planning, namely as a public servant. In order to improve the welfare, prosperity, security, justice and peace of the community. Then in the role of TBUP3D in analyzing a policy, it can be seen as contrary to the statement that it does not have to be an expert who fills in or who becomes the Regent's team. So that it reinforces that the presence of TBUP3D is indeed based on discretion which is only a form of political contract. As the researchers found regarding the statement from the Head of TBUP3D who said that those who filled this team were those who had escorted the Regent since nominating him as a candidate for Regent of Majene Regency.

CONCLUSION

Based on the results of the discussion as described above, the author concludes that:

1. That the establishment of the Regent’s Team for the Supervision of the Acceleration of Regional Development in Majene Regency is based on Regent Regulation Number 9 Year 2022, the first amendment to Regent’s Regulation No. 17 Year 2021 concerning the Regent's Team for the Supervision of the Acceleration of Regional Development which has authority:
   a) To oversee the acceleration of regional development
   b) Collect and process data and/or information from the community, regional apparatus and/or other agencies in the context of carrying out their duties.
   c) Use facilities and infrastructure or office facilities in carrying out its duties.

   TBUP3D is operationally under and responsible to the regent and administratively responsible to the regional secretary.

2. The role of TBUP3D in regional development in Majene Regency is to conduct studies according to the existing divisions in the team structure and then the results of the study are reported to the Regent, as well as monitoring budgeting carried out by regional apparatus.

REFERENCES


Sobirin, zulkifli lubis, & Rudi Gunawan, Peranan staf dalam mendukung tugas pimpinan, jurnal Ilmiah Saintikom Tinjauan Tentang Peran Lembaga P2TP2A. https://www.google.com/url?sa=t&amp;source=web&amp;rct=j&amp;url=https://eprints.unm.ac.id/43064/3/BAB%252520Il.pdf&amp;ved=2ahUKEwjut7WlkZH5AhUESmwGHevwA6wQ6sMDegQI BRAB&amp;u sg=AOVvaw2BiQhjKLUnhRTlrBL7cZ24 pada tanggal 24 Juli 2022 pukul 17.14
