

**REGIONAL HEAD DISCRETION AGAINST DISHARMONY BETWEEN
THE HEAD OF SERVICE AND THE REGIONAL SECRETARY IN
CIANJUR REGENCY: REVIEWED FROM LAW NO. 30 OF 2014
CONCERNING REGIONAL GOVERNMENT**

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ABSTRACT

The legal authority given to public officials is the responsibility of the position as the head of the Regional apparatus to provide appropriate legal information. The purpose of this study is to understand the regulations related to the Discretion of the Regional Head of Cianjur Regency so as to create a harmonious, clean and free government from all forms of corruption. Normative Juridical is the chosen research method, through a field approach and analyzed based on theory and comparative. The results of this study conclude that Law No. 30 of 2014 on Local Government explains how to use common sense, the concept of the right to reason as a middle ground between the weaknesses of the legal system and legal opportunities. As a state that adheres to the doctrine of the welfare state, the rule of law can play the highest role in protecting people's welfare. As the Local Government Law does not specifically regulate the settlement of disputes between public officials, mediation is the main way to unify perceptions based on Law No. 8 of 2003 concerning Guidelines for Regional Apparatus Organization whose task is to support the leadership of local government through policies and the main task of assisting Regional Heads in managing local government infrastructure, finance, equipment and facilities. The general principle of good governance so that in rational decision making as a responsibility of the position and personal responsibility.

Keywords: discretion, disharmony, local government



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INTRODUCTION

The government has implemented the 1945 Constitution in the life of the community and state in order to improve the welfare of the community in all elements of life, great attention is also given by the government to regional development, especially the development of human services that can accelerate the work of the community in their lives. It can be seen that the development of individual and mental development was first initiated by the government which led to the development of regional progress, in city districts both on the island of Java and outside the island of Java that had not been affected by development under the government of the past period. However, the need to understand the program for the development of the country in other fields will not produce hope if it does not get good support from the central and regional governments. The idea of the right of opinion contradicts the idea of power which is based on "absolute constitutionality". The power of reason is a special force, except for the "absolute rule

of law". Therefore, the capacity of implementation, rational work, and arrangement and management of government officials will carry out the most important role in responding to planning related to development in the central sector and regional sector to support community development planning in accordance with plans adapted to citizens and the current government.

The management of government in all regions in each Regional Apparatus Organization or Government Office whose implementation is adjusted to the responsibilities of the position and carries out the principles that have been issued by laws and regulations properly, it is hoped that in the future various decisions issued by government officials can be adjusted to existing legal principles. Good discretion does not conflict with prohibitions or deviations of authority outside the main duties that already exist. On the other hand, the constitution also gives the government the power to act and issue laws through the discretion of regional heads (Juanda Syahputra, B. G. (2022).

Power of attorney was first issued in the Netherlands. At the beginning of his publication, he expressed his fear of the consequences of these rational forces that could harm citizens. Therefore, in order to support the protection of society, the Monchy Committee in the Netherlands in 1950 wrote a report on the principles in general of the best form of government or *algemene startselen van tegen bestuur*. At first, opposition came from government officials and workers in the Netherlands, fearing that judges or the country's administrative court would later use the issue to review government policy. But this refutation has now disappeared during that period as it has lost its relevance (S.F. Marbun et al., (2001). However, freedom of action is based on the power of government that leads to government officials. This freedom has a standard of good governance. And if there is a leadership vacuum in strong determination that is detrimental to society, the case should always be subject to judgment (Ridwan., (2009). Problems arise if there is an egocentric in each Regional Apparatus Organization / Government Service which is influenced by the main duties and functions of providing services to citizens so that there is overlapping responsibilities between other government agencies. Local Governments in their daily implementation are represented through government offices under the coordinator of the District Regional Secretary as recorded and guided by Law No.23 of 2014 concerning Regional Government article 18 explains Regional Government and Regional People's Representative Council as principles of freedom and employment Assistance that has the ability to use signs that may occur System and Principles of Unity of the Republic of Indonesia As mentioned in the 1945 Constitution. Local governments are the priority for implementing related government regulations and the main responsibility for the main duties as referred to in paragraph (2) of Law No. 23 of 2014 concerning Regional Government, explaining that the law is a government affair and prioritizing its main duties. Fulfillment of basic functions in government affairs Obligations related to services as referred to in paragraph (1) are guiding principles determined by the central government. Therefore, one of the causes of the emergence of disharmony between the Head of the Office and the Regional Secretary that occurred in Cianjur Regency. This is a highlight on social media considering that a clean, healthy and charismatic government is a guideline in the Cianjur government. The purpose of this study is to understand the laws and regulations related to the discretion of the local government of Cianjur Regency so as to create a harmonious, clean and free government from all forms of corruption.

RESEARCH METHODS

The research used is juridical normative as the method, the research examines the rules in writing as the primary legal data source is a law related to the problem of Disharmony between the Head of Service and the Regional Secretary of Cianjur Regency associated with the Law on Local Government and other laws and regulations related to this article. Secondary data, can be taken from several supporting data that support

primary data then used as a complement to other legal products. Next, formulate a new concept and theory. Final legal data is tertiary legal material that supports all existing data. Written data analysis techniques use data management which is essentially the activity of systematizing written legal documents.

RESULTS AND DISCUSSION

1. The discretionary authority of the Regional Head in responding to Disharmony between the Head of Service and the Regional Secretary that Occurs in Cianjur Regency based on Law no.23 of 2014 concerning Regional Government

a. Conception of Discretion

In modern concepts of rule of law, common sense, common sense, discretion, *freies ermesen* (German) are essential to government and this coupled with power, and connection, the growing legal system. The demand for public services must meet the needs of the growing socio-economic life of the population (JCT Simorangkir et al. (2008). Self-discipline is defined as a means of enabling a public servant or administrative official to act without completely breaking the law, or as an act that precedes a more objective exercise. According to the definition of the right to think according to the legal dictionary, the right to think something is free to be taken a decision in all conditions in dealing with according to his personal thoughts. Currently, according to Law Number 30 of 2014 concerning Government Administration, the ability to think means a decision or activity determined or carried out by a government official to solve difficult problems in a country in terms of laws and regulations that provide a choice, not organized, incomplete or unclear, or there is government stagnation. Many legal experts have provided explanations about the right to think, especially S. Prajudi Atmosudirjo, (1994) who interpreted the right to act as a free action and determine a decision from the leader in the government. He continued, the right to think is also important in addition to legal principles, it is a statement on every action that the reality of state administration will be based on legal certainty. But it does not allow regulating all kinds of situations and daily activities. Therefore, state administration must have independence or rationality.

Sjachran Basah said freedom of action itself is freedom of action, but in the implementation of its actions local governments are obliged to be based on laws, such as state law based on Pancasila (Sjachran Basah, (1997). Diana Halim Koentjoro has a definition of being free to do something state administrator or government official to solve problems that arise in emergency situations, where the law to solve these problems does not exist in the body (Diana Halim Koentjoro, (2004).

Freedom of action is used at the time of provision, as follows: 1) the state of emergency is very unlikely to be implemented in writing; 2) principles for which the arrangements are unclear; 3) There are standards but the text is not clear or open to many interpretations. This freedom of rationality is organizational freedom which includes administrative freedom (deliberation), freedom of reflection / *bereijningsvrijheid* and freedom in decision making. Freedom of interpretation refers to the freedom of a government body to interpret laws. Freedom in consideration at the time of emergence when the law presents multiple elections as the authority regarding the conditions specifically can be chosen by members of the government to apply. Meanwhile, freedom of policy-making arises when the legislature gives the right to members of the government to exercise their power, create, and take care of different interests.

This freedom of attention is subjective and objective. Freedom of personal evaluation / *topic beordelingsruimte*, namely freedom in deciding for themselves the procedure for the use of rights. Freedom of objective judgment / *objectieve beordelingsruimte* is the freedom to determine the limits of authority as outlined in the basic rules of authority. Freedom of

government or freies ermesen recorded in a document, it will become a political policy in a region. The logical explanation of freies ermesen is that the government is given the authority to interpret laws, but that does not mean the government can act violently. The government is prohibited from committing acts that constitute abuse of power (acting outside the scope of the authority conveyed and unlawful acts of the leadership. Because when the government in office will cause harm to its citizens due to the unfair or unlawful use of force, it can be tried in the State Administrative Court or in the general court (SF. Marbun and Moh Mahfud MD, (2006).

Basically, the legal doctrine described above, can explain the true discretion, namely the freedom to apply in daily duties or the freedom to make a decision on the part of an administrative official or government official as in his own opinion, in addition to the principles established by the existing law can not solve some problems that arise suddenly, this is made possible by the lack of regulations or the fact that The laws governing various matters have not yet been fixed.

b. Limitation of use of Discretion

To see the limits of the exercise of discretion, it is noted that article 24 of Law No. 30 of 2014 Government Administration explains the limits of discretion by stipulating that the leader utilizes his discretion, the application of decision making must do this. Consider the purpose of discretion, the rule of law that precedes discretion, and the general principles of best governance.

There are signs during the exercise of discretion and the development of a local government decision on the basis of state law, namely the principle of the best government administration, especially the principle of misuse of power and the principle of arbitrary actions. In other terms, the decision of the leadership in the government will be classified as a misguided policy if carried out with authority. On the other hand, decisions will be detrimental if they are against the will of the public (Ansori, L. (2015).

The element of abuse of power is judged based on the principle of specificity / speciliteitsbeginsel, which is the principle that determines whether government officials are authorized for special purposes. Deviating from such expectations of power includes considering it a perversion of power. The deviating part of the authority is tested rationally or reasonably. A decision is classified as having an element of unfairness if the policy is not reasonable as well. Meanwhile, the exercise of rights can be called mixed rights if the exercise of such rights is contrary to the purpose of the surrendered right or contrary to the general principle of Good Governance. Using the right of thought is considered arbitrary if employees do not grant it the right to support the government, fill legal gaps and provide a living. work. legal protection of the cessation of government administration in certain situations in the public interest. Furthermore, Law No. 30 of 2014 concerning Government Administration states that the use of common sense will hold officials and citizens accountable for rational decisions in provisions and undergo trials through settlement regulations or trials at the State Administrative Court.

This decision means that the Law on Government Administration will limit the exercise of discretion by government officials/administrative officials, but will also regulate the function of Government Agencies in exercising discretion indefinitely will await the decision of the State Administrative Court, but also functions because there is a necessity of accountability for exercising discretion to superiors because it is a necessity in a fundamental jurisdiction. Because of his individual thoughts in his explanation, it is said that answering questions to superiors is done in written form for reasons to take rational decisions.

Even if the Public Administration Law does not provide a provision that the person will report that his superior has not implemented it, at least it creates a limitation of mind and establishes principles, this is to prevent any deviation of power. and the arbitrary behavior of

government officials, because the main normative purpose is to create and guarantee that the administrative law of the state supports the law of guarantees and legal protection for citizens and for state administration (Rusli K. Iskandar, (2001).

According to Anna Erliyana, (2005) use in solving important, urgent, and sudden problems that are cumulative. Significant problems may arise but are not urgent, immediately followed up so that they are quickly resolved. Problems are urgent, but resolved later, problems arise new and can be classified as important, including related to the interests of citizens, while public interest standards will be determined by law. Based on the description above, it can be explained that the discretionary authority of administrative officials can be exercised in special circumstances where existing laws and regulations have not been clearly regulated. Implemented in urgent situations and the interests of citizens recorded in law.

Basically, the authorized officials can do anything reasonably. But whatever a reasonable government official does is: 1) increase government oversight; 2) fill legal gaps; 3) ensure that the law is clear; and 4) complete the suspension of government on certain matters in the greater public interest. On the other hand, it explains the discretionary authority of government leaders whose rules above show the performance of government officials, including regional financial officials. Logical boundaries actually serve as clues to when and how to make such decisions. These points become difficult for government officials as they will result in new laws. As a result of laws sourced from common sense, it will have an impact on implementation at the government level, so that it will have the same impact on all parts of government (Arfan Faiz Muhlizi, (2012). Therefore, common sense should not be used constantly or in certain situations. This concept of the right to reason exists as a middle ground between the weaknesses of the legal system and legal opportunities. Common sense comes from the *Rechtsvinding* school which understands that the legislature cannot keep up with the social order or the dramatic process of social development, so the law is always too late. The law cannot be perfect and cannot cover everything. *Leemten* (opportunity and law) always exist, so it must be understood by doing legal reconstruction (Arbani, 2019).

c. The discretionary authority of the Regional Head in responding to the Disharmony between the Head of Service and the Regional Secretary that Occurs in Cianjur Regency

Disharmony between the Head of Government Office and the Regional Secretary is a significant problem considering that these officials are the motor in running the wheels of government in Cianjur Regency. This is contradictory and has nothing to do with Klitgaard's theory. The theoretical meaning in this analysis is that although the government has discretion, it is clear that it is not used properly because of the influence of power and is not effective in answering process questions, then rationality becomes inappropriate and leads to differences of opinion caused by overlapping main tasks between agencies that cannot be communicated properly. The Cianjur Regency Government will hold the Regent election in September 2024 based on Law No. 10 of 2016 concerning the Second Amendment to the Law on Government in Lieu of Law No. 1 of 2014 concerning Governor Elections, and Regional Government. On the other hand, disharmony between the Head of the Regional Apparatus Office/Organization and the Regional Secretary will have a negative effect on the community because the Regional Secretary as a temporary official when the Regional Head enters the leave period and runs again as the incumbent of the Regional Head election. The government in service to the community continues to run, if the Regional Secretary as a temporary official experiences disharmony, it is possible that the government cannot run well, disobey or do not carry out orders in accordance with the regional autonomy structure. Financial accountability will also have an effect on the unhealthy government. There are negative opinions and provide manipulation of financial statements in the implementation of government. Therefore, there is a need for peaceful mediation efforts in

addressing these problems. If peaceful mediation does not fulfill the agreement, it will proceed to the State Administrative Court.

The weak direction of accountability to the people can be caused by the tendency of the ruler to always receive input privately so as to neglect public affairs. Ideally, bureaucracy should be in the middle of general programs and individual-specific programs. But, in general authorization is currently used to "give" the opportunity to consider in addition to these normative parameters. Decisions and actions at the government level cannot be utilized based on ethical, professional and general program concepts, but instead leave a large margin for their implementation for the political interests of professionals and society. individual profit motivation. In the meantime, it is important to have the necessary understanding as a form of problematic solution to immediate change in inconsistent change. The problems described earlier require a firmness in government administration that is technically in its field. It is in practice that the leadership is not willing to make a deep effort to solve this problem. Unfortunately, there are still seemingly negligent issues in favor of all citizens, especially the middle to lower levels. Low agreement on responsible tasks can indicate low quality governance capacity in the use of wisdom space that is naturally attached to its position (Arfan Faiz Muhlizi, (2012).

Indonesia's administrative and legal framework allows for flexibility. Reasonable policies can be taken and implemented independently, but through many kinds of considerations, for example there is no specific law on the decision depending on the emergency situation. In particular, discretion cannot be used if the law is in good condition so that regional leaders can appear at any time. In order not to violate Law Number 30 of 2014 concerning Government Administration, regional leaders are obliged to interpret the concept of common sense. Law Number 30 of 2014 concerning Government Administration explains the limits of fair acts, emphasizing that using principles that are permanent so that they can be used to prevent officials from using existing and internal power to abuse it / abuse of power and all acts of tyranny. The purpose is to give discretion to say that Law Number 30 of 2014 is the only power to enforce existing laws to ensure legal protection in the constitution aimed at the community.

Law Number 30 of 2014 concerning Government Administration, gives the right to think to the State Civil Apparatus is well regulated. Government is necessary: especially having attractive goals and deep conviction. Local government authority and situational conflicts between Regional Secretaries and heads of government agencies occur in the exercise of the authority granted by law to resolve important problems that occur in the implementation of government. The problem is related to the authority of local governments used to make decisions as the main purpose of the authority stated in Article 22 paragraph (2) of the Public Administration Law. This authority must be in accordance with the standard requirements with the law, based on the principle of generally conducting government, on the basis of purpose, not causing conflict with personal affairs, and showing good faith. If there is a dispute, the authority of the local government is used to resolve the problem but not through laws and regulations. In this case, elected officials in the regions have the freedom to make decisions in accordance with reasonable objectives, but the decision must meet the conditions that have been set. The authority of local governments must also pay attention to the public interest and not harm the state.

In the event of a dispute between the regional secretary and the head of the Regional Apparatus Organization, the authority of the local government through the Regional Head is used to resolve problems arising from differences of opinion between the two. In this case, the authority of local governments is used to make decisions that are in line with rational goals and to achieve predetermined goals. Such a reasonable decision may be tested by administrative action or by a decision in the state administrative court, if the action is contrary to the law and causes harm to the individual. In dispute resolution, the jurisdiction of local governments is used as a guarantee

in legal certainty when laws and regulations that provide some alternatives that are not standard, less concrete, there is a sense of hesitation in stopping government decisions. The power of local governments is also used to fill legal gaps and improve community benefits and welfare. In essence, the ability to think of local governments through Regional Heads is used in conflicts between regional secretaries and heads of Regional Apparatus Organizations to overcome difficult problems faced in local government management. The power must meet the conditions set and be used to make decisions in accordance with the objectives of the power, taking into account the public interest and not harming the community. Such a reasonable decision can be tested by administrative action or by a decision in the state administrative court, if the act violates the law and causes harm to individuals (Sulaiman. (2018).

In Law Number 22 of 1999 which was updated to Law Number 23 of 2014 concerning Regional Government, it is explained that there are no specific provisions governing the settlement of disputes between Regional Secretaries and service heads in Cianjur Regency. But in practice in the field, there are several articles that can be used as a reference to resolve the conflict. Article 6 of Law No. 23 of 2014 concerning Regional Government explains that the government can change local government rules and decisions that are not in accordance with the needs of the community in general or provincial-level or central-level laws and regulations and even other laws and regulations. The decision to postpone or not re-apply the regional regulation and the decision of the regional head will notify the affected area. No later than a week after the decision on the cancellation of the regional regulation and the regional head regulation, the implementation of regional regulations including the regional head is declared invalid. If there is a dispute between the Secretary and the Head of the Cianjur Regency Office, then the settlement that can be taken is through the media system that has been recorded in Law Number 23 of 2014 concerning Regional Government. Regional heads also play a role in facilitating and resolving disputes so that the parties are willing to sit down and refrain from criticizing each other in public.

In the mediation process, the parties involved must communicate openly, as well as respect the relevant law. If mediation fails, a decision can be made by the court as referred to in Article 6 of Law Number 23 of 2014. Local governments can cancel the decision of the regional head if it is not in accordance with the needs of the public and the provincial government or central government including other legal products. The implementation decision must be reported to the relevant region and its causes, and no later than one week after the implementation decision, the implementation of the regent decision is canceled (Munawaroh, N. (2023).

2. Accountability in government accountability is caused by the discretion of the Regional Head when there is disharmony of duties and has an impact on services to citizens

a. Financial Accountability

Government control over the discretionary decisions of local leaders when legal conflicts arise disharmony of public officials that cause unrest in the community, is needed to ensure understanding and consensus in regional financial management. In such cases, the need for mediation to resolve the problem is associated with a clean and corruption-free government. The criteria needed to answer the question of the form of government accountability, as defined in the discretionary decree of the Regional Head when disharmony occurs, include legal, ethical, professional, knowledge (expert), and public interest criteria. Thus, rational decisions that are not in accordance with the law and judgment can be considered, the regional government can review the financial statements of each Regional Apparatus Organization that is experiencing disharmony with the Regional Secretary as a form of follow-up mediation carried out by these officials. Reconciliation/recovery after mediation followed by consolidation to Return to duty in accordance with their duties and responsibilities. The need for evaluation of problematic parties

through *islah* between one party and another party receives a sense of fairness if losses arise due to improper decisions.

Common sense during emergency situations is in the opinion of Marcus Lukman who explains that for something special and emergency, at least have things like:

- 1) the problem must relate to public needs and interests;
- 2) the release of unforeseen problems, different from the main plan;
- 3) to overcome the problem, the law regulates in general but the technical rules have not yet been issued, therefore the local government has the authority to solve the problem of disharmony as the idea it considers; and
- 4) It is impossible to establish a system of carrying out administrative processes according to the usual system, or if it is carried out according to a normal administrative system, it is really ineffective and effective.

Therefore, improved government services to the public can benefit through questions of finance and bankruptcy. In this case, financial statements should be reported regularly and the community can also monitor them as a form of transparency in regional financial management based on Presidential Decree no. 7 of 1999 concerning Performance Accountability, then local governments report to the provincial government and the central government which gives them authority in regional government. By providing public information (openness), it is hoped that conditions can be created to improve the morale of civil servants by understanding and believing in a decision and every real work done by the government will be able to answer the principle of direct accountability or indirect accountability. Based on the description of discretion in resolving disharmony through transparent financial reporting to leaders and the community, both in the field of planning and implementing regional development, it is explained that disharmony is only a trait of misunderstanding between individuals or individuals.

b. Accountability in the use of bureaucratic discretionary space

Acceptable standards for jurisdictional application must meet a number of parameter requirements as outlined in the analysis above, namely: legal criteria, ethics, expertise, knowledge (experts) and public interest. Based on the results of the study, it is known that the utilization of permit space does not fully depend on the area of the applicable permit limit. Decisions that can be interpreted as inviting every right to authority and level of government instead accept the interests of politicians and the motivation of individual profits without contributing to the solution of problems that occur in the regions. The "weakness" or, conversely, the "trust" of government agencies in applying reasonable discretion based on acceptable ethical standards is determined by power through the performance of local government decision-making processes. If the accountability system is effective, then the exercise of discretion must be controlled so as not to deviate from normative benchmarks.

Accountability according to the author is guided by examples in the opinion of Romzek and Dubnick (1987), identifying two parts according to the accountability system, namely accountability in covering hierarchical or bureaucratic accountability and professionalism; and external accountability which includes political and legal accountability with the following description, among others: 1) There is a professional accountability system if bureaucrats have self-control over each individual so that the decisions taken are always on target. based on maximum professionalism; 2) a bureaucratic accountability system if higher control is applied to every operation in government; 3) the existence of a legal accountability system is almost the same as the accountability of government services, the inequality lies in the leadership who

controls it, especially from outside the bureaucracy of the application of laws regarding sanctions, for example through social agreements; 4) Political accountability system If the real work of the bureaucracy gets the carrying capacity of political institutions and citizens, it will be questioned who will be responsible.

Findings of problems in the field reported that the accountability system is still dominated by internal institutions through effective supervision procedures in the implementation of discretionary decisions, especially in the field of planning and management. The decision taken to carry out the task of planning technical decisions by each Regional Apparatus Organization has a direction of purpose to the Regional Head and the Regional People's Representative Council. Meanwhile, the disharmony between the Head of the Regional Apparatus Organization / Head of the Office and Regional Secretary of Cianjur Regency is one of the disputes caused by bureaucracy in the regional autonomy. Regional Secretary As a coordinator in the implementation of government under the Regional Head recorded in Law no.8 of 2003 concerning Guidelines for the Organization of Regional Apparatus whose task is to support the leadership of local government through government policies and the main task is to assist the Regional Head in the management of local government infrastructure, finance, equipment and facilities.

However, it is often overlooked in terms of performance reporting, of course, the work orientation of the development planning sector towards the community is still weak. Sometimes planning programs are not implemented to meet the needs of the city, but employment is still carried out on a large scale. for example in the Situbondo and Bima regions, the preparation of development plans is often carried out based on the scope and priority scale. Many important issues are included in the next plan document, the use of the budget becomes unfocused. This also happened in Cianjur Regency considering that the area also experienced natural disasters, earthquakes and landslides so that the budget was refocusing in emergency response. On the other hand, the helplessness of the professional work system and the lack of self-control of everyone are shown, furthermore the decisions that have been issued do not voice professionally and are not appropriate because they are still technical.

The lower the social status of a country, the stronger its ability to exercise external control. As the infrastructure capacity of government agencies increases, internal professional processes will increase. However, the case in Cianjur Regency, the strong orientation of accountability to leaders contributes to the real work of the government utilizing examples of monolithic and hierarchical accountability, explaining that accountability is officially translated as accountability of workers and their leaders and the government and parliament. This example can further prove to have not been effective at controlling the emergence of corruption and abuse of rights. Although it is considered that the bureaucracy of the current government era is still important to gather as a source of power for the administration of the government system, it must be reviewed from everything that has been done to an unstable government. Therefore, the idea of bureaucracy, which has always been described as a "bureaucratic empire" that aims to make bureaucracy a sacred power, actually shows, from mind to situation, on the other hand. The inability of the bureaucracy to resist interference is a serious problem that must be considered from the point of view of the political system. Self-reflection shows that government power in the position of "civil servant" can be very difficult for people to enter (Thoha., (2008). However, the same situation is faced by bureaucrats between some Heads of Regional Apparatus Organizations who are unwilling to act according to the will of their bureaucracy even though it is contrary to ethics, professional standards, and community needs. The analysis tried to express Weber's opinion that the authority of public servants to work as something that must be completely different from the company (Albrow, 1989). The fact that the issue was difficult to separate from governmental institutions and political influence was certainly a matter of consideration for Weber, arguing that possible changes on the part of administrative officials could not separate their actions from their

interests as individuals and members of society. Therefore, it is necessary to build a strong sense of community in order to withstand political pressure and be based on expertise and resources.

CONCLUSION

Government management in all regions in each Regional Apparatus Organization or Government Service whose implementation is adjusted to the responsibilities of the position and performs the main duties regulated by laws and regulations properly, it is hoped that in the future all decisions issued by government officials can be adjusted to existing legal principles. Disputes between regional secretaries and heads of Regional Apparatus Organizations are caused by ethical, bureaucratic and overlapping main duties that interfere with services to the community. The authority of the local government through mediation from the Regional Head is used to resolve problems arising from differences of opinion between the two. In this case, the authority of local governments is used to make decisions that are in line with rational goals and to achieve predetermined goals. A reasonable decision through administrative action or if the dispute has not reached a peaceful path can then be resolved by a decision in the State Administrative Court, if the act violates the law and causes harm to individuals

Government control over the discretionary decisions of regional leaders when legal conflicts arise disharmony of public officials that cause unrest in the community, is necessary for understanding and responsibility in regional financial management. Decisions taken to carry out technical policy planning tasks by each Regional Apparatus Organization have a strong direction of approval to the Regional Head and the Regional People's Representative Council. Meanwhile, the disharmony between the Head of the Regional Apparatus Organization / Head of the Office and Regional Secretary of Cianjur Regency is one of the disputes caused by bureaucracy in the regional autonomy. Regional Secretary As a coordinator in the implementation of government under the Regional Head recorded in the Law on Guidelines for the Organization of Regional Apparatus whose task is to support the leadership of local government through government policies and its main task is to assist the Regional Head in the management of local government infrastructure, finance, equipment and facilities in order to establish good working relationships so that good regional government harmony is formed.

BIBLIOGRAPHY

- Arbani, T. S. (2019). Limitation of Discretion in the use and management of Regional Finance in Indonesia. *Journal of Widya Pranata Hukum*, Volume 1, number 2, 176-187.
- Ansori, L. (2015). Government discretion and accountability in government administration. *Juridical Journal* Volume 2, no 1, 134-150.
- Arfan Faiz Muhlizi, (2012) Reformulation of Discretion in Administrative Law Structuring, *Journal of Rechtvingding Media for National Law Development*, Volume 1 Number 1, p. 102.
- Astuti, S. J. W. (2010). Accountability of Bureaucratic Discretion in the Regional Autonomy Era. *Society, Culture and Politics*, 23(2), 85-94.
- Anna Erliyanna, (2005) "Presidential Decree, Analysis of the Presidential Decree of the Republic of Indonesia 1987-1998", Post Program
- Bachelor of Faculty of Law, University of Indonesia, Jakarta, 2005, p. 138
- Diana Halim Koentjoro, (2004) *State Administration Law*, Bogor: Ghalia Indonesia, 2004, p. 41
- Faisal, A. H. (2016). Regional Autonomy: Problems and their solutions. *Journal of Accounting*, Volume 4, No.2, 206-215.
- Juanda Syahputra, B. G. (2022). Juridical analysis of the discretion of regional heads in government administration. *Locus: Journal of Legal Science Concepts*, 125-136.

- JCT Simorangkir et al. (2008), Legal Dictionary, Jakarta: Sinar Grafika Publishers, p. 38 7 Article 1 paragraph (9) of Law Number 30 of 2014 concerning Government Administration
- Munawaroh, N. (2023). Meaning of Discretion, Scope, Terms, and Examples. Retrieved from Law online.com: <https://www.hukumonline.com/klinik/a/arti-diskresi--ruang-lingkup--syarat--dan-contohnya-lt54b538f5f35f5/>
- Rusli K. Iskandar, (2001) Normatification of State Administration Law, in SF Marbun et al, Dimensions of State Administration Law Thought, Yogyakarta: UII Press, 2001, p. 187
- Ridwan, (2009), Three Dimensions of Administrative Law and Administrative Justice, Yogyakarta: FH UII Press, 2009, p. 51
- Romzek, BS & Dubnick, MJ (1987) Accountability in the public sector: Lessons from the challenger tragedy. Public Administration Review. 47 (3) , pp.227-238.
- Solomon. (2018). Discretion and its application. Retrieved from network legal documentation and information: <https://jdih.babelprov.go.id/diskresi-dan-penerapannya>
- SF. Marbun and Moh Mahfud MD, (2006) Fundamentals of State Administration Law, 6th printing, Yogyakarta: Liberty, p. 47
- SF Marbun et al. (2001) Dimensions of State Administration Law Thought, Yogyakarta: UII Press, p. 73
- Sjachran Basah, (1997) The Existence and Benchmarks of State Administrative Justice in Indonesia, Bandung: Alumni, p. 3
- S. Prajudi Atmosudirjo. (1994), State Administration Law, Jakarta: Ghalia Indonesia, 1994, p. 82
- Thoha, M (2008) Bureaucratic Reform in Indonesia. Jakarta: Prenada Media.