

Duties of Sub-District Head in Implementing Regional Autonomy Based on Law Number 23 Of 2014

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Abstract

Since the enactment of Law Number 23 of 2014, the Sub-district Government has undergone many changes in line with the changing paradigm of government as mandated in Law Number 23 of 2014 concerning Regional Government. The purpose of the position and duties of the Sub-district Head in the Regional Autonomy era is to improve coordination of government administration, public services, implement development, and empower Village/Kelurahan communities. The method used is an empirical research method with a legislative study approach and a conceptual and sociological approach. The data analysis used is the method of interpretation of legislation and authentic interpretation, as well as field data. The expected result is that the Sub-district government is required to be sensitive to the changes that occur. All public services and civil services that were previously conventional are now required to be technology-based. The Sub-district Head, as the head of government at the Sub-district level, and other government units, including Village governments should collaborate and coordinate in all sectors.

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1. INTRODUCTION

The implementation of regional autonomy according to Law Number 23 of 2014 in Indonesia has actually grown through a very long path, as is known, "since the Dutch colonial government, the Japanese military government, until the era of Indonesian independence, Indonesia has actually experienced a very bitter period in organizing its own regions. However, as is known, since the beginning of the founding of the Unitary State of the Republic of Indonesia, the founders of the nation (*founding fathers*), "We have agreed to choose the principle of the distribution of power in the administration of state government. This ideal of decentralization has always been part of the practice of state government since the enactment of the 1945 Constitution, continuing into the era of the RIS Constitution, the Provisional Constitution of 1950, and finally the era of returning to the 1945 Constitution, which was confirmed by Presidential Decree of July 5, 1959."

Based on the Law on Regional Government as mentioned above, the one that was in effect, and the most recent, is Law Number 23 of 2014 concerning Regional Government. Meanwhile, Law Number 9 of 2015 concerns the election of regional heads. The many laws that have been enacted in regional government demonstrate that the government is very enthusiastic about organizing government in accordance with the principles of regional autonomy. This is especially true for regional governments, which align with the wishes of the people. The *founding fathers* used to establish the Republic of Indonesia (NKRI) with the decentralization of power, and referring to the mandate of Article 18 of the 1945 Constitution (before amendment).

As mandated in the 1945 Constitution, the implementation of popular sovereignty in this region is carried out by the regional government. "Regional Government" is a government institution that carries out government affairs in a region in accordance with the principle of the broadest possible autonomy. The term "regional government" refers to the governor who leads at the provincial level, the regent or mayor who leads at the district/city level, and other government apparatus."

The enactment of Law 23 of 2014 concerning regional government indicates that, in carrying out regional government, regions have the right to autonomy. Regional autonomy is the rights, authorities, and obligations of autonomous regions to regulate and administer their own government and public interests, in accordance with applicable regulations. With this autonomy, it is hoped that public services will improve, as will the development of democracy.

Granting autonomy to regions is a form of freedom for regional governments to play a role in determining goals for building and realizing prosperity for the community, accelerating and bringing public services closer, and encouraging regional governments to implement good governance practices. Regional autonomy also aims to enhance democratization in the regions, a hallmark of a democratic nation, and thus aims to increase community participation in the regions. "Regional autonomy clearly prioritizes the ideals of upholding democratic principles, local excellence, diversity, community participation, administrative decentralization at the local level, and the ability to address real-world problems. Regional autonomy also prioritizes respect for local community initiatives and political rights, the independence and sovereignty of local socio-economic systems, and freedom from all forms of socio-political dependence on any party.". Taking into account the understanding of regional autonomy as stated above, regional autonomy aims to uphold the principles of democratization, local excellence, diversity, community participation, and the principle of decentralization, so that regions can develop in accordance with local community initiatives.

Regional Government Management states that "The Republic of Indonesia adheres to a unitary government system or unitary state in the form of the Unitary State of the Republic of Indonesia.. In a state government system, there is a central government that administers government affairs and a regional government that administers government affairs in accordance with a decentralized system. Based on the theory of government, a unitary state in administering regional government is known as the "*local government*"(Regional Government) and "*Field Administration*"(Regional Government) based on the principles of decentralization, deconcentration, and assistance tasks or medebewind.

To realize regional autonomy or decentralization to improve the welfare of the community, as mandated in the preamble to the 1945 Constitution, paragraph four, it should be with the determination strong and seriously to realize that ideal, by empowering all potentials in the region, especially human resources so that they truly have the competence that can increase positive and soulful competitiveness, building conduciveness to build people's welfare. In terms of natural resources in general, Indonesia is indeed rich, but in some regions, we admit that some are less supportive due to the natural factors of the region concerned. However, in utilizing regional authority to build prosperity, it is not blind, for example, carrying out excessive exploitation of resources, which will ultimately bring misery to its people. For example, in the mining sector, an industry that is based on natural resources, it is often overexploited. For example, C mining, the forestry sector, in a region is sometimes overexploited, solely to pursue PAD (local original income), because of the authority in autonomy. These things should be wary of and avoided by elites/policy makers, especially in the regions, so that there is no impression that regional autonomy can damage the environment on this earth. Each region in managing or developing its region is expected

to refer to *sustainable development* (sustainable development), which is environmentally aware to create a green government (*green government*) in each region.

Based on the description above, the problem can be formulated regarding:

1. What are the factors that influence regional autonomy?
2. What are the duties of the sub-district head in the era of regional autonomy?

2. RESEARCH METHODS

The research used in this study is empirical legal research, combining normative and empirical models to address the research questions. The following approaches are used: Sociological Approach (*Sociological Approach*), namely the type of approach used to find out how legal rules are implemented in reality, related to the effectiveness of the law in society. Conceptual Approach, namely an approach that starts from the views and doctrines that develop in legal science. Statutory Approach, namely an approach by studying statutory regulations consisting of primary legal materials and secondary legal materials that are related to the problem being studied by examining all statutory regulations and regulations related to the issue being faced.

Primary data is data obtained from field research through interviews, with a direct question and answer process related to the problem being researched, and secondary data is data obtained through literature studies related to the research, by collecting data obtained from official documents, books, laws and regulations, the internet, and other literature data related to the research.

Field data sources are data obtained through interviews with informants. Library data sources are data obtained through the collection of data or information related to the research. These sources can come from documents, books, laws and regulations, theses, journals, the internet, and other sources related to literature.

Direct observation is a method of collecting data using the senses without the aid of other standard tools for this purpose. Observation is a very important research technique, and interview techniques use interview guidelines (*interview guide*) so that the things that will be asked of the resource person. Documentation is a method of collecting data and literature review, where documents that are considered to support and are relevant to the problem to be researched, whether in the form of literature, annual reports, magazines, journals, tables, scientific papers, government regulations and laws that are available at the relevant institutions are studied, reviewed and compiled/categorized in such a way that data can be obtained to provide information regarding the research to be conducted.

Before analyzing legal materials, the legal materials are first processed, namely by deductive processing, concluding a general problem to the concrete problem at hand, and by considering legal interpretation methods relevant to the problem at hand. The legal materials and data are then further processed in accordance with the research objectives and the issues discussed in this study.

3. DISCUSSION

As stated above, Indonesia, as an archipelagic nation, has been committed from the outset to establishing a unitary state with the devolution of power and granting autonomy to regions to manage, regulate, and administer their regions. "The Republic of Indonesia is a unitary state with a decentralized system. In this regard, regional governance is implemented through three principles: decentralization, deconcentration, and assistance tasks." Considering this, each region in Indonesia has the right to regulate, manage, and administer its region according to its own potential.

Observing the statement above, the essence of autonomy and decentralization is to provide opportunities and chances for civil society in the regions to access politics and other resources related to the potential that exists in the region. According to Smith (in R. Siti, Zuhro 2013: 75), Journal of Government Science, Edition 43 of 2013, it is said that "decentralization has political and economic aims. The political goal is to strengthen regional government (Pemda), improve the capabilities of Pemda officials and communities in the regions, and maintain national integrity. Meanwhile, the economic goal is to improve the ability of Pemda to provide professional, affordable, efficient, and effective public services."

Several factors influence the implementation of autonomy, including (1). Human factors in implementing it, (2) Regional financial factors, (3) Equipment factors, and (4) Organizational and management factors. ". In relation to this, let's look at the explanation or description of each of these factors.

Human resources (HR) are the primary capital in all aspects, as are other factors in the implementation of regional autonomy or decentralization. The human factor, as implementers of regional autonomy, consists of the Regional Head, the Regional People's Representative Council (DPRD), the Regional Government Apparatus, and Community Participation.

Financial factors in an organization play a very important role in order to support the implementation of the activities of the organization concerned. The success or failure of the organization's activities also depends on finances, in addition to other factors that are also needed. In the management of regional government, financial management procedures have been regulated in a regulation. Law Number 23 of 2014 concerning Regional Government, in Chapter XI, regulates "Regional Finance." Article 2 79 paragraph (1) reads; "The Central Government has a financial relationship with the Regions, to finance the implementation of Government Affairs that are handed over and/or assigned to the Regions; and in paragraph (2) it reads; "Financial relations in the implementation of Government Affairs that are handed over to the Regions as referred to in paragraph (1), include:

- a. provision of regional revenue sources in the form of regional taxes and regional levies;
- b. provision of funds from a financial balance between the Central and Regional Governments
- c. provision of funds for the implementation of special autonomy for certain Regional Governments as stipulated in law, and
- d. provision of loans and/or grants, emergency funds, and (fiscal) incentives".

Taking into account these provisions, regional governments, in accordance with the mandate of the Law, have also been given the authority to collect taxes and levies, to be used as regional financial sources, as well as other sources and legitimate income, which aim to support the running of government affairs in the region. "One of the important criteria for knowing the real ability of the Region in organizing and managing its household, is the ability of *self-supporting* other words, financial factors are essential in measuring a region's ability to exercise its autonomy. This means that in carrying out its domestic affairs, a region requires funds or money. ". With the granting of decentralization to the regions, which is "the transfer of authority from the central government to local governments. This fiscal decentralization is also a tool for managing development to encourage regional economic growth, as well as the country as a whole." (Dessyana Lourine Talluta et al. 2018: 45), Wahana Bhakti Praja Scientific Journal, Volume 9, No. 1, October 2018.

Considering this, it seems as if the financial factors existing in each region can be used as a benchmark to measure its ability to implement autonomy and decentralization. Therefore, each Regional Head must be innovative, how by empowering financial resources, for example, by attracting foreign investors to invest in their region, by simplifying and shortening the licensing process, and so on, innovating in the taxation and regional retribution sector. "Regional financial management is an integral part of public budget management that reflects a series of APBD calculations, which includes the process of preparation, ratification, implementation, and monitoring (evaluation) of financial utilization. This means that the regional financial management segment is a core part of the objective component of public policy discussions..

To implement this statement, of course, each region, in addition to referring to Law Number 23 of 2014 concerning Regional Government, to run regional financial management, the region should also be guided by several laws related to financial management, including; "Law Number 17 of 2003, concerning State Finance, Law Number 1 of 2004 concerning State Treasury, Law Number 15 of 2004, concerning Audit of State Financial Management and Accountability, and Law Number 25 of 2004, concerning the National Development Planning System". From all these provisions, "Government Regulation Number 12 of 2019, to improve Government Regulation Number 58 of 2005, concerning Regional Financial Management" was born. In each region, this is also followed up with their respective Regional Regulations (for example, Regional Regulations concerning Regional Revenue and Expenditure Budgets-APBD), both at the provincial and district/city levels.

Equipment is also a crucial factor in the administration of regional government. The equipment referred to here includes buildings/offices, office supplies, machinery, including computers/laptops, official vehicles, official residences, and other equipment truly needed for the administration of regional government. All equipment used in the administration of regional government is considered a regional government asset. As an asset, it should be properly recorded and inventoried, and accounted for.

Organizational factors are also essential in managing government, especially regional government organizations. "Organizations can be observed as social phenomena at the macro level and also as phenomena at the regional level. *From* a micro perspective, organizations can also be observed as living *organisms* like humans, and as a product-organizing *process*. As a *living organism* existing, an organization is the output of a long process in the past, while as a product of the process of organizing, *an* organization is a tool or input for efforts to achieve goals"Organizational factors in the implementation of autonomy and decentralization are tools to achieve the goals of autonomy itself. Furthermore, management factors within an organization mutually support and collaborate in achieving these goals. Essentially, management is a way to influence others to work together to achieve the organization's goals. The management applied in this context is public management. In regional government administration, management is crucial for the success of public servants. "Service is the key to success in various service-based endeavors or activities. Its role will be greater and more decisive when service activities in the community have competencies in capturing markets or customers.

As is known, the reform movement occurred in May 1998, which led to the fall of President Soeharto from the presidential throne. With the fall of Soeharto also fell the New Order regime that had been in power for 32 years. Indeed, we cannot deny that many things were actually achieved during the New Order era, with its Tri Logic of Development, with the Bimas, Inmas, Insus, Suprainsus programs, then intensification, extensification, and diversification in the agricultural sector, including being able to achieve rice self-

sufficiency in 1978. In the Southeast Asian region, Indonesia played a very important role, so it was nicknamed the "Asian Tiger" at that time.

In the field of government, it cannot be separated from the political strategy of the New Order at that time, where, at that time, regional government was regulated by Law Number 5 of 1974, concerning the Principles of Regional Government, whose existence was very centralistic. Regional autonomy was not fully handed over to the regions; the reason was very political, as there was concern about the weakness of the Unitary State of the Republic of Indonesia. Therefore, everything was regulated from the center, and standardized so that regions could not develop according to the aspirations of their people in the region. For example, the Village Government, standardized by the central government, so that local wisdom in each region was almost invisible. The District Government at that time, the sub-district head was the sole authority in the field of government, regardless of the rank of the sub-district head. The sub-district head, as the head of the region in his sub-district, must be able to coordinate all agencies in the work area of the sub-district head concerned, in the fields of government, development, and society. After the New Order fell, a new paradigm was born in the field of government.

With the fall of the New Order, all systems were transformed or reformed. Law No. 5 of 1974 concerning the Principles of Regional Government was amended with the enactment of Law No. 22 of 1999 concerning Regional Autonomy. Consequently, the governance structure also shifted from a centralized to a decentralized one, with autonomy being emphasized in districts/cities. Article 224 of Law No. 23 of 2014 concerning Regional Government states:

- (1). "The sub-district is led by a sub-district head called a sub-district head who is under and responsible to the regent/mayor through the regional secretary."
- (2). "The Regent/Mayor is obliged to appoint sub-district heads from civil servants who have mastered technical knowledge of government and fulfill the personnel requirements in accordance with the provisions of laws and regulations."
- (3). "The appointment of a sub-district head who does not comply with the provisions as referred to in paragraph (2) will have his appointment decision revoked by the governor as the representative of the Central Government."

Paying attention to the wording of this article, the sub-district head in this era of autonomy, his position is as the head of government at the sub-district level, is under and responsible to the regent/mayor, because the sub-district head is appointed by the regent/mayor in their respective regions. Regarding the requirements for civil servants who are appointed as sub-district heads, they must have technical knowledge of the government. (see Chapter II sub.2.4). By paying attention to the explanation of Article 224 paragraph (2), which explains that "what is meant by mastering technical knowledge of government. Furthermore, Article 225 states;

- (1). "The sub-district head, as referred to in Article 224 paragraph (1) has the following duties":
 - a. "Carrying out general government affairs, as referred to in Article 25 paragraph (6);"
 - b. carry out coordination of community empowerment activities";
 - c. Coordinate efforts to maintain public order and security."
 - d. Coordinate the implementation and enforcement of regional regulations and regional head regulations."
 - e. Carrying out the coordination of maintenance of public service infrastructure and facilities."
 - f. Coordinate the implementation of government activities carried out by the Regional Apparatus in the Sub-district.;

- g. Carrying out guidance and supervising the implementation of village and/or sub-district activities";
- h. carry out Government Affairs, which are the authority of the district/city government, which are not carried out by the district/city regional apparatus work units in the sub-district, and
- i. carry out other duties in accordance with the provisions of laws and regulations".

Studying the duties of sub-district heads as stipulated in Law Number 23 of 2014, almost all of them are coordinating. This is because, in the era of autonomy, all tasks in districts/cities have been divided among the district/city departments, agencies, and divisions. The duties performed by sub-district heads are delegated by the regent/mayor to them. Furthermore, in carrying out their daily duties, sub-district heads are assisted by sub-district officials.

In the general provisions of Government Regulation Number 19 of 2008, in point 5, it states, "The Sub-district or other designation is the working area of the Sub-district Head as a regional apparatus of the district/city". Furthermore, in point 9, it reads: "The Sub-district Head or other designation is the leader and coordinator of the implementation of government in the working area of the sub-district who, in carrying out his duties, receives the delegation of government authority from the Regent/Mayor to handle some regional autonomy affairs, and carry out general government tasks".

4. CONCLUSION

In the implementation of autonomy and decentralization in the regions, clear organizational and management principles are applied. This includes the pre-drafting of the Regional Budget (RAPBD) through planning, implementation, evaluation, and accountability of activities by the Regional Government. These mechanisms must be well-organized; otherwise, opportunities for program deviations will inevitably arise. Considering that post-reform, regional financial management is under very strict supervision, both by authorized officials and by the public. To achieve "*good governance*," In this case, of course, regional financial management is carried out in a transparent, effective, efficient, and accountable manner.

The role of the sub-district head requires being able to accommodate all government duties, and regardless of time and place, all thoughts, time, and energy are devoted to carrying out the duties. The sub-district head is a civil servant. For this reason, a sub-district head of the Civil Service Corps must truly have the spirit and attitude of civil servants in carrying out their duties in the field. With the position he holds, the sub-district head must be able to coordinate, collaborate, and reach consensus in carrying out tasks in the field. Therefore, according to Sadu Wasitiono, the definition of Civil Service is: "Government apparatus (central and regional) who are specially educated to carry out government duties with the basic competencies of coordination, collaboration, and consensus (3K) to provide public services and maintain the integrity of the Unitary State of the Republic of Indonesia."

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