

Artificiality in The Delegation of Authority of Regional Heads and Their Impact on Autonomous Development

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Abstract

The purpose of this study is to analyze the implications for the development of autonomous regions caused by the apparent delegation of authority from the regional head to the regional apparatus. The approach method used in this research is a descriptive-analytical approach. The practice of taking power in a covert manner, namely taking over the authority that has been delegated by the Regional Head to the Regional Apparatus without revoking the laws and regulations which are the legal basis for the delegation of authority, based on Law Number 23 of 2014 concerning Regional Government (as amended by Law No. 2 of 2015 concerning regional government). The covert takeover of authority from the Regent of East Flores from the Regional Secretary of East Flores as the Coordinator of Regional Financial Management and Head of the Regional Budget and Revenue Management Team, clearly has implications for the development process of the autonomous region. In a public policy that is not pro-people, it also has consequences for the progress of regional development and becomes a barrier to the realization of welfare for the people in the region.

1. Introduction

A government builds education because it is a global concern (rahmadayanti dewi, 2021) in the organization of government and development in the region, public policy becomes something important in the process of achieving the vision and mission of development by regional heads resulting from a democratic process.

Dynamic and complex public policy is a political product that encompasses all policy processes. Further discussion of non-institutional public policy can be traced in Masoed's 1994 study on Indonesian development issues and Thoha's (2008) on bureaucracy in post-reform Indonesia, which discussed the role of bureaucracy in the political process of development.

In the awareness of State Life by the founding father has established a principle in the implementation of effective and efficient local government. Thus, the Regional Head can delegate some of his authority to the regional apparatus on the basis of regional head regulations or Regional Head decisions. Good communication with the community results in keduanyaya trust (Syakur & Panuju, 2020). Sometimes in the experience often occur deviations

In East Flores Regency, the East Flores Regent delegates authority to the East Flores Regional Secretary in the form of East Flores Regent Decree Number 1 of 2020 concerning the delegation of part of regional financial management powers to the Regional Secretary as regional financial coordinator and head of the Regional Finance and assets agency as regional financial management officer and regional general treasurer for fiscal year 2020. Almost the same as a company Regional Secretary is a financial manager who manages all financial reports. Financial statements are very important because it is a medium of information for external users because of their distrust of the company itself (Dicky et al., 2022).

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Thus, in the planning process, as well as in APBD planning approaches, according to Law No. 25 of 2004 (on National Development Planning System) does not work properly. The political planning approach is more prominent as the Regent wishes while ignoring the bottom up, technocrat and top down approaches as agreed. Speaking skills and communication that affect a person's ability to administer a policy (Apriyanto & Syahkur, 2022). Policy models like this ultimately impact on public expectations of real development needs become neglected. It often happens that the program of activities in the current year's budget is dominated by the Regent's policy will. Thus, the aspirations of the basic needs of the community conveyed through the development plan deliberation Forum from the village to the district level are neglected. Generally, public confidence in policy makers will be good if the communication is good and sustainable between one and another (Syakur et al., 2020).

This study aims to first, determine the benefits and deficiencies experienced in the practice of delegation of authority of regional heads structurally to the regional apparatus. Second, knowing the implications on the interests of regional development as mandated in the law on regional autonomy.

2. Method

The research method used in examining public policy issues is descriptive analytical research. According to Sugiyono (2014: 21) descriptive analytical methods use statistics to analyze data by describing or describing the data that has been collected as it is without intending to make conclusions that apply to the general or generalization.

The study was conducted in the East Flores Regency Regional Government for a period of 90 working days in 2021.

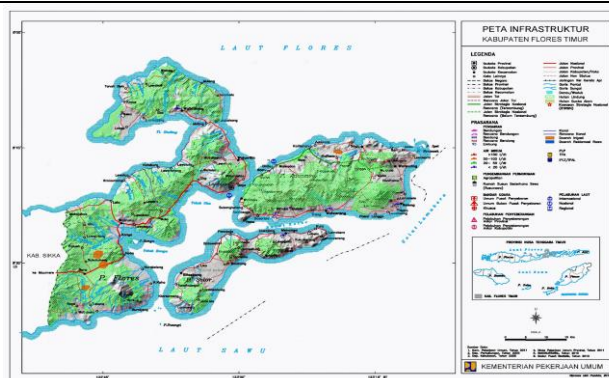
To answer the issues in this study, primary and secondary legal and Public Policy materials are needed. Primary legal material is legal material that is authoritative, consisting of legislation, official records or minutes in making legislation. The primary Public Policy material in this study is found in direct observation of the political practice of public policy in the field. Secondary law and Public Policy materials are materials found through library studies, in the form of textbooks related to state administration, legal and political journals, and scientific journals, supporting literature, or other scientific information relevant to the study.

This study was conducted through 2 (two) stages. The first step is to search, collect data, and direct observation of public policy practices, both data on primary and secondary public policies. The second stage is by analyzing data on public policies that have been collected in the first stage. Analytical techniques used are descriptive analysis techniques, namely by collecting factual data and describing. The Data comes from all information obtained from observations, interviews and literature studies related to the delegation of authority of regional heads to regional devices and its implications for Public Policy.

3. Result and Discussion

East Flores Regency was formed based on Law No. 69 of 1958 concerning the formation of Level II regions within the level I regions of Bali, NTB, and NTT. Based on data from the Central Statistics Agency (BPS) registration, the population of East Flores in 2020 was 297,599 people with a population density of 164 people per/km².

Map Of East Flores Regency



Source: Regional Secretariat Of East Flores Regency 2022

Meaning Of Delegation Of Authority Pseudo Regional Head

The authority of regional heads in the administration of local government is inseparable from the authority of local governments in the implementation of autonomy. Local government as an integral part of the state organization carries out some of the tasks of the state and is the embodiment of the character of the welfare state. The consequences and character of the concept of welfare state law is that the state intervenes in all aspects of the socio-economic life of all citizens, as a form of the state's obligation to strive for the realization of common welfare (bestuurszorg) or the common good (bonum commune).

The obligation of the state to create common prosperity does not always have to be held by the central government. Adhering to a decentralized system of state governance, the consequences Allow local governments to be obliged and responsible for implementing and realizing welfare for the people in the region. The essence of decentralization of autonomous governance is the participation of local communities in government affairs. However, the consideration of complex problems that are motivated by ethnic diversity, culture, religion, area and specificity of each region is placed to be the most essential reason for the government to decentralize government authority.

On this basis, the elaboration of the meaning of the concept of governmental authority is important. Explanation of the meaning of the concept of authority is based on the principle of legality as a fundamental aspect of the principle of the rule of law. The state in carrying out its function to realize the welfare and prosperity of the people (bonum commune), is interpreted as the power of government which Lemaire interpreted as the administration of the general welfare (bestuurszorg).

Authority as a public legal power is derived from legislation so that the use of such authority is able to control the behavior of legal subjects.

In this context, Philipus M. Hadjon cited Stroink's opinion as follows: in the concept of Public Law, authority is a concept in constitutional law and administrative law. Authority (bevoegheid) is described as legal power (recht macht). Thus, in the concept of Public Law, authority is related to power. Furthermore, it is stated that the authority consists of at least three elements a. Influence, refers to the use of authority meant to control the behavior of the subject. b. Legal basis, relating to the principle that the legitimate authority of government must be demonstrable, c. Legal conformity, implies the existence of standards of authority both general standards (all types of authority) and special standards (for certain types of standards).

Referring to the opinion on the authority put forward, the meaning of authority is the ability given by legislation as a basis for the government to carry out legal actions, which can have legal consequences. Legal action according to R.J.H.M. Huismann is " Onder rechtshandelingen verstaan we de handelingen die naar hun aard gericht op een bepaald rechtsgevolg, that is, actions that by their nature can cause certain legal consequences, or " Een rechtshandeling is gericht op het scheppen van rechten of plichten" (legal actions are actions intended to create rights and obligations). Legislation is the basis for the use of authority related to the position. Authority (bevoegdheid) is the cornerstone of government action. Therefore, the

authority of government actions comes from legislation. Theoretically, the authority derived from legislation, obtained through three ways, namely attribution, delegation and mandate.

Attribution authority, is the most important authority in the use of authority, namely the authority to make decisions (*besluit*) which is directly sourced from the law in the material sense. An act of government that is not based on the law results in the use of authority in committing unlawful acts. Thus, the authority of attribution, the essence of authority that can not be delegated except by law.

In administrative law, the actions of the government in the exercise of its duties and authorities that cause harm caused by the wrong implementation of the law are called *maladministration*. In Black's Law Dictionary dictionary *maladministration* means: "power management or regulation".

In East Flores Regency in the framework of the delegation of authority (*semu*), the East Flores Regent issued East Flores Regent Decree Number 1 of 2020 concerning the delegation of part of the powers of regional financial management to the Regional Secretary as the regional financial coordinator and head of the Regional Finance and assets agency as the regional financial management officer and regional general treasurer for fiscal year 2020. With this Regent decision, the authority of the Regent as the regional budget authorizer is partly delegated to the East Flores Regional Secretary to carry out the function of financial management coordinator in the East Flores area and also as the head of the Local Government budget team in charge of preparing the East Flores APBD starting from the planning process to the determination of the East Flores APBD. In preparing the APBD planning in favor of the interests of the community, the planning process must be guided by Law No. 24 of 2005 on National Development Planning System with four balanced planning approaches, namely: bottom up planning approach, technocrat planning approach, political planning approach and top down planning approach.

However, *de facto* when the Regent of East Flores covertly and deliberately took over the authority by determining and preparing their own APBD planning by using a political planning approach in accordance with their wishes and ignoring the other three planning approaches according to law - Law No. 25 of 2004 (on National Development Planning system) so that public spending in the APBD, specifically spending for the development of basic community needs such as roads/bridges, education, health, livable homes and clean water, is no longer a priority and has decreased its budget ceiling significantly every year. Meanwhile, spending on other needs that are not a priority but at the Will of the Regent such as the construction of sports buildings, social assistance and grants are priorities in the APBD. All these types of activity programs have never been proposed by the community in the development plan deliberation. Similarly, spending on employee benefits is reduced so that it lowers the spirit of employees to work to realize development goals for the welfare of the people. In an interview with the Regional Secretary of East Flores Regency, Mr. Paulus Igo Geroda, S.Sos, M.AP and head of Regional Development Planning Agency Mrs. Apolonia Corebima, SE, M.Si explaining that since 2019 the East Flores Regent has taken over the preparation of the East Flores Regency APBD until the end of the East Flores Regent's term on May 22, 2022. Meanwhile, based on the decision of the East Flores Regent Number 1 of 2020, the authority of the regional financial management coordinator has been delegated to the Regional Secretary as the head of the Local Government budget team to carry out the APBD preparation process starting from the planning process to determining the APBD. In fact, the APBD planning process must be guided by four planning approaches, namely the bottom up planning approach (through deliberation on development plans ranging from villages to districts), technocrat planning approach (Government needs planning), political planning (according to the vision and mission of the Regional Head) and top down planning approach (needs that are orders from the top level government) according to Law Number 25 of 2004 (on National Development Planning System). However, in practice, the Regent prepares his own APBD spending plan with a political planning approach according to his wishes. Thus, the other three planning approaches are ignored and in turn will have implications for unbalanced budget politics in the APBD. Among them, the fulfillment of basic community needs such as roads/bridges, clean water, education and health

is not significantly answered in the APBD. The budget ceiling has decreased dramatically from 2019 to 2021.

Another implication is that the morale of the State Civil apparatus has decreased as a result of the non-budgeting of performance improvement benefits and ASN welfare benefits by the Regent. On the other hand, the Regent budgeted considerable funds to build the Sports Building which cost tens of billions of funds as he wanted even though the sports building construction plan was never proposed by the community in the Regional Development Plan deliberation Forum.

If the Regent does not carry out a covert takeover of authority from the Regional Secretary, it is certain that the APBD planning approach does not work according to Law Number 25 of 2004. As an ASN, the regional secretary together with the Local Government budget team better master and understand the APBD based on the experience of deepening the APBD posture from each period of Regional Head leadership. Statement Of Regional Secretary Mr. Paulus Igo Geroda, S, Sos.M.AP and head of Regional Development Planning Agency Ibu Apolonia Corebima.SE,M.Si shows that the pseudo-delegation of East Flores Regent to the regional apparatus has negative implications for the politics of public policy, namely the politics of the budget in the APBD which is not in favor of the interests of the people, so that it affects the difficulty of realizing the welfare of the people according to the mandate of the 1945 Constitution paragraph.

Perkada As A Form Of Delegative Authority Of Regional Heads

A country that adheres to the state understanding of welfare law (welfare state, verzorgingsstaat) state intervention to create the welfare of all citizens is absolutely necessary. The state is obliged to organize general welfare (bestyurrzorg) or social welfare. Nevertheless, the use of state authority within certain limits is always limited by law. On the concept of welfare state (wevaartsstaats), the fact is that the state is fully devoted to society. In the welfare state, the state is the only instrument for the maintenance of the well-being of the people. The State plays an active role in organizing the welfare of its citizens for the benefit of all people and the state. So in the type of welfare state, the task of the state is solely to organize the welfare of the people as much as possible. The government in the context of the obligation to create social welfare, not only has a duty within the limits of implementing laws that have been set by the legislature, but also given the authority to make laws and regulations and use laws and regulations as a juridical means to realize social welfare.

One of the spaces of freedom of government in the administration of the state in addition to the formation of decisions (beschikking), namely the space of freedom to form legislation. However, the meaning of the concept of legislation according to Marbun and Mohamad Mahfud explained that: regulation is a law in abstracto or general norm that is general (generally applicable) and has the task to regulate things that are general (general). Perndang-undangan regulation (legislation, wetgeving) theoretically has two meanings, namely, First, is the process of formation/process of forming state regulations both at the central and regional levels, second, all state regulations that are the result of the formation of regulations both at the central and regional levels.

In relation to the law, a. Hamid S. Attamimi, as quoted by Ridwan A.R. that : "the term legislation (wettelikeregels) can literally mean regulations relating to legislation, whether the regulations are in the form of legislation itself or lower regulations that are attribusian or delegated legislation. On the basis of attribution and delegation of legislative authority, then classified as legislation in our country is the law and legislation- invitations that are lower than him such as government regulations, presidential decrees containing regulations, ministerial decrees that are regulations, decisions of heads of non-departmental government agencies that contain regulations, decisions of Directors General of Departments established by laws that contain regulations, level I regional regulations, decisions of governors of regional heads that contain regulations that implement the provisions of Level I regional regulations, level, and the decision of the Regent / vice mayor of the regional head which contains regulations that implement the provisions of Level II regional regulations".

Referring to the meaning of the above laws and regulations, the laws and regulations are classified as general binding regulations (material) that is, all written laws of the government that are generally binding.

In the context of the welfare state, the authority of the government is not only limited to the implementation of laws, but is charged with the obligation to organize public welfare. The consequence is that the state intervenes in all aspects of citizens' lives to create general well-being through certain functions. One of the functions of the state is the function of the state as a regulator (the state function as regulator) which is realized through the creation of legislation.

In the context of the government's authority in making laws and regulations, there are several reasons for the government's participation in making laws and regulations, namely : 1) understand the division of power which emphasizes the difference in function from the separation of organs contained in the doctrine of separation of powers. Thus, the function of forming legislation does not have to be separate from the function of administering government. Therefore, the function of establishing legislation can be placed on the state administration, either as an independent power or as a power that is exercised jointly with the legislative body. 2) Understand that gives power to the state or government to interfere in people's lives either as a power state or a welfare state. In the understanding of the state of power, the interference of the state or government is carried out in order to limit and control the people. As one of the formal supports for the exercise of such powers, various legal instruments were created that would provide a basis for the government to act. As a welfare state, various legal instruments are needed that cannot be solely left to the Legislature to administer the general welfare, but the state administration needs the authority to regulate without neglecting the principles of the state based on law and the principles of good government. In such circumstances, the growing power of the state administration in the field of formation of legislation. 3) to support the change of society that is growing faster and more complex, it is necessary to accelerate the formation of law. This encourages the state administration to play a greater role in the formation of legislation. 4) the development of various types of legislation, ranging from the Constitution to the legislation at the regional level. The Legislature does not establish any type of legislation but is limited to the law and the Constitution. Other types are created by the state administration.

Enactment of Law No. 23 of 2014 on Local Government (Statute Book Of The Republic of Indonesia year 2014 No. 244), then most of the concurrent government affairs handed over to local governments both to provincial and regional governments Regency/city became the basis for the implementation of regional autonomy. Concurrent affairs that are the authority of the region to be carried out by the region consist of Mandatory Government Affairs and optional Government Affairs. Compulsory Affairs consist of Government Affairs related to basic services and government affairs not related to basic services.

Mandatory government affairs related to basic services, including: Education, Health, Public Works and spatial planning, public housing and residential areas, peace and public order and community and social protection.

Mandatory government affairs that are not related to basic services, which include : women's empowerment and Child Protection, Food, Land, Environment, population administration and civil registry, community and village empowerment, population control and family planning, transportation, communication and Information Technology, cooperatives, small and medium enterprises, investment, youth and sports, statistics, coding, culture, libraries, and archives.

Instead, elective Affairs include: marine, tourism, agriculture, forestry, energy and mineral Resources, Trade, Industry, and Transmigration. While the details of the division of concurrent government affairs between the Central Government, Provincial Governments and district/city governments are set out in the Annex to the law of the Republic of Indonesia number 23 of 2014 on Local Government.

The consequence of the submission of some concurrent government affairs to the regions, namely government affairs into the authority of local governments as the basis for the implementation of regional autonomy. Local government affairs that become regional

authorities are carried out by local government organizers, namely regional heads who are assisted by regional devices and the Regional House of Representatives.

The authority of the Regional Head is part of the government functions obtained by delegation. The delegative authority of the regional head is realized in the legal regulation of regional government as stipulated in Law No. 23 of 2014 on regional government with its amendments. In the third section on regional heads and Deputy Regional Heads, paragraph I on regional heads Article 59 of Law No. 23 of 2014 stipulates the following : (1) each region is headed by a head of Local Government called a regional head. (2) the head of the region as meant in Paragraph (1) for the provincial region is called the governor, for the Regency region is called the Regent and for the city region is called the mayor.

East Flores Regent Decree Number 1 of 2020 (on the delegation of part of the powers of regional financial management to the Regional Secretary as the regional financial coordinator and the head of the Regional Finance and asset agency as the regional financial management officer and regional general treasurer for the 2020 fiscal year), is a concrete manifestation of the regional head regulation product to delegate part of its authority to the Regional Secretary as the regional apparatus. Thus, the delegation is valid and binding, although the Regent defacto take back the authority delegated to the Regional Secretary covertly so that it can be said that the delegation is a pseudo-delegation.

Implications For Public Policy

To streamline the administration of the government in the regions there are established laws and regulations, which authorize the lower-level government apparatus to carry out certain tasks. Delegation of government authority in practice taken back without changing the legal basis is as a delegate (pseudo). Legislation as the juridical basis for the act of delegating authority to the regional apparatus structurally in the form of government regulations or regional head regulations (perkada). In Government Regulation No. 58 of 2005 on regional financial management, there is a delegation of pseudo-authority of the regional head to the Regional Secretary as the Regional General Treasurer. Delegation of authority to the Regional Secretary is regulated in the provisions of Article 5 of Government Regulation No. 58 of 2005 on Regional Financial Management which states the following: 1) the head of the region as the head of the Regional Government is the holder of regional financial management powers and represents the local government in the ownership of separated regional assets. 2) in exercising the powers referred to in paragraph (3), the regional secretary acts as the coordinator of regional financial management. 3) the delegation of powers as meant in Paragraph (2), Paragraph (3), and Paragraph (4) shall be determined by the decision of the regional head based on the laws and regulations.

Furthermore, in the explanation of Article 2 Paragraph (2) of Government Regulation No. 58 of 2005 stated : “the authority delegated at a minimum is the authority related to the task as “regional treasurer” but de facto, East Flores Regent took over the authority that has been delegated by way of drawing up their own budget from planning to the determination of the budget. That way the function of the regional secretary as a coordinator of financial management is not running and APBD planning approaches in accordance with the Constitution number 25 of 2004. Law No. 25 of 2004 describes the national development planning system does not work properly where the APBD compilers only use political planning approach according to the Will of the Regent and ignore the bottom up, technocrat and top down approach. Thus, public expectations of development needs are not balanced where the program of activities in the current year'S budget is dominated by the political will of the Regent rather than the aspirations of the community. In addition, the delegation of pseudo-pseudo authority will have implications for the politics of public policy in areas where juridically, the delegation of authority has been carried out but in practice, the granting authority officials in practice still take over deliberately the authority, for example the Regent of East Flores takes over the authority of the preparation of the East Flores APBD from planning, even though this authority has been delegated to the regional secretary according to East Flores Regent Decree Number 1 of 2020 concerning the delegation of part of the powers of regional financial management to the

Regional Secretary as the regional financial coordinator and the head of the Regional Finance and assets agency as the regional financial management officer and regional general treasurer for fiscal year 2020. For example, the basic needs of the community such as roads, bridges, water, education, health and other basic needs proposed by the community in the development plan deliberation forum ranging from villages to districts are ignored as priorities, while the Regent's desire to build a sports hall that costs tens of billions of funds is forced to be a priority even though the construction of this sports building is not an urgent need, and has never been proposed in the development plan deliberation. Other examples are bureaucratic operational expenditures such as ATK (office stationery), furniture, official travel within the region and additional income allowances or ASN performance allowances (State Civil apparatus) are reduced, so that the spirit of ASN performance for government implementation and development decreases. The implication of taking over authority covertly by the Regent of East Flores is very influential on public policy politics, especially unhealthy budget politics, which has an impact on the drafting of regional budget plans that are not in favor of the needs of the community, making it difficult for the community to prosper, such as the decrease in the spending ceiling in the, education and health and uninhabitable homes decreased significantly from 2019 to 2021.

Juridical analysis and its impact on public welfare

Conceptually, the meaning and nature of delegation authority as stated by J.B.J.M. ten Berge that there are conditions that must be met in the granting / delegation of authority. The terms referred to, namely: a) delegation must be definitive, meaning that delegates no longer use their own delegated authority. B) delegation must be based on laws and regulations, meaning that delegation is only possible if there are provisions that exist in laws and regulations. C) delegation is not to subordinates, which means that in the relationship of the personnel hierarchy, delegation is not allowed. D) the obligation to provide information (explanation), which means that the delegans are authorized to request an explanation of the exercise of said authority. e) the role of policy (beleidsregelen), meaning that delegans give instructions (instructions) about the use of such authority.

Delegation authority according to H.D. van Wijk is, overdraacht van een bevoegdheid van het ene bestuurszorgaan aan een ander (transfer of government authority from one government agency or official to another government agency or official). The consequence of delegation is that with delegation of authority, the authorizers (delegans) cannot exercise that authority anymore and the responsibility and liability rests with the delegator.

Government authority is sourced through three ways, namely attribution, delegation, and mandate. According To H.D. van Wijk / Willem Konijnenbelt definition of authority as follows: a) attributie: toekening van een bestuursbevoegdheid door een wetgever aan een bestuursorganen, (attribution is the granting of government authority by the legislator to the organs of government). In other words, the authority of artibusi is obtained from the legislation that regulates the authority of government. B) delegation: overdracht van een bevoegdheid van het ene bestuursorganen aan een ander, (delegation is the delegation of governmental authority from one organ of government to another). C) mandaat: een bestuursorganen laat zijn bevoegdheid namens hem uitoefenen door een ander, (mandate occurs when an organ of government allows its authority to be exercised by another organ by another person on its behalf).

At the delegation confirmed that a delegation of authority to other governing bodies. In Dutch administrative law has formulated the notion of delegation in the Wet Netherlands which is known by the abbreviation AWB (Algemene Wet Bestuursrecht). In Article 10: 3 AWB, delegation is defined as the transfer of authority (to make "besluit") by a government official (state administration officer) to another party and that authority becomes the responsibility of that other party. So a delegation is always preceded by an attribution of authority. The duties of the Regional Secretary as stated in Article 213 paragraph (2) and Paragraph (3) of Law No. 23 of 2014 concerning regional government are stated as follows : "the Regional Secretary as referred to in Paragraph (1) has the task of assisting the Regional Head in the preparation of policies and

administrative coordination of the implementation of the duties of the regional apparatus and administrative services". Article 213 paragraph (2) confirms that in carrying out the duties as intended in Paragraph (2), The Regional Secretary is responsible to the Regional Head".

Referring to the provisions of Article 209 paragraph (1) letter d and Article 209 paragraph (2) letter d, and Article 218 paragraph (2) and Paragraph (3) of Law No. 23 of 2014, the delegation of authority to the East Flores Regent of the East Flores Regional Secretary is legal, absolute and mutandis in accordance with the law- Law No. 23 of 2014 on regional government and Government Regulation No. 58 of 2005 as amended by Government Regulation No. 12 of 2019 on regional financial management, but in political practice it is still taken over by regional heads covertly without changing the legal basis of delegation of authority can be categorized as pseudo-delegation and will imply the politics of public policy that is not in favor of the needs of the people making it difficult to achieve the welfare of the people mandated by the preamble to the 1945 Constitution paragraph 4, namely promoting public welfare.

Therefore, in the implementation of the rule of law should be built a national legal system that aims to : 1. Ensure the integration of the nation both ideologically and territorially; 2. Based on the agreement of the people either decided by consensus or voting, and the results can be tested for consistency in a juridical manner with *rechtsidee*; 3. To promote the common good and social justice; and 4. Aims to realize religious tolerance that is just in the sense of not being able to privilege or discriminate against certain groups or groups. The consequences of the adoption of the welfare state legal understanding, the development of law based on the welfare state becomes an urgent need today. The substance of the law is still dwelling on the function of law as protecting and enforcing sovereignty (*souverenigty*) and has not functioned to ensure the sustainability (*suistainable*) of sovereignty and has not guaranteed prosperity (*welfare*) and social justice. The rationale is that welfare as the goal of the state is realized, if the substance of the law as part of the law as an instrument of development is able to create prosperity for all people. The function of law as a suggestion to create prosperity is determined not only by the function of law to uphold sovereignty (*souverenigty*), but also by the function of sustainability (*suistainable*). An example of a real case of the Regent of East Flores taking back the authority that has been delegated to the Regional Secretary of East Flores Regency as regional financial management coordinator and chairman of TAPD without changing the legal basis for the delegation of pseudo-authority is an act contrary to regulation and has a negative impact on public policy politics. Therefore, regional heads must be reminded not to arbitrarily take over the authority because it is contrary to regulations and has an impact on public policy politics.

The consequence of the function of law that has not become prosperity is that there is a disparity between the rich and poor, between regions as a barrier (*barrier*) for the realization of a just and prosperous prosperous society. One of the causes of disparity is the concept of development that only prioritizes the accumulation of wealth, the growth of per capita income of the population and other variables relevant to income. Disparities exist in all aspects of society.

This condition then Amartya Sen criticized the concept of development that only emphasizes the accumulation of wealth, the growth of per capita income of the population and other variables related to income. Sen stated the following :

The development process is to eliminate the "Unfreedom " that generates suffering for all elements of society. Development should be measured by how much freedom people have because without freedom people cannot make choices that allow them to help themselves and others. Furthermore, Amartya Sen defines freedom as something that is related and complementary between: (1) political freedom and civil rights; (2) economic freedom including the opportunity to get credit; (3) social opportunities such as health facilities, education, and other social services; (4) guarantees of openness (*transparancy*), namely interaction between one person and another, including with the government which is characterized by mutual understanding about what is offered and about what is expected; (5) security protection (*security*), such as assistance in emergency conditions and other safety networks.

In some practices political actors scramble for resources including in playing a policy-forming role. It's just that their focus is often not to bring up pro - public policies, but as part of

the achievement of political-economic accumulation of each political actor. This even makes the relationship between political elites and constituents ideally there should be no distance. The task of allocating budgets as well as other government resources is positively correlated with the interest in political actors to be involved in the activities of the government. High political interests can lead to increased political control, resulting in increased interaction between institutions (Widodo, 2001).

In short we expect a positive dynamic between politics and administration that becomes greater in specialized units that work with tasks of high political significance. Therefore, there is a need for stronger rules in controlling government functions that use more of the state budget and involve the livelihoods of many people.

Another obvious characteristic of the structure is the centrality of a person, or the position in the political and administrative structure that allows the person to be most involved in administrative and political affairs in order to secure his interests.

In the context of the achievement of public welfare in the region as the essence of the implementation of regional autonomy, the provision of regional autonomy to the widest extent directed to accelerate the realization of public welfare through improved services, empowerment and community participation. The context of improving public services, optimizing the main tasks and functions of regional devices is important. Affirmative action through legislation is needed to open up space for poor people to get guaranteed protection to realize the right to welfare. Consequently, regional regulations or regional head regulations become the driving instrument of development so as to create welfare through optimizing the implementation of tasks, functions and authorities of regional devices. Regulation of the head of the region on the delegation of part of the authority of the head of the region to the regional apparatus in principle should not contradict the concept and essence of delegation, because it implies the transfer of responsibility and liability.

Delegation of pseudo authority authority of regional financial management by the head of the region to the Regional Secretary as treasurer of regional financial management and in practice taken over by the head of the region without changing the legal basis of the delegation of pseudo authority that has implications for regional development that can hinder local communities realize the right to welfare. If in practice the Regional Head still takes over all or part of the authority that has been delegated to the regional apparatus with the legal basis of regional regulations or regional head regulations, it can be concluded that public policy politics, especially budget politics, is not in favor of the will of the people in the sense that it does not or less accommodate the needs of the people but is more directed to meet the interests of the political elite, namely regional heads. For example, regional heads in the development process in the region tend to plan projects with large budgets in one project package with the aim of getting a large fee from the implementation of the project that he took from the contractor. But the project is not a priority needs of the people in the region.

There are also regional heads imposing budgeted projects in the APBD because they have already been promised in political campaigns, even though the project is not a priority for the people's needs. The logical consequence is that public policy politics that are expected to be pro-people are not achieved and the welfare of the people in the region as the essence of the goals of regional autonomy and National Development Goals are further from expectations or the general welfare is not achieved according to the mandate of the 1945 Constitution paragraph 4, namely advancing the general welfare.

Based on the results of observations and interviews with the regional secretary and the head of East Flores Regional Development Planning, it is known that the practice of granting Regent delegations as regional heads to regional secretaries as regional devices is pseudo-delegations and has negative implications for public policy, especially budget politics in the APBD posture for the 2019-2021 fiscal year.

4. Conclusion

Based on the analysis of the delegation of pseudo-Authority of regional heads to the regional apparatus and its implications for Public Policy politics, it can be concluded that :

That the delegation of regional financial management authority by the East Flores Regent as the holder of regional Financial Management Authority based on East Flores Regent Decree No. 1 of 2020 concerning partial delegation of Regional Financial Management Authority, is not in accordance with law number 23 of 2014 concerning regional government and Government Regulation No. 58 of 2005 concerning regional financial management, as amended by Government Regulation No. 12 of 2019 concerning regional financial management. According to the order of Law Number 23 of 2014 on Local Government is valid according to the order of higher legislation (*mutatis mutandis*) and must be obeyed by the political elite in the region in this case the Regional Head.

That the covert political practice of the takeover of authority by regional heads who have been delegated to the regional apparatus without changing the legal basis for the delegation of authority first is an act that is contrary to the laws and regulations and the general principles of Good Government Administration (AUPB). The act of covert expropriation of authority by the Regent of East Flores from the Regional Secretary, can have implications for public policies that are not pro-people. Because the APBD planning only accommodates the interests of local political elites and regional heads have ignored the basic needs of the people so that the people's welfare expectations in accordance with the Preamble to the 1945 Constitution paragraph 4, namely advancing the general welfare, are difficult to realize.

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