

**POLICY IMPLEMENTATION ABOUT
TRANSFER OF GOVERNMENT AFFAIRS ON
SECONDARY EDUCATION LEVEL IN
SPECIAL AUTONOMY REGION (PAPUA PROVINCE)
BASED ON
ACT NO.23/2014 ON LOCAL GOVERNMENT**

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Abstract

The government made the re-arrangement of government affairs at the Act of 23 Year 2014 about Local Government, The aim of set government affairs directly by the Act of 23 Year 2014 is to provide a stronger legal status, creating an effective and efficient system, and harmonize the sectoral development between. government affairs in the secondary education is one of the government affairs wich transferred from City/Regency Government to the Provincial Government.

Papua Province that has special autonomy act must also fulfill the mandate of the Act proficiency level. From the results of research conducted by the author with qualitative methods regarding how the implementation of of transfer management authority of secondary education in Papua Province discovered the fact that there are still some problems in the implementation of this policy, the central government does not pay attention to the fact that the government of the Papua Province has a special autonomy that made it has different format setting from other Province in Indonesia, especialy related to the relationship of authority between the provincial government and the Regency/City, the Ministry of Home Affairs has made several efforts to make this policy could work properly. The effort is in the form of monitoring and evaluation at each stage of the process of this policy implementation, and made some Circular Letter of Ministry of Home Affairs which can serve as guidelines and guidance for Provincial and Regency/City in order to the success of this policy

Key Word: *Transferring Government Affaris, Asymmetric Decentralization, The Local Work Unit.*

Introduction

The Founding Fathers of Indonesia has formulated the noble ideals of the establishment of the Unitary Republic of Indonesia, it clearly mentioning in the preamble of the Constitution (Constitution) of 1945, which to protect whole Indonesian nation and the entire homeland of Indonesia, advancing commonweal, educate life of the nation and participate in the establishment of world order. Steps to fulfill the promise of independence is still facing some obstacles, particularly in terms of the promise for create the nation's intellectual life. Until today, we still can not make it happen. Education in Indonesia is still not evenly distributed, especially the eastern region of Indonesia, one of them is Papua Province.

One of the indicators to see the quality of public education in a region is the Human Development Index (HDI). The latest data in 2015 showed that among 34 provinces in Indonesia, Papua Province was the only province that getting the lower HDI categories at 57.25, this figure is the lowest rank in Indonesia.

To address equity and quality of education problem, government take a general policy through Act No. 23 of 2014 on Regional Government. Indonesian Government decided to restructure the authority of government affairs, including the transfer of authority to manage the affairs of government in secondary education level (SMA, MA, SMK, etc) were it originally the responsibility of the Regency is now turning to the authority of the Provincial government, this action takes because the Regency/City government failing to organize primary and secondary education, Withdrawal of secondary education level affairs from Regency/City to the Province has a consequence on imposition of a budgeting of that affair in local government level,. So that starting next year the Provincial Government should budgeting the second education level affaris in their Budget (Provincial APBD), it is including the teacher payroll, school operational funds (BOS) and all matters concerning the infrastructure facilities,etc.

One of the reasons why secondary school management authority transferred to the

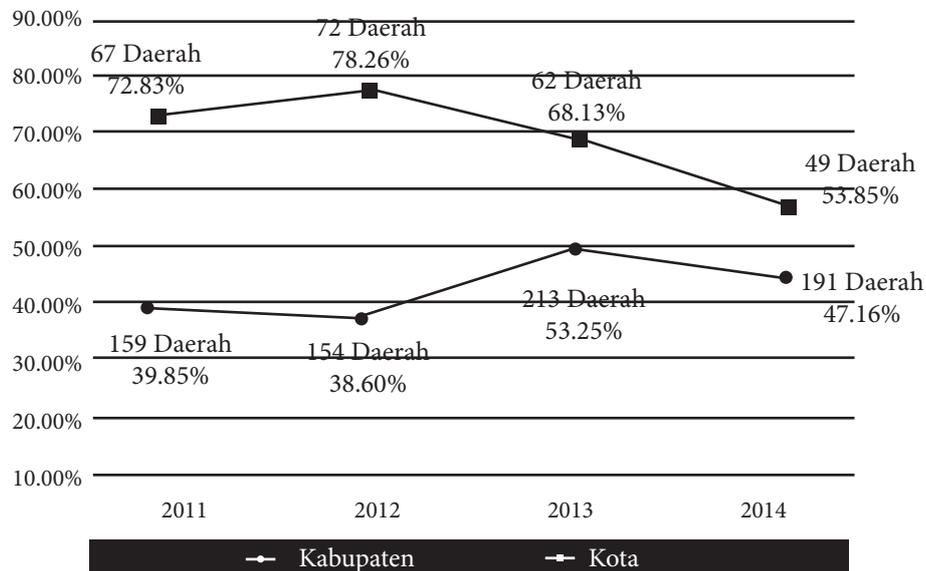
menjadi satu-satunya provinsi dengan klasifikasi IPM rendah, namun pertumbuhannya sebesar 0,88 persen menempati peringkat ke-21 dari 34 provinsi.

Gambar 2. Indeks Pembangunan Manusia (IPM) Menurut Provinsi Tahun 2015



Province is due to the current fiscal space for Regency/City is still limited to organize it affair, as described in the chart below:

throughout the all Regency/City in the Papua Province.



The Budget (APBD) in Regency/City Government not managed properly, data show in 2014 there were at least 191 districts and 49 city allocated the budget for personnel expenditure more than 50%. They doesn't had enough money to providing the basic public services such as, education, health, public facility, etc.

On Act No.23/2014 in order to equalize the quality of primary and secondary education in Indonesia, the central government decided to rearrangement the educational affairs between Central, Provincial and Regency/City Government. However this solution could not applied properly in every Province, one of them is Papua, because the pattern of fiscal decentralization that is obtained by the autonomous region as in Papua is different from other autonomous regions in Indonesia. Papua Province obtain additional funds in the form of special autonomy fund, and 60-70% of the special autonomy funds are transferred directly stricken Regency/City. With a smaller Quota of Special Autonomy funds the Papua provincial administration must conduct the affairs of secondary education

Based on the problems mentioned above, the authors are interested in doing research with a focus on new, previously unexplored, titled Policy Implementation Of Government Affairs Transfer on Secondary Education Level In Special Autonomy Region (Papua Province) Based On Act No.24/2014 On Local Government.

Based on the background of the problem, which has been the author described above, the formulation of the problem to be addressed in this study are:

1. How the transfer of authority affairs policy implementation secondary education based on Act No.23 of 2014 on Regional Government at the Regional Special Autonomy?
2. What are the obstacles encountered in the implementation of these policies?

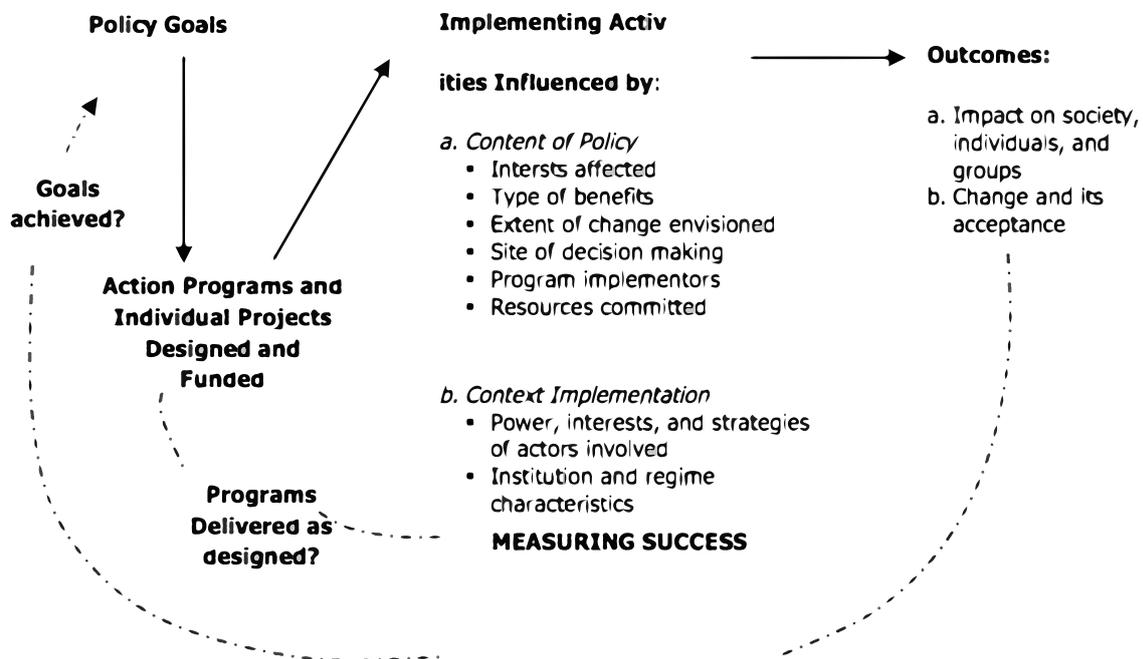
Method

In this study, the authors use qualitative methods. The data used comes from two sources, first source is secondary data such

as reading material and literature and the second source is primary data, primary data we got from In-Depth Interview method, we chose in-depth interview method to get further information about the problems.

In this study the authors will use Grindle's model of policy implementation. According to Grindle's model of implementation of the policy determined by the content and the context of policy implementation.

also has the authority to reorganize "who does what" on public affairs, the central government must determine which affairs are the responsibility of the Regent/Mayor, and which affairs are the responsibility of the Governor, or direct in central government control. Because in Unitary State the supreme executive power lies in the hands of the President, That's why it is philosophically and justifiable for the central government to



rearrange government affairs, as discussed in this study is the arrangement of the affairs on the secondary education affairs, which was originally the authority of the Regency/City, is now the responsibility of the Province.

Literature Review

The concept of decentralization in the Unitary System

From the Article 18 of Constitution 1945 is clearly that the Republic of Indonesia is a decentralized unitary state. government affairs in a decentralized unitary state remains a single entity, the regional government has the authority to regulate and manage their own domestic affairs under the supervision of the central government. And the authority to regulate and manage the government affairs was the division/delegation of the Central Government. Therefore, within the unitary state decentralized, the central government

Problems inherent in the decentralization system

Many democratic countries such as America, Canada, etc. using a decentralized system of government that result in a system more complex, which consists of the central government and local governments (provincial, Regency/city). The reason for implements the

decentralization system is to create checks and balances system, and to make government closer to the people (in the aspect of decentralized decision making) etc. However, according to Weimer (2015) there are some problems in this system:

1. Problems in the Implementation, caused of the diffusion of authority between the layer structure of government (central and regional) resulted in some problems.
2. Externalities fiscal, the region managed to provide quality public services will provoke migration into the area, which implies an increase sources of income from tax, whereas regions that lag will be retarded if there are no incentives from the government.

Based on the arguments of Weimer and Vinning author concluded that in fact there are some problems in a decentralized system, the problems in the implementation policies and the emergence of externalities fiscal, Weimer argument brought atuher to analyze whether the same thing is also happening in the policy implementation of Act 23 of 2014, especially regarding the rearrangement of government affairs of secondary education level at the Papua Province.

DISCUSSION AND ANALYSIS

Education in Papua Province

Education is one of the basic civil rights that government must provided to the society at every Province in Indonesia, Iclude Papua. the condition of bad quality of education in Papua and West Papua is the main cause of the slow improvement of the quality of life in that Province, The education in Papua focused to solve some of the problems include:

- 1) Figures of illiterate is high, especially for the population aged between 15-59, namely 35.98% of the total 1,876,740

inhabitants;

- 2) Approximately as many as 1,401 villages, especially in remote and isolated areas are not has elementary school facility, currently there are 2,164 primary schools of 3,565 Kampung;
- 3) There are 193.146 students (88.11%) of children aged 4-6 years who have not who have not yet attending kindergarten level (TK);
- 4) There are 33.599 students (8.12%) of children aged 7-12 years who have not who have not yet attending Elementary School level (SD);
- 5) The low level of attendance Principal and Elementary School Teachers because of the isolation factor and limited facilities for decent living in isolated areas.

Facts above is in line with research conducted by Gema Satria MS and Wilmar Salim (2012) about "The Effect of Fiscal Decentralization Asymmetry Against Efficient Public Services on Education Sector" these research use quantitative methods, with the aim to test the theoretical hypothesis about positive relationship between fiscal decentralization and efficiency of public goods provision/ allocation of public resources. Researchers compared the effects of asymmetric fiscal decentralization at the region with special autonomy system such as Papua and West Papua. From the result of analysis we founded that the existence of Fiscal Asymetry ecentralization wich given to the Province of Papua, Aceh and West Papua has not been able to encourage the optimal efficiency of the provision of public goods and services sector in that region. The reason are that Province has a bad financial governance, especially in Papua and West Papua. The implementation of special autonomy could not brought the positive progressive improvement to the

society.

Content of Policy

As has been we discussed earlier that one of the strategic issues in the Act No.23 of 2014 is structuring the implementation of the authority of government affairs. the emergence of new formats of government affairs arrangement between the Central Government-Provincial-Regency/City. Affects the interests of the autonomous regions, there are some affairs that transferred form Regency/City to Province, one of them is the authority of management of secondary education which was originally the domain of the Regency/City is now becomes the Provincial authority.

The transfer of the implementation of that's affairs will provide benefits or positive effects, some of them are:

1. Create the same quality of services between the Regency/City within the province. The government is obliged to provide the best quality of services to the public, therefore, with the withdrawal of the authority of government affairs from Regency/City to Province we expected itu could improve the distribution of quality of services.
2. The transfer of the affairs is also intended to create accountability, effective, and efficiency in governance. The third element is the key principal in the administration and management of government bureaucratic reform in Indonesia.
3. This arrangement is also intended to avoid the abuse of local politics interest, many local elites who uses his power by improperly (abuse of power), the arrangement is expected to be more professional organizing the affairs.
4. Another aim is, setting the implementation of government affairs is expected to be an instrument to

create synergy in the organization of the state, so that both the central and local governments could support the vision and mission set by the Central Government.

The transfer of authority of government affairs on secondary education level to the provincial government gave a wide impact for governance. because that is diverted from government affairs of secondary education level is not just a problem of management, but also the curriculum, teachers, as well as infrastructure. The implications of the transfer of this affairis is very broad, ranging about teaching and learning tools, school infrastructure, teacher manajamen, including transfer and equalization educators, to the problems of oversight and quality assurance of schools are now the responsibility of the government of Papua.

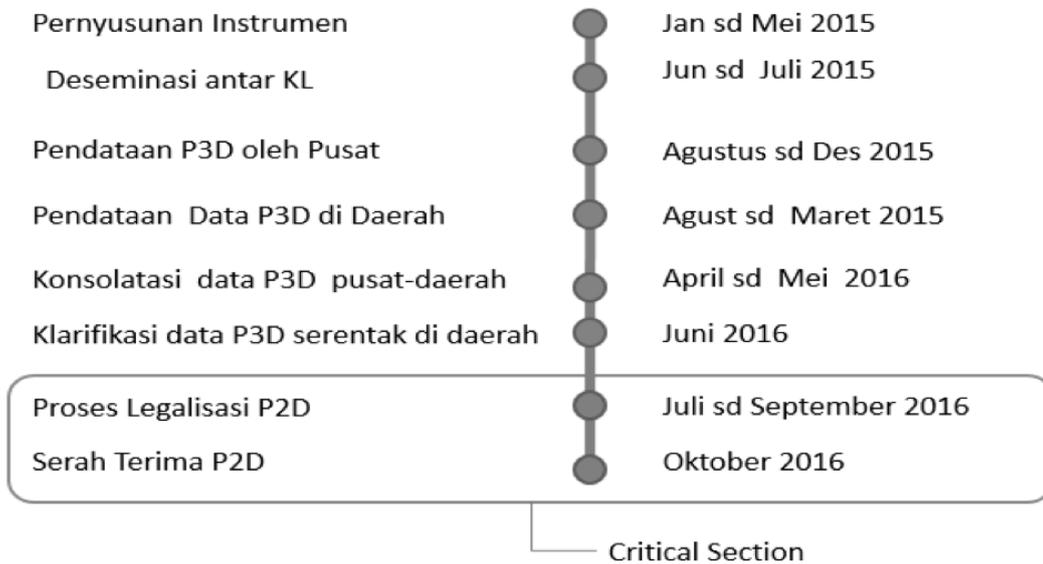
As a result of the transfer of the matter it will handover of personnel, equipment, financing, and documentation (P3D) of the Regency/city government to the provincial government. Starting in 2017 regency/city government no longer allowed to allocate its budget to finance the operations of secondary education level such as SMA, SMK, etc.

The mandate of Article 404 of Act 23 of 2014 states that the handover of personnel, funding, facilities and infrastructure, as well as documents (P3D) as a result of Government Affairs division between the central government, provincial government, Regency/city that is governed by this law carried out most 2 (two) years since this Law in legislated.

Following up on the Ministry of Home Affairs has made road map process and mechanisms for the transfer of personnel, equipment, financing, and documentation (P3D) as the implications of the transfer of authority organizing the affairs of the Regency/City Government to the Provincial Government, the stages of the

transfer of P3D are as follows:

Fiscal Year 2017.



Context of Implementations

For the target implementation of a policy transfer of government affairs can be run in accordance with the targets set, the Ministry of Home Affairs has issued several Circular Letter (SE) of Minister of Home Affairs, one of that Circular Letter is SE No. 120/253/SJ dated January 16, 2016, SE describes the task of the Governor, regents and mayors in the transfer of government affairs, including Papua Governor and Regent/Mayor of the Province of Papua, things are affirmed in the SE are as follows:

1. Local governments should complete an inventory of P3D between levels/levels of government before March 31, 2016 and the handover of personnel, infrastructure, and documents (P2D) at the latest on October 2, 2016.
2. The results of the inventory P3D become the basis for formulating the document and Development Plan (RKPD), Public Policy Budget/Priority Budget Ceiling temporary (KUA/PPAS) and draft Regional Regulation on APBD Provincial/Regency/City of

3. Governors, Regents and Mayors to coordinate related to the concurrent transfer of government affairs (including the transfer of secondary education affairs).
4. To coordinate with the Ministry/Agencies in charge of each government affairs and can be facilitated by the Ministry of the Interior.
5. To coordinate with the leadership of Parliament respectively.

In the early stages of this policy are issued and communicated to the regions, there were some concerns by the government both the Papua provincial government and Regency/municipal government se Papua Province. Local Government questioned about the funding assurance mechanisms and about the payment of teachers and contract workers in the transition of 2015 and 2016. To solve that problems the Ministry of Home Affairs has also issued The Circular Letter (SE) Minister of Home Affairs 120/5935/SJ THN 2015, some important things which was confirmed on that SE are: about the financing of second

education level affairs, such as salaries and allowance, office operational cost and maintenance costs, Provincial Government must prepared budget allocation for a shift of government affairs as a result of changes in functional assignment based on Act No. 23 of 2014 on Local Government before December 31, 2016. that meanst the Government of Papua Province shall budgeted salary and allowance and operating costs throughout the SMA/SMK or equivalent throughout the Regency/Cities around the Papua Province.

To setup and handover process P3D at Papua Provincial Government and Regency/City in the province of Papua should refer to the policies and regulations that have been established, the following:

1. About the mechanism of Teachers and Personnel Transfer of Contracts of Regency/City to Papua Province refers to Act No. 5/2014, concerning the State Civil Apparatus (ASN);
2. About the mechanism redirects funding from the Regency/City to Papua Province referred to Permendagri 59/2007 on the Amendment of Permendageri 13, 2006 about Guidelines for Financial Management;
3. About Facilities and Infrastructure transfer mechanism from the Regency/City to Province of Papua referring to PP 27/2014 and Permendagri No.78/2012.
4. About the Transfer of Documents mechanism of Regency/City to Papua referring to Permendagri No.78/2012

Then that becomes the problem is the fact that the geographical situation of Papua are very diverse, many high school located in the area Regency that has Accessibility difficult and isolated areas, teachers serving in isolated areas gain greater allowance that has implications for the provision of intensive more to teachers wanted to serve in isolated areas, for example high school teachers in the Regency of Puncak Jaya

obtain greater benefits from the teachers in the city of Jayapura. The problem faced by the Papua provincial administration is in determining the amount of teacher incentives that, if the size should be equal distribution of the provincial government can not afford to provide incentives for in Puncak Jaya, but the provincial government is also unlikely to provide incentive funds are much smaller because it will have implications for the welfare and professionalism of teachers in the interior. The province should immediately take a decision and a way out for somehow in 2017 all funding related on SMA/SMK and equal has to be entered in the budgets of the province of Papua.

Conclusions

Discussion of the research obtained some conclusions, include the following:

1. After Law 23 of 2014 was enacted, the impact is the transfer of some governmental affairs between governmental structures, one of which is the management of the affairs of secondary education which was originally managed by Regency/City is now at the latest as of January 1, 2017 shall become the Java Provincial Government.
2. The transfer resulted in the Papua provincial government is responsible for managing the management of secondary education, curriculum, teachers, provision of infrastructure. including equalization transfers and educators, to kepermasalahan oversight and quality assurance of high schools throughout the County/City in the province of Papua.
3. The central government has issued several Circular of the Interior Minister who bertjuan to provide guidance and legal certainty of public service is still running as mstinya in this transition era.

4. Papua province experiencing problems in terms of budgeting to finance secondary school, this is because the governor has allocated special autonomy to the Regency/City Government, menarik back to the province special autonomy fund is a policy that is less popular and prone to resistance from the regency/city.

Recomendation

The advice given by the researchers in this study are:

1. The Provincial government needs to develop the Regency/City in order to improve the mechanism for recording and inventory of assets belonging to the area, it is not only useful in terms of the transfer of authority of the implementation of government affairs, but also in order to realize better governance.
2. The Central Government needs to

review the policy of transfer of secondary education level affairs, Because Indonesia has a asymmetric decentralized system, so that the implementation of government affairs should not be regulated in such a rigid, the central government should be given the space to run the affairs of government in accordance with the capability and capacity that they has.

3. The Provincial Government is advised to set up a Technical Implementation Unit of Papua Province Education Department in each Reegency/City, it is necessary to ensure the delivery of secondary education management can be monitored properly.
4. The Government of Papua Province needs to develop indicators difficulties territory as the basis for incentives to educators in the province of Papua, make sure teachers in rural areas earn a decent income, in accordance with their devotion.

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