

## Problematics Juridis Facilitation In Regional Development Planning Process (Study of Kendal Regency Research and Development Planning Agency)

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**Abstract.** The problem of ineffective time, and scheduling is made in great detail and in a fairly short time, to improve the performance and effectiveness of facilitation. Regarding the issuance of the Minutes is less precise than the issuance of the Governor's Decree, the Central Java provincial government should have issued a decision based on the results of the facilitation that has been carried out. The Kendal Regency Government is also trying to ask the Provincial government to stipulate a governor's decree so that it can become the legal basis for regional development planning, which is in accordance with the substance of Permendagri Number 86 of 2017; In connection with the Regional Development planning process in Kendal Regency, which was previously in Perdakan in 2016 Already amended with a new regulation by referring to Regulation of the Minister of Home Affairs Regulation Number 86 of 2017, the Kendal Regency Government seeks to ask the Governor of Central Java as the provincial government to provide facilitation in accordance with the characteristics of Kendal Regency, with reference to the effectiveness of the time given so that the bureaucratic channels which builds can be effective and efficient.

**Keywords:** Facilitation, Juridical, Regional Development Planning

### 1. Introduction

In accordance with the mandate in the Preamble to the Constitution of the Republic of Indonesia (UUD 1945) Paragraph 4 which has been stated that one of the objectives to be achieved at the time of the formation of the Indonesian state was to lead the Indonesian people to achieve a just and prosperous state. The ideals of the Indonesian people as stated in the Preamble to the 1945 Constitution are to protect the entire Indonesian nation and all Indonesian blood and to promote public welfare, educate the nation's life, and participate in implementing world order based on independence, eternal peace and social justice.<sup>2</sup>

In realizing the ideals of the Indonesian people mentioned above, the need for development in various fields is because development is essentially a systematic and planned effort by each or all components of the nation to change a situation into a better condition by utilizing the various available resources. optimally, efficiently, effectively and accountably, with the ultimate goal of improving the quality of human life and society in a sustainable manner. This systematic and planned effort certainly contains strategic, tactical and practical steps, because each country has different ages of sovereignty, reliable resources and challenges.

Systematic efforts made in order to achieve the ideals of equitable development, of course, cannot be separated from the management process, in the process the management that becomes the starting point is planning, in this case development

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planning in accordance with Law Number 25 of 2004 concerning the National Development Planning System. , whose substance is in planning in order to lead to national development planning that is integrated with all planning in a broad scope. so as to guarantee the achievement of the objectives of the country as referred to in the mandate of the Preamble of the 1945 Constitution.

Development is defined as "a series of efforts to realize growth and change in a planned and conscious manner taken by a country / nation towards modernity in the framework of nation building (nation building).<sup>3</sup>." Development also defines development as activities that are planned in processing natural and human resources by utilizing science and technology used for human survival.

The role of government in the development process is as stabilizer, as an innovator, as a modernizer, as a pioneer and as the implementer of certain development activities. Development in a country is closely related to the government in policy formulation and policy implementation. State Administration, in this case the government, not only carries out routine tasks but also carries out development tasks. One of the important stages in development is planning. The importance of this planning is aimed at achieving things that include saving the resources owned. Therefore planning must include organized, conscious, and continuous efforts to find the best alternatives that can be taken in order to achieve specific goals.<sup>4</sup>

Regional development planning is a development planning process that is intended to make changes towards a better development direction for a community, the government, and its environment in a certain region / region, by utilizing or utilizing various existing resources, and must have a different orientation. comprehensive, complete, but still adhering to the principle of priority<sup>5</sup>. In order for development planning to be of good quality, planning must pay attention<sup>6</sup>: (a) conformity of objectives to results; (b) resource utilization and mobilization; (c) level of ease of implementing the plan; (d) appropriateness of the use of development planning methods; (e) development efficiency and effectiveness.

The National Development Planning System (SPPN) mandates that the preparation of development planning documents by the government is either annual, medium or long term. The planning document drafting process was carried out through various approaches, including technocratic, political, bottom-up, top-down and participatory approaches. This diversity of approach processes is intended to create a development planning document that is comprehensive, accountable, accommodating the interests of the community (participatory) based on the principles of democratization and decentralization.<sup>7</sup>

In the sequence of relevance of statutory regulations both in Law Number 25 of 2004 concerning the National Development Planning System and Law Number 23 of 2014 concerning Regional Government as amended several times, most recently by Law

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<sup>3</sup>Siagian, SP, Development Administration, Bumi Aksara, Jakarta, ; 1999, p. 4

<sup>4</sup>Bryant, C. and L. G White, Development Management for Developing Countries, LP3ES. Jakarta: (1989). h. 306

<sup>5</sup>Wikiranmolo, R. R, Regional Development Planning: Concepts and Mechanisms, LPEM FE UI. Jakarta: (2009), p. 7.

<sup>6</sup>Iskandar, J, Development Theory and Issues, Uniga, Garut: (2001), p. 131

<sup>7</sup>Bryant, C. and L. G White, Op.cit. h, 3

Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government, mandates regional governments to compile a number of regional development planning documents. The regional development planning documents include: (1) Long-term Regional Development Plan (RPJPD) which is a development policy with a period of 20 years; (2) Regional Medium Term Development Plan (RPJMD) for a period of 5 years; and (3) Regional Government Work Plan (RKPD) for a period of 1 (one) year<sup>8</sup>. In the provisions of Article (263) of Law Number 23 Year 2014 concerning Regional Government, it is stated that the Regional development planning document consists of: RPJPD; RPJMD; and RKPD. The RPJMD is an elaboration of the vision, mission, policy direction and main targets of long-term regional development for 20 (twenty) years which is compiled based on the RPJPN and regional spatial planning. The RPJMD is an elaboration of the vision, mission and programs of the regional head which contains objectives, targets, strategies, policy directions, regional development and regional finance, as well as regional and cross-regional apparatus programs accompanied by an indicative funding framework for a period of 5 (five ) years compiled based on the RPJPD and RPJMN. The RKPD is an elaboration of the RPJMD which contains the regional economic framework draft, According to Law Number 25 of 2004 concerning the National Development Planning System, it states that development planning is differentiated into the Annual RPJP / RPJM / RKP. Development planning is carried out with the community at every level, starting from the central government, provincial governments, to the district / city governments. Planning carried out by different layers of government has the potential to cause several problems; including overlapping program policies, disharmony between central and regional / inter-regional governments, inconsistency in achieving development goals, legal umbrella that is not synergistic with its predecessor regulations and, and there are still legal products that still have gaps in them so that a substitute legal product is needed.

In connection with the above issues, any planning is carried out by a lower level of government, which must refer to the above development planning as regulated in the provisions of Article 1 paragraph (3) of Law Number 25 of 2004 concerning the National Development Planning System, which reads; The National Development Planning System is a unitary development planning procedure to produce long-term, medium-term and annual development plans which are implemented by state administrators and the community at the central and regional levels.

To maintain this consistency according to the paradigm of Law Number 25 of 2004 concerning the National Development Planning System, in the development planning there is a mechanism where the stages of the government layer above facilitate the implementation of development planning under it. Based on the provisions of Article 12 paragraph (2) of the Minister of Home Affairs Regulation Number 86 of 2017 concerning T.or Procedures for Planning, Control and Evaluation of Regional Development, Evaluation Procedures for Draft Regional Regulations concerning Long-Term Regional Development Plans and Regional Medium-Term Development Plans, as well as Procedures for Amendments to Regional Long-Term Development Plans,

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<sup>8</sup>Article 64 of Law no. 23 of 2014

Regional Medium-Term Development Plans, and Regional Government Work Plans ,which reads:

"The governor and regent / mayor submits the initial draft of the perda on RKPD to the minister through the Director General of Regional Development and to the governor through the head of the provincial Bappeda for facilitation<sup>9</sup>.

However, in implementing the facilitation stages mentioned above, the Central Java Provincial Government did not fully refer to it Permendagri No. 86 of 2017, in which the result of facilitation should be in the form of the determination of the development planning of the regional government under it, but in reality it only publishes a document in the form of an official report. In addition, the big problem in facilitation is that the implementation of facilitation has not fully aligned regional development planning towards central government planning.

The problem with the facilitation mentioned above is that the minutes have legal force, but it is still far from what Permendagri No. 86 of 2017, which requires stipulation. So that it seems that the implementation of facilitation by the Central Java Provincial Government as a channel for connecting the district / city governments to the central government, lacks legal power just by publishing the official report document. The key to facilitation that has been carried out by the Central Java Provincial Government should be to maintain harmony planning with the central government.

From the various descriptions as mentioned above, several problems are formulated as follows: Can the Facilitation of Regional Development Planning be an instrument to harmonize the programs of the central government and local governments? What are the problems in facilitating the Central Java provincial government to the local government of Kendal Regency and what is the solution?

## **Research methods**

The approach method used in this research is an empirical juridical approach. Understanding pjuridical empirical approach is a literature approach that is guided by regulations, books or legal literature as well as materials that have a relationship between problems and research discussions and direct data collection on research objects related to development planning and facilitation in other terms.an empirical juridical approach is an approach to problems carried out by combining legal materials (which are secondary data) with primary data obtained from the field<sup>10</sup>.

## **2. Research Results and Discussion**

### **2.1. Facilitating Development Planning in the Context of Alignment of Central Government and Regional Government Programs**

Based on the provisions of Article 2 paragraph (4) of Law Number 25 of 2004 concerning National Development Planning System, mentioned that The National Development Planning System aims to: a. support coordination among development actors; b. guarantee the creation of integration, synchronization and synergy both

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<sup>9</sup>Article (1) paragraph (21)Permendagri Number 86 of 2017.

<sup>10</sup>Soerjono Soekanto, Introduction to Legal Research, UI Press, Jakarta, 1982, pp. 42-43

between regions, between spaces, between time, between government functions and between the central and regional governments; c. ensure linkages and consistency between planning, budgeting, implementation and supervision; d. optimize community participation; and e. ensure the achievement of efficient, effective, equitable and sustainable use of resources.

The facilitation mechanism process that should be carried out is by: a). knowing the problems faced in the field and solving problems; b). do early prevention of the possibility of occurrence (disharmony or overlapping regulations based on indications of existing problems; and c). provide feedback as material for making policies / actions needed in order to improve the implementation of facilitation for the design of regional development in the future.

Juridically, facilitation is an effort in regional development planning, which will answer the imbalance of existing legal products, because facilitation is the most important part of the planning point process. However, challenges in dealing with problems in the facilitation of regional development planning processes are sometimes not due to weak policies, but may be due to factors other than the underlying legal policy factors. Often there are gaps between the policy planning agencies and the technical policy implementing agencies. Often the facilitation process does not work because of legal policy constraints that prevent the planning process from occurring.

The process of facilitating regional development planning in terms of legal aspects as outlined in Permendagri No. 86 of 2017 is stated in the provisions of Article 102 paragraph (2) which states as follows the Governor and regents / mayors convey the draft Perkada on RKPD to the Minister through the Director General of Regional Development and to the governor through the head of the provincial BAPPEDA to be facilitated. Then the facilitation as referred to in paragraph (2) above, shall be carried out no later than 15 (fifteen) days after receipt of the complete documents. This is in accordance with the implementation carried out by the Central Java Provincial Government.

In addition to that, the regulations related to facilitation are stated based on the statutory regulations regarding the formation of regional legal products, in this case Permendagri No. 80 of 2015.

In the facilitation process to facilitate the provincial government, it is necessary to establish regional apparatus forums. The regional apparatus / cross-regional apparatus forum is a forum for collecting and collecting the aspirations of the community and the business world (stakeholders), to improve the draft policy for the preparation of the regional apparatus work plan. This shows that the planning approach uses a bottom-up planning system based on the principles of democratization and decentralization. In the process of drafting the work plan for regional apparatus, the implementation of public consultation forums is separated between districts / cities and provinces.

## **2.2. Problems Arising in the Facilitation Process by the Central Java Provincial Government in Regional Development Planning in Kendal Regency.**

Departing from the facilitation process above raises many problems, ranging from problems of time, ineffectiveness, legal umbrella products, legal products that are mandatory, bureaucracy and the ineffectiveness of the ongoing process, as well as

problems with the facilitation implementation process, therefore it is necessary to review in detail, what are the obstacles found in the facilitation process by the provincial government to district / city governments.

The problem of time in the facilitation process is sometimes a crucial problem because time will never return, with facilitation and in this modern era, it is hoped that the facilitation process for regional development planning can be faster. Because the planning process that is hasty will cause problems in the future, the solution to the above problems is expected to the Central Java Provincial Government to allow time for the planning process so that planning will emerge with maximum results that are able to accommodate all groups of people.

The ineffective time was seen as very time consuming in the facilitation process, starting from the initial design request as the basis for basic facilitation to the request for further facilitation so that the Final Results of the RKPD emerged as guidelines for regional development.

In another view, through musrenbang, the RKPD document is directly determined by the regional head and directly facilitated by the provincial government. This aims to cut the bureaucracy that seems convoluted and it is hoped that this can maximize the results of RKPD.

Problems after the RKPD is completed facilitated by the provincial government, the provincial government will publish an official report on the results of the district / city government RKPD facilitation so that the minutes have the legal power to carry out the facilitated RKPD, but the minutes are considered to have weak legal force compared to legal products the result of stipulation.

The solution expected is how to make the provincial government natural this through the Governor. The governor issues a governor's decree so that the legal products resulting from the statutes have permanent legal force to carry out development programs in districts / cities, on the basis of the RKPD resulting from the facilitation.

The steps of the provincial government are consistently consistent in enforcing the rules as mandated by Permendagri Number 86 of 2017. Where facilitation is not only a routine in the performance of the provincial government, but the decision is in the form of a governor's decree, which has more legal force than an official document.

Analyzing the above problems, it is necessary to have an important thing in this case is a legal umbrella that will protect the funds for the facilitation process which is harmonious and balanced with the central government program, integrated in a harmonious development program that is uniform throughout. Indonesia as a reference in developments at the lower level.

In maintaining the harmony of the central government planning program, of course the Kendal Regency Government, has made efforts that lead to development programs that refer to and originate from the central government's program breakdown, which cannot be separated from the direction of government policies, in accordance with the established vision and mission.

### **3. Closing**

#### **3.1. Conclusion**

Based on the above discussion, it can be concluded:

- Facilitation is an instrument that is very urgent and vital and part of the process that regulates the policy direction of the central government and local governments, as well as district / city governments, in order to build synergy in regional development in accordance with the mandate of the law on national development planning.
- With the facilitation that has been carried out by the Central Java Provincial Government, regional development planning programs in Kendal Regency are expected to produce a mature RKPD design to be implemented, by providing solutions in the implementation of facilitation.

### 3.2. Suggestion

- As an instrument of harmonization, the facilitation of the Central Java Provincial Government is expected to be totality by always maintaining its relevance and consistency for development interests, especially related to regional development planning. And maintain consistency with applicable rules.
- In the context of continuous improvement, as well as maintaining quality in terms of planning, the Ministry of Home Affairs should issue technical guidelines for the implementation of facilitation as a guideline for the provincial government, based on an evaluation of the problems that have been experienced in previous years. This is because districts / cities in preparing annual regional development plans (RKPD) are guided by the RKP (central government) and the Provincial RKPD.
- From the process of the facilitation mechanism, of course many problems arise. It is hoped that the Central Java Provincial Government will be able to fortify the facilitation process so that problems do not occur in the future by implementing it in a measured and planned manner.

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