

JURNAL DINAMIKA HUKUM

Trisadini Prasastinah Usanti

Subsequently Acquired Assets as Fiduciary Security on Bank Loans

Henny Nuraeny and Tanti Kirana Utami

The Victim Handling Model of Human Trafficking through Economic Independence

Johana Art Cindy Peny, Jimmy Pello, and Umbu Lily Pekuwali

Law Enforcement in Development Activities around Coastal Areas of Kupang

Anwar Sadat Harahap and Ahmad Laut Hasibuan

Social Conflict Settlement through Regulation of *Surat Tumbaga Holing* in Batak Angkola

Society

Indien Winarwati and Uswatun Hasanah

Conflict between Fishermen in Madura: Causes and Solutions

Endang Sutrisno and Hanari Fajarini

Legal Culture of Pharmacist in the Perspective of Pharmaceutical Services Standard in
Pharmacies

Noer Indriati, Sanyoto, Aryuni Yuliantiningsih, Agus Mardianto and Wismaningsih

Model of Sister City Cooperation in Order to Improve Regional Development in Banyumas
Regency

Dian Arianto

The Implementation of the Principle of Integrity in the Legislation Relating with the
Protection of Ulayat Right on Adat Law Communities

Muhammad Fauzan

Juridical Problematic on Supervision of Judges in the Constitutional System of Republic of
Indonesia

Janpatar Simamora

Legal Dynamics and Implementation Problems of Judicial Review Authority in the Supreme
Court

Pan Mohamad Faiz

Legal Problems of Dualism of Judicial Review System in Indonesia

Agus Darmawan

Legal Policy of Government Investment Reform in Indonesia

Tedi Sudrajat And Zainal Muttaqin

Reconstruction the Patterns of Authority Relations between Head of Local Government and
Secretary of Local Government on Promotion of Civil Servants

Yetniwati

The Legal Arrangement of Wage Protection based on the Principle of Legal Certainty

Yessy Meryantika Sari

Legal Protection for Customer Segregated Account Owner from Loss Due to the Bankruptcy of
Futures Brokerage Firm



**FACULTY OF LAW
UNIVERSITAS JENDERAL SOEDIRMAN**

RECONSTRUCTION THE PATTERNS OF AUTHORITY RELATIONS BETWEEN HEAD OF LOCAL GOVERNMENT AND SECRETARY OF LOCAL GOVERNMENT ON PROMOTION OF CIVIL SERVANTS

Tedi Sudrajat

Faculty of Law Universitas Jenderal Soedirman Purwokerto

E-mail: tedi.unsoed@gmail.com

Zainal Muttaqin

Faculty of Law Universitas Padjadjaran Bandung

E-mail: zm_fh76@yahoo.com

Abstract

The pattern of the authority relation between head of local government and Secretary of local government in the promotion of Civil Servants lead into two pattern which are sub-ordination and co-ordination. Normatively, the position of Secretary is subordinate from Head of local government. Meanwhile, the pattern of coordination is a tiered pattern that puts Secretary as officials who provide recommendations of official candidate to Head of local government as the Trustees of the Local Employment Officer. Both of these relation creates superior position of Head of local government in the terms of promotion of civil servants. To create a proportional authority relation, it necessary pre-requisite form of commitment, orientation of human resources and the use of technology. On that basis, a mechanism must be created to limit the authority of the Head of local government by strengthening the system of merit-based technology.

Keywords: position, authority, promotion of civil servants

Abstrak

Pola hubungan kewenangan antara Kepala Daerah dan Sekretaris Daerah dalam promosi jabatan Pegawai Negeri Sipil (PNS) menimbulkan 2 (dua) pola hubungan yang sub-ordinasi dan koordinasi. Secara normatif, kedudukan Sekretaris Daerah merupakan bawahan (sub-ordinat) dari Kepala Daerah. Adapun pola hubungan koordinasi merupakan pola berjenjang yang menempatkan Sekretaris Daerah sebagai pejabat yang memberikan rekomendasi usulan calon pejabat kepada Kepala Daerah selaku Pejabat Pembina Kepegawaian Daerah (PPKD). Kedua hubungan tersebut menciptakan kedudukan Kepala Daerah superior dari Sekretaris Daerah dalam hal promosi jabatan PNS. Untuk menciptakan hubungan kewenangan yang proporsional, diperlukan pra-syarat berupa komitmen, orientasi pada kualitas SDM aparatur dan penggunaan teknologi. Atas dasar itu, harus diciptakan mekanisme yang dapat membatasi kewenangan dari Kepala Daerah melalui penguatan sistem merit yang berbasis teknologi.

Kata kunci: jabatan, kewenangan, promosi pegawai negeri sipil.

Introduction

Position is an element of governmental implementation which have the function to achieve certain goal in terms of work system of an organization. On that basis, the position give an authorized and able to guarantee the continuity of rights and obligations. To carrying out the activities of government, a civil servants/administrative agencies actually personifies them self because of the "position" as a source of authority as a state representation. As legal

subjects, automatically, the position can take legal actions which have implications on the pattern of inter position relations in governance.

In Indonesia, the authority relations affected by the system of democratic government which creates 2 (two) variety of positions, such as positions of public office and career. Basically, the definition of public office is not set normatively, however, the term of public office can combine with the state officials term as