



LEGAL REVIEW ON THE POSITION AND FUNCTIONS OF REGIONAL SECRETARY IN REGIONAL GOVERNMENT IMPLEMENTATION (STUDY AT PUNCAK DISTRICT)

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Abstract

This research analyzes the position and functions of the Regional Secretary (Sekda) in the regional government administration system based on statutory provisions and examines its implementation in Puncak District. Using normative legal research methods with statutory and conceptual approaches, this study analyzes Law No. 23 of 2014 on Regional Government, Government Regulation no. 18 of 2016 on Regional Apparatus, and current state administrative law literature. The findings show that the Regional Secretary has a strategic legal position as a staff element of regional government responsible for assisting the Regional Head in policy formulation and coordinating government implementation. Functionally, the Regional Secretary acts as an administrative law bridge between political policy and regional bureaucratic implementation. In practice in Puncak District, the Regional Secretary's function faces challenges including limited human resources, difficult geographic conditions, and local political dynamics. Nevertheless, the Regional Secretary has made optimization efforts through strengthening administrative systems, civil servant development, and implementing good governance principles. In conclusion, the Regional Secretary's function reflects the application of rule of law principles and serves as an important instrument in realizing effective, transparent, and accountable regional government governance. This study recommends strengthening administrative law capacity for regional officials and improving ASN professionalism to optimize Sekda's functions

Keywords: Legal Position, Regional Secretary, Regional Government, State Administrative Law, Puncak District.

INTRODUCTION

The implementation of regional governance in Indonesia is a manifestation of the implementation of the principle of regional autonomy as mandated in Article 18 of the 1945 Constitution of the Republic of Indonesia (Rizaludin & Kuswanto, 2022). In this context, regional apparatuses are the primary instrument in carrying out government functions at the local level. The Regional Secretary (Sekda) occupies a strategic position as the administrative driver and coordinator of the implementation of regional government bureaucracy (Gunarto, 2022). Based on Article 213 of Law Number 23 of 2014 concerning Regional Government, the Regional Secretary is responsible for assisting the Regional Head in formulating policies and coordinating the implementation of regional apparatus duties and administrative services. The position of the Regional Secretary has legal consequences that every action of the Regional Secretary must comply with the general principles of good governance (AUPB), the principle of legality, and the principle of professionalism as stipulated in state administrative law (Mulyana, 2022). However, in the practice of regional governance, the function of the Regional Secretary often does not run optimally. In Puncak Regency, Central Papua, the implementation of the Regional Secretary's coordinating and administrative functions faces a number of challenges, both from legal, institutional, and local political aspects. Problems that arise include overlapping authority between regional apparatuses, weak cross-sector policy coordination mechanisms, and the political dominance of the Regional Head which makes the Regional Secretary unable to carry out its coordinating role independently. From a legal perspective, this situation indicates a gap between legal norms (*das sollen*) and administrative reality (*das sein*). Considering the importance of the Regional Secretary's role in ensuring

the synchronization of regional policy implementation in accordance with the principles of good governance, this study aims to: (1) analyze the legal position of the Regional Secretary in the regional government administration system in accordance with statutory regulations; and (2) evaluate the implementation of the Regional Secretary's functions in Puncak Regency from the perspective of state administrative law.

LITERATURE REVIEW

2.1 Concept of Regional Government Administration and the Position of the Regional Secretary

Regional governance is governed by the principles of decentralization, deconcentration, and assistance tasks. Decentralization grants regions the authority to regulate and manage their own government affairs, while deconcentration delegates some of the central government's authority to governors, who represent the central government in the regions. Assistance tasks are assignments from the central government to regions to carry out specific tasks with central funding (Susanto, 2022).

Within the normative framework, Law Number 23 of 2014 concerning Regional Government emphasizes that regional autonomy is implemented with due regard to the principles of democracy, equality, justice, and the special status of certain regions. The Regional Secretary's structural position places him as a staff member directly responsible to the Regional Head, and functionally as a controller of administrative policies to ensure that all regional apparatus work in sync with the regional head's policies (Wahyudi, 2022). This position gives the Regional Secretary a dual legal role: as an administrative official who carries out regional government affairs, and as an apparatus development official responsible for regional personnel management.

2.2 Functions and Authorities of the Regional Secretary from the Perspective of State Administrative Law

In state administrative law, function is the embodiment of authority granted by statutory regulations to government officials to achieve legal and governmental objectives (Wibowo, 2021). The Regional Secretary's function consists of three main dimensions: a strategic dimension in policy-making and an administrative dimension in implementing government decisions. The Regional Secretary's authority stems from Article 213 paragraph (2) of Law Number 23 of 2014, which covers three domains: (1) formulation of regional policies; (2) coordination of government administration; and (3) control of regional government management (Gunarto, 2022).

The implementation of the Regional Secretary's functions and authorities must be based on the general principles of good governance (AUPB), as stipulated in Article 10 of Law Number 30 of 2014 concerning Government Administration. These principles include legal certainty, benefit, impartiality, accuracy, openness, and accountability. In practice, the AUPB serves as an instrument to ensure that administrative authority is not misused and remains within the legal framework (Sulastri, 2020).

METHOD

This research uses a normative legal research method that focuses on the study of applicable legal norms (Soemitro, 2021). The approaches used include: (1) a statute approach to examine various legal provisions that form the normative basis for implementing the Regional Secretary's function; and (2) a conceptual approach to understand the theory and doctrine of state administrative law regarding the authority and functions of public administration officials (Marzuki, 2020). The legal materials used consist of: (1) primary legal materials in the form of Law Number 23 of 2014 concerning Regional Government, Law Number 30 of 2014 concerning Government Administration, Government Regulation Number 18 of 2016 concerning Regional Apparatus, and relevant Regulations of the Minister of Administrative and Bureaucratic Reform; and (2) secondary legal materials in the form of literature, scientific articles, legal journals, and legal research results relevant to the research topic, with a focus on publications from 2020–2025. Data collection was conducted through library research and documentary study. Data analysis was conducted using a normative legal qualitative analysis method through the following stages: (1) legal data reduction; (2) legal interpretation; and (3) legal systematization.

RESULTS AND DISCUSSION

4.1 Legal Position of the Regional Secretary in the Regional Government System

The constitutional basis for the position of the Regional Secretary is contained in Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that the Unitary State of the Republic of Indonesia is divided into provincial regions and these provincial regions are divided into districts and cities, each of which has a regional government. This provision confirms that regional government is part of the national government system

that has autonomy. Normatively, Article 213 paragraph (2) of Law No. 23 of 2014 is the main legal basis that confirms the position of the Regional Secretary as the highest administrative official within the regional government.

The position of the Regional Secretary can be understood through two dimensions: (1) the structural dimension, where the Regional Secretary occupies a position as a staff element directly responsible to the Regional Head and oversees various sections and bureaus that coordinate regional government activities; and (2) the functional dimension, where the Regional Secretary has a controlling role in administrative policies that ensure that all government activities run in accordance with applicable legal provisions (Mulyana, 2022). In terms of personnel, based on Government Regulation Number 11 of 2017 in conjunction with PP Number 17 of 2020, the position of Regional Secretary is included in the category of high-ranking pratama positions (PPTP) which are filled through an open selection mechanism and are based on a merit system.

The legal relationship between the Regional Head and the Regional Secretary is both hierarchical and coordinative, based on the principle of delegation of authority. The Regional Head delegates some of his authority to the Regional Secretary to ensure efficient governance without compromising legal responsibility (Wahyudi, 2022). The Regional Secretary's legal accountability encompasses administrative, financial, and ethical aspects of the apparatus, as stipulated in Law Number 30 of 2014. Thus, the Regional Secretary's legal standing is not only structural, but also normative and substantive in ensuring the implementation of regional governance based on the rule of law.

4.2 Implementation of the Function of the Regional Secretary in Puncak Regency

The implementation of the Regional Secretary's function in Puncak Regency includes three main aspects: (1) coordinating function, through coordinating the formulation of policies across OPDs, ensuring the implementation of government affairs in accordance with decentralization, monitoring the conformity of regional policies with national legal norms, and building an administrative communication system; (2) administrative function, through coordinating the preparation of strategic plans, financial management, reporting of regional government performance, and bureaucratic development that emphasizes professionalism and transparency; and (3) coaching and supervisory function, through a periodic reporting mechanism from each OPD and an annual evaluation of the performance of regional apparatus (Yuliana, 2024).

However, the implementation of the Regional Secretary's function in Puncak Regency faces significant challenges. First, geographical factors and limited infrastructure mean that coordination between regional agencies is not always optimal, particularly with remote sub-districts. Second, limited human resource capacity of civil servants (ASN) results in policy implementation not always following legal procedures. Third, local political dynamics and changes in regional heads put pressure on bureaucratic stability. Fourth, regional financial constraints limit the Regional Secretary's ability to implement comprehensive development and oversight programs (Rohimah, 2023).

Despite facing these challenges, the Regional Secretary of Puncak Regency has made efforts to optimize functions through: (1) strengthening the e-office-based administrative governance system and administrative digitalization to accelerate the flow of information; (2) developing regional personnel through training and technical guidance to improve ASN competency; (3) implementing the principles of accountability and transparency through the publication of regular performance reports; and (4) improving coordination with the central government to obtain assistance in regional bureaucratic reform. These efforts demonstrate the Regional Secretary's commitment to ensuring that the implementation of functions continues to run according to the principles of state administrative law.

4.3 Application of General Principles of Good Governance (AUPB) in the Implementation of the Regional Secretary's Functions

The implementation of the Regional Secretary's Regulation (AUPB) in carrying out the Regional Secretary's functions reflects a commitment to the rule of law in regional government. The principle of legal certainty is implemented by ensuring that every Regional Secretary's actions have a clear legal basis and do not create uncertainty. The principles of accuracy and impartiality are applied in administrative decision-making, taking into account all legal, social, and financial aspects. The principles of openness and accountability are implemented through the regular publication of regional government performance and financial reports and internal and external audit mechanisms.

The relevance of the AUPB to the Regional Secretary's function is significant because it serves as a legal instrument that maintains a balance between the use of authority and legal responsibility (Lestari, 2024). The AUPB provides guidelines for the Regional Secretary in managing complex regional policies and preventing abuse of

authority (*detournement de pouvoir*). In the context of Puncak Regency, the implementation of the AUPB faces challenges that require an adaptive approach without compromising its legal meaning. The Regional Secretary is required to adapt the implementation of the AUPB to local conditions while ensuring compliance with national legal norms.

CONCLUSION

The position of the Regional Secretary has a strong legal basis in the regional government administration system in Indonesia, regulated in various laws and regulations, especially Law Number 23 of 2014 and Government Regulation Number 18 of 2016. Structurally, the Regional Secretary is an element of regional government staff responsible for assisting the Regional Head in formulating policies, coordinating, and controlling the implementation of regional apparatus tasks. Functionally, the Regional Secretary acts as an administrative legal liaison between the political policies of the regional head and the technical implementation of government, reflecting the principle of the rule of law in the administration of regional government.

The implementation of the Regional Secretary's functions in Puncak Regency demonstrates the concrete application of the principles of state administrative law through coordination, guidance, and supervision of regional government administration. Despite facing significant challenges in the form of limited human resources for civil servants (ASN), difficult geographical conditions, and local political dynamics, the Puncak Regency Regional Secretary has undertaken strategic efforts to strengthen the regional administration system. The implementation of the Regional Secretary's functions in the region demonstrates that state administrative law is not only a written norm, but also an ethical and operational guideline for realizing effective, professional, and equitable regional governance. Therefore, it is necessary to strengthen the administrative legal capacity of regional officials and increase the professionalism of ASN so that the implementation of the Regional Secretary's functions can run more optimally.

SUGGESTION

First, the central government needs to refine the regulations governing the position and authority of the Regional Secretary to make them more adaptable to regional conditions, particularly in areas with geographical challenges such as Puncak Regency. Developing guidelines for implementing the Regional Secretary's functions based on a more detailed legal framework will clarify the boundaries of authority and strengthen bureaucratic accountability. Second, it is necessary to increase the legal administrative capacity of the Regional Secretary and other structural officials through ongoing training and mentoring programs. Third, regional governments, together with the National Civil Service Agency (BKN), must strengthen the merit-based civil servant career development system and implement systematic public management training. Fourth, the Regional Secretary needs to strengthen vertical coordination mechanisms with the central government to obtain technical support and mentoring in regional bureaucratic reform.

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