

TRANSITIONAL CONTROL AUTHORITY FOR POPULATION AND FAMILY PLANNING AFTER THE ENACTMENT OF LAW NUMBER 23 YEAR 2014 ABOUT LOCAL GOVERNMENT IN WEST SUMATERA PROVINCE

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Abstract: *The reduced number of PKB/PLKB in the era of Regional Autonomy is one of the causes of not achieving the objectives of KKBPK Program in the field line. After the establishment of Law Number 23 year 2014 About Local Government brought many changes in the Governance of the Government. One of the changes in the Local Government Law is the concurrent affairs in the field of population control and family planning, namely the function of management of PKB/PLKB into Central Government authority and the function of utilization by Local Government. The problem formulation in this study is: 1. How to implement the Transitional Authority for population control and family planning after the enactment of Law Number 23 of 2014 About Local Government in West Sumatera Province, 2. How the impact of authority on population control and family planning after the enactment of Law Number 23 year 2014 About Local Government in West Sumatera Province. The study used the empirical approach method of empirically. Data collected in the form of primary data obtained from the related parties in the management of the BKKBN, as well as secondary data obtained from primary, secondary and tertiary legal materials. The results of this study were obtained that the process of switching of personnel status PKB/PLKB only given time for 2 years, but delayed 1 year, this is due to considerable financing readiness against 15,131 personnel throughout Indonesia, so the handover news event Accept (BAST) PKB/PLKB in West Sumatra new implemented on 24 July 2017, then through the vertical agency representatives BKKBN West Sumatra Province officially 394 people PKB/PLKB West Sumatra become a central officer in the Department of the Funsional Counseling KB. Furthermore, the impact of this transition is the effectiveness of PKB/PLKB in the performance after 2 years diverted from the results of the BKKBN Landscape, the employees of Local Government become central officers and change the flow of personnel administration.*

Key Words: *Management, Transitional, BKKBN*

1. INTRODUCTION:

The state of Indonesia is a country whose territory is divided into Provinces and Provincial regions divided into Regencies and Cities, which each Province, District, and City has Local Governance. It is governed by Article 18 of the Constitution of year 1945, which reads: "The division of the Indonesian region over the large and small regions, with the form of the structure of its government is established by law, by looking at and remembering the basis of the deliberation in the system of State governance, and the rights of origin in areas of special nature. Regional autonomy is the way to realize the decentralization of the distribution of authority and government affairs in a State organization. [1] In 2004 during the event of Regional Autonomy, BKKBN handed over Personnel, Equipment, Financing and Documentation (P3D) to the Government of the Regency/City, including the power of PKB/PLKB as a consequence of Regional Autonomy. At that time about 30,664 people were handed over to the Regency/City Government to be managed and empowered in organizing the KB program in their respective territories. The condition of PKB/PLKB that is ready as a power in the field line that is known to be very competent, hard worker, understand the field profile, accustomed to work with data, accompanied by a level of high kepit makes the appeal of the District/Dity leadership to divert them to other positions.

From the above issues, in this case the city District Government is considered to fail to run the function of managing population control programs and KB. In the principle of unitary State, when a government affairs is handed over to the region but it fails in carrying out the affairs then the state reigns. From this conclusion, the provisions of the transfer of KB extension from the Regency/City Government to the Central Government (BKKBN) erupted.

Based on the picture, BKKBN considers the need for a change of management to the Personnel of PKB/PLKB from the Local Government to the Central Government, and with the birth of Law Number 23 year 2014 About the Local Government (hereinafter called Government Law), BKKBN received a boon to re-The Government Law has brought many changes in the governance. Some of the changes in the Government Law are with the inclusion of

regional mandatory affairs, and the relationship between the Central Government, Provincial and Regency/City, which is directly incorporated into the annex of Government Law.

As found in Article 12 Paragraph (2) Point (h) that the Control of Residents and Family Planning Belongs to the affairs of the concurrent government that is not related to the basic service. Based on this, the affairs of Population Control and family planning became mandatory governmental affairs. One of them is the Division of government Affairs between the central government and local governments in the field of population control and family planning relating to the officers of the Family Planning Officer (PKB)/Family planning field Officers (PLKB) hereinafter referred to as PKB/PLKB. PKB/PLKB is the "spearhead" of the population, KB and family Development Program (KKBPK) in the field line, where their existence has a huge influence on the success of the KKBPK Program.

In the appendix Government Law of the letter "N" The Local Government Law on the Division of the affairs of the Population control Program and the family plan that BKKBN as the central administration to carry out management for the manpower of PKB/PLKB. With the move of PKB/PLKB, it will certainly cause a major problem in the transition from the management of the PKB/PLKB personnel, especially in switching the status of Employee PKB/PLKB (man), payroll switching PKB/PLKB (Money), and the transition of assets (material). In the Appendix Government Law of the letter "N" The Local Government is stated that the Regency/City Administration is making use of PKB/PLKB personnel such as: the placement of PKB/PLKB in the subdistrict in accordance with the needs, capacity building, performance assessment recommendation, provision of operational budget for PKB/PLKB, coaching and supervision related to the existence of PKB/PLKB. In the development of the use is still a lot of confusion of local governments in addressing such as the obligation of local Government in the provision of operational funds PKB/PLKB which has not been estimated, as well as the PKB/PLKB which considers it has been separated from the Local Government but for discipline, performance achievement PKB/PLKB can not escape from the Local Government. The PKB/PLKB redirection process does not run smoothly but through a lengthy process, as contained in Article 404 of the Pemda Law, among others, stated that the handover of personnel, funding, facilities and infrastructure, and documents (P3D) as a result of the Division of Government Affairs, such as the Central Government, Provincial Region and Regency/City area that is stipulated since the law is done at most 2 (two) years since the law was enacted. But managing the PKB/PLKB delayed 1 (one) year.

2. CONCEPTUAL FRAMEWORK;

- Transition

The word transition instead according to the Indonesian Dictionary (KBBI) is interpreted as moving, changing, and exchanging, the word "form switching" translates to changes in form or structure, converting from one form to another.[2]

- The authority

Authority is the so-called formal power, the power derived from legislative powers (given by law) or of administrative executive power. The authority which usually consists of some authority is dominion over a particular person or authority over a field of government.[3]

- Population Control And Family Planning Population Control

Population control and family planning population control is an effort to influence the breeding pattern of the population towards the desired population growth rate, usually pursued through a government policy in the field of population. Population control comes from the basic word of control.

- Local Government

Local Government pursuant to Article 1 Paragraph 2 Law Number 23 year 2014 About Local government affairs administration by the Local government and Regional Representative Council (DPRD) according to the principle of autonomy and co-administration with the principle of autonomy widest in the system and the principles of the unitary Republic of Indonesia as intended in the Constitution of the Republic of Indonesia year 1945.esolutions

3. THEORITICAL FRAMEWORK:

- The theory of human resources management management governance

- The human resources management management governance is derived from the word to manage, which means to manage, organize, implement and administer.[4] This management consists of six elements (6M) namely: Man, Money, method, material, machines, and market.[5] The arrangement is done through the process and arranged based on the order of the management function. Be it about what is set up, what the goal is organized, what it should be organized, who manages, and how to set it up. Human resource management is planning, organizing, coordinating, implementing and supervising the procurement, development, awarding of services, integration, maintenance, and separation of workforce in order to achieve organizational objectives.

- The theory of authority

- The theory of authority of the term authority is derived from the English translation, namely authority of theory, the term used in Dutch, namely Theorie van het Gezag, while in the German language, Theorie der Autorität.[6] Authority theory is a theory that examines and analyzes the power of government organs to perform its authority in both public and private law fields. According to Ridwan HR, every State and government administration must have legitimacy, which is the authority given by the law.[7] Regarding the authority, H.D. Stout says that, authority is the understanding derived from the law of the government organization, which can be explained as a whole of the rules relating to the acquisition and use of government authorities by the subject of public law in public law. Philipus M. Hadjon divides the way of obtaining authority in two ways, namely[8]: attribution; and delegates and sometimes also mandate.

4. LITERATURE REVIEW:

As the provision of Article 1 paragraph (6) of the Government Law is mentioned that Regional Autonomy is the right, authority, and obligation of the autonomous region to govern and manage its own government affairs and interests in the unitary State system of the Republic of Indonesia. In anticipation of the growing community aspirations and facing developments that occur both in the national and international environment that will directly affect the wheels of the implementation of Government and the development of the State, then to answer and face the challenges and as well as opportunities required the existence of a strong Regional Government, supported by the system and professional work mechanisms.[9] Obviously, the essence of the regional autonomy implementation itself is for the effectiveness and efficiency of governance administration that is closely related to the service of the community in the area. The population program, family Planning and Family Development hereinafter referred to as KKBPK Program, is a planned effort in realizing the growing balanced population and quality family through the child's birth arrangement, the ideal distance and age of childbirth, and regulating pregnancy. Population counseling, family planning and family Development, is the activity of delivering information about the KKBPK program in order to improve the knowledge, attitudes, and behaviors of families and communities to realize the growing balanced population and quality families.

5. METHOD:

The method used in this study is the juridical law of empirical, comparing the existing norms to the facts that exist in accordance with the research conducted.[10] The Data for this study was obtained from BKKBN office of Padang provincial West Sumatera and PKB/PLKB of central government.

6. DISCUSSION:

The government Law has brought many changes in the governance. Some of the changes in the government Law are with the inclusion of Regional Mandatory Affairs, and the relationship between the Central Government, Provincial and Regency/City, which is directly incorporated into the annex of Government Law. Under the provisions of Article 9 About Local Government Law, administrative affairs is divided into:

- Absolute government Affairs is a government affair that is fully authorized by the central government.
- The administrative affairs of the conjunction was a government affair that was shared between the Central and Provincial Governments and the Regency/City District.
- The administrative affairs of the conjugations submitted to the region became the basis of Regional Autonomy.

Furthermore, in Article 11 About Local Government, the affairs of the Concurrent Governmental Authority is comprised of mandatory governmental affairs and preferred Government affairs. Mandatory government matters consist of government affairs relating to basic service and governmental affairs unrelated to basic service. After the administration of the Local Government Law, we formulated new regulations regarding the change in the Division of concurrent Government affairs between the Central and Local Governments. This division of affairs is one of the areas of population control and family planning. As found in Article 12 Paragraph (2) Point (h) that the Control of Residents and Family Planning Belongs to the affairs of the concurrent government that is not related to the basic service. Based on this, the affairs of Population Control and family planning became mandatory governmental affairs. One of them is the Division of government Affairs between the Central Government and Local Governments in the field of population control and family planning relating to the officers of the Family Planning Officer (PKB)/Family planning field Officers (PLKB) hereinafter referred to as PKB/PLKB. PKB/PLKB is the "spearhead" of the population, KB and family Development Program (KKBPK) in the field line, where their existence has a huge influence on the success of the KKBPK Program.

In the appendix of the letter "N" The Local Government Law on the Division of the affairs of the Population control Program and the family plan that BKKBN as the central administration to carry out management for the manpower of PKB/PLKB. With the move of PKB/PLKB, it will certainly cause a major problem in the transition from

the management of the PKB/PLKB personnel, especially in switching the status of Employee PKB/PLKB (man), payroll switching PKB/PLKB (Money), and the transition of assets (material). In addition, regarding the utilization of PKB/PLKB which has switched its management into a Central Officer, in the appendix "N" The Government Law is stated that the Regency/city administration to use the manpower of PKB/PLKB such as: the placement of PKB/PLKB in the subdistrict according to the needs, capacity building, recommendation of performance assessment, provision of operational budget for PKB/PLKB, coaching and supervision related to the existence of PKB/PLKB. In the development of the use is still a lot of confusion of Local Governments in addressing such as the obligation of Local Government in the provision of operational funds PKB/PLKB which has not been estimated, as well as the PKB/PLKB which considers it has been separated from the local government but for discipline, performance achievement PKB/PLKB cannot escape from the Local Government.

7. ANALYSIS:

A. Implementation Of Authority For Population Control And Family Planning:

1. The basis of transitional Authority for population control and family planning

With the validity of Law Number 32 year 2004 There is a change of authority About Local Governments. To the Local Government is given the freedom to conduct governance that covers all areas of government, unless the fields that are based on the law have been designated as central authority. This autonomy includes complete and rounded authority in governance, ranging from planning, implementation, supervision, control, and evaluation. The consequence of the policy is the central authority including the National KB program, its management is handed over to the district/city governments. This is indicated by the submission of P3D (Personal financing, fixtures and documentation) BKKBN Regency/City by the central government to the Regency/city government.

During the population control program, the regional head freely rotated the KB extension to other departments. With his family, the extension of the KB was reluctant to remain in office because he assumed that the KB extension is not a prestigious work. So the longer the number of the KB extension is increasingly reduced and finally the program is increasingly abandoned because of the lack of the power of the movement. In fact, all efforts to maintain the KB extension in order to remain in office was taken. From this issue, in this case the city district government is considered to fail to run its function to manage the population control program and KB.

With the enactment of Law Number 23 year 2014 About Local Government gives new hope rise of population program and family planning in Indonesia. BKKBN acquired the authority to mobilize and manage the manpower of PKB/PLKB which is now in the area to be re-arranged to the center. In the Local Government Law there is a division of Governmental affairs in Indonesia, it is essentially divided into three categories, namely the absolute government affairs, concurrent Governmental Affairs, and General government affairs. In carrying out the affairs of this Government, the Central Government can perform its own or delegate authority to the vertical institutions that exist in the county or governor as the Central Government representatives based on the principle of deconcentration. Vertical institutions are devices of ministries and/or non-ministerial government institutions that take care of governmental affairs that are not handed over to autonomous regions within a particular region in order to deconcentrate, so that in the establishment of a vertical institution must have approval from the governor as the central government representatives. But if in the formation of vertical institutions by the ministry whose nomenclature is expressly mentioned in the Constitution of the Republic of Indonesia year 1945 then no need to require approval from the governor as the representative of the central government.[11]

2. Transition Of Employment Status Of PKB/PLKB In West Sumatera Province:

The implementation of personnel status of PKB/PLKB is conducted by following the rules set out in Article 404 of Law Number 23 year 2014 About Local Government so that the transition process is done very quickly with the limited existing rules, and must be done at most 2 (two) years since the Law Number 23 year 2014 enacted. In the circular letter of the Minister of Home Affairs Number 120/5935/SJ dated 16 October 2015 mentioned that the process of inventory of personnel, facilities and infrastructure, funding and documents as a result of the transfer of the conjugated government affairs at the latest on 31 March 2016. Some things done by BKKBN as a follow-up Law Number 23 year 2014 About Local Government are:

- a. Conducting inventory by name by address by evidence based on the number of personnel PKB/PLKB by coordinating with OPD KB Region/City, BKD, BKN and Minister for Administrative reform of state civil apparatus
- b. Salary budgeting through budget
- c. The implementation of handover ceremony (BAST) from district officers to be the central officer
Philipus M. Hadjon divides the way of obtaining governmental authority in two ways:[12]
 - a. Attribution;
 - b. Delegates and sometimes also Mandate.

In the event that this transition of authority is acquired in the way of Attribution, ordinary attribution is

interpreted as the authority to make a decision (Besluit) directly sourced to the law in material sense. Attribution is also said to be a normal way to acquire government authority. It is obvious that the authority acquired through attribution by the government organ is the original authority, because the authority is obtained directly from the legislation. In other words, attribution means the creation of a new authority that previously was not owned by the government organ in question. This is as it is governed by the Law on local governance. The creation of a new authority, which is the authority of the concurrent government that makes the business of the Local Government can switch to the Central Government and vice versa.

3. Transition of PKB / PLKB Workers Payroll:

The appointment of PKB/PLKB is decided based on the regulation of the State Civil Administration (BKN) Number 6 year 2016 About the Function of the PKB as a Central Civil Servant. The implementation of this Regulation began to be effective in January 2018. After the process of governance is implemented, the Local Government officer has legally become a central government officer, it is also related to the payroll received by the officer, in which the payroll shall be borne solely by the Central Government in this regard as provided in Article 2 Paragraph 7 PERKA BKN Number 8 year 2016, which mentions "provision of salary and allowances of civil servants as intended in paragraph (1) will be imposed on the state budget and expenditure from 1 January 2017"

According to H. Nofrijal MA, the payroll problem is also delayed because it has not been the budgeting of the central government for the expenditure of employees in 2017 and is budgeted for the year 2018 as much as Rp. 2.1 Trillion for all PKB/PLKB in Indonesia allocated to:

- a. Salary and other allowances (family, rice, tax, salary of 14)
- b. Income tax Allowances
- c. Allowance Department
- d. Performance Allowances
- e. Allowance

This resulted in payroll during the year 2017 was still charged to the Regency/city government as the PKB/PLKB status still be a district officer with the consequences of TMT Central Officers 1 January 2018. The transition of authority for population control and family planning is a government-owned authority in this case is the executive and legislative institution in forming legislation such as Law Number 23 year 2014. The authority is executed in accordance with the logic of the lawmakers themselves. The issue of population control and family planning is regarded as a mandatory affair of the central government, therefore it should be taken that authority by the central government it is of course in line with the (authority theory).

B. Effect of transitional Authority on population control and family planning on personnel Status of family planning Officers (PKB)/family planning field officers (PLKB) after the enactment of Law Number 23 year 2014 About Local Governments in West Sumatera

1. Performance effectiveness of PKB/PLKB

After law Number 23 year 2014 About Local Government is published, in the field of population control and family planning that there is a division of the concurrent government affairs between the central government and provincial and Regency/city areas. The division resulted in the management of the KB extension and the field officer of the previous KB under the City district administration, now the authority of the central government. Family planning Extension (PKB) is a functional officer in the field line unit. PKB is given the duties, responsibilities, authority and rights in full by the authorized officers to perform the management of the KKBPK Program which includes counseling, service, mobilization and development in the areas of population control and family planning.

The year 2019 was the second year after the transitional officer of KB/field officers to be part of the civil apparatus of the State (ASN). According to the mandate of Law Number 23 year 2014 then the population Agency and the National Family Planning (BKKBN) were handed over the responsibility to manage the personnel of the KB/field officer of the KB, which at the time amounted to 15,352 people. The birth of regulation of the Minister of Administrative reform Number 21 year 2018 About the Functional Department of the KB Extension provides affirmation on the basic task that must be done by KB extension in supporting the achievement of KKBPK program. Regulation of the Minister of administrative reform and bureaucratic reforms Number 21 year 2018 About the Functional Department of the KB was born to fulfill the dynamics of the development task of KB extension and increase the professionalism of extension KB.

2. The transition of local government employees into central

Local Government employees are provincial/Regency/city officers whose salary is charged to regional budget revenue and expenditure (APBD) and working on Local Governments, or employed outside of its parent agency.

The competent officer is an official who has the authority to appoint and or dismiss the state officer based on the prevailing laws and regulations. There are 4 (four) important elements to declare a person as a civil servant:

- a. Fulfill the conditions specified in the applicable provisions
- b. Appointed by authorized officers
- c. Be assigned a task in a State or state position stipulated by the prevailing regulations
- d. According to the provisions of the legislation.

In the regulation of the head of State personnel agency employee Number 6 year 2016 About the Implementation of Civil Servants of District district/city which assumed the functional position of family planning counseling and family field officers plan to become civil servants of the national population and family planning, which in the rules is explained that the district civil servants Regency/City which is transferred to the BKKBN civil servants are:

- a. Civil servants who occupy a functional office of family planning Counseling;
- b. Civil servants who occupy the Department of Family planning field officers;
- c. Civil servants who fill the needs of the functional office of Family planning extension which currently still occupy the Executive Office; and
- d. Prospective civil servants who fill the needs of the functional office of Family planning extension.

3. Employment Administration:

The implementation of the principle of deconcentration is placed on the provincial territory in its position as the administrative area to carry out the governmental authority bestowed on the governor or the vertical institutions as representatives of government in the province. Governor or vertical institutions also functioned as representatives of government in the region, in the sense to bridge and shorten the implementation control range of tasks and functions of the Government, including in the construction and supervision of government affairs in the district and city.

BKKBN Central bestows its authority on BKKBN representatives of West Sumatera Province. Administratively, the PKB/PLKB in West Sumatera changed its status from district officials who have direct responsibility to the City/District, but with the transition to become a central officer, the responsibility of the performance is directly to the central BKKBN. The representative function of BKKBN at the provincial level is only the hand extension of the central BKKBN.

Chief representative of BKKBN West Sumatra Province is a representative of BKKBN Central in West Sumatera province. While the Head of Regional Device Operations Family Planning (OPD KB) is a regional institution that is in charge of population control in District/City spread in 19 District /City in West Sumatera which also must have coordination with representative BKKBN Center in West Sumatera Province. Meanwhile, the Program is derived from BKKBN Central. Thus the administration of BKKBN officer is a central employee.

Before switching status to a central officer, the administrative PKB/PLKB was directly on the local government in the respective working area, but after switching status to the Administrative Administration officer turned to representatives of BKKBN province. At the central level, there are three working units that play a role in managing the KB extension, namely Directorate of Field Development (DITBINLAP) which, Bureau of Personnel (BIPEG), Bureau of Law, Organization and Public Relations (Bihom), and in the provincial representatives there are 2 units of work that bridges the PKB/PLKB namely Sub Division of field Relations to manage the performance of PKB/PLKB and Sub parts of personnel and law to manage the administration.

8. CONCLUSION:

From the results of the research and discussion as described in the preceding chapters, it can be concluded as follows:

- Implementation of control authority of population and family planning after the enactment of Law Number 23 year 2014 About Local Government in West Sumatera. This transfer is intended to be the implementation of government affairs is much more effective-efficient to run KKBPK Program in the field. In this transition there are two shifts: personnel and payroll. Transitional personnel Status of PKB/PLKB in West Sumatera province, the implementation of personnel status switching PKB/PLKB is done very quickly with the limited existing rules, and must be done at most 2 (two) years since the law Number 23 year 2014 enacted, The transfer of authority obtained through attribution, the position of BKKBN in the state institution of Non-ministerial government institutions that carry out government duties in the field of population control and the implementation of family planning, BKKBN is responsible for the president but also should coordinate to the Minister of Health. In the implementation of the transition from the central government to the local government usually includes 3 things, namely: Man, Money, and Materil, but for the BKKBN is different from other shifts, this is because the transition only happens to labor and payroll.

- The impact of controlling authority for population control and family planning with the validity of Law Number 23 year 2014 About Local Governments in West Sumatera, the effectiveness of PKB/PLKB after being transferred to become a central officer with the aim to be more focused on running the KKBPK Program in the field line based on the results of the SKAP 2019 has not described the results of the perfect output, the transition of local government employees (PKB/PLKB) becomes the central officer In terms of personnel administration, before switching status into a central employee, the administration of PKB/PLKB directly to the local government in the area of each ARD, but after switching status to the administrative Officer of the Administration to the representative of Bkkbn Province This has an impact on the monthly process that can run long because of lack of personnel/staff. PKB/PLKB Regency/City also describes the impact in the process of nobility after switching status into a central officer.

9. SUGGESTIONS:

From the results of the research and discussion as described in the preceding chapters, it can be suggested as follows:

- Transitional control authority of residents and families planning in the process of implementation of the transition still there are problems, therefore the author recommends several suggestions, among them is the improvement of regulation, especially clarifying technical regulations related to the regulation of management and utilization of PKB/PLKB. In addition BKKBN to establish intensive relationships with the OPD KB so that the management and utilization of PKB/PLKB can be sponsored by good so that all can cooperate without any conflict in the implementation of the field duties.
- To achieve the implementation of the KKBPK program in the field of maximum Scara, BKKBN in order to increase the allocation of funds to increase the number of PKB/PLKB to match the ideal ratio, in addition to minimize the function of adding and workload BKKBN Provnsi, it is necessary to add monthly personnel who technically manage the administration of personnel PKB/PLKB such as the DUPAK assessment process, inventory list of work attendance and e-visum.

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