



JLPH:
**Journal of Law, Politic
and Humanities**

E-ISSN: 2962-2816
P-ISSN: 2747-1985

<https://dinastires.org/JLPH> [✉ dinasti.info@gmail.com](mailto:dinasti.info@gmail.com) [☎ +62 811 7404 455](tel:+628117404455)

DOI: <https://doi.org/10.38035/jlph.v6i4>
<https://creativecommons.org/licenses/by/4.0/>

The Concepts of Liability and Responsibility in the Implementation of the Regional Medium-Term Development Plan

Tarkit Erdianto^{1*}, Ahmad Baihaki²

¹ Faculty of Law, Universitas Airlangga, Surabaya, Indonesia

² Faculty of Law, Universitas Airlangga, Surabaya, Indonesia

Corresponding Author: tarkit.erdianto-2025@fh.unair.ac.id

Abstract: the principle of legal accountability in the implementation of the Regional Medium-Term Development Plan (RPJMD) as the primary instrument of regional development planning. The issue under examination stems from the tendency of local government officials, particularly incumbent regional heads, to utilise the RPJMD as a political tool by prioritising the implementation of programmes towards the end of their term of office. Such practices lead to imbalances in development, reduce the effectiveness of planning, and have the potential to disregard the principle of legal accountability towards the public. This study employs a normative method using a legal and conceptual approach. The research findings indicate that regulations concerning the obligation to implement the RPJMD do not yet explicitly bind regional heads to ensure the proportional distribution of programme implementation each year. Consequently, there is no effective legal mechanism to ensure the consistent implementation of the RPJMD from the outset of the term of office. This study emphasises the need to strengthen regulations governing the obligation to implement the RPJMD in a gradual and measurable manner, including the setting of minimum annual targets. This constitutes a concrete manifestation of the principle of legal accountability of local heads, whilst also serving as an effort to ensure regional development that is consistent, sustainable, and oriented towards the interests of the community.

Keyword: Legal Accountability, Responsibility, Regional Medium-Term Development Plan (RPJMD), Local Government

INTRODUCTION

The Republic of Indonesia adheres to the principle of decentralisation of power in the administration of government. In this regard, the central government grants regions the opportunity and freedom to exercise regional autonomy. Autonomy provides regions not only with rights and obligations, but also with powers and responsibilities (Bayu Surianingrat, 1992). Regional autonomy is implemented with a view to restoring the dignity and self-respect of local communities, providing opportunities for political education to enhance the quality of local democracy, improving the efficiency of public services at the local level, accelerating local development, and ultimately fostering good governance or the implementation of the principles of good governance (Muhammad Mujtaba Habibi, 2015).

Regional development is closely linked to the leadership of the regional head, who acts as a central figure in determining policy direction. The powers of the regional head, as set out in Article 65 of Law Number 23 of 2014 on Regional Government, are as follows.

1. To lead the implementation of government affairs falling within the authority of the region in accordance with the provisions of laws and regulations and policies established jointly with the Regional People's Representative Council;
2. To maintain public peace and order;
3. To draft and submit draft Regional Regulations on the Regional Long-Term Development Plan (RPJPD) and draft Regional Regulations on the Regional Medium-Term Development Plan (RPJMD) to the Regional People's Representative Council (DPRD) for joint deliberation, as well as to draft and adopt the Regional Government Work Plan (RKPD);
4. To draft and submit draft Regional Regulations on the Regional Budget (APBD), draft Regional Regulations on amendments to the APBD, and draft Regional Regulations on the accountability for the implementation of the APBD to the Regional People's Representative Council (DPRD) for joint discussion;
5. To represent the region in and out of court, and to appoint legal counsel to represent the region in accordance with the provisions of laws and regulations;
6. Proposing the appointment of a deputy regional head;
7. Carrying out other duties in accordance with the provisions of laws and regulations.

Pursuant to Article 65 of Law Number 23 of 2014, regional heads possess strategic authority, including the power to formulate and submit the Regional Medium-Term Development Plan (RPJMD) as an elaboration of the vision, mission and programmes of the elected regional head. Article 5(2) of Law Number 25 of 2004 on the National Development Planning System defines the Regional Medium-Term Development Plan (hereinafter referred to as the RPJMD) as an elaboration of the regional head's vision, mission and programmes, the formulation of which is guided by the Regional Long-Term Development Plan (RPJP) and takes into account the National Medium-Term Development Plan (RPJM), containing the direction of regional financial policy, regional development strategies, general policies, and programmes of Regional Work Units, cross-Regional Work Unit programmes, and regional programmes accompanied by work plans within an indicative regulatory and funding framework (Fahrul Muzaqqi, 2016).

Meanwhile, Article 263(3) of Law Number 23 of 2014 defines the RPJMD as an elaboration of the regional head's vision, mission and programmes, setting out the objectives, targets, strategies, policy directions, regional development and regional finance, as well as programmes of regional agencies and cross-agency programmes, accompanied by an indicative funding framework for a period of 5 (five) years, drawn up in accordance with the Regional Medium-Term Development Plan (RPJPD) and the National Medium-Term Development Plan (RPJMN). Article 264 stipulates that the RPJMD is enacted by a Regional Regulation and must be enacted no later than 6 (six) months after the regional head is inaugurated. Article 265(2) states that the RPJMD is used as an instrument for evaluating the administration of the regional government. As per Article 265, this implies that the RPJMD serves not only as a development guideline but also as an instrument for evaluating the performance of the regional government. This means that the success of the regional head in implementing the RPJMD can have a direct impact on their political legitimacy (Ayu Widowati Johannes, 2020).

This research is important for strengthening accountability in local government administration. To date, the RPJMD has often been used as a political tool by incumbent officials, who highlight programmes towards the end of their term in order to boost their electability. This leads to an imbalance in development and risks undermining the legal

accountability of local government leaders to the public. Therefore, there is a need to strengthen RPJMD regulations so that implementation begins at the start of the term of office or minimum targets are set annually, to ensure development that is consistent, sustainable, and prioritises the interests of the community (Muklis Al'anam, 2025). In carrying out their administrative duties, local governments must be guided by the 1945 Constitution of the Republic of Indonesia, taking into account the following principles, amongst others:

- a. the principle that local authorities shall regulate and manage their own administrative affairs in accordance with the principles of autonomy and assistance;
- b. the principle of a hierarchical division of local authorities;
- c. the principle of exercising autonomy to the fullest extent;
- d. the principle of regional specificity and diversity;
- e. the principle of recognising and respecting regional governments of a special and distinctive nature;
- f. the principle of representative bodies being directly elected in a general election; and
- g. the principle that relations between the central government and the regions must be conducted in a harmonious and equitable manner (Sri Winarsi & Wilda Prihatiningtyas, 2019).

These principles form the basis for the implementation of democratic and accountable local government (Lanny Ramli & Muklis Al'anam, 2025b).

METHOD

This study is a normative legal study focusing on an examination of the legal norms governing the RPJMD and the principle of legal accountability of regional heads. The approaches employed include the statutory approach and the conceptual approach (Marzuki, 2005). The legal approach involves examining various regulations relating to local government and development planning, whilst the conceptual approach is used to analyse legal doctrines and principles concerning liability and accountability in the administration of government.

The legal sources for this study consist of primary, secondary and tertiary legal materials. Primary legal materials include relevant legislation, such as laws on local government and national development planning. Secondary legal materials consist of legal literature, academic journals, and previous research findings related to the research topic. Tertiary legal materials include legal dictionaries and encyclopaedias that support the understanding of concepts.

The collection of legal materials was carried out through library research, whilst the analysis of legal materials employed a qualitative analysis method involving systematic and logical legal interpretation. The analysis was conducted to identify the alignment between applicable legal norms and the implementation practices of the RPJMD, as well as to formulate an ideal legal framework to strengthen the principle of legal accountability of regional heads.

RESULTS AND DISCUSSION

The Concepts of Responsibility (Responsibility) and Liability under Administrative Law

From the outset, the concept of administrative law has placed the protection of citizens as its primary objective, particularly through the mechanisms of state responsibility and liability. When viewed from the three perspectives of power, human rights, and public officials, it is evident that the state is not only granted authority but is also constrained by the obligation to account for every action it takes (Tatiek Sri Djatmiati, 2020). Within this framework, liability can be understood as a specific form of responsibility (Peter Mahmud

Marzuki, 2009). Accountability is of a more political and administrative nature, for example through parliamentary oversight, whereas liability is of a more legal nature as it relates to judicial mechanisms when violations occur or citizens suffer harm (Djatmiati, 2004).

Responsibility and liability: these two terms appear in Article 1, points 23 and 24 of Law Number 30 of 2014 on Government Administration, which states that:

Article 1, Point 23: “Delegation is the transfer of authority from a higher government body and/or official to a lower government body and/or official, with responsibility and liability passing entirely to the recipient of the delegation”.

Article 1, Point 24: “A mandate is the transfer of authority from a higher government body and/or official to a lower government body and/or official, with responsibility and liability remaining with the grantor of the mandate”.

This distinction is also reflected normatively in Law Number 30 of 2014 on Government Administration, particularly in the provisions concerning delegation and mandate. In delegation, the authority transferred is accompanied by a full transfer of responsibility and liability to the delegatee. This means that the official receiving the authority also bears full legal consequences for its exercise. Conversely, in a mandate, the transfer of authority is not accompanied by a transfer of responsibility and liability; thus, both remain with the mandator (Lanny Ramli & Muklis Al’anam, 2025a). This demonstrates that administrative law places great emphasis on determining who should be held legally accountable in the event of an abuse of power.

Both terms are used in the context of the exercise of governmental authority. The exercise of authority by the government is based on the French legal concept. Conceptually, this framework aligns with the French administrative law tradition, which is founded on the principles of *légalité* and *responsabilité* as developed by the Conseil d’État. The principle of legality asserts that every government action must comply with the law and be subject to review by the administrative courts, whilst the principle of liability requires the state to provide compensation for any losses incurred. The reinforcement of this principle is evident in the 1873 decision of the Tribunal des conflits, which established three key principles:

1. The principle of state liability for the fault of its officials.
2. Liability is subject to rules that distinguish it from private law.
3. The principle that such liability falls within the jurisdiction of the administrative courts (Tatiek Sri Djatmiati).

The Conseil d’État, and subsequently the Tribunal de Conflits, developed criteria for liability for existing losses based on two elements:

- a. *Faute personnelle (Personal Fault)* A *faute personnelle* (personal fault) is deemed to have occurred if there is a personal error committed by an individual who is part of the government.
- b. *Faute de service (Official Fault)* occurs due to an error in the exercise of authority, and relates solely to the performance of official duties (Tatiek Sri Djatmiati, 2004).

The implications of this distinction between responsibility and liability are evident in the practice of governance, particularly in determining accountability in cases of maladministration. Responsibility cannot be understood merely as a moral or administrative obligation; it must be underpinned by the possibility of enforcement through liability. Without a mechanism for legal liability, responsibility risks becoming a weak concept as it lacks enforceability. Consequently, modern administrative law tends to treat legal liability as a concrete instrument to ensure that the exercise of authority by public officials remains within legal bounds and does not harm the public.

The construction of delegation and mandate in the Government Administration Act also reflects an effort to clarify lines of accountability within the bureaucratic structure. In practice, there is often an overlap of authority which can make it difficult to determine the

party from whom accountability should be sought. By clearly distinguishing the transfer of responsibility and liability in delegation, whilst ensuring both remain inherent in the mandate, the drafters of the law seek to prevent an accountability gap. This analysis demonstrates that the division of authority in administrative law is not merely a matter of efficiency, but also a matter of the clear distribution of legal risk.

The principles of legality and accountability mean that the development of administrative law is moving towards ever-stronger legal protection for citizens. The principle of legality ensures that the validity of every government action can be tested, whilst the principle of accountability provides a guarantee of redress in the event of loss. The combination of the two creates a system of checks and balances between power and accountability. Thus, liability serves not only as a reaction to violations, but also as a preventive instrument that encourages government officials to act cautiously, professionally, and in accordance with the law in every decision-making process.

Mechanisms for the Stages of Regional Development Planning

Regions undertake development with the aim of promoting the improvement and equitable distribution of public welfare, expanding employment and business opportunities, and enhancing access to and the quality of public services, whilst also boosting regional competitiveness. Such regional development essentially constitutes the implementation of governmental affairs that have been devolved to the regions, and forms an integral part of national development (Dasril Radjab, 2010).

Based on Article 4 of Government Regulation Number 8 of 2008 concerning the Stages, Procedures for the Preparation, Control and Evaluation of the Implementation of Regional Development Plans, it is explained that the stages of regional development are as follows:

1. The Regional Long-Term Development Plan (RPJPD) is a regional planning document covering a period of 20 (twenty) years;
2. The RPJMD is a regional planning document covering a period of 5 (five) years;
3. The Regional Development Work Plan (RKPD) is a regional planning document covering a period of 1 (one) year.

The implementation of the RPJMD is part of the elaboration of the Regional Head's vision, mission and programmes; its formulation is guided by the Regional Long-Term Development Plan (RPJP Daerah) and takes into account the National Medium-Term Development Plan (RPJM Nasional). It sets out the direction of regional financial policy, regional development strategies, general policies, and programmes of Regional Work Units, cross-Regional Work Unit programmes, and regional programmes, accompanied by work plans within an indicative regulatory and funding framework, as stipulated in Article 5(2) of Law Number 25 of 2004 on the National Development Planning System.

Based on Article 263(3) of Law No. 23 of 2014, which states that, "The RPJMD is an elaboration of the regional head's vision, mission and programmes, setting out the objectives, targets, strategies, policy directions, regional development and regional finance, as well as programmes of regional agencies and cross-agency initiatives, accompanied by an indicative funding framework for a period of 5 (five) years, drawn up in accordance with the Regional Medium-Term Development Plan (RPJPD) and the National Medium-Term Development Plan (RPJMN)". Consequently, the RPJMD is enacted by a regional regulation, whilst the Regional Regulation on the RPJPD must be enacted no later than 6 (six) months after the expiry of the previous RPJPD period. Subsequently, the Regional Regulation on the RPJMD must be enacted no later than 6 (six) months after the elected regional head is inaugurated. However, if the RPJMD, based on the results of monitoring and evaluation, is found to be inconsistent with current developments or requires

adjustments to policies established by the Central Government.

Pursuant to Article 265(2) of Law Number 23 of 2014, the RPJMD is used as an instrument for evaluating the administration of local government. Consequently, if the local government fails to enact a local regulation on the RPJMD, members of the Regional People's Representative Council (DPRD) and the head of the region shall be subject to administrative sanctions in the form of the withholding of financial entitlements as stipulated in the relevant legislation for a period of 3 (three) months. Therefore, the RPJMD is drawn up in stages as stipulated in Article 16(1):

- a. preparation for drafting;
- b. drafting of the initial proposal;
- c. drafting of the proposal;
- d. conduct of the Musrenbang;
- e. formulation of the final draft; and
- f. adoption.

The provisions of Articles 267 to 271 of Law Number 23 of 2014 indicate that the process of evaluating the draft Regional Regulation on the RPJMD serves as a mechanism for tiered oversight between the central and regional governments. This mechanism reaffirms that, whilst regions possess autonomy, the formulation of development policies must remain aligned with the national development plan, the public interest, and higher-ranking regulations (Zakki Saleh, 2018). The existence of strict deadlines for submission and evaluation also reflects efforts to maintain a balance between the effectiveness of local government and control by the central government. These provisions set out clear legal consequences should the results of the evaluation not be acted upon. The central government, through the Minister, or the governor as the central government's representative, has the authority to revoke local regulations that are non-compliant (Alexsander Yandra, 2016). This indicates that evaluation is not merely an administrative formality, but rather part of the accountability system within administrative law to ensure that every local policy does not deviate from the national legal framework and does not harm the public interest.

The strategic plans of local government bodies must be guided by the RPJMD and aligned with national programmes, thereby creating policy integration across levels of government. Furthermore, the emphasis that development planning must be data-driven and based on information systems indicates a shift towards more accountable, measurable and evidence-based governance, so that the quality of regional development planning and implementation can be optimised.

The Principles of Accountability and Responsibility as the Basis for the Fulfilment of the RPJMD

Responsibility has a more political and administrative dimension, as it relates to the obligation of public officials to account for their policies and performance through oversight mechanisms, such as those of the Regional People's Representative Council (DPRD). Meanwhile, legal liability falls within the legal sphere; it arises when there is a breach of the law or harm suffered by the public, thereby requiring resolution through judicial mechanisms. Thus, law and politics do not merely function as subsystems regulating community life, but also provide distinct yet complementary pathways of accountability.

Political responsibility serves as the starting point for understanding accountability in local government administration, particularly in the implementation of the Regional Medium-Term Development Plan (RPJMD). The authority acquired through the political process entails a duty to be held accountable both administratively and to the public (Nani Harlinda Nurdin, 2021). However, if the exercise of such authority deviates from legal provisions or causes harm to the public, this responsibility may give rise to a legal claim entailing legal

consequences. Therefore, this distinction is important as a basis for analysis to examine how the RPJMD serves not only as a planning document but also as an instrument of accountability, both politically and legally.

Law and politics (power) are both subsystems within the social system. Each performs specific functions to drive the social system as a whole. Broadly speaking, law functions to exercise social control, resolve disputes and engage in social engineering or innovation, whilst the functions of politics include system maintenance and adaptation (socialisation and recruitment), conversion (rule-making, rule application, rule adjudication, articulation and aggregation of interests) and capability functions (regulatory, extractive, distributive and responsive). Both law and politics recognise the concept of accountability (Winahyu Erwiningsih, 2006). In this first study, the focus is on political accountability.

Liability arises from the authority vested in an individual. Etymologically, liability refers to an obligation towards all matters or the function of bearing responsibility as a consequence of one's own actions or those of another party. This liability stems from authority, the scope of which, within the realm of public law and governmental duties, encompasses not only the authority to make governmental decisions (*bestuur*), but also the authority to carry out duties, with the distribution of such authority primarily established by legislation (Julista Mustamu, 2011). Political responsibility is essentially a manifestation of official responsibility, as it is inherent in the position of public officials namely regional heads who acquire authority through the political process (Salim HS & Erlies Septiana Nurbani, 2009).

Regional heads bear political liability for the direction of policy, the success, and the failure of development, which form part of their political promises. However, when the exercise of such authority involves an abuse of power or a breach of legal norms, political accountability may transform into personal liability with legal consequences. This implies that the political accountability of regional heads is not merely realised through reporting or evaluation to the Regional People's Representative Council. Political accountability also encompasses their success in meeting public expectations as set out in their vision, mission and campaign pledges, which are subsequently institutionalised in the RPJMD. In other words, political accountability is a form of public accountability for the fulfilment of legal responsibilities in implementing the RPJMD.

Political accountability is essentially a manifestation of the official duties inherent to the regional head as the holder of authority obtained through the political process. Regional heads are not only required to formulate policies, but also to ensure the direction, implementation, and achievements of development are in line with the vision, mission, and political pledges that have been communicated to the public. Therefore, both the success and failure in the implementation of the RPJMD form part of the political responsibility that must be accounted for, particularly through administrative and political oversight mechanisms by the Regional People's Representative Council (DPRD) and public assessment.

Political accountability does not stop at the administrative level alone, but also has broader implications when laws are broken. If, in the exercise of authority, there is an abuse of power or actions that harm the public, then such accountability can transform into a legal liability. In this regard, the judicial mechanism serves as a means to assess and uphold legal accountability, thereby ensuring that the implementation of the RPJMD not only fulfils political aspects but is also consistent with the principles of legality and the protection of public rights.

CONCLUSION

Based on these three points, it can be concluded that in administrative law, responsibility and liability are two interrelated concepts that nevertheless have different

dimensions. Responsibility is of a political and administrative nature, serving as a form of accountability for public officials in the exercise of their authority, whilst liability is of a legal nature arising when there is a breach of law or harm to the public. Both serve as vital instruments in ensuring that every government action remains within the bounds of the law and is oriented towards the protection of citizens. Regional development planning, particularly the RPJMD, and the mechanisms for its formulation, evaluation, and adoption demonstrate a tiered oversight system between the central and regional governments. This underscores that whilst regions possess autonomy, development policies must remain aligned with national interests, legislation, and principles of accountability. The evaluation and potential annulment of Regional Regulations (Perda) constitute a tangible application of legal liability in safeguarding the quality and legitimacy of regional policies. Fulfilment of the RPJMD is not merely an administrative obligation, but also a form of political accountability of regional heads to the public. When the implementation of the RPJMD deviates or causes harm to the community, this responsibility can transform into legal liability with legal consequences. Therefore, the integration between responsibility and legal liability becomes

REFERENCE

- Alexsander Yandra. (2016). Partisipasi Masyarakat Dalam Penyusunan Rencana Pembangunan Jangka Menengah Daerah (RPJMD) Kota Pekanbaru 2012-2017. *PUBLIKA : Jurnal Ilmu Administrasi Publik*, 2(1), 49.
- Ayu Widowati Johannes. (2020). *Pilkada Mencari Pemimpin Daerah*. Bandung: Cendikia Press.
- Bayu Surianingrat. (1992). *Pemerintahan Administrasi Desa Dan Kelurahan*. Jakarta: Rineka Cipta.
- Dasril Radjab. (2010). Problematika Pengaturan RPJMD Dalam Perspektif Ilmu Perundang-Undangan. *Inovatif: Jurnal Ilmu Hukum*, 2(4), 82.
- Djatmiati, T. S. (2004). *Prinsip Izin Usaha Industri di Indonesia*. Disertasi, Doktor, Fakultas Hukum Universitas Airlangga, Surabaya.
- Fahrul Muzaqqi. (2016). Politik Deliberatif Dalam Musyawarah Perencanaan Pembangunan: Analisis Structures and Meanings Atas PP RI No. 28/2008. *Jurnal Konstitusi*, 10(1), 89.
- Julista Mustamu. (2011). Diskresi Dan Tanggungjawab Administrasi Pemerintahan. *Jurnal Sasi*, 17(2), 1.
- Lanny Ramli & Muklis Al'anam. (2025a). Discourse on Corruption from an Administrative Law Perspective. *Soetomo Justice*, 1(1), 2.
- Lanny Ramli & Muklis Al'anam. (2025b). Pergeseran Eksistensi Putusan Niet Ontvankelijk Verklaard Pada Sistem Peradilan Tata Usaha Negara. In *Dinamika Hukum Administrasi, Hukum Keuangan, Dan Tanggung Jawab Pemerintah* (p. 33). Jakarta: Kencana.
- Marzuki, P. M. (2005). *Penelitian Hukum*. Kencana Prenada Media Group, Jakarta.
- Muhammad Mujtaba Habibi. (2015). Analisis Pelaksanaan Desentralisasi Dalam Otonomi Daerah Kota/Kabupaten. *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan*, 28(2), 117.
- Muklis Al'anam, et-al. (2025). Unlawful Acts of Governance: Characteristics and Limits of Discretion. *Indonesian Journal of Administrative Law and Local Government (IJALGOV)*, 2(2), 78.
- Nani Harlinda Nurdin. (2021). *Democratic Governance Dalam Perencanaan Pembangunan Daerah: Studi Kasus Pelaksanaan Musrenbang Di Kabupaten Bone*. Disertasi, Program Doktor Ilmu Administrasi Publik Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Hasanuddin.

- Peter Mahmud Marzuki. (2009). *Pengantar Ilmu Hukum*. Jakarta: Prenada Media.
- Salim HS & Erlies Septiana Nurbani. (2009). *Penerapan Teori Hukum Pada Penelitian Disertasi Dan Tesis*. Jakarta: Rajawali Pers.
- Sri Winarsi & Wilda Prihatiningtyas. (2019). *Buku Ajar Pemerintah Daerah*. Surabaya: Airlangga University Press.
- Tatiek Sri Djatmiati. (2004). Faute Personelle De Service Dalam Tanggung Gugat Negara. *Yuridika*, 19(4), 9.
- Tatiek Sri Djatmiati, et-al. (2020). *Hukum Administrasi Sebuah Bunga Rampai*. Yogyakarta: Laksbang Pressindo.
- Winahyu Erwiningsih. (2006). Peranan Hukum Dalam Pertanggungjawaban Perbuatan Pemerintahan. *Jurnal Ilmu Hukum*, 9(2).
- Zakki Saleh. (2018). Implikasi Dualisme Ketentuan RPJMD Menurut Peraturan Perundang-Undangan Dihubungkan Dengan Prinsip Kepastian Hukum. *Aktualita*, 1(2), 370.