TRANSFER OF AUTHORITY FOR SECONDARY EDUCATION MANAGEMENT FROM DISTRICT/CITY TO PROVINCE (A STUDY IN EAST NUSA TENGGARA PROVINCE)

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ABSTRACT

Purpose: This study aims to analyze the progress made, the challenges faced after the transfer, and the efforts to overcome them.

Method: This is empirical legal research, involving interviews with informants from the District/City Education Offices, teachers and principals, and officials from the Provincial Education Office.

Result and Discussion: The research indicates that the transfer of authority was not based on thorough considerations. There has been a policy regression in managing secondary education.

Research Implications: The recommendation of this research is for the management of secondary education to be returned to the district/city governments through changes in regional government laws and policymakers should adhere to the principle of subsidiarity in dividing governmental affairs between levels of government.

Originality/Value: The essence of regional autonomy policy lies in granting authority to regions to manage governmental affairs including education. Law on Regional Governments regulates that secondary education management has been transferred from district/city to province.

Keywords: Authority, Management, High School, East Nusa Tenggara, Regional Government.

TRANSFERÊNCIA DE AUTORIDADE PARA A GESTÃO DO ENSINO SECUNDÁRIO DE DISTRITO / CIDADE PARA PROVÍNCIA (UM ESTUDO NA PROVÍNCIA DE NUSA LESTE TENGGARA)

RESUMO

Objetivo: Este estudo tem como objetivo analisar o progresso realizado, os desafios enfrentados após a transferência e os esforços para superá-los.

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**Método:** Trata-se de uma pesquisa jurídica empírica, envolvendo entrevistas com informantes do Departamento de Educação do Distrito/Cidade, professores e diretores, e funcionários do Escritório de Educação Provincial.

**Resultado e Discussão:** A pesquisa indica que a transferência de autoridade não se baseou em considerações completas. Houve uma regressão política na gestão do ensino secundário.

**Implicações da pesquisa:** A recomendação desta pesquisa é que a gestão do ensino secundário seja devolvida aos governos distritais/municipais através de mudanças nas leis governamentais regionais e os formuladores de políticas devem aderir ao princípio da subsidiariedade na divisão dos assuntos governamentais entre os níveis de governo.

**Originalidade/valor:** A essência da política de autonomia regional reside em conceder autoridade às regiões para gerir assuntos governamentais, incluindo a educação. A lei sobre os governos regionais regula que a gestão do ensino secundário foi transferida de distrito/cidade para província.

**Palavras-chave:** Autoridade, Gestão, Escola de Ensino Médio, East Nusa Tenggara, Governo Regional.

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### 1 INTRODUCTION

The administration of government in a unitary state can be carried out through a centralized system or decentralized system (Robi A, 2023; Haryanto H, 2020; Ni’matul Huda, 2014). If the choice is decentralization, the national territory is divided into autonomous regions with the authority to regulate and manage their affairs, a concept known as regional autonomy (Fahmi Amrusyi, 1987; Methawikul, M., Kuljirundhorn, B., & Sampaio, F, 2023). The 1945 Constitution, Article 18, stipulates that the Unitary State of the Republic of Indonesia is divided into provinces, and each province is subdivided into regencies and cities. Each province, regency, and city has its regional government regulated by law. The regional governments of provinces, regencies, and cities independently manage and administer government affairs based on the principles of autonomy and delegated tasks.

The regional government law, as an implementation of the provisions of the 1945 Constitution still in force today, is Law Number 23 of 2014 on Regional Government, which has undergone several amendments. According to Article 9 of that law, government affairs are divided into absolute government affairs, concurrent government affairs, and general government affairs. Absolute government affairs fall entirely within the central government's jurisdiction, while concurrent government affairs are shared among the central government, provincial government, and regency/city government. One of the concurrent government affairs
is the education sector, which is divided among the central government, provincial government, and regency/city government.

Based on the division of authority among the three levels of government mentioned, the provincial government has the authority to manage secondary education, including senior high schools and vocational schools (Sumpena, S., Nurhamidah, S., Hilman, C, 2022; Iwan, R., & Sumirat, I.R, 2021). Previously, based on Law Number 32 of 2004 on Regional Government, the management of secondary schools was under the authority of the regency/city regional government.

The transfer of authority for the management of secondary education from regencies/cities to the province may pose challenges in its implementation, given that the East Nusa Tenggara Province consists of islands with geographically challenging conditions that are difficult to reach efficiently. On the other hand, the regional apparatus responsible for educational affairs, namely the Education Agency, is located in the provincial capital, Kupang. In this context, considering the total number of general and vocational secondary schools amounting to 948, comprising 640 senior high schools and 338 vocational schools spread across various regency capitals, sub-districts, villages, and urban wards within the territory of 21 regencies and one city.

The principle of regional autonomy teaches that the delegation of government affairs and the transfer of authority for the management of a particular matter must be based on considerations of the autonomous region's capability in handling the said affairs to provide the maximum benefit for the prosperity of the people (Tiopan, D., Kurniawan, S.,& Stevie, S, 2023; Jakani, A.H., Arifin, A., Tang, M., Ibrahim, M.A, 2023). Thus, it is questioned whether regencies/cities are incapable of managing secondary education affairs, leading to their transfer to the authority of the provincial government. The subsequent question is whether the transfer of authority for the management of secondary education affairs from regencies/cities to the province would be more efficient and effective. These questions will be addressed through this research.

This research is crucial when connected to the questions of "why" and "for what purpose" regional autonomy exists. Is it merely to maintain the balance of the distribution of government authority, or is it based on a fundamental rationale and the objectives intended to be achieved by a regional autonomy policy? Any policy decision must undergo a thorough examination and be based on fundamental and justifiable reasons to realize the common good (bonum commune).
Therefore this paper aims to answer these problems: first, Does the transfer of authority for managing secondary education from District/City to Province, based on considerations of the management capability of the district/city and province, grounded in the principle of regional autonomy; second, What policies are implemented by the Government of East Nusa Tenggara Province in managing secondary education; third, What changes have occurred in the management of secondary education after the transfer.

2 LITERATURE REVIEW

2.1 WELFARE STATE

Hilaire Barnett (2002) emphasizes the essence of the rule of law as "the essence of the sovereignty or supremacy of law over man." Furthermore, it is stated that "the rule of law insists that every person, irrespective of rank and status in society, is subject to the law. Barnett's opinion emphasizes that in a rule of law state, the supremacy of law is upheld, meaning that all individuals, regardless of their social status, must submit and adhere to the law. This includes the government, as the leader of society, which must exercise its authority based on the principles of law.

The early development of the formal rule of law emerged as a reaction to an absolute monarchy (the absolute power of the king), in which the state only acted as a night watchman (nachtwakerstaat). The state could only intervene if the law was violated. As an antithesis to the formal rule of law, a new concept was introduced, namely the material rule of law or the welfare state. The concept of the welfare state teaches that the goal of the state is to organize the general welfare (bonum commune). General welfare is formulated as the well-being that supports the achievement of the well-being of members of society. General welfare is defined as the sum of conditions and requirements necessary for the well-being of members of society. It is formulated as the overall prerequisites that allow or facilitate individuals to develop all their values or as the sum of all social conditions needed for each individual, family, and community group to achieve their needs or development more fully and quickly (Magniz Franz, 2001).

Furthermore, it is argued that a person can be considered prosperous if they feel safe, peaceful, and secure if they can live following their aspirations and values if they feel free to realize their individual and social life in line with their aspirations and possibilities available to
them. One's well-being is not something that can be dogmatically or ideologically determined, or pragmatically dictated from above; rather, it lies in the feelings of the individual concerned. The state can strive for the conditions of well-being for members of society but cannot make them feel prosperous. The state cannot directly create the well-being of an individual (Magnis Franz, 2001). Based on the concept of general welfare, there are three tasks of the state, namely:

a) The state must be able to protect the residents in a particular territory, including protection against threats from abroad and domestic threats;

b) The state supports or directly provides various services for the well-being of the community in the social, economic, and cultural fields. For example, health services, education, road construction, water supply, electricity, telephone, etc;

c) The state acts as an impartial mediator between conflicting parties in society and provides a judicial system that ensures basic justice in social relations.

2.2 REGIONAL AUTHONOMY

Lorens Bagus (2010) provides the meaning of autonomy as follows:

a. The ability to self-regulate;

b. The act of governing oneself, determining oneself, directing oneself;

c. Freedom from the will of others;

d. The right to follow one's own will.

Based on the understanding mentioned, the delegation of governance affairs to an autonomous region to become the region's domestic affairs must consider the region's ability to manage the relevant affairs, to provide the greatest possible benefit for the welfare of the general public. According to Kamus Besar Bahasa Indonesia (2005) (The Indonesian Dictionary), regional autonomy is the right, authority, and obligation to manage and take care of its household under prevailing laws and regulations. The term autonomy originates from the Latin word "autonomia," where "auto" means independent, and "nomos" means to regulate. Thus, the term autonomy implies the ability to regulate and manage oneself. The concept of autonomy must be understood within the framework of the state, so the implementation of regional autonomy will not be separate from its connection with the state.

The number of levels of autonomous regions depends on the policies of the lawmakers that underlie the implementation of autonomy itself. However, the more levels of autonomous regions, the more complicated the administration of regional governance becomes, as
governance matters will be divided between the central government and all levels of autonomous regions. If there are three levels of autonomous regions, governance matters are divided into four parts, with one part falling under the jurisdiction of the central government, and three parts falling under the jurisdiction of the three levels of autonomous regional governments (H Juniarso Ridwan & Achmad Sodik Sudrajat, 2019).

There are two fundamental principles in the distribution of governance matters. Firstly, there are always governance matters that absolutely cannot be delegated to regions, as they concern the survival interests of the nation and the state. Secondly, there are no governance matters that can be fully delegated to regions; what is delegated is a portion of governance matters that concern the interests of the local community (Ni’Matul Huda, 2005).

There are two broad patterns in formulating legislation related to the division of tasks in the administration of governance matters. Firstly, the general competence pattern (broad autonomy) is formulated in such a way that matters handled by the central government are restrictive, and the rest (residue) becomes the authority of local governments. Secondly, the ultra vires pattern (limited autonomy) is formulated in such a way that regional matters are determined restrictively, and the rest becomes the authority of the central government. Both patterns can be realized if there is only one level of autonomous regions in the respective country. If there are more than one level of autonomous regions, it becomes challenging to formulate the residual authority that falls under the jurisdiction of regional autonomy.

Another opinion presents three kinds of doctrines regarding regional household affairs, namely:

a. Material household doctrine teaches that government affairs are handed over first before being implemented;
b. Formal household doctrine teaches that autonomous regions first implement government affairs that are in the interest of the region, and formal handover is done later;
c. Real household doctrine teaches that each autonomous region is given government affairs as a fundamental matter, and additional matters are subsequently handed over according to the real capacity of each region.

According to Oentarto (2004), "the delegation of affairs to regions is based on the consideration that these matters will be more efficient, effective, and accountable if delegated to the regions for management." Furthermore, it is explained that efficiency means that these matters, in terms of funds and resources, will be more beneficial when carried out in the regions.
Effectiveness means that the delegation of these affairs will achieve the desired objectives. Accountability means that regional governments, in carrying out their affairs, are accountable to the voting public as well as being accountable to the central government (Oentarto, 2004).

2.3 PRINCIPLE OF SUBSIDIARITY

The term subsidiarity originates from the Latin word "subsidiarium" meaning "aid, support." Its essence lies in the idea that society aims to assist its members, providing what is beneficial for them. Therefore, society must undertake actions that truly and concretely assist, benefit, and serve its members (Magniz Franz, 2001). The principle of subsidiarity has two perspectives: one justifies the provision of supporting assistance by society, while the other rejects actions that do not support and may even harm its members. In brief, the subsidiarity principle can be formulated as follows: "A higher-level society or institution must assist its members or institutions that are more limited as long as they cannot satisfactorily perform their tasks. However, tasks that can be satisfactorily handled by smaller societal units should not be taken over by larger societal units. Broader societal units are not entitled to take over tasks that can be satisfactorily handled by narrower units (Magniz Fanz, 2001)."

The aforementioned viewpoint, when applied to the state, asserts that the subsidiarity principle suggests that the state should play a role that supports the efforts of society. The basis of the subsidiarity principle is the acknowledgment that "society exists for the sake of its members, and not vice versa”.

2.4 CONPET OF AUTHORITY

Authority originates from the Dutch language (authority, gezag). The term authority differs from competence (bevoegdheid). According to Prajudi Atmospudirjo (1981), authority is formal power, namely the power over a certain group of people or power over a specific area of government that is comprehensive. Meanwhile, competence pertains to a specific component only. Within authority there are competencies. Competence is the power to perform a public legal act. The limits of each authority must be defined according to content/material, territory, and time (Hadjon Philipus Mandiri, 1994; A’an Efendi & Freddy Poernomo, 2017). Deficiencies in these aspects lead to incompetence concerning content/material deficiency (onbevoegdheid ratione materiae), territorial deficiency (onbevoegdheid ratione loci), and
temporal deficiency (*onbevoegdheid ratione temporis*). Substantial aspects of authority involve what and for what purpose (Hadjon Philipus Mandiri, 1994). Substantial deficiencies regarding what involve arbitrary actions. Substantial deficiencies regarding for what purpose involve the abuse of authority.

Authority originates from three sources: attribution, delegation, and mandate (Hadjon Philipus Mandiri, 1994). Attribution authority is original, usually outlined through the distribution of state power by the constitution. Delegation and mandate authority arise from delegation. The difference is that the delegation of authority is done between organs or agencies, while the mandate of authority is done between officials (W Riawan Tjandra, 2019). Delegation authority allows the delegate to further delegate to a lower organ unless prohibited. In contrast, mandate authority may not transfer authority to another lower official (Cekli Setya Pratiwi, et al, 2016). Responsibility and liability for delegated authority shift to the delegate, while for mandate authority, responsibility and liability remain with the giver of the mandate. Attribution authority is generally outlined in the constitution, while delegation authority is found in laws and regulations below it. Thus, attribution and delegation of authority require decisions to be based on a formal law. Mandate authority is merely an action on behalf of the one granting the mandate and can be done through a power of attorney (Bachsan Mustafa, 2001).

### 3 METHODOLOGY

From the perspective of the purpose of legal research, legal research can be differentiated into (Soekanto Soerjono, 2014; Ishaq H, 2016):

a. Normative legal research, which includes research on legal principles, research on legal systematics, research on the level of legal synchronization, research on legal history, and comparative legal research;

b. Sociological or empirical legal research, which includes research on legal identification and research on legal effectiveness.

Based on the classification of legal research, this study falls under the category of empirical legal research, with a focus on the effectiveness of the law (Irwansyah, 2021). Specifically, it investigates matters related to the effectiveness of managing secondary education after its authority is transferred from districts/cities to provinces. The research was conducted in four districts/cities, namely Kupang City, Kupang Regency, Ende Regency, and Nagekeo Regency. The selection of these four districts/cities was based on their proximity to
the capital of East Nusa Tenggara Province. Kupang City and Kupang Regency represent districts/cities nearby, while Ende Regency and Nagekeo Regency represent districts at a greater distance. The factor of distance was considered in determining the research locations because the proximity or remoteness of the districts/cities to the provincial capital, where secondary education is conducted, significantly influences the issues faced.

In Kupang City were chosen, State Senior High School 3, State Vocational High School 1, and Giovani Catholic Senior High School were selected. In Kupang Regency, Fatuleu State Senior High School 1 and State Vocational High School 1 were chosen. In Ende Regency, State Senior High School 1, State Vocational High School 1, and Syuradikara Catholic Senior High School were selected. In Kabupaten Nagekeo, State Vocational High School 1 Aesesa, State Senior High School 1 Aesesa, and Baleriwu Danga Catholic Senior High School were chosen.

To address the formulated issues, the research is conducted by examining the provisions of legal regulations to identify their conformity with the principles of regional autonomy, particularly the subsidiarity principle that underlies regional autonomy itself. Subsequently, field data is collected to understand the considerations regarding the capacity of regencies/cities and provinces in managing secondary education affairs, as well as the effectiveness of transferring the authority of managing secondary education from regencies/cities to provinces. If positive changes occur, then the intended transfer of authority is considered effective. Conversely, if negative changes or no significant changes occur, then the transfer of authority is deemed ineffective.

Empirical legal research recognizes two types of data: primary data obtained directly from its source and secondary data that is already presented/available. Primary data is obtained from informants, namely officials from the Department of Education and Culture of East Nusa Tenggara Province and secondary education institutions in the province. Secondary data is obtained from available documents, both in the Department of Education and in Secondary Education Institutions. Data collection is carried out through free interviews in-depth interviews and documentary studies.
4 RESULTS AND DISCUSSION

4.1 CONSIDERATIONS REGARDING THE TRANSFER OF AUTHORITY IN THE MANAGEMENT OF SECONDARY EDUCATION FROM REGENCIES/CITIES TO PROVINCES

Regional autonomy and autonomous regions are two distinguishable yet inseparable entities. An autonomous region, once established, must be endowed with the authority to govern and manage its affairs. Consequently, governance matters are devolved to the autonomous region, transforming them into domestic affairs (regional autonomy). The delegation of authority to manage governmental affairs is predicated on an assessment of the capability of the respective regions to handle such matters. Similarly, the devolution of governance responsibilities in the field of education to a specific level of autonomous region is grounded in an evaluation of the capabilities of the concerned region.

Under Law Number 32 of 2004 on Regional Governance, the responsibility for managing secondary education is delegated to the authority of district/city governments. However, subsequently, there was a change in the regional governance law with Law Number 23 of 2014, resulting in the transfer of authority for managing secondary education to provincial governments. This raises the question of whether this transfer of authority occurred due to the incapacity of district/city governments to manage secondary education, leading to its relocation to the provincial level. The following are the results of interviews with informants.

Based on the results of interviews with officials from the Department of Education and Culture (or any other designation) in the selected districts/cities as the research area, it is evident that, during the period when the management of secondary education was delegated to district/city governments, it has been functioning effectively. No significant obstacles were impeding the administration of secondary education. While challenges did exist, they were effectively addressed and did not disrupt the teaching and learning processes in schools.

To reinforce the findings of the research, the following are presented as several interview results with officials from the education department of districts/cities, as follows: An interview with Venantius Minggu, the Head of the Department of Education and Culture in Nagekeo Regency on May 29, 2023, revealed that "so far, the management of secondary education has been carried out effectively, with no significant obstacles or hindrances.” Conversely, issues arose after the transfer to the province due to the considerable distance...
between the operation of secondary education institutions and the Provincial Department of Education and Culture, making coordination, guidance, and supervision challenging. Secondary schools conduct activities within the schools, and the Nagekeo Regency Department of Education is not involved since it is not within its jurisdiction. Another issue is the financial difficulties faced by students in vocational high schools (SMK/SMA) who require assistance. The regency government cannot provide aid due to a lack of budget allocation for it. To enhance service delivery to secondary schools in Nagekeo Regency, a policy revision by the central government is necessary, returning the management of secondary education to the jurisdiction of district/city governments.

Similar sentiments were expressed by Ribka R. Kekado, the Acting Secretary of the Department of Education and Culture in Kupang Regency, according to the interview conducted on July 7, 2023. She explained that during the period when the management of secondary education was under the jurisdiction of districts/cities, the Kupang Regency Local Government was able to handle it effectively by establishing collaborations with secondary education institutions in the regency. "There were no significant obstacles hindering the implementation of secondary education affairs." However, after the transfer, challenges arose in coordination, guidance, and supervision from the provincial education department to schools. Despite the relative proximity between the operation of secondary education institutions and the Provincial Department of Education in East Nusa Tenggara, the large number of schools managed by the provincial education department posed difficulties in coordination, guidance, and supervision. According to her, it would be more efficient and effective to return the management of secondary education affairs to the district/city level.

Similarly, Ambo, the Secretary of the Department of Education and Culture in Kupang City, stated in an interview on July 11, 2023, that the implementation of secondary education is proceeding smoothly and is not encountering significant obstacles. However, after the transfer, communication with secondary schools operating in Kupang City was disrupted due to the absence of functional and structural relationships. To enhance efficiency, it is suggested that the management of secondary education affairs be returned to the jurisdiction of district/city governments.

Based on the results of interviews with the aforementioned informants, it is evident that district/city governments are capable of effectively managing secondary education. Therefore, considering that the transfer of authority has resulted in various issues, it would be preferable to return it to the jurisdiction of district/city governments. They are ready to undertake this
responsibility diligently to contribute to the intellectual development of the nation. The results of interviews with officials from the education and culture departments of districts/cities were then correlated with the interview results from Ayub Sanam, the Head of the General Secondary Education Division of the Department of Education and Culture in East Nusa Tenggara Province, on July 12, 2023. Ayub Sanam explained that the transfer of authority for managing secondary education from districts/cities to the province has both advantages and disadvantages. Upon calculation, however, the disadvantages outweigh the advantages. The challenges include the extensive span of control, making coordination and supervision increasingly difficult. When these interview results are linked to the number of secondary schools that the provincial government of East Nusa Tenggara has to handle, which amounts to 948 schools, it undoubtedly presents considerable difficulties in education management. Additionally, the geographical conditions of East Nusa Tenggara, consisting of islands, pose a significant obstacle to coordinating, guiding, and supervising schools. Secondary schools are not only located in the capital of the regency but also the capital of sub-districts and villages throughout the entire East Nusa Tenggara Province.

The research data presented above, when linked to the principle of regional autonomy, which dictates that matters capable of being managed by a lower-level autonomous region should not be handled by its higher-level regional government, reveals that the transfer of authority for managing secondary education from district/city governments to provincial governments contradicts the subsidiarity principle that forms the basis for the division of governmental responsibilities. This principle should guide policymakers in allocating governmental responsibilities among districts/cities, provinces, and the central government. Principles or axioms represent truths that serve as the foundation for thinking and acting. A thought or action lacking a basis in truth may lead to fluctuating and directionless thinking and actions, as observed in the allocation of governmental responsibilities in accordance with the local government laws enacted since the 1998 reform. It commenced with the replacement of Law Number 5 of 1974 on the Basic Principles of Regional Government with Law Number 22 of 1999, subsequently replaced by Law Number 32 of 2004, and finally by Law Number 23 of 2014.

According to various regional government laws, governmental responsibilities assigned to autonomous regions are continually subject to change in line with alterations or replacements of the underlying legislation. This situation is likely to persist in the future. Changes do not always result in improvements or advancements; instead, there is often regression. If a
governmental responsibility delegated to an autonomous region undergoes frequent changes, it becomes challenging to streamline it for the better, addressing various challenges that arise. Consequently, the administration of regional government becomes unstable as it must implement various improvements to adapt to the changes. These improvements encompass personnel, infrastructure, administration, and financial aspects that support the execution of governmental responsibilities following alterations or transfers of authority, in accordance with the new regulations.

4.2 THE POLICIES IMPLEMENTED BY THE PROVINCIAL GOVERNMENT OF EAST NUSA TENGGARA IN MANAGING SECONDARY EDUCATION

After the transfer of authority for managing secondary education from districts/cities to the province, the provincial government needs to follow up by formulating policies to execute matters related to secondary education. According to the results of interviews with school principals/vice principals of secondary schools included in the research, it was found that there are no policies on the management of secondary education issued by the Provincial Government of East Nusa Tenggara to implement secondary education matters in each school. All activities related to the teaching and learning process and administrative/personnel affairs continue as they were before the transfer of authority. However, matters such as promotions, periodic salary increases, and transfers, which were previously handled by district/city governments, have now shifted to the provincial government.

Through this research, it was found that what occurred was a regressive policy, namely the dissolution of the Technical Implementation Unit of the Education Department (Unit Pelaksana Teknis Dinas Pendidikan), which was established during the leadership of Governor Frans Lebu Raya, citing reasons of efficiency. The Technical Implementation Unit of the Education Department was established regionally (with one Technical Implementation Unit responsible for schools in multiple districts) to facilitate coordination, guidance, and supervision of schools under the jurisdiction of the provincial government. However, solely for the sake of efficiency, the existence of the Technical Implementation Unit was eliminated, leading to regression in terms of coordination, guidance, and supervision due to an increasing span of control.

Efficiency and effectiveness must be considered in a balanced manner when making policies, not prioritizing one over the other. Policy decisions that only consider efficiency and
neglect effectiveness can lead to shortcomings. The establishment of the Technical Implementation Unit of the Education Department (*UPT Dinas Pendidikan*) was a policy that took into account the geographical conditions of East Nusa Tenggara Province, consisting of islands, thus necessitating the presence of a technical implementation unit with a regional focus. One UPT Dinas Pendidikan oversees schools in multiple districts/cities as an extension of the Provincial Department of Education and Culture in East Nusa Tenggara. According to the informants, the existence of the UPT Dinas Pendidikan significantly aids in facilitating the management of secondary education in East Nusa Tenggara Province.

Only on the grounds of efficiency, Governor Victor Bungtilu Laiskodat took the regressive step of abolishing the existence of the Technical Implementation Unit of the Education Department (*UPT Dinas Pendidikan*). This policy has had a significant impact on education management, specifically causing coordination, guidance, and supervision to become inefficient. The matters related to the administration of secondary education must now be conducted in the provincial capital, incurring considerable costs and requiring a substantial amount of time. Referring to the description above, it is evident that the transfer of authority for managing secondary education from districts/cities to the province was not intended to advance education management; rather, it resulted in regression. The number of issues has increased compared to the situation before the transfer took place.

Another policy related to the management of secondary education in East Nusa Tenggara Province is the change in school starting hours from 7 a.m. to 5 a.m. This policy generated controversy from various sectors, leading to a revision that extended the school starting time to 5:30 a.m. Although opposition continued, this policy was implemented in some general and vocational high schools in Kupang City, specifically for grade XII. Teachers and school leaders were unable to oppose the 5:30 a.m. school starting time policy due to loyalty. After grade XII, this policy was not continued, without an official cancellation by the issuing authority. Consequently, the 5:30 a.m. school starting time policy did not take effect, but formally, its existence was still acknowledged. As time passed, the terms of the Governor and Vice Governor of East Nusa Tenggara ended on September 5, 2023, and were succeeded by Acting Governor Ayodhia Kalake. One of the policy measures taken by the Acting Governor was to cancel the 5:30 a.m. school starting time policy and revert to 7 a.m., effective from September 21, 2023 (Pello Jimmy, Bunga Gerald A, & Pello Shela C, 2024).
4.3 CHANGES IN THE MANAGEMENT OF SECONDARY EDUCATION AFTER THE TRANSFER OF AUTHORITY

It is expected that the transfer of authority for managing secondary education from districts/cities to the province will lead to improvements in various aspects of secondary education. Based on the results of interviews with informants, namely school principals and vice principals of secondary schools in the research area, it was found that there were no significant changes in the management of secondary education by the provincial government. All routine teaching and learning activities continued as usual, similar to the situation before the transfer took place.

Similarly, physical infrastructure development, school facilities, and infrastructure become increasingly challenging for the province. Schools request attention to fulfill the necessary facilities for educational provision, yet it is difficult for the province to respond. This can be understood due to the accumulation of responsibilities on the provincial government in managing secondary education. Different responses were obtained from schools that have received assistance from the provincial government. According to the Principal of State Vocational High School 1 Ende, based on the interview conducted on May 30, 2023, significant progress has been made due to the transfer of authority for managing secondary education, such as:

a) Attention to schools improves as the management of secondary education is centralized at the provincial level;
b) Affairs delegated to the province proceed smoothly as all are funded using state funds;
c) The recruitment of school principals is not influenced by political interests;
d) Administrative matters are expedited, with distance and time not posing obstacles;
e) Assistance from the province flows smoothly.

The same response was obtained from the Principal of State Senior High School 1 Ende, stating that the transfer of authority for managing secondary education to the province has had a positive impact. This includes all school affairs being conducted in the provincial capital, with the provision of travel orders (Surat Perintah Perjalanan Dinas - SPPD) funded by the state. Based on the informant's response above, the researchers believe that assessment has been subjective according to the level of attention given by the province to the schools. Schools that receive assistance from the provincial government tend to provide positive evaluations of the transfer of authority for managing secondary education from districts/cities to the province.
Conversely, schools that have never received assistance tend to report that there has been no significant change after the transfer took place.

Different responses were also obtained from private schools, indicating that there has been no change in the management of education within the schools following the transfer. The conduct of teaching and learning processes, administrative affairs, finances, and school infrastructure development continue as they did before the transfer of authority. This response can be understood because private schools are more autonomous compared to public schools. The management of the School Operational Assistance (Bantuan Operasional Sekolah - BOS) funds proceeds smoothly as it follows the guidelines set by the government, which are nationally applicable.

The difference in attention from the provincial government to the existing schools can be understood because secondary schools that were previously distributed across 22 districts/cities have all had their management transferred to the province, which inevitably increases the burden of responsibility. Logically, if a task is divided, it becomes lighter compared to centralization/consolidation within one institution. Based on the findings of the research, it can be concluded that the management of secondary education after the transfer of authority has not undergone significant changes, namely, it has not improved. Educational institutions continue their teaching and learning processes as they did before the transfer, with this trend being more apparent in private schools, which are more independent in managing education.

The results of this research provide recommendations to the relevant authorities or officials to address the challenges of managing secondary education in the future. If the various challenges faced so far can be overcome, it is hoped that the quality of secondary education will improve over time. The primary and fundamental issue that needs to be addressed is the need for more efficient and effective management of secondary education to be entrusted to the district/city governments. Therefore, policy changes are needed to return the authority for management to the district/city governments.

5 CONCLUSION

The transfer of authority for managing secondary education from districts/cities to the province was not based on the rationale that district/city governments were incapable of managing secondary education, thus contradicting the subsidiarity principle. There is no policy
for managing secondary education by the provincial government aimed at improving the quality of secondary education. Based on the research findings, policies are perceived as setbacks. There has been no significant change in the management of secondary education following the transfer policy. Every policy change is expected to lead to progress in implementation. However, in reality, the transfer of authority for managing secondary education did not yield such results.
REFERENCES


Pello, J., Bunga, G. A., & Pello, S. C. (2024). Community Response to The School at The Dawn Policy of The Regional Government of East Nusa Tenggara For Legal Protection of...
Transfer of Authority for Secondary Education Management from District/City to Province (a Study in East Nusa Tenggara Province)


Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

Undang-Undang Nomor 32 Tahun 2004 tentang Pemerintahan Daerah

Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah