

## The Nature of The Discretionary Authority of Regional Heads in The Appointment of Senior Executive Positions of Civil Servants in The Palopo City Government

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**Citation:** Rasjid, I., Rahman, S., Hidjaz, K. and Abbas, I. (2026). The Nature of The Discretionary Authority of Regional Heads in The Appointment of Senior Executive Positions of Civil Servants in The Palopo City Government, *Journal of Cultural Analysis and Social Change*, 11(1), 2831-2840. <https://doi.org/10.64753/jcasc.v11i1.4584>

**Published:** February 25, 2026

### ABSTRACT

This research examines the nature of regional heads' discretionary authority from the perspective of state administrative law, its implementation in the placement of Senior Executive Positions (JPT) in the Palopo City Government, and the factors influencing its application. Using normative-empirical legal research with juridical, theoretical, and sociological approaches, the study finds that discretionary authority constitutes legally granted freedom to act in areas not explicitly regulated, provided it serves the public interest and complies with legal principles. However, its implementation in Palopo has not fully met the principles of transparency, accountability, and proportionality under the merit system, particularly due to weaknesses in documentation, legal consultation, and administrative oversight. Influencing factors include weak technical regulations, permissive bureaucratic culture, limited institutional capacity, and low legal awareness. The study's novelty lies in positioning discretion not merely as optional administrative power but as a juridical instrument inherent in regional leadership within the merit system, and in proposing an integrated discretionary governance model that balances administrative flexibility with legal accountability and bureaucratic ethics.

**Keywords:** Discretion, Regional Head, High Leadership Position, Merit System, State Administration Law.

### INTRODUCTION

Globalization has profoundly transformed systems of governance across the world, reshaping political structures, economic relations, and public administration practices. The rapid expansion of information flows, the liberalization of trade and investment, and the intensification of global competition have compelled governments to adapt their administrative systems to become more responsive, efficient, and accountable. In this context, public administration is no longer viewed merely as a technical apparatus for policy execution, but as a strategic instrument for maintaining national competitiveness and responding to increasingly complex and dynamic societal expectations. As a result, many states, including Indonesia, have undertaken bureaucratic reform initiatives aimed at creating governance systems that are modern, transparent, and capable of addressing both local and global challenges simultaneously.

Within Indonesia's governmental framework, the State Civil Apparatus constitutes the core human resources responsible for implementing public policies and delivering public services. The civil service functions as the

backbone of government administration at both central and local levels, translating statutory mandates into concrete administrative actions. The legal framework governing the civil service establishes it as a professional body that must operate with neutrality, integrity, and a strong orientation toward the public interest. The system consists of permanent civil servants with structured career paths and contractual public employees appointed to meet specific institutional needs. Although these categories differ in terms of employment status and long-term security, both are bound by the same fundamental obligation to serve the state and society in accordance with legal, ethical, and professional standards.

The effectiveness of the civil service in fulfilling its mandate is closely linked to how public sector human resources are managed, particularly in the appointment of senior executive positions within government institutions. Senior executive positions are strategically important because they directly influence organizational leadership, policy implementation, and overall institutional performance. Consequently, the legal framework governing civil service management emphasizes meritocracy as the primary principle for recruitment and promotion. Appointments are expected to be based on objective criteria such as qualifications, competence, integrity, and performance, with the aim of preventing politicization, patronage, and arbitrary decision-making. Merit-based governance is therefore intended to strengthen professionalism, institutional legitimacy, and public trust in the bureaucracy.

Nevertheless, the practical application of a strict merit system often encounters administrative realities that are not fully anticipated by statutory regulations. In a decentralized governance structure, regional governments possess a degree of autonomy in managing their administrative affairs, while still operating within the national legal framework. Regional heads, as executive leaders at the local level, bear responsibility for ensuring that public administration functions effectively and responds to local needs. In carrying out these responsibilities, regional heads are granted discretionary authority, allowing them to make decisions in situations where existing regulations are incomplete, unclear, or silent. Discretion serves as an administrative mechanism designed to prevent governance stagnation and ensure continuity in public administration under dynamic or exceptional circumstances.

Discretionary authority is legally recognized as a necessary complement to the principle of legality. While legality requires that administrative actions be grounded in law, it is widely acknowledged that no legal system can regulate every possible situation encountered in practice. Discretion provides public officials with a limited space to exercise judgment in resolving concrete problems that fall outside rigid regulatory frameworks. However, discretion is not an expression of unlimited freedom. It must be exercised within clearly defined boundaries, guided by the principles of good governance, including accountability, transparency, proportionality, prudence, and professionalism. Discretionary decisions must serve the public interest and remain consistent with the objectives and spirit of existing laws.

In the context of appointing senior executive positions within the civil service, discretionary authority carries particularly significant implications. Decisions concerning leadership appointments affect not only internal administrative efficiency but also public perceptions of fairness, integrity, and institutional credibility. Regional heads may face urgent administrative challenges, such as leadership vacancies, organizational restructuring, or emergency conditions that require prompt action. In such circumstances, strict procedural compliance may delay decision-making and hinder effective governance. Discretion is therefore often invoked as a pragmatic solution to balance administrative effectiveness with regulatory compliance.

However, the use of discretion in senior appointments frequently generates tension with meritocratic principles. While discretion allows flexibility, it also creates potential risks of subjectivity, favoritism, or political interference if not properly regulated and supervised. This tension is further compounded by the general and abstract nature of civil service regulations, which may leave room for interpretation and inconsistent application across regions. Moreover, the quality of discretionary decisions depends heavily on institutional capacity, administrative experience, and ethical awareness among public officials involved in personnel management.

Institutional capacity constraints represent a major challenge in governing discretionary authority. Effective discretionary decision-making requires not only legal authority but also adequate technical competence, familiarity with administrative law, and sensitivity to ethical considerations. Weak oversight mechanisms, limited coordination between regional governments and national supervisory bodies, and insufficient documentation of discretionary decisions may undermine accountability and transparency. These conditions increase the risk that discretion will be perceived as arbitrary or politically motivated, thereby eroding public trust in government institutions.

At the local level, the dynamics of discretionary authority become particularly visible, as administrative decisions are closely scrutinized by the public and media. In Palopo City, a developing urban area in South Sulawesi, the appointment of senior executive positions illustrates the broader challenges associated with discretionary governance. The local government faces growing demands for effective public services, economic development, and institutional responsiveness. The regional head is entrusted with selecting senior officials capable of advancing development objectives while maintaining bureaucratic professionalism. However, discretionary decisions in this area have at times generated public debate, particularly when transparency and merit-based considerations are

questioned. These controversies highlight the importance of governing discretion through clear legal standards, robust oversight, and a strong commitment to meritocracy.

From a theoretical perspective, discretion should be understood not merely as optional administrative power, but as a juridical instrument inherently attached to the functional responsibilities of public office. Discretion exists to enable public officials to fulfill their duties effectively in situations where rigid legal rules are insufficient. At the same time, discretion must remain accountable to legal norms and ethical principles to prevent abuse of authority. In this sense, discretion represents a balance between administrative flexibility and the rule of law.

Ethical considerations further reinforce the need for responsible discretionary governance. Authority entrusted to public officials carries a moral obligation to act fairly, transparently, and in the public interest. Decision-making processes should be inclusive, well-reasoned, and capable of being justified both legally and morally. Embedding ethical standards within discretionary practices is essential to maintaining institutional integrity and ensuring that administrative power serves societal rather than personal or political interests.

Ultimately, discretionary authority in the appointment of senior executive positions constitutes an integral component of decentralized governance. When exercised responsibly, discretion can enhance bureaucratic effectiveness, facilitate timely decision-making, and support regional development goals. Conversely, when exercised without adequate legal and ethical safeguards, it risks undermining meritocracy, weakening institutional legitimacy, and eroding public confidence. The challenge therefore lies not in eliminating discretion, but in ensuring that it is governed effectively through clear legal frameworks, institutional oversight, capacity building, and a sustained commitment to good governance principles.

Against this background, the examination of regional heads' discretionary authority in appointing senior executive positions within the Palopo City Government is both relevant and necessary. Such an analysis contributes to the development of administrative law by clarifying the juridical nature of discretion within a merit-based civil service system. It also provides practical insights for strengthening public sector governance by demonstrating how discretion can be exercised legally, proportionally, and fairly. By addressing the interaction between discretion, meritocracy, and accountability, this study seeks to support the ongoing reform of public administration and reinforce the balance between administrative flexibility and the rule of law in Indonesia's evolving governance system.

## **THEORETICAL FRAMEWORK**

This study is grounded in administrative law theory, discretion theory, merit system theory, and good governance theory to analyze the discretionary authority of regional heads in appointing senior executive positions within the civil service. Administrative law theory emphasizes the principle of legality, requiring that all governmental actions be based on law, while discretion theory recognizes the necessity of limited administrative judgment when legal norms are incomplete or ambiguous.

Discretion is therefore understood not as arbitrary power, but as a legally conferred authority that must be exercised in the public interest and within normative constraints. Merit system theory provides the normative standard for civil service appointments by prioritizing qualifications, competence, integrity, and performance, with the aim of ensuring professionalism and neutrality in the bureaucracy. In this context, discretionary authority operates as a complementary mechanism that allows administrative flexibility while remaining bound to merit-based principles. The interaction between discretion and meritocracy thus becomes a critical point of analysis, as discretion should reinforce rather than undermine objective appointment standards. Good governance theory further frames discretionary authority through principles of accountability, transparency, proportionality, and fairness. These principles function as safeguards to ensure that discretionary decisions in senior executive appointments are legitimate, justifiable, and subject to oversight. Collectively, this framework conceptualizes discretion as a juridical and functional instrument that balances administrative flexibility with legal certainty, meritocracy, and democratic accountability in decentralized public administration.

## **RESEARCH METHODOLOGY**

This study employs a normative–empirical legal research design to examine the discretionary authority of regional heads in the appointment of senior executive positions within the civil service. The normative dimension focuses on analyzing statutory regulations, legal principles, and administrative law doctrines governing discretion, meritocracy, and civil service management. The empirical dimension complements this analysis by examining how discretionary authority is exercised in practice within the Palopo City Government. The research adopts a qualitative approach with juridical, theoretical, and sociological perspectives. The juridical approach is used to assess the consistency between discretionary practices and applicable legal norms, including administrative law principles and civil service regulations. The theoretical approach draws on discretion theory, merit system theory,

and good governance theory to interpret the legal and institutional implications of discretionary decision-making. The sociological approach is applied to understand the practical realities, institutional culture, and contextual factors influencing the exercise of discretion at the local government level. Data sources consist of primary and secondary legal materials. Primary legal materials include statutes and regulations related to government administration, civil service management, and discretionary authority. Secondary legal materials comprise academic literature, scholarly articles, legal commentaries, and relevant jurisprudence. Empirical data are obtained through document analysis and semi-structured interviews with key informants, including local government officials, personnel management authorities, and relevant stakeholders involved in senior executive appointments. Data analysis is conducted qualitatively through systematic interpretation and triangulation. Normative legal analysis is applied to evaluate the legal basis and limits of discretionary authority, while empirical findings are analyzed to identify patterns, deviations, and practical challenges in implementation. The results are then integrated to assess the alignment between legal norms and administrative practice, as well as to identify factors affecting the effectiveness, accountability, and legitimacy of discretionary authority in senior executive appointments.

## **RESULTS AND DISCUSSION**

### **The Nature of the Regional Head's Discretionary Authority in Appointing Senior Executive Positions for Civil Servants**

#### **The Nature of Regional Head Discretion in Filling Senior Executive Positions**

Authority is the foundation of legitimacy for every governmental action. In administrative law, authority is derived not only from statutory regulations but also from a legally granted space for action intended to ensure effective governance. Within this context, discretion becomes relevant as a governmental instrument for addressing legal vacuums, unclear rules, or situations that require swift decisions. In Indonesia, discretion is an integral element of local governance because public problems at the local level often demand responsive and context-specific policies.

Regional heads, as holders of local executive power, are granted authority to take governmental legal actions to ensure the continuity of regional administration. One area that frequently requires discretionary policy is personnel management, including the appointment of senior executive positions in the civil service. These positions are strategic because they relate directly to the formulation and implementation of regional policies. Therefore, selecting the right officials is crucial for building a professional and integrity-based local bureaucracy. Discretion in senior executive appointments cannot be separated from the applicable legal framework. Law Number 5 of 2014 on the State Civil Apparatus introduced a merit system in civil service governance, requiring objectivity, qualifications, and competence in filling positions. This system reduces the dominance of political considerations in civil service management. However, empirical conditions show that regional needs cannot always be fully accommodated by rigid formal procedures. Here, discretion functions as a legal solution to bridge the gap between regulatory ideals and bureaucratic realities at the local level.

From the perspective of administrative law theory, discretion reflects the flexibility granted to government officials to make rational decisions in the public interest. Scholars such as Philipus M. Hadjon emphasize that discretion is necessary when regulations are incomplete, overly general, or when urgent circumstances require immediate administrative action. At the regional level, discretion is not merely a right but also a normative responsibility to ensure public services continue effectively.

Nevertheless, discretion is not unlimited freedom. It must be exercised within the boundaries of the general principles of good governance that bind every public official's actions. Principles such as legality, proportionality, transparency, accountability, and the prohibition of abuse of power serve as normative standards for assessing the validity of discretion. Thus, although regional heads have authority in determining senior executive appointments, discretionary use must reflect bureaucratic integrity and professionalism. The space for discretion in senior executive appointments often generates tension between bureaucratic professionalism and local political dynamics. Bureaucratic positions are sometimes viewed as tools of power consolidation, making appointments vulnerable to politicization. Without strict oversight, discretion may shift into nepotism, political rewards, or patronage practices that undermine meritocracy. Therefore, the limits of discretion must be clearly emphasized to prevent misuse.

Discretion is regulated through the Government Administration Law, which stresses that discretion must serve the public benefit, not personal, group, or political interests. Moreover, senior executive appointments are generally governed by clear mechanisms, such as open competitive selection. However, exceptions exist that provide room for regional heads to act in certain conditions, such as when a position vacancy must be filled immediately to ensure continuity of public services. These provisions form the legal basis for discretionary practices in regional governance.

The essence of discretion in senior executive appointments is to provide room for adaptation and innovation in managing bureaucratic human resources. Regional heads can place officials with strong track records, competence, and commitment to regional development objectives. Within decentralization, discretion allows local governments to shape development direction through bureaucratic structuring aligned with local needs, thereby strengthening the effectiveness of regional autonomy. From a public policy perspective, filling senior executive positions is part of strengthening governance capacity. Discretion functions as an adaptive policy tool enabling regional leaders to respond to challenges not fully predicted by regulatory frameworks. Accordingly, discretion should be grounded in sound policy analysis and supported by technocratic considerations so that its outcomes are defensible both legally and ethically. In modern rule-of-law theory, the legality of governmental action is assessed not only by formal compliance with written rules but also by the quality of substantive reasoning that promotes justice and public benefit. Hence, discretion gives regional heads a space for moral-legal judgment in strategic decisions on senior executive appointments. Proper discretionary use strengthens bureaucratic professionalism, whereas misuse threatens governance integrity.

To ensure discretion remains within its legal bounds, internal and external oversight are essential. Government internal supervisory bodies and the national civil service agency play key roles in ensuring that appointments do not contradict merit principles. If misuse occurs, administrative enforcement mechanisms provide a basis for correcting policy. Thus, discretion is not exercised absolutely but remains within a legal system emphasizing transparency and accountability.

At the same time, the complexity of regional needs often requires quick decisions that cannot always wait for full formal selection procedures. Discretion becomes a lawful option but should be followed by administrative adjustments to prevent persistent deviations. At this point, discretion functions as a bridge between urgent public service needs and compliance with standardized personnel management systems. From a governance management perspective, discretion in senior executive appointments is also part of organizational strategy. Regional leaders require a solid, visionary, and responsive bureaucratic team to implement development agendas. Proper discretionary use can accelerate local bureaucratic reform and improve high-performance public services. Conversely, appointments based solely on political loyalty produce weak and non-independent bureaucracies.

The nature of discretion must therefore be framed as a balance between flexible governance needs and legal requirements ensuring certainty. Regional heads are granted authority, but this authority is not a political privilege to be exercised arbitrarily. Discretion is justified only when oriented toward public interest, procedurally appropriate, proportional, and accountable. Accordingly, understanding the nature of regional head discretion in senior executive appointments requires a holistic approach that includes normative, organizational, political, and ethical dimensions. Every appointment decision is strategic and shapes the quality of local governance. Regional heads must appoint officials based on integrity, competence, and professionalism—not political affiliation or short-term interests.

Philosophically, discretion has a utility value because it creates space for creativity in governance. However, this utility must align with bureaucratic justice. The merit principle is the key safeguard to ensure discretion does not become a source of structural injustice within local bureaucracy. Theoretically, discretionary authority is not only grounded in legality but also functions to support effective public service delivery. In essence, discretion is a mandate to balance adherence to merit systems with the adaptive needs of local governance. This mandate becomes beneficial when used to strengthen governance rather than expand bureaucratic politicization.

As a lawful governmental action, discretionary senior executive appointments must be based on objective and testable analysis. Regional leaders must ensure that every appointment policy carries strong public accountability. Thus, the essence of discretion lies not in freedom of choice, but in accountability for the choices made.

Based on this construction, the nature of regional head discretionary authority in senior executive appointments can be defined as a legal authority intended to ensure continuity and effectiveness of local governance, while remaining bounded by legality, merit principles, and good governance standards as controlling instruments to prevent political misuse and to maintain alignment with public service objectives. In this way, discretion is not only oriented toward administrative flexibility but also toward creating a professional, integrity-based, and accountable local bureaucracy.

According to the author, within the context of local governance—particularly in the Palopo City Government—the parameters for exercising discretion in senior executive appointments have interconnected normative and administrative dimensions. Discretion is not unlimited; it is strictly limited by legal rules and intended to safeguard effective public service delivery. In modern governance, discretion represents a policy space granted by law to regional leaders under conditions requiring fast and accurate decisions. These parameters can be formulated into three fundamental conditions: first, discretion may be used when the law provides more than one permissible option, allowing the regional head to select the best policy for organizational needs, particularly when multiple eligible candidates meet merit standards; second, discretion may be applied when regulations do not comprehensively regulate technical implementation or when legal ambiguity exists, such as when open selection

procedures cannot fully address organizational realities; and third, discretion may be exercised under emergency circumstances that threaten governance continuity and public interest, such as prolonged vacancies in vital service-related positions.

Therefore, in Palopo City, the nature of discretionary authority in senior executive appointments serves as a legal instrument to address regulatory rigidity and urgent governance needs, while remaining grounded in good governance principles, accountability, and respect for merit-based standards. Discretion is not a justification for subjective or purely political action but reflects the regional head's responsibility to shape an adaptive, professional bureaucracy oriented toward public interest and improved local governance.

Based on interviews with the Head of the Local Civil Service and Human Resource Development Agency of Palopo City, discretion in senior executive appointments was described as an important element of local governance management. The informant emphasized that organizational needs are dynamic, while statutory rules may be administratively rigid and not always aligned with concrete realities in the field. For that reason, regional leaders require discretionary policy space to prevent stagnation of public services. The local government secretary further explained that local bureaucratic realities present challenges not fully anticipated by legislation, such as sudden vacancies or the need to accelerate priority programs. In such circumstances, the regional head must make swift decisions to appoint officials with competencies aligned to unit needs, with discretion used primarily to ensure effective governance continuity.

In contrast, an interview with the Head of the Legal Division within the same agency stressed that discretionary use in senior appointments must remain accountable and aligned with the merit system, since merit principles form the core foundation of bureaucratic reform. Although discretion provides flexibility, it must not sacrifice bureaucratic professionalism and integrity. In this view, discretion is not intended to control bureaucracy but to maintain optimal and responsive organizational performance. The informant also acknowledged political challenges surrounding structural appointments and noted that while regional leaders may have preferences for individuals considered loyal or aligned with their vision, loyalty must not override competence. Discretion must integrate effective governance needs with professional ethics, rather than operate as patronage space.

The interview findings also indicated that Palopo City continues to strengthen transparency in senior executive appointment processes. Communication with national supervisory bodies is maintained to ensure that discretionary policies remain normatively accountable. In this perspective, discretion is understood as conditional authority oriented to public interest, not as a prerogative immune from control. The author concludes from these interviews that discretion often functions as a middle path when formal open selection encounters administrative constraints, such as a limited pool of qualified candidates or lengthy competency assessments. In such situations, regional heads may appoint acting officials or temporarily assign individuals deemed capable of carrying out organizational duties, as a preventive and responsive measure to avoid disruption of public services.

In addition, regional heads must understand the boundaries of discretion as set out in the Government Administration Law and good governance principles. If discretion is exercised without objective and rational justification, the decision may be annulled through administrative legal oversight mechanisms. Accordingly, every discretionary action must be supported by data, position needs analysis, and verifiable competence records of appointed officials. Interviews also recommended strengthening regional leaders' capacity in technical personnel management so that discretion is grounded in organizational needs analysis and talent mapping rather than political considerations. Higher accountability in senior executive appointments was also linked to stronger public trust, given that society is increasingly critical and expects transparent explanations for appointment decisions.

Overall, the interviews demonstrate that discretion in senior executive appointments in Palopo City is carried out through a balancing approach between normative and practical considerations. Discretion serves as a strategic instrument for adjusting administrative policy and action in response to legal limitations, gaps, or ambiguities, but is not interpreted as unlimited freedom. Instead, it remains guided and constrained by good governance principles, especially in maintaining professional standards, institutional integrity, and bureaucratic effectiveness and efficiency. This reflects a normative understanding that discretionary authority must always be exercised responsibly.

**Table I** Key points from interviews with the Head of the Local Civil Service and Human Resource Development Agency and the Head of the Legal Division (Local Civil Service and Human Resource Development Agency), Palopo City Government, 2025

No.	Focus of Question	Interview Findings	Administrative Implications / Meaning
1	Urgency of using discretion	Discretion is needed to maintain continuity of public services and anticipate vacancies in strategic positions	The regional head has policy space for rapid response to organizational needs
2	Relationship between discretion and merit system	Discretion must not ignore merit principles; competence and integrity remain the basis	Discretion complements the merit system rather than eliminating it
3	Influence of local political dynamics	Political loyalty may be considered but must not dominate decisions	Professionalism must remain the priority
4	Conditions permitting discretion	Needed when open selection is obstructed or candidate availability is limited	Discretion is used in the context of public service urgency
5	Limits of discretion	Must comply with good governance principles and cannot conflict with public interest	Decisions may be legally challenged if outside regulatory boundaries
6	Oversight mechanisms	Appointments maintain communication with the civil service commission and internal supervisors	External control ensures accountability of discretion
7	Transparency aspect	Local government commits to public openness in appointment processes	Increases public trust in local bureaucracy
8	Regional head's responsibility	Discretion is a legal and moral mandate for organizational effectiveness	Discretion is not a free prerogative but must be accountable

### The Position and Scope of the Regional Head's Authority in Civil Service Management

As the leader of local government, the regional head holds a strategic position in regulating, directing, and controlling the bureaucracy as the primary instrument for governance and public service delivery. In the field of personnel administration, the regional head functions as the appointing authority responsible for managing the civil service within the region. This authority is not merely administrative in nature; it is rooted in the decentralization framework that emphasizes effective local governance. Civil service management becomes a core element of local governance because it directly affects bureaucratic performance and the quality of public services.

Civil service management under Indonesian law encompasses the regulation and development of public employees oriented toward professionalism, competence, and performance. Law Number 5 of 2014 concerning the State Civil Apparatus provides that the appointing authority is responsible for appointment, transfer, dismissal, and career development of civil servants. Accordingly, the regional head is not simply an administrative executor but a central actor in ensuring that civil service governance aligns with democratic principles, integrity, and government effectiveness.

From the perspective of local governance, the regional head's role cannot be separated from decentralization, which grants attributed authority to manage local governmental affairs. One implication of this authority is a degree of discretion in fostering and structuring the bureaucracy in accordance with local needs and characteristics. Nevertheless, this authority remains bounded by national legal standards to ensure uniform quality of public services and consistent competence standards across Indonesia. The regional head's position as appointing authority creates space for strategic decision-making in leadership placement patterns, public sector human resource development, and organizational quality improvement. In practical terms, the regional head determines the direction of bureaucratic policy to respond to increasingly complex social demands. This position, however, also places the regional head in a challenging role: balancing public interest with local political dynamics that may influence bureaucratic decision-making.

The filling of senior executive positions is a crucial element of civil service management within the regional head's authority. The relevant legal provisions emphasize that senior executive appointments should be conducted under a merit-based open selection mechanism. The merit system is a key pillar of bureaucratic reform to prevent nepotism, politicization, and patronage. Even so, in practice, the regional head may still have limited space to exercise discretion, particularly under certain conditions such as the scarcity of qualified candidates or urgent public service needs that require immediate staffing decisions.

The regional head's role as appointing authority constitutes attributed authority granted directly by statute. However, in practice, several personnel management actions carried out by the regional head may operate through delegation or mandate—especially when technical tasks are implemented by personnel officials within the

administrative hierarchy. This layered structure of authority requires clear legal accountability, because discretionary decisions remain subject to administrative and legal review.

The civil service management system is designed to ensure that regional heads' decisions are closely linked to accountability principles. Regional heads are not permitted to exercise absolute control over civil service management without meaningful oversight. Therefore, national-level agencies and regulatory bodies operate as checks and balances to prevent politically motivated deviations in appointments. Oversight mechanisms are intended to ensure that appointment decisions remain aligned with merit principles and objective standards. From an administrative law perspective, the regional head's authority in civil service management is constrained by general principles of good governance, including professionalism, proportionality, openness, and accountability. If a regional head's personnel decision violates these principles, the decision may be challenged through administrative remedies or litigation in the administrative courts. Thus, every civil service policy decision must be supported by a legal basis and rational justification.

At the same time, local political dynamics can exert pressure on the regional head's authority in civil service management. Regional heads are political officials elected through democratic processes, and political interests may attempt to influence bureaucratic structures to strengthen political positions. This creates a persistent dilemma: maintaining a professional and neutral bureaucracy while responding to political pressures that may be transactional in nature. Discretionary authority in civil service management, including senior executive appointments, can be a responsive tool to prevent administrative stagnation. Yet it also carries the risk of abuse if exercised without public-interest justification. Therefore, the space for discretion should be positioned as a complement to the merit system in limited circumstances, not as an exception that eliminates professionalism requirements.

In line with national policy development, the central government continues to refine civil service management through implementing regulations, including Government Regulation Number 11 of 2017 on Civil Servant Management, as amended by Government Regulation Number 17 of 2020. These regulations clarify appointment and placement procedures to standardize legal compliance and reduce the risk of political intervention at the local level. Accordingly, national policy frameworks increasingly seek to ensure that regional heads remain within merit-based controls. A governance-oriented approach views the regional head as an organizational leader responsible for ensuring the bureaucracy operates efficiently and with integrity. The regional head's authority in civil service management should strengthen bureaucratic reform, not facilitate job trading or patronage. Bureaucratic reform is a national strategic agenda, and regional heads are expected to function as change agents within this agenda.

Furthermore, decentralization provides opportunities for local innovation in governance, including competency-based career development and performance-oriented personnel planning. However, such innovations must still align with higher-level laws and national policy standards. This highlights the importance of harmonizing local attributed authority with binding national frameworks. The relationship between the regional head and the civil service is hierarchical but also interdependent. Regional heads require professional civil servants to implement development visions and programs, while civil servants require leadership that supports merit-based career growth. This synergy constitutes a central element of effective and responsive governance. Debates about the scope of the regional head's authority in civil service management often fall into two competing perspectives: one emphasizing local autonomy and flexibility, and the other emphasizing centralized controls to protect bureaucratic neutrality. Achieving a balanced approach reflects decentralization aimed at good governance outcomes.

In practice, regional heads often confront complex bureaucratic structures and uneven human resource quality. Therefore, authority over civil service development becomes a strategic instrument for correcting weaknesses and improving performance. The success of civil service management, however, depends significantly on the regional head's leadership integrity and capacity. Legal requirements also demand that personnel decisions be supported by position analysis and workload analysis documentation. These administrative requirements form part of the merit system, ensuring that appointments respond to organizational needs and objective competency standards. External oversight mechanisms such as performance audits and reviews by internal supervisory bodies further constrain the regional head's civil service policies. Such supervision aims to prevent inefficiency and abuse of authority that may harm the public interest. Importantly, within administrative law, the regional head's authority is not a political prerogative derived purely from elected office. It exists as a legal and administrative responsibility to ensure sustainable local governance. Thus, every personnel decision must be defensible in legal and moral terms.

The regional head's position in civil service management strongly shapes the character of the local bureaucracy. Regional heads should function as guarantors of the merit system, not sources of distortion in civil service career governance. Consistency in implementing civil service authority directly influences the success of local bureaucratic reform. In conclusion, the scope of the regional head's authority in civil service management should be understood as a legal mechanism that provides directed flexibility to improve the quality of local bureaucracy in a sustainable manner. Legal compliance, clean governance, and public-interest orientation are the core foundations that must guide this authority so it does not deviate from democratic aims and the pursuit of high-quality public services.

## CONCLUSION

The essence of the regional head's discretionary authority in the appointment of Senior Executive Positions (JPT) for civil servants constitutes an adaptive legal power aimed at ensuring the continuity of public services when the merit system and formal regulatory mechanisms encounter technical constraints or strategic leadership vacancies. The novelty of this study's findings demonstrates that, in the practice of the Palopo City Government, discretion is not treated as a political privilege but as a corrective–adaptive policy instrument that strengthens civil service governance by balancing executive flexibility with legal certainty grounded in the General Principles of Good Governance (AUPB) and multilayered oversight mechanisms involving both the State Civil Service Commission (KASN) and internal supervisory bodies (APIP). Accordingly, discretion is positioned as a legitimate governance instrument to enhance bureaucratic responsiveness to local needs without undermining the integrity of the merit system. To institutionalize this approach, the Palopo City Government should develop an evidence-based discretionary decision-making framework through systematic civil service talent mapping, transparent stages in senior executive placement, and comprehensive documentation of policy justifications that are subject to public and legal scrutiny. As a further contribution and novelty, this study recommends the formulation of technocratic guidelines for discretionary personnel management at the local level, ensuring that every discretionary decision is grounded in objective rationality, aligned with the broader agenda of bureaucratic reform, and capable of strengthening the accountability of regional heads within the framework of good governance.

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