

**THE INHIBITED CONDITIONS IN THE DRAFT REGULATION OF SURABAYA
MAYOR ABOUT THE PROCEDURE OF CHOOSING THE MANAGEMENT OF
COMMUNITY EMPOWERMENT OF VILLAGE INSTITUTION,
CITIZEN ASSOCIATION AND NEIGHBORHOOD ASSOCIATION**

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Abstract

A person in legal studies can be referred to as a legal subject because he commits the rights and obligations relating to certain matters. As in the early part of Surabaya mayor's draft regulation about the procedures of choosing the Board of Community Empowerment Institution of Local Village Village Institution, Citizen Association and the Neighborhood Association (draft regulation of Surabaya's mayor) that in order to regulate the relationship between Surabaya government with Community Empowerment Institution (LPMK), Citizen Association (RW and the Neighborhood Association (RT) as partners in the implementation of development in the city of Surabaya, the government of Surabaya has established the Mayor's regulation No. 38 year 2016 on implementation of the Surabaya City Regulation number 15 year 2003 about the guidelines for forming the organization of resilience community of Kelurahan Institutions, RW and RT who are about to organize the electoral ordinances Management of LPMK, RW and RT. The draft of Surabaya's Mayor regulation before it was confirmed was conducted socialization by the law of the secretariat of Surabaya area in Surabaya on 19 March 2019. This activity has been in accordance with Act No. 12-2011 where the socialization of the first to know the aspirations of the public in this case stakeholders related to the draft Perwali Surabaya. Article 21 of Act No. 25-2009 shows the purpose of a legal state relating to the so-called task of managing and organizing tasks. Related to the government in the modern state, Spelt and ten Berge, distinguishes them in the tasks of regulating and managing the tasks (*ordenende en verzorgende taken*).

Keyword: management, RT, RW

A. Preliminary

A person in legal studies can be referred to as a legal subject because he commits the rights and obligations relating to certain matters. As in the early part of Surabaya mayor's draft regulation about the procedures of choosing the Board of Community Empowerment Institution of Local Village, Citizen Association and the Neighborhood Association (draft regulation of Surabaya's mayor) that in order to regulate the relationship between Surabaya government with Community Empowerment Institution (LPMK), Citizen Association (RW and the Neighborhood Association (RT) as partners in the implementation of development in the city of Surabaya, the government of Surabaya has established the Mayor's regulation No. 38 year 2016 on implementation of the Surabaya City Regulation number 15 year 2003 about the guidelines for forming the organization of resilience community of Kelurahan Institutions, RW and RT who are about to organize the electoral ordinances Management of LPMK, RW and RT.

In the draft of Surabaya's mayor regulation, there are some meanings that the writer should explain which are:

1. LPMK is institution or container that established on the initiation of the community as local village's partner in accomodating and realizing the aspirations and needs of the community in the field of development, social community and community empowerment.

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2. RW is institution that formed through the deliberation of the RT management in it's working area.
3. RT is institution that formed through the deliberation of local communities in the government's framework and societal services.

From the definitions above, the facts of LPMK, RW, and RT is to serve the communities. In such an understanding, the service element is the main thing. Referring to article 21 of the Act of Republic of Indonesia No.25 year 2009 concerning public service(Act no.25-2009):

The standard service components at least include:

Letter a

Legislation that is the basis of service.

Letter b

Terms that must be fulfilled in the management of a type of service, both technical and administrative requirements.

Letter c

Standardized service procedures for providers and recipients of services, including complaints.

Letter d

The required timeframe to complete the entire service process of each type of service.

Letter e

Fees Charging on the recipient of the service to manage and/or obtain service from the organizer whose magnitude is determined by agreement between the organizer and the public.

Letter f

The results of the services provided and received in accordance with the stipulated provisions.

Letter g

Requirement of equipment and facilities in the maintenance of services, including equipment and facilities for vulnerable groups.

Letter h

Executor must have skills include knowledge and experience.

Letter i

Control must be done by the head of the working unit or direct supervisor of the executive.

Letter j

Procedures for handling complaints and following up.

Letter k

Availability of Worker according to workload.

Huruf l

Self-explanatory (service assurances that provides service certainty that implemented in accordance with service standards).

Letter m

Certainty to provide security and free from danger, risk, and doubt.

Letter n

Assessment to find out how far the activities that based on service standards.

Article 21 of Act No. 25-2009 shows the purpose of a legal state relating to the so-called task of managing and organizing tasks. Related to the government in the modern state, Spelt and ten Berge, distinguishes them in the tasks of regulating and the tasks of managing (*ordenende en*

verzorgende taken).² Furthermore, it can be seen from Spelt and ten Berge statements, that the task of taking care of the ruler is now growing very rapidly, along with the development of the state community management concept. Rulers are required to be actively involved in all facets and aspects of community life, such as welfare aspects, socio-economic aspects, public health aspects. In this task, the ruler acted actively by providing facilities (Financial and personnel).³

In modern state law the task of taking care and organizing tasks is an activity related to public service organized by the Government. The situation above shows that government involvement in public service is a logical consequence of its position as a ruler who must realize the welfare of society. The task of advancing the welfare of this society by Lemaire is referred to as *bestuurszorg*. task⁴ To objectify the task of the country, the organs of government is established, which holds the functions of the Government of the country.

B. Discussion

1. Article 4 of the draft of Surabaya Mayor's Regulation

Article 4 of the draft of Surabaya mayor's regulation is a requirement that every candidate of the LPMK board must qualify:

- a. Conscious of the almighty God;
- b. Able to accomodate all people's interest in Local Village;
- c. Being resident and residing in Local Village at least 12(twelve months) continously as evidenced by resident card/family card;
- d. Age at least 21 (twenty one)years old ever married;
- e. The lowest educated high school/equivalent(evidenced by certicate);
- f. Not serving as the head of Local Village or it's functionary;
- g. Not concurrently serving in other public institutions and not the member of one of the political parties that evidenced by statement letter;
- h. Able to perform duties and functions of LPMK.

In the article, the terms of letter A and letter D are subjective terms. Understanding of the terms are subjective since there is existence of God in the draft of Surabaya Mayor's Regulation.

The phrase fear to the Almighty God in everyday life, God plays an important role in human thought even in practice, man is likely to question the existence of God. There are various types of analysis related to human existence against God, as stated below:

- a. Strong Theis, God's probability 100 percent. In the words of C.G Jung, "I don't (just) believe, I know."
- b. Very high probability but less than 100 percent. By de facto theis. "i can not know for certain, but i strongly believe in God and live my life based on the assumption that it exists."
- c. More than 50 percent but not way more. It is theoretically agnostic but it tends to lead to theism. I am very hesitant, but i tend to believe in God."
- d. Precisely 50 percent. Fully agnostic impartiality "existence and non-existence of God are equally possible."

² N.M. Spelt and JBJM ten Berge, *Pengantar Hukum Perijinan* (Utrecht, 1991).

³ F Isjwara, *Pengantar Ilmu Politik* (Bandung: Dhirwantara, 1967).

⁴ S.F. Marbun and MD Moh. Mahfud, *Pokok-Pokok Hukum Administrasi Negara* (Yogyakarta: Liberty, 1987).

- e. Less than 50 percent but not way less. Theoretically agnostic. It tends to lead to atheism. "I don't know God but i tend to be skeptical."
- f. Very low probability, but more than zero. By de facto is atheist. "I can not tell for sure, but i think God is very unlikely to prove, and i live my life based on the fact that he doesn't exist."
- g. Strong Atheist. "I know nothing of the existence of God, with the same conviction as Jung 'knows' there is something."

From the statement above, that the Lord does not show himself directly against man but man has reduced God into a norm. Normative, it can be said that the legislation in Indonesia is always religious because it is always sourced to God. It is strengthened in appendix II of the Republic of Indonesia Act number 12 year 2011 concerning the establishment of legislation Regulation (Act No. 12-2011) that: "At the opening of each type of legislation before the name of the establishment of the legislation, the phrase with God Almighty grace is written entirely with capital letters placed in the middle of the margin".

In Act No. 12-2011 There is no clear explanation of the reason for the inclusion of the phrase "by the grace of the Almighty God" in every legislation. Based on the idea of St. Thomas Aquinas should be in article 2 letter a Act No. 33-2009 from the inclusion of God because of the absence of the concept of justice between the nature law and the positive law. The article raises the interpretation that the law was obeyed because of the existence of God therein. The thought of Attamimi where the principle of the establishment of legislation:

1. Indonesia's legal ideal, which is Pancasila;
2. The State principle based on the laws and government principle based on the constitutional system
3. Country principles based on laws that place legislation as distinctive regulatory tools are in the virtue of law
4. Government principles based on the constitutional system that put law as the basis and limits of organizing Government activities.

Therefore, conflict arises where the main essence in the legislation is Pancasila. As a legal mind according to Oppenheim which means the most inner nature of the state (De Staats Diepstewezen) or the force that forms the States (de Staten Vormende Kracht). By the existence of the "almighty God" is not necessarily understood that everything in Indonesia must be religious. Of course this does not reflect the spirit of Pancasila because it only seeks to interpret the "almighty godhead" in a rigid way without trying to understand its context. The author quoted "If we agree to go from the historical document" The Birth of Pancasila "(the speech of Sukarno, dated June 1, 1945), then that Pancasila is not the end result of a systematic mind in the form of developed philosophical theories From certain theses...'. The fact of the inclusion of the phrase "God" in the legislation is to create wisdom. Where St. Thomas Aquinas believes in the everlasting law of God's divinity that leads all human behavior and is derived from the wisdom of the Divine law.

Another reinforcement, a good thing can not be likened to it with happiness and for him happiness. As the final goal of man, it is not located in this world but only if the man after his death is allowed to see the face of God. The phrase "God" is expected to create legal observance for the community by the legislators then produce the opposite. The number of material test applications to the Constitutional Court of the Republic of Indonesia to the laws

contrary to the Indonesia Constitution 1945. From the empirical fact shows that justice is actually in the institution of the Constitutional Court of the Republic of Indonesia and the majesty of God in a legislation only a legalization.⁵

The phrase "at least 21 (twenty-one) years old or once married" is actually not listed because adult or not a person is not based on marriage or not. The phrase includes "once married" in that it is a rejection of women. When "Once married" was made a condition then the marriage "never had" as if it would not be a part of the administrator candidate of LPMK.

2. Article 10 of Draft of Surabaya Mayor's Regulation

Article 10 of the draft of Surabaya Mayor's Regulation is requirement that each prospective RW administrator must qualify:

- a. Conscious of almighty God;
- b. Being local resident at least in 6 (six) months of continuously evidenced by the family card/resident card sign;
- c. Age at least 21 (twenty one) years old or married once;
- d. Lowest educated high school/equivalent (evidenced by the certificate);
- e. Not serving as the head of Local Village or it's functionary;
- f. Not concurrently serving in other public institutions and not the member of one of the political parties that evidenced by statement letter;
- g. Not concurrently serving in other public institutions and not the member of one of the political parties that evidenced by statement letter;
- h. Able to perform duties and functions of RW.

In this article that the interesting thing is the letter C "the lowest educated high school/equivalent (evidenced by the certificate)". When there is the lowest education restriction of the high school or the equivalent of article 5 of the Act of the Republic of Indonesia number 20 year 2003 on the National Education system (Act No. 20-2003) which are:

- (1) Each citizen has equal rights to obtain the quality education.
- (2) Citizens who have physical, emotional, mental, intellectual, and/or social disorders are entitled to a special education.
- (3) Citizens who live in remote or backward regions and remote indigenous peoples are entitled to a special service education.
- (4) Citizens who have potential intelligence and privileged talents are entitled to a special education.
- (5) Every citizen is entitled to a chance to improve their lifelong education.

The lowest education minimum limitation is the upper advanced School is not appropriate because it should be noted the tasks and functions of RW are:

1. The logging of the population and other governmental administration services;;
2. Security, order and harmony of life between citizens;

⁵ More in Tomy Michael, "MENCERMATI TUHAN DALAM PASAL 2 HURUF A UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 33 TAHUN 2009 TENTANG PERFILMAN (THE TRUTHNESS OF GOD IN ARTICLE 2 LETTER A THE ACT OF REPUBLIC OF INDONESIA NUMBER 33 OF 2009 CONCERNING FILM)," *Jurnal Filsafat Hukum Fakultas Hukum UNIVERSITAS 17 Agustus 1945 Jakarta* Volume I, (2014).

3. Ideas creation in the implementation of development by developing aspirations and self-government pure Society; and
4. Self-drive of mutual assistance and community participation in the region. (Article 15 of the Minister of Home Affairs Regulation No. 5 year 2007 on guidelines for Community arrangement).

3. Article 16 of the Draft of Surabaya Mayor's Regulation

Article 16 of the draft of Surabaya Mayor's Regulation is a requirement that each candidate of the RT administrator must qualify:

- a. Conscious of almighty God;
- b. Being a resident and reside in the local village at least 12 (twelve months) continuously as evidenced by the resident's card/family card;
- c. Age at least 21 (twenty one) years old or married once;
- d. Lowest educated high school/equivalent (evidenced by the certificate);
- e. Not serving as the head of Local Village or it's functionary;
- f. Not concurrently serving in other public institutions and not the member of one of the political parties that evidenced by statement letter;
- g. Able to mobilize community and team and have the willingness to work and build;
- h. Able to perform tasks and functions.

Referring to article 23 of the District regulation of Surabaya City number 4 year 2017 on guidelines on the LPMD, RW and RT are stated that:

- a. RT administrator has the right to give advice and consideration to RW administrator on matters relating to the smooth execution of government, development and community tasks;
- b. RT administration has the obligation to carry out duties and functions of RT; Conduct member decisions;
- c. Fostering harmony;
- d. Creating and submitting reports on the activities of the Organization at least once in every year to the head of the family in the local RT environment;
- e. Reporting the things happen in the community that necessary deemed to obtain settlement by the local government to local village;
- f. Reporting resident data once in every month to head of local village through the head of RW;
- g. Reporting deliberation results with citizens to head of local village.

4. Interpretation Of Public Service Law In Society

In the concept of civil law, rights are referred to as *subjective right*, i.e. what is supposed to be accepted by the legal subject. While the obligation is what should be done or done by the subject of the law. The right in the meaning of *subjective right*, has two functions at once, i.e. the first function, subjective right provides power for the owner to maintain it legally against interference from any party to the enjoyment of the right; and the second function, *subjective right* provides power for the owner to submit claims or demands from any party that interferes with any such rights.

Thus, the rights and obligations in public service are what should be accepted by the organizer, executive, or community as a recipient or public service user. While the obligation is what should be made by the organizer, executive, or community of recipients or public service users.

In conjunction with the rights and obligations in public services, the public services Act govern the rights and obligations of the community, the executor and the provider of the publically the services. The arrangement is placed in two separate provisions of the article. The rights of public service organizers are governed by article 14 of the Act of the Republic of Indonesia number 25 year 2009 concerning public service (Act No. 25-2009), the organizer has the right to:

1. provide service without being inhibited;
2. do cooperation;
3. have the budget financing;
4. defend against complaints and claims that do not match the reality
5. not provide services contrary to statutory regulations.

Meanwhile, the obligations of public service organizers are set out in article 15 of Act No. 25-2009, which is formulated: the organizer is obliged:

- a. Establishing and setting the service standard;
- b. Compiling, assigning and publishing service information;
- c. Placing competent executor;
- d. Providing facilities, infrastructure, and/or public services.;
- e. Providing quality services;
- f. Implementing service as in standard operating procedures;
- g. Complying the statutory regulations;
- h. Giving the accountability;
- i. Assisting the community on its rights and responsibilities;
- j. Taking responsibility for management of public service organizations;
- k. Giving the accountability in accordance with applicable law when withdrawing or releasing responsibility for positions or position; and
- l. Obeying the call or representing the organization to attend or execute an order of a legal action at the request of an authorized officer of a State institution or its authorised government agency, legally authorized, and in accordance with the regulation of statutory regulations.

While the provisions of article 16 Act No. 25-2009, determining that public service executor is obliged "in addition to regulating the rights and obligations of public service organizers, LAW No. 25-2009 also governs the obligations of public service executor". In the event that the obligation of service executor is governed by article 16, which is formulated, the practioner is obliged:

- a. Conducting service activities in accordance with the assignment provided by the Organizer;
- b. Giving accountability to the implementation of services in accordance with statutory regulations;
- c. Obeying the call to attend or execute a legal action at the request of an authorized officer of a State institution or its authorized, authorised, and lawful government agencies in accordance with statutory regulations;
- d. Giving the accountability if withdrawing or disclaiming liability in accordance with statutory regulations; and evaluate and make financial and performance reports to organizers periodically.

To provide good quality of public service, Act No. 25-2009 also determines the things that should not be done by public service executor, which is more precisely said to be a prohibition that should not be done by public service executor. Furthermore regarding prohibitions for public service executor is governed by article 17 of Act No. 25-2009, consisting of:

- a. Serving concurrently as Commissioner or manager of business organization for executor originating from the local government agencies, state-owned enterprises, and local-owned enterprises;
- b. Leaving duties and obligations, unless it has clear, rational, and lawful reasons in accordance with the statutory regulations;
- c. Adding executor without organizer's permission;
- d. Making the agreement with other parties without the organizer's consent; and
- e. Violating the principle of public service implementation.

Obligations and prohibitions for organizers, or public service executor aims to ensure the implementation of better community service. Any breach made by the organizer or the executor may be sanctioned in accordance with the prevailing regulations. This is where the norm of Act No. 25-2009 as as a tool of social engineering, in order to direct public service recipients as well as organizers and executor of public services to behave in accordance with the wishes of the Government through Norm of Act No. 25-2009.

This statutory regulation provides legal signs for the organizers and the implementation of public services, as well as the public as a recipient of publicin providing services to the community in accordance with what is specified in the Laws. Thus the norm of Act No. 25-2009 also provides a legal basis for the smudge or the implementation of public services to refuse or provide service without being able to blame. In the perspective of theory of legal purpose, the existence of public service legal norms as contained in Act No. 25-2009 can grant the rights and obligations of each Party, whether the organizer, the executive, and the public in the legal certainty.

In addition, the legal norm of Act No. 25-2009, also provides signs for the establishment of service to the community, and while providing a legal basis that the community can use to prosecute its rights in public service. Even if the organizer or the public service executor performs acts of unlawful (maladministration), the public has a legal basis to file a lawsuit or claim against the organizer or executive Community service.

1. Rights and obligations of society

Beside regulating the rights and obligations of public service providers and executor, Act No. 25-2009 also governs the rights and obligations of society in public service. Setting the rights and obligations of the community is expected to have a balance of rights and obligations, and the collateral of legal certainty, and the responsibility of each between the community and organizers mapun public service implementation. This community's rights are governed by article 18 which are:

- a. Knowing the truthfulness of standard service contents;
- b. Supervising implementation of service standards;
- c. Receiving the response to a proposed complaint;
- d. Obtaining advocacy, protection, and/or fulfillment of services;
- e. Informing the implementers to improve service;
- f. Snitching person who's conducting standard deviation of service;
- g. Snitching the organizer who's performing standard deviation of service; and

h. Getting the quality service.

In Act No. 25-2009, the rights and obligations between the service-recipient community and the organizer and/or implementers are governed in reciprocal. Society is certainly not only guaranteed its right to prosecute its importance only, but also has an obligation that must be fulfilled in public service. Regarding the obligation of society in public service is governed in article 19 Act No. 25-2009, namely:

- a. Complying and fulfilling provisions in service with Standard Operating Procedure;
- b. Participating in maintaining public facilities, infrastructure, and/or facility services; and
- c. Participating actively and complying regulations related to the implementation of public services.

Related to the obligation to obey SOP service is certainly understandable, because the public service requires certain stages that have been set. One of the availability is *Standard Operating Procedure* (SOP) of service that aims to provide assurance that public services can be done in a timely manner without deviating from the prevailing norm. Likewise, with the obligation to maintain facilities and infrastructures or facility of public services, this obligation can certainly be understood, because the facilities and infrastructure is a shared property that is utilized together.

If there is damage to the facilities and infrastructure of public services, then of course the community disadvantages. Because service to society will be disturbed. Although the concept of public service puts the organizer or executor as a servant, it should also be remembered that without active community participation will be able to impede public service. Likewise, the importation of public service norms, should be observed because the norm is a guideline for organizers and/or executor and society in public service. For that, there must be a high awareness of the community to obey all the norms of public service that frame it.

The real action is also known as the real deed of government. In the implementation of public services can be done by government deeds to meet the real needs of society. In Act No. 25-2009, the real action of the government in public service is the type of deed stipulated in article 5 paragraph (2) of Act No. 25-2009, i.e. government action relating to the Service of public goods.

In addition, it also includes procurement and distribution of public goods whose financing is not sourced from the State Budget or Local Government Budget, or a business entity whose founding capital is partially or entirely sourced from the wealth of the country and/or the regional property To be separated, but its availability to become country's mission which is set forth in the statutory regulations.

The public service aims to meet the needs of the community in order to improve the welfare of its life. In the explanation of article 5 Act No. 25-2009, there are examples of the procurement of goods as a form of real act or *Feiteijke* handling as stated below:

- a) Preparation of medicines for avian influenza using the state budget income and expenditure in the Ministry of Health;
- b) Passenger ship which is managed by PT (Persero) PELNI to facilitate inter-island relations services using the country's revenue and expenditure budget in the Department of Transportation; and

- c) The provision of urban transportation infrastructure using the budget of local income and expenditure. Procurement of this goods is acquired and sourced on the budget of the income and expenditure of the country.

While the procurement of public goods whose availability is the result of the activities of state-owned enterprises and/or enterprises belonging to the area such as a). Electricity management of P. T (Persero) PLN; and b). Water supply, which is often carried out by local companies. In addition, there are also many other procurement of goods originating from the central government and local governments. Procurement of goods that can be done by country-specific bodies that are allocated as a policy to address certain problems, certain activities, or accomplish certain objectives that pertain to the interests and benefits of the crowd, As an example of policy of assigning P.T. (Persero) Pertamina in channeling premium oil fuel at the same price for retail throughout Indonesia; The policy to subsidize the price of fertilizer's sold cheaper to encourage production of the farmers, and so forth.

Public services is arranged in article 5 paragraph (4) letter a Act No. 25-2009 e.g. health services (hospitals and health centers), Education (elementary School, junior High School, high school, and college) Sea navigation (beacon), judicial, criminal, traffic (traffic light), security (police services), and market services.⁶

C. Conclusion

The Draft of Surabaya Mayor's Regulation before it was confirmed was conducted socialization by the legal entity of the secretariat of Surabaya in Surabaya on 19 March 2019. This activity has been in accordance with Act No. 12-2011 where the socialization of the first to know the aspirations of the public in this case stakeholders related to th Draft of Surabaya Mayor's Regulation.

The terms such as steadqueness to God Almighty,doing marriage once and education should be converted into:

1. Devoting to the almighty God becomes devoting of his own religion and/or beliefs. This is important because when we list the Almighty God there is discrimination against those who have beliefs and/or a sentence. This article is not in accordance with the spirit of freedom to what is believed according to the Constitution of the Republic of Indonesia 1945.
2. The age of at least 21 (twenty one) years old or once married to the age of at least 21 (twenty one) years old. Phrase once married "removed because if the candidate commits a custom marriage at the age of 16 (sixteen) years old and in the following year, age 17 (seventeen) years old experiencing problems in the household then it is a private affair which is not country's concern.
3. The lowest educated high school/equal (evidenced by diploma) became the lowest educated in Strata 1. There is no need to be proof with a diploma because the search for the diploma number can be done online so that it will be seen in detail about the education of the person who will register to be a manager of LPMK, management RW and the board of RT. Higher education will be the areas that are led to be more optimal. This is strengthened when reading article 23 of the Surabaya City Regulation number 4 year 2017 about the guidelines for establishing of LPMK, RW and RT are buried that:

⁶ Slamet Suhartono and Dodik Wahyono, *Hukum Pelayanan Publik* (Surabaya: R.A.De.Rozarie, 2019), <https://doi.org/http://doi.org/10.5281/zenodo.2806100>.

- a. RT administrator has the right to give advice and consideration to RW officers on matters relating to the smooth execution of government, development and community tasks;
- b. RT administrator has the obligation to carry out duties and functions of RT; Implementing member decisions;
- c. Fostering Harmony;
- d. Creating and submitting reports on the activities of the Organization at least once in a year to the head of the community in the local RT environment;
- e. Reporting the things happening in the community that necessary deemed to obtain settlement by the local government to head of local village;
- f. Reporting resident data every once in a month to head of local village through the head of RW;
- g. Reporting deliberation results with citizens to head of local village.

In the letter A, RT administrators have the right to give advice and consideration to RW administrators on matters relating to the smooth execution of government, development and community tasks. To fulfill the provisions of this clause, a higher education and/or equivalent is required. The RtT administrators has the right (not obligatory) to give advice and consideration to the RW administrators where the provision requires wisdom because by the teleology is legal justice. If legal justice is not achieved then it can create legal benefits and legal certainty. This Draft of Surabaya Mayor's Regulation should be considered in making the phrases because in some chapters created inconsistencies of the usage, for example:

Article 4 of the draft of Surabaya Mayor's Regulation is a requirement that every candidate of the LPMK administrator must qualify "to be resident and reside in the local village at least 12 (twelve months) continuously as evidenced by the resident's card/ Family Card".

Article 10 of the draft of Surabaya Mayor's Regulation is listed that every prospective RW administrator must qualify as "local resident at least 6 (six) months".

Article 16 of the draft of Perwali Surabaya is listed that every candidate for an RT manager must qualify "as a resident and reside in a local village at least 12 (twelve months) continuously as evidenced by the card of the resident/card Family". The inequality of the first mention between the resident card or the family card.

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