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Legal Paradigm of The Discretion by Regional Heads in The Management of Public Service

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ABSTRACT
The discretion of regions holds particular urgency for implementing innovations in an area. Achieving optimal public services is the goal reported by central and regional governments to meet community needs. Law No. 30 of 2014 on Government Administration identifies discretion as a solution to concrete problems faced in government administration. This law addresses issues that are unregulated, incomplete/unclear, or result in government stagnation. However, these decisions/actions are often laden with power abuse. Discretion, as an action taken by regional heads, is highly subjective and depends on wisdom and case-by-case situations, which cannot be generalized. Despite this, there is no protection for regional heads when exercising discretion. This study discusses actual discretion for regional heads in supporting public interests to achieve expected public services. The research method uses normative juridical analysis, examining laws, regulations, books, legal rules, and literature related to the study's problem formulation. The data collection method is library research, involving tracing, reading, reviewing, or analyzing materials, theories, and concepts. Discretion by regional heads to improve good governance should not only be a regulated concept but must also create effective governance. Thus, the regulation in the Government Administration Law on discretion acts as a legal umbrella and an instrument to enhance the quality of government services to the community.
Keyword: discretion, regional head, government administration, public service

ABSTRAK
Kebebasan bertindak (diskresi) oleh daerah memiliki urgensi tersendiri dalam melaksanakan inovasi di suatu wilayah. Pencapaian pelayanan publik yang optimal adalah yang dilaporkan oleh pemerintah pusat dan daerah dalam memenuhi kebutuhan masyarakat. Dalam Undang-Undang No. 30 Tahun 2014 tentang Administrasi Pemerintahan, diskresi adalah solusi untuk mengatasi masalah konkret dalam administrasi pemerintahan. Kondisi penting dalam undang-undang ini mencakup isu-isu yang belum diatur, tidak lengkap/tidak jelas, dan stagnasi pemerintahan. Namun, keputusan/tindakan ini sering kali sarat dengan penyalahgunaan kekuasaan. Diskresi sebagai tindakan yang dapat diambil oleh kepala daerah sangat subjektif, tergantung pada kebijaksanaan dan kasus per kasus yang tidak dapat digeneralisasi. Namun, tidak ada perlindungan bagi kepala daerah dalam diskresi. Penelitian ini akan membahas diskresi aktual untuk kepala daerah dalam mendukung kepentingan publik guna mencapai pelayanan publik yang diharapkan. Metode penelitian menggunakan yuridis normatif yang mengkaji undang-undang, buku, aturan hukum, dan literatur terkait dengan perumusan masalah dalam penelitian ini. Metode pengumpulan data yang digunakan adalah studi pustaka dengan menelusuri, membaca, meninjau, atau menganalisis materi,

teori, dan konsep. Diskresi oleh kepala daerah untuk meningkatkan pemerintahan yang baik harus mampu menciptakan tata kelola pemerintahan yang baik. Oleh karena itu, pengaturan dalam Undang-Undang Administrasi Pemerintahan yang mengatur diskresi adalah payung hukum dan instrumen untuk meningkatkan kualitas pelayanan pemerintah kepada masyarakat.
Kata kunci: Diskresi, Kepala Daerah, Pelayanan Publik.

1. Introduction

The administrative law of the state and its organs is dominated by discretionary acts. The state administration has issues that must be solved on an emergency basis in practice. Policies born from discretion are "*problem solving*" because the law has not been able to cover real public and government problems.Therefore, government organizers need to take discretive action to solve problems.

Public services that are not balanced by discretionary space can hinder flexibility and curb bureaucratic professionalism resulting in rigidity and low quality. However, discretionary making needs to be limited so that policies that have been made by an official (bureaucrat) do not conflict with elements of public benefit and interest. In *sociale rechtsstatt,* the role of government is needed to organize *bestuurszorg*. The principle of governance used in the modern legal state is the principle of *doelmatiegeid van bestuur*. The concept of *verzorgingsstaat* is in line with that which covers all aspects of human life. Where modern legal state thinking emphasizes *doelstelling* and *bleid* (W.Riawan, 2014, p.37).

The government in its administration often requires the use of discretionary authority to be able to carry out government functions effectively. This can be tested by normative benchmarks based on written laws and regulations, but can be tested based on the General Principles of Good Governance. This is especially true of the principle of belief (*vertrouwenbeginsel*), the principle of equality (*gelijkeidsbeginsel*) and the principle of legal certainty (*rechtszekerheidsbeginsel*).

The role of local governments in the pre-reform period was under the control of the central government and now has so much autonomous authority as it has. With this great authority used to improve government and public services, in practice, local governments often carry KKN practices. Regional autonomy is actually expected to bring the government closer to the people so that the interests of the regional people are easily heard in order to achieve improved people's welfare. Local government administration must and can take discretionary policies because it has reluctant authority in practice. Criminalization or being caught in situations of unlawful practice, such as abuse *of power* (English) or *detournement de pouvoir* (French). This tendency becomes a question whether certain boundaries are not understood or the form of freedom of action itself that has not been well educated to regional heads.

In Indonesia, discretion has been stated in Law No. 30 of 2014 concerning Government Administration. Upholding the principle of legality, the principle of protection of human rights and the general principles of good governance. However, the existing limitations and provisions make the confusion that results in the use of discretion not on target. In these laws, especially regarding discretion, it is not explained how a decision or action taken by the government is discretionary. In fact, there is often neglect by regional heads in making policies and actions that are discriminatory. Therefore, this paper explores the discretionary paradigm itself with its limits in order to achieve optimal public services in Indonesia.

2. Method

The research method used in this paper is the normative method with a statutory and conceptual approach. Where this method is not only written in laws and regulations *(law in books*) but also serves to provide legal arguments when there is a vacuum, vagueness and conflict of norms. (Irwansyah, 2021, p. 100) This approach is used to answer the paradigm of the scope of discretion by region heads for the public service.

3. Result and Discussion

A. Discretion in Indonesia legislation

The existence of the rule of discretion cannot be separated from a free authority (*vrijebevoegdheid*) from the government which is often called *freies ermessen* or other words freedom of action (discretion). (Ridwan HR, 2021, P.177) The government or state administration is given freedom of action (discretion) to administer the general welfare which has a logical consequence of the concept of *welfare state*.

The concept of *welfare state* is an idea of a state that uses a democratic system of government that is responsible for the welfare of its people. Realizing a welfare state has been the goal of the founding fathers since independence. This is marked by Pancasila, especially the fourth precept and articles 27, 28, 31, 33, and article 34 of the 1945 Constitution which states that welfare is realized for all Indonesian people.

This clearly results in the government having to play an active role, participating in the fields of socioeconomic life of the community. The government as a public service provider is responsible for taking certain achievement steps. The central government and local governments synergize to implement this. Discretionary regulations have been in Law No. 30 of 2014 concerning Government Administration. Where decisions and/or actions are determined and/or carried out by government officials to overcome concrete problems faced in the administration of government in terms of laws and regulations that provide choices, do not regulate, are incomplete or unclear, and/or there is government stagnation.

Although the government is granted freedom of action or discretion, in a state the law must be within the limits permitted by applicable law. Discretion has a predetermined purpose and can only be exercised by authorized Government Officials. Discretion, can be said to be a policy that is a personal authority in the nature of the competent authority, in this case the regional head. The substance of power in the form of personal authority can allow officials to behave tyrannically, but technically in accordance with the law and constitution. (Naomi Claire Lazaar, 2008, p.166.) Therefore, the tendency of this is the potential for *abuse of the power* and indications of corruption / KKN by the regional head, if not supervised by the institution and / or superiors of the regional head. In this regard, discretion becomes one of the contradictions in a concept of the rule of law. The rule of law that upholds the principle of legality does not provide opportunities for policy issuance that has not been regulated before. Therefore, regional heads must understand the ins and outs of this concept in applying the power of free action (discretion). Because it is a freedom, in such a sense it cannot be treated as a matter of routine follow-up. (Krisna D.Darmurti, 2012, p.21.)

In essence, discretion has a function as flexibility in launching government administration to fill legal vacancies to provide legal certainty as a way to overcome government stagnation in certain circumstances for the benefit and public interest. The attitude of state administration is no longer *wetmatig*, but also *rechmatig*. This means that all attitudes of state administration should remain within the limits permitted by law, not those expressly prohibited by law.

B. Discretion by regional heads as a solution to public service problems

Regional heads must understand that discretion is an administrative legal act that will be held accountable. Therefore, in concrete situations, legal awareness must be incarnated in the form of obedience or obedience to the law. That moral awareness of the law, arouses humanity, and makes guidance in every action of making policy / law itself.
It is very important for regional heads to understand administrative discretion both to take a discretion and understand the function of the position itself. The term discretion has at least 5 meanings in administrative law: (Charles H. Koch Jr, 1986, p. 470)

a. The authority to make individual decisions in the application of rules is commonly referred to as "*individualizing discretion*"
b. The freedom to fill vacancies in delegated authority for the purpose of performing established administrative functions is referred to as "*executing discreation*"

c. The power to take action in the framework of a common goal is referred to as "*policymaking discreation*"
d. If testing is not permitted, then the decision-making organ is considered to be performing "*unbridled discreation*"
e. Meanwhile, if testing is not permitted in principle, the decision-making organ is considered to be carrying out "*numinous discreation*".

It is true that regional heads who hold more contact with the implementation of laws cannot be limited to inaction, when there is a vacuum (*wetvacuum*) and there are regulations for the implementation of laws that need to be interpreted (*interpertate*). Therefore, it is necessary to pay more attention to discretionary actions must be accounted for legally and morally.
There are elements of discretion in a legal state stated by Sjachran Basah as follows: (Ridwan HR,2021,p.178)

a. Intended to carry out public service duties ;
b. It is an active attitude of action from the state administration;
c. The attitude of the act is made possible by law;
d. The attitude of the act was taken on its own initiative;
e. This attitude of action is intended to solve important problems that arise suddenly;
f. The attitude of the act can be accounted for both morally to God Almighty and legally.

The element that satisfies the act of a discretion must have a clear purpose. In Article 22 (2) of Law No. 30 of 2014 concerning Government Administration, every use of discretion of Government Officials aims to smooth the administration of government, fill legal vacancies, provide legal certainty and overcome government stagnation in certain circumstances for the benefit and public interest. However, as Radbruch said, the intentional aspect must be balanced with the aspect of justice, expediency and certainty. Therefore, the regulation of the wisdom of its function is not arbitrary by ignoring legal certainty.
In this regard, the granting of discretionary authority to regional heads is a freedom given in the context of implementing regional government in line with the increasing demands of public services. Such consequences should be used indefinitely. In principle, every action always pays attention to boundaries and includes these elements.

Given the theoretical and practical arguments that assert that a regional head's power tends to be perverted, especially if that power is so broadly possessed, it is certainly necessary if efforts are limited to it. For the *welfare-state*, such restrictions will greatly support the achievement of better and steadier results from the implementation of *bestuurszorg*. Besides being theoretical and generally applicable, restrictions in a broad sense can also be interpreted as persuasive and preventive restrictions. (SK Marbun,2001,p.49) Persuasive because this restriction connotes moral (ethical) demands rather than juridical. While it is called preventive because this restriction is intended to direct the actions of state administration in exercising state power (government).

The existence of a theory of the distribution of power contained in a state implies the limitation of power through the specifics of its implementation. Like the most classical theory by *John Locke* (legislative power, executive power and judicial power), Van Vollenhoven's chess theory was modified by *Lemaire*, 1952, into the five kingdoms (*bestuurzorg* function, *bestuur* function, police function, judicial function and law making function). But it is still too extensive; It has not yet reached the issue of restrictions on the actions of the state administration. (*Ibid*.,p.51)

In the spirit of limiting the power of the attitude of the regional head in manifesting discretion, principles have been accommodated promulgated for the fulfillment of morals that have binding principles. Article 10 of Law No. 30 of 2014 concerning Government Administration, there are general principles of Good Government (AUPB) contained in it include:

a. The principle of legal certainty;
b. The principle of expediency;
c. The basis of non-partisanship;
d. Basics of scrupulousness;
e. The principle of not abusing authority;
f. The principle of openness;

g. The basis of public interest;
h. The principle of good service.

In the application of the principles of good governance, it guarantees and recognizes rights as part of fundamental rights. Concern among citizens because of the potential for conflicts of interest between the government and the people which will be higher. However, regional heads who have morals that uphold the public interest can better apply the interests of the community directly.

Any use of authority is always limited by matter (substance), space (region:*locus*) and time (*tempus*). Beyond these limits, an act of government is an act without authority (*onbevoegdheid*). Actions without authority can be *onbevoegheid ratio materiae* (substance), *onbevoegheid ratio loci* (territory), and *onbevoegdheid ratio temporis* (time).

Limitation of power can be interpreted in a narrow sense, as an attempt to limit the exercise of state power through regional heads. These restrictions are practically-operational, not only to guarantee and protect the community from adverse state administration actions, but also to provide high legal certainty to regional heads in carrying out their duties and functions. Classified into two; Internal action and external action.
Internal action is a limitation of power carried out through a system of supervision of the implementation of the duties and functions of the regional head. The scope and nature of supervision have the following properties:

a. Politics, that is, if what is used as a measure and target is a matter of effectiveness and legitimacy;
b. Juridic, that is, if the intended purpose is to establish juridity or legality;
c. Economy, that is, if the desired goals are efficiency and technology;
d. Morality and morality, that is, if the target is to know the quality and morality of state administration.

External actions, namely those directly related to or concerning the actions of regional heads, are taken with a juridical settlement process. This restriction has certain legal consequences, both on the (personal) head of the region, as well as on decisions (decrees) issued by the regional head.
Act Number. 30 of 2014 concerning State Administration explicitly regulates discretion. Discretion, defined in Article 1 paragraph (9) of Law Number 30 of 2014, as decisions and/or actions determined and/or carried out by government officials to overcome concrete problems faced in the administration of government in terms of laws and regulations that provide choices, do not regulate, are incomplete or unclear and/or there is government stagnation.

According to Muchsan (Muchsan, 1981, p. 78) , the exercise of discretion by government officials (executive) is limited by 4 (four) things, namely:

a. In the event of a legal vacuum. Example: Indonesia is a developing country, of course, law and society are growing, and moving fast. In such a rapid development, of course, there is a legal vacuum, because there is no regulation of new problems, for example in spatial planning, because there is no legislation that regulates it.
b. There is freedom of interpretation. Example: Lawmakers make a law that in its explanation is said to be "self-explanatory", that's where there is freedom to interpret it. In the case of spatial planning, there are often cases of commensurate determination of the coast, which according to Law no. 1 of 2014 concerning the Protection of Coastal Areas and Small Islands and the Spatial Planning Law which stipulates a commensurate value of 100 meters drawn ashore from the highest rising tide point, this causes multiple interpretations when Presidential Decree number 51 of 2016 concerning Beach Commensurate Boundaries is issued Article 6 states that the calculation of coastal commensurate boundaries adapted to topographic, biophysical, coastal hydrooscanography, economic and cultural needs, and other related provisions. This gives rise to multiple interpretations.
c. There is a delegation of legislation (*delegatie van wetgeving*). Example: *Hinder Ordonantie* (Nuisance Law), there is an article that states that the one who gives permission for the existence of a company is the head of the region, as long as it does not cause danger (qwalijk). The element of "danger" is not spelled out in the HO, so the HO delegates it to the regional head to provide the description.

d. For the fulfillment of the public interest. Example: Presidential Decree Number 55 of 1993 concerning Land Rights Acquisition, in the Presidential Decree the public interest is described into 12 points of public interest.

The provisions of the government administration Law stipulate that an official, in this case the authorized regional head, can exercise discretion if it meets what is stated in the government administration Law, which contains at least six important things. First, the discretion must be in accordance with one or several justifiable objectives, namely: (1) launching the administration of government; (2) filling legal voids; (3) providing legal certainty; or (4) overcoming government stagnation in certain circumstances for the benefit and public interest. The second condition is that the discretion does not conflict with the applicable laws and regulations. Third, in accordance with the general principles of good governance. Fourth, based on objective reasons. Objective reasons in this context contain the meaning of the reasons according to facts and factual conditions, impartial, rational, and based on the principles of good governance. Fifth, it does not cause a conflict of interest. Sixth, it is done in good faith. Good faith in this context is a decision that is determined or an action taken based on the motive of honesty and the general principles of good governance.

C. Regional heads exersice discretion for public services

Conceptually there are two fundamental things related to the principle of responsibility and responsibility of officials in relation to the use of discretion. *First,* the principle of the rule of law which states that every action of government organs must be based on authority. This is closely related to the principle of "*geen bevoegdheid zonder verantwoordelijkheid*" (without authority there is no accountability). *Second,* two entities, namely positions and office holders or officials. Related to these two entities, there are two types of norms, namely government norms (*bestuurnorm*) and apparatus behavior norms (*gedragsnorm*).

The existence of these two entities in the administration of government affairs, of course, cannot be separated, so that it results in the responsibility and responsibility of officials (government) also includes two things, namely personal responsibility and responsibility and position. The responsibility and responsibility of the office in the use of discretion can occur in circumstances as long as the action taken by a government official (*ambtshandeling*) is carried out within the formal environment of his authority or carried out in order to exercise the authority of the office, then all consequences arising will be the responsibility of the office. (H.R.Ridwan, 2014,p.190)

Meanwhile, personal responsibility and liability in the use of discretion can occur in circumstances of discretionary use by government officials which are influenced by various interest factors, both their own, family, corporate and other interests so that the use of discretion deviates or is contrary to written and unwritten legal norms. However, discretionary power is a legal concept, so discretionary power is always under the control or limitation of the law. Deviation and abuse are essentially a shared task in its control. Regional heads who provide special reports in taking discretion, issue legal products that can be monitored, this does not make an emergency become bound in its resolution.

According to Law No. 30 of 2014 article 23, the scope of decision-making and/or actions based on the provisions of laws and regulations that provide a choice, laws and regulations do not regulate, laws and regulations are incomplete or unclear; and the existence of government stagnation. In regional government, discretion is the authority of the regional head. Regional Heads have the function of implementing regional regulations and regional policies.

The importance of the knowledge of regional heads in making discretion, where this authority has conditions in its implementation. The discretion of regional heads is not limited to a certain scope. In this case, discretion is actually needed in the achievement of public services for the sake of accelerating development and improving quality. The authority is very necessary but it is carried out in accordance with existing laws and does not violate the General Principles of Good Ranking (AUPB).
There are several examples of discretion made in the public interest and public services. Discretion is needed in critical times, during the covid-19 pandemic. There are provisions that come from the center, regional heads can determine steps in prevention and eradication in their respective regions, such as the Circular Letter issued

by the Regent of Tulungagung; Circular Letter 360/166/502/2021, Circular Letter Number 360/177/502/2021 and Circular Letter Number 360/207/502/2021. Where the three regulate related to the Extension of the Implementation of Restrictions on Public Activities to control the spread of Covid-19. Discretion by regional heads is carried out in Sleman Regency, through the stipulation of Sleman Regent Regulation Number 63 of 2015 concerning the Temporary Suspension of the Issuance of Hotel, Apartment and Condotel Permits. The next use of authority, the Regent of Gayo Lues in Gayo Lues Regency. The policy was made in the Decree of the Regent of Gayo Lues Number: 900/206/2021 concerning the temporary freezing of elements of the Aceh Traditional Assembly Leadership of Gayo Lues Regency for the 2020-2024 period within the Gayo Lues Regency government.
As another example, discretion is determined in the interest and public service, namely the Regent of Bantul issued Regent Regulation Number 11 B of 2006 concerning the Exemption of Building Permit Levy and Regent Regulation Number 07 of 2007 concerning the Implementation of Rehabilitation and House Reconstruction and the Management of Building Permits After the Earthquake in Bantul Regency and Bantul Regent Regulation Number 07 of 2007 concerning the Implementation of Home Rehabilitation and Reconstruction and Management of Permits to Erect Buildings After the Earthquake in Bantul Regency.

However, there are also instance of the use of discretion that can be a concern by the local public in the case of discretion issued by the Governor of Central Java by issuing Central Java Governor Decree (Kepgub) Number 660.1/4 of 2017 concerning Environmental permits for Cement Factory Mining Activities of PT. Semen Indonesia in Rembang Regency. Through the Governor's Decree, Central Java Governor Ganjar Pranowo asked the environmental impact analysis assessment team to see the ongoing environmental impact analysis (AMDAL) addendum process. Where the result of the discretion of the Governor of Central Java Ganjar Pranowo became a crisis for Rembang residents who felt deprived of the right to life and the right to the environment for the establishment of a cement factory.

The authority used by the Governor of Central Java in this case is based on the interpretation of a Supreme Court decision Number 99 PK / TUN / 2016 which does not provide a choice. Where freedom of action in this case makes real problems in its application. This will "fill the legal vacuum" because there has been a Supreme Court ruling, in the sense that it has permanent legal force and does not need reinterpretation.
In the case of errors in the exercise of a discretion, where the hiearki of the decision of the Supreme Court is higher than the decision of the official in this case the Governor, becomes more dilemmatic. In this case, the inharmonization between the Decree of the Governor of Central Java and the above laws and regulations. Meanwhile, good legislation is a regulation that does not conflict with the regulations above it.

In article 31 of Law No. 30 of 2014, mixing authority by using discretion with the purpose of the authority granted, is not in accordance with the provisions of article 26, article 27, and article 28; and contrary to the AUPB, the legal effect can be overturned. But in this case, there is no cancellation in the discretion. Because to this day, the factory is still operating. In this case of discretion, it is far from good public service. Because public service is an important aspect in making discretion by government officials, in this case the Governor. Is it not in this case, not to harm local government finances directly or even make important profits of regional finances, then make public unrest and opinions secondary?

Before making a decision to take a discretionary action or not, what should be considered first is the presence / absence of demands for the benefit of the community to carry out these actions. Therefore, in such a situation, the most important consideration is the consideration of "*prudence*" and "*experience*" of officials, so that the understanding and interpretation of *public good* as a trigger for discretionary actions from the government will not be arbitrary and fall into the assessment of abuse of discretionary power by the government. (Khrisna D.Daramurti, 2016, p.73.) In classical thought, the distinctive position of man in relation to the concept of public good came to the attention of Thomas Aquinas by positing the concept of "positive" law as "'the command of reason for the common good, and promulgated by he who has the authority to build society." (E.Sumaryono,2002,p.17) In this case, Aquinas explained emphasized on the issue of the relationship between law and the benefit of society. As a special touchstone, the concept of community benefit makes positive law just.

It is not easy to apply discretion in the practice of the wisdom of a regional head. It is undeniable, both from the head of the region itself, this matter of freedom of action is a big scourge. However, as a regional head who

prioritizes innovation in the development of his region, this discretionary right is a companion to the principle of legality. Obviously in his wisdom, it requires a lot of consideration. However, superiors from local government administrators or superiors of discretionary users must be able to apply high commitment in control and hold fairness accountable.

There is an appeal from President Jokowi which is formally stated in Presidential Instruction No.1 of 2016 concerning the Acceleration of the Implementation of National Strategic Projects and Presidential Regulation (Perpres) Number 3 of 2016 concerning the Acceleration of the Implementation of National Strategic Projects. With these two regulations, the government made breakthroughs so that the implementation of infrastructure projects could be accelerated and in this Presidential Instruction it is expressly said, that the government and law enforcement officials are allowed to take discretion in order to overcome concrete and urgent problems. Discretion cannot be separated from innovation so that the acceleration of budget absorption can be quickly realized and the important thing is not to enter the trap of corruption. The aspect of regulating innovation that does not violate the validity of administration is still controversial, but with the existence of Law No. 23/2014 jis Law No. 2/2015 and Law No. 9/2015 on Local Government (Local Government Law) and Law No. 30/2014 on Government Administration (AP Law), there has been an expansion of administrative areas in budgeting policies. The regulation regarding regional innovation itself is in Chapter XXI Articles 386390 of the Local Government Law and the discretion in Chapter VI Articles 22-32 of the AP Law has strictly controlled the criminalization of local government policies, including in the disbursement of regional budgets. The birth of these provisions actually wants to construct a new demarcation line for the policy administration area with the criminal area of corruption which has been considered blurred.

The expansion of administrative areas in the realm of local government policies, although often considered contrary to the spirit of anti-corruption, has normatively been sufficient to protect the implementation of programs and activities in the region from potential criminalization. Thus, there is no reason for fear of being criminalized for the state civil apparatus in the search for local budgets that are now a concern for the government.

4. Conclusion

The discretion made by the government organizers, in this case the regional heads, must cover the entire provisions of Law No. 30 of 2014. However, the problem is the absence of a statement or clarity whether a decision or action taken is discretionary. Making the authority to be used can go beyond the limit, confusing authority and arbitrary actions. It is good that there is an opportunity for regional heads to make discretion that must be attached to the public interest and not ignored in making policies and actions that are discretionary in nature. Therefore, it is important to improve the Government Administration Law, especially in discretionary articles.

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