



## THE EFFECTIVENESS OF THE ACTING REGENT OF CENTRAL BENGKULU IN LEADING THE IMPLEMENTATION OF LOCAL GOVERNMENT AFFAIRS BASED ON MINISTER OF HOME AFFAIRS REGULATION NUMBER 4 OF 2024

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### ABSTRACT

The research aims to describe the issues regarding the effectiveness of the organizational structure led by acting regional heads based on applicable legislation. This study utilizes a qualitative method, emphasizing juridical-sociological principles and normative legal research. Informants in this study include the Acting Regent of Central Bengkulu, the Secretary of the Central Bengkulu Region, the Chairman of the Regional People's Representative Council (DPRD) of Central Bengkulu, the Head of the Provincial Government Bureau of Bengkulu, Inspector IV at the Inspectorate General of the Ministry of Home Affairs, the Director of Facilitation for Regional Heads and DPRD, and the Directorate General of Regional Autonomy of the Ministry of Home Affairs. The aspects used in this research are the case approach and the conceptual approach. The results show that limitations on authority and the significant control of the central government over any strategic policies requiring approval from the Minister of Home Affairs do not hinder acting regional heads from executing regional affairs as long as they are not contrary to the provisions and regulations. Limitations on the authority of acting regional heads do not disrupt the functioning of the government machinery. The Ministry of Home Affairs remains the focal point for guidance and supervision, ensuring the smooth running of governance in the region.

## INTRODUCTION

A budget is a written plan of an organization's activities that is expressed quantitatively for a certain period of time and is generally expressed in units of money. In the context of the budgets of public sector organisations, budgets include plans for how much the plan will cost and how much money will be raised to fund the plan. According to

Law 33/2004 on financial balance between the central government and local governments, the APBD is a plan. finance made by local governments on a 4-year basis through discussion and agreement between the DPRD and local governments and then ratified in regional regulations. APBD is certainly not a product produced through an instant process APBD preparation can be divided into two,



namely the planning stage and the budgeting stage. The budgeting process that began in July and ended with the determination of the regional budget in December was carried out based on the Local Government Work Plan (RKPD) in order to realize services to the community in order to achieve state goals (Deddi Nordiawan et al, Government Accounting, Jakarta: Salemba Empat, 2007, p. 43.). Broadly speaking, the APBD budgeting process consists of 6 (Six) stages, namely:

Conditions and Legal Basis for the Appointment of Acting Regional Heads in Indonesia

No	Circumstances	Base Law
1.	If head area definitive dismissed temporary without through DPRD's proposal because indicted do follow criminal threatened crime with criminal imprisonment for a minimum of 5 (five) years , action criminal corruption , act criminal terrorism , treason , acts criminal to security country , and / or other possible actions break split into the Unitary State Republic of Indonesia and And No there is a deputy head area	Article 86 paragraph (2), paragraph (3) and paragraph (5) Law no. 23 of 2014
2.	If head area and /	Article 174

	or deputy head area stop because of a. die world , b. request alone , c. dismissed , and the term of office not enough of 18 ( eight twelve ) months	paragraph (7) Law no. 10 of 2016
3.	If Not yet There is partner candidate selected Because results election head area No fulfil condition voice more of 50% ( fifty percent )	Article 54D paragraph (4) Law no. 10 of 2016
4.	For fill in emptiness position governor and deputy governor , regent and deputy regent as well as mayor and deputy mayor whose term of office ends on in 2022 and in 2023 because experience delay consequence election simultaneously national on in 2024	Article 201 paragraph (9), paragraph (10) and paragraph (11) Law no. 10 of 2016

The postponement of regional elections in 2022 and 2023 resulted in 271 regions (101 regions in 2022, and 170 regions in 2023), both at the provincial and district/city levels, experiencing vacancies in regional leadership positions due to the expiration of their terms. The appointment of acting (Pj) regional heads became the central government's primary choice to avoid such vacancies in these regions.



There were 101 regional heads whose terms ended in 2022, comprising 7 governors, 76 regents, and 18 mayors.

The government faces fundamental challenges due to the implementation of simultaneous elections, namely the vacancies in regional leadership positions in several regions. One of the policies adopted to address these vacancies is the appointment of acting regional heads. Acting regional heads are individuals assigned as regional heads for a certain period.

The appointment of acting (Pj) regional heads becomes the government's solution to prevent power vacuums in regions during the transitional period of the 2024 nationwide simultaneous regional elections. The legal basis for the appointment of acting (Pj) regional heads is found in Article 201 paragraph (9) of Law Number 10 of 2016, which states:

"To fill the vacancies of the Governor and Vice Governor, Regent and Vice Regent, as well as Mayor and Deputy Mayor whose terms end in 2022 as referred to in paragraph (3) and whose terms end in 2023 as referred to in paragraph (5), acting Governors, acting Regents, and acting Mayors are appointed until the election of Governors and Vice Governors, Regents and Vice Regents, as well as Mayors and Deputy Mayors through the national simultaneous elections in 2024."

Acting regional heads have the obligation to lead the implementation of regional governance as a result of the vacancies in definitive regional leadership positions due to the implementation of simultaneous elections. In 2022, 101 regions had their leadership positions filled by acting regional heads. Furthermore, in 2023, 171 regions also appointed acting regional heads to fill the vacancies. Thus, the total number of acting regional heads appointed by the government

until 2024 reached 272. This number is equivalent to half of the total number of provinces, regencies, and cities in Indonesia (Prasojo, 2022).

Regarding the policy of appointing acting regional heads to fill vacancies in regional leadership positions due to the postponement of regional elections in 2022 and 2023, several tests of Law Number 10 of 2016 have been conducted at the Constitutional Court by various individuals and community organizations. Among them are Constitutional Court decisions regarding the constitutionality of the appointment of acting regional heads during the transitional period of the 2024 nationwide simultaneous regional elections, namely Decision of the Supreme Court of the Republic of Indonesia Number 67/PUU-XIX/2021 to decide on the request submitted by Bartolomeus Mirip and Makbul Mubarak and Decision Number 15/PUU-XX/2022 to decide on the request submitted by Dr. (Can.) Dewi Nadya Maharani, S.H., M.H., Suzie Alancy Firman, S.H., Moch. Sidik, Rahmatulloh, S.Pd, M.Si., Mohammad Syaiful Jihad and Nian Syarifudin. Both Constitutional Court decisions were issued on April 20, 2022. Although both decisions rejected the requests of the applicants in their entirety, they provided constitutional guidance regarding the process of appointing acting regional heads, thus the central government, in this case, the President and the Minister of Home Affairs, must adhere to these Constitutional Court decisions.

Acting regional heads have limited authority and are subject to significant control by the central government over any strategic policies requiring approval from the Minister of Home Affairs. This naturally affects the efficiency of regional governance. According to





Marko Kukec, the efficiency of governance requires constant participation from the local community to meet their needs without the prerequisite control imposed by the central government. Policy-making by regional governments will be more directly felt, and local community involvement in decision-making will be better than through the central government. With the requirement for approval by the central government through the Minister of Home Affairs, every policy made by regional governments will take longer. This clearly reduces governance efficiency and prolongs the time to meet the needs of the local community, resulting in a decline in the welfare of the local community and disrupting regional autonomy in Indonesia.

Considering the aforementioned considerations, this research will attempt to describe the issues regarding the effectiveness of the organizational structure led by an acting regional head based on the applicable legislation.

Central Bengkulu Regency is one of the regencies whose term of office for the Regent and Deputy Regent expired in 2022, specifically on May 22, 2022. Given the above Law Number 10 of 2016, the vacancy in the regional leadership position needs to be filled by an Acting Regent.

Based on the Minister of Home Affairs Decree Number 131.17-1224 of 2022, the Governor of Bengkulu has inaugurated Dr. Heriyandi Roni, M. Si (Head of the Center for Facilitation of Cooperation of the Ministry of Home Affairs) as the Acting Regent of Central Bengkulu Regency effective from May 25, 2022, and has been extended thereafter with the Minister of Home Affairs Decree Number 100.2.1.3 - 1183 of 2023.

## MATERIAL AND METHOD

The research method used is field research employing a qualitative approach, emphasizing juridical-sociological principles and normative legal research. This is conducted through literature studies (legislation) where law is conceived as rules or norms that serve as a benchmark for human behavior, both sociologically and empirically based on applicable legislation, as well as those related to the core research issues.

## RESULTS AND DISCUSSION

Based on interviews, observations, and documentation, the limitations of authority and the significant control of the central government over any strategic policies requiring approval from the Minister of Home Affairs do not hinder acting regional heads from executing regional affairs as long as they are not contrary to the provisions and regulations. Limitations on the authority of acting regional heads do not disrupt the functioning of the government machinery. The Ministry of Home Affairs remains the focal point for guidance and supervision, ensuring the smooth running of governance in the region. This is in line with the opinion of E. Utrecht, who states that the validity of a government action or decision must meet four conditions:

1. The decision must be made by the competent authority.
2. Since a decision is a declaration of will, the formation of that will must not contain any legal deficiencies.
3. The decision must be in the form prescribed in the underlying regulation,



and the maker must also adhere to the procedure for making the decision if it is clearly specified in the underlying regulation.

4. The content and purpose of the decision must be consistent with the content and purpose of the underlying regulation.

## CONCLUSION

Based on the results of the research and discussion, it can be concluded that the authority exercised by the Acting Regent of Bengkulu is in accordance with the theory of E. Utrecht. However, the Central Government, in granting permission for limited authority restrictions, must be responsive, as this ultimately affects governance efficiency and prolongs the time to meet the needs of the local community, resulting in a decline in the welfare of the local community and disrupting regional autonomy in Indonesia.

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