

## Legal Analysis of the Authority of Regent Officials (PJ) Based on the Minister of Home Affairs Number 131.32.1178 of 2022 concerning the appointment of regent officials

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### ABSTRACT

In accordance with the Decree or "Decree of the Minister of Home Affairs Number 131.32-1178 of 2022 concerning the appointment of the Bekasi Regent", Dani Ramdan was inaugurated as the Bekasi Regent. This study aims to evaluate the legal position of the acting regent in Bekasi Regency based on the "Decree of the Minister of Home Affairs Number 131.32.1178 of 2022 concerning the Appointment of Bekasi Regents". Three (three) methodologies used in this study: statutory, conceptual, and case study approaches were added to the analysis to make it more focused. The steps taken in data analysis techniques are problem identification, data collection, data reduction, conclusion formulation, and verification. Based on the findings of the study, the Bekasi Regent has the authority to 1) appoint new officials and transfer employees; 2) revoke permits previously issued by officials; or 3) issue a permit different from that previously issued by the official; 3) develop regional expansion policies; and 4) facilitate preparations for the 2024 general elections.

**Keywords:** Authority, PJ *Bupati*, Local Government, Regional Head

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### INTRODUCTION

The Preamble to the 1945 Constitution of the Republic of Indonesia states in the fourth paragraph that "the purpose of the State of Indonesia is to protect the entire Indonesian nation and all Indonesian bloodshed, as well as promote the general welfare, inculcate domestic citizenship, and take part in upholding international law". Starting from the nation's goal, it is clear that Indonesia is heading towards a welfare state. This shows that to realize the welfare of the Indonesian people, the state must act in accordance with its authority. According to the idea of the welfare state, the government should bear greater responsibility for the socioeconomic problems facing the general population. To promote the development of common welfare in society, the state must act on a number of socio-economic issues. In connection with these broad tasks, the division of state power is carried out in two (two) ways: (1) horizontal and (2) vertical. The division of state power into its three components—legislative, executive, and legislative—can be seen in the horizontal distribution. A central and regional government capable of decentralization will emerge as a result of vertical division of power (Simarmata, 2015).

According to Article 18 Paragraph (1) of the Constitution of the Republic of Indonesia Year 1945, "The Unitary State of the Republic of Indonesia is divided into provincial areas and the provincial areas are divided into regencies and cities, each of which is a province. Districts and cities have local governments, which are regulated by law" (Prihatiningtyas, 2020). The administration of local government in Indonesia is based on these provisions, "Regional leaders for provinces are referred to as governors, for districts as regents, and cities as mayors. The term of office of the regional head is 5 (five) years from the day of his inauguration, then can only be re-elected to the same office for one term". (Djabbar, 2018).

When the definitive regional head and deputy regional head are nearing the end of their term of office and, therefore, cannot be dismissed or resigned permanently, an official is appointed (Sugiarto, 2019). As

happened in Bekasi Regency, which Moses reported (2022) to the Governor of West Java UU via [bekasikab.go.id](http://bekasikab.go.id), Daily Executive (Plh) Dr. H Dani Ramdan MT has been officially inaugurated by Ruzhanul Ulum to serve as the Acting (Pj) Regent of Bekasi, replacing Akhmad Marjuki, whose term as governor ends on May 22, 2022. In accordance with the "Decree of the Minister of Home Affairs Number 131.32-1178 of 2022 dated May 12, 2022", speaking before the inauguration of the Bekasi Regent, Dani Ramdan was appointed as the Bekasi Regent. Dani Ramdan, who currently serves as the Chief Executive of BPBD West Java, will serve as the Pj Regent of Bekasi for the next twelve months. Dani took an oath and promised to carry out his obligations as Pj Regent of Bekasi as well as possible. Dani Ramdan was informed under the Ruzhanul Ulum Law that the general responsibilities of regional heads include governing government and creating and carrying out social affairs. Reviewing the power of the temporary regent is indeed intriguing, especially for the temporary Bekasi regent official. This study aims to evaluate the legal position of the acting regent in Bekasi Regency based on the "Decree of the Minister of Home Affairs Number 131.32.1178 of 2022 concerning the Election of Regents". Iskandar (2018) conducted a similar study on the subject of the authority of regent officials to transfer staff to the government. This study is different from the previous study because it covers all the capabilities of the Acting Regent in general, not just focusing on personnel mutations as a topic of debate. The acting regent can use the implications of this research as a guideline in exercising his authority.

## LITERATURE REVIEW

There are various examples where the phrase "substitute regional head" is used. Depending on what caused the regional head vacancy to become vacant, different designations are used. "Executor (Plt), Daily Executor (Plh), Temporary Official (Pjs), and Acting (Peboth) are some of these terms. The acting officer (Plt) is a substitute official who carries out the permanent duties of a definitive official who is permanently absent. Second, the Daily Executive (Plh) is seen as a substitute official who replaces certain officials who are temporarily absent and carry out their routine duties. Article 14, paragraph (2), letters "a" and "b" of the AP Law contains this definition. The name Temporary Official (PJS) is an abbreviation of Article 70 of Law 10/2016. Compulsory leave during the campaign period because this term is used by substitute officials when the incumbent regional head and deputy regional head run for re-election. Pjs used to be called Plt, according to PERMENDAGRI 74/2016, but the term was changed to Pjs based on PERMENDAGRI 1/2018". It aims to distinguish between campaign leave and temporary or permanent leave. Fourth, if the term of office of the definitive regional head has ended and the regional head is not on campaign leave, then the word Acting (Pj) is used to describe the role held by the successor official. Thus, according to Article 201 of Law 10/2016, the Acting (Pj) fills the role of the regional head until the inauguration of a new regional head (Rahmazani, 2023).

The last regional head will not occupy the position he left in the event of the appointment of a temporary regional head. Although the names vary, in essence, this position functions as a temporary regional head, replacing the permanent regional head who is unavailable. Based on the recommendation of the Minister of Home Affairs, the President uses the appointment mechanism to determine the acting regional heads during the transition period ahead of the simultaneous regional elections in 2024. The regulation is contained in "Law Number 23 of 2014 concerning Regional Regulations. The Government (Law 23/2014), especially in Article 86 paragraph (2), states that if the Governor is temporarily suspended and there is no Deputy Governor, the President appoints the Acting Governor on the proposal of the Minister. In paragraph (3), it is stated that in the event that the Regent or Mayor is temporarily dismissed and there is no Vice Regent / Mayor, the Minister shall appoint the Acting Regent or Mayor on the proposal of the Governor as the representative of the central government" (Rahmazani, 2023).

An acting regional head will act as the regional head with the highest position to continue to lead a region with the DPRD, even though he is appointed and appointed by the central government. As a result, it also takes on the obligations and responsibilities that local leaders have. The duties of the regional head position are more than just carrying out official duties; The acting regional head is also responsible for overseeing regional government, as is the permanent regional head. According to authority theory, the

acting regional head not only has attributive authority but also delegated authority granted by the President and Minister of Home Affairs. His authority is to act as a regional head for a short time or within a legal time limit.

The relationship between regional heads responsible for organizing the government of the country has two roles of government. First, as the head of the autonomous region, he directs the implementation and is fully responsible for the administration of the regional government. Second, as the head of the region, you escort the central government in the responsibility of the regions to carry out general government affairs. Regional heads must fulfill both duties and secure government programs for their regions. Then, they must consult with the central government when selecting candidates for office to ensure that they are qualified (Sugiarto, 2019).

## **METHOD**

Three methodologies used in this study, namely the statutory approach, conceptual approach, and case approach, were added to the analysis to make it more focused. Stipulations and documents are the main legal sources used. Secondary data is in the form of quotes from previous research. The primary legal sources are "Decree Number 131.32.1178 of 2022 concerning the Appointment of Regent Officials, Law Number 23 of 2014 concerning Regional Government, and Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law". Since primary and secondary data were used to gather information for the study, informants and respondents were not used. The researcher himself is an instrument in this study, or rather, he is a human instrument. Primary and secondary sources are collected as part of the data collection process. The steps taken in data analysis techniques are problem identification, data collection, data reduction, conclusion formulation, and verification. Utilizing reference sources, the correctness of the data is evaluated.

## **RESULT**

The appointment of the Acting Regent of Bekasi, West Java Province, based on the "Decree of the Minister of Home Affairs of the Republic of Indonesia Number 131.32-1178 of 2022 dated May 12, 2022," seems to end rumors regarding their identities who will replace the Bekasi Regent PJ after the Ministry of Home Affairs (Kemendagri) appointed the Chief Executive of the Disaster Management Agency. Dr. H. Dani Ramdan, MT, is the Acting Regent of Bekasi for the Regions (BPBD) of West Java Province. Legal Analysis of the Authority of Regent Officials (PJ) The decree states that the acting regent is responsible for overseeing the implementation of local government affairs, which are regulated by regional regulations and policies set by the DPRD. The Acting Regent of Bekasi is given the authority, according to Amsah (2022):

- 1) Replacing the office and moving employees
- 2) Develop regional growth strategies and formulate policies that are different from previous official development programs.
- 3) Cancel permits issued by previous officials or issue permits that differ from permits issued by previous officials.
- 4) Maintaining the impartiality of the State apparatus
- 5) Facilitating the holding of general elections in 2024 and regional elections in Bekasi regency in 2024

In addition to the authority mentioned above, according to Moses (2022), the responsibilities of regional heads are as follows in accordance with the "Decree of the Minister of Home Affairs Number 131.32.1178 of 2022 concerning the appointment of regent officials":

- 1) Govern the government in such a way that the exercise of its functions—such as those relating to the economy, health, and education—pleases the people it governs.

- 2) Organizational growth, achieved with leaders who can provide a sense of security and comfort to the community.
- 3) Carrying out society, as demonstrated by leaders who must cause boredom in carrying out worship in accordance with their respective religious beliefs.

## DISCUSSION

Legal Analysis of the Authority of Regent Officials (PJ) The decree states that the acting regent is responsible for overseeing the implementation of local government affairs, which are regulated by regional regulations and policies set by the DPRD. The Acting Regent of Bekasi is given the following authorities, according to Amsah (2022):

### Replacing the office and moving employees

According to Basyari (2022) in Kompas.com, the Ministry of Home Affairs gives authority to the acting regional heads to make changes. A power of attorney is considered problematic because it is easy to change if a new SE is appointed and because it is given without a clear evaluation process. Tito Karnavian, Minister of Home Affairs, signed the SE and sent it to all governors, regents, and mayors in Indonesia. This refers to the permission of the Minister of Home Affairs for implementers, officials, and temporary regional leaders in the field of staffing regional apparatus. They are permitted to take disciplinary action and further legal proceedings in accordance with laws and regulations against officials or civil servants working in provincial, district, or municipal local governments. Such actions may take the form of dismissal, suspension, imposition of sanctions, and other legal actions. In accordance with the terms and conditions outlined in laws and regulations, approval of cross-regional and inter-governmental transfers is the second priority.

For the replacement of officials from the date of determination of the candidate pair until the end of the term of office, the regional head (Governor or Vice Governor, Regent or Vice Regent, and Mayor or Vice Mayor) must obtain written approval from the Minister (Alianur et al., 2017). If it is found that the acting regional head has made an assessment or implemented a policy that exceeds his authority, he can be dismissed from office. The results of choices or policies taken during the office, such as employee mutations, are still different. Transferred employees may not necessarily be returned to their original positions if the Acting Regional Head is fired. The legal process will continue even if the official who made the mutation decision has been fired if the transferred employee files a lawsuit with the State Administrative Court because he feels aggrieved by the decision of the acting regional head (Marwi, 2016).

### Revoking a previous official's permit or issuing a different permit to replace a previously issued permit

Local governments have the authority to revoke permits or grant permits, such as those required for mining, business, or trade. Building permit certificate (IMB), property rights certificate (SHM), various employment decrees (SK), and so on. A decision to repair a road, for example, falls into the category of material action or factual action if it is not intended to cause legal impact (Riza, 2018). The actions of government bodies or officials (from now on referred to as TUN officials) The legal actions of TUN officials are motivated by three factors: attribution, delegation, and mandate. TUN management is also allowed to act and make decisions independently (discretionary decisions) based on free ermessen in addition to these three sources. Decision-making is done freely for two reasons: not all actions are regulated by law, and the administration of justice is under the umbrella of the idea of a welfare state (Supriyadi, 2015).

### Develop regional expansion initiatives that deviate from previous leader development plans.

Infrastructure for the development of communication and transportation, hospitality to outsiders to facilitate relations and cooperation with other districts and cities, natural resource potential, investment in mining, plantations, fisheries, and tourism, as well as very strong community support due to strong perceptions towards working together to support the vision, mission, and development of the region. The success or failure of policy implementation, including the implementation of regional expansion policies,

depends on the capacity of policy actors or implementers to effectively utilize and manage various supporting factors, awareness of environmental constraints (norms, structures, organizational units, procedures, and sanctions), and the existence of mutual willingness and participation to implement joint planning. Some examples of elements of policy implementation assistance include a combination of resources needed, policy scope, actor networks, community involvement, and public (community) support. Other variables include the environment that influences the policy, communication between implementing organizations, attitudes of policy implementers, resources, and policy content and context. Indicators of regional political expansion include the growth of infrastructure and political structure, accountability and transparency of government, involvement and expansion of community roles, political and organizational freedom, enforcement of the rule of law and human rights, and political stability. economic sector, with indicators of accelerating development of economic structure and infrastructure, management of natural resource potential, increasing employment, increasing per capita income, gross regional domestic product (GDP), and regional original income (PAD). The implementation of regional expansion policies in the socio-cultural sector with indicators of encouraging community harmony, reducing socio-cultural gaps, improving education standards, improving regional planning capabilities and empowering remote community groups, developing local community cultural values, and utilizing local wisdom in solving various problems.

#### Facilitating preparations for general elections and elections for the Bekasi Regency

Member of Commission II of the House of Representatives of the Republic of Indonesia Guspari Gaus asked the Ministry of Home Affairs (Kemendagri) to issue a ministerial decree so that local governments can assist the General Elections Commission (GEC) in smooth preparations for the 2024 elections, according to a report from the [dpr.go.id](http://dpr.go.id) (2022) website. He said, "Instructions to Regional Governments are needed to support the GEC with facilities and infrastructure so that the simultaneous regional elections in 2024 can be carried out effectively, efficiently, and optimally." so that Regional Governments can organize and assist in providing infrastructure facilities to the GEC in the context of organizing the 2024 elections.

Juridically in accordance with "Article 434 of Law Number 7 of 2017 concerning General Elections, the government and local governments are obliged to provide assistance and facilities in accordance with the provisions of laws and regulations for the smooth implementation of duties, authorities and obligations of election organizers". The forms of support and facilitation include "the assignment of personnel to the secretariat of KDP, District Panwaslu, and PPS, the provision of room facilities for the secretariat of PPK, District Panwaslu, and PPS". The implementation of socialization and understanding of election laws and regulations, then the implementation of political education for voters to increase public participation in elections, as well as smooth transportation of logistics delivery, as well as monitoring the smooth running of elections, and if possible, including other activities, are very important aspects of the role of local governments in realizing the success of holding elections.

#### Uphold the impartiality of the state apparatus

In carrying out obligations and activities to provide public services, neutrality plays an important role in upholding the professionalism of civil servants' work. The quality of services offered to the public will be influenced by the politicization of bureaucracy by several parties. Public authorities should not use civil servants as a means to maintain their position of authority, regardless of their political affiliation or independence. The State Civil Apparatus Commission (KASN), a new agency, was formed to enforce ASN standards and guarantee that all civil servants are used in accordance with the requirements of the law. ASN does not need to worry when there is political intervention from any party that threatens the career continuity of ASN in the future because KASN is expected to maintain the quality of the implementation of the merit system. In addition, regulations are needed to limit the ability of public officials to abuse their authority and to provide access to strict oversight from parties such as internal civil servants so that they can report any intervention. In order to maximize services to the community for the

benefit of the state, ASN will always prioritize neutrality and professionalism in carrying out its duties and activities (Perdana, 2019).

Decree Number 131.32.1178 of 2022 issued by the Minister of Home Affairs related to the appointment of regent officials. Moses, (2022) in [kompas.id](https://www.kompas.id) mentioned that the responsibilities of regional heads are

#### Setting up governance

The ability to provide convenience for the people led in carrying out their activities, such as economic activities, health, and education, can be used to determine how well a government is run. Human resource development related to employment and unemployment will be Dani Ramdan's top priority. A task team to end unemployment will be formed by the Bekasi Regency Government. Financial problems came next. The state budget will also be withdrawn so that it can be pursued and CSR can be managed properly in addition to the implementation of the regional budget.

The Indonesian government has prioritized human resource development. In the fourth paragraph of the 1945 Constitution, the government has the responsibility to "protect the entire Indonesian nation and all Indonesian bloodshed through the outlined state objectives and promote the general welfare, educate the lives of the people, and participate in upholding world order. Based on freedom, lasting peace, and social justice. Local governments run programs and activities to assist the community in all aspects of public services, including health, infrastructure, education, etc., to help the nation achieve its goals." The allocation of government spending from three categories, namely education spending, health spending, and infrastructure spending, shows the government's commitment to fostering the quality or welfare of the community. The education and health sectors have a significant role in human resource development, according to the indicators used to measure HDI. Therefore, the government must focus on at least two areas, namely health, and education, as part of efforts to increase opportunities for its population to live a decent life. In this situation, the government can improve the welfare of its citizens by increasing spending on health and education. The government has to pay a fee as a result of setting certain policies. This expenditure is paid from the government budget, making it an expenditure for the government. The government's commitment to solving problems in a region is shown by the funds set aside for it (Mongan, 2019).

#### Coordinating regional growth

The figure of a leader who is able to provide a sense of security and comfort to the community can be used as an illustration of how development is carried out. Dani Ramdan's agenda as Acting Regent includes improving public facility infrastructure, social facilities, and settlements such as garbage and abandoned houses. Transport infrastructure, such as roads and drainage, will also be improved.

Buildings needed to support the environmental service system provided by the government in residential areas are referred to as public facilities. Electricity, drainage, communication, gas, transportation, hygiene (waste disposal facilities), and fire extinguishers are examples of public facilities (Areza Ugang et al., 2022). To serve the social needs of the community, carry out social activities, and improve social relations between communities, social facilities are equated with social infrastructure facilities. Facilities that serve the needs of residents in a residential environment are referred to as social facilities. Social facilities are defined as programs or resources that help a community meet its needs for social, intellectual, and spiritual fulfillment. Public cemeteries, health care facilities, educational institutions, government offices, recreation centers, and government and public services are examples of social facilities, along with malls and trade centers. When social facilities are widely used, they are considered effective. The high level of social engagement among citizens indicates this, which indicates that the social facility fulfills its intended purpose. The development of an area will be evaluated using priority selection criteria for the development of public and social facilities for sustainable urban areas. As a benchmark for the sustainability of the development of the building sector, many criteria are used in prioritizing the construction of public and social facilities. Energy and water conservation, a suitable and healthy

environment, transit accessibility, and greening are all considered sustainable standards (Bintang Nurcahyo et al., 2021).

#### Protecting the community

The manifestation is in the form of giving a sense of boredom in carrying out worship according to their respective beliefs. This draft policy is expected to be a real effort by the state to implement the mandate of the constitution in terms of guarantees and protection for every citizen to be able to profess religion and practice the religion he adheres to. Through this draft policy, the government wants to ensure guaranteed protection for religious people, especially in two respects. First, guarantees and protections for citizens to embrace a religion. Second, the guarantee of freedom for citizens to practice their religion in accordance with their beliefs. This draft policy was born as the government's response to the rampant incidents of violence in the name of religion and discrimination against religious minorities in Indonesia (Fathuddin, 2015).

### CONCLUSION

Based on the findings of the study, it can be said that the Bekasi Regent has the authority to 1) appoint new officials and transfer employees;

2) revoke a permit previously issued by a previous official or issue a permit different from that permit;

3) Develop regional growth strategies and development programs that are different from previous officials;

4) Encourage the holding of general elections and regional head elections in Bekasi Regency in 2024; and

5) Maintain the neutrality of civil servants.

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