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FILLING THE VACANCY FOR THE POSITION OF VICE HEAD OF REGIONAL HEAD WHO ARE INABILITY TO CONTINUE TO REVIEW WITH JURISDICTIONAL ASPECTS

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**FILLING THE VACANCY FOR THE POSITION OF VICE HEAD OF REGIONAL HEAD WHO ARE
INABILITY TO CONTINUE TO REVIEW WITH JURISDICTIONAL ASPECTS**

16
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Abstract

There was an inevitable vacancy in the administration, in which many deputies stopped before their term ended, such as resigning, dying of old illness, etc. Some have been removed. In law number 10 in 2016 on a second change to act number 10 in 2015 on the establishment of the rule of government substituting act no. 1 in 2014 on the election of governor, regent, and mayor to act, in accordance with article 176 verse (4) that wants to fill the vacancy of deputy chief who still has more than 18 (eighteen) months. The absence of a legal norm to limit the maximum amount of time it takes to fill the hole between the deputy chief and regional head.

Keyword: Position Filling, Deputy Regional Head, Regional Government

Abstrak

Ada kekosongan yang tak terelakkan dalam administrasi, di mana banyak deputy berhenti sebelum jangka waktunya berakhir, seperti mengundurkan diri, sekarat karena penyakit lama, DLL. Beberapa telah dihapus. Dalam undang-undang nomor 10 tahun 2016 pada perubahan kedua untuk undang-undang nomor 10 di tahun 2015 pada penetapan aturan pemerintah menggantikan undang-undang no. 1 pada tahun 2014 tentang pemilihan gubernur, bupati, dan walikota untuk bertindak, selaras dengan pasal 176 ayat (4) yang ingin mengisi kekosongan wakil kepala yang masih memiliki lebih dari 18 bulan (delapan belas). Tidak adanya norma hukum untuk membatasi jumlah maksimum waktu yang diperlukan untuk mengisi lubang antara kepala dan wakil kepala daerah.

Kata kunci: Pengisian Jabatan, Wakil Kepala Daerah, Pemerintahan Daerah.

Introduction

As a country, Indonesia has a constitution called the Constitution of the Republic of Indonesia 1945, in the form of a republic and proclaimed the Indonesian nation to be a sovereign state of the people. This makes it clear that Indonesia is a democratic constitutional state and a unitary republic. (Bayuaji, 2019)

The provinces of the Republic of Indonesia are basically made up of several provinces, provinces and provinces, which are divided into districts and cities. States and cities are regions with local governments. Municipalities are low-level political bodies with the right to regulate certain governmental affairs in public administration. Chapter 18 (4) of her 1945 Constitution of the Republic of Indonesia states: " (Redaksi *et al.*, no date)

In recent years, i.e. from 2019 to 2022, many lieutenant governors and governors have died due to the COVID-19 disaster, and in addition to several district heads and deputy district heads who have died from COVID-19, other issues also occurred. For some hoax that has occurred sufficiently to influence the election or replacement of a permanently incapacitated or permanently absent regional leader or deputy regional leader and to confuse the public. In a country adhering to democratic liberty, when something threatens the country, all provision must be based on the sovereignty of the people. Her three principals of certainty, fairness and legal supremacy pay attention to goals. (tomy Michael, 2020)

On December 9, 2015, simultaneous general elections of regional chiefs (PILKADA) were held in Indonesia for the first time in the history of general elections. In 2015, up to 269 regions, comprising 9 provinces, 36 cities and 234 counties, will simultaneously elect regional leaders. This means that nearly 53% of Indonesian provinces and cities are holding simultaneous universal mayoral elections (PILKADA) in a total of 537 provinces and cities... (Aulia and Wisnaeni, 2018)

For the first time in the history of the Indonesian parliament, there was a roadblock to filling the vacancy of Indonesia's regional vice president, and his alibi could not be revoked when the post of vice president was not mandated. His 1945 Constitution of the Republic of Indonesia makes no mention of the imposition of the duties of a deputy chief. Item No. 2004 Section 12, Chapter 26, Section 68 – Local Government Act No. 32 of 2008 and Section 49 of 2008 Section 131 Section 2a Decision 2008 on Substitution of Shrimp Head and Deputies, the criteria for identification in this situation are vague and ambiguous.

vacancies of Deputy Regional Heads. I have. Political party combination (PARPOL) and political party combination (PARPOL), multiple interpretations arise. (Alit *et al.*, no date)

The vacancy of the chief of staff is not only a problem for local governments, but also for citizens. Local chiefs run the local administrative system. Although there were laws regulating meetings of vice district chiefs, there were still some specific districts facing vacancies. Contrary to Article 4(1)3 of the 2017 gubernatorial election and his 2017 lieutenant governor nomination, the local authority is always looking for candidates to replace the lieutenant governor, regent and deputy mayor, mayor and deputy mayor. I don't understand why it isn't. The article pointed out that all Indonesians may be appointed deputy chiefs under certain conditions.(B. Michael, 2020)

Method

The writing of this magazine is part of a mandatory legal study to fill vacancies of regional chiefs, especially governors, under the 1945 Constitution of the Republic of Indonesia. The data collection method used is a library method. Data analysis methods are descriptive and qualitative techniques for describing, comparing, and analyzing research results with existing theories..

Results and Discussion

Election of Deputy Regional Heads in the Provisions of the 1945 Constitution of the Republic of Indonesia

Constitutionally, Chapter 18 Article 4 of the 1945 Constitution of the Republic of Indonesia states that "Governors, regents and mayors shall be democratically elected as heads of provinces, districts and cities". The contents of this passage clearly provide the legal basis for those who serve as state, district, or city leaders to become governors, regents, and mayors. Lieutenant governors or deputy governors, lieutenant governors, and deputy mayors, on the other hand, are not specifically mentioned in the Constitution.

Universal suffrage is the process of upholding the sovereignty of those who hold office in organizations and governments, based on the principles of openness, equality, liberty, confidentiality, honesty, and justice. Community participation in United (People) general elections in direct or indirect political decisions is one of its hallmarks. democratic government. Achieving democracy is inherently empowering, a commitment to community participation and the realization of constitutional social security political rights.. (Aziz and Michael, 2020)

In this case, the Assistant Regional Director or Assistant Regent, Governor, Assistant Mayor, or Vice President's job is to assist the Regional Director and the President. According to Wirjono Prodjodikoro, the language endorsed by Article 4(2) of the 1945 Constitution provides that the Vice President is the first person to appear in the

absence of the President (this is his 1945 (reaffirmed in Article 8 of the Constitution). From this we can conclude that the Vice President's position as Assistant to the President is subordinate to the President and that the Vice President is elected by the MPR, not by the President. This is in line with the Deputy Regional Director's role of assisting the Regional Director in his absence.. (Michael, 2015)

This is also included in the Local Government Act 2004, Article 1 of the Common Requirements. Number 3 (3) says: This provision does not stipulate a local deputy director as a local government. Also, Law No. 32 of 2004, Article 19, Paragraph 2, stipulates that "local governments are local governments and their governments". For purposes of Sections 1 and 3, the Lieutenant Governor, Lieutenant Governor, and/or Deputy Mayor are not Local Officials..(indra pahlevi, 2012)

Article 18 (1) of the 1945 Constitution of the Republic of Indonesia shows the complex relationship between the central government and the state governments. Based on the principle of decentralization, the delegation of authority from the central government agency to subordinate agencies, the governor directs the government within the state to carry out specific duties and powers in government administration. Article 18(2) of the Constitution of the Republic of Indonesia states that the relationship between the provincial government and the district/city government is an equal relationship. Agree to the principle of decentralization and take on secondary tasks as well. The Governor serves a dual role as Head of State and Regional Head/Regional Deputy Central Government. (Ni *et al.*, no date).

Article 18(1) of the 1945 Constitution of the Republic of Indonesia does not clearly describe the status of deputy regional chiefs such as deputy governor, deputy regent and deputy mayor. Although the position of deputy chief is not stipulated by law, the position of chief deputy chief is very important in leading a local government, as the chief assists in the leadership of the local government until the post of chief is completed. important to

The Deputy Regional Manager's tasks to support the Regional Manager are:

1. Assisting local leaders in local government administration.
2. Support regional leaders in managing vertical agency activities.
3. Follow up on reports submitted by people and later present them to regional leaders.
4. Monitoring and evaluation of local government implementation.
5. Advice and consideration for regional leaders

6. If preventive, fill the position of Regional Manager

7. Replacement of Regional Manager in case of full-time absence or death of Regional Manager before expiration of term

The authority of the deputy regional head

The term **authority** corresponds to the English "authority, power, competence", the Dutch "bevoegd" and the German "gezag". The term privilege can be interpreted as follows: The duly delegation of authority from one person to another.¹⁵ The term "competence" is defined as "having sufficient authority or authority."¹⁶ The term "power" means "the right, power, or ability to do something." Authority is distinguished from power.(T. Michael, 2020)

During the New Order era, the position of deputy regional head was one of the career positions, this was also regulated in Article 24 paragraph (1) of Law Number 5 of 1974 concerning the Principles of Regional Government, which emphasized;

"Wakil Kepala Daerah Tingkat I diangkat oleh Presiden dari pegawai negeri yang memiliki persyaratan, ayat (2) dengan memperoleh persetujuan Dewan Perwakilan Rakyat Daerah tanpa melalui pemilihan, Gubernur Kepala Daerah mengajukan calon Wakil Kepala Daerah Tingkat I kepada Presiden melalui Menteri Dalam Negeri, ayat (3) Wakil Kepala Daerah Tingkat II diangkat oleh Menteri Dalam Negeri atas nama Presiden dari Pegawai Negeri yang memenuhi persyaratan, ayat (4) Dengan memperoleh persetujuan Dewan Perwakilan Rakyat Daerah tanpa melalui pemilihan, Bupati/Walikota kepala daerah mengajukan calon wakil Kepala Daerah Tingkat II kepada Menteri Dalam Negeri melalui Gubernur Kepala Daerah dan ayat (5) pengisian kekosongan jabatan Wakil Kepala Daerah dilakukan menurut kebutuhan"

Deputy Regional Heads are given duties and powers that are directly handled in practice, so they should be filled with people or candidates who understand the existing government and laws of Indonesia and have influence over specific organizations. , related to government functions. The role of government in local government is very important. That is because it is the deputy governor who later supports and manages the local government and implements development in a particular area. It is expected to be able to absorb and solve existing problems within local governments. For this reason, a Deputy Regional Manager is required and must be available to assist the Regional Manager in fulfilling his duties and responsibilities as a Regional Manager.. (Hj. Yeyet Solihat, 2016).

New candidates for the position do not necessarily have the same vision and mission as the current Regional Manager. The issue later invalidated the district government's job, as he encountered some difficulties in filling the post of deputy district chief, had political unrest, and was involved in ways that led to legal uncertainty. Did. Of course, it would be extremely harmful to the people of each region and would create community distrust of local governments..

¹ The mechanism for filling the position of Deputy Regional Head is regulated in nature and regulated by law. Among them, some deputy mayors will resign, while others will be dismissed at the plenary session. In appointing regional mayor deputies, we will strive to meet the requirements of laws and regulations related to regional chief elections. Otherwise, the position of deputy district chief will have to be filled, which may affect the work of the district government. Influence local governments and challenge citizens without the presence of a deputy district chief. in the same position as the chief, in the same position as the chief, in the same position as the chief, in the same position as the chief, in the same position as the chief have an influence on

On the other hand, there are differences in the mechanism between the Governor and the Regent/Mayor if they experience termination of office before the term of office, such as death, quitting of their own volition and also being terminated by force. The following table shows the differences between the Governor and the Regent/Mayor if they are dismissed:

Table 1 regarding Governors who experienced dismissal before their term of office ended.

| GOVERNOR IN PERMANENT DISABILITY (DIED) | THE GOVERNOR WHO WAS REMOVED AT YOUR OWN DEMAND | GOVERNOR FORCEDLY REMOVED |
|---|---|--|
| If the deceased Regional Mayor/Lieutenant Governor is a Governor and/or Lieutenant Governor, the decision will be made by the DPRD Provincial Leadership and proposed to the President by the DPRD Provincial Leadership. Home Secretary decides to remove former Governor/Lieutenant | If the voluntarily resigned Regional Head/Representative is a Governor/Lieutenant Governor, the inquiry must be made by the National Leadership of the DPRD at a meeting and will be proposed by the National Leadership of the DPRD. Dispatch of the President by the Secretary of State to prepare for discharge. DPRD state leadership | Local leadership of the DPRD for a period of 6 months following the expiration or prolonged incapacity or dismissal of a Governor/Lieutenant Governor whose term has expired or has not served for an extended period of time. Through the State Department, it was proposed by the DPRD local leadership by the capital and the |

| | | |
|---|---|---|
| Governor. the president fired the governor. | did not recommend transferring the deceased governor/lieutenant governor. The president dismissed the governor. | president to continue or run unhindered for a period of six months. Please make a decision to cancel. |
|---|---|---|

Table 2 Regarding Regents/Mayors who experienced termination of office before the end of their term of office.

| <p>2</p> <p>REGENT/VICE REGENT AND/OR MAYOR/VICE MAYOR WHO IS PERMANENTLY ABSOLUTED</p> | <p>10</p> <p>REGENT/VICE REGENT AND/OR MAYOR/VICE MAYOR STOPPING AT OWN REQUEST</p> | <p>2</p> <p>REGENT/VICE REGENT AND/OR MAYOR/VICE MAYOR WHOSE TERMS OF OFFICE HAS BEEN TERMINATED</p> |
|---|--|--|
| <p>If the former Director/Deputy Director is the Regent/Vice President or Mayor/Mayor, the removal of the Regent/Municipality from the DPRD must be implemented and proposed at the planning opinion meeting. A city that has the Minister of State removed from office by the governor as central government. If the DPRD County/City Leader does not recommend the removal of the deceased Regent/Deputy Mayor or Mayor/Deputy Mayor, the Minister of Foreign Affairs will replace the Regent/Deputy Mayor or Deputy Mayor. Proposal of the governor as central government. If the Governor</p> | <p>If the Mayor is a Regent/Vice-Regent or Mayor/Mayor, the removal is carried out in plenary with the canopy/municipal leaders and proposed by the Regent/Municipal Council. The DPRD, on behalf of the central government, is sent to the Secretary of State through the Governor to receive termination notices. If the DPRD County/City leadership does not recommend the removal of the deceased Regent/Deputy Regent or Mayor/Deputy Mayor. The Secretary of State transfers the Regent/Deputy Regent or Mayor/Mayor as Central Government on the Governor's</p> | <p>The removal of a Regent and/or Deputy Regent or Mayor and/or Deputy Mayor whose term of office has expired or has been ineligible for a long term or six months shall be decided by the Regent/City Council. will do. He suggested that state/city leaders obtain a notice of dismissal from the governor on behalf of the central government. If the DPRD Regent/Community Leader does not recommend the removal of the Regent and/or Deputy Mayor, or the Mayor and/or Deputy Mayor, upon expiration of their term, the Minister of Home Affairs becomes Regent and/or Deputy Mayor. Deputy Regent or Mayor and/or Deputy</p> |

| | | |
|--|---|--|
| <p>as Central Government does not recommend the removal of the Regent/Deputy Mayor or Mayor/Deputy Mayor, the Secretary of State will replace the Regent/Deputy Mayor or Deputy Mayor.</p> | <p>proposal. If the Governor as Central Government does not recommend the removal of the Regent/Deputy Mayor or Mayor/Deputy Mayor, the Secretary of State will transfer the Regent/Deputy Mayor or Deputy Mayor.</p> | <p>Mayor on the recommendation of the Governor representing the Central Government. If the Governor, on behalf of the Central Government, does not recommend the removal of the Regent and/or Deputy Mayor, the Mayor and/or Deputy Mayor whose term has expired, the Minister of the Interior shall remove the Regent and/or Deputy Mayor. A regent or mayor or deputy mayor.</p> |
|--|---|--|

Closing

1. Conclusion

From the discussion of research questions, it can be concluded that:

Although not specifically stated in the 1945 Constitution of the Republic of Indonesia, the importance of deputy mayors who assist mayors in local administration is not unconstitutional and is included in Article 63. Assigned to Regional Vice President Operations. Article 66 of his Law No. 23 of 2014 on Regional Management contains the duties of the Regional Deputy Commissioner in the implementation of Regional Management. A manager without a regional manager. The district council's duties and powers are universal, with full authority vested in the district chief, who is always dependent on a representative for specific matters, and who has subordinates. There is an area. If there is no manager, the local administrator is considered incapable of managing the local government. That alone can be controversial and problematic, especially in state governments. advantage.

2. Suggestions

Based on the results of the discussion and also the conclusions above, the suggestions given by the author are as follows:

1. The Government of Indonesia should pay more attention to the importance of the position of Deputy Mayor who directs and supports the local government's Mayor.
2. Regional Leaders must bring two Vice Regional Leader candidates with them when they take office.
3. A regional leader must act quickly to find a new deputy leader if his deputy is permanently absent or dies. Must be announced publicly. .

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