

LEGAL CERTAINTY FOR FILLING THE POSITION OF DEPUTY REGIONAL HEAD OF REGENCY AND MUNICIPALITY

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ABSTRACT

Indonesia is a unitary state that recognizes the sovereignty of the people in a regional head election consisting of 1 (one) pair of regional heads and deputy regional heads. Legal certainty is a principle which states that the law must be clear for filling the position of deputy district and municipal regional head arbitrarily in exercising power based on law without any discrimination.

This research aims to examine issues related to filling the post of deputy regional head and how it is implemented in the Regency/Municipality. So to get relevant data the researcher collects data that limits the norms contained in the laws and regulations.

*The vacancy in the position of regional head due to the request itself, being dismissed, and passing away also causes a vacancy in the position of deputy regional head so that the position of deputy regional head is vacant until the position of regional head is filled again based on the Law on filling positions. It was also found that orders of legal norms were a form of abuse of authority by the authorities (*Determination de Pouvoir*) because they ignored the law and resulted in the loss of legal sovereignty and also people's sovereignty.*

Keywords: Position of Deputy Regional Head, De Pouvoir Detournement

1. INTRODUCTION

Indonesia's independence was de facto proclaimed on August 17 1945, with Pancasila as the state ideology and the 1945 Constitution of the Republic of Indonesia, hereinafter referred to as the 1945 Constitution of the Republic of Indonesia, the form and sovereignty mandated in the Unitary State of the Republic of Indonesia are contained in CHAPTER I Article 1 of the 1945 Constitution of the Republic of Indonesia "Third Amendment" which determines:

1. The State of Indonesia is a unitary state in the form of a Republic;
2. Sovereignty is in the hands of the people and is implemented according to the Constitution;
3. Indonesia is a country of law.

The mandate of the Constitution of the Republic of Indonesia of 1945, if linked to Article 1 paragraph (1) of the Constitution of the Republic of Indonesia of 1945, means that the Unitary State of Indonesia is in the form of a republic, recognizes the sovereignty of the people constitutionally and is based on law where state administration is carried out based on law by all components of the state along with citizens and society through the Judicial Body, the concept of decentralization is the best decision that needs to be taken by this nation, this choice cannot be

separated from the conditions of the country's vast territory so that it is no longer possible for all state affairs to be resolved by the state government domiciled in the center of government of the country's capital, for this reason it is deemed necessary to form local equipment which is distributed throughout the country to resolve regional affairs.

Bearing in mind the important position of regional government in the constitutional system of the Republic of Indonesia, which is an integral part of domestic government, which is the lowest government administration and directly deals with the people in an effort to achieve a just and prosperous society based on Pancasila and the 1945 Constitution, the government regulates village government. This is in a law in an effort to achieve uniformity in village government patterns throughout Indonesia. Regarding Regional Government in the 1945 UUDNRI, it is an embodiment of the principle of decentralization or regional autonomy in government in Indonesia. The granting of autonomy here aims to accelerate equitable distribution of national development and assist the central government in managing the country. This can be seen in considerant points b and c of Law Number 23 2014 concerning Regional Government, In line with the development of the dynamics of homeland politics, in accordance with Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia in conjunction with Articles 56 - 119 of Law No. 32 of 2004 concerning Regional Government, for the first time in June 2005 Regional Head Elections are held directly by the people Indonesia also applies to Regency and Municipal areas.

Districts and municipalities are one of the autonomous regions within the provincial government area, where regional heads in districts and cities experience a vacancy in the position of deputy regional head due to several factors, namely:

- 1) own request, If the Deputy Regional Head resigns at his own request, the dismissal is carried out by the leadership of the Regency and/City DPRD in a plenary meeting and proposed by the leadership of the Regency and/or municipal DPRD to the Minister of Home Affairs through the Governor to obtain a dismissal decision. If the Deputy Regional Head who resigns at his own request is the Deputy Regent and/or Deputy Mayor, the dismissal is carried out by the leadership of the Regency/City DPRD in a plenary meeting and is proposed by the leadership of the Regency/City DPRD to the Minister of Home Affairs through the Governor as a representative of the Central Government to obtain termination determination. In the event that the leadership of the Regency/City DPRD does not propose to dismiss the Regent and/or Deputy Regent or Mayor and/or Deputy Mayor who dies, the Minister of Home Affairs dismisses the Regent and/or Deputy Regent or Mayor and/or Deputy Mayor based on the recommendation. Governor as representative of the Central Government. If the Governor as the representative of the Central Government does not propose the dismissal of the Regent and/or Deputy Regent or Mayor and/or Deputy Mayor who dies, the Minister of Home Affairs dismisses the Regent and/or Deputy Regent or Mayor and/or Deputy Mayor.
- 2) If the Deputy Regional Head dies, the dismissal is carried out by the leadership of the Regency and City DPRD in a plenary meeting and is proposed by the DPRD leadership to the Governor through the Minister of Home Affairs to obtain a determination of dismissal. In the event that the leadership of the Provincial DPRD does not propose to dismiss the Deputy Regent and/Deputy Mayor who dies. If the Deputy Regional Head who dies is the Deputy Regent and/or Deputy Mayor, the dismissal is carried out by the leadership of the Regency/City DPRD in a plenary meeting and is proposed by the leadership of

the Regency/City DPRD to the Minister of Home Affairs through the Governor as a representative of the Central Government to obtain a determination of dismissal. . In the event that the leadership of the Regency/City DPRD does not propose to dismiss the Deputy Regent and/or Deputy Mayor who dies, the Minister of Home Affairs dismisses the Deputy Regent and/or Deputy Mayor on the recommendation of the Governor as a representative of the Central Government. If the Governor as the representative of the Central Government does not propose the dismissal of the Deputy Regent or/or Deputy Mayor who dies, the Minister of Home Affairs shall dismiss the Deputy Regent or Mayor and/or Deputy Mayor.

1. dismissed,
2. End of term of office or unable to carry out duties continuously or permanently absent consecutively for 6 months Dismissal of Deputy Regent and/or Deputy Mayor whose term of office ends or unable to carry out duties continuously or permanently absent consecutively for 6 months carried out by the leadership of the Regency/City DPRD in a plenary meeting and proposed by the leadership of the Regency/City DPRD to the Minister of Home Affairs through the Governor as the representative of the Central Government to obtain a dismissal decision. In the event that the leadership of the Regency/City DPRD does not propose the dismissal of the Deputy and/or Deputy Mayor whose term of office has ended, the Minister of Home Affairs dismisses the Deputy Regent and/or Deputy Mayor on the recommendation of the Governor as a representative of the Central Government. If the Governor as a representative of the Central Government does not propose to dismiss the Regent and/or Deputy Regent or Mayor and/or Deputy Mayor whose term of office has ended, the Minister of Home Affairs dismisses the Regent and/or Deputy Regent or Mayor and/or Deputy Mayor.
3. Declared to have violated the oath/pledge of office as regional head/deputy regional head or not carrying out deputy obligations regional heads comply with all provisions of statutory regulations or violate prohibitions against deputy regional heads or commit disgraceful acts deputy regional heads comply with all provisions of statutory regulations or violate prohibitions against regional heads and deputy regional heads or commit disgraceful acts proposed to the President based on the Court's decision Agung regarding the opinion of the Provincial DPRD that it is declared that they have violated their oath/promise of office, not carried out the obligations of deputy regional heads or violated the prohibitions against regional heads and/or deputy regional heads, if the Provincial/Regency/City DPRD does not hold a DPRD Plenary Meeting to issue a DPRD Opinion regarding Deputy If a Regional Head violates the oath/promise of office, does not carry out the obligations of the Deputy Regional Head, or violates the prohibitions against the Deputy Regional Head, and/or commits a disgraceful act, the Central Government will dismiss the Deputy Regional Head in question. To carry out the dismissal, the Central Government conducted an examination of the Deputy Regional Head to find evidence of violations committed by the Deputy Regional Head. The results of the examination were submitted by the Central Government to the Supreme Court to obtain a decision regarding violations committed by the Deputy Regional Head. If the Supreme Court decides that DeputyThe Regional Head is proven to have committed a violation, the Central Government dismisses him and/or the Deputy Regional Head.
4. Using fake documents and/or information as requirements when nominating a Deputy Regional Head. In the event that a Deputy Regional

Head is suspected of using fake documents and/or information as a requirement when nominating a Deputy Regional Head based on evidence from the institution authorized to issue documents, the DPRD uses the right of inquiry to carry out an investigation. If, as a result of an investigation by the DPRD, the Deputy Regional Head is proven to have used false documents and/or information as requirements when nominating the Deputy Regional Head based on evidence from the institution authorized to issue the document, the Regency/City DPRD proposes the dismissal of the Deputy Regent and/or Deputy Mayor to Minister of Home Affairs through the Governor as representative of the Central Government. Based on the Provincial DPRD's proposal, the Minister of Home Affairs dismisses the Deputy Regent and/or Deputy Mayor no later than 30 days after receiving the proposal from the Regency/City DPRD. In the event that the DPRD does not carry out an investigation into the Deputy Regional Head's violations, the Central Government will provide clarification to the DPRD concerned.

From the vacancy in the position of deputy regional head of district and/or city, the author draws several problem formulations as follows:

1. Regarding the legal certainty of filling the position of deputy regional head of district and/or city in a situation where the position of deputy regional head is vacant;
2. What are the obstacles to filling the position of deputy regional head;

Regarding the legal issue in this research, to find an answer to this problem, it is absolutely necessary to use a legal analogy regarding the suitability of the practice of filling the positions of deputy regent and deputy mayor with statutory regulations and legal teachings so that an answer can be found in accordance with the objectives of this research.

2. RESEARCH METODOLOGY

This research is Normative legal research, namely rules used as a way to evaluate whether an action, or policy is acceptable or not. which combines material from books and Legislative Regulations to complete the data in research on Legal Certainty for Filling the Positions of Deputy Regional Heads of Regency and Municipalities. The approach method used in this research is an approach using legislation and regulations. The statutory approach is carried out by reviewing all relevant laws and regulations by researching the binding force of court decisions in unlawful acts from the perspective of the judicial trilogy and the principle of *aanmaning*

3. RELATED RESEARCH/ LITERATURE REVIEW

Previous journal writing related to writing this journal includes a journal entitled Portrait of a Political Dynasty in Filling Administrative Positions by Ramlan Darmansya, Siti Desma Syahrani, Zulfa Harirah MS from the government science department at the University of Riau, and a journal entitled Legal Discourse: Alternative Filling Patterns Position of Regional Head during the Covid-19 Pandemic by Richard Keneddy from the Faculty of Law and Communication, Soegijapranata Catholic University Semarang, Indonesia and Bonaventura Pradana Suhendarto from Master of Law Study Program, Faculty of Law, Diponegoro University, Indonesia.

4. RESULTS AND DISCUSSION

Legal Certainty for Filling the Position of Deputy Regional Head of Regency and City

The concept of a unitary state adopted in the Indonesian constitution as regulated in the basic law, namely article 1 point 1 of the 1945 Constitution of the Republic of Indonesia, states that "the State of Indonesia is a Unitary State in the Form of a Republic". in the State.

According to Moh. Kusnardi and Bintan R. Saragih, called a unitary state "if the central government and regional government are not the same and are not equal, central power is more prominent and there is no competition for the central legislative body in making laws, the power of regional government is only derivative". In essence, a unitary state does not recognize any state within a state, there is only one sovereign government, namely the central government. The power in the hands of the Regional Government is a mandate or authority from the center and regional laws must not conflict with national law, central regulations no longer require recognition from the regions.

F Isjawara said that a unitary state is "a form of state in which the highest legislative authority is centralized in one national-central legislative body", according to him a unitary state is the strongest form of statehood when compared to a federation or confederation state, because in a unitary state there are union and unity.

Furthermore, Bagir Manan said that the formation of the Unitary State of the Republic of Indonesia required the centralization of all affairs covering the entire territory of the Unitary State of the Republic of Indonesia. Bagir Manan explained that there was centralization of all affairs over the entire region: "This centralization has two sides (dimensions), namely the duties of the Unitary State of the Republic of Indonesia, towards centralized interests and supervision over the implementation of the interests of the local people."

The concept of a Unitary State adopted by Indonesia is different from the concept of a federation or confederation, because in a unitary state there is unity and unity between the Central and Regional governments in administering the state.

The concept of a unitary state is very appropriate when looking at the conditions of the vast territory of Indonesia, as well as an archipelagic country, to make state administration more effective in accordance with national development goals. then in article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, regional areas are divided into provinces and provincial areas are divided into regencies and cities which have regional governments. Article 18 in this basic law is the normative juridical basis for the formation of regional governments in Indonesia and explains the position of the government. regions in state administration with the principles of decentralization, centralization as well as the principle of assistance and other principles based on applicable laws and regulations. This indicates that regional government is a series of one system (continuum) in state administration in Indonesia, in the sense of Implementation of Regional Government within the framework of the unitary Republic of Indonesia. placing Regional Government as an inseparable part of the Indonesian state, with the aim of accelerating effectiveness and equal distribution of national development as stated in the 1945 Constitution of the Republic of Indonesia and placing the Central Government as the final person responsible for the administration of the State vide Article 5 paragraph (10) of the Law Number 23 of 2014 concerning Regional Government.

When carrying out the administrative functions of regional government, of course the elements of regional government have the authority inherent in their duties and functions. Attributively, the components in regional government have authority among themselves based on Article 65 of Law Number 9 of 2015. The regional

head has the duty to lead implementation of Government Affairs which fall under the authority of the Region based on the provisions of laws and regulations and policies established together with the DPRD; maintaining public peace and order; prepare and submit a draft Regional Regulation on the RPJPD and a draft Regional Regulation on the RPJMD to the DPRD for discussion with the DPRD, as well as prepare and determine the RKPD; prepare and submit a draft Regional Regulation on the APBD, a draft Regional Regulation on changes to the APBD, and a draft Regional Regulation on accountability for the implementation of the APBD to the DPRD for joint discussion; represent the region inside and outside the court, and can appoint a legal representative to represent him in accordance with the provisions of the laws and regulations; and carry out other duties in accordance with statutory provisions.

To carry out the tasks referred to above, regional heads have the authority to submit draft regional regulations; enact regional regulations that have received joint approval from the DPRD; establish regional regulations and regional head decisions; take certain actions in urgent situations that are really needed by the Region and/or the community; carry out other authorities in accordance with the provisions of statutory regulations. Based on the provisions of Article 66 of Law Number 9 of 2015 concerning Regional Government, the deputy regional head has the task of assisting the regional head in:

1. Leading the implementation of Government Affairs which fall under the authority of the Region;
2. Coordinate the activities of Regional Apparatus and follow up on reports and/or findings resulting from supervision by supervisory authorities;
3. Monitor and evaluate the implementation of Regional Government carried out by the provincial Regional Apparatus for the deputy governor; And
4. Monitor and evaluate government administration carried out by district/city, sub-district and/or village regional apparatus for deputy regents/mayors;
5. Provide suggestions and considerations to regional heads in the implementation of Regional Government;
6. Carry out the duties and authority of the regional head if the regional head is serving a period of detention or is temporarily absent; And
7. Carry out other duties in accordance with statutory provisions.

Apart from carrying out the duties as intended, the deputy regional head carries out other government duties and obligations assigned by the regional head as determined by the regional head's decision. In carrying out the duties as intended in paragraphs (1) and (2), the deputy regional head signs an integrity pact and is responsible to the regional head. The deputy regional head is obliged to carry out duties together with the regional head until the end of the term of office. If you look at the description above, regarding the authority of Regional Heads and Deputy Regional Heads as regional government administrators, you can clearly see the distribution of portions of authority for each component, in the implementation of regional government including Deputy Regional Heads. This is what the makers of the Law mean by indicating that each Component is Organizing Regional Government has a clear legal position in regional government so that the duties and functions of each component have clearly defined legal portions.

Based on the results of research regarding the practice of filling the positions of deputy regent and deputy mayor, there are several things that the author found, including the vacancy in the position of district and municipal regional heads, which is one of the causes of vacancies in the positions of deputy regional heads. There is indeed a slight difference in regional conditions caused by the transition of the position of Head. Regions in the middle of the road where the position of Regional Head is automatically replaced by deputy regional heads who are elected in one

pair through a general election and immediately appointed by the Governor as. After the inauguration, there was a vacancy in the positions of deputy regent and/or deputy mayor.

Obstacles in Filling the Position of Deputy Regional Head

Filling out the interim period of office is as per the Norm Order in Law Number 9 of 2015. The obstacles faced include:

1. Constrained by political party lobbying, because the authority in succession is the domain of the political party in accordance with the attributive authority it has where the nomination of the Deputy Regent candidate is in the hands of the political party, this is in accordance with Article 176 paragraph (2) of Law number 10 of the year 2016, Juncto Article 154 paragraph (1) letter d Law Number 9 of 2015 "the political party or coalition of supporting political parties proposes two candidates for Deputy Regional Head (Deputy Regent) to the DPRD through the Regent to be elected at the DPRD plenary meeting."
2. There is a legal loophole which has become a political commodity for certain individuals not to fill positions. This legal gap is a Government Regulation as a mandate from the norms of Article 176 paragraph (5) as a form of delegation of authority in forming regulations as a legal basis for filling the positions of Deputy Regent and Deputy Mayor. Since the position was vacant, it was only published in April 2018, namely Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for Provincial, Regency and City Regional People's Representative Councils (DPRD), and if this is done absolutely it cannot be filled because it is legal to fill the position of Deputy Regional Head if the remaining positions are more than 18 (eighteen) months from the vacancy of the position as regulated in paragraph (4).
3. The next obstacle that causes the failure to fill the vacancies of Deputy Regent and/Deputy Mayor is the absence of sanctions in the case of not implementing the Norm Orders in Article 66 paragraph (4) of Law Number 9 of 2015 in terms of filling the Position of Deputy Regional Head for the Central Government and Government Regions are subject to the legal arrangements of the Aquo Law as well as the lack of systematic control by the Central Government, Provincial Government for the ranks of district and municipal Regional Governments to immediately fill the positions of Deputy Regional Heads of Districts and Municipalities as regulated in Article 173 paragraph (4), (5) Law Number 10 of 2016 concerning Regional Elections in conjunction with Articles 91 – 93 of Law Number 23 of 2014 concerning Regional Government and the lack of legal understanding of Human Resources in government ranks.

Regarding the legal issue in this research, to find an answer to this problem, it is absolutely necessary to use a legal analogy regarding the suitability of the practice of filling the positions of deputy regent and deputy mayor with statutory regulations and legal teachings so that an answer can be found in accordance with the objectives of this research. A little review regarding the non-filling of the position of Deputy Regent of Regency and/or Municipality as ordered by the norms of Article 66 Paragraph (4) of Law Number 9 of 2015 which is caused by the ineffectiveness of these legal norms. The above conditions could have been avoided, if only The regulations for filling the position of Deputy Regent / Deputy Mayor refer to the principles of legality put forward by Lont Fuller in the formation process so that they have effective implementation and binding power, because there is consistency between the regulations promulgated and the daily implementation of these legal norms. .

If it is related in theory to legal teachings, there has been a delegation of authority to form regulations (delegation of legislation), but in practice it can be said that the Government as the recipient of the delegation in making implementing regulations is very slow and gives the impression of not obeying the orders of the Law, thus

causing the Law to be ineffective. In its enactment, the law indirectly loses its validity and binding force from the implementation of this law, resulting in legal uncertainty regarding the legal position of the position of deputy regional head.

To produce good legislation, it must have at least three basic foundations, namely philosophical, sociological and juridical foundations. - invitations that are issued in accordance with the ideals of the law (*rechtside*). The three foundations include:

1. The philosophical basis for the formulation of legislative regulations revolves around the basic values of state ideology (*Pancasila*), which means that every drafting of legislative regulations must be in accordance with the legal ideals referred to by *Pancasila*.
2. Sociological basis for the formulation of the laws and regulations that are formed must reflect the realities of life in society and represent the aspirations of society in the sense that the laws produced in their implementation are accepted in society¹⁶
3. The juridical basis for the formulation of statutory regulations that are formed can be understood through a system approach and hierarchy of legal rules. The juridical basis is divided into 2 types, namely: first, the formal juridical basis, namely the legal provisions that designate or give authority to the institutions/organs that form the Legislative Regulations. -legislation, secondly the material juridical basis, namely the legal provisions that determine the content of the Legislative Regulations that are formed.

Furthermore, apart from these three foundations, in the process of forming a Legislative Regulation it is also absolutely necessary to pay attention to the principles in the formation of Legislative Regulations because the principles in legal teachings are the main pillars and also the basic standards used as a reference in the implementation of the law, especially in a The process of forming laws to produce good legislation can also apply Ann Seidman and Robert Seidman's *Rocipi* method. ¹⁸ The application of this method can be done by:

1. Conceptual Theoretical Justification, that is, before the drafting of Legislative Regulations is carried out, a search is first carried out on the theories, principles used as a basis for justification, for example the Kelsen theory of hierarchy of norms, the principle of *lex Superior derogat Inferiori* (a higher Law overrides existing Regulations). lower), this principle needs to be understood so that the Legislative Regulations that are issued fulfill a sense of justice, legal certainty and suit society's needs for law.
2. Constitutional and Juridical Justification, in relation to the *Rocipi* method, namely to avoid the possibility of a vertical conflict of norms with the basic law (*UUDNRI 1945*) or a horizontal conflict of norms, a formulation like this needs to be carried out so that the resulting legislation is not null and void;
3. The use of deductive and inductive logic in seeking conformity between legal concepts and conformity with basic law and lower statutory regulations, by collecting and/or linking facts related to the drafting of legislation, then identifying them, then formulating them in form of recommendation to be normalized in Legislative Regulations.

Regarding the vacancies in the positions of Deputy Regent and Deputy Mayor, the author can say that this is caused by a lack of understanding of the law and the absence of political power in enforcing and/or implementing norm orders so that the law does not run effectively, especially the implementation of norm orders which results in ignoring legal norm orders by the government and there are no sanctions for the Government in the event that it does not implement the norm orders in the formulation of the material content of the Law so that it becomes a legal loophole to become a political commodity.

The enactment of a number of statutory provisions in implementing regional government, where regional government is essentially an inseparable part of the Unitary State of the Republic of Indonesia, in this case related to the problems of the position of Deputy Regional Head, can be avoided, it has become a juridical consequence that every government action must be based on law. In accordance with the principle of legality in government (*Wetmatigheid*), the government should obey every legal order.

As stipulated in the statutory provisions, the Regional Head and Deputy Regional Head constitute a package resulting from the implementation of the general election for regional heads (*pemilukada*) which is the implementation of people's sovereignty in the region in a democratic manner *vide* Article 1 number 1 of Law Number 8 of 2015. Then next are the main tasks along with the authority of Regional Heads and Deputy Regional Heads are re-regulated in the Regional Government Law.

In essence, the legal position of the Deputy Regional Head is equivalent to that of the Regional Head in running the government, with the exception of determining policy. In carrying out the duties as regulated in Article 66 of Law Number 9 of 2015, the Deputy Regional Head is responsible to the Regional Head. The Deputy Regional Head replaces the Regional Head until the end of his term of office if the Regional Head dies, resigns, is dismissed, or is unable to carry out his obligations for 6 (six) continuous months during his term of office. Thus, normatively, juridically, the position of deputy regional head is very strategic when viewed from the enormous duties and functions of the regional head. The role and function of the deputy regional head is very important in local government, so it is appropriate for the legislators to regulate it in such a way. Therefore, ignoring the vacancy in the position of Deputy Regional Head indirectly results in eliminating the sovereignty of the law and also the sovereignty of the people which is manifested in the legally recognized General Election of Regional Heads (*Pemilukada*). The next question that arises from the form of the government's actions in this case of neglect is whether this action is an unlawful act/an act against the law by the authorities, of course here you have to use the right parameters in measuring this legal act with doctrines or expert opinions. This provision was formulated to re-collect data on the Indonesian constitutional system so that the Indonesian constitutional system can be realized optimally so that a system of checks and balances between state institutions can be realized on an equal footing. Abuse of authority or commonly known as *detournement de pouvoir* according to several experts. *Sjachran Basah* defines it as an official's action that is not in accordance with the objectives but is still within the scope of statutory provisions, while arbitrary action (*abus de Detroit*) is an official's action that is not in accordance with the objectives outside the statutory provisions. According to *Utrecht* and *Moh. Saleh Djindang* occurs when a state instrument uses its power to carry out a public interest that is different from the public interest intended by the regulations that form the basis of that power. Apart from that *detournement de pouvoir* does not only occur in the field of making decisions but is a phenomenon that exists in all fields of government in broad meaning of the word (including the scope of justice).

The above formulation is related to legal events in the Regency and deputy deputy mayor where the vacancy in the position of deputy regional head, as the author explained previously, occurred due to the neglect of norm (legal) orders, namely the norm orders in Article 66 paragraph (4) of Law Number 9 of 2015 in conjunction with Article 176 paragraph (5), Article 205B letters a, c, Article 206 C of Law Number 10 of 2016 which determines that deputy regional heads must carry out their duties until the end of the regional head's term of office, further regulations regarding procedures for filling the position of deputy regional heads are regulated in a Government Regulation, to deal with the legal vacuum that previously existing Implementing Regulations can be used, this Government Regulation is issued no later than 3 (three) months to fill the positions of Deputy Regent and Deputy Mayor.

Therefore, in this legal incident, according to the author, if it is related to doctrine or expert opinion, if there is a vacancy in the position of Deputy Regent and Mayor, this is a form of abuse of authority (*detournement de pouvoir*), this should have been avoided if the provincial government and the ministries in The state carries out control and guidance on the implementation of regional government as regulated in Articles 91-93 of Law Number 23 of 2014.

5. CONCLUSION

Based on the description above, the author can draw the following conclusions:

1. This lack of understanding of the law among stakeholders in administering government can be seen from the legal argument which states that they cannot fill this position because there is no Government Regulation as a legal basis for filling the position of Deputy Regional Head as per the norm in Article 176 paragraph (5) of the Law. Law Number 10 of 2016, is not correct, this is based on the provisions in Article 205B of the transition rules of Law Number 10 of 2016 which determines "When this Law comes into force, all Legislative Regulations which are the implementing regulations of the Law -Law Number 8 of 2015 in conjunction with Law Number 1 of 2015 is stated to still be valid as long as it does not conflict with the provisions of this Law, and in fact Government Regulation Number 102 of 2014 concerning Procedures for Proposing and Appointing Deputy Governors, Deputy Regent, and Vice Mayor.
2. There is a disregard for legal norms in terms of the positions of deputy regent and deputy mayor not being filled and this is a form of abuse of authority by the authorities (*detournement de pouvoir*) in a structured and systematic manner for both the Central and Regional Governments which tarnishes the ideals of the law itself (*recthsiiide*) and results in legal uncertainty. over the position of deputy regional head as well as the loss of forms of legal sovereignty, the sovereignty of the people of district and city communities.

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