



IMPEACHMENT PATTERN OF REGIONAL HEADS IN INDONESIA USING REGIONAL AUTONOMY PARADIGM APPROACH

Isnawati

Universitas 17 Agustus 1945 Samarinda, Samarinda, Indonesia

isnawati@untag-samarinda.ac.id; isnawati21kaltim@gmail.com

Fatma Hidayati

Sekolah Tinggi Agama Islam Nahdlatul Ulama Purworejo, Purworejo, Indonesia

hidayatifatma@gmail.com

Adam Setiawan

Student of the Doctor of Law Program, Universitas Islam Indonesia,

Yogyakarta, Indonesia

adamsetiawanmunif@gmail.com

ARTICLE INFO

Keywords:

Impeachment; Regional autonomy; Regional Head; Society participation

ABSTRACT

The issue of the dismissal of regional heads is often discussed in several expert circles because, if examined carefully, several juridical issues need to be comprehensively studied. The involvement of the central government in the process of dismissing regional heads is actually counterproductive to the paradigm of regional autonomy. Regional autonomy is oriented towards the independence of a region to manage its regional affairs. This paper discusses the pattern of impeachment of regional heads in Indonesia using the regional autonomy paradigm approach. The type of research used is doctrinal legal research (black letter law), which focuses on determining the law on certain issues. The results showed that there are four patterns of impeachment of regional heads and/or deputy regional heads. First, the process of dismissing a regional head involves the role of the Regional People's Representative Council (DPRD) and the Central Government. Second, the dismissal involves the roles of the DPRD, Central Government, and Supreme Court. Third, the temporary dismissal of regional heads only involves the role of the Central Government. Fourth, dismissal occurs through the DPRD's right of interpellation and investigation if evidence of criminal law is found. This shows that the pattern of dismissal of regional heads and/or deputy regional heads is centralized and even negates the spirit of regional autonomy because the DPRD does not have a role in dismissing regional heads. Apart from that, there are no clear provisions regarding public involvement in the impeachment process, which tends to have political nuances, making it neither accountable nor transparent.

A. INTRODUCTION

This research will examine the pattern of dismissal of regional heads in the regional autonomy paradigm approach. The issue of dismissal of regional heads is often a discourse in several expert circles because, if examined carefully, several juridical issues need to be comprehensively studied. *First*, the involvement of the central government in the process of dismissing regional heads, even in Article 83 paragraph (3) of Law Number 23 of 2014 on Regional Government, the temporary dismissal of regional heads and/or deputy regional heads is carried out by the President for governors and/or deputy governors and by the Minister for regents and/or deputy regents or mayors and/or deputy mayors, is actually counterproductive to the paradigm of regional autonomy. Regional autonomy is oriented towards the independence of a region to manage its regional affairs. This means that those who can actualize their regional interests are local governments through their regional heads. *Second*, the involvement of the central government in the process of dismissing regional heads is considered counterproductive to the framework of direct democracy, which should actually return the dismissal process to the DPRD, both at the district and provincial levels, as an institution that represents popular sovereignty at the local level (local democracy).¹

As a result of the involvement of the central government in the impeachment of regional heads as stipulated in Law Number 23 of 2014 concerning Governance, which has been revised into Law Number 9 of 2015 (*UU Penda/Pemda Law*), according to the judge the provisions in the Regional Government Law have distorted the rights of the constitutional rights of the people at the local level, because the determination of a person to become a regional head, is not in the hands of the President, but is in the hands of the local community (local democracy) with the instrument through direct regional head elections.²

In practice, the impeachment process initiated by the DPRD does not always end with the dismissal of the Regional Head because it must go through proof first, as in the case of 2020, namely the Regent of Jember Regency, Faida. The Jember Regency People's Representative Council (DPRD Jember), in a plenary meeting, expressed an opinion as a follow-up to the right of interpellation and the right of inquiry to propose the dismissal of Jember Regent Faida.³

The impeachment attempt by the Jember DPRD against the Jember Regent had to stop after the Supreme Court issued Decision Number. 2

¹ Abdul Aziz Hakim, *Impeachment Kepala Daerah*, (Yogyakarta: Pustaka Pelajar, 2018), p. 8.

² Hakim, *Impeachment Kepala Daerah*, p. 8.

³ Zumrotun Solichah, "DPRD Jember sepakat usulkan pemberhentian Bupati Faida," Antara, July 22, 2020. <https://www.antarane.ws.com/berita/1627270/dprd-jember-sepakat-usulkan-pemberhentian-bupati-faida>. Accessed December 29, 2023.

P.KHS/2020 whose ruling reads as follows: 1) rejected the request for a review of opinion from the Petitioner for the Regional People's Legislative Assembly for the Jember Regency; 2) declared the Jember Regency Regional People's Legislative Council Decree Number 08 of 2020, dated July 22, 2020, concerning the Right to State the Opinion of the Jember Regency Regional People's Legislative Council against the Jember Regent as having no legal basis.⁴ The impeachment process initiated by the Jember DPRD against the Regent of Jember is a political process laden with interests, but the existence of the Supreme Court as a forum *privilegium* to objectively assess whether the regional head is proven to have violated the law. However, what is problematic is the unclear normative requirements that affect the impeachment process against regional heads, one of which is through policies issued by the Minister of Home Affairs. In fact, if we refer to the legal politics of the Local Government Law, one of which is to synergize government affairs, it creates institutional synergies between the central and regional governments.⁵

Based on the description mentioned above, it shows that there are 2 (two) legal issues regarding the pattern of impeachment of regional heads in Indonesia. Therefore, this paper will conduct a comprehensive study of the pattern of impeachment of regional heads in Indonesia so that the discussion is not sporadic; this paper will be limited to the following issues: 1) how is the pattern of impeachment of regional heads in Indonesia using the regional autonomy paradigm approach; 2) what are the normative requirements that affect the impeachment of regional heads.

B. RESEARCH METHODS

Legal research is a process of legal discovery that is carried out systematically on a particular matter and develops in the discipline of law. On a practical level, legal research is a way to find, identify, and retrieve information related to law, both written and unwritten, to regulate society and help support decision-making.⁶ In this research, several regulations and laws are considered relevant to become legal sources to analyze the issues raised. The type of research used is doctrinal legal research (black letter law), which focuses on determining the law on certain issues and referring to laws and

⁴ Decision Number 2 P.KHS/2020, regarding Opinion Review of the Decision of the Jember Regency Regional People's Legislative Council p. 204.

⁵ Sri Kusriyah, "Politik Hukum Penyelenggaraan Otonomi Daerah dalam Perspektif Negara Kesatuan Republik Indonesia," *Jurnal Pembaharuan Hukum* 3, no. 1 (2016), p. 3

⁶ Amy E. Sloan, *Basic Legal Research Tools and Strategies*, (New York: Wolters Kluwer, 2018), p. 22. See also Steven M. Barkan, Roy M. Mersky, and Donald J. Dunn, *Fundamentals of legal research*, (New York: Foundation Press, 2009), p. 1; P. Ishwara Bhat, *Idea and Methods of Legal Research*, (Delhi: Oxford Academic, 2020), p. 2.

court decisions. Doctrinal research will search and interpret existing legal sources of law.⁷

C. RESULT AND DISCUSSION

1. The Pattern of Impeachment of regional heads in Indonesia using the regional autonomy paradigm approach

a. Conception of Regional Autonomy

The concept of a unitary state tends to be interpreted as identical to the centralization of power and the uniformity of government structures.⁸ Before the reformation, the Indonesian state tended to be more centralized, so the central government had excessive power to run the state administration. Therefore, after the collapse of the New Order (*Orde Baru*) regime, the concept of regional autonomy was born. In the Indonesian context, regional autonomy is one of the main agendas of reform that aims to reduce the political economy gap between the central and regional governments. So, the granting of autonomy to the regions has a development orientation, covering all aspects of life and livelihood in a broad sense.⁹

Regional autonomy means freedom or independence owned by the regions. Independence or limited independence is realized through the provision of opportunities.¹⁰ The definition of regional autonomy, according to Logemann, is the freedom of movement given to an autonomous region, which means giving the opportunity to use its initiative from all kinds of powers to take care of the public interest (population).¹¹ In essence, the term autonomy means freedom of independence, but not independence, and freedom of independence must be accounted for. So, in essence, the notion of autonomy in general can be interpreted as the right to regulate and manage one's own household on one's own initiative according to one's circumstances and needs.

⁷ Mike McConville and Wing Hong Chui (eds.), *Research Methods for Law*, Edinburgh: Edinburgh University Press, 2017, p. 3-4. See also, Niketa D. Raval, "Legal Types of Research Methodology," *International Journal of Research in all Subjects in Multi Languages* 6, no. 4 (2018), p. 79

⁸ Ni'matul Huda, *Otonomi Daerah: Filosofi, Sejarah Perkembangan dan Problematika*, (Yogyakarta: Pustaka Pelajar, 2013), p. 60.

⁹ Christine S. T. Kansil, *Pemerintahan daerah di Indonesia: Hukum administrasi daerah 1903-2001*, (Jakarta: Sinar Grafika, 2001), p. 8-9. See also, Desi Sommaliagustina, "Implementasi otonomi daerah dan korupsi kepala daerah," *Journal of Governance Innovation* 1, no. 1 (2019), p. 49.

¹⁰ Kansil, *Pemerintahan daerah di Indonesia*, P. 8-9.

¹¹ Johann Heinrich Adolf Logemann, *Tentang Teori Suatu Hukum Tata Negara Positif*, trans. Husain Achmad Makkatutu and J. C. Pangkarego, [Over de Theorie van Een Stelling Staatsrecht], (Jakarta: Ichtar Baru-Van Hoeve, 1975).

The central government basically has no right to interfere in the implementation of the authority that has been delegated.¹²

Based on Article 1 paragraph (6) of the Regional Government Law, the meaning of regional autonomy is the rights, powers, and obligations of an autonomous region to regulate and manage its own governmental affairs and the interests of the local community within the system of the Unitary State of the Republic of Indonesia. In carrying out local government, it is generally recognized that several principles support the implementation of regional autonomy in the State of Indonesia, namely the principle of decentralization, the principle of deconcentration, and the principle of co-administration (*medebewind*).¹³

b. Relations between Central Government and Local Government

The relationship between the central government and regional governments in the context of regional autonomy is to give more obligations to autonomous regions to administer government by the authority or affairs determined by law as the application of the principle of decentralization is understood to be supported by the principle of deconcentration and co-administration (*medebewind*). However, it does not leave the control function carried out by the Central Government on Regional Governments, either through preventive or repressive supervision.

Based on the opinions that have been expressed, impeachment can be interpreted as a process of bringing charges to account for the actions of public officials through formal political and judicial processes, either separately or in an integrated manner. However, the result of impeachment is not always dismissal.¹⁴

Thus, the centrality and dominance of the central government's authority in carrying out the guidance and supervision authority also has implications for the relationship between the central government and regional governments, leading to a centralized style of power. In addition, this is also evidenced by the pattern of impeachment of regional heads (governors, regents, and mayors) regulated by the Regional Government Law, which involves the central government in the impeachment process. Therefore, further discussion will emphasize the pattern of regional head impeachment.

¹² Djum Anggriani, *Pelaksanaan Pengawasan Pemerintah Pusat Terhadap Peraturan Daerah*, (Jakarta: Tama Jagakarsa, 2011), p. 32. See also, Muhammad Syarifuddin, "Legal heuristic approach in judicial practice," *Lex Publica* 8, no. 2 (2021), p. 2.

¹³ Article 1 paragraph (8), (9), and (11), Law Number 23 of 2014 concerning Regional Government.

¹⁴ Sherlock Halmes Lekipiouw, "Konstruksi Penataan Daerah dan Model Pembagian Urusan Pemerintahan," *Sasi* 26, no. 4 (2020), p. 562.

c. Implementation of Regional Head Impeachment in Indonesia

Many have misunderstood the term impeachment, which means removal or impeachment from office. Even though impeachment is an indictment against someone to be fired or demoted from his position.¹⁵ The term impeachment in Merriam-Webster has the following meanings: 1) to be charged with a crime or misdemeanor; Specifically: to charge (a public official) before a competent tribunal with misconduct in office; 2) to cast doubt on, especially to challenge the credibility of validity.¹⁶ Furthermore, the term impeachment is also defined as 1) a charge of misconduct made against the holder of public office or 2) the action of calling into question the integrity or validity of something.¹⁷

According to Asshiddiqie, in relation to the position of head of state or head of government, impeachment means summons or indictment to demand accountability for alleged violations of the law committed during his term of office.¹⁸ Thus, the institution of impeachment in the legal system, which is often used, especially according to constitutional law, is projected on the provision of law violations that are not only caused by political factors. The meaning of impeachment is an accusation or indictment so that impeachment focuses more on the process and does not necessarily end with the resignation or removal of the President or other high-ranking officials from their positions.¹⁹

Impeachment practice in the United Kingdom is a device to remove from office one who abused his office or misbehaved but who was protected by the crown, and it could be used against anyone held or not office was penal in nature, with possible penalties of fines, imprisonment, or even death. Meanwhile, in the United States, the impeachment process is remedial, not penal: it is limited to office holders, and judgments are limited to no more than removal from office and disqualification to hold future office.²⁰

¹⁵ Hamdan Zoelva, *Impeachment Presiden: Alasan Tindak Pidana Pemberhentian Menurut UUD 1945*, (Jakarta: Konstitusi Press, 2014), p.9

¹⁶ Merriam-Webster Dictionary, s.v. "Impeachment," accessed January 2, 2024, <https://www.merriam-webster.com/dictionary/impeachment#legalDictionary>.

¹⁷ Dictionary.com, s.v. "impeachment," accessed January 2, 2024, <https://www.dictionary.com/browse/impeachment>.

¹⁸ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, (Jakarta: RajaGrafindo, 2013), 23.

¹⁹ Winarno Yudho et al., *Mekanisme Impeachment dan Hukum Acara Mahkamah Konstitusi*, (Jakarta: Mahkamah Konstitusi Republik Indonesia dengan Konrad Adenauer Stiftung, 2005), p. 1.

²⁰ T. F. T. Plucknett, "The Origin of Impeachment," *Transactions of the Royal Historical Society* 24(1942), p. 48. See also, Legal Information Institute, s.v. "impeachment," accessed February 2, 2024, <https://www.law.cornell.edu/wex/impeachment>.

Impeachment procedures are the “bulwark of the constitution.”²¹ According to Hamilton, impeachment is a legislative procedure that requires the aggregation of votes in one or more houses of a legislative body. Even if not called impeachment, head of state removal typically begins with action in the legislature, either in the lower house, the upper house, or both houses acting jointly.²² Impeachment is both political and legal, and just as understanding one country’s experience with impeachment requires studying both its law and its political and social structures, a framework for comparing impeachment regimes must incorporate both legal and extra-legal factors.²³ In addition, impeachment can be interpreted as a criminal justice process involving the House of Representatives and the Senate carrying out a trial that can be accounted for, and this body is bound to take action according to its views on laws and existing facts.²⁴

Based on the opinions that have been stated, impeachment can be interpreted as a process of prosecution to account for the actions of public officials through political processes and formal justice, either separately or in an integrated manner. However, the result of impeachment is not always the dismissal of the person concerned from office. In this paper, the focus of the discussion is directed at the process of impeachment against regional heads to be held accountable for their actions.

The pattern of regional head impeachment is explicitly regulated in the Regional Government Law. The regional head impeachment process involves the roles of four institutions, namely DPRD, the Central Government, the Supreme Court, and Law Enforcement Officials. However, it should be noted that the involvement of these institutions in the process of dismissing regional heads has 4 (four) patterns. First, the process of dismissing a regional head only involves the role of the DPRD and the Central Government; Second, the process of dismissing regional heads involves the roles of the DPRD, the Central Government, and the Supreme Court; Third, the process of temporarily dismissing a regional head only involves the role of the Central Government; Fourth, the process of dismissal through the process of interpellation rights

²¹ Kulu Kingsley Anele, “A Comparative Analysis of the Impeachment Procedures in Nigeria and Indonesia: A Need for a Paradigm Change,” *Lentera Hukum* 9, no. 1 (2022), p. 39.

²² Tom Ginsburg, Aziz Huq, and David Landau, “The Uses and Abuses of Presidential Impeachment,” *Public Law Working Paper No. 731*, University of Chicago of Chicago, 2019, p. 36.

²³ John Ohnesorge, “Comparing Impeachment Regimes,” *Duke Journal of Comparative & International Law* 31, no. 2 (2021), p. 259.

²⁴ Ni’matul Huda, *Presiden dan Pembantu Presiden dalam Sistem Ketatanegaraan Indonesia*, (Yogyakarta: FH UII Press, 2019), p. 247. See also, Boy Nurdin and Khayitjon Turdiev, “Paradigm of justice in law enforcement in the philosophical dimensions of legal positivism and legal realism,” *Lex Publica* 8, no. 2 (2021), p. 65.

and the DPRD's inquiry right if evidence of criminal law is found, the DPRD submits the evidence to law enforcement officials.

Process for dismissing regional heads based on the roles of DPRD, Central Government, Supreme Court, and Law Enforcement Officials:

1. Role of DPRD and Central Government. Article 79 Paragraph (1), The dismissal of the regional head and/or deputy regional head as referred to in Article 78 paragraph (1) letters a and b and paragraph (2) letters a and b is announced by the DPRD leadership in a plenary meeting and proposed by DPRD leadership to the President through the Minister for governors and/or deputy governors and to the Minister through governors as representatives of the Central Government for regents and/or deputy regents or mayors and/or deputy mayors to obtain a stipulation of dismissal.

Article 82 paragraph (1), if the regional head and/or deputy regional head are suspected of using an offense based on evidence from the competent authority, DPRD uses the right of inquiry to conduct an investigation. If proven guilty during nomination for Provincial DPRD, propose the dismissal of governor and/or deputy governor to the President through the Minister and district/city DPRD propose the dismissal of regents and/or deputy regents or mayor and/or deputy mayor to Minister through governor as representative of the Central Government.

2. Role DPRD, Central Government, and Supreme Court. Article 80 paragraph (1), the dismissal as referred to in Article 78 paragraph (2) letter c, letter d, letter e, and/or letter f is carried out provided that the dismissal is proposed to the President for governors and/or deputy governors and to the Minister for regents and/or deputy regent or mayor and/or deputy mayor based on the decision of the Supreme Court on the opinion of the DPRD that the regional head and/or deputy regional head is declared to have violated the oath/pledge of office, not carrying out the obligations of the regional head and/or deputy regional head as referred to in Article 67 letter b, or violates the prohibition against regional heads and/or deputy regional heads as referred to in Article 76 paragraph (1), except for letters c, i, j, and/or commits disgraceful laws;

3. Role of Central Government. Article 83 paragraph (3), the temporary dismissal of the regional head and/or deputy regional head as referred to in paragraph (1) and paragraph (2) is carried out by the President for governors and/or deputy governors and by the Minister for regents and/or deputy regents or mayor and/or deputy mayor. Article 83 paragraph (4), the regional head and/or deputy regional head shall be dismissed without going through the recommendation of the DPRD if they are proven to have committed a crime as referred to in paragraph (1) based on a court decision that has permanent legal force. Article 84 paragraph (2), if after being reactivated as referred to

in paragraph (1), the regional head and/or deputy regional head is proven guilty based on a court decision that has permanent legal force, the President shall dismiss the regional head

4. Role of DPRD and Law Enforcement Officers. Article 85 paragraph (1), in the event that a regional head and/or deputy regional head faces a widespread crisis of public trust due to allegations of committing a crime related to their duties, authorities, and obligations, the DPRD can use the right of interpellation and the right of inquiry to respond. 85 paragraph (4), in the event that evidence is found that the head of the region has committed a crime, as referred to in paragraph (1), DPRD submits the settlement process in accordance with statutory provisions.

Fundamentally, the pattern of regional head impeachment has not changed significantly when compared to Law Number 32 of 2004 concerning Regional Government. In fact, the pattern of power looks increasingly centralized when there is no proposal from the DPRD, and the central government can dismiss regional heads.²⁵ The central government has the authority to dismiss regional heads and/or deputy regional heads, and this has negated the spirit of regional autonomy that has been built. Hakim expressed criticism that the two regulatory regimes have in common the absence of non-formal institutions in the process of dismissing regional heads (there should be a referendum mechanism or the formation of an Independent Investigation Commission or extra-formal state institutions that can change the image of representative democracy), and most importantly is an institution that can be used as a symbol of substantive democracy (direct democracy) or the most ideal is direct people's participation in the dismissal process (referendum mechanism).²⁶

Based on Hakim's opinion, it appears that the urgency of an independent institutionalization of regional head impeachment is free from intervention because it is undeniable that the probability of the impeachment process is influenced by oligarchic interests, both at the central and local levels. One step in the process of impeaching regional heads to run independently is to involve community participation. Hakim stated that it would be best for the impeachment process to involve the public through a referendum mechanism. If the referendum mechanism is found to be difficult to implement, considering that the design of our democracy is not solely based on a system of direct democracy but based on a system of representative democracy, perhaps by institutionalizing impeachment, which provides space for people's aspirations

²⁵ It can be seen from several provisions contained in Article 79 Paragraph 2, Article 79 Paragraph 3, Article 80 Paragraph (2), Article 80 Paragraph (3), Article 81 Paragraph (1), Article 82 Paragraph (7), and Article 83 Paragraph (3) and (5).

²⁶ Hakim, *Impeachment Kepala Daerah*, p. 304.

in the form of petitions whose material relates to the impeachment of regional heads.

Nevertheless, in Indonesia, it has been a brief practice to absorb the aspirations of the people regarding impeachment. For example, the people in the Gunung Bintang district submitted a "Motion of No Confidence" to the DPRD and the Governor of the Papua Province against Costan Oktemka, as the regent of the Gunung Bintang Regency, who was suspected of committing arbitrary actions. In running the wheels of government, and is suspected of having violated the oath of promise and provisions of laws and regulations. It was demanded that the DPRD use the Right of Inquiry to respond to problems and conduct investigations. DPRD has a significant and very strategic role in defending the people because DPRD channels aspirations receives complaints, and facilitates resolution. Although factually, it does not run effectively.²⁷

Concerning the motion of no confidence, the problem is that the motion of no confidence does not have a clear juridical basis to apply. If a motion of no confidence is established based on Article 324 letter j and Article 373 letter j of Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council, in this case, of course, it is very brief to serve as a basis issuance of a motion of no confidence so that it is not implemented. Another reason is that provisions for dismissing regional heads are regulated explicitly in UU Pemda, so there is no clear connection regarding motions of no confidence issued by the public.

The practice of granting petitions from the public to the DPR to impeach regional heads, among others, was carried out in the state of Kentucky in the United States, an actual example of a petition submitted by the public to the House of Representatives whose substance was to impeach the Governor of Kentucky, Andrew G. Beshear.²⁸ Provisions regarding petitions are regulated in the Kentucky Revised Statutes, Title VII Offices and Officers Chapter 63 Resignations, Removals, and Vacancies, 63.030 Petition for Impeachment, Section 63.030, which reads:

- (1) Any person may, by written petition to the House of Representatives, signed by himself, verified by his own affidavit and the affidavits of such

²⁷ Djauhari and Achmad Ridwan, "Fungsi Pengawasan Dewan Perwakilan Rakyat Daerah (DPRD) Terhadap Kinerja Pemerintahan Daerah Dalam Mewujudkan Aparatur Pemerintahan Yang Bersih Bebas Dari Korupsi Kolusi Nepotisme (KKN)," *Jurnal Pembaharuan Hukum* 2, no. 2 (2015), p. 174.

²⁸ WDRB, "Citizens' petition to impeach Gov. Beshear prompts Kentucky House to form impeachment committee," *WDRB*, January 10, 2021. https://www.wdrb.com/news/politics/citizens-petition-to-impeach-gov-beshear-prompts-kentucky-house-to-form-impeachment-committee/article_44576844-52c3-11eb-bd80-03fe459cc0e2.html. Accessed January 10, 2024.

others as he deems necessary, and setting forth the facts, pray for the impeachment of any officer.

- (2) The house shall refer the petition to a committee, with the power to send for persons and papers to report thereon.

The pattern of impeachment for the Governor of Kentucky shows that public participation is crucial in overseeing the impeachment process for regional heads carried out by representative institutions. Even though the provisions regarding terms of impeachment are explicitly regulated, it is undeniable that the process of impeachment of regional heads may be motivated by political motives rather than focusing on law violations committed by regional heads. In addition, the institutionalization of the mechanism for granting petitions is very important with the aim of avoiding *eigenrichting* by unscrupulous members of the public,²⁹ as happened in Frontera Comalapa Mexico, where the mayor of the area became the target of residents' anger so that they were tied to trees by residents, triggering residents' anger because the implementation of campaign promises was not in accordance expectations.³⁰ Therefore, it is necessary to clearly regulate provisions that involve the role of the community so that the process of impeachment of regional heads will run in an accountable and transparent manner.

Referring to the existence of Law Number 23 of 2014 concerning Regional Government, the role of the Supreme Court is very central to examine, adjudicate and decide whether the DPRD's decision that the regional head/deputy regional head has violated the oath/pledge of office, has not carried out the obligations of the regional head and deputy head regions as referred to in Article 67 letter b or violate the prohibition against regional heads and deputy regional heads as referred to in article 76 paragraph (1), except for letters c, i, j, and/or commit disgraceful laws.³¹

Saldi Isra, in a forum group discussion, emphasized the need for the Supreme Court as a judicial institution to provide legal opinions in the process of dismissing regional heads, similar to the role of the Constitutional Court in impeaching the President. Saldi Isra recommended that the impeachment trial of regional heads be held openly in an effort to reduce the quality and health of public suspicion. This shows that public participation is not only limited to direct regional head elections but must also involve monitoring their performance and impeachment mechanisms. By opening the impeachment

²⁹ Sudikno Mertokusumo, *Mengenal Hukum: Suatu Pengantar*, (Yogyakarta: Liberty, 2008), p. 23.

³⁰ Michelle Aguilar, "Mayor apprehended, tied to a tree for shoddy public works project," *Mexico News Daily*, January 13, 2021. <https://mexiconewsdaily.com/news/mayor-apprehended-tied-to-a-tree-for-shoddy-public-works-project/>. Accessed January 14, 2024.

³¹ Article 80 paragraph (1) letter d Law Number 23 of 2014 concerning Regional Government.

process to the public, the public can better understand the reasons and evidence underlying the termination of a regional head. Yodi Martono Wahyunadi and Mohammad Syaiful Aries also highlighted the flow and mechanism for terminating regional heads, the importance of proportionality between the rights and obligations of state administrators, as well as the need for clearer regulations in the Regional Government Law regarding regional heads' self-defense mechanisms.³²

There have been several opinion reviews on DPRD decisions related to regional head/deputy regional head violations that have been decided by the Supreme Court from 2014 to 2020, for example, on the dismissal of the Regent of Mimika Regency, Regent of Katingan Regency, Deputy Regent of Gorontalo Regency, Deputy Mayor of Bandar Lampung City, Regent of Gunung Tinggi Regency, Bintang, Regent of Simeulue Regency, Mayor of Pemantangsiantar, Regent of Jember Regency.³³ Rulings of the Supreme Court of the Republic of Indonesia regarding Opinion Tests on DPRD Decisions regarding regional head/deputy regional head violations.

Table 1. Rulings of the Supreme Court of the Republic of Indonesia regarding Opinion Tests on DPRD Decisions regarding regional head/deputy regional head violations

No	Supreme Court Decision	Regional Head/Deputy Regional Head	Alleged Violation	Verdict Rule
1.	Decision of the Supreme Court of the Republic of Indonesia Number 01 P/KHS/2017	The Regent of Mimika Regency <i>cq</i> Eltinus Omaleng, S.E.	<ul style="list-style-type: none"> - Article 78 paragraph (2) letter h UU Pemda. - Article 76 paragraph (1) letter i UU Pemda. - 78 paragraph (2) letter c UU Pemda 	Granted the Request for Review of the Opinion of the Mimika Regency Regional People's Legislative Assembly
2.	Decision of the Supreme Court of the Republic of Indonesia Number 02 P/KHS/2017	The Regent of Katingan Regency <i>cq</i> Ahmad Yantenglie	<ul style="list-style-type: none"> - Article 61 paragraph (2) UU Pemda - Article 67 letter b and d UU Pemda - Article 76 paragraph (1) UU Pemda - 78 paragraph (2) letter f UU Pemda - Article 2 paragraph (2) Law Number. 1 of 1974 concerning Marriage (UU Perkawinan) - Article 3 paragraph (2) Law Number 1 of 1974 concerning Marriage 	Granted the Request for Opinion Test of the Regional People's Legislative Assembly of the Katingan Regency.

³² Iham M. Wiryadi, "Saldi Isra Bahas Mekanisme Pemberhentian Kepala Daerah," *Mahkamah Konstitusi Republik Indonesia*, March 8, 2023. <https://www.mkri.id/index.php?page=web.Berita&id=19014&menu=2>. Accessed August 13, 2024.

³³ For the Decision of the Supreme Court of the Republic of Indonesia regarding the opinion test on the DPRD Decision, please see, Kepaniteraan Mahkamah Agung Republik Indonesia, "Direktori Putusan Mahkamah Agung," <https://putusan3.mahkamahagung.go.id/search.html?q=KHS&court=8bb6198cd9528aac4199a1d5627bbb9&page=2>. Accessed January 15, 2024.

			<ul style="list-style-type: none"> - Article 4 paragraph (2) Law Number 1 of 1974 concerning Marriage - Article 9 UU Perkawinan - Article 11 paragraph (1) and (2) UU Perkawinan. 	
3.	Decision of the Supreme Court of the Republic of Indonesia Number 3 P/KHS/2017	The Vice Regent of Gorontalo Regency <i>cq</i> Fadli Hasan	<ul style="list-style-type: none"> - Article 64 paragraph (2) UU Pemda - Article 76 paragraph (1) letter e and g UU Pemda - 78 paragraph (2) letter f UU Pemda 	Granted the Request for Review of the Opinion of the Regional People's Legislative Council of Gorontalo Regency
4.	Decision of the Supreme Court of the Republic of Indonesia Number 1 P.KHS/2018	The Regent of Pegunungan Bintang Regency <i>cq</i> Costan Oktemka	The decision of the DPRD of Gunung Bintang Regency to follow up on a motion of no confidence, which contained violations by the Regent of Gunung Bintang Regency from deviant policies to abuse of authority	Granted the Request for Opinion Test of the DPRD of Gunung Bintang Regency
5.	Decision of the Supreme Court of the Republic of Indonesia Number 2 P.KHS/2018	The Vice Mayor of Bandar Lampung <i>cq</i> M. Yusuf Kohar	<ul style="list-style-type: none"> - Article 66 paragraph (1) letter a UU Pemda, Article 67 letter b dan d UU Pemda - Article 207 paragraph (1) and (2) letter d UU Pemda - The National Civil Service Agency (BKN) Releases Letter Number. K.26-30/V.20-3/99 of 2016 - Law Number. 30 of 2014 concerning Government Administration 	Rejecting the Request for Opinion Test from the DPRD of Bandar Lampung City
6.	Decision of the Supreme Court of the Republic of Indonesia Number 1 P.KHS/2019	The Regent of Simeulue Regency, Erli Hasim <i>cq</i> S.H., S.Ag., M.I.Kom	Article 78 Paragraph (2) letter f and Qanun Aceh Number 6 of 2014.	Declare that the Opinion Review Request from the DPRD Petitioner cannot be accepted (<i>Niet Onvankelijke Verklaard</i>)
7.	Decision of the Supreme Court of the Republic of Indonesia Number 1 P.KHS/2020	The Mayor of Pemantangsiantar <i>cq</i> Hefriansyah, S.E., M.M	Article 76 paragraph (1) letter g, UU Pemda	Rejecting the Request for Opinion Test from the City Council of Pemantangsiantar

Referring to the Supreme Court Decision regarding the opinion review of DPRD Decisions, it shows that violations that are often committed by regional heads/deputy regional heads still have nuances of bureaucratic pathology, especially in policy making. For example, 1) abuse of authority (*detournement de pouvoir*); 2) committing corruption, collusion, and nepotism; 3) making policies that harm the public interest. Violations that led to regional heads being dismissed were disgraceful laws and violations of the provisions of the Marriage Law as committed by the former Katingan Regent. A similar case was also experienced by the former Regent of Garut, who was dismissed because of an express marriage that violated the provisions of the Marriage Law.

The process of dismissing regional heads/deputy regional heads is still considered an anomaly when referring to the data that has been collected,

and there are still inconsistencies both substantively and procedurally. First, substantively, the provisions regarding Supreme Court decisions are final (legally binding),³⁴ which means that no further legal action can be taken. However, at the practical level, legal action in the form of judicial review is permitted, for example, the Decision of the Supreme Court of the Republic of Indonesia Number 1 PK/KHS/2017.

In this case, the practice of reviewing the previous Supreme Court Decision cannot be said to be a form of progressivity in order to achieve justice. The argument is that the Supreme Court's position is to assess whether DPRD decisions are valid both substantively and procedurally within the framework of checks and balances besides that the Supreme Court's decision is only an opinion or is equated with a fatwa, which in this case has no binding power (non-obligatory). In addition, given the conception of the DPRD's position as an institution that exercises the people's sovereignty, whatever is decided by the DPRD is a people's decision *mutatis mutandis*. Thus, it can be said that the progressivity of the Supreme Court in granting the Supreme Court Review Decision was wrong.

Second, the practice of dismissing regional heads/deputy regional heads is still considered anomalous and ambiguous, for example, the Indonesian Supreme Court Decision Number 1 P.KHS/2018, which examined the opinion of the DPRD DPRD's decision regarding a motion of no confidence against the Regent of Gunung Bintang Regency, in this case, the decision to grant the request for a review of opinion from the Petitioner DPRD Bintang Regency. Based on the *a quo* decision, a legal question arises: what are the implications of the *a quo* decision? Is it possible for the regent of the Gunung Bintang Regency to be dismissed because, in fact, the person concerned will serve until his term of office ends?

If examined carefully, the *a quo* decision does not clearly state how to follow up on the decision that granted the DPRD Gunung Bintang Regency decision. However, substantively, the request contains a motion of no confidence, which describes that the Regent of Gunung Bintang Regency has abused his authority and policies, which have harmed the public interest since his first term in office. Therefore, the Regent of Gunung Bintang Regency should have been dismissed.

In addition, the legal standing of the Supreme Court in reviewing the opinion of the DPRD for the Gunung Bintang Regency decision refers to Article 80 Paragraph (1) UU Pemd. The mechanism is if the Supreme Court decides that the regional head and/or deputy regional head are proven to have violated their oath/pledge of office, have not carried out the obligations of the regional head and deputy regional head as referred to in Article 67 letter b, or violated

³⁴ Article 80 paragraph (1) letter c, Law Number 23 of 2014 concerning Regional Government.

the prohibition referred to in Article 76 paragraph (1) except for letter c, letter i, letter j, and/or commits a disgraceful law, the DPRD leadership submits a recommendation to the President for the dismissal of the governor and/or deputy governor and to the Minister for the dismissal of the regent and/or deputy regent or mayor and/or deputy mayor; does not carry it out, then the leadership of DPRD conveys.³⁵

In the next formulation, the President is obliged to dismiss the governor and/or deputy governor no later than 30 (three) days after the President receives the proposal for dismissal from the leadership of the DPRD.³⁶ If the subject to be dismissed is the regent and/or deputy regent or mayor and/or deputy mayor, then the Minister has the authority to dismiss it no later than 30 (thirty) Days after the Minister receives the suggestion for dismissal from the leadership of the DPRD.³⁷

Referring to the a quo editorial, it can indeed be said that the provisions for the follow-up to the Supreme Court Decision are still not maximally and comprehensively designed because, after the Supreme Court Decision, the DPRD plays a crucial role in submitting the proposal to the President or Minister if the DPRD leadership does not submit a proposal to dismiss the regional head/representative of the region no later than 14 (fourteen) days after receiving notification of the decision of the Supreme Court. The President dismisses the governor and/or deputy governor on the proposal of the Minister, and the Minister dismisses the regent and/or deputy regent of the city on the recommendation of the governor as the representative of the central government,³⁸ in the event that the governor, as the representative of the Central Government, does not submit a proposal to the Minister. Minister dismisses regents and/or deputy regents or mayors and/or deputy mayors.³⁹

Whereas when the DPRD does not submit a proposal for dismissal, the central government is obliged to take control to dismiss regional heads and/or deputy regional heads who have been found guilty after going through a Supreme Court decision. However, in practice, political and sociological considerations are prioritized over legal certainty in the process of dismissing regional heads and/or deputy regional heads. For example, the Governor of Papua, who incidentally has the authority to propose dismissal as a follow-up to the Supreme Court's decision, prefers another option, namely facilitating a meeting between the Regent of Gunung Bintang and the DPRD so that

³⁵ Article 80 paragraph (1) letter d, Law Number 23 of 2014 concerning Regional Government.

³⁶ Article 80 paragraph (1) letter e, Law Number 23 of 2014 concerning Regional Government.

³⁷ Article 80 paragraph (1) letter f, Law Number 23 of 2014 concerning Regional Government

³⁸ Article 80 paragraph (2), Law Number 23 of 2014 concerning Regional Government

³⁹ Article 80 paragraph (3), Law Number 23 of 2014 concerning Regional Government.

reconciliation can be carried out, regarding the settlement of the Supreme Court's decision.⁴⁰

2. Normative Requirements for Impeachment of Regional Heads

Not carrying out the obligations of the regional head/deputy regional head, as referred to in Article 67 letter b, is complying with all provisions of laws and regulations. Furthermore, violating the prohibition for regional heads and deputy regional heads as referred to in Article 76 paragraph (1), except for letters c, i, and j.

Answering the question at the outset whether the Minister of Home Affairs Number 6 of 2020 can be used as a legal basis for dismissing regional heads. According to Yusril, Minister of Home Affairs, Instruction Number 6 of 2020 is essentially a written order to do something or not to do something. The mechanism for dismissing regional heads must go through the DPRD because regional heads are elected directly by the people. The President does not have the authority to take the initiative to dismiss the Governor/Deputy Governor, nor does the Minister of Home Affairs.

Furthermore, according to Bivitri Susanti, the issuance of Minister of Home Affairs Instruction Number 6 of 2020 was only a reactive step after the President reminded him about enforcing health protocols. According to Bivitri, regional heads cannot be dismissed unilaterally by the Minister of Home Affairs, considering that regional heads are elected directly by the people. The process of dismissing a regional head is the same as that of the President, who the people directly elect. So, if the President's impeachment process must go through a proposal from the DPR to the MPR, it must first be decided by the Constitutional Court, while regional heads and/or deputy regional heads are proposed by the DPRD to be decided by the Supreme Court. The dismissal of a regional head must follow the mechanism specified in the Regional Government Law.⁴¹

Transparency and accountability are very important in the decision-making process involving regional leaders. As discussed above, Saldi Isra's proposal regarding the impeachment trial of regional heads being held openly needs to be considered as an effort to reduce public suspicion and suspicion. This shows that public participation is not only limited to direct regional head

⁴⁰ Pratiwi, "Gubernur Papua: DPRD dan Bupati Pegunungan Bintang Jangan Saling Menggugat," *Kumparan*, October 10, 2018. <https://kumparan.com/bumi-papua/gubernur-papua-dprd-dan-bupati-pegunungan-bintang-jangan-saling-menggugat-1539181561004944416/full>. Accessed January 23, 2024.

⁴¹ Egi Adyatama, "Pakar: Mendagri Hanya Ingin Tunjukkan Kekuasaanya Kepada Kepala Daerah," *Tempo*, November 19, 2020. <https://nasional.tempo.co/read/1406936/pakar-mendagri-hanya-ingin-tunjukkan-kekuasaanya-kepada-kepala-daerah>. Accessed January 22, 2024.

elections but must also involve monitoring their performance and impeachment mechanisms.

By opening the impeachment process to the public, the public can better understand the reasons and evidence underlying the dismissal of a regional head. Greater public participation in this process can increase trust in judicial institutions and reduce political influence that can cloud justice. This also encourages transparency in regional government, where important decisions such as the impeachment of regional heads are not only an internal matter of the institution but also become part of a wider public dialogue. Overall, public involvement in this process is important to ensure that decisions taken reflect the interests of society at large and maintain the integrity of local government.

Based on the opinion of experts, 2 (two) points can be justified. First, the Instruction of the Minister of Home Affairs Number 6 of 2020 cannot be used as a legal basis for dismissing regional heads and/or deputy regional heads because the Instruction of the Minister of Home Affairs Number 6 of 2020 only serves as a reminder or guideline (*richtlijnen*) for regional heads and deputy regional heads in the handling of Covid-19. Second, regional heads and deputy regional heads are directly elected by the people, so those who have the right to dismiss regional heads and deputy regional heads are the people through the DPRD. However, experts need to read carefully Article 81 paragraph (1), which reads that if the DPRD does not implement the provisions referred to in Article 80 paragraph (1), the Central Government will dismiss regional heads and/or deputy regional heads who:

- a. Violating the oath/pledge of office of regional head/deputy regional head;
- b. Does not carry out the obligations of the regional head and deputy regional head as referred to in Article 67 letter b;
- c. Violates the prohibition as referred to in Article 76 except for letters c, i, and j; and/or
- d. Commit disgraceful laws.

To carry out dismissal, the central government conducts an examination of regional heads and/or deputy regional heads to find evidence of violations committed by regional heads and/or deputy regional heads.⁴² Furthermore, the results of the examination are submitted by the Central Government to the Supreme Court to obtain a decision regarding violations committed by regional heads and/or deputy regional heads.⁴³ Suppose the Supreme Court decides that the regional head and/or deputy regional head are proven to have committed an offense. In that case, the Central Government shall dismiss the

⁴² Article 81 paragraph (2), Law Number 23 of 2014 concerning Regional Government.

⁴³ Article 81 paragraph (3), Law Number 23 of 2014 concerning Regional Government.

regional head and/or deputy regional head.⁴⁴ By referring to the a quo provision, the central government may have the authority to dismiss regional heads and/or deputy regional heads, but with the condition that the DPRD does not submit a proposal for dismissal in the form of an opinion review to the Supreme Court. For this reason, because the Supreme Court does not yet have specific rules, impeachment trials need to be carried out openly to reduce public suspicion and neutralize political interests in the regions.

D. CONCLUSION

The regional head impeachment process involves the roles of three institutions, namely DPRD, the Central Government, the Supreme Court, and Law Enforcement Officials. The involvement of these institutions in the process of dismissing regional heads has 4 (four) patterns. First, the process of dismissing a regional head only involves the role of the DPRD and the Central Government; Second, the process of dismissing regional heads involves the roles of the DPRD, Central Government, and the Supreme Court; Third, the process of temporarily dismissing a regional head only involves the role of the Central Government; Fourth, the process of dismissal through the process of interpellation rights and the DPRD's inquiry right if evidence of a criminal Law is found, the DPRD submits the evidence to law enforcement officials. However, based on Law Number 23 of 2014 concerning Regional Government, the pattern of dismissing regional heads and/or deputy regional heads shows an increasingly centralized style of power, even negating the spirit of regional autonomy. The Supreme Court's decision regarding the opinion review of the DPRD's decision shows that violations that are often committed by regional heads/deputy regional heads still have nuances of bureaucratic pathology, especially in policy making. For example, 1) abuse of authority (*detournement de pouvoir*); 2) committing corruption, collusion, and nepotism; 3) making policies that harm the public interest.

It is necessary to institutionalize the impeachment of regional heads, which runs independently and free from intervention, because it is undeniable that the impeachment process is influenced by oligarchic interests, both at the central and local levels. One of the efforts of the regional head impeachment process to run independently is to accommodate people's participation and involve the community through a referendum mechanism. If the referendum mechanism is found to be difficult to implement, considering that the design of our democracy is not solely based on a system of direct democracy but based on a system of representative democracy, perhaps by institutionalizing impeachment, which provides space for people's aspirations in the form of petitions whose material relates to the impeachment of regional heads.

⁴⁴ Article 81 paragraph (4), Law Number 23 of 2014 concerning Regional Government.

The normative requirements for dismissing a regional head are regulated separately in the Regional Government Law. There are three conditions for regional heads to leave office, namely: a. die; b. own request; or c. dismissed. UU Pemda has formulated the causes for dismissing regional heads and/or deputy regional heads. Regarding not carrying out the obligations of the regional head/deputy regional head as referred to in Article 67 letter b, it is complying with all provisions of laws and regulations. Furthermore, violating the prohibition for regional heads and deputy regional heads as referred to in Article 76 paragraph (1), except for letters c, i, and j. The conditions mentioned should be a standard that no longer needs to be interpreted in the implementing regulations because it will cause legal uncertainty. Therefore, the central government should obey the principle and be more careful in forming a rule that has the potential to create sectoral egos.

BIBLIOGRAPHY

Books:

- Anggriani, Djum, *Pelaksanaan Pengawasan Pemerintah Pusat Terhadap Peraturan Daerah*, Jakarta: Tama Jagakarsa, 2011.
- Asshiddiqie, Jimly, *Pengantar Ilmu Hukum Tata Negara*, Jakarta: RajaGrafindo, 2013.
- Barkan, Steven M., Roy M. Mersky, and Donald J. Dunn, *Fundamentals of legal research*, New York: Foundation Press, 2009.
- Bhat, P. Ishwara, *Idea and Methods of Legal Research*, Delhi: Oxford Academic, 2020.
- Hakim, Abdul Aziz, *Impeachment Kepala Daerah*, Yogyakarta: Pustaka Pelajar, 2018.
- Huda, Ni'matul, *Otonomi Daerah: Filosofi, Sejarah Perkembangan dan Problematika*, Yogyakarta: Pustaka Pelajar, 2013.
- Huda, Ni'matul, *Presiden dan Pembantu Presiden dalam Sistem Ketatanegaraan Indonesia*, Yogyakarta: FH UII Press, 2019.
- Kansil, Christine S. T. *Pemerintahan daerah di Indonesia: Hukum administrasi daerah 1903-2001*, Jakarta: Sinar Grafika, 2002.
- Logemann, Johann Heinrich Adolf, *Tentang Teori Suatu Hukum Tata Negara Positif*, trans. Husain Achmad Makkatutu and J. C. Pangkorego, [Over de Theorie van Een Stelling Staatsrecht], Jakarta: Ichtiar Baru-Van Hoeve, 1975.
- McConville, Mike and Wing Hong Chui (eds.), *Research Methods for Law*, Edinburgh: Edinburgh University Press, 2017.

- Mertokusumo, Sudikno, *Mengenal Hukum: Suatu Pengantar*, Yogyakarta: Liberty, 2008.
- Sloan, Amy E., *Basic Legal Research Tools and Strategies*, New York: Wolters Kluwer, 2018.
- Yudho, Winarno, Andi M. Asrun, Mustafa Fakhri, Ahsin Tohari, Munafrizal Manan, Bisariyadi Bisariyadi, Nanang Subekti, Silvia Andrianingsih, *Mekanisme Impeachment dan Hukum Acara Mahkamah Konstitusi*, Jakarta: Mahkamah Konstitusi Republik Indonesia dengan Konrad Adenauer Stifung, 2005.
- Zoelva, Hamdan, *Impeachment Presiden: Alasan Tindak Pidana Pemberhentian Menurut UUD 1945*, Jakarta: Konstitusi Press, 2014.

Journal Articles:

- Anele, Kalu Kingsley. "A Comparative Analysis of the Impeachment Procedures in Nigeria and Indonesia: A Need for a Paradigm Change." *Lentera Hukum* 9, no. 1 (2022): 33-74.
- Djauhari, Djauhari, and Achmad Ridwan. "Fungsi Pengawasan Dewan Perwakilan Rakyat Daerah (DPRD) Terhadap Kinerja Pemerintahan Daerah Dalam Mewujudkan Aparatur Pemerintahan Yang Bersih Bebas Dari Korupsi Kolusi Nepotisme (KKN)." *Jurnal Pembaharuan Hukum* 2, no. 2 (2015): 173-184.
- Kusriyah, Sri. "Politik Hukum Penyelenggaraan Otonomi Daerah dalam Perspektif Negara Kesatuan Republik Indonesia." *Jurnal Pembaharuan Hukum* 3, no. 1 (2016): 1-11.
- Lekipiouw, Sherlock Halmes, "Konstruksi Penataan Daerah dan Model Pembagian Urusan Pemerintahan," *Sasi* 26, no. 4 (2020): 557-570.
- Nurdin, Boy, and Khayitjon Turdiev, "Paradigm of justice in law enforcement in the philosophical dimensions of legal positivism and legal realism," *Lex Publica* 8, no. 2 (2021): 65-74.
- Ohnesorge, John, "Comparing Impeachment Regimes," *Duke Journal of Comparative & International Law* 31, no. 2 (2021): 259-300.
- Plucknett, T. F. T., "The Origin of Impeachment," *Transactions of the Royal Historical Society* 24 (1942): 47-71.
- Raval, Niketa D. "Legal Types of Research Methodology," *International Journal of Research in all Subjects in Multi Languages* 6, no. 4 (2018): 79-80.
- Sommaliagustina, Desi, "Implementasi otonomi daerah dan korupsi kepala daerah," *Journal of Governance Innovation* 1, no. 1 (2019): 44-58.
- Syarifuddin, Muhammad, "Legal heuristic approach in judicial practice," *Lex Publica* 8, no. 2 (2021): 1-13.

Reports and Working Papers:

Ginsburg, Tom, Aziz Huq, and David Landau, "The Uses and Abuses of Presidential Impeachment," *Public Law Working Paper No. 731*, University of Chicago of Chicago, 2019. <https://ssrn.com/abstract=3461120>.

Websites:

Adyatama, Egi, "Pakar: Mendagri Hanya Ingin Tunjukkan Kekuasaannya Kepada Kepala Daerah," *Tempo*, November 19, 2020. <https://nasional.tempo.co/read/1406936/pakar-mendagri-hanya-ingin-tunjukkan-kekuasaannya-kepada-kepala-daerah>. Accessed January 22, 2024.

Dictionary.com, s.v. "impeachment," accessed January 2, 2024, <https://www.dictionary.com/browse/impeachment>.

Kepaniteraan Mahkamah Agung Republik Indonesia, "Direktori Putusan Mahkamah Agung," <https://putusan3.mahkamahagung.go.id/search.html?q=KHS&court=8bb6198cd9528aaac4199a1d5627bbb9&page=2>. Accessed January 15, 2024.

Legal Information Institute, s.v. "impeachment," accessed February 2, 2024, <https://www.law.cornell.edu/wex/impeachment>.

Merriam-Webster Dictionary, s.v. "Impeachment," accessed January 2, 2024, <https://www.merriam-webster.com/dictionary/impeachment#legalDictionary>.

Michelle Aguilar, "Mayor apprehended, tied to a tree for shoddy public works project," *Mexico News Daily*, January 13, 2021. <https://mexiconewsdaily.com/news/mayor-apprehended-tied-to-a-tree-for-shoddy-public-works-project/>. Accessed January 14, 2024.

Pratiwi, Pratiwi, "Gubernur Papua: DPRD dan Bupati Pegunungan Bintang Jangan Saling Menggugat," *Kumparan*, October 10, 2018. <https://kumparan.com/bumi-papua/gubernur-papua-dprd-dan-bupati-pegunungan-bintang-jangan-saling-menggugat-1539181561004944416/full>. Accessed January 23, 2024.

Solichah, Zumrotun, "DPRD Jember sepakat usulkan pemberhentian Bupati Faida," *Antara*, July 22, 2020. <https://www.antaraneews.com/berita/1627270/dprd-jember-sepakat-usulkan-pemberhentian-bupati-faida>. Accessed December 29, 2023.

WDRB, "Citizens' petition to impeach Gov. Beshear prompts Kentucky House to form impeachment committee," *WDRB*, January 10, 2021. <https://www.wdrb.com/news/politics/citizens-petition-to-impeach-gov-beshear-prompts-kentucky-house-to-form-impeachment->

[committee/article_44576844-52c3-11eb-bd80-03fe459cc0e2.html](https://www.mkri.id/committee/article_44576844-52c3-11eb-bd80-03fe459cc0e2.html).

Accessed January 10, 2024.

Wiryadi, Iham M., "Saldi Isra Bahas Mekanisme Pemberhentian Kepala Daerah,"

Mahkamah Konstitusi Republik Indonesia, March 8, 2023.

<https://www.mkri.id/index.php?page=web.Berita&id=19014&menu=2>.

Accessed August 13, 2024.