

## The Concept of People's Sovereignty Towards The Appointment of The Ideal Acting Regional Head

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**Abstract.** *This research aims to criticize the appointment of Acting Regional Heads as part of legal conflicts that are contrary to the constitution. The appointment of Acting Regional Heads who do not involve the people directly, causes a perception that people's sovereignty is sidelined for the sake of administrative efficiency. Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia is above the Election Law and the regulations under it, so that the interpretation of this regulation is not harmonious can trigger a polemic. This study uses doctrinal/normative research with a statute approach, conceptual approach, and case approach. The results of this study describe the concept of the appointment of Acting Regional Heads as an irrational part and has the potential to weaken the sovereignty of the people as enshrined in the staatfundamental norm (1945 Constitution) or grundnorm (Pancasila), the content element in the provisions for the appointment of Acting Regional Heads is full of non-democratic conditions so that these provisions need to be reviewed by prioritizing the aspect of people's participation. Therefore, it is necessary to strengthen the representation, participation of the people, and democratic mechanisms to maintain the sustainability of an inclusive and equitable political system.*

**Keywords:** *Acting; Head; Regional; Sovereignty.*

### 1. Introduction

The election of Regional Heads or Regional Elections is an important milestone in determining the direction of change by electing new leaders. This five-year routine gives new hope for the emergence of figures who can bring substantial changes to our country through regions in provinces and districts/cities, to shape Indonesia into a better country. The process of democratization through simultaneous general elections is not only a place to change power, but also a moment to formulate an alternative formula in changing the existing political and government system (Muntoha, 2018). The administration of the state in the concept of democracy prioritizes the participation and interests of the people. To apply the principle of the rule of law, a democratic system is needed as the foundation. Franz Magnis Suseno emphasized that Democracy that is not based on the principle of the rule of law cannot be called a true democracy. The most effective system of government in ensuring the implementation of the principles of the

rule of law is democracy (Mandey, 2016). Therefore, a country that adheres to a legal system based on democratic values can be categorized as a democratic legal state.

Evolution of thinking and implementation of the principle of the state of law (*rechtsstaat*), indicating that the law can sometimes be abused as a tool by rulers. Therefore, cutting-edge concepts *Demokratische rechtsstaat* emphasized that the principle of the rule of law must be carried out in accordance with mutually agreed democratic procedures. Concepts Constitutional democracy and State of Law, basically has a similar goal in idealizing the mechanism of legal justice and good governance (Prasetyoningsih, 2020). So, the two are actually two similar points of view. The first point of view, the state of law must have the characteristics of *democratic*, while on the other hand, a democratic state must be based on the concept of law (*rechtstaat*). From a horizontal view, the concept of law-based democracy has 4 main principles, namely (Muntoha, 2018):

1. Ensuring *equality* in living together;
2. Recognize and respect diversity;
3. Commit to common regulations; and
4. Provide litigation and non-litigation mechanisms.

The idea of democracy has undergone two different currents of thought from the 18th century to the 19th century. In the early 19th century, the idea was known as the classical (formal) state of law, while in the 20th century, its development was referred to as the modern (material) state of law (Lotulung, 1986). The concept of limitation of power through constitutional protection aims to prevent the centralization of power by regulating the way power is organized, providing protection for basic human rights, and strengthening public participation in the political process through representation in legislative institutions (Lotulung, 1986). The concept of a democratic state in Indonesia is contained in the phrase people's sovereignty in Article 1 paragraph (2) of the 1945 Constitution, which is the result of the third amendment to the 1945 Constitution of the Republic of Indonesia, on the other hand it is also contained in the preamble to the 1945 Constitution of the Republic of Indonesia which affirms that independence is the human right of every nation, rejecting colonialism as contrary to humanity and justice. The sovereignty of the people is clearly seen in the statement that the Indonesian people themselves are the ones who declare their independence. The concept of "democracy" in the 1945 Constitution of the Republic of Indonesia is mentioned in four articles, namely:

- a. Article 18 paragraph (4) which emphasizes that regional leaders must be democratically elected. It is a direct manifestation of the people's sovereignty at the local level, ensuring that the people have a say in choosing their leaders. This principle strengthens the decentralization of power and the participation of the people in government.
- b. Article 28I paragraph (5) which affirms the concept of the state of law with democracy and human rights. This shows that people's sovereignty is not only about the election of leaders, but also about the protection of individual rights. The state, as a manifestation of people's sovereignty, has an obligation to protect the rights of its people.

- c. Article 28J paragraph (2) which emphasizes the limits of individual sovereignty in a democratic society. This shows that individual freedom, which is an important aspect of people's sovereignty.
- d. Article 33 paragraph (4) which expands the perspective of the concept of democracy to the economic realm. This shows that people's sovereignty is not limited to politics, but also includes participation and justice in the economic field.

Overall, these articles show that people's sovereignty is not an absolute or isolated concept, but rather a principle that must be applied in a balanced and universal manner with other values such as justice, humanity, and sustainability. So that the common thread between Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, Article 201 paragraph (9) of Law 10 of 2016, and Permendagri 4/2023 reflects the issue of the hierarchy of legal norms and harmonization of regulations, namely legal conflicts related to the conceptual approach to people's sovereignty. Article 1 paragraph (2) of the 1945 Constitution emphasizes that sovereignty is in the hands of the people, which is realized through the general election system. Article 18 paragraph (4) of the 1945 Constitution completes by stating that regional heads are democratically elected, thus emphasizing the principle of direct election by the people as a reflection of sovereignty. However, Article 201 paragraph (9) of Law 10 of 2016 allows the appointment of Acting Regional Heads by the central government when the term of office of the regional head has expired and elections have not been held, as an administrative step to maintain the continuity of the government. Permendagri 4/2023, which regulates the technical mechanism for appointing Acting Regional Heads, is based on Article 201 paragraph (9) of Law 10 of 2016. Legal conflicts arise because the appointment of Acting Regional Heads by the central government can be seen as contrary to the principle of direct democracy mandated by the 1945 Constitution of the Republic of Indonesia. This appointment does not involve the people directly, so it can create the perception that people's sovereignty is set aside for administrative efficiency. Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia is above the laws and ministerial regulations, so that the interpretation of these regulations is not harmonious can trigger polemics.

As State of the Art, The author elaborates on several previous studies to determine the existence of an element of novelty, the first research by Furaihan, Ariq and Imam entitled "The Effectiveness of Appointing Acting Regional Heads From The Perspective of Democracy and Technocracy" which focuses on how the measure of effectiveness of PKD is considered not neutral and the policies issued by PKD are also not standard (Furaihan, 2023). The second research, by Laode, et.,al with the title "Challenge The Appointment of Acting Regional Heads Without Elections", this research indicates that there is a regression in the democratic aspect legalized by legislative products (Laode, et., 2022). The third research, Mahmud with his work entitled "People's Sovereignty Behind the Appointment of Acting Regional Heads" which focuses on aspects of ineffectiveness in the appointment of Acting Regional Heads (Mahmud, 2024). These previous studies have not explained how normative provisions that contradict each other in the hierarchy of laws and regulations, especially after the ratification of Permendagri 4/2023 which contradicts *staatfundamental norm* (1945 Constitution) in the appointment of acting regional heads, so that this study aims to outline The concept of people's sovereignty towards the appointment of the ideal acting regional head.

## 2. Research Methods

This research is a doctrinal/normative research carried out by applying three approach methods, namely statute, conceptual, and case which are used to deepen legal analysis. The case approach in this study is intended to examine and understand the dynamics and problems that arise in the process of appointing Acting Regional Heads during the transition period ahead of the implementation of the 2024 National Simultaneous Regional Head Elections. This study was carried out by gathering various literature sources, both from legal literature and online information sources, which were then analyzed to formulate solutions to the problems that are the object of this research.

## 3. Results and Discussion

### 3.1. Constitutionality of the Appointment of Acting Regional Heads

Practically a democratic state system that prioritizes the principle of active participation of the community in politics through general elections, the mechanism for the election of regional heads has been regulated in the provisions of the applicable laws. Based on Article 3 of Law/1 of 2015, the election of regional heads is held simultaneously every five years after the term of office of the regional head ends. Furthermore, Article 201 paragraph (9) of Law/10 of 2016 stipulates that in the event of a vacancy in the position of regional head before the election of regional heads, an Acting Regional Head called Acting Regional Head will be appointed to carry out interim government duties until the definitive regional head is elected through the election process.

The process of appointing Acting Regional Heads does not go through a direct election mechanism by the people, so it has the potential to cause various problems, especially related to democratic legitimacy. Based on a democratic system that puts sovereignty in the hands of the people, the non-involvement of the community in the election of Acting Regional Heads can cause objections and reduce the level of public acceptance of appointed officials. In addition, because the Acting Regional Heads generally come from civil servants, there are concerns that local interests are not fully represented, in contrast to regional heads who are directly elected through the regional elections.

A number of studies state that the mechanism for appointing Acting Regional Heads is less effective, although this view is still normative and has not reached an adequate level of objectivity. Terminologically, the term "Official" or "Pj" refers to officials who fill the position of regional head in a vacancy after the regional head completes his term of office and is not undergoing campaign leave. In accordance with Article 201 of Law 10 of 2016, the filling of regional head positions during the transition period to the 2024 Simultaneous Regional Elections is carried out through the mechanism of appointing Acting Regional Heads.

*Permendagri 4/2023* uses the term "appointment" in the process of filling Acting Regional Heads, considering that this mechanism does not involve direct election by the people as applies to definitive regional heads. The appointment is administrative and temporary, aiming to ensure the continuity of local government after the end of the term of office of regional heads, especially outside the election schedule.

The Minister of Home Affairs has the authority to appoint Acting Regional Heads based on certain criteria, such as primary or intermediate high positions within ASN. However, this mechanism opens up space for potential subjectivity or politicization in the selection

process, thus demanding transparency and accountability from the government to ensure that appointments are made professionally and in accordance with regional needs.

The implementation of the Simultaneous Regional Elections in November 2024 presents challenges for the government, especially related to the vacancies in regional head positions in various regions due to the expiration of the terms of office of a number of governors, regents, and mayors in 2022 and 2023. In response to these conditions, the government took a strategic step by appointing Acting Regional Heads to ensure smooth local governance. The existence of the Acting Regional Head is crucial considering that the implementation of national agendas such as simultaneous elections and regional elections has a significant impact on the stability and sustainability of policies at the regional level.

The mechanism for appointing Acting Regional Heads aims to overcome various problems that arise in the local government system, including:

1. Strengthening the presidential system in government
2. Encouraging the formation of an ideal and efficient political system.
3. Produce a compatible legislature.
4. Realizing an election that is free of justice.
5. Increase public participation in determining its political direction
6. In order for this goal to be achieved optimally, the presidential election system with a run-off mechanism and a conditional majority threshold is one of the main options that can be considered in strengthening democratic legitimacy and government stability.

The implementation of the 2024 simultaneous elections in Indonesia will record a new history in the country's general election system. For the first time, all election contestants will be elected simultaneously throughout Indonesia. However, the impact of the implementation of these simultaneous elections is the possibility of a period of vacancy for many Acting Officers or regional heads. Some of them had to leave their posts one to two years earlier than their supposed five-year term.

Regional Heads in 270 regions with details of 9 provinces, 224 districts, and 37 cities (KPU, 2024), who were elected in simultaneous elections in 2020, should be forced to end their terms sooner in 2024, before even reaching four years in office. This became a polemic because the vacancy period was quite long, reaching two years. In this situation, local government must be run by a bureaucratic Acting (Pj) appointed by the central government. This choice often causes disagreement because the Acting Regional Head does not have a strong emotional bond or connection with the local community as the definitive Regional Head is directly elected through a general election (Gunawan, 2019).

If the election of the President and Vice President coincides with the election of members of the DPR, DPD, and DPRD, then the political dynamics will undergo changes that can provide benefits to the people, political parties, and government officials. The implementation of simultaneous elections has several advantages, such as cost savings,

allowing easier evaluation of executive and legislative performance, providing opportunities for the people to determine the balance of power between the executive and the legislature, reducing horizontal conflicts in society, and producing stronger legislative and executive institutions because they are elected according to the will of the people (Sardini, 2011).

The role of the Acting Regional Head is very vital in overcoming the vacancy of the position of regional head that occurs due to simultaneous elections and regional elections. In 2022, there will be 101 regions with details of 7 provinces, 76 districts, and 18 cities (Permana, 2024) has appointed the Acting Regional Head to occupy the position of regional leadership. However, the challenge is greater because by the end of 2023, the number of regions that will need Acting Regional Heads to fill vacancies will increase to as many as 170 regions with details of 17 provinces, 115 districts, and 38 cities (Santika, 2024). Thus, the total number of acting regional heads (Pj) who must be appointed by the government until 2024 reaches 273 regional heads with details of 28 provinces, 189 districts, and 56 cities (Hasan, 2024). This figure reflects about half of the total number of provinces, districts, and cities in Indonesia. Facing this large scale of challenges, the election of Acting Regional Heads must be carried out carefully and consider the abilities and integrity of the individuals concerned, so that governance at the regional level continues to run smoothly and effectively.

The 2022-2023 period is marked by a vacancy in the position of definitive regional head due to the absence of the holding of the Regional Elections. To overcome this, the government took steps to appoint the Acting Regional Head as a temporary solution. Based on data from the Ministry of Home Affairs, this situation lasts until the implementation of the 2024 Simultaneous Regional Elections which will produce definitive regional heads through direct elections by the people (Rastika, 2022).

Table. 1.1  
Number of Regional Heads who have completed their term in 2022-2024

Year End	Regional Heads			Sum
	Governor	Regent	Mayor	
<b>2022</b>	7	76	18	101
<b>2023</b>	17	115	38	170
<b>2024</b>	9	224	37	270

Based on data from the General Election Commission, there are 7 provincial regions in Indonesia that have experienced leadership changes at the governor and deputy governor levels in 2022. These seven provinces are spread across various large islands of Indonesia, namely 2 are on the island of Sumatra, the other two are on the island of Java, 2 provinces are located in Sulawesi, and 1 province is in the Papua region. Specifically, these provinces are Aceh and the Bangka Belitung Islands in Sumatra, Banten and DKI Jakarta in Java, Gorontalo and West Sulawesi in Sulawesi, and West Papua which represents the eastern region of Indonesia (KPU, 2024).

At the district level, there was a change of leadership in 76 regions spread across 25 provinces throughout Indonesia in 2022, due to the end of the regent's term. The island of Sumatra dominates with 29 districts that have experienced a change of regents. The Maluku-Papua region is in second place with 19 districts, followed by Sulawesi with 12 districts. Meanwhile, on the island of Java there are 8 districts, Kalimantan has 5 districts, and the Bali-Nusa Tenggara region recorded 3 districts that experienced a leadership

transition that year (KPU, 2024). Based on data from the General Election Commission, as many as 18 urban areas in Indonesia experienced a change of leadership at the mayor and deputy mayor levels in 2022 (KPU, 2024).

In 2023, a large number of regional heads in Indonesia will end their terms. At the district level, 114 regents from 26 provinces will end their term of office. Java Island leads with 31 districts, followed by Sulawesi with 22 and Sumatra with 21. Kalimantan has 19 districts that will experience a change of leadership, while in the Bali-Nusa Tenggara region there are 14 districts and Maluku-Papua 7 districts. Meanwhile, at the city level, 38 mayors will complete their terms in the same year. Java and Sumatra each have 14 cities that will experience a change of leadership. Sulawesi follows with 5 cities, Kalimantan with 3 cities, while Bali-Nusa Tenggara and Maluku-Papua each have 1 city whose mayor will end his term. Overall, in 2023 a total of 152 regions will have their terms of office expired (KPU, 2024).

Article 201 paragraph (7) of Law 10 of 2016 stipulates that elected regional heads from the 2020 Regional Elections will carry out their duties until 2024. This means that their term of office only lasts for 4 years, shorter than the normal period. After that, these regions will again participate in the simultaneous regional head elections scheduled for November 27, 2024. For the provincial level, 9 provinces whose terms of office will expire in 2024. These provinces include West Sumatra, Riau Islands, Jambi, Bengkulu, South Kalimantan, Central Kalimantan, North Kalimantan, Central Sulawesi, and North Sulawesi. At the district level, the number of regions that will undergo a leadership transition is much larger, reaching 225 districts. Meanwhile, 37 cities will also face the change of mayor and deputy mayor in the same year (KPU, 2024).

One of the problems related to the potential for power intervention in local government is the controversy that arose in the appointment of the Acting Governor of DKI Jakarta. Shortly after taking office, the Acting Governor of DKI Jakarta issued a number of policies that caused polemics because they were considered contrary to the policies of the previous regional heads. One of the policies that has attracted attention is the reactivation of the Deputy Governor position, which has not been filled for a long time since the leadership of Governor Anies Baswedan. In addition, the Acting Governor of DKI Jakarta also removed the Regional Secretary of DKI Jakarta and then appointed him as Deputy Governor for Tourism, which invited criticism from the Betawi Children's Communication Forum (Forkabi). The organization denounced the decision as an arbitrary act.

Another policy that has reaped controversy is the elimination of the bicycle lane budget worth Rp38 billion, which had previously been allocated by Governor Anies Baswedan. These policies show the potential for power intervention in local government, which not only causes instability in regional governance, but can also have an impact on the legitimacy of the Acting Governor's leadership.

The weak legitimacy of the Acting Regional Head can also have implications for the disharmony of relations with the DPRD. This imbalance of legitimacy arises because the DPRD is elected directly by the local people, while the Acting Regional Head is appointed by the executive, in this case the central government. This condition can cause potential problems in terms of DPRD support for the policies of the Acting Regional Head, including in approving the budget for development programs. This imbalance risks causing ineffective local government administration.

In this regard, based on Law/30 of 2014, government officials who obtain authority through the mandate mechanism are prohibited from making decisions and/or actions of a strategic nature, which can have an impact on changes in legal status in aspects of organization, staffing, and budget allocation. Therefore, Acting Regional Heads should not take policies that can significantly change the structure of local government before the definitive regional head is elected through the general election mechanism.

Indonesia has implemented the Simultaneous Regional Elections, as inaugurated by the KPU in April 2015, which was carried out in several waves, namely: 1<sup>st</sup> on December 9, 2015, 2<sup>nd</sup> in February 2017, 3<sup>rd</sup> in June 2018, 4<sup>th</sup> in 2020, 5<sup>th</sup> in 2022, and 6<sup>th</sup> in 2023 is intended for regions whose regional heads were elected in the 2018 Regional Elections.

Based on Article 201 of Law 10 of 2016, a number of regional heads whose terms of office expire in 2022 and 2023 have been extended until 2024, to align the schedule for the 2024 Simultaneous Regional Elections. However, the term of office of Acting Governors, Regents, and Mayors that lasts for 1 to 2 years is considered too long, because the community will be led by officials who they do not directly elect. In addition, regional heads as a result of the 2020 Regional Elections may not be able to carry out their vision and mission optimally, because their leadership period, which should last five years, is at risk of being shortened for the sake of holding the 2024 Simultaneous Regional Elections.

Thus, the mechanism for appointing Acting Regional Heads still poses various challenges, both in terms of democratic legitimacy, government effectiveness, and relations with the DPRD. Therefore, a transparent and accountable policy, as well as strict supervision are needed to ensure that the Acting Regional Head does not abuse his temporary authority.

### **3.2. The Concept of People's Sovereignty Towards the Appointment of the Ideal Acting Regional Head**

The implementation of the 2024 Simultaneous Regional Elections has caused vacancies in regional head positions in various regions, both at the provincial and district/city levels. This vacancy mainly occurs in areas where the term of office of regional heads ends in 2022 and 2023. To overcome these problems, the government implements a mechanism for appointing Acting Regional Heads as stipulated in Article 201 of Law/10 of 2016 and Law/23 of 2014.

During this appointment mechanism, the Ministry of Home Affairs has the authority to submit several names of candidates for Acting Governor to the President, who then chooses one name to be appointed as Acting Governor. Meanwhile, for the filling of the positions of Acting Regent and Acting Mayor, the Governor proposed three names of candidates to the Ministry of Home Affairs, which then determined one person to serve as Acting Regional Head.

The mechanism for appointing Acting Regional Heads deviates from the basic principles of democracy, where the election of regional leaders should be carried out through a general election mechanism with direct participation from the people. As Samuel P. Huntington asserted, a political system can be categorized as democratic if the strongest collective decision in the system is determined through fair, honest, and periodic elections, and provides an opportunity for candidates to compete freely for votes from a people who have the right to vote.



The provisions in Article 18 paragraph (4) of the 1945 Constitution explicitly state that Governors, Regents, and Mayors as heads of provinces, districts, and cities must be democratically elected. Therefore, the mechanism for appointing Acting Regional Heads should be questioned both from the perspective of democracy and its constitutionality.

Robert Dahl with his theory of democracy emphasizes that democracy contains two main elements, namely political contestation and public participation, which greatly determine the sustainability of the democratic process. A healthy democracy must be carried out through a procedural-electoral mechanism, which means elections that are held periodically with the direct involvement of the community as voters.

In line with this view, Peters in Soebagio's book argues that in a democratic system of government, broad participation of citizens can only grow if the policy-making process is carried out through negotiations between policymakers and the people, not solely through hierarchical and technocratic mechanisms. Thus, public participation is the main factor that determines the quality of democracy.

The quality of participation can be measured through the decision-making process in public policy. The more elitist and technocratic the policy-making process, the lower the level of public participation in the democratic process. Therefore, policies that concern the interests of the wider community should not only be determined by a handful of political elites or executive officials, but must involve negotiations between the government and the people as the main constituents in the democratic system.

Some argue that a democratic recession can occur if the political system tends to give political elites the power to try to gain power by promising more than they can realize. This risks creating a gap between public expectations and the reality of government policies. As the gap widens, public trust in politicians will decrease, potentially leading to skepticism about the political system.

If this trend continues in the long term, the democratic process may regress, which is characterized by reduced public participation, increased cynicism towards the government system, and weakening of political legitimacy. Therefore, efforts are needed to ensure that the process of appointing Acting Regional Heads is carried out with the principles of transparency, accountability, and still prioritizes public participation as a fundamental element in the democratic system.

According to Soebagio, the low level of political participation and the increase in the number of *golput* in the general election are caused by several conditional factors, including:

1. The performance of political parties that are considered incapable of fighting for the aspirations of the people, but rather oriented towards the struggle for power for the benefit of the party and the political elite.
2. There is a lack of leadership regeneration, where the figures who appear in political contests are still dominated by the old political elite. If there are new candidates, they have less qualified capacity, low in electability and acceptability, or even have a problematic track record, because they are recruited instantly without going through a systematic regeneration process.
3. The credibility of the people's representatives shows the character of politicians more than statesmen, which indicates that the representative system still tends

to be based on "*trustee*" (representatives of political parties) rather than "*delegates*" (representatives of the people). In addition, the bicameral system implemented in Indonesia is more "soft bicameral", where the role of the DPR is more dominant in the legislation process, while the DPD has limitations in policy decision-making, so it does not function as a strong regional representation.

Based on these factors, it is necessary to strengthen the quality of representation and constituencies that are more substantive, because political participation is one of the main indicators in measuring the success of democracy.

The level of political participation is the main instrument in obtaining the legitimacy of power. Democracy supports the legitimacy of government through three main mechanisms:

1. Legitimacy through public consent

Although citizens do not directly give explicit consent to the existing government, their participation in the political process, such as voting, membership in political parties, involvement in interest groups, or protests, indicates implicit approval of the prevailing political system. Thus, political participation strengthens the relationship between the government and the people and encourages the public to accept political rules as legitimate and binding.

2. Democracy as a conflict resolution mechanism

Democratic government basically serves as a forum for compromise, conciliation, and negotiation between various groups and interests in society. Democratic mechanisms, such as general elections, public debates, and competition between political parties, aim to create a harmonious social life, as opposed to systems that rely on violence or coercion in conflict resolution.

3. Democracy as a stable feedback system

Democracy opens up a mechanism for changing governments and changing public policies, so that it can reduce the potential for legitimacy crises. With an open democratic system, the government is more responsive to people's demands, which ultimately minimizes the risk of conflict, rebellion, or revolution.

The implementation of the 2024 Simultaneous Regional Elections has significant political implications, especially related to *the vacuum of power* in the regions. To overcome this situation, as stipulated in Law/10 of 2016, the government implements a mechanism for appointing Acting Regional Heads. In 2022, the government appointed Acting Regional Heads in 101 regions, while in 2023, the number increased to 171 regions, so that overall, there are 272 Acting Regional Heads appointed until 2024.

This number covers almost half of the total provinces, districts, and cities in Indonesia, with the term of office of Acting Regional Heads ranging from 2.5 to 3 years. This long enough duration has the potential to cause problems in the aspects of legitimacy and effectiveness of government in the regions, because the regional heads who lead are not the result of direct choice from the people, but are appointed by the central government. Therefore, this appointment mechanism needs to be reviewed to remain in line with the principles of democracy and transparent and accountable governance.

Behind the large authority of the central government in appointing Acting Regional Heads, there is a potential for democratic setbacks that can lead to political tragedy. There are at least three forms of democratic decline due to this policy:

1. Centralization of Power in the Hands of the Central Government

The very large authority of the central government in determining the Acting Regional Head has the potential to create structural dependence between appointed officials and their superiors at the central level. Moreover, the appointed Acting Regional Head generally comes from civil servants who are hierarchically responsible to the central government.

This condition can cause Acting Regional Heads to be more likely to submit to the interests of the central government than the interests of the people in their regions. As a result, the policies taken by the Acting Regional Heads do not fully reflect the aspirations of the community and tend to ignore the public interest in order to fulfill the direction of the central government.

2. The Erosion of People's Participation in Determining Public Officials

The process of appointing Acting Regional Heads which is completely the domain of the political elite at the central level, especially the President and Minister of Home Affairs, eliminates the participation of the people in determining their regional leaders. This is contrary to the principle of people's sovereignty, where the people should have the right to choose leaders who will manage their local government.

The concept of democracy, as affirmed by Bentham, emphasizes that the people's control of public affairs must be based on political equality, transparency, and openness. True democracy provides space for public participation in determining their leaders, not through a unilateral appointment mechanism by the central government. Thus, this appointment policy has the potential to hurt democratic principles.

3. Potential for Permanent Abolition of Regional Elections

The policy of appointing Acting Regional Heads on a large scale can set a precedent for efforts to permanently abolish the Regional Elections. This idea is not something new, because on several occasions, the government has discussed the abolition of the Regional Elections on the grounds of cost efficiency and potential political conflicts.

If the mechanism for appointing Acting Regional Heads is considered successful and does not receive significant public rejection, there is a possibility that this policy will be used as a test case to replace the system of democratic regional head elections with a system of unilateral appointment by the central government.

4. The Shift of People's Sovereignty to Sovereign Sovereignty

The mechanism for appointing Acting Regional Heads carried out by the President and the Minister of Home Affairs is contrary to the principle of people's sovereignty, which is a fundamental value in a democratic system. Based on

democratic principles, the people have the right to determine their own leaders, including in local governments.

According to the principle of people's sovereignty, government power must obtain the consent of the people who are governed. A legitimate government that has legitimacy only if it gets a direct mandate from the people. Thus, the system of appointing regional head officials that does not go through a direct election mechanism can be considered to eliminate the people's right to determine their leaders and weaken the essence of democracy.

#### 5. Implications of Legitimacy and Political Stability

A government that obtains legitimacy from the people has binding and effective legal authority in carrying out policies. On the other hand, Acting Regional Heads who are only appointed without electoral legitimacy do not have strong political authority, so the policies issued have the potential to lose effectiveness and binding.

The appointment of a large number of Acting Regional Heads, with a term of office half or more than the definitive term of regional heads, is a danger signal for democracy in Indonesia. If this mechanism continues without strict control, Indonesia risks experiencing a decline in democracy, and even potentially returning to a more authoritarian system of government.

Politically, there are indications that this appointment mechanism can benefit the ruling regime as well as political parties in the circle of power. With full authority in determining the Acting Regional Head, the President has the potential to use this policy as a political tool to maintain the dominance of the ruling party.

### 4. Conclusion

The appointment of Acting Regional Heads as a solution to the power vacuum in the regions ahead of the 2024 Simultaneous Regional Elections has various serious implications for the quality of Indonesian democracy. This practice shifts the principle of people's sovereignty to the sovereignty of the rulers, reduces the participation of the people in the political process, and creates the dependence of regional heads on the central government. In addition, this appointment mechanism risks becoming a justification for the permanent elimination of local elections, which could lead to centralization of power and erode the essence of democracy. The massive appointment of acting regional heads without the basis of legitimacy from the people has the potential to weaken people's sovereignty, reduce public trust in the government, and open up opportunities for the political interests of certain groups. If this practice is allowed to continue, Indonesian democracy is in danger of going back for decades, even returning to a pattern of authoritarianism that is contrary to the basic principles of democracy and people's sovereignty. Therefore, it is necessary to strengthen the representation, participation of the people, and democratic mechanisms to maintain the sustainability of an inclusive and equitable political system.

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Constitution of the Republic of Indonesia of 1945

Law No. 10 of 2016 concerning the Second Amendment to Law No. 1 of 2015 concerning Perpu Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors becomes a Law, regulating that the heads of provinces, districts/cities as a result of the 2020 Election will serve until 2024.

Law No. 30 of 2014 concerning Government Administration