



Examining the Constitutionality of the Minister of Home Affairs' Appointment of Acting Governors, Regents, and Mayors During the 2024 Regional Election Transition

 Inda Dzil Arsyi Makiin¹  Mirah Satria Alamsyah²,  A. Kumedi Ja'far³

^{1,2,3}Fakultas Syariah, UIN Raden Intan Lampung.

*Corresponding E-mail: mirahsatriaalamsyah@radenintan.ac.id

Received: 2024-09-16

Revised: 2024-10-10

Accepted: 2024-12-15

Abstract

Law Number 10 of 2016 concerning Regional Head Elections (UU Pilkada) mandates the implementation of Simultaneous Regional Head Elections in 2024. As this event approaches, many regional heads will complete their terms before the elections, leading to vacancies filled by Acting Regional Heads (Pj). These appointments, lasting up to 2.5 to 3 years, have occurred without technical regulations, with 103 appointments made as of January 20, 2023, raising controversies and procedural issues. This research aims to examine the constitutional conformity of the appointment process, the potential for conflicts of interest in the appointment and placement of acting regional heads, and the application of meritocracy in these appointments. The study employs a normative legal approach using secondary data consisting of primary and secondary legal materials. The findings indicate that the appointment of acting regional heads is not in accordance with the Constitution due to insufficient public participation, as mandated by Constitutional Court Decision Number 91/PUU-XVIII/2020. Furthermore, there is a lack of information transparency, violating Article 28F of the Constitution. The study also highlights the potential for conflicts of interest in the appointment and placement processes, posing significant risks to public integrity and trust. Additionally, the application of meritocracy in appointing acting regional heads, particularly those with military or police backgrounds, is considered justifiable due to their expertise in institutional management gained through professional experience and education.

Keywords: Acting Regional Heads, Conflict of Interest, Constitutionality, Meritocracy, Simultaneous Regional Elections.



Introduction

The Simultaneous Regional Elections (Pilkada Serentak) are a consequence of the enactment of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 on the Establishment of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors. Article 201, paragraph (8) of the Pilkada Law mandates that all regional heads must complete their terms by 2024, even if they have not served a full five-year term. In addition to regulations regarding the completion of terms, paragraph (9) of the same article clarifies that any region with a completed term before 2024 will experience a power vacuum.¹ As a result, Acting Regional Heads (Pj) will be appointed to fill the leadership vacancies until the Simultaneous Regional Elections are held in November 2024.²

From 2022 until the approach of the 2024 Simultaneous Regional Elections, 271 regional heads will reach the end of their terms.³ This situation leads to vacancies that will be filled by Acting Regional Heads. Given the significant number of Acting Regional Heads to be appointed, questions have arisen from various groups, including Indonesia Corruption Watch (ICW), Perludem, KontraS, and YLBHI. These questions concern whether the appointment of Acting Regional Heads aligns with the Constitution. Referring to Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, "Sovereignty is in the hands of the people, and is exercised entirely by the People's Consultative Assembly,"⁴ sovereignty is interpreted as "the highest power residing with the people; democracy."⁵ Therefore, the people hold the

¹ Laode Harjudin dkk., "MENGGUGAT PENUNJUKKAN PENJABAT (Pj) KEPALA DAERAH TANPA PEMILIHAN;" *Journal Publicuho* 5, no. 4 (2023): 1355–66, <https://doi.org/10.35817/publicuho.v5i4.73>.

² Muhammad Fitra Kurniawan, Muhammad Hamzah, dan Al Faruq, "Measuring Accountability for Filling the Acting Regional Heads in Indonesia," *Jurnal Konstitusi* 20, no. 4 (2023): 576–603, <https://doi.org/10.31078/jk2042>.

³ Ni'matul Huda, "Problematika Penundaan Pemilihan Kepala Daerah Dalam Pemilihan Umum Serentak Nasional 2024," *Jurnal Etika & Pemilu* 7, no. 2 (2021): 46–58.

⁴ Majelis Permusyawaratan Rakyat, "UUD Negara RI Tahun 1945," 2000, 1–28.

⁵ Waisol Qoroni dan Indien Winarwati, "Kedaulatan Rakyat Dalam Konteks Demokrasi Di Indonesia," *Inicio Legis* 2, no. 1 (2021): 51–65, <https://doi.org/10.21107/il.v2i1.11079>.

ultimate power over the government, manifested through a democratic system.⁶ This principle of people's sovereignty is the foundation of Indonesia's democratic governance system.⁷ Article 18, paragraph (4) of the 1945 Constitution states, "The Governor, Regent, and Mayor, as Heads of Government of Provinces, Regencies, and Cities, shall be elected democratically."⁸

According to research conducted by Indonesia Corruption Watch, as of January 20, 2023, 103 Acting Regional Heads had been appointed by the Minister of Home Affairs without technical regulations or supporting documents, resulting in a lack of transparency in the process.⁹ In a democratic country, transparency is a crucial instrument to maintain public trust in government policies. Beyond transparency, public participation is a fundamental principle of democratic governance.¹⁰ However, in the appointment of Acting Regional Heads, the public is not involved in selecting candidates.¹¹ The authority to propose candidates for Acting Regional Heads is solely given to the Minister, Governors, and the Regional Legislative Council (DPRD) through its Chairman. Public participation significantly influences the legitimacy of governance.¹² The absence of public involvement in selecting candidates for Acting Regional Heads undermines the legitimacy of their authority.¹³

⁶ Nike K Rumokoy, "Kedaulatan Dan Kekuasaan Dalam Uud 1945 Dalam Pembentukan Hukum Di Indonesia," *Jurnal Hukum Unsrat* 23, no. 9 (2017): 53–62.

⁷ Agus Dedi, "Implementasi prinsip-prinsip demokrasi," *Jurnal moderat* 7, no. 1 (2021): 1–9.

⁸ Majelis Permusyawaratan Rakyat, "UUD Negara RI Tahun 1945."

⁹ Humas ICW, "Perkembangan Sidang Keterbukaan Informasi Penunjukan Penjabat Kepala Daerah: Kemendagri Harus Buka Akses Dokumen Pengangkatan Penjabat!," Indonesia Corruption Watch, 2023.

¹⁰ Edwin Nurdiansyah, "Keterbukaan Informasi Publik Sebagai Upaya Mewujudkan Transparansi Bagi Masyarakat," *Jurnal Bhinneka Tunggal Ika* 3, no. 2 (2016): 147–51.

¹¹ Vina Fajar Dewi dan Nuryanto Ahmad Daim, "Dinamika Penolakan Penjabat Kepala Daerah Dari Pusat di Kalimantan Tengah Dalam Perspektif Politik Hukum," *Law and Humanity* 1, no. 3 (2023): 279–301, <https://doi.org/10.37504/lh.v1i3.580>.

¹² Asti Giri Anjani, Nadia Ardine Mey Lia Sari, dan Aisyah Resti Melati Arifa Kurnia Kuswan Hadji, "PERAN PENTING MASYARAKAT DALAM MERUMUSKAN PERATURAN PERUNDANG-UNDANGAN YANG BERKUALITAS," *Jurnal Hukum dan Kewarganegaraan* 4, no. 8 (2024), <https://doi.org/10.3783/causa.v2i9.2461>.

¹³ Iqbal Ahmady, Annisah Putri, dan Nong Ayu Triyanti Utami Hakim, "Analisis Fenomena Penunjukan Penjabat Kepala Daerah Provinsi Aceh oleh Pemerintah Pusat," *Journal of Governance and Social Policy* 4, no. 1 (2023): 119–38, <https://doi.org/10.24815/gaspol.v4i1.31895>.

The process of appointing Acting Regional Heads has led to numerous issues and controversies, prompting organizations such as Indonesia Corruption Watch (ICW) to file complaints with the Central Information Commission.¹⁴ In addition, the Commission for Missing Persons and Victims of Violence (*Kontras*) filed a report on alleged maladministration by the Ministry of Home Affairs with the Ombudsman.¹⁵ One example of the controversy is the appointment of the Acting Regent of Seram Bagian Barat.¹⁶ Brigadier General Andi Chandra As'aduddin, which took place on May 24, 2022. Brigadier General Andi Chandra As'aduddin, an active TNI officer, was previously the Head of the Indonesian National Intelligence Agency (BIN) in Central Sulawesi.¹⁷ Referring to the Constitution, the appointment of an active military officer for this role does not align with the role and authority assigned to the TNI.¹⁸ as stated in Article 30, paragraph (3) of the 1945 Constitution, which designates the Indonesian National Military (TNI) as the primary force for national defense and security, not as an administrator of government.¹⁹

In addition to the Constitution, there is a law that explicitly prohibits active TNI officers from holding civil positions. Law Number 34 of 2004 on the Indonesian National Military, Article 47, paragraph (1), prohibits active military personnel from occupying civil offices.²⁰ The existence of this law should serve as

¹⁴ Humas ICW, "ICW Menang, Kemendagri Harus Membuka Segala Dokumen terkait Pengangkatan Penjabat Kepala Daerah!" Indonesia Corruption Watch, 2023, <https://antikorupsi.org/id/icw-menang-kemendagri-harus-membuka-segala-dokumen-terkait-pengangkatan-penjabat-kepala-daerah>.

¹⁵ Sasmito Madrim, "Kontras Minta Mendagri Benahi Pengangkatan Penjabat Kepala Daerah Karena Maladministrasi," *VoaIndonesia*, 2022, <https://www.voaindonesia.com/a/kontras-minta-mendagri-benahi-pengangkatan-penjabat-kepala-daerah-karena-maladministrasi/6666965.html>.

¹⁶ Madaskolay Viktoris Dahoklory dan Eivandro Wattimury, "Problematika Pengangkatan Prajurit Tni Sebagai Penjabat Kepala Daerah," *Perspektif Kajian Hukum dan Pembangunan* 29, no. 1 (2024): 46–53, <https://doi.org/10.30742/perspektif.v29i1.904>.

¹⁷ Adella Anggia Pramesti dan Hufron, "Pengangkatan Penjabat Kepala Daerah Dari Anggota Tni Aktif Ditinjau Dari Segi Hukum," *COURT REVIEW: Jurnal Penelitian Hukum* 4, no. 05 (2024): 22–37, <https://doi.org/10.69957/cr.v4i05.1586>.

¹⁸ Raihan Ardiansyah, Waluyo Waluyo, dan Rosita Candrakirana, "Diskresi Dalam Pengangkatan Penjabat Kepala Daerah Dari Unsur Tni/Polri," *Eksekusi : Jurnal Ilmu Hukum dan Administrasi Negara* 1, no. 3 (2023): 37–47, <https://doi.org/10.55606/eksekusi.v1i3.447>.

¹⁹ Majelis Permusyawaratan Rakyat, "UUD Negara RI Tahun 1945."

²⁰ Muhammad Adlan Kamil, A Salman Maggalatung, dan Feni Arifiani, "Legalitas Anggota TNI Aktif Dalam Rangkap Jabatan Sipil: Studi Terhadap Undang-Undang Nomor 34 Tahun 2004 Tentang Tentara Nasional Indonesia," *JOURNAL of LEGAL RESEARCH* 4, no. 2 (2022): 287–308, <https://doi.org/10.15408/jlr.v4i2.21921>.

a basis for the Minister of Home Affairs when appointing Acting Regional Heads. The Minister's failure to adhere to existing regulations raises questions about the legitimacy of the appointments. This situation also brings up whether the Minister of Home Affairs applied meritocracy in selecting active TNI officers for these positions²¹ as public officials should ideally be appointed based on merit.²²

In addition to questions regarding the application of meritocracy, the actions of the Ministry of Home Affairs raise concerns about potential conflicts of interest. One contributing factor is the issue of dual positions.²³ For example, Ridwan Jamaluddin, the former Acting Governor of the Bangka Belitung Islands, was appointed while still holding the position of Director General of Mineral and Coal at the Ministry of Energy and Mineral Resources (ESDM).

Given these issues and controversies, discussing the constitutionality of the appointment of Acting Regional Heads becomes a critical and fascinating subject. Previous studies related to the appointment of Acting Regional Heads include research by Syarifuddin Usman, which examined the controversies surrounding the appointment of Acting Regional Heads in Morotai Regency, classifying it as malpractice in government administration.²⁴ Another study by Dio Ekie Remanda analyzed the mechanism of appointing Acting Regional Heads and concluded that there needs to be a reorganization of the authority to appoint Acting Regional Heads.²⁵ Additionally, a study by Ahmad Gelora Mahardika and colleagues explored the legal problems related to appointing Acting Regional Heads in Indonesia's governance system, arguing that Indonesia has not yet fully

²¹ Abustan Abustan, "Implementasi Demokrasi dan Legitimasi Penjabat Kepala Daerah di Indonesia," *Indonesia Law Reform Journal* 2, no. 3 (2022): 274–87, <https://doi.org/10.22219/ilrej.v2i3.22202>.

²² Agil Sabani dkk., "Pentingnya Implementasi Sistem Meritokrasi Dalam Instansi Pemerintahan Indonesia," *Aktivisme: Jurnal Ilmu Pendidikan, Politik dan Sosial Indonesia* 1, no. 3 (2024): 144–52, <https://doi.org/10.62383/aktivisme.v1i3.333>.

²³ May Lim Charity, "Ironi Praktik Rangkap Jabatan Dalam Sistem Ketatanegaraan Indonesia (Irony Practices of the Double Duty in the Indonesian State System)," *Legislasi Indonesia* 13, no. 1 (2016): 1–10, <https://doi.org/10.54629/jli.v13i1>.

²⁴ Syarifuddin Usman, "Polemik Pengangkatan Penjabat Kepala Daerah," *Jurnal Sains, Sosial Dan Humaniora (Jssh)* 2, no. 1 (2022): 63–73, <https://doi.org/10.52046/jssh.v2i2.1144>.

²⁵ Dio Ekie Ramanda, "Menata Ulang Kewenangan Mengangkat Penjabat Kepala Daerah," *JISIP (Jurnal Ilmu Sosial dan Pendidikan)* 6, no. 3 (2022): 10061–68, <https://doi.org/10.58258/jisip.v6i3.3353>.

optimized mechanisms for filling power vacancies based on democratic principles.²⁶

Additionally, there is research by Laedo Harjudin et al. that examines the implications of appointing Acting Regional Heads on democratic principles with the theory of people's sovereignty.²⁷ Finally, a study by Pujangga Candrajayaning Fajri explores the reformulation of the mechanism for appointing Acting Regional Heads as an effort to strengthen the democratic system.²⁸ Based on previous studies, the research conducted by the author differs from earlier research. This study specifically discusses the constitutionality of the appointment of Acting Regional Heads in relation to the Constitution (UUD). Furthermore, this study also addresses the potential conflicts of interest and the application of meritocracy (merit system) in the appointment and selection process.

Research Method

This research is a normative legal study employing library research. In this study, the author uses secondary data consisting of primary legal materials and secondary legal materials. The primary legal materials used include the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), Law No. 34 of 2004 concerning the Indonesian National Military (TNI), Law No. 10 of 2016 concerning the Second Amendment to Law No. 1 of 2015 on the Establishment of Government Regulation in Lieu of Law No. 1 of 2014 on the Election of Governors, Regents, and Mayors, Law No. 5 of 2014 on State Civil Apparatus (ASN), Law No. 23 of 2014 on Regional Government, Minister of Home Affairs Regulation No. 4 of 2023 concerning Acting Governors, Acting Regents, and Acting Mayors, Constitutional Court Decision No. 67/PUU-XIX/2021, and Constitutional Court Decision No. 91/PUU-XVIII/2020. The secondary legal materials used include scholarly articles, books, and various research studies

²⁶ Ahmad Gelora Mahardika dan Sun Fatayati Ferry Nahdian Furqan, "PROBLEMATIKA YURIDIS PENGISIAN PENJABAT SEMENTARA KEPALA DAERAH DALAM SISTEM KETATANEGARAAN INDONESIA" 9, no. 46 (2022): 356–63.

²⁷ Laode Harjudin dkk., "MENGGUGAT PENUNJUKKAN PENJABAT (Pj) KEPALA DAERAH TANPA PEMILIHAN:"

²⁸ Pujangga Candrawijayaning Fajri, "Refomulasi Mekanisme Pengangkatan Pejabat Kepala Daerah sebagai Upaya Penguatan Sistem Demokrasi," *Siyasah: Jurnal Hukum Tata Negara* 03, no. 2 (2023): 197–219, <https://doi.org/10.32332/siyasah.v4i1>.

related to this topic. The object of this study is the appointment of Acting Regional Heads (Pj) by the Ministry of Home Affairs. The research is descriptive-analytical in nature, meaning it describes the various regulations in place and then analyzes the conformity of the actions taken by the Ministry of Home Affairs with those regulations.

Constitutionality of the Appointment of Acting Governors, Regents, and Mayors

The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) serves as the foundational legal document of the Republic of Indonesia and is the highest law in the country.²⁹ The UUD NRI 1945 regulates the formation, division, and exercise of power.³⁰ In addition, it contains provisions regarding the rights and obligations of the state, state apparatus, and citizens.³¹ The position of the UUD NRI 1945 as the highest legal authority is clarified in Law Number 12 of 2011 concerning the Formation of Laws and Regulations, in Article 7, paragraph (1). This article explains that the UUD NRI 1945 is the highest regulation, superseding all other regulations.³² Consequently, this has implications for other legal regulations, which must be in line with, and not contrary to, the UUD NRI 1945.³³ This foundation drives the author to examine the alignment of the Minister of Home Affairs' actions with the UUD NRI 1945 regarding the appointment of Acting Regional Heads (Pj).

As the 2024 Simultaneous Regional Elections (*Pilkada Serentak*) approach, the process of appointing and selecting Acting Regional Heads has

²⁹ Meishin Dona Chaesara dkk., "MENJAGA MARWAH KONSTITUSI: MENGUJI KONSTITUSIONALITAS PERATURAN PERUNDANG-UNDANGAN BERLANDASKAN UUD NRI 1945," *Kultura Jurnal Ilmu Hukum, Sosial, Humaniora* 2, no. 5 (2024): 254–69.

³⁰ Virna Septia Anggyamurni, Yusya Rugaya Salsabilah, dan Ewaldo Duta Salsa, "Konstitusi dalam Praktik Ketatanegaraan di Indonesia," *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 23, no. 2 (2020): 427–44, <https://doi.org/10.15642/alqanun.2020.23.2.427-444>.

³¹ Siti Zikrina Farahdiba dkk., "Tinjauan Pelanggaran Hak Dan Peningkaran Kewajiban Warga Negara Berdasarkan Uud 1945," *Jurnal Kewarganegaraan* 5, no. 2 (2021): 837–45, <https://doi.org/10.31316/jk.v5i2.2044>.

³² Pembentukan Peraturan Perundang-undangan dkk., "LEMBARAN NEGARA," no. 82 (2011).

³³ Alsyam Alsyam, "Kedudukan Pembukaan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar," *UNES Law Review* 5, no. 4 (2023): 1546–56, <https://doi.org/10.31933/unesrev.v5i4.549>.

become contentious and dynamic. Issues have arisen starting from the appointment process of Acting Regional Heads, which was initially carried out without technical regulations, until such regulations were finally issued. In April 2023, the Ministry of Home Affairs (*Kemendagri*) established technical regulations for the appointment of Acting Regional Heads. These regulations were outlined in Minister of Home Affairs Regulation No. 4 of 2023 concerning Acting Governors, Acting Regents, and Acting Mayors. However, despite the issuance of these technical regulations, the appointment process remains problematic. This is because, upon closer examination, the mandate to create these technical regulations had long been issued by the Constitutional Court in its legal consideration (*ratio decidendi*).

Based on Constitutional Court Decision No. 67/PUU-XIX/2021, the Court mandated the Government to establish technical regulations derived from Article 201 of Law No. 10 of 2016 on Regional Head Elections (*UU Pilkada*). The Government's delay in executing this mandate demonstrates noncompliance with the Constitution, even though the Constitutional Court clearly serves as the guardian of the Constitution.³⁴ The long absence of these technical regulations resulted in the appointment of Acting Regional Heads without a clear regulatory framework, making the process lack openness, transparency, and accountability. As a result, the democratic principles mandated by the UUD NRI 1945 have not been realized.³⁵

The issuance of technical regulations in the form of the Minister of Home Affairs Regulation (*Permendagri*) by the Ministry of Home Affairs in 2023 has raised new issues. This is because, ideally, regulations governing the appointment of Acting Regional Heads (Pj) should not be at the level of a Ministerial Regulation (*Permen*), but rather at the level of a Government Regulation (PP). In fact, on July 29, 2022, the Indonesian Ombudsman issued a Final Report on the Results of the Examination (LAHP) regarding the appointment of Acting

³⁴ Novendri M. Nggilu, *Hukum dan Teori Konstitusi: (Perubahan konstitusi yang partisipatif dan populis)* (Yogyakarta : UII Press., 2015).

³⁵ Hafid Irfani dan Asri Elies Alamanda, "Prinsip Keterbukaan Dan Akuntabilitas Dalam Pengangkatan Penjabat (PJ) Kepala Daerah," *JUSTITIABLE-Jurnal Hukum* 6, no. 2 (2024): 165–81.

Regional Heads, one of the key points being the requirement for the creation of technical regulations in the form of a Government Regulation.³⁶ The Ombudsman emphasized that the procedural process for creating a Government Regulation is more open to public participation compared to Ministerial Regulations, which typically involve only academics, consultants, and certain stakeholders.³⁷ The proper involvement of society in the procedural process becomes a key indicator in assessing whether the regulation is procedurally (formally) valid and in line with the needs and aspirations of the public.³⁸

The openness of public participation, as highlighted by the Ombudsman, reminds the author of the judicial review precedent of Law No. 11/2020 on Job Creation, which was conditionally declared unconstitutional by the Constitutional Court. In the ruling of Decision No. 91/PUU-XVIII/2020, it was stated that meaningful public participation must be implemented in the legislative process to ensure genuine participation and public involvement.³⁹ The application of public participation in the form of public aspirations aims to create regulations that favor the interests of the people.⁴⁰ Therefore, in the creation of regulations, particularly the technical regulations for appointing Acting Regional Heads, public participation should be accommodated.⁴¹ The absence of public participation in this process makes the *Permendagri* less complete. This is evidenced by the lack of detailed provisions regarding the mechanism for discussion and the reporting of

³⁶ Andi Kusnanto, "Quo Vadis Landasan Hukum Pengangkatan Penjabat Kepala Daerah," *Legal Spirit* 8, no. 1 (2024): 45, <https://doi.org/10.31328/lv7i2.5049>.

³⁷ Ombudsman RI, *Diskusi Publik "Penjabat Kepala Daerah: Kebijakan Pengangkatan dan Implikasi bagi Tata Kelola Pemda"* (Indonesia, 2022).

³⁸ Fahmi Ramadhan Firdaus, "Public Participation in Law-Making Process: A Comparative Perspective of 5 (Five) Democratic Countries," *Jurnal Konstitusi* 21, no. 2 (2024): 203–25, <https://doi.org/10.31078/jk2123>.

³⁹ Pascal Wilmar Yehezkiel Toloh, "Formulasi Sistem Partisipasi Bermakna (Meaningful Participation) dalam Pembentukan Peraturan Daerah sebagai Penguatan Demokrasi Lokal," *Jurnal Legislasi Indonesia* 21, no. 3 (2024): 306–3018, <https://doi.org/10.54629/jli.v21i3>.

⁴⁰ Henny Andriani, "Partisipasi Bermakna Sebagai Wujud Asas Keterbukaan Dalam Pembentukan Undang-Undang," *UNES Journal of Swara Justisia* 7, no. 1 (2023): 306, <https://doi.org/10.31933/ujsj.v7i1.337>.

⁴¹ Muhammad Anugerah Perdana dkk., "Reformulation of Public Participation in Fast-Track Legislation in an Open Cumulative National Legislative Program," *Jurnal Konstitusi* 20, no. 4 (2023): 678–703, <https://doi.org/10.31078/jk2047>.

arguments considered in selecting the proposed candidates for Acting Regional Heads.⁴²

The lack of discussion and reporting regarding the names of candidates for Acting Regional Heads to the public led to a lawsuit filed by Indonesia Corruption Watch (ICW) with the Central Information Commission (KIP), registered under number 007/I/KIP-PSI/2023. The lawsuit was decided on Thursday, July 27, 2023. The decision stated that the appointment of Acting Regional Heads, as stipulated in Article 201 of Law No. 10 of 2016 on Regional Head Elections, in accordance with the mandates of the Constitutional Court Decisions No. 67/PUU-XIX/2021 and No. 15/PUU-XX/2022, is information that must be made publicly accessible.⁴³ The Ministry of Home Affairs (*Kemendagri*) was ordered to provide these documents to ICW. However, as of December 4, the Ministry of Home Affairs continued to appoint 10 Acting Regional Heads without complying with the KIP's decision. Various documents concerning the selection process,⁴⁴ proposals, and considerations for the Acting Regional Heads have not been provided by the Ministry of Home Affairs. This lack of transparency contradicts the constitutional guarantee of information access provided by the 1945 Constitution of the Republic of Indonesia, Article 28 F, which states: "Every person has the right to communicate and obtain information to develop his or her personal and social environment, and has the right to seek, obtain, own, store, process, and convey information by using all available channels."⁴⁵

The appointment of Acting Regional Heads without the establishment of technical regulations is in violation of Constitutional Court Decision No. 67/PUU-XIX/2021. This decision mandates the creation of technical regulations as a derivative of the Law on Regional Head Elections regarding the appointment of Acting Regional Heads. Furthermore, the issuance of technical regulations in the

⁴² Permendagri, "Peraturan Menteri Dalam Negeri Republik Indonesia Nomor 4 Tahun 2023 Tentang Penjabat Gubernur, Penjabat Bupati, Dan Penjabat Wali Kota," *Berita Negara Republik Indonesia*, no. 310 (2023): 1–12.

⁴³ Humas ICW, "ICW Menang, Kemendagri Harus Membuka Segala Dokumen terkait Pengangkatan Penjabat Kepala Daerah!"

⁴⁴ Dani Amran Hakim dan M. Yasin al Arif, "Questioning Presidential Threshold in Indonesia: Constitutional Analysis and Democracy Implementation," *Veteran Law Review* 7, no. 1 (31 Mei 2024): 73–86, <https://doi.org/10.35586/velrev.v7i1.7591>.

⁴⁵ Majelis Permusyawaratan Rakyat, "UUD Negara RI Tahun 1945."

form of a Ministerial Regulation (*Permendagri*) is not the appropriate approach.⁴⁶ Article 86, paragraph (6) of Law No. 23 of 2014 on Regional Government states that the requirements and terms of office for Acting Governors, Regents, and Mayors should be regulated by a Government Regulation. In addition, as pointed out by the Ombudsman, the process of forming technical regulations in the form of *Permendagri* lacks public participation. The minimal public participation is clearly inconsistent with the ratio decidendi of Constitutional Court Decision No. 91/PUU-XVIII/2020, which mandates that meaningful participation must be fulfilled in the regulatory process. Moreover, the Ministry of Home Affairs' failure to provide access to information regarding various selection documents, proposals, and considerations for the Acting Regional Heads is in violation of the 1945 Constitution, Article 28 F.

Potential Conflict of Interest in the Appointment of Acting Governors, Regents, and Mayors

Conflict of interest is a common issue in the governance of developing countries, such as Indonesia.⁴⁷ The presence of conflicts of interest in government can influence the decisions made and negatively affect the process and outcomes of governance.⁴⁸ Conflict of interest becomes a serious threat to government integrity, transparency, and public trust in government administration.⁴⁹ A conflict of interest does not only occur when an individual's personal interests collide with their official duties, but it can also arise from holding multiple positions simultaneously. A multiple position situation occurs when a person holds two or more positions at the same time.⁵⁰ A conflict of interest due to holding multiple positions arises when there is a clash of interests

⁴⁶ M. Yasin al Arif, "Implementation of Ministerial Regulations Based on Attribution Power in the Administration of Government," *Mulawarman Law Review*, 17 Agustus 2023, 45–56, <https://doi.org/10.30872/mulrev.v8i1.1074>.

⁴⁷ Sosmaniora Jurnal dan Ilmu Sosial, "Memahami Pola Resolusi Konflik Kepentingan di Indonesia" 3, no. 3 (2024): 287–93, <https://doi.org/10.55123/sosmaniora.v3i3.3930>.

⁴⁸ A. Peters dan L. Handschin, "Conflict of Interest in Global, Public and Corporate Governance: a Cross-Cutting Problem of Governance," 2012.

⁴⁹ Muhammad Nur Ramadhan, "Indonesia Darurat Benturan Kepentingan," PSHK, 2023, <https://pshk.or.id/blog-id/indonesia-darurat-benturan-kepentingan/>.

⁵⁰ Sonia Sekar Sari dkk., "Disregarding the Constitutional Court Decision Concerning the Prohibition of Concurrent Deputy Minister Positions," *Jurnal Konstitusi* 20, no. 4 (2023): 604–21, <https://doi.org/10.31078/jk2043>.

between one position and another. The emergence of such a clash can result in biased decision-making or a lack of neutrality in the outcomes.

In the case of the appointment of Acting Regional Heads (Pj), there are indications of a conflict of interest. This conflict of interest occurs during both the selection and appointment process, as well as in cases where an Acting Regional Head holds multiple positions. For example, Ridwan Jamaluddin, the former Acting Governor of the Bangka Belitung Islands, who was appointed on May 18, 2022, by the Minister of Home Affairs, was later named a suspect by the Attorney General's Office on August 9, 2023. The problem arose when Ridwan Jamaluddin was appointed as Acting Governor, but at the same time, he still held the position of Director General of Mineral and Coal at the Ministry of Energy and Mineral Resources (ESDM). Holding both positions—the Acting Governor of Bangka Belitung and the Director General of Mineral and Coal at ESDM—created a potential conflict of interest, especially given that Bangka Belitung is the largest tin-producing province in Indonesia,⁵¹ accounting for 90% of the country's tin production. The high productivity of tin in Bangka Belitung increases the likelihood of conflicts of interest in the region. Holding two positions at once created a potential clash of interests between his duties as Director General and Acting Governor.

In addition to Ridwan Jamaluddin, the appointment of Achmad Marzuki as Acting Governor of Aceh also raises concerns about conflict of interest. Achmad Marzuki was appointed as Acting Governor of Aceh on July 6, 2022. Before his appointment, Achmad Marzuki served as a Junior Staff Officer of the Indonesian Army (KSAD). However, on July 1, 2022, Achmad Marzuki retired early from the military. The issue arose when, just three days after his early retirement, on July 4, 2022, Achmad Marzuki was appointed as the Special Staff of the Minister of Home Affairs. The short time between his retirement and his new appointment raised several questions. These questions became a major issue when, just one day after assuming the position of Special Staff, Achmad

⁵¹ Inarotul Ulya, Amilda Amilda, dan Otoman Otoman, "Timah dalam Pembentukan Budaya dan Ekonomi Masyarakat Bangka," *Tanjak: Sejarah dan Peradaban Islam* 4, no. 1 (2024): 68–79, <https://doi.org/10.19109/tanjak.v4i1.22013>.

Marzuki was immediately appointed as Acting Governor of Aceh on July 6, 2022, in a plenary session at the Aceh Regional Legislative Council (DPR Aceh). This rapid transition raised suspicions that his appointment as Special Staff of the Ministry of Home Affairs was merely a stepping stone to facilitate his later appointment as Acting Governor. Such actions are closely associated with a potential conflict of interest.

Based on a report published by Detik Sumut, the performance of Achmad Marzuki was deemed unsatisfactory and often caused disruptions. Due to this, on June 5, 2023, the Chairpersons of the Aceh Regional Legislative Council (DPR Aceh) sent a letter to the President requesting the dismissal of Acting Governor Achmad Marzuki. However, the request was not granted, and instead, on July 5, the Head of the Public Relations Center (Kapuspen) of the Ministry of Home Affairs, Benni Irwan, announced that Achmad Marzuki's term would be extended for another year, until 2024. The letter from the Chairpersons of the DPR Aceh was based on Achmad Marzuki's performance during his tenure as Acting Governor. One of the main reasons for the letter was that Achmad Marzuki rarely attended meetings and was far from meeting the expectations of the public. According to data from Detik Sumut, during 30 meetings held, he attended only 7.⁵² The extension of Achmad Marzuki's term from the first to the second period strengthens the suspicion of a potential conflict of interest in his appointment. Despite his first-term performance not meeting public expectations, he was still retained by the government.

Another example reinforcing the suspicion of a potential conflict of interest occurred when Ayodhia Kalake, Secretary of the Coordinating Ministry for Maritime Affairs and Investment (Sesmenko Marves), was appointed as Acting Governor of East Nusa Tenggara (NTT) on September 5, 2023.⁵³ Before the appointment, Ayodhia Kalake was not among the candidates proposed by the

⁵² Tim Detik Sumut, "Achmad Marzuki yang Disebut Tukang Buat Gaduh Kembali Jadi Pj Gubernur Aceh Baca artikel detiksumut, 'Achmad Marzuki yang Disebut Tukang Buat Gaduh Kembali Jadi Pj Gubernur Aceh' selengkapnya <https://www.detik.com/sumut/berita/d-6807360/achmad-marzuki-yan>," Detik Sumut, 2023.

⁵³ Tamara Amalia, "Baru Dilantik, Ini Profil PJ Gubernur NTT Ayodhia Kalake," *viva*, 2023, <https://www.viva.co.id/berita/nasional/1634322-baru-dilantik-ini-profil-pj-gubernur-ntt-ayodhia-kalake>.

local Regional Legislative Council (DPRD). Instead, he was directly nominated by the President. This direct nomination raised suspicions that Ayodhia Kalake's appointment was influenced by a conflict of interest, as he continued to serve as Sesmenko Marves while also holding the position of Acting Governor of NTT. The suspicion arose because the central government had plans to accelerate premium tourism development in Labuan Bajo. Ayodhia Kalake's dual role as Acting Governor and Sesmenko Marves was seen as a way to facilitate the implementation of the Labuan Bajo tourism program. The potential conflict of interest emerged because holding both positions could compromise his neutrality and decision-making.

Given these issues and potential conflicts of interest, holding multiple positions in the appointment of Acting Regional Heads is a matter that should be reconsidered by the government. While there are no specific regulations prohibiting Acting Regional Heads from holding multiple positions, a deeper look reveals regulations that implicitly forbid such dual roles for public officials. These regulations are found in Article 23 of Law No. 39 of 2008 on State Ministries, which prohibits ministers from holding multiple positions. Additionally, Article 28 of Government Regulation No. 11 of 2017 on the Management of Civil Servants prohibits functional officials from holding multiple positions. These regulations were designed to prevent potential conflicts of interest. Therefore, Acting Regional Heads should not hold multiple positions to avoid such conflicts. This is crucial because it could have a significant impact on the safety and well-being of the public, potentially leading to policies that do not prioritize the welfare of the people. The practice of holding multiple positions, particularly by individuals from the central government, may undermine the concept of regional autonomy. There is concern that the interests of the central government could influence the actions of Acting Regional Heads, undermining their role in administering regional governance.

The Application of Meritocracy (Merit System) in the Appointment of Acting Governors, Regents, and Mayors from Retired Military and Police Officers (TNI/POLRI)

Meritocracy (merit system) is an essential and fundamental principle in placing individuals in positions to run government affairs. The application of the merit system is crucial and has positive impacts on government performance, as it serves as an effort to enhance the professionalism of public officials.⁵⁴ The merit system improves the efficiency and quality of government officials' performance, as they possess the competence and track record that aligns with their responsibilities.⁵⁵ In Indonesia, the merit system is also regulated by law, specifically in Law No. 5 of 2014 on State Civil Apparatus (ASN). This law stipulates that the management of ASN must be carried out based on the merit system.⁵⁶ Therefore, the qualifications for appointing Acting Regional Heads (Pj), who are not directly elected by the people, should also be based on the merit system. Based on this, the author finds that several Acting Regional Heads appointed have backgrounds in the military and police. The question then arises: has the merit system been applied in the appointment of these individuals with military/police backgrounds? The author invites readers to examine this by looking at their military careers, education, governance experience, and performance during their tenure.

First, there is General Police (Ret.) Drs. Nana Sudjana, A.S., M.M., who was appointed as Acting Governor of Central Java to replace Ganjar Pranowo on Tuesday, September 9, 2023. Prior to his appointment as Acting Governor of Central Java, Nana Sudjana was the Main Inspector of the Secretariat General of

⁵⁴ Eviva Nur Khobiburrohma, Priska Septiana Margareta, dan MS. Habbie Hasbullah, "Penerapan Sistem Merit Dalam Birokrasi Indonesia Untuk Mewujudkan Good Governance," *Transparansi: Jurnal Ilmiah Ilmu Administrasi* 3, no. 2 (2020): 139–48, <https://doi.org/10.31334/transparansi.v3i2.900>.

⁵⁵ Riezka Novia Bewinda, R Fauzy, dan Restuardy Daud, "Sejarah Sistem Merit Dalam Manajemen Sumber Daya Manusia Sektor Publik Di Indonesia," *Musamus Journal of Public Administration* 6, no. 1 (2023): 522–28, <https://doi.org/10.35724/mjpa.v6i1.5404>.

⁵⁶ Sofyan dan Thahir Haning Tang Abdullah, "MERITOKRASI DALAM PROMOSI JABATAN DAN MUTASI APARATUR SIPIL NEGARA," *Syntax Literate: Jurnal Ilmiah Indonesia* 33, no. 1 (2022): 1–12, <http://dx.doi.org/10.36418/syntax-literate.v7i12.10759>.

the Indonesian House of Representatives (DPR RI) in 2023.⁵⁷ Based on his career history, Nana Sudjana has extensive experience in organizational management, having served as the Chief of Police for South Sulawesi, North Sulawesi, and several other positions. While Nana Sudjana's career did not initially stem from government service, his experience as the Main Inspector of the Secretariat General of the DPR RI for nearly a year provided him with the necessary skills to manage government affairs, particularly in his role as Acting Governor. This was proven by several awards received by Nana Sudjana during his tenure as Acting Governor of Central Java. First, he successfully led the province to achieve second place in the 2023 Evaluation of Regional Government Performance.⁵⁸ Second, Nana Sudjana successfully brought Central Java to receive the Stabilization of Supply and Food Prices (SPHP) Award as the best SPHP performer from the National Food Agency of Indonesia. Furthermore, Nana Sudjana also helped Central Java win the Most Informative Province award from Vice President KH Ma'ruf Amin on December 19, 2023.

Moving to Central Indonesia, specifically on the island of Sulawesi, there is another Acting Governor from the Police, General Police (Ret.) Dr. (H.C.) Andap Budhi Reviyanto, S.I.K., M.H., who was appointed as Acting Governor of Southeast Sulawesi. Andap Budhi was inaugurated on Tuesday, September 5, 2023, by the Minister of Home Affairs at the Ministry of Home Affairs office in Jakarta. Prior to his appointment as Acting Governor of Southeast Sulawesi, Andap Budhi held positions within the government, including serving as the Inspector General of the Ministry of Law and Human Rights of Indonesia from May 4, 2020, to March 10, 2021. Additionally, Andap Budhi also served as the Secretary General of the Ministry of Law and Human Rights from March 2021 to September 2024. His experience in assisting the government within this ministry became an additional competence for Andap Budhi in understanding and managing governmental affairs. Although Andap Budhi did not initially come

⁵⁷ Tim CNN, "Profil Nana Sudjana, Mantan Kapolda Metro Jaya yang Gantikan Ganjar," CNN Indonesia, 2023, <https://www.cnnindonesia.com/nasional/20230902120724-32-993867/profil-nana-sudjana-mantan-kapolda-metro-jaya-yang-gantikan-ganjar>.

⁵⁸ Dea Duta Aulia, "Ini Sederet Penghargaan yang Diterima Pemprov Jateng Era Nana Sudjana," Detikjateng, 2024, <https://www.detik.com/jateng/berita/d-7310589/ini-sederet-penghargaan-yang-diterima-pemprov-jateng-era-nana-sudjana>.

from a government agency, his tenure in the ministry has provided him with the necessary expertise to be professional in carrying out his duties.

Experience in Assisting Government Applied by Andap Budhi in Running Government Affairs. Andap Budhi applied his experience in assisting the government when running the administration. This is evidenced by the achievements made by the Provincial Government of Southeast Sulawesi (Pemprov Sultra), which received the 2024 Regional Inflation Control Award (TPID). Pemprov Sultra earned this recognition for its successful inflation control efforts in the region. According to the Official Information and Documentation Management Officer (PPID) page of Kolaka Regency, the inflation rate in Southeast Sulawesi has continually decreased and can be classified as stable. This decline has placed Southeast Sulawesi among the top 10 provinces with the lowest inflation rates in Indonesia.⁵⁹ Based on his career and performance during his tenure, Andap Budhi's appointment as Acting Governor of Southeast Sulawesi can be justified.

In addition to Nana Sudjana and Andap Budhi, there is another Acting Governor from the military background, Major General (Ret.) Dr. Hassanudin, S.I.P., M.M. Major General (Ret.) Hassanudin served as Acting Governor twice in two different provinces: North Sumatra (2023–2024) and West Nusa Tenggara (2024–present). Hassanudin's career is heavily rooted in the military, having served as the Commander of the Iskandar Muda Regional Military Command, Deputy Inspector General of the Indonesian Army, and various other military positions. Throughout his career, Hassanudin has never held a governmental position. Based on this, his competence is primarily in the military, not in government affairs.

However, it is worth noting that Hassanudin has a strong educational background that qualifies him for government administration. He holds a Bachelor's degree in Public Administration, a Master's degree in Management, and, in 2023, obtained a Doctorate in Leadership and Policy Innovation. Given his

⁵⁹ Ichwani, "Pj. Gubernur Sultra Menghadiri Pengendalian Inflasi Sultra, Terima Penghargaan Presiden Jokowi," PPID Kab. Kolaka, 2024, <https://sinole-ppid.kolakakab.go.id/2024/07/pj-gubernur-sultra-menghadiri-pengendalian-inflasi-sultra-terima-penghargaan-presiden-jokowi/>.

educational qualifications, his appointment as Acting Governor is entirely appropriate. While he may lack direct experience in government administration, his academic knowledge of policy and governance provides a solid foundation for running the government. One tangible example of this is the award he received from labor unions while serving as Acting Governor of North Sumatra. Hassanudin was recognized as a communicative, innovative, and dialogical figure during his tenure. This award serves as a measure of the successful application of the merit system in his appointment as Acting Governor.

The appointments made by the Ministry of Home Affairs (*Kemendagri*) of three individuals with military/police backgrounds—Nana Sudjana, Andap Budhi, and Hassanudin—demonstrate that not all of them have direct experience in government administration. However, their backgrounds in organizational management serve as valuable assets for running the government. Their educational qualifications also greatly contribute to the implementation of policies and the direction they take in governance. This is evident from the various awards and achievements they received during their time as Acting Regional Heads. Both factors—background and education—support the notion that they possess the competencies needed for governance. Given that competence is a primary indicator in the application of meritocracy, as outlined in Law No. 20 of 2023 concerning the State Civil Apparatus (ASN), the appointments of Acting Governors from military/police backgrounds by *Kemendagri* align with the merit system.

Conclusion

This study finds that in the early stages of appointing Acting Regional Heads (Pj), the Ministry of Home Affairs (*Kemendagri*) showed noncompliance with Constitutional Court Decision No. 67/PUU-XXI/2021. This decision mandated the creation of technical regulations as a derivative of the Regional Head Election Law (UU Pilkada). This noncompliance led to the appointment of Acting Regional Heads without proper technical regulations, resulting in a lack of openness and transparency in the appointment process. Furthermore, the issuance of technical regulations in the form of a Ministerial Regulation (*Permendagri*)

was not appropriate, as it failed to implement meaningful public participation as mandated by Constitutional Court Decision No. 91/PUU-XVIII/2020. The study also found that *Kemendagri* did not adhere to the information transparency requirements stipulated in Article 28 F of the 1945 Constitution of the Republic of Indonesia. This was evidenced by the refusal to provide various documents related to the selection of candidates, proposals, and other related documents to Indonesia Corruption Watch (ICW). Despite this, the Central Information Commission (KIP) had ruled in Decision 007/I/KIP-PSI/2023 that these documents are public information unless they contain personal data. The appointment and placement of Acting Regional Heads in Indonesia have proven to potentially create conflicts of interest, especially for regional heads who also hold positions in the central government. Examples such as the cases of Ridwan Jamaluddin, Achmad Marzuki, and Ayodhia Kalake show that holding multiple positions can lead to conflicts of interest. Dual positions also have the potential to produce policies that do not prioritize public welfare and may disrupt the principle of regional autonomy. On the other hand, the appointment of Acting Regional Heads with military or police backgrounds can be justified. The study shows that their appointments still adhere to the meritocracy system as outlined in Law No. 20 of 2023 on State Civil Apparatus (ASN). The application of meritocracy is evidenced by the competencies and various achievements they have demonstrated during their tenure.

Author Contribution

Inda Dzil Arsyi Makiin as the main author in the preparation of this article, contributed to designing and compiling the research concept, conducting data collection, and writing the main manuscript in its entirety. Mirah Satria Alamsyah contributed to writing the methodology section, editing the manuscript, and the data analysis process. Khumedi Ja'far helped in compiling the systematic draft of the manuscript, compiling the introduction section, and literature review

References

- Abustan, Abustan. "Implementasi Demokrasi dan Legitimasi Penjabat Kepala Daerah di Indonesia." *Indonesia Law Reform Journal* 2, no. 3 (2022): 274–87. <https://doi.org/10.22219/ilrej.v2i3.22202>.
- Agil Sabani, Naiya Aulia, Nisriinaa Mazaya P, dan Savina Niken M. "Pentingnya Implementasi Sistem Meritokrasi Dalam Instansi Pemerintahan Indonesia." *Aktivisme: Jurnal Ilmu Pendidikan, Politik dan Sosial Indonesia* 1, no. 3 (2024): 144–52. <https://doi.org/10.62383/aktivisme.v1i3.333>.
- Ahmady, Iqbal, Annisah Putri, dan Nong Ayu Triyanti Utami Hakim. "Analisis Fenomena Penunjukkan Penjabat Kepala Daerah Provinsi Aceh oleh Pemerintah Pusat." *Journal of Governance and Social Policy* 4, no. 1 (2023): 119–38. <https://doi.org/10.24815/gaspol.v4i1.31895>.
- Alsyaam, Alsyaam. "Kedudukan Pembukaan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar." *UNES Law Review* 5, no. 4 (2023): 1546–56. <https://doi.org/10.31933/unesrev.v5i4.549>.
- Amalia, Tamara. "Baru Dilantik, Ini Profil PJ Gubernur NTT Ayodhia Kalake." *viva*, 2023. <https://www.viva.co.id/berita/nasional/1634322-baru-dilantik-ini-profil-pj-gubernur-ntt-ayodhia-kalake>.
- Andriani, Henny. "Partisipasi Bermakna Sebagai Wujud Asas Keterbukaan Dalam Pembentukan Undang-Undang." *UNES Journal of Swara Justisia* 7, no. 1 (2023): 306. <https://doi.org/10.31933/ujsj.v7i1.337>.
- Anggyamurni, Virna Septia, Yusya Rugaya Salsabilah, dan Ewaldo Duta Salsa. "Konstitusi dalam Praktik Ketatanegaraan di Indonesia." *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 23, no. 2 (2020): 427–44. <https://doi.org/10.15642/alqanun.2020.23.2.427-444>.
- Anjani, Asti Giri, Nadia Ardine Mey Lia Sari, dan Aisyah Resti Melati Arifa Kurnia Kuswan Hadji. "Peran Penting Masyarakat Dalam Merumuskan Peraturan Perundang-Undangan Yang Berkualitas." *Jurnal Hukum dan Kewarganegaraan* 4, no. 8 (2024). <https://doi.org/10.3783/causa.v2i9.2461>.
- Arif, M. Yasin al. "Implementation of Ministerial Regulations Based on Attribution Power in the Administration of Government." *Mulawarman Law Review*, 17 Agustus 2023, 45–56. <https://doi.org/10.30872/mulrev.v8i1.1074>.
- Aulia, Dea Duta. "Ini Sederet Penghargaan yang Diterima Pemprov Jateng Era Nana Sudjana." *Detikjateng*, 2024. <https://www.detik.com/jateng/berita/d-7310589/ini-sederet-penghargaan-yang-diterima-pemprov-jateng-era-nana-sudjana>.
- Bewinda, Riezka Novia, R Fauzy, dan Restuardy Daud. "Sejarah Sistem Merit Dalam Manajemen Sumber Daya Manusia Sektor Publik Di Indonesia." *Musamus Journal of Public Administration* 6, no. 1 (2023): 522–28. <https://doi.org/10.35724/mjpa.v6i1.5404>.
- Chaesara, Meishin Dona, Syahla Nathania, Khafifatul Camelia, Sitaresmi Prabuningrat, Nazwa Oktavionan Cinta, dan Taun. "Menjaga Marwah Konstitusi : Menguji Konstitusionalitas Peraturan Perundang-Undangan

- Berlandaskan UUD NRI 1945.” *Kultura Jurnal Ilmu Hukum, Sosial, Humaniora* 2, no. 5 (2024): 254–69.
- Charity, May Lim. “Ironi Praktik Rangkap Jabatan Dalam Sistem Ketatanegaraan Indonesia (Irony Practices of the Double Duty in the Indonesian State System).” *Legislasi Indonesia* 13, no. 1 (2016): 1–10. <https://doi.org/10.54629/jli.v13i1>.
- Dahoklory, Madaskolay Viktoris, dan Eivandro Wattimury. “Problematika Pengangkatan Prajurit Tni Sebagai Penjabat Kepala Daerah.” *Perspektif Kajian Hukum dan Pembangunan* 29, no. 1 (2024): 46–53. <https://doi.org/10.30742/perspektif.v29i1.904>.
- Dedi, Agus. “Implementasi prinsip- prinsip demokrasi.” *Jurnal moderat* 7, no. 1 (2021): 1–9.
- Dewi, Vina Fajar, dan Nuryanto Ahmad Daim. “Dinamika Penolakan Penjabat Kepala Daerah Dari Pusat di Kalimantan Tengah Dalam Perspektif Politik Hukum.” *Law and Humanity* 1, no. 3 (2023): 279–301. <https://doi.org/10.37504/lh.v1i3.580>.
- Fajri, Pujangga Candrawijayaning. “Refomulasi Mekanisme Pengangkatan Pejabat Kepala Daerah sebagai Upaya Penguatan Sistem Demokrasi.” *Siyasah: Jurnal Hukum Tata Negara* 03, no. 2 (2023): 197–219. <https://doi.org/10.32332/siyasah.v4i1>.
- Farahdiba, Siti Zikrina, Nisrina Nur Sai'dah, Desmi Salsabila, dan Siti Nuraini. “Tinjauan Pelanggaran Hak Dan Peningkaran Kewajiban Warga Negara Berdasarkan Uud 1945.” *Jurnal Kewarganegaraan* 5, no. 2 (2021): 837–45. <https://doi.org/10.31316/jk.v5i2.2044>.
- Firdaus, Fahmi Ramadhan. “Public Participation in Law-Making Process: A Comparative Perspective of 5 (Five) Democratic Countries.” *Jurnal Konstitusi* 21, no. 2 (2024): 203–25. <https://doi.org/10.31078/jk2123>.
- Hakim, Dani Amran, dan M. Yasin al Arif. “Questioning Presidential Threshold in Indonesia: Constitutional Analysis and Democracy Implementation.” *Veteran Law Review* 7, no. 1 (31 Mei 2024): 73–86. <https://doi.org/10.35586/velrev.v7i1.7591>.
- Huda, Ni'matul. “Problematika Penundaan Pemilihan Kepala Daerah Dalam Pemilihan Umum Serentak Nasional 2024.” *Jurnal Etika & Pemilu* 7, no. 2 (2021): 46–58.
- Humas ICW. “ICW Menang, Kemendagri Harus Membuka Segala Dokumen terkait Pengangkatan Penjabat Kepala Daerah!” Indonesia Corruption Watch, 2023. <https://antikorupsi.org/id/icw-menang-kemendagri-harus-membuka-segala-dokumen-terkait-pengangkatan-penjabat-kepala-daerah>.
- . “Perkembangan Sidang Keterbukaan Informasi Penunjukan Penjabat Kepala Daerah: Kemendagri Harus Buka Akses Dokumen Pengangkatan Penjabat!” Indonesia Corruption Watch, 2023.
- Ichwani. “Pj. Gubernur Sultra Menghadiri Pengendalian Inflasi Sultra, Terima Penghargaan Presiden Jokowi.” PPID Kab. Kolaka, 2024. <https://sinole-ppid.kolakakab.go.id/2024/07/pj-gubernur-sultra-menghadiri-pengendalian-inflasi-sultra-terima-penghargaan-presiden-jokowi/>.

- Irfani, Hafid, dan Asri Elies Alamanda. "Prinsip Keterbukaan Dan Akuntabilitas Dalam Pengangkatan Penjabat (PJ) Kepala Daerah." *JUSTITIABLE-Jurnal Hukum* 6, no. 2 (2024): 165–81.
- Jurnal, Sosmaniora, dan Ilmu Sosial. "Memahami Pola Resolusi Konflik Kepentingan di Indonesia" 3, no. 3 (2024): 287–93. <https://doi.org/10.55123/sosmaniora.v3i3.3930>.
- Kamil, Muhammad Adlan, A Salman Maggalatung, dan Feni Arifiani. "Legalitas Anggota TNI Aktif Dalam Rangkap Jabatan Sipil: Studi Terhadap Undang-Undang Nomor 34 Tahun 2004 Tentang Tentara Nasional Indonesia." *JOURNAL of LEGAL RESEARCH* 4, no. 2 (2022): 287–308. <https://doi.org/10.15408/jlr.v4i2.21921>.
- Kurniawan, Muhammad Fitra, Muhammad Hamzah, dan Al Faruq. "Measuring Accountability for Filling the Acting Regional Heads in Indonesia." *Jurnal Konstitusi* 20, no. 4 (2023): 576–603. <https://doi.org/10.31078/jk2042>.
- Kusnanto, Andi. "Quo Vadis Landasan Hukum Pengangkatan Penjabat Kepala Daerah." *Legal Spirit* 8, no. 1 (2024): 45. <https://doi.org/10.31328/ls.v7i2.5049>.
- Laode Harjudin, La Tarifu, Harnina Ridwan, dan La Ode Muhammad Elwan. "MENGUGAT PENUNJUKKAN PENJABAT (Pj) KEPALA DAERAH TANPA PEMILIHAN:" *Journal Publicuho* 5, no. 4 (2023): 1355–66. <https://doi.org/10.35817/publicuho.v5i4.73>.
- Madrim, Sasmito. "Kontras Minta Mendagri Benahi Pengangkatan Penjabat Kepala Daerah Karena Maladministrasi." *VoaIndonesia*, 2022. <https://www.voaindonesia.com/a/kontras-minta-mendagri-benahi-pengangkatan-penjabat-kepala-daerah-karena-maladministrasi/6666965.html>.
- Mahardika, Ahmad Gelora, dan Sun Fatayati Ferry Nahdian Furqan. "PROBLEMATIKA YURIDIS PENGISIAN PENJABAT SEMENTARA KEPALA DAERAH DALAM SISTEM KETATANEGARAAN INDONESIA" 9, no. 46 (2022): 356–63.
- Majelis Permusyawaratan Rakyat. "UUD Negara RI Tahun 1945," 2000, 1–28.
- Nggilu, Novendri M. *Hukum dan Teori Konstitusi: (Perubahan konstitusi yang partisipatif dan populis)*. Yogyakarta : UII Press., 2015.
- Nike K Rumokoy. "Kedaulatan Dan Kekuasaan Dalam Uud 1945 Dalam Pembentukan Hukum Di Indonesia." *Jurnal Hukum Unsrat* 23, no. 9 (2017): 53–62.
- Nur Khobiburrohma, Eviva, Priska Septiana Margareta, dan MS. Habbie Hasbullah. "Penerapan Sistem Merit Dalam Birokrasi Indonesia Untuk Mewujudkan Good Governance." *Transparansi: Jurnal Ilmiah Ilmu Administrasi* 3, no. 2 (2020): 139–48. <https://doi.org/10.31334/transparansi.v3i2.900>.
- Nurdiansyah, Edwin. "Keterbukaan Informasi Publik Sebagai Upaya Mewujudkan Transparansi Bagi Masyarakat." *Jurnal Bhinneka Tunggal Ika* 3, no. 2 (2016): 147–51.
- Perdana, Muhammad Anugerah, Carolus Borromeus Enggal, Raden Mahdum, dan Erna Listiawati. "Reformulation of Public Participation in Fast-Track

- Legislation in an Open Cumulative National Legislative Program.” *Jurnal Konstitusi* 20, no. 4 (2023): 678–703. <https://doi.org/10.31078/jk2047>.
- Permendagri. “Peraturan Menteri Dalam Negeri Republik Indonesia Nomor 4 Tahun 2023 Tentang Penjabat Gubernur, Penjabat Bupati, Dan Penjabat Wali Kota.” *Berita Negara Republik Indonesia*, no. 310 (2023): 1–12.
- Perundang-undangan, Pembentukan Peraturan, Dengan Rahmat, Tuhan Yang, Maha Esa, dan Presiden Republik Indonesia. “LEMBARAN NEGARA,” no. 82 (2011).
- Peters, A., dan L. Handschin. “Conflict of Interest in Global, Public and Corporate Governance: a Cross-Cutting Problem of Governance,” 2012.
- Pramesti, Adella Anggia, dan Hufron. “Penggangkatan Penjabat Kepala Daerah Dari Anggota Tni Aktif Ditinjau Dari Segi Hukum.” *COURT REVIEW: Jurnal Penelitian Hukum* 4, no. 05 (2024): 22–37. <https://doi.org/10.69957/cr.v4i05.1586>.
- Qoroni, Waisol, dan Indien Winarwati. “Kedaulatan Rakyat Dalam Konteks Demokrasi Di Indonesia.” *Inicio Legis* 2, no. 1 (2021): 51–65. <https://doi.org/10.21107/il.v2i1.11079>.
- Raihan Ardiansyah, Waluyo Waluyo, dan Rosita Candrakirana. “Diskresi Dalam Pengangkatan Penjabat Kepala Daerah Dari Unsur Tni/Polri.” *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara* 1, no. 3 (2023): 37–47. <https://doi.org/10.55606/eksekusi.v1i3.447>.
- Ramadhan, Muhammad Nur. “Indonesia Darurat Benturan Kepentingan.” PSHK, 2023. <https://pshk.or.id/blog-id/indonesia-darurat-benturan-kepentingan/>.
- Ramanda, Dio Ekie. “Menata Ulang Kewenangan Mengangkat Penjabat Kepala Daerah.” *JISIP (Jurnal Ilmu Sosial dan Pendidikan)* 6, no. 3 (2022): 10061–68. <https://doi.org/10.58258/jisip.v6i3.3353>.
- RI, Ombudsman. *Diskusi Publik “Penjabat Kepala Daerah: Kebijakan Pengangkatan dan Implikasi bagi Tata Kelola Pemda”*. Indonesia, 2022.
- Sari, Sonia Sekar, Aminuddin Ilmar, Eka Merdekawati Djafar, dan Pan Mohamad Faiz. “Disregarding the Constitutional Court Decision Concerning the Prohibition of Concurrent Deputy Minister Positions.” *Jurnal Konstitusi* 20, no. 4 (2023): 604–21. <https://doi.org/10.31078/jk2043>.
- Sofyan, dan Thahir Haning Tang Abdullah. “MERITOKRASI DALAM PROMOSI JABATAN DAN MUTASI APARATUR SIPIL NEGARA.” *Syntax Literate: Jurnal Ilmiah Indonesia* 33, no. 1 (2022): 1–12. <http://dx.doi.org/10.36418/syntax-literate.v7i12.10759>.
- Sumut, Tim Detik. “Achmad Marzuki yang Disebut Tukang Buat Gaduh Kembali Jadi Pj Gubernur Aceh Baca artikel detiksumut, ‘Achmad Marzuki yang Disebut Tukang Buat Gaduh Kembali Jadi Pj Gubernur Aceh’ selengkapnya <https://www.detik.com/sumut/berita/d-6807360/achmad-marzuki-yan>.” Detik Sumut, 2023.
- Tim CNN. “Profil Nana Sudjana, Mantan Kapolda Metro Jaya yang Gantikan Ganjar.” CNN Indonesia, 2023. <https://www.cnnindonesia.com/nasional/20230902120724-32-993867/profil-nana-sudjana-mantan-kapolda-metro-jaya-yang-gantikan-ganjar>.

- Toloh, Pascal Wilmar Yehezkiel. “Formulasi Sistem Partisipasi Bermakna (Meaningful Participation) dalam Pembentukan Peraturan Daerah sebagai Penguatan Demokrasi Lokal.” *Jurnal Legislasi Indonesia* 21, no. 3 (2024): 306–3018. <https://doi.org/10.54629/jli.v21i3>.
- Ulya, Inarotul, Amilda Amilda, dan Otoman Otoman. “Timah dalam Pembentukan Budaya dan Ekonomi Masyarakat Bangka.” *Tanjak: Sejarah dan Peradaban Islam* 4, no. 1 (2024): 68–79. <https://doi.org/10.19109/tanjak.v4i1.22013>.
- Usman, Syarifuddin. “Polemik Pengangkatan Penjabat Kepala Daerah.” *Jurnal Sains, Sosial Dan Humaniora (Jssh)* 2, no. 1 (2022): 63–73. <https://doi.org/10.52046/jssh.v2i2.1144>.