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ANALYSIS OF ARTICLE 176 OF LAW NO. 10 OF 2016 REGARDING FILLING OF VACANCY POSITIONS OF DEPUTY REGIONAL HEAD

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ABSTRACT

Article 176 paragraphs (1) and (2) of Law No. 10/2016 regulates the mechanism for filling vacancies of deputy governors, deputy regents, and deputy mayors, but in practice there are many delays in filling vacancies of deputy regional head positions. In fact, in some regions there are vacancies until the term of office of the deputy head of the region expires. This research aims to: (1). Analyze the mechanism for filling vacancies of deputy regional heads, (2). Analyze why there is a delay in filling the vacancy of the position of deputy regional head, (3) Offer a legal solution to anticipate the delay in the process of replacing the deputy regional head. Based on how to process data, this research is included in qualitative research. This research is not to find how many vacant deputy regional heads there are in Indonesia. This research also does not use statistical data processing to draw a conclusion. This research is a library research. The type of data in this research is secondary data consisting of primary legal materials and secondary legal materials. The mechanism for filling the vacancy of the regional head by election by the provincial DPRD or regency/city DPRD is based on a proposal from the supporting political party or a coalition of political parties. In practice, it is difficult for the supporting parties to agree to appoint a replacement, and each political party has an interest in making a candidate from the party or candidate they support as deputy regional head. The solution is the need for additional articles in Law No. 10/2016 aimed at anticipating if a political party or coalition of political parties fails to propose two replacement candidates.

Keywords: filling positions, deputy regional head.

ABSTRAK

Pasal 176 ayat (1) dan (2) UU No. 10/2016 mengatur mekanisme pengisian kekosongan wakil kepala daerah, namun dalam praktiknya banyak terjadi keterlambatan pengisian kekosongan jabatan wakil kepala daerah. Bahkan di beberapa daerah terjadi kekosongan hingga habis masa jabatan wakil kepala daerahnya. Penelitian ini ditujukan untuk: (1) Menganalisis mekanisme pengisian kekosongan wakil kepala daerah, (2) Menganalisis mengapa terjadi keterlambatan pengisian kekosongan jabatan wakil kepala daerah, (3) Menawarkan solusi untuk mengantisipasi keterlambatan proses penggantian tersebut. Penelitian adalah penelitian kualitatif. Penelitian ini tidak mencari seberapa banyak jumlah wakil kepala daerah yang kosong di Indonesia. Penelitian ini tidak menggunakan olah data statistik untuk menarik sebuah kesimpulan. Penelitian ini merupakan penelitian *library research*. Data dalam penelitian ini adalah data sekunder yang terdiri dari bahan hukum primer dan bahan hukum sekunder. Mekanisme pengisian kekosongan wakil kepala daerah dengan cara pemilihan oleh DPRD provinsi/ kabupaten/ kota berdasarkan usulan partai politik atau gabungan partai politik pengusung. Praktiknya partai pengusung sulit menemukan kesepakatan menunjuk

pengganti, dan masing-masing partai politik memiliki kepentingan untuk menjadikan calon dari partai atau calon yang mereka usung sebagai wakil kepala daerah. Solusinya adalah perlu penambahan pasal dalam UU No. 10/2016 yang ditujukan untuk mengantisipasi jika partai politik atau gabungan partai politik gagal mengajukan calon pengganti.
Kata Kunci: pengisian jabatan, wakil kepala daerah.

INTRODUCTION

Law No. 32 of 2004 concerning Regional Government explains that regional government is the governor, regent, or mayor, and regional apparatus as elements of regional government administration. Each region is led by a regional government head called a regional head, assisted by one deputy regional head. One of the duties of the deputy regional head is to replace the regional head until the end of his term of office if the regional head dies, resigns, is dismissed, or is unable to carry out his duties for 6 (six) months continuously.¹

Article 173 paragraph (1) of Law No. 10 of 2016 stipulates that if there is a vacancy in the regional head (governor/regent/mayor) due to: death, personal request or dismissal; then the deputy regional head (deputy governor, deputy regent, and deputy mayor replaces the position of regional head. The mechanism for replacing the governor is by; the Provincial DPRD submits a proposal for the appointment of the deputy governor to the president through the minister to be ratified as governor. This is regulated in Article 173 paragraph (2). Meanwhile, the mechanism for replacing the regent/mayor is by; the Regency/City DPRD submits a proposal for the appointment and ratification of the deputy regent/deputy mayor as regent/mayor to the minister through the governor to be appointed and ratified as regent/mayor. This is regulated in Article 173 paragraph (4).

Article 176 paragraph (1) of Law No. 10 of 2016 stipulates that if a vacancy occurs for the deputy governor, deputy regent, and deputy mayor due to death, personal request, or dismissal, then the filling of the vacant deputy position is carried out through an election by the provincial DPRD or district/city DPRD based on a proposal from a political party or coalition of political parties supporting it. The mechanism is that the political party or coalition of political parties supporting it proposes 2 (two) candidates for deputy governor, deputy regent, and deputy mayor to the Regional People's Representative Council through the governor, regent, or mayor, to be elected in a plenary meeting of the DPRD. This is regulated in Article 176 paragraph (2). Article 176 paragraph (4) explains more specifically that the replacement

¹ Pasal 1 ayat (3) Undang-Undang Republik Indonesia Nomor 32 Tahun 2004

of the vacancy is carried out if the remaining term of office is more than 18 (eighteen) months from the time the position becomes vacant.² The mechanism for filling the vacancy of deputy regional head as regulated in article 176 paragraphs (1 and 2) also applies in the event that the deputy regional head is appointed to replace the regional head.

Although the rules for filling vacancies for regional heads and deputy regional heads have been regulated in articles 173 and 176 of Law No. 10 of 2016, in practice there are many delays in filling vacancies for deputy regional heads. There are also several regions that experience vacancies for deputy regional heads until the end of their term of office, but no deputy regional head has been elected to replace the vacancy for the deputy regional head in the region. The many cases of delays in filling vacancies for deputy regional heads can be seen from the following data; Vacancies for the Deputy Mayor of Padang. The vacancy for the Deputy Mayor of Padang was caused by Mahyeldi, who was previously mayor, winning the 2020 West Sumatra Pilkada and being elected as Governor of West Sumatra.

With the inauguration of Mahyeldi as governor, Hendri Septa, who was previously deputy, automatically became Mayor of Padang. Meanwhile, the seat of Deputy Mayor of Padang which had been filled by Hendri Septa became vacant. Since Mahyeldi was inaugurated as governor and Hendri Septa became mayor, there has been no deputy mayor to replace the vacancy since Hendri Septa left. Since the inauguration of Hendri Septa on April 7, 2021, there has been a vacuum in the position of Deputy Mayor of Padang for almost two years. The National Mandate Party (PAN) and the Prosperous Justice Party (PKS) as the supporting parties have not yet agreed on the name to be nominated to be elected as Deputy Mayor of Padang.³

Among the vacancies of deputy regional heads that have attracted the most public attention is the vacancy of the deputy governor of DKI left by Sandiaga Uno. On August 27, 2018, Sandiaga Uno officially resigned because

² Ini berarti jika masa jabatan wakil kepala daerah kurang dari delapan belas (18) bulan, maka posisi wakil kepala daerah tidak boleh lagi dicari penggantinya, maka posisi wakil kepala daerah akan tetap kosong sampai masa jabatan kepala dan wakil kepala daerah tersebut habis. Dalam prakteknya sering terjadi di awal kekosongan wakil kepala daerah masih tersisa lebih dari 18 bulan, karena proses pergantian berlarut-larut dan partai/gabungan partai pengusung tidak menemukan kesepakatan untuk menunjuk nama pengganti akhirnya waktu yang tersisa kurang dari 18 bulan, maka penggantian wakil kepala daerah tidak dapat dilaksanakan padahal di awal sisa kekosongan jabatan tersebut lebih dari 18 bulan

³Yola Sastra, "Hendri Septa Jadi Wali Kota Padang, Posisi Wakil Kosong," <https://www.kompas.id/baca/nusantara/2021/04/07/hendri-septa-jadi-wali-kota-padang-posisi-wakil-kosong>. Diakses tanggal 3 November 2022.

he was participating in the contest as a prospective vice presidential candidate accompanying prospective presidential candidate Prabowo Subianto. The position of Deputy Governor of DKI Jakarta has been vacant for 21 months. The delay in filling the vacancy of the deputy governor of DKI was partly due to the tug of war of political interests between Gerindra and PKS as the parties supporting Anies-Sandi in the DKI gubernatorial election. Until finally PKS proposed the name Nurmansjah Lubis and Gerindra proposed Ahmad Riza Patria. In the voting, Riza Patria won with 81 votes. While Nurmansjah got 17 votes. Riza Patria was finally inaugurated as deputy governor of DKI Jakarta on April 15, 2020. The election mechanism was carried out by the DKI Jakarta Provincial DPRD based on proposals from political parties or a coalition of supporting political parties. The political party or coalition of political parties that support the nomination proposes 2 (two) candidates for Deputy Governor of DKI Jakarta to the DKI Jakarta DPRD through the Governor of DKI Jakarta to be elected in a plenary meeting of the DKI Jakarta DPRD.⁴

The position of deputy governor of Papua is also in the public spotlight. The seat of Deputy Governor of Papua occupied by Klemen Tinal is vacant after his death on Friday, May 21, 2021. The seat remains vacant because until March 2022 as the deadline for proposing the filling of the deputy governor position as stipulated in the laws and regulations, the coalition of political parties supporting the governor and deputy governor for the 2018-2023 term has not proposed two names of candidates for deputy governor of Papua to the Papuan DPR for the selection process and proposal to the central government. As a consequence, Lukas Enembe will continue to lead Papua Province as Governor without being accompanied by a deputy governor until his term ends in September 2023. And the latest case is that Lukas Enembe is being held by the KPK in a corruption case. This certainly makes the seats of Governor and Deputy Governor of Papua vacant. From the data obtained, the delay in proposing the filling of the position of Deputy Governor of Papua is not the negligence of the Papuan DPR but the Coalition of Supporting Parties which until the election deadline did not propose the names of candidates to the Papuan DPR for the selection process.⁵

⁴ Siti Afifyah, "Kronologi Kosongnya Kursi Wagub DKI Jakarta Hingga Kini," <https://www.tagar.id/kronologi-kosongnya-kursi-wagub-dki-jakarta-hingga-kini>. Diakses tanggal 4 November 2022.

⁵ Asep Hidayat, "Kursi Wagub Papua Kosong, Tokoh Papua: Harus Segera Diisi," <https://indochannel.id/2022/04/01/news/nusantara/kursi-wagub-papua-kosong-tokoh-papua-harus-segera-diisi>. Diakses tanggal 5 November 2022.

The vacancy of the regional head until the end of the term of office also occurred in Kampar Regency, Riau Province. This vacancy began with the death of the elected regent, Azis Zainal, on December 27, 2018. Catur Sugeng as deputy rose to replace the position of regent on February 12, 2019. With Catur's rise to regent, the deputy regent's seat previously held by Catur automatically became vacant. The Kampar coalition which consisted of 6 parties, namely; Golkar, Gerindra, PKS, NasDem, PPP and PKB as the supporting parties of Azis Zaenal and Catur Sugeng should have proposed two names of candidates for deputy regent of Kampar to the Kampar DPRD for the election process. Until the deadline determined by law, the coalition of supporting parties failed to determine two names to be selected by the Kampar Regency DPRD. This reality made Catur Sugeng run the government without being accompanied by a deputy regent until the 2017-2022 regional head period ended.⁶

The vacancy of the deputy regional head until the end of the term of office also occurred in Rokan Hulu Regency, Riau Province. This vacancy began when the elected regent, Suparman, stumbled upon legal problems at the Corruption Eradication Commission (KPK) when he was the Chairman of the Riau Provincial DPRD. Suparman officially became a KPK prisoner on Tuesday, June 7, 2016. Sukiman was officially inaugurated as the Regent of Rokan Hulu, replacing Suparman on Wednesday, February 14, 2018. With Sukiman's rise to regent, the deputy regent seat previously held by Sukiman automatically became vacant. Golkar, Gerindra, NasDem, and Hanura are the parties supporting the Suparman and Sukiman pair for the 2016-2021 period. Based on Article 176 paragraph (1) of Law No. 10 of 2016, if there is a vacancy for the deputy regent, then the filling of the vacant deputy regent position is carried out through the election of two names by the district DPRD based on proposals from political parties or a coalition of supporting political parties. Until the deadline determined by law, which is 18 months before the end of the regional head's term, a deputy regional head must have been elected. Until the deadline determined, the coalition of supporting parties failed to determine two names to be selected by the Rokan Hulu Regency DPRD. This reality made Sukiman run the government without being accompanied by a

⁶ Ikhwanul Rubby, "Polemik Posisi Wakil Bupati Kampar, Panitia Pemilihan Kadaluarsa," <https://pekanbaru.tribunnews.com/2020/06/19/polemik-posisi-wakil-bupati-kampar-panitia-pemilihan-kadaluarsa-ini-kata-ketua-dprd-kampar>. Diakses tanggal 7 November 2022.

deputy regent until his term ended.⁷

The vacancy of the deputy regional head in Riau Province also occurred in Siak Regency. This vacancy occurred because Syamsuar as the Regent of Siak for the 2016-2021 period ran as a candidate in the Riau gubernatorial election. Syamsuar paired with Edy Natar Nasution were elected as Governor and Deputy Governor of Riau for the 2019-2024 period. With the election of Syamsuar as governor, Alfedri rose to become the Regent of Siak. Alfedri was officially inaugurated as the Regent of Siak replacing Syamsuar on Monday, March 18, 2019. With Alfedri's rise to regent, the deputy regent's seat automatically became vacant. Based on the regulation, if there is a vacancy for the deputy regent, the Nasdem, PKS, Hanura, PAN and PKPI parties that are members of the Siak Regency United People's Coalition (KRB) must propose two names to be selected by the Siak Regency DPRD. Up to the specified limit, the coalition of supporting parties failed to determine two names to be selected by the Siak Regency DPRD. This means that Alfedri will run the government without being accompanied by a deputy regent until his term ends.⁸

The vacancy of the deputy regional head also occurred in Central Sulawesi Province. The vacancy was caused by Sudarto as deputy governor who died on October 1, 2016. The seat of Deputy Governor of Central Sulawesi was empty for almost three years. The vacancy of the deputy governor's seat was only filled after Rusli Baco Dg Pallabi was inaugurated by President Joko Widodo on August 26, 2019. The dynamics and political interests between supporting parties were one of the causes of the slow filling of the vacancy of the deputy governor of Central Sulawesi. Rusli Baco came from the National Mandate Party (PAN). He defeated Andi Mansur Pasande who was a cadre of the Crescent Star Party. PAN and PBB were the two parties that supported the pair Longki Djanggola and Sudarto in the 2015 Central Sulawesi gubernatorial election.⁹

The vacancy of the deputy regional head also occurred in Grobogan

⁷ Donny Sukma Putra, "Wabup Rohul Belum Ada, Wakil Rakyat dan Mahasiswa Berbicara," <https://pekanbaru.tribunnews.com/2018/09/18/wabup-rohul-belum-ada-wakil-rakyat-dan-mahasiswa-berbicara>". Diakses tanggal 9 November 2022.

⁸ Ira Widana, "Soal Kursi Wabup Siak yang Masih Kosong, Ariadi Tarigan: Saya Menilai, Bupati Memang Tidak Mau Ada Wakilnya" <https://www.goriau.com/berita/baca/soal-kursi-wabup-siak-yang-masih-kosong-ariadi-tarigan-saya-menilai-bupati-memang-tidak-mau-ada-wakilnya.html>. Diakses tanggal 8 November 2022.

⁹ Ihsanuddin, "Setelah Tiga Tahun Kosong, Sulteng Kini Punya Wakil Gubernur Baru", <https://nasional.kompas.com/setelah-tiga-tahun-kosong-sulteng-kini-punya-wakil-gubernur-baru>. Diakses tanggal 12 November 2022.

Regency, Central Java. The vacancy of the deputy regional head was caused by Edy Maryono as the elected deputy regent who died before being inaugurated. Edi Maryono died on Friday, March 11, 2016. Regent Sri Sumarni was inaugurated on March 21, 2016 without being accompanied by the elected deputy. The position of deputy regent has not been filled since the inauguration because the supporting parties, namely PDIP, Hanura, PAN and PKB, have not yet reached a consensus on the figure or candidate to be submitted to the DPRD through the regent. Each political party brought one name each, so that it exceeded two candidates. Therefore, no candidate has been submitted to the Regent to be continued to the DPRD.¹⁰

The data presented on the vacancy of deputy regional heads in this article is only a small part of the total occurrence of vacancies of deputy regional heads that can be used as data in research, but due to the author's limitations, some data (cases of vacancies of deputy regional heads) are considered representative. The occurrence of vacancies of deputy regional heads can be caused by death, self-request (resignation), or dismissal due to being caught up in legal problems. Vacancies can also be caused by the rise of deputy regional heads to replace the position of regional head.

The rules for filling vacancies in regional heads have been stated in articles 173 and 176 of Law No. 10 of 2016, but in practice there are many delays in replacing vacant deputy regional head positions. In fact, many deputy regional head seats are vacant until the end of the term of office. This legal problem is what triggered the author to conduct a deeper study to find out why the delay in filling vacant deputy regional head positions can occur and what are the factors causing the long filling of vacant deputy regional head positions? So this research was conducted by the author with the title: Filling Vacant Deputy Regional Head Positions; Analysis of Article 176 of Law No. 10 of 2016.

Based on the background of the phenomenon of delays in filling the position of deputy regional head, the researcher is interested in analyzing the filling of the position of deputy regional head based on Law No. 10 of 2016. The aim is to find out what causes the delay in filling the position of deputy regional head.

¹⁰ Faisal Affan, "Kursi Wakil Bupati Grobogan Hampir Tiga Tahun Kosong, PKB Masih Terkendala Komunikasi," <https://jateng.tribunnews.com/2019/07/14/kursi-wakil-bupati-grobogan-hampir-tiga-tahun-kosong-pkb-masih-terkendala-komunikasi>. Diakses tanggal 15 November 2022

This study aims to analyze how the mechanism for filling the vacant deputy regional head position is regulated in Article 176 of Law Number 10 of 2016. This study also aims to find out and analyze why there are often delays in filling the vacant deputy regional head position. And finally, this study offers a legal solution to anticipate the process of replacing the deputy regional head not taking too long.

RESEARCH METHODS

Penelitian ini termasuk ke dalam penelitian pustaka (*library research*).¹¹ This research is a library research. This is because the main material in this research is library material, namely Law No. 10 of 2016. This research focuses on discussing the literature that discusses Article 176 of Law No. 10 of 2016. The object of study in this research ¹² is Article 176 of Law No. 10 of 2016 concerning the mechanism for filling vacant deputy regional head positions. Based on the method of processing data, this research is included in qualitative research. The purpose of qualitative research is to gain an in-depth understanding of a problem.¹³ In this study, the problem is the vacancy of deputy regional heads. This study is not to find out how much (quantity) ¹⁴ vacant deputy regional head positions in Indonesia. This study also does not use statistical data processing to draw a conclusion, but rather is more intended to examine in depth how Article 176 of Law No. 10 of 2016 regulates the mechanism for filling the vacancy of deputy regional heads. Furthermore,

¹¹ Penelitian kepustakaan (*library research*) adalah penelitian yang lebih memerlukan olahan filosofis dan teoritis daripada uji empiris di lapangan. Karena sifatnya yang teoritis dan filosofis, penelitian kepustakaan lebih sering menggunakan pendekatan filosofis (*philosophical approach*) dibandingkan pendekatan yang lain. Lihat: Noeng Muhadjir, *Metodologi Penelitian Kualitatif* (Yogyakarta: Rake Sarasin, 1996), hlm. 169.

¹² Objek penelitian adalah isu, problem, atau permasalahan yang dibahas, dikaji, diteliti dalam riset sosial. Dari definisi tersebut, dapat ditangkap bahwa objek penelitian memiliki cakupan luas sejauh masih berhubungan dengan topik penelitian. Lihat: Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*. (Jakarta: Rineka Cipta, 1998), hlm.15.

¹³ Penelitian kualitatif merupakan penelitian terhadap objek yang tidak dapat diteliti secara statistik. Penelitian kualitatif biasanya digunakan untuk meneliti peristiwa sosial. Penelitian kualitatif menghasilkan data deskriptif berupa ucapan, tulisan dan perilaku orang yang diamati. Lihat: Basrowi dan Suwandi, *Memahami Penelitian Kualitatif*, (Jakarta: Rineka Cipta, 2008), hlm.54. Senada dengan itu penelitian kualitatif didefinisikan sebagai penelitian yang temuan-temuannya tidak diperoleh melalui proses statistik atau bentuk hitungan lainnya. Lihat Afrizal, *Metode Penelitian Kualitatif*, (Jakarta: Rajawali Pers, 2015), hlm. 12.

¹⁴ Data kuantitatif adalah data yang berhubungan dengan nilai, jumlah dalam bentuk angka-angka sedangkan data kualitatif adalah kumpulan informasi deskriptif yang dikonstruksi dari percakapan atau dalam bentuk naratif berupa kata-kata. Lihat: Muhammad Yaumi dan Muljono Damopolii, *Action Research: Teori, Model dan Aplikasi*, (Jakarta: Kencana Prenada Media, 2014), hlm. 101.

the type of data in this study is secondary data. If in general research data is divided into primary data and secondary data, in legal research there is only secondary data. In legal research, secondary data is referred to as legal material.¹⁵ Legal materials are divided into primary legal materials and secondary legal materials. Primary legal materials are legal materials that are authoritative in the form of statutory regulations.¹⁶ In this study is Law No. 10 of 2016 concerning the mechanism for filling vacant positions of deputy regional heads.

In addition, there are also secondary legal materials in the form of legal opinions, theories obtained from legal literature, research results, scientific articles, and websites related to the research. Secondary legal materials are usually used to help researchers understand, analyze primary legal materials.¹⁷ The secondary materials in this study are books and literature on law, including: Muhammad Nailul Falah's thesis entitled "*Filling the Vacancies of the Deputy Regent of Kudus for the 2013-2018 Period; Legal Review of Law No. 23/2014*", Nur Aqila Salsabila's thesis entitled "*Filling the Vacancies of the Deputy Regent of Kampar for the 2017-2022 Period*", Rio Muzani Rahmatullah's thesis entitled "*Filling the Vacancies of the Deputy Regional Head in the Framework of Regional Government in Indonesia*", Mahropiono's journal entitled "*Filling the Vacancies of the Governor's Position; Study of the Governor's Position of DKI Jakarta*" Noperius Bawembang and Joice Jane Umboh's journal entitled "*Comparison of Filling Vacancies of the Deputy Regional Head Position Elected Through Individual Paths and Through Political Party Paths*".

¹⁵ Peneliti hukum mempunyai metode tersendiri dibandingkan dengan dengan metode penelitian ilmu sosial lainnya, hal itu berakibat kepada jenis datanya. Lebih lanjut Peter Mahmud Marzuki menjelaskan bahwa dalam penelitian hukum tidak digunakan istilah data, dalam penelitian hukum yang digunakan adalah sumber-sumber yang disebut dengan bahan hukum primer dan bahan hukum sekunder Jika pada umumnya data penelitian dibedakan menjadi data primer dan data sekunder Dalam penelitian hukum hanya ada data sekunder. Jenis datanya disebut bahan hukum. Lihat Peter Mahmud Marzuki, *Penelitian*, hlm.181. Lihat juga: Zainuddin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika, 2013), hlm. 47-54

¹⁶ Zainuddin Ali, *Metode*, hlm. 47

¹⁷ Termasuk dalam bahan hukum sekunder adalah wawancara dengan narasumber. Pada penelitian hukum normatif, wawancara dengan narasumber dapat dilakukan dan digunakan sebagai salah satu data sekunder yang termasuk sebagai bahan hukum sekunder. Hal tersebut karena wawancara dengan narasumber digunakan sebagai pendukung untuk memperjelas bahan hukum primer. Peter Mahmud Marzuki, *Penelitian*, hlm. 182-183. Dalam literatur lain Soerjono Soekanto dan Sri Mamudji menjelaskan bahwa bahan hukum sekunder adalah semua publikasi tentang hukum yang berupa dokumen yang tidak resmi. Bahan tersebut bisa berupa: (a), buku/teks yang membicarakan suatu dan atau/beberapa permasalahan hukum, termasuk di dalamnya skripsi, tesis dan disertasi hukum. (b), kamus-kamus hukum (c), jurnal-jurnal hukum. Lihat: Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2003), hlm. 33-37.

RESULTS AND DISCUSSION

The position of the regional head and his deputy are inseparable colleagues, both as public officials and administrative officials in the region. The regional head and his deputy are expected to be able to synergize in running the wheels of government and prioritize the interests of the nation, state and local community rather than personal and group interests. For this reason, the regional head and his deputy must be wise, prudent, honest, fair and neutral in implementing the policies made, and must comply with the rules and regulations contained in the laws and regulations.

This study will discuss how the mechanism for filling the vacant deputy regional head positions is regulated in Law Number 10 of 2016. This study also discusses and analyzes why there are often delays in filling the vacant deputy regional head positions. Then this study offers a solution to anticipate vacant deputy regional heads caused by political parties or coalitions of supporting political parties that fail to agree on the names proposed to be selected by the Provincial/District/City DPRD.

Mechanism for Filling Vacancies in Regional Head and Deputy Regional Head Positions.

If there is a vacancy in the regional head (governor/regent/mayor) due to: death, personal request or dismissal; then the deputy is promoted to replace the position of regional head. This is regulated in Article 173 paragraph (1) of Law No. 10 of 2016. The mechanism is regulated in Article 173 paragraph (2) which states that the Provincial DPRD submits a proposal for the appointment of a deputy governor to the president through the minister to be ratified as governor. Meanwhile, the mechanism for replacing the vacancy for a regent/mayor is regulated in Article 173 paragraph (4) which states; The district/city DPRD submits a proposal for the appointment and ratification of the deputy regent/deputy mayor to become regent/mayor to the minister through the governor to be appointed and ratified as regent/mayor.

If there is a vacancy for the deputy governor, deputy regent, and deputy mayor due to: death, personal request, or dismissal, then the vacant deputy position will be filled through an election by the provincial DPRD or district/city DPRD based on a proposal from a political party or coalition of political parties supporting it, this is regulated in Article 176 paragraph (1) of Law No. 10 of 2016. The mechanism is regulated in Article 176 paragraph (2)

which reads: The political party or coalition of political parties supporting it proposes 2 (two) candidates for deputy governor, deputy regent, and deputy mayor to the Regional People's Representative Council through the governor, regent, or mayor, to be elected in a plenary meeting of the DPRD.

Article 176 paragraph (4) of Law No. 10 of 2016 explains that replacing a vacant deputy regional head position can only be done if the remaining term of office is more than 18 (eighteen) months from the time the position becomes vacant. This rule for filling a vacant deputy regional head position also applies in cases where the vacancy occurs because the deputy regional head is promoted to replace the regional head position. This means that if there is a vacant deputy regional head position and the remaining term of office to be replaced is 18 months or more, then the replacement deputy regional head must be replaced. If the remaining term of office is less than 18 months, the position of deputy regional head will be vacant until the end of the regional head's term of office.

Analysis of the Slow Process of Selecting a Replacement for the Deputy Regional Head.

One of the duties of the deputy regional head is to assist the regional head in carrying out regional leadership duties as stipulated in the provisions of Article 66 of Law Number 23 of 2014 concerning Regional Government. Specifically, the task of the deputy regional head is to represent the regional head if he is unable to carry out his duties. The deputy regional head also has the task of assisting the regional head in running the government in terms of supervision, controlling the population, and helping to complete the workload of the regional head which is very broad in scope.

The existence of a deputy regional head in principle aims to assist the duties of the regional head, therefore its existence is very important, so that if there is a vacancy for the deputy regional head, it will disrupt the running of the government. This makes filling the vacancy for the deputy regional head position in government very important. Given the importance of the role of the deputy in government, the positions of deputy governor, regent and mayor must remain filled.

If there is a vacancy for the regional head (governor, regent or mayor), then his deputy becomes a replacement. However, if there is a vacancy for the deputy regional head, then the filling of the vacancy for the deputy is carried out through an election by the provincial DPRD or district/city DPRD based on proposals from political parties or a coalition of supporting political

parties. The mechanism is that the political party or coalition of political parties that support the candidate proposes 2 (two) candidates for deputy governor, deputy regent and deputy mayor to the Regional People's Representative Council through the governor, regent or mayor, to be elected in a plenary meeting of the DPRD.

Although the rules for filling the vacancies have been regulated in the law, in practice there are often delays in filling the vacancies of deputy regional heads for a long time, even in some regions there are still empty deputy governors, regents and mayors until their terms of office expire. This is the main focus of this study. This study will analyze why the process of electing deputy regional heads has to take a long time, why political parties or coalitions of political parties find it difficult to find an agreement to choose two (2) names to be proposed to be elected by the provincial/district/city DPRD to fill the vacancy of deputy governor, regent or deputy mayor.

The process of electing deputy regional heads is protracted because the political parties/coalitions of political parties that support them have difficulty agreeing to appoint a replacement, and each political party has an interest in making candidates from their party or candidates they support as deputy regional heads. The difficulty in agreeing to appoint candidates to be proposed to be elected by the DPRD makes the time even longer and drags on. This is compounded by the absence of a time limit for political parties/political coalitions in choosing replacement candidates. And there are also no rules that can be used as a solution to be taken if the political party/political coalition fails to choose two (2) names to be proposed to be elected.

It is difficult to reach an agreement to choose two (2) names to be proposed to be chosen by the DPRD because political parties or coalitions of political parties have different interests, each party wants a candidate from their cadre or candidate they support to be the replacement. In addition, there are also findings that governors, regents/mayors are more comfortable running the government themselves without a deputy, so there are indications that they have an interest in keeping the position of deputy regional head vacant.

Solution to the Lengthy Process of Selecting a Replacement for the Deputy Regional Head.

Law No. 10 of 2016 has regulated that if there is a vacancy in the position of deputy governor, regent, and mayor due to death, personal

request, or dismissal, then the provincial DPRD or district/city DPRD selects a replacement by means of the political party or coalition of political parties supporting it proposing two (2) people to be nominated as deputy governor, regent, and mayor to the Regional People's Representative Council to then be elected in a plenary meeting.

Although there are already regulations governing the mechanism for replacing deputy regional heads, in practice there are many delays in filling the vacancies and many vacancies of deputy governors, regents, and mayors occur until their terms of office expire. This is because the supporting parties or coalitions of supporting parties do not find an agreement regarding the two (2) people appointed to be nominated as deputy governors, regents, and mayors.

Seeing this phenomenon, as a contribution to this article, the author offers additional articles in Law No. 10 of 2016 which are intended to answer the problem of political parties or coalitions of political parties that fail to nominate two replacement candidates with the following article:

“The political party or coalition of political parties supporting it is given six months to submit two (2) names of candidates to replace the governor, regent, and mayor to be elected by the DPRD.

“In the event that the political party or coalition of political parties supporting it does not reach an agreement to appoint the two (2) proposed names, then the minister as the representative of the president appoints and trains Civil Servants to replace the vacant positions of deputy governor, regent, and mayor.

The need for additional articles in Law No. 10 of 2016 in order to answer the problems that often occur due to political parties or coalitions of political parties supporting them failing to agree on two (2) names to be elected as deputy governor, regent or mayor.

This is what prompted the author to feel that legally there is indeed a legal regulation that provides provisions that there is a requirement to fill the vacant position of deputy regional head who has 18 (eighteen) remaining terms. However, in this case, based on the provisions that the author has outlined above, it is the basis for the need for a legal regulation that regulates the maximum time limit needed to carry out the filling of the vacant position of deputy regional head in Indonesia into a product of legislation.

If there is no limitation on how long it will take to fill the vacant position of deputy regional head so that it drags on and takes quite a long time until finally the remaining time is less than 18 months of the regional head's term of office which in the end can no longer be elected for the pair

who should have been chosen by the DPR to occupy the vacant position. Finally, the deputy regional head position becomes vacant until the term of office of the governor, regent and mayor ends.

CONCLUSION

Based on the description above, the author can conclude, among other things:

1. Filling the vacancy of the regional head and deputy head; caused by: death, own request or dismissal; then the deputy is promoted to replace the position of regional head. The mechanism is that the Provincial DPRD submits a proposal for the appointment of the deputy governor to the president through the minister to be ratified as governor. If there is a vacancy for the deputy governor, deputy regent, and deputy mayor, then the filling of the vacancy for the deputy position is carried out through an election by the Provincial DPRD or Regency/City DPRD based on the proposal of the political party or coalition of political parties supporting it. by the political party or coalition of political parties supporting it proposing 2 (two) candidates for deputy governor, deputy regent, and deputy mayor to the Regional People's Representative Council to be elected in a plenary meeting of the DPRD. Replacement of the vacancy for the deputy regional head position can only be done if the remaining term of office is more than 18 (eighteen) months from the time the position becomes vacant. Although the rules for filling the vacancy have been regulated in the law, in practice there are often delays in filling the vacancy for the deputy regional head for a long time, even in some regions the deputy governor, regent and mayor remain empty until their term of office ends. The filling of the vacant position of deputy regional head takes a long time because in practice the supporting parties have difficulty agreeing to appoint a replacement, and each political party has an interest in making the candidate from the party or the candidate they support the deputy regional head.
2. There needs to be an additional article in Law No. 10 of 2016 which is intended to answer the problem of political parties or coalitions of political parties that fail to nominate two replacement candidates with the following article: *Political parties or coalitions of political parties that support them are given six months to submit two (2) names of replacement candidates for governor, regent, and mayor to be elected by the DPRD. And in the event that*

political parties or coalitions of political parties that support them do not reach an agreement to appoint the two (2) proposed names, the minister as the representative of the president will appoint and inaugurate Civil Servants to replace the vacant positions of deputy governor, regent and mayor. There needs to be an additional article in Law No. 10 of 2016 in order to answer the problem that often occurs due to political parties or coalitions of political parties that support them failing to agree on two (2) names to be elected as deputy governor, regent or mayor.

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