

Problem of Authority For Executing Task (PLT) In The Transitional Period of Regional Government Before and After The Simultaneous Elections Based On Law Number 23 Of 2014 Concerning Local Government

Indara Rona

Universitas Adiwangsa Jambi, Indonesia

*Corresponding Author

Email: ronaindaraazwir78@gmail.com

Abstract

The task executor (PLT) in state administration is an official who occupies a temporary position because the official who occupied that position was previously unable to or was subject to legal regulations so that he did not occupy that position. The purpose of this research is to describe the appointment of the PLT if there is a vacancy in the regional head position during the transition period, analyze, qualifications, limits of the PLT authority and strategic policies during the transition period, but are still held by the PLT and know and analyze the sanctions given to the PLT who does something outside authority. The method used in this scientific work is a normative and qualitative juridical research method that is studied holistically, contextually, progressively, it is known that a. The appointment of Acting Governors is appointed by the President through a proposal from the Minister of Home Affairs, while the appointment of Regents/Mayors is appointed by the Minister of Home Affairs through a proposal by the Governor. b. The qualifications of the PLT who were appointed based on Law Number 8 of 2015 article 201 paragraph (8) to fill the vacancy for the position of Governor are from middle high leadership positions. b. If during the change period a strategic policy is needed that must be taken by the acting head, then it is regulated by Article 132 A paragraph (2) Government Regulation Number 49 of 2008 concerning the Third Amendment to Government Regulation Number 6 of 2005 concerning Election, Ratification of Appointment and Dismissal of Regional Heads and Deputy Regional Head, which must be approved by the Minister of Home Affairs. c. In fact, there are no clear provisions for the Plt who abuses his authority, as the type of authority given to the PLT is unclear.

Keywords : Task Executor, Authority And Regional Government

INTRODUCTION

The State of Indonesia is a Unitary State in the form of a Republic, which consists of several islands and territories and there is a division of government system between the central government and local governments. Indonesia is also divided into Provinces and Provinces are divided into regencies and cities, where each province, regency and city has a regional government which is regulated by law (Wayenberg et al., 2022). This is what causes the Unitary State of the Republic of Indonesia to implement a regional autonomy system with the aim that there is no concentration of power which causes lengthy bureaucratic processes, so that there are no delays and gaps in the system of government throughout the territory of the Unitary State of the Republic of Indonesia (Ishak, 2019).

Regional autonomy implemented in Indonesia is then interpreted as the granting of authority to the regions which is manifested by the arrangement, distribution and use of equitable national resources, as well as financial balance between the center and the regions based on the principle of decentralization (Yang et al., 2021). The implementation of regional autonomy must remain accountable and in line with goals and not conflict with national ideals (Saputra, 2022). The implementation of regional autonomy must also always be oriented towards improving the welfare of the community by always paying attention to the interests and aspirations that grow in society. Basically regional autonomy is not a goal, but a tool for realizing the ideals of justice, democracy and people's welfare (Saraswati, Ristyawati, & Basworo, 2020).

In practice, each autonomous region that carries out the functions and principles of regional autonomy has a regional government that administers regional government affairs. The implementation of regional government affairs is carried out by the regional government and the Regional People's Representative Council (DPRD) based on the principle of autonomy and co-administration with the principle of broadest autonomy within the system and principles of the Unitary State of the Republic of Indonesia as stipulated in the Constitution of the Republic of Indonesia (UD NRI) (Wahyuni & Huda, 2021). Issuance of Government Regulation in Lieu of Law (Perpu) No. 1 of 2014 concerning the Election of Governors, Regents and Mayors to become Law (UU) Number 1 of 2015 concerning the Stipulation of Perpu Number 1 of 2014 concerning the Election of Governors, Regents and Mayors, became the legal basis for the implementation of simultaneous regional elections in Indonesia (Lisjak, Rončević, & Markovinović, 2021). The implementation of the regional government system has also been regulated in the Laws and Regulations concerning Regional Government, namely Law Number 23 of 2014 concerning Regional Government (Nugroho & Asmorojati, 2019). The regulation in Law Number 23 of 2014 concerning Regional Government is actually a mandate for regional government arrangements in the constitution, namely Article 18 of the Constitution of the Republic of Indonesia (UD NRI) which reads:

1. The Unitary State of the Republic of Indonesia is divided into Provinces and Provinces are divided into regencies and cities, where each province, regencies and cities have regional Governments regulated by Law.
2. Provincial, regency and municipal regional governments shall regulate and manage their own governmental affairs according to the principles of autonomy and co-administration.
3. Provincial, regency and city regional governments have regional people's representative councils whose members are elected through general elections.
4. Governors, Regents and Mayors respectively as heads of provincial, regency and city regional administrations are elected democratically.
5. The regional government shall exercise the widest possible autonomy, except for government affairs which are determined by law as the affairs of the central government.
6. The regional government has the right to stipulate regional regulations and other regulations to carry out autonomy and co-administration tasks.
7. The structure and procedures for administering the regional government are regulated by law.

Furthermore, the implementation of the regional government system is also regulated in Article 4 of Law Number 23 of 2014 concerning Regional Government which reads (Muhammad, Umiyati, & Rianto, 2023):

1. In addition to having the status as a region, a provincial area is also an administrative area which becomes a work area for the Governor as a representative of the central government and a work area for the Governor in carrying out general government affairs in the provincial area.
2. In addition to having the status of a district/city area, it is also an administrative area that is the work area for the regent/mayor in carrying out general administration affairs in the regency/city area.

Article 57 of Law Number 23 of 2014 concerning Regional Government also emphasizes that the administration of provincial and district/city regional governments consists of regional heads and DPRD assisted by regional apparatus. Based on the words of the article, it is clear that regional governments are led by regional heads, where regional heads are the main component for the success of national development which is a subsystem of national or state government (Supriyanto, Faturohman, Unsong, Wahyudianty, & Sampe, 2022). The Regional Head is also a determinant in determining the effectiveness of achieving local government goals.

The Regional Head is a position environment that leads the administration of regional government, as well as being the party that determines the direction and objectives of the regional government organization based on the abilities, competencies and capabilities of the Regional Head to carry out his obligations and responsibilities (Permatasari, Jinaratana, Hadiwinata, Yapputro, & Syahrin Najmi, 2023). Article 59 of Law Number 23 of 2014 concerning Regional Government stipulates that "Regional Heads for provincial areas are called Governors, for Regency areas they are called Regents and for City areas they are called Mayors". During his leadership period, Regional Heads were given term limits as stipulated in Article 60 of Law Number 23 of 2014 concerning Regional Government that "the term of office of Regional Heads as referred to in Article 59 is 5 (five) years from the inauguration and after that they can be elected return to the same position for one term of office. Regional Heads also have duties and functions that have been regulated in Law Number 23 of 2014 concerning Regional Government. However, when the term of office of the Regional Head is over and waiting for the simultaneous election of the Regional Head, a vacancy will occur which will result in the appointment of a replacement for the Regional Head. The vacancy in the regional head position can also be caused by the dismissal of the regional head. The things that made the Regional Head resign from his position due to death, at his own request and because he was dismissed (Tangi, Benedetti, Gastaldi, Noci, & Russo, 2021).

Regional heads can be dismissed if they are proven to have violated legal norms which caused them to be involved in criminal acts. This is because a regional head who is involved in legal issues is prohibited from carrying out his duties. This is as stated in Article 65 Paragraph (3) of Law Number 23 of 2014 concerning Regional Government which confirms that "Regional Heads who are serving a period of detention are prohibited from carrying out their duties and authorities". Furthermore, to fill the vacancy in the position of Regional Head, it is regulated in Article 65 Paragraph (4) to (6) of Law Number 23 of 2014 concerning Regional Government confirms that:

1. In the event that the Regional Head is serving a period of detention as referred to in Paragraph (3) or is temporarily absent, the deputy regional head shall carry out the duties and powers of the regional head.
2. If the Regional Head is serving a period of detention or is temporarily unavailable and there is no deputy regional head, the regional secretary carries out the regional head's daily duties.
3. If the regional head and deputy regional head are serving a period of detention or are temporarily unavailable, the regional secretariat carries out the regional head's daily duties.

This means that when a Regional Head cannot carry out his duties and functions, the position will be given to an official who is called the Executor of Tasks (PLT) to carry out the authority of the Regional Head in carrying out the wheels of government so that it continues to run as it should. Based on the provisions of Article 1 of the Regulation of the Minister of Home Affairs Number 1 of 2018 Leave outside the State's Liability for Governors and Deputy Governors, Regents and Deputy Regents, as well as Mayors and Deputy Mayors that those who fill the positions of interim officials or acting regional heads are:

- a. The interim officials or acting governors come from high-middle level leadership officials within the scope of the central government or provincial regional governments.
- b. The interim officials or acting regents/mayors come from senior high leadership officials of the Provincial Regional Government or the Ministry of Home Affairs.

Article 3 paragraph (1) Perpu No 1 of 2014 which reads: Elections are held once every 5 (five) years simultaneously throughout the territory of the Unitary State of the Republic of

Indonesia (NKRI). The simultaneous local election schedule changed after the change in Law Number 1 of 2015 to Law Number 8 of 2015.

Table 1. The timing of the simultaneous regional elections

End of Term of Office of Regional Head	Simultaneous Pilkada Implementation Time		
	Transition I	Transition II	Transition III
2015 and January to June 2016	December 2015	2020	2020
July to December 2016 and 2017	February 2017	2022	2020
2018 and 2019	June 2018	2023	2020
2024	February 2024	-	-

One of the goals of holding simultaneous local elections is for budget efficiency. However, the implementation of the simultaneous regional elections raises pros and cons in society, because there will be several regions that will be led by an Acting Act who replaces the definitive Regional Head whose term of office expires before the simultaneous regional elections begin.

Based on data from the Ministry of Home Affairs, the simultaneous regional elections on 9 December 2015 resulted in 66 regional head seats being vacant, namely 7 governors and 59 regents or mayors whose term of office ended before the elections were held. There will be around 269 Regional Heads whose term of office will expire or 'spend', due to the fact that there are regional heads whose term of office has ended in 2015, but not a few have had their term of office only ended in 2016. The details of the 269 regional heads who have expired and spent his term of office for the purposes of the first stage simultaneous regional head election on December 9 2015 consisting of 9 Governor Elections, 224 District Head Elections and 36 Mayor Elections (Sarnawa, 2018).

Appointment of PLT in several regions to replace the definitive Regional Head, so that the wheels of government can continue. But in fact, the authority possessed by the PLT is limited because he is not allowed to take strategic actions or policies so that this will actually hinder the running of the government. Seeing the facts above, it is necessary to have clear rules regarding PLT, both in terms of authority, qualifications to become task executors, and for PLT who abuse their authority. This problem is very crucial considering that there are many regions led by the PLT, especially areas where the Plt has held office for two years, and the appointment of the PLT should not be politically charged because he is a government official, who could be an extension of the central government (Seebauer & Babicky, 2018).

Based on the empirical facts of the implementation of the PLT in West Bandung at that time, the PLT immediately made the vision and mission, even the RPJP was like a definitive Regional Head, even the RPJP was set forth in a Regent's Regulation which should be in a Regional Regulation. Likewise in Pangandaran Regency, the PLT is intensely taking care of the bureaucracy (even though the PLT has no authority in terms of employee transfers). Several of these cases, namely regarding the drafting of the RPJP and the issue of filling in the bureaucracy, have been considered "off side" from the duties and powers of the PLT. Pangandaran Regency shows that there is a problem regarding the authority of the Acting Head of the region, namely the PLT of the Pangandaran Regent who is intense in managing the bureaucracy, even though the PLT has no authority in terms of employee transfers.

The next case was the Acting Mayor of Medan who was sued by the Managing Director of PD Pasar Kota Medan for not accepting the mutation or replacement of the Managing Director of PD Pasar Kota Medan who was believed to have violated applicable regulations (Kostrubiec,

2018). Regional Heads, so that many Acting Regional Heads actually do not carry out any function in replacing the position of the Regional Head. This is because the Regional Head may not take strategic actions or policies so that this can later hinder the running of the government. The main problem with this PLT problem is the problem of "transitional government", which if it is not regulated properly will have an impact on the government process itself.

In a country there must be something called government and government, because it is this government that will carry out the functions of government to achieve the goals of the country. The term government according to Finer cited by Labolo refers to four main meanings, namely:

1. Government refers to a process of governance, in which power is operationalized by those who legally hold power. In that context, all processes that take place within the framework of power management are seen as activities that show government performance.
2. The term government refers to the existence where the government process takes place. Often the naming of a government entity directly indicates where the government is located.
3. The government directly shows the person who occupies government positions as the executor of power.
4. The term government also refers to aspects of the form, method, or system of government in a society, namely the management structure of government agencies and the relationship between those who govern and those who are governed .

The government etymologically comes from the word government while the word government comes from the word order. Governance refers to the activity of power in various public spheres which not only refers to the government itself, but also relates to activities in various institutional contexts with the aim of directing, controlling and regulating all matters relating to the public sphere such as the interests of citizens, owners of votes and workers . In carrying out the wheels of government, each region is led by a regional head and his deputy. When the Regional Head and deputy are temporarily or permanently absent, the wheels of government are run by the Acting Act as stipulated in Law Number 30 of 2014 concerning Government Administration Articles (1) and (2). The authority of the PLT is not the same as the authority of the definitive Regional Head (Munawwaroh, Larasati, Suwitri, & Warsono, 2019).

Temporary acting officials can be appointed if there is a vacancy in the government, in this case, a vacancy in the regional government system. Basically, the regional head's vacancy can be caused by three things, namely because the regional head dies, ends his term of office and/or is dismissed for violating legal norms. This is as stipulated in Article 78 Paragraph 1 of Law Number 23 of 2014 concerning Regional Government which confirms that regional heads stop because of 3 things, namely death, self-request and being dismissed. Of these 3 causes, it can lead to a vacancy in the position of regional head. When the Regent's position is vacant, it is necessary to fill the position by the implementing official or what is called the PLT, where this PLT will replace and carry out the tasks of the region. The purpose of appointing officials to fill vacancies is to maintain stability in the administration of regional administration, it is necessary to appoint an acting officer who will carry out the routine duties of a definitive official for a while. Officials appointed to fill vacancies should have qualified leadership qualities. The replacement regional heads are not only required to have the ability in governance, but also to be able to become figures who really understand the character of the region and receive community recognition (Rullo, 2021).

Acting officials, temporary acting officers are usually called officials, in this case the legal basis for acting is in Government Regulation of the Republic of Indonesia Number 6 of 2005 concerning the election, ratification, appointment and dismissal of regional heads and deputy regional heads. From the above, it regulates everything related to regional heads and deputy regional heads and serves as a reference in terms of appointing temporary PLT or referred to as

acting officials. The Acting Regional Head for the Governor will be appointed by the Minister, while the PLT for the Regent/Mayor will be appointed by the Minister on the recommendation of the Governor, except in cases of national strategic interests, the Acting Regent/Mayor may be appointed by the minister without a recommendation from the governor. In practice, the Ministry of Home Affairs will receive a proposal from the Governor regarding the candidate for Acting Regent/Mayor, and then trace back the traces of the candidate for Acting Regent /Mayor so that there is no potential for conflict. Furthermore, the Acting Regent/Mayor is determined by a Ministerial Decree (Fikri & Wibisono, 2023).

The authority to carry out the tasks addressed to the replacement official shows that the PLT is not a definitive position so that he has limits of authority that have been determined by laws and regulations. The appointment of an Acting Act has been regulated in Law Number 23 of 2014 concerning Regional Government. The authority of an PLT is actually regulated in Article 34 Paragraph (3) of Law Number 30 of 2014 concerning Government Administration which explains that the task of an PLT is to carry out tasks and determine and/or routine actions that become the authority of his position in accordance with statutory provisions. However, the Ministry of Home Affairs through the Minister of Home Affairs Regulation Number 74 of 2016 which has been amended into Minister of Home Affairs Regulation Number 1 of 2018 concerning Leave outside the State's responsibility for Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors, namely in Article 9 actually expanding the authority of an Acting Regional Head.

RESEARCH METHODS

The method used in this scientific work is a normative and qualitative juridical research method that is studied in a progressive contextual holistic manner. Holistic is used because existing regulations or those that will be made must be studied for their linkages with regulations and other aspects, especially to see what the weaknesses and strengths of the existing regulations are when implemented in real conditions. In observing a legal issue, a jurist usually uses an approach called a normative juridical approach, meaning that the study is based on legal philosophy, legal principles and applicable legal norms. Bagir Manan calls this approach a normative research method, namely research on legal principles and principles (positive law) (Rahayu & Atmojo, 2019). Bagir Manan also divided legal research into two, namely pure and applied legal research. This research includes applied legal research, especially regarding legal evaluation research. Bagir Manan said that legal evaluation could be because there is a law but it is no longer sufficient, because the way it is regulated is not correct, or there are no rules yet (Atmojo & Fridayani, 2019).



Figure 1. Normative And Qualitative Juridical Research

Broadly speaking, this approach can be illustrated starting from the study of norms, then diving into society (research object/problem) and returning later to the results of norms. Qualitative research is conducted to analyze and present the social world, and its perspectives in the world, in terms of the concepts, behaviors, perceptions, and human issues studied. According to Moleong's opinion in his book *Qualitative Research Methods*, he says qualitative research: "Qualitative research is a study where the data collected is in the form of words, pictures, and not numbers. This is due to the application of qualitative research methods. Thus the research report will contain excerpts of data to provide an overview of the presentation of the report (Partovi & Razavi, 2019).

Qualitative research with a scientific background as a whole relies on human analysis as a research instrument, utilizes qualitative methods, relies on inductive data analysis, directs research objectives to finding basic theories, is descriptive in nature, more concerned with process than results. Meanwhile this research is also descriptive in nature by using a statutory approach and an analytical approach. Soerjono Soekanto stated that descriptive research was intended to provide as accurate data as possible about humans, conditions or other symptoms.

RESULT AND DISCUSSION

Appointment of PLT if a vacancy occurs in the position of regional head during the transition period

The appointment of the Acting Governor is appointed by the President through the recommendation of the Minister of Home Affairs. While the appointment of Regents/Mayors is appointed by the Minister of Home Affairs through a proposal by the Governor. The proposal for the appointment of an official is in accordance with the Circular Letter of the Minister of Home Affairs Number 120/3262/SJ, dated 17 June 2015, concerning Dismissal of Regional Heads and Deputy Regional Heads and Appointment of Acting Regional Heads, as follows:

1. The leadership of the Provincial DPRD proposes the dismissal of the Governor and Deputy Governor to the President through the Minister of Home Affairs by attaching the minutes of the plenary meeting and the decision of the Provincial DPRD regarding the announcement of the proposed dismissal of the Governor and Deputy Governor;

2. The leadership of the Regency/City DPRD proposes the dismissal of the Regent and/or Deputy Regent or Mayor and/or Deputy Mayor to the Minister of Home Affairs through the Governor by attaching the minutes of the plenary meeting and the decision of the Regency/Municipal DPRD concerning the announcement of the proposal for the dismissal of the Regent and/or Deputy Regent or Mayor and / or Deputy Mayor;
3. The Governor submits a proposal to dismiss the Regent and/or Deputy Regent or Mayor and/or Deputy Mayor;
4. To fill the vacancy for the position of Regent/Mayor, the Governor proposes 3 (three) names of candidates for Acting Regent/Acting Mayor to the Minister of Home Affairs who come from high leadership positions, have experience in the field of government, and can maintain the neutrality of civil servants in the holding of Pilkada by attaching the latest SK Rank and Position SK as well as biodata of the candidate for Acting Regent/Mayor;
5. The time for proposals is no later than 30 days before the end of the regional head's term of office.

Meanwhile, based on Article 173 paragraph (2) and (3) of Law no. 8 of 2015 states that the Provincial DPRD can submit to the President the determination of a Governor Candidate who is permanently absent or resigned or dismissed based on a court decision that has permanent legal force to be appointed and ratified as Governor through the Minister. Regency/Municipal DPRD can also convey to the Minister regarding the determination of a Candidate for Regent/Mayor for Governor who is permanently absent or resigned or dismissed based on a court decision that has permanent legal force to be appointed and legalized as Regent/Mayor through the Governor (Veeck, Veeck, & Yu, 2020).

The PLT who has been appointed in fact has very weak political power. This can be seen from the example of a case in Pangandaran Regency where the PLT was from Echelon II. The PLT in Pangandaran Regency is considered to be still a junior and unable to coordinate with the SKPD and the community due to his lack of experience and lack of political power.

Qualifications, Limits of Acting Authority and Strategic Policies During the Transition Period

Qualifications of Appointed PLT

The appointment of an Acting Officer is based on the qualifications set by existing regulations. The qualifications of the PLT appointed are based on Law Number 8 of 2015 article 201 paragraph (8). To fill the vacancy in the Governor's position, namely coming from a mid-high leadership position. And in Law Number 8 of 2015 Article 201 paragraph (9) it is also stated that to fill the vacancy for the position of Regent/Mayor, namely coming from a high pratama leadership position. Meanwhile, what is meant by a high position can refer to Law Number 5 of 2014 Article 19 concerning the State Civil Apparatus (ASN), namely:

1. Intermediate High Positions include the secretary general of the ministry, secretary of the ministry, main secretary, secretary general of the secretariat of state institutions, secretary general of non-structural institutions, director general, deputy, inspector general, main inspector, head of agency, ministerial expert staff, Head of the Presidential Secretariat, Head Secretariat of the Vice President, Military Secretary to the President, Head of the Secretariat of the Presidential Advisory Council, provincial regional secretaries, and other equivalent positions. Intermediate high positions are equivalent to Echelon I.
2. High Pratama positions include director, bureau head, assistant deputy, secretary to the directorate general, secretary, inspectorate general, secretary to the head of the agency, head of the center, inspector, head of the large hall, assistant to the provincial secretariat, district/city regional secretary, head of service/ head of provincial bodies, secretary of the

Regional People's Legislative Council, and other equivalent positions. Pratama high positions are equivalent to Echelon II.

Based on Law Number 30 of 2014 concerning Government Administration Article 14 paragraph (1) and (2), that:

Government Agencies and/or Officials obtain a Mandate if:

- a. assigned by the Agency and/or Government Official above it; And
- b. is a routine task.

Officials who carry out routine tasks as referred to in paragraph (1) letter b consist of:

- a. daily executors who carry out routine tasks from definitive officials who are temporarily absent; And
- b. PLT who carries out routine duties from definitive officials who are permanently absent.

The PLT is a temporary replacement for the Regent who is unable to control the Regency administration. In carrying out the responsibilities of administering regional government, actually the authority of PLT (Sadiq et al., 2021). Is to fully carry out the duties and authorities as Regional Head. The Acting Act has the role of controlling and leading the local government during his inactivity. Even though the acting regional head has the same duties and powers, there are limitations to the authority of the acting regional head because their existence is based on appointment, not election results.

The limit of authority of the Acting Act is based on Article 132 A paragraph (1), Government Regulation Number 49 of 2008 concerning the Third Amendment to Government Regulation Number 6 of 2005 concerning the Election, Approval of the Appointment and Dismissal of Regional Heads and Deputy Regional Heads, namely:

1. Carrying out employee mutations;
2. Cancel permits that have been issued by previous officials and/or issue permits that are contrary to those issued by previous officials;
3. Create a policy on regional expansion that contradicts the policies of previous officials; And
4. Make policies that are contrary to previous government administration policies and official development programs.

However, these four prohibitions can be waived if there is permission from the Minister of Home Affairs (Article 132 A paragraph (2) of Government Regulation Number 49 of 2008). Based on Law Number 30 of 2014 concerning Government Administration Article 14 paragraph (7) that Government Agencies and/or Officials who obtain Authority through Mandates are not authorized to make decisions and/or actions that are strategic in nature which impact on changes in legal status on aspects of organization, staffing, and budget allocation (Inshakova, Goncharov, & Salikov, 2020).

In the elucidation of Article 14 paragraph (7) it is stated that what is meant by "Strategic decisions and/or actions" are decisions and/or actions that have a major impact, such as determining changes to strategic plans and government work plans. What is meant by "change in the legal status of the organization" is to stipulate a change in the organizational structure. What is meant by "change in legal status of employment" is to appoint, transfer and dismiss employees. What is meant by "change in budget allocation" is to make changes to the budget for which the allocation has been determined. In Law Number 30 of 2014 Article 17 paragraph (2) that government officials are prohibited from abusing authority including the prohibition of exceeding authority, the prohibition of mixing authority, and the prohibition of acting arbitrarily. The existence of these unclear arrangements caused many PLT to be wrong in taking strategies and going against the rules of their authority, so that the policies determined by PLT were not quite right. Apart from that, the limitation of authority also caused many PLT to not function as they should, so that during their leadership as PLT there were no significant changes to the areas

they lead. The limitation of authority referred to may be waived after obtaining written approval from the Minister of Home Affairs.

When examined through the theory of authority, it is then seen that the PLT obtains authority through a mandate that originates from attributive authority, namely based on the rules regarding mandate and delegative provisions from the official above him, namely the Minister of Home Affairs, because he gains authority through a mandate, the PLT does not have the same authority as the definitive Regent who is currently replaced (Kokhanovskaya, Fatykhova, Suleimanova, & Golovneva, 2019). This is because as the recipient of the mandate the PLT only acts for and on behalf of the definitive official being replaced or the official above him as the giver of the mandate because the final decision remains with the giver of the mandate. The authority of the PLT is limited to carrying out policies that have been determined by the previous definitive official, namely the regional head who is unable to carry out his duties. The powers that can be exercised by the Acting PLT are only administrative in nature, such as signing documents that have been predetermined by the Regional Head and/or other administrative tasks and carrying out policies that have been previously determined by a definitive official, namely the Regional Head who is unable to carry out his duties (Msinga, Ndinya, Ogada, & Omido, 2018).

Based on the provisions of Article 14 paragraph (7) of the Government Administration Law, it explains that authority originating from a mandate cannot make decisions and/or actions that are strategic in nature that have an impact on changes in legal status in aspects of organization, staffing, and budget allocation, complete and confirm provisions regarding The limits and authorities of PLT officials contained in the provisions of the Government Administration Law, the State Civil Service Agency through SK BKN 26/2016 explains that government officials, namely PLT and PLT, who obtain authority through a mandate to fill the vacant positions of definitive officials who are unable to carry out their duties are not authorized to take strategic decisions and/or actions that impact on changes in legal status on organizational aspects, staffing, and budget allocations (Pinto et al., 2021).

The Acting Regional Head cannot issue a policy or decision, especially of a strategic nature, which has an impact on changes in legal status, organization, and budget allocations and other policies before obtaining approval from the Minister of Home Affairs. This is because the Acting Regional Head is different from the definitive Regional Head so that the authority they have is also different. Acting Regional Heads obtain authority that originates from a mandate, therefore Acting Regional Heads act for and on behalf of the mandate giver and issue decisions after coordinating and obtaining written approval from the mandate giver, namely the Minister of Home Affairs.

Discussion

The Transition Period Required A Strategic Policy, But Still Positioned By PLT

The PLT authority is indeed limited to strategic matters because he is only a continuation of the wheels of government, not the Definitive Regional Head. The existence of this limitation of authority will later result in hampering the wheels of government, moreover there will be several regions that will be led by the PLT for approximately two years. If during the change period a strategic policy is required that must be taken by the acting head, then Article 132 A paragraph (2) Government Regulation Number 49 of 2008 can be used as a basis for adopting this policy after seeking prior permission from the Minister of Home Affairs. However, Article 132 Paragraph (2) of Government Regulation Number 49 of 2008 is still not very clear about the authority of the PLT, so there is a need for a regulation so that the PLT can take strategic policies in government, especially the PLT who will carry out their duties for or more than two years. The government may issue a Discretionary Decree or PP to regulate the PLT issue so that the

PLT has authority in strategic policy making, but don't let the political interests of the central government get into it (Herold, 2020).

Basically the central government benefits from the PLT because the PLT can assist the central government's tasks and is also responsible to the central government. With many PLT appointed by the central government, it is feared that political interests from the central government will enter through the PLT that has been appointed.

Sanctions for PLT Abuse of Authority

Sanctions for acting officers who abuse their authority, in fact there are no clear provisions, but based on Law Number 30 of 2014 concerning Government Administration Article 80 paragraph (3) that abuse of authority by government officials in accordance with Article 17 of Law Number 30 of 2014, will be subject to heavy administrative sanctions. The sanctions are in accordance with Article 81 paragraph (3) of Law Number 30 of 2014, namely (Melikuziyevich & Abdurashidovich, 2021):

1. permanent dismissal by obtaining financial rights and other facilities;
2. permanent dismissal without obtaining financial rights and other facilities;
3. permanent dismissal by obtaining financial rights and other facilities as well as being published in the mass media; or
4. permanent dismissal without obtaining financial rights and other facilities as well as being published in the mass media.

Severe sanctions were imposed after an internal inspection process was carried out (Article 83 paragraph (4) of Law Number 30 of 2014). PLT if it is a mandate giver, then he is protected by Law Number 30 of 2014, because he is responsible to the giver of the mandate. Even in this case, clear regulations are needed to protect PLT. Associated with the recent situation of the Indonesian economy, there has been a weakening of the export drive, pressure on economic stability, and low absorption of the budget which will affect the economic slowdown (Wei, Guo, & Su, 2021). When it comes to the acting regional heads who are not allowed to take strategic actions, it will certainly worsen Indonesia's economic situation with the large amount of budget that is not absorbed. According to Hefrizal Handra, the potential for stagnant state spending is partly due to the technical guidelines and technical operational guidelines that are too detailed. But it is precisely in this PLT issue that the regulations do not yet exist and need to be formulated clearly.

CONCLUSION

Based on the discussion above, several conclusions can be drawn, including the appointment of Acting Governors is appointed by the President through a proposal from the Minister of Home Affairs, while the appointment of Regents/Mayors is appointed by the Minister of Home Affairs through a proposal by the Governor. Qualifications, limits of PLT authority and strategic policies during the transition period, but still held by the PLT. The qualifications of the acting governor who were appointed based on Law Number 8 of 2015 article 201 paragraph (8) to fill the vacancy in the position of Governor, namely coming from mid-high leadership positions. And in Law Number 8 of 2015 article 201 paragraph (9) that to fill the vacancy in the position of Regent/Mayor, namely coming from a Pratama high leadership position.

The limit of PLT authority is contained in Article 132 A of Government Regulation Number 49 of 2008 concerning the Third Amendment to Government Regulation Number 6 of 2005 concerning Election, Approval of Appointment and Dismissal of Regional Heads and Deputy Regional Heads and Law Number 30 of 2014 concerning Government Administration Article 14 paragraph (7). The limits of authority (PLT) of Regents/Mayors in the Regional

government system based on Law Number 23 of 2014 concerning Regional Government have not been explained in detail in the Law concerning Regional Government, but instead are regulated in Law Number 30 of 2014 concerning Government Administration, SK BKN 26/2016 and Government Regulation Number 49 of 2008. From some of these laws and regulations, the limit of authority of the Acting Regent in the local government system is only administrative in nature such as signing documents that have been previously determined by the Regent and/or other administrative tasks as well carry out policies that have been previously determined by the definitive Regent. If during the change period a strategic policy is needed that must be taken by the acting head, then it is regulated by Article 132 A paragraph (2) Government Regulation Number 49 of 2008 concerning the Third Amendment to Government Regulation Number 6 of 2005 concerning Election, Ratification of Appointment and Dismissal of Regional Heads and Deputy Regional Head, which must be approved by the Minister of Home Affairs.

In fact, there are no clear provisions for the PLT who abuses his authority, as the type of authority given to the Plt is unclear. The suggestions in this study are as follows the PLT problem, if it is not quickly regulated, can become a problem that can hinder the running of the government and affect the economic slowdown. For this reason, the Government should make specific and clear regulations regarding this PLT, not like now which are scattered in various rules, the government can issue a Discretionary Decree or PP if the PERPU is not considered important to issue. The government can make a second amendment to Law no. 1 of 2015 (First Amendment to Law No. 8 of 2015) which is important the contents of the special PP regarding this PLT or the Second Amendment to the Law must strictly regulate: The official who has the right to appoint the PLT if there is a vacancy in the regional head position during the transition period, the qualifications of the appointed PLT and the limits of the PLT'S authority. Authority that can be exercised by the PLT if during the change period a strategic policy is required. Clarity in detail what constitutes a strategic policy in the form of an expansion of Article 132 A paragraph (1). Likewise, the details of decisions and/or actions that are strategic in nature which have an impact on changes in legal status on aspects of the organization, staffing, and what the budget allocation looks like. Give sanctions to the PLT who does something outside of his authority (if the legal product chosen is the Amendment Law).

REFERENCES

- Atmojo, M. E., & Fridayani, H. D. (2019). Analysis of the open selection process for structural officials (echelon ii) in sleman regency. *Journal of Governance and Public Policy*, 6(2), 170–194. <https://doi.org/https://doi.org/10.18196/jgpp.v6i2.6451>
- Fikri, S., & Wibisono, R. B. (2023). Principle of Original Authority in Territorial Decentralization. *Jurnal Mengkaji Indonesia*, 2(1), 131–152. <https://doi.org/https://doi.org/10.59066/jmi.v2i1.387>
- Herold, K. (2020). Insolvency frameworks for state and local governments. *OECD Journal on Budgeting*, 20(2). <https://doi.org/https://doi.org/10.1787/16812336>
- Inshakova, A. O., Goncharov, A. I., & Salikov, D. A. (2020). Electronic-Digital Smart Contracts: Modernization of Legal Tools for Foreign Economic Activity. In *The 21st Century from the Positions of Modern Science: Intellectual, Digital and Innovative Aspects* (pp. 3–13). Springer. https://doi.org/10.1007/978-3-030-32015-7_1
- Ishak, N. (2019). Implementation and Supervision of Official Discretion in Local Government of Republic of Indonesia. *Jurnal Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan*, 8(2).
- Kokhanovskaya, I. I., Fatykhova, A. L., Suleimanova, F. M., & Golovneva, E. V. (2019). Use of

- information technologies of management in public authorities activities. *Journal of Physics: Conference Series*, 1333(7), 72010. IOP Publishing. <https://doi.org/0.1088/1742-6596/1333/7/072010>
- Kostrubiec, J. (2018). Status of a Voivodship Governor as an Authority Responsible for the Matters of Security and Public Order. *Barometr Regionalny. Analizy i Prognozy*, 16(5), 35–42.
- Lisjak, J., Rončević, A., & Markovinović, D. (2021). Key Tasks and Competences of Spatial Data Manager in Local Self-Government. *Tehnički Glasnik*, 15(2), 213–219. <https://doi.org/10.31803/tg-20201117134708>
- Melikuziyevich, K. P., & Abdurashidovich, T. M. (2021). State and community management-as a priority task in the appeal. *International Journal of Discourse on Innovation, Integration and Education*, 2(2), 133–136.
- Msinga, S. M. S., Ndinya, A., Ogada, M., & Omido, K. (2018). Differentiation strategies and performance of insurance companies in nairobi, Kenya. *International Journal of Advanced Research in Management and Social Sciences*, 7(11), 15–29.
- Muhammad, F., Umiyati, S., & Rianto, B. (2023). Policy Implementation of Military Operations Tasks Other Than War Units Squadron-13/Serbu Puspenerbad in Acceleration of Handling of Covid-19 in Berau, East Kalimantan. *International Journal of Social Science And Human Research*, 6(01).
- Munawwaroh, S., Larasati, E., Suwitri, S., & Warsono, H. (2019). Policy implementation of working culture development in ministry of religious affairs. *Management and Entrepreneurship: Trends of Development*, 4(4(10)), 43–57. <https://doi.org/10.26661/2522-1566/2019-4/10-04>
- Nugroho, R. M., & Asmorojati, A. W. (2019). Simultaneous Local Election in Indonesia: Is It Really More Effective and Efficient? *Jurnal Media Hukum*, 26(2), 213–222. <https://doi.org/10.18196/jmh.20190135>
- Partovi, T., & Razavi, M. R. (2019). The effect of game-based learning on academic achievement motivation of elementary school students. *Learning and Motivation*, 68, 101592. <https://doi.org/10.1016/j.lmot.2019.101592>
- Permatasari, Y., Jinaratana, A., Hadiwinata, C., Yapputro, P. A., & Syahrin Najmi, M. (2023). Regional Autonomy in the Context of Regional Regulations. *Asian Journal of Social and Humanities*, 1(09), 431–439. <https://doi.org/10.59888/ajosh.v1i09.37>
- Pinto, D., Aveiro, D., Pacheco, D., Gouveia, B., & Gouveia, D. (2021). Validation of DEMO's Conciseness Quality and Proposal of Improvements to the Process Model. In *Enterprise Engineering Working Conference* (pp. 133–152). Springer. https://doi.org/10.1007/978-3-030-74196-9_8
- Rahayu, R., & Atmojo, M. E. (2019). Human resources planning of government apparatus in Special Region of Yogyakarta in 2017. *Journal of Local Government Issues*, 2(1), 75–90.
- Rullo, L. (2021). The COVID-19 pandemic crisis and the personalization of the government in Italy. *International Journal of Public Leadership*, 17(2), 196–207. <https://doi.org/10.1108/IJPL-08-2020-0083>
- Sadiq, A., Javed, M. U., Khalid, R., Almogren, A., Shafiq, M., & Javaid, N. (2021). Blockchain Based Data and Energy Trading in Internet of Electric Vehicles. *IEEE Access*, 9, 7000–7020. <https://doi.org/10.1109/ACCESS.2020.3048169>
- Saputra, G. R. (2022). Influence of Human Resource Competence, Internal Control System, Participation in Budget Preparation, and Accounting Control on Performance Accountability of Local Government Agencies. *International Conference on Sustainable Innovation Track Accounting and Management Sciences (ICOSIAMS 2021)*, 197–203. Atlantis Press. <https://doi.org/10.2991/aebmr.k.211225.028>

- Saraswati, R., Ristyawati, A., & Basworo, R. S. (2020). Recent developments and changes in the governance of regional legal products in Indonesia: Supervision, evaluation and clarification mechanisms. *International Journal of Innovation, Creativity and Change*, 12(7), 1–9.
- Sarnawa, B. (2018). Legal Friction of State Civil Apparatus Neutrality in Indonesia. *Indonesian Comparative Law Review*, 1(1), 43–50. <https://doi.org/10.18196/iclr.1105>
- Seebauer, S., & Babicky, P. (2018). Trust and the communication of flood risks: comparing the roles of local governments, volunteers in emergency services, and neighbours. *Journal of Flood Risk Management*, 11(3), 305–316. <https://doi.org/10.1111/jfr3.12313>
- Supriyanto, D., Faturohman, D., Unsong, O. L., Wahyudianty, M. U., & Sampe, F. (2022). Analysis of the implementation of certain functional position equalization policies at the regional personnel, education, and training agency of mataram city, west nusa tenggara province. *Jurnal Darma Agung*, 30(2), 687–696. <https://doi.org/http://dx.doi.org/10.46930/ojsuda.v30i2.2349>
- Tangi, L., Benedetti, M., Gastaldi, L., Noci, G., & Russo, C. (2021). Mandatory provisioning of digital public services as a feasible service delivery strategy: Evidence from Italian local governments. *Government Information Quarterly*, 38(1), 101543. <https://doi.org/10.1016/j.giq.2020.101543>
- Veeck, G., Veeck, A., & Yu, H. (2020). Challenges of agriculture and food systems issues in China and the United States. *Geography and Sustainability*, 1(2), 109–117. <https://doi.org/10.1016/j.geosus.2020.05.002>
- Wahyuni, I. I., & Huda, M. K. (2021). Legal Norms and Principles of Decentralization of Authorities in Handling the Covid-19 Pandemic. *Lex Publica*, 8(1), 31–50. <https://doi.org/10.58829/lp.8.1.2021.31-50>
- Wayenberg, E., Resodihardjo, S. L., Voets, J., Van Genugten, M., Van Haelter, B., & Torfs, I. (2022). The Belgian and Dutch response to COVID-19: change and stability in the mayors' position. *Local Government Studies*, 48(2), 271–290. <https://doi.org/10.1080/03003930.2021.1958787>
- Wei, Y., Guo, Y., & Su, J. (2021). Dancing on a tightrope: The reputation management of local governments in response to public protests in China. *Public Administration*, 99(3), 547–562. <https://doi.org/10.1111/padm.12699>
- Yang, X., Yan, J., Tian, K., Yu, Z., Yu Li, R., & Xia, S. (2021). Centralization or decentralization? the impact of different distributions of authority on China's environmental regulation. *Technological Forecasting and Social Change*, 173, 121172. <https://doi.org/10.1016/j.techfore.2021.121172>