



Position, Duties, and Authorities of the Deputy Regional Head in the Era of Reform

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Abstract

Article 18, paragraph 4 of the 1945 Constitution defined regional heads as "governors, regents, and mayors respectively as heads of democratically elected provincial, district, and municipal governments." However, many believe that direct elections are the only way to be democratically elected. Therefore, at the time of the direct election of regional heads and deputy regional heads, it was felt that this was indeed more democratic than the elections previously conducted by the Regional People's Representative Council (DPRD). Still, the regional head election system with one system of one package of regional heads and deputy regional heads still raises many problems, including those related to the responsibility implementation. The location of this study is the city government of Palembang, South Sumatra Province. This research uses normative legal analysis supported by empirical data that examines the laws and regulations that apply to a specific legal problem, especially those related to the delegation of authority of regional heads and their representatives in government administration. In the era of regional autonomy, the Deputy Mayor of Palembang's power in government functions plays a smaller role in the provincial government. The deputy regional head's authority and duties are not specified in the Law. It is also believed that a deputy regional head/deputy mayor serves only as a stand-in for the regional head, which the Law supports. The responsibilities of the Deputy Mayor of Palembang related to government duties that cannot be fully carried out in the city of Palembang cannot be legally sanctioned, either criminally, civilly, or administratively, because the authority given as stated in the relevant regulations in its implementation is not fully shown. This is because the applicable laws and regulations do not provide detailed rules.

Keywords: *Deputy Regional Head; Law; Reform*

Introduction

Elections aim to ensure that societal ideals and objectives are met. The 1945 Constitution of the Republic of Indonesia (hence referred to as the 1945 Constitution) declares that the country's goals or national aspirations and purposes, namely the Government of the State of Indonesia, which protects the entirety of the Indonesian people and all of Indonesia's blood and blood and promotes public welfare, educates the nation's youth, and preserves the nation's natural resources, are inscribed in the opening

(Nasruddin et al., 2019). Furthermore, Article 1 (3) of the Constitution of 1945 specifies that Indonesia is governed by civil Law. The Law must therefore be the engine that propels the government. In addition, the Law is regarded as the basis of certain significant elements, a legal tool for social engineering or building, conflict resolution, and an instrument for regulating the behavior of society members (social control) (Santoso, 2021).

Very essential is the establishment of the position of deputy regional head, which serves as the regional head's helper in carrying out tasks and responsibilities in the execution of local government, particularly in enhancing the welfare of the people. In autonomous regions, practically all government affairs, with a few exceptions, are devolved into the areas (of defense, security, foreign, religious, and fiscal and monetary finances) (Merenkov et al., 2019).

Constitutionally, the 1945 Constitution in Article 18, paragraph 4 has explained the existence of regional heads, "governors, regents, and mayors respectively as heads of democratically elected provincial, district, and municipal governments." However, many interpret being elected democratically through direct elections, better known as direct elections (Abdim Munib et al., 2021).

Deputy Regional Head, furthermore, in this study used the term Deputy Mayor so far is often questioned about its role and function. This cannot be separated from the many criticisms of the performance of the deputy mayor, as well as the divisions or ruptures between the regional head and his deputy in running the provincial government (Trisna, 2018).

A career position in the state apparatus that understands the working mechanisms of government and can also represent the interests of regional heads in executive power without burdening political interests. the existence of the deputy regional head has a negative side in that it adds the burden on the provincial budget (Prihatiningtyas, 2018). However, this is not a severe problem. Another negative side of the existence of the deputy regional head is the lack of synergy and harmony between the regional leader and the deputy regional head in leading the provincial government. It is caused by many conflicts that arise between the regional leader and his deputy, resulting in a split partnership. The competition usually occurs only a few months after the couple is appointed (Setyanto et al., 2020). As a result, the regional government has been ineffective for almost five years. With a strategic position and strong influence in local government, the regulation of deputy regional heads becomes a political commodity that often changes the arrangements regarding regional authorities (Muzayanah, 2021). The political movement in the country causes this, as we can see from the Law that regulates deputy regional heads after the reform. It is still being debated in the DPR (Siswoyo, 2020).

However, in its development, the Law on elections that specifically regulates regional representatives is not too much because, during the post-reformation, the election of regional representatives became a package with regional heads and had a relatively limited role (Budiarto, 2018). The deputy mayor has so far been felt to have a lack of function in local government because the authority and duties of the deputy mayor are not carried out following the existing Law's provisions. If we want to make a good position and authority of the deputy mayor, then we must be able to make a strong foundation first (Hasan, 2021). The source of the regional head greatly influences the position of deputy mayor, the authority of the regional leader itself was born from the mechanism for selecting the deputy mayor (Natamiharja et al., 2021). Therefore, the tool for electing deputy mayors is the beginning of the power of position and authority that regional heads will possess (Mindarti et al., 2021). The phenomenon of the deputy mayor itself is interesting to study, especially if it is related to the fact that the Indonesian State is a country that still makes the democratization process a fulcrum (Ridwan & Rikmadani, 2022). The problem is that in terms of the regional head and deputy's existence, as mentioned above, it is necessary to review the regional leader's and deputy's authority in implementing provincial government (Pasinringi et al., 2020). This matter needs to be addressed by many research findings that suggest that the

existence of deputy regional heads be eliminated because the regional secretary can replace the position and function of the deputy regional head (Syofian et al., 2020).

Methods

The location of this study is the city government of Palembang, South Sumatra Province. This research uses normative legal analysis supported by empirical data that examines the laws and regulations that apply to a specific legal problem, especially those related to the delegation of authority of regional heads and their representatives in government administration. The research approach is theoretical, considering that each legal theory has legal rules, compliance with the Law, the idea of justice, the concepts of legal sources, and concepts about legal discovery. In addition, legal theory is a meta-theory of legal dogmatics, so legal theory makes legal dogmatics the object of its study. The data collected is a secondary data source. Where secondary data are various materials previously contained by researchers that will be used to complete the research data needs, this secondary data is in the form of books, government publications, internal organizational records, reports, journals, to various sites related to the information being sought.

Result and Discussion

The Authority and Responsibility Possessed by the Deputy Mayor of Palembang in Carrying out Government Functions in the Era of Regional Autonomy

After the reform, developments regarding the position, duties, and authorities of the deputy regional head received a slight change and recognition; this is reflected in the part of the deputy regional head, where the position of deputy regional head appears in Law No. 32 of 2004 concerning Regional Government, which states that each region is led by a regional leader and assisted by a deputy regional head. In terms of the duties that the deputy regional head has post-reform, which is affirmed only as an assistant to the regional leader, this can be seen from Law no. 22 of 1999 concerning Regional Government article 57, Law no. 32 of 2004 concerning Regional Government article 26, Law no. 12 of 2008 concerning the second amendment to law number 32 of 2004 concerning regional government article 26, Law no. 23 of 2014 concerning Local Government Article 66. The provincial government law, born after the reform, emphasized that the task of the deputy regional head is to assist the regional leader.

1. Law No. 32 of 2004 concerning Local Government

The position of deputy regional head appears in Law No. 32 of 2004 concerning Regional Government, which states that each region is led by a regional head and assisted by a deputy regional head as regulated by Article 24 of the Law. 32 of 2004 on Local Government, which reads; (1) A local government heads each region called a regional head. (2) The head of the region, as referred to in paragraph (1) for the province, is called the Governor; for the district, it is called the regent; and for the city, it is called the mayor. (3) The regional head, referred to in paragraph (1), is assisted by one deputy regional head. (4) The deputy head of the region, as referred to in subsection (3) for the province, is called the deputy Governor, the district is called the deputy regent, and the city is called the deputy mayor. (5) The regional head and deputy regional head, as referred to in paragraphs (2) and (3), are elected in one pair directly by the people in the area concerned.

Apart from being representatives of the central government in the regions, regional leaders are also the spouses of public officials who are elected based on political recruitment or the "elections" election model, which is directly "direct" and carries out the mandate of the people. Therefore, the regional head and deputy regional head positions are likened to inseparable partners, both public officials

in terms of managers and holders of leadership in the regions. The two provincial officials are symbols of the people who act as protectors of the regional community and embody the people's trust.

Thus, a regional head and deputy regional head must synergize and be harmonious in terms of thoughts, actions, or attitudes to prioritize the interests of the nation, State, and society rather than personal interests, groups, and streams, both religious and racial streams. For this reason, regional heads and deputies must be wise, wise, honest, fair, and neutral in implementing the policies made, or the actions of the leaders and deputy regional heads must comply with the rules contained in the laws and regulations.

In substance, the crucial issue of the fracture of the relationship because it relates to the duties and authorities possessed by the representative about Article 26 paragraph (1) of Law No. 32 of 2004, which can be concluded as follows:

First, the deputy regional head's position is to assist the regional leader in leading the region, carrying out specific duties, and replacing the regional director if unable to do so. However, the article is lost in essence that the existence of deputy regional heads is an inseparable whole and is elected in pairs directly by the people and jointly leads the implementation of the provincial government.

Secondly, the duties and authorities of the deputy are general, the total power is in the head of the region, and finally, this gives rise to doubts about the deputy in acting. Therefore, it should be that the regional leader should foster a relationship with the deputy and provides opportunities to the deputy through the political contract made when they leave to become a pair of candidates for the regional head.

Third, the absence of clear parameters or indicators can reveal whether the deputy regional head is considered to be working effectively or not in local government.

The role of the deputy regional head, which is not so prominent in this Law, is considered only as a substitute role and only helps the regional head to be affirmed in this Law. The absence of clear limits on authority, duties, and work in this Law makes political power unbalanced in decision-making because only regional heads have absolute control in making policies, and deputy regional heads are only input givers; sometimes, these inputs are also only underestimated.

2. Law No. 12 of 2008 Concerning the Second Amendment to Law Number 32 of 2004 Concerning Local Government

Just like Law Number 32 of 2004, in Law Number 12 of 2008, there are no significant changes to the authority of the deputy regional head; it's just that there are some additions in terms of the vacancy of the regional leader and deputy regional head, where there are changes in terms of re-electing the leader and deputy regional head who left their positions.

Only making minor changes to the content of this article does not affect the position of the deputy regional head; in terms of the duties and authorities of the deputy regional head, there is no change from the previous Law. The provision for filling the vacancy of the deputy regional head does not affect the duties and authorities of the deputy regional head. This addition does not affect the deputy regional head's position, responsibilities, and rules against the old Law, namely Law no. 32 of 2004 concerning provincial government.

The addition of filling vacancies is also due to the many divisions between regional heads and deputy regional heads. This impacts the number of deputy regional heads resigning from their positions, so a mechanism must be created for filling the vacant deputy regional head positions.

3. Law Number 23 of 2014 concerning Local Government

The regional head determines the authority and duties obtained by the deputy regional head, so the deputy regional head here seems to be just an auxiliary figure waiting for orders, without being able to do something if the regional leader makes a mistake or something.

Another authority obtained by the deputy regional head is that the provincial leader carries out the duties and rules of the regional director serving a period of detention or is temporarily unable to do so. So, let's look at the order of changes in the laws governing the deputy regional heads above. First, it can be seen in terms of the authority of the deputy regional head so far, he has not received significant changes in the position, duties, and rules he has.

The deputy regional head is still underestimated, so there is no significant change to the authority of the deputy regional head. The deputy regional head only assists with the duties and rules of the regional leader. It does not have clear limits on the responsibilities and authorities of the deputy regional head. The role emphasized and highlighted in the above legislation is the role of the deputy regional head as an assistant to the regional director without being able to issue or take specific policies because the policy authority will only be accepted and published by the regional head.

So far, the authority and role of the Deputy regional head only rest on the Law on Regional Government, from Law Number 22 of 1999, Law Number 32 of 2004, Law Number 12 of 2008, and most recently, Law Number 23 of 2014. Although some regions regulate the authority and role of regional representatives with regional regulations, the solid legal umbrella is the Law, which will have more legal force in handling matters about the power and position of deputy regional heads on a national scale.

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The Responsibilities of the Deputy Mayor of Palembang Are Related to Government Duties That Cannot Be Thoroughly Carried Out in the City of Palembang

The State is divided by region, according to the terminology of local government division of authority indoctrinated by law No.22 of 1999 in Article 2, paragraph 1. The juridical impact of the rule

makes the power possessed by the regions such as the "state" within the State. This is not wrong because the grammatical and stipulative interpretation of legislation does State so. The implication is that autonomy or excessive freedom, so in 2004 the legislation changed the substance of Article 2 of Law No. 22 of 1999 to Law No. 32 of 2004, namely, the inclusion of state terminology in the system of dividing the authority of local government and it persists today, with the continued existence of state terminology in Law No. 23 of 2014. The substance of Article 2 of Law No.23 of 2014 states that the Indonesian State is divided into provinces, and the region is divided into regencies or cities, meaning that the Unitary State of the Republic of Indonesia which is divided is no longer only its power but also the terminology of the divided territory.

Theoretically, the doctrine states that the State is an organization of power and that what is divided into a State is its power, not the territory of the State. From this, it can be seen that the division of energy and environment gave birth to new authority in local government. Therefore, it can be concluded juridically that Law No. 23 of 2014 views the division of regional government powers. The duties of the deputy regional head after the reform, which was affirmed only as an assistant to the regional leader, can be seen in law Number 22 of 1999 concerning Regional Government Article 57, Law Number 32 of 2004 concerning Regional Government Article 26, Law Number 12 of 2008 concerning the second amendment to law Number 32 of 2004 concerning regional government Article 26, Law Number 23 of 2014 concerning Regional Government Article 66.

The division of labor between the regional head and the deputy regional head is very decisive later in the relationship between the two parties, where the ideal relationship will be obtained if the seeds of conflicts of interest between the regional head and the deputy regional head can be suppressed beforehand. These seeds of division would not exist if there were clear rules or signs in the arrangements regarding the authority and role of the deputy regional head. So far, the candidates for Regional Head and Deputy Regional Head prefer to make a mutual agreement, which only relies on the same vision and mission to run the government if elected later. This will cause problems in the future issues if the couple on their way changes the vision and mission that was agreed upon at the beginning (Agustina, 2020).

The division of spouses and the number of cases faced by regional heads strongly influence the administration of government. The number one and two people are not harmonious; it affects the bureaucracy loyalist and his deputy, as a result of which the preservice is not optimal, and of course, again, it is the people who will feel the loss.

The Concept of Regulating the Authority and Responsibility of the Deputy Mayor in the Future in Realizing the Vision of Palembang EMAS in Palembang City

The vision of Palembang EMAS 2018 implies that the city of Palembang is expected in the future to be able to realize a Mandated Government, Empowerment of Community Institutions, People's Economy, Clean, Independent, Safe, Developing Clean Government, Economy, People, Religious and Fair as well as realizing a Beautiful Palembang, Metropolis, Civilized and Prosperous.

This vision is certainly not easy to realize when at the leadership level in the Palembang City Regional Government, there is still an unclear division of duties/authorities and responsibilities. The fundamental reason why the position of deputy regional head plays less of a role in local government is more due to the non-regulation of clear and in detail about the authority and role of deputy regional heads in a strong legal umbrella such as the Law. This is the important part of the Law to regulate the fundamental regulations of the authority and role of the deputy regional head, to create a balance between the regional leader and the deputy regional head.

To realize this good relationship, a clear division of duties, such as superiors and subordinates, is required, with separate tasks carried out by each position, so that there is no overlap of authority and roles in the implementation of duties carried out by regional heads and deputy regional heads.

This will make implementing good governance based on good governance principles easier. The post-reform relationship between regional heads and deputy regional heads in local government in Indonesia can be said to be bad and receive a red report card, as revealed by data from the Ministry of Home Affairs, where 732 couples broke out halfway through from 2005 to the end of 2011 (Santoso, 2021).

Conclusion

In the era of regional autonomy, the Deputy Mayor of Palembang's authority in government functions plays a smaller role in the provincial government. The deputy regional head's authority and duties are not specified in the Law. It is also believed that a deputy regional head/deputy mayor serves only as a stand-in for the regional head, which the Law supports. Therefore, if we want to establish a good position and authority as deputy regional head, we must first be able to establish a strong foundation under a strong legal umbrella, such as the Law.

The responsibilities of the Deputy Mayor of Palembang related to government duties that cannot be fully carried out in the city of Palembang cannot be legally sanctioned, either criminally, civilly, or administratively, because the authority given as stated in the relevant regulations in its implementation is not fully shown. This is because the applicable laws and regulations do not provide detailed rules.

There are at least three (three) legal concepts in the future so that the vision of Palembang EMAS can be realized by bringing together all regional leaders. The first is a revision of the local government law, where firmness in the division of duties or authorities between the Mayor, Deputy Mayor, and Regional Secretary (SEKDA) is required so that the mayor does not appear to be running alone, let alone divide. The second can be strengthened by supplementary rules, such as those confirmed in the Mayor's Ordinance or Mayor's Decree regarding the division of duties and authorities between the Mayor and Deputy Mayor. And the third is forming a Gentellment Agreement, also known as a behind-the-scenes commitment, which is usually done before the election process and ideally in writing between the parties who have agreed to advance in one election package.

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