

PROBLEMS OF APPOINTING ACTING REGIONAL HEADS FOLLOWING THE POSTPONEMENT OF SIMULTANEOUS ELECTIONS*

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Abstract

The appointment of an official head in the area, as regulated in the provisions above, gives rise to polemics at the level of implementation. Some of the polemics that arise as a consequence of appointing an official head area, among other things, is the lack of transparency in the appointment process of the official head area, and the appointment of an active TNI member as an acting head disfigures the spirit of reform. Additionally, there is not yet a rule managing the executor mechanism for the appointment of the official head area. This study aims to analyze the appointment process of the existing head area position at this moment as an effort to guard popular sovereignty, ensuring it is not injured by inadequate mechanisms, transparent, and yet firm policies that arrange the mechanism for appointing the official head area to prevent conflicts of interest. This study is a normative legal study, where the search uses secondary data with material references. The result of this study is the arrangement of the mechanism for appointing the current Regional Head acting is not yet arranged systematically, so the appointment process of the acting Regional Head experiences several problems, including the existence of a conflict of interest in appointing the acting Regional Head, and the duration of appointing the Acting Regional Heads, who have been around for quite a long time, has implications for the governance of the government area. Additionally, there exists the appointment of acting Regional Heads who are active TNI soldiers.

Keywords : Acting Regional Head; Regional Election; Simultaneous.


INTRODUCTION

Indonesia is a unitary state, a Republic (Article 1, paragraph (1) of the 1945 Constitution of the Unitary State of the Republic of Indonesia), where sovereignty rests with the people and is implemented according to the Constitution (Article 1, paragraph (2) of the 1945 Constitution of the Unitary State of the Republic of Indonesia). In simpler terms, Indonesia operates as a democratic country based on the rule of law.

In democratic countries, governance is approved by the people. Public

positions are filled through an electoral mechanism such as the President and members of the DPR, DPD, and Provincial/Regency/City DPRD, done via a direct election by the people during the general election. Thus, the legitimacy of governing is derived directly from the people in that country" (Suparto & Muslikhah, 2020).

"The upcoming elections for Governor, Regent, and Mayor, known as Regional Elections, are the embodiment of people's sovereignty in Provinces and Regencies/Cities, enabling the public to directly and democratically choose the

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Governor, Regent, and Mayor (Article 1, number 1, Law of the Republic of Indonesia Number 8 of 2015). These elections are conducted directly, allowing the public to determine the Governor, Regent, and Mayor during the Regional Elections. The regulations for Regional Elections are outlined in Constitution Number 1 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, Mayor and Deputy Mayor, and further refined in Constitution Number 8 of 2015. The implementation of this Constitution also marks the beginning stages of Regional Elections occurring simultaneously.

The general election of regional heads and deputy heads (local election) directly and simultaneously serves as a crucial and strategic instrument for establishing a democratic government in the area. Simultaneous Regional Elections encourage the people/voters to democratically select regional heads and deputy regional heads (governor and deputy governor, as well as regent and deputy regent/mayor and deputy mayor)" (Azzahra & Kurnia, 2020).

"The legal foundation for the simultaneous implementation of Regional Elections is established in Constitution Number 10 of 2016, Article 201, which regulates the stages of post-conflict local elections occurring simultaneously from 2015 to 2024. In these provisions, there is an opportunity for vacancies in the position of the head of the region during the term of office ending in 2022 and 2023. Vacancies in the position of Regional Head naturally result in delays in several government bureaucratic activities as well as public services to the

people. According to Kompas Daily, in 2022, up to 101 Regional Heads had their terms of office expire, and as many as 170 heads of areas had their terms of office ending in 2023.

Referring to the existing provisions in "Article 201, paragraph (9) of Law number 10 of 2016 concerning Amendments to the Law Number 1 of 2015 concerning the Determination of Government Regulations as a Replacement for Constitution Number 1 of 2014 concerning the Election of Governor, Regent, and Mayor," the law has been refined as Constitution Number 6 of 2020 concerning the Election of Governor, Regent, and Mayor. To fill vacancies in the position of Governor, Regent, and Mayor whose terms of office end in 2022 and 2023, an Official Governor/Regent/Mayor is appointed until the Governor and Regent or Mayor are chosen through a national election in 2024.

The appointment of an official head area, as regulated in the provisions above, sparks debates at the level of implementation. Some of the debates that arise as a consequence of the appointment of an official head area, among other things, include the lack of transparency in the appointment process of the official head area, and the appointment of an active TNI member as an official head distorts the area, going against the spirit of reform. Additionally, there is not yet a rule managing the executor mechanism for the appointment of the official head area. This writing aims to analyze the appointment process of the existing head area position at this moment as an effort to guard popular sovereignty, ensuring it is not hampered by inadequate

mechanisms, transparent, and yet firm policies that arrange the mechanism for appointing the official head area to prevent conflicts of interest.

RESEARCH METHODS

This study is a normative legal study, in which, the researcher will examine various sources of literature, for example, books, journals, papers, regulations – applicable regulations, both national and international – as well as other scientific works linked to the research topic. The characteristic of this study is descriptive, where the writer will describe something, problems in a certain region or at a certain time, and try to disclose existing facts completely. The researcher will seek to elucidate how the postponement of regional elections is simultaneously arranged within the decision of the constitutional court. Research data in this study are in the form of secondary data where the information was acquired indirectly, but the data can provide insights in response to the problems studied. In this context, various types of rules, relevant regulations, both national and international, court rulings, theories, and/or related doctrines are encompassed in the research, found in books, journals, papers, magazines, newspapers, research results, and other scientific works.

RESULTS AND DISCUSSION

The 1945 Constitution of the Republic of Indonesia (hereinafter known as the 1945 Constitution of the Republic of Indonesia), which is a constitution written in Indonesia and is also a reflection of the legal aspirations of the Indonesian people, has explicitly outlined several fundamental principles. These

include the principles of democracy and the rule of law. The second principle mentioned above is included in Article 1, paragraphs (2) and (3) of the 1945 Constitution of the Republic of Indonesia. (Iswari, 2020)

Democracy places man as the owner of later sovereignty, known as the principle of popular sovereignty. Based on the theory of social contracts, the fulfillment of rights for each individual is not possible if pursued individually but must be achieved collectively. Thus, a social agreement is made about shared objectives, the limits of individual rights, and who is responsible for achieving these objectives within the agreed-upon limits. This agreement is realized in the form of a constitution as the highest law in a country (the supreme law of the land), which is then elaborated consistently in state laws and policies. The democratic process is also realized through general election procedures to elect people's representatives and other public officials. (Casmir Arrisa, 2014)

Democracy believes that general elections, conducted directly, can play a vital role in determining the future of the nation. Surbakti's opinion states that general elections conducted directly aim to 1) select government leaders and alternative public policies. In a democracy, people's sovereignty is highly respected, known as the spirit of, by, and for the people; 2) shift conflicts of interest from the public to the people's representative bodies through elected representatives or the winning party's chair, ensuring public integration or unity; 3) serve as a means to mobilize, rally, or garner people's support for the state and

government by following the political process. (Assyayuti, 2022)

The current wave of democratization post-reformation not only happens at the national level but also occurs at the regional level with the adoption of the regional election system conducted directly. (Ni'matul Huda and Imam Nasef, 2017).

From the discussion above, this research studies the application of democracy at the local level by implementing simultaneous direct regional elections throughout government regions in Indonesia at this moment. This impacts the policy requirements for Regional Heads whose terms of office end before the regional election and must be replaced with an Acting Regional Head appointed by the Ministry of Home Affairs. However, upon further review, the mechanism for filling the position of Head of the Region has not yet been systematically arranged through the current regulations, giving rise to several problems during the appointment process."

A. Dynamics of Arranging the Position of Regional Heads Post-Reform

Arrangements concerning the designation of regional heads post-reformation were initially regulated in "Law Number 22 of 1999 concerning Local Government." The mechanism for designating regional heads in this legal regime was conducted through elections by the Provincial/Regency/City DPRD. Assessment of the enforcement of this Constitution led to a change in the mechanism for designating regional heads to direct elections.

"Article 18, paragraph (4) of the 1945 Constitution states that 'the Governor, Regent, and Mayor, each as the head of the government of Province, Regency, and City, are chosen democratically.' Article 18, paragraph (4), was born simultaneously with Article 18A and Article 18B, namely in the Second Amendment to the 1945 Constitution. In recent constitutional discourse, including in several decisions of the Constitutional Court, the phrase 'chosen democratically' in Article 18, paragraph (4) of the 1945 Constitution does not have a single interpretation (Constitutional Court Decision Number 072-073/PUU-II/2004 or Constitutional Court Decision Number 97/PUU-XI/2013). The phrase must not only be interpreted as chosen directly by the people but can also be interpreted as chosen democratically throughout the process. Policies to determine the method of choosing regional heads are submitted to the constitutional maker for determination and are often called open legal policy" (Ni'matul Huda and Imam Nasef, 2017).

The fundamental change providing legitimacy to the mechanism of direct election of regional heads is found in "Law no. 32 of 2004 concerning Local Government."

"Direct Election of Regional Heads is an important change in the consolidation process of democracy at the local level. At least, direct regional elections are seen to have several advantages compared to the political recruitment system through DPRD institutions" (Sirajuddin et al., 2016).

"In general, there are at least two reasons why direct regional elections are considered more democratic. First, it

opens the door for a head suitable for the majority of the people. Second, it safeguards the stability of the government so that it does not easily collapse midway. The practice during the implementation of Law No. 22 of 1999 shows that the DPRD's choice often contradicts the will of the majority of the people in the region. The DPRD has its interpretation of societal aspirations, and various prohibited methods are also used (for example: falsifying the identity of candidates, money politics, and voter manipulation). Additionally, tension often arises between the regional head and the DPRD in governing the region. Throughout the enactment of Law No. 22 of 1999, stories of the impeachment (removal) of regional heads by the DPRD have occurred frequently in various places. The government system at the regional level resembles a parliamentary system, with no certainty for the position of the regional head, as they must constantly face 'attacks' from the DPRD" (Ni'matul Huda, nd).

"The determination of the appointment of regional heads through direct elections, as adopted by Law no. 32 of 2004, is based on several political events encouraging state administration. These include the prior implementation of direct regional elections in the Province of Nanggroe Aceh Darussalam based on Law No. 18 of 2001. Secondly, the successful conduct of the first direct election of the President and Vice President prompted a desire for direct regional elections. Thirdly, there is an official design for direct regional elections from the Government in the draft revision of Law No. 22 of 1999. Fourthly, TAP MPR no. IV/MPR/2000

recommends the fundamental revision of Law No. 22 of 1999. Therefore, the intended revision must be fundamental, and related provisions, including the method of electing regional heads, must also be revised according to the former Constitution" (Ni'matul Huda and Imam Nasef, 2017).

In its development, how the appointment of regional heads is arranged is further specified in "Law Number 22 of 2014 concerning the Election of Governors, Regents, and Mayors," determining the mechanism for appointing regional heads through the DPRD. The existence of this Constitution contradicts public opinion because it is considered undemocratic since the election is indirect.

The rejection from the public against the presence of Law No. 22 of 2014 is a response to the application of a 'watered-down' popular sovereignty, as the mechanism of electing regional heads through the DPRD is seen as undermining the sovereignty of the people as guaranteed in the 1945 Constitution. Recently, "Rules" were published in the Government Replacement Constitution Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors. In the considerations, it is explained that the considerations confirmed by a Government Regulation in Lieu of Law (Perppu) no. 1 of 2014 are:

(1) To ensure the election of Governors, Regents, and Mayors is held democratically, as mandated in Article 18, paragraph (4) of the 1945 Indonesian Constitution, popular sovereignty and democracy need to be respected, and the condition for the main implementation of the election of Governors, Regents, and

Mayors is that it is respected by the people, by the people, and for the people;

(2) Sovereignty and democracy need to be confirmed through the direct election of Governors, Regents, and Mayors by the people while still fundamentally repairing various problems with direct elections that have been implemented thus far.

Furthermore, the enforcement in a permanent manner, "Perppu no. 1 of 2014," is regulated in Law no. 1 of 2015, which was later amended by Constitution Number 8 of 2015 concerning Amendments to Constitution Number 1 of 2015 concerning the Determination of Government Regulations as a Replacement for Constitution Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors. This Constitution returns the mechanism of appointing regional heads from election by the DPRD to direct election by the people, also accompanied by the implementation roadmap of simultaneous post-conflict local elections.

"Djohermansyah Djohan in his article 'Autonomy Day Gift' in the Kompas Daily (25 April 2015) conveys several improvements in the implementation mechanism of post-conflict direct local elections post-enforcement of the Constitution as follows: First, the implementation pattern of regional elections simultaneously makes our local democracy more cost-effective. Second, the determination of the selected candidate is no longer based on the 30% voting method but is determined by a simple majority or the most votes. There is no second round to reduce costs, voter fatigue, and low voter turnout. Third, to punish political parties that accept

rewards in the nomination process for the common regional head, called 'dowry money' or 'rent boat,' penalties are listed, and political parties engaging in such practices are forbidden to submit candidates in the next period in that area. Fourth, to limit political dynasties, candidates cannot have blood relations, marital ties, and/or lineage up to one level straight up, down, or to the side of the incumbent. Fifth, disputes in the results of regional elections are temporarily handled by the Constitutional Court until the establishment of the Judicial Body Special" (Sirajuddin et al., 2016).

"The discourse of simultaneous regional elections stems from the desire to simplify the implementation system and save the budget. Until now, legislative elections and presidential and vice-presidential general elections have been conducted simultaneously" (Tjahjo Kumolo, 2015).

This aligns with "The Verdict of the Constitutional Court Number 14/PUU-XI/2013," which stipulates that the maintenance of legislative elections and general elections for President and Vice President should be done simultaneously.

"Simultaneous direct local elections have become important and urgent because of at least three principal reasons. First, post-conflict regional elections held directly in Indonesia are in line with the number of existing regions. Second, post-conflict direct regional elections in Indonesia, from June 1, 2005 (the first time they were held post-conflict), to December 2014, took place 1,027 times, with 64 regional elections in provinces, 776 regional elections in districts, and 187 regional elections in cities. It means that one post-conflict regional election directly

took place every 2-3 days in Indonesia. Third, post-conflict simultaneous regional elections, held since 2015, are still transitional and gradual/undulating" (Seran, 2019).

"If simultaneous local elections are seen from the perspective of strengthening the local government system, based on the analysis of the 2019 elections, separating the election of DPRD members from the election of provincial and district/city heads is one of the reasons for the weakness of the local government in addressing public demands on local issues. The connection between the candidate for regional head and DPRD members often reaches a dead end, with every policy proposed by the regional head being rejected by the DPRD. The trigger is the difference in political background between the regional head and the DPRD. With this election model, it is expected that the DPRD and the heads of provinces and districts/cities can effectively perform their functions in the regional government while operating within the autonomy of the region" (Amir, 2020).

Evaluation results from the time implementation of regional elections are diverse and as one effort to make it budget-efficient, set in "Law Number 8 of 2015, Article 201 paragraph (7), that Collection voice simultaneously national in Election Governor and Deputy Governor, Regent, and Deputy Regent, as well as Mayors and Deputy Mayors in all regions of the Unitary State Republic of Indonesia will be held on the same date and month in 2027." This provision was later updated with "Law Number 10 of 2016, Article 201, paragraph (8), that the simultaneous national vote collection in

the election of Governors and Deputy Governors, Regents, and Deputy Regents, as well as Mayors and Deputy Mayors in all regions of the Unitary State Republic of Indonesia will be implemented in November 2024."

B. Problematic Appointment Acting District Head

Benny Geys defines concurrent elections as a 'system where multiple selections take place simultaneously' (an electoral system that establishes multiple elections at the same time simultaneously). In perspective, a general election system can define post-conflict local elections conducted simultaneously on a national level as one that carries out several elections for regional heads and deputy heads in various areas at the same time (an electoral system that establishes multiple local executive elections simultaneously and nationally): First, 'simultaneously' means conducting post-conflict local elections on one day at the same time. Second, 'nationally' means conducting post-conflict local elections simultaneously at the provincial and district/city levels throughout the territory of the Unitary State Republic of Indonesia" (Seran, 2019).

The implementation of Regional Elections is scheduled for November 2024 simultaneously" (Article 201, paragraph 8, Law No. 10 of 2016), which entails consequences for vacant positions in some areas where the term of office for the head of the area ends in 2022 and 2023.

Table 1

Regional Head whose term of office ends before post-conflict local elections simultaneously

Regional Head whose term of office ends in 2022	Regional Head whose term of office ends in 2023
7 Provinces	17 Provinces
76 Districts	115 Districts
18 Municipalities	38 Municipalities

Source : *processed various source*

Based on the table above, there are a total of 271 areas experiencing this vacant position. The head area is definitive until the implementation of post-conflict local elections simultaneously in 2024. Therefore, the appointment of an acting head area is required by the instructions of the Constitution.

Based on the provisions in "Article 201, paragraph (9) for Governors, Regents, and Mayors whose terms of office end in 2022 and 2023 will be replaced by an Acting Governor, Regent, and Mayor until the elected Governor, Regent, and Mayor take office in the elections simultaneously in 2024 (Law No.10 of 2016)."

The appointment of an Acting Regional Head raises several problems. First, there is a conflict of interest in the appointment of an acting head area. The design of appointing an acting head area is carried out based on the nature of the crisis force in the head area concerned, entangling case law. If the conditions are different, the concerned region's head area stops due to the expiration of the term of office. The Minister of Home Affairs, as the embodiment of the president, will appoint an acting head area for that region. However, if the Minister of Home Affairs does not consider the aspirations of the area and only uses a narrow perspective in the decision-making process, it can lead to a conflict of

authority between the Central Government and the Regional Government, as seen in the case of Southeast Sulawesi Province, where the governor rejected the appointment of an acting area to lead districts in the region (Assyayuti, 2022).

Quoted from Kompas.com (02/12/2022), the Indonesian Ombudsman stated that in the appointment process of the Acting Regional Head, the Ministry of Home Affairs engaged in maladministration. This is because the appointment process of the Acting Regional Head is not accompanied by strict technical rules, leading to a lack of interest in the process.

Second, the long duration of the term of office of acting head areas has implications for the governance of government areas because there are limits on the authority possessed by officials in the head area. "About the term of office of acting head areas, considered quite long, more than half the time of the term of office of the elected head area, directly chosen by the community. This prolonged term of office significantly impacts accountability and public acceptability of the acting actor's performance, with effects that can be positive or negatively correlated with people's judgment" (Abustan, 2022).

The diversity and length of service of acting head areas in some areas are

controversial. This matter is also related to the duration of the term of office of the definitive head area after the post-conflict local simultaneous elections in 2020. The majority of head areas elected in the post-conflict local elections were inaugurated in mid-2021, and their term of office will end in 2024. The duration of their term of office is not sufficient for a full 5 years. According to economic authors, this, coupled with the duration of the vacant position of the definitive head areas in some regions, such as West Papua Province, which has had a vacant position for 3 years, will influence the quality of public services in government areas.

Related to the duration of the term of office of the head area after the 2020 post-conflict regional elections, which is not up to 5 years, there is a proposal for a Judicial Review at the Constitutional Court. The applicant, Regent Mandailing Natal from North Sumatra Province, Muhammad Ja'far Sukhairi Nasution, filed a case (number 95/PUU-XX/2022) challenging "Article 201, paragraphs (7) and (8) of Law Number 10 of 2016 concerning the Second Amendment to Constitution Number 1 of 2015 concerning the Replacement of Government Regulation instead of Constitution Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors, which is considered contradictory to Article 22E of the 1945 Constitution."

Third, the appointment of an Acting Regional Head from an active TNI soldier contradicts applicable regulations and undermines the reform mandate, including the abolition of ABRI's dual function. "Article 109 of the Law on State Civil Apparatus states that Indonesian

National Army (TNI) soldiers and members of the National Police of the Republic of Indonesia (Polri) filling leadership positions must resign from active service and must comply with specified competencies openly and competitively (Republic of Indonesia Law No. 5 of 2014 concerning State Civil Apparatus)." Furthermore, "Article 47 of Law Number 34 of 2004 states that TNI soldiers can occupy civil posts by resigning or retiring from active military service in specified positions, based on requests from department and government institution leaders (Republic of Indonesia Law No. 34 of 2004 concerning the TNI)." Meanwhile, "Article 28, Paragraph (1) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia states that the National Police must remain neutral in political matters and cannot be involved in political activities. Members of the National Police can occupy positions outside the police force by resigning or retiring from active police service." The Ministry of Home Affairs must submit a letter of application to the respective agencies when appointing an acting head area from an active member of the National Police and active TNI. Based on the "Decision of the Constitutional Court Number 67/PUU-XIX/2021," the Constitutional Court refers to Law Number 5 of 2014 concerning State Civil Apparatus, one of its provisions being that the TNI/Polri can occupy civil positions if they have already retired or resigned from active service and have undergone an open and competitive process.

Table 2

List of Officials Regional Head of active TNI/POLRI circles

Name	Area
Paulus Waterpauw	Acting Governor of West Papua
Andi Chandra As'aduddin	Acting Regent of West Seram, Maluku

Source : Processed various source

Fourth, the deficiency in the regulation governing legislation about the mechanism for designating Acting District heads. At the moment, protocols for the appointment of acting head areas are delineated in several legislative enactments, including:

1. “ Article 86, paragraph (5) of Law Number 23 of 2014 regarding Regional Government stipulates that if the regional head and/or deputy head area are temporarily dismissed as intended in Article 83, paragraph (1), the President appoints an acting governor based on the Minister's proposal. The Minister designates an acting regent/guardian city on the suggested governor as a representative of the Central Government until a court decision attains legal validity.”.
2. “ Article 201, paragraph (9) of Law No. 10 of 2016 asserts that to address the vacancy for Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayor and Deputy Mayor whose term of office concludes in 2022 (as referred to in paragraph (3)) and in 2023 (as referred to in paragraph (5)), an acting Governor, acting Regent, and acting Mayor are appointed until the elected officials assume office through national elections in 2024.”.
3. “ The Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 1 of 2018 regarding Amendments to Minister of

Home Affairs Regulation Number 74 of 2016 concerning Leave outside the State's responsibilities for Governors and Deputy Governors, Regent and Deputy Regent, and Mayor and Deputy Mayor.”

The existing regulations mentioned above do not yet establish a firm mechanism for appointing Acting District heads. The Constitutional Court has issued several decisions, including "MK Decision Number 67/PUU-XIX/2021, MK Decision Number 15/PUU-XX/2022, and MK Decision Number 18 PUU/XX/2022.”

“Under the third law, The Constitutional Court's decision mentioned that, as follows, carrying on Article 201 of Law Number 10 of 2016 is necessary for the Government to make an Executor Regulation, providing measurable and clear mechanisms and requirements. These mechanisms should not ignore democratic principles and, at the same time, guarantee the public that the appointment of acting officials takes place openly, transparently, and accountably to produce competent leaders with integrity, appropriate to the aspirations of the area, and sincerely working for the people and the progress of the area” (Mahardika et al., 2022).

Apart from that, based on recommendations from the Indonesian Ombudsman, the Ministry of Home Affairs is requested to draft technical rules for the appointment of Acting

Regional Heads, further invited as Government Regulations. However, until this moment, there is no firm Executor Regulation about the appointment of Acting District heads.

“In the hierarchy of regulatory legislation, government regulations hold a position one level below laws and material regulations containing material to operate the Constitution. According to Nomensen Sinamo, concerning the operation of the Constitution, government regulations only contain provisions that build upon those already existing in the Constitution. Thus, material regulations in government cannot deviate from the regulated material in the law he expounded” (Asnawi et al., 2021).

Several problems outlined above should be followed up carefully by the government and the DPR as institutions with authority in making the Constitution. The absence of governing norms in a firm and comprehensive mechanism for appointing Acting Regional Heads, particularly in replacing the position of an official Definitive Regional Head, has implications for governance at the local government level. According to economic writers, with the existing problematic appointments at this moment, the President has legal reasoning to publish a Government Regulation replacing the governing law about the mechanism for appointing Interregional Head positions approaching the Regional Election simultaneously in 2024.

CONCLUSION

Dynamics of arranging the position of Post-reform Regional Heads are regulated in various Constitutions with various election mechanisms. The

election of Regional Heads is immediately legitimized in Constitution Number 32 of 2004 concerning Local Government. It then experienced changes with the enactment of Constitution Number 22 of 2014, which stipulates the election of Regional Heads through the DPRD. And again, it returns to being elected directly by the people with the enactment of Perppu No. 1 of 2014. The implementation of appointing Acting Post Regional Heads after the delay in post-conflict local elections has several problems, starting from conflicts of interest in the appointment process, the duration of the term of office of Acting Regional Heads, the removal of Acting Regional Heads from active TNI/Polri, as well as the existing regulations at this moment not yet firmly establishing a mechanism for appointing Acting District heads. Several of the problems mentioned above must be addressed immediately to ensure that the government at the local level can function effectively and provide quality public services without constraints.

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