

Dynamics of Rejection Head Positions from the Center in Central Kalimantan in Legal Politics Perspective

¹ Vina Fajar Dewi , ² Nuryanto Ahmad Daim

^{1,2} Master of Laws at Wijaya Putra University , Surabaya

Email: ¹ vinafajardewi@gmail.com , ² nuriyanto@uwp.ac.id

Abstract

The dynamics of rejection of the Acting Regional Head in Central Kalimantan, namely Acting. South Barito Regent and Acting. West Kotawaringin had caught the attention of the public in Central Kalimantan. This is none other than because the Governor, based on suggestions from the public, has submitted several suggestions for names of local sons who will occupy these positions. However, as a result, the Central Government decided to drop the name as Acting. South Barito Regent and Acting. Regent of West Kotawaringin . This event is interesting to study in the perspective of legal politics. This study was conducted using a normative legal approach that uses data sources from positive law supported by several references in print and online media. The results of the study show that the dynamics of resistance that occurred at that time lasted very briefly and the central government showed dominance in the appointments and appointments of acting regents. This will certainly be a record for the local people of Central Kalimantan that the spirit of democracy has been harmed by the Central Government. Community participation and proposals only apply as accessories in the current government's legal politics.

Keywords: Dynamics ; Rejection, Acting Regional Head; Central Government; Governor

A. INTRODUCTION

Action rejection from the Central Kalimantan Community taking place related inauguration Official (Pj) Regent of South Barito and Acting Regent West Kotawaringin . At that time, people cared The Regional Men's Leadership (MP3D) met Governor of Central Kalimantan Sugianto Sabran .^{1 2}

A few hours earlier MP3D delivered aspirations in a way peace at the gate

¹Nora Aziza, " Gov Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ," *Republika.id*, 2023, <https://news.republika.co.id/berita/rv44a5463/gubernur-kalteng-tunjungi-aksi-penolakan-pelantikan-pj-bupati-di-dua-kabupaten>.

²Fitria Bi Astuti , " Arise Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ," *okezone.com*, 2023, <https://news.okezone.com/read/2023/05/23/340/2818788/timbul-penolakan-warga-gubernur-kalteng-tunda-pelantikan-pj-regent-of-south-barito-and-kobar>.

of the Governor's Office of Central Kalimantan frame convey letter demands the people addressed to the Minister of Home Affairs who contains rejection to acting regent dropping from center .³Letter received directly by the Assistant Government and Welfare Katma F. Dirun For continued to the Minister of Home Affairs.⁴

In meeting with Governor of Central Kalimantan, Concerned Community Central Kalimantan Regional Men's Leadership (MP3D), was present as well as a number of alliance Dayak communities and organizations including the Concerned Community Custom Central Kalimantan Culture and Development , BMT Mass Organization , Green Union , Central Kalimantan KNPI , and several representative figure public . Temporary That The Governor of Central Kalimantan was accompanied member of FORKOPIMDA and Regional Secretary of Central Kalimantan Province H. Nuryakin , as well as Staff Specifically for the Minister of Home Affairs Security and Law of Sang Made Mahendra Jaya.^{5 6}

MP3D delivers the same thing related determination Acting South Barito Regent Deddy Winarwan and Acting Regent West Kotawaringin Budi Sentosa, namely asked the Minister of Home Affairs to cancel his decision related determination acting intended , and accommodate mechanism that has been done , that is through proposal submitted by the Governor of Central Kalimantan. Then , set son area as acting regent in two regency the .^{7 8}

Spirit autonomy area has tarnished with illustrative decisions _ as if ability Source Power Human (HR) in the area very low , though we have sufficient human resource potential reliable and capable become acting regent . Demands This Don't interpreted as fanatical primordialism and regionalism , however _ more to uphold tall wisdom local , where son area more understand condition the area in all aspect , as stated by one _ MP3D representative Ingit

³Aziza, " Gov Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ."

⁴ Astuti , " Arise Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ."

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.* .

BS Djaper.^{9 10}

Staff especially the Minister of Home Affairs matter This is what Sang Made Mahendra Jaya stated value demands public Dayak in matter determination acting regent in Central Kalimantan. However thereby He claim No involved in the determination process Acting Regent of South Barito and Acting Regent West Kotawaringin is what it should be appointed May 22 , 2023.^{11 12}

The Governor of Central Kalimantan appreciated it steps taken by MP3D and the alliance public others who have convey aspirations and demands in a way peace , without injure a justifiable image of democracy all method when happen difference opinion .¹³¹⁴

The Governor of Central Kalimantan stated follow feel heart wounds experienced by some _ _ the people of Central Kalimantan because son area No accommodated in position Acting Regent in South Barito and West Kotawaringin . The Governor of Central Kalimantan admitted has coordinate in determination Acting Regent in both regions . _ However _ decision center it turns out different with talks when coordination .^{15 16}

The Governor of Central Kalimantan admitted want to nurse sharpness mind and sensitivity from the people of Central Kalimantan who have give trustworthy in lead Earth Fat Bungai . The Governor of Central Kalimantan also asked the Ministry of Home Affairs to interpret openness information moment

⁹Aziza, " Gov Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ."

¹⁰ Astuti , " Arise Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ."

¹¹Aziza, " Gov Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ."

¹² Astuti , " Arise Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ."

¹³Aziza, " Gov Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ."

¹⁴ Astuti , " Arise Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ."

¹⁵Aziza, " Gov Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ."

¹⁶ Astuti , " Arise Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ."

This at a time give exemplary in Spirit transparency and openness.¹⁷¹⁸

The Governor of Central Kalimantan said that If proposal Candidates for Regional Men who were sent to center it turns out indeed have many lack or as condition become Acting Regent , then we should be in the area given logical explanation . _ So that No as well as immediately the center decides . That matter considered by the Governor of Central Kalimantan government center that makes it thread tangled furthermore the governor requested For fix it .¹⁹

20

Five year term of office just No Enough For finish vision and mission . Not lost importance is connection emotional , will become inhibitor in carry out his duties .^{21 22}

Appointment acting so far This carried out by the government center , however No available measurable mechanisms in the process Because No There is rule specifically regulated _ about matter the . As bodyguard the constitution also has a role big in handling Regional elections , far away before appointment acting started Court Constitution has mandate through the decision is for the government emit rule executor for Article 201 Law no. 10 of 2016 for appointment acting is at in corridor of rule of law and democracy. However sadly government No heed mandate the so that happen various problematic in the appointment process worrying officials _ bring impact separately for optimality maintenance government area .²³

Election Simultaneous general election _ _ national in 2024 _ middle become issue central and medium widespread discussed . Besides election general president and vice president , election governors , regents and mayors

¹⁷Aziza, " Gov Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ."

¹⁸ Astuti , " Arise Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ."

¹⁹Aziza, " Gov Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ."

²⁰ Astuti , " Arise Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ."

²¹Aziza, " Gov Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ."

²² Astuti , " Arise Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ."

²³ Rahmazani , " Problems Charging Position Acting Regional Heads in the Transition Period Pre 2024 Regional Election ," *Journal Constitution* 20, no. 2 (2023): 196–215.

will too took place in a way simultaneously in 2024. That is No There is regional elections in 2022 and 2023, as arranged in Article 201 paragraph (8) of the Law Number 10 of 2016 concerning Change Second on the Law Number 1 of 2015 concerning Determination Regulation Government Replacement Constitution Number 1 of 2014 concerning Election Governor , Regent and Deputy Regent , as well mayors and deputy mayors throughout the territory of the Unitary State Republic of Indonesia as a matter of fact national held simultaneously in 2024 .²⁴

As a result , delays regional elections 2022 and 2023 cause there was a fairly long transition period , and in part big area autonomous experience emptiness position head area For period a relatively long time , namely 2 to 3 years until the regional elections simultaneously finished held . From the whole area autonomous which is not carry out regional elections in 2022 and 2023 there will be a total of 271 (two hundred seven tens one) head area consisting of 24 (two tens four) governors , 191 (one hundred nine tens one) Regent and 56 (fifty six) mayors whose term of office has expired . For ensure maintenance government No hampered , then important guard wheel leadership still walk as it should be . Therefore _ that , deep system Indonesia's state constitution is empty position head area the filled in by officials the so-called replacement as " acting head area " . As Article 201 paragraph 9 Law no. 16/201 regulates that :

" For fill in emptiness position Governor and Deputy Governor , Regent and Deputy Regent , Mayor and Deputy Mayor whose term of office ends in 2022 as referred to in paragraph (3) and whose term of office ends in 2023 as follows referred to in paragraph (5), is appointed Acting Governor , Acting Regent , and Acting Mayor until with chosen Governor and Deputy Governor , Regent and Deputy Regent , as well Mayor and Deputy Mayor through election simultaneously national in 2024 " .

UU no. 10/2016 is base main thing to do government as reference in appointment acting head area in transition _ pre Regional elections simultaneously 2024 aside _ a number of rule others that also load arrangement about acting head area , like Minister of Home Affairs Regulation No. 74 of 2016 concerning Leave outside _ State responsibility for Governor ,

²⁴ *Ibid.*

Regent , and Mayor (Permendagri No. 74/2016) *juncto* Minister of Home Affairs Regulation Number 1 of 2018 concerning Amendments to Minister of Home Affairs Regulation Number 74 of 2016 concerning Outside Leave _ State responsibility for Governor , Regent , Mayor (Permendagri No.1/2018), Law Number 23 of 2014 concerning Local Government , Regulations Government Number 6 of 2005 concerning Election , Confirmation Appointment and Dismissal Regional Head and Deputy Regional Head , and Regulations Government Number 49 of 2008 concerning change third on Regulation Government Number 6 of 2005.²⁵

State administration that relies on the concept of democracy is not can separated from rule of law concept . Between democracy and the rule of law is two the concept is not can separated Because both of them for example two side eye different coins _ direction However is One unity . The relationship that occurs between democracy and the rule of law can become something symbiosis mutualism in which both each other strengthening and profitable . However , if _ second draft the No executed in a way good and perfect so can just relationship that occurs between both of them become something symbiosis parasitism that causes loss .²⁶

For can ensure the pace of democracy can walk with good in a country, supremacy law will very needed For can sustain it.¹⁰³ Supremacy law as guidelines nation and state this is what is called with understand country based law (nomocracy). If use something parable , then democracy can likened as something medium car _ drove , meanwhile supremacy law is stretching road _ wide . If car the pass damaged road _ so There is possibility rate car the will hampered even No will until to intended destination . _ Meanwhile , if car the pass smooth road , then _ car can drove with good and can arrive at the expected goal .²⁷

There is two draft main in explains the rule of law , viz concept of rule of

²⁵ *Ibid.*

²⁶ Dadan Ramdani , “ Problems Appointment Acting Regional Heads During the Transition Period Regional elections National Simultaneous Year 2024” (Indonesian Islamic University , 2024), <https://dspace.uui.ac.id/bitstream/handle/123456789/40794/20912009.pdf?sequence=1>.

²⁷ *Ibid.*

law rechtsstaat from Friedrich Julius Stahl and the concept of the rule of law from AV Dicey. Rule of law concept rechtsstaat of Friedrich Julius Stahl has elements as following :²⁸

- 1) Protection to right basic man ;
- 2) Separation or distribution power For ensure rights the ;
- 3) Government based on regulations legislation ; And
- 4) Justice administration as institution solution dispute .

Between the rule of law and democracy are two mutual concepts _ influential One each other and each other related . Second draft the each other complete One each other and very difficult For separated . The concept of democracy is contained principles sovereignty people (democracy) meanwhile in concept of rule of law contained principles principle of the rule of law (nomocracy). Second draft the executed in a way balanced and consistent so that give birth to something known understanding _ with the term "democratic rule of law " (*demokratische rechtsstaat*).²⁹

According to Franz Magnis Suseno that democracy is not a rule of law not deep democracy real meaning . _ Democracy is safest way _ For maintain control over the rule of law so as not to deviate and exceed limit . Based on exposure that , you can understood that democracy becomes bodyguard operation of the rule of law . The principle of democracy becomes tool For control the way based government _ law and provide strong guarantee _ will involvement and participation public wide in taking something policy .³⁰

State law democratic (*demokratische rechtsstaat*) is concept was born from historical development of the rechtsstaat in the Netherlands. Draft This is evolution is born from draft rechtsstaat classic (*liberaal-demokratische rechtsstaat*) be modern rechtsstaat (*social-demokratische rechtsstaat*) with background behind social , political , economic and cultural . With so , that concept of rule of law democratic refers to a state of law that is implemented with democratic system with background back and characteristics typically

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

each including Indonesia.³¹

According to Janedjri M. Gaffar , that after combine the principle of the rule of law and the principle of democracy, then will give birth to the concept of a democratic rule of law and a democratic state based on law . In draft sovereignty people , power highest is in hand people . Power in hand _ _ people the limited by their agreements _ determine Alone in a way poured together _ in rule law based on the constitution as agreement highest from all over people . Rule laws made by the people the limit and regulate the implementation process sovereignty people held _ in activity statehood and government .³²

Next , the law must reflect interests and sense of justice people . Therefore _ that , for can realize appropriate law _ with a sense of justice society , then law must formed through something democratic procedures . _ Laws are formed No For fulfil interest group certain or interest ruler who will form totalitarian ruler . _ The highest law in a country is constitution which is reflection agreement from all over people . With so , that all over maintenance government must grounded and appropriate with constitution . Besides that , all over policy or product issued law _ For carry out maintenance government must appropriate or not contradictory with constitution . This matter Because product laws made _ with mechanism that democracy will in accordance will people , because constitution as that parameter is agreement people .³³

According to Janedjri M. Gaffar , in the concept of a democratic state based on law and in the concept of a democratic rule of law contained meaning that democracy is regulated and limited by rules law , meanwhile substance law That Alone determined and created with democratic ways _ based on constitution . Democracy and nomocracy unite approach quantitative in democratic mechanisms and approaches logic truth and justice law based on will all over the people mentioned in constitution .³⁴

With thereby very interesting For study dynamics rejection acting head areas determined by the Central Government in Central Kalimantan. Expected

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

will see How political law Work in connection government central and government area as well as public .

1. Formulation Problem

Formulation that problem will be answered in study This is How dynamics rejection acting regent from centers in South Barito Regency and Regency Inner West Kotawaringin perspective political law , how? position Governor of Kalimantan as head area as well as a government representative regional centers , and how participation public in recruitment and appointment Acting Regent of South Barito and and Acting Regent West Kotawaringin .

2. Method Study

Study This is study law normative practice _ with using 3 (three) approaches that is regulation legislation (*statute approach*), approach conceptual (*conceptual approach*), as well approach case (*case approach*) used For sharpen analysis . Approach case in study used For observe and understand events as well as problems that occur in in appointment acting head area in the period transition approaching election head area simultaneously national 2024 with gather various type information from letter news as well as *online* media (in network) later processed For get solution from issues raised _ in study This .

B. DISCUSSION

1. Dynamics rejection acting regent from centers in South Barito Regency and Regency Inner West Kotawaringin perspective political law .

Political law is policy fundamental state administration in the field laws that are based on the values that apply in society For reach the country's desired goals . Political law Already applied in Indonesia from guided democracy to reform . Political law role in various matter like development national , development autonomy area , development agrarian formation post-

reform state institutions , and religious courts in Indonesia.³⁵ Connection between politics and law there is three the underlying assumption , viz law determinant (determining) above politics , in meaning law become direction and control all activity politics . Second , politics determinant on law . And thirdly , politics and law intertwined in mutual relationship _ depends , because political without law give rise to arbitrariness (anarchy), temporary law without political will So paralysed .³⁶

Wahiduddin said , law in Indonesia exists three kind , namely law customs , Islamic law , and law west . However dichotomous third law the moment This Already seldom heard Because law at the time This Already covering all (*global*). According to Wahidudin , moment This draft political law Already become part of the globalization process that has occurred unite world community as community single , mutual dependent , and open . Need is known that globalization is an asymmetric , multidimensional process or circumstances that are not equally . In one side will often become source conflict and violence , but on the other hand there is circumstances cooperation and harmony in various world problems .³⁷

In conclusion , Wahiduddin emphasized , politics law and globalization has become concepts that develop in society , where in its development there is spaces For improvement . For It is _ task from academics For perfect matter which one is that ? two draft That combined , necessary combination and harmonization as well as tolerance on position and position each .³⁸

Satjipto Rahardjo in ³⁹state that political law as activity choose and how to do it used For reach objective social and legal certain in public . More carry on Satjipto Rahardjo state that there is a number of question fundamentals that

³⁵ Rahmazani , “ Problems Charging Position Acting Regional Heads in the Transition Period Pre 2024 regional elections .”

³⁶ Wahiduddin Adams, " Legal Politics in the Development of the National Legal System in Indonesia." "Pancasila, the 1945 Constitution of the Republic of Indonesia, and the Global Context," Court Constitution Republic of Indonesia, 2014, <https://www.mkri.id/index.php?page=web.Berita&id=10399>.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ Sopiani Sopiani and Zainal Mubaraq , “ The Politics of Legal Formation Regulation Legislation Post Change Constitution Number 12 of 2011 Concerning Formation Regulation Legislation ,” *Journal Indonesian Legislation* 17, no. 2 (2020): 146, <https://doi.org/10.54629/jli.v17i2.623>.

emerge in studies political law , that is First , goals what do you want ? achieved with system existing laws ; _ Second , methods what and which one , feels best For Can used reach objective the . Third , when the time law That need changed and through ways How change That should done ; and fourth , can formulated something pattern standard and established , which can help decide on the selection process objective as well as ways For reach objective the with Good .⁴⁰

As has explained in the discussion Previously , politics law interpreted as policy base internal state administrators field laws that will be , are and have been applicable , sourced from values that applies in society For the country's desired goals . With so , so clear that political law formed in frame realize objective ideals of the Republic of Indonesia .⁴¹

Political laws that will be , are and have been enforced in the jurisdiction the Republic of Indonesia very important , because matter That will become as guidelines base in the determination process values , application , formation and development law in Indonesia. That means , good in a way normative nor practical-functional , state administrators must make political law as reference first and foremost in the above processes .⁴²

According to Daniel S. Lev, the most decisive in the formation process law is conception and power politics , that is that law A little Lots always is tool politics , and that place law within countries, hanging in the balance politics , definition power , evolution ideology political , economic , social , and so on .⁴³

Although then the legal process in question mentioned above _ No identified

with Meaning formation legal , however in practice often processes and dynamics formation law experience the same thing , ie conception and power politics prevails in the middle very community _ determine formation something product law . So For understand connection between politics and law in any country, necessary studied background behind culture , economy ,

⁴⁰ *Ibid.*

⁴¹ Franky Frenki , " Legal Politics and Its Role In Legal Development in Post-Indonesia Reformation ," *Journal Principle* 3, no. No 2 July 2011 (2011): 1-8.

⁴² *Ibid.*

⁴³ *Ibid.*

power inside politics _ society , circumstances state institutions , and structures social , apart from institution the law Alone .⁴⁴

From reality This aware of it , it exists something valid space _ for entry a political process through receptacle institution political For formation something product law . In connection with there it is two keywords that will _ researched more Far about influence power in law ie includes the word "process" and the word "institutions," in realize something regulation legislation as product politics . Influence That will the more visible on the product regulation legislation by a institution very political _ influenced by forces _ big politics _ in institution politics . In connection with problem This is Miriam Budiardjo opinion that power political interpreted as ability For influence wisdom general (government) is good formation nor the consequences are appropriate with holder power .⁴⁵

Outside _ powers deep- seated politics institutions _ politics , there is powers others who provide contribution and influence product laws created by institutions _ politics . Strength the various group guaranteed and recognized interests _ existence and role according to provision law as an adhering country democratic system , such as circles businessman , figure scientists , group organization society , organization professions , religious figures , institutions self-subsistent society and others. Even the Law. RI No. 10 of 2004 concerning Formation Regulation Legislation , in Chap . X confirmed exists participation public that is, what is regulated in Article 53: "The community has the right give input in a way oral or written in frame setup or discussion Design Invite Invite and Plan Local regulation ."⁴⁶

The statement above showing that influence public in influence formation law , got such a place and appreciation wide . Especially since demands public in insist reform everywhere field succeed won , with be marked fall order just below _ leadership Soeharto was authoritarian , then the era of reform has bring change great in everything field be marked with birth a number the law that gives _ such appreciation _ big and spacious . In case This

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Ibid.* .

reminds me We to what the experts say _ philosophy public Walter Lippmann, that opinion mass has show self as a master builder dangerous decision _ when what's at stake is question life dead .⁴⁷

2. Position Governor of Central Kalimantan as Regional Head and Representative of the Central Government in the Region

With consideration For carry out provision Article 91 paragraph (8) and Article 93 paragraph (5) of the Law Number 23 of 2014 concerning Regional Government , on July 20 2018, the President of the Republic of Indonesia Joko Widodo (Jokowi) has sign Regulation Government (PP) Number 33 of 2018.⁴⁸PP Number 33 of 2018 as follows intended arrange about Implementation Duties and Authorities Governor as Representative of the Central Government .⁴⁹

According to this PP , the governor as a government representative center have task : a. Coordinate guidance and supervision maintenance task assistance in the area district / city ; b. Carry out monitoring, evaluation and supervision to maintenance government area districts / cities in the region ; _ c. empower and facilitate area districts / cities in the region ; d. do evaluation to design regulation area district / city about plan development regional long term , budget income and expenditure area , change budget income and expenditure area , accountability implementation budget income and expenditure area , spatial layout area , tax areas , and levies area ; e. Do supervision to regulation area district / city ; and f. Carry out other duties as appropriate with provision regulation legislation .⁵⁰

In carry out task as is meant , according to this PP , the governor as a representative of the Central Government has the authority ; a. cancel regulation area district / city ; b. give award or penalty to regent / mayor

⁴⁷ *Ibid.*

⁴⁸ Public Relations Cabinet Secretariat , "PP No. 33/2018: Here it is Duties and Authorities Governor As Representative of the Central Government Read More: <https://setkab.go.id/pp-no-332018-inilah-dugas-dan-weauthor-gubernur-as-deputy-government-central/>," Secretariat Cabinet President of the Republic of Indonesia, 2018, <https://setkab.go.id/pp-no-332018-inilah-tas-dan-weauthor-gubernur-anggaran-bangun-tengah/>.

⁴⁹ *Ibid.* .

⁵⁰ *Ibid.*

related with maintenance government area ; c. Finish dispute in maintenance function government interregional district / city in 1 (one) province ; d. Give agreement to design regulation area district / city about formation and arrangement device area district / city ; and implement other appropriate authority with provision regulation legislation .⁵¹

Besides That according to this PP , governor as a representative of the Central Government has Duties and authorities include : a . give recommendation to Upper Central Government regional funding proposals districts / cities in the region ; b. appoint regent / mayor ; and c. appoint head agency vertical from ministries and institutions government non - ministerial services assigned to the relevant province except For head agency vertical that carries out affairs government absolute and chief agency vertical formed by the ministry whose nomenclature in a way firm mentioned in the 1945 Constitution.⁵²

3. Community Participation in Recruitment and Appointment Official Regent



Figure 1. Approach Policy Process Theory Public In Determining the Democratic Parameters of Appointments Acting _ District head⁵³

⁵¹ *Ibid.* .

⁵² *Ibid.*

⁵³ Ramdani , “ Problems Appointment Acting Regional Heads During the Transition Period Regional elections National Simultaneous Year 2024.”

Objective use approach policy process theory public in formulate the parameters of democracy , in economical writer aim For get a complete and complete picture in analyze the appointment process official (Pj) head area started from stage beginning form recruitment official (Pj) head area until with accountability official (Pj) head area . With so , according to writer that the democratic parameters used by the author For determine inner democracy _ appointment official (Pj) head area the nature comprehensive or not fragmented with only take conclusion from just one process .⁵⁴

Representative democracy is one of development from classical democratic theory used by almost _ all countries that implement democracy as system his government . However , even though thereby that The practice of representative democracy has many problems that result in decline democratic values _ Alone . In practice , representative democracy will looking and assuming people as the object of democracy is not can follow contribute and play a role active in taking decision politics . People are encouraged only For accept decisions formulated by the representative council so that people only nature passive . Besides That people No given room For can access information in each retrieval process decision politics .⁵⁵

Even in a way extreme , Gaetano Mosca and Vilfredo Pareto argued that basically _ No there is democracy in representative democracy , because in practice taking decisions and policies public only controlled and determined by elites political in the so -called container with the representative council . The statement put forward by G. Mosca and Pareto in order practice can justified , p This because representative democracy has a tendency closed elitist _ self from input and criticism from people as holder sovereignty , where p This become phenomenon This is true in several countries which are said to be democratic countries , such as Indonesia.⁵⁶

Problems and criticism towards representative democracy the give birth to something approach latest in democratic theory viz called with

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

participatory democracy . Participatory democracy is something effort For confirmed return to democracy and become antithesis of representative democracy . Participatory democracy is effort give space and opportunity for people For join in as well as in each retrieval process policy public .⁵⁷

The essence of participatory democracy is exists participation political actually done by the people . As for participation political according to Samuel P. Huntington and Joan Nelson is activity private citizen (*private citizen*) with a purpose influence taking decision by the government . Next , Rasinski and Tyler revealed that's the essence of participation political is action society can _ influence political decisions.³³⁰ The assumption is that those who know best desire and desire public is individual public That Alone . Therefore _ that is , participation political from individual public very role in determine policies formed by the government , which concern individual public That Alone .⁵⁸

Based on definition participation politics that have stated before , yes is known that substance from participation is activity For influence decision government , without exists barrier related form , nature and results from participation carried out . In the definition participation politics , according to Samuel P. Huntington and Joan Nelson there are 4 (four) things The main points are : first , participation is covers activities and not _ include in it the form attitudes to orientation politics . Second , participation is activity political ordinary citizen _ or role citizen as _ a individual . That means activities the it's not activities carried out by the characters or someone who is active and involved in position political or government . Third , participation just purposeful activities _ For influence taking something decision government . Fourth , participation covers all purposeful activities _ For influence government , without see is activity the give effect or No .⁵⁹

Understanding to definition participation in it contains 4 (four) things principal that's basically it demand public For can participate in each retrieval process decision government based on desirability _ _ _ desire) of public For

⁵⁷ *Ibid.* .

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

realizing self-government in participatory democracy. Based on formulations that, you can understand that participation political become something a must guarantee given to people For can join in as well as in the process of state administration and access various policy public in a way free as well as open, as embodiment from sovereignty ideal people in participatory democracy frame. There is principles base for realization participation political in the implementation process government, namely: 1) *guaranteed access*; 2) *equality*; 3) *freedom to express opinions*; 4) *the nation of public good*; 5) *the democratic ideal*.⁶⁰

Related with participation public in the recruitment process official (Pj) head area, that inside various rule law Good level Constitution nor rule implementation, no there is One the article also confirms it exists participation public in the recruitment process official (Pj) head area. Even, in the recruitment process official (Pj) head area The same very No given authority to the DPRD well level province nor District and city For can give something consideration as representative from public area. This matter can seen based on Article 86 paragraphs (2) and (3) Law no. 23 of 2014, which reads:

- 2) *If governor dismissed temporary and not there is a deputy governor, president set acting governor on suggested minister.*
- 3) *If regent / mayor dismissed temporary and not there is a deputy regent / deputy mayor, the Minister determines acting regent / mayor on suggested governor as a government representative center.*

Based on provision that, you can understand that in the appointment process official (Pj) head area, no there is room participation provided Good to the DPRD and public in a way direct. Determination official (Pj) head area become right prerogative from President For set officials (Pj) governor and rights prerogative from the Minister of Home Affairs set officials (Pj) regents and mayors. Based on provision that, that mechanism recruitment and appointment official (Pj) head area very nature elitist and not transparent because of the appointment process official (Pj) head area become authority race elite center and the same very No involving the representative council people as representation people nor people in a way direct. In fact, it is

⁶⁰ *Ibid.*

precisely the DPRD and the community area parties who are direct will affected of the appointment process official (Pj) head area the .⁶¹

According to writer , as has explained previously that function main from participation in influence taking something policy is For ensure and guarantee that policies decided by the government is truly in accordance with will people as holder sovereignty . With mechanism recruitment and appointment official (Pj) head characteristic area _ elitist Because only determined by the President and the Minister of Home Affairs, cause public area as affected parties _ direct No can determine the leader will become leader in his area . This matter clear will harm public area Because they will led by the same leader very No choice they own and potential will more take sides to government center than take sides its people Alone . Assumption This based Because official (Pj) head area the lifted only by the President and the Minister of Home Affairs, so intervention government center will very dominant to official (Pj) head area , and p This based Because The same very No there is room participation for public area For join in as well as in appointment official (Pj) head area .⁶²

According to author , that closed room participation for public area For join in as well as determine official (Pj) head area as leader area is something injurious action _ democratic values in Indonesia. In fact , participation public in maintenance government is essence of deep democracies build harmonious relationship _ between internal countries matter This official (Pj) head area with public area . This matter in accordance with opinion from Haggard and Kaufman who popularized it his thesis related to the "weak democracy syndrome" that was put forward that there are 3 (three) factors that will cause point come back authoritarianism and weakening democracy, and one of them is closed space and access public civil .⁶³

There is room participation public in appointment official (Pj) head area is mandate from the constitution put in place principle sovereignty people as

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

one of the pillar main in the state process . This matter confirmed within _ Article 1 paragraph (2) of the 1945 Constitution . Apart from that , that participation public is right constitutional internal citizens _ matter This public areas that have guaranteed inside _ Article 27 paragraph (1) and Article 28C paragraph (2) of the 1945 Constitution provide chance to citizen for _ join in as well as in government , incl in determine leader or head area . With so , that action government Good President nor the Minister of Home Affairs who does not give room participation for public in the appointment process official (Pj) head area has violate principle sovereignty people and guarantees right constitutional citizen for _ join in as well as in the government process as confirmed in the 1945 Constitution.⁶⁴

C. CONCLUSION

Dynamics rejection acting head areas in Central Kalimantan can seen from perspective political law show domination political government center in determination Acting Regent of South Barito and Acting Regent West Kotawaringin . The Governor of Central Kalimantan has carry out duties and authority with submit proposal Name candidate Acting Regent in second area the . However _ government take decision name outside _ proposal from Governor of Central Kalimantan.

Position Governor of Central Kalimantan in a position that does not comfortable , from current lower Governor must convey aspirations public local to government center However from current on Governor must operate instructions from Central Government because in a way rule Governor is the representative of the Central Government in the Region.

Participation public in recruitment and appointment Acting Regent of South Barito and Acting Regent West Kotawaringin has showed in form participation active with communicate to Governor of Central Kalimantan. However Because rule normative proposal son area rejected by the Central Government with no reason _ be delivered with clear . Here show that inner

⁶⁴ *Ibid.*

democratic spirit appointment Acting Regent no There is . The Central Government shows domination in maintenance government area ahead of the transition period Election General (Election) 2024.

BIBLIOGRAPHY

Adams, Wahiduddin . " Legal Politics in the Development of the National Legal System Pancasila, 1945 Constitution of the Republic of Indonesia, and Global Context ." *Court Constitution Republic of Indonesia*, 2014. <https://www.mkri.id/index.php?page=web.Berita&id=10399>.

Astuti , Fitria Dwi . " Arising Rejection Citizens , Governor Central Kalimantan Cancel Inauguration Acting Regent of South Barito and Kobar ." *okezone.com*, 2023. <https://news.okezone.com/read/2023/05/23/340/2818788/timbul-penolakan-warga-gubernur-kalteng-tunda-pelantikan-pj-bupati-barito-selatan-and-blaze>.

Aziza, Nora. " Governor Central Kalimantan Respond Action Rejection Inauguration Acting Regent in Dua Regency ." *Republika.id*, 2023. <https://news.republika.co.id/berita/rv44a5463/gubernur-kalteng-tunjungi-aksi-penolakan-pelantikan-pj-bupati-di-dua-kabupaten>.

Franky , Franky . " Legal Politics and Its Role In Legal Development in Post-Indonesia Reform ." *Journal Principle* 3, no. No 2 July 2011 (2011): 1–8.

Rahmazani . " Problematic Charging Position Acting Regional Heads in the Transition Period Pre 2024 regional elections ." *Journal Constitution* 20, no. 2 (2023): 196–215.

Ramdani , Dadan . " Problematic Appointment Acting Regional Heads During the Transition Period Regional elections National Simultaneous Year 2024." *Indonesian Islamic University* , 2024. <https://dspace.uui.ac.id/bitstream/handle/123456789/40794/20912009.pdf?sequence=1>.

Cabinet Secretary , Public Relations . "PP no. 33/2018: Here it is Duties and Authorities Governor As Representative of the Central Government Read More: <https://setkab.go.id/Pp-No-332018-Inilah-Dugas-Dan-Weauthority-Governor-As-Deputy-National-Government>." Secretariat Cabinet President of the Republic of Indonesia, 2018. <https://setkab.go.id/pp-no-332018-inilah-tas-dan-weauthor-gubernur-anggaran-bangun-tengah/>.

Sopiani , Sopiani , and Zainal Mubarak. " Legal Politics of Formation Regulation Legislation Post Change Constitution Number 12 of 2011 Concerning Formation Regulation Legislation ." *Journal Indonesian Legislation* 17, no.

2 (2020): 146. <https://doi.org/10.54629/jli.v17i2.623>.