

## Dynamics of Appointment of Acting Governor of Banten

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Submission: 15/02/2025	Revised: 20/03/2025	Published: 30/04/2025
<b>Abstract</b>	This study analyzes the appointment process of the Acting Governor ( Pj ) in Banten Province over three periods, focusing on regulations, legal politics, and appointment practices. According to Law Number 10 of 2016, the President has the authority to appoint a Pj Governor to fill the vacancy until the simultaneous elections in 2024. The appointment of Al Muktabar as Pj Governor for three periods raises questions about the legal basis and procedures used, particularly regarding the term exceeding two times. This research highlights gaps in existing regulations that may threaten transparency and accountability, as well as democratic principles. Additionally, Al Muktabar's appointment as the Acting Governor ( Plh ) after his term ended is also seen as contrary to applicable legal provisions. This study recommends the need for regulatory changes to ensure a more transparent and accountable process in filling the Acting Governor position.	
<b>Keywords</b>	Acting Governor; Appointment; Regulation.	

## INTRODUCTION

Indonesia, as a modern legal state founded in the 20th century, is based on the principle constitutionalism that is reflected in the 1945 Constitution. Constitution the become base from philosophy statehood or *staatsidee*, which functions as guidelines in organization government as well as guard harmony between state policies and principles law. As *philosophical ground floor* or runway philosophical, concept This regulate state governance based on supremacy law, transparency, and accountability, which are base trust public to government. (Muhlashin, 2021)On the other hand, democracy is system that emphasizes people's involvement in taking decision politics, which has become foundation various system governments in the world, including Indonesia. Modern democracy does not only highlight participation direct society, but also demands transparency in political processes. (Dendy Derajat Utama, Didik Suhariyanto, and Puguh Aji Hari Setiawan, 2023)

Currently Indonesia is undergoing a transition process democracy in government area, good That governors, regents and mayors. In facing regional elections in the year this, the government center in matter This The president is assisted by a vice president want the regional elections This held in a way simultaneously throughout Indonesia. Which is strengthened(PRESIDEN REPUBLIK INDONESIA n.d.) in article 201 paragraph 8 which reads " Collection voice simultaneously national in Election Governor and Deputy Governor, Regent and Deputy Regent, and The Mayor and Deputy Mayor throughout the territory of the Unitary State of the Republic of

### How to Cite

Mohammad Defan Seha Putra, Ade Fartini. (2025). *Dynamics of Appointment of Acting Governor of Banten*. Pikukuh: Jurnal Hukum dan Kearifan Lokal. 2(1). 46-55. DOI: <http://dx.doi.org/10.62870/pkh.v2i1.30685>



Indonesia will be held in November 2024. (MENTERI HUKUM DAN HAK ASASI MANUSIA, 2016) Then in journey going to regional elections simultaneously in 2024, there are areas where AMJ is located ends in 2022 and 2023 which causes the occurrence emptiness government area Good That province, district and city. Therefore, That in the Constitution number 10 of 2016 article 201 paragraph 9 states " To fill in emptiness position Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor whose term of office has ended 2022 as per referred to in paragraph (3) and whose term of office ends in 2023 as referred to in paragraph (5), appointed acting Governor, acting Regent, and acting Mayor until with the election Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor through Election simultaneously national in 2024 "

For take action carry on from Article 201 paragraph 9 above, then from That government through regulation Minister domestic, making Constitution about appointment pj Governor. Which in Constitution the explain proposal Name Name candidate Acting Governor That proposed by the minister and DPRD through chairman of the DPRD. And the one who is entitled become Acting Governor in position leader tall the next middle Can called middle JPT or echelon 1, then in the Minister of Home Affairs mentioned that the term of office Acting Governor it's 1 year and can continued 1 year with the same person or different. (KEMENAGRI, 2023)

Based on the data obtained that there are 271 heads the area to be expired term of office during the 2022-2023 period consisting of of 24 Governors, 56 Mayors, and 191 Regents. Head area whose term of office finished before regional elections simultaneously 2024 will replaced by Acting Governor Meanwhile, on the other hand, the Governor of Banten is one of the head area whose term of office expires in 2022, in line with with a number of province other like Governor of DKI Jakarta, Governor of Gorontalo, Governor of Aceh, Governor of West Sulawesi, and Governor of Bangka Belitung. Specifically in appointment Acting Governor of Banten, there is very different dynamics compared to with appointment Acting Governor in the province others. This is caused by the mechanism appointment Acting The Governor of Banten is worthy questionable and very thick with nuance politics. (Feni Prima Khasturi, Iqbal Ahmady, and Ubaidullah 2023)

Therefore appointment Acting Governor of Banten, in matter This to violate decision Court The Constitution that weighs need existence law law that takes action continue rather than Article 201 of the Law Number 10 of 2016 concerning Change Second on Constitution Number 1 of 2015 concerning Determination Regulation Government Replacement Constitution Number 1 of 2014 concerning Election

Governors, Regents and Mayors become Law, so that mechanism appointment acting governor, acting regent, and acting guardian city can in progress open, transparent and accountable with notice principles democracy. In Minister of Home Affairs article 8 states "Term of office Acting Governor 1 (one) year and can extended for 1 (one) year next with the same person or different." (KEMENDAGRI 2023) in fact Now Acting Governor of Banten, namely Al Muktabar Already become Acting Governor of Banten for 3 terms. If the Ministry of Home Affairs Re-appointing Al Muktabar as Acting Governor so base the law must questionable, if only appointment That only as executor daily please, according to academic University namely AFRIMAN OKTAVIANUS who is focused in the field of Constitutional Law He to arrange that plh that is set in the Constitution number 23 of 2014 concerning government area, then it seems contrast with the facts that happened Now. (AFRIMAN OKTAVIANUS S.H 2024) in the law number 23 of 2014 which regulates about please sounds please only replace Governor and Deputy Governor If prevented Meanwhile, in fact, in 2022-2024 the Governor of Banten's term of office will end or prevented still, then from That was when Al Muktabar was appointed for the third period This considered odd. Because it is necessary questionable base which law governs matter the.

Basic Principles of Appointment of Acting Governor Theory. Appointment Acting Governor (PJ) regulated by law Number 10 of 2016 concerning Pilkada. In the context of This, President own authority For fill in emptiness position head area with consider aspect constitutional law and principles democracy. Mechanism the often causes question related implementation principle transparency and accountability in appointment official while, as set up in Article 201 of the Law. (MENTERI HUKUM DAN HAK ASASI MANUSIA 2016). Constitutional Law Perspective Theory Filling position of Acting Governor must in harmony with the principle of the rule of law (rechtstaat) and not may ignore principle democracy. This is involving the need regulation more implementers Details For ensure the appointment process walk in a way measurable and fair, as suggested by the study related Regional Election Simultaneously 2024 in Banten Province. Conformity between action administration and legal norms become base legitimacy appointment the. (Ardiansyah et al. 2024). Theory of democracy as formulated by Miriam Budiardjo and Austin Ranney, the government own obligation For prioritize the interests of the people in every policies, including appointment official while. Principle accountability become runaway main in ensure decision the reflect interest public in a way comprehensive. (Fajri et al. 2023)

Related studies appointment Acting (Pj) Governor has become attention in various research, especially in context mechanism law, its impact to democracy, as well as

implications bureaucracy. (Feni Prima Khasturi et al. 2023) review dynamics appointment Acting Governor of Aceh in 2022, which gave rise to various polemic. Research This highlight existence neglect procedure law by the Government, which is considered carry out the lifting process in a way premature and loaded with interest politics. This is show existence gap in mechanism appointment Acting head areas that can influence neutrality bureaucracy. Temporary that, research by(Ardiansyah et al. 2024) focus on position and authority Acting Regional Head in implementation service public. Research This give analysis to regulation legislation that becomes base appointment Acting Regional Heads, as well as How regulation the influence quality service public given.

Furthermore, Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 4 of 2023(KEMENDAGRI 2023) give runway law related to term of office Acting Governor limited during One years and can extended with the same person or different. Regulation This give clarity about duration position Acting Governor, however No arrange in a way Details related mechanism evaluation and criteria extension, so that Still leaving room For interpretation.

Based on study previously, seen that appointment Acting Governor tend cause challenge Good from aspect law, neutrality politics, as well as quality service public. Research This aiming For continue study the with focus on dynamics appointment Acting Governor of Banten during three period. Research This will to study how is the appointment process, implementation tasks, and factors that influence continuation of term of office in three period the.

Appointment Acting (Pj) Governor during three period in Banten Province gave rise to various issues that need to be addressed under review more deep. Some problem main thing that appears includes: There is question about how far along is the lifting process Acting Governor has comply applicable regulations. Previous studies, such as research by (Feni Prima Khasturi et al. 2023), highlights neglect procedure law in appointment Acting head area, but Not yet in a way specific discuss dynamics This in context three period in a row in one province. Based on Regulation of the Minister of Home Affairs Number 4 of 2023, term of office Acting Governor determined during One years and can extended during One year next, ok with the same person and also different. However, the regulation This No give clarity about mechanism extension more from two times, so that filling position Acting Governor For three period consecutive cause question about base the laws and procedures used.

## RESEARCH METHOD

Study This use approach Law (*Statute Approach*) with analyze product relevant laws , such as laws , regulations legislation , and related regulations with appointment Acting (Pj) Governor. Approach This aiming For describe relatedness applicable regulations with dynamics appointment Acting Governor in Banten Province during three period. In addition, research This use Approach Conceptual (*Conceptual Approach* ) for fill in gap when No found rule law which is direct arrange problems being studied . Approach This focuses on doctrine, theory, and concepts relevant laws For give explanation comprehensive related issue law in filling position Acting Governor, including aspect political laws that affect policy This. Research This connect regulation applicable laws and regulations with theories law positive as well as draft in knowledge law use answer problem appointment Acting The Governor in Banten in particular normative.

Source of Legal Material, primary Legal Materials, Constitution related autonomy area, government areas, and regulations appointment Acting Governor ( for example , Law No. 23 of 2014 and Regulation Minister of Home Affairs Number 4 of 2023). Official decisions and regulations issued by the Ministry of Home Affairs of the Republic of Indonesia. Secondary Legal Materials Literature scientific like books, journals, papers and reports study related appointment head areas and implications political law. Case study from other provinces as comparison, if relevant. Tertiary Legal Materials. Legal dictionaries, encyclopedias, and other supporting references understanding primary and secondary data. Data Collection and Analysis Techniques. Data collected through studies literature with learn material primary, secondary, and tertiary law . This study focus on regulations official applicable documents academic, as well as theory law related .Editing stage is done For inspect suitability and relevance of data. Classified data in accordance need research, especially For differentiate between relevant data with three period appointment Acting Governor in Banten. Data analyzed For identify patterns, themes, and relationships between regulation , politics law, and practice appointment Acting Governor. Objects study focuses on the regulations and practices carried out by the Ministry of Home Affairs of the Republic of Indonesia as authority that has authority in appointment Acting Head of Region. Research this also includes context appointment Acting Governor of Banten during three period, so that focus study be in a relationship between policy center and its implementation at the level area. With method this, research law normative This aiming For to reveal dynamics political law in filling position Acting Governor in

Banten during three period, covering analysis regulation, politics local, and implications bureaucrac.(Dendy Derajat Utama et al. 2023)

## RESULT AND DISCUSSION

Wahidin Halim and Andika Hazrumy take office as Governor and Deputy Governor of Banten for the 2017–2022 period . During the five- year term of office they , various work programs done For support development area , good from aspect infrastructure , services public , as well as social economy . However , the challenges the biggest one faced during the term of office they is the impact of the COVID-19 pandemic significant in various sector life in Banten Province . The term of office of Wahidin Halim and Andika Hazrumy official ends on May 12, 2022. Ending leadership This to mark transition important in government Banten Province , where the position is Governor and Deputy Governor definitive must replaced by a Acting ( Pj ) Governor . This is done For fill in emptiness position until the election head area definitive through election simultaneously national in 2024 .

Transition from governor definitive to Acting Governor is part from regulated mechanism in Constitution Number 10 of 2016 concerning Election Regional Head . Based on provision said , if the term of office head area has ended , while election Not yet can done , then President through the Minister of Home Affairs will pointing a Acting Governor . In case this , Pj Governor on duty carry out wheel governance and ensure continuation of development program area during period transition . Transition moment This No only nature administrative , but also involves various dynamics . The lifting process Acting Governor often colored debate , good from aspect criteria appointment , involvement interest politics , as well as expectation public to elected official .

After end of term of office of WH and Andika, Al Muhtabar is the only one appointed Minister of Home Affairs Tito Karnavian and approved by President Jokowi dodo, no There is other candidates besides al Muktabar . Appointment of Al Muktabar as Acting The Governor of Banten is based on considerations administration and experience bureaucracy that it has . As Regional Secretary of Banten Province , Al Muktabar considered own deep understanding about government area as well as various development programs that have been run by the government previously . With qualification this , he chosen For operate government during period transition until election governor definitive in the 2024 Election .

The walk period First as Acting Governor Banten since inaugurated on May 12 , 2022 at the office Ministry domestic by Tito Karnavian which refers to to Presidential Decree no 50/P of 2022 which commissioned Al Muktabar as Acting Governor Banten

Province . Then on May 12, 2023 the mandate Al Muktabar position as Acting Governor has ended , then the DPRD through regulation ministry domestic (MINISTRY OF HOME AFFAIRS 2023), within Article 4 states proposal Acting governor carried out by the Minister and the DPRD through chairman of the provincial DPRD . Each can propose 3 names that will be handed over to President , in Banten Province itself the DPRD proposed three Name For period second among them : Agus Sudrajat , Al Muhtabar and Sugeng , in that order proposal What is the name the based on alphabetic just No based on position , they rated Already in accordance with the criteria mentioned in the Minister of Home Affairs as echelon I or middle JPT said Andra Soni, Chairman of the Banten Provincial DPRD .

Based on Presidential Decree of the Republic of Indonesia Number 39/P of 2023, Al Muktabar's term of office was extended , of course this decision ... has through a number of expected consideration . Al is expected Can guard stability and continuity in government and also provide chance to Acting governor For continue the planned programs use increase service to the Community. Legal basis the sustainability of Al Muktabar as Acting governor for two periods clear set in regulation Minister domestically article 8 which reads Term of office Acting Governor 1 ( one ) year and can extended for 1 ( one ) year next with the same person or different .

May 12 , 2024 Al Muktabar position as Acting Governor ended , the end of Al Muktabar as Acting Governor Recreates vacancy in government area , Since 12-16 May 2024, Al Muktabar take office as Daily Implementation ( Plh ) of the Governor of Banten according to the radiogram because Still take office as The definitive Banten Regional Secretary . However on the other hand the law number 23 of 2014 which regulates about please mention , please only replace Governor and Deputy Governor If prevented Meanwhile , in fact , in 2022-2024 the Governor of Banten's term of office will end or prevented remain . Then on May 17 , 2024 the Ministry in country , Tito Karnavian . Re -inaugurate Al Muktabar as Acting Governor For period third . Through Presidential Decree of the Republic of Indonesia Number 60/B of 2024 concerning appointment acting Governor of Banten, North Maluku, Gorontalo, West Sulawesi and South Sulawesi.

### Limitations in Term of Office Regulations Acting Governor

The Appointment of Al Muktabar as Acting ( Pj ) Governor of Banten for third time based on the Decree of the President of the Republic of Indonesia Number 60/B of 2024 dated 16 May 2024 to become spotlight , because considered violate provision applicable law . Provisions the set up in Article 8 paragraph (1) of the Minister of Home Affairs Regulation Number 4 of 2023 and Article 201 paragraph (10) of the Law



Number 10 of 2016 in conjunction with the Explanation of Article of Law Number 6 of 2020, which states that : Term of office a Acting Governor is 1 ( one ) year . Length of service the only can extended 1 ( one ) time for duration 1 ( one ) year again , if considered necessary . In case This the appointment of Al Muktabar as Acting Governor for the third time , considered No own base clear law . It should be Acting The Governor of Banten can be replaced with other ASN who are indeed fulfil criteria in become Official Governor .

According to Prof. Dr. Yusril Ihja Mahendra SH., M.Sc ., From the provisions of Law No. 6 of 2020 and the Minister of Home Affairs Regulation No. 4 of 2023 above , it can be understood that provision about filling emptiness position head area definitive by the acting head area intended For need areas whose term of office head his area end maximum in 2022. Therefore , in general normative rule the only allow term of office acting head the longest area during 2 (two) years period only . Rules the No organize and detail more carry on when there is areas in office head area definitive has finished since beginning or mid 2022. Meanwhile , as known together that Regional Election Simultaneously 2024 new will implemented in November 2024. This means , there is areas that have need will position acting head more area from 2 (two) years which is not accommodated by regulations legislation .

The current condition This happen is a vacuum law in fulfil need areas will position acting head area more from 2 (two) years . Ideally , for overcome such conditions should be quick For done change to regulation legislation that regulates about filling position acting head area , good that's Law no. 6 of 2020 or Minister of Home Affairs Regulation No. 4 of 2023, with publication a Regulation Government Replacement Law ( Perppu ) or publishing regulation the minister who revised previous Ministerial Regulation . However thus , with notice such a time narrow , then required other ways besides change regulation legislation , namely with do action government use principle discretion ( freezes) ermessen ) according to provision as has been set up in Constitution Number 30 of 2014 concerning Administration Government .

Therefore That according to Prof. Dr. Yusril Ihja Mahendra, in his legal memorandum , said should Official The governor who has take office for 2 periods . For period furthermore replaced with different people . Because of the position This only nature while , for the purpose reach certainty law . So that it doesn't Abuse Of Power occurs for Official The governor who has serving 2 terms and so that neither an official the feel as if as head area definitive .(Prof. Dr. Yusril Ihza Mahendra 2024)



## CONCLUSION

Appointment process The Acting ( Pj ) Governor in Indonesia, especially in Banten Province , shows dynamics significant legal and political . Based on Constitution Number 10 of 2016 concerning Election Regional Head , President authorized pointing Acting Governor For fill in emptiness position until election simultaneously 2024. Appointment Acting The Governor of Banten, who has in progress during three period , inviting question about eligibility base the laws and procedures used , especially related with more terms of office of the two times that did not set up in Regulation of the Minister of Home Affairs Number 4 of 2023.

Appointment of Al Muktabar as Acting Governor during three period cause concern about transparency and accountability , as well as implications to principles democracy . Appointment this , although own consideration administrative and experience bureaucracy , also seen own nuance strong politics , especially in the relation with procedure proposal Name candidate Acting Governor by DPRD and Minister of Home Affairs. Apart from that , the appointment of Al Muktabar as Acting Governor ( Plh ) after his term of office ending is also considered contradictory with provision in Constitution Number 23 of 2014.

In general overall , lifting Acting Governor of Banten which took place during three period show gap in existing regulations , which are necessary set up more clear For ensure a smoother process transparent , accountable , and in accordance with the principles democracy .

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