

The Appointment of Active Indonesian National Armed Force as Acting Regional Heads Based on Good Governance Principles

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Abstract

The 2024 Regional Election are the first time simultaneous national Regional Election have been held. As a result, 271 regional head positions are vacant due to the expiration of their term of office. Acting Regional Heads were appointed to fill in temporarily. One of the polemics is that an active Indonesian National Armed Force's member was appointed as Acting Regent of West Seram. This research is a normative juridical research with statutory, conceptual, and historical approaches. The results showed that the Good Governance Principles has been regulated in Law Number 28 of 1999 concerning Clean and Free State Administration from Corruption, Collusion and Nepotism and Law Number 30 of 2014 concerning Government Administration, which when juxtaposed, there is 1 principle in common, namely the principle of legal certainty. The appointment of active Indonesian National Armed Force as Acting Regional Heads is not by the principle of legal certainty. The appointment contrary to Article 47 paragraph (1) of the Law Number 34 of 2004 concerning the Indonesian National Armed Force as the "*lex specialis*". The appointment is also not by the Good Governance Principles construction in Article 10 of the Law 30/2014 because it violates the principle of legal certainty, accuracy, not abusing authority, openness, and good service. It is recommended that the Government in making the appointment of Acting Regional Heads should be guided by the Good Governance Principles and provide opportunities for the people to be involved so becomes more transparent and by democratic values.

1. Introduction

General elections are a concretization of the concept of democracy adopted by Indonesia as well as an instrument for the Indonesian people to elect candidates who will later occupy political positions. Democratic elections and democracy are two things that influence each other and are intertwined with each other (*conditio sine qua non*). Article 22E paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates that elections are held to elect members of the DPR-RI, DPD-RI, President and Vice President, and Provincial/Regency/City DPRD. Furthermore, in Indonesia elections are also held to elect regional heads with the nomenclature referred to as Regional Head Elections (hereinafter referred to as "Regional Election"). Regional Election is regulated in Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia.

To date, Indonesia has held two simultaneous elections, in 2019 and 2024. Simultaneous elections refer to the Presidential and Vice Presidential Elections which are held simultaneously with legislative elections. Then on 27 November 2024 was the first time simultaneous national elections were held throughout the territory of the Republic of Indonesia. These simultaneous national elections are mandated by Article 201 paragraph (8) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 on the Stipulation of Government Regulation in Lieu of Law Number 1/2014 on the Election of Governors, Regents, and Mayors into Law (hereinafter referred to as the Law 10/2016).

The implementation of simultaneous regional elections nationally has resulted in vacancies of regional head positions. In 2022 there are 101 regional heads whose terms of office expire¹ and in 2023 there are 170 regional heads whose terms of office expire². To temporarily fill the vacant 271 regional head positions, an Acting Regional Head is appointed until the election and inauguration of the definitive regional head. The Acting Regional Head aims to ensure that the duties, functions, and authorities of the regional head position continue to run properly. Furthermore, the Acting Governor is appointed from the middle high leadership position, while the Acting Regent/Mayor is appointed from the pratama high leadership position.³

The appointment of Acting Regional Heads that has been carried out is not free from polemics and controversy and is even considered to ignore democratic values.⁴ Through Constitutional Court Decision Number 67/PUU-XIX/2021, the Constitutional Court asked the Government to consider issuing implementing regulations for Article 201 of the Law 10/2016. This was followed up by issuing of the Minister of Home Affairs Regulation Number 4 of 2023 concerning Acting Governors, Acting Regents, and Acting Mayors (hereinafter referred to as Minister of Home Affairs Regulation 4/2023). However, several Acting Regional Heads have been appointed in practice before that Minister of Home Affairs Regulation 4/2023 was signed.

One of the polemics is the active Indonesian National Armed Force member who was appointed as Acting Regional Heads, namely Brigadier General Andi Chandra As'aduddin as Acting Regent of West Seram as of 24 May 2022 based on the Minister of Home Affairs Decree Number 113.81-1164 of 2022.⁵ The appointment was made prior to the issuance of Minister of Home Affairs Regulation 4/2023. The appointment drew rejection, for example, from the East Java Regional Executive Board of Nahdlatul Ulama⁶, arguing that active Indonesian National Armed Force's member appointed as Acting Regional Heads would set a bad precedent for democracy and revive the Armed Forces of the Republic of Indonesia's dual function. The Armed Forces of the Republic of Indonesia's dual function is the doctrine that the Armed Forces of the Republic of Indonesia not only deal with defense and security issues but can also be involved in practical political activities namely hold a regional head office or another strategic civil office.⁷

¹ Sania Mashabi and Kristian Erdianto, "Pilkada Serentak 2024, Ini 101 Kepala Daerah Yang Habis Masa Jabatan Pada 2022," *Kompas*, September 3, 2021, <https://nasional.kompas.com/read/2021/09/03/05300011/pilkada-serentak-2024-ini-101-kepala-daerah-yang-habis-masa-jabatan-pada#>.

² Sania Mashabi and Kristian Erdianto, "170 Kepala Daerah Akan Habis Masa Jabatan Pada 2023, Ini Daftarnya," *Kompas*, September 3, 2021, <https://nasional.kompas.com/read/2021/09/03/05350071/170-kepala-daerah-akan-habis-masa-jabatan-pada-2023-ini-daftarnya>.

³ See Article 201 paragraph (10) and paragraph (11) of the Law 10/2016.

⁴ Laode Harjudin et al., "Menggugat Penunjukkan Penjabat (Pj) Kepala Daerah Tanpa Pemilihan: Tergerusnya Kedaulatan Rakyat Dan Menguatnya Dominasi Pemerintah Pusat," *Journal Publicuho* 5, no. 4 (2022): 1355–66, <https://doi.org/https://doi.org/10.35817/publicuho.v5i4.73>.

⁵ Natasha Ancely, "Dilantik Hari Ini, Brigjen Andi Chandra Menjabat Jadi Bupati Seram Barat," *Kompas*, May 24, 2022, <https://www.kompas.tv/video/292221/dilantik-hari-ini-brigjen-andi-chandra-menjabat-jadi-bupati-seram-barat>.

⁶ Faiq Azmi, "PWNU Tolak Pj Kepala Daerah Dari Militer, Pemprov Jatim: Wewenang Mendagri," *Detik.Com*, May 30, 2022, <https://www.detik.com/jatim/berita/d-6102277/pwnu-tolak-pj-kepala-daerah-dari-militer-pemprov-jatim-wewenang-mendagri>.

⁷ Institutionally, the Indonesian National Armed Force and the Police of the Republic of Indonesia were once in one institution called the Armed Forces of the Republic of Indonesia, which was later separated by the Decree of the People's Consultative Assembly Number VI/MPR/2000.

Government decisions and/or actions in the context of governance must be guided by the Good Governance Principles. In Indonesia, Good Governance Principles has been regulated by various laws. The active Indonesian National Armed Force's member who were appointed as Acting Regent of West Seram allegedly violated and ignored the Good Governance Principles. Being guided by the Good Governance Principles will encourage the realization of good governance and clean government.⁸

Several previous research on the appointment of active Indonesian National Armed Force's member as Acting Regional Heads has been conducted by Raihan Ardiansyah with the title "Juridical Review of the Appointment of Acting Regional Heads with Active Indonesian National Armed Force/Police of the Republic of Indonesia Officer Status by the Minister of Home Affairs in the Perspective of Public Services" which concluded that members of the Indonesian National Armed Force/Police of the Republic of Indonesia who are still active and then appointed Acting Regional Heads are discretions that are not by democratic values and have not fulfilled the aspects of public services.⁹ Another research conducted by Mezi Julia Ade Putri with the title "Appointment of Acting Regional Heads from the Indonesian National Armed Force/Police of the Republic of Indonesia who are still active in the perspective of Siyasah Dusturiyah" concluded that the appointment of active Indonesian National Armed Force/Police of the Republic of Indonesia members as Acting Regional Heads is included as arbitrariness, and in Islamic teachings, vacant positions must be filled by capable people.¹⁰ Muh Fajar Sadiq has also conducted a similar study entitled "Review of State Administration Law on the Appointment of Active Status Members of the Indonesian National Armed Force as Acting Regents" which concluded that the appointment of active Indonesian National Armed Force members as Acting Regents was not by Law 34/2004, Law 5/2014, and Law 10/2016, so the legal consequence is that the decree of appointment can be canceled and then respectfully dismissed from the position of Acting Regional Heads.¹¹

This research has novelty compared to several other studies in the form of analyzing the appointment of active Indonesian National Armed Force's member as Acting Regional Heads by using the Good Governance Principles as a touchstone. Based on the description above, the author will try to answer several problem formulations, namely: (1) whether the appointment of active Indonesian National Armed Force's member as Acting Regional Heads is by the Good Governance Principles? and (2) how is the construction of the Good Governance Principles in the appointment of active Indonesian National Armed Force's member as Acting Regional Heads? This research aims to portray the appointment of active Indonesian National

⁸ Robertho Yanflor Gandaria, "Implementasi Asas-Asas Umum Pemerintahan Yang Baik (AAUPB) Dalam Mewujudkan Prinsip Good Governance And Clean Government Di Pemerintahan Daerah," *LEX ADMINISTRATUM* 3, no. 6 (2015).

⁹ Raihan Ardiansyah, "Tinjauan Yuridis Pengangkatan Penjabat Kepala Daerah Yang Berstatus Perwira TNI/POLRI Aktif Oleh Menteri Dalam Negeri Dalam Perspektif Pelayanan Publik" (Universitas Sebelas Maret, 2023), <https://digilib.uns.ac.id/dokumen/103850/Tinjauan-Yuridis-Pengangkatan-Penjabat-Kepala-Daerah-Yang-Berstatus-Perwira-Tnipolri-Aktif-Oleh-Menteri-Dalam-Negeri-Dalam-Perspektif-Pelayanan-Publik>.

¹⁰ Mezi Julia Ade Putri, "Pengangkatan Penjabat Kepala Daerah Dari Kalangan Tentara Nasional Indonesia/Polisi Republik Indonesia Aktif Perspektif Siyasah Dusturiyah" (Universitas Islam Negeri Fatmawati Sukarno, 2023), <http://repository.uinfabengkulu.ac.id/1752/>.

¹¹ Muh. Fajar Sadiq, "Tinjauan Hukum Administrasi Negara Terhadap Pengangkatan Anggota Tentara Nasional Indonesia Status Aktif Sebagai Penjabat Bupati" (Universitas Hassanudin, 2023), <https://repository.unhas.ac.id/id/eprint/32309/>.

Armed Force's member as acting regional heads from the perspective of the Good Governance Principles.

2. Methods

This research is a normative juridical research with a statutory, conceptual, and historical approach. The legal materials used in this research consist of primary sources of authorities and secondary sources of authorities. Primary sources of authority are in the form of all laws related to the research topic, while secondary sources of authority are in the form of books, journal articles, and legal expert opinions that elaborate on primary sources of authority. All legal materials were obtained through library research and internet searches. The data analysis method used is qualitative, and the analysis results are interpreted using the deductive method.

3. Results and Discussion

3.1. Appointment of Active Indonesian National Armed Force's Member as Acting Regional Heads in the Perspective of the Good Governance Principles

According to the universally acknowledged doctrine of constitutional law, the prompt filling of state positions is crucial. Failure to fill a vacant public position hampers the function of the role. Therefore, the appointment of an Acting Regional Head to fill the vacancy due to the 2024 national simultaneous regional elections becomes an urgent necessity. This ensures the continuity of public services and the realization of the people's welfare in the regions. The appointment of an Acting Regional Head is a process that involves the issuance of a decree, as outlined in Article 5 paragraph (4) and Article 10 paragraph (4) of Minister of Home Affairs Regulation 4/2023.

Article 10 of Law Number 30 of 2014 concerning Government Administration (hereinafter referred to as the Law 30/2014) stipulates that every decision issued by a government official must be based on the Good Governance Principles. Moreover, the Good Governance Principles is one of the indicators of the validity of a decision.¹² Regarding the Good Governance Principles can be found in Article 10 of the Law 30/2014 and Article 3 of Law Number 28 of 1999 concerning Clean and Free State Administration from Corruption, Collusion and Nepotism (hereinafter referred to as Law 28/1999). According to Article 3 of Law 28/1999, there are 7 points of the Good Governance Principles, namely "principle of legal certainty, principle of orderly state administration, principle of public interest, principle of openness, principle of proportionality, principle of professionalism, and principle of accountability." Meanwhile, according to Article 10 of the Law 30/2014 there are 10 points of the Good Governance Principles namely "principle of legal certainty, principle of expediency, principle of impartiality, principle of accuracy, principle of not abuse of authority, principle of openness, principle of public interest, and principle of good service."

When juxtaposing the main principles of Good Governance as in Article 10 of Law 30/2014 and Article 3 of Law 28/1999, it can be seen that several principles are the same, namely the principle of legal certainty, the principle of openness, and the principle of public interest. Therefore, this section will examine the principles of legal certainty, openness, and public interest as one of the principles of Good Governance in appointing active TNI members as Regional Head Officials.

The appointment of active TNI members as Regional Head Officials based on a decree must be based on the principle of legal certainty, which is one of the main principles of Good Governance. The principle of legal certainty outlines the need to prioritize and comply with laws and regulations in making decisions and/or government actions. It is one of the essential

¹² See Article 52 paragraph (2) of the Law 30/2014.

principles in a state of law because legal certainty requires that the law be enforced firmly and consistently without being influenced by subjective matters.¹³

Legal certainty is the highest principle in a state of the law in order to realize the rule of law.¹⁴ Government compliance with laws and regulations in government administration manifests one of the characteristics of the rule of law, namely "*wetmatigeheid van bestuur*". According to Krabbe, the state in every activity must comply with applicable laws and regulations because the state is the creator and enforcer of the law.¹⁵ The appointment of active Indonesian National Armed Force's member as Acting Regional Heads must also be based on the provisions of applicable laws and regulations. This is important to create legal certainty and suprematism of law.

Table 1. List of Indonesian National Armed Force's member who have been appointed as Acting Regional Heads.

Name	Position	Period
	Acting Governor of South Sulawesi	19 January 2008 -
		8 April 2008
Major General Achmad Tanribali Lamo	Acting Governor of Central Sulawesi	31 March 2011 - 17 June 2011
	Acting Governor of West Papua	25 July 2011 - 16 January 2012 23 October 2013
	Acting Governor of North Maluku	-
		2 May 2014
Major General Setia Purwaka	Acting Governor of East Java	26 August 2008 - 12 February 2009 28 October 2016
Major General Soedarmo	Acting Governor of Aceh	- 11 February 2017
	Acting Governor of Papua	26 February 2018 - 5 September 2018

Source: Secondary data, compiled from various sources.

Table 2. Active Indonesian National Armed Force's member appointed as Acting Regional Heads during the transition period of the 2024 National Simultaneous Regional Election.

Name	Position	Period
Brigadier General Andi Chandra As'aduddin	Acting Regent of West Seram	Taking office on 24 May 2022

Source: Secondary data.

Based on Table 1 above, several Indonesian National Armed Force officers have been appointed as Acting Regional Heads. From the results of the search conducted by Researchers found the fact that these Indonesian National Armed Force officers before being appointed as Acting Regional Heads had changed their status to become civil servants based on Government Regulation Number 15 Year 2001 concerning the Transfer of Status of Members

¹³ Mario Julyano and Aditya Yuli Sulistyawan, "Pemahaman Terhadap Asas Kepastian Hukum Melalui Konstruksi Penalaran Positivisme Hukum," *Jurnal Crepindo* 01, no. 01 (2019).

¹⁴ Mirza Satria Buana, "Hubungan Tarik-Menarik Antara Asas Kepastian Hukum (Legal Certainty) Dengan Asas Keadilan (Substantial Justice) Dalam Putusan-Putusan Mahkamah Konstitusi" (Universitas Islam Indonesia, 2010).

¹⁵ Tengku Erwinsyahbana and Tengku Rizq Frisky Syahbana, "Perspektif Negara Hukum Indonesia Berdasarkan Pancasila," *De Lega Lata: Jurnal Ilmu Hukum* 2, no. 1 (2017).

of the Indonesian National Army and Members of the Indonesian National Police to Civil Servants to Occupy Structural Positions. Based on the Government Regulation, when an active Indonesian National Armed Force changes status, it will be honourably discharged from active Indonesian National Armed Force service (retirement). When appointed as Acting Regional Head, the 3 Indonesian National Armed Force officers (Table 1) are civil servants, not active Indonesian National Armed Force's member. Thus the appointment of Brigadier General Andi Chandra As'aduddin as Acting Regent of West Seram (as in Table 2) is the first time an active Indonesian National Armed Force's member has been appointed as Acting Regional Head in the transitional period towards the 2024 National Simultaneous Regional Election.

Article 201 paragraph (11) of the Law 10/2016 provides criteria or qualifications for a person who can be appointed Acting Regent/Mayor, currently serving in a Pratama High Leadership Position. By using the systematic interpretation method¹⁶, what is meant by "Pratama High Leadership Position" includes namely "director, bureau chief, assistant deputy, secretary of the directorate general, secretary of the inspectorate general, secretary of the agency head, head of the center, inspector, head of the big hall, assistant provincial secretariat, district/city secretary, head of the provincial agency/head of the agency, secretary of the Regional People's Representative Council, and other equivalent positions."¹⁷ The fact found by Researcher is that before being appointed as the Acting Regent of West Seram, Brigadier General Andi Chandra As'aduddin was serving as the Head of Regional State Intelligence Agency (Head of Binda) of Central Sulawesi.¹⁸

Article 54 paragraph (3) of Presidential Regulation Number 90 of 2012 concerning the State Intelligence Agency (hereinafter referred to as the "Presidential Regulation 90/2012") states that "Head of Bureau, Director, Inspector, Head of Binda, and Head of Centre are Primary High Leadership positions or structural positions of echelon II.a." so it can be said that Brigadier General Andi Chandra As'aduddin before being appointed as Acting Regent of West Seram was holding a Primary High Leadership Position, namely Head of Binda. In principle, Article 47 paragraph (2) of Law Number 34 of 2004 concerning the Indonesian National Army (hereinafter referred to as the "Law 34/2004") allows active Indonesian National Armed Force's member to fill positions outside the Indonesian National Armed Force structure, namely "in the office in charge of coordinating the fields of State Politics and Security, State Defence, Presidential Military Secretary, State Intelligence, State Password, National Defence Institute, National Defence Council, National Search and Rescue (SAR), National Narcotics, and the Supreme Court."

The allowance of active Indonesian National Armed Force's member to hold positions outside the Indonesian National Armed Force structure as in Article 47 paragraph (2) of the Law 34/2004 is also echoed by the provisions of Article 20 paragraph (2) of Law Number 5 of 2014 concerning State Civil Apparatus (hereinafter referred to as the Law 5/2014) *juntho* Article 148 of Government Regulation Number 11 of 2017 concerning Civil Servant Management has opened up opportunities for active Indonesian National Armed Force's member to fill certain state civil apparatus positions (civilian position). Article 19 paragraph (2) of Law Number 20 of 2023 concerning State Civil Apparatus (the new State Sivil Apparatus

¹⁶ Legal interpretation is one method of finding and providing a more detailed explanation related to the law so that it can be determined regarding a particular event. The systematic interpretation method is carried out by connecting the text of a law with other laws because a law does not stand alone (it is always related to other rules and regulations).

¹⁷ Explanation of Article 19 paragraph (1) letter c of the Law 5/2014.

¹⁸ Dedy Priatmojo, "Profil Pj Bupati Seram Barat Brigjen Andi Chandra, Sosok Intel Kawakan," *VIVA*, May 24, 2022, <https://www.viva.co.id/berita/nasional/1478017-profil-pj-bupati-seram-barat-brigjen-andi-chandra-sosok-intel-kawakan>.

Law) also still "opens opportunities" for active Indonesian National Armed Force's member to occupy certain state civil apparatus positions (civilian position).

On the other hand, Article 47 paragraph (1) of the Law 34/2004 provides a restriction that "Soldiers can only occupy civilian positions after resigning or retiring from active military service". This means active Indonesian National Armed Force's member who want to fill a state civil apparatus positions (civilian position) must first retire from active Indonesian National Armed Force service. This aims to prevent the occurrence of concurrent positions, which in the end has the potential to cause a conflict of interest and prevent the revival of Armed Forces of the Republic of Indonesia's dual function doctrine.

It can be said that Brigadier General Andi Chandra As'aduddin before being appointed as Acting Regent of West Seram was occupying a certain state civil apparatus positions (civilian positions), namely the Head of Binda which in fact is included as Pratama High Leadership Position.¹⁹ At this point, the appointment of active Indonesian National Armed Force's member as Acting Regional Heads can be legally justified according to the Law 10/2016 and the Law 5/2014. This is also legitimized by Constitutional Court Decision Number 15/PUU-XX/2022, which states that "...This means that as long as a person is serving as a middle-high leader or senior high leader, he/she can be appointed as an acting regional head". Nevertheless, the provisions of Article 47 paragraph (1) of the Law 34/2004 are still worth remembering and paying attention to.

Article 47 paragraph (1) of the Law 34/2004 stipulates that active Indonesian National Armed Force's member can fill state civil apparatus positions (civilian positions) after retiring from active Indonesian National Armed Force service. In the context of the appointment of Brigadier General Andi Chandra As'aduddin, whose status is still as an active Indonesian National Armed Force's member, he can only fill a state civil apparatus positions or civilian position (in this case the Acting Regent of West Seram) after retiring from active Indonesian National Armed Force's service. Even though before being appointed as Acting Regent of West Seram, he held the position of Head of Binda, which is a Pratama High Leadership Position, but he is still an active Indonesian National Armed Force's member so he can only become Acting Regional Head after retiring from active Indonesian National Armed Force's service.²⁰

There is a conflict of norms between Article 201 paragraph (11) of Law 10/2016 in conjunction with Article 20 of Law 5/2014 and Article 47 paragraph (1) of Law 34/2004. The conflict is because of Article 201 paragraph (11) of Law 10/2016 *juntho* Article 20 of Law 5/2014 has allowed active TNI members to be appointed as acting regional heads (including civilian positions) as long as they occupy JPT Pratama. Meanwhile, Article 47 paragraph (1) of Law 34/2004 expressly prohibits active TNI members from holding civilian positions if they do not retire first from active military service. The two norms contradict each other, so one norm must be applied to provide legal certainty.

The norm conflict above can be resolved by referring to one of the principles of preference in law, namely the "*lex specialis derogate legi generali*". This principle outlines that a specific legal norm overrides the validity of a general legal norm. The principle "*lex specialis derogate legi generali*" is difficult to apply, mainly due to the relative nature of the special-general relationship between legal norms. There is no absolute benchmark to determine the special status of a legal norm against other legal norms. However, there are some guiding factors to consider when applying this principle, namely²¹:

¹⁹ See Article 20 paragraph (3) of the Law 5/2014 and Article 47 paragraph (2) of the Law 34/2004 *juntho* Presidential Regulation 90/2012.

²⁰ See Article 47 paragraph (1) of the Law 34/2004.

²¹ Mhd. Hasbi Simanjuntak and Tengku Mabbar Ali, *Ilmu Perundang-Undangan* (Medan: Merdeka Kreasi, 2023). page 198.

1. A provision in a general legal norm still applies, unless the provision is specifically regulated in a special legal norm;
2. Specific legal norms must be equal in hierarchy to general legal norms (e.g., Law with Law, or Law with Government Regulation instead of Law); and
3. The special legal norm and the general legal norm are both in the same legal environment (for example, Law Number 11 of 2012 concerning Juvenile Criminal Justice System, which is a "*lex specialis*" of the Criminal Code because both are in the same legal environment, namely criminal law).

All laws applicable in Indonesia are divided based on the hierarchy of legal norms as stipulated in Article 7 paragraph (1) of Law Number 12 Year 2011 on the Formation of Laws and Regulations. Suppose there is a conflict of norms (a situation where there are two or more legal norms regarding the same regulatory object, but the legal norms contradict each other). In that case, one of the norms must be deemed applicable. The conflict of legal norms creates legal uncertainty so that to realize legal certainty, one norm must be applied, and the other norm must be ruled out.²²

A conflict of norms can be resolved by using the principle of preference of legal norms. There are 3 principles of preference of legal norms, namely "*lex specialis derogate legi generali*", "*lex superior derogate legi inferior*", and "*lex posterior derogate legi priori*". The principle of "*lex specialis derogate legi generali*" is used if there is a conflict between 2 legal norms of equal hierarchy and a general-specific relationship. The principle of "*lex superior derogate legi inferior*" is used if there are 2 legal norms that are not equal in hierarchy, so the higher legal norm must take precedence over the lower norm. The principle of "*lex posterior derogate legi priori*" is used if there are 2 legal norms that are equal in hierarchy so that the newer legal norm must take precedence.

The conflict of norms between Article 201 paragraph (11) of Law 10/2016 in conjunction with Article 20 of Law 5/2014 and Article 47 paragraph (1) of Law 34/2004 can be resolved by the principle of "*lex specialis derogate legi generali*" because the 2 norms are equal in hierarchy (laws), but there is a general-specific relationship. Article 201 paragraph (11) of Law 10/2016 in conjunction with Article 20 of Law 5/2014 is a general provision regarding acting regional heads, while Article 47 paragraph (1) of Law 34/2004 is a specific provision regarding the filling of civilian positions by members of the TNI. Law 34/2004 is also a special legal norm for TNI members because the subject of its regulation is specific, namely TNI members. Based on this general-specific relationship, it can be interpreted that the provisions of Article 201 paragraph (11) of Law 10/2016 in conjunction with Article 20 of Law 5/2014 remain generally applicable in the appointment of acting regional heads. When the appointment involves active TNI members, Law 34/2004 can override Article 201 paragraph (11) of Law 10/2016 in conjunction with Article 20 of Law 5/2014.

Based on the principle of "*lex specialis derogate legi generalis*", in appointing active TNI members as acting regional heads, Law 34/2004 can override Law 10/2016 and Law 5/2014. In the context of the case of the appointment of active TNI members as acting regional heads (*in casu* Brigadier General Andi Chandra As'aduddin as Acting Regent of SBB) where the person concerned is still active as a member of the TNI, then Law 34/2004 is "*lex specialis*", while Law 10/2016 and Law 5/2014 are "*lex generalis*". Because Brigadier General Andi Chandra As'aduddin is still an active TNI member, he is bound and obliged to obey Law 34/2004 as a special legal norm ("*lex specialis*"). Thus, the appointment of an active member of the Indonesian National Army as Acting Regional Head is contrary to the laws and regulations, so the appointment decision does not fulfill the principle of legal certainty.

²² Nurfaqih Irfani, "Asas Lex Superior, Lex Specialis, Dan Lex Posterior: Pemaknaan, Problematika, Dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum," *Jurnal Legislasi Indonesia* 17, no. 3 (2020).

Furthermore, regarding the principle of openness. The principle of openness requires that the people, as the ultimate holders of power, can know every government policy in the context of exercising state power. At this point, openness is crucial in the relationship between government organs and the people and in realizing democratic governance. This is because in a democratic law state ("*demokratische rechtsstaat*"), openness must be considered a guarantee that should exist ("*conditio sine qua non*"). The principle of openness requires that the people can access any information and procedures in the formation of policies by the Government. This means that openness for the Government is an obligation to provide information, while on the other hand openness is a right for the people to obtain information.

In the context of appointing active Indonesian National Armed Force's member as Acting Regional Heads, it is contrary to the principle of openness. This is based on several building arguments that researchers will describe as follows: The first argument is that the principle of transparency is mandated by the Constitutional Court Decision Number 67/PUU-XIX/2021 at sub-paragraph [3.14.3] that "...Therefore, it needs to be a consideration and concern for the government to issue implementing regulations as a follow-up to Article 201 of Law 10/2016, so that there are measurable and clear mechanisms and requirements that the filling of the acting regent does not ignore the principles of democracy and at the same time provide guarantees for the public that the mechanism for filling the acting regent is open, transparent, and accountable ..." The Constitutional Court's mandate is related to implementing regulations for Article 201 of the Law 10/2016, which the Government has only fulfilled by issuing Minister of Home Affairs Regulation 4/2023 signed on 4 April 2023. Meanwhile, the Minister of Home Affairs Decree on the appointment of active Indonesian National Armed Force as Acting Regional Heads (in this case Brigadier General Andi Chandra As'aduddin as Acting Regent of West Seram) was signed on 24 May 2022. This means that the appointment was made without being based on the implementing regulations mandated by the Constitutional Court. Furthermore, the Minister of Home Affairs Regulation 4/2023 only seems open regarding the requirements and nomination of candidates for Acting Regional Head, while the discussion and determination are private.²³

The second argument is that the appointment process is not clearly shown to public (at least to people in region). This argument supported by the final results of an examination conducted by the Ombudsman of the Republic of Indonesia which concluded that there were 3 forms of maladministration in the appointment of Acting Regional Heads, one of which was that the mechanism of filling the position of Acting Regional Heads were not disclosed to the public. Ombudsman of the Republic of Indonesia also found irregularities in the appointment of Acting Regional Heads, namely active Indonesian National Armed Force's member appointed as Acting Regional Heads.²⁴

The third argument is that the Ministry of Home Affairs and/or the Minister of Home Affairs as a government agency and/or official directly related to the appointment of Acting Regional Heads did not publish documents related to the appointment on its official website. These documents include, for example, Minister of Home Affairs Decree Number 113.81-1164 of 2022 concerning Appointment of Acting Regent of West Seram, documents on the selection of Acting candidates, documents on proposals and suggestions received by the Ministry of

²³ Maurice Rogers, Christo Sumurung Tua Sagala, and Herdi Munte, "Democratization of Filling Regional Head Positions," *Indonesian Journal of Law and Society* 5, no. 1 (2024): 88-114, <https://doi.org/https://doi.org/10.19184/ijls.v5i1.39425>.

²⁴ Prayogi Dwi Sulisty, "Ombudsman RI: Pengangkatan Penjabat Kepala Daerah Sarat Maladministrasi," *Kompas*, July 19, 2022, <https://www.kompas.id/baca/polhuk/2022/07/19/ombudsman-ri-pengangkatan-penjabat-kepala-daerah-sarat-maladministrasi>.

Home Affairs regarding Acting candidates, or documents on the track record of Acting candidates (as long as the documents do not contain personal data information).²⁵ Whereas these documents are open information that everyone has the right to access according to Article 11 paragraph (1) of Law Number 14 of 2008 concerning Public Information Disclosure. By opening these documents to the public, the public will be able to provide feedback to strengthen the legitimacy of the official himself.

The realization of the principle of openness in the appointment of Acting Regional Heads can be carried out by the Government by organizing the process in a transparent and accountable manner and opening all information to the public regarding the process. Transparency is also essential in the sense of opening access to information for the public about the government and ensuring easy access and data accuracy. Based on the 3 building arguments above, the appointment of active Indonesian National Armed Force's member as Acting Regional Heads does not fulfill the principle of openness.

Furthermore, regarding the principle of public interest, the principle of public interest in governance requires the government to prioritize public welfare in an aspirational, accommodative, and selective manner. The government as the people's servant must prioritise and promote the people's interests in governance.²⁶ The appointment of active TNI members as acting regional heads (in this case the acting regent of SBB) reflects the principle of public interest. This is because the appointment has been based on consideration of the social conditions of the people in the area.

West Seram Regency is experiencing special circumstances, namely the potential for village boundary conflicts in Loki Village that require specific handling.²⁷ According to the Minister of Home Affairs, after discussing with relevant stakeholders, the potential conflict must be handled by an Acting figure who can resolve the conflict, so Brigadier General Andi Chandra As'aduddin was chosen who has an intelligence background where intelligence's think pro-actively and resolves conflicts before they erupt. Finally, the Minister of Home Affairs asked for proposals for candidates from the National Intelligence Agency and was given the figure of the Head of Central Sulawesi Binda, who Brigadier General Andi Chandra As'aduddin was actually holding.²⁸ From the perspective of the principle of expediency, the appointment has taken into account the interests of the people in the area who need mitigation and resolution of potential conflicts. Thus, this principle of expediency has been fulfilled.

3.2. Construction of the Good Governance Principles in the Appointment of Active Indonesian National Armed Force's Member as Acting Regional Heads

The existence of the Good Governance Principles is normatively stated in Article 10 paragraph (1) of the Law 5/2014 so that it applies to all government officials. The Good Governance Principles has a vital role as a guideline for government officials in government administration. The appointment of Acting Regional Heads is also a form of governance that must be carried out based on the Good Governance Principles. Article 10 paragraph (1) of the Law 5/2014 stipulates that there are 8 points of the Good Governance Principles, namely:

²⁵ Central Information Commission Decision Number 007/I/KIP-PS-A/2023.

²⁶ Fajlurrahman Jurdi, *Hukum Tata Negara Indonesia* (Jakarta: Kencana, 2019). Page 67

²⁷ Sonya, "Tito Soal Pj Bupati Seram Bagian Barat: Butuh Figur Intelijen," CNN Indonesia, 2022, <https://www.cnnindonesia.com/nasional/20220616122751-32-809692/tito-soal-pj-bupati-seram-bagian-barat-butuh-figur-intelijen>.

²⁸ Vitorio Mantalean and Dani Prabowo, "Jelaskan Alasan TNI Aktif Jabat Pj Bupati West Seram, Mendagri: Ada Potensi Konflik Batas Desa," *Kompas*, June 16, 2022, <https://nasional.kompas.com/read/2022/06/16/12454401/jelaskan-alasan-tni-aktif-jabat-pj-bupati-seram-bagian-barat-mendagri-ada>.

1. the principle of legal certainty, means that each Government Agency and/or Official must be based on laws and regulations, constancy, and justice.
2. the principle of expediency, means that each Government Agency and/or Official must pay attention to aspects of benefit in a balanced manner, such as interests between individuals, between community groups, between private individuals and the community, the government and the community, and so on.
3. the principle of impartiality, means that each Government Agency and/or Official must thoroughly and non-discriminately the interests of the parties when making decisions and/or taking action.
4. the principle of accuracy means that each Government Agency and/or Official must make decisions and/or take actions based on comprehensive documents and information to strengthen their legality, so that each decision and/or action has been carefully prepared.
5. the principle of not abusing authority, means that each Government Agency and/or Official is prohibited from using its authority for personal interests or other interests that are contrary to the purpose for which the authority is given.
6. the principle of openness, means that each Government Agency and/or Official is obliged to provide citizens access to honest, correct, and non-discriminatory information regarding implementing the wheels of government while respecting the protection of human rights and state secrets.
7. the principle of public interest, means that each Government Agency and/or Official is obliged to prioritize public benefit and public welfare in an accommodative, selective, aspirational, and non-discriminatory manner.
8. the principle of good service, means that each Government Agency and/or Official is obliged to serve the public by service standards and applicable laws and regulations, on time, and with clear procedures and costs.

At this point, researchers want to analyze the appointment of active TNI members as Acting Regional Heads using the Principles of Good Governance as an analytical knife. First, regarding the principle of legal certainty. The appointment of active TNI members as Acting Regional Heads does not fulfill this principle. This is because, although the appointment is contrary to Law 34/2004 as a 'lex specialis' that is binding for every active TNI member. Article 47 paragraph (1) of Law 34/2004 prohibits active TNI members from holding civilian positions, while the acting regional head is a civilian position, so based on Article 47 paragraph (1) of Law 34/2004 as 'lex specialis', every active TNI member cannot be appointed to civilian positions (including the position of acting regional head).

The prohibition for active TNI members to hold civilian positions is a response to the practice during the New Order era. Historically, at that time, TNI members had a dual role (dual function of ABRI), on the one hand, as a means of state defense organs, while on the other hand, they could also occupy civil-political positions such as members of Parliament. This means that ABRI plays a role as a defense force and a socio-political force.²⁹ This dual-function practice has led to conflicts of interest due to concurrent positions. After the reformation, based on Law 34/2004, active TNI members were prohibited from holding civil political positions. To fulfill the principle of legal certainty, members of the active Indonesian National Army who wish to be appointed as Temporary Regional Head Officials must first retire from active military service so that their appointment does not conflict with the provisions of Article 47 paragraph (1) of Law 34/2004.

²⁹ Susanto Henry, Yusuf Perdana, and Sri Ekwandari Yustina, "Dwifungsi ABRI Dalam Sosial Politik Sebagai Gerakan Akar Rumput Pada Masa Orde Baru," *KRAKATOA: Journal of History, History Education, and Cultural Studies* 1, no. 1 (2022).

Second, regarding the principle of expediency. Second, regarding the principle of expediency. Based on this principle, the appointment of an acting regional head must consider aspects of benefit and the interests of the regional community in particular. A person appointed as acting regional head must be beneficial for the interests of the region's people. At this point, the appointment of an active TNI member (in this case Brigadier General Andi Chandra As'aduddin as Acting Regent of West Seram) must be able to provide benefits to the people in the area. West Seram Regency is experiencing special circumstances, namely a potential village boundary conflict in Loki Village that requires special handling. This means that the appointment of an active TNI member as acting regent of SBB must be able to handle the potential conflict. According to the Minister of Home Affairs, the figure of Brigadier General Andi Chandra As'aduddin, who has an intelligence background, can resolve potential conflicts because intelligence is considered to be able to think proactively and resolve conflicts before they occur. Thus, from the perspective of the principle of expediency, the appointment has been regarded as the interests of the people in the region who need mitigation and resolution of potential conflicts, so this principle of expediency has been fulfilled.

Third, regarding the principle of impartiality. In the context of the appointment of active Indonesian National Armed Force's member as Acting Regional Heads (in this case Brigadier General Andi Chandra As'aduddin as Acting Regent of West Seram) it can be said that the Minister of Home Affairs as the party authorized to appoint acting regents/mayors has considered the interests of the regional community, namely the interests of mitigating and resolving potential village boundary conflicts. Although the appointment has regarded as the interests of the community and is not discriminatory, the appointment mechanism can be undemocratic³⁰, so it has potential to make the Acting Regional Heads inclined to the interests of certain parties.

The appointment seems centralized by looking at the mechanism for the appointment of Acting Regional Heads as stipulated in Minister of Home Affairs Regulation 4/2023. This is because the stages of discussion and determination of Acting Regional Heads are carried out by the Minister of Home Affairs and the President and do not involve public participation.³¹ This mechanism can potentially create collusion, nepotism, and conflicts of interest between the appointing party (in this case the President) and the appointed party (in this case the Acting Regional Heads). Moreover, Acting Regional Heads are appointed during political times (in this case, the 2024 Simultaneous Elections and 2024 Simultaneous Regional Elections).

Such a mechanism is very vulnerable to politicisation and is loaded with political interests in the form of winning in the 2024 elections. Presumably, this has caused several layers of society to have suspicions about the neutrality of the Acting Regional Heads in the 2024 Simultaneous Elections. This argument is supported by the dissenting opinion of Constitutional Judge Saldi Isra and Constitutional Judge Enny Nurbaningsih in the Constitutional Court Decision concerning 2024 Presidential Election that based on the facts revealed in the trial, shows the non-neutrality of the Acting Regional Heads (alignment with

³⁰ There is public participation and the role of Regional People Representative Council is minimal. The Regional People Representative Council's role is limited to proposing candidates names (see Article 4 and Article 9 of Minister of Home Affairs Regulation 4/2023).

³¹ Public participation in the mechanism of appointing Acting Regional Heads is only in the form of the Regional People Representative Council proposing the names of candidates for Acting Regional Heads. Then, in the stages of discussion and determination of the Acting Regional Head, the community or the Regional People Representative Council as a representative institution is not involved.

certain interests).³² This condition causes the principle of impartiality not to be fulfilled. This is because the indications of non-neutrality of several Acting Regional Heads indicate that some of these Regional Heads have a bias towards the interests of certain parties. Based on the principle of impartiality, this should not be fulfilled.

Fourth, regarding the principle of accuracy. In the context of the appointment of active Indonesian National Armed Force's member as Acting Regional Heads, the government (in this case the Minister of Home Affairs) did not implement the principle of accuracy. This is because the appointment has legality issues, which contradicts Article 47 paragraph (1) of the Law 34/2004. In other words, the Minister of Home Affairs is less careful in reviewing information/documents related to the legality of the appointment of active Indonesian National Armed Force's member as Acting Regional Heads. As a result, there was rejection from various levels of society, which ultimately degraded the legality of the appointment. Thus, this principle is not fulfilled.

Fifth, regarding the principle of not abusing authority. The prohibition of abuse of authority for government officials is regulated in Article 17 of the Law 5/2014. There are 3 forms of abuse of authority: exceeding authority, confusing authority, and acting arbitrarily.³³ A decision and/or action is categorized as exceeding authority if the use of authority exceeds time limits, territorial limits, and/or contradicts laws and regulations. A decision and/or action is said to interfere with authority if it is carried out outside the scope of the material authority and/or contrary to the purpose of granting authority. A decision and/or action is arbitrary if there is no basis for its authority and/or violates an *inkracht* court decision. In the context of the appointment of active Indonesian National Armed Force's member as Acting Regional Heads there has been an abuse of authority by the Minister of Home Affairs in the form of exceeding authority for issuing decisions that are contrary to statutory regulations. Because of the analysis above, the appointment decision has violated Article 47 paragraph (1) of the Law 34/2004, so this principle is not fulfilled.

Sixth, the principle of transparency. As mentioned earlier, the appointment of active TNI members as acting regional heads does not fulfill the principle of openness because the appointment is not based on the implementing regulations mandated by the Constitutional Court, there are 3 findings of maladministration by the Ombudsman, and the lack of published appointment information documents. From the perspective of state administration law, these maladministration actions result in the appointment decision being subject to a validity test at the State Administrative Court (PTUN). If the examination results in the PTUN trial prove that the decision contains maladministration (for example exceeding authority), then the decision can be declared null, void, and invalid. When the appointment decision can be challenged/examined for validity, it will disturb/reduce the legitimacy of the appointed official (in this case the acting regional head).

To fulfill the principle of openness in the appointment of Acting Regional Heads, the Government should open space and opportunities for the public to participate in providing feedback and input on candidates who will be appointed as Acting Regional Heads. This will make the mechanism for appointing Acting Regional Heads more democratic, not centralised, and responsive to the conditions of the people in the regions. Furthermore, the principle of openness requires government officials to provide access to honest, truthful, and non-discriminatory information. This principle is important to implement because it is intertwined

³² See Constitutional Court Decision Number 1/PHPU.PRES-XXII/2024 page 1024 and Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024 page. 1702-1731.

³³ Moh Alfatah Alti Putra, "Bentuk Penyalahgunaan Wewenang Pejabat Pemerintah Yang Tidak Dapat Dipidana," *Justisi* 7, no. 2 (2021): 118-36, <https://doi.org/https://doi.org/10.33506/js.v7i2.1362>.

with efforts to prevent corruption, collusion, and nepotism.³⁴ The principle of openness is raised from the principle of democracy in governance, where democracy is not limited to being carried out only through the people's representative institutions but also by every citizen, especially those affected by government decisions/policies.

In the context of the principle of openness, Permendagri 4/2023 is only open regarding the requirements and nomination of candidates for Acting Regional Head, while the discussion and determination are closed.³⁵ This is because the Minister of Home Affairs only carries out the discussion stage, and then the proposed candidates' names are submitted to the President. This means that the discussion process and the determination process by the Minister of Home Affairs are carried out behind closed doors without involving public participation. To increase public participation and fulfillment of the principle of openness, the discussion and determination process by the Minister of Home Affairs can involve the Regional House of Representatives (DPRD) or conducting a public test mechanism by a public test committee formed by the DPRD.

Providing space for the general public to be involved in the appointment process of acting regional heads is based on the concept of democracy adopted by Indonesia. The concept of democracy requires the public to be involved in the governance process. At this point, the people have the right to be involved and to make decisions in the government's decision-making process.³⁶ Suppose it is not possible to provide space for public participation, the Government (in this case the Minister of Home Affairs) must at least involve the DPRD as the people's representation in the process of discussing and determining the acting regional head. From the perspective of the concept of separation of powers, the Minister of Home Affairs, who is a subordinate of the President, is included in the executive power. In contrast, the DPRD is included in the legislative power. In the process of discussing and determining the acting regional head, the Minister of Home Affairs can involve the DPRD so that a mechanism of control and correction (checks and balances) can be realized. Furthermore, the acting regional head will partner with the DPRD in formulating regional policies, so the DPRD should be involved.

Seventh, related to the principle of public interest. As previously described, the appointment of an active TNI member as Acting Regional Head (in this case Brigadier General Andi Chandra As'aduddin as Acting Regent of Seram Bagian Barat) is based on consideration of the social conditions of the community in the area, namely the potential for conflict so that it requires an intel figure to resolve it. This is a form of prioritizing the public interest. Thus, the principle of public interest is fulfilled.

Eighth, regarding the principle of good service. The government's appointment of active Indonesian National Armed Force's member as Acting Regional Heads is carried out with procedures and mechanisms that are unclear, not transparent, and contrary to statutory regulations. Thus, the principle of good service is not fulfilled. To fulfill this principle, before appointing Acting Regional Heads, the Government should first issue implementing regulations as mandated in Constitutional Court Decision Number 67/PUU-XIX/2021 so that the mechanism becomes clear and measurable. In fact, the Government issued Minister of Home Affairs Regulation 4/2023 on 4 April 2023, while since 2022 the Government has been appointing Acting Regional Heads (including the Acting Regent of West Seram).

³⁴ Firna Novi Anggoro, "Revitalisasi Asas-Asas Umum Pemerintahan Yang Baik Untuk Mewujudkan Birokrasi Yang Berkelas Dunia," *Kybernan: Jurnal Studi Kepemerintahan* 5, no. 1 (April 8, 2022): 73-79, <https://doi.org/10.35326/KYBERNAN.V5I1.2037>.

³⁵ Rogers, Sagala, and Munte, "Democratization of Filling Regional Head Positions."

³⁶ Riza Multazam Luthfy, "Hubungan Antara Partisipasi Masyarakat, Pembentukan Undang-Undang Dan Judicial Review," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 9, no. 1 (2019): 168-93.

In the context of the appointment of active Indonesian National Armed Force's member as Acting Regional Heads (in this case Brigadier General Andi Chandra As'aduddin as Acting Regent of West Seram) by the Minister of Home Affairs as a government official, it can be said that it is not guided by the Good Governance Principles. Therefore, the decision of the Minister of Home Affairs regarding the appointment can be challenged to the State Administrative Court. The existence of the State Administrative Court to test the validity or validity of a decision and/or action of the Government with a touchstone or parameter in the form of the Good Governance Principles is a form of repressive legal protection. According to Phillipus M. Hadjon, legal protection can be divided into 2 forms, namely preventive legal protection and repressive legal protection. Preventive legal protection prevents problems/disputes from occurring, while repressive legal protection resolves disputes through judicial institutions.³⁷ Not only that, the existence of State Administrative Court is a form of supervision for the Government to run the wheels of government by always being guided by the Good Governance Principles to realize good governance and clean government.³⁸

4. Conclusions

The appointment of active Indonesian National Armed Force's member as Acting Regional Heads is not by the Good Governance Principles. The Good Governance Principles has been regulated in Law 28/1999 and the Law 5/2014, and when juxtaposed, 1 principle is the same namely the principle of legal certainty. The appointment of active Indonesian National Armed Force's member as Acting Regional Heads can be justified according to Article 201 of the Law 10/2016 in conjunction with Article 20 of the Law 5/2014. However, according to Article 47 paragraph (1) of the Law 34/2004, the appointment is inappropriate and unjustified. Based on the principle of "lex specialis derogate legi generali", the appointment contradicts the laws. In principle, every Indonesian National Armed Force's member who wants to fill a civilian position must first retire from military service. The Good Governance Principles construction in the appointment of active Indonesian National Armed Force's member as Acting Regional Heads is not guided by the 8 points of the Good Governance Principles as stipulated in Article 10 of the Law 5/2014. The appointment of an active Indonesian National Armed Force's member as Acting Regional Head violates the principle of legal certainty, the principle of accuracy, the principle of not abusing authority, the principle of openness, and the principle of good service. The Good Governance Principles is a cumulative principle that must be fulfilled entirely. Because several principles in AUPB are not fulfilled, the appointment of active Indonesian National Armed Force's member as Acting Regional Heads not by the Good Governance Principles. As a result, the appointment decision can be challenged by the State Administrative Court. It can be suggested that the Government appoint acting regional heads to be guided by the Good Governance Principles contained in the laws and regulations to strengthen its decisions' legality. Then it is also suggested that in the process of appointing Acting Regional Heads, the Government should

³⁷ Phillipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia* (Surabaya: Bina Ilmu, 1987). page 117.

³⁸ Aju Putrijanti, Lapon T. Leonard, and Kartika Widya Utama, "Peran PTUN Dan AUPB Menuju Tata Kelola Pemerintahan Yang Baik (Good Governance)," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 30, no. 2 (2018): 277-90, <https://doi.org/https://doi.org/10.22146/jmh.33056>.

provide space and opportunities for the community to be actively involved so that the appointment mechanism becomes more transparent, accommodating, and by democratic values, which in turn will encourage the realization of the neutrality of acting regional heads.

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