

**LEGAL POLITICS FILLING THE POSITION OF VICE  
GOVERNOR OF DKI JAKARTA IN STRENGTHENING THE  
PROVINCE REGIONAL GOVERNMENT SYSTEM BASED ON  
ARTICLE 18 SECTION 4 OF THE 1945 CONSTITUTION**

**THESIS**

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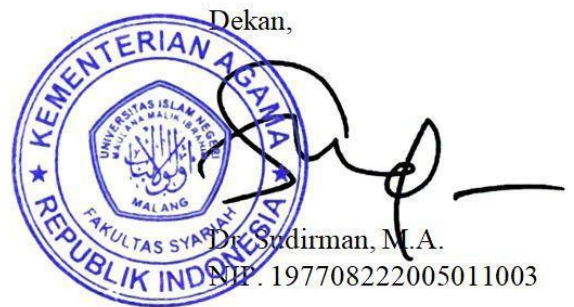
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## **MOTTO**

“Suro Diro Jayaningrat, Lebur Dening Pangastuti. Ngluruk Tanpo Bolo, Menang tanpo Ngasorake, Sekti Tanpo Aji-aji, Sugih Tanpo Bondho. Ojo Adigang, Adigung, Adiguno.”

## TRANSLITERATURE GUIDELINES

### A. General

The transliteration guide used by the Sharia Faculty of the State Islamic University of Maulana Malik Ibrahim Malang is EYD plus. It is used based on the Consensus Instruction from the Ministry of Religion, Education and Culture of the Republic of Indonesia, dated January 22, 1998 No. 158/1987 and 0543.b / U / 1987, which are also contained in The Arabic Transliteration Handbook, INIS Felow 1992.

### B. Consonants

Arab	Latin	Arab	Latin
ا	A	ط	Th
ب	B	ظ	Zh
ت	T	ع	'
ث	Ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dz	م	M
ر	R	ن	N
ز	Z	و	W
س	S	ه	H
ش	Sy	ء	'
ص	SH	ي	Y
ض	DI		



Hamzah which is usually represented by and alif, if it is at the beginning of the word, is then transliterated following the vowel pronunciation and is not represented in writing. However, when it is in the middle or end of a word, it is represented by an up-facing comma ('), as opposed to a comma (,) which replaces 'ain “ع”.

### C. Vowels, Long Speeches, and Diphthongs

In every Arabic written text in Latin form, the vowel fathah is written with "a", kasrah with "i", and dlommah with the letter "u", while the elongated vowels are written as:

Extend (a) vowel = â                      for example قال                      becomes qâla

Extend (i) vowel = I                      for example قيل                      become qîla

Extend (u) = u                      for example دون                      becomes dûna

Especially for the pronunciation of yes 'nisbat (in association) cannot be represented by "i", unless it is written "iy" so that it represents ya' nisbat at the end. Likewise with the sounds of diphthongs, wawu and ya 'after fathah written "aw" and "ay". Study the following examples:

letter (waw) = و                      for example قول                      becomes qawlun

(av) = ي                      for example خير                      become khayrun

### D. Ta' Marbûthah (ة)

Ta 'marbûthah is transliterated as “t” if it is in the middle of a word, but if Ta 'marbûthah is at the end of a word, it is transliterated as “h”. for example المدرسة للرسالة will be al-risalat li al-mudarrisah, or if it happens to be in the middle of a sentence which is mudlaf and mudlaf ilayh, then the transliteration will use "t" combined with the previous word.

### E. Auxiliary Verbs and Lafadh Al-Jalalah

A xiliaris verb "al" (أل) is written in lower case, unless it is located at the beginning of a word, while "al" in lafadh jalâlah which is located in the middle of two words or forms or becomes idhafah, is removed from writing. Study the following:

1. Al-Imam al-Bukhariy said...

2. Al-Bukhâriy explains, in the prologue of his book ...
3. MasyâAllâhkânawamâ lam yasya "lam yakun.

## THANK-YOU NOTE

Alhamdulillahirabbil'alamin, has given mercy and help, so that this thesis can be completed with the title "LEGAL POLITICS FOR FILLING THE POSITION OF THE VICE GOVERNOR OF DKI JAKARTA IN STRENGTHENING THE PROVINCE REGIONAL GOVERNMENT SYSTEM BASED ON ARTICLE 18 SECTION 4 OF THE 1945 CONSTITUTION". Sholawat and greetings do not forget to extend to the Prophet Muhammad SAW who has given us guidance (uswatun hasanah) to carry out activities with syar'i in our lives. By following him, may we be among those who believe and get their intercession on the last day of the end. Amen.

From all the teachings, advice, directions, and service assistance for us to complete this thesis, then with all humanity the author would like to express his incomparable gratitude:

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8. Staff of the Sharia Faculty of the State Islamic University of Maulana Malik Ibrahim Malang.

With the completion of this thesis report, it is hoped that the knowledge that we have gained during the study can provide benefits for life in this world and the hereafter. As a human being who never escapes from mistakes, the author sincerely hopes for forgiveness, criticism and suggestions from all parties for future improvement efforts.

Jakarta, 19 May 2021

Writer,

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## Abstrak

Pengisian jabatan Wakil Gubernur DKI Jakarta di era Anies Baswedan penuh drama panjang dan juga ketidakpastian, hal ini diakibatkan oleh politik hukum yang terjadi antar parpol pengusung pemenang pemilihan Gubernur 2017 lalu. panasnya hubungan yang terjadi ditambah agenda pemilihan presiden tahun 2019 menambah drama panjang tersebut. Fokus kajian penelitian ini pada 3 hal yakni: (1) Bagaimanakah politik hukum mekanisme dalam pengisian wakil Gubernur DKI Jakarta di periode Anies Baswedan (2) Apa yang terjadi dalam sistem pemerintahan daerah provinsi Ibu Kota Negara jika tidak memiliki wakil Gubernur dengan waktu yang lama atau sampai habis masa jabatan dari perspektif chaos theory charles sampford (3) Bagaimanakah implementasi dari pasal 18 ayat 4 UUD 1945 dalam pengisian jabatan wakil gubernur DKI Jakarta.

Penelitian ini termasuk yuridis normatif dengan semi observasi menggunakan paradigma chaos theory dari Charles Samford dan teori politik hukum berdasarkan konteks pasal 18 ayat 4 UUD 1945. Peneliti menggunakan pendekatan perundang-undangan, konseptual, dan politik. Bahan hukum yang digunakan terdiri atas: Bahan hukum primer, sekunder, dan tersier. Metode bahan hukum dilakukan melalui studi kepustakaan dan semi observasi. Metode analisis yang dipakai dalam penelitian ini adalah metode analisis yuridis kualitatif.

Hasil dan temuan penelitian menunjukkan bahwa: (1) Politik hukum pengisian jabatan wakil Gubernur DKI Jakarta terbukti sangat lambat dan tidak efektif dikarenakan a) Drama dan adu urgensi pilpres 2019, b) lobby politik antar parpol pengusung PKS-Gerindra yang sama-sama ingin menang, c) janji politik bakal calon wakil gubernur yang melebihi ekspektasi. (2) Karena kosongnya jabatan wakil gubernur maka Gubernur mengalami kesulitan dalam hal protokoler, administrasi dan birokrasi. Hal ini akhirnya berdampak ke masyarakat DKI Jakarta, karena: a) Gubernur yang bingung/lama dalam mengeluarkan keputusan, b) perbedaan regulasi antara jaman pak ahok dan pak Anies menjadi penyebabnya dan c) ditambah suasana chaos yang terjadi baik di elit politiknya sampai ke masyarakat. (3) Pengisian jabatan wakil Gubernur memang benar sudah sesuai dengan amanah pasal 18 ayat 4 UUD 1945, tetapi aturan kebawahnya justru tidak tegas, apalagi dengan berubahnya aturan pengisian wakil gubernur yang sebelumnya bisa ditunjuk gubernur tetapi sekarang diberikan kepada parpol pengusung pemenang pemilihan gubernur. Ditambah tidak adanya batasan waktu paaling lambat dalam menentukan jabatan wakil gubernur tersebut. Beberapa rekomendasi dari penelitian ini antara lain: (1). Hendaknya para elit parpol tau prioritas, jangan sibuk mementingkan kepentingan pribadi dan parpolnya, kesejahteraan rakyat jauh lebih penting. (2) Seharusnya gubernur bisa intervensi partai karena lamanya pemilihan wakil gubernur tersebut. (3) Aturan mengenai pemilihan wakil gubernur bisa di revisi kembali sebelumnya atau tetap dengan tambahan diberikan tenggang waktu agar menjadi efektif dan efisien.

Kata kunci: Politik Hukum, Wakil Gubernur DKI Jakarta, paradigma hukum Chaos,

## Abstract

The filling of the position of Deputy Governor of DKI Jakarta in the Anies Baswedan era was full of long drama and also uncertainty, this was caused by the legal politics that occurred between the political parties that carried the winners of the 2017 governor election. the heat of the relationship that occurred plus the agenda for the 2019 presidential election added to the long drama. The focus of this research study is on 3 things, namely: (1) What is the legal politics of the mechanism in filling the deputy governor of DKI Jakarta in the Anies Baswedan period (2) What happens in the regional government system of the State Capital Province if it does not have a deputy governor for a long time or until the end of the term of office from the perspective of chaos theory charles sampford (3) How is the implementation of Article 18 paragraph 4 of the 1945 Constitution in filling the position of deputy governor of DKI Jakarta.

This research is normative juridical with semi-observation using the paradigm of chaos theory from Charles Samford and legal political theory based on the context of article 18 paragraph 4 of the 1945 Constitution. The researcher uses a legislative, conceptual, and political approach. The legal materials used consist of: Primary, secondary, and tertiary legal materials. The method of legal materials is carried out through library research and semi-observation. The analytical method used in this study is a qualitative juridical analysis method.

The results and research findings show that: (1) The legal politics of filling the position of deputy governor of DKI Jakarta has proven to be very slow and ineffective due to a) Drama and urgency in the 2019 presidential election, b) political lobbying between the PKS-Gerindra political parties that both want to win. , c) political promises of candidates for deputy governor that exceed expectations. (2) Due to the vacant position of the deputy governor, the Governor experienced difficulties in terms of protocol, administration and bureaucracy. This ultimately has an impact on the people of DKI Jakarta, because: a) the governor is confused/long in making decisions, b) the difference in regulations between Pak Ahok and Pak Anies is the cause and c) the atmosphere of chaos that occurs both in the political elite and the community . (3) The filling of the position of deputy governor is indeed in accordance with the mandate of Article 18 paragraph 4 of the 1945 Constitution, but the regulations below are not clear, especially with the change in the rules for filling the deputy governor which previously could be appointed by the governor but is now given to the political party that carries the winner of the gubernatorial election. In addition, there is no time limit for determining the position of the deputy governor. Some recommendations from this research include: (1). The elites of political parties should know their priorities, don't be preoccupied with their personal interests and political parties, the welfare of the people is much more important. (2) The governor should be able to intervene by the party because of the length of the election for the deputy governor.

Keywords: Legal Politics, Deputy Governor of DKI Jakarta, Chaos legal paradigm,

## الملخص

كان شغل منصب نائب محافظ منطقة خاصة بالعاصمة جاكرتا في عهد أنيس باسويدان مليونياً بالدراما الطويلة وأيضاً عدم اليقين ، وكان هذا بسبب السياسة القانونية التي حدثت بين الأحزاب السياسية التي حملت الفائزين في انتخابات حاكم 2017. إن سخونة العلاقة التي حدثت بالإضافة إلى جدول أعمال الانتخابات الرئاسية لعام 2019 أضافت إلى الدراما الطويلة. تركز هذه الدراسة البحثية على 3 أمور وهي: (1) ما هي السياسة القانونية للآلية في ملء نائب محافظ منطقة خاصة بالعاصمة جاكرتا في فترة أنيس باسويدان (2) ماذا يحدث في نظام الحكم الإقليمي للولاية مقاطعة العاصمة إذا لم يكن لديها نائب محافظ لفترة طويلة أو حتى نهاية فترة ولايته من منظور نظرية الفوضى تشارلز سامفورد (3) كيف يتم تنفيذ المادة 18 فقرة 4 من دستور 1945 في ملء منصب نائب حاكم منطقة خاصة بالعاصمة جاكرتا.

هذا البحث قانوني معياري مع شبه ملاحظة باستخدام نموذج نظرية الفوضى من تشارلز سامفورد والنظرية السياسية القانونية القائمة على سياق المادة 18 فقرة 4 من دستور عام 1945. يستخدم الباحث مقاربة تشريعية ومفاهيمية وسياسية. تتكون المواد القانونية المستخدمة من: المواد القانونية الأساسية والثانوية والثالثة. يتم تنفيذ طريقة المواد القانونية من خلال البحث في المكتبات وشبه المراقبة. المنهج التحليلي المستخدم في هذه الدراسة هو أسلوب تحليل قانوني نوعي.

تظهر النتائج ونتائج البحث أن: (1) السياسات القانونية لملء منصب نائب حاكم منطقة خاصة بالعاصمة جاكرتا أثبتت أنها بطيئة للغاية وغير فعالة بسبب أ) الدراما والإلحاح في الانتخابات الرئاسية لعام 2019 ، ب) الضغط السياسي بين أحزاب PKS-Gerindra السياسية التي يريد كلاهما الفوز ، ج) وعود سياسية للمرشحين لمنصب نائب المحافظ تتجاوز التوقعات. (2) بسبب خلو منصب نائب المحافظ ، واجه المحافظ صعوبات في المراسم والإدارة والبيروقراطية. هذا له تأثير في النهاية على الناس في منطقة خاصة بالعاصمة جاكرتا ، لأن: أ) الحاكم مرتبك / طويل في اتخاذ القرارات ، ب) الاختلاف في اللوائح بين باك أهوك وبالك أنيس هو السبب وج) جو الفوضى التي تحدث في كل من النخبة السياسية والمجتمع. (3) إن شغل منصب نائب المحافظ يتوافق بالفعل مع ولاية المادة 18 فقرة 4 من دستور عام 1945 ، لكن اللوائح أدناه غير واضحة ، خاصة مع التغيير في قواعد شغل منصب نائب المحافظ الذي كان سابقاً يمكن تعيينه من قبل الحاكم ولكن يتم منحه الآن للحزب السياسي الفائز في انتخابات حاكم الولاية. بالإضافة إلى ذلك ، لا يوجد حد زمني لتحديد منصب نائب المحافظ. بعض التوصيات من هذا البحث تشمل: (1). يجب أن تعرف نخب الأحزاب السياسية أولوياتها ، ولا تنشغل بمصالحها الشخصية وأحزابها السياسية ، فرهاية الشعب أهم بكثير. (2) يجب أن يكون المحافظ قادراً على التدخل من قبل الحزب بسبب طول فترة انتخاب نائب المحافظ.

الكلمات المفتاحية: السياسة القانونية ، نائب محافظ منطقة خاصة بالعاصمة جاكرتا ، نموذج الفوضى القانوني

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## CHAPTER I

### PRELIMINARY

#### A. Background

Politics has a meaning as a process of formation and distribution of power in society which includes the process of making policies, decisions, especially those relating to the administration of government in the country. Politics is also one of the efforts taken by citizens to realize the common good.<sup>1</sup> Legal politics is a choice of laws that will be enacted as well as a choice of laws that will be repealed or not enforced, all of which are intended to achieve state goals as stated in the preamble of the 1945 Constitution.<sup>2</sup> chapter 18 paragraph 4 of the 1945 Constitution reads "Governor, Regent, and Mayor respectively as heads of provincial, district and city governments are democratically elected."<sup>3</sup>

This article only mentions provincial, district and city regional heads but does not mention "and deputy regional heads." We still don't know what the position of

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<sup>1</sup> According to Peter Merkl, politics is "Politics in its best form is an effort to achieve a good and just social order (Politics, at its best is a noble quest for a good order and justice)". aims to make, maintain, and amend the general rules that govern his life, which means that it cannot be separated from the symptoms of conflict and cooperation.

Andrew Heywood in Budiardjo Miriam. *Fundamentals of Political Science*. (Jakarta: PT Gramedia Pustaka Utama. 2007)16

<sup>2</sup>According to Satjipto Rahardjo, legal politics is the activity of choosing and the methods to be used to achieve certain social and legal goals in society. According to him, there are several basic questions that arise in the study of legal politics, namely: (1) what goals are to be achieved with the existing legal system; (2) what methods and which are considered the best to be used to achieve these goals; (3) when the law needs to be changed and in what ways it should be done; and (4) can be formulated a standard and established pattern, which can help decide the process of selecting goals and ways to achieve these goals properly.

Satjipto Rahardjo, *Legal Studies*, Cet. III, (Bandung: Citra Aditya Bakti, 1991), 352-353

<sup>3</sup>Article 18 paragraph 4 of the 1945 Constitution of the Republic of Indonesia

the deputy regional head is. the result is already included in the sentence with word savings or vice versa, because if the researcher looks at several laws such as:

1. Law Number 23 of 2014 concerning Regional Government.
2. Law Number 9 of 2015 concerning the second Amendment to Law Number 23 of 2014 concerning Regional Government.
3. Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become Laws.
4. Law Number 8 of 2015 changes to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law.
5. Law Number 10 of 2016 concerning the second amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become Laws.

The name of the deputy regional head is not stated explicitly but in the substance of the law it exists, is explained and regulated. After nearly two decades of post-reformation, Indonesian democracy has come a long way, going a long way in finding the most ideal format. History records that the reform movement not only opened up opportunities for political change at the national level, but also became an important momentum for political change at the local level. Philosophically the rules regarding regional government were not contained in the 1945 Constitution for the first time because all regional affairs at that time went directly to the central government or more commonly called centralization. This is as stated in the comprehensive text of the amendments to the 1945 Constitution of the Republic of Indonesia.<sup>4</sup>

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<sup>4</sup>Article 2 part II The territory of the Republic of the United States of Indonesia covers the entire territory of Indonesia, namely the joint areas of: a. The Republic of Indonesia with regions according to the status quo as stated in the Renville Agreement dated January 17, 1948: the State of East

The second amendment to the 1945 Constitution was carried out for the first time at the General Session of the People's Consultative Assembly (MPR) which was held on 14-21 October 1999. The second was in the MPR Annual Session on 7-18 August 2000 which included 5 chapters and 25 articles. The contents and amendments to the Second Amendment to the 1945 Constitution include:

#### ARTICLE 18

The division of Indonesia's regions into large and small regions, with the form of government structure stipulated by law, taking into account and remembering the basis of deliberation in the state government system, and the rights of origin in special regions.

Changed into:<sup>5</sup>

#### 1. ARTICLE 18

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Indonesia; Pasundan State, including the federal district of Jakarta; East Java State; Madura State; The State of East Sumatra, with the understanding that the status quo of South Asahan and Labuhan Batu in relation to the state of East Sumatra remains in effect; South Sumatra. b. Independent state units: Central Java; Bangka; Belitung; Riau; Southeast Kalimantan; and East Kalimantan; a, and b, are sub-regions which with freedom of self-determination are united in the bonds of the federation of the Republic of the United States of Indonesia based on what is stipulated in this constitution and again. c.

In the 1950 Constitution, the provisions regarding the territory read as follows. Article 2 Part II The territory of the Republic of Indonesia covers the entire territory of Indonesia. Constitutional Court of the Republic of Indonesia. Comprehensive text of amendments to the 1945 Constitution of the Republic of Indonesia: Background, process and results of discussion from 1999 to 2002 (Jakarta: secretariat general and registrar of the constitutional court, 2010),68-69. See the comprehensive text of amendments to the 1945 Constitution of the Republic of Indonesia: Background, process and results of the 1999-2002 discussion

<sup>5</sup>Dwi Andayani Budisetyowati, et al. Post-Amendment Constitutional Structure of the 1945 Constitution. (Jakarta: 2006) 47-50

- 1) The Unitary State of the Republic of Indonesia is divided into provincial regions and the province is divided into regencies and cities, where each province, district and city has a regional government, which is regulated by law.
- 2) Provincial, district, and city governments regulate and manage their own government affairs according to the principles of autonomy and co-administration.
- 3) Provincial, district, and city regional governments have Regional People's Representative Councils whose members are elected through general elections.
- 4) The governors, regents and mayors respectively as heads of provincial, district and city governments are democratically elected.
- 5) Regional governments exercise the widest possible autonomy, except for government affairs which are determined by law to be the affairs of the Central Government.
- 6) Regional governments have the right to stipulate regional regulations and other regulations to carry out autonomy and co-administration tasks.
- 7) The structure and procedures for administering regional government are regulated by law.

#### ARTICLE 18A

- 1) The relationship of authority between the central government and provincial, district and city governments or between provinces and districts and cities, is regulated by law with due observance of the specificity and diversity of the regions.
- 2) Financial relations, public services, utilization of natural resources and other resources between the central government and regional governments are regulated and implemented fairly and in harmony based on the law.

#### ARTICLE 18B

- 1) The state recognizes and respects special or special regional government units that are regulated by law.
- 2) The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law.

Local governments are starting to be recognized and become the basic basis for the birth of new regulations that are born down under the umbrella of this



article such as regional regulations, laws on elections which include regional elections, etc.

Normative amendments to the 1945 Constitution of the Republic of Indonesia have made changes in the legal system in Indonesia, namely regarding the regional government system, which was originally centralized in nature, now there is a thing called regional autonomy.<sup>6</sup> Based on Law Number 23 of 2014 concerning Regional Government, there are 3 types of administration of government affairs which form the basis for Regional Governments in the implementation of Regional Autonomy, namely the principles of Decentralization, Deconcentration, and Co-Administration.<sup>7</sup> The shift in the national government system that originally tends to be authoritarian has turned into a democratic one<sup>8</sup>.

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<sup>6</sup> According to Ateng Syarifuddin Autonomy has the meaning of freedom or independence, but it is not independence but freedom that is limited and manifested in the provision of opportunities that must be accounted for. <https://www.seputardunia.co.id/2020/03/pengerti-an-autonomy-region.html> accessed on 7 september 2020

<sup>7</sup> Decentralization is the granting of authority by the central government to regional governments to manage their own regional affairs based on the principle of autonomy.

Deconcentration is the delegation of part of the Government Affairs which are under the authority of the Central Government to the governor as the representative of the Central Government, to vertical agencies in certain areas, and/or to the governor and regent/mayor in charge of general government affairs.

Co-Administration is an assignment from the Central Government to an autonomous region to carry out part of the Government Affairs under the authority of the Central Government or from the Provincial Government to a district/city Region to carry out part of the Government Affairs under the authority of the provincial Region.

Article 1 number 8,9,11 of Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244) in conjunction with Law Number 2 of 2015 concerning Stipulation of Government Regulation in Lieu of Law Number 2 of 2014 concerning Amendment to Law Number 23 of 2014 concerning Regional Government into Law (State Gazette of the Republic of Indonesia of 2015 Number 24, Supplement to the State Gazette of the Republic of Indonesia Number 5657) in conjunction with Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government. (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679)

<sup>8</sup>Democracy here means Freedom and equality have an important role to implement the concept of democracy. Equality in freedom refers to freedom as a natural gift given equally to all human beings.

This is also followed by a shift in the pattern of relations between the center and the regions from centralization to decentralization<sup>9</sup> which in turn has given birth to the era of regional autonomy based on Article 18 Paragraph 1 of the 1945 Constitution of the Republic of Indonesia.

Empirical point of view with decentralization<sup>10</sup> become the answer for the model of a unitary state like Indonesia which has a geographical background as well as a complex and heterogeneous structure of entities and political culture. According to Larry Diamond, the emergence of autonomous regions marked by the existence of regional governments has an important role in accelerating the vitality of democracy.<sup>11</sup> This view is based on the following reasons. First, local governments can help develop democratic values and skills in their citizens. Second, local governments can increase accountability and accountability to various interests in their regions. Third, local governments can provide additional

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Firdaus. Constitutional Engineering: Stability Design of Democratic Governance and Party Systems. (Bandung: Yrama Widya. 2015), 48

<sup>9</sup>Rondinelli and colleagues more broadly reveal the types of decentralization, including (1) deconcentration (transfer of a number of administrative authorities or responsibilities to lower levels in ministries or government agencies), (2) delegation (transfer of responsibility for certain functions) to organizations outside the regular bureaucratic structure and only indirectly controlled by the central government), (3) devolution (the formation and strengthening of sub-national government units with activities substantially outside the control of the central government), and (4) privatization (giving all responsibility for the functions of all non-governmental organizations or private companies independent of the government).

Muluk Khairul. Concept Map of Decentralization & Local Government. (Surabaya: ITS Press. 2009), 12

<sup>10</sup> Decentralization according to Article 1 point 8 of Law Number 23 of 2014 concerning regional government (State Gazette of the Republic of Indonesia. Year 2014 Number 244) is the handover of Government Affairs by the Central Government to autonomous regions based on the Autonomy Principle.

<sup>11</sup> Larry Diamond, Democracy in Developing Countries (Latin: America, 1999), 47.

channels and access to historically marginalized groups. And fourth, local governments can encourage the realization of checks and balances in power.

Regional Head Election (Pilkada) is the most common terminology in identifying the implementation of political decentralization, namely in the practice of local government administration. Pilkada is an important instrument for democratization efforts in the regions, because it is instrumentally directed at opening up opportunities for the public in the regions to be involved in decisions regarding development in their regions, including participation in the mechanism for filling regional head positions. Fundamental changes like this are of course inversely proportional to the conditions for more than 32 years before the reform, where political practices that occur tend to frighten the public's role and actually make the public no more as a commodity and political object than as a political subject. The Constitution mandates in Article 18 Paragraph 4 of the 1945 Constitution that "Governor,"<sup>12</sup> The constitutional mandate in Article 18 paragraph 4 of the 1945 Constitution is: An important issue that arises is related to the existence of the position of Deputy Governor, Deputy Regent, or Deputy Mayor. Explicitly<sup>13</sup>, the constitution only recognizes the positions of Governor, Regent, and Mayor.

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<sup>12</sup>Democracy here means Freedom and equality have an important role to implement the concept of democracy. Equality in freedom refers to freedom as a natural gift given equally to all human beings.

Firdaus. Constitutional Engineering: Stability Design of Democratic Governance and Party Systems. (Bandung: Yrama Widya. 2015), 48

<sup>13</sup> It means clear, firm, frank, uncomplicated (so that people can grasp the meaning easily and do not have a blurry or false picture of news, decisions, speeches, and so on); written.

In contrast to the position of deputy regional head, the 1945 Constitution explicitly stipulates the position of Vice President as confirmed in Article 4 Paragraph 2 of the 1945 Constitution, namely "In carrying out his obligations, the President is assisted by one Vice President". Furthermore, it is stated that "The Election of Governors, Regents, and Mayors, hereinafter referred to as Elections, is the implementation of people's sovereignty in Provinces and Regencies/Cities to elect Governors, Regents, and Mayors directly and democratically."<sup>14</sup>It is also stated that "The election of the Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayor and Deputy Mayor, hereinafter referred to as Election is the exercise of people's sovereignty in the province and district/city to elect the Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayor and Deputy Governor. Deputy Mayor directly and democratically."<sup>15</sup>

These provisions indicate that there is a shift in the meaning of the election, namely that the election of regional heads is only defined for the election of governors, regents, and mayors or the election of regional heads is a package with the deputy regional head. The position of regional government is very important in the context of a unitary state based on the 1945 Constitution. There is no

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<https://kbbi.web.id/explicit> accessed on 28 August 2020

<sup>14</sup> Article 1 Number 1 Law of the Republic of Indonesia Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning Election of Governors, Regents, and Mayors to become Laws of the State Gazette of the Republic of Indonesia of 2014 Number 245

<sup>15</sup> Article 1 Number 1 Law of the Republic of Indonesia Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning Election of Governors, Regents, and Mayors to become Laws. State Gazette of the Republic of Indonesia of 2015 Number 57

constitution of any country in the world that does not explicitly regulate important matters relating to regional government or state government. The formulation of filling positions in local government can be an initial parameter related to the administration of local government. In relation to this, if the position of deputy regional head is indeed considered important for the administration of regional government,

Position of Deputy Regional Head Based on Legislation. Based on Article 1 of the 1945 Constitution, the State of Indonesia is a unitary state, not a union or federal state. A unitary state is a single state. A form of state in which there is no state area.<sup>16</sup> The logical consequence of the form of a unitary state is the delegation of authority from the central government to the regions with the principle that there is no state within a state.<sup>17</sup> Decentralization<sup>18</sup> is the handover of government affairs by the central government to autonomous regions based on the principle of autonomy.<sup>19</sup> In the context of decentralization in a unitary state, in principle all government authority belongs to the central government, but the central government can delegate some of its authority or affairs to local governments based on statutory regulations.

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<sup>16</sup> Winarno, *The New Paradigm of Citizenship Education* (Malang: Bumi Aksara 2008).

<sup>17</sup> Philipus M. Hadjon, *Introduction to Indonesian Administrative Law* (Yogyakarta: Gadjah Mada University Press 2008), 40

<sup>18</sup> Article 1 point 8 of Law Number 23 of 2014 concerning regional government (State Gazette of the Republic of Indonesia. 2014 Number 244)

<sup>19</sup> The Autonomy Principle is the basic principle of implementing Regional Government based on Regional Autonomy. Meanwhile, regional autonomy is the right, authority and obligation of autonomous regions to regulate and manage their own government affairs and the interests of local communities in the system of the Unitary State of the Republic of Indonesia.

Article 1 point 6-7 of Law Number 23 of 2014 concerning regional government

The importance of the need to manage the unitary state is the purpose of the existence of local governments. On the other hand, it is also a form of implementation of the principle of regional autonomy, where regions have the authority to manage their own territory, which aims to provide welfare to regional communities. The regional government or regional executive agency is the administrator of government in the region together with the DPRD and holds the highest administrative authority of regional government.<sup>20</sup> Local governments use the principle of decentralization and co-administration in administering local government.<sup>21</sup> The principle of decentralization is the basis in the implementation of the transfer of government authority by the central government to the autonomous government. Based on Article 1 point 8 of Law Number 23 of 2014 concerning Regional Government that what is meant by decentralization is the handover of Government Affairs by the Central Government to autonomous regions based on the principle of autonomy.

Co-administration tasks according to Article 1 Number 11 of Law Number 23 of 2014 are assignments from the Central Government to autonomous regions to carry out part of the Government Affairs under the authority of the Central Government or from the Provincial Government to Regency/Municipal Regions to carry out part of the Government Affairs which are under the authority Provincial

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<sup>20</sup> Jimly Asshiddiqie, Introduction to Constitutional Law (Jakarta: Rajawali Pers 2009).323

<sup>21</sup> Abdullah Rozali, Implementation of Broad Autonomy with Direct Election of Regional Heads (Depok: Raja Grafindo Persada 2007).27

area. The Regional Government in question is the Governor, Regent, or Mayor, and regional apparatus as elements of regional government administration.<sup>22</sup>

It is not explicitly stated that the deputy regional head is part of the regional government. The existence of a deputy regional head based on the legislation can still be said to be abstract. Considering that in other articles in the legislation there is a positioning of the deputy regional head as an inseparable part of the regional head, but on the other hand, if you refer back to the definition of regional government, it is as if the existence of a deputy regional head is not an element of the regional government. important in the administration of local government.<sup>23</sup>

Furthermore, when referring to Article 18 Paragraph 4 of the 1945 Constitution, it is stated that the Governors, Regents, and Mayors respectively as heads of provincial, district and city governments are elected democratically. The article does not mention about deputy regional heads, such as deputy governors, deputy regents or deputy mayors. The absence of an explicit mention of the position of deputy regional head in the 1945 Constitution raises the question of whether the position of deputy regional head is constitutional? This is certainly different from

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<sup>22</sup> Based on Law Number 5 of 1974 concerning the Principles of Regional Government, Law Number 22 of 1999 concerning Regional Government, as well as Law Number 32 of 2004 concerning Regional Government

<sup>23</sup>Regional Government is the regional head as an element of regional government organizer who leads the implementation of government affairs which are the authority of the autonomous region. According to Law Number 23 of 2014 concerning Regional Government, State Gazette of 2014 Number 244, Supplement to State Gazette Number 5587

the explicit regulation in the 1945 Constitution concerning the existence of the vice president position in the administration of the Republic of Indonesia.

Historically-juridically the enactment of Law Number 5 of 1974 has not provided a strong legal basis regarding the existence of deputy regional heads in regional government. Article 24 Paragraph 1 of Law Number 5 of 1974 states that the Deputy Regional Head is appointed by an authorized official from a civil servant who meets the requirements, and in paragraph 5 the filling of the position of Deputy Regional Head is carried out according to need. By carrying out a systematic interpretation, the position of deputy regional head at the time of this law is not a must. It is tentative in nature. If many are needed depending on regional conditions, there can be more than one deputy regional head, and if not needed at all. An area that does not have a deputy regional head is not a problem. Furthermore,

1. The deputy regional head must be a civil servant who meets the requirements;
2. Deputy regional heads can be appointed without going through elections;
3. The filling of the deputy regional head is in accordance with the needs;
4. The inauguration of deputy regional heads is separate from the inauguration of regional heads.

This law also does not regulate the duties or authorities of the deputy regional head in detail, so that the position of the deputy regional head depends on the authority granted by the regional head. Law No. 22/1999 for the first time provides a legal basis for the powers of local governments to provide space for the presence of the position of deputy regional head. Article 30 of Law Number 22 of



1999 states that "Every region is led by a regional head as the chief executive who is assisted by a deputy regional head." This law states that the deputy regional head has been limited to one representative and is elected in one pair whose filling is carried out by the DPRD.

There are several points of change in this Law compared to Law Number 5 of 1974, namely:

1. Eliminating the requirement that the deputy regional head must be a civil servant, thus opening up opportunities for anyone from outside the government or not a civil servant to occupy the position of deputy regional head.
2. If previously the existence of deputy regional heads was adjusted to regional needs, in this law all regions only have one deputy regional head.
3. The inauguration of the regional head and deputy regional head is carried out simultaneously.
4. The enactment of this law marked the beginning of the general election with a package system that featured one pair of candidates for regional head and deputy regional head.
5. The deputy regional head is responsible to the regional head.
6. There has been a shift in the position of the deputy regional head, where when running in a pair, the position of the regional head candidate and his deputy is the same, but after taking office the position of the regional head is higher because the deputy regional head must be responsible to the regional head.

Law No. 22 of 1999 has given clearer authority to deputy regional heads, compared to the previous law. The articles that regulate the position and duties of deputy regional heads in this Law are actually not unique positions and duties. The substance of these positions and duties is not much different from the position and duties of the Regional Secretary, namely "to assist and be responsible" to the

Regional Head.<sup>24</sup>Law Number 32 of 2004 in conjunction with Law Number 12 of 2008 also implies the same thing, namely recognizing the existence of deputy regional heads in one package with regional heads. The difference lies only in the election process, where the regional head and his deputy are no longer elected by the DPRD, but are elected directly by the people.

In Article 26 of Law Number 12 of 2008, there are several important points, namely:

- a. The position of deputy regional head is to assist and succeed the regional head in leading the region, carrying out certain tasks, replacing the regional head when unable to do so. However, it should be remembered that the existence of a deputy regional head is an inseparable unit and is elected in pairs directly by the people, jointly leading and administering regional government;
- b. The duties and powers of the deputy are general, full power is in the hands of the regional head and eventually this raises the indecision of the deputy regional head in acting. It is better for the regional head to build a relationship with the deputy regional head and provide opportunities for the deputy regional head in accordance with the political contract made when they are appointed as a pair of regional head candidates;
- c. There are no indicators that reveal that the deputy regional head is considered to be working effectively or not working effectively.

Law Number 23 of 2014 is regulated in Article 63, namely that regional heads can be assisted by deputy regional heads. The deputy regional head for a provincial area is called the deputy governor, for a regency area it is called a deputy regent, and for a city area it is called a deputy mayor. This law further shows that the task of deputy regional heads is to assist regional heads, but their authority is not regulated. This is logical considering that the deputy regional head should

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<sup>24</sup> Agus Sutisna, 'Local Government Without Deputy Head of Region' (Kompasiana, 2012) <[https://www.kompasiana.com/www.tisna\\_1965.com/pemda-without-vice-head-region\\_550d3b7ba333116e1c2e3a85](https://www.kompasiana.com/www.tisna_1965.com/pemda-without-vice-head-region_550d3b7ba333116e1c2e3a85)>.accessed at 2 March 2020

indeed be seen as a "subordinate" of the regional head in other words there is a hierarchical relationship between the two. The authority is logical if it only belongs to the regional head, but the regional head can delegate this authority by mandate to the deputy regional head.

The election process with a one-pack model between regional heads and deputy regional heads through a direct election mechanism has political consequences, that the political position of deputy regional heads becomes as important as regional heads, because deputy regional heads also receive direct legitimacy from the people. Especially indicated by a series of nomination processions, taking the oath and dismissal/resignation of the deputy regional head during his term of office.<sup>25</sup>In terms of government management, the position and duties of the deputy regional head did not experience many substantive changes, except for the addition of several operational tasks. The point remains the same, namely "assisting with tasks" and being responsible to the Regional Head. Similarly, the position and duties of the Regional Secretary.

For example, in many substantive matters, the positions and administrative duties of the deputy regional head and regional secretary can actually be interchanged. The difference between the two lies only in the positional conception that dichotomizes the political and government aspects. Deputy regional heads

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<sup>25</sup> Agus Sutisna, 'Local Government Without Deputy Regional Head' (Kompasiana, 2012) [https://www.kompasiana.com/www.tisna\\_1965.com/pemda-without-deputy-head-region\\_550d3b7ba333116e1c2e3a85](https://www.kompasiana.com/www.tisna_1965.com/pemda-without-deputy-head-region_550d3b7ba333116e1c2e3a85) accessed on March 2, 2020

occupy political positions/positions; while the Regional Secretary occupies a bureaucratic (government) position/position. The essence of the position and task of the government is not much different, if not the same and congruent.<sup>26</sup>In the midst of these conditions, many think that even without a deputy regional head, the administration of regional government can actually still be carried out properly. As long as there is still the position of Regional Secretary, and many also think that the position of deputy regional head is a redundant position.<sup>27</sup>Deputy regional heads are also given facilities such as official houses, official cars and other facilities.

The basis for the position of deputy regional head is under the spotlight for several reasons. First, the position of deputy regional head is considered ineffective in carrying out his duties and authorities, so that it seems to overlap with the duties and authorities of the regional head. This assessment is usually based on the practice that occurs where the deputy regional head carries out “leftover tasks” that are not carried out by the regional head. This then underlies the revision of Law No. 32 of 2004 to Law No. 12 of 2008 especially with regard to the affirmation of the duties and authorities of deputy regional heads. In the author's view, responding to this problem, the position of deputy regional head is actually still needed. This is due to the fact that local government affairs are quite numerous and quite heavy.

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<sup>26</sup> Agus Sutisna, 'Local Government Without Deputy Regional Head' (Kompasiana, 2012) [https://www.kompasiana.com/www.tisna\\_1965.com/pemda-without-deputy-head-region\\_550d3b7ba333116e1c2e3a85](https://www.kompasiana.com/www.tisna_1965.com/pemda-without-deputy-head-region_550d3b7ba333116e1c2e3a85) accessed on March 2, 2020

<sup>27</sup>Rusdianto, 'The Existence of Deputy Regional Heads in the Regional Government Administration System' (Blogspot, 2013) <<http://www.psikologcint.blogspot.com/2013/02/existence-vice-head-regional-dalam.html>>. accessed on March 2, 2020

In the context of autonomous regions, almost all government affairs are decentralized to regions except for certain matters (defense, security, foreign affairs, religion, and fiscal and monetary finance). The position of deputy regional head is still needed in order to assist regional heads in carrying out regional government affairs. However, if the position of deputy regional head is still maintained, then what is needed is a reaffirmation of the division of tasks and authority between the head and deputy regional head. The task of the deputy regional head is only to "help" and the decision remains in the hands of the regional head, but to avoid overlapping the division of tasks and authorities, it is still necessary to regulate the duties and authorities between them and the arrangement is at the level of the law.

Second, in practice the question of the mechanism for filling the position of deputy regional head, namely whether it is still necessary to maintain the mechanism for filling the position of deputy regional head in a pair with regional heads who are then elected directly through elections, or if deputy regional heads are filled with appointments from civil servants. seniors after the regional heads were elected through general elections?. Based on the description above, referring to the laws and regulations that have been in force in Indonesia regarding the position of deputy regional heads, the principle that must be understood is that in fact the relationship between regional heads and their representatives should be

interpreted as a hierarchical relationship.<sup>28</sup>The implementation and legal politics of going to DKI Jakarta theoretically can be a reflection and evaluation for supporting political parties, especially in the DPRD in determining the deputy governor of DKI Jakarta. In practice, the lobbying mechanism regarding who is entitled and worthy to be deputy governor of DKI Jakarta is ineffective and takes a long time because the position has been vacant for almost 2 years while managing the state capital is very complex.

The provincial government eventually encountered many difficulties both within the provincial government itself and in the community. The researcher hopes that in the future what has happened in DKI Jakarta can be a reference for other regions, both in the same case as that, or if there is a vacancy in structural and functional positions. Immediate action is taken for very strategic positions, so they can be filled directly through existing mechanisms, such as job auctions, promotions, etc. Regional governments must go hand in hand with the central government so that the vision and mission of the state is carried out properly and its citizens are prosperous.

In the opinion of the researcher, sociologically, the consequences of the relationship with the center and the regions that are centralized cause a lot of social jealousy between regions, especially regions that are far away and regions that are

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<sup>28</sup>A hierarchy (Greek: *hierarchia* (Ἱεραρχία), from *hierarches*, "leader of sacred rites, high priest") is an arrangement of things (objects, names, values, categories, etc.) , "below," or "at the same level" as the others. In the abstract, a hierarchy is an organized collection.

close to the government. it also gave rise to many rebellion movements carried out in the regions, such as PRRI/Permesta, RMS, etc. The aim of the movement was not to separate themselves from the Unitary State of the Republic of Indonesia, but to make the government listen to the area. Like the story told by my grandfather who once joined the Revolutionary Government Movement of the Republic of Indonesia (PRRI)<sup>29</sup>, the beginning of this movement was in Padang, West Sumatra and then received welcome and support from the regions of Central Sulawesi and North Sulawesi. This movement is not to create a new state or a rebellion, but rather to protest as a result of the constitution being not implemented, especially regarding regional autonomy, because there is inequality between regions on the island of Java and outside the island of Java.

However, this conflict was seen as a rebellion by the central government, which considered the ultimatum that the Movement demanded was a proclamation of a counter-government. This movement was then crushed with the largest military deployment ever recorded in the history of the Indonesian military. All PRRI figures are freedom fighters, founders and defenders of the Republic of Indonesia.

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<sup>29</sup>According to historian Asvi Warman Adam, the PRRI incident which was centered in Sumatra and led by Minangkabau people in the period 1958-1961 was actually a form of protest against the Indonesian government's economic policies during the Sukarno era which were considered not to provide a proper and fair financial balance between the center and the regions. Regional leaders and communities outside Java at that time were disappointed by the policy that prioritized Java. The central government ignores the demands to provide broad autonomy for the regions in the context of decentralization. The central government also decided to overcome this regional upheaval with decisive action after being ridden by military interests. Moreover, several political figures from Jakarta declared that PRRI strengthened the stigma that this was a rebellion movement. <https://www.medcom.id/telusur/medcom-files/8N0q9r5b-pelajar-dari-prri> accessed on 7 September 2020.

Ahmad Husein at the meeting of the Military Rulers at the State Palace in April 1957; The foundation of the regional struggle remains the Republic of the Proclamation and is obliged to save the beloved Unitary State of the Republic of Indonesia. This incident later led to a massive exodus of Minangkabau people to other areas.<sup>30</sup>. This incident also had a great psychological effect on most of the Minangkabau community at that time, namely the attachment of a rebellious stigma. History says that the Minangkabau region since the Dutch era has been an area that was persistent against colonialism as well as a loyal Indonesian region and gave birth to many important nationalist leaders during the pre-independence period.

In addition to several acts of violence experienced by the community, it has also shaken self-esteem, dignity, which is so humiliated and has the mentality of losing people and the trauma of PRRI's defeat. Minang people in overseas who experience harsh and oppressive measures from the central government are also trying to change their identity. The mention of "Padang" to replace the Minang is part of the change in identity carried out by the Minang people after PRRI. Harun Al-Rasjid Zain as the Governor of West Sumatra ordered that the liberation monuments that exist in almost every nagari be removed to relieve the trauma of the community due to PRRI. The perpetrators of the PRRI incident still refuse to be considered as rebels for their actions even to this day.

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<sup>30</sup>see in Mochtar Naim's notes in his book, *Merantau: Migration Patterns of the Minangkabau Tribe* (1984), before the PRRI incident, the number of Minang people in Jakarta was estimated to be less than one hundred thousand people, but after the incident, the number increased to several hundred thousand. In fact, according to the Jakarta governor's estimate in 1971, there were already about half a million Minang people in Jakarta.



Talking about this country, especially democracy in Indonesia, if there is someone who wants to be a member of the legislature, executive and regional heads, they must go forward with the ark of political parties. We focus on the provincial head, namely the governor and deputy governor in DKI Jakarta. Another alternative is to go forward with an independent path, but the conditions are very difficult, such as the incumbent pair of governor and deputy governor of DKI Jakarta Basuki Tjahaya Purnama (Ahok) and Djarot Syaiful Hidayat. Initially they wanted to move forward with an independent path, creating the friend Ahok movement which became the forerunner to the formation of the Indonesian Solidarity Party (PSI). The difficulty of the requirements for them to finally go forward under the auspices of the Indonesian Democratic Party of Struggle (PDIP). The last time the governor was in charge of Basuki Tjahaya Purnama (Ahok) he was imprisoned for blasphemy and was replaced by his deputy, Djarot Syaiful Hidayat, until the end of his first term of office. Djarot did not have a deputy governor at that time because he only served for 5 months, from May 9, 2017 – October 15, 2017.

The current governor of DKI Jakarta is Anies Baswedan, he has not had a deputy governor since his deputy, Sandiaga Uno, advanced to become vice president in the 2019 presidential election with Prabowo Subianto. The vacancy for the deputy governor of Jakarta has been vacant for a very long time. The elected governor and deputy governor pair, Anies Baswedan and Sandiaga Uno, were inaugurated on October 16, 2017. Not even 1 year into office Sandiaga Uno resigned on August 27 2018. It has been more than a year since the Indonesian

capital has no deputy governor. Even though this is very important because Jakarta is a big city that has complex problems, unfortunately the political elites of the supporting parties, namely Gerindra and PKS, are still pulling and pulling the seat of deputy governor.

There are many statements that have developed in the community regarding this, such as waiting for the results of the presidential election and the simultaneous general election first, there is also an issue that Sandiaga, who has been declared defeated as vice president, will return to the seat of deputy governor of DKI Jakarta. Operational allowances then a question arises regarding this, the DKI Jakarta Provincial Government (Pemprov) provides an allowance of 0.13 percent of the total local revenue (PAD) for the governor and deputy governor. The allowance from the position of deputy governor, which was formerly held by Sandiaga Uno, is currently proposed for the activities of the Governor of DKI Jakarta Anies Baswedan.<sup>31</sup> As we know, Sandiaga Uno resigned from the Deputy Governor of DKI on August 27 2018. At that time, Sandiaga was running for vice president in the 2019 presidential election.

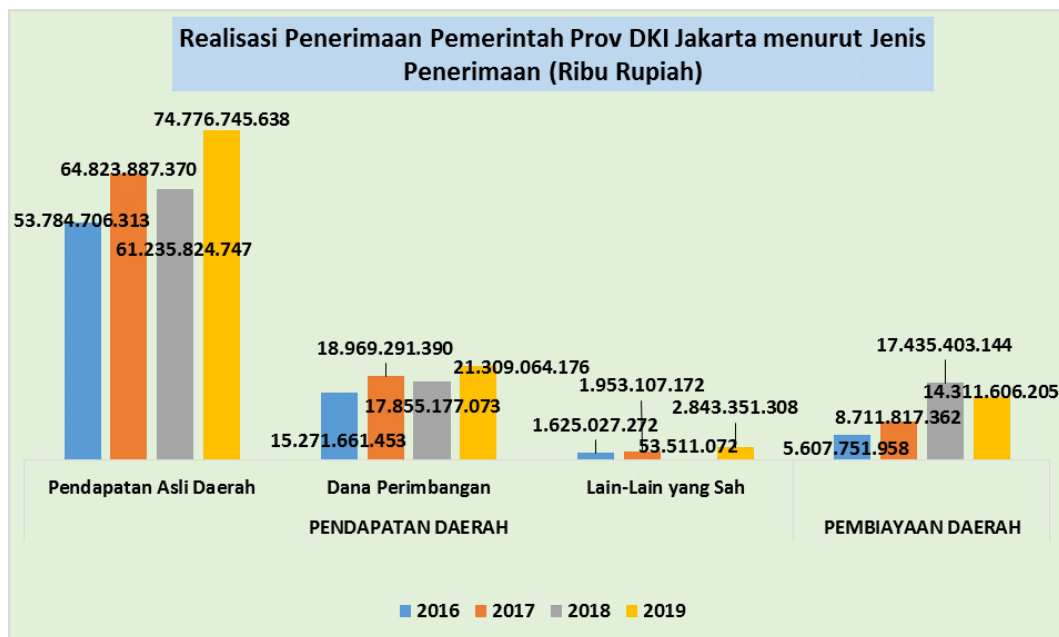
Anies currently takes 0.10 percent of PAD. The PAD that was ratified in 2019, amounted to Rp. 74.99 trillion.<sup>32</sup>

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<sup>31</sup> <https://news.detik.com/berita/d-4677474/pemprov-dki-usulkan-anies-juga-Accept-tunjangan-wagub> accessed on December 20, 2019

<sup>32</sup> Source: <http://statistik.jakarta.go.id/statistik-keuangan-governmental-provinsi-dki-jakarta-tahun-2016-2019/> accessed on 22 september 2020

Table of Revenue Realization of DKI Jakarta Provincial Government by type of revenue (thousand Rupiah)



Based on Government Regulation number 109 of 2000 concerning the Financial Position of Regional Heads and Deputy Regional Heads, Article 9 regulates the classification of the amount of operational support costs for regional heads.<sup>33</sup>

Anies-Sandi earns 0.13 percent of PAD in 2017<sup>34</sup>. PAD DKI Jakarta in 2017 amounted to Rp 41 trillion. Anies-Sandi will receive an operational fund of Rp 4.5 billion every month. In 2018, Anies asked for 0.13% of the total PAD of IDR 43.33 trillion, while if calculated, Anies received an operational allowance of IDR 56.32 billion in 2018. The rules in the government regulation are if the deputy governor is not available, the Governor can take advantage of it. When there is a deputy governor, they will definitely negotiate. The operational allowance, the operational

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<sup>33</sup> Article 9 (footnote)

(1) The amount of operational support costs for the Regional Head and Deputy Provincial Head is determined based on the classification of Regional Original Revenue as follows:

- a. up to Rp. 15 billion at least Rp. 150 million and the highest is 1.75%;
- b. above Rp. 15 billion s / d. Rp. 50 billion at least Rp. 262.5 million and a maximum of 1%;
- c. above Rp. 50 billion s / d. Rp. 100 billion at least Rp. 500 million and the highest is 0.75%;
- d. above Rp. 100 billion s / d. Rp. 250 billion at least Rp. 750 million and a maximum of 0.40%;
- e. above Rp. 250 billion s / d. Rp. 500 billion at least Rp. 1 billion and the highest 0.25%;
- f. above Rp. 500 billion at least Rp. 1.25 billion and the highest is 0.15%.

Government Regulation Number 109 of 2000 concerning the Financial Position of Regional Heads and Deputy Regional Heads

<sup>34</sup> Based on Law Number 33 of 2004 concerning Financial Balance between the Center and the Regions article 1 number 18 it is written: added LN

"Regional original income, hereinafter referred to as PAD, is income obtained by the region which is collected based on regional regulations in accordance with statutory regulations".

Then, there is an opinion that says regional original income is all regional revenue originating from regional original economic sources. This income comes from four types of income, such as local taxes, regional levies, separated wealth management, and other legitimate income (Halim: 2011).

Finally, there is an opinion from Warsito (2001), "Regional Original Revenue is income that is sourced and collected by the regional government itself. Sources of PAD consist of: regional taxes, regional retributions, profits from regionally-owned enterprises (BUMD), and other legitimate local revenue.

allowance can also be disbursed according to Anies' wishes. DKI Jakarta is a big city and the capital city of the country, now it is the number 1 economic center in Indonesia. Automatically has a high PAD, especially from taxes, if a region does not have a deputy governor, the operational allowances can become the property of the governor entirely. not playing the name. This is what makes people ambitious for office. The money that can also flow and roll back after being out for a massive campaign capital.

The deputy governor is the governor's backup, therefore it is very important to have his presence in every province, especially in the class of the state capital DKI Jakarta, because the deputy governor functions as a reserve tire and shares tasks with the governor. The responsibility of managing an area is not easy, especially since the area is the capital city of the country, you must be alert and responsive, talk less about work or talk a lot about work, not talk too much about not working. The number of problems that are increasingly branching throughout Indonesia makes local governments vying to serve the community well. This rainy season, there are often problems that have become a staple, namely floods, several provinces in Indonesia are affected by this disaster, whether purely due to natural factors or due to human activities themselves. The worst cases are in the provinces of Jakarta and West Java. In Jakarta, flooding occurs every time it rains and water is sent from Bogor. Proper handling and solutions are needed before arriving after the flood occurs, such as river dredging, gutter cleaning, river normalization, water pumps and periodic checking of the drainage system.

According to the researchers in Jakarta, the provincial government is poorly prepared, and tends to go awry, even though flooding is a seasonal agenda in Jakarta, not to mention the answers from the Governor of Jakarta and the regional secretary, which in my opinion do not make sense and tend to be unclear. The Jakarta provincial government should continue the program from the previous governors patiently without looking at prestige. Researchers think that the position of deputy governor of Jakarta has been vacant for too long, Anies Baswedan needs a representative to help him work with Jakarta, the nation's capital. Because when there is a flood, the activities of all people, working, studying, studying, companies lose money, services are hampered, public facilities are damaged and so on. The political party elites who carry it must also act quickly,

In contrast to the province of West Java, the flooding that occurred was not too severe, maybe only a few points in several cities, but the handling of the local government was very swift, even the governor who was making collaborations in Australia was willing to cancel many meeting agendas to see residents in the flood-affected area. . Even though West Java has a deputy governor, in my opinion, when the governor is not there because of other equally important matters, the deputy governor can be a spare tire, but what can you do, thanks to the encouragement and blasphemy of social media, Ridwan Kamil is also willing to return to his homeland.

Based on the description of the background, the researcher feels that the Legal Politics of Filling the Position of Deputy Governor of DKI Jakarta in Strengthening the Provincial Government System Based on Article 18 paragraph 4 of the 1945

Constitution is worth researching and reviewing because there is a vacancy in the position of deputy governor which is quite long and has a great influence on the government system. area in DKI Jakarta.

### **A. Formulation of the problem**

Based on the title and background of the problems that have been stated above, it can be formulated several problems to be studied. The formulation of the formulation of the problem, among others, is as follows:

1. How is the legal politics of the internal mechanism? charging Deputy Governor of DKI Jakarta in the Anies Baswedan period?
2. What happens in the regional government system of the State Capital Province if it does not have a deputy governor for a long time or until the end of his term of office from the perspective of Charles Sampford's chaos theory?
3. How is the implementation of Article 18 paragraph 4 of the 1945 Constitution in filling the position of deputy governor of DKI Jakarta?

### **B. Research purposes**

Based on several problem formulations that have been formulated above, the researcher hopes that several research objectives will be realized from the results of this study. This research has several objectives to be realized, namely:

1. To analyze and awaken political party elites to prioritize the interests of the people rather than lobbying for the deputy governor's seat.
2. To study and examine the urgency of the deputy governor in DKI Jakarta

3. So that the public knows the role of the deputy governor so as not to cause conflict in the social environment.

### **C. Benefits of research**

This research was made in addition to realizing some of the goals mentioned above, it is also expected to provide benefits for researchers and readers in general. The benefits to be provided are:

#### **1. Theoretical Benefits**

The theoretical benefit of this research is that the researcher hopes that the results of this research can be used to add to the treasures of science, especially in the field of law. The results of this study are expected to enrich references and literacy in the world of literature, and can be used as guidelines for conducting similar research.

#### **2. Practical Benefits**

The practical benefit of this research is that the researcher hopes that this research can be a contribution of thought to researchers in the future. The researcher also hopes that this research can provide broad insight to the readers. This research is also expected to be of practical use for:

- a. For all Regional People's Representatives Councils in Indonesia, it is a reference/reference material to fill or elect a deputy governor quickly and accurately so as not to overwhelm the Governor with long tasks, resulting in the lack of efficiency of provincial government programs and activities.
- b. For the Governor of DKI Jakarta to be aware that leading the State Capital is very complex, and cannot be done alone, for that he must focus on working especially the shortcomings of the current Governor of DKI Jakarta are administrative problems, namely: bureaucracy and



the lack of maturity in the execution of a number of existing programs.

- c. For the community, the welfare of the people of DKI Jakarta can be fulfilled, facilities and services as well as activities involving the government can be carried out in accordance with the constitutional rights of citizens.

### **E. Previous research**

Previous research contains information about research that has been carried out by previous researchers, which has relevance to the research problem. Previous research serves as a supporter of research and also a reinforcement in the research that will be carried out by the author, which is then used to avoid plagiarism, repetition, and duplication. The following are previous studies that have relevance to this research:

1. Mulyana Massmoel, with a thesis entitled "Filling the vacancy in the position of deputy regional head elected through the individual channel based on the legislation"<sup>35</sup>departing from the laws and regulations governing the mechanism for filling vacancies in the position of deputy regional heads who resign from their term of office who are elected through the individual channel regulated in Government Regulation of the Republic of Indonesia No. 49 of 2008 the third amendment of the Government Regulation of the Republic of Indonesia No. 6 of 2005 concerning the election, ratification of

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<sup>35</sup> Mulyana Massmoel, thesis "Filling vacancies for deputy regional heads elected through individual channels based on statutory regulations"" <http://journal.unpad.ac.id/ejournal/article/view/2424>

the appointment, and dismissal of regional heads and deputy regional heads is still unclear and gives rise to multiple interpretations.

With the formulation of the problem, regulations of a technical nature regarding filling vacancies in the position of deputy regional head do not yet exist. It is feared that this will set a bad precedent in the event of the resignation of other deputy regional heads who are selected from the individual path. The purpose of this study is to explain the provisions governing the mechanism for filling vacancies in the position of deputy regional head from the individual line according to the legislation and to know and understand the urgency of filling the deputy regional head in assisting the administration of regional government according to the legislation.

*Research method* the method used is a normative juridical approach, which emphasizes the use of secondary data in the form of primary, secondary, and tertiary legal materials in the form of statutory regulations, legal principles, and legal research. This research also uses descriptive analytical method. Data analysis was carried out in a qualitative normative manner on the collected legal materials.

Based on the results of the study, it can be seen that filling the vacancy for the position of deputy regional head elected from the individual path does not distinguish between candidates from political parties and candidates from individuals because the existing legislation does

not mention that candidates from individuals must be filled again. So that opportunities are wide open for all Indonesian citizens, both from political parties and from individuals. Both have the same opportunity in accordance with the legislation. So in other words, everyone who meets the requirements as regional head and deputy regional head as regulated in Law no. 32 of 2004, can be proposed/proposed as a pair of regional head and deputy regional head,

2. Wilda Prihatiningtyas, with a journal entitled 'Constitutionality of the Model for Filling the Position of Deputy Regional Head in the Implementation of Regional Head Elections (Pilkada)<sup>36</sup> The position of regional government is very important in the context of a unitary state based on the 1945 Constitution of the Republic of Indonesia. There is no constitution of any country in the world that does not explicitly regulate important matters relating to regional government or state government.

Therefore, the formulation of filling positions in local government can be an initial parameter related to the implementation of regional government. There are 2 (two) important issues related to the constitutionality of the model for filling in the position of deputy regional head in the implementation of regional elections in the formulation of the

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<sup>36</sup>Wilda Prihatiningtyas, 'Constitutionality of the Model for Filling the Position of Deputy Regional Head in the Implementation of Regional Head Elections (Pilkada)' (2018) Vol. 1 No. 2 Media Iuris.400 Media Iuris: Vol. 1 No. 2, June 2018 e-ISSN: 2621 5225DO

problem, first, the position of deputy regional head based on statutory regulations. Second, the constitutionality of the model for filling the position of deputy regional head based on Law no. 1/2015 in conjunction with Law no. 8/2015.

The conclusion in this paper is that there are 2 (two) models in placing the position of the deputy regional head, which is hierarchical under the regional head with the argument that the deputy regional head is appointed by the regional head. And the position of deputy regional head is considered equal to the regional head because both are directly elected by the people in one package.

**Table 1.1: Similarities and differences with previous research**

<b>No</b>	<b>Researcher Identity and research title</b>	<b>Formulation of the problem</b>	<b>Research result</b>	<b>Difference</b>	<b>Novelty</b>
1.	Mulyana Massmoel, a law student at Padjadjaran University,	1. How is the Mechanism of Filling Vacancies in the Position of	1. The dichotomy between candidates from political parties and candidates from individuals	First, the location of the object and its	Emphasis and focus on article 18 paragraph 4 of the 1945 Constitution

	<p>Bandung. Entitled "Filling vacancies for deputy regional heads elected through individual channels based on statutory regulations"</p>	<p>Deputy Regional Head from the Individual Path according to the Legislation?</p> <p>2. To what extent is the urgency of filling the position of deputy regional head in assisting the implementation of regional government?</p>	<p>is eliminated because the existing laws and regulations do not mention that they must be filled with candidates from individuals again. So that opportunities are wide open for all Indonesian citizens, both from political parties and from individuals (independent/non-partisan). Both have the same opportunity in accordance with the legislation.</p> <p>2. Regional Heads (Governors, Regents, Mayors) along with the increasing complexity of government affairs (especially regencies/municipalities that have "broad" autonomy) of course require a companion who is a Deputy Regional Head. This is to anticipate the possibility of a situation where the Regional Head ends his term of office in the</p>	<p>focus are different</p> <p>The two researchers only examined the vacancy of the position of deputy regional head from the individual line, while the researchers focused more on the path of political parties</p>	<p>and the effect of the vacancy of the deputy governor of DKI Jakarta which lasted for quite a long time.</p>
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			<p>middle of the road (dismissed, unable to remain in his term of office, or resigns). In such an "emergency" situation, a replacement is needed as soon as possible (until the remainder of his term of office), in order to avoid a vacancy. The position of Deputy Regional Head is adjusted to the needs of each region taking into account aspects of the size of the population, area, and complexity of problems in each region.</p>		
2.	<p>Wilda Prihatiningtyas, researcher at the Luris media journal with the title Constitutionality of the Model for Filling the Position of Deputy Regional Head in the Implementation of Regional</p>	<p>1. The position of the Deputy Head of the Region is based on the Prevailing Laws. 2. the constitutionality of the model for filling the position of deputy regional head based on Law</p>	<p>1. It is impossible for regional autonomy to succeed without the support of local government administrators. Based on Law no. 23/2014, what is meant by regional government is the regional head as an element of regional government organizer who leads the implementation of government</p>	<p>This research only examines the position of deputy regional head based on statutory regulations and the model for filling the position of deputy regional head based on Law no. 1/2015 in conjunction</p>	<p>- Emphasis and focus on article 18 paragraph 4 of the 1945 Constitution accompanied by chaos theory analysis of the vacancy caused by the situation</p>

	Head Elections (Pilkada)	no. 1/2015 in conjunction with Law no. 8/2015.	<p>affairs which are the authority of the autonomous region. The existence of the regional head (and his deputy) plays an important role in the administration of regional government. In the constitution, there is no explicit nomenclature for deputy regional heads (both Deputy Governors, Regents, and Mayors). However, in the history of governance in Indonesia, since the birth of Law No. 5/1974, Law no. 22/1999, Law no. 32/2004 in conjunction with Law no. 12/2008, Law no. 23/2014, as well as in Law no. 1/2015 in conjunction with Law no. 8/2015, the position of deputy regional head is actually recognized, although with different formulations. There are at least 2</p>	<p>with Law No. 8. 2015 while researchers are more focused on the legal politics of filling the vacant position of deputy governor of DKI Jakarta for too long, accompanied by the state of government and the role of lobbying between political parties</p>	<p>and with the legal politics of party elites in lobbies for the seat of the deputy governor of DKI Jakarta</p>
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			<p>(two) models in placing the position of deputy regional head. First, it is hierarchical under the regional head with the argument that the deputy regional head is appointed by the regional head. Second, the position of the deputy regional head is considered equal to the regional head because both are directly elected by the people in one package.</p> <p>2. With the regulation of the position and duties of the deputy regional head in statutory regulations, it is actually the right step. However, the problem is that the politics of legislation regarding the position of deputy regional heads is not yet clear, whether the position between regional heads and deputy regional heads is hierarchical or</p>		
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			<p>coordinating. Therefore, the legal political model related to the position of the deputy regional head must be considered immediately, so that in the future it can be clearly stated in the legislation, so that ambiguity and horizontal conflicts that occur can be resolved properly.</p>		
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Based on the explanation of previous research, according to the researcher, this research deserves to be studied, because it is different and more specific towards an object, namely the Legal Politics of Filling the Position of Deputy Governor of DKI Jakarta and the Chaos Theory Paradigm from Charles Samford and Political Legal Theory Based on the Context Article 18 paragraph 4 of the 1945 Constitution and has many benefits, especially for the community and the government itself, especially in this very dynamic and fierce political era.

## **F. Research Method**

### **A. Types of research**

Abdulkadir Muhammad<sup>37</sup> divides legal research into three, based on the research focus. The three types of legal research, namely, normative legal research,

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<sup>37</sup> Abdulkadir Muhammad, Law and Legal Research, (Bandung: PT Citra Aditya Bakti, 2004), 52.

normative-empirical legal research, and empirical legal research are divided based on the research focus. Here's the explanation:

- a. Normative law research uses normative legal case studies in the form of products of legal behavior, for example reviewing draft laws.
- b. Normative-empirical legal research (applied law research) uses normative-empirical legal case studies in the form of legal products, for example reviewing the implementation of credit agreements.
- c. Empirical legal research uses empirical legal case studies in the form of community legal behavior. The subject of the study is the law which is conceptualized as actual behavior as an unwritten social phenomenon, which is experienced by everyone in social life relationships.<sup>38</sup>

This type of research is a normative research. Normative Juridical Research discusses doctrines or principles in legal science.<sup>39</sup>In normative legal research, law is conceptualized as what is written in legislation (law in books) or law is conceptualized as a rule or norm which is a benchmark for human behavior that is considered appropriate.<sup>40</sup>

The researcher uses normative research because this research is not a field research that started from a case that occurred in the community. This research

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<sup>38</sup>Compare according to Soerjono Soekanto formulates the division of legal research that contains similar points. According to him, there are two types of legal research, namely:

1. Normative legal research which consists of:
  - a. Research on legal principles
  - b. Research on legal systematics
  - c. Research on the level of legal synchronization
  - d. Legal history research
  - e. Comparative law research
2. Sociological or empirical legal research consisting of:
  - a. Research on legal identification
  - b. Research on legal effectiveness

Bambang Sunggono, *Legal Research Methodology*, (Bandung: PT Raja Grafindo Persada, 2007), 41.

<sup>39</sup> Zainuddin Ali, MA, *Legal Research Methods*, (Jakarta: Sinar Graphic, 2017), 24.

<sup>40</sup> Amiruddin and Zainal Asikin, *Introduction to Legal Research Methods*, (Jakarta: Rajawali Pers, 2006), 118.

includes normative juridical research with semi-observation because the researcher sees legal inconsistencies in the legal politics of the election of the deputy governor of DKI Jakarta which tends to be a drama, so the researchers then examine how the legal politics of the election of the deputy governor of DKI Jakarta in strengthening the provincial government system in the state administration system. Indonesia, and will be analyzed using the chaos theory paradigm from Charles Samford and legal political theory based on the context of Article 18 paragraph 4 of the 1945 Constitution.

## 2. Research Approach

Peter Mahmud Marzuki describes the approaches used in legal research. These approaches include:<sup>41</sup>

- a. The legal approach (statue approach) is carried out by reviewing all laws and regulations related to the legal issues being handled.
- b. The case approach is carried out by examining cases related to the issues at hand which have become court decisions that have permanent legal force.

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<sup>41</sup>Compare, according to Johan Nasution, suggesting several approaches that can be used in normative legal research. These approaches can be used either separately or collectively according to the issue or problem being discussed. These approaches include: (usually)

- a. Legal approach, namely research on legal products.
- b. Historical approach, namely research or study of the development of legal products based on the sequences of periodization or the historical facts that lie behind them.
- c. Conceptual approach, namely research on legal concepts such as sources of law, legal functions, legal institutions, and so on.
- d. Comparative approach, namely research on comparative law, both regarding comparisons of legal systems between countries, as well as comparisons of legal products and legal characters across time in one country.
- e. Political approach, namely research on political policy considerations and public participation in the formation and enforcement of various legal products.
- f. Philosophical approach, which is an approach to fields related to the object of study of philosophy of law.

Johan Nasution, *Legal Research Methods*, (Bandung: Mandar Maju, 2008), 81.

- c. The historical approach is carried out by examining the background of what was studied and the development of the setting regarding the issues at hand.
- d. The comparative approach is carried out by comparing the laws of a country with the laws of one or more other countries on the same matter.
- e. The conceptual approach departs from the views and doctrines that develop in the science of law.<sup>42</sup>

The researcher then used three approaches in this study. The two approaches used are the statutory approach, the conceptual approach, and the political approach. This is due to the limitations of researchers both in mastering theory and limited references and social conditions in the midst of this Covid-19 pandemic.

This research uses a statutory approach by examining the laws related to the mechanism of the deputy governor starting from the post-conflict local election to the existing *tupoksi*, namely: with Law Number 23 of 2014 concerning Regional Government.

1. Law Number 9 of 2015 concerning the second Amendment to Law Number 23 of 2014 concerning Regional Government.
2. Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become Laws.
3. Law Number 8 of 2015 changes to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law.
4. Law Number 10 of 2016 concerning the second amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law.

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<sup>42</sup> Peter Mahmud Marzuki, *Legal Research*, (Jakarta: Kencana, 2010), 94.

Researchers also use a conceptual approach (conceptual approach). Researchers in obtaining legal doctrines related to the legal political mechanism for filling the position of deputy governor of DKI Jakarta by conducting library searches from related books and journals. Researchers study the views and doctrines in legal science in the hope that researchers will find ideas that will give birth to legal understandings, legal concepts, and legal principles that are relevant to legal politics. DKI Jakarta and the paradigm of chaos theory from Charles Samford and the theory of legal politics based on the context of article 18 paragraph 4 of the 1945 Constitution.

### 3. Source of Legal Material

Normative Juridical legal research obtains legal research sources from the literature, not from the field. The researcher is a native of DKI Jakarta, so the researcher also conducts semi-observations to be more relevant to the conditions that occurred there at that time. Known terms are sources of legal material. The following are sources of legal materials used in this study:

#### a. Primary Legal Material

According to Soerjono Soekamto<sup>43</sup>, primary legal materials are binding legal materials. Zainuddin Ali<sup>44</sup>explains that primary legal materials are legal materials that have authority (authoritative). Primary legal materials consist of:

- a. Legislation, such as the Civil Code, the Criminal Code, and so on.

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<sup>43</sup> Soerjono Soekamto and Sri Mamudji, *Normative Legal Research: A Brief Overview*, (Jakarta: PT Raja Grafindo Persada, 2006), 24.

<sup>44</sup> Zainuddin Ali, *Legal Research Methods*, (Jakarta: Sinar Graphic, 2017), 47.

- b. Official records or minutes in the making of a statutory regulation, for example an academic study required in making a draft of legislation and/or regional regulations.
- c. Judges' decisions, such as Supreme Court decisions, and Constitutional Court decisions.

The primary legal materials used in this research are the 1945 Constitution, the Regional Government Law, the Regional Head Election Law, and the Al-Quran al-Karim.

#### b. Secondary Legal Material

Secondary legal materials are legal materials that provide an explanation of primary legal materials. Mukti Fajar and Yulianto Ahmad explained that secondary legal materials obtained from the results of a literature review or a review of various literatures or library materials related to the problem or research material.<sup>45</sup> According to Jhony Ibrahim, secondary legal materials are legal materials consisting of books, legal journals, opinions of scholars (doctrine), legal cases, jurisprudence, and recent symposium results, which are related to research problems.<sup>46</sup>

According to Soerjono Soekamto<sup>47</sup> In normative legal research, library materials are secondary data that have the following characteristics:

- a. Secondary data are generally in a ready-made state.
- b. The form and content of secondary data have been formed and filled in by previous researchers.

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<sup>45</sup> Mukti Fajar and Yulianto Achmad, *Legal-Normative and Empirical Research Dualism*, (Yogyakarta: Pustaka Pelajar, 2015), 156.

<sup>46</sup> Jhony Ibrahim, *Normative Legal Theory and Research*, (Malang: Bayumedia Publishing, 2006), 295.

<sup>47</sup> Soerjono Soekamto and Sri Mamudji, *Normative Legal Research: A Brief Overview*, (Jakarta: PT Raja Grafindo Persada, 2006), 24.

- c. Secondary data can be obtained without being bound or limited by time and place.

Secondary legal materials used in this research include books, theses, journals, and documents that review the legal political mechanism for filling the position of deputy governor of DKI Jakarta and the chaos theory paradigm from Charles Samford and legal political theory based on the context of article 18 paragraph 4 of the 1945 Constitution.

- c. Tertiary Law Materials,

Peter Mahmud Marzuki<sup>48</sup> explained that tertiary legal materials are materials that provide instructions and explanations for primary legal materials and secondary legal materials. Tertiary legal materials may consist of dictionaries, encyclopedias, and others. Jhony Ibrahim<sup>49</sup> further mentions that tertiary legal materials usually consist of legal dictionaries, encyclopedias, and so on. The tertiary legal materials used in this study are the Big Indonesian Dictionary, the Legal Dictionary, and the English Dictionary.

#### 4. Legal Material Collection Method

The method of collecting legal materials used in this research is literature study and a little semi-observation. The literature study is carried out by searching books, journals, theses, and documents related to the legal political mechanism for filling the position of deputy governor and chaos theory from Charles Samford and

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<sup>48</sup> Peter Mahmud Marzuki, *Legal Research*, (Jakarta: Kencana, 2010), 95.

<sup>49</sup> Jhony Ibrahim, *Normative Legal Theory and Research*, (Malang: Bayumedia Publishing, 2006), 296.

legal political theory based on the context of article 18 paragraph 4 of the 1945 Constitution. This is done by reading, taking notes, studying, looking for digital traces, semi-observation and making reviews of existing legal materials.

#### 5. Legal Material Processing Method

Processing of legal materials is usually carried out through the following stages:

- a. Data checking (editing), namely re-examination of legal materials obtained mainly from their completeness, clarity of meaning, suitability, and relevance to other groups.<sup>50</sup> The researcher in this case re-examined legal materials related to the legal political mechanism for filling the position of deputy governor of DKI Jakarta and the chaos theory paradigm from Charles Samford and legal political theory based on the context of article 18 paragraph 4 of the 1945 Constitution.
- b. Classifying is done by compiling and systematizing the data that has been obtained from the literature study search. The data that has been obtained are classified based on the questions in the formulation of the problem, so that the data obtained are useful for the needs of this research and also make it easier for readers to understand this research. The researcher in this case, after finding and re-examining various legal materials related to the title taken then classifying the data that has been obtained first, and then it will be used as material to answer the problem formulation.
- c. Verification is done by re-checking the data that has been obtained from the literature study. The researcher then checked the data that had been obtained, both related to the legal political mechanism for filling the position of deputy governor of DKI Jakarta and the chaos theory paradigm from Charles Samford

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<sup>50</sup> Jhonny Ibrahim, *Normative Law Research Theory and Methodology*, (Malang: Bayumedia Publishing, 2006), 296.



and legal political theory based on the context of article 18 paragraph 4 of the 1945 Constitution. and others related to the title of the researcher's research.

- d. Analysis is done by simplifying the data into a form that is easy to read and interpret. The data analyzed in the form of data obtained from the literature study. The researcher then began to analyze the data obtained from the literature study to answer the existing problem formulation.
- e. Making conclusions (concluding), in this case the researcher draws conclusions from the results of the analysis that produce answers to the formulation of the problems in this study. At this stage the researcher makes conclusions or important points which then produces a clear and concise picture. These points contain answers to the formulation of the problem. The answer is obtained from the analysis that has been done. The researcher will then find three answers according to the three problem formulations that have been stated in the problem formulation in Chapter 1.

#### 6. Legal Material Analysis Method

The steps or analytical activities carried out in normative legal research have a specific nature because they involve normative requirements that must be fulfilled from the law, namely:

- a. Does not use statistics (because it is a purely legal assessment)
- b. The theory of truth is pragmatic (can be used practically in people's lives)
- c. Value-laden (a specific nature of legal research)
- d. Must be with relevant theory.<sup>51</sup>
- e. Plus the semi-observations made by researchers to adjust to the actual situation.

Zainuddin Ali explained that what is meant by qualitative normative juridical research is research that refers to legal norms contained in various laws and

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<sup>51</sup> Drafting Team, 2019 Thesis Writing Guidelines, (Malang: Faculty of Sharia UIN Maulana Malik Ibrahim Malang, 2019), 21.

regulations, court decisions.<sup>52</sup>The analytical method used by researchers in this study is a qualitative juridical analysis method. The use of qualitative juridical analysis methods in this study is in the form of in-depth interpretations of legal materials as is usually the case for normative legal research in this study.

Bambang Waluyo<sup>53</sup> states that the data that has been collected can be carried out qualitative analysis if:

- a. The data collected is not in the form of numbers that can be measured.
- b. These data are difficult to measure with numbers
- c. The relationship between the variables is not clear.
- d. The sample is more non-probability.
- e. Data collection using interview and observation guidelines.
- f. Less use of theory is needed.

The legal materials that have been obtained are then analyzed through a qualitative analysis approach. This approach is carried out by observing the data obtained, and connecting each data obtained with the provisions and legal principles related to the problem being studied with inductive logic, namely thinking from specific things to more general, using normative tools, namely interpretation and legal construction and then analyzed using qualitative methods so that conclusions can be drawn using a deductive method that produces a general conclusion on the problems and research objectives.<sup>54</sup>

The results of the analysis will be related to the problems in this study to produce an objective assessment in order to answer the problems in the research,

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<sup>52</sup> Zainuddin Ali, *Legal Research Methods*, (Jakarta: Sinar Graphic, 2017), 105.

<sup>53</sup> Bambang Waluyo, *Legal Research in Practice*, (Jakarta: Sinar Gafika, 1996), 76-77.

<sup>54</sup> Abdulkadir Muhammad, *Law and Legal Research*, (Bandung: PT Citra Aditya Bakti, 2004), 127.

which are related to how the legal politics mechanism for filling the position of deputy governor of DKI Jakarta and the chaos theory paradigm from Charles Samford and legal political theory based on the context of article 18 paragraph 4 of the 1945 Constitution. Then the researcher will analyze the problem by using the mechanism of the chaos theory paradigm of Charles Samford and the political theory of law based on the context of article 18 paragraph 4 of the 1945 Constitution.

## 7. Writing Systematics

The researcher uses the following systematics of writing a thesis proposal in order to make it easier to complete the research, to systematize the discussion, so that this thesis proposal is easier to understand. The following is the writing system used:

### 1) CHAPTER I INTRODUCTION

PIG contains the background, problem formulation, research objectives, research benefits, research methods, previous research, and the structure of the discussion. In this chapter, the researcher explains the reasons for the problem to be studied, as well as the objectives and benefits of doing this research. While previous research includes research information that has been carried out by previous researchers, in the form of thesis and scientific journals.

In this chapter, the researcher explains the types of research, research approaches, sources of legal materials, methods of collecting legal materials, methods of processing legal materials, and methods of analyzing legal materials.

## 2) CHAPTER II LITERATURE REVIEW

This chapter contains three theories related to the title taken by the researcher. The theoretical studies used by the researcher in this study are the theory of benefit according to Imam al-Ghozali, chaos theory from Charles Samford, legal politics theory based on the context of article 18 paragraph 4 of the 1945 Constitution.

## 3) CHAPTER III RESEARCH RESULT

This chapter is the core of the research because it contains the results of research that has been carried out by the author. In this chapter, the researcher will describe the legal materials that have been obtained. The researcher will then analyze the legal material that has been obtained using a predetermined method so that it can answer the entire problem formulation.

## 4) CHAPTER IV CLOSING

This chapter is the last chapter which contains conclusions and suggestions. The conclusion contains a short answer to the formulation of the problem at hand. The suggestions presented in this chapter are recommendations to parties who have more authority related to the research title. Suggestions are submitted for improvements that are beneficial to the community and useful for further research.

## CHAPTER II

### LITERATURE REVIEW.

According to the researcher's view, the topic of this research is very interesting and by paying attention to its urgency in the life of the nation and state and its implementation in society. The researcher uses 3 theories, namely, Legal Political Theory based on the context of Article 18 paragraph 4 of the 1945 Constitution, Chaos Theory from Charles Samford, Theory of Maslahat according to Imam Al-Ghozali.

#### A. Legal Politics

The term legal politics is a translation of *rechtspolitiek*, which comes from two words *recht* and *politiek*.<sup>55</sup> *Recht* in Indonesian means law. Law itself is an Arabic absorption word "hukm" which means decisions, statutes, orders, power, and others. Politics comes from the Greek "politikos" which means from, for, or relating to citizens, is the process of forming and sharing power in society which includes the decision-making process, especially in the state.<sup>56</sup> Mochtar Kusumaadmadja<sup>57</sup> defines legal politics as legal policy and legislation in legal reform with legal political instruments carried out through laws. Legal politics according to Satjipto Rahardjo<sup>58</sup> is the activity of choosing and the methods to be used to achieve certain social and legal goals in society.

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<sup>55</sup> Imam Syaukani et al, *Fundamentals of Legal Politics*, (Jakarta: PT Raja Grafindo Persada, 2004), 16

<sup>56</sup> <https://id.wikipedia.org/wiki/Politik> Retrieved On 2 July 2020 At 20:04

<sup>57</sup> Mochtar Kusumaadmadja, *Legal Concepts in Development: A Collection of Papers*, (Bandung: Alumni, 2002), 3-4.

<sup>58</sup> Satjipto Rahardjo, *Legal Studies*, (Bandung: Citra Aditya Bakti, 1991), 174.

According to Moh. Mahfud MD<sup>59</sup>, legal politics or legal policy is the legal direction that will be enforced by the state to achieve the goals of the state it was formed, this can be in the form of making new laws, and replacing old laws. There are three groups of legal politics, namely:

- a. The official direction of the law to be enacted (legal policy) in order to achieve the state's goals which include the replacement of old laws and the formation of new laws.
- b. The political background and other social sub-systems behind the birth of the law, including the official direction of the law that will or will not be enforced.
- c. Issues around law enforcement, especially the implementation of the legal politics that have been outlined.<sup>60</sup>

It can be concluded that legal politics is a policy of state administrators that is fundamental in determining the direction, form and content of the law to be formed and about what criteria will be used to punish something. The executive, legislature and judiciary are authorized to carry out legal politics in Indonesia.

## 1. Dimensions of Legal and Legislative Political Studies

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<sup>59</sup>Moh. Mahfud MD, *Building Legal Politics, Upholding the Constitution*, (Jakarta: LP3ES Library, 2006), 5.

<sup>60</sup> Compare According to Abdul Hakim Garuda Nusantara, legal politics is a legal policy or legal policy to be implemented or implemented nationally by a certain state government which includes:

- a. Consistent implementation of existing legal provisions, legal reform with the core of reforming existing laws
- b. Making new laws.
- c. Affirmation of the functions of law enforcement agencies and the development of their members
- d. Increasing public legal awareness according to the perception of elite policy makers.

Every study of the law of the philosophical dimension and the political dimension we will always find and must be seen as two things that should not be ignored, namely:

- a. The political dimension in legal studies sees a very close relationship between law and politics, some even see law as a political instrument which then becomes more developed and gives birth to a separate field of study called legal politics which seems to be able to lead to the need for what is called political law. gelding van het recht or the basis for the application of law politically, in addition to what is currently available, namely the juridical basis, the sociological basis and the philosophical basis.
- b. The philosophical dimension in the study of law sees the other side of law as a set of abstract ideas and is a further elaboration of philosophical thought, namely what is called philosophy of law.

William Zevenbergen stated that legal politics tries to answer the question, which legal regulations should be made law.<sup>61</sup>The legislation itself is a form of legal politics (legal policy). The definition of legal policy includes the process of making and implementing laws that can indicate the nature and direction of the law to be developed. Legal politics provides the basis for the process of forming a law that is more appropriate, the situation and conditions, culture and values that develop in society by taking into account the community's need for the law itself.<sup>62</sup>. Legal politics can be distinguished in other words, into two dimensions, namely first, legal politics which is the basic reason for the holding of a statutory regulation. Second,

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<sup>61</sup> William Zevenbergen in Abdul Latif and Hasbi Ali, *Legal Politics*, (Jakarta: Sinar Graphic, 2011),19

<sup>62</sup> Mahfud MD, *Political Law in Indonesia*, (Jakarta: Rajawali Pers, 2009),9

the purpose or reasons that arise behind the enactment of a statutory regulation. In making laws and regulations, legal politics has a very important role.

First, as a reason why it is necessary to establish a statutory regulation. Second, to determine what will be translated into legal sentences and become the formulation of the article. These two things are important because the existence of statutory regulations and the formulation of articles is a bridge between the legal politics in the implementation stage of the legislation. This is because between the implementation of laws and regulations there must be consistency and a close correlation with what is defined as politics.

## 2. Object of Legal Politics Study

Law is also a political object, namely the object of legal politics. Legal politics tries to make rules that will determine how humans should act. Legal politics investigates what changes must be made in the current law in order to be in accordance with social reality (*sociale werkelijkheid*). Often it is also to distance the legal system from social reality, namely in terms of legal politics, it becomes a tool in the hands of a ruling class that wants to colonize without paying attention to that social reality.<sup>63</sup> Discussing legal politics, what is meant is the current situation in Indonesia, in accordance with the principle of legal considerations (hierarchy) or with Logeman's terminology.<sup>64</sup> As the law that applies here and now, the classical

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<sup>63</sup> E. Utrecht, *Introduction to Indonesian Law*, (Jakarta: University Publishing, Ninth Printing, 1966).74-75

<sup>64</sup> Regen, BS, *Political Law*, (Bandung: Utomo, 2006),17



interpretation of legal politics is a law made or stipulated by the state through state institutions on officials who are authorized to stipulate it.

Understanding legal politics in general can be said that legal politics is a 'policy' taken or 'taken' by the state through state institutions or officials who are authorized to determine which laws need to be replaced, or which need to be changed, or which laws need to be changed. maintained, or the law regarding what needs to be regulated or issued so that with this policy the administration of the state and government can run well and orderly, so that the goals of the state can gradually be planned and can be realized.<sup>65</sup>

### 3. Legal Product Patterns and Characters

According to Moh. Mahfud has two characteristics of legal products, namely: first, responsive or populist legal products are legal products that reflect a sense of justice and meet people's expectations. The manufacturing process gives a large role and full participation to social groups or individuals in society. The results are responsive to the demands of social groups or individuals in society.<sup>66</sup> In the sense that its characteristics always involve all components of society (formal requirements); Second, conservative legal products are legal products whose contents (material content) better reflect the social vision of the political elite, more

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<sup>65</sup> Jazim Hamidi, et al, *Theory and Politics of Constitutional Law*, (Yogyakarta: Total Media, 2009) 232-241

<sup>66</sup> Mahfud MD, *Political Law in Indonesia*, (Yogyakarta: First Edition, LP3ES Library in Collaboration with UII Pres, 1989) 19

reflect the wishes of the government, are instrumentalist positivist, i.e. society becomes a tool for implementing state ideology and programs. In contrast to responsive law, orthodox law is more closed to the demands of groups and individuals in society. In its manufacture, the role and participation of the community is relatively small.

To qualify whether a legal product is responsive, or conservative, the indicators used are the law-making process, the nature of the legal function, and the possibility of interpretation of a legal product. Legal products that are responsive in character, the manufacturing process is participatory, namely inviting as much community participation as possible through social groups and individuals in society. The law-making process with an orthodox character is centralized in the sense that it is more dominated by state institutions, especially the holders of executive power<sup>67</sup>

Judging from its function, the law with a responsive character is aspirational, meaning that it contains materials that are generally in accordance with the aspirations or will of the people it serves, so that the legal product can be seen as a crystallization of the will of the community. Laws with orthodox character are positivist-instrumentalist. That is, they contain material that better reflects the social and political vision of the power holders or contains material that is more of a tool to realize the will and interests of government programs. In terms of interpretation, legal products with a responsive character usually provide little opportunity for the

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<sup>67</sup> Mahfud MD in Abdul Latif and Hasbi Ali, *Political Law*, (Jakarta: Sinar Graphic, 2011),30

government to make their own interpretations through various implementing regulations and this narrow opportunity only applies to matters of a technical nature.

Legal products with an ordox character provide broad opportunities for the government to make various interpretations with various follow-up regulations based on the government's one-sided vision and not just technical issues. Therefore, legal products with a responsive character usually contain important matters in sufficient detail, making it difficult for the government to make their own interpretation.<sup>68</sup>

#### 4. Configuration and Benefits of Legal Political Studies

To measure the political configuration in each legal product, whether democratic or authoritarian, it can be seen through the three pillars of democracy, namely: the role of political parties and the House of Representatives; the role of executive institutions; freedom of the press (freedom to obtain information for every citizen).<sup>69</sup> Judging from these benchmarks, the study of the political law of legislation can be traced to whether the legislative product fulfills it as a legal product or a political product.

#### 5. Legal Politics in Indonesia

Legal politics in Indonesia is the basic policy of state administrators (Republic of Indonesia) in the field of law that will, is currently and has been in

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<sup>68</sup> Abdul Latif and Hasbi Ali, *Political Law*, (Jakarta: Sinar Graphic, 2011),31

<sup>69</sup> Mahfud MD, 1998, *Indonesian Legal Politics*, (Jakarta: LP3ES, 1998),26

effect, which is sourced from applicable values, which are sourced from values that apply in society to achieve state goals (Republic of Indonesia). ) is aspired to.

The objectives of national legal politics include two interrelated aspects:

- (1) As a tool or means and steps that can be used by the government to create a desired national legal system; and
- (2) With the national legal system, the ideals of the greater Indonesian nation will be realized.

The national legal system is a legal and statutory unit consisting of many interdependent components, which are built to achieve state goals based on the foundations and ideals of state law contained in the Preamble and the Articles of the 1945 Constitution.<sup>70</sup> It is emphasized that the Preamble and the Articles of the 1945 Constitution are the source of the entire Indonesian national legal politics. The affirmation of both as sources of national legal politics is based on two reasons, namely:

- 1) The Preamble and the Articles of the 1945 Constitution contain the objectives, basis, legal ideals and basic norms of the Indonesian state which must be the goals and foundations of legal politics in Indonesia.
- 2) The Preamble and the Articles of the 1945 Constitution contain distinctive values originating from the views and culture of the Indonesian nation which have been inherited by their ancestors since centuries ago.<sup>71</sup>

In an effort to make law a process of achieving the ideals and goals of the state, national legal politics must be based on the following basic framework:

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<sup>70</sup> Mahfud MD, Building the Politics of Law Enforcing the Constitution, (Jakarta:Rajawali Pers, 2010),22

<sup>71</sup> Mahfud MD, Building the Politics of Law Enforcing the Constitution, (Jakarta:Rajawali Pers, 2010),23

- 1) National legal politics must always lead to the ideals of the nation, namely a just and prosperous society based on Pancasila.
- 2) National legal politics must be aimed at achieving the state's goals, namely: protecting the entire nation and the entire homeland of Indonesia, advancing public welfare, educating the nation's life, implementing world order based on independence, eternal peace and social justice.
- 3) National legal politics must be guided by the values of Pancasila as the basis of the state, namely: based on religious morals, respecting and protecting human rights without discrimination, uniting all elements of the nation with all their promordial ties, placing power under the power of the people, building social justice .
- 4) National legal politics must be guided by the necessity to: protect all elements of the nation for the sake of integration or national integrity which includes ideology and territory, realize social justice in the economy and society, realize democracy (people's sovereignty) and nomocracy (rule of law), create religious tolerance based on civility and humanity.
- 5) The national legal system that must be built is the Pancasila legal system, namely a legal system that takes or combines various values of interest, social values, and the concept of justice into a prismatic legal bond by taking the good elements.

Such a legal system brings together the good elements of the three value systems and places them in a balanced relationship, namely: a balance between individualism and collectivism, a balance between rechtsstaat and the rule of law. the balance between law as a tool to advance and the law as a reflection of the values that live in society, the balance between a religious state and a secular state (theodemocratic) or a religious nation state.<sup>72</sup>National legal politics as a basic guideline for all forms and processes of formulation, formation and development of law in the country. National legal politics is a basic guideline for all forms and processes of formulation, formation and development of law in the country, it is certain that

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<sup>72</sup> Mahfud MD, Building the Politics of Law Enforcing the Constitution, (Jakarta:Rajawali Pers, 2010),30-32

national legal politics must be formulated in a statutory regulation that is fundamental in nature, not on a statutory regulation that is technical in nature.

Researchers think to explain the statement above, we must refer to legal sources and the sequence of laws and regulations that apply in Indonesia. Law No. 10 of 2004 concerning the Establishment of Legislation, it is stated that the hierarchical order of legislation in force in Indonesia. The arrangement of the hierarchy or order of the laws and regulations is to synchronize or avoid technical conflicts in the implementation of one statutory regulation with other laws and regulations. Researchers see that one or more statutory regulations are expected to run in accordance with the objectives of the legislation.

The legal product in its development, Law Number 10 of 2004 concerning the Establishment of Legislation has been replaced with a legal product, namely Law Number 12 of 2011 concerning the Establishment of Legislation, types and hierarchy of Legislation, namely the 1945 Constitution, TAP MPR, Laws/Regulations in Lieu of Laws, Government Regulations, Presidential Regulations, Provincial Regulations, and Regency/City Regional Regulations.

This law was formed based on several considerations. First, the formation of laws and regulations is one of the requirements in the framework of developing national law which can only be realized if it is supported by definite, standardized methods and methods that bind all institutions authorized to make laws and regulations. Second, to further improve coordination and smooth the process of

forming laws and regulations, the Republic of Indonesia as a country based on law needs to have regulations regarding the formation of laws and regulations. Third, so far the provisions relating to the formation of laws and regulations are contained in several laws and regulations that are no longer in accordance with the constitutional law of the Republic of Indonesia.

Referring to the 1945 Constitution which has been amended four times, state institutions that can formulate national legal politics are:

- 1) People's Consultative Assembly and (2) the People's Representative Council. The MPR can formulate legal politics in the form of the Constitution. After the third amendment to the 1945 Constitution, the MPR is no longer the highest state institution (supreme body), but is only a joint session that brings together the People's Consultative Council and the Regional Representatives Council.

The product of the two institutions that joined the MPR, which was set forth in the stipulation or amendment of the Constitution, was legal politics. This means that all changes and stipulations made by the MPR on the Constitution are referred to as legal politics, because they are one of the basic policies of state administrators and are intended as instruments to achieve the country's aspired goals.<sup>73</sup>The articles contained in the Constitution which are products of the MPR are a blueprint for realizing the goals of the state. The House of Representatives (DPR) can formulate legal politics in the form of laws, because of its position as legislative power.

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<sup>73</sup> Jimly Asshiddiqie, Consolidation of the Manuscripts of the 1945 Constitution after the Fourth Amendment, (Jakarta: Center for the Study of Constitutional Law, University of Indonesia, 2002),5

Article 20 paragraph (1) of the first amendment to the 1945 Constitution explains that the DPR has the power to form laws. This article also shows that there is a shifting of power in making laws (legislative power) which was originally the power of the president and now has shifted to the DPR. This formulation is reinforced by Article 20A which explains that the DPR has a legislative function, a budget function, and a supervisory function. However, according to the provisions of Article 5 paragraph (1) the president has the right to submit draft laws to the DPR. With the explanation above, apart from the MPR, the DPR also has a very significant role in creating a national legal blueprint to achieve the country's aspired goals. The role that the DPR can play is stated in a law.

The formulation of legal politics by the DPR as contained in the law is carried out through several stages of the process as follows:

Level I :

- 1) Plenary Session
- 2) Faction Opinion Explanation
- 3) Faction Meeting with stages:
  - a) Discussing the draft law
  - b) Discussing the government's explanation
  - c) Assign a faction spokesperson

Level II :

- 1) General Sight
- 2) Problem Inventory List (DIM)

Level III :

- 1) Commission Session
- 2) Joint Session of the Commission
- 3) Session of the Working Committee (Panja) and the Special Committee (Pansus)



Level IV :

- 1) Faction's final opinion
- 2) Government Opinion

The Constitution as a product of the People's Consultative Assembly and the law as a product of the DPR do not come from nothing, but are the actualization of political, economic, social, cultural and other wills. These wishes can come from various circles.<sup>74</sup> These desires can appear both at the level of the political superstructure and political infrastructure.<sup>75</sup> Indonesia's political infrastructure consists of political parties, interest groups, pressure groups, political communication tools, and political figures. The political superstructure that has the authority to formulate legal politics is only the MPR and the DPR. The wills, whether political, economic, socio-cultural, etc., which arise from the level of political infrastructure are then debated and crystallized at the level of the political superstructure, which then outputs the formulation of legal politics, whether contained in the Constitution, if it is a product of the People's Consultative Assembly or the law. if it is a product of the DPR.<sup>76</sup>

## 6. Indonesian Legislative Politics

Legislative politics is a legal subsystem. Legislative politics cannot be separated from legal politics. Legislative politics is defined as policy or regarding the determination of the content or object of the formation of legislation. Politics regarding the procedures for the formation of the legal system and the legal instruments used in the formation of laws and regulations. The politics of law application is related to the functions of government administration in the field of

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<sup>74</sup> Mahfud MD, *Political Law in Indonesia*, (Jakarta: LP3ES Indonesia Library, 1998),7

<sup>75</sup> Sri Soemantri M in Artidjo Alkostar, *National Legal Identity*, (Yogyakarta: Faculty of Law, Islamic University of Indonesia 1997),239

<sup>76</sup> Imam Syaukani, *Fundamentals of Legal Politics*, (Jakarta:PT Rajagrafindo Persada,2010),121

law. Politics of law enforcement is related to the joints of the state system such as a state based on law. Internally there are two main spheres of legal politics:

- a. The politics of law formation, both regarding the procedures and the content of laws and regulations, are policies related to the creation, renewal and development of laws, including; policy of law formation, policy of jurisprudential law formation, policy of unwritten regulations.
- b. Politics of law application and enforcement are policies related to policies in the field of justice and methods of legal settlement outside the judicial process, policies in the field of legal services. Between the two aspects of legal politics, it is only distinguished but cannot be separated, because:
  - 1) The success of a statutory regulation depends on its implementation;
  - 2) Decisions in the context of law enforcement are an instrument of control for the accuracy or lack of a statutory regulation. These decisions are input for the renewal or improvement of laws and regulations;
  - 3) Law enforcement is the dynamics of legislation. The politics of good law formation and enforcement must also be accompanied by the politics of human resource development, work procedures and organization as well as infrastructure and facilities.

This also determines the political success of law formation and enforcement.

Laws and regulations will basically reflect the most influential political thoughts and policies, which can be sourced from certain ideologies. The doctrine of socialism, for example, will be different from the doctrine of capitalism in the economic field. Legal politics in a democratic country will try to provide broad opportunities for public participation to determine the style and content of the desired law. Indonesia based on Pancasila and based on kinship will have its own legal politics of the same age as *rechtsidee*; contained in Pancasila and the 1945 Constitution.

There are 3 levels of statutory political policy contained in the staatsidee or rechtsidee framework and paradigm, which are as follows:

- a. In the political order, the goal of Indonesian law is the establishment of a democratic rule of law.
- b. In the social and economic order, legal politics aims to realize social justice for all Indonesian people.
- c. In the normative order, legal politics aims to uphold justice and truth in every aspect of people's lives. These three goals are in a national legal system that is sourced and based on Pancasila and the 1945 Constitution.

Legislation in any country is always made by humans with a basic thought (mindset) in mind. This basic thought can be influenced by many factors such as ideological or religious beliefs, experience, knowledge and also interests. These interests can also vary (personal interests, group or party interests, people's interests, or foreign interests). Legislative politics is part of legal politics. Therefore, as a basis, the policy of legal politics applies to the politics of legislation. Legislative politics with regard to the development of legal materials include: first, the formation and renewal of laws; second; inventory and adjustment of elements of the applicable legal order with the national legal system.

- 1) The formation and renewal of laws and regulations is directed at new legal products that are urgently needed to support the general tasks of government and national development. So there are two main areas of target for the formation of legislation, namely;
  - a) Legislation regarding the general duties of government are all laws and regulations that regulate or concern the implementation of the duties of the authority of the state government in the field of state administration and politics.
  - b) Laws and regulations regarding national development are all statutory regulations that regulate which can provide support for national development. The politics of legislation in national legislation outlines that the emphasis of

development remains on the economic sector, so it is appropriate that the politics of legislation related to national development should also be focused on laws and regulations in the economic field. The emphasis on the economic sector does not mean that laws and regulations in other development fields can be ignored. As a system, laws and regulations are related to each other.

- 2) Regarding the inventory and adjustment of the elements of the applicable legal order with the national legal system, it relates to the laws and regulations of the colonial community which are still in force today. The inventory assessment includes:
  - a) Inventory of laws and various laws and regulations including regional regulations that are structured and formed for a certain period of time;
  - b) Conduct internal and external evaluations of various laws and various other laws and regulations.

Internal review is an assessment of the consistency of the design system between various laws and regulations. While the assessment of relevance to the objectives of legal development in particular and development in general. The politics of national legislation (prolegnas-prolegda) is an effort to coordinate various legislative programs of departments and non-government, non-departmental institutions in order to direct the formation of laws and regulations, including local regulations, to be structured in a single system and strategically in accordance with the general objectives of national development. and the functions of the National Legislation and Prolegda systems are not yet an integrated system that will support the general goals of national development. This is because:

- 1) The National Legislation Program and Prolegda have not been prepared based on a plan that does not clearly show the relationship between one program and another.

- 2) Prolegnas and Prolegda of each department and non-departmental institutions compile a list to be worked on and based on their respective duties, authorities and priorities.

Laws and regulations related to general government duties as mentioned above, are also included in legislation programs such as in the fields of state and government institutions, the judiciary. Political and community organizations, defense and security, while programs related to or supporting national development will include laws and regulations in the economic and general welfare fields.

## 7. Principles of Establishing Good Legislation

The principles of the formation of laws and regulations are a guideline or a signpost in the formation of good laws and regulations. The principles of establishing good state regulations according to IC Van Der Vlies in his book entitled *Het wetsbegrip en beginselen van behoorlijke regelgeving* divide the principles in the formation of good state regulations into formal and material principles.

### a. Formal principles include:

- 1) The principle of a clear purpose.
- 2) The principle of the right organ/institution.
- 3) The principle of the need for regulation.
- 4) The principle can be implemented.
- 5) The principle of consensus.

### b. Material principles include:

- 1) Principles of correct terminology and systematics.
- 2) The principle of being recognizable.
- 3) The principle of equal treatment in law.
- 4) The principle of legal certainty.

- 5) The principle of implementing the law according to individual circumstances.<sup>77</sup>
- c. According to A. Hamid S. Attamimi, the principles for the formation of appropriate laws and regulations are as follows:
    - 1) Indonesian legal ideals.
    - 2) The principle of the state is based on law and the principle of government is based on the constitutional system.
    - 3) Other principles.
  - d. Thus, the principles for the formation of proper Indonesian laws and regulations will follow the guidelines provided by:
    - 1) The ideal of Indonesian law is Pancasila.
    - 2) The state's fundamental norm is Pancasila.
    - 3) The principles of the state based on law which place the law as a special regulatory tool are in the primacy of the law, the principles of government based on the constitutional system stipulate the law as the basis and limit for the implementation of government activities.
  - e. The principles for the formation of appropriate laws and regulations include:
    - 1) The principle of a clear purpose.
    - 2) The principle of the need for regulation.
    - 3) Principles of organs/institutions and appropriate content materials.
    - 4) Principles can be implemented.
    - 5) Principles are recognizable.
    - 6) The principle of equal treatment in law.
    - 7) The principle of legal certainty.
    - 8) The principle of implementing the law in accordance with individual circumstances.

Following the division regarding the existence of formal principles and material principles, A. Hamid S Attamimi tends to divide the principles for the formation of appropriate laws and regulations into:<sup>78</sup>

- a. Formal principles, with details:
  - 1) The principle of a clear purpose.

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<sup>77</sup> IC Van Der Vlies in Maria Farida, Science of Legislation, (Yogyakarta: Kanisius, 2007),254

<sup>78</sup> IC Van Der Vlies in Maria Farida, Legislation, (Yogyakarta: Kanisius, 2007),256

- 2) The principle of the need for regulation.
  - 3) The principle of the right organ/institution.
  - 4) The principle of proper charge material.
  - 5) Principles can be implemented.
  - 6) The principle can be recognized.
- b. Material principles, with details:
- 1) The principle is in accordance with the ideals of Indonesian law and the country's fundamental norms
  - 2) Principles in accordance with the basic law of the country
  - 3) The principle is in accordance with the principles of the state based on law and
  - 4) The principle is in accordance with the principles of government based on the constitutional system

The principle of establishing good laws and regulations according to Law No. 12 of 2011 is explained in particular in Article 5 and Article 6 as follows:<sup>79</sup>

Article 5: in forming laws and regulations must be based on the principles of the formation of good laws and regulations, including:

- a. Clarity of purpose: that every formation of legislation must have a clear goal to be achieved.
- b. Appropriate forming institutions or organs: that every type of legislation must be made by the authorized legislative institution/official. These laws and regulations can be canceled or null and void if they are made by an unauthorized institution/official.
- c. Conformity between the type and content of the content: that in the formation of statutory regulations must really pay attention to the content that is right with the type of statutory regulations.
- d. Can be implemented: that every formation of legislation must take into account the effectiveness of the legislation in society, both philosophically, juridically and sociologically.

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<sup>79</sup> Muhammad Zainul Arifin, Implementation of Government Regulation (PP) Number 8 of 2016 concerning Village Funds Sourced from the State Revenue and Expenditure Budget (Case Study of Desa Datar Balam, Lahat Regency), *Journal of Fiat Justicia*, <http://journal.ukb.ac.id/journal/detail/288/implementasi-peraturan-pemerintah-pp-number-8-year-2016-about-village-funds-sourced-from-budget-income-and-state-spending--case-study-desa-datar-balam-lahat-district>.

- e. Efficiency and effectiveness: that every statutory regulation is made because it is really needed and useful in regulating the life of society, nation and state.
- f. Clarity of formulation: that every statutory regulation must meet the technical requirements for the preparation of laws and regulations, systematics and choice of words or terminology, and the legal language is clear and easy to understand, so as not to cause various kinds of interpretations in its implementation.
- g. Transparency: that in the process of forming laws and regulations, starting from planning, preparation, preparation, and discussion, they are transparent and open. Thus, all levels of society have the widest opportunity to provide input in the process of forming laws and regulations.

Meanwhile, the principles that must be contained in the content of the legislation in the Republic of Indonesia are formulated in Article 6, namely as follows:

- a. Protection: that every statutory regulation must function to provide protection in the context of creating public peace.
- b. Humanity: that every material contained in laws and regulations must reflect the protection and protection of human rights as well as the dignity and worth of every citizen and resident of Indonesia proportionally
- c. Nationality: that every material contained in laws and regulations must reflect the pluralistic nature and character of the Indonesian nation while maintaining the principle of the unitary state of the Republic of Indonesia.
- d. Familiarity: that every material contained in laws and regulations must reflect deliberation to reach consensus in every decision making
- e. Archipelago: that every material on the content of laws and regulations always pays attention to the interests of the entire territory of Indonesia and the material on the content of laws and regulations made in the regions is part of the national legal system based on Pancasila.
- f. Bhinneka Tunggal Ika: that the content of laws and regulations must pay attention to the diversity of the population, religion, ethnicity and class, special conditions of the region and culture, especially those concerning sensitive issues in the life of society, nation and state.



- g. Justice: that every material contained in laws and regulations must reflect proportionally justice for every citizen without exception.
- h. Equality of position in law and government: the material content of the legislation may not contain discriminatory matters based on background, including religion, ethnicity, race, class, gender, or social status.
- i. Order and legal certainty: that every material contained in laws and regulations must be able to create order in society through guarantees of legal certainty.
- j. Balance, harmony and harmony: that the content of each legislation must reflect balance, harmony, and harmony between the interests of individuals and society with the interests of the nation and state.

## B. Chaos Theory: an Early Development

Chaos theory is a theory that was originally developed in the field of physics. The development of this theory cannot be separated from the development of previous theories that have dominated and provided explanations about the physical world for a long time. The explanation of the various problems above, the use of physical theories in the perspective of the philosophy of science is an effort called retrosipation analogy,<sup>80</sup> which means using an analogy to science that has a lower position or level of abstraction than the science that is the main subject of discussion.

The foundation of science which is often seen as physics, the building of science based on materialism is confirmed by the pillars of Newtonian mechanics.

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<sup>80</sup> An example of an analogy of retrosipation in law

- a. *Laws are traffic signs [Law (Socio-Cultural) – Spatial]*
- b. *Enforce the law, even if the sky falls [Law (Socio-Cultural) – Spatial]*
- c. *Humans are like a lump of despicable flesh (Socio-Cultural – Biotic)*
- d. *Milk is reciprocated with tubal water (Socio-Cultural – Spatial)*
- e. *Like looking for a needle in a haystack (Socio-Cultural – Spatial)*

Newtonian physics views the universe as a giant mechanical machine composed of material components that move and are interconnected in a deterministic manner.<sup>81</sup>

The striking feature of this mechanistic view of the universe is that it is reductionistic.<sup>82</sup>

Newtonian physics glasses, the universe looks orderly or predictable, there are forces and rules that govern the operation of these forces. The foundation of the idea that the universe operates like a mechanical clock. Newton's mechanistic paradigm of science experienced a terrible crisis during the first three decades of the 20th century. Efforts to measure the speed of light and atomic-scale observations erode and marginalize the glory of Newton's laws of mechanics. The emergence of relativity theory (which succeeded in explaining gravity, cosmology, and other macro phenomena) and quantum theory (which succeeded in explaining atoms, elementary particles, and other micro phenomena) opened the eyes of

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<sup>81</sup>See more clearly in the Science, Technology and Society Publishing Series, From Cambridge to Copenhagen, Edition I, 2000, Mizan in collaboration with PPS ITB Development Studies and STMIK Bandung, p. 6. The deterministic view says that everything, including human actions, follows a definite law of cause and effect. If we have sufficient knowledge about the present then the future will be predictable. Compare with Armahedi Mazhar, *Against the Ideology of Scientific Materialism: Towards a Dialogue of Science and Religion*, introduction to the book Keith Ward, *God*, 2002, *Chance and Necessity*, Oxford: Oneworld, , UK, 1996 translated by Larasmoyo into *And God Doesn't Play Dice, Arguments for The Creation of the Universe*, Bandung: Mizan, 17.

<sup>82</sup>This reductionistic view assumes that what plays an important role is a part, component or element, while the whole or whole is seen as meaningless. For a reductionist, brick and cement are the main things, while the purpose of building a house, architecture and interior design is a secondary or even unimportant issue, because brick and cement are the basic elements of building a house. This reductionistic disposition seems to be the result of a break with God. God as a universal, comprehensive and complete idea has been set aside. Thus what remains are parts, particulars and separates. Science Publishing Series, 7-8

scientists to conceptual flaws in the paradigm that had triumphed since the revolution era. the scientific.<sup>83</sup>

One of Newton's basic mechanistic assumptions, challenged by the Chaos theory is that the universe appears orderly or predictable, through what Edward Lorenz calls the "butterfly effect". Edward Lorenz, who sought to find patterns from random data, was the first scholar to discover and introduce the phenomenon of chaos. Lorenz is a meteorologist who researches the problem of weather forecasting. To predict the weather, Lorenz uses a computer that operates 12 equations to see the behavior of the weather. At one point in 1961, Lorenz wanted to see a certain series of calculations. To save time, he takes a number from the print-out and then inserts the initial conditions into the equation.

When taking a number, Lorenz only uses three digits after the comma. He thought, by entering three digits, the results he got wouldn't be much different, but he was wrong. From the results of literacy, the difference in the fourth digit and so on produces ramifications that give very different results from the previous

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<sup>83</sup>Both theories have far-reaching historical implications. The theory of relativity led to the invention of the atomic bomb, while the application of quantum resulted in the acceleration of advances in information and communication technology which led to the deployment of the Internet which dismantled the boundaries between countries. The application of the two theories has tremendous implications for human philosophical thinking about themselves and their nature. The theory of relativity culminates in a picture of the universe finite in space and expanding inexorably beginning with the Big Bang. Quantum theory leads to the idea that on the smallest scale of things including the universe at the beginning of their life, physical events are accidental without cause. The theory of relativity leads to inevitability or certainty, while the quantum theory leads to coincidence and uncertainty. In philosophy, these two theories lead to a resurgence of debates about the schools of determinism and indeterminism: the view that is certain and the view of uncertainty. Armahedi Mazhar, 17 and Keith Ward, 182-187.

calculations. What Lorenz discovered shows how the initial conditions greatly affect the final result, and that the weather forecast, will remain a weather forecast.

In this case Lorenz, has found an amazing development in his computer simulation. One of the simulations is based on twelve variables, as part of the non-linear relationships. He found that if he started his simulation with values that differed only slightly from the original values the difference was that the first set consisted of values with six decimal places, and the other with three decimal places - hence the computer generated "weather" for the second value. will immediately differ greatly from what was generated for the original value. While we should expect minor differences, the patterns, after a while of showing similarities, soon turn out to be very different.

This means that in a complex, non-linear system, a small change in input can produce a very large change in output. In Lorenz's computer world, that's the equivalent of a butterfly flapping its wings producing a thunderstorm in another part of the world; That's where the term "butterfly effect" comes from. The conclusion that can be drawn from this is that, because of the complexity of the forces and processes that determine weather patterns, it cannot be predicted other than for very short periods of time ahead.

In fact, the world's largest weather computer, owned by the European Center for Medium Range Weather Forecasting, performs as many as 400

million calculations every second. It receives input of 100 million different weather measurements from around the world every day, and it processes the data in three hours continuously, to be able to formulate a weather forecast for ten days. However, after two or three days, the prophecy would become too speculative, and after six or seven days it would become completely useless. Chaos theory, therefore, places certain limits on our ability to predict a complex and non-linear system.

Chaos, according to Ian Stewart, is a very complex, irregular and random behavior in a deterministic system. Chaos is a state in which a system cannot be predicted where it will be found in the next place. This system moves randomly.<sup>84</sup> However, according to chaos theory, if the random state is considered for a long time by considering the time dimension, order will also be found, because no matter how chaotic a system is, it will never cross certain boundaries. However random a system's space of motion is, it is limited by an attractive force called a strange attractor. Strange attractor although on the one hand it makes a system move randomly, dynamically, and fluctuating, on the other hand it also frames the boundaries of the space.<sup>85</sup>

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<sup>84</sup>This is a contradiction to Newton's theory which considers the universe to be in mechanical motion. A rebuttal also came from Edward Lorenz who argued that even a small change in a complex system would make a huge difference in the next situation. The Lorenz attractor, known as the butterfly effect, uses fluid dynamics equations to model the static behavior of gas systems with the aid of a computer. Science Publishing Series, 10-11.

<sup>85</sup>Chaos is something that is everywhere, but difficult to explain, a situation of disorder or chaos of things (objects, economic, social, political) whose patterns cannot be predicted. Ian Stewart as

The world of chaotic culture is a world that is always filled with anxiety and turbulence. a culture that is not restless is a culture that is dead. Anxiety and dissatisfaction, as Iqbal says in *Messages from the East*, are the secrets of life of every culture. Anxiety is what drives the exploration of the creative quest, as well as the new synthetics of life. Anxiety makes people never want to be in the same place at different times; anxiety makes people love uncertainty; Anxiety makes people always want to find new territories – this is the pattern of turbulence and restlessness in chaos.<sup>86</sup>

The chaos that destroys society is only one face of the millions of faces of chaos, namely the so-called negative chaos – a chaos principle characterized by the nature of destruction, destruction, destruction, aggressiveness, explosion. Not all chaos is negative. There is a face of chaos which Serres describes in *Genesis* as positive chaos – a face of chaos that has constructive, progressive and creative characteristics. Chaos – Irregularity, uncertainty, multiplicity and plurality in their positive traits.<sup>87</sup>

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quoted by Yasraf Amir Piliang, *A Scary World, Machines of Violence in the Chaos Universe*, Mizan, Bandung, 2001,305. Compare with James Gleick who said that chaos arises in all unpredictable behavior. James Gleick, *Chaos: Making a New Science*, Cardinal, 1987, 5.

<sup>86</sup>According to Michel Serres, turbulence is a state of "between" or intermediary (intermediary). When we distinguish between a state of order and a state of chaos. Michel Serres, 109. Turbulence – according to James Gleick – is chaos on any scale, small eddies within large eddies. It is unstable. It is dissipative, meaning it releases energy and then suddenly holds it back. It is movement in random time. James Gleick, p. 22. See also Yasraf Amir Piliang, 304-305.

<sup>87</sup>So far, our cultural approach is a culture of security, stability, order, uniformity, unity and unity. We want to force uniformity into unity, dynamism into stability, heterogeneity into homogeneity, diversity into uniformity. Attitudes that see change, indeterminacy, and disorder as something scary, it's time to leave. Methods of control with the approach of uniformity, regularity, total unity can no longer be maintained. This way of controlling organizations has strayed, and the longer we hold on to it, the further we are drifting away from amazing development opportunities.

constructive is rarely considered, because it is trapped in the slogans of plurality and difference, but never understands its substantial meaning.<sup>88</sup>

### Chaos Theory: In Law

Charles Sampford is one of the thinkers who tried to explore chaos theory in law. At the end of the 90s Charles Sampford published a book entitled "The Disorder Of law", with the addition of "A Critique of Legal theory", as a form of his rejection of what was firmly held by thinkers from the positivist school of law, which based his opinion on the theory of law system.

Sampford saw that there were many irregularities in the law, but because the thinkers of the positivistic school of law wanted to keep seeing that the law was a rational system, and for that they sought to rely on the rationality of building their theory on systems theory. Whereas according to Sampford legal theory does not always have to be based on system theory (regarding) law, this is because the relationships that occur in society basically indicate the existence of asymmetrical relationships (asymmetries), because after all social relations are always perceived

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<sup>88</sup>Chaos in the sense of negative chaos is never seen as an opportunity for progress, as a dialectical opportunity, as an opportunity for competition, as an opportunity to increase work ethic, as an opportunity to increase creativity, as an opportunity to increase productivity. Chaos is never seen as a way of empowerment; as a way of management, as a way of learning, as a way of organizing, as a way of government.298-299.

differently. by the parties. Thus, what appears on the surface is orderly, orderly, clear, certain, in fact full of uncertainty.<sup>89</sup>

Irregularity and uncertainty are caused by relationships in society that rely on power relations. This power relationship is not reflected in formal relationships in society. So there is a gap between formal relationships and real relationships based on power. This is what causes the disorder.”<sup>90</sup>

According to Sampford, society shows its form as a building that contains a lot of confusion, resulting from the interaction between its members. Society is the arena of the many interactions that are carried out between people who do not have the same power, so that there is a relationship based on power of relationships. Therefore, the order that emerges from the interaction is an a-symmetrical order. Sampford called this situation a “social melée” phenomenon (a fluid social condition).

When the legal system that has been formally structured symmetrically is implemented in society, the legal system is run by asymmetrical forces.

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<sup>89</sup>Sampford said “the sketch of disordered society outlined in this chapter begins with the social interactions and relations between its members. These can be divided into power relations (which include authority relations), unintended effects and value effect relations (based on 'normative' belief). Types and the variation of the mixtures between any two individuals are likely to be a mixture of types and the variation of the mixtures between ostensibly similar pairs of individuals may not be readily apparent. Furthermore, a typical feature of all social relations is this “asymmetry” – they are perceived differently by the interacting parties”. Charles Stamford, *The Disorder of Law, A Critique of Legal Theory*, (Oxford: Basil Blackwell, 1989), 103 and 160. See also Anthon F. Susanto, *The Face of Our Justice, The Social Construction of Deviance*,

<sup>90</sup> Satjipto Rahardjo, *Reconstruction of Legal Thought in the Reformation Era*, Paper at the National Seminar Against Positive Legal Thought in the Reformation Era, Semarang, 22 July 2000, 15-16.



The product of a legal system that is run by asymmetrical forces is a law that is full of disorder (disordered). This is what Sampford later called the “legal melée”. With the power and strength that exists in each of them, legal actors make subjective decisions. Judges see their role as makers of individual decisions; advocates will dig deep into existing legislation to look for loopholes for the benefit of their clients, while the people will see the law as the actions of legal officials (as the actions of many individuals).

On such a social basis, the law actually exists and exists, namely in the midst of an irregular society, so that the law is actually full of irregularities. Therefore, legal theory should not only be based on theories of the legal system, but also theories of legal disorder. How is it possible that the situation which is in fact full of disorder in positivism is seen as something full of order? Thus, in reality, order is not something that actually exists in reality, but something that positivists "want to see exists".

Sampford argues that the law is not a building full of logical-rational order. To deal with such a complex reality, the legal world does not always have to be seen merely as an orderly and orderly world, but must also be seen in a chaotic situation. Law is subject to centripetal forces that create organized institutions, but at the same time is subject to centrifugal forces that create conflict and disorder. This can be seen in one of Sampford's arguments, which states: “it is only by turning to theories of legal and social

disorder that it is possible to explain the phenomena and fulfill the functions claimed for legal system theory.<sup>91</sup>

In contrast to the Newtonian and positivistic schools of law, which hold a deterministic view,<sup>92</sup> Chaos theory is based on an indeterministic view.<sup>93</sup> Based on this indeterministic view, humans must be placed as subjects who have full freedom to do and not do something. With this complete freedom, human behavior will show disorganization and uncertainty. This is actually not only human property, because on a small scale, all objects are fields of uncertainty.

In the eyes of Newtonian physics, the universe looks orderly or predictable, there are forces and rules that govern the operation of these forces. This is the foundation of the idea that the universe operates like a mechanical clock. According to Satjipto Rahardjo, Newton's theory is reminiscent of the positivist theory in law<sup>94</sup> and just as Newton's theory

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<sup>91</sup>Charles Sampford, *The Disorder of Law, A Critique of Legal Theory*, (Oxford: Basic Blackwell Ltd, 1989),. 148.

<sup>92</sup> Determinism is the view that every event (including human behavior, decision making and action) is an inseparable part of a series of previous events.

<sup>93</sup>Indeterminist view states that not all events are a series of past events, but there are factors of opportunity (chance) and persistence (necessity). Chance is a factor that can encourage change, while persistence (necessity) can make something change or be maintained according to its origin.

<sup>94</sup>For this theory, the systematic feature of law is central. The legal system is structured logically-rationally. As a human work, the system cannot be separated from the subjective factor of the human maker. Since the law is the work of humans, it is he who determines that the legal system must be like this and nothing else. Law is no longer allowed to appear and develop naturally, as in the theory of natural law, but must be mixed by humans. This is where a critical problem begins to emerge, namely the tension between reality and human will. This human wants the law to be systematic, to be rational and to be a logical arrangement. Satjipto Rahardjo, *Teaching Order.....*,15.

cannot explain both relativistic and chaotic phenomena, this positivist theory cannot explain legal phenomena that occur in Indonesia.<sup>95</sup>

Thus, theoretically, the positivist theory should have gone down like Newton's theory, but the theory is still alive and even dominates legal life in Indonesia. This is because the positivist theory has deep roots, not only in higher education institutions, but also in law enforcement agencies that embody the laws contained in the law as living laws.<sup>96</sup>

In such a context, a new understanding of the world is needed. As stated by Yasraf Amir Piliang, today's world should be seen as a chaotic rhizome, rather than a tree (centralized, hierarchical, bureaucratic). Attitudes that see change, indeterminacy and disorder as scary are time to leave. Ways of control through the approach of security, uniformity, total order can no longer be maintained. Any organization (change, education, state) demands that Chaos theory can be controlled in the midst of change and uncertainty.

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<sup>95</sup>Similar to Newton's theory, according to Satjipto Rahardjo, the theory of legal positivism also discards facts that disturb the integrity and considers them as false or distorted facts. Dogmatic positivist theory only wants to see the body of law as a rational logical order, orderly order, cannot accept the existence of disorder. His acceptance will destroy his theory of order, which means that the theory will collapse. Order and disorder are two opposite things or properties. The two cannot exist in the same theoretical body. See Satjipto Rahardjo, Teaching Order Finding Disorder, Thirty Years of Intellectual Journey from Bojong to Pleburan, Speech ending his tenure as a Permanent Professor at the Faculty of Law Undip, Semarang,

<sup>96</sup>As a deeply rooted theory building, positivist theory is still powerful in practice. This is because modern law – as a product of modernization which is the birth mother of positivist theory – is still glorified as a good law for Indonesia. They (the positivists) do not want to open the window and look at other sights and look for new backs to explain the chaotic phenomena that occur. They are trapped in a view that glorifies modern law to the point of creating a chauvinistic attitude

The dichotomy of the concepts of order/chaos, unity/separatism, integration/disintegration, uniformity/diversity, centralization/decentralization, homogeneity/heterogeneity that characterizes social life (as well as law) must be found a new synthesis, so that it can encourage social creativity, meaning changing "the negative chaos". " it becomes "the positive chaos".

So it is undeniable that all this time there has been a misunderstanding of the meaning of chaos theory, which states that "chaos theory is not order", he does not state that orderly conditions do not exist. The term "chaos" in "chaos theory" is precisely order, not just order but "the essence of order". Indeed chaos theory explains that small changes can lead to large fluctuations. However, the essence of the concept of chaos states that, although it is impossible to predict conditions with certainty, the behavior of all these conditions is easy to know. So chaos theory emphasizes not on disorder, but on order.

Irregularity does exist for the traditional, Liberal/positivistic view of law, but if you look more critically at the overall behavior in an integrated manner, order will appear. So chaos theory is thought to be concerned with disorder, at the same time talking about order.

Order and chaos are now seen as two interconnected forces, one containing the other, the one filling the other. Eliminating chaos means eliminating the power of change and creativity. According to Serres Chaos

spontaneously arises in order, while order itself arises in the midst of chaos.<sup>97</sup>

### C. The theory of benefit according to Imam Al-Ghazali

Al-Mustasfa's study.<sup>98</sup>The book which is the most comprehensive so that it can be considered to represent his views on the concept of *maslahah*. At the time of Al-Gazali, the study of *ushul fiqh* had progressed quite rapidly, along with the institutionalization and expansion of *fiqh* studies with various existing schools.<sup>99</sup>

Al-Gazali begins his discussion in this book by mentioning the various benefits in terms of whether it is justified or not by the *syara'* argument. he stated:

المصلحة الإضافة إلى ادة الشرع لآئة ام :شهد الشرع لاتبارها ,لبطلانها ,لم الشرع لا لبطلانها لا لاعتبارها

أماما شهد الشرع لاعتبارها فهي حجة ,ويرجع حاصلها إلى القياس ,وهو اقتباس الحكم من معقول النص والإجماع ...ومثاله حكمنا أن كل ما أسكر من مشروب أو مأكل فيحرم ,قيسا على الخمر ,لأنها حرمت لحفظ العقل الذي هو مناط التكليف.فتحريم الشرع الخمر دليل على ملا حظة المصلحة

<sup>97</sup> Yasraf Amir Piliang, *A Scary World, Machines of Violence in the Chaos Universe*, (Bandung: Mizan, 2001), 304.

<sup>98</sup> Ahmad Munif Suratmaputra, *Al-Ghazali's Philosophy of Islamic Law: Mashlahah Mursalah & Its Relevance to Renewal of Islamic Law*, (Jakarta: Pustaka Firdaus, 2002) 106

<sup>99</sup> Among the *mazhab* scholars, *maslahah mursalah* and their position in relation to efforts to develop Islamic law are often associated with Imam Malik bin Anas. However, the use of *maslahah* at the time of Imam Malik is still general in nature and has not been used as a technical legal term. Its use as a technical legal term, according to Paret, did not yet exist during the Malik or al-Shafi'i era, but instead developed its use after the Shafi'i period. See in R. Paret, "Istihsan and Istihlah" *The Encyclopedia of Islam, New Edition*, eds, E. Van Donzel, B. Lewis and Ch. Pellat (Leiden: EJ Brill, 1978), vol. IV, p. 257.

**ال ثاني:** ا الشرع لا لبطالنها. اله ل العلماء لبعض الملوك لما جامع نهاررمضان :إن ليك . ابعين . لما ليه ,لم اق اتساع اله ,ال :لو الك لسهل ليه ,استحقر اعتاق اء ,انت المصلحة اب

...ال اطل ,الفة لنص الكتاب ,المصلحة .ا الباب لي الشرائع ا ,الأحوال

القسم الثالث :الم له الشرع البطلان لا الاعتبار ال النظر

"Maslahat is seen from the point of view of whether it is justified or not by the syara' argument, it is divided into three types: the benefit that is justified by syara', the benefit that is canceled by syara', and the benefit that is neither justified nor canceled by syara' (there is no specific argument that justifies or cancel it). As for the benefits that are justified by syara', then it can be used as evidence and the conclusion returns to qiyas, namely taking the law from the soul/spirit of the texts and ijma. For example, we judge that every intoxicating drink and food is forbidden to be given to khamr, because khamr is forbidden to maintain the mind on which the law depends (burdening). The haraam law stipulated by the syara' against alcohol is evidence of the attention to this benefit.

The second kind is the benefit that is canceled by syara'. For example, the opinion of some scholars to one of the kings when having marital relations during the day of Ramadan, should fast for two consecutive months. When that opinion was refuted, why didn't he order the king to free the slave, even though he was rich, the scholar said, 'If I order the king to free the slave, it will be very easy for him, and he will lightly free the slave to fulfill his lust. . So the benefit is that he must fast for two consecutive months, so that he is deterred. This is an opinion that is invalid and violates the Nash al-Kitab (and hadith-pen.) with benefit. Opening this

door will change all the provisions of Islamic law and its Nash-Nash due to changing conditions and situations. The third type is the benefit that is not justified and not canceled by syara (no specific evidence is found that justifies or cancels it). The third is what needs to be discussed (this is what is known as *maslahah mursalah*).”<sup>100</sup>

From Al-Gazali's description above, it can be concluded that there are three benefits:

1. Benefits that are justified/shown by certain texts/postulates. This is known as *maslahat mu'tabarah*. This kind of benefit can be justified as a consideration for the determination of Islamic law and is included in the study of *qiyas*. In this case the experts of Islamic law have consensus.

2. Benefits that are canceled/aborted by certain texts/postulates. This is known as *maslahat mulgah*. This kind of benefit cannot be taken into consideration in determining Islamic law. In this regard, Islamic jurists also have a consensus.

3. There are no special/certain arguments that justify or reject/abort it. This benefit is known as *maslahah mursalah*. Islamic law experts have different opinions whether the *maslahah mursalah* can be taken into consideration in determining Islamic law or not.

With such a division, one of the requirements for *maslahah mursalah* can be identified, namely the absence of certain/special arguments that invalidate or justify it. Through this division, Al-Gazali also wanted to distinguish between *maslahah*

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<sup>100</sup>Al-Gazali, *al-Mustashfa min Ilm Usul*, Tahqiq Dr. Muhammad Sulaiman al-Asyqar, Beirut/Lebanon: Al-Resalah, 1997 AD/1418 H, p. 414 – 416

mursalah and qiyas on the one hand, and between maslahah mursalah and maslahah mulgah on the other.

Al-Gazali then divided the benefits in terms of the strength of its substance. he stated:

ان المصلحة اعتبار قوتها انها الى ا في رتبة الضرورات, الى ا في الحاجات, الى ا لى التحسينات  
التزيينات, وتتقا ا ا ا

"Maslahat is seen in terms of its substance strength, some are at the emergency level (primary needs), some are at the level of intent (secondary needs), and some are in the position of tahsinat and tazyinat (complementary-complete), whose levels are below need.

Al-Gazali then explained the definition of benefit:

المصلحة ارة الأصل لب او ,لسنا الك ,لب المنفعة المضرة اصد الخلق ,وصلاح الخلق ل  
اصدهم .لكنانعني المصلحة المحافظة لى الشرع  
الشرع الخلق ,يحفظ ليهم لهم لهم الهم .ل ايتضمن الأصول الخمسة لحة ل ايفوت  
الأصول ا لحة

As for benefit, basically it is an expression of taking advantage and rejecting harm, but that is not what we mean; because attracting benefit and rejecting harm is the goal of creatures (humans), and the good of those creatures will be realized by achieving their goals. What we mean by maslahat is to maintain the goals of syara' / Islamic law, and the goals of syara' of these creatures are five, namely to maintain their religion, soul, mind, lineage (some claim descent and honor), and their property. Anything that contains efforts to maintain these five principles is



called maslahat, and a setup that eliminates these five principles is called mafsadat and rejects them is called maslahat.”

From Al-Gazali's description above, it can be seen that what is meant by benefit according to Al-Gazali is an effort to maintain the purpose of Islamic law, namely preserving religion, soul, mind, lineage, and property. Everything that is intended to maintain the five objectives of Islamic law is called maslahat. On the other hand, anything that destroys or negates the five objectives of Islamic law is called mafsadat, which is why efforts to reject and avoid it are called maslahat.

Al-Gazali further stated:

الأصل الخمسة اواقع الضرورات, المراتب المصالح. الهاء الشرع ل الكافر المضل  
المبتدع الدعي لي , هذا لى الخلق .اؤه اب القصاص , النفوس .اب الشرب العقول التي لاك  
التكليف , وإيجاب الزنا به حفظ النسل الأنساب , اب الغصاب السراق , , الهى الأمو الغصاق

“These five principles/principles keep it at an emergency level. It is the most powerful/highest level of benefit. Examples such as:

1. The decision of the Shari'ah to kill the disbelievers who mislead and punish the heretic who invites others to follow his bid'ah, because this (if left unchecked) will destroy the religion of the people.
2. The syara' decision requires qisas (punishment equal to the crime), because with this punishment the human soul will be preserved.
3. Hadd obligation for drinking liquor, because with this sanction the mind will be preserved; where reason is the basis of taklif.
4. Hadd obligation for adultery, because with this sanction offspring and lineage will be preserved."
5. The obligation to punish looters and thieves, because with this sanction the property which is the source of human life will be preserved. These five things become their basic needs.

In explaining hajiyat, Al-Gazali stated:

الرتبة الثانية | الحاجات المصالح المناسبات ليط الولي لى الصغيرة الصغير, لك لاضرورة  
اليه لكنه اج اليه ال الا

“The second level is the benefit that is in a position of intent, such as giving the guardian the power to marry off his young child. This is not to the extent of emergency (very urgent), but it is necessary to obtain benefit, to seek equality (kafa'ah) so that it can be controlled, for fear that the opportunity will be missed, and to get the good that is expected in the future.

About tahsiniyat explained Al-Gazali as follows:

الرتبة الثالثة الا الى ولا إلى اجة, لكن موقع التحسين التزيين التيسير للمزايا المزايا اية  
المناهج العادات التيسير الا, الا

"The third level is the benefit that does not return to emergency nor to purpose, but that benefit occupies the position of tahsin (beautify), tazyin (beautify), and taisir (make it easy) to get some privileges, added value, and maintain the best attitude. in everyday life and muamalat / association. For example, the status of a slave as a witness is not worthy, even though the fatwa and narration are acceptable.”

Can all the benefits with these three levels (daruriyat, hajiyat and tahsiniyah) be used as guidelines in determining Islamic law? In this case Al-Gazali explains as follows:

الواقع الرتبتين الأخرتين لا الحكم لم ادة ل, لأنه الشرع الرأي...أماالواقع الضرورات لابعدي  
يؤدي ليه اجتهاد.

"The benefits that are at the last two levels (hajiyat and tahsiniyat) cannot be ruled solely by it if it is not reinforced by certain arguments except for the hajiyat which applies as an emergency, then it is not far if the ijtiḥad mujtahid reaches him (the Hajj which applies as an emergency can be taken into account). determination of Islamic law by the mujtahid).

Al-Gazali's expression above can be concluded that the benefits of hajiyat and tahsiniyat cannot be taken into consideration in determining Islamic law, except for hajiyat which occupies the daruriyat level, such hajiyat according to him can be used as evidence for consideration of the determination of Islamic law.

Al-Gazali then continued his explanation:

الواقع الرتبة الضرورات لا ان اليه اجتهاد وان لم له اصل .اله ان الكفار اذا ا اعة اسارى المسلمين لو ا لصدمو ا لبوا لى ار الإسلام لو افة المسلمين .لو ا الترس لقتلنا لما ا لم ا .لاعهده الشرع .لو ا لسلطنا الكفار لى المسلمين لو ثم لون الأسارى ا ,أن ل ائل ا الأسير ل ل .ال ,المسلمين الى الشرع. لأننا لم ا ان الشرع ليل القتل ا له الإمكان .لم لى الحسم ا لى التقليل وكان هذا إلتفاتا إلى مصلحة علم بالضرورة كونها مقصودالشرع ,لابدليل واحد واصل معين ,بل بأدلة خارجة عن الحصر ,لكن تحصيل هذا المقصود بهذا الطريق وهو قتل من لم يذنب غريب .لم يشهد له اصل معين فهذا مثال مصلحة غير مأخوذة بطريق القياس على اصل معين .انقدح اعتبارها اعتبار لثة اوصاف انها اة لية

"As for the benefit that is at the emergency level, it is not far from mujtahid ijtiḥad to do it (can be used as a postulate/consideration for the determination of Islamic law) even though there is no particular argument that strengthens it (That is maslahah mursalah, pen.). For example the disbelievers who make a group of

Muslim captives as a shield of life. If we don't attack them (to avoid falling victim to Muslim captives), they will attack us, will enter our country, and will kill all Muslims. If we shoot the prisoner who is the shield of life (in order to penetrate the enemy), it means that we kill the Muslim whose innocent blood is preserved. There is no known evidence for this in the syara'.

If we don't attack, we and all the Muslims will be controlled by the infidels, then they will kill everyone, including the Muslim captives. So the mujtahid may argue, the Muslim prisoner, under any circumstances, must be killed. Thus, maintaining all Muslims is closer to the goal of syara'. Because we certainly know that the goal of syara' is to reduce the number of homicides, just as the road that leads to it must be blocked as much as possible. If we are not able to make the road can be closed, we must be able to reduce the number of deaths. This is done based on the consideration of the benefit that it is known for certain that the benefit is the goal of syara', not based on a particular argument or argument, but based on several innumerable arguments. However, to achieve this purpose in such a way, namely to kill innocent people, is something foreign which is not shown by any particular argument. This is an example of a benefit that is not taken through the qiyas method against certain arguments. This benefit can be justified by considering three characteristics, namely the benefit is emergency status (primary), qat'iyat (certain), and kulliyat (general).”

The description and examples given by Al-Gazali above can be seen that the conditions for the *maslahah mursalah* can be used as evidence in the determination

of Islamic law, according to Al-Gazali, the benefit must occupy the emergency level, and in certain cases as exemplified and similar, the benefit is other than must be daruriyat, must also be kulliyat and qat'iyat. That is the first condition that can be understood from al-Gazali's explanation in al-Mustasfa regarding the validity of the maslahah mursalah, namely that the benefit must occupy an emergency level or an intention to occupy an emergency position. Another condition that must be met apart from the above is that the benefit must be mula'imah (in line with the actions of syara' / Islamic law), in al-Mustasfa, Al-Gazali states:

ل لحة لاترجع الى فهم من الكتاب السنة الإجماع انت المصالح الغربية التي لاتلائم ات  
 ,. الشرع اطلستحسن ومن ار ليها

"Any benefit that does not return to maintain the meaning of Islamic law that can be understood from the Bible, Sunnah, and ijma' and is a garibah (foreign) benefit that is not in line with syara' actions, then that benefit is null and must be discarded. Whoever is guided by it, he has established Islamic law based on his desires, just as people who set Islamic law based on istihsan, he has determined Islamic law based on his passions."

Are the kulliyah criteria (general in nature) one of the requirements so that maslahah mursalah can be accepted? Al-Gazali in al-Mustasfa does not clearly state that the kulliyah is one of the criteria that must be met for the acceptance of maslahah mursalah. He requires this kulliyah criterion in certain cases, namely the problem of infidels who take Muslim captives as life shields. Maslahat in this case cannot be seen as mula'imah (in line with syara' actions) unless it fulfills three

conditions, namely qat'iyah, daruriyah, and kulliyah. Why is that? Because winning the many defeats the few, there is no evidence that this is what syara' wants. Scholars have agreed that if two people are forced to kill someone then it is not lawful for him to kill him. As well,

Regarding the qat'iyah criteria in this case, it is also intended that the maslahah in the case of killing prisoners who are used as life shields has the status of mula'imah. Because the syara' prudence in matters of blood is much greater than others. There is no evidence in the syara' that justifies killing people on the basis of zann (strong allegation). Regarding the need for benefit in the case of killing the prisoners who were used as shields, it must be daruriyah, because the benefits that will be eliminated (the lives of Muslim prisoners who serve as shields) are also daruriyah. Thus, in order to be comparable, the benefits intended to be maintained must be daruriyah. Because it is not found in the syara' there is the ability to prioritize the benefits of the status of hajiyah or tahsiniyah over daruriyah.

Strictly speaking, the benefit that encourages the killing of Muslim prisoners who serve as shields must be in line with syara' actions. Since killing a Muslim prisoner who is the enemy's shield means eliminating the life of a Muslim who should be preserved (ma'sum) without guilt and sin, the benefit that encourages to waste the benefit of the daruriyah must also be the benefit of the daruriyah.

*benefit* must be daruriyah, then the benefit must be kulliyah (general in nature) not just galibah (the majority). Because ijma' states that winning the many defeats the few is not desired by the syara'.

Killing a Muslim prisoner who is the enemy's life shield means eliminating the benefit for sure (qat'i). Therefore, the benefit that encourages doing so must be certain, or at least an assumption that is close to certainty (zann qarib min al-qat'i). Because flowing blood only based on zann (allegations) cannot be justified by Islam. In the author's opinion, from all of Al-Gazali's descriptions of maslahah mursalah, it can be concluded that according to al-Gazali, maslahah mursalah can be used as evidence with the following requirements.

1. *benefit* is in line with the type of syara' actions / stipulation of Islamic law (which is intended to maintain religion, reason, life, property, and lineage / honor). This is the core requirement for the acceptance of maslahah mursalah. Maslahat mulgah (which contradicts texts or ijma' must be rejected. Likewise, maslahat garibah (which has absolutely no evidence, either justifying or invalidating it). Even Al-Gazali stated that such a benefit does not exist.
2. *Benefit* must be in the form of maslahat daruriyah or hajiyyah who occupies the position of daruriyah. Maslahat tahsiniyah cannot be used as evidence/consideration for the determination of Islamic law, unless there is a special argument that shows it, which means that the determination of the law is through qiyas, not in the name of maslahah mursalah.

The criteria for kulliyah (maslahat are general and comprehensive) and qat'iyyah (maslahat are definite) in addition to daruriyah only apply to certain cases as mentioned above, no generalizations apply.

Al-Gazali's view

From what has been described in the previous section, it appears that al-Gazali views istishlah as not a stand-alone proposition. It states:

الإستصلاح ليس اصلا امسا بل استصلاح

"It seems clear that istishlah is not the fifth postulate that stands alone. In fact, whoever makes istishlah as a proposition (which stands alone), means that he has made up Islamic law based on his desires."

Some scholars of ushul fiqh because of al-Gazali's statement above consider that al-Gazali rejects maslahah mursalah as a method of istinbath. Others think that al-Gazali accepted the istinbath method if it is daruriyah, qat'iyah and kulliyah.<sup>101</sup> Against such controversy, it is necessary to return to the line of thought described by al-Gazali himself. According to the author of al-Gazali's statement on footnote 25, it should not be understood that Al-Gazali did not accept the term. Because if it is understood that way, it will contradict Al-Gazali's other statements. For example, he stated:

*"Every benefit that has an impact on maintaining the goals of the syara that can be known from the Qur'an, sunnah/hadith, or ijma', the benefit does not come out of these arguments. That's called maslahah mursalah. And if the benefit is defined by things that are intended to maintain the purpose of syara', it must be followed and can definitely be used as evidence.*

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<sup>101</sup>Ahmad Munif Suratmaputra quoted Al-Subki's statement in Jam' al-Jawami, stating that Al-Ghazali rejected istishlah as a method of ijtihad. In addition to al-Subki he said that Abdul Wahhab Khalaf also had the same opinion. What is exemplified by Al-Ghazali, according to them, is not an example of mashlahah mursalah, but irtikab akhaffi al-dararain.



This statement, in the opinion of the author, explicitly states that Al-Gazali can accept istislah as a method of legal istinbat as long as the benefits have an impact on efforts to maintain the goals of syara'. This is according to the opinion of the author which in other parts is often called muldimah (in line with the action of syara'). In al-Gazali's view there is no benefit against the text and then it must be won. Every benefit that contradicts the texts, according to his view, will fall by itself and must be thrown away. Based on all these considerations, it can be understood that Al-Gazali can accept istislah as a method of istinbat Islamic law with the following conditions:

1. The benefits are in line with the actions of syara (muldimah)
2. The benefit is occupying the level of daruriyah or hajiyyah which occupies the place of daruriyah.
3. The benefit is qat`iyah or zann that approaches it.
4. The benefit is not contrary to the Qur'an, sunnah/hadith or ijma'.

Regarding the conditions of qat'iyah, daruriyah, and kulliyah, it only applies to the case of Muslim prisoners of war who are used as enemy shields and other similar cases.

### CHAPTER III

#### RESEARCH RESULTS AND DISCUSSION

##### A. Legal politics of internal mechanisms charging Deputy Governor of DKI Jakarta in the Anies Baswedan period

The seat of the Deputy Governor of DKI Jakarta has been vacant for almost two years since being left by Sandiaga Uno, now the seat is filled by the newly elected Riza Patria. Sandiaga resigned from the DKI-2 seat because he wanted to focus on the 2019 presidential election. At that time, Sandiaga was lined up to be the running mate for presidential candidate Prabowo Subianto. A year has passed since Sandiaga officially resigned, the seat of the Deputy Governor of DKI is still vacant. DKI Jakarta Governor Anies Baswedan also had to be willing to work alone in DKI Jakarta for almost two years. The cawagub selection process was tough. However, in November 2019 the Gerindra party proposed several names of candidates to replace Sandi. The name was later narrowed down to one name, namely Ahmad Riza Patria, PKS proposed Nurmansyah Lubis as a cawagub of DKI accompanying Anies.

##### 1. Political drama in the 2019 presidential & vice presidential election

The general chairman of the Gerindra Party, Prabowo Subianto, has officially registered himself as a presidential candidate for 2019-2024 with the General Elections Commission. Prabowo is not the first time trying to become the number

one person in Indonesia. The former Kopassus Commander General's efforts to occupy the RI 1 seat have been carried out four times.<sup>102</sup>

a. candidate for vice president prabowo subianto in the presidential election

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<sup>102</sup>Prabowo's efforts began 14 years ago, namely in the 2004 Presidential Election. Prabowo at that time tried to advance through the Golkar Party in the first presidential election in Indonesian history. When that attempt failed, Prabowo did not give up. The son of economist Soemitro Djojohadikoesoemo founded the Gerindra Party, which he used to run in the presidential election contestation. Prabowo ran in the Golkar Party presidential candidate convention in 2004. He lost. The convention was won by Wiranto who later became a presidential candidate from the Golkar Party paired with Salahuddin Wahid. In the end, the pair Susilo Bambang Yudhoyono-Jusuf Kalla who came out as winners. Prabowo did not break his spirit again in 2009. This time he has his own vehicle, the Gerindra Party. At first, Prabowo intended to walk with the then General Chairman of PAN, Soetrisno Bachir, who he took as a vice presidential candidate. However, the pair had withered before flourishing due to not being able to meet the support seat requirements. Prabowo changed course and anchored in a coalition with the Indonesian Democratic Party of Struggle (PDI-P) which promoted Megawati Soekarnoputri as a presidential candidate. Through tough negotiations, Prabowo was finally relieved to be paired as a vice presidential candidate. However, this pair failed to win. The presidential election at that time was won by Susilo Bambang Yudhoyono-Budiono. Prabowo changed course and anchored in a coalition with the Indonesian Democratic Party of Struggle (PDI-P) which promoted Megawati Soekarnoputri as a presidential candidate. Through tough negotiations, Prabowo was finally relieved to be paired as a vice presidential candidate. However, this pair failed to win. The presidential election at that time was won by Susilo Bambang Yudhoyono-Budiono. Prabowo changed course and anchored in a coalition with the Indonesian Democratic Party of Struggle (PDI-P) which promoted Megawati Soekarnoputri as a presidential candidate. Through tough negotiations, Prabowo was finally relieved to be paired as a vice presidential candidate. However, this pair failed to win. The presidential election at that time was won by Susilo Bambang Yudhoyono-Budiono.

Prabowo ran again in 2014. This time, the Gerindra Party has grown bigger than in 2009. The seats for the Gerindra Party have increased rapidly to 73 seats from the previous 26 seats. Prabowo's bargaining power to become a presidential candidate has also become strong. In the end, Prabowo also managed to become a presidential candidate and collaborated with the General Chair of the National Mandate Party Hatta Rajasa. The pair are also supported by the Golkar Party, the Prosperous Justice Party, and the United Development Party. The Prabowo-Hatta pair must recognize the superiority of Joko Widodo-Jusuf Kalla. The pair Joko Widodo - Jusuf Kalla won with 53.13 percent of the votes. Meanwhile, the Prabowo-Hatta pair got 46.84 percent. Prabowo and Sandiaga Uno officially ran for the presidential and vice presidential candidates in the 2019 presidential election. Prabowo came back and again challenged Jokowi as the incumbent. Prabowo teamed up with the Deputy Chairperson of the Gerindra Party Board of Trustees, Sandiaga Uno. This pair is supported by four parties, namely the Gerindra Party, the Democratic Party, PKS and PAN.

"Prabowo Subianto and His Efforts to Advance Four Times in the Presidential Election...", <https://national.kompas.com/read/2018/08/10/14303291/prabowo-subianto-dan-effort-four-kali-maju-dalam-pilpres?page=all>. Accessed on 12 January 2021

**Table 1.2 candidates for vice president candidate Prabowo Subianto in the presidential election**

Name	Information
1. Anies Baswedan	Gerindra Party chairman Prabowo Subianto admitted that DKI Jakarta Governor Anies Baswedan is a strong candidate for vice president who will be partnered with in the 2019 Election. "Pak Anies is one of the candidates, a young figure that we think is capable. So I think he is a serious candidate too. serious," said Prabowo at his home, Jalan Kertanegara, South Jakarta, Friday, July 6.
2. Salim Segaf	Ijtima Ulama and National Figures have recommended the name of the Chairman of the Syuro Council of the Prosperous Justice Party (PKS) Salim Assegaf Al Jufri to be paired with the General Chair of the Gerindra Party Prabowo Subianto in the 2019 Presidential Election. Subianto is accompanied by the vice presidential candidate that we recommend, namely Salim Asegaf Al Jufri. God willing, we can fight for this and we will be responsible for it," said Chairman of the National Movement to Guard Ulama Fatwa (GNPF-U) Yusuf Muhammad Martak.
1. Agus Harimurti Yudhoyono (AHY)	The general chairman of the Gerindra Party, Prabowo Subianto, is looking at the young vice presidential candidate. There were several names that entered the shot. Among them is the Chairman of the Democratic Party's Kogasma Agus Harimurti Yudhoyono (AHY).

	"I said we also looked at AHY's brother," Prabowo said at his home, Jalan Kertanegara, South Jakarta.
2. Abdul Somad	Abdul Somad's name is one of two names recommended by the GNPf ulama ijtima forum and a national figure to become Prabowo's vice presidential candidate. One other name, namely Chairman of the PKS Syuro Council Salim Segaf Al-Jufri. Deputy Chairperson of the Gerindra Party, Fadli Zon, said that Prabowo Subianto and Ustaz Abdul Somad wanted to stay in touch. According to the plan, the meeting between Prabowo and Abdul Somad is scheduled for today. Prabowo, said Fadli, wanted to stay in touch and at the same time listen to Somad's views and ideas about the nation and state. <sup>103</sup>

b. Sandiaga Uno's resignation as deputy governor of DKI Jakarta

Sandiaga Uno officially resigned on August 27, 2018 by reading his resignation speech at the plenary meeting of the DKI DPRD. This decision was taken after it was confirmed that he would run as a vice presidential candidate to accompany Prabowo Subianto in the 2019 Presidential Election. , I am Sandiaga Salahuddin Uno, born in Pekanbaru, Riau, having his address at Galuh II, South Jakarta, submitting a letter of resignation since I signed this letter. Thus, I have made this letter truthfully. Sincerely, signed, "said Sandiaga, read the contents of

<sup>103</sup> <https://www.liputan6.com/pilpres/read/3605209/4-kandidat-cawapres-prabowo-who-most-strong-lawan-jokowi> accessed on 12 January 2021

the letter before handing it over to Anies. Sandiaga chose to resign because he wanted to focus on advancing in the 2019 presidential election. Sandiaga could actually take time off without resigning, but he avoided politicizing his position. The chairman of the Gerindra DKI Jakarta DPD M Taufik admitted that there was a letter of agreement between Gerindra and PKS, as the party that carries Anies-Sandi. The letter approved the name of the deputy governor to be filled in from the PKS. The names proposed by PKS were Mardani Ali Sera and Nurmansjah Lubis. The letter dated August 10 was signed by Taufik.

The presidential decree (keppres) regarding the dismissal of Sandiaga Uno as Deputy Governor of DKI Jakarta was accepted by DKI Governor Anies Baswedan. The presidential decree was received by Anies that day, 17 September 2018.<sup>104</sup>

## 2. Political map of the candidates for deputy governor of DKI Jakarta

The researcher types about "the election of vice governor" in the article search column of the official website of the DKI Jakarta DPRD, then 77 articles related to the election of the deputy governor will appear. This result is really a very, very long and complicated process. The Gerindra Party faction and the PKS DPRD DKI finally handed over the names of two candidates for deputy governor or deputy governor of DKI to DKI Jakarta Governor Anies Baswedan at City Hall, Central Jakarta. The two are Nurmansjah Lubis from PKS and Ahmad Riza Patria from Gerindra. They replaced the candidates for Deputy Governor of DKI, two PKS

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<sup>104</sup> <https://news.detik.com/berita/d-4216203/keppres-berhentian-sandiaga-as-wagub-dki-already-terbit> accessed on 12 January 2021

cadres who had previously been promoted by the two parties, namely the Secretary of the DKI PKS DPW Agung Yulianto and former Bekasi Mayor Ahmad Syaikhu, who is now a member of the Indonesian House of Representatives from the PKS faction. The seat of Deputy Governor of DKI was vacant after Sandiaga Uno resigned from his position to take part in the 2019 Presidential Election.

This decision was taken after it was confirmed that he would run as a vice presidential candidate to accompany Prabowo Subianto in the 2019 Presidential Election. The election to replace Sandiaga has been carried out since a member of the DKI DPRD for the 2014-2019 period. The following is the journey of the Jakarta deputy governor election after Sandiaga Uno resigned:<sup>105</sup>

a. candidate for deputy governor of DKI Jakarta

**Table 1.3 candidates for deputy governor of DKI Jakarta**

Time	Information
17 September 2018	Deputy Chairperson of DKI Jakarta Gerindra DPD Syarif said there was no agreement between Gerindra and PKS. Candidates from Gerindra and PKS are expected to be able to compete in the DPRD through voting. <sup>106</sup> He said

<sup>105</sup> <https://metro.tempo.co/read/1298095/dinamika-wagub-dki-agung-syaikhu-berujung-ke-nurmansjah-riza> accessed on, January 22, 2021

<sup>106</sup> Voting is a decision that is taken based on the majority of votes, voting serves to find the management of an organization or other because previously it was still a draw (balanced). source <http://glossarium.org/arti/voting> accessed on 12 January 2021. Meanwhile, in the Big Indonesian Dictionary, voting is voting because consensus cannot be reached. Source: Indonesian Language Dictionary electronic edition (Center for Language, 2008) In this context it can be interpreted that voting is a normal thing in a democratic country. Voting is often interpreted as a voting process to approve, reject or choose one or more options that cannot be reached through deliberation for consensus.

	<p>Gerindra would nominate the chairman of the DPD Gerindra DKI Jakarta, M Taufik.</p> <p>However, PKS wants the chairman of DPD Gerindra M Taufik not to run for the position so there is no need for voting in the DKI DPRD.</p>
October 30, 2018	The chairman of the PKS faction of the DKI Jakarta DPRD, Abdurrahman Suhaimi, issued a threat if the deputy governor of DKI was not from PKS.
November 5, 2018	Gerindra and PKS agreed that there would be a fit and proper test for the deputy governor of DKI.
12 November 2018	PKS has appointed the chairman of the DKI PKS DPW, Syakir Purnomo and the chairman of the PKS faction in the DKI DPRD, Abdurrahman Suhaimi, to be the committee of the fit and proper test team for the vice governor of DKI.
15 November 2018	Gerindra appointed LIPI senior Siti Zuhro to be one of the fit and proper test teams for the candidate for Deputy Governor of DKI Jakarta. So, the fit and property test team from Gerindra are Deputy Chairperson of the Gerindra DKI Jakarta DPD Syarif and Siti.
November 20, 2018	The DKI Jakarta PKS DPW has changed its mind regarding the fit and proper test for the Jakarta vice governor. PKS DKI considers the selection process for deputy governor candidate to replace Sandiaga Uno is irrelevant.
January 2, 2019	Former Deputy Minister of State Apparatus Empowerment and Bureaucratic Reform Eko Prasodjo and political observer Ubedilah Badrun were proposed to be the deputy governor of DKI Pansel by PKS.



	<p>Meanwhile, PKS deposited three names for the cawagub of DKI Jakarta for a fit and proper test. The names of the PKS cadres who were proposed as cawagub were, first, Agung Yulianto, Ahmad Syaikhu, and Abdurrahman Suhaimi.</p>
12 January 2019	<p>The DKI Jakarta PKS DPW released the names of two candidates for deputy governor (cawagub) who passed the fit and proper test, namely Ahmad Syaikhu and Agung Yulianto. Panelist team member Ubedilah Badrun confirmed that the two cawagub had met the criteria. However, the chairman of the Gerindra DKI Jakarta DPD M Taufik said the decision was not final.</p>
January 21, 2019	<p>PKS and Gerindra Party agreed on the deadline for the fit and proper test for the candidate for Deputy Governor of DKI Jakarta. Two names of cawagub who passed the selection will be submitted directly to the Governor of DKI Jakarta Anies Baswedan on February 11, 2019.</p>
January 22, 2019	<p>PKS and Gerindra DKI agreed to propose Agung Yulianto and Ahmad Syaikhu to be the deputy governors of DKI to replace Sandiaga Uno. Both were selected based on the recommendation of the results of the fit and proper test.</p>
27 February 2019	<p>The letter for submitting the name of the candidate for Deputy Governor of DKI Jakarta has not been sent to the Governor of DKI Anies Baswedan. PKS said the application letter was waiting for approval from the General Chairperson of the Gerindra Party Prabowo Subianto and his secretary general Ahmad Muzani.</p> <p>"Currently, we are still waiting for the signatures from Pak Prabowo and Pak Muzani as Ketum and Secretary General</p>

	<p>of the Gerindra Party DPP. Hopefully it will be completed soon," said Chairman of the DKI PKS DPW Syakir Purnomo to reporters.</p> <p>Syakir said that from the PKS side, President Sohibul Iman and Secretary General Mustafa Kamal had signed. The signatures of the leaders of the two coalition parties are needed before the application letter is submitted to Anies.</p>
May 1, 2019	The issue of Prabowo Subianto's signature is over, the DKI Jakarta PKS DPW said it had handed over the names of two candidates for deputy governor of DKI Jakarta to DKI Jakarta Governor Anies Baswedan.
May 4, 2019	The chairman of the DKI Jakarta DPRD, Prasetyo Edi Marsudi (Pras) accepted the proposal for the deputy governor candidate. Pras will submit the letter to the Deliberative Body (Bamus) to immediately make a special committee for election procedures.
May 12, 2019	The DKI Jakarta DPRD has appointed the head of the Hanura faction, Ongen Sangaji, to be the chairman of the special committee for deputy governors (wagub). Meanwhile, the chairman of the NasDem Faction of the DKI DPRD, Bestari Barus, was appointed as his deputy.
June 18, 2019	Chairman of the DKI Jakarta DPRD Prasetyo Edi received information that the target for the election of the deputy governor of DKI Jakarta will be on July 22, 2019.
9 July 2019	There was a debate between Gerindra and PKS about the requirements for a quorum of council members in the plenary session of the election for vice governor of DKI Jakarta. The debate took place at a meeting of the deputy governor's special committee. A member of the DPRD

	<p>from the Gerindra faction, Iman Satria, asked the special committee (pansus) to change the quorum requirements for members of the Council in the election of deputy governor for DKI from 50%+1 to 3/4.</p> <p>The chairman of the PKS faction, Abdurrahman Suhaimi, said that the 50%+1 quorum requirement had been set by the Ministry of Home Affairs (Depdagri). According to Suhaimi, it can no longer be changed and it is already stated in the DPRD's ordinances.</p>
July 16, 2019	<p>The discussion of the draft rules for the election of the deputy governor of DKI Jakarta has been canceled for the third time. Rapimgab was originally scheduled for Wednesday (10/7) but was postponed to Monday (15/7) because many council members did not attend. On Monday (15/7), the meeting was also adjourned to Tuesday (16/7) because many leaders of the Board of Directors were not present.</p>
November 7, 2019	<p>Entering November 2019, Gerindra proposed four new candidates. The chairman of DKI Jakarta's Gerindra DPD M Taufik said the four new names were proposed because the DKI 2 seat selection process had stalled for more than a year. So, according to him, it is not wrong if Gerindra proposes a replacement name for Sandiaga Uno.</p>
January 20, 2020	<p>Riza was officially nominated to replace the Deputy Governor of DKI Jakarta, Sandiaga Uno, who resigned while running for the 2019 presidential election. "I have a letter addressed to the governor signed by both parties. This letter revokes the previous letter, in this letter two names have been agreed. One, Nurmansyah Lubis, and</p>

	<p>two, Ahmad Riza Patria," said Gerindra Deputy Chair Sufmi Dasco Ahmad, during a press conference at the Gerindra Party Faction Room of the DKI Jakarta DPRD, Central Jakarta.</p> <p>Gerindra also participated in displaying the approval letter signed by PKS regarding the two new names. The plan is that the two names will be handed over to the Governor of DKI Jakarta Anies Baswedan to be forwarded to the DPRD.</p>
January 22, 2020	<p>DKI Jakarta Governor Anies Baswedan admitted that he had sent the name of the candidate for deputy governor (cawagub) to the DPRD. He hopes that the DKI Jakarta DPRD will immediately process the election of vice governor.</p>
March 23, 2020	<p>The Election Committee (Panlih) of the Deputy Governor of DKI Jakarta announced the results of the verification and interviews of two cawagub DKI, Nurmansyah Lubis (PKS) and Ahmad Riza Patria (Gerindra). Both cawagub have passed and are ready to proceed to the election process.</p>
April 6, 2020	<p>The Vice Governor election, which was originally scheduled to be held on March 23, 2020, was finally held on April 6, 2020 due to the Corona outbreak. Riza Patria was finally elected as Deputy Governor of DKI.</p> <p>A Riza won with 81 votes. Meanwhile, Nurmansjah received 17 votes. 2. In the next process, the DKI Jakarta DPRD will report the election results to the Ministry of</p>

	Home Affairs. Responding to this result, Gerindra said that Riza's victory was a victory for the citizens of Jakarta. <sup>107</sup>
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b. The feud between PKS and Gerindra

"As long as it's not PKS" That snippet appeared during the selection process for the candidate for Deputy Governor of DKI Jakarta, Sandiaga Uno's replacement. The reason is that the politicians in Kebon Sirih are worried that the Islam-based party will become bigger because it occupies the number two position in the capital. Without any cawagub from its cadres, PKS succeeded in adding 50 percent of legislative seats. This concern resulted in the process of selecting a candidate for governor of DKI Jakarta which lasted for 16 months. The selection of cawagub from PKS even made certain prerequisites that were not in the initial agreement between PKS and Gerindra. The three cawagub candidates, Abdurrahman Suhaimi, Ahmad Syaikhu, and Agung Yulianto, had to take a fit and proper test, for example.

PKS continues to follow the Gerindra Party's proposal to carry out a fit and proper test at the Aston TB Simatupang Hotel, South Jakarta at the end of January - 8 February 2019. The activities which lasted for more than a week included candidates compiling their thoughts on Jakarta, interviewing track records and understanding long-term work plans. Regional Medium Term (RPJMD) DKI Jakarta 2018-2022. As a result, the names of Ahmad Syaikhu and Agung Yulianto were chosen as cawagub candidates based on the recommendation of the fit and

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<sup>107</sup> <https://news.detik.com/berita/d-4966872/perjalanan-peleksian-wagub-dki-ditinggalkan-sandiaga-diisi-riza-patria/5> accessed on 12 January 2021

proper test panel on February 11. The next trip was to submit the names of the two cawagub candidates to the Governor of DKI Jakarta Anies Baswedan. Again, the process was not as smooth as PKS wanted because there was no signature of the DKI Jakarta Gerindra DPD. Gerindra General Chair Prabowo Subianto was angry, because he received a direct report from PKS President Sohibul Iman regarding the protracted process of signing the cawagub DKI Jakarta. Not long after, February 22, 2019, the Chair of the DKI Jakarta Gerindra DPD Muhammad Taufik held a meeting with the Chairman of the DKI Jakarta PKS DPW Syakir Purnomo at the Al Jazeera Signature Restaurant Lounge, Kebon Sirih.

"We have signed the letter and God willing, it will be submitted to the Governor of DKI (Anies Baswedan) to be submitted again to the DPRD," said DPD Gerindra Chairperson of DKI Jakarta M Taufik to the media crew. Unfortunately, the formal event was not attended by the Secretary of DPD Gerindra Husni Thamrin. As a result, the process of handing over the name of the cawagub was delayed again.<sup>108</sup>

#### 1). Gerindra Party's commitment in the election of cawagub DKI Jakarta

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<sup>108</sup>Four days later, a green banner with white writing was displayed in front of the DKI DPRD Building, Central Jakarta, Tuesday (26/2/2019). The banner reads "Kite Rejects Deputy Governor of DKI Jakarta From PKS". At the bottom of the banner is the words and logo of the Betawi Rempug Forum (FBR). FBR Chairman Luthfi Hakim confirmed the installation of banners and the rejection of the Candidate for Deputy Governor of DKI Jakarta from the PKS because they did not know him. PKS DPP Spokesperson Pipin Sopian said the public could judge that some people had cunning to thwart the position of the Deputy Governor of DKI Jakarta from PKS. This can be seen in the cawagub election process which continues to be postponed and there is no explanation from the DPRD regarding the refusal of its cadres. "

The Anies-Sandi party on March 1, 2019 finally handed over the names of two PKS cadres Ahmad Syaikh and Agung Yulianto to the Governor of DKI Jakarta Anies Baswedan through the Regional Secretary Saefullah. It was only on March 4, 2019, the number one person in DKI Jakarta responded by submitting the name of the candidate for his companion to the secretary of the council so that the discussion would start as soon as possible. The DKI Jakarta DPRD in mid-March 2019 agreed to form a special committee for the election of the deputy governor of DKI. His job is to formulate the rules for the election of deputy governors. The DKI DPRD faction took a long time to send the names of DPRD secretariat representatives so that a new special committee for the election of deputy governors was formed on May 13, 2019. As a result, the draft statute was only completed on July 9, 2019. The problem re-emerged, the draft statute had to be discussed in a joint leadership meeting (Rapimgab) of the DKI Jakarta DPRD before approval at the plenary session.

Unfortunately the Rapimgab to discuss the procedures for selecting the deputy governor was never implemented. Rapimgab continued to be canceled and postponed three times. First, the rampimgab should have been held on July 10, 2019. It was postponed to July 15, 2019 because many DPRD faction leaders were not present and did not meet the quorum requirements because only 17 members of the council were present. Rapimgab was rescheduled for July 16, 2019, again not meeting the attendance of only nine people. "With the absence of a quorum, it means that there are other parties who really don't want this (PKS cawagub) election

to be smooth," said Ahmad Yani. Jakarta Gerindra DPD chairman Muhammad Taufik said his party had fulfilled the promise to give the Jakarta cawagub seat to PKS. The proof is by signing the approval of two candidates from PKS as cawagub DKI,

"In terms of commitment, we have fulfilled it, but if you fail to convince DPRD friends, don't turn it back to Gerindra. That's your weakness," said Taufik. He added that the absence of members of the Council was the cause of the failure of the quorum. In fact, it was not only the other factions who were not present, but the PKS leadership also did not attend the rampingab meeting, added Taufik. Responding to the statement by the Deputy Chairperson of the DKI Jakarta DPRD, Ahmad Yani asserted that if Gerindra really supports the cawagub from PKS, then the Gerindra leadership will be present in the neatmgab discussion, but the fact is that the Gerindra leadership did not attend the meeting three times. In fact, if they are present, the rampingab meeting can take place quickly. Unlike Taufik, Deputy Chairperson of the Gerindra DPP Arief Poyuono said there was no black and white commitment between Gerindra and PKS regarding the cawagub DKI. The conversation is only verbal so that it becomes commonplace. "If we don't have a black and white commitment (a formal agreement). If we just talk about it, that's normal," he explained.<sup>109</sup>

## 2). Factors for the 2024 presidential election

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<sup>109</sup> <https://tirto.id/menjegal-pks-menikuti-Kursi-vice-gubernur-dki-jakarta-eygC> accessed on 12 January 2021



PKS President Sohibul Iman admitted that the election for the cawagub of DKI Jakarta was tough because all parties took into account the presidential and legislative elections in 2024. The position of the Governor of DKI Jakarta was not a party, while if the cawagub was from the PKS party, people would imagine that the party would be bigger. This reason makes it difficult for genuine PKS cadres to occupy the number two seats in DKI Jakarta. "Everything is calculated for 2024. That's all. I don't want to accuse various things, including PKS calculating for 2024. We want PKS cadres, we want to calculate 2024," said Sohibul. In the next cawagub election process, the chance of voting is greater than deliberation. The two parties moreover, both PKS and Gerindra both claim to be entitled to this position. In the Council building, there are 106 seats; PDI-P 25 seats, Gerindra 19 seats, PKS 16 seats,

Syarif said that if Ahmad Riza Patria is elected as the deputy governor of DKI Jakarta, the chance for the Gerindra Party to form a coalition with the PDIP Party in the 2024 presidential election is wide open. He considered the talks too early for now. The chairman of the PDIP faction of the DKI Jakarta DPRD, Gembong Warsono, assessed that the party bearing the fortress head as a determinant of the cawagub election promoted by PKS and Gerindra, was not without reason, almost a quarter of the total DPRD seats were controlled by PDIP. To determine attitudes and choices, Gembong admitted that there had been no instructions from the PDIP DPP. He asserted, to decide the final choice, it will coordinate with the DPP. Because the fraction is part of the extension of the central arm. "The faction will

definitely coordinate with the DPP. We are extending our arms, so we will combine the central and regional (DPP)," said Gembong.

Gembong did not deny the opportunity to choose a cawagub from the Gerindra Party. At the national level, especially since the two parties are intimate. However, he believes that future politics changes very quickly and what is predicted to be impossible can become possible. Not only DPD PDIP DKI Jakarta must coordinate, but DPD Nasdem DKI must coordinate to determine their attitudes and choices. The regional Nasdem provided input regarding the cawagub candidates, but the DPP was working on it. He emphasized that until now, there has been no directive from the top (DPP Nasdem) to the bottom (DPD Nasdem DKI Jakarta). "If there is a directive, why hold another meeting tomorrow (Gerindra)," said Deputy Chairman of the NasDem Faction of the DKI Jakarta DPRD, Nova Harivan Paloh, Monday (3/2/2020). When asked about the meeting of PKS President Sohibul Iman at the Nasdem DPP with Surya Paloh, whether the signal supports the cawagub from PKS, Nova reasoned that he did not know because there was no meeting location at that time. He added that don't interpret the arrival to the Nasdem DPP, it doesn't mean to intrude on us (support the cawagub PKS).<sup>110</sup>

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<sup>110</sup>Meanwhile, the Election Committee (Panlih) for the Deputy Governor of the DKI DPRD together with the Information Communications and Statistics Agency (Diskominfo) continues to intensify preparations for the election of the Deputy Governor (Wagub) of DKI Jakarta. This time, preparations were made by simulating the stages of delivering the Cawagub vision and mission, as one of a series of selection processes. In this stage the delivery of the vision and mission is carried out by relying on interactive video conference telecommunications. This was done as a form of preventing the spread of Covid-19 during the Jakarta Deputy Governor election. Deputy Chairperson of the Jakarta DPRD Cawagub Panlih Basri Baco said, simulations need to be carried out to ensure that the coordination of assignments between divisions in the implementation of the

Both PKS and Gerindra, the position of the Deputy Governor of DKI Jakarta determines the 2024 presidential election. Prabowo Subianto, who is now the Minister of Defense in the era of the Advanced Indonesia Cabinet, has a wide opportunity to become a presidential candidate for the third time. "As a cadre, I will not stop fighting for Prabowo to become president. Until he says stop," said Syarif.<sup>111</sup>

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agenda for delivering the vision and mission of the DKI Cawagub decided by the DKI DPRD through the teleconference network can run more optimally. "So today we are simulating to prepare for the video conference tomorrow (Friday), with representatives from the Cawagub and representatives from all factions (9 factions) and panlih. It was also attended by the Chairman of the DPRD and the Deputy Chair to see the preparations," he said at the DKI Jakarta DPRD building, Thursday (2/4).

He explained that the agenda for conveying the vision and mission of the Deputy Governor of DKI Jakarta will take place with a projected duration of 2.5 hours starting at 14.00 WIB. The duration, continued Basri, includes the delivery of the vision and mission of the Deputy Governor of DKI based on the guidelines for the 2017-2022 Regional Medium-Term Development Plan (RPJMD). Then, it was continued with a question and answer session which was carried out by each representative of the DPRD political party faction together with the Cawagub DKI. "So tomorrow, we will give the Cawagub 15 minutes, and each faction will give us 3 minutes to ask questions, it may be to the two (Cawagub), it may be to one of the cawagub. There can only be two questions, both are cawagub or divided one by one, and we give each faction a time to answer the cawagub, each faction has 5 minutes to answer," explained Baco. Therefore, His party appealed to all internal political party factions of the DKI DPRD to coordinate in preparing alternative questions outside the 2017-2022 RPJMD material in order to find out the mastery of competencies possessed by each Jakarta Deputy Governor. "Because the RPJMD has many things, it is hoped that it will not be the same, so the two questions should not be the same between one faction and another.

So we (panlih) also ask the faction to prepare backup questions, if one of the two that has been prepared is the same as another faction, then the backup questions are asked to maximize the vision and mission process and question and answer," said Baco of the Regional House of Representatives. (DPRD) DKI Jakarta Province held a plenary meeting for the election of the remaining Deputy Governor of 2017-2022, Monday (6/4). There were as many as 100 voters who participated out of a total of 106 members of the DKI Jakarta DPRD in the plenary event of the election of the Deputy Governor of DKI Jakarta this afternoon. Ahmad Riza Patria got the most with 81 votes. Meanwhile, Nurmansjah Lubis got 17 votes. The other two ballot papers were declared by the Election Committee to be invalid.

<https://dprd-dkijakartaprov.go.id/dprd-simulation-stages-pemelekan-wagub-dki-bersama-diskominfotik/> accessed on 13 January 2021

<https://dprd-dkijakartaprov.go.id/dprd-gelar-paripurna-pemelekan-wagub-dki-sis-jabatan-2017-2022/> accessed on 13 January 2021

<sup>111</sup> <https://tirto.id/di-balik-selected-riza-patria-menjadi-cawagub-dki-eygE> accessed on 13 January 2021

c. The role of identity politics and SARA

In contrast to other regional head elections, identity politics is considered to be thick in the election of the governor and deputy governor of DKI Jakarta. In a flashback, two pairs of candidates will compete in the deciding round in the 2017 Jakarta gubernatorial election, namely the pair Basuki Tjahaja Purnama alias Ahok and Saiful Djarot Hidayat and the pair Anies Banswedan - Sandiaga Uno. Some parties view that the battle of the two pairs of contestants is more colored by identity politics, between Ahok from the Chinese minority group and non-Muslims facing Anies, who is a candidate for the Javanese Muslim group. The color of identity politics is considered to be much thicker than competing ideas and policies on how to build and advance the welfare of the people of the capital city.<sup>112</sup>This case has been being tried at the North Jakarta District Court since early January 2017.

In a discussion in Jakarta on Wednesday (29/3), researcher from LIPI (Indonesian Institute of Sciences) Amin Mudzakir said the thickness of identity politics was reflected in one of the surveys conducted by Pollmark, where people preferred candidates for religious considerations rather than performance. Around 21.6 percent of respondents chose the governor candidate because of his religion, while 16.3 percent voted because of his performance. "This is a fact. This means

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<sup>112</sup> Ahok's statement was conveyed during a visit on 27 September 2016 related to grouper cultivation.

*"So don't trust people, maybe in your heart you can't vote for me, right? You were lied to using Surat Al-Maidah 51, all kinds of things. That's your right, ladies and gentlemen. So if you don't feel I can choose, because I'm afraid to go to hell because I was fooled like that, okay?"* That's a fragment of Ahok's statement circulating on YouTube

that it must be acknowledged that religion greatly influences people's choices in the political process. Facts like this are then used, not only by the contestants but also by political consultants. This fact is then used by political consultants or election winning institutions as a basis for mobilizing voters. This is a problem because it is normatively against political rationality,” said Amin Mudzakir. Amin added that based on the study of several survey institutions in the first round of the Pilkada, Jakarta voters proved not to be rational voters. Therefore, he continued, the challenge for all parties is to restore the political rationality of the people so that they choose candidates solely based on their performance, not because of their religious and ethnic background.

He added that identity politics in the Jakarta gubernatorial election this time was only used for mere interests. He invites the public to make political rationality the main consideration in choosing a candidate for regional head, not identity politics. M. Wahyuni Nafis, Chair of the Nurcholis Madjid Society, explained that the issue of identity politics in the Jakarta gubernatorial election was due to the erosion of critical thinking among Muslims. As a result, when people talk about religion, they never get to the substance, they only go around in their skin. According to Nafis, that's why it's very possible that non-Muslims have Islamic traits. On the other hand, the characteristics of disbelief can also exist in Muslims. "This means that the qualities of disbelief in the Qur'an are in Muslims. What are the qualities of disbelief in Muslims? That is not respecting human values, not

appreciating real work, not siding with people who provide more benefits, and so on," said the Chairperson of the Nurcholis Madjid Society, Wahyuni Nafis.<sup>113</sup>

Usep S. Ahyar from the Populi Center survey institute on the same occasion acknowledged that there was an SARA issue in the Jakarta gubernatorial election. He gave an example of the high level of public satisfaction with Ahok's performance, but his electability remains low. Usep said that the public actually rejected the issue of SARA in the Jakarta gubernatorial election. This can be seen in a survey conducted by the Populi Center, where almost 80 percent of the people reject the issue of SARA. In practice, when social identity is in the context of identity politics, there is a hierarchy.<sup>114</sup>

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<sup>113</sup>Meanwhile, referring to the writings of Muhtar Haboddin (2012), entitled "The Strengthening of Identity Politics in the Local Area" states that "the strengthening of identity politics in the local sphere coincides with the politics of decentralization. After the stipulation of Law no. 22/1999, the identity politics movement became clearer. In fact, many actors both local and national politics use this issue intensely for power sharing". In Muhtar Haboddin's writings who also cites some political science literature, identity politics is sharply distinguished between political identity and political identity. Political identity is a construction that determines the position of the subject's interests in the ties of a political community, while political identity refers to the political mechanism of organizing identity (both political identity and social identity) as a source and means of politics. Some scientists also distinguish between identity politics and ethnicity politics, although they have similarities that tend to make "difference" as a political instrument. The formation of identity politics in the 2017 DKI Jakarta Pilkada was caused by several factors as follows:<sup>113</sup>

1. There is one candidate pair who comes from two minorities, namely Chinese (Chinese) and Christians;
2. Ahok's speech on Pramuka Island in the Thousand Islands which alluded to Surah Al Maidah 51 which sparked pro and contra reactions in the community;
3. Social media plays a very big role in the process of shaping the identity politics of the Muslim community in Jakarta, especially when Buni Yani uploaded a video of Ahok's speech in the Thousand Islands which went viral and provoked the anger of most Muslims;
4. The action to defend Islam, led by the National Movement to Guard the Fatwa of the Indonesian Ulema Council (GNPFMUI), succeeded in mobilizing the masses of Muslims who were angry at Ahok's insult to the Koran to demand immediate legal proceedings.

<https://journal.trunojoyo.ac.id/simulacra/article/viewFile/5519/3703> accessed on 13 January 2021

<sup>114</sup> <https://www.voaindonesia.com/a/politik-identitas-kental-warnai-pepelean-gubernur-jakarta/3788454.html> accessed on 13 January 2021

### 3. Profile of the elected deputy governor and appointments for DKI Jakarta residents

Riza Patria was born in Banjarmasin, South Kalimantan, on December 17, 1969. Riza Patria's education was recorded as an undergraduate degree in Civil Engineering from ISTN from 1989 to 1997. He also continued his Masters in Business Administration, ITB Bandung, from 2004 to 2008.

#### a. Career and politics.

Riza Patria is a Gerindra Party politician. He has been elected to the DPR for two terms. Riza served as Deputy Chairman of Commission 2 of the DPR-RI in the 2014-2019 period. Riza at that time represented the West Java 5 electoral constituency which included Bogor Regency. He also served as Deputy Chair of the Gerindra Faction MPR RI 2014-2019. Ahmad Riza was re-elected as a member of the DPR-RI for the 2019-2024 period through the Gerindra Party after obtaining 54,528 votes. Riza represents the West Java 3 electoral district which includes Cianjur Regency and Bogor City. Riza was recorded to have participated in the general election for the Governor of DKI Jakarta as a candidate for Deputy Governor accompanying the candidate for Governor Hendarji Soepandji, in 2012. Ahmad Riza Patria was also noted to have been a member of the KPUD DKI Jakarta in 2003-2008. In addition, Entrepreneurial Experience With his scientific

background as an engineer, Riza has explored the business world. In 2001-2015, Riza served as Commissioner of PT Indoproperti Galaraytama.<sup>115</sup>

DKI Jakarta Deputy Governor Ahmad Riza Patria said he was optimistic that he and DKI Jakarta Governor Anies Baswedan could fulfill the 23 campaign promises of Anies-Sandiaga Uno during the 2017 DKI Regional Election. According to Riza, Anies-Sandiaga had calculated the target for achieving the 23 campaign promises and he and Anies will continue its implementation. "Yes, we are optimistic, when we made the promise, Mr. Anies-Sandi, everything was calculated. We are optimistic that everything we promise, our vision, mission and programs will be carried out, as well as the 23 promises," said Riza at DKI Jakarta City Hall, Friday (16/10/2020). Even Riza claimed that the progress of the realization of the 23 campaign promises showed positive things. Riza said, it's just that there are stages that must be passed to realize the 23 campaign promises. "God willing, all friends can see, please check in detail, check everything, promises positive progress. The progress is good," he said.

The following are 23 of Anies' campaign promises in the 2017 DKI Pilkada, which at that time ran with Sandiaga:<sup>116</sup>

1. Revise and expand the benefits of the Jakarta Smart Card in the form of the Jakarta Smart Plus Card for all school-age children (6-21 years), which can also be used for Study Groups Packages A, B and C, madrasa education,

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<sup>115</sup> <https://news.detik.com/berita/d-4966726/terunjuk-jadi-wagub-dki-ini-profil-jubir-gerindra-ahmad-riza-patria/2> accessed on 13 January 2021

<sup>116</sup> <https://www.beritasatu.com/megapolitan/688231/3-tahun-kepemimpan-anies-wagub-dki-optimistis-23-promise-kampanye-bisa-terhasil> accessed on 13 January 2021



- Islamic boarding schools and skills courses and is equipped with cash assistance for underprivileged families
2. Revise and expand the benefits of the Jakarta Sehat Card in the form of the Jakarta Sehat Plus Card by adding special facilities for Koran teachers, Sunday School teachers, house of worship guards, preachers, lecturers and religious leaders
  3. Open 200,000 new jobs, build and activate 44 community entrepreneurship development posts to produce 200,000 new entrepreneurs, over five years
  4. Develop and improve the quality of Vocational Education by integrating the business world into it, to produce graduates who are directly absorbed into the world of work and entrepreneurship
  5. Controlling the prices of basic necessities by maintaining the availability of raw materials and simplifying the distribution chain, as well as providing the Jakarta Food Card to increase the purchasing power of the poor and revitalizing traditional markets and Kali Lima traders to improve the welfare of traders
  6. Stop the reclamation of Jakarta Bay for the sake of preserving the environment and protecting fishermen, coastal communities and all citizens of Jakarta
  7. Building a clean, modern and serving government based on transparency, accountability and exemplary by optimizing public involvement and the use of technology (Smart City)
  8. Develop government performance and governance to realize work plans up to 95 percent, get Unqualified opinion in financial statement audits, achieve 80 predicate in Government Agency Performance Accountability Report (LAKIP), stop fraudulent practices in the bureaucracy, and improve asset management owned by the DKI Jakarta Provincial Government
  9. Increase Program Plan Realization (budget absorption) to expand the scope and effectiveness of flood and congestion prevention programs, rehabilitation and maintenance of the environment and waste management
  10. Honoring women in Jakarta by supporting the Early Initiation of Breastfeeding and Exclusive Breastfeeding, conducting data collection and early monitoring of pregnant women and toddlers who need special assistance, providing special leave for husbands during the birth of a child, as well as providing special public facilities such as the Breastfeeding Room and Childcare facilities that are managed in a healthy, professional manner and can be accessed by all residents
  11. Empowering women in Jakarta by fully supporting women's participation in the economy, including through the provision of Independent Women's Business Loans
  12. Protecting women and children in Jakarta from harassment, violence and discrimination practices as well as human trafficking by activating 267 Safe Houses, revitalizing the application-based Quick Response Unit for

- Women's Protection in collaboration with the Jakarta Regional Police, and providing legal aid subsidies for victims
13. Building an integrated public transportation system in the form of inter-mode interconnection, improving the management model of public transportation services, expanding transportation coverage to reach all citizens, integrating public transportation systems with residential centers, public activity centers, and public transportation modes from outside Jakarta
  14. Overcoming the capital gap by making the Thousand Islands an Archipelago of Independent Development by providing infrastructure, employment, educational and health facilities for all its citizens and making it a center for ecological conservation innovation
  15. Reactivating communities in Jakarta through cultural development activities, arts, sports, Early Childhood Education (PAUD) and reading culture through the Taman Maju Bersama Program, namely revitalizing existing parks, building new parks from the outskirts of Jakarta, and build a Smart Park (Science Park)
  16. Build and revitalize cultural development centers, among others by:
    - a. Build Benjamin Sueb Park as a center for the care and development of Betawi culture and a center for cross-community interaction, in which the Betawi Culture Museum stands.
    - b. Rescuing and revitalizing the HB Jassin Literary Documentation Center by digitizing all of its collections, professionalizing its management and proper facilities and infrastructure.
    - c. Making Jakarta the center of the national film revival through synergies with all stakeholders in the creative work of cinematography and the film industry.
  17. Organizing sports and arts festivals in Jakarta throughout the year to develop community-based sports and arts development
  18. Making Jakarta a Green City and Safe City that is friendly, cool and safe for children, women, pedestrians, road users, and all citizens; promote urban farming activities; conduct periodic village security audits; as well as expanding the scope and improving the welfare of Public Infrastructure and Facilities Handling officers (PPSU)
  19. Expand coverage and improve the quality of clean water services with priority in areas with the worst water quality, and provide direct subsidies for poor people
  20. Revitalize community doctor services, conduct health care training for oneself, family and the surrounding environment, conduct environmental care training, and activate Independent Women's Post as part of the Posyandu and Posbindu development program
  21. Empowering middle class developers to realize the construction of flats, row villages and flats, as well as facilitating access to ownership for the poor

22. Build tourism centers, historical places and community activity centers as friendly, safe and cool places for children, the elderly and people with disabilities
23. Increase social assistance for houses of worship, religious education institutions, social institutions, Sunday schools and the Taklim Council based on the principles of proportionality and justice

The election of Gerindra politician Ahmad Riza Patria as Deputy Governor of DKI Jakarta, which has just ended the vacancy of the Deputy Governor seat after Sandiaga Uno left. For almost 2 years, the Governor of DKI Jakarta, Anies Baswedan, has not had a representative to work with Jakarta. This is more or less hampered the work. In practice, Jakarta's homework, starting from floods, traffic jams, and others, has not been completed until now. Ana (25), a resident of Tebet, South Jakarta hopes that Riza Patria will become a professional leader. "Hopefully he will not be a boss but a leader, he who knows the conditions in the field, is willing to sacrifice for his citizens and works professionally. He was given a position that gave him greater responsibility, not greater power," said Ana when contacted on Monday. (6/4/2020). In line with Ana, Kiki (25), a resident of Jati Pulo, West Jakarta also hopes for Riza Patria not to think about himself and work well during his leadership. "Don't be selfish. He is mandated to be a servant of the people, so he must be honest and humble with his citizens," said Kiki. Pratama (29), a resident of Pekojan, West Jakarta, also hopes that Riza Patria will be able to continue the work program that had stalled. While running the program, Pratama also wants Riza to go directly to the community to ensure that the program is implemented properly. Pratama (29), a resident of Pekojan, West Jakarta, also hopes that Riza Patria will be able to continue the work program that had stalled. While running the program,

Pratama also wants Riza to go directly to the community to ensure that the program is implemented properly. Pratama (29), a resident of Pekojan, West Jakarta, also hopes that Riza Patria will be able to continue the work program that had stalled. While running the program, Pratama also wants Riza to go directly to the community to ensure that the program is implemented properly.

"The hope is that Jakarta residents can be more prosperous, every program that runs is not just empty talk. Because there are still many people who are struggling in Jakarta, hopefully the Deputy Governor can come down and see the conditions on the ground," said Pratama.<sup>117</sup> Gerindra Party politician Ahmad Riza Patria was officially elected deputy governor (wagub) of DKI Jakarta in the election of deputy governor by the DKI Jakarta DPRD in a plenary meeting at the DKI Jakarta DPRD Building, Monday (6/4/2020) afternoon. Based on the results of the calculation, Riza got 81 votes. His competitor, Nurmansjah Lubis, received 17 votes, while 2 invalid votes were cast. A total of 100 members of the DKI Jakarta DPRD attended this plenary meeting. There were 6 DPRD members who could not attend the plenary meeting because they were late.<sup>118</sup>

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<sup>117</sup>. "Message of Jakarta Residents for the New Deputy Governor of DKI Jakarta, Riza Patria", Click to read:<https://megapolitan.kompas.com/read/2020/04/06/15112491/message-warga-jakarta-for-vice-gubernur-baru-dki-jakarta-riza-patria?page=all>. Retrieved January 13, 2021

<sup>118</sup>Finally, the Gerindra Party and PKS proposed the names of two candidates for deputy governor of DKI Jakarta to replace Sandiaga Uno to the DKI Jakarta DPRD. The two names are Gerindra politician Ahmad Riza Patria and PKS politician Nurmansjah Lubis. Riza Patria, who is also the former deputy chairman of Commission V of the DPR RI, admitted that he could not promise any additional programs, including how to deal with floods and traffic jams, which are annual problems in Jakarta. "I am very careful in mentioning the program if it says how to deal with flooding or traffic jams, of course everyone has ideas. Because Nurmasyah and I have not been elected, it is not good to talk about the program," he said. If elected as deputy governor, Riza only assists the program that has been prepared by Anies during the gubernatorial election. "Our job when it's finished is just

B. The regional government system of the State Capital Province if it does not have a deputy governor for a long time or until the term of office expires from the perspective of chaos theory charles sampford

Anies worked alone as the leader of Jakarta at the age of his leadership which was only about 10 months. 2 years of his leadership today, 1 year 2 months of which he went without the figure of a deputy governor. The election of a replacement deputy governor went so hard because of the lack of communication between the two supporting parties, namely PKS and Gerindra. The figure of the deputy governor must be discussed by the two political parties to finally be submitted to the DPRD. Claims of achievement However, during the 2 years he led Jakarta, a number of policies and improvements to the face of the capital city were claimed to have been achieved by the former Minister of Education and Culture. There are at least 12 claims of success of his government during this 2-year period. Among them, an increase in the number of public transport users, a decreased level of congestion,

Policy controversy All these achievements are certainly inseparable from the controversies and pros and cons that arise. When the governor, for example, implemented a policy of using black nets and spraying perfume to cover the black and smell of Sentiong River. This time it was closed because it was so black in color and sometimes emitted an unpleasant odor, even though beside it stood the Wisma

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joining the program. No additional moves. The Deputy Governor may not add to the program," he said at the time.

Atlet which was inhabited by international athletes who were participating in the Asian Games. Many residents questioned why the policy taken was to use black cloth or nets to cover the smell and black color of the river, instead of cleaning it and solving the underlying problems. The installation of the net, which is not short, costs more than 500 million rupiah.<sup>119</sup>

Political observer and Executive Director of the Voxpol Center Pangi Syarwi Chaniago assessed that Anies did not play a good role in accelerating the process of selecting the deputy governor of DKI. According to Pangi, Anies should have been able to firmly urge the special committee to speed up the process of selecting the deputy governor. The vacancy of the deputy governor seat is very detrimental to the people of DKI Jakarta. "The role of the governor himself should be played, who plays an opinion, who suppresses (members of the DKI DPRD). Those who give (statements), I regret, I feel that this member of the DKI DPRD does not have a sense of politics, how this is an important need, the people of DKI are disadvantaged because Now, this comment should appear," said Pangi, Monday (7/8/2019).<sup>120</sup> Governor Anies admitted that he could only wait for the election process for the deputy governor of DKI which is being processed at the DKI DPRD. He hopes the process goes smoothly. "When it comes to the deputy governor, I can

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<sup>119</sup>"2 Years of Anies Leading Jakarta, Without Representatives, Achievements, to Controversy", Click to read: <https://www.kompas.com/tren/read/2019/10/16/160000965/2-tahun-anies-pimpin-jakarta-without-representative-achievements-to-controversy?page=all>. Retrieved January 13, 2021

<sup>120</sup>Meanwhile, political observer Hendri Satrio said Anies should have given an ultimatum to the special committee to speed up the process of selecting the deputy governor. "The governor must give a strong ultimatum. The governor has more supporters than the political parties in the DPRD. So, will the governor give an ultimatum?" said Satrio.

inaugurate it like this, I inaugurated it yesterday. The process for the deputy governor is still in the DPRD, so we are waiting. According to the plan, they will hold a trial this July. So we'll just have to wait for the results," said Anies.<sup>121</sup>

1. Governor Anies Baswedan complains about not having a deputy governor

Located at the Vice Presidential Palace in Jakarta, Anies said the biggest obstacle to not having a Deputy Governor lies in protocol management. The reason is that many meetings held at the state palace or at the ministry level must be attended by the governor or deputy governor. "The protocol activities cannot be delegated except to the Deputy Governor," said Anies, Friday (9/8/2019). Regarding performance in managing Jakarta, Anies ensured that there were no obstacles. Whether or not there is a Deputy Governor, Jakarta already has a management that ensures the city management runs as optimally as possible. "[I] have one body, if there are several [meetings] at the same time [it can't be fulfilled all]," he said. Anies admitted that it was difficult. Without the deputy governor, he cannot share the duties of attending two events at the same time. "When Sandiaga was still serving as deputy governor of DKI, Anies admitted that he could share his duties to attend two activities that took place simultaneously. "The last few months have been done by myself," he said. Apart from that, according to Anies, he can still handle work at the DKI Provincial Government even without a deputy governor. When Sandiaga was still serving as deputy governor of DKI, Anies

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<sup>121</sup> "11 Months of Anies Without a Deputy Governor...", <https://megapolitan.kompas.com/read/2019/07/10/06334371/11-month-anies-without-deputy-governor?page=all> . Retrieved January 13, 2021

admitted that he could share his duties to attend two activities that were taking place simultaneously. "The last few months have been done by myself," he said. Apart from that, according to Anies, he can still handle work at the DKI Provincial Government even without a deputy governor.<sup>122</sup>

a. the state of the citizens of Jakarta without a deputy governor

Anies Baswedan is still alone at the DKI Jakarta City Hall. There has been no replacement for him in leading Jakarta since he was left by Sandiaga Uno on August 27, 2018. Sandi left the position of Deputy Governor of DKI Jakarta because he advanced to the presidential election arena as a vice presidential candidate. He chose to leave Anies to accompany presidential candidate Prabowo Subianto. Practically, Governor Anies has been alone for 1 year and 8 months. He does not have a representative who can be a partner to manage the jungles of Jakarta until his term of office only has two years remaining. Anies couldn't do much because the law restricted him from choosing a replacement for Sandi. Indeed, the people of Jakarta in particular and the people of Indonesia in general were made exasperated, annoyed, and even furious by such a protracted situation. 1 year and 8 months is not a short time for a top regional leader to work without a representative. Moreover, he is the Governor of Jakarta, which is not only the nation's capital, but also a miniature of Indonesia. It is also not surprising that later there were children

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<sup>122</sup> 11 Months of Anies Without a Deputy Governor...",<https://megapolitan.kompas.com/read/2019/07/10/06334371/11-bulan-anies-without-deputy-governor?page=all>.



of the nation who, because they had lost their temper, took action to end the uncertainty. He is Michael, a student at Tarumanagara University Jakarta.

Michael assessed that the process of filling the seat of the Deputy Governor of DKI through political parties was too long, then submitted a judicial review<sup>123</sup> Article 176 of Law No. 10 of 2016 concerning the Second Amendment to

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<sup>123</sup> Judicial review or the right to judicial review is the process of testing lower laws and regulations against higher laws and regulations carried out by the judiciary.

In practice, judicial review of laws against the 1945 Constitution is carried out by the Constitutional Court (MK). Meanwhile, the review of statutory regulations under the Act against the Act is carried out by the Supreme Court (MA).

Regarding the judicial review to the Constitutional Court, the applicant is a party who considers his constitutional rights and/or authorities to be impaired by the enactment of the law, namely:

- Individual Indonesian citizen;
- The customary law community unit is still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated in law;
- Public or private legal entities; or
- State institutions.

What is the procedure for filing a case for a judicial review of the Constitutional Court?

The application for judicial review to the Constitutional Court is submitted directly to the Jakarta Constitutional Court building, or you can register online via the website: <http://www.mahkamahknsstitution.go.id/>

The application must be written in standard Indonesian, signed by the applicant/proxy and made in 12 copies. The application made must contain the type of case in question, accompanied by supporting evidence in a systematic way:

- Posita's identity and legal standing
- Posita petitum
- Petitum

The registration procedure:

A. Checking the completeness of the clerk's application:

- Not complete, notified
- 7 (seven) days after being notified, must be completed

B. Registration according to the case.

- 7 (seven) working days after registration for the case.
- After the application for Judicial Review is submitted, within 14 working days after registration, Session Day I (except for the case of Disputes over Election Results) will be set a trial schedule. The litigants are then notified/summoned, and the schedule for the trial of the case is announced to the public.

In addition, it is also necessary to know about the provision of a copy of the application when submitting the application file to the Constitutional Court.

1. Legal examination:

- A copy of the application is submitted to the President and the DPR.
- The application is notified to the Supreme Court.

Law No. 1/2015 concerning Perppu No. 1/2014 concerning the Election of Governors, Regents, and Mayors into Law. Based on the provisions, filling the vacancy for the position of deputy regional head is the right of the party carrying the regional head election. The mechanism is that they propose a replacement candidate to the DPRD through the regional head to then be elected. In the case of DKI, those who have the right to nominate candidates are the Gerindra Party and PKS. Unfortunately, even though it has been almost two years, the two have not yet reached an agreement regarding a replacement figure for Sandi. The tug-of-war and political intrigues are palpable, especially recently that Gerindra and PKS have not been as intimate as they used to be. Michael's impatience is the impatience of Jakartans.

Jakartans don't want to be the victims of political strife by the elites. It is true that the supporting party has the constitutional right to propose a replacement for Sandi. It must be noted that they absolutely use that right responsibly, not arbitrarily, let alone arbitrarily. Continuing to leave the deputy governor's seat vacant is an irresponsible act because it is tantamount to allowing local government performance to be suboptimal. In the end, the people are also the ones who suffer

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2. Disputes on the authority of state institutions:

- A copy of the application is submitted to the respondent's state agency.

3. Dissolution of Political Parties:

- A copy of the application is submitted to the relevant political party.

4. Opinion of DPR:

- A copy of the application is submitted to the President.

<https://indonesia.go.id/services/kepenresidenan/economy/judicial-review-ke-mahkamah-constitution> accessed on March 3, 2021

the consequences and by many people such a situation is considered to have been felt by the citizens of Jakarta. The big flood that hit earlier this year, for example. The absence of a deputy governor is indeed not the only cause of the not optimal performance of the DKI Provincial Government. However, if the vacant deputy governor seat is filled quickly, the governor's burden can certainly be reduced. As great as Anies is, he will limp if he continues to work alone. Anies is considered not to have the capability to build Jakarta, maybe he will give better results if he is accompanied by a great representative. The Jakarta issue is very complex and complicated. Therefore, Anies' political party should not complicate things further by continuing to leave the DKI-2 seat uninhabited. Have mercy on Anies and, above all, have mercy on the people of Jakarta. Anies' political party should not complicate things further by continuing to leave the DKI-2 seat uninhabited. Have mercy on Anies and, above all, have mercy on the people of Jakarta. Anies' political party should not complicate things further by continuing to leave the DKI-2 seat uninhabited. Have mercy on Anies and, above all, have mercy on the people of Jakarta. Anies' political party should not complicate things further by continuing to leave the DKI-2 seat uninhabited. Have mercy on Anies and, above all, have mercy on the people of Jakarta.<sup>124</sup>

- b. The state of the DKI Jakarta provincial government system without a deputy governor

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<sup>124</sup> [https://mediaindonesia.com/editorials/detail\\_editorials/1906-kasih-an-warga-jakarta](https://mediaindonesia.com/editorials/detail_editorials/1906-kasih-an-warga-jakarta)  
Accessed on January 14, 2021

The general chairman of the grinding party Prabowo Subianto asked his cadres to focus on winning the 2019 presidential election first. It is predicted that the Deputy Governor of DKI Jakarta will only be proposed after the presidential election. For about 42 days, the Governor of DKI Jakarta, Anies Baswedan, has been working alone without a deputy governor (wagub). Because last August 10, Sandiaga Salahuddin Uno resigned from his position as deputy governor of DKI Jakarta to become vice presidential candidate to accompany Prabowo Subianto. Until now, the process of changing the deputy governor of DKI Jakarta has stalled. Because the supporting parties, namely the Gerindra Party and PKS, are fighting over each other for the position. They never came to an agreement. This process was even colored by the drama of "bartering positions" among supporters of the Prabowo-Sandiaga presidential candidates at the beginning of the presidential election registration period. Chairman of the DPD Gerindra DKI, M Taufik, admitted that he was forced to sign an agreement so that the position of Deputy Governor of DKI was filled with PKS cadres. The drama ended when PKS and the Gerindra Party agreed to keep their mouths shut and end the chaos within the coalition.

There is an important issue that has been overlooked due to the stagnation of the discussion on Sandiaga's replacement, namely, Anies' ability to lead Jakarta without a representative. Anies admitted that there were several obstacles in leading the capital without a deputy governor. One of the obstacles is that Anies cannot come directly to meetings held by ministries and central government agencies. The

provincial government sends the Regional Secretary as the Governor's representative, for example, the treatment given to the central government is different. "Now it's a bit more complicated, at the ministerial level or at the cabinet level, when the governor or deputy governor comes, the seats are the same. But if the regional secretary sits in the back row," Anies said when met at City Hall, Central Jakarta, Monday (8/10/2011). 2018). That is sometimes the reason why he has to attend directly to coordination meetings held by ministries and agencies. Some of the provincial government's internal agendas had to be handed over to be handled by the Regional Secretary or SKPD heads.

Last week, for example, he followed the coordination agenda of the 2018 Asian Para Games, which could not be represented. "I myself have to come, how many times I can't be represented, I have to share," he explained.

#### 1) Ministry of Home Affairs & DPRD Ask for New Deputy Governor

The Director General of Regional Autonomy at the Ministry of Home Affairs (Kemendagri) Soni Sumarsono admits that there is no time limit set for determining the deputy governor of DKI Jakarta. He asked that the matter be discussed carefully. "As long as the successor will be suitable to work and adjust to the program of the incumbent governor," said Sumarsono. The provision regarding the time limit is regulated in Article 176 paragraph (4) of Law Number 10/2016 concerning Regional Head Elections which reads, "Filling vacancies for the positions of Deputy Governor, Deputy Regent, and Deputy Mayor is carried out if the remaining term

of office is more than 18 months as of the vacancy. the position". Although there is a long grace period to appoint a new deputy governor, Sumarsono hopes that someone will soon fill the vacant position. Because there must be someone who supports the performance of the governor of Jakarta whose programs are many and complex.

He also said that the DKI Provincial Government had consulted to speed up the process of selecting a new deputy governor to his ministry. "Today we received a consultation from the DKI Bureau of Government, for its normative direction," he added. The chairman of the DKI Jakarta DPRD, Prasetyo, assessed that the two factions must immediately agree on a new name to be proposed as a replacement for Sandiaga. According to him, considering the current state of the government, Anies' work in running the program is not optimal because of it. He thought there was work that was neglected. For example, regarding several heads of regional work units who are currently still carrying out their duties, they were not immediately appointed as definitive officials. "There are still many who have not been made Acting. That's why there is a system that is already good, continue. The part that is lacking, let's talk to the DPRD, that's good, right?"

## 2) The Issue of Nomination for Deputy Governor After the Presidential Election

Member of the DPRD for the Nasdem Party Fraction Bestari Barus said that the candidate to replace Sandiaga had not been officially raised by the Gerindra and

PKS party factions in the DKI Jakarta parliament. Some names did appear outside the DKI Jakarta DPRD, but there is no certainty whether they will actually be promoted. According to him, this is reasonable, because the two parties do not want to make the DKI problem damage the party coalition at the national level. He predicts that the election of the new deputy governor will take place after the 2019 presidential election. Secretary of the Gerindra Party faction, Syarif, did not comment much on when the appointment of a candidate to replace Sandiaga from his party would be determined. What is clear, he said, is that this will not violate existing regulations at the Ministry of Home Affairs. "The limit is 18 months before the term of office ends, so there's no problem. We also continue to communicate. Pak Prabowo has also said that he will focus on the presidential election first," he said when contacted by reporter Tirto.<sup>125</sup>

2. comparison at the end of the Basuki Tjahaja Purnama-djarot syaifullah period  
(After Governor Basuki Tjahaja Purnama went to prison)

Governor Basuki Tjahaja full moon (Pak Ahok) was sentenced to 2 years in prison for the case of al-maidah verse 51 on Tuesday (9/5/2017). Djarot Saiful Hidayat was then appointed as Acting Governor of DKI Jakarta until the end of his term in October 2017. Minister of Home Affairs Tjahjo Kumolo said the remainder of Djarot's government, which will end in October 2017, is therefore not in

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<sup>125</sup> <https://tirto.id/lalu-wagub-dki-jakarta-anies-kerepotan-kemendagri-turun-tangan-c5S5> accessed on January 14, 2021

accordance with the law to have a deputy governor. The deputy governor of DKI Jakarta at that time, Djarot Syaiful Hidayat, immediately ascended the throne to become the Governor of DKI Jakarta, this is a new history in one period. DKI Jakarta has 3 Governors, namely from Governor Joko Widodo who has only served for 2 years, then resigned to run for president and then succeeded. It was continued by Governor Basuki Tjahaja Purnama, who at the end of his term was exposed to the case of al-maidah verse 51 so he had to step down and deal with the law. The throne number 1 of DKI Jakarta was continued by his deputy, namely, Djarot Syaiful Hidayat until the end of the period without being accompanied by a new deputy governor, this was because the period of service in the first period only lasted a few months and was responsibilities.

The provision regarding the time limit is regulated in Article 176 paragraph (4) of Law Number 10/2016 concerning Regional Head Elections which reads, "Filling vacancies for the positions of Deputy Governor, Deputy Regent, and Deputy Mayor is carried out if the remaining term of office is more than 18 months as of the vacancy. the position". The transfer of the position of Governor of DKI Jakarta from Ahok to Djarot, according to Professor of State Administration at Gajah Mada University, Prof. Dr. Miftah Toha, was in accordance with applicable procedures. "This has become a provision in the state administration. If the governor cannot carry out his duties, the deputy governor will replace him," said Miftah. Miftah then gave an example when Joko Widodo became president in 2014. "At that time, it was Ahok who later replaced him as governor." Law of the Republic



of Indonesia Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government has regulated the procedures for dismissing regional heads. Article 66 letter C states, "The deputy regional head has the task of carrying out the duties and authorities of the regional head if the regional head is serving a period of detention or is temporarily absent."

"Therefore, there is no problem in managing the DKI Jakarta administration. Djarot will be the interim governor," said Miftah. According to him, there will be no deputy governor election because the period of handover to governors and deputy governors is only five months away.<sup>126</sup>

The following are among the considerations for not choosing the new deputy governor of DKI Jakarta:

Djarot also emphasized that the process of appointing himself as deputy governor accompanying Ahok was very fast, because the rules for appointing the deputy governor at that time were still the full authority of the governor. It is known, during the Ahok era as governor, the rules used were Law Number 1 of 2015 and Government Regulation Number 102 of 2014. In the Anies era, the rules used were Law Number 10 of 2016 concerning Regional Head Elections. Article 176 stipulates that the filling of the position of deputy governor is carried out through an election mechanism by the DKI Jakarta Provincial DPRD based on proposals

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<sup>126</sup> In an interview with BBC news <https://www.bbc.com/indonesia/indonesia-39854404>  
Accessed on January 14, 2021

from political parties or a combination of supporting political parties.<sup>127</sup>"So when I became deputy governor, Mr. Ahok was appointed. That was the full authority of the governor, so Mr. Ahok could vote without the approval of the DPRD," he said. Djarot said that the task of being a governor was too many and difficult without the assistance of a deputy governor. He advised Anies to immediately find a replacement for Sandi. He also said that when he became a governor without a deputy governor, his sleep time was often erratic, because his work always came on time and had to be completed as soon as possible.

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<sup>127</sup> The full regulation is contained in Article 176 of Law Number 10 of 2016 concerning Regional Elections, which reads as follows:

- 1) In the event that the Deputy Governor, Deputy Regent, and Deputy Mayor resign due to death, at their own request, or dismissed, the filling of the Deputy Governor, Deputy Regent, and Deputy Mayor is carried out through an election mechanism by the Provincial DPRD or Regency/Municipal DPRD based on a proposal from a Political Party or coalition of political parties.
  - 2) A political party or coalition of supporting political parties proposes 2 (two) candidates for Deputy Governor, Deputy Regent, and Deputy Mayor to the Regional People's Representative Council through the Governor, Regent or Mayor, to be elected in the plenary meeting of the Regional People's Representative Council.
  - 3) In the event that the Deputy Governor, Deputy Regent, and Deputy Mayor are from individual candidates who resign because of death, at their own request, or dismissed, the filling of the Deputy Governor, Deputy Regent, and Deputy Mayor is carried out through the election mechanism respectively by the Provincial DPRD and Regency/Municipal DPRD. City based on the recommendation of the Governor, Regent, and Mayor.
  - 4) The filling of vacancies for the positions of Deputy Governor, Deputy Regent, and Deputy Mayor is carried out if the remaining term of office is more than 18 (eighteen) months as of the vacancy of the position.
- (5) Further provisions regarding the procedure for nominating and appointing a candidate for Deputy Governor, candidate for Deputy Regent, and candidate for Deputy Mayor as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4) shall be regulated in a regulation. Government.

Tuesday (9/5/2017). Djarot is counted

t became the Acting Governor of DKI Jakarta until the end of his term of office, namely October 2017.

Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors to become Laws.

"When I myself was working to dispose of incoming letters until half past 2 in the morning. If I was really tired at 5 am I got up again to work again because in principle I conveyed to the bureaucracy the incoming mail now we have to finish, because if we delay, the meter piles up meters," he said.<sup>128</sup>

### 3. disorder is an order (chaos theory)

Chaos theory has been studied in grade 11 sociology lessons about social conflict in society. The word "conflict" itself comes from the Latin "configure" which means hitting each other. According to the Big Indonesian Dictionary (KBBI), conflict itself is defined as a quarrel, dispute, or conflict. Sociologically, conflict is defined as a social process between two or more people or groups who try to get rid of the other party by destroying or making him helpless. Conflict is a process that causes disorder in people's lives. Conflict on the other hand also has a positive function and impact on society. Conflict can also be defined as the existence of two or more things that are opposite, inconsistent, and contradictory. Conflict itself can actually have a positive or negative impact. The positive impacts of conflict are as follows:

Aspects of life in society that are not clear or have not yet been studied can be clarified by the presence of conflict. The times have forced people to adapt to

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<sup>128</sup> In an interview with cnnindonesia <https://www.cnnindonesia.com/national/20181026202813-20-341819/djarot-disuruh-glass-beda-anies-had-a-long-time>  
Accessed on January 14, 2021

the changes. Conflict allows for the readjustment of norms, values, and social relations in society concerned with individual or group needs.

a. The negative impact of chaos

Changes in the personality of the individuals involved, both leading to positive and negative things.

- Leads to dominance of the winning group over the losing group.
- Damage to relationships between individuals and groups.
- Taking the victim in the form of damage to property and human life.
- Changes in the personalities of the individuals involved.
- Leads to dominance of the winning group over the losing group.

b. Positive impact of chaos

- In inter-group conflict, conflict actually functions effectively in increasing solidarity among group members who are in conflict with other groups.
- The existence of conflict makes each individual or group involved must rely on themselves to win the conflict over other individuals or groups. Therefore, conflict is also a way to reduce interdependence between individuals and groups.
- When there are social changes in society, conflict can help revive old norms or create new norms in order to create harmony and order in the society.

- Conflict can also serve as a tool to strike a balance between the forces within the communities involved.
- When the parties involved are equally strong, conflict can also lead to a new compromise so that each party gets what they want with mutually agreed consequences.
- Clarify unfinished aspects of life.
- Re-adjustment of norms and values.
- Increase solidarity.
- Reducing interdependence between individuals or groups.
- Balancing the forces that exist.
- Can lead to new compromises.
- Meanwhile, the negative impacts of a conflict are as follows:
  - Trigger the breakdown of relationships between individuals and groups.
  - Taking the victim in the form of damage to property and human life.

C. Implementation of article 18 paragraph 4 of the 1945 Constitution in filling the position of deputy governor of DKI Jakarta.

1. The history of the first regional head election in Indonesia which was held in Jakarta.

At that time, Fauzi Bowo was elected as a candidate for governor of the PPP by voting, defeating Agum Gumelar and Machfud Djaelani. It felt strange, because there were people who were secretly elected as party candidates. There are parties that do not want to announce their candidates, but everyone already knows their names. The first is Fauzi Bowo, the second Adang Daradjatun. Neither of them appeared at the Our Governor's event. Some have publicly announced their intention to become Governor, announced their program, but have not yet received the support of the party. They even introduced themselves at the Our Governor's event. Will the next election process be more transparent than this game? On the 13th Episode of Governor Kita on Jak TV, Thursday night (28/12) featured speakers, Secretary of DKI Jakarta PPP DPW Ridho Kamaluddin, Deputy Chairperson of DKI Jakarta Democratic DPD Santoso and Executive Director of CETRO Hadar N. Gumay, following the dialogue:

- Effendi: "Doesn't the Democratic Party envy PPP which has succeeded in deciding the name of its gubernatorial candidate?"
- Santoso: "Each party already has its system and mechanism. It's only a matter of time. The Democratic Party on January 3 will hold a meeting to discuss the candidate for governor. It looks like the names are the same as the ones proposed by PPP."

- Wimar: “PPP announced that it was part of the Jakarta Coalition, where the Democratic Party was also included. So, is Fauzi Bowo also a candidate for the Jakarta Coalition? Frankly.”
- Santoso: "To get to the point, it's not called politics."

The Jakarta Coalition includes all parties other than PKS that are rumored to be nominating Adang Daradjatun. If so, will we see Fauzi Bowo and Adang Daradjatun next year in the final round? Are they good guys? These criteria were questioned by the novice voters who attended the Governor Kita event. By telephone, Ola from Cilandak assessed that Wimar Witoelar as a panelist was not objective because he had mentioned Fauzi Bowo's name. Next dialogue:

- Wimar: “Even though I don't support Fauzi Bowo. But when it comes to neutrality, my comment is that no one is neutral. All are subjective, only some are subjective, some are subjective, some are hidden. I am subjective, but not towards Fauzi Bowo.”
- Wenaldi (co host): "Bung Wimar's statement is actually related to what Bang Ridho (PPP) said some time ago that the Betawi figure is not only Fauzi Bowo."
- Ridho: "If you don't support it doesn't mean you don't vote."

- Wimar: "I don't support Fauzi Bowo. But during the election, I will see who Fauzi Bowo's competitors are. If there is a worse opponent, I support Fauzi Bowo."

Important topics came from Indra's caller at Halim and from a novice voter in the studio, Modi, a UI student from Duren Sawit. He asked whether the candidate for governor who was originally a good guy then turned into a bad guy in the middle of the road, could he be removed? Could there be such a political contract?

- Hadar: "Such a political contract is difficult to implement because our law does not open up space for it. So we have to guard and criticize it for five years. We can also use our voting rights not to vote again in five years. Modi added that he is suspicious of politicians, and is therefore afraid to vote."
- Wimar: "It is very common that there is suspicion against politicians. But you have to choose, because voting in a democratic system is like breathing in life. If the good guy doesn't vote, then the bad guy gets elected again."
- Ridho: "Prior to deciding on the name of Fauzi Bowo, PPP spoke with the person concerned so that the programs can be achieved later. We will also continue to monitor it."



Hadar N. Gumay again reminded the novice voters to use their votes.

Points delivered:<sup>129</sup>

1. Youth votes are very important because based on data, the number of novice voters in DKI is greater than the votes obtained by the PDIP and also the combined votes of the Golkar Party and PPP.
2. It is important to vote for the 'good guy' because the wrong choice will harm the voters themselves.
3. Most important of all, people have to register. Without registering, you cannot vote.

The 2007 General Election for Governor and Deputy Governor of DKI Jakarta (2007 DKI Jakarta Pilkada) was held on August 8, 2007, after the implementation of regional autonomy, regional head elections were no longer conducted by the Regional People's Representative Council of DKI Jakarta, but were directly elected by the people. The Jakarta regional head election held in August 2007 was the first in the history of regional head elections. The DKI Provincial Government has budgeted around Rp. 194 billion for the regional head election in two rounds. The budget for the first round of regional elections is Rp 124 billion and for the second round it reaches Rp 70 billion. Referring to the Regional Government Law Number 32 of 2004, the regional head election is only

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<sup>129</sup> [http://www.perspektif.net/article/article.php?article\\_id=496](http://www.perspektif.net/article/article.php?article_id=496) accessed on January 16, 2021

held one round if there is a winner who gets more than 25 percent of the votes. Pilkada can be held in two rounds if the DPR can complete the amendments to Law No. 34/1999 regarding the Special Capital Region Government (DKI). The DKI Government Law requires a 50 percent plus one win for candidates for regional head pairs.

Funds for the second round are included in the surcharge budget (ABT). According to the plan, the first round of regional elections will be held in the first week of August 2007. The second round of regional elections will be held one month later. The ABT itself was only approved in mid-September 2007. To prevent unavailability of funds, reserve funds were disbursed early. On March 26, 2007, candidates for Governor and Candidates for Deputy Governor from the Prosperous Justice Party (PKS) were declared to run in the mid-August DKI Jakarta Pilkada. H. Adang Daradjatun and H. Dani Anwar. Adang Daradjatun is the former Deputy Chief of the Indonesian National Police (Wakapolri), while Dani Anwar is currently the Chairman of Commission E of the DKI Jakarta DPRD.

a. 2007 Jakarta gubernatorial election

Fauzi Bowo, who has political support from a large coalition of political parties, won the election and secured nearly 58% of the 3.6 million votes, while his opponent received around 1.5 million despite being supported only by PKS. Prior to 2005, regional leaders such as governors and mayors were elected indirectly by the Regional People's Representative Council, whose members were elected

through general elections. It was not until 2005 that this system was replaced by direct regional elections.<sup>130</sup> The previous governor, Sutiyoso, was re-elected for a second term indirectly with Fauzi Bowo as his deputy in September 2002, in a vote amid demonstrations against his rule. Observers described the results as "expected".<sup>131</sup> The sitting deputy governor candidate Fauzi Bowo received support from a large coalition of parties, while his opponent Anang Daradjatun only managed to gain support from the Prosperous Justice Party - which previously won regional head elections in the satellite cities of Jakarta, Bekasi and Depok. Apart from the two, several other figures such as Agum Gumelar and Faisal Basri were also potential candidates, but did not manage to get support. Academician Anies Baswedan at that time noted the many negotiations and transactions involved in forming the coalition.<sup>132</sup>

The main contested issues are chronic poverty and unemployment in addition to city traffic jams and annual flooding. Topics such as corruption and the role of Islam in public life also became campaigns. Fauzi Bowo's campaign specifically claimed that the governor of Daradjatun would result in restrictions on the city's nightlife because of his support from PKS Islam. The latter denied it and in turn

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<sup>130</sup>"Indonesia retains regional elections" . BBC News . January 20, 2015 . Retrieved January 15, 2021

<sup>131</sup>"Sutiyoso Returns as Governor of DKI" . Liputan6 (in Indonesian). 11 September 2002 accessed on 15 January 2021

<sup>132</sup>Baswedan, Anies R. (December 2007). "Indonesian Politics 2007: Presidency, Pilkada, and the Future of Democracy". *Indonesian Economic Studies Bulletin* . 43(3): 323–340. doi : 10.1080 / 00074910701727597 . S2CID 154562089 . accessed on 15 January 2021

accused Fauzi of being indebted to his political supporters.<sup>133</sup> Adang Daradjatun also accused the previous government of being incompetent.<sup>134</sup> After the initial vote count, Adang-Dani conceded their defeat before the official results were released. Fauzi Bowo-Prijanto was officially declared the winner of the election on August 16, after obtaining 2,109,511 (57.87%) votes while Adang received 1,535,555 (42.13%) votes. The former couple won in all constituent cities (and the Thousand Islands District). The turnout of more than 3.6 million voters (~65%) exceeded expectations.

**Table 1.4 Gubernatorial Election 2007<sup>135</sup>**

Voting by area	Fauzi-Prijanto	Vote	Adang-dani	Memberi suara
Central Jakarta	234.144	56.04	183.679	43.96
East Jakarta	611,788	56.78	465,750	43.22
North Jakarta	319,506	57.56	235,616	42.44
South Jakarta	460,380	57.40	341,667	42.60
West Jakarta	475,894	60.94	304,983	39.06
Thousand Islands	7,799	66.89	3.860	33.11
Total	2,109,511	57.87	1.535.555	42.13

The aftermath of the election was mentioned in a diplomatic cable carried by WikiLeaks, which noted that "despite intense press coverage of the election and its

<sup>133</sup>"Jakarta is holding direct gubernatorial elections". The New York Times. August 8, 2007. Retrieved January 15, 2021

<sup>134</sup>Adhityani, Arga (8 August 2007). "Indonesia's capital vote in the first direct election". Reuters. Retrieved January 15, 2021

<sup>135</sup>"KPU Determines Fauzi Bowo-Prianto as Winner of 2007 DKI Regional Election". Antara News (in Indonesian). August 16, 2007. Retrieved January 15, 2021

national importance, Jakarta's elite have rigged the game". Fauzi Bowo then ran for a second term in 2012, where he lost to Joko Widodo.

b. 2012 DKI Jakarta regional head election

The 2012 DKI Jakarta gubernatorial election was held on 11 July and 20 September 2012 with the following results

**Table 1.5 Candidates for the 2012 Governor Election**

Candidate	Joko Widodo	Fauzi Bowo
Party	PDI-P	Democrat
Companion	Basuki T. Purnama	Nachrowi Ramli
The voice of the people	2,472.130	2,120,815
Percentage	53.82%	46.18%

The 2012 General Elections for the Governor and Deputy Governor of DKI Jakarta were held on Wednesday, July 11, 2012 and Thursday, September 20, 2012 to elect the Governor of Jakarta for the next five years. Incumbent Governor Fauzi Bowo who is running for re-election must take part in the determination round (second round) on 20 September.

a) Candidate Declaration

Based on the regulations, only political parties that have 15 or more seats in the Regional House of Representatives can nominate candidates. Political parties that have less seats can nominate candidates only if they have obtained the support of

other political parties. Independent candidates can apply if they have collected at least 407,340 signatures from local residents in support of registering their candidacy with the General Elections Commission.

b) First Round

The Jakarta General Elections Commission (KPU) on Thursday (7/19/2012), set the pair number three Joko Widodo-Basuki Tjahaja as the winner in the first round of the 2012 DKI Jakarta Regional Head Election (Pilkada). The chairman of the General Election Commission (KPU) of DKI Jakarta Province, Dahliah Umar, stated that the number three candidate pair was superior in five areas of Jakarta. The pair are thus also set to win in the July 11 vote. "The Jokowi-Ahok pair received the highest votes among the five other candidates," said Dahliah, during a plenary meeting for the recapitulation of the Jakarta election results at the Borobudur Hotel, Jakarta, Thursday (19/7/2012). Based on the overall vote count, the Jokowi-Ahok pair won 1,847,157 votes or 42.60 percent. The Foke-Nara pair who were the champions of winning one round had to settle for second place with 1,476,648 votes or 34.05 percent. The third position was occupied by the pair number four, namely Hidayat-Didik with 508,113 votes or 11.72 percent. The fourth position of the Faisal-Biem pair is in fourth position with 215,935 votes or 4.98 percent. The last two positions were occupied by the Alex-Nono pair with 202,643 votes or 4.67 percent. The caretaker is held by the Hendarji-Riza pair with 85,990 votes or 1.98 percent. The fourth position of the Faisal-Biem pair is in fourth position with 215,935 votes or 4.98 percent. The last two positions were occupied by the Alex-

Nono pair with 202,643 votes or 4.67 percent. The caretaker is held by the Hendarji-Riza pair with 85,990 votes or 1.98 percent. The fourth position of the Faisal-Biem pair is in fourth position with 215,935 votes or 4.98 percent. The last two positions were occupied by the Alex-Nono pair with 202,643 votes or 4.67 percent. The caretaker is held by the Hendarji-Riza pair with 85,990 votes or 1.98 percent.<sup>136</sup>

### c) Second Round

Jokowi won the second round of the DKI Jakarta gubernatorial election based on a quick count on 20 September 2012, exactly eight years ago today. Paired with Basuki Tjahaja Purnama alias Ahok, he will lead the capital city in the 2012-2017 period. Research and Development Kompas released the Jokowi-Basuki pair winning with 52.97 percent of the votes over Fauzi Bowo-Nachrowi Ramli (Foke-Nara) who only got 47.03 percent of the valid votes. The quick count or quick count of the Indonesian Survey Circle (LSI) also won Jokowi Basuki with 53.81 percent of the vote. Foke-Nara meanwhile got 46.19 percent of the vote. Jokowi, who at that time occupied the seat of Mayor of Solo, considered that victory in the second round of the 2012 DKI Regional Election was not important. The superiority of the vote is only the beginning of the task of "winning the citizens". "Winning becomes unimportant,

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<sup>136</sup> "Jokowi-Ahok Winner of the First Round of Regional Elections", Click to read: <https://megapolitan.kompas.com/read/2012/07/19/1721403/JokowiAhok.Pemenang.Pilkada.Putaran>. First accessed on 15 June 2021

In his speech, Jokowi asked that there be no divisions among the citizens of DKI. "There is only one, namely citizens who will come forward to unite and support each other for a better Jakarta. This victory is a victory for the citizens of Jakarta," he said. A number of figures came to the headquarters and congratulated Jokowi-Basuki, including Prabowo Subianto who later became Jokowi's political opponent in the 2014 and 2019 presidential elections. Jokowi-Basuki's victory in the second round of regional elections Residents of Solo, Central Java also celebrated DKI 2012. Wearing plaid shirts, several Jokowi supporters shaved off their mustaches. They along with dozens of other Jokowi supporters watched the live broadcast of the Jakarta governor election quick count on a big screen in the yard of a house in the Gondang area, Manahan , Surakarta. The mustache shaving was carried out at the house belonging to Miyono, the older brother of Jokowi's father. He is a well-known timber businessman in Solo. The action of shaving the mustache was also carried out by a number of PDIP cadres in Situbondo, East Java. This is a form of gratitude for Jokowi-Basuki's victory and at the same time carrying out the vows, even though the KPU has yet to announce the official results of the DKI Jakarta Pilkada. The action was carried out in the office of the deputy chairman of the Situbondo DPRD who is a PDIP cadre, Narwiyoto.

Fauzi Bowo alias Foke, the Governor of DKI Jakarta as well as the opposing candidate, immediately congratulated Jokowi-Basuki. Foke acknowledged Jokowi's superiority in the second round of the 2012 DKI Jakarta gubernatorial election according to the quick count results of all institutions. "The results of the



quick count use the scientific method, which we should respect. Of the various results that have been announced, our partner is the one left behind,” said Foke at the Foke-Nara Victory Post on Jalan Diponegoro, Menteng, Central Jakarta, Thursday (20/9/2012), as quoted from Koran Tempo September 21, 2012. Foke said he was ready to help Jokowi to build Jakarta. “I have repeatedly stated that the position has a time. I think we remain committed to Jakarta,” he said.

#### 1) Jokowi is getting more popular

The victory was a turning point in Jokowi's political career. He has a positive image in the eyes of the public so that he can win the 2012 DKI Jakarta gubernatorial election. At that time, Jokowi was considered a leader of change. Jokowi won even though the LSI survey before the second round of the 2012 DKI Regional Election said the Foke-Nara pair had a higher recognition rate than the Jokowi-Basuki pair. The level of Jakarta's public preference for Jokowi-Basuki is even higher than that of Foke-Nara. "Based on our survey, Foke is more popular as much as 95.8% while Jokowi is 88.7%," said Arman, LSI researcher at the time, Wednesday (19/9/2012). the headlines of various mass media. Photos of Jokowi-Basuki and their supporters are on the front page of the September 21, 2012 edition of Koran Tempo. The main story was titled "Jokowi Humiliates Golkar, PKS, Democrats". The photo of Jokowi's face also became the cover of Tempo magazine's September 24, 2012 edition "#JOKOWINNER DKI-1 2012-2017". Tempo's three main reports at the time were titled, “Joko Widodo: I Won't Play

Projects”, “Ojo Lali, Promise to Go into Debt”, and “Mas Governor Substitute for Kokong”.

Bisnis Indonesia newspaper also made Jokowi the headline in its September 21, 2012 edition with the title "Nothing is Left-Fauzi Bowo Congratulates Joko Widodo". Jokowi's portrait perched on the cover of Bisnis Indonesia. Not only national media, regional-based mass media also make Jokowi the main news. One of them is the general daily Solopos with the main headline entitled "Indonesia Welcomes Jokowi". No need to wait five years until the term of office of the Governor of DKI Jakarta runs out, Jokowi's popularity continues to soar. His blusuan style has attracted the attention of the national public, not only from Jakarta residents. Various survey institutions also named Jokowi as the most powerful presidential candidate. And sure enough, Jokowi went forward and won the 2014 presidential election.<sup>137</sup>

## 2) Quick count

The first round of the quick count conducted by the Indonesian Survey Institute (LSI) resulted in; Foke-Nara (34.42%), Hendarji-Riza (1.85%), Jokowi-Ahok (42.85%), Hidayat-Educate (11.80%), Faisal-Biem (4.75%), and Alex-Nono (4.41%). A quick count on the day of the second round of elections on September 20, 2012 was broadcast by a number of television stations in favor of the Jokowi-Ahok pair winning around 54-56% of the vote, while Foke-Nara was around 46-

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<sup>137</sup> <https://tirto.id/putaran-kedua-pilgub-dki-2012-dot-balik-popularitas-jokowi-f4CZ>  
Accessed on January 15, 2021

44%. The publication of a number of print media the day after the election (21/9) revealed that the Jokowi-Ahok pair remained superior to the Fauzi Bowo-Nachrowi Ramli pair; LSI with (53.81%:46.19%), Indobarometer (54.11%:45.89%), Indonesian Network Election Survey (57.39%:42.61%), Indonesian Voice Network (53.28 %:46,72%), Saiful Mujani Research and Consulting (53.27%:46,73%), and the Indonesian Survey Circle (53.68%:46,32%), Compass (52.97%:47.03%). Official results are planned to be announced on September 28, 2012.

### 3) Calculations and results

The results of the first round of the DKI Jakarta post-conflict local election were announced by the Jakarta General Elections Commission on July 20, 2012. Entering the second round, the Golkar Party and the United Development Party gave support to the pair Fauzi Bowo and Nachrowi Ramli. The results of the second round of the DKI Jakarta post-conflict local election were announced on Saturday, September 29, 2012. The decision was made according to the results of the recapitulation of the vote count at the provincial level the day before. The Jokowi-Ahok pair won 2,472,130 (53.82%) of the vote, while Foke-Nara received 2,120,815 (46.18%) of the vote. With a difference of 351,315 (7.65%) votes, the Chairperson of DKI Jakarta KPUD Dahliah Umar stated, "The pair number 3 won the most votes in the second round."

### **Table 1.6 Results of the 2012 gubernatorial election<sup>138</sup>**

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<sup>138</sup> <https://tirto.id/putaran-kedua-pilgub-dki-2012-dot-balik-popularitas-jokowi-f4CZ>  
Accessed on January 15, 2021

No	Candidates for Governor-Deputy Governor	political parties	1 Round	% voter	Round 2	% selector
1	Foke-Nara	PD, PAN, Hanura, PKB, PBB, PMB, and PKNU	1,476,648	34.05%	2,120,815	46.18%
2	Hendardji-Ariza	Independent	85,990	1.98%		
3	Jokowi-Ahok	PDIP and Gerindra	1,847,157	42.60%	2,472.130	53.82%
4	Hidayat-Educate	VFD	508.113	11.72%		
5	Faisal-Biem	Independent	215,935	4.98%		
6	Alex-Nono	Golkar, PPP, PDS, PP, PKPB, PKDI, RepublikaN, PPIB, Labor Party, PPNUI, PNI Marhaenisme	202,643	4.67%		

Number of valid votes			4,336,486		4,592,945	
Invalid vote count	93.047					
abstain			2,555,207	36.6%	2,349,657	
Total votes	4,429,533					
Total DPT			6,962,348	100%	6,996,951	100%

**Table 1.7 Results by subdistrict<sup>139</sup>**

Area	Foke-Nara	Jokowi-Basuki	Total
West Jakarta			
Orange Garden	76,477 (51.27%)	72,690 (48.73%)	149,167
Sari Garden	25,414 (39.33%)	39,197 (60.67%)	64.611
Grogol	34,984 (32.16%)	73.797 (67.84%)	108,781
Kalideres	82.551 (48.18%)	88,797 (51.82%)	171,348
Palmera	50.838 (51.03%)	48,794 (48.97%)	99,632
flower	56,902 (49.22%)	58,699 (50.78%)	115.601
Cengkareng	95.656 (43.74%)	123,029 (56.26%)	218,685
Tambora	51.476 (41.61%)	72.229 (58.39%)	123.705
Total	474.298 (45.11%)	577,232 (54.89%)	1,051,530

<sup>139</sup> <https://tirto.id/putaran-kedua-pilgub-dki-2012-dot-balik-popularitas-jokowi-f4CZ>  
 Accessed on January 15, 2021

Central Jakarta			
White Cempaka	21,700 (48.84%)	22,730 (51.16%)	44,430
Tanah Abang	40,672 (54.06%)	34,564 (45.94%)	75,236
Big Rice	22,935 (37.59%)	38,073 (62.41%)	61,008
Menteng	22,984 (54.97%)	18,830 (45.03%)	41,814
monday	29,883 (51.57%)	28,069 (48.43%)	57,952
New Johar	34,792 (53.89%)	29,765 (46.11%)	64,557
Gambir	22,331 (46.68%)	25,509 (53.32%)	47,840
Kemayoran	54,130 (47.85%)	58,989 (52.15%)	113,119
Total	249,427 (49.30%)	256,529 (50.70%)	505,956
East Jakarta			
Pulo Gadung	59,161 (43.48%)	76,894 (56.52%)	136,055
Cipayung	54,587 (50.47%)	53,578 (49.53%)	108,165
Cakung	102,388 (48.55%)	108,514 (51.45%)	210,902
Kramat Jati	65,330 (50.76%)	63,382 (49.24%)	128,712
Matraman	42,867 (50.08%)	42,737 (49.92%)	85,604
Ciracas	52,182 (42.29%)	71,220 (57.71%)	123,402
Jatinegara	72,977 (49.68%)	73,924 (50.32%)	146,901
Palm Duren	84,139 (45.12%)	102,356 (54.88%)	186,495
Rebo Market	38,452 (42.74%)	51,525 (57.26%)	89,977
Macassar	39,283 (43.47%)	51,090 (56.53%)	90,373
Total	611,366 (46.79%)	695,220 (53.21%)	1,306,586
South Jakarta			
Setiabudi	27,146 (51.21%)	25,866 (48.79%)	53,012
Pancoran	40,594 (55.22%)	32,922 (44.78%)	73,516
Mampang	38,614 (54.59%)	32,119 (45.41%)	70,733
Guesthouse	43,566 (42.98%)	57,803 (57.02%)	101,369
New Kebayoran	29,748 (42.21%)	40,720 (57.79%)	70,468

Tebet	58,274 (52.55%)	52,609 (47.45%)	110,883
Sunday market	65,732 (48.18%)	70,703 (51.82%)	136,435
Old Kebayoran	58,644 (43.05%)	77,577 (56.95%)	136,221
Jagakarsa	72,649 (52.68%)	65,255 (47.32%)	137,904
Cilandak	41,775 (44.70%)	51,683 (55.30%)	93,458
Total	476,742 (48.45%)	507,257 (51.55%)	983,999
North Jakarta			
Cilincing	85,266 (52.72%)	76,463 (47.28%)	161,729
Networking	38,340 (29.87%)	90,007 (70.13%)	128,347
Koja	68,068 (49.90%)	68,328 (50.10%)	136,396
Fields	24,572 (34.66%)	46,318 (65.34%)	70,890
Tanjung Priok	67,669 (38.81%)	106,669 (61.19%)	174,338
Ivory Coconut	16,273 (26.59%)	44,929 (73.41%)	61,202
Total	300,188 (40.96%)	432,714 (59.04%)	732,902
Thousand Islands			
Kep. South Thousand	3,475 (73.22%)	1,271 (26.78%)	4,746
Kep. North Thousand	5,319 (73.61%)	1,907 (26.39%)	7,226
Total	8,794 (73.45%)	3,178 (26.55%)	11,972

c. The development of identity politics and racial issues

Even though the actions of the candidates for the first round of the Jakarta Pilkada election, the quick count version of Jokowi-Ahok, continues to this day, Jokowi-Ahok supporters are actually relieved and happy. "It doesn't matter, just let it be like that, historically in Indonesia the more people are persecuted, the sympathy of the people will be even greater," said Indonesian Democratic Party of Struggle (PDIP) politician Ganjar Pranowo to Tempo in Yogyakarta on Monday,

July 16, 2012. Ganjar added that his party as the proponent Jokowi-Ahok, has predicted that the black campaign will continue to hit his champions until the next second round. "Usually the loser will indeed take irrational actions, not Pancasila, and far from the spirit of diversity. But we believe that primordial issues like this will not work," he said.

"Jokowi is said to be Christian, Ahok is said to be Chinese. Why are you already Chinese, so what do you want?" he said. Jokowi-Ahok's victory in the first round was fully supported by ethnic Chinese voters. This is confirmed by a researcher from the Indonesian Survey Institute, Burhanudin Muhtadi. He said there was a surge in the number of ethnic Chinese voters in this year's Jakarta gubernatorial election. This is based on observations in 410 temporary voter places (DPS) which were used as samples for quick counts by the institution. Ganjar added that his party and their champions were not too bothered by the development of the SARA-smelling onslaught. According to him, the public can check the track records of Jokowi and Ahok. "We will only focus on the real count. We believe that even though it is primordial, the scrolling power of the support will be more attached," he said the issue of SARA turned out to be a topic that dominated media coverage of the DKI Jakarta Pilkada. This is known in AJI Jakarta's Research in the Pilkada news for the period August 1 to September 13, 2012. AJI Jakarta team, Ignatius Haryanto said that his party found the topic of SARA dominating after analyzing 1,951 news stories from 16 media.



The results of the analysis turned out that SARA issues reached 324 news stories. "This research is a quantitative research that uses simple content analysis," said Ignatius in a discussion on "Media Independence in Covering the 2012 DKI Jakarta Regional Head Elections" at the Press Council Building, Jakarta, Sunday (16/9/2012). AJI examined four online media namely Detik.com, Kompas.com, Vivanews and Okezone, four national print media namely Kompas, Koran Tempo, Republika and Suara Pembaruan, four local print media Pos Kota, Warta Kota, Indopos and Koran Jakarta, four television namely RCTI, Metro TV, TV One and Jak TV. Ignatius said that ahead of the second round, Fauzi Bowo-Nachrowi Ramli was superior in obtaining photo news, news with a positive as well as negative tone in the fourth research period. "The number of Foke-Nara news reached 557 news compared to the third period 1-31 July 2012, 471 news. The single reports on Jokowi-Ahok amounted to 477 stories. "However, if the entire research period is combined (June 1, 2012-13 September 2012), Joko Widodo is still slightly ahead in the acquisition of photo news and single candidate coverage," he said. Ignatius continued that the research was still concerning when one-sided news dominated the coverage of the Pilkada up to the fourth research period. These symptoms, said Ignatius, increased compared to the two previous research periods. "Online media still contributes the most in one-sided reporting," he said. The number of Foke-Nara news stories reached 557 stories compared to the third period from July 1-31 2012, 471 news stories. The single reports on Jokowi-Ahok amounted to 477 stories. "However, if the entire research period is combined (June 1, 2012-13 September

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#### 1) SARA issue by bang haji Rhoma Irama

The DKI Jakarta Election Supervisory Committee (Panwaslu) has not been able to determine whether the lectures delivered by Rhoma Irama fall into the category of election violations. Rhoma allegedly used the issue of SARA for a black campaign in his lecture. Until now, the DKI Jakarta Panwaslu is still collecting facts and witnesses to strengthen the alleged use of SARA. Rhoma Irama continues to

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<sup>140</sup> AJI Research: SARA Issues Color the Second Round DKI Regional Election, <https://www.tribunnews.com/metropolitan/2012/09/16/research-aji-isu-sara-warnai-pilkada-dki-round-dua>. Accessed on January 15, 2021

deny that he is using the issue of SARA for the benefit of his black campaign. According to him, what he said at that time was a natural thing, because he as a religious leader only conveyed what he believed. The following is the content of a lecture allegedly using SARA issues for the benefit of a black campaign by Rhoma Irama which lasted 7 minutes from the DKI Jakarta Panwaslu.

*"Choosing a leader is not just a matter of politics, but includes worship, (read the verse) O you who believe, do not ever appoint a leader from the disbelievers in addition to the believers, (again verse) if you choose a leader who non-Muslims, the penalty is to get a punishment from Allah SWT. It is allowed to use what is called SARA, it is allowed by the KPU supervisory board Prof. DR Jimly Ashiddiqie. Why? because this is an era of openness, because this is an era of democratization, nothing should be covered up. The people, the people must be explained who their candidate for leader is, then SARA is justified. In this case, there are two of our candidates. Open up who these candidates are so that the people will understand, so that the people will know. The first, Fauzi Bowo and Nachrowi. Fauzi Bowo Governor and Nachrowi Deputy Governor, Fauzi Bowo Muslim, Nachrowi Muslim, Fauzi Bowo Betawi, Nachrowi Betawi. It must be clear that this is an era of openness. The second candidate, Jokowi and Ahok. Jokowi is Muslim, but his parents are Christian, his ethnicity is Javanese. Ahok's ethnicity is Chinese, his religion is Christian. It must be explained that who is the leader so that we choose the leader is not like buying a cat in a sack.*

*In 72 I went to Singapore to attend the ASEAN Pop Festival. And the Southeast Asian Pop Singer champion is Rhoma Irama. There I chatted, I was asked to be careful about the dangers of being wrong, the governor, I was worried that Jakarta would become the Singapore of Indonesia. In the past, Singapore was part of Malaysia, but after being besieged economically and politically controlled, Singapore separated itself into a state of its own. The country that was once a Malay territory has become a Chinese state, from a Muslim country to a Christian country, innalillahi. I was 72 years old, Tengku Ghazali Ismail warned Muslims to be careful. So when it now happens, I get goosebumps. Perhaps the signal from Ghazali Ismail will soon occur, if Muslims do not unite, if Muslims do not realize this, it is not impossible that Ghazali Ismail's signal will happen. b Because Jokowi's name is only a stepping stone. Okay, he finished several terms as governor, but after him who became governor? Ahok? If Ahok, who is a non-native, becomes the Governor of Jakarta, the capital city of Indonesia, then the dignity of the nation will be mortgaged, the image will be torn apart.*

*If a Christian has led the capital city of Jakarta, this Muslim-majority country, then Muslims will bear great disgrace in the eyes of the international community, Inalillahi. I know that many Muslims idolize Jokowi, I know it very well, it is true, because he is the person, according to them he is patient, polite, this, that, really an idol. But remember that Jokowi is only a stepping stone later in power, the non-Muslim Ahok, the Chinese Ahok, the Christian Ahok, inalillahi, naudzubillah min dzalik. This is all I can convey, please convey it later to all*

*Muslims who are not present here, to our brothers, our friends, our neighbors, my experience in Singapore, please convey it, don't let the tragedy in Malaysia, Singapore become its own country, so China, which is an infidel country.*<sup>141</sup>

Hearing this As a big fan of Rhoma Irama, Jokowi admitted that he was sad to hear that his idol had spread SARA issues in the 2012 DKI Jakarta gubernatorial election. Jokowi would not comment and chose to hand over the matter to Panwaslu. "As a big fan, I'm really sad, but that's Panwaslu's business," Jokowi told reporters after the declaration of labor support for him at the Joang Building, Jalan Menteng Raya, Central Jakarta, Saturday (04/08/2012). Jokowi admitted that he was not too bothered by the statement of the king of dangdut. He also admitted that he did not follow the progress of the Panwaslu examination. "I don't understand, that's Panwaslu's business, I don't understand," he said. When asked about the issue of his presidential election that was blown by Senayan politicians some time ago, Jokowi admitted that he had never thought about it. He chose to focus on carrying out his duties as governor of DKI if elected later. "It's just a joke, I'm only in the same class as a mayor, just being Cagub DKI is already very high for me," he said.<sup>142</sup>

## 2) Twitter account @Triomacan2000

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<sup>141</sup> <https://metro.sindonews.com/berita/664388/63/ini-isi-ceramah-rhoma-yang-diduga-berbau-sara?showpage=all> January 16, 2021

<sup>142</sup> <https://news.detik.com/berita/d-1983266/mengaku-fans-berat-jokowi-sedih-rhoma-irama-sebar-isu-sara?nd771108bcj=&nd771108bcj=> January 16, 2021

The 2012 DKI Jakarta Regional Head Election at that time the researcher was sitting in the 8th grade of MTSN and at that time the researcher also felt the greatness of the SARA issue directly in the second round. One of the BK teachers gathered us in his lesson and instigated, spreading the issue of SARA against one of the cagub and cawagub candidates, namely the Jokowi-Ahok candidate pair. He then asked us to tell our parents not to choose Chinese leaders, Christians, infidels etc. We are told to choose Foke-nara. There have been many black campaigns on the Twitter account @TrioMacan2000, since Monday (13/8/2012), tweeting about the Jokowi-Ahok pair. After the first round of the DKI Jakarta Pilkada, the account, which has 123,569 followers, tweeted about the cases of the Fauzi Bowo (Foke)-Nachrowi (Nara) couple. Tweet @TrioMacan2000 since Monday uploading kultwit (Twitter lecture) about Jokowi-Ahok. On Monday, the account, which also has the nickname Ade Ayu S, wrote facts about Jokowi's performance. This account claims Jokowi's actual performance in Solo City. @TrioMacan claims the data collected is valid data, based on sources in the Solo City Government, BPS, interviews with figures in Solo, DPRD members and others. He also mentioned that he had sent a special team to Solo to collect Jokowi's "achievements". interviews with figures in Solo, DPRD members and others. He also mentioned that he had sent a special team to Solo to collect Jokowi's "achievements". interviews with figures in Solo, DPRD members and others. He also mentioned that he had sent a special team to Solo to collect Jokowi's "achievements".

"According to BPS data, the poor population of Solo is more than 87 thousand or 17% people using 14 poverty indicators. The highest in Indonesia. The poverty rate for the people of Solo based on data from the Solo Regional Poverty Reduction Coordination Team (TKPKD) is even higher than the BPS. TKPKD Solo officially announces the poor people of Solo: 2009 (107 thousand), 2010 (125,000) and 2011 (133 thousand or 25% of the people of Solo) !!! Solo people turned out to be poorer while being led by Mayor Jokowi. Why? We'll discuss it later. What about unemployment?" wrote @TrioMacan2000. In a cult of 67 tweets, @TrioMacan2000 also mentioned that the official unemployment rate for the workforce in Solo increased from 37,000 in 2009 to 54,000 in 2011. "What about the crime rate or the crime rate? The Central Java Police Chief said Solo was the city with the highest crime rate in Central Java. Drugs, human trafficking (smuggling/selling of children), prostitution and the spread of aids in Solo are the highest in Central Java. 49 died because of Aids! In essence, Solo is the city with the worst 'social disease' in Central Java. Now let's look at the economic aspect. How much is the economic growth?" he wrote again.

Twitter @TrioMacan2000 through his cult continued until Wednesday (15/8/2012). The @TrioMacan2000 tweet received a reaction from those who claimed to support Jokowi-Ahok. @Riangcu through his tweet said "@TrioMacan2000 kultwitt about @jokowi\_do2 is almost all wrong. I am a SOLO citizen. And 90% of other residents are different from your dt." Don't even miss the @Satriahmdjojo account to promote the achievements of the City of Solo in the

hands of Jokowi. There are also quite a few protests against the @TrioMacan2000 cult on the @JokowiAhok account which was formed by the Jokowi-Ahok Volunteers and has 4,643 followers.<sup>143</sup>

The @TrioMacan2000 account once again made a tweet that shocked all parties, after discussing several corruption cases that were allegedly carried out by various groups, now his tweet is targeting the Jakarta gubernatorial election which will soon carry out the second round. Twitter social media, @TrioMacan2000, thoroughly explores the figure of the deputy governor candidate (Cawagub) Ahok or Basuki Tjahja Purnama who is paired with Joko Widodo who will fight with the pair Fauzi Bowo-Nachrowi Ramli. Ahok It is said that his name is rarely heard in parliamentary forums, mass media and national politics. The public also missed and didn't even know him when he served As a member of parliament from the Golkar Party which is the most influential party in Indonesia, Ahok's role and achievements are not clear. After Ahok's name began to be heard because of the certainty that PDIP/Gerindra supported him as Jokowi's cawagub, the public began to look for data about him on all social media. This Ahok turned out to be the cawagub because the previous favorite cawagub, Deddy Mizwar, was rejected by Prabowo/Gerindra.

Some time earlier, in the context of a joint plan to make albums and promote Prabowo, Deddy revealed what he really was about the attitudes and assessments of the artists towards Prabowo. An honest and open statement but misinterpreted

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<sup>143</sup> <https://www.solopos.com/pilkada-jakarta-akun-triomacan2000-goda-jokowi-ahok-319528>  
8/15/2012 accessed on January 16, 2021



and considered "insulting" by Prabowo. Deddy Mizwar as the best candidate (of course after the figure of Rano Karno who happened to have been "booked" by Ratu Atut), failed to accompany Jokowi but Ahok was finally chosen. The choice of Jokowi is actually not solid within the PDIP even though Jokowi - Ahok finally stepped forward. However, Ahok's decision to 'join' with Jokowi and resign from the DPR again repeated his "bad record" when he resigned as Regent. This time "Ahok's sin" was doubled. Resigning from the DPR and Golkar is considered to have betrayed his constituents and the party that has carried him in the past. As a result, there is a skewed assessment of Ahok's figure. He was judged to be disloyal, treacherous and ambitious. They considered it too easy for Ahok to leave his duties and responsibilities to the people, state and party for personal interests and practical politics.

Ahok is considered not to build a healthy political culture as a leader or politician. He easily jumps here and there, including changing parties. Indeed, Ahok's figure has succeeded in stealing the votes of young people, ethnic Chinese and non-Muslims. This is also a weakness even though there are many slanted issues, right or wrong, facts or slander, but they are still a political reality in the current DKI gubernatorial election. Starting from the issue of the ease of permits for the construction of new churches, support for the Vatican, Chinese primordialism to support for American-Canadian Christians, not to mention the skewed information regarding the role of Ahok who was labeled only as a puppet of Prabowo, Hasyim, Djan Faridz and other conglomerates. It was stated that there

was full support from the Chinese Central Committee for Guidance for Jokowi-Ahok.

Among the invited figures included: Djan Faridz, KH. Maktub Effendi, KH. A. Sodri, KH. Rohimin, KH. Zukri Yakub, KH. Fadillah and several other figures. In order to deceive the plan to receive awards from the American-Canadian Christian Community and the Central Committee of Overseas Chinese, the kyai and clerics reportedly went to the USA and China with the pretext that they wanted to go for Umrah to the Holy Land of Mecca. Especially for Djan Faridz, according to @TrioMacan2000, his full support for Ahok is not only because of the brotherly relationship through his third wife who is still in Ahok's family, but also related to the purpose of securing his business, especially the management of the Tanah Abang market project which until now has been in dispute with Foke / DKI Jakarta Provincial Government. The Jakarta gubernatorial election is full of political and economic content. There are many interests of the "gods" there. The long-term goal towards the 2014 presidential election, then is Jokowi - Ahok really just a puppet or pawn of the "gods"? Residents of DKI and time will prove it. The second round is still a long way from September 20, 2012. However, it is certain that the days leading up to the gubernatorial election will get hotter and hotter. Let's act wisely.<sup>144</sup>

For so long surfing in cyberspace, the founder of the TrioMacan2000 twitter account, Raden Nuh, was arrested by the police. Hearing Noah's status, who was

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<sup>144</sup> <https://www.lensaindonesia.com/2012/08/29/belum-tobat-triomacan-re-kupas-habis-unjuk-ahok.html> accessed on January 16, 2021

finally named a suspect in the extortion and money laundering case against PT Telkom officials, the Acting Governor of DKI Jakarta Basuki Tjahaja Purnama (Ahok) spoke up. "Don't rejoice over the suffering of your enemy," said Ahok, laughing. He said this when asked for a response by reporters at City Hall, Central Jakarta, Monday (3/11/2014). The incident of Raden Nuh's arrest reminded Ahok of his previous case. As is known, Ahok was one of the targets of the Twitter account @TrioMacan in 2012. At that time it was still during the DKI Jakarta election campaign, Ahok, who was going to run with Jokowi at that time, was widely cornered. Among other things, he is said to have been involved in a corruption case while still serving as the Regent of East Belitung. Asked if he was also blackmailed by the founder of the account, Ahok did not deny it. Ahok confirmed that at that time someone had come to him asking for some money so he wouldn't be attacked. "At that time someone came to say, if you want, you can make peace of all kinds. I don't want to be laden. I said I wanted to be bullied, it's a negative campaign, it's the same as a campaign," he said.

Ahok admitted that he did not think about reporting it to the police. According to him at that time he did not have strong legal evidence. "You could be framed, but there's no time to trap things like that," he said. Unfortunately, Ahok admitted that he did not remember how much money the extortionist asked for at that time. He also felt relaxed about the attacks related to the account owner. "The more I digitize it, the more I demand, right, negative campaigns are the same as campaigns, so it's good, we're even more famous. Well, our team won't necessarily be able to

spread the news so quickly. Even if the campaign is black, people will still be looking for us. Moreover, our track record is discovered by people. Like a pearl thrown into the mud, it will remain a pearl too. So the important thing is that the track record is correct, don't worry, just relax," he concluded.<sup>145</sup>

### 3. 2017 DKI Jakarta regional head election

The chairman of the DKI Jakarta General Elections Commission, Soemarno, confirmed that the 2017 DKI Jakarta Pilkada was followed by three pairs of governor and deputy governor candidates. The decision was made after the DKI Jakarta KPU determined that the requirements submitted by the three pairs of candidates for cagub-cawagub were complete and met the requirements. "The 2017 DKI Pilkada will be followed by three pairs of candidates, the first being Mr. Basuki Tjahaja Purnama (Ahok) and Djarot Saiful Hidayat who are supported by four parties," said Soemarno at Balai Sudirman, Monday (24/10/2016). The four parties supporting Ahok-Djarot are the PDI-P, the Golkar Party, the Hanura Party, and the Nasdem Party. The second cagub and cawagub pairs are Agus Harimurti Yudhoyono and Sylviana Murni. This pair is supported by four political parties, namely the Democratic Party, the National Mandate Party, the National Awakening Party and the United Development Party. The third cagub and cawagub pairs are Anies Baswedan and Sandiaga Uno. This pair is supported by the Gerindra Party and the Prosperous Justice Party. "With the stipulation of cagub and cawagub in the

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<sup>145</sup> <https://news.detik.com/berita/d-2737859/admin-triomacan2000-ditahan-polisi-ahok-terangkat-saat-dia-alami-pemesasan3/11/2014> accessed on January 16, 2021

DKI Regional Head Election, starting today all pairs of candidates are bound by all the regulations set by the KPU," said Soemarno. After determining the cagub-cawagub pairs, the DKI KPU will draw the serial number of the candidate pairs on Tuesday (25/20/2016). said Soemarno. After determining the cagub-cawagub pairs, the DKI KPU will draw the serial number of the candidate pairs on Tuesday (25/20/2016). said Soemarno. After determining the cagub-cawagub pairs, the DKI KPU will draw the serial number of the candidate pairs on Tuesday (25/20/2016).<sup>146</sup>

a. first round

The DKI Jakarta KPU has determined the cagub-cawagub pairs who will compete in the second round of the DKI Regional Elections. The pair Basuki Tjahaja Purnama (Ahok) and Djarot Saiful Hidayat and the pair Anies Rasyid Baswedan and Sandiaga Salahudin Uno were declared candidates in the second round. This is stated in the DKI Jakarta KPU decision letter number 48/KPTS/KPU Prov 010/2017 concerning the Determination of the Recapitulation of Vote Calculation Results and Results of the 2017 DKI Jakarta Governor and Deputy Governor Elections. The candidate for deputy governor of DKI Jakarta who gets the most votes in the first round will participate in the election of governor and deputy governor of DKI Jakarta," said KPU commissioner of DKI Jakarta Betty Epsilon Idroos in the KPU plenary meeting at the Borobudur Hotel, Central Jakarta,

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<sup>146</sup> "The 2017 DKI Pilkada is Officially Followed by Three Pairs of Cagub-Cawagub", <https://megapolitan.kompas.com/read/2016/10/24/17335191/pilkada.dki.2017.official.diikuti.tiga.pair.cagub-cawagub>. accessed on January 16, 2021

Saturday (4/3/2017). "The two pairs of candidates for governor and deputy governor of DKI to take part in the second round as the first dictum Ir. Basuki Tjahaja Purnama, MM and Drs. H. Djarot Saiful Hidayat, second MS Anies Rasyid Baswedan, Phd. and Sandiaga Salahudin Uno BA, MBA," continued Betty.

The KPU plenary meeting also presented the results of the plenary recapitulation of the vote count at the provincial level. Agus Harimurti Yudhoyono-Sylvina Murni received 937,955 votes or 17.07 percent. The Ahok-Djarot pair received 2,364,577 votes or 42.99 percent and the Anies-Sandiaga pair received 2,197,333 votes or 39.95 percent. "If we look at the three pairs of candidates for governor and deputy governor, none of them won more than 50 percent of the votes, which is a requirement for the cagub-wagub pair to be elected governor and deputy governor as stipulated in Law 29/2007 concerning the DKI Provincial Government as the state capital. "said the chairman of the DKI KPU, Sumarno.<sup>147</sup>

b. second round

The DKI Jakarta KPU ratified the results of the recapitulation of the provincial level vote count, Sunday (30/4/2017) early morning. The highest number of votes in the second round of the DKI Pilkada was won by candidate pair number three, Anies Baswedan-Sandiaga Uno, with 57.96 percent of the vote. Election number two, Basuki Tjahaja Purnama (Ahok) and Djarot Saiful Hidayat received

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<sup>147</sup> <https://news.detik.com/berita/d-3438375/kpu-tetapan-ahok-djarot-dan-anies-sandi-maju-putaran-dua-pilkada4/3/2017> accessed on January 16, 2021

42.04 percent of the vote. "We signed the official report at the DKI Jakarta Provincial level. We underlined that the second candidate received a total of 2,350,366 votes, while the candidate pair number three received 3,240,987 votes with a total of 5,591,353 valid votes," said the chairman of the DKI Jakarta KPU, Sumarno. , in a plenary meeting at the Aryaduta Hotel, Central Jakarta, Sunday. Details of the vote acquisition, in the Thousand Islands, Ahok-Djarot received 5,391 (38 percent) votes. Anies-Sandi won with 8,796 votes (62 percent) with a total of 14,187 valid votes. In North Jakarta, Ahok-Djarot received 418,068 votes (47 percent), while Anies-Sandi received 466,340 votes or 52 percent of the votes with a total of 884,408 valid votes.

For the votes in Central Jakarta, Ahok-Djarot received 243,416 votes or 42 percent of the votes, while Anies-Sandi received 333,033 votes or 57 percent of the votes for a total of 576,449 valid votes. In West Jakarta, Ahok-Djarot received 611,759 votes or 47 percent of the vote, while Anies-Sandi received 684,980 votes or 52 percent of the votes for a total of 1,296,739 valid votes. In East Jakarta, Ahok-Djarot received 612,093 votes or 38 percent of the votes, while Anies-Sandi received 993,174 votes or 61 percent of the votes for a total of 1,605,266 valid votes. In South Jakarta, Ahok-Djarot received 459,639 votes, while Anies-Sandi received 754,665 votes or 62 percent of the votes with a total of 1,214,304 valid votes. The first highest voter turnout was in the Thousand Islands with a voter percentage of 87 percent, second in East Jakarta with a percentage of 78 percent, third in North Jakarta with a percentage of 77 percent, fourth in West Jakarta with

a percentage of 76 percent, fifth in Central Jakarta with a percentage of 76 percent, and sixth in South Jakarta with a percentage of 75 percent of citizens exercising their right to vote. "So, the overall voter participation rate at the DKI Jakarta Province level is 77.08 percent," said Sumarno.

He revealed, voter turnout in the second round showed an increase in voter turnout compared to the first round. Notes from witnesses The plenary meeting went on for a long time with many notes given by the two witnesses for the pair of candidates. The witness pair Ahok-Djarot, has a long list of oddities in holding the voting. The main finding relates to the difference in ballots at thousands of polling stations, with the number of ballots in the field less than the number of DPT plus 7.5 percent of the DPT. Finally, they refused to sign the recapitulation results. "Essentially we are disappointed with the holding of the voting and accept with a note (refusing to sign)," said witness member, Candra Irawan As for the witness pair Anies-Sandi, questioned the high number of additional voter lists on voting day 19 April 2017. The secretary of the Anies-Sandi Winning Team, Syarif, said that his party needed to know the origin of the additional voter lists, whether they used e-KTP or a certificate (suket). "We have an interest in knowing because I suspect this is repeated by people using a suket and e-KTP even though they are already on the DPT (permanent voter list). We will pursue the Dukcapil," said Syarif.

The head of DKI Jakarta Bawaslu, Mimah Susanti, said that all records regarding the holding of elections were administrative in nature and not irregularities. "The DKI DKI KPU has worked optimally so that the problem will



not occur again even though the additional voter lists are still half of the first round," said Mimah.<sup>148</sup>

c. identity politics and racial issues

The tiring 2017 Jakarta gubernatorial election in the capital city this year has become an important part of the 2017 Kaleidoscope. The nuances of political conflict that have shifted to criminal cases have even emerged since mid-2016. The inauguration of Anies Baswedan and Sandiaga Uno as Governor-Deputy Governor of DKI Jakarta on 16 October 2017, replacing Basuki Tjahaja Purnama (Ahok) and Djarot Saiful Hidayat, did not immediately stop the heat of the election residue that was thick with SARA sentiments. "The story (of the case) of Al-Maidah 51 has further increased the temperature of the DKI Regional Head Election," said Mardani Ali Sera, former head of the Anies-Sandi Success Team, to Tempo on Saturday, December 23 2017. A number of "victims" have fallen from both sides because SARA issue. Ahok was found guilty in a blasphemy case on May 9, 2017 and had to serve two years in prison.

From the haters, who are politically called the Anies-Sandi block, there are Jonru Ginting and musician Ahmad Dhani who are suspects in the hate speech case on social media. Buni Yani was sentenced to 1 year 6 months in prison on November 14, 2017 for violating the Electronic Information and Transactions (ITE)

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<sup>148</sup> "This is the result of the second round of vote recapitulation of the DKI Jakarta Regional Head Election", <https://megapolitan.kompas.com/read/2017/04/30/06030941/%20ini.hasil.rekapitulasi.voice.putaran.pertama.pilkada.dki.jakarta?page=all>. Accessed on January 16, 2021

Law by spreading hate speech and editing a video recording of Al-Maidah Ahok's speech in the Thousand Islands. Rizieq Syihab, the boss of the Islamic Defenders Front who was at the forefront of fighting Ahok with issues of religion and race, has fled to Saudi Arabia since May 2017 until now. Armed with an Umrah visa, Rizieq ran out of business because he was overshadowed by a porn chat case with a woman named Firza Husein which was circulating virally on social media. Communication observer from the University of Indonesia, Effendi Gazali, considered the 2017 DKI Pilkada the most brutal in the context of democracy on social media. The Jakarta election made social media netizens split into two camps that threw negative opinions at each other.

"The Jakarta election is overwhelming. Direct, general, complicated," said Effendi in the discussion on "National Democracy in the Social Media Republic" at Prof. University. Dr. Moestopo (Beragama) on Thursday, March 23, 2017. Jack Lopian, founder of the BTP (Basuki Tjahaja Purnama) Network, views the 2017 DKI gubernatorial election as the worst regional election in history. "Starting from verses to corpses. It has proven to be quite effective, yes, this SARA Pilkada," he told Tempo on Sunday, December 24, 2017. By power, he meant effectively dividing people with hatred. The public's fears arose in line with the refusal of a number of groups to take care of and pray for the bodies of Ahok voters in the first round of the 2017 elections, namely February 15, 2017. The first round of regional elections presented three contestants, namely Anies-Sandi, Ahok-Djarot, and Agus

Harimurti Yudhoyono-Sylviana Murni. The second round on April 19 2017 was the final match between Ahok vs Anies Baswedan.

The SARA sentiment that was spread massively in all levels of society was finally effective in erasing the results of Ahok's five years of building Jakarta. Until now, the efforts of the two sides to make peace have not been seen. Jack regretted that Anies Baswedan and Sandiaga Uno had not visited Ahok at the Brimob Mobile Brigade Headquarters prison, Kelapa Dua, Depok, to lighten the mood. Both even though promised to meet Ahok after being sworn in. "Sincerity cannot be photocopied," he said. Mardani Ali Sera did not agree that the Al-Maidah issue was called the decisive victory for Anies Baswedan and Sandiaga Uno, although he admitted that it affected the vote. "But (we) will not win if our electoral strategy is not on target," he said. According to Jack, politics using religion has been seen since the demonstration of hundreds of thousands of masses on November 4, 2016 which was called the Action to Defend Islam 411.

The 411 demonstration in front of the Palace was attended by around 200,000 people as a reaction to Al-Maidah Ahok's speech in the Thousand Islands, only about three months before the vote. A larger demonstration was held on December 2, 2016 or the 212 Peace Action with the issue of demanding that Ahok be removed from the governorship after being named a suspect in the blasphemy case. The discourse that was built to target President Jokowi. Both 411 and 212 Actions packed the Hotel Indonesia Roundabout, Istiqlal Mosque-National Monument (Monas)-State Palace. The 212 action was centered at Monas, the same as the 212

Reunion event on December 2 2017, which was attended by Governor Anies Baswedan. The program from morning to noon was echoed by Rizieq Syihab's voice recording. He boasted of the effect of Action 212 on the results of the 2017 Pilkada won by Anies Baswedan. "Finally, Thank God, with Allah's permission, the blasphemer stepped down and collapsed," Rizieq said in a voice recording. "Leave from his position and slide into prison." The 212 Reunion could be held at Monas after Anies Baswedan revised the Governor of DKI Jakarta Regulation Djarot which prohibited Monas from cultural, educational, social and religious activities as of October 13, 2017. Anies changed it with Pergub Number 186 of 2017 concerning Amendments to Governor Regulation Number 160 Year 2017 concerning Management of the National Monument Area, Monas.

The first activity held under Anies Baswedan's regulations reopened Monas by allowing the National Tausiah activity on Sunday, November 26, 2017. Anies promised to give the public the opportunity to take advantage of Monas, including for the 2017 Christmas Celebration. The DKI Jakarta Provincial Government has prepared a 2017 Christmas event which is planned held on January 5, 2018 at Monas. The good intentions of the Governor of DKI Jakarta, Anies Baswedan, were apparently not enough to make the event run smoothly. The image of Monas as the center of political campaign action wrapped in religion prompted the majority of Christian organizations to withdraw. "We don't want the purity of the Christmas

celebration to be tarnished," said Jeirry Sumampouw, spokesman for the Communion of Churches in Indonesia (PGI).<sup>149</sup>

The General Election Commission (KPU) anticipates the development of ethnic, religious, racial, and inter-group (SARA) sentiment issues in the 2018 Simultaneous Pilkada. The KPU made two KPU regulations as an anticipation step for the spread of SARA issues during the Pilkada. KPU commissioner Wahyu Setiawan said that apart from issuing the two regulations, the KPU was also coordinating with the Election Supervisory Body (Bawaslu) to anticipate black campaigns and the use of SARA issues. "So regarding the spread of SARA issues, we reflect on the 2017 Pilkada in DKI. Like it or not, like it or not, it worries us all," said Wahyu, at the launch of the KPU's slogan 'Strong State Sovereign Voters', in Jakarta, Friday ( 27/10/2017). "Therefore, in the preparation of the PKPU regarding the campaign and socialization of public education, this (issue) is of concern to all of us," said Revelation. The first regulation is PKPU Number 4 of 2017 concerning the Election Campaign for Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor.

The second regulation, PKPU Number 8 of 2017 concerning Socialization, Voter Education and Community Participation in the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors. Article 17 of PKPU 4/2017 states that campaign materials must respect

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<sup>149</sup> <https://metro.tempo.co/read/1045103/kaleidoskop-2017-pilkada-brutal-gubernur-dki-jakarta/full&view=ok> accessed on January 16, 2021

differences in ethnicity, religion, race, and community groups. Article 68 (1) states that it is prohibited to insult someone, religion, ethnicity, race, class, pairs of candidates for governor and deputy governor, pairs of candidates for regent and deputy regent, pairs of candidates for mayor and deputy mayor, and/or political parties. Article 29 of PKPU 8/2017 stipulates that the implementation of election socialization with one pair of candidates is prohibited from spreading the issue of differences in ethnicity, religion, race, and class in society. "The target of voter education socialization is (including) citizens. The key is, we fight hoaxes, fight slander, and invite people to digest information wisely. Not all information on social media can be accounted for," Wahyu said.

Through technical instructions, the KPU has also instructed the Provincial KPU and Regency/Municipal KPU to form a social media team with various accounts. "We use Facebook, Twitter, and so on to always provide information and other key messages in order to educate voters, so that they can use their voting rights independently, free from slanderous news and stay away from SARA issues being driven," said Wahyu.<sup>150</sup>The Acting Governor of DKI Jakarta, Sumarsono, said that the banners that refused to pray for the bodies of Ahok supporters had the same text and print, only slight differences in color. Really? "The point is that almost all of the banners have uniform writing, the print is uniform, only the colors are different," said Sumarsono at City Hall, Gambir, Central Jakarta, Monday (13/3/2017). Coil

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<sup>150</sup> "Concerned about the phenomenon of the DKI Regional Head Election, KPU Sets SARA Issues in Two Regulations" <https://national.kompas.com/read/2017/10/27/22221201/prihatin-fenomena-pilkada-dki-kpu-aturn-hasil-isu-sara-dalam-dua-peraturan> accessed on January 16, 2021

found that there were 4 different locations where banners refused to cremate the bodies of supporters of religious blasphemers. In this case Ahok, who is being accused of blasphemy cases.

Here are the details summarized, Monday (13/3/2017):

1). Photo 1.1 Al-Jihad Mosque, Setiabudi, South Jakarta



Banner at Masjid Al-Jihad Setiabudi (Photo: Aprilandika Pratama/kumparan)

The first banner found by coils was at the Al-Jihad Mosque, Jalan BB Karet Setiabudi, Setiabudi, South Jakarta. Two banners of the same size were plastered in the courtyard of the mosque. The banner with a blue base is clearly visible in white, yellow and red writing. 'THIS MOSQUE DOES NOT PRAY THE BOARDS OF SUPPORTERS AND DEFENDERS OF RELIGIOUS blasphemers'. Still in the mosque area, there is one more banner as shown in the photo at the top of this article. 'BREAKING THE QURAN DESTROYING NATION'S UNITY'. To this

day the banner is still there. Banners rejecting blasphemy. The head of RT 06/05, Yatim, who was met by coil, Friday (24/2/2017), said that this banner had been installed 4 days ago or around Monday (20/2/2017). According to him, the banner is an appeal to Muslims to maintain their aqidah and faith properly. "

2). Photo 1.2 At-Tawwab Mosque, Cakung, East Jakarta



Jami' At-Tawwab Mosque. (Photo: Mustaqim Amna/coil)

The second location found the coil was at Jami' At-Tawwab Mosque RW 02, West Cakung, East Jakarta on Friday (24/2/2017) night. The writing on a large printed banner is displayed in front of the mosque: 'THIS MOSQUE AND THE ENTIRE MUNAFIQ COMMUNITY WHO ARE OBEYING AND OBEYING TO US THE HOLY AL-QUR'AN SURAT AT TAUBAH verse 84 CONCERNING MUNAFIQS WILL NOT PRAY, USES AN OVERVIEW MUNAFIQ PEOPLE



WHO DEFEND AND SUPPORT BLAST AL-QUR'AN' Both the design, color, size and writing materials are different from those found at Masjid Al-Jihad Setiabudi, South Jakarta.

3). Photo 1.3 Warung Jati, Kalibata, Pancoran, South Jakarta



Prohibition of praying on bodies for Defenders of Blasphemy of Religion (Photo: Jihad Akbar/kumparan )

The next banner was found by Kumparan, on Saturday (25/2/2017) at Jalan Warung Jati Timur II, Kalibata, Pancoran, South Jakarta. There are two banners with the same design and writing. Namely in front of the Nurul Hidayah Mosque and in front of residents' houses which are about 50 meters from the mosque. "DO NOT PRAY FOR THE BORN OF A RELIGIOUS BLESSER" And do not pray for the body of one of them (the hypocrites) forever, and do not pray over his grave. Indeed, they have disbelieved in Allah and His Messenger, and they died in a state

of ignorance. (Surat At-Taubah 84) "Muslims who defend blasphemers are hypocrites"



Prohibition of praying on bodies for Defenders of Blasphemy of Religion (Photo: Jihad Akbar/kumparan )

#### 4). Photo 1.4 Pondok Pinang, South Jakarta



Banner at Pondok Pinang, South Jakarta (Photo: Indra Subagja/kumparan)

The fourth banner found with coils was on Jalan Haji Saikin, Pondok Pinang, South Jakarta. The banner, based on information from residents, was probably installed on Saturday (11/3/2017) night. Banners were posted in the alley close to the prayer room. The following is the text: Neighborhood CITIZENS DO NOT PRAY FOR THE cadaver of SUPPORTERS AND DEFENDERS OF RELIGIOUS BLASTS LET'S SUPPORT THE MUSLIM GOVERNOR Until this afternoon, according to the observation of the coil, the banner in Pondok Pinang is still hanging at the location. From the banners found in 4 different locations in Jakarta, there were no banners that had the same design, color, size, or text from one banner to another in another location.<sup>151</sup>

There is a sad and heartbreaking story that the body of a 78-year-old grandmother was abandoned by the surrounding community. The reason is that the grandmother, who has been unable to walk for a long time, chose Basuki Tjahaja Purnama alias Ahok and Djarot Saiful Hidayat during the first round of the DKI Regional Election. According to Neneng's statement, after the grandmother named Hindun bin Raisman voted for Ahok-Djarot, her family became gossip. Neneng is Hindun's youngest daughter. "We are all widows, all four sisters, each of our husbands died, now added to the talk of people like that, we are really being wronged, especially taking care of our parents' funerals is difficult," said Neneng, to Liputan6.com at his residence, Jalan Karet Raya II, Setiabudi, South Jakarta,

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<sup>151</sup> <https://kumparan.com/kumparannews/menharga-4-spanduk-tolak-salalat-jenazah-pensupport-ahok/full113/3/2017> accessed on 16 January 2021

Friday (10/3/2017). Grandma said, chronology of his mother's body was refused to be prayed in the prayer room by Ustadz Ahmad Syafii. Neneng said that at that time he and his family wanted Hindun's body to be prayed for in the prayer room. However, Ustadz Ahmad Syafii refused because there was no one in the prayer room.

It didn't stop there, no one was carrying Hindun's body to the prayer room, so Ustadz Ahmad Syafii prayed Hindun at his house. "The reason is that no one wants to light it (at the prayer room), even though we, our children and grandchildren, are busy praying, but indeed there are only four other people (who came to the house)," explained Neneng. Neneng recounted that during the DKI Pilkada four KPPS officers came to their house to ask Hindun to participate in voting. But because of Hindun's frail physical condition, he refused to come to the polling station. Officers still want to take Hindun's voice. "During the election, Mak (Hindu) was asked to vote, so the name of the parents already didn't know anything, just vote at random. Incidentally, the number two was voted and the four officers saw it," explained Neneng. Since then, said Neneng, his family was accused of being supporters of blasphemy. The voting, witnessed by four KPPS officers, had a long tail. Neneng felt that there was something wrong with the voting method for her mother. However, at that time, Neneng did not care.

"Yes, when you vote, it's open, seen by many people, I doubt it too, isn't it not allowed to be seen by anyone? It's a secret, right. But, because Mak is sick, never mind, we don't care, just vote," explained Neneng. The voting turned out to be a disaster. Their families are accused of supporting Ahok, who is now a defendant in

a blasphemy case. "In fact, that's the problem, our family is accused of being infidel, they think we all voted for Ahok, even though Mak doesn't know anything, just vote," complained Neneng. When he was about to pray, said Neneng, the residents were gossiping about Hindun's body. Ahmad Syafii's decision to pray for his mother at home is considered a decision on the banner that was installed in the prayer room. "There are many who say, don't pray, it's Ahok's voter," Grandma said. Ahmad Syafii said that Hindun's body cannot be prayed at the Al-Mu'minin Musala. "Ustadz Pii (Ahmad Syafii) said, 'You don't have to stay at home, it's useless, there's no one' he said, even though many of Mak's children and grandchildren want to pray," explained Neneng.

Neneng felt strange about the decision. Moreover, the distance between the house and the prayer room was only a few meters, but the path was quite narrow. He was surprised, Ustadz Syafii, who refused, even came to his house and led the funeral prayer. At Neneng's house, only four of her neighbors attended the funeral prayer. "That's weird, he's the one who refuses, he's also the one who lit it up," said Neneng.<sup>152</sup>

## 2. Mechanism of Filling Vacancies for Deputy Governor of DKI Jakarta

Following the resignation of Sandiaga Uno who chose to focus more on his candidacy as a candidate for vice president, the Ministry of Home Affairs

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<sup>152</sup> <https://www.liputan6.com/news/read/2882270/jenazah-nenek-hindun-ditlantarkan-warga-after-select-ahok10/3/2017> accessed on January 16, 2021

(Kemendagri) explained that the mechanism for filling the vacant position of the Deputy Governor of DKI Jakarta was carried out in accordance with Article 176 of Law no. 10 of 2016 concerning Regional Head Elections (UU Pilkada). "In the event that the Deputy Governor of DKI Jakarta resigns due to his own request, the filling of the Deputy Governor of DKI Jakarta is carried out through an election mechanism by the DKI Jakarta Provincial DPRD based on a proposal from a political party or a combination of supporting political parties," said Head of Information Center (Kapuspen) of the Ministry of Home Affairs, Bahtiar, quoting Article 176 paragraph (1) of the Law reads. According to Bahtiar, Political parties or a coalition of supporting political parties propose 2 (two) candidates for Deputy Governor of DKI Jakarta to the DPRD DKI Jakarta through the Governor of DKI Jakarta to be elected in the plenary meeting of the DKI Jakarta DPRD. He emphasized that the filling of the vacant position of Deputy Governor of DKI is carried out if the remaining term of office is more than 18 months from the vacancy of the position.

The process for selecting the Deputy Governor in the Plenary Meeting of the DKI Jakarta DPRD, according to the Head of the Ministry of Home Affairs, has been regulated in Article 24 and Article 25 of Government Regulation No. 12 of 2018 concerning Guidelines for Compilation of Orders for Provincial, Regency and City Regional People's Representative Councils (DPRD). "The election of the Deputy Governor of DKI was held in a plenary meeting of the DPRD and the results of the election were determined by the decision of the DKI Jakarta DPRD," Bahtiar

said as reported by the Setkab website in Jakarta, Sunday (12/8). The DPRD leadership announces the appointment of the new DKI Jakarta Deputy Governor and submits a proposal to validate the appointment of the Deputy Governor of DKI to the President through the Minister of Home Affairs. The Head of the Penuspen of the Ministry of Home Affairs, Bahtiar, also explained the differences in filling the vacancy for the Deputy Governor's seat during the Djarot Saifullah Hidayat era and during the Sandiaga Uno period.

"So at that time the process was proposed for his appointment to the president and inaugurated by the governor," explained Bahtiar. The arrangement for filling in the Deputy Governor as referred to in Law Number 1 of 2015 concerning the Stipulation of Perppu No.1 of 2014 concerning the Election of Governors, Regents, Mayors into Laws governing the procedure for the replacement of deputy governors has been revoked or deleted and the arrangements replaced in the Pilkada Law. "Currently filling the vacancy for the Deputy Governor is carried out through elections in the plenary session of the DPRD as mandated by Article 176 of Law No. 10/2016," concluded Bahtiar.

Under the tomb of the chaos of the 2019 presidential election

The Ministry of Home Affairs (Kemendagri) previously emphasized that the President, Vice President, MPR members, leaders and members of the DPR, DPD members, governors, deputy governors, regents, deputy regents, mayors, and deputy mayors, do not have to resign from their positions if they are nominated.

political parties or a combination of political parties as presidential candidates (candidates) or vice presidential candidates (cawapres). Bahtiar explained, regarding requests for permits for presidential and vice-presidential candidates and election campaign leave, the procedures for the resignation of candidates for members of the DPR RI, DPD RI, DPRD, Presidential and Cawapres are regulated in Government Regulation No. 32 of 2018. "In Article 18 paragraph (1) PP 32 states that state officials who are nominated by political parties or coalitions of political parties as candidates for president or vice president must resign from their positions, except the President, Vice President, MPR members, leaders and members of the DPR, DPD members, governors, deputy governor, regent, deputy regent, mayor, and deputy mayor," said Bahtiar. Minister of Home Affairs (Mendagri) Tjahjo Kumolo in his written statement said, in Law Number 7 of 2017 concerning Elections, in particular Article 171 paragraph (1), it is stated that a person who is serving as governor, deputy governor, regent, deputy regent, mayor and the deputy mayor who will be nominated by a political party or a combination of political parties participating in the election as a presidential or vice-presidential candidate must ask the president for permission.

"In the event that the President within 15 days after receiving a letter of request for permission from the governor, deputy governor, regent, deputy regent, mayor, and deputy mayor as referred to in paragraph (1) has not given permission, the permit is deemed to have been granted," explained Tjahjo in his written statement. The Minister of Home Affairs emphasized that the request for



permission from the governor, deputy governor, regent, deputy regent, mayor and deputy mayor as stipulated in Article 171 paragraph (4) is one of the required documents to be submitted by the presidential and vice-presidential candidates to the KPU by political parties. or a combination of political parties.

Regarding state officials who are members of the Campaign Team or Campaign Implementation Team for the presidential/vice presidential candidate, the Head of the Ministry of Home Affairs, Bahtiar said, according to General Election Commission (PKPU) Regulation Number 23 of 2018 concerning Election Campaigns in article 62 it is stated that ministers, governors, deputy governors, regents , deputy regents, mayors, and deputy mayors as members of the Campaign Team and/or Campaign Implementers may be granted leave outside of the state's responsibility. "Leaving outside the state's responsibility for ministers is given by the President, while for regional heads and deputy regional heads it is given by the minister who organizes domestic affairs," said Bahtiar. Leave is granted one working day each week during the Campaign period. Leave does not apply to ministers, regional heads and deputy regional heads on holidays.<sup>153</sup> Compare this to when Jokowi ran for president when he was governor of DKI Jakarta<sup>154</sup>

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<sup>153</sup> <https://www.hukumonline.com/berita/baca/lt5b713387b083a/ini-mekanisme-pengisian-kursi-wagub-dki-yang-kosong-dalam-aturan-perundang-undang?page=all> accessed on January 16, 2021

<sup>154</sup> Jakarta Governor Joko Widodo met President Susilo Bambang Yudhoyono (SBY) at the Merdeka Palace. The visit was to request leave for leave during the presidential election ahead of the upcoming 9 July presidential election. "Pak Jokowi at 1 pm this afternoon met with Pak SBY, as governor, who was later nominated as a presidential candidate. Pak Jokowi must convey the first is the permission for the presidential candidate. As a government administrator, it is very natural for a governor to ask for permission from Pak SBY as president," said Deputy Secretary General of the DPP PDIP Hasto Kristiyanto to Liputan6.com in Jakarta, Tuesday (13/5/2014). "So it's not about another agenda," said Hasto. Hasto explained that the issue of leave permission during the candidacy

The condition of Joko Widodo (Jokowi) who will not take a total leave during the 2019 presidential election campaign was questioned by the Prabowo-Sandi BPN. This was also raised when the FUI mass held an audience with the KPU. The KPU then gave an answer. "The KPU works by carrying out the law. Obviously it is different from the regional elections. The regional elections, if there is an

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of Joko Widodo, who is more familiarly called Jokowi, had been previously submitted through a letter to the Ministry of Home Affairs. "The letter has been sent. just as part of ethics as an easterner, it's very natural for Mr. Jokowi to meet Mr. SBY as president," he said. In addition to requesting leave, Jokowi's arrival this time was to convey his non-active permit as governor of DKI Jakarta. It was not about his resignation as governor. the second is about a non-active permit as Governor, not resigning. But Pak Jokowi can still give directions and policies to the Acting (executing) Governor regarding the stages of tasks that must be carried out," Hasto explained. According to Hasto, Jokowi chose to apply for a non-active permit due to time constraints if he had to resign as Governor of DKI. " If the registration of presidential and vice presidential candidates is 18-20 May, the resignation mechanism is not possible because they have to go through the DPRD. While the presidential nomination is the right of every citizen. "Therefore, Mr. Jokowi conveyed the presidential candidate permit and was inactive. Because, since registering for the presidential candidate at the KPU, the consideration of support from the people, national and state leaders is very high for the good of the nation in the future. It is natural, I think, to ask for permission as governor," said Hasto. Apart from Jokowi, President SBY separately today will also receive the arrival of Gerindra Party presidential candidate Prabowo Subianto along with the Chairman of the National Mandate Party (PAN) Hatta Rajasa who is said to be accompanying Prabowo. in the upcoming presidential election on July 9. It is said that their arrival will also discuss the issue of the presidential election. the leaders of the nation and state are very high for the good of the nation in the future. It is natural, I think, to ask for permission as governor," said Hasto. Apart from Jokowi, President SBY separately today will also receive the arrival of Gerindra Party presidential candidate Prabowo Subianto along with the Chairman of the National Mandate Party (PAN) Hatta Rajasa who is said to be accompanying Prabowo. in the upcoming presidential election on July 9. It is said that their arrival will also discuss the issue of the presidential election. the leaders of the nation and state are very high for the good of the nation in the future. It is natural, I think, to ask for permission as governor," said Hasto. Apart from Jokowi, President SBY separately today will also welcome the arrival of Gerindra Party presidential candidate Prabowo Subianto along with the Chairman of the National Mandate Party (PAN) Hatta Rajasa who is said to be accompanying Prabowo. in the upcoming presidential election on July 9. It is said that their arrival will also discuss the issue of the presidential election. Separately today, President SBY will also receive the arrival of Gerindra Party presidential candidate Prabowo Subianto along with the General Chair of the National Mandate Party (PAN) Hatta Rajasa who is said to be accompanying Prabowo in the upcoming 9 July presidential election. The arrival of the two is also said to be discussing the matter of the presidential election. Separately, President SBY will also welcome the arrival of Gerindra Party presidential candidate Prabowo Subianto along with the General Chair of the National Mandate Party (PAN) Hatta Rajasa who is said to be accompanying Prabowo in the upcoming 9 July presidential election. The arrival of the two is also said to be discussing the matter of candidacy.

<https://www.liputan6.com/indonesia-baru/read/2049270/alasan-jokowi-select-cuti-keimbang-mundur-dari-Kursi-gubernur-dki> accessed on January 16, 2021

incumbent who runs, must take leave outside the state's responsibility and he becomes an ordinary person. It's different if the presidential election is not like that," said KPU commissioner Wahyu Setiawan at the KPU office . "So when the incumbent becomes a presidential candidate, at the same time he also becomes president. That's the law," he continued. Wahyu said, in accordance with the provisions of the law, when the president is going on leave during a campaign, he then gives a letter to the KPU through the Minister of State Secretary. The leave is notification in nature. "

"So that there is no abuse of power, so that there are no allegations of abuse, come on, gentleman. Just step down, Jokowi is gentle, at least he's on leave. So Jokowi is gentle, he declares the date on which he is on leave. abuse of power will be very high," said Indra. Jokowi then gave a response. He admitted that he would still carry out the mandate as president despite his current status as a presidential candidate (candidate). "If the rules require us to have total leave, yes I will take total leave. (But) the KPU rules don't require that. I can still work," said Jokowi after the corn harvest in Motilango Village, Gorontalo Regency, Friday (1/3/2020). 2019)<sup>155</sup>

Election Law In Article 281 of Law Number 7 of 2017 concerning Elections, a President who participates in election campaign activities must take leave and may not use state facilities, except for security facilities. "Not using the facilities in his position, except for security facilities for state officials as stipulated in the

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<sup>155</sup> <https://news.detik.com/berita/d-4449991/jual-jokowi-tak-cuti-total-kpu-laksanakan-kode-uu> accessed on January 18, 2021

provisions of the legislation," reads paragraph (1) a of the article. All activities of the president during his leave are not covered by the state, including accommodation and mass mobilization. "Take leave outside the state's responsibility," continued paragraph (1) b. KPU Regulation (PKPU) Article 61 of KPU Regulation Number 23 of 2018 concerning the General Election Campaign, also mentions rules that are more or less the same as the Election Law. The president who becomes a presidential candidate in the next election is obliged to take time off to carry out his campaign. "In carrying out the campaign as referred to in paragraph (1), the president and vice president are obliged to take leave outside the state's responsibility," reads paragraph (2) of article 61 of the PKPU.

Unless the campaign is on a holiday, it is not necessary to take time off. PP Number 32 of 2018 Government Regulation Number 32 of 2018 also regulates campaign leave for presidents who are participating in the election. In Chapter IV Article 30 paragraph (2) the president must take leave to carry out a political campaign which is his right as a presidential candidate. "In carrying out the campaign as referred to in paragraph (1), the president and vice president must take leave," the paragraph reads. In Chapter IV Article 30 paragraph (2) the president must take leave to carry out a political campaign which is his right as a presidential candidate. "In carrying out the campaign as referred to in paragraph (1), the president and vice president must take leave," the paragraph reads. In Chapter IV Article 30 paragraph (2) the president must take leave to carry out a political campaign which is his right as a presidential candidate. "In carrying out the

campaign as referred to in paragraph (1), the president and vice president must take leave," the paragraph reads.

KPU Explanation According to the KPU commissioner, Wahyu Setiawan, the presidential leave is related to the provision of facilities to the person concerned. A president will still get protocol facilities to ensure his security as a leader of the country. "The presidential leave is related to the use of office facilities. The attached facilities are security facilities. It's fixed. It's the president's right. Security facilities are in accordance with security standards," explained Wahyu. This includes the president's car which is part of the security of the head of state. "If the car concerns the security aspect, of course it is part of the safety standard. The president can't continue to ride in a car without security, it's impossible like that," he said.<sup>156</sup>

Meanwhile, constitutional law expert Yusril Ihza Mahendra assessed that President Jokowi who re-nominated had no obligation to take leave or resign. According to Yusril, the regulation regarding the necessity of resigning or taking leave does not exist in Law Number 7 of 2017 concerning Elections. Especially, in the chapter that regulates the nomination of president and vice president. "This does not only apply to President Jokowi, but also to anyone who becomes an acting President in our country," said the former Minister of Justice and Human Rights under President Abdurrahman Wahid (Gus Dur) in his press statement, Saturday,

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<sup>156</sup>"The Polemic of Campaign Leave for Presidents Participating in the Presidential Election...",<https://national.kompas.com/read/2019/03/06/15070441/polemic-cuti-kampanye-bagi-president-perserta-pilpres?page=all>. Accessed January 18, 2021

September 8, 2018. Yusril explained that Article 6 of Law Number 42 of 2008 concerning the Election of the President and Vice President does regulate the resignation of state officials who run as presidential candidates. However, this provision does not apply to presidents who are re-nominated. According to the former Minister of State Secretary under President Susilo Bambang Yudhoyono, Law Number 42 of 2008 has been revoked.

This rule means that it is declared no longer valid based on Article 571 letter a of Law No. 7 of 2017 concerning General Elections which has been in effect since August 16, 2017. Yusril emphasized that the absence of provisions for the president and vice president of officials to quit or take leave is the correct rule from the point of view of administrative law. country. "Because, if it is regulated that way, there will be complications that will have implications for political stability and governance in this country," he said. Yusril gave an example, if a presidential candidate quits before his term ends, then the president must be replaced by a vice president until the end of his term of office. Therefore, it is necessary to have a Special Session of the People's Consultative Assembly to inaugurate the vice president as president. "What if the vice president is both an official with the president, or the vice president runs as a presidential candidate?"

If that happens, then the defense minister, the interior minister, and the foreign minister (Triumvirat) will form the Presidium of the Provisional Government. Within a span of 30 days, the Triumvirat must prepare the SI MPR to elect a new president and vice president. "If something like the above happens every

five years, then it is not impossible that there will be political insecurity in our country," said Yusril. This vulnerability can threaten the integrity of the nation and state. The country should not be in a leadership vacuum because it can create a critical situation that is difficult to overcome. He said that if the President's position was vacuumed, there would be an emergency or a state of danger. "Who has the authority to declare the country in a state of danger? Only the President can do that. The Vice President, especially Triumvirat, has no authority to do so," said Yusril. Yusril believes that the president who is also an official, whether Jokowi or anyone else, for the sake of the nation and state does not need to quit or take leave. He added that the meme quoting a piece of Law Number 42 of 2008 which was no longer valid was misleading information. "It is very dangerous, especially in welcoming the upcoming 2019 simultaneous elections," Yusril concluded.

a. The Urgency of Filling Vacancies for the Deputy Governor of DKI Jakarta

The Executive Director of The Political Literacy Institute and Lecturer of Political Communication at UIN Jakarta Gun gun Heryanto stated that the tug-of-war regarding filling the vacant post of deputy governor of DKI Jakarta since August 27, 2018 is very protracted. Back and forth, a number of names that were predicted to replace Sandiaga Uno, who resigned because he was running as a vice presidential candidate accompanying presidential candidate Prabowo Subianto, continued to generate polemics. The latest developments appear that two names will be proposed to be chosen by the DPRD, namely the Chair of the Gerindra Party

DPP Ahmad Riza Patria and PKS politician Nurmansjah Lubis. It's been too long since the Jakarta deputy governor's seat has been vacant. Approximately 1.5 years have passed without any certainty as to who will accompany Anies Baswedan to overcome the various problems that arise in DKI.

#### 1) Sitting Problem

What is the urgency of filling the post of Deputy Governor of DKI? There are at least three arguments that can be submitted. First, the formalistic legal aspect, which refers to the applicable laws and regulations. The mechanism for filling the vacancy for the deputy governor of DKI Jakarta is regulated in Article 176 of Law Number 10 of 2016 concerning Regional Head Elections. Referring to the law, in the event that the deputy governor of DKI Jakarta resigns at his own request, the filling of the deputy governor is carried out through an election mechanism by the DPRD of DKI Jakarta Province based on a proposal from a political party or a coalition of supporting political parties. Thus, only two parties have the right to propose names, namely the Gerindra Party and the Prosperous Justice Party (PKS), because these two parties carried the Anies Baswedan-Sandiaga Uno pair in the 2017 DKI Pilkada. The filling of the vacant position for deputy governor of DKI Jakarta is carried out if the remaining term of office is more than 18 months from the vacancy of the position. Because when Sandiaga Uno resigned the post of Deputy Governor of DKI was still more than 18 months old, there was an urgency to fill in the name proposed by the supporting party and elected through the DKI DPRD.



The process of selecting the deputy governor of DKI Jakarta through a plenary meeting has been regulated in Article 24 and Article 25 of Government Regulation Number 12 of 2018 concerning Guidelines for the Preparation of Rules for the Provincial, Regency and City DPRD. The two articles basically explain that the election for the deputy governor of DKI Jakarta is held through a plenary meeting of the DPRD and the results of the election are determined by a decision of the DKI Jakarta DPRD. What the public should know is that filling the vacant position for deputy governor of DKI is different from the rules of the game in the era of Basuki Tjahaja Purnama (Ahok), who at that time appointed Djarot Saiful Hidayat as his deputy. Ahok rose to become governor replacing Joko Widodo (Jokowi) who was elected president of the Republic of Indonesia. During the Ahok era, the laws that became the references were Law Number 1 of 2015 and Government Regulation Number 102 of 2014. In essence,

Second, the moral ethical aspect. This is related to the commitment of the supporting party, which has offered two names as a package in the 2017 DKI Pilkada. Residents at that time had already made their choice for the pair Anies Baswedan and Sandiaga Uno. This means that the residents of DKI have mandated their power to this pair to work optimally for five years as a couple, not individually. If then the reality is that the deputy governor resigned because he was running as a vice presidential candidate in the 2019 election, the supporting party should swiftly and responsively accelerate the process of political communication between both parties to determine the two names proposed as replacements. This is not about the

assumption that Anies Baswedan can walk alone. rather, it is the political responsibility of the supporting party and the DKI DPRD who must choose so as not to harm the citizens of DKI who have mandated power to them. The sectoral ego is more dominant between the two supporting parties so that the filling process becomes protracted, it means that there are ethical moral issues that they must be responsible for in front of the citizens of DKI, especially those who have voted.

We need to strengthen the democratic ethos in addition to the democratic system so as not to be trapped in the conditions of elusive democracy. Borrowing a term from Alberto J Olvera in his writings, "The Elusive Democracy: Political Parties, Democratic Institutions, and Civil Society in Mexico", in *Latin American Research Review*, Volume 45 (2010), elusive democracy, namely a condition marked by a decline in the quality of democracy as a consequence of the slowdown in consolidation, both in terms of strengthening the capacity of democratic institutions and the maturity of political culture, including the activities of political parties within it. It is not enough just to build a democratic system, such as bureaucracy, law, and others, parties must also have social responsibility for the mandate of power they have received from the people. There is a moral and ethical responsibility of the carrying party to fill the position of deputy governor of DKI immediately so as not to disturb concentration. Third, it is fundamentally related to the governance of DKI Jakarta which faces a myriad of problems. Starting from flooding, traffic jams, crime, urban poverty, to a number of other problems. This

means that maximum focus and cooperation are needed, especially from those who are the captains of the DKI Provincial Government bureaucracy.

This is where the urgency of filling the position of deputy governor of DKI lies. There is a division of tasks between the governor and deputy governor. One person, for example, focuses on improving the internal bureaucracy to boost government performance. The other focuses on externally, intensely networking with development stakeholders in DKI.

## 2) Transactional Trap

The thing that must be reminded in the turmoil of filling the position of deputy governor of DKI is the trap of transactional politics. Transactional politics has the potential to occur between the two supporting parties. The solution is to find a name that can bridge the interests of the party and the politicians in it through concessions, let alone money, so this will certainly add to DKI's problems in the future. Remember! No free lunch. If filling a position is considered an investment, then the consideration is not about competence, integrity, and professionalism anymore, but the MCM (money-commodity-more money) formula. The position of deputy governor of DKI is not a transaction commodity. It is the responsibility of the supporting parties to participate in making choices for those who can work together to solve problems in DKI. If you choose more because of the consideration of economic transactions, then of course it will become a Pandora's box of crimes from those who have positions. The trap of transactional politics can also hit cross-party

politicians in the DKI DPRD. The election plenary meeting at the DKI DPRD can only be held if the number of council members present meets the quorum requirements. In the procedure for selecting the deputy governor of DKI, the quorum is 50 percent plus 1 of the total 106 members of the DKI DPRD.

A meeting is considered a quorum if a minimum of 54 members are present. The supporting party once proposed two names to the DPRD, namely Ahmad Syaikh and Agung Yulianto. Both are from PKS. However, the previous period of DPRD DKI meetings were always deadlocked due to a lot of tug-of-war between interests. Situations like this often give birth to the "market" model in politics. When demand increases, goods become expensive. As a result, there is a settlement mechanism that is outside the provisions, namely on the "black market" or a silent operation to get the name to be agreed upon in the DPRD. It is this transactional political vulnerability that must be reminded so that it does not happen in DKI. Political communication must be optimized in order to avoid a dead end in filling the deputy governor of DKI.<sup>157</sup>

#### b. Duties of the Deputy Governor of DKI Jakarta

Constitutional Law expert from Andalas University, Ferry Amsari responded to the vacancy of the position of deputy governor of DKI Jakarta after being left by Sandiaga Uno to run for Vice President in the upcoming 2019 presidential election. According to Ferry, the deputy governor's role is to carry out ceremonial duties and

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<sup>157</sup> <https://nasional.sindonews.com/berita/1508230/18/urgensi-vice-gubernur-dki?showpage=all> accessed on January 18, 2021

replace the governor on certain occasions. The deputy governor also has a number of special tasks as referred to in Law (UU) Number 23 of 2014 concerning Regional Government. "The deputy governor's duties are related to special matters, such as leading an anti-narcotics team in the regions, following up on reports from the Supreme Audit Agency (BPK), and supervising the performance of regional governments," Ferry told Tirta on Tuesday (18/9/2018). ). The supervisory function is one of the tasks of the deputy governor that needs to be underlined.

The deputy governor is also obliged to provide advice and considerations to the governor regarding the implementation of regional government. The existence of a number of special tasks and also mandated supervision, Ferry assessed that the vacancy of the position could actually overwhelm the governor. This is because the governor must also monitor the tasks that are actually the responsibility of the deputy governor. In line with Ferry, researcher from Saiful Mujani Research and Consultant (SMRC), Sirajuddin Abbas, also considered that the position of deputy governor was indeed more inclined to the supervisory function. However, Sirajuddin is of the view that his role is not so significant. "The effect is not too big for the performance of government organizations in DKI Jakarta, because for those concerning the bureaucracy, there is already a regional secretary. Budgeting is also generally in the regional secretary," explained Sirajuddin to Tirta on Tuesday (18/9/2018). Although administratively it does not have a big impact, the position of deputy governor is quite a pity to miss. That's what Sirajuddin then suspected of

making PKS and Gerindra fight over each other to be able to occupy the seat of Deputy Governor of DKI Jakarta.

Based on Law (UU) Number 10 of 2016 concerning Regional Elections, the deputy governor who resigns can indeed be replaced by another person through an election mechanism by the Provincial DPRD or Regency/City DPRD. The proposals themselves come from political parties or a combination of supporting political parties. The supporting political party or its combination can propose up to two replacement deputy governor candidates. The law stipulates that the filling of vacancies should be carried out if the remaining term of office is still more than 18 months from the time the position is left. Sirajuddin then said that DKI Jakarta needed a deputy governor who could work and help make decisions. This figure must also be able to assist Anies in ensuring that development programs in DKI Jakarta run well. "It takes people who are disciplined, dedicated, and able to control the work of the bureaucracy. Because the current weakness of the governor [DKI Jakarta] is related to his ability to control the bureaucracy and execute existing policies," explained Sirajuddin. Because of these shortcomings, Sirajuddin emphasized the importance of Anies choosing a clean person with a good track record. "Must be clean. If it's not [clean], it's dangerous," said Sirajuddin again.

Regarding his performance while being left by Sandiaga, who ran as vice president Prabowo Subianto, DKI Jakarta Governor Anies Baswedan said, there was no increase in workload even though Sandiaga was not assisted. "In terms of work and others, there are no [challenges]," he said. However, Anies continued, the

challenge was when he had to attend an event that was equally important. The reason was that in the past he always sent Sandiaga when there was a concurrent event. "The challenge is, for example, there is a concurrent event that is equally important, both of which DKI must attend if yesterday we could share, one to event A and one to event B but now we can't," said Anies.<sup>158</sup>

3. implementation of Article 18 paragraph 4 of the 1945 Constitution in filling the position of deputy governor of DKI Jakarta.

The implementation of local government is regulated in several laws. In the New Order, it was regulated in Law Number 5 of 1974 concerning the Principles of Regional Government. During the Reformation Era, there were several laws governing Regional Government, namely Law Number 22 of 1999 concerning Regional Government and Law Number 32 of 2004 concerning Regional Government and Law Number 12 of 2008 concerning the Second Amendment to Law No. Law Number 32 of 2004 concerning Regional Government. Article 18 Paragraph (4) of the 1945 Constitution, are as follows: 1. Those elected democratically are regional heads (Governor, Regent, Mayor). In other words, Deputy Regional Heads (Deputy Governor, Deputy Regent, Deputy Mayor) are not required to be selected in a package with the regional head. This provision can also be interpreted that the position of deputy regional head can actually be eliminated in the Regional Government system. 2. The presence of Law No. 22 of 2003

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<sup>158</sup> <https://tirto.id/seberapa-pentingkah-peran-vice-gubernur-dki-jakarta-cZMM> accessed on January 18, 2021

concerning the Composition and Position of Members of the MPR, DPR, DPD, and DPRD (has been replaced by Law No. 7 of 2009), which no longer gives the DPRD the authority to elect Regional Heads and Deputy Regional Heads who then followed by the promulgation of Law Number 32 of 2004 providing legal certainty that the meaning of "democratic elected" is direct election by the people (one man one vote).

The 1945 Constitution does not write down the position of deputy regional head at all, but in Article 1 point 1 of Law No. 1 of 2015 concerning the Election of governors, regents, and mayors<sup>159</sup>: "The election of the Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor, hereinafter referred to as Election is the exercise of people's sovereignty in the province and district/city to elect the Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayor and Deputy Mayor. directly and democratically." This means that the regional head candidate and his deputy are elected simultaneously in a regional head election. Apart from the two paradigms above, basically deputy regional heads in the administration of regional government are still needed. The existence of a deputy regional head in principle aims to help ease the tasks of the

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<sup>159</sup> Law of the Republic of Indonesia Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become Laws, State Gazette of the Republic of Indonesia of 2015 Number 57, Supplement to the State Gazette of the Republic of Indonesia Number 5678



regional head. The representative should be a "confidant" or the right hand of the regional head who has an emotional attachment to one another.<sup>160</sup>

Article 66 of Law Number 23 of 2014 concerning regional government, explains that deputy regional heads have the task of assisting regional heads in:

- a. lead the implementation of government affairs which are the authority of the region,
- b. coordinate the activities of the regional apparatus and follow up on reports and/or findings from the supervision of the supervisory apparatus,
- c. monitor and evaluate the implementation of Regional Government carried out by the provincial Regional Apparatus for the deputy governor,
- d. monitor and evaluate the administration of government carried out by district/city, sub-district, and/or village Regional Apparatuses for deputy regents/mayors,
- e. provide advice and consideration to regional heads in the implementation of Regional Government,
- f. carry out the duties and authorities of the regional head if the regional head is serving a period of detention or is temporarily absent.

Referring to the explanation of the duties of the deputy regional head above, in carrying out regional government a deputy regional head has a role that will assist the smooth implementation of regional government, so that the position must exist and if there is a vacancy, the position must be filled immediately. In practice, there are cases where the position of deputy governor is not filled for a long time. The deputy regional head, in this case the deputy governor, is left vacant. The deputy governor is the deputy governor of DKI Jakarta.

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<sup>160</sup> Said Iqbal Saputra, 2017, The Role of Deputy Regional Heads in the Implementation of Regional Government in Tanjungpinang City in 2012-2016, Publication Manuscripts, Tanjung Pinang,1

The mechanism for filling in the deputy regional head has been regulated and accommodated in the law. For deputy regional heads who resign, or are dismissed based on court decisions that have permanent legal force, filling the position of deputy regional head is carried out in accordance with the provisions of the legislation regarding regional head elections.<sup>161</sup>Filling the position of deputy regional head should be filled because it will have an impact on the administration of regional government. One of the impacts is that when the regional head is unable to take his place, it is his deputy who must replace the position. Likewise, in other aspects, it will greatly impact the running of the regional government. Article 65 paragraph 4 of Law Number 23 of 2014 concerning Regional Government, explains that in the event that the regional head is undergoing a period of detention or is temporarily absent, the deputy regional head carries out the duties and authorities of the regional head. This means that if the regional head is unable to attend, he will be replaced by his deputy so that the deputy regional head must be filled as soon as possible and should not be left vacant for a long time.

The absence of clear rules regarding the deadline for filling the position of deputy regional head provides a space to delay or even not fill the position. On the other hand, there is a juridical implication and even implications for the community

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<sup>161</sup> Article 89, Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587.

because in principle the government as the representative of the people is a servant, which if there is a vacancy it will harm the community both in service and others.

#### A. Mechanism of Filling the Position of Deputy Regional Head in the Implementation of Regional Government

##### 1) History of the Position of Deputy Regional Head

The first law that was born after the proclamation of independence was Law Number 1 of 1945 concerning the Position of the National Committee which also regulates Regional Government in Indonesia. The law is very simple, so it also does not regulate Deputy Regional Heads. In 1948, Law Number 22 of 1948 concerning Regional Government was enacted which had already regulated the position of Regional Heads, with weak authority, but Deputy Regional Heads had not yet appeared in the law. The enactment of Law Number 44 of 1950 concerning the Regional Government of Eastern Indonesia has also not yet occurred to regulate the position of Deputy Regional Head. It was only on January 17, 1957 that the government of the Republic of Indonesia issued Law Number 1 of 1957 concerning the Principles of Regional Government. It begins to mention the position of Deputy Regional Head, but it is still limited to a special Deputy Regional Head.<sup>162</sup> In fact, even that is not absolutely necessary, in Article 26 of the Law it is written: "If a Deputy Head of the Special Region is not appointed, then the Head of the Special Region, if he is unable or resigns from his position, is represented by the Deputy

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<sup>162</sup>Gugun El Guyanie, Legal Politics of Regulating the Position of Deputy Regional Heads in a Decentralized System, *Journal of Religion and Human Rights*, Vol. 5, No. 1, November 2015.

Chairman of the Regional Government Council who is elected. by and from members of the Regional Government Council”.<sup>163</sup>

The issuance of Presidential Decree Number 6 of 1959 concerning Regional Government which abolished a part of Law Number 1 of 1957, the position of Deputy Regional Head began to be considered urgent. According to CST Kansil, in general, autonomous regions do not have Deputy Regional Heads, but for some level I Autonomous Regions the position of Deputy Regional Head is held considering the importance and position of this.<sup>164</sup> This is regulated in Presidential Decree No. 2 of 1960, this Presidential Decree only regulates Deputy Regional Heads at level I, because it is not regulated in Presidential Decree No. 6 of 1959. The reason for the appointment of Deputy Regional Heads is for the smooth running of regional government and for regional development. . So for some Daswati level I (other than the Special Level I Region of Yogyakarta) it is necessary to open the possibility to appoint a Deputy Head of the Level I Region. The task of the Deputy Head of the Region is to assist the Regional Head in carrying out his daily duties and authorities. For this reason, since April 1960, Level I Autonomous Regions: Greater Jakarta, West Java, Central Java, East Java and North Sumatra have been appointed for each of these regions a Deputy Regional Head.

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<sup>163</sup> See Article 26 of Law Number 1 of 1957 concerning Principles of Regional Government, State Gazette Number 6 of 1957, Supplement to State Gazette Number 1143

<sup>164</sup> CST. Kansil, 1984, Principles of Regional Government, New Script, Jakarta, p. 81.

Based on Law Number 18 of 1965, for regions I, II and III all have a Deputy Regional Head each. The Deputy Regional Head is appointed from among at least two and a maximum of four DPRD candidates by:<sup>165</sup>

- a) President for Level I Regions
- b) Minister of Home Affairs with the approval of the President for Level II Regions
- c) Head of Level I Region with the approval of the Minister of Home Affairs for Level III Regions in the concerned Level I Region.

The requirements to be appointed as Regional Head also apply to Deputy Regional Heads,<sup>166</sup> The prohibition for regional heads also applies to deputy regional heads.<sup>167</sup> According to Law Number 5 of 1974, Deputy Regional Heads are appointed from Civil Servants based on applicable regulations. Given the different regional conditions, the implementation of filling the position of Deputy Regional Head will be held according to need.<sup>168</sup> The government issued a new law in 1974 regarding the administration of regional government. Law Number 5 of 1974 concerning the Implementation of Government in the Regions, in Article 25

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<sup>165</sup> See Article 21 of Law Number 18 of 1965 concerning the Principles of Regional Government, State Gazette of the Republic of Indonesia of 1965 Number 80, Supplement to the State Gazette of the Republic of Indonesia Number 2777.

<sup>166</sup> See Article 15 of Law Number 18 of 1965 concerning the Principles of Regional Government, State Gazette of the Republic of Indonesia of 1965 Number 80, Supplement to the State Gazette of the Republic of Indonesia Number 2777.

<sup>167</sup> See Article 16 of Law Number 18 of 1965 concerning the Principles of Regional Government, State Gazette of the Republic of Indonesia of 1965 Number 80, Supplement to the State Gazette of the Republic of Indonesia Number 2777.

<sup>168</sup> CST. Kansil, 1984, Fundamentals of Local Government, New Script, Jakarta, 20

paragraph (1) and paragraph (2) "the deputy regional head assists the regional head in carrying out his daily duties and authorities in accordance with the guidelines set by the Minister of Home Affairs, If the regional head is absent, the deputy regional head carries out the duties and authorities of the regional head on a daily basis. The above provisions are the duties of the deputy regional head indeed to assist the regional head and what the deputy regional head will do is based on the guidelines for the provisions of the Minister of Home Affairs.

Reformation ended the long New Order era, so the laws and regulations governing relations between the center and the regions underwent a total reform, from half-hearted decentralization to true decentralization by granting broad autonomy to the regions. Law Number 22 of 1999 concerning Regional Government was born. This law contains Deputy Regional Heads together with their Regional Heads who are elected by the Regional People's Representative Council (DPRD).<sup>169</sup>As a result of these regulations, DPRD has political power which can be said to have experienced a shift from executive heavy to legislative heavy. According to Mahfud MD, with a strong DPRD position, many of its members are in coalition, both with regional heads and with candidates for regional heads.<sup>170</sup> Seeing the existence of political practices between DPRD members and regional heads is one of the gaps in the law.

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<sup>169</sup>See, Article 34 paragraph 1 of Law Number 22 of 1999 concerning Regional Government. State Gazette of the Republic of Indonesia of 1999 Number 60, Supplement to the State Gazette of the Republic of Indonesia Number 3839.

<sup>170</sup>Moh Mahfud MD, 2010, *The Post-Constitutional Constitutional Law Debate*, Rajawali Press, Jakarta, p. 168

The position of deputy regional head for the district/city government level has only existed since the enactment of Law Number 22 of 1999 concerning Regional Government. For the provincial government, the position of deputy governor had already existed. At that time, the position of deputy governor was appointed directly by the governor. Along with the era of regional autonomy, the position of deputy regional head at the district/city government level and the provincial government is chosen in a package together with the regional head by the DPRD.<sup>171</sup> Law Number 22 of 1999 concerning Regional Government Article 57 paragraph (1) states that: "The deputy regional head has the following duties:

- a) Assist regional heads in carrying out their obligations;
- b) Coordinate the activities of government agencies in the Regions;
- c) Carrying out other tasks assigned by the regional head Article 57 paragraph (2) states that: The deputy regional head is responsible for the regional head.<sup>172</sup>

The above provisions show that the position of the deputy regional head is actually weak, where the task of the deputy regional head depends on the tasks given by the regional head, so that if the regional head does not ask for help from his deputy. This means that the deputy regional head is not functional and on the

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<sup>171</sup>Catur Wido Haruni, Normative Juridical Review of Authority Relations between Regional Heads and Deputy Regional Heads in the Implementation of Regional Government, *Journal of Humanity*, Volume 9, Number 1, September 2013, p. 156.

<sup>172</sup>See Article 57 or 1 and paragraph 2 of Law Number 22 Year 1999 concerning Regional Government. State Gazette of the Republic of Indonesia of 1999 Number 60, Supplement to the State Gazette of the Republic of Indonesia Number 3839.

other hand the deputy regional head will report all his duties to the regional head considering that the deputy regional head is responsible to the regional head. Law Number 22 of 1999 is considered by many to have many negative sides, especially in the mechanism for filling the positions of Regional Heads and their Deputy who are elected by the DPRD, then a new law was born which stipulates that Regional Heads and their Deputy at the Provincial and Regency or City levels directly elected by the people.<sup>173</sup> The mechanism for filling the positions of Regional Head and Deputy Regional Head according to the law is also considered to have many weaknesses, namely mainly on the side of large funding and the potential for horizontal conflicts. In the context of the relationship between the Regional Head and his Deputy, the Law also fails to harmonize the relationship between the two, thereby disrupting the stability of regional government. Finally, it is necessary to revise the Law, including the one that regulates how Deputy Regional Heads should be elected, so as not to create instability in the local government.

In 2004, there was a revision of Law No. 22/1999 to Law No. 32/2004 on regional government. This law regulates the election of regional heads and deputy regional heads in a direct election by the people in the regions. In the preparation itself, the material for the revision of Law Number 32 of 2004, especially regarding the filling of the position of Deputy Regional Head, there are two camps of thought,

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<sup>173</sup> See Article 24 paragraph 5 of Law Number 32 of 2004 concerning Regional Government, State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437.



namely:<sup>174</sup> the camp that wants to be consistent with the 1945 Constitution and the camp that wants to continue the pattern that has been used by Law No. 22 of 1999 which was continued by Law No. 32 of 2004.

The camp that wants to be consistent with the 1945 Constitution is of the view that in the constitution, in particular Article 18 paragraph (4), it is stipulated that only governors, regents and mayors as heads of provinces, regencies and cities are elected. The positions of deputy governor, deputy regent, and deputy mayor are not included in the elected positions, because they are not explicitly stated in the 1945 Constitution, so Law Number 32 of 2004, especially matters relating to the pilkada that elect Regional Heads and Deputy Regional Heads in one the election package was deemed inconsistent with the constitution. The filling of the position of deputy regional head is tentative, according to the needs of each region, and is filled through the appointment mechanism of qualified civil servants (following the pattern of Law Number 5 of 1974).

The existence of the position of Deputy Regional Head itself actually opens up opportunities for a regeneration process for future Regional Head candidates, because so far the regeneration of regional leaders is relatively limited, so that many Regional Heads and Deputy Regional Heads appear suddenly without a relatively background experience in the government field. adequate. In practice, in the current

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<sup>174</sup> Sadu Wasistiono, "Controversy on the position, duties, authorities and responsibilities of the Deputy Regional Head", <http://www.ipdn.ac.id/vicerektor/wp-content/uploads/WAKIL-Kepala-Daerah.pdf>, download, accessed on January 18, 2021.

era of decentralization, the position of the Regional Head is very strategic in determining regional progress, which will contribute to the progress of the nation and state. After Law Number 32 of 2004 concerning Regional Government was passed, this law regulates the duties of deputy regional heads. This is regulated in Article 26 concerning the duties of deputy regional heads.<sup>175</sup>

- a) The deputy regional head has the following duties:
  - 1) assist regional heads in administering regional government;
  - 2) assisting regional heads in coordinating the activities of vertical agencies in the regions, following up on reports and/or findings from the supervision of the supervisory apparatus, implementing the empowerment of women and youth, as well as seeking the development and preservation of social culture and the environment;
  - 3) monitor and evaluate the administration of district and city administrations for the deputy head of the province;
  - 4) monitor and evaluate the administration of government in the sub-district, sub-district and/or village areas for the deputy head of the district/city area;
  - 5) provide advice and consideration to regional heads in the implementation of regional government activities;
  - 6) carry out other government duties and obligations assigned by the regional head; and
  - 7) carry out the duties and authorities of the regional head in the absence of the regional head.
- b) In carrying out the tasks as referred to in paragraph (1), the deputy regional head is responsible to the regional head.

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<sup>175</sup> See Article 26, Law Number 32 of 2004 concerning Regional Government, State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437.

- c) The deputy regional head replaces the regional head until his term of office expires if the regional head dies, quits, is dismissed, or is unable to carry out his obligations for 6 (six) months continuously during his term of office.

The duties of deputy regional heads based on Law 32 of 2004 have several additions compared to Law 22 of 1999. Related to the additional tasks of empowering women and youth, as well as seeking the development of social, cultural, and environmental preservation. Law 22 of 1999 had no provisions regarding this task before. The provisions of Article 26 of Law Number 32 of 2004 can be noted that the weak position of the representative is: First, the position of the deputy regional head is to assist and succeed the regional head in leading the region, carrying out certain tasks, replacing the regional head in his absence. The article loses its essence that the existence of a deputy regional head is an inseparable unit and is elected in pairs directly by the people and jointly leads the administration of regional government. Second, the duties and authorities of the representatives are general, full power is in the regional head and this finally raises the indecision of the representatives in acting.

Regional heads should build relationships with representatives and provide opportunities for representatives in accordance with the political contract made when they departed as a pair of regional head candidates. Third, there are no indicators that reveal that the deputy regional head is considered to be working effectively or not working effectively.<sup>176</sup>In 2008, Law Number 12 of 2008 was

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<sup>176</sup> Yusdianto, Legal Politics for the Position of Deputy Regional Head, [http://legal.ideas. WordPress](http://legal.ideas.wordpress.com), accessed on January 18, 2021.

enacted concerning the Second Amendment to Law Number 32 of 2004, the clause that specifically regulates deputy regional heads is only contained in one article, namely Article 26 concerning the duties of deputy regional heads. The mandate of the law on the duties of the deputy regional head is not accompanied by details of the authority needed to carry out his duties.<sup>177</sup> The fundamental change that legitimizes direct regional head elections is in Law Number 22 of 1999 concerning Regional Government.

The following period was replaced by Law Number 32 of 2004 concerning Regional Government which was ratified by the President on October 15, 2004 and promulgated in the State Gazette on the same date of 2004 Number 125. This Law also underwent two limited amendments, the last with Law Number 12 of 2008 concerning the second amendment to Law Number 32 of 2004 concerning Regional Government.<sup>178</sup> The development of regulations on regional government, in 2014 there was another revision of the previous law. The government issued Law Number 23 of 2014 concerning Regional Government which abolished the previous law. This law adds and clarifies the duties of the deputy regional head, this is regulated in Article 66.<sup>179</sup>

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<sup>177</sup> Revi Marta Dasta, Splitting of the Regional Head and His Deputy, [http://www.fokusparlemen.or.id/index.php?option=com\\_content&view=article&id=1148:broke-kongsi-head-region-and-his-deputy&catid=41:writing-team-focus&Itemid=84](http://www.fokusparlemen.or.id/index.php?option=com_content&view=article&id=1148:broke-kongsi-head-region-and-his-deputy&catid=41:writing-team-focus&Itemid=84). download, accessed on January 18, 2021

<sup>178</sup> Samsul Wahidin, 2008, Local Government Law Supervising Regional Head Elections, Student Library, Yogyakarta, 26.

<sup>179</sup> See Article 66 of the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587.

- a) The deputy regional head has the following duties:
- 1) Assist regional heads in:
    - Leading the implementation of Government Affairs under the authority of the Regions;
    - Coordinate the activities of the Regional Apparatus and follow up on reports and/or findings of the results of the supervision of the supervisory apparatus;
    - Monitor and evaluate the implementation of Regional Government carried out by provincial Regional Apparatus for deputy governors; and\
    - Monitor and evaluate the administration of government carried out by Regency/City, Sub-District, and/or Village Regional Apparatuses for deputy regents/mayors;
  - 2) Provide advice and consideration to regional heads in the implementation of Regional Government;
  - 3) Carry out the duties and authorities of the regional head if the regional head is serving a period of detention or is temporarily absent; and
  - 4) Carry out other duties in accordance with the provisions of the legislation.
- b) In addition to carrying out the tasks as referred to in paragraph (1), the deputy regional head carries out other government duties and obligations given by the regional head which is stipulated by a regional head decision.
- c) In carrying out the tasks as referred to in paragraphs (1) and (2), the deputy regional head is responsible to the regional head.

The regulation on the position of deputy regional head in the legislation obtains legal legitimacy from the Law on Regional Government, although it is not explicitly stated in the 1945 Constitution. In 2014 Article 66 which describes the duties of deputy regional heads, namely to assist regional heads in carrying out

regional government, carry out certain tasks, and replace regional heads if the regional head is absent. Substantially, the main task of the deputy regional head is to assist or assist the implementation of the duties and authorities of the regional head. The task of assisting deputy regional heads is then described in several main tasks in Article 26 (1) of Law Number 32 of 2004 and Article 66 (1) of Law Number 23 of 2014. Although they have strong legitimacy because they are both directly elected by the people, the political positions of regional heads and deputy regional heads remain different. Article 66 (1) of Law No. 23 of 2014 still regulates the position of deputy regional heads is very limited. The tasks given positioned him as nothing more than a complement. Only assisting the task of the regional head, regarding how to technically assist him, is not regulated in the law or other regulations. the political positions of regional heads and deputy regional heads remain different. Article 66 (1) of Law No. 23 of 2014 still regulates the position of deputy regional heads is very limited. The tasks given positioned him as nothing more than a complement. Only assisting the task of the regional head, regarding how to technically assist him, is not regulated in the law or other regulations. the political positions of regional heads and deputy regional heads remain different. Article 66 (1) of Law No. 23 of 2014 still regulates the position of deputy regional heads is very limited. The tasks given positioned him as nothing more than a complement. Only assisting the task of the regional head, regarding how to technically assist him, is not regulated in the law or other regulations.

The duties and authorities of the deputy regional head are all listed in Law Number 23 of 2014 in article 66 (1) The duties of the deputy are very flexible, other tasks are given in the form of a decree of authority from the regional head. The task of the deputy regional head is only to help the regional head, there is no main task. It is quite clear that the vital functions of regional governance are almost entirely carried out by regional heads. The position of the deputy regional head in this case is completely subordinate, the deputy regional head has less role in the decision-making process, although it is possible to influence the process. The duties and authorities of the deputy regional head are general, full power is in the hands of the regional head and ultimately raises the deputy's indecision in acting, as well as carrying out other duties in accordance with the provisions of the legislation. Where in carrying out these duties the deputy regional head is responsible to the regional head. This shows that the position of the deputy regional head is not equal to the regional head and even implies a subordinate position, while in the process of determining the candidate for regional head and deputy regional head it is determined in a nomination package which places that the candidate for deputy regional head has an equal position with the candidate for head. area.

The various tasks of the deputy regional head are related to verbs: assisting, monitoring, coordinating, following up, implementing, seeking, evaluating, providing advice, requiring the authority to carry it out. In addition, in running the government, the function of the deputy is only limited to representing certain activities when the regional head is unable to attend, the duties of the deputy

regional head depend on the tasks assigned by the regional head. Without a clear boundary of authority between the Regional Head and the Deputy Regional Head, these various tasks will become blurred in their implementation and responsibilities. The authority is mainly related to activities to decide something. Decisions that have been taken by the deputy regional head are countered by the regional head, then the deputy regional head's authority will fade.

It is related to the type of authority borne by the Deputy Regional Head as a person who assists the Regional Head's duties, because if according to theory, the deputy is a subordinate then the authority possessed by the Deputy Regional Head is a mandate. The type of authority in the form of a mandate does not need any underlying statutory provisions because the mandate is a routine matter in the internal-hierarchical relationship of government organizations. The responsibility for legal actions carried out by the executor of the mandate rests entirely with the giver of the mandate. This is contrary to what is stated by Law Number 23 of 2014, that the authority of the Deputy Regional Head is set forth in a regulation and is attached to the position.<sup>180</sup>

## 2) Mechanism of Filling the Position of Deputy Regional Head

The regional government which in this case is the regional head as an element of the regional administration that leads the implementation of government affairs

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<sup>180</sup> Suharizal, 2011, Election of Regional Heads: Regulations, Dynamics and Future Concepts, PT Raja Grafindo Persada, Jakarta, 215



which are the authority of the autonomous region, in this case the regional head has a very important position in the running of the wheels of government in the region. The question is what about the position of the deputy regional head himself. The discussion above has explained that the deputy regional head also has important powers and duties for the running of a government wheel in the region. One of the important roles is if the regional head is dismissed based on a court decision that has obtained permanent legal force.

The urgency of filling the position of Deputy Regional Head in assisting the implementation of regional government with the theoretical rationale on position theory and representative theory as supporting the importance of the existence of the position of Deputy Regional Head in Indonesia. Therefore, it is necessary to re-establish the urgency of the position of Deputy Regional Head, including his ideal position in the decentralized system. Is it still needed, or does it only need a Deputy Regional Head but only to be appointed? From the beginning, the design of the position of Deputy Regional Head was as a companion to the Regional Head. Filling the position of head of government can be done in various ways, some are appointed by election (elected public officials) and some are appointed without election (non-elected public officials).<sup>181</sup> Positions filled through elections can also be divided into several categories, namely direct elections by the people and indirect elections by the people.

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<sup>181</sup>Jimly Asshididqie, 2007, *Fundamentals of Indonesian Constitutional Law*, PT Bhuna Popular Science, Jakarta, p. 745.

Ada juga jabatan yang diisi melalui pemilihan, tetapi bukan oleh rakyat, melainkan oleh badan-badan tertentu yang menjadi konstituen dari jabatan yang dipilih itu sendiri. Jabatan (ambt, functie, office), dan pemegang jabatan atau pejabat itu (ambtsdrager, functionaires, official) dapat dibedakan dengan menggunakan jabatan negara dan jabatan negeri. Jabatan politik harus diisi melalui prosedur politik (political appointment), sedangkan jabatan administratif diisi menurut prosedur teknis administratif. Menurut Bagir Manan, jabatan adalah lingkungan kerja tetap yang berisi fungsi-fungsi tertentu yang secara keseluruhan akan mencerminkan tujuan dan tata kerja suatu organisasi. Kumpulan atau keseluruhan jabatan atau lingkungan kerja tetap inilah yang mewujudkan suatu organisasi. Organisasi tidak lain dari kumpulan jabatan atau lingkungan kerja tetap dengan berbagai fungsi. Keseluruhan fungsi dari semua jabatan atau lingkungan kerja tetap tersebut akan mencerminkan tujuan organisasi.

According to Logeman, the state in its social incarnation is an organization that is an association of functions. So by function is meant a detailed work environment in a whole series. His relationship with the state is called an office. The state is an office organization.<sup>182</sup> An organization can run as it should, then a position that has been regulated regarding its authority must be filled immediately.

If you choose how to fill the position of Deputy Regional Head through "Proposal" from the Regional Head to the President (for the Deputy Governor) and

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<sup>182</sup>Harun Alrasyid, 1999, Filling the Position of President, PT Pusataka Utama Graffiti, Jakarta, p. 5.

to the Minister of Home Affairs (for the Deputy Regent and Deputy Mayor) with the approval of the DPRD, in this case the role of the DPRD is only to give approval ( without going through an election) to the candidate for Deputy Regional Head proposed by the Regional Head, which will then be submitted to a higher level. The method of filling positions like this is almost the same as that which was carried out under Law Number 18 of 1965 in Articles 12 and 13. The filling of deputy governors, deputy regents, and deputy mayors is carried out through an election mechanism by the Provincial DPRD and Regency DPRD, respectively. / City based on the proposal of the Governor, Regent, and Mayor. This means that the filling is still with the Governor's proposal, but it must go through the DPRD, and the DPRD becomes the voter of which deputy regional head they choose. The enactment of Law Number 8 of 2015, this led to the concept of a change from Law Number 1 of 2015, which previously used the concept directly to the President through the Minister of Home Affairs which returned to the political concept through the DPRD, the reason being that DPRD certainly had different interests or even can set the deputy head of the region, because of course the DPRD is an institution with the condition of the interests of political content.<sup>183</sup>

The legal basis for filling the position of the candidate for Deputy Governor is Law Number 23 of 2014 concerning Regional Government, where the regional head or deputy regional head quits due to death, at his own request, and is dismissed.

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<sup>183</sup> Sangkoeno, Filling the Position of Deputy Regional Head, <http://www.sangkoeno.com/2015/11/pengisian-jabatan-vice-head-region.html>, accessed on 18 January 2021.

See article 78, the filling of the deputy regional head position is carried out in accordance with Article 89 of the laws and regulations regarding the election of regional heads 2014 concerning the Election of Governors, Regents, Mayors into Law. Article 176 of this law explains, in the event that the Deputy Governor, Deputy Regent, and Deputy Mayor resign,

This article (paragraph 2) also states that a political party or coalition of supporting political parties proposes 2 (two) candidates for Deputy Governor, Deputy Regent, Deputy Mayor to DPRD through the Governor, Regent or Mayor to be elected in the DPRD plenary meeting. Here it is very clear that those who have the right to nominate candidates are the political parties or coalition of political parties that won the 2015 regional head elections. This means that the two candidates for Deputy Governor proposed by the supporting Political Parties must be the same and cannot be different. As a result, two candidates were approved by all supporting political parties, then submitted to the DPRD through the governor to be elected in a plenary meeting.

Whereas previously in Law number 32 of 2004, it was indeed the authority of a Governor to propose a candidate for Deputy Governor to the DPRD as stated in Article 35 paragraph 2 "In the event of a vacancy in the position of deputy regional head as referred to in paragraph I whose remaining term of office is more than 18 months, then the head of the regions propose 2 (two) candidates for deputy regional heads to be elected by the plenary meeting of the DPRD based on the proposal of a political party or coalition of political parties whose pairs of

candidates are elected in the regional head and deputy regional head elections. In Law Number 10 of 2016 article 176 paragraph 5, it is stated that the mechanism is regulated in a Government Regulation (PP).

3) Implications of the absence of a deputy regional head in assisting the implementation of regional government

Discussing the deputy regional head, the study cannot be separated from the debate whether the position is still needed or not. Judging from various scientific works and journals, some people actually want that the position of deputy regional head should be eliminated. They assume that the presence of a deputy regional head will actually cause various problems in various lines, such as the lack of harmony between the regional head and his deputy, only complements, only assistants, high political costs. According to the researcher, it is precisely these weaknesses or problems that should be re-conceptualized regarding the clear boundaries of authority between the regional head and his deputy. However, the presence of a representative will reduce the workload of a regional leader. According to the researcher, the things that were considered for the removal of the deputy regional head were not quite right. In an organization, the existence of a deputy leader is always controversial if the working mechanism is not strictly regulated.

The deputy leader is the "alter-ego" or the most trusted person for the leader, so "chemistry" is needed, which is appropriate. "Chemistry" can be appropriate, if the leader has the freedom to choose his own representatives. On the other hand, if

the representative is appointed unilaterally from the management, the chances of conflict between the leadership and the deputy leadership will be very large. Number two's "dream" is to be number one. It is very human. Whether or not a deputy leader is needed is determined by: the workload, the complexity of the work, the breadth of the span of control.<sup>184</sup>The above discussion regarding the position of deputy regional head which did not previously exist at the beginning of independence, then after the development and high demands of the region, the role of a deputy regional head was included. The legislators do not immediately bring up the position of the deputy, this is of course based on studies and regional needs in moving their government.

Regional governments explicitly state a number of tasks for deputy regional heads. Substantially, the main task of the deputy regional head is to assist or assist the implementation of the duties and authorities of the regional head. The task of assisting deputy regional heads is then described in several main tasks in Article 26 paragraph 1 of Law Number 32 of 2004 and Article 66 1 of Law Number 23 of 2014. The existence of a deputy regional head in principle aims to help ease the tasks of regional heads. duties of the regional head. The representative should be a "confidant" or the right hand of the regional head who has an emotional attachment

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<sup>184</sup>Sadu Wasistiono, Position Controversy, task. Authorities and Responsibilities of Deputy Regional Heads, <http://sadu-wasistiono.ipdn.ac.id/wp-content/uploads/WAKIL-Kepala-Daerah.pdf>, accessed on 1 September 2017.

to one another. This trust will be obtained if a regional head can freely choose his deputy without being tied to a system or management that is coercive.<sup>185</sup>

Regional leaders, apart from being representatives of the central government in the regions, are also pairs of public officials who are elected based on political recruitment or election models that are direct and carry out the people's mandate. The positions of regional heads and deputy regional heads are likened to inseparable partners, both as public officials in terms of managers and holders of leadership positions in the region. The two regional officials are symbols of the people who act as protectors of the regional community and create public trust. Even though they have strong legitimacy because they are both directly elected by the people, the political positions of regional heads and deputy regional heads are still different. Article 66 (1) of Law Number 23 of 2014 concerning Regional Government, regulates the position of deputy regional heads is limited. The tasks assigned to him position him as assisting the task of the regional head, but on how technical procedures help him, it is not regulated in the law or other regulations. The duties of the deputy regional head are actually very flexible, other tasks are given in the form of a decree of authority from the regional head. So, the task of the deputy regional head is only to help the regional head, there is no main task. It is quite clear that the vital functions of regional governance are almost entirely carried out by regional heads. the task of the deputy regional head is only to help the regional

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<sup>185</sup> Said Iqbal Saputra, 2017, *The Role of Deputy Regional Heads in the Implementation of Regional Government in Tanjungpinang City in 2012-2016*, Publication Manuscripts, Tanjung Pinang, 1.

head, there is no main task. It is quite clear that the vital functions of regional governance are almost entirely carried out by regional heads. the task of the deputy regional head is only to help the regional head, there is no main task. It is quite clear that the vital functions of regional governance are almost entirely carried out by regional heads.

The position of the deputy regional head is completely subordinate, the deputy regional head is somewhat less involved in the decision-making process, although it is possible to influence the process of a decision. Referring to the explanation of the duties of the deputy regional head above, in carrying out regional government a deputy regional head has a role that will help the smooth running of regional government, so that the position must exist and if there is a vacancy, the position must be filled immediately. In practice, there are cases where the position of deputy governor is not filled for a long time. The deputy governor is the deputy governor of DKI Jakarta who has not been filled for almost 2 years. This case occurred because the position of Deputy Governor of DKI Jakarta was still left vacant by political elites related to the 2019 presidential election.<sup>186</sup>Regarding the mechanism for filling the position of deputy regional head, it has been regulated and accommodated in the law. As for the deputy regional head who quits, or is dismissed based on a court decision that has obtained permanent legal force, the filling of the deputy regional head position is carried out in accordance with the

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<sup>186</sup> Riauai, <http://riuai.com/mobile/detailberita/1747/salah-calon-vice-governor-riai-kemendagri-mengaku-bosan-ingatkan-andi-rachman>, accessed on 19 January 2021.



provisions of the legislation regarding regional head elections.<sup>187</sup> Filling the position of deputy regional head should be filled because it will have an impact on the administration of regional government. One of the impacts is that when the regional head is unable to take his place, it is his deputy who must replace the position. Likewise, in other aspects, it will greatly impact the running of the regional government. Article 65 paragraph 4 of Law Number 23 of 2014 concerning Regional Government, explains that in the event that the regional head is undergoing a period of detention or is temporarily absent, the deputy regional head carries out the duties and authorities of the regional head.

This means that if the regional head is unable to attend, he will be replaced by his deputy so that the deputy regional head must be filled in as soon as possible and should not be left vacant for a long time. The direct impact on the community due to the absence of a deputy regional head can be seen from the heavy workload of the regional head in managing regional government which has many problems which cannot be resolved without the help of a representative. Another impact is that no one will help the regional head in terms of:

- a) lead the implementation of Government Affairs under the authority of the Region,

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<sup>187</sup> See Article 89, Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587.

- b) coordinate the activities of the Regional Apparatus and follow up on reports and/or findings of the results of the supervision of the supervisory apparatus,
- c) monitor and evaluate the implementation of Regional Government carried out by the provincial Regional Apparatus for the deputy governor, and
- d) monitor and evaluate the administration of government carried out by district/city, sub-district, and/or village Regional Apparatuses for deputy regents/mayors,
- e) provide advice and consideration to regional heads in the implementation of Regional Government,
- f) carry out the duties and authorities of the regional head if the regional head is serving a period of detention or is temporarily absent; and
- g) carry out other duties in accordance with the provisions of the legislation.

If the implementation of the various things mentioned above cannot be carried out, then the development of regional development will automatically be hampered, the work of local governments will take longer, and the impact of services to the community will also be disrupted.

The theory in the presidential system that the vice president is a spare tire or just an assistant to the president, this can also be used in regional leadership. As we know, despite his position as an assistant, on the other hand, the presence of a

representative will ease the workload of the regional head. There are 3 things that can be a reference for why a deputy regional head is needed in running the government in the region.

a) The burden and complexity of the work of the regional head

The heavy burden of regional heads is not only because they have to deal with a very strong DPRD, but also because of the increased courage of the community to criticize and demand their rights to the Regional Government and the socio-economic conditions of the community are still low. In the midst of the limited capacity of the Regional Government, regional heads must be able to improve the services and welfare of their regional communities, in addition to maintaining harmonious relations with the central government and other regional governments, as well as fostering a democratic life. So in this case the regional head needs a companion who will jointly oversee the running of the regional government.

b) Public Officials

The existence of the position of deputy regional head opens up opportunities for a regeneration process for future regional head candidates. The cadre of regional leaders is relatively limited, because regional heads and deputy regional heads are elected without a relatively adequate background of experience in the field of government, even though the position of regional heads is very strategic in determining regional progress, which will contribute to the progress of the nation and state. indirectly the presence of a deputy regional head

### c) Total population

The problem of population size differs from one region to another. In order for public services to remain optimal, regions with large populations need to improve their government performance. Problems arising from the population cannot be solved by a regional head alone, but with the assistance of a deputy regional head. Thus, the number of deputy regional heads in each region cannot be uniformed, due to differences in needs from one region to another.

By taking a comparative approach, that in fact the existence of deputy regional heads is not only recognized in Indonesia. In Spain, USA, Australia and Canada. The deputy regional head is called the lieutenant governor, which means more or less the same as the vice governor. In Australia the lieutenant governor functions as an administrator or acting governor. Different countries have deputy governors, but the recruitment system and its functions are different, and each has its own advantages and disadvantages. We can assess and apply if it is the same and good for the regional government system in the future.

Recruitment Mechanism for Filling Chief Executive Positions in various countries such as several countries in Asia and Africa, former British colonies, Scandinavia, Japan, America, the Netherlands, Malaysia, Canada.

### **Table 1.8 COMPARISON OF REGIONAL HEAD APPOINTMENTS IN VARIOUS COUNTRIES**

General requirements	<p>The role of KDH is strongly influenced by the election mechanism, whether by the central government, the council, or through general elections. The choice of this mechanism is one of the determinants of the level of government representation and the accountability of the chief executive to the people. Through the mechanism of appointing the chief executive by the central government or higher units, it means that there are fewer selections made by local units.<sup>188</sup></p> <p>Nowadays, there is a lot of practice for the central government to appoint a chief executive, whereas at the municipal level there has been a trend over the last century that all chief executives are elected, while the change from appointed governor to elected, while the change from governor appointed to locally elected occurs more slowly.<sup>189</sup> Many of the chief executives appointed from the center are employees of the central civil government. In many countries, the regional chief executive is appointed by a higher unit and is not a central government official. The</p>
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<sup>188</sup> Leo Agustino, *Pilkada and Local Political Dynamics* (Yogyakarta: Student Library, 2012), 8-9.

<sup>189</sup> Jimly Asshiddiqie, *Principles of Indonesian Constitutional Law Post-Reformation* (Jakarta: PT Bhuana Ilmu Populer, 2012). 440.

	chief executive is a person with sufficient administrative or political experience. <sup>190</sup>
Practice in other countries	<p>In Scandinavian countries, the provincial governor is an official from the central government. Appointment by the central government allows the central government to intervene in all areas of authority of the KDH.</p> <p>In some Asian and African countries, which were previously part of the United Kingdom, India and Sudan, for example, there is often a chief executive from the center who is appointed to be the regional chief executive. In the past, a common practice was for the chief executive of the district to become the ex-officio chairman of the urban municipal council. This arrangement places the chief executive in a strong position to influence decisions or policies of local government, especially since district administrative staff often also perform administrative duties in local units. Supporters of this system are coordinated with local activities and district units to eliminate duplication of functions. The administrators appointed to be heads of urban centers in Sudan and India are generally civil servants of the</p>

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<sup>190</sup> Dwi Andayani Budisetyowati, *Regional Autonomy Law in the Unitary State of the Republic of Indonesia (NKRI)* (Jakarta: Roda Inti Media, 2013) 32.

	<p>central government assigned (secondary) to urban areas.</p> <p>The central government employee who becomes the chief executive has privileges as a civil servant and his position, and serves full time as chief executive in local government.</p> <p>In India these officials do not simultaneously serve as chairman of the board.</p> <p>In Malaysia, the chief executive from the center is also the KDH official and chairman of the local council.</p> <p>Furthermore, in Sweden, the local government consists of 21 provinces, each of which has a Provincial Administration. The Administrative Body represents the central government at the provincial level and is headed by a State Governor who is appointed by the central government. In the Netherlands, considerations between administrative and political capacity seem dominant in the appointment of mayoral positions. Appointments are made by royal decree, which is enforced by the Cabinet or the Minister of the Interior with the provincial governor, who usually plays an initiating role. An attempt was made to identify a person who was administratively competent and had political loyalties, which will make it possible to work as chief executive easily with local councils. In Spain, the</p>
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	<p>mayor of a municipality with a population of less than 10,000 is appointed by the provincial governor, while the mayor of a large city with a population of more than 10,000 is appointed directly by the Minister of the Interior. Almost always the post of mayor and the post of local party leader are held by the same person.</p> <p>In the Canadian State of Ontario, the Lieutenant Governor is appointed by the Governor General on recommendation by the Prime Minister and the Federal Government Cabinet. The appointments are made over a period of no more than 5 years, and receive a salary from the federal government. The lieutenant governor cannot be fired before 5 years, except for reasons that must be communicated to the Senate and the House of Representatives.</p>
Excess	<p>The KDH appointed by the board has many advantages, including (i) the chief executive has a fairly secure term of office, in the sense that the board cannot drop or dismiss the chief executive in the middle of his term of office so as to ensure the continuity of local unit programs and policies; (ii) is an expert in the field of government and bureaucracy; (iii) have an authoritative and superior position among the board members; (iv) have close relationships with central</p>



	<p>government officials and are therefore in an advantageous position to know what higher authorities will agree to; (v) can act as an effective communication intermediary between central and local governments; (vi) not being affected by the ups and downs of local politics so as to be able to survive between party disputes and local politics; and (vii) the cost of lifting is relatively minimal because it does not need to go through a long and complicated process.<sup>191</sup></p>
Deficiency	<p>Besides the advantages, the KDH appointed by the council also has disadvantages, including (i) the KDH appointed by the center is vulnerable to not getting support from the local council in carrying out its programs; (ii) lack of high legitimacy against the people in the area they lead, so that they often contradict the will of the people they lead; (iii) the chief executive will tend to depend on and be influenced by the central government in decision-making; and (iv) tend to be intervened by the central government.<sup>192</sup></p>

## 1. HEAD OF EXECUTIVE ELECTED BY THE BOARD

<sup>191</sup> United Cities and Local Governments, *Decentralization and Local Democracy in The World* (Spain: World Bank, 2012), 248-250.

<sup>192</sup> J. Eric Oliver, Shang E. Ha, and Zachary Callen, *Local Elections and the Politics of Small-Scale Democracy*, (United Kingdom: Princeton University Press, 2012), 245.

General requirements	This mechanism is the most used mechanism in many countries in electing mayors as in most of Europe.
Practice abroad	Elections of chief executives by local councils are often exercised as partisan political choices. One party in the majority, will dominate the power in the local council. If there is one candidate for chief executive the problem may be simpler, but if not then the local political constellation can become a complicated problem. In European countries, the proportional representation mechanism used in the election of the chief executive in the city often prevents one of the parties from becoming a candidate for the chief executive. Usually the parties in the local council will form a coalition so that it becomes the majority party, and then elects the chief executive. As in Belgium, in theory, the mayor in Belgium as the chief executive is the deputy from the centre, but in practice the chief executive is the head elected by the council.
Excess	There are several advantages to this mechanism, including (i) relatively lower costs; (ii) the vision and mission will be more accepted by the board because it must have the same vision and mission as the board; (iii) stronger board support to the chief executive in every program run by the chief

	executive; and (iv) minimizing the potential for horizontal conflicts.
Deficiency	<p>There are several shortcomings in this mechanism, including (i) the elected chief executive does not necessarily represent the wishes of the local community and even sometimes there can be differences between the interests and desires of the council and the community; (ii) the existence of dependence of the chief executive on political parties and local council members who elect him (because of the retribution for having been elected) so that he is easily dictated and not fully sovereign; (iii) vulnerable to money politics and political transactions involving candidates for chief executive and members of local councils; (iv) the elected chief executive does not have sufficient capacity to run the government; (v) the term of office of the chief executive tends to be unstable as it can be overturned at any time by the local council as in France where the chief executive elected by the local council can be forced to resign through a vote of no confidence; (vi) the local council has a big role in selecting, firing, and even has control over the executive; (vii) through this mechanism can lead to factionalism and tend to reduce working relationships that</p>

	<p>can result in effective programs; (viii) the views of the chief executive tend to be dominated and bound by political considerations in order to maintain the confidence of the majority of the board. even have control over the executive; (vii) through this mechanism can lead to factionalism and tend to reduce working relationships that can result in effective programs; (viii) the views of the chief executive tend to be dominated and bound by political considerations in order to maintain the confidence of the majority of the board. even have control over the executive; (vii) through this mechanism can lead to factionalism and tend to reduce working relationships that can result in effective programs; (viii) the views of the chief executive tend to be dominated and bound by political considerations in order to maintain the confidence of the majority of the board.<sup>193</sup></p>
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## 2. HEAD OF EXECUTIVE ELECTED THROUGH GENERAL ELECTION

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<sup>193</sup>Ann O'M. Bowman and Richard C. Kearne, *State and Local Government: The Essentials* (Boston: Cengage Learning, 2014). 170.

<p>General requirements</p>	<p>KDH direct election is considered as the main mouthpiece of democracy because it involves people's participation. In a participatory democracy, including direct election of KDH, an active role and function of the community is needed to control the performance of KDH in the implementation of good local governance.<sup>194</sup> In some countries, including the United States, a large number of local units elect the chief executive (mayor) directly through general elections.<sup>195</sup> The application of electoral practice to KDH was influenced by the ideas of 'separation of powers' as expressed by Montesquieu. The Federal Government of the United States is perhaps the best-known example of a political organization formed according to these ideas, the state and many local government structures have been greatly influenced by the national model. In addition, national or local governments, and several other countries, such as Brazil and the Philippines, have followed the example of the United States to hold direct elections to KDH.<sup>196</sup></p>
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<sup>194</sup>Joakim jendal and Anki Dellnäs, *The Imperative of Good Local Governance: Challenges for the Next Decade of Decentralization* (United States: United Nations University Press, 2013), p. 250.

<sup>195</sup>David Y Miller and Raymond Cox, *Governing the Metropolitan Region: America's New Frontier* (United States: Taylor & Francis, 2014),220

<sup>196</sup>Andrew Coulson and Adrian Campbell, *Local Government in Central and Eastern Europe: The Rebirth of Local Democracy* (New York: Routledge, 2014). 142.

	<p>Direct election of the chief executive in Indonesia is an interesting issue, because this phenomenon indicates a political process that will strengthen democratization in regions in Indonesia and de facto also has consequences, among others, (i) increasing political awareness of constituents; (ii) increasing public access in order to participate in influencing local government decisions, especially those related to the interests of citizens; (iii) motivate local media to be actively involved in publicizing all stages of the election; (iv) encourage the development of the spirit of independence of political parties in the regions; (v) can suppress the attitude and behavior of the DPRD which often considers itself as the only institution holding the most representative people's mandate, considering that through general elections it has the potential to limit the power and authority of the DPRD; (vi) produce a higher quality KDH because it is tested by the community through general elections; (vii) establishing a more stable, productive and effective local government.</p> <p>Furthermore, with the general election to KDH, especially in Indonesia, it creates ideal checks and balances between</p>
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	<p>DPRD and KDH. This is because both of them have balanced political legitimacy because they are both directly elected by the people so that the heavy legislative experience that occurred during the enactment of Law Number 22 Year 1999 will not be repeated again.<sup>197</sup></p>
Practice abroad	<p>More than 70% of KDH in the United States are elected by election. In the KDH general election, each registered candidate can win if he has the largest number of votes. In this mechanism, independent candidates generally have a lower chance of winning at the polls, however, it is possible to win in the general election.<sup>198</sup>In Japan, governors, mayors, and DPRD members are directly elected by the people through direct elections. However, governors and mayors can be removed by a vote of no confidence with 2/3 of the vote in local, provincial or municipal councils). Similarly, Thailand elects a governor through a general election and can be dismissed through a referendum or dismissed by the Minister of Home Affairs.</p>
Excess	<p>This mechanism has several advantages, including (i) it can be a means to strengthen regional autonomy; (ii) the elected</p>

<sup>197</sup> Momon Soetisna Sendjaja and Sjachran Basah, *Principles of Regional Government and Village Administration* (Bandung: Alumni, 2013), 7.

<sup>198</sup> Sean D. Foreman and Marcia L. Godwin, *Local Politics and Mayoral Elections in 21st Century America* (New York: Routledge, 2015), 3-5.

	<p>KDH will have a very strong mandate and legitimacy; (iii) KDH does not need to be tied to the concessions of the parties or political factions that have nominated it; (iv) a more accountable general election system and public accountability; (v) checks and balances between the legislative and executive institutions can be more balanced; (vi) the criteria for KDH candidates can be assessed directly by the people who will cast their votes; (vii) KDH general election as a forum for political education for the people; (viii) as a form of democratic development; (ix) the KDH general election will allow for the creation of quality national leadership because there are more opportunities for the emergence of national leaders from below and/or regions; (x) KDH general election as preparation for a further political career; (xi) build political stability and government effectiveness at the local level and prevent separatism; (xii) creating political equality; (xiii) preventing the concentration of power at the center; and (xiv) the existence of a regional head's vision and mission platform which will become the basic basis for regional planning.</p> <p>(xiii) preventing the concentration of power at the center; and (xiv) the existence of a regional head's vision and</p>
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	mission platform which will become the basic basis for regional planning. (xiii) preventing the concentration of power at the center; and (xiv) the existence of a regional head's vision and mission platform which will become the basic basis for regional planning.
deficiency	This mechanism has several drawbacks, including (i) the relatively large cost of holding KDH general elections; (ii) there is still a lot of money politics going on to increase support; (iii) community political participation is still minimal; (iv) greater potential for horizontal conflict; (v) the elected KDH does not necessarily understand the government because it may be elected because of popularity; (vi) abuse of authority by the incumbent.

### 3. HEAD OF EXECUTIVE APPOINTED BY THE BOARD

General requirements	This mechanism is a new trend that is developing in the United States. Through this mechanism, the local council will appoint KDH based on experience in the field of government. There is a difference between election and appointment by the council, namely (i) the election of KDH
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	<p>by the council in general will be influenced by high political elements so that the elected KDH are generally politicians; while at the appointment, the KDH candidates who are appointed are candidates who are expected to be filled by parties who have qualified capabilities in the field of government and can come from outside the party; (ii) in elections, in general, the council will only appoint KDH candidates who come from that area; while in the appointment, the council can appoint KDH candidates who come from outside the area.<sup>199</sup></p>
Practice abroad	<p>In Finland, the KDH appointed by the council is the chairman of the council itself or the head of a section in local government. In the event that the KDH cannot carry out its duties properly, there must be a quorum of from the council that agrees on the dismissal of the KDH and the decision must be submitted to the provincial government for approval.<sup>200</sup>In many cities in the United States, the local council in the United States city will appoint a “city manager” as the KDH. As KDH, the city manager not only explains and defends the proposal in front of the council but</p>

<sup>199</sup> Graham Sansom and Peter McKinlay, *New Century Local Government: Commonwealth Perspectives* (Australia: Commonwealth Secretariat, 2013).218

<sup>200</sup> Johannes Kananaen, *The Nordic Welfare State in Three Eras: From Emancipation to Discipline* (United Kingdom: Ashgate, 2014).141.

	also in front of the community. The city manager's proposal has the opportunity to be rejected or even if it is considered unable to work well, it is possible that the city manager can be fired by the local council. <sup>201</sup>
Excess	This mechanism has a number of advantages, including (i) the person appointed by the KDH is someone who is an expert in the field of government; and (ii) minimal costs incurred.
deficiency	Besides having advantages, this mechanism also has weaknesses, including (i) the term of office of the KDH depends on the political conditions within the local council so that the council can request his dismissal at any time; (ii) the high level of political influence within local councils over the policies adopted by KDH; and (iii) KDH appointed by local councils may not reflect people's representation.

In some states, deputy regional heads or as they are called in states, namely deputy governors or lieutenant governors function as candidates to be elected in the next election round, who are ready to occupy the governor's position (stand ready to take up the governor's).<sup>202</sup>. The selection of lieutenant governors differs from

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<sup>201</sup> Joseph Bessette and John Pitney, *American Government and Politics: Deliberation, Democracy, and Citizenship* (Boston: Cengage Learning, 2014),401-404

<sup>202</sup> Jimly Asshiddiqie, *Development and Consolidation of Post-Reform State Institutions* (Jakarta: Sinar Graphic 2010),246

country to country. There are those in that state who elect the governor and his deputy in a package of candidate pairs, there are also those who vote separately or separately and some even choose both at different times (in different election cycles).<sup>203</sup>

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<sup>203</sup> Jimly Asshiddiqie, *Development and Consolidation of Post-Reform State Institutions* (Jakarta: Sinar Graphic 2010), 247

## **CHAPTER IV**

### **CLOSING**

#### **A. Conclusion**

1. Legal politics and internal mechanisms charging Deputy Governor of DKI Jakarta in the Anies Baswedan period was very ineffective and inefficient. Considering the resignation of Sandiaga Uno as Deputy Governor of DKI Jakarta who has only served for 10 months because he wants to run as a candidate for Vice President in the 2019 presidential election. The long void of time is caused by the political parties that are more focused on winning the 2019 presidential election. There is a new rule from the Ministry of Home Affairs Article 176 of Law Number 10 of 2016 concerning Regional Elections which requires that the election of the Deputy Governor be determined by the political party that carries the winner of the Governor election through voting in the DPRD.

Unlike the previous period, the Governor could be appointed, but the Governor should be firm and intervene regarding the condition of Jakarta, the capital city of Indonesia, because this is for the common good. so that bureaucratic and administrative activities can be carried out smoothly and quickly, not just standing still. In addition, there is also a feud between Gerindra and PKS as the winning and supporting political parties in the 2017 DKI Jakarta gubernatorial election regarding the allocation of the deputy governor's seat.

2. Governor Anies Baswedan is very desperate to handle this, especially for the piling up of protocol and administrative matters, as well as sweet promises during the campaign. The length of lobbying between supporting political parties that results in neglect. Aspects of life in society that are not clear or have not been studied yet can be clarified by conflict/chaos conditions. The development of the times and the rules forced the community to adapt to the existing changes. Chaos allows for the readjustment of norms, values, and social relations in society that are concerned with individual or group needs.

The negative impact of chaos: 1). Leads to dominance of the winning group over the losing group. 2). Damage to relationships between individuals and groups. 3). Taking the victim in the form of damage to property and human life. 4). Changes in the personalities of the individuals involved. 5). Leads to dominance of the winning group over the losing group.

Positive impact of chaos: 1). Increase solidarity among group members who are in conflict with other groups. 2). Ways to reduce interdependence between individuals and groups. 3). Help revive old and new norms in order to create harmony and order in the society. 4). A tool to achieve a balance between the forces that exist in the communities involved. 5). Bringing up a new compromise so that each party gets what it wants with mutually agreed consequences.

Finally, from this irregularity, a new order was born in the people of Jakarta, only how the Provincial Government proves its performance to the community.

3. Judging from the history of the beginning of the Regional Head Election (Pilkada) for the first time in Indonesia which occurred in 2007, namely during the election of the Governor and Deputy Governor of DKI Jakarta. These rules have indeed been implemented properly and must be perfected in every Pilkada, this is evident from the birth of derivative rules regarding the election of the existing governor and deputy governor. Starting in 2012, various SARA issues emerged, which finally lasted until the 2019 presidential election yesterday and even now. There are so many dark elements who ride one of the candidates. Spreading vile slander, provocateurs and even selling their own religion for the sake of a victory, it certainly harms Democracy and the values of Pancasila.

#### B. Suggestion

1. In the future, it is better if Law Number 10 of 2016 concerning Regional Head Elections is revised again or returned to the old rules. Because the cases that occurred in DKI Jakarta took a very long time. 18 empty months without a deputy governor especially DKI Jakarta is a big city and the capital city of the State which is the center of state activities, economy, administration, etc. Therefore it is very important to appoint a deputy governor quickly.

2. The polemics that occurred in DKI Jakarta made many residents angry because they were in a disorder, there was chaos between the DKI Jakarta provincial government and the people. Especially regarding the welfare of life and also the sweet promises during the campaign. Many promises that have

been billed are realized. But it is only a discourse when the elite only care about themselves. Now the rice has become porridge. now the 2022 DKI gubernatorial election is in sight, less than 1 year away, for that the elites should improve their performance which is lacking and especially the governor and deputy governor completing big homework such as the promise of a 0% Dp house instead of being busy helping to start the 2022 gubernatorial election and the 2024 presidential election .

3. The central government and state apparatus should be more assertive in addressing racial issues because this is a huge potential threat to divide the nation. Don't let our country be destroyed because of silence/losing to several thug Ormas groups who violate state regulations with their own foreheads. Don't let us turn into a civil war. In addition, increase the portion of subjects in schools related to the state such as history, PPKN, etc.



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