



IMPLEMENTATION OF ARTICLE 201 PARAGRAPH (11) OF THE LAW OF THE REPUBLIC OF INDONESIA NUMBER 6 OF 2020 (STUDY OF PENJABAT MAYOR OF PEKANBARU)

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Abstract

This research was based on the occurrence of a public pegantian penjabat event in Kota Pekanbaru Riau Province. The change was made for a period of two years to fill the vacancy in the position of Mayor of Pekanbaru. This type of research is normative legal research. The data collection method used in this study is by conducting a literature study related to the object of this study. Data analysis in this study was carried out systematically based on research problems that were described qualitatively. The results in this study show that the change of Mayor of Pekanbaru must be in accordance with the established legal umbrella. Whoever the person is, the acting Mayor of Pekanbaru must put the interests of the general public first. Then, the public official fulfills the rank and position and must be proposed by the governor as a higher official. The results obtained turned out that the acting Mayor of Pekanbaru was the choice of the Ministry of Home Affairs based on the results of the proposal of the confidant of the Minister of Home Affairs who came from a social organization. It is unfortunate because it will be questioned about the credibility, professionalism, and accessibility of the sworn officials. Therefore, the acting Mayor of Pekanbaru is inseparable from political interests where these political interests are inseparable from the fight between the elite in the capital of Riau Province and the elite in the National Capital, Jakarta.

Keywords: *General Elections, Regional Head Elections, Acting Mayor of Pekanbaru.*

1. INTRODUCTION

Based on Article 201 paragraph (8) of Law Number 6 of 2020 against the Establishment of Government Regulations in Lieu of Law Number 2 of 2020 against the Third Amendment a bag of Law Number 1 of 2015 against the Establishment of Government Regulations in Lieu of Law Number 1 of 2014 against the Election of Governors, Regents, and an Mayor Into Law it is affirmed that the simultaneous national vote in the Election of Governors and Deputy Governors, Regents and Deputy Regents, as well as Mayors and Deputy Mayors in all regions of the Unitary State of the Republic of Indonesia will be held in November 2024. Furthermore, in Article 201 paragraphs (9) to (11) of this law, the following provisions are regulated:

1. To fill the vacancies in the offices of Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayors and Deputy Mayors whose term of office expires in 2022 as referred to in paragraph (3) and whose term ends in 2023 as referred to in paragraph (5), an acting Governor, acting Regent, and acting Mayor shall be appointed until the election of the Governor and Deputy Governor, Regents and Deputy Regents, as well as Mayors and Deputy Mayors through national simultaneous elections in 2024.

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2. To fill the vacancy in the office of Governor, an acting Governor is appointed who comes from an intermediate high leadership position until the inauguration of the Governor in accordance with the provisions of the laws and regulations.
3. To fill the vacancy in the position of Regent/Mayor, an acting Regent/Mayor is appointed from the position of primary high leader until the inauguration of the Regent, and the Mayor in accordance with the provisions of the laws and regulations.

Based on the foregoing, the law already mandates that governors, regents, and mayors serve until the election of a definitive regional head through simultaneous regional elections in 2024. To fill vacancies in office, appointed acting governor, acting regent, and acting mayor until the election of the governor/deputy regent/wabup and wabup guardian through national simultaneous elections in 2024. Walikota Pekanbaru includes kepala region that expiresn yes term in 2022 along with 18 walicities in every province in Indonesia.

The gonjang-ganjing Penjabat of the Mayor of Pekanbaru has long been seen and felt, namely when the Ketua of the Pekanbaru City DPRD was snuffed out and replaced by the Kader PKS, namely S abarudi. Pekanbaru is the base of the MCC with the democrats with the basis of the ocu people with traders who in fact come from the crew and batak people who have sent Firdaus and Ayat to become Walikota Pekanbaru for two terms ending on 2 ADei 2022. There are currently two conditions in Pekanbaru, namely *incumbent vs newcomers* or newcomers. *The incumbents* in question are citizens or groups of people who benefited from the previous leaders, namely Firdaus and Ayat, while the newcomers consist of candidates who are running to become candidates for mayor and deputy mayor in 2024. The following are as follows:

1. M. Noer, former Setdako Pekanbaru (currently Ketua PMI Pekanbaru City);
2. The dark horse in this case Ayat Cahyadi who has been the Deputy Mayor of Pekanbaru for two terms;
3. The son of Mahkota, namely Ivan Herman who is the son of the former Mayor of Pekanbaru, alm. Herman Abdullah who had been mayor two terms before Firdaus took office; and
4. Another figure who is seen as going forward in the Pekanbaru Mayoral Election .

A country is said to be democratic if the country is able to realize order in the implementation of government functions. This order can only be realized if it is supported by the *rule of law* made by involving public participation. There is no democracy if there is no law governing how democracy is organized (Maravall and Przeworski, 2003). The participating parties in question are certainly not only the government as the dominating actors, but every element of democracy that exists such as the legislature, the private sector, the middle class, interest groups



and most importantly the involvement of the community in the public policy process. This rule of law actually reflects the nature of public policy, which is "whatever the government chooses to do or not to do something" (Dye, 1972:2).

In a democratic country, policymakers will get a lot of input on the alternatives available to make public policy. The input came from various parties, including the community. However, not for an authoritarian state. The public policymaking process tends to be dominated by executive bodies without involving the participation of many parties. Although, the existence of a legislative body is also present in the political system in the country, its function is weak or deliberately weakened in order to provide enough space for the government to dominate the public policymaking process. It is intended that the government in the country easily determines what its agencies should implement and what the people should do to support that government's agenda.

In the history of politics in Indonesia, the policymaking process dominated by a group of elites in the government can be found during the New Order period. The policymaking process during the New Order period tended to be closed and involved only a few people to decide what was the celebration of the lives of many people. They were confidants of the New Order regime and were in the circle of power of President Soeharto. There is no discussion, debate and contestation of values, ideas and interests among the actors in the policymaking process. It can be said that the policy cycle that is the stage of activity in the formulation of the policy does not work as it should. The dominance of policymaking is precisely in the hands of President Soeharto's confidants, especially in the fields of politics, economy, law, order and security. In other words, President Soeharto formed a patrimonial political structure and distributed it to his confidants (Schwarz, 1994). For example, in the economic sphere it is dominated by the Barkeley Mafia group. While in the field of politics is in the group of Ali Moertopo. All these groups become important actors in making policies in their respective fields.

In the past, this oligarchy was understood as an elite group that had wealth and could influence the course of government. However, the development of the times has changed the concept of this oligarchy which continues to transform by changing the source of its power which is no longer on wealth alone, but has penetrated into other dimensions such as ancestry, race / ethnicity, and so on (Winter, 2011). Interestingly, in Indonesia, after the fall of the New Order rule, oligarchs who controlled the Indonesian economy began to play in the political arena while organizing their forces that had been eliminated due to the reform movement (Robison and Hadiz, 2004). In the election count, this group of oligarchs became a political force that was decisive in Jokowi's government because they also controlled political parties even to the legislature (Asrinaldi, Yusoff & Zamzami, 2021).

Especially with the background of political party elites who are generally rulers, of course their power is dominant in influencing policies. This can be proven from the composition of the DPR membership for the 2019-2024 period which has an entrepreneurial background of 45.5% or 262 people (Ramadhan, 2019). Even in the process of changing between times until 2020, the number of DPR members with entrepreneurial backgrounds increased to 318 people or 55.3% consisting of 26% of company owners and 25% serving / having served as directors or deputy directors (Rahma, 2020). The background of these dominant members of the House of Representatives as businessmen clearly influences the public policies they produce, especially in the economic field. Not a few of these entrepreneurs entering politics have the motivation to gain access to policy agenda arrangements to maintain their business existence (Winters, 2011).

Indeed, if you pay attention to quite a lot of government policies that are made that are not in line with the wishes of the people. Of course this is understandable because not all people's wishes can turn into policies. However, what is often the question of policy experts is, do the policies made by the government reflect the interests of society? In fact, the government has difficulty correctly identifying issues in a changing and often unpredictable society that have escaped the policy agenda (Gerston, 2010:48). Interestingly, precisely what dominates the setting of this policy agenda is the subjectivity or perception of public officials in government such as the president, ministers, members of the House of Representatives. Even bureaucratic officials who are seen as organizers of the general administration of the government who must be neutral still have the ability and access that is difficult for public officials to match in organizing this agenda arrangement (Gerston, 2010: 53-54).

Returning to the issue of the Mayor of Pekanbaru, the acting mayor is certainly expected to make policies that are in line with the wishes of the community. It's just that the appointed acting is certainly expected not to cause a commotion. Therefore, the author is interested in conducting research with the title: "**Implementation of Article 201 ayat (11) of the Law of the Republic of Indonesia Number 6 of 2020 (Study on the Determination of Penjabat Mayor of Pekanbaru)**". "The formulation of the problem in this study is: How is the Implementation of Article 201 paragraph (11) of the Law of the Republic of Indonesia Number 6 of 2020 reviewed from the implementation of the Penjabat Mayor of Pekanbaru?"

2. IMPLEMENTATION METHOD

This type of research is normative legal research. The data collection method used in this study is by conducting a literature study related to the object of this study. Data analysis in this study was carried out systematically based on research problems that were described qualitatively.



This study also used a data collection tool in the form of interviews to further confirm the conclusions of the resulting research.

3. RESULTS AND DISCUSSION

Based on an interview conducted on the day of the People's Day, 13 Mei 2022 with the Chairman of the Nahdatul Ulama of Riau Province, Mr. Rusli Ahmat, located at the residence of his p ribadi, it was stated that: at first it was very harmonious the relationship between the benefit organizations led n his with the executive in this case the Governor of Riau. This honeymoon period did not last long because at the time of the change of the Regional Secretary of Riau Province, Yan Prana Jaya, was prosecuted for 7.5 years for routine budget corruption cases in the Siak Regency Bappeda in 2013-2017. The corruption act cost the country up to IDR 2.8 billion more. Syamsuar is self-initiated and assesses that SF Hariyanto's experience in the structure of the Ministry of Financeerian PUPR can be an added value in carrying out his new role as Regional Secretary. His experience at the Ministry of PUPR can open a communication space between his new role and the ministry. In the Ministry of PUPR SF Harianto had served as Inspector of Region II of the Ministry of PUPR. As governor, Syamsuar needs a definitive Sekda figure. Moreover, currently the Regional Government Budget Team (TAPD) is discussing the Revised Budget for the 2021 fiscal year and the 2022 APBD with the Riau DPRD. SF Harianto was appointed as the Regional Secretary through a Presidential Decree. Before the inauguration of SF Harianto, the Riau bureaucracy was led by Masrul Kasmy as the Regional Secretary Official. Masrul assumed the position because Yan Prana Jaya, the Regional Secretary of Riau Province, became a patient in December 2020. At that time, Yan was named as a suspect in a case of alleged corruption in the role of head of the Siak Regency Bappeda.

Separately, Amember of Commission I of the Riau DPRD in charge of government affairs, Zulfi Mursal, hopes that SF Hariyanto's figure will not have the same fate as Yan Prana Jaya. Moreover, Harianto has been a witness in two corruption cases. "Yes, don't let Bananas bear fruit twice. In the election of Sekdaprov we have also asked that it be done carefully. We have already conveyed the general criteria of the figure of Sekdaprov. Hopefully he can work well with all parties." Then, when the proposal to change the Secretary of Riau Province, Rusli Ahmat said that there had been a rupture with the Governor of Riau Province, Syamsuar. Where after Governor Syamsuar entered three names for the candidate for the Regent of Kampar and the candidate for Mayor of Pekanbaru, Rusli Ahmat's party also compiled a force to Jakarta by including names that could work together and coordinate for the progress of the region, especially Riau Province. According to Rusli Ahmat " after the governor of S yamsuar entered three names into the Ministry of Home Affairs to replace the change of the Mayor of Pekanbaru and the Regent of Kampar, his party also entered the name with the Minister of Home Affairs and was accepted by Tito Karnavian

after that keluarlah name Muhlihun for PJ Mayor of Pekanbaru and Kamsol for PJ Regent of Kampar. "

It was emphasized by Rusli Ahmat "the participation in PJ Wako Mayor and PJ Regent Kampar is solely to improve the government problems implemented by Governor Syamsuar and that is evidence of Governor S y amsuar's inability to manage the government is aggravated by the disharmony of the relationship between the governor and the deputy governor and he is still a cadre p artai white muzzle that has access to the Jokowi administration and waki lPresident Makruf and his cabinet. " As for the analysis, the gubernur officials are elected from the state civil apparatus who serves as the Associate High Leader or as well as Eselon I as for filling the vacancy of the regent/mayor seat, the official yang is appointed from the first high leadership position in accordance with the provisions of the laws and regulations. The regional head officials this time really have their own meaning if the previous officials used to serve in a matter of months, this time annually even up to 2.5 years they also have great power, great authority, and of course have the potential to carry or be used by large interests. Therefore, the government must be careful, must not mess around in choosing regional heads, those who are appointed in addition to having to be sterile from political interests must also have the capacity and capability as regional leaders. Transparency and accountability in recruitment and appointment to be a concern, the community certainly wants local chief officials to be in line with their aspirations. The legal haram is that those who take office will instead be busy in practical political affairs by taking advantage of the office they carry.

The public does not want local officials to only bring the interests of the power elite to secure political interests towards the 2024 elections. It would be very unbecoming if they were not fighting for the welfare of the people in the regions, but instead interfering in electoral affairs. Nor should officials be appointed because of the process. Publik is traumatized by the many practices of buying and selling positions revealed by the Corruption Eradication Commission. Jewishful of the position of regional head who is bright, the position of head of service alone is valued at hundreds of millions to billions of rupiah. There is no other way except to make the process of appointing and recruiting local chief officials ter a ng benderang and accountable. There is a dark space hidden from the public leaving a gap in the practice of filling public office.

4. CONCLUSION

The conclusion of this study is that the change of Walikota Pekanbaru must be in accordance with the established legal umbrella. Whatever the person, the acting Walikota Pekanbaru must put the interests of the general public first. Then, the public official fulfills the



rank and position and must be proposed by the governor as a higher official. The results obtained turned out to be penjabat Walikota Pekanbaru was the choice of Kementerian Domestic based on the results of the proposal of the confidant of the Minister of Home Affairs who came from a social organization. It is unfortunate that kar e na will be questioned about the kredibilitas, professionalism, and accessibility of the sworn officials. Therefore, penjabat Walikota Pekanbaru is inseparable from political interests where political interests are inseparable from the fight between the elite in the capital city of Provinsi Riau and the elite in the National Capital, Jakarta.

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Undang-Undang Nomor 6 Tahun 2020 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2020 tentang Perubahan Ketiga atas Undang-Undang Nomor 1 Tahun 2015 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2014 tentang Pemilihan Gubernur, Bupati, dan Walikota Menjadi Undang-Undang.

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