

Efforts to Improve The Role of Deputy Head of Regional in the Implementation of Local Government

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Abstract

Efforts to increase the role of the deputy head of the regional administration in the area can be studied in komprehensif. Historically the presence of deputy head of the region has always been known by the deputy head of the region. The main task of the deputy head of the region is helping local leaders in performance of its duties. Charging mechanism as deputy head through Law No. 32 Year 2004 regarding selected areas of the packet pair of candidates with the head area. However, in the selection of development in one package is shown to give rise to a conflict of interest between the head and deputy head of the region, which resulted in no relationship between the two. Not only disharmony head and deputy head of the region against the background also by obscurity setting duties and authority of the deputy head of the region.

Keywords: Deputy Head, Duties, Powers

A. Preliminary

The provisions of Article 18 Paragraph (4) of the Constitution of the Republic of Indonesia Year 1945 (UUDNRI 1945) which mandates that the Governor, the Regent and the Mayor of the respective heads of the provincial government, county, and city elected democratically. This view provides an ambiguity that governors, regents and mayors is a single position or accompanied by his deputy, given after the first change is no more explanation if UUDNRI 1945. When examined using a normative approach set out in the provisions of Article 18 paragraph (4) UUDNRI 1945, clear that the governors, regents and mayors is a single position in the Provincial, District and Municipal.

However UUDNRI 1945 as laws and crustaceans are the highest of the hierarchy of legislation be reasonable if the form pengaturannya norm is still common. So that it can provide a space or flexibility for the formation of legislation to regulate further provisions into legislation that exist underneath. To understand the setting of a statute, it is important to refer to the theory of functions of statutory law. This theory explains about when and for what purpose the law established, as stated by Maria Farida function of law is (i) conducting further adjustment provisions in the Act of 1945 which expressly call. This function is clearly seen in the Articles of the Constitution of 1945 which expressly regulate matters that must be regulated by law; (Ii). Organizes more general setting other basic rules in the corpus of the 1945 Constitution; (Iii). Further regulation provisions in Decree which expressly call; (Iv). Setting in the field of constitutional matter, such as organization, tasks and composition of high state institutions, the system of relationships between the State and the citizens and between warhanegara that needs to be regulated by law. ¹

As stated in Article 18 paragraph (1) UUDNRI 1945, which states that the Republic of Indonesia is divided into regions provinces and regions of the province is divided into districts and cities, which each province, district and local governments that have governed with legislation. Further to the provisions of Article 18 paragraph (7) confirms that the arrangement and governance procedures are set out in legislation.

Of the provisions of Article 18 paragraph (1) and paragraph (7) UUDNRI 1945 clearly show that the condition *quo* related to local government will be regulated by law. Thus it has systematically interpreted meaning that further guidance on local government can then be regulated by law. Thus the context of the deputy head of the region can be arranged as part of the executive. Deputy head of the region serves as a companion who will replace the position of head of the region when unable to either temporary or permanent.

As described in the previous chapter on the development of arrangements for regional head and deputy regional head in local governance in Indonesia. A new paradigm when the regional administration is run based on Government Regulation in Lieu of Law No. 1 of 2014 concerning the election of Governor, the Regent and Waliota, and followed by the Government Regulation in Lieu of Law No. 2 of 2014 on the Amendment of Act No. 23 2014 on Regional Government. Where arrangements between local elections and local government is separated into two (2) regulations are different.

Separation arrangements between local elections and local government is certainly used to attempt to build the

setting of local elections are more comprehensive. It is also used as an attempt to answer the changing needs of all forms of social, political, cultural and social order within the State law. Therefore, changes in laws and regulations is a condition that is not inevitable. Separation arrangements between local elections and the local government will be able to build legislation that is more focused on the central issue.

In practice *peyelenggaraan* this area during the administration is accompanied by a wide variety of issues that have emerged one of them is the issue related to the existence of the post of deputy head of the region which includes the Deputy Governor, Vice Regent, and Deputy Mayor. If assessed that the history of deputy head of the region is already known since the beginning of the regional administration, but the substance of the arrangements that have evolved as described in the previous chapter.

B. Formulation Of The Problem

Based on this background, the problems to be studied in this paper is an effort to increase the role of the deputy head of the region in local governance. From the above legal issue, then the legal question is how does an effort to increase the role of deputy head of the region in local governance?

C. Research Methods

Considering this is a legal research, the method is conducted legal research methods aimed at finding a solution to the legal issues and problems that arise in it, so the results will be achieved later is providing prescriptions about what should be on the issues raised.² Peter M . Marzuki in his law studies, the law states that research is the process of finding the rule of law, principles of law and legal doctrines in order to answer the legal issues faced.

Approach to the problem which will be used in the research of this law is the approach of laws (*statute approach*), and the conceptual approach (*Conceptual approach*). Approach law (*statute approach*) conducted by reviewing all laws and regulations relevant to local government regulation and local elections. While the conceptual approach to move out of sight and doctrines developed in the jurisprudence. By studying the views and doctrines of the stretcher is a backrest for research in building a legal argument in solving legal issues faced. Conceptual approach used to assess and analyze the framework or conceptual framework and theoretical foundation in accordance with the purpose of research. Material primary law and secondary law which had been collected (inventory) then grouped and studied with the laws and approaches in order to obtain a synchronization of all the legal materials. sistimasi and classification is then performed later and examined and compared with the theoretical principles of law put forward by the experts, to finally analyzed normative.

D. Results and Discussion

Deputy head of the region has existed since the first time local government regulated, through Act No. 1 of 1945 on the Indonesian National Committee Regional up to this time. Basically, the purpose of setting the position of deputy head of the region is to ensure that the regional head aka tone replace if absent. This is as Logeman opinion stating that the office as the work environment must be constantly there are people who run it. Conversely, a position as a personal representative must continue to exist.³ In addition to the positive state constitutional law should contain rules regarding who represents the head area if unable to fulfill his duties. In general, the officials representing the president is the vice president, who represents the head area is deputy head of the region. Holding the post of deputy actually intended to always be officials representing the head area to temporarily or permanently absent when the head region.⁴

Of the historical development of the regional administration was essentially positioned as an auxiliary deputy regional head of regional heads in performing their duties. But the policies that govern them in any variation in charging mechanism deputy regional head office. The post of deputy head of the region assessed as having a big influence when the enactment of Law No. 22 of 1948 on Determination Rules Concerning the Principles of Regional Self-Government Eligible Organize and manage his own household. The law stipulates that the deputy head of the designated area if the area is absent, which does not result in the birth of the appointment of a new position as deputy head of the region that is next to the post of head of the region. Although the area was appointed deputy head of the Local Government Board members appointed but remains a member of the Local Government Board.

Law No. 5 of 1974 on the Fundamentals of Regional Government, this law provides that the post of deputy head of the region has a permanent office, officials are career officers are civil servants and the number of deputy head of the region is determined according to the needs of the region concerned . Act No. 22 of 1999 on Regional Government, which stipulates that the deputy head of the nominated area paired with regional heads

are elected by representatives of members of the Regional Representatives Council.

Law No. 32 Year 2004 on Regional Government, provides that the deputy head of the nominated area in pairs between the head and deputy head of the region posed by the political party or coalition of political parties and elected directly by the people.

Law No. 12 Year 2008 on the Amendment of Act No. 32 of 2004 on Local Government, has changed the paradigm as regional head candidates can only be filed by a political party or coalition of political parties alone. The law provides an opportunity for independent candidates to occupy the position of head and deputy head of the region. Head and deputy head of the region selected in a pair of candidates proposed by the political party or coalition of political parties or individuals who are supported by a number of people who meet certain requirements.

For comparison approach (*Comparative Approach*) relating to the position of "vice-regent" and "deputy mayor" needs to be seen from the construction approach governmental organization is currently running. When viewed from the existing construction can be said that the local government system in Indonesia at the level kabupaten / city to implement the "*strong mayor system*". It can be seen from the structure of government organizations at the district and / or the city is divided into two elements of the elements of the regent and / or mayor as executive element which is at the head of governance at the local county and / or city, and elements of Parliament as an institution conducting surveillance (*checks and balances*) implementation of government run by the regent and / or mayor.⁵

According to the experience of other countries that implement *strong mayor system*, such as the City of Virginia in the United States, political office (*Political appointee*) that exist in the municipal level and / or ota only *major* office or mayor without accompanied by the vice-mayor. In the implementation of the major duties assisted by an administrative device under the leadership of the officer (*officer*) is known as the *chief of the administrative officer*. Thus arose the idea that for the position of vice-regent and / or deputy mayor directed to the position of *chief administrative officer*, so that the construction of the existing local government being in tune with the system that was followed.⁶

In the application of *strong mayor system*, the regional chiefs were having a very broad administrative authority. Even in this system is never an authority head area divided by its representatives. The United States was not there deputy regional head. Nevertheless, the regional head may appoint *chief administrative officer*.⁷

Therefore, based on the above information, then built an idea to do a fundamental overhaul of the method or system of local elections in Indonesia. Efforts Efforts to increase the role of the deputy head of the regional administration in the area of course can only be done at the beginning do perubahan-change existing arrangements in Law No. 32 Year 2004 regarding the area jo. Law No. 12 Year 2008 regarding the Second Amendment Act No. 32 of 2004 on Regional Government.

In the nomenclature kepemimpinan one package declares the existence of the head and deputy head of the region. From all these opportunities that during pelihat one candidate pair is giving birth agreements between two parties ie the division of power among them. But those agreements do not have the force of law because it is not regulated and accommodated in the legislation, so that if there is injury to the agreement or one of the aggrieved party, especially in terms of the position of deputy head of the region, can not be sued. Here are actually a problem because there are things that are hidden for the interests of the transaction, which is the reason the trigger disharmony relationship between the head and deputy head of the region.

In this case as an attempt to increase the role of the deputy head of the region in local governance, it is necessary to separate the law on local elections of legislation on local government. This consideration was taken because it has two (2) fundamental reasons, the first is related to the effort to establish the order of legislation on local elections comprehensive and focused to regulate the substance to answer the setting-pegaturan more technical. The second reason is related to the pragmatic view as something that is dynamic, adjusting to the changing demands of its strategic environment. As we know, the changes to the legislation is a matter that can not be avoided. Therefore, by separating the law on local elections of the law on local government is expected if there is a change in the future then the change can be focused on the central issue, in order to avoid a change of the entire issue in local governance.

Furthermore, if prior arrangements regarding the regional head and deputy head of the region is set in

conjunction with local government regulation. However, beginning in 2014 the setting of local elections and local government is split into different laws, namely through Act No. 22 of 2014 on the election of governors, regents, and the Mayor and Act No. 23 of 2014 on Regional Government.

Act No. 22 of 2014 and Act No. 23 of 2014 stipulates that local elections in the hands of the Regional Representatives Council. Because such an arrangement in which the selection of governors, regents and mayors implement local elections indirectly through the House of Representatives has gained widespread rejection by the people and the decision has caused problems and crunch that forced. So that the central government set a Government Regulation in Lieu of Law No. 1 of 2014 concerning the election of Governor, the Regent, and Mayor, and Government Regulation in Lieu of Law No. 2 of 2014 on the Amendment of Act No. 23 of 2014 on Regional Government.

Associated with the mechanism of local elections both governors, regents and mayors elected without accompanied by the Deputy Governor, Vice Regent, and Mayor. Candidates for Governor, Regent Candidate and Candidate Mayor election participants nominated by political parties, coalitions of political parties or individuals. Further to the charging mechanism Deputy Governor, Vice Regent, and Deputy Mayor of the proposed elected regional heads. It is the duty of regional heads in proposing the appointment of deputy head of the region.

From the pattern of previous legislation setting that filling the post of deputy head of the areas that were previously using the mechanism chosen in a pair of candidates. As a result of the arrangement pattern of the local elections and elected deputy regional head in a pair of candidates empirically proven to give birth to a rivalry. At the regional level the practice of rivalry head and deputy head of the region can not be denied much-circuit regional head and deputy regional head is not harmonious. The relationship disharmony would disturb the regional administration. Performance elected deputy regional head in a pair directly by the people in the area is not considered optimal in carrying out its duty to assist local leaders in carrying out its functions.

Disharmony between the head and deputy head of the region will certainly have an impact on the government he leads, thus indirectly people who will be harmed as a result of the condition. One of the factors that cause disharmony relationship between the head and deputy head of the region when selected directly in a pair of candidates is, uncertainty governing authority between the head and deputy head of the region, as well as the political transaction when the nomination process to achieve the sound.

However, the pattern of local elections and the deputy head through the packet pair of candidates has been turned into a nomination mechanism proposed by the head of the selected area. Charging mechanism as deputy head of the area actually strengthens the position of deputy head of the regional office under the head area, which served as the assistant head of the region.

With the development of the latter arrangement, the position of the position of deputy head of the region in addition to reinforce that the office of the deputy head of the region in carrying out their duties also did not rule out the dimension of political interest, which is an effort to strengthen the support base of political parties at the time of nomination. If the provisions of Article 170 of Government Regulation in Lieu of Law No. 1 of 2014 Election of governors, regents and mayors are mentioned as follows:

1. Charging Deputy Governor, Vice Regent, and Deputy Mayor implemented no later than 1 (one) month after the inauguration of Governor, the Regent, and Mayor.
2. Term of office of the Deputy Governor, Vice Regent, and Deputy Mayor referred to in paragraph (1) end with the tenure of governors, regents and mayors.
3. Deputy Governor, Vice Regent, and Deputy Mayor referred to in paragraph (1) is derived from the Civil Service or nonpegawai civil.

As Article 170 paragraph (3) above mentions that the Deputy Governor, Vice Regent, and Deputy Mayor are from the Civil Service or nonpegawai civil.

Related candidate for Vice Governor, Vice Regent, and Deputy Mayor are berasal from Civil Servants should have the conditions laid down in Article 169 paragraph (1) letter confirming e under the terms of a candidate for Vice Governor, candidate Vice Regent, and candidate for Vice Mayor derived Civil Servants of the lowest rank group IV / c for a candidate for Vice Governor, and the lowest rank group IV / b for a candidate for Vice Regent / Deputy Mayor candidate and have or are occupied echelon II / A for candidates for Vice Governor and echelon II / b for the prospective candidate for Vice Regent and Vice Mayor.

In the nomenclature of the post of deputy head of filling areas proposed by the regional head position of deputy head of the region is under the head area. However, if the setting is directed that the deputy head of the region can be derived from non-civil servants, it can open up the possibility that the proposed regional vice head of the political party members. From this condition also provides the possibility preceded the existence of a political agreements between two parties ie the distribution of power among them after taking office later. This is where the problems that arise when the deputy head of the region can be raised from non-civil servants, because there are agreements had been hidden as efforts to strengthen political power during the nomination process. This condition is actually a strength of the relationship between the two trigger disharmony while performing their respective duties.

If the post of deputy head of the region directed to the main objective to assist local leaders in carrying out their duties to the fullest, then that needs to be reconsidered is the vice head of the local conditions in an effort to prevent conflicts of interest between the head and deputy head of the region in local governance.

In principle, the existence of the government must be supported by a combination of the two elements that include elements of political and administrative elements. From these combinations that have spawned the view that political power must be supported by adequate administrative capacity to carry out the political power. For that if the post of deputy head of the region is politically still wants to be retained, then in this case is less suitable if a political person who acts as head of the region and the political as well as the deputy head of the region.

In the current political situation would actually be more efficient and effective if charging head of the political area in Balance by the deputy head of the area taken from professionals. Political existence is justified legitimacy of the head region while the presence of professionalism within the area will support the deputy head of a legitimate political force to support and accelerate mecapai local governance objectives through the presence of the deputy head of the professional area.

Arrangements as provided for in Article 169 paragraph (1) letter confirming e under the terms of a candidate for Vice Governor, candidate Vice Regent, and Deputy Mayor candidate from the Civil Service with the lowest rank group IV / c for a candidate for Vice Governor, and class rank lowest IV / b for candidate Vice Regent / Deputy Mayor candidate and have or are occupied echelon II / A for candidates for Vice Governor and echelon II / b to prospective candidate Vice Regent and Vice Mayor.

From the condition that the candidate for Vice Governor, Vice Regent, and Deputy Mayor are taken from the Civil Service with certain criteria is already showing that the needs of the post of deputy head of the region should occupied by the professionals. By placing the Civil Service into the office of the deputy head of the region will reduce the time for adaptation to the deputy head of the region, because of his experience in the Civil Service as a long career positions in government when compared with non Civil Servant.

Every civil servant especially those already eligible for nomination, Deputy Governor, Vice Regent, and the Deputy Mayor, has the capacity and experience that can be accounted for when served in local governance. The existence of Civil Servants occupying the vice head of the region will help to balance the achievement of political objectives and administrative objectives of the regional administration.

Although the mechanism of charging the deputy head of the region in the provision of Government Regulation in Lieu of Law No. 2 of 2014 concerning the election of Governor, the Regent, and Mayor, who is actually an instrument to enhance the role of the deputy head of the regional administration in the area of efficient and effective given the position of vice regional head is the head maid area. However, these provisions are not in line with the strong interest of the national political elite.

As the provisions of Article 22 paragraph (2) of the Constitution of the Republic of Indonesia, which mandates that the government regulations that must be approved by the House of Representatives in the following trial. Act No. 12 of 2011 on the Establishment of Laws and Regulations as follows:

1. Government Regulation in Lieu of Law to be submitted to Parliament in the next trial.
2. Submission of Government Regulation in Lieu of Law referred to in paragraph (1) shall be in the form of submission of the Draft Law on the establishment of Government Regulation in Lieu of Law became law.
3. House only give consent or not consent to the Government Regulation in Lieu of Law.
4. In the case of Government Regulation in Lieu of Law approved by the Parliament in the plenary

- session, the Government Regulation in Lieu of Law is enacted into law.
5. In the case of Government Regulation in Lieu of Law is not approved by Parliament in plenary session, the Government Regulation in Lieu of Law should be revoked and must be declared void.
 6. In the case of Government Regulation in Lieu of Law should be revoked and must be declared void as referred to in paragraph (5), the House of Representatives or the President submitted the draft Law on the Revocation of Government Regulation in Lieu of Law.
 7. Draft Law on the Revocation of Government Regulation in Lieu of Law referred to in paragraph (6) regulate all legal consequences of revocation of Government Regulation in Lieu of Law.
 8. Draft Law on the Revocation of Government Regulation in Lieu of Law referred to in paragraph (7) shall be a Law on the Revocation of Government Regulation in Lieu of Law in the same plenary meeting referred to in subsection (5).⁸

While the next process at the time of issuance of Government Regulation in Lieu of Law No. 1 of 2014 concerning the election of Governor, the Regent, and Mayor, who along with substitute Government Regulation Act No. 2 of 2014 on Regional Government, on October 2, 2014, the House was during the trial I (one) year from 2014 to 2015 so that the decision siding against the Government Regulation in Lieu of Law is done during the next session ie Session Period II Session Year 2014-2015 which will dimuali on January 12, 2015.⁹

Furthermore, the provisions of Article 52 paragraph (3) of Law No. 12 of 2011, the House of Representatives only give consent or not consent to the Government Regulation in Lieu of Law. In the sense that, consent or approval is not made to the Government Regulation in Lieu of Law as a whole. Act No. 12 of 2011 does not provide the possibility of approving or not approving the partial norms or specific provisions in government regulations substitute the law.

Then, as the provisions of Article 53 of Law No. 12 of 2011 mengaur that in the case of Government Regulation in Lieu of Law approved by the Parliament in the plenary session, the Government Regulation in Lieu of Law is enacted into law. However, in the case of Government Regulation in Lieu of Law is not approved by Parliament in plenary session, the Government Regulation in Lieu of Law should be revoked and must be declared void. Parliament or the President then submitted the Draft Law on the Revocation of Government Regulation in Lieu of Law. The draft law should regulate all legal consequences of revocation of Government Regulation in Lieu of Law. Determination of the Bill repeal of Government Regulation in Lieu of Law conducted in the same plenary session of the plenary meeting was not granting the approval of Parliament to the Government Regulation in Lieu of Law.

In the process of parliamentary approval on Government Regulation in Lieu of Law being debated interests of the political elite, because it requires a political party factions in Parliament. With the feel of a political party transactions between the interests of the approval process of Government Regulation in Lieu of Law election of governors, regents and mayors including Government Regulation in Lieu of Law on Local Government will be very difficult to implement. Seharusnya the House is expected to consider the provisions of Article 22 paragraph (1) of the Constitution of the Republic of Indonesia Year 1945 as the legal basis for the establishment of a Government Regulation in Lieu of Law and listen to voice the aspirations of the people as the supreme sovereign, as Article 1 of the Constitution of the Republic of Indonesia 1945 year in the making, since there are many homework road to national goals as mandated in the preamble of the Constitution of the Republic of Indonesia Year 1945.

The many interests of political elites in the preparation of Government Regulation in Lieu of Law No. 1 of 2014 concerning the election of Governor, the Regent, and the mayor appears when the majority faction in the House of Representatives Commission II wanted nominated and elected regional heads in a package with the deputy head strip. Consequently nomination mechanism set out in the Act stipulation of Government Regulation in Lieu of Law No. 1 of 2014 concerning the elections in the possibility of change.¹⁰ Sebagaimanan reported as follows:

The majority (fraction) agreed package unless PDI-P and the Democratic Party, said a member of Commission II, A. Malik Haramain, before meeting Paitia FGD Work Preparation Election Law Changes in Jakarta, Saturday, 01.31. In perppu Determination Act No. 1 2014 about the elections, direct elections only done to the head area. Sementra deputy head of the region selected by the head area. Malik said, consideration of regional heads have been paired with the deputy head of the region is a political office, not a career. In addition, the deputy head of the region that has the same legitimacy to the head area, because both elected directly by the people. While the F-PDIP want only directly elected regional heads, as stipulated in the Election Law, the reason effectiveness of local governments. "The experience has been a lot of pela area and deputy regional head broke up their

partnership so consequently no effective government" said a member of Commission II of the F-PDIP, Arif Wibowo. The conflict between the head and deputy head of the region, according to Arif often occur because the deputy head of the region feel equally strong legitimacy to the head area. By selecting a package, it is believed the legitimacy of regional heads will be stronger.¹¹

A similar trend was also reported that nine out of ten political parties in parliament also agreed to change the law stipulation of Government Regulation in Lieu of Law No. 1 of 2014 concerning the election of Governor, the Regent, and Mayor, the reason there are many provisions in the perppu problematic.¹² Provisions which were deemed to be problematic in GOI Regulation in Lieu of Law No. 1 of 2014 is one of them is

1. Implementation of the first phase of simultaneous elections originally set in 2015 (Article 201 Election Law) agreed postponed to year 2016 national elections simultaneously in Election Law is set in 2021 postponed to 2027. The reason for minimizing cutting tenure of head and chief executive task area.
2. Stages public test (Article 38) also agreed maintained. But there is a proposed designation of public test replaced with socialization and implemented by political parties, coalitions of political parties, individuals and the organization of elections.
3. Terms victory also proposed amended, of at least 30 percent (Article 109) to 25 percent of valid votes. However, the majority faction wants victory requirement of at least 30 percent of valid votes were maintained.
4. Provisions on the mechanism of nomination and election, eight of ten fractions proposed amended. Not only governors, regents and mayors are elected, but the package or in pairs with their respective representatives.¹³

From the condition diatas indicate that the process of discussion of the law on local elections to the critical points of the transactions political elite interests and tendencies of strong political interest in the election of regional heads. At the time of this writing Election Act has been enacted into the State Gazette that Act No. 1 of 2015. However, the majority faction agreed on eight points of change, but it does not mean the discussion is over. The process of discussion on the Law on local elections into law is still relatively long. Not close kemungkinan material previously agreed may return disputed and also Fraction-factions of political parties also potentially changing attitudes in the discussion.¹⁴

Meanwhile, in the process of discussing the revision of Law No. 1 of 2015 concerning the election of Governor, the Regent, and Mayor, approved in plenary session of the House of Representatives on February 17, 2015 Date.¹⁵ There are several significant issues in Act No. 1 of 2015 undergoing changes. As stated by Siti R. Zuhro which mentions as follows.

There are three changes to the election rules set forth in the Act amendments to the Law 1 2015 concerning the election of Governor, the Regent, and Mayor. One of the three changes are as follows:

1. Political restrictions rigors b atan or political dynasty. The restrictions set out in Article 7 new Election Law. Mentioned that the candidates for governor, candidates, and candidates for mayor along with representatives of each candidate shall not have a conflict of interest with the incumbent. Conflicts of interest in question is hubngan area, matrimony, and or lineage one level straight up, down, and laterally with the incumbent. This means that prospective candidates for regional head and deputy regional head not the father, mother-in-law, uncle, aunt, sister, adaik-in-law, son and daughter-incumbent.
2. Terms submission of candidate pairs of candidates for regional head and deputy head of the region, is currently governed only political party or coalition of political parties that m emiliki at least 15 seats in parliament or have received at least 15 percent of valid votes in the parliament elections that could propose a candidate pair daeh head and deputy head of the region (Law No. 32 of 2004). While the new law on the election organized political party or coalition of political parties can file a couple of candidates if they have at least 25 percent of parliament seats or obtain at least 30 percent of the vote in the creation il u Parliament. Similarly, the election victory conditions. The new election laws regulate regional head candidates who won the most votes langsung defined as the election winner. While earlier in the Law no. 32 Year 2004 on Regional Government regulated the election winner is the couple who won more than 50 percent of valid votes or more than 25 percent of valid votes. If no candidate pairs who won at least 25 percent voice, held the second round. And changes in the organization of the elections are conducted simultaneously.
3. Candidacy and local elections are not in a package, as expressed by the Vice Chairman of Commission II of the Parliament of the Democratic Party Wahidin Halim who expressed that still wants governors, regents and mayors are elected directly. The reason is to avoid the broken joint venture between the head region and wailnya. Over the past ten years recorded 93 per cent head area

with his deputy broke up their partnership. These conditions lead to disruption of governance in the region. Of the 986 pairs of head and deputy head of the region, 93 percent broken joint venture. Reality that affect reality; peerintahan and hamper community service.

After discussing various political issues in the regulation of the position of the head and deputy head of the above areas, the authors are able to offer a more realistic way pendangan about the development of the law in an effort to enhance the role of deputy head of the region in local governance. Moving on from the original inception of the post of deputy head of the region, the position of deputy head of the region is a regional chief aide. Although it looks so strong tendency of political interests in the process of setting up the post of deputy head of the region, but it can not be a justification principle if such arrangements on such conditions, but the fact the field should not be ignored.

Reality in the field and current conditions is key to formulating policies that forward will be used as guidelines in the implementation process. The debate on the setting position of deputy head of the region do not need to be understood as a debate that can not be resolved meeting point. The debate in an effort to enhance the role of deputy head of the region in local governance, which are preceded by a process of policy formulation can not be avoided. But the debate can be used to understand what is good, and what is not good, which is right and which one is not chosen to be a policy to address the problems faced today.

Efforts to increase the role of the deputy head of the regional administration in the area that can be offered is, setting the division of duties, powers and responsibilities between the head and deputy head of the region which is set out in detail in law or government regulation. If the view of the debate that took place in parliament strengthening the role of deputy head of the region can actually be concluded between the two camps is the first camp that wants the election of elected regional heads paired with regional head which follows the previous setting and the second camp is charging head in the content area the appointment mechanism by elected local chief.

It is undeniable fact the field division of duties, powers and obligations of the head and deputy head of the region is a region prone to conflict, if not set explicitly and in detail the statutory provisions. Actually from the debate can be managed with a clear mind, rational, open and impartially. To avoid any conflict of interest between the head and deputy head of the region, when referring to the camp that supports charging of the vice head of the region take place in a single package with the head of the region, can be done but with the proviso that it should be set out clearly on the division of duties, powers and obligations between the head and deputy head of the region in the legislation. Through such an arrangement will provide legal certainty about what the duties, powers, and obligations of deputy head of the region so as to minimize the chances of conflict.

As explained in the previous section only setting set within the scope of their duties without the authority of the deputy head of the region. As for camps agree that charging deputy regional head carried through the mechanism of appointment, in fact this is a form of strengthening the position of deputy heads as the assistant head of the local area. Nonetheless arrangements regarding regional deputy head should be affirmed whether the deputy head of the regional office of political exclusion or career positions. Settings such as deputy governor, vice regent, and deputy mayor from civil servants or non-civil servants, this condition will only obscure the position of deputy head of the region itself.

E. Conclusion

Efforts to increase the role of the deputy head of the regional administration in the area that can be offered is, if the first deputy head of the region choice in a great pair of candidates there should be setting the division of duties, powers and obligations between regional head and deputy head of the region that is set out in detail in the Act or government regulation.

Secondly, when filling the post of deputy head of the region through the appointment mechanism, this is a form of empowerment position as the assistant deputy regional head of regional heads. Nonetheless arrangements regarding regional deputy head should be affirmed whether the deputy head of the local political office or office career. Settings such as deputy governor, vice regent, and deputy mayor from civil servants or non-civil servants, this condition will only obscure the position of deputy head of the region itself. Filling the post of deputy head of the discourse of the region conducted through one pair of candidates without at follow clear regulations on duties, powers, and obligations of deputy head of the region, the situation would repeat the same history where many conflicts of interest between the head and deputy head of the region.

BIBLIOGRAPHY

- Anita Yosshihara, "Election Law Revision Waiting Commitment Parties", Kompas, February 10, 2015.
- Aaron Alrasyid, 1999. Completion of The President. Jakarta: PT. Main Library Graffiti.
- JHA. Logeman, 1954. About Theory A Positive Constitutional Law, Edition Translations. New York: New Ichtiar Penertbit Van Hoeve.
- Ministry of the Interior, 2011. Academic Paper About Pemilihan Draft Regional Head. Jakarta: Ministry of the Interior.
- Maria Farida Indrati, 2010. The Science of Legislation. Yogyakarta: Canisius.
- Indonesia, Law on the Establishment Regulation Legislation, Law 12 In 2011, LN No. 82 In 2011, Supplement No. 5234, Ps. 52.
- Marzuki, Peter Mahmud. 2005. *Legal Research*, Jakarta: Kencana Prenada Media Group.
- Monika Suhayati, 2014. Brief Info Law Journal Vol. VI, No. 20 / II / P3DI / Oct / 2014: "Controversy regulation and regulation local government elections".
- SEM / NTA, "Election Choose Candidate Pairs, Victory Proposed Minimum Requirements Deleted", Compass. February 2, 2015.
- NTA / ANA / AMR, "Political Dynasty Recorded Restricted Three Changes in the New Election Law", Compass, February 18, 2015.

FOOTNOTE

- 1 Maria Farida Indrati, Science Legislation, (London: Canisius, 2010), p. 217-221.
- 2 Peter Mahmud Marzuki, *Legal Research*, (New York: Kencana Prenada Media Group, 2005), p. 35.
- 3 JHA. Logeman, On A Theory of Constitutional Law Positive, translation edition, (New York: New Ichtiar Penertbit Van Hoeve, 1954), p. 129
- 4 Aaron Alrasyid, Charging The President, (Jakarta: PT. Pustaka Utama Graffiti, 1999), p. 72
- 5 Ministry of Home Affairs, Academic Paper About Pemilihan Draft Regional Head, (Jakarta: Ministry of the Interior, 2011), p. 6.
- 6 *Ibid*.
- 7 *Ibid.*, p. 32.
- 8 Indonesia, Law on the Establishment Regulation Legislation, Law 12 In 2011, LN No. 82 In 2011, Supplement No. 5234, Ps. 52.
- 9 Monika Suhayati, Journal of Law Brief Info Vol. VI, No. 20 / II / P3DI / Oct / 2014: "Controversy regulation and regulation local government elections", p. 3.
- 10 SEM / NTA, "Election Choose Candidate Pairs, Victory Proposed Minimum Requirements Deleted", Compass, (February 2, 2015), p. 2.
- 11 *Ibid*.
- 12 Anita Yosshihara, "Election Law Revision Waiting Commitment Parties", Compass, (February 10, 2015), p. 5.
- 13 *Ibid*.
- 14 *Ibid*.
- 15 NTA / ANA / AMR, "Political Dynasty Recorded Restricted Three Changes in the New Election Law", Compass, (February 18, 2015), p. 2.

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