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## Dismissal of Regional Regional Representative Council Members by the Governor

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### Abstract

The aim of this research is to reveal data and facts related to the mechanism and process for administrative management of the dismissal of Regency/City DPRD members by the Governor as the representative of the Central Government. The type of research used in this legal research is normative legal research. This legal research was carried out using the statutory approach, conceptual approach and comparative approach. The results of the research show that in implementing the dismissal of Regency/City DPRD (Regional People's Representative Assembly) members in South Sulawesi Province as the research locus, the Governor of South Sulawesi as the Representative of the Central Government has carried out the administrative management process of dismissal according to procedures and mechanisms in accordance with the provisions stipulated in the statutory regulations, which are in Some implementations went smoothly and on time, namely regarding the proposal to dismiss DPRD members who died.

Keywords: Law, Administration, Hierarchy, Politics

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### Introduction

The administration of regional government is a constitutional mandate that must exist and operate as expected in the 1945 Constitution of the Republic of Indonesia (UUD NRI) as a consequence of the form of a Unitary State. In a unitary state, the Central Government holds the highest sovereignty to run the government in a country (Wahyuningsih et al., 2020). Article 18 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia states "The Unitary State of the Republic of Indonesia is divided into Provinces and the Provinces are divided into Regencies and Cities, where each Province, Regency and City has a regional government, which is regulated by law. invite." These provisions are the basis for the formation of regions based on law.

The authority given to regional governments to manage government affairs themselves according to the principle of autonomy and assistance duties does not necessarily give regional governments the freedom to carry out their government as freely as possible, because the freedom and discretion granted still require guidance and supervision from the Government (Central Government) (Huda, 2017; Herman & Hayat, 2021). Furthermore, Article 18

Paragraph (2) of the 1945 Constitution states "Provincial, district and city governments regulate and manage government affairs themselves according to the principles of autonomy and assistance duties." The confirmation of the constitution above indicates that the formation of autonomous regions in Indonesia is hierarchical in the sense of being tiered or tiered, where the formation of self-governing regions (autonomous regions) begins with the formation of new provincial regions and then regency and city regions are formed within them (Widodo, 2021).

Understanding the position and structure of autonomous regions is important because it will relate to aspects of guidance and supervision over the implementation of regional government by the Central Government as a consequence of the unitary state system which must be integrated starting from the Central Government, Provincial Governments to Regency and City Governments (Hariri et al., 2020). This means that as administrators of state sovereignty, government units (including regional governments) that are formed and are under the central government must submit to the central government (Huda, 2017). Such a government structure and mechanism place the Provincial Region in addition to its position as an Autonomous Region as well as an Administrative Region which is the working area of the Governor as Representative of the Central Government in the Region (Ren & Ji, 2021).

The Governor as the Central Government Representative is given the authority, duties and functions to provide guidance and supervision over the implementation of government affairs which fall under the authority of the Regency/City Region as mandated in the provisions of Article 91 Paragraph (1) of Law Number 23 of 2014 concerning Regional Government which states that "In carrying out guidance and supervision over the administration of government affairs which are the authority of Regency/City Regions and Assistance Tasks by Regency/City Regions, the President is assisted by the governor as a representative of the Central Government." (Anwar et al., 2020).

The role of the Governor as Representative of the Central Government in the Regions is due to the very broad geographical conditions of Indonesia's territory, so for the effectiveness and efficiency of guidance and supervision over the administration of government affairs which fall under the authority of Regency/City regions, the President as the final person in charge of overall government administration delegates his authority to The Governor is to act on behalf of the Central Government in providing guidance and supervision to Regency/City Regions so that in carrying out their autonomy they are within the corridors determined by the Central Government (Fikri & Wibisono, 2023).

One of the duties and authorities of the Governor as Representative of the Central Government in the Regions, is to formalize the dismissal of members of the Regency/City DPRD (Regional People's Representative Assembly as regulated in Article 194 Paragraph (4) of Law Number 23 of 2014 concerning Regional Government which states "The Governor as the representative of the Central Government inaugurates the dismissal as intended in paragraph (2), no later than 14 (fourteen) days after the regent/mayor receives the proposal to dismiss a member of the Regency/City DPRD from the regent/mayor." (Chandra, 2023).

The inauguration of the dismissal of members of the Regency/City DPRD is carried out by the Governor in the context of carrying out the duties and functions of the governor as a representative of the central government, where in this position the governor is given the task and authority by law to provide guidance and supervision over the administration of the regency/city regional government located in administrative area (Zainuddin, 2021). Whereas based on the general provisions of article 1 point 2 of Law Number 23 of 2014 concerning Regional Government, it is stated that:

"Regional Government is the administration of government affairs by regional governments and regional people's representative councils according to the principle of autonomy and assistance duties with the principle of the widest possible autonomy within the system and

principles of the Unitary State of the Republic of Indonesia as intended in the 1945 Constitution of the Republic of Indonesia."

The provisions above indicate that the regional people's representative council, hereinafter referred to as the DPRD, is an element of regional government management together and as a partner of the regional head, assisted by regional officials. Therefore, the institutional existence of the Regency/City DPRD is within the scope of guidance and supervision of the Governor as the representative of the central government.

Furthermore, in article 148 paragraph (2) of Law Number 23 of 2014 concerning Regional Government it is stated that "Regency/city DPRD members are Regency/City Regional Officials". Then in article 155 paragraph (2) of Law Number 23 of 2014 concerning Regional Government it is stated that "membership of the Regency/City DPRD is formalized by a decision of the Governor as a representative of the Central Government".

The above provisions also emphasize that although members of the Regency/City DPRD are elected through a general election mechanism by the people, their legal and official appointment as members of the Regency/City DPRD must be determined by the Governor's decision through a nomination mechanism by the Regent/Mayor based on the results of the votes cast. determined by the General Election Commission (KPU).

Thus, a member of the Regency/City DPRD will officially hold office and carry out their duties if after receiving a decision to inaugurate the appointment by the Governor and have taken an oath/promise together at the plenary meeting of the Regency/City DPRD in accordance with the provisions stipulated in Article 156 paragraph (1) Law Number 23 of 2014 concerning Regional Government. Even though the term of office of Regency/City DPRD members is valid for 5 (five) years, they can terminate before the end of their term of office. Dismissal of DPRD members before the end of their term of office is usually called Interim Dismissal (PAW) as regulated in the provisions of article 193 paragraph (1) of Law Number 23 of 2014 concerning Regional Government which states that: "Regency/city DPRD members resign temporarily because; (1) died; (2) resign, or (3) be dismissed."

Implementation of the administrative process for interim dismissals (PAW) is one of the duties and authorities of the Governor which must be carried out and carried out carefully, meticulously and cautiously, effectively, transparently and accountably. This is because the temporary dismissal of DPRD members will have implications for membership vacancies in the DPRD structure, so that if there is a delay in completing the decision letter to dismiss DPRD members, it will affect the process of appointing DPRD members who will replace them. Therefore, the provisions of the legislation regulate the time limit for completing the administration of interim dismissals and the appointment of interim replacements so that there is no protracted resolution which could have an impact on the institutional effectiveness of the DPRD's performance. Likewise, if there is maladministration in the decision making of DPRD members, it will also have an impact on the members who will be dismissed. In conditions where the Governor makes a mistake in determining the decision to dismiss, it will result in material and moral losses for the dismissed Regency/City DPRD members.

Likewise, if there is an error in determining the decision to dismiss, then the DPRD member concerned can file a lawsuit with the State Administrative Court (TUN), which means that the Governor's credibility will decrease if it is proven that the decision issued by the Governor is declared legally flawed. It is even possible for members of the DPRD to file a civil lawsuit against the Governor because the Regency/City DPRD members who were dismissed suffered material losses as a result of the dismissal carried out by the Governor which was not in accordance with the provisions of the laws and regulations.

Thus, the dismissal of DPRD members is a crucial issue because it will have multi-stakeholder impacts. The dismissal of a DPRD member will involve the personal (individual) interests of the DPRD member concerned, the interests of the DPRD member who will replace him, the

interests of the political party he represents, the interests of the DPRD, and the DPRD equipment within it, and even have broad implications for the implementation local government and society.

Starting from the things stated above, the author was encouraged to conduct research on the dismissal of members of the Regency/City DPRD by the Governor as Representatives of the Central Government, with the title "Dismissal of members of the Regency/City Regional People's Representative Council by the Governor". The results of this study can reveal data and facts related to the process and mechanism for the dismissal of Regency/City DPRD members by the Governor as a Central Government Representative, as well as being able to reveal things that become problems in the administrative management process of proposals to dismiss Regency/City DPRD members, what are the problems that arise? occurs due to regulations (legal norms) or at the level of implementation. Furthermore, the results of this research are expected to produce recommendations for improving the administration of dismissing Regency/City DPRD members in the future.

### **Materials and Methods**

The type of research used in this legal research is normative legal research. Normative legal research methods are research methods that examine law from an internal perspective with the object of research being legal norms. This legal research was carried out using the statutory approach, conceptual approach and comparative approach. The statutory approach is carried out by examining all laws or regulations that are related to the legal issue being studied. The conceptual approach departs from the views and doctrines that have developed in legal science. Meanwhile, a comparative approach is carried out by comparing legal regulations in other countries. Primary legal materials are authoritative legal materials consisting of legislation, official records or minutes in making legislation and judges' decisions (Huda, 2017). The primary legal materials used in this research are; (a) The 1945 Constitution of the Republic of Indonesia; (b) Law Number 23 of 2014 concerning Regional Government; (c) Law Number 7 of 2017 concerning General Elections; (d) Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for Provincial, Regency and City Regional People's Representative Councils. Secondary legal materials are legal materials in the form of all publications about law that are not official documents, including textbooks, legal dictionaries, legal journals, and comments on court decisions (Huda, 2017). Non-legal materials are materials that provide instructions and explanations as a complement to primary and secondary legal materials, including Indonesian dictionaries, newspapers, magazines, and materials on the internet in accordance with the problem being researched.

### **Results and Discussion**

#### **Dismissal of Members of the Regency/City Regional People's Representative Council by the Governor**

In order to realize legal certainty and orderly administration in the implementation of the Governor's functions in carrying out administration of the dismissal of Regency/Municipal DPRD members, legal norms have been created which regulate the Interim Dismissal and Temporary Dismissal of Regency/City DPRD Members as stated in Law Number 23 of 2014 concerning Regional Government in article 193, article 194, article 195, article 196, and article 200. In more detail the legal norms governing the dismissal of Regency/City DPRD members are further regulated in Government Regulation Number 12 of 2018 concerning Guidelines for Preparing the Rules of Procedure for the Representative Council Provincial, Regency and City People, in article 99, article 100, article 101, article 102, article 103, article 104, article 105, article 106, article 107, article 108, article 115, article 116, article 117, article 118, and article 119.

In full, the provisions governing the temporary dismissal of Regency/City DPRD members in Law Number 23 of 2014 concerning Regional Government can be described as follows:

### **Article 193**

Paragraph (1) Regency/city DPRD members resign from time to time because; (a) died; (b) resign; or (c) dismissed.

Paragraph (2) Regency/city DPRD members are dismissed from time to time as referred to in paragraph (1) letter c, if; (a) unable to carry out duties continuously or permanently absent as a member of the district/city DPRD for 3 (three) consecutive months without any information; (b) violates the oath/promise of office and the district/city DPRD code of ethics; (c) declared guilty based on a court decision that has permanent legal force for committing a criminal offense that carries a minimum prison sentence of 5 (five) years; (d) does not attend plenary meetings and/or meetings of district/city DPRD apparatus which are his duties and obligations 6 (six) times in a row without valid reasons; (e) proposed by the political party in accordance with the provisions of the laws and regulations; (f) no longer meets the requirements as a candidate for member of the district/city DPRD in accordance with the provisions of laws and regulations regarding general elections; (g) violates the prohibitory provisions as regulated in this Law; (h) dismissed as a member of a political party in accordance with statutory provisions; (i) be a member of another political party.”

### **Article 194**

Paragraph (1) The dismissal of regency/city DPRD members as referred to in Article 193 paragraph (1) letters a and b and in paragraph (2) letters c, e, h and i is proposed by the leadership of the political party to the leadership of the DPRD district/city with a copy to the governor as representative of the Central Government.

Paragraph (2) No later than 7 (seven) days after the proposal for dismissal as intended in paragraph (1) is received, the leadership of the district/city DPRD submits the proposal for the dismissal of members of the regency/city DPRD to the governor as a representative of the Central Government through the regent/mayor to obtain an official dismissal.

Paragraph (3) No later than 7 (seven) days after the proposal for dismissal as referred to in paragraph (2) the regent/mayor submits the proposal to the governor as a representative of the Central Government.

Paragraph (4) The Governor as the representative of the Central Government formalizes the dismissal as referred to in paragraph (2) no later than 14 (fourteen) days after the regent/mayor receives the proposal to dismiss a member of the district/city DPRD from the regent/mayor.

### **Article 195**

Paragraph (1) The dismissal of members of the regency/city DPRD as intended in Article 193 paragraph (2) letters a, b, d, f, and g is carried out after the results of the investigation and verification as outlined in the decision of the honorary body of the regency/city DPRD city based on complaints from the leadership of the district/city DPRD, the community, and/or voters.

Paragraph (2) The decision of the district/city DPRD honorary body regarding the dismissal of members of the district/city DPRD as intended in paragraph (1) is reported by the district/city DPRD honorary body to the plenary meeting.

Paragraph (3) No later than 7 (seven) days after the decision of the honorary body of the regency/city DPRD which has been reported in the plenary meeting as intended in paragraph (2), the leadership of the regency/city DPRD shall convey the decision of the honorary body of the regency/city DPRD to the leadership of the political party concerned.

Paragraph (4) The leadership of the political party concerned shall convey the decision regarding the dismissal of its members to the leadership of the district/city DPRD, no later than 30 (thirty) days from the receipt of the decision of the honorary body of the district/city DPRD as intended in paragraph (2) from the leadership of the district/city DPRD city.

Paragraph (5) In the event that the leadership of the political party as intended in paragraph (3) does not provide a decision to dismiss as intended in paragraph (4), the leadership of the district/city DPRD forwards the decision of the DPRD's honorary body as intended in paragraph (2) to the governor as the Government's representative The center goes through the regent/mayor to obtain the inauguration of the dismissal.

Paragraph (6) No later than 7 (seven) days after the decision to dismiss as referred to in paragraph (5) is received, the regent/mayor conveys the decision to the governor as a representative of the Central Government.

Paragraph (7) The Governor as the representative of the Central Government formalizes the dismissal as intended in paragraph (5) no later than 14 (fourteen) days after receiving the decision of the honorary body of the district/city DPRD or the decision of the political party leadership regarding the dismissal of its members from the regent/mayor.

### **Article 196**

Paragraph (1) In the case of carrying out investigations and verification as intended in Article 195 paragraph (1), the honorary body of the district/city DPRD may request assistance from independent experts.

Paragraph (2) Further provisions regarding the procedures for investigation, verification and decision making by the district/city DPRD's honorary body are regulated by the district/city DPRD's regulations concerning honorary body procedures."

### **Article 200**

Paragraph (1) Regency/city DPRD members are temporarily suspended because; (a) being a defendant in a general criminal case which is punishable by imprisonment for a minimum of 5 (five) years; (b) become a defendant in a special criminal case.

Paragraph (2) In the event that a regency/city DPRD member is found guilty of committing a criminal act as intended in paragraph (1) letters a and b based on a court decision that has permanent legal force, the relevant regency/city DPRD member is dismissed as a member of the DPRD district/city.

Paragraph (3) In the event that a member of the district/city DPRD is declared not proven to have committed a criminal act as intended in paragraph (1) letter a or letter b based on a court decision that has obtained permanent legal force, the relevant member of the district/city DPRD is reinstated.

Paragraph (4) Regency/city DPRD members who are temporarily dismissed still have certain financial rights.

Paragraph (5) further provisions regarding procedures for temporary dismissal are regulated in district/city DPRD regulations regarding rules and regulations.

Provisions regarding the procedures and procedures for dismissing Regency/City DPRD members as regulated in Law Number 23 of 2014 concerning Regional Government as mentioned above, are further explained in Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for Provincial Regional People's Representative Councils, Regency and City, in the following articles:

### **Article 99**

Paragraph (1) Regency/city DPRD members resign from time to time because; (a) died; (b) resign; (c) dismissed.

Paragraph (2) Resignation as intended in paragraph (1) letter b is marked with a resignation letter from the person concerned, starting from the date the resignation letter is signed or starting from the date required in the provisions of the statutory regulations.

Paragraph (3) DPRD members are temporarily dismissed as referred to in paragraph (1) letter c if; (a) unable to carry out his duties continuously or permanently absent as a DPRD Member for 3 (three) consecutive months without any information; (b) violates the oath/promise and code of ethics; (c) declared guilty based on a court decision that has permanent legal force for committing a criminal offense that is punishable by imprisonment for 5 (five) years or more; (d) does not attend plenary meetings and meetings of the DPRD apparatus which are his duties and obligations 6 (six) times in a row without valid reasons; (e) proposed by the political party in accordance with the provisions of the laws and regulations; (f) no longer meets the requirements as a candidate for Member of the DPRD in accordance with the provisions of laws and regulations regarding general elections; (g) violates the prohibitory provisions as regulated in statutory regulations; (h) dismissed as a member of a political party in accordance with statutory provisions; or (i) be a member of another political party.

Paragraph (4) DPRD members are dishonorably dismissed for the reasons as intended in paragraph (3) letters b, c, f and g.

#### **Article 100**

The dismissal of DPRD members as intended in Article 99 paragraph (1) letters a and b and paragraph (3) letters c, e, h and i is proposed by the leadership of the political party; (a) to the leadership of the provincial DPRD with a copy to the Minister for members of the provincial DPRD, and (b) to the leadership of the district/city DPRD with a copy to the governor as the representative of the Central Government for members of the district/city DPRD.

#### **Article 104**

Paragraph (1) No later than 7 (seven) days from the receipt of the proposal for dismissal as referred to in Article 100 letter a, the leader of the district/city DPRD submits the proposal to dismiss members of the district/city DPRD to the governor as representative of the Central Government through the regent/mayor to obtain the inauguration dismissal.

Paragraph (2) If after 7 (seven) days the leadership of the district/city DPRD does not propose the dismissal of members of the district/city DPRD to the governor as a representative of the Central Government, the Secretary of the district/city DPRD reports the process of dismissing members of the district/city DPRD to the governor as a representative of the Central Government through the regent/mayor.

Paragraph (3) No later than 7 (seven) days from the receipt of the proposal for dismissal as intended in paragraph (1) or the report as intended in paragraph (2), the regent/mayor submits the proposal for dismissal to the governor as the representative of the Central Government.

Paragraph (4) In the event that the leadership of the regency/city DPRD does not propose the dismissal of members of the regency/city DPRD as intended in paragraph (1) and the Secretary of the regency/city DPRD does not report the process of dismissing members of the regency/city DPRD as intended in paragraph (2), the regent /mayor submits a proposal for dismissal to the governor as a representative of the Central Government.

Paragraph (5) If after 7 (seven) days the regent/mayor does not submit a proposal to dismiss a member of the regency/city DPRD as intended in paragraph (3), the leadership of the regency/city DPRD immediately submits a proposal to dismiss the member of the regency/city DPRD to the governor as representative. Central government.

#### **Article 105**

Paragraph (1) The Governor as the representative of the Central Government issues a decision to dismiss members of the district/city DPRD no later than 14 (fourteen) days from the receipt of the proposal to dismiss members of the district/city DPRD from the regent/mayor or leadership of the district/city DPRD.

Paragraph (2) The inauguration of the dismissal of regency/city DPRD members takes effect from the date of appointment by the governor as a representative of the Central Government or the Minister, except for the inauguration of the dismissal of regency/city DPRD members as intended in Article 99 paragraph (3) letter c which comes into effect as of the date the court decision obtains permanent legal force.

#### **Article 106**

Paragraph (1) Provisions regarding procedures for proposing the dismissal of regency/city DPRD members as intended in Article 104 apply *mutatis mutandis* to procedures for proposing the dismissal of regency/city DPRD members who are found guilty of committing a criminal act based on a court decision that has permanent legal force.

Paragraph (2) The Governor as the representative of the Central Government shall give a written warning to the regent/mayor if after 7 (seven) days the regent/mayor does not follow up on the dismissal of a member of the regency/city DPRD who is found guilty of committing a criminal act based on a court decision which has permanent legal force.

Paragraph (3) If within a period of 14 (fourteen) days from the issuance of a court decision which has permanent legal force the governor as representative of the Central Government has not received the proposal to dismiss a member of the district/city DPRD as intended in paragraph (1), the governor as representative of the Central Government dismiss members of the district/city DPRD.

Paragraph (4) If within a period of 14 (fourteen) days from the issuance of a court decision which has permanent legal force the governor as representative of the Central Government has not dismissed the members of the regency/city DPRD as intended in paragraph (1), the Minister shall dismiss the members of the regency/city DPRD.

#### **Article 107**

Paragraph (2) In the event that a member of the regency/city DPRD resigns and the leader of the political party does not propose his dismissal to the leadership of the regency/city DPRD, within a maximum period of 7 (seven) days from the time the person concerned submits his resignation as a member of the regency/city DPRD, The DPRD leadership forwards the proposal to dismiss district/city DPRD members to the governor as a representative of the Central Government through the regent/mayor to obtain official dismissal.

#### **Article 108**

Paragraph (1) The temporary suspension of DPRD members as intended in Article 99 paragraph (3) letters a, b, d, f and g, is carried out in accordance with the law concerning regional government.

Paragraph (2) The Minister shall formalize the dismissal of members of the provincial DPRD as referred to in paragraph (1) no later than 14 (fourteen) days from the receipt of the decision of the honorary body of the provincial DPRD or the decision of the leadership of a political party regarding the dismissal of its members from the governor as representatives of the Central Government.

Paragraph (3) The Governor as the representative of the Central Government formalizes the dismissal of members of the regency/city DPRD as intended in paragraph (1) no later than 14 (fourteen) days from the receipt of the decision of the honorary body of the regency/city DPRD or the decision of the leadership of a political party regarding the dismissal of its members from regent/mayor.



### **Article 115**

DPRD members were temporarily dismissed because; (a) being a defendant in a general criminal case which is punishable by imprisonment for a minimum of 5 (five) years; or (b) become a defendant in a special criminal case.

### **Article 117**

Paragraph (1) The temporary suspension of members of the district/city DPRD as intended in article 115 is proposed by the leadership of the district/city DPRD to the governor as a representative of the Central Government through the regent/mayor.

Paragraph (2) If after 7 (seven) days from when a member of the district/city DPRD is declared a defendant as intended in Article 115, the leadership of the district/city DPRD does not propose temporary dismissal, the secretary of the district/city DPRD reports the status of the defendant as a member of the district/city DPRD to regent/mayor.

Paragraph (3) The regent/mayor based on the report of the Secretary of the district/city DPRD as intended in paragraph (2) submits a proposal for the temporary dismissal of members of the district/city DPRD to the governor as a representative of the central government.

Paragraph (4) The Governor as the representative of the Central Government temporarily suspends him as a member of the district/city DPRD on the recommendation of the regent/mayor as intended in paragraph (1) and paragraph (3).

Paragraph (5) In the event that the regent/mayor does not propose a temporary dismissal as intended in paragraph (1) and paragraph (3), the governor as the representative of the Central Government temporarily suspends the member of the regency/city DPRD based on the district court case register.

Paragraph (6) The temporary suspension as referred to in paragraph (4) and paragraph (5) comes into effect from the date the member of the district/city DPRD is named as the defendant.

### **Article 118**

Paragraph (1) In the event that a DPRD Member who is temporarily dismissed holds the position of DPRD leader, the temporary dismissal as a DPRD Member is followed by a temporary dismissal as DPRD leader.

Paragraph (2) In the event that the DPRD leadership is temporarily dismissed as referred to in paragraph (1), the political party from which the temporarily dismissed DPRD leadership originates proposes to the DPRD leadership one of the DPRD members from that political party to carry out the duties of the temporarily suspended DPRD leadership.

### **Article 119**

Paragraph (1) In the event that a DPRD Member is found guilty of committing a criminal act as intended in Article 115 based on a court decision that has permanent legal force, the relevant DPRD Member is dismissed as a DPRD member.

Paragraph (2) The dismissal of DPRD members as referred to in paragraph (1) is carried out at the suggestion of the political party leadership no later than 7 (seven) days from the date the criminal decision obtains permanent legal force.

Paragraph (3) In the event that after 7 (seven) days as referred to in paragraph (2) the leadership of the political party does not propose the dismissal of the DPRD Member, the DPRD Leadership proposes the dismissal of the DPRD member to the Minister for the Provincial DPRD and to the governor as the representative of the Central Government for the district/Regional DPRD city without the proposal of its political party.

Paragraph (4) The Minister dismisses members of the provincial DPRD on the recommendation of the Provincial DPRD Leadership and the governor as a representative of

the Central Government dismisses members of the district/city DPRD on the recommendation of the leadership of the district/city DPRD.

Paragraph (5) The dismissal as referred to in paragraph (1) comes into effect from the date the court decision obtains permanent legal force.

Paragraph (6) In the event that a DPRD Member is declared not proven to have committed a criminal act as intended in Article 115 based on a court decision that has permanent legal force, the relevant DPRD Member is reinstated if his or her term of office has not ended.

The provisions of the laws and regulations above serve as a reference and guideline in implementing the administrative process of proposing the dismissal of members of the Regency/City DPRD, both regarding the requirements, procedures and mechanisms for the proposal, and the administrative verification process up to the stipulation of the Decree officiating the dismissal of members of the Regency/City DPRD by The Governor as the Representative of the Central Government, which is carried out by the regional work unit which handles administrative management and facilitation of the appointment and dismissal of Regional Heads and DPRD members, namely at the Regional Government and Autonomy Bureau of the Regional Secretariat of South Sulawesi Province, Cq. Sub-Coordinator for Facilitation for Regional Heads and DPRD who are under the Regional Autonomy Coordinator.

The Regional Government and Autonomy Bureau of the Regional Secretariat of South Sulawesi Province, apart from its duties and functions as a regional apparatus, is also a work unit for deconcentration apparatus (the work apparatus of the Governor as Representative of the Central Government) as regulated in Government Regulation Number 33 of 2018 concerning Implementation of the Duties and Authorities of the Governor as a representative Central government. To implement these provisions, Minister of Home Affairs Regulation Number 12 of 2021 concerning Implementing Regulations of Government Regulation Number 33 of 2018 concerning the Implementation of the Duties and Authorities of the Governor as Representative of the Central Government has been issued.

Based on the description of several statutory provisions above, it can be concluded that the inauguration of the appointment of Regency/City DPRD Members is the authority, duty and responsibility of the Governor in his position as representative of the Central Government in the Regions.

Furthermore, to provide a complete picture of the conditions and problems in the administrative management of proposals to dismiss members of the District/City DPRD by the Governor as the Representative of the Central Government in the Region, we will first describe the mechanisms and procedures, as well as the administrative requirements for the dismissal of Regency/City DPRD members as follows:

### **Mechanisms and Procedures for Dismissal of Regency/City DPRD Members**

Based on the provisions of Article 193 paragraph (1) of Law Number 23 of 2014 concerning Regional Government in conjunction with Article 99 paragraph (1) of Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for the Provincial, Regency and City Regional People's Representative Councils, it is confirmed that if a person If a Regency/City DPRD member dies, resigns, or is dismissed, the relevant Regency/City DPRD member must be dismissed in accordance with the following mechanisms and procedures:

#### **Dismissal of Regency/City DPRD Members Due to Death**

Based on the provisions of article 193 paragraph (1) letter a of Law 23 of 2014 concerning Regional Government in conjunction with article 99 paragraph (1) letter a of Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for Provincial, Regency and City Regional People's Representative Councils confirms that a Regency/City DPRD member who dies is dismissed from time to time. The mechanism/procedure for dismissing a DPRD member who dies is as regulated in article 104 paragraph (1), paragraph

(2), paragraph (3), paragraph (4), paragraph (5), and article 105 paragraph (1) of Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for Provincial, Regency and City Regional People's Representative Councils can be described as follows: (1) If a member of the Regency/City DPRD dies, then the leader of the Political Party submits a letter of recommendation for dismissal to the DPRD Leadership with a copy to Governor as representative of the Central Government; (2) No later than 7 (seven) days after the letter of proposal for dismissal is received, the Regency/City DPRD Leadership submits the letter of proposal to the Governor through the Regent/Mayor. The meaning of "through" here is that the proposal letter is not addressed directly to the Governor but rather to the Regent/Mayor; (3) If after 7 (seven) days the Regency/City DPRD leadership does not submit a letter of proposal for the dismissal of Regency/City DPRD members to the Governor via the Regent/mayor, then the Regency/City DPRD Secretary reports the process of dismissing the Regency/City DPRD members to the Governor as the representative. Central Government through the Regent/Mayor. The meaning of "through here" is that the Regency/City DPRD Secretary's letter regarding the Report on Regency/City DPRD Members who have died is addressed to the Regent/Mayor with a copy to the Governor; (4) No later than 7 (seven) days from the receipt of the letter of proposal for dismissal from the Leadership of the DPRD or the letter of Report from the Secretary of the Regency/City DPRD, the Regent/Mayor submits the letter of proposal for dismissal to the Governor as the representative of the Central Government; (5) In the event that the Regency/City DPRD Leadership does not submit a letter of proposal to dismiss a Member of the Regency/City DPRD, nor does the Secretary of the Regency/City DPRD submit a report letter to the Regent/Mayor, then the Regent/Mayor submits a letter of proposal for dismissal to the Governor as representative. Central government; (6) If after 7 (seven) days the Regent/Mayor does not submit a letter of proposal for dismissal of Regency/City DPRD Members to the Governor, then the Regency/City DPRD Leadership immediately submits a letter of proposal for dismissal of Regency/City DPRD Members to the Governor as Representative of the Central Government; (7) The Governor as the Representative of the Central Government issues a Decree (SK) regarding the inauguration of the Dismissal of a Regency/City DPRD Member who dies no later than 14 (fourteen) days from the receipt of the letter of proposal to dismiss a Regency/City DPRD member from the Regent/Mayor or Leadership Regency/City DPRD; (8) The Governor's Decree regarding the Dismissal of a Regency/City DPRD Member who dies comes into effect from the date the Governor's Decree is issued.

The calculation of the time limit for each stage as referred to above, starts from the time the file is declared valid and complete.

### **Dismissal of Regency/City DPRD Members Due to Resignation**

With reference to the provisions of Article 193 letter b of Law 23 of 2014 concerning Regional Government, in conjunction with article 99 paragraph (1), paragraph (2) and article 100 letter b, article 104 paragraph (1), paragraph (2), paragraph (3), paragraph (4), paragraph (5), article 105 paragraph (1) and paragraph (2) of Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for Provincial, Regency and City Regional People's Representative Councils can be explained regarding mechanisms and the procedure for dismissing Regency/City DPRD members who resign is as follows; (1) DPRD members who resign are marked by a letter of resignation, then the political party leader proposes to the Regency/City DPRD Leadership through a letter signed by the political party leader regarding the proposal for temporary dismissal of the Regency/City DPRD member for resigning; (2) No later than 7 (seven) days after the letter of proposal for dismissal is received, the Regency/City DPRD Leadership submits the letter of proposal to the Governor through the Regent/Mayor. The meaning of "through" here is that the proposal letter is not addressed directly to the Governor but rather to the Regent/Mayor; (3) If after 7 (seven) days the Regency/City DPRD leadership does not submit a letter of proposal for the dismissal of Regency/City DPRD members to the Governor via the Regent/mayor, then the Regency/City DPRD Secretary

reports the process of dismissing the Regency/City DPRD members to the Governor as the representative. Central Government through the Regent/Mayor. The meaning "is here that the letter from the Secretary of the Regency/City DPRD regarding the Report on Regency/City DPRD Members who have died is addressed to the Regent/Mayor only to be copied to the Governor; (4) No later than 7 (seven) days from the receipt of the letter of proposal for dismissal from the Leadership of the DPRD or the letter of Report from the Secretary of the Regency/City DPRD, the Regent/Mayor submits the letter of proposal for dismissal to the Governor as the representative of the Central Government; (5) In the event that the Regency/City DPRD Leadership does not submit a letter of proposal for dismissal of Regency/City DPRD Members, nor does the Secretary of the Regency/City DPRD submit it to the Regent/Mayor, then the Regent/Mayor submits a letter of proposal for dismissal to the Governor as the Government's representative Center; (6) If after 7 (seven) days the Regent/Mayor does not submit a letter of proposal for dismissal of Regency/City DPRD Members to the Governor, then the Regency/City DPRD Leadership immediately submits a letter of proposal for dismissal of Regency/City DPRD Members to the Governor as Representative of the Central Government; (7) The Governor as the Representative of the Central Government issues a Decree (SK) regarding the inauguration of the Dismissal of a Regency/City DPRD Member who dies no later than 14 (fourteen) days from the receipt of the letter of proposal to dismiss a Regency/City DPRD member from the Regent/Mayor or Leadership Regency/City DPRD; (8) The Governor's Decree regarding the Dismissal of a Regency/City DPRD Member who dies comes into effect from the date the Governor's Decree is issued. Calculation of the time limit for each stage as referred to above, starts from the time the file is declared valid and complete.

### **Dismissal of Regency/City DPRD Members Due to Dismissal**

Based on the provisions of article 193 paragraph (1) letter c of Law Number 23 of 2014 concerning Regional Government, it is stated that "Regency/city DPRD members resign from time to time due to being dismissed". Furthermore, based on the provisions of article 193 paragraph (2), it is stated that "Regency/city DPRD members are dismissed from time to time as intended in paragraph (1) letter c, if; (a) unable to carry out duties continuously or permanently absent as a member of the district/city DPRD for 3 (three) consecutive months without any information; (b) violates the oath/promise of office and the district/city DPRD code of ethics; (c) declared guilty based on a court decision that has permanent legal force for committing a criminal offense that carries a minimum prison sentence of 5 (five) years; (d) does not attend plenary meetings and/or meetings of district/city DPRD apparatus which are his duties and obligations 6 (six) times in a row without valid reasons; (e) proposed by the political party in accordance with the provisions of the laws and regulations; (f) no longer meets the requirements as a candidate for member of the district/city DPRD in accordance with the provisions of laws and regulations regarding general elections; (g) violates the prohibitory provisions as regulated in this Law; (h) be dismissed as a member of a political party in accordance with statutory provisions, or (i) become a member of another political party."

Based on the provisions of article 193 paragraph (2) above, there are 9 (nine) reasons why members of the district/city DPRD are dismissed, which if you look carefully there are differences which can be categorized into 2 (two) classifications, namely: (a) Because they committed violation of the main duties and functions as a member of the DPRD or for violating the oath/promise of office and the code of ethics of the Regency/City DPRD. In this first group, DPRD members violated the internal rules that apply in the district/city DPRD where they carry out their duties.

The types of violations committed in this first category are: (1) being unable to carry out duties continuously or being permanently unable to act as a Member of the DPRD for 3 (three) consecutive months without any information; (2) violates the oath/promise and code of ethics; (3) did not attend plenary meetings and meetings of DPTRD organs which were his duties and

obligations 6 (six) times in a row without valid reasons; (4) no longer meets the requirements as a Candidate Member of the DPRD in accordance with the provisions of laws and regulations regarding general elections; (5) violates the prohibitory provisions as regulated in statutory regulations.

Provisions regarding obligations and prohibitions as intended are regulated in the DPRD Rules of Procedure. Therefore, for DPRD members who are suspected of violating the DPRD's internal regulations as regulated in the DPRD Rules of Procedure, the mechanism must be through investigation and verification by the Regency/City DPRD Honorary Board (BK). Where the results of the investigation and verification are stated in the Decision of the Regency/City DPRD Honorary Board. (b) For violating the internal rules of his political party. In this second group, DPRD members are suspected of violating the provisions stipulated in the Articles of Association (AD) and Bylaws (ART) of the political party they represent.

The types of violations included in this second category are: (1) Being declared guilty based on a court decision that has permanent legal force for committing a criminal offense that is punishable by imprisonment for 5 (five) years or more; (2) proposed by the political party in accordance with the provisions of the laws and regulations; (3) cease to be a member of a political party in accordance with the provisions of the laws and regulations; (4) become a member of another political party.

Based on the description above, it can be concluded that a member of the DPRD can be dismissed before the end of his term of office if he violates DPRD rules and/or for violating the internal rules of his political party (AD/ART).

If a Regency/City DPRD member violates the DPRD's Rules of Procedure, the mechanism for dismissal is carried out through investigation and verification by the Regency/City DPRD Honorary Board. If the member of the Regency/City DPRD in question is proven to have committed a violation based on the results of an investigation by the Honorary Board which is outlined in the Regency/City DPRD Honorary Body's Decision, then on this basis the Honorary Body submits a proposal to the leadership of the DPRD to propose his dismissal as a member of the Regency/City DPRD.

Furthermore, if a member of the Regency/City DPRD violates the internal rules of a political party (AD/ART) then the investigation process will be carried out by the Party Court or another name. And if, based on the results of the investigation and verification, a Regency/City DPRD member is suspected of committing a violation, the party leadership submits a proposal to dismiss the Regency/City DPRD member to the DPRD leadership.

The mechanism for dismissal of DPRD members who are proposed to be dismissed either by the Honorary Board or the Leadership of a political party can be described as follows: (1) If a Regency/City DPRD member, based on the results of the investigation and verification carried out by the Honorary Board, is proven to have violated the DPRD's Rules of Procedure, then The Regency/City DPRD Honorary Board (BK) submits a letter of recommendation for dismissal to the Regency/City DPRD Leadership; (2) If a member of the Regency/City DPRD violates the internal regulations (AD/ART) of a political party, then the leadership of the political party submits a proposal for dismissal to the Regency/City DPRD Leadership; (3) No later than 7 (seven) days from the receipt of the proposal for dismissal from the Regency/City DPRD Honorary Board or Political Party Leadership, the Regency/City DPRD Leadership submits the recommendation for dismissal of Regency/City DPRD members to the Governor as Representative of the Central Government through the Regent/Mayor to obtain official dismissal. The definition of "through" here means a letter of proposal addressed to the Regent/Mayor which is copied to the Governor as the representative of the Central Government; (4) If after 7 (seven) days the Regency/City DPRD Leadership does not propose the dismissal of Regency/City DPRD members to the Governor as Representative of the Central Government, the Secretary of the Regency/City DPRD reports the process of

dismissing Regency/City DPRD members to the Governor as Representative of the Central Government via Regent/mayor; (5) No later than 7 (seven) days from the receipt of the proposal for dismissal from the Leadership of the DPRD or the report from the Secretary of the Regency/City DPRD, the Regent/Mayor submits the proposal for dismissal to the Governor as the Representative of the Central Government; (6) In the event that the Regency/City DPRD Leadership does not propose the dismissal of Regency/City DPRD Members and the Regency/City DPRD Secretary does not report the process of dismissing Regency/City DPRD Members, the Regent/Mayor submits the proposal for dismissal to the Governor as Representative of the Central Government; (7) If after 7 (seven) days the Regent/Mayor does not submit a proposal to dismiss a Regency/City DPRD member, the Regency/City DPRD Leadership immediately submits a proposal to dismiss a Regency/City DPRD member to the Governor as the Central Government Representative; (8) The Governor as the Representative of the Central Government issues a Decision to Dismiss Regency/City DPRD members no later than 14 (fourteen) days from the receipt of the proposal to dismiss Regency/City DPRD members from the Regent/Mayor or Regency/City DPRD leadership; (9) The inauguration of the dismissal of Regency/City DPRD members takes effect from the date of appointment by the Governor as Representative of the Central Government, except for the inauguration of the dismissal of Regency/City DPRD members who commit general crimes which carry a penalty of at least 5 (five) years or criminal offenses. specifically comes into force from the date the court decision obtains permanent legal force; (10) For members of the DPRD who are found guilty of committing a criminal act as referred to in number 7 (seven) above based on a court decision that has permanent legal force, the mechanism and procedures for the proposal are the same as those described above; (11) The Governor as the representative of the Central Government shall give a written warning to the Regent/Mayor if within 7 (seven) days the Regent/Mayor does not follow up on the dismissal of a member of the Regency/City DPRD who is found guilty of committing a criminal act based on a court decision which has permanent legal force; (12) If within a period of 14 (fourteen) days from the issuance of a court decision which has permanent legal force, the Governor as representative of the Central Government has not received the proposal to dismiss a member of the Regency/City DPRD, the Governor as representative of the Central Government shall dismiss the member of the Regency/City DPRD; (13) If within a period of 14 (fourteen) days from the issuance of a court decision which has permanent legal force, the Governor as Representative of the Central Government has not dismissed the members of the Regency/City DPRD, the Minister of Home Affairs shall dismiss the members of the Regency/City DPRD; (14) In the event that a member of the Regency/City DPRD resigns and the leader of the political party does not propose his dismissal to the Regency/City DPRD Leadership, within a maximum period of 7 (seven) days from when the person concerned submits his resignation as a member of the Regency/City DPRD, the Leader DPRD forwards the proposal to dismiss Regency/City DPRD members to the Governor as representative of the Central Government through the Regent/Mayor to obtain dismissal. Regency/City DPRD Honor or Political Party Leadership Decision regarding the dismissal of its members from the Regent/Mayor.

### **Mechanism and Procedure for Temporary Dismissal**

Based on the provisions of article 200 paragraph (1) of Law Number 23 of 2014 concerning Regional Government in conjunction with article 115 of Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for Provincial, Regency and City Regional People's Representative Councils, it is stated that "Regency/City DPRD Members temporarily suspended because: (a) being a defendant in a general criminal case which is punishable by imprisonment for a minimum of 5 (five) years; or (b) become a defendant in a special criminal case."

The mechanisms and procedures for temporary dismissal of Regency/City DPRD Members are regulated in article 117 of Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for Provincial, Regency and City Regional People's Representative

Councils as follows: (1) If a DPRD Member becomes a defendant in a case general criminal offenses with a penalty of 5 (five) years or more or special criminal offenses, the Regency/City DPRD Leadership submits a letter of recommendation for dismissal to the Governor as Representative of the Central Government through the Regent/Mayor. The definition of "through" here means a letter of proposal addressed to the Regent/Mayor and a copy to the Governor; (2) If after 7 (seven) days from when a Regency/City DPRD Member is named as a defendant, the DPRD Leadership does not submit a letter of recommendation for temporary dismissal, the Regency/City Regional Secretary reports the status of the defendant as a Regency/City DPRD member to the Regent/Mayor; (3) The Regent/Mayor, based on the report of the Regency/City DPRD Secretary, submits a letter of recommendation for the temporary dismissal of Regency/City DPRD members to the Governor as the Central Government Representative; (4) The Governor as Representative of the Central Government temporarily suspends him as a Member of the Regency/City DPRD on the recommendation of the Regent/Mayor; (5) In the event that the Regent/Mayor does not submit a letter of proposal for temporary dismissal, the Governor as the representative of the Central Government shall temporarily suspend the Regency/City DPRD Member based on the re-registration of the district court case; (6) The temporary suspension as intended begins to take effect from the date the Regency/City DPRD Member is named as the defendant.

The temporary suspension of a Regency/City DPRD member can result in definitive (permanent) dismissal if the relevant DPRD member is found guilty of committing a criminal act as intended based on a court decision that has permanent legal force.

The procedures and mechanisms used to propose the permanent dismissal of Regency/City DPRD members who have been temporarily dismissed are as follows: (1) The political party leadership submits a letter of proposal to the Regency/City DPRD leadership no later than 7 (seven) days from the date of the decision. criminal law acquires permanent legal force; (2) In the event that after 7 (seven) days the leadership of a political party does not propose the dismissal of a member of the DPRD, the leadership of the Regency/City DPRD submits a letter of proposal to the Governor as Representative of the Central Government, without a proposal from the political party; (3) "Permanent" dismissal as a Member of the DPRD takes effect from the date the court decision obtains permanent legal force.

### **Administrative Requirements for Dismissal of Regency/City DPRD Members**

From the explanation regarding the mechanisms and procedures for dismissal of Regency/City DPRD members which have been stated above, in the context of the process of proposing the dismissal of Regency/City DPRD members they must fulfill the following administrative requirements:

Proposing the dismissal of a Regency/City DPRD Member who dies must be accompanied by the following administrative documents:

#### **Interim Dismissal Due to Death**

Photocopy of the Governor's Decree regarding the Official Appointment of the Regency/City DPRD Members concerned; Photocopy of the minutes of the swearing-in of the oath/promise of the relevant Regency/City DPRD members; Death certificate from an authorized official; Letter of proposal from the leadership of the political party (district/city level) to the leadership of the Regency/City DPRD; Regency/City DPRD Leadership Letter to the Regent/Mayor; Letter from the Regent/Mayor to the Governor.

#### **Interim Dismissal Due to Resignation**

Photocopy of the Governor's Decree regarding the Official Appointment of the Regency/City DPRD Members concerned; Photocopy of the minutes of the swearing-in of the oath/promise of the Regency/City DPRD Member concerned; Resignation statement on stamped paper accompanied by clear reasons; Letter of proposal from the leadership of the political party

(regency/city level) to the leadership of the Regency/City DPRD; Regency/City DPRD Leadership Letter to the Regent/Mayor; Letter from the Regent/Mayor to the Governor.

**Interim Dismissal Due to being proposed by a Political Party (Dismissed as a member of a political party/Being a member of another political party)**

Photocopy of the Governor's Decree regarding the Official Appointment of Members of the Regency/City DPRD concerned; Photocopy of the minutes of the swearing-in of the oath/promise of the Regency/City DPRD Member concerned; Decision of the Political Party DPP regarding the proposed interim dismissal of the person concerned as a Member of the Regency/City DPRD (in the case where the person concerned is proposed by the political party); Decision of the Political Party DPP regarding the Dismissal of the person concerned as a Member of the Political Party (in the event that the person concerned is dismissed as a member of the political party); Political Party DPP Certificate stating that the person concerned has become a Member of another Political Party (in the event that the person concerned is a member of another political party); Certificate from the local District Court stating that there is no lawsuit against the political party concerned (in the event that there is no lawsuit against the political party concerned); Copy of Court Decision that has obtained permanent legal force (in the event of a lawsuit against the political party concerned); Letter of proposal from the leadership of the political party (district/city level) to the leadership of the Regency/City DPRD; Regency/City DPRD Leadership Letter to the Regent/Mayor; Letter from the Regent/Mayor to the Governor.

**Interim Dismissal Due to being found guilty in accordance with the Court Decision**

Photocopy of the Governor's Decree regarding the Official Appointment of the Regency/City DPRD Members concerned; Photocopy of the minutes of the swearing-in of the oath/promise of the Regency/City DPRD Member concerned; Photocopy of the Governor's Decree regarding the Temporary Dismissal of the Regency/City DPRD Member concerned; Copy of court decision that has obtained permanent legal force; Letter of proposal from the leadership of the political party (district/city level) to the leadership of the district/city DPRD; Regency/City DPRD Leadership Letter to the Regent/Mayor; Letter from the Regent/Mayor to the Governor.

Interim Dismissal for not carrying out duties continuously for 3 consecutive months, violating the DPRD's oath/promise and code of ethics, not attending plenary meetings and AKD meetings 6 times in a row without valid reasons

Photocopy of the Governor's Decree regarding the Official Appointment of the Regency/City DPRD Members concerned; Photocopy of the minutes of the swearing-in of the oath/promise of the Regency/City DPRD Member concerned; Complaint letter from the Regency/City DPRD Leadership; public; and/or voters; Decision of the Regency/City DPRD Honorary Board regarding the results of the investigation and verification; Decision of the Regency/City DPRD Honorary Board regarding the Dismissal of Regency/City DPRD Members; Minutes and minutes of the plenary meeting of the Regency/City DPRD in order to convey the decision of the honorary body; Letter from the leadership of the Regency/City DPRD to the leadership of the political party concerned; Decision of the Political Party DPP regarding the Dismissal of the relevant Regency/City DPRD Member; A certificate from the local district court stating that there is no lawsuit against the honorary body of the Regency/City DPRD and/or the political party concerned (in the event that there is no lawsuit); Copy of court decision that has obtained permanent legal force (in the event of a lawsuit against the honorary body of the Regency/City DPRD and/or the political party concerned); Letter of proposal from the leadership of the political party (district/city level) to the leadership of the Regency/City DPRD; Regency/City DPRD Leadership Letter to the Regent/Mayor; Letter from the Regent/Mayor to the Governor.

**Temporary suspension of DPRD members**



Photocopy of the Governor's Decree regarding the Official Appointment of the Regency/City DPRD Members concerned; Photocopy of the minutes of the swearing-in of the oath/promise of the relevant Regency/City DPRD members; Letter of handover of the case to court/court statement regarding the date of determination of the defendant's status; District court case registration number; Regency/City DPRD Leadership Letter to the Regent, Mayor; Letter from the Regent/Mayor to the Governor.

### **Determination/Decision to Dismiss Regency/City DPRD Members by the Governor**

To find out how the Governor's authority is implemented in carrying out the task of inaugurating the dismissal of Regency/City DPRD members, an interview was conducted with the Middle Expert Policy Analyst/Regional Autonomy Coordinator (Mr. Drs. Andi Harun, MH) with the following explanation:

"That one of the important tasks carried out as an implementation of the governor's authority as a representative of the central government is to facilitate, assist, guide and supervise the implementation of the process of dismissing members of the district/city DPRD which has been proposed by the regent/mayor and/or the leadership of the Regency/Municipal DPRD City in accordance with statutory provisions. The implementation of the task of facilitating administrative management of proposals to dismiss Regency/City DPRD members has been running with high intensity which can be seen in the last three years (2021, 2022 and 2023) as many as 65 Regency/City DPRD members in South Sulawesi Province have been dismissed. "from time to time by the Governor of South Sulawesi, especially in 2023 ahead of the 2024 Simultaneous General Election (Pemilu), 44 Regency/City DPRD Members were dismissed from time to time (PAW)."

To see an overview of the data on the number of interim dismissals of Regency/City DPRD Members throughout South Sulawesi over the last 3 (three) years, see table 1 below.

Table 1. Number of Regency/City DPRD Members throughout South Sulawesi who Resigned Interimly (PAW) During the Last 3 (three) Years (2021, 2022 and 2023)

No	Reasons for PAW		Year			Completion Time
			2021	2022	2023	
1.		Die	10	8	6	On time
2.		Resign	0	0	29	
3.	Dismissed	Political Party Proposals	1	2	6	Not on Time
		Special Crimes	0	1	2	
		Proposal from BK DPRD	0	0	1	
		Total	11	10	44	65

*Data Source: Bureau of Government and Regional Autonomy, Regional Secretariat of South Sulawesi Province. Processed in 2024*

Based on the data presented above, it can be analyzed that in 2021 the number of PAW will be 11 people or 90% due to death, only 1 person or 10% will be dismissed at the suggestion of a political party. Meanwhile, in 2022 there will be 10 people in PAW, consisting of 8 people who died or 80%, there were 3 (three) people who were dismissed, 2 of them were proposed by political parties, and 1 of them was because of a special criminal case. Meanwhile, in 2023 the number of PAWs increased quite drastically, namely 44 people, consisting of: 6 people died (20.45%), 29 people resigned for reasons of changing parties ahead of the 2024 Simultaneous Elections. And 9 of them were dismissed, consisting of: 6 political party proposals, 2 criminal cases, 1 (one) DPRD Honorary Board (BK) proposal because they were unable to carry out their duties due to illness.

As for the process of determining the Decree to officially dismiss members of the Regency/City DPRD, it begins with verifying the files received from the Regent/Mayor along with attachments according to the specified requirements. If based on the verification results the files are declared complete, the process continues with drafting a Governor's Decree which is then submitted to the Legal Bureau for correction.

After corrections have been made by the Legal Bureau, the correction results are returned to the Government Bureau to be corrected according to the correction results from the Legal Bureau. After that, it is submitted to the Governor through tiered initials starting from the Head of the Government and Regional Autonomy Bureau as the Management Work Unit, then continued with coordination initials by the Head of the Legal Bureau, then up to the Assistant for Government and People's Welfare, after that it is submitted to the Regional Secretary to be initialed, and after that it is submitted to the Governor for signature. If based on the verification results the file is declared incomplete, the manager will coordinate with the Regency/City Government Department to complete it.

### Conclusion

The dismissal of Regency/City DPRD members is regulated in Law Number 23 of 2014 concerning Regional Government and Government Regulation Number 12 of 2018 concerning Guidelines for Preparing Rules for Provincial, Regency and City Regional People's Representative Councils, regarding mechanisms, procedures and procedures for implementing proposals dismissal of district/city DPRD members. In carrying out the dismissal of members of the Regency/City DPRD in South Sulawesi Province as the research locus, the Governor of South Sulawesi as the Representative of the Central Government has carried out the administrative management process of dismissal according to the procedures and mechanisms in accordance with the provisions stipulated in the statutory regulations, in the implementation of which some are running smoothly and on time, namely regarding the proposal to dismiss a DPRD member who died. As for the proposal to dismiss Regency/City DPRD members who were dismissed because it was proposed by their political party, and who were involved in a criminal case, the process went less smoothly, where the decision passed the 14 (fourteen) day deadline as stipulated in the statutory regulations.

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