



## LEGAL CONSEQUENCES OF THE POSITION OF ACTING REGIONAL SECRETARY EXCEEDS THE TIME LIMIT

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### Abstract:

This research aims to analyse the legal consequences of the position of Acting Regional Secretary (Plh. Sekda) exceeding the stipulated time limit. Based on the provisions of Article 58 Permenpan 22/2021, the term of office of the Plh. Secretary's term of office is limited to a maximum of 30 days, and if it exceeds this time, it can cause legal problems related to the validity of actions taken during the term of office. This research uses the normative juridical method to examine the applicable legal provisions and analyse the potential legal complications that may arise if the Acting Regional Secretary continues to serve beyond the time limit. Secretary continues to serve beyond the regulated time limit. The research findings show that the performance of duties beyond the time limit may affect the validity of administrative decisions and actions, and may trigger legal challenges to the authority exercised. In addition, the research also recommends the importance of appointing an Acting Regional Secretary (Pj. Sekda) in a timely manner to avoid further complications. This research is expected to contribute to the development of policy and management of local government administration in order to prevent procedural errors and legal impacts in the future.

**Keywords:** *Acting Regional Secretary, Legal Consequences, Time Limit, Acting Secretary.*

### INTRODUCTION

Local government in Indonesia is one of the important elements in the decentralisation system regulated by Law No. 23/2014 on Regional Government. Through decentralisation, the central government gives broad authority to local governments to regulate and manage their own government affairs in accordance with the principles of regional autonomy (Ibrahim, 2022). This step aims to accelerate equitable development, improve the efficiency of public services, and encourage community participation in the decision-making process. The implementation of decentralisation is inseparable from challenges, such as overlapping regulations, uneven human resource capacity, and governance issues that are often in the spotlight.

From a legal perspective, local governance is also characterised by various laws and regulations that aim to maintain the principles of legality, accountability, and transparency. However, reality shows that there are often vacancies in strategic positions in local governments, either due to slow selection processes, rotation of officials, or political dynamics that affect government stability (Kurnia et al., 2022). In a situation of ongoing political contestation, the National Civil Service Agency (BKN) reported that as many as 214 local

government agencies are facing vacant positions (BKN Public Relations, 2023). This condition raises the potential for stagnation in the implementation of local government tasks, which in turn can have an impact on public services and development effectiveness. In this case, the position of Regional Secretary (Sekda), as a key official at the regional level, plays a strategic role that is not only administrative but also substantive in bridging various policies between the local government and the central government.

In the context of local government in Indonesia, the position of Regional Secretary (Sekda) has a very vital role as the driving force of administration and policy implementation. Vacancies in this position, whether due to retirement, transfer, or other reasons, can disrupt the stability and efficiency of the bureaucracy. To overcome this, a Daily Executive (Plh) or Acting Executive (Plt) is often appointed as a temporary solution. The appointment of a Plh or Plt that is not in accordance with the predetermined time and authority limits raises significant legal and administrative issues. The appointment of a Daily Executive (Plh) or Acting Executive (Plt) is indeed regulated in laws and regulations as a step to fill a vacancy in a position on a temporary basis. However, in practice, there is a risk of abuse of authority if Plh or Plt carry out strategic tasks that should be the authority of definitive officials. This condition not only has the potential to violate the principle of legality, but can also lead to uncertainty in decision-making, especially in strategic and far-reaching policies. There is a need for stricter monitoring and regulatory mechanisms to ensure that the appointment of Plh or Plt remains in line with applicable regulations, and does not hamper the effectiveness of local government.

Regulation of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia (Permen PANRB) Number 22 of 2021 concerning Career Patterns for Civil Servants, is a regulation that regulates the guidelines and mechanisms for managing career patterns for Civil Servants (PNS) and in this case specifically the appointment of the Acting Regional Secretary (Plh). One of the important provisions in this regulation is the time limit for the term of office of the Acting Regional Secretary, which is set for a maximum of 30 days since the appointment. This provision aims to ensure that the vacancy of the position of Regional Secretary does not last too long and can be immediately filled by a definitive official or Acting Secretary who has full authority. The strategic position of the Secretary in local government requires continuity in the implementation of bureaucratic tasks and functions so that the wheels of government continue to run effectively. So it is important for the region to appoint an Acting Regional Secretary (Plh Sekda) to carry out his duties in preparing for the open bidding of the definitive regional secretary within a period of 30 days as mandated by existing regulations.

The stipulation of a time limit for the Plh Sekda's term of office reflects the importance of filling this position quickly and appropriately. The position of Regional Secretary is a key position that serves as the driving force of local government administration as well as the person in charge of policy coordination. When a vacancy occurs, even temporarily, it can have an impact on the operational stability of the bureaucracy. Therefore, the regulation of the Plh term of office in the Regulation of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia (Permen PANRB) Number 22 of 2021 concerning Career Patterns for Civil Servants provides a clear legal framework to ensure that the filling of positions is not hampered by bureaucratic processes or political dynamics that are often an obstacle at the regional level.

However, in practice, there is a possibility that the Plh Sekda continues to serve beyond the specified time limit. This can occur due to various factors, such as the slow process of appointing definitive officials, lack of coordination between the local government and the central government, or other administrative constraints (Purnomo & Dewi, 2023). The extension of the Plh's term is often considered an emergency measure to maintain the continuity of government functions. However, it also has legal and administrative consequences that should be of concern. Especially since the authority of the Plh is not comparable to that of a definitive official who has full authority.

Exceeding the term of office of the Acting Regional Secretary as stipulated in the Regulation of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia (Permen PANRB) Number 22 of 2021 concerning Career Patterns for Civil Servants has the potential to cause serious problems. Legally, a deputy secretary who serves beyond the 30-day time limit can be considered violating the principle of legality, which is one of the main pillars in governance. In addition, administratively, an acting head whose authority is limited cannot make strategic decisions that have an impact on the running of local government. This condition can create a situation of stagnation that hampers the implementation of public policies, budget management, and the delivery of services to the community.

Thus, the provisions on the term limit of the Acting Regional Secretary stipulated in the Regulation of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia (Permen PANRB) Number 22 of 2021 concerning Career Patterns for Civil Servants have a crucial role in maintaining the effectiveness of the regional government bureaucracy. Violations of this provision not only have legal implications but can also impact public confidence in governance. Therefore, it is important to ensure that every process of appointing and filling the position of Regional Secretary is carried out in accordance with the predetermined time limit in order to create good and effective governance

According to the Head of BKN Circular Letter No. 2/2019, Plh is not authorised to make decisions or take actions that are strategic in nature and have an impact on changes in legal status on personnel aspects, such as appointment, transfer, and dismissal of employees. This shows that the Plh's authority is very limited and only covers routine administrative tasks. Therefore, extending the term of office of the acting head beyond 30 days without the appointment of a definitive official or Pj can cause stagnation in strategic decision-making needed for regional progress.

In addition, the appointment of Plh or Plt that is not in accordance with applicable procedures and provisions may be considered an abuse of authority. For example, in the case of Maluku Province, the appointment of an Acting Regional Secretary by the Governor in the absence of a vacancy in the position of definitive Regional Secretary was deemed to not fulfil procedural and substantive requirements, resulting in legal issues (Steven E. Salasiwa, 2022). This emphasises the importance of regulatory compliance in the appointment of temporary officials to avoid adverse legal consequences.

To overcome this problem, there needs to be proactive efforts from local governments in accelerating the selection and appointment process of definitive officials. In addition, good coordination with the central government, in this case the Ministry of Home Affairs and the State Civil Service Agency, is needed to ensure that the appointment of Plh or Plt is carried out in accordance with

applicable regulations and does not exceed the set time limit. This is in line with the principles of good governance, which emphasise the importance of legality, accountability and transparency in every state administrative action.

The principle of good governance is a concept that is the main foundation in running government administration, including at the regional level (Noverman, 2012). These principles cover various aspects, such as accountability, transparency, participation, responsiveness, and efficiency in decision-making and public policy implementation. In the management system of a strategic position such as Regional Secretary (Sekda), the application of good governance principles ensures that every administrative process runs according to the rules, with the main objective of fulfilling the public interest effectively and efficiently. The appointment of a Daily Executive (Plh) or Acting Executive (Plt) must also be in line with this principle to maintain government stability without violating legal norms.

The stipulation of the term limit of the Acting Regional Secretary, as stipulated in Permendagri Number 22 of 2021 concerning Guidelines for the Appointment and Placement of Regional Secretary Officials, is a form of accountability in governance. Accountability demands that every public official be responsible for their authority and duties, including in the process of filling positions. With a maximum time limit of 30 days, the government ensures that the responsibility for filling this strategic position is carried out in a timely manner and according to procedures. This step also avoids any abuse of authority that could potentially harm the integrity of the bureaucracy and public trust.

Legal certainty in the term limit of the Acting Regional Secretary is a form of transparency that supports the principle of good governance. This provision provides a clear framework for stakeholders regarding the duration of an acting secretary's authority and the steps that must be taken afterwards, such as the appointment of a definitive official. This transparency is important to prevent overlapping authority or prolonged vacancies, which can disrupt public services. With strict regulations, the government provides legal assurance to the public that the bureaucracy is running in accordance with applicable rules (Dewi & Suparno, 2022). The importance of enforcing these regulations is not only to maintain the integrity of the selection process, but also to increase public confidence in the performance of the government and existing institutions.

The appointment of Plh or Plt Sekda also reflects the government's responsiveness to emergency situations, such as vacancies that can hamper government operations. Responsiveness is one of the important elements in good governance, where the government must be able to respond to changes in the situation quickly and appropriately (Tapia, 2022). However, this responsiveness must still be balanced with compliance with the rule of law. Plh appointments as a temporary measure must be accompanied by immediate efforts to appoint definitive officials, so that government responsibilities can be carried out by officials who have full authority.

Efficiency is another principle of good governance that underpins the management of the position of Regional Secretary. The stipulation of a time limit on the term of office of the acting secretary aims to ensure that the government administration process runs without prolonged obstacles. With firm rules in place, local governments expected to complete the selection process and appointment of definitive officials efficiently. This not only optimises bureaucratic performance, but also ensures that public services to the community continue to run well without being disrupted by internal administrative issues.

Then, from the perspective of state administrative law, a violation of the time limit for the appointment of the Acting Regional Secretary (Plh) can be categorised as illegal. This time limit provision is set to ensure that every temporary official is only in charge within the framework that is in accordance with the laws and regulations. If violations occur, such actions could not only undermine the principle of legality in governance, but also potentially become the basis for legal disputes. This situation risks creating legal uncertainty in local government administration and hampering the implementation of government tasks and functions as a whole.

Thus, it is important for stakeholders in local government, including the head of the region, the Regional Personnel Agency (BKD), and other relevant officials, to understand and comply with the applicable provisions related to the appointment of temporary officials such as Plh Sekda. Adherence to regulated time limits and procedures not only maintains legal integrity in bureaucratic management, but also contributes to the effectiveness of government administration. By complying with the rules, local governments can prevent adverse legal and administrative issues from arising, and create stability and public trust in a transparent and accountable bureaucratic system (Zonapos, 2024). The appointment of Plh or Plt Sekda is a temporary solution that must be done carefully and in accordance with applicable regulations. Adherence to established time limits and procedures is not only important to maintain the legality of administrative actions, but also to ensure that local governments can run effectively and efficiently for the welfare of the community.

## **RESEARCH METHODS**

This research is a normative juridical research that uses the statute approach method. As explained by Peter Mahmud in his book *Metode Penelitian Hukum (Legal Research Methods)*, the main focus of normative juridical research is on analysing the legal norms contained in laws and regulations (Mahmud, 2019). The statute approach was chosen to analyse in depth the provisions in the legal materials (laws and regulations) in this case, such as the Regulation of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia (Permen PANRB) Number 22 of 2021 concerning Career Patterns for Civil Servants, especially those governing time limits and the appointment of the Acting Regional Secretary (Plh). Through this approach, the research aims to understand the meaning and purpose of the regulation, as well as how it is applied in the context of local government. The analysis is conducted systematically by examining the relevant articles and linking them with other regulations, such as Law No. 23/2014 on Regional Government, and other legal materials to obtain a complete picture of the legal aspects studied.

The statute approach is applied through an in-depth review of legal texts to understand the relationship between applicable legal provisions and the problems studied. The initial step is to identify legal materials such as the Regulation of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia (Permen PANRB) Number 22 of 2021 concerning Career Patterns of Civil Servants in the Indonesian legislative system, including how the norms in it function to regulate the appointment of Plh Sekda. Furthermore, the analysis is conducted by comparing the provision with other relevant regulations to assess the harmonisation and synchronisation of legal norms. This approach provides a basis for evaluating whether a violation of the time limit stipulated in the law of rules could have significant legal implications.

By using the statute approach method, this research is able to provide a structured, logical, and systematic analysis of the object of study.

## **RESULTS AND DISCUSSION**

In Indonesia's local government system, the vacancy of a strategic position such as the Regional Secretary (Sekda) is a major concern because this position has an important role in coordinating the implementation of regional policies and ensuring the smooth running of government administration. When the position of Regional Secretary becomes vacant, whether due to retirement, transfer, or other reasons, local governments are faced with the challenge of immediately filling the vacancy to ensure the continuity of bureaucratic functions. As a temporary solution, a Daily Executive (Plh) or Acting (Pj) Secretary is often appointed to carry out the duties of the Secretary until a definitive official is appointed.

In the current legal norms in Indonesia, provisions on the appointment of Plh Sekda and Pj. Secretary are regulated through a number of regulations, such as Article 214 of Law Number 23 Year 2014 on Regional Government, Presidential Regulation Number 3 Year 2018 on Acting Regional Secretary, Minister of Home Affairs Regulation (Permendagri) Number 91 Year 2019 on the Appointment of Regional Secretary, and Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia Regulation (Permen PANRB) Number 22 Year 2021 on Career Patterns for Civil Servants. All of these regulations aim to provide legal clarity regarding the mechanism, duration, and authority of temporary officials appointed in the event of a vacancy in the position of Regional Secretary.

The main provision found is that the Plh Sekda's term of office is limited and does not exceed 30 days, as stipulated in Article 58 of the Regulation of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia (Permen PANRB) Number 22 of 2021 concerning Career Patterns of Civil Servants that the period of assignment of the Plh Sekda is no shorter than 3 (three) days and no longer than 30 (thirty) days. This study also found that extending the term of office of the Acting Regional Secretary beyond a predetermined limit could lead to legal complications, including the potential invalidation of decisions and the validity of actions and authorities taken by the Acting Regional Secretary. This is in accordance with Article 52 and Article 56 of Law No. 30/2014 on Government Administration, which states that administrative decisions are only valid if they are determined by authorised officials, made in accordance with procedures, and the substance of the decision is in accordance with its object.

### **Regulations for the Acting Regional Secretary (Plh Sekda) Position**

The appointment of the Acting Regional Secretary (Plh Sekda) is governed by a number of regulations that provide clarity regarding the mechanism, duration, and authority of the temporary official. Article 58 of the Regulation of the Minister of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia (Permen PANRB) Number 22 of 2021 concerning Career Patterns of Civil Servants provides clear time limits and provisions related to the position of Daily Executive (Plh) and Acting Executive (Plt) in local government, including the strategic position of Regional Secretary (Sekda). In Article 14 paragraph (2) of Law Number 30/2014 on Government Administration, it is stipulated that the Acting Secretary is an official appointed to carry out daily administrative tasks

when the definitive official is absent, such as due to illness, leave, or retirement, with a maximum term of office of 30 days from the appointment. Thus, Article 14 paragraph (2) also confirms that the acting head only carries out routine tasks and cannot make strategic policies. This limits the Plh's authority so as not to exceed the authority given to the definitive official. In contrast, in Article 14 paragraph (2) letter b Acting is an official appointed to fill a structurally vacant position with a more flexible term of office based on the mandate of the authorised official. However, this appointment also requires approval from an authorised official, such as the Governor or Minister of Home Affairs, depending on the level of the vacant position.

This article emphasises that Plh is only tasked with carrying out routine administrative functions, not strategic policies. Because, as in the previous explanation, Plh only carries out the mandate. According to the Circular Letter of the Head of the National Civil Service Agency (BKN) Number 2/SE/VII/2019 on the Authority of the Daily Executive (Plh) and Acting Executive (Plt) in Personnel Aspects, Plh does not have the authority to change the organisational structure and work procedures (SOTK), make strategic policies related to the budget, or sign important decisions, such as cooperation agreements or regional asset management that can change legal status. Plh's authority is limited to ensuring the smooth running of daily operations until a definitive or acting official is appointed. So, if the Plh's term of office has expired and the vacancy has not been filled, the Regional Head is required to immediately appoint a Pj or Plt to avoid stagnation in government. Plh appointments are made based on the hierarchy of the highest echelon below the vacant definitive official, usually from echelon II officials who meet the administrative requirements. This provision ensures that the appointment process is automatic and simple, so there is no reason to delay the implementation of daily tasks in government. However, due to their limited authority, Plhs cannot make decisions that have a strategic or broad impact (Mohammad Ashari, 2022).

Article 214 of Law Number 23 Year 2014 on Regional Government states that in the event that the Regional Secretary is unable to carry out his duties, the Regent or Mayor with the approval of the Governor as the representative of the central government may appoint an Acting Regional Secretary. This article is the legal basis for filling vacancies in the position of Regional Secretary (Sekda), which has a strategic role in local government and regional government structures as an administrative coordinator and assistant to the Regional Head (Riyan Ripaldi & Ridham Priskap, 2023). In its implementation, the filling of this position aims to ensure the smooth running of government administration and the continuity of public policy making without being disrupted by the vacancy of a definitive official. However, the implementation of this rule often faces technical and administrative obstacles that can affect the validity of the appointment of temporary officials (Ahirul Habib Padilah et al., 2022)

When a vacancy occurs in the position of Regional Secretary (Sekda), the Regent may appoint an Acting Regional Secretary (Pj. Sekda) to carry out temporary duties. Based on Article 2 paragraph (3) of Permendagri No. 91/2019 on the Appointment of Acting Regional Secretary, the period of appointment of the Acting Regional Secretary as referred to in paragraph (2) shall not exceed 5 (five) working days. Then, Presidential Regulation No. 3/2018 further regulates the term of office of Pj. Secretary, Article 5 paragraph (3) of Presidential Regulation No. 3/2018 on the Acting Regional Secretary confirms that the term

of office of the Pj. Secretary appointed by the Regent is a maximum of 6 (six) months. If the Pj. Secretary is unable to carry out his duties or for a maximum of 3 (three) months in the event of a vacancy in the position of Regional Secretary. This provision provides a clear time limit for the term of office of the Acting Secretary, so that the vacancy does not last too long. This time limit aims to encourage local governments to immediately fill the position of Regional Secretary definitively through open selection (open bidding) which is regulated in the same regulation.

### **Legal and Administrative Consequences**

Regulations related to Plh and Pj. Secretary also highlights the importance of legal certainty in regional governance. Provisions such as Article 10 paragraph (1) of Presidential Regulation No. 3/2018, which requires an open selection process to fill the position of definitive Regional Secretary within 5 (five) working days of the vacancy, demonstrate the urgency of resolving vacancies quickly. However, in practice, the process of resolving vacancies is often not optimal and even results in more complex legal complications (Alexander Boer et. al., 2010). Legal complications can also occur when the open selection process for filling the position of definitive Regional Secretary is not carried out as stipulated in Article 10 of Presidential Regulation Number 3/2018 on Acting Regional Secretary. Legal complications often arise in the open selection process for filling the position of definitive Regional Secretary, especially when there is a prolonged vacancy. One example of this occurred in Sumenep District, where the appointment of an Acting Regional Secretary exceeded the time limit set by laws and regulations.

According to Ministry of Home Affairs Regulation No. 91/2019 on the Appointment of Daily Executive and Acting Secretary, the term of office of the Acting Sekda should not exceed 6 (six) months. However, in the Sumenep case, the Acting Regional Secretary served more than the permitted period, which could lead to legal and administrative implications. A prolonged vacancy in the position of the acting secretary could hamper the functioning of the local government, given that the secretary plays a vital role in coordinating and implementing local policies. In addition, open selection processes that are not transparent or do not comply with applicable procedures can lead to legal disputes and public distrust of local governments. It is important for local governments to ensure that the appointment of the Acting Secretary and the open selection process for filling the position of definitive Secretary are carried out in accordance with applicable laws and regulations, in order to avoid legal complications and maintain the stability of local government.

For example, in Sumenep district, the appointment of an acting secretary was made after the previous secretary retired (Times Indonesia, 2018). The Sumenep district head appointed the head of the Inspectorate as acting secretary pending a decision by the East Java governor to appoint a definitive secretary. However, the prolonged appointment of the Acting Secretary without clarity on the definitive selection process may raise questions about compliance with applicable regulations. Local governments should be proactive in coordinating with the provincial government and ensuring that the open selection process for filling the position of definitive Secretary is conducted transparently, accountably, and in accordance with the provisions of laws and regulations, in order to avoid legal complications and maintain the effectiveness of local government administration.



In this context, the Plh Sekda's term of office is only allowed for a maximum of 30 days, and this is regulated to avoid uncertainty in the management of government administration. After the Plh Sekda's term of office ends, a proposal for a new Plh Sekda or Pj. Secretary to prepare for the open bidding. If the appointment has not been made within the stipulated timeframe, there will be a vacancy in the position of Regional Secretary, which risks disrupting the smooth running of the regional government. In this case, an administrative defect may arise, in which the decision taken by the Plh Sekda after the term of office ends is considered invalid because it violates applicable legal provisions. This is a form of maladministration, which is directly related to the principles of good governance, especially in terms of transparency, accountability, and administrative legality.

Furthermore, based on Article 58 of Minister of State Apparatus Empowerment and Bureaucratic Reform Regulation Number 22 of 2021 concerning Career Patterns of Civil Servants, if the acting secretary continues his duties after the 30-day term of office, the action is contrary to legal provisions. An acting regional secretary who continues to carry out his duties after the specified time limit does not have the legal authority to carry out government duties. This has serious legal implications, as all policies and decisions made during this period could potentially be considered legally invalid. This relates to the principle of legality contained in Law No. 30/2014 on Government Administration, which states that every administrative action must be carried out based on applicable law. If an official exceeds the specified time limit without the appointment of a Pj. Secretary, then his administrative actions can be sued as maladministration, which leads to abuse of authority and non-compliance with applicable regulations.

The provision limiting the term of office of the Plh Sekda to 30 days is stipulated in Permendagri Number 22 of 2021 concerning Guidelines for the Appointment and Placement of Regional Secretary Officials to ensure that temporary officials do not serve too long. This is intended to avoid legal confusion in local government, where the Plh Sekda may not have strong legitimacy to make important strategic or administrative decisions. However, in practice, the time limit is often exceeded due to factors such as the slow pace of the open selection process for filling definitive positions or administrative constraints in the regions. This creates a vulnerability to legal implications, where any decision taken by the Plh Sekda that exceeds the time limit may be deemed invalid, and the official may be subject to administrative or legal sanctions for maladministration.

Appointing an Acting Regional Secretary (Plh) to replace an Acting Regional Secretary (Pj. Sekda) who is unable to complete the open bidding process until the end of the term of office does carry significant legal and administrative risks. This is due to the very limited term of office of the Acting Secretary, which is a maximum of 30 days as stipulated in Article 58 of PANRB Regulation Number 22 of 2021. In this short term of office, the Plh Sekda only has the authority to carry out daily administrative tasks without the authority to make strategic policies. This limitation is a big challenge in starting the formation of the selection team and the implementation of the open bidding process for the definitive Secretary.

Unlike the Plh Sekda, the Acting Sekda has a longer term of office, up to three months. This allows the Acting Secretary to prepare for the open selection process more freely and effectively. Similar to the Acting Secretary, the Acting Secretary also has the authority to carry out administrative tasks, but with a

longer duration, this official can ensure that administrative and procedural requirements for open bidding can be met in accordance with applicable regulations. Thus, the choice between appointing a Plh Sekda or Pj/Plt Sekda should consider the time and administrative requirements needed to fill the vacancy of the definitive Sekda position.

The legal and administrative consequences of this decision depend on the choice made by the Regent or the authorised official in proposing the filling of the vacant position of Regional Secretary to the Governor. If the Regent proposes a Plh Sekda, then the maximum duration is only 30 days, so the time to start and complete an open bidding is very limited. Conversely, if the Regent proposes a Pj. Secretary or Acting Secretary, the duration of the term of office can reach three months, providing more time to prepare for the open selection process, starting from the formation of the selection team to the announcement of the definitive selection results.

However, these two options have different legal implications. If the term of office of the Plh Sekda or Pj. Sekda exceeds the specified time limit without any legal follow-up steps, such as the appointment of a definitive Sekda, then the decisions taken by these officials may be considered legally invalid. This may pose a risk of maladministration and instability in the administration of local government. Thus, the Regent's decision to appoint an acting Regional Secretary or Pj. Secretary must consider regulatory aspects and administrative urgency, in order to maintain the smooth running of the government while minimising the legal and administrative risks that may occur.

This condition shows that local government administration processes must be carried out with timeliness and in accordance with applicable regulations. Violations of the Plh Sekda term limit not only create legal uncertainty, but also disrupt the effectiveness of decision-making in local government. It is important to immediately fill the position of definitive Sekda to maintain bureaucratic order and ensure that government decisions can be made with legitimate authority (Anggoro, 2017). The process of filling the position should be carried out in a transparent and accountable manner, involving various relevant parties to ensure that the selected candidate meets the criteria and is able to carry out the task properly (Assyayuti, 2022). As such, clear and measurable steps need to be taken to improve the administrative system to prevent similar violations in the future. These steps should include a review of existing regulations and the development of stricter guidelines regarding the tenure of public officials, so that any violations can be avoided and the local government system can function optimally.

## **CONCLUSION**

The selection between a Daily Executive (Plh) and a Regional Secretary Official (Pj. Sekda) to fill the vacant position of Regional Secretary is a step that has different legal and administrative implications. The term of office of the Acting Secretary, which is limited to a maximum of 30 days according to Article 58 of Minister of State Apparatus Empowerment and Bureaucratic Reform Regulation Number 22 of 2021, poses a major challenge in initiating and completing the open bidding process. In contrast, the term of office of the Pj. Sekda or Plt Sekda, which is longer up to 3 months, provides more time to ensure that the selection process can run in accordance with the regulations. Decisions made by the Regent or authorised official must be made carefully, given that exceeding the specified time limit may result in serious legal consequences,

including the cancellation of administrative decisions made by the temporary official.

To avoid legal and administrative risks, the Regent or authorised official should consider the option of appointing a Pj. Secretary with a longer term duration in order to optimally prepare for the open selection process. In addition, intensive coordination with the Governor and related parties is necessary to ensure that all appointment procedures run in accordance with regulations. Local governments also need to form a competent selection team early on so that the open bidding process can be completed on time, so that the vacancy of the definitive Secretary position does not negatively impact the stability of local government. Harmonisation of regulations and strict supervision are also important steps to prevent maladministration and maintain the sustainability of good governance.

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