



Legal Reconstruction of the Mechanism for Electing and Dismissing Environmental Head in Mataram City

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Abstract

This study aims to analyze legal issues and problems in the regulation and implementation of the mechanism for selecting and dismissing the Head of the Neighborhood in Mataram City based on Mataram Mayor Regulation Number 1 of 2013 as amended by Mataram Mayor Regulation Number 14 of 2024, and to formulate an ideal legal reconstruction. The existence of the Head of the Neighborhood has a strategic role as an extension of the village head in public services and community empowerment. However, after the enactment of Law Number 6 of 2014 concerning Villages and Government Regulation Number 17 of 2018 concerning Districts, this position is no longer explicitly regulated in national regulations, thus causing disharmony, a vacuum of norms, and legal uncertainty at the regional level. This research uses a normative-empirical legal method with a statutory, sociological, and case-based approach. The results indicate normative weaknesses in the form of multiple interpretations of regulations, unclear standard procedures for selection and dismissal, and the absence of adequate oversight mechanisms. Implementationally, variations in mechanisms between sub-districts, the dominance of informal processes, and the potential for intervention by local elites are found, which have implications for weak democratic legitimacy and legal certainty. The proposed legal reconstruction includes affirming the basis of authority within a decentralized framework, formulating more detailed and operational norms, establishing accountable oversight mechanisms, and harmonizing vertical and horizontal regulations in accordance with the principles of good legal regulation. Thus, the mechanism for selecting and dismissing neighborhood heads is expected to be not only legally valid but also sociologically effective and able to strengthen the principles of local democracy and the rule of law.

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1. Introduction

The existence of the Head of the Environment is a manifestation of the concept of a democratic legal state (*demokratische rechtsstaat*) which places the people as the source of legitimacy of power. The mechanism for selecting the head of the environment is not merely an administrative procedure, but a representation of the philosophy of popular sovereignty as emphasized by Jean Jacques Rousseau regarding the general will and the idea of participatory democracy.^[1] The neighborhood, as a government unit under the sub-district, continues to exist and is sociologically recognized as a part of the sub-district

¹ Jean-Jacques Rousseau, *The Social Contract*, 1762 copyright Jonathan Bennett 2017 page 60

government organization, led by a neighborhood head. In daily governance practices, the neighborhood head carries out public service functions for the community within his/her area. The neighborhood head holds the responsibility for managing various local resources, including budgets, facilities, and neighborhood facilities, to ensure their effective utilization for the improvement of community welfare. As a leader at the community level, the Head of the Neighborhood is required to have the ability to encourage community participation in development and improve the quality of life of local residents. In this context, the Head of the Neighborhood acts as a facilitator of community participation by creating conducive social conditions, so that community aspirations and needs can be conveyed and accommodated in the policy formulation process. In addition, the Head of the Neighborhood also carries out duties as a liaison and mediator between institutions, both between local governments, communities, and other organizations. This role requires the Head of the Neighborhood to have the ability to build productive collaborative networks with various parties to support improving the welfare of the community in their area.

In daily governance practices, the Neighborhood Head performs public service functions, records population administration, maintains security and order, and promotes community participation in development activities. The Neighborhood Head also serves as a communication mediator between residents and the sub-district government, as well as a facilitator connecting the community with various local government programs. This role positions the Neighborhood Head not merely as an administrative implementer, but as a *community leader* oriented towards community-based community empowerment.

Since the enactment of Law Number 6 of 2014 until with change final Constitution Law Number 3 of 2024 concerning Villages, which no longer contains provisions regarding sub-districts, has raised issues regarding the position of the Head of the Environment. This is because regulations regarding the environment and the Head of the Environment are not found in the Law, in contrast to the previous legal regime through Law Number 5 of 1979 concerning Village Government, where Article 31 expressly regulates the environment. Because Law Number 5 of 1979 was not explicitly revoked by Law Number 6 of 2014, it can be understood that the provisions in Law Number 5 of 1979 remain in effect as long as they are not regulated again in Law Number 6 of 2014. In other words, the resolution of the relationship between the two regulations follows the principle of "*lex posterior derogat legi priori*", where the provisions regarding villages in Law Number 6 of 2014 setting aside the old provisions. However, regulations regarding the environment and the position of Head of the Environment, which is part of the sub-district, still refer to the provisions of Law Number 5 of 1979 because these norms were not re-regulated in Law Number 6 of 2014. and change final Constitution about Village Government.

In Government Regulation Number 17 of 2018 concerning Districts which replaces Government Regulation Number 73 of 2005 concerning Villages, there are also no regulations regarding the existence of the Head of the Environment. In Article 25 paragraph (2) of Government Regulation Number

17 of 2018 It is only emphasized that the Village Head in carrying out his duties and functions as regulated in paragraph (1), is assisted by the village apparatus to carry out the tasks assigned by the Sub-district Head. However, the Government Regulation does not explain further regarding the structure of the village apparatus or who is included in it. Thus, the regulation regarding the Head of the Environment as part of the village apparatus does not have an explicit normative basis in the Government Regulation.

According to Government Regulation Number 73 of 2005 concerning Villages, Community Institutions function to assist the Village Head in implementing government affairs, development, social affairs, and community empowerment. The Neighborhood Head, as part of this structure, plays a role in accommodating and channeling community aspirations, as well as encouraging active citizen participation in various community activities and in Article 11 reads "Community Institutions has the task of assisting the village head in carrying out government affairs, development, social affairs and community empowerment".^[2]

From a regulatory perspective, there is a dynamic between central and regional regulations regarding the existence of the Head of the Environment. The Central Government, through Government Regulation Number 17 of 2018 concerning Subdistrict and Home Affairs Ministerial Regulation Number 18 of 2018 concerning Village Community Institutions and Village Customary Institutions does not gave rise to the official position of Head of the Environment in the Sub-district. This provision simplifies the structure of Community Institutions including the Rukun Neighbors, Neighborhood Association, Empowerment Welfare Family, Youth Organization, Service Post Integrated and Community Empowerment Institutions without the post of Head of Environment. In contrast, the Mataram City Regional Government issuing its own policies to accommodate local needs. For example, the Mataram City Regional Regulation Number 3 of 2012 concerning Establishment of Community Institutions in Sub-districts. These regulatory differences form the basis for consideration in developing a mechanism for selecting Neighborhood Heads, taking into account the principles of decentralization and the need for community participation.

These dynamics give rise to quite complex legal issues because they touch on regional authority within the framework of autonomy, as well as legal certainty regarding the existence of the Head of the Environment position. First, from the perspective of regional authority (decentralization), Article 18 paragraph (6) of the 1945 Constitution and Law Number 23 of 2014 concerning Regional Government provide space for regions to form policies according to local needs and characteristics as long as they do not conflict with higher regulations. From a constitutional perspective, decentralization is not only interpreted as the distribution of administrative authority from the central government to the regions, but also as an instrument of democratization at the local level. Ni'matul Huda emphasized that the regulations regarding regional government in Article 18 of the 1945 Constitution must be understood as a constitutional effort to expand people's participation in the process of organizing government in the regions.^[3] In this context, the Mataram City Government can argue that the existence of a Head of

² See Article 11 Government Regulation Number 73 of 2005 concerning Sub-districts

³ Ni'matul Huda, "Decentralization and Local Democracy in a Constitutional Perspective," *Constitutional Journal*, Vol. 7 No. 5 (2010), pp. 15–17.

the Environment is a socio-administrative need for dense urban communities, so that an intermediary is needed between the village head and the village head. However, this argument remains problematic because it must be proven that the regulation does not violate the norms established by the central government. Second, the issue of a normative vacuum within central regulations has emerged. Government regulations and the Minister of Home Affairs Regulation no longer mention the Head of the Neighborhood, but they also do not explicitly prohibit regions from establishing institutional structures based on local needs in sub-districts. This vacuum has been interpreted differently by regions. The Mataram City Government interprets it as policy space, while legally it can be viewed as potential regulatory disharmony. In the principles of local democracy, direct elections for leaders at the smallest levels enhance the legitimacy and accountability of government. Active community participation in the democratic process is seen as crucial for a more transparent and responsive government to citizens' needs. Therefore, implementing a mechanism for electing neighborhood heads must have strong legal certainty, not merely an administrative requirement but a legal imperative in a state governed by the rule of law. As a practical example, Mataram Mayoral Regulation No. 1 of 2009 2013 about Mechanism and Procedures for Formation Environment and Harmony Neighbor as has amended by the Regulation of the Mayor of Mataram Number 14 of 2024 concerning Amendment to Mataram Mayor Regulation Number 1 Year 2013 about Mechanism and Procedures for Formation Environment and Harmony The Neighborhood Law stipulates that the election of the Neighborhood Head is conducted through consensus or direct election by the community. This provision essentially demonstrates that the Mataram City Government has attempted to provide space for community participation in determining leadership figures at the neighborhood level. However, this regulation remains general in nature and does not fully detail the technical procedures that would guarantee legal certainty, transparency, and accountability at each stage of the election. certainty in this election mechanism is also crucial to address the disharmony between central regulations, which no longer recognize the formal position of Neighborhood Head, and regional regulations, which still maintain it as a social and administrative necessity for the community. With clear and systematic regulations, the existence of a Neighborhood Head retains legal legitimacy at the local level, even though it is no longer explicitly stipulated in national regulations. In the context of sustainable development and responsive public services, the existence of a professional and integrity-based neighborhood head is crucial. They not only perform administrative functions but also act as social mobilizers capable of building solidarity and active citizen participation in various government programs. Therefore, the effectiveness of the neighborhood head's role is largely determined by the clarity of legal norms governing the selection process, term of office, duties and functions, and dismissal mechanisms. The lack of clarity in these regulations has the potential to give rise to conflicts of interest, intervention by local elites, and it is not uncommon to find that the election process, which should be participatory, is instead influenced by personal closeness to village officials or certain figures, thereby diminishing the essence of local democracy. Moch.

Nurhasim explained that local democracy in Indonesia is still plagued by governance issues, such as weak accountability, the dominance of local elites, and suboptimal public oversight mechanisms for lower-level government officials.^[4]

Democratic neighborhood head elections are closely linked to the community-based development paradigm. Participatory development positions communities as empowered and cultured subjects, prioritizing local initiatives and community wisdom. In this context, neighborhood heads, as facilitators of aspirations, have significant potential to foster community empowerment. Studies show that citizen participation in development decision-making significantly increases the capacity and sense of ownership (*empowerment*) of residents. Therefore, neighborhood head elections that directly involve residents are expected to foster active community participation in planning local programs and implementing sustainable development.

Although the potential for democratization in the election of the Head of the Environment is recognized, in practice there are issues. laws that influence the effectiveness of their implementation. First, there is Conflict of Norms between the Regulation of the Minister of Home Affairs Number 18 of 2018 concerning Village Community Institutions and Village Customary Institutions with Mataram City Regional Regulations Number 3 of 2012 concerning Formation of Community Institutions in the Subdistrict are not fully aligned, particularly regarding the term of office of the Head of the Neighborhood in the sub-district. This condition creates legal uncertainty in the implementation of the Head of the Neighborhood election, so that the sub-district government often has to adjust to practices in the field without clear legal certainty. Second, differences in mechanisms between sub-districts in the implementation in Mataram City, found variations in the mechanism for selecting the Head of the Neighborhood from one sub-district to another. Some sub-districts conduct elections through direct voting by residents, while others prioritize deliberations among community leaders or appointments based on informal agreements. These differences indicate the absence of uniform and binding standard operating procedures across sub-districts. As a result, the principles of legal certainty, procedural equality, and democratic justice are difficult to consistently implement. This condition also demonstrates the urgent need for legal reconstruction that can standardize the mechanism for selecting the Head of the Neighborhood without eliminating the space for community participation. Third, the dominance of informal processes in the election. In practice, the election of the Head of the Neighborhood is often conducted through deliberations by acclamation among community leaders, which ultimately results in a single candidate without open competition. Such procedures have the potential to diminish the essence of local democracy if not accompanied by firm and measurable guidelines. Therefore, clearer regulations are needed to ensure that the principles of participation, openness, and accountability are maintained in every stage of the selection of the Head of the Environment.

Some Obstacles in mechanism Election and Termination Head Environment in Mataram City including the lack of guidelines technical about stages, mechanisms election, term

⁴ Moch. Nurhasim, "Local Democracy and the Problem of Regional Governance," *Journal of Political Research*, Vol. 10 No. 2 (2013), pp. 89–92.

of office, dismissal, reporting and supervision, rules of a legal nature multiple interpretations so that vulnerable For debated, Election easy intervened politics, elections Based Personal Closeness, Seniority as well as Figure customs and/ or More Religious Figures Dominant. Minimal control and supervision provisions There is no equivalent institution to the Public Works Commission/ Bawaslu at the neighborhood level. This results in the election process being heavily reliant on the interpretation of village officials. Legal Consequences of Constraints the is the position of the Head of the Environment is problematic because it does not have a strong legal basis and is weak in guaranteeing legal *certainty*.

Issues discussed in study This is there any legal issues or problems in the regulation of the mechanism for selecting and dismissing the Head of the Environment based on Mataram Mayor Regulation Number 1 of 2013 concerning Mechanism and Procedures for Formation Environment and Harmony Neighbors as amended by Mataram Mayor Regulation Number 14 of 2024 and what just weakness in implementation Mataram Mayor's Regulation Number 14 of 2024 concerning Amendment to Mataram Mayor Regulation Number 1 Year 2013 regarding the Procedures for Establishment Environment and Harmony Neighbor to mechanism election and dismissal head environment in Mataram City.

2. Research Method

In Peter Mahmud Marzuki's critical view, legal research is a *know-how activity* in legal science, not just *know-about*. As a *know-how activity*, legal research is conducted to solve legal issues faced.^[5] The main problem of legal science is to answer questions or provide solutions to problems raised by doubts regarding the application of positive law. The main question is, referring to and within the framework of the applicable legal order, what is the most appropriate or most acceptable law for a particular concrete situation.^[6]

To find out how the research results are about Implementation of the Mataram Mayor's Regulation Number 14 of 2024 concerning Amendment to Mataram Mayor Regulation Number 1 Year 2013 about Mechanism and Procedures for Formation Environment and Harmony Neighbor Regarding the mechanism for selecting and dismissing neighborhood heads in Mataram City, with various indicators within it, as well as the main elements that must be found in accordance with the points of the problem formulation, objectives and benefits of the research, the research method is used. In general, the research method is defined as a scientific way to obtain data with certain objectives and uses.^[7]

3. Discussion

3.1. Legal Issues or Problems in the Regulation of the Mechanism for the Election and Dismissal of the Head of the Environment (Mataram Mayor Regulation No. 1 of 2013 as amended by Mataram Mayor Regulation No. 14 of 2013) 2024)

In terms of This Mataram City Government make Regional Regulation Number 3 of 2012 concerning Establishment of Community Institutions in Villages. This Regional

Regulation is the main legal basis for the existence of Village Community Institutions in Mataram City. This regional regulation not only regulates the existence of previously known community institutions, such as Neighborhood Associations (RT), Citizens' Associations (RW), Family Welfare Empowerment (PKK), Youth Organizations (Karang Taruna), and Community Empowerment Institutions (LPM), but also introduces a new institution in the community institutional structure, namely the Environment, Environment as a community unit that lies between the Village and the Neighborhood Association (RT). The presence of the Environment in Regional Regulation Number 3 of 2012 indicates the need for the Mataram City Government to form an institutional structure that is more adaptive to the social dynamics of urban communities, particularly in terms of the effectiveness of coordination, community administration services, and strengthening citizen participation in the implementation of government at the village level.

Technical arrangements regarding the formation of Community Institutions in the Sub-district was then further elaborated through Mataram Mayor Regulation Number 1 of 2013 concerning the Mechanism and Procedures for the Formation of Neighborhoods and Neighborhood Associations. The technical regulations regarding the Establishment of Community Institutions in Sub-districts are further elaborated through Mataram Mayoral Regulation Number 1 of 2013 concerning the Mechanism and Procedures for Establishing Neighborhoods and Neighborhood Associations. This regulation not only regulates the administrative aspects of Neighborhood and Neighborhood Association formation but also contains norms related to the mechanism for selecting, appointing, and dismissing Neighborhood Heads as part of the Community Institution structure at the sub-district level. However, in practice, the provisions in the Mayor's Regulation give rise to legal issues.

Mechanism Election and Dismissal regulated in Part Five Mataram Mayor's Regulation Number 1 of 2013 concerning Mechanism and Procedures for Formation Environment and Neighborhood Association, Maria Farida emphasized that a statutory regulation must fulfill the principle of clarity of formulation, which is in line with the principle of *lex certa*, namely Norms must not be vague (*vague norms*), must not be open to multiple interpretations, must be formulated in clear, systematic and definite legal language,^[8] referring to Article 6 paragraph (1) which reads “ election head environment done through deliberation consensus or through election directly by the obligatory choose those who are domiciled in the relevant area in accordance with specified requirements ”. Based on theory regulation legislation The Mayor's Regulation / Regent's Regulation may only describe, not create new norms. In this case the Mayor's Regulation creates new norms that are not mandated by Regional Regulations, Regional Regulations only recognize community deliberations, but the Mayor's Regulation adds... direct elections This is the creation of a new norm, not an elaboration. The inclusion of a direct election mechanism in the Mayoral Regulation, which is not mandated by the

⁵ Peter Mahmud Marzuki, 2014, *Legal Research*, Kencana, Jakarta, p. 57

⁶ Amiruddin and Zainal Asikin, 20 20, *Introduction to Legal Research Methods*, RajaGrafindo Persada, Depok, p. 109

⁷ Sugiyono, 2010, *Educational Research Methods (Quantitative, Qualitative and R&D Approaches)*, Alfabeta, Bandung, p. 3

⁸ Maria Farida Indrati S., *Legal Science*, Kanisius, Yogyakarta, 20 20, p. 205.

Regional Regulation, constitutes the creation of a new norm that exceeds delegative authority. In legal theory, this situation creates a normative authority flaw (*ultra vires*), vertical normative conflict, and causes the norm to lose its legitimacy and legal binding force. Furthermore, in the same paragraph, The phrase "consensus or direct election", there is no explanation of when to use consensus, when to use direct election, who has the right determine the mechanism as well as whether both have the same status or are hierarchical, As a result, this norm gives wild discretion to the committee or certain parties. In legal theory, this is called a non-operational norm (*non-self-executing norm*). More carry on in the same verse also phrase "domiciled" in the provisions for the election of the Head of the Environment contains the potential multiple interpretations because of the term domicile in Indonesia does not have a single meaning Is it administrative domicile (KTP/KK), factual domicile (real residence) as well as Does it have to be how long the stay is? This violates the principle of *lex certa* (the norm must be certain). In the election process in Indonesia, the common and clear term is actually Registered on the KTP or KK. Next The phrase "in accordance with the specified requirements" is not mentioned in this norm, meaning This norm depends on other norms as well as opens up the opportunity for the committee to freely determine the conditions. This is contrary to the principle of delegation which must not be blank *delegation* according to Jimly Asshiddiqie. Formulation of norms in Article (1) regarding the mechanism for selecting the Head of the Environment in this Mayor's Regulation does not fulfill the principles of clarity of formulation and legal certainty as stated in the legal theory by Maria Farida Indrati and Jimly Asshiddiqie. The use of the phrase *deliberation and consensus or direct election*, the term *domicile* which has multiple interpretations, and the submission of requirements to other determinants without clear normative limitations, makes this norm non-operational, opens up space for excessive discretion, and has the potential to cause irregularities and conflicts in the practice of selecting the Head of the Environment.

Furthermore, Article 6 paragraph (3) of the Mataram Mayor's Regulations stipulates that there must be at least 2 (two) candidates for Environmental Head, which is essentially an imperative norm. Based on theory legislation an imperative norm is a norm that mandates that a certain condition must be met in order for a legal action to be carried out. In this context, the election of the Head of the Neighborhood can only be carried out if there are at least two candidates who have fulfilled the requirements determined by the election committee in accordance with statutory regulations. Conceptually, the drafters of the regulation appear to assume that in every election process there will always be more than one person willing and qualified to run. This assumption describes an ideal condition (*ideal norm*) expected by the drafters of the regulation, namely the implementation of competitive elections as a reflection of the principle of participatory democracy at the neighborhood level. However, this norm is not accompanied by further regulations regarding the factual situation if this ideal condition is not met. The regulation does not specify what the committee must do if after registration and extension of the registration period there is still only 1 (one) candidate and whether the election

should be postponed, cancelled, or still held. The absence of this regulation creates a legal vacuum (*rechtsvacuum*) in a single candidate situation.

Thus, the legal problem lies in the provision of a minimum of two candidates for Head of the Environment. There are no regulations regarding the conditions for single candidates, thus creating a legal vacuum which causes the norm to be non-operational, not provide legal certainty, and not be effective in implementation in society. This condition then requires reconstruction. norms so that the regulations are able to respond to factual realities without abandoning the principle of participatory democracy in the election of the Head of the Environment.

Furthermore, in Article 6 paragraph (7) this provision is the peak of the normative problem from the previous articles, because this is where it is very clear that there is an error in the delegation of authority to form norms. In the theory of legislation, only institutions that have the attribution or delegation of normative authority may make rules that are generally binding. Election Committee ad hoc not a regulatory body does not have the authority to attribute or delegate to create norms, however this article actually leaves the election procedures to the Committee's Decision. Systematically, the entire election mechanism is not regulated in the Mayor's Regulations, but is handed over to the committee, this matter. This shows that the Mayor's Regulation has failed to carry out its regulatory function. The Mayor's Regulation no longer merely outlines, but rather creates a new model for selecting neighborhood heads, delegating the formation of norms to the election committee. In legal theory, this is called delegation of norms to unauthorized subjects (*ultra vires delegation*) and including category formal defects in the formation of norms. According to Jimly Asshiddiqie the authority to form legal norms lies solely with the makers of legislation, and cannot be transferred to administrative organs through administrative decisions or actions.^[9] Furthermore, according to Maria Farida Indrati Implementing regulations may not create new norms, let alone submit them again he confirms Implementing regulations may only regulate technical operational matters ordered by higher regulations, and may not delegate the regulation of norms to other officials or institutions.^[10] By handing over the procedures for electing the Head of the Neighborhood to the decision of the Election Committee as regulated in Article 6 paragraph (7) of Mataram Mayor Regulation Number 1 of 2013, the Mayor's Regulation has delegated the formation of legal norms to an organ that is not the one that forms the statutory regulations. This provision not only exceeds the function of the Mayor's Regulation as an implementing regulation, but also contradicts the principle of legal certainty in statutory theory. As a result, this regulation creates a flaw in authority (*ultra vires*) and has the potential to cause uncertainty in the implementation of the election of the Head of the Neighborhood at the community level. The election procedures are handed over to the decision of the committee (*beschikking*), even though they should be regulated in the *regeling* (regulations).

The provision that delegates the procedure for electing the Head of the Neighborhood to the Election Committee's Decision is a fundamentally flawed form of delegation of

⁹ Jimly Asshiddiqie, *Regarding the Law*, Rajawali Pers, Jakarta, 2006, pp. 56–62

¹⁰ Maria Farida Indrati S., *Legal Science: Types, Functions, and Content*, Kanisius, Yogyakarta, 2007, p. 192

authority in legal theory. The election procedure is a regulatory material that should be included in the Mayor's Regulation as a regulation, not in an administrative decision that is *beschikking*. This delegation of authority causes the committee to act as a norm-maker without a legitimate basis of authority, thus violating the principles of legality, legal certainty, and orderly hierarchy of laws and regulations as stated by Jimly Asshiddiqie and Maria Farida Indrati. Furthermore related to term of service or term of office head

environment that is not only impact on the mechanism termination but also has an impact on the mechanism election, because The problem that arises is not just a difference in the number of terms of office, but concerns Does the Mayor's Regulation have the authority to regulate the term of office of the Head of the Environment and what are the legal consequences when central norms change ? The norm being analyzed is the term of office of the Environment Manager as part of the Community Institution.

Table 1: Comparison Substance 4 (Four) rules based on service period

Rule	Service Period	Selectable return	Period Limit	Position Rule
Minister of Home Affairs Regulation Number 5 of 2007 concerning Guidelines Arrangement of Community Institutions	3 years	Yes	Not regulated	National
Regulation Mayor Mataram Number 1 of 2013 concerning Mechanism and Procedures for Formation Environment and Harmony Neighbor	5 years	Yes	Not regulated	Area
Minister of Home Affairs Regulation Number 18 of 2018 concerning Village Community Institutions and Village Customary Institutions	5 years	Yes	Max 2 Periods	National
Regulation Mayor Mataram Number 14 of 2024 concerning Change on Mayor's Regulation Number 1 of 2013 Mechanism and Procedures for Establishment Environment and Harmony Neighbor	5 years	Yes	Not regulated	Area

In the phase from 2007 to with 2013 before birth Mataram Mayor Regulation: The term of office of Village/ Sub-district Community Institutions is 3 years. There is no room For area change it, phase second 2013 to with the 2018 Mayor's Regulation being born The old Minister of Home Affairs Regulation is still in effect valid happen conflict direct 3-Year Minister of Home Affairs Regulation whereas 5- Year Mayor's Regulation This is a clear violation of principle *Lex superior derogat legi inferiori* And according to Maria Farida Implementing regulations may not change the substance of the norms of the regulations above them. so that Mataram Mayor's Regulation Number 1 of 2013 can it is said disabled material since birth, Next third phase Minister of Home Affairs Regulation Number 18 years 2018 changed the term of office to 5 years so that The Mayor's Regulation is visible appropriate, but new norms emerge that is can serve a maximum of 2 (two) terms of office in a way consecutive or No in a way respectively, the Mayor's Regulation does not regulate this restriction. Mayor's Regulation remain contradictory, but on the aspect of periodization. The fourth phase This is the most important phase. It has been explained that the 2018 Minister of Home Affairs Regulation limits the term to 2. The regional government has the opportunity to harmonize, but the Mayor's Regulation still states the term of office of the management. Environment is 5 (five) years since his appointment and can chose return for the term of office next. It means Normative errors are consciously maintained (*conscious norm making*), this is no longer negligence, but the formation of norms that ignore higher rules. In theory Maria Farida emphasized implementing regulations requirements that is based on clear orders, only describing, not contradictory and within the scope of authority whereas This Mayor's Regulation violate the four of them due to The Regional Regulation does not mandate the regulation of the term of office. The term of office is an institutional substance, not a technical matter which is contrary to the Minister of Home Affairs Regulation Number 5 of 2007. Minister of Home Affairs Regulation Number 18 of 2018, this is an example of an implementing regulation that is *ultra vires*. The provisions on the term of office of Environmental Administrators in the 2013 Mataram Mayoral Regulation,

which were retained in the 2024 amendments, demonstrate a pattern of norm formation that exceeds the delegative authority granted by Regional Regulations. In the 2013–2018 period, the Mayoral Regulation clearly contradicted Home Affairs Ministerial Regulation Number 5 of 2007 regarding the length of the term of office. After the issuance of Home Affairs Ministerial Regulation Number 18 of 2018, the conflict shifted to the aspect of term limitation, because the Mayoral Regulation did not adopt the norm of a two-term limitation. This condition places the Mayoral Regulation in a state of ongoing material defects, creates legal uncertainty, and has implications for the legality of the Environmental Administrator's position.

Furthermore, in article 8 paragraph (6) which reads " Election Head Environment new must done no later than 3 (three) months after Head Environment stop and/ or dismissed. This means that within 3 (three) months there must be a definitive Head of the Environment A vacancy in office is an emergency that must be immediately resolved through community mechanisms. The focus of the norm is to accelerate the election of the Head of the Environment. In theory legislation This is an imperative norm. Furthermore in matter emptiness position Head Environment inserted chapter new that is Article 8A concerning Appointment Executor Tasks, Regional Regulations only recognize The definitive Head of the Environment is the result of community deliberation, but the Mayor's Regulation introduces Acting Head of the Environment, this Acting Head was never ordered, was not known, and was not regulated in the Regional Regulation, according to Maria Farida's theory Implementing regulations must not create new norms, subjects or mechanisms that are not ordered by higher regulations This means that the Mayor's Regulation has created a new position in the structure of Community Institutions. This norm is not an elaboration but rather the formation of new norms. Furthermore, in Article 8 paragraph (1) the Sub-district Head is given the authority to appoint an Acting Head Head of Environment, Environment is a Community Institution based on community participation, but Executor task Head The environment is raised by The sub-district head through a sub-district head decree.

According to Jimly, if the mechanism for filling positions is changed, the essence of the institution will also change, this norm bureaucratizes community institutions through Mayoral Regulations. Furthermore, article 8 paragraph (4) which reads Executor Task carry out his duties for a maximum of 3 (three) months and can extended for a maximum of 3 (three) months, relevant with Article 8 paragraph (6) In practice, the election can be postponed for up to 6 months because there is an Acting, this norm weakening the imperative norms that he himself created. Article 8A systematically contradicts the spirit of Article 8 paragraph (6) in theory matter This known as conflict of norms within one regulation (internal inconsistency).

The relationship between Article 8 paragraph (6) and Article 8A of Mataram Mayor Regulation Number 14 of 2024 indicates a systematic conflict of norms. Article 8 paragraph (6) imperatively mandates that the election of a definitive Neighborhood Head be held no later than three months after a vacancy occurs, which emphasizes the importance of a community participatory mechanism. However, Article 8A introduces an Acting Officer mechanism appointed by the Sub-district Head and can serve for up to six months, thus functionally delaying the implementation of the normative order. In addition to creating a new position not recognized in Regional Regulations, this provision also grants new authority to the Sub-district Head without a legitimate basis for attribution or delegation, and shifts the character of Community Institutions from participatory to bureaucratic. Thus, Article 8A constitutes a form of exceeding authority (*ultra vires*) while also creating inconsistencies in norms within a single regulation.

Based on the overall analysis of the arrangement of the selection and dismissal mechanisms Head The environment in Mataram City in Mataram Mayor Regulation Number 1 of 2013 in conjunction with Mataram Mayor Regulation Number 14 of 2024, it can be concluded that the main problem that arises is not merely a technical administrative issue, but rather a normative flaw in the formation of laws and regulations. The Mayor Regulation has exceeded its delegative function as an implementing regulation of Regional Regulation Number 3 of 2012. Instead of explaining the norms mandated by the Regional Regulation, the Mayor Regulation actually creating a new mechanism (direct election), creating a new position (Acting Head of the Environment), delegate the formation of norms to an unauthorized election committee, regulate the period of service which is contrary to the Minister of Home Affairs Regulation, and formulate norms that do not fulfill the principle of clarity of formulation (*lex certa*), and are not operational (*non-self-executing norms*). This situation places the Mayor's Regulation in a state of *ultra vires*, material defects, vertical norm conflicts with the Minister of Home Affairs Regulation, and internal norm conflicts within a single regulation. As a result, the regulation regarding the Head of the Environment loses legal certainty, binding power, and normative legitimacy in the practice of implementing it in society. From the perspective of Legal Reconstruction Theory, this situation requires not just editorial revision, but systematic normative reconstruction so that the legal structure regarding the Mechanism Sorting and Dismissal Head The environment is back in harmony with Hierarchy of statutory regulations, Principles for the

formation of good regulations, Concept of Community Institutions as participatory institutions based on community deliberation and Principles of legal certainty and legality of authority With this reconstruction, the regulation of the Head of the Environment no longer stands on flawed norms, but has again become part of a legal system that is orderly, consistent, and in line with the principles of constitutional law and the theory of legislation as put forward by Jimly Asshiddiqie and Maria Farida Indrati. In the end, this legal reconstruction aims to restore the essence of the Environment as a participatory social institution, not a bureaucratic organ, while ensuring that every norm that regulates it has legitimate authority, legal certainty, and can be implemented effectively in community life.

3.2. Weaknesses in implementation Mataram Mayor's Regulation Number 14 of 2024 concerning Amendment to Mataram Mayor Regulation Number 1 Year 2013 about Mechanism and Procedures for Formation Environment and Harmony Neighbor to mechanism election and dismissal head environment in Mataram City

Based on results study in practice in the field the weaknesses of the Mataram Mayor's Regulation Number 14 of 2024 concerning Amendment to Mataram Mayor Regulation No. 1 of 2019 2013 about Mechanism and Procedures for Formation Environment and Harmony Neighbor to mechanism election and dismissal head The environment in Mataram City actually looks more real and more problematic. In practice, this regulation does not operate as intended, as it is subject to many gaps and multiple interpretations. The following map of weaknesses is a strong indicator of field research findings.

3.2.1. Election practices are not uniform across environments

From the results interview researchers with one of them committee election Head Environment in the Environment Monjok Banquet Kidnapping He stated "no" There is book guide special so we usually see examples from other neighborhoods or ask the sub-district office.¹¹ Furthermore, the absence of these criteria also impacts the social legitimacy of the elected neighborhood head. Neighborhood heads who emerge from open deliberations typically have strong social legitimacy because they are considered to be the result of genuine community agreement. Conversely, neighborhood heads who emerge from processes perceived as formalities or the result of committee decisions tend to be viewed as "the choice of officials," not the choice of the community. Thus, the quality of legitimacy is highly dependent on the model of practice that happens to be chosen in that neighborhood.

This phenomenon demonstrates that the Mayor's Regulation empirically does not function as a uniform technical guideline, but rather merely serves as an administrative basis that can be justified for various forms of practice. The norms that should control implementation have actually lost their control, due to the excessively broad scope for interpretation without operational boundaries.

From a legal perspective, this situation demonstrates that when the law fails to provide operational clarity, its role is replaced by custom, discretion, and local social dynamics. Norms no longer guide practice, but rather practice shapes the interpretation of norms. This is why the same provision in the

¹¹ Mahayati Sandi, Committee Election Monjok Banquet Kidnapping, interview by Researcher, Mataram 14 February 2026.

Mayoral Regulation can give rise to different patterns of neighborhood head elections in Mataram City. Thus, this empirical weakness is not merely a technical issue, but demonstrates the failure of the norm to provide definitive implementation standards. The Mayor's Regulation does not provide procedural certainty for residents and the committee, leaving the implementation of neighborhood head elections more determined by circumstances and the preferences of the implementers than by standard legal provisions.

3.2.2. Committee Becomes Mechanism determinant

In many neighborhoods, election committees not only carry out procedures but also determine who can run for neighborhood head. Because the Mayor's Regulation does not strictly detail the candidate verification mechanism, the committees have wide latitude for interpretation. In certain situations, the committees can judge someone as "worthy" or "unworthy" based on considerations that are not entirely transparent to residents. In some cases, the committees even play an active role in encouraging or hindering the nomination of certain individuals to maintain a conducive environment, according to their judgment.

Furthermore, the committee also plays a significant role in determining the voter list. Because the term "domiciled" in the Mayoral Regulation lacks clear operational boundaries, the committee must make its own decisions about who is eligible to vote. These decisions are often based on the committee's social knowledge of the residents, rather than on established legal standards. As a result, the voter list in one neighborhood can have very different criteria than in another neighborhood, even though they are both under the same Mayoral Regulation.

The committee also factually determines the selection mechanism to be used, whether through consensus or direct election. This choice is often based on practical considerations, such as ease of implementation, the social conditions of residents, potential conflict, or previous experience in the neighborhood. In other words, the choice of mechanism that should have been born from the Mayor's Regulation norms instead arose from the committee's situational discretion.

This situation empirically demonstrates that the neighborhood head election process relies heavily on the subjectivity of the committee, rather than on standard procedures established by regulations. The committee no longer simply enforces the rules, but rather actually shapes how those rules are implemented. Thus, the election process in each neighborhood is heavily influenced by the committee's methods and the dynamics of the relationship between the committee and residents.

As a result, residents often don't understand that the mechanisms they're using are actually the result of the committee's interpretation, not the standard provisions of the Mayor's Regulation. Residents tend to accept the process as "just the way things are," even though in other neighborhoods, the same rules can be implemented very differently.

This phenomenon demonstrates that the Mayor's Regulation does not provide strong enough normative control over implementation in the field. Technical gaps in the regulation leave ample room for administrative discretion, leaving the Election Committee as the primary determinant of the election mechanism. Empirically, this demonstrates that the law is no longer a guide to practice; rather, practice

determines how the law is implemented.

3.2.3. Domicile issues cause conflict among residents

lack of explanation may seem simple at the normative level, but in practice it creates recurring problems in almost every election process. Election committees are faced with factual situations that cannot be answered simply by reading the provisions of the Mayor's Regulation, because the social conditions of residents are very diverse and do not always align with population administration.

In practice, it is common to find residents who have lived in the neighborhood for years, are active in community activities, are well-known to local residents, and even own their own homes there, yet their ID cards still have addresses elsewhere. When neighborhood head elections are held, these residents feel they have the moral right to vote because they feel they are part of the neighborhood. On the other hand, there are residents who administratively have ID cards in the neighborhood, but in fact rarely live there because they work out of town or only return home occasionally. Socially, these residents are not widely known in daily community interactions, but administratively they still meet the requirements if domicile is defined based on ID cards.

In such situations, the election committee finds itself in a difficult position. The Mayor's Regulations provide no guidance on whether domicile should be defined as administrative domicile (based on a KTP), factual domicile (based on actual residence), or a combination of both. Ultimately, the committee must make its own decisions based on subjective considerations and its social knowledge of the residents. These decisions are often situational, varying from neighborhood to neighborhood, and even from one election period to the next.

As a result, the voter list established by the committee is often contested by some residents. Some residents feel their right to vote has been ignored because they were not included on the list, despite having lived in the neighborhood for a long time. Conversely, some residents' eligibility to vote is questioned because they are rarely seen in the neighborhood, but are still included because they have a local ID card. These debates usually do not escalate into major conflicts, but they are enough to cause minor social tensions, dissatisfaction, and whispers among residents.

Furthermore, this situation also impacts residents' perceptions of the legitimacy of the election process. When some residents feel that there are parties who "shouldn't have voted" or parties who "should have voted but weren't included," the election results are potentially perceived as less reflective of the true will of the neighborhood's residents. Thus, the unclear meaning of domicile issues in the Mayoral Regulation empirically directly impacts the quality of the elected neighborhood head's social legitimacy.

Phenomenon demonstrates that a seemingly simple term in the norm, "domiciled," has complex social implications in practice. The lack of an operational definition in the Mayor's Regulation forces the election committee to interpret the meaning of domicile itself, resulting in inconsistent standards for determining voting rights and relying heavily on the committee's subjective judgment. In this context, the law does not provide certainty to citizens regarding their rights, but instead leaves the resolution to social practices at the neighborhood level.

Thus, empirically it can be seen that the phrase "domiciled" which is not clearly formulated in the Mayor's Regulation is

not only a editorial issue, but is a source of minor social tension, debate between residents, and potential dissatisfaction with the process of selecting the Head of the Neighborhood in Mataram City.

3.2.4. The case of a single candidate makes the process "forced"

When this situation arises, the election committee faces a deadlock. The Mayor's Regulations provide no guidance on what to do if there is only one candidate. The election process cannot proceed because the minimum requirement of two candidates is not met, and the vacancy cannot be left unattended for too long due to ongoing administrative and public service needs.

It is in these circumstances that improvisational practices emerge. Committees often actively seek additional candidates simply to fulfill administrative requirements. Citizens who are not truly interested, not ready, or not feeling capable are encouraged or even persuaded to run simply to fill the candidate pool. Such nominations arise not from personal desire, but merely from procedural necessity.

It's not uncommon for residents who are "designated as candidates" to actually declare their unwillingness to run, but their names are still included so the election process can proceed. In practice, other residents understand that these candidates are merely administrative additions and not truly competing. This situation robs the election of its competitive significance from the outset.

In other cases, when efforts to find additional candidates are unsuccessful, the committee circumvents the situation by holding formal deliberations. The deliberations are still held, and minutes are still prepared, pretending that the residents have reached an agreement, even though all parties already know that only one figure will be appointed. The deliberations are no longer a decision-making forum, but merely an administrative legitimization of an already established situation.

A further situation, when the process is deemed too protracted or difficult to implement, involves the direct appointment of the figure without going through a substantial selection process. Residents accept this situation as normal, understanding that there is no other option, but procedurally, this process actually does not align with the normative design of the Mayoral Regulation.

This single-candidate phenomenon demonstrates that the Mayoral Regulation was not drafted with social realities at the neighborhood level in mind. While norms presuppose an ideal situation with a wide choice of candidates, practice shows limited interest in becoming neighborhood heads. When norms don't align with social reality, practices are adjusted to maintain the appearance of conformity, even when they are not.

Thus, empirically, the single-candidate case tends to turn the neighborhood head election process into an administrative machination. Procedures are still followed, documents are still complete, but the substance of the election as a participatory process and citizen choice is not truly realized. This demonstrates that the weakness of the Mayoral Regulation lies not only in its formulation of norms, but also in its inability to anticipate the real conditions of the community at the neighborhood level.

3.2.5. ASN as Acting Head of Environment is not effective

In practice, civil servants acting as Acting Village Heads (ASN) are primarily responsible for administrative tasks, such as signing letters of introduction, processing population documents, or coordinating formally with the sub-district office. However, when residents face social issues such as inter-resident conflicts, community service activities, family problems, or other community activities, they tend to turn to local community leaders, former neighborhood heads, neighborhood association heads, or trusted informal figures. This empirically demonstrates that the social function of the neighborhood head is not fully realized when the position is filled by an ASN acting as Acting Village Head.

This situation also creates a psychological distance between residents and acting civil servants. Residents feel reluctant or uncomfortable raising social issues with someone they perceive as a government official. Conversely, acting civil servants themselves often limit their role to administrative matters, feeling they lack the social legitimacy to intrude too deeply into community affairs.

As a result, there is a separation between administrative and social functions at the neighborhood level. Administrative functions are carried out by Acting Civil Servants (ASN), while social functions are informally taken over by community leaders. This dualism demonstrates that the Acting Civil Servants (ASN) are not fully capable of replacing the role of the actual Head of the Neighborhood.

Furthermore, this situation demonstrates that the bureaucratic approach implemented through the appointment of civil servants (ASN) is inconsistent with the character of community institutions, which are based on social closeness and community trust. Empirically, the position of Neighborhood Head is not one that can be effectively filled solely with formal authority, but rather requires social acceptance born of daily interactions.

Thus, empirically, it can be seen that appointing a civil servant as Acting Head of the Neighborhood is indeed able to maintain the continuity of government administration, but fails to fulfill the social function that is the core of the Head of the Neighborhood. This indicates a mismatch between the regulatory design and the social reality at the neighborhood level, resulting in the goal of filling vacant positions not being fully achieved in practice.

3.2.6. The 5-year term of service is not understood by the public

This situation indicates that term limits, intended as a mechanism for limiting power and fostering leadership regeneration at the neighborhood level, are not functioning as intended. There is no culture of periodic evaluation within the community based on the term of office. Residents do not feel they have the obligation or right to reassess the performance of the neighborhood head when his or her term ends.

Furthermore, in practice, the dismissal or replacement of a neighborhood head is more often triggered by major conflicts, personal incompatibilities, or other serious issues, rather than the expiration of a term of office. This means that the replacement is more reactive to problems, rather than proactively based on the terms of office.

This phenomenon empirically demonstrates that the five-year term of office serves only as an administrative provision on

paper, but is not embedded in the public's legal consciousness. Citizens do not use the term of office as an instrument of control over leadership in their communities. Consequently, the social control mechanisms that should arise from term limits are not functioning.

In this context, the Head of the Neighborhood is perceived more as a community figure who serves as long as social acceptance allows, rather than as a neighborhood official whose term of office is bound by regulations. This perception causes the term-of-service provision to lose its functional meaning in practice.

Thus, empirically, it can be seen that the five-year term of office provision in the Mayoral Regulation is ineffective as a tool for limiting office and does not encourage periodic evaluation by the community. The term of office is not understood as a citizen's right to assess and re-determine leadership in their neighborhood, resulting in the community's oversight mechanism for neighborhood heads not functioning as envisioned by the regulation's normative design.

3.2.7. Termination tends to be “top-down” in nature.

In practice, dismissals rarely occur due to organized citizen aspirations. Rather, dismissals are more often triggered by inharmonious working relationships, administrative issues, or communication gaps between the neighborhood head and the sub-district or higher-level government structures. This means that the dominant factor is not the community's assessment of the neighborhood head's social leadership, but rather institutional administrative considerations.

As a result, residents often only know that Head Environment they dismissed after decision the happened. They No involved in a way active in the process and not feel that termination the is results from aspirations collective society. In some case, citizen even feel surprised Because in a way social No see existence significant problems in leadership Head Environment them.

This situation empirically demonstrates that the dismissal mechanism does not operate as part of the community's social control over its leaders, but rather as part of administrative control. Ultimately, neighborhood heads are perceived as having more administrative responsibility to the community than social responsibility to the residents they lead.

Furthermore, this situation also impacts how neighborhood heads carry out their duties. Recognizing that administrative factors are more crucial to their continued tenure, neighborhood heads tend to prioritize maintaining relationships with government structures rather than building participatory communication with residents. This gradually shifts the orientation of the neighborhood head's position from community representation to administrative extension.

This top-down dismissal trend contradicts the nature of community institutions, which should be based on trust and social acceptance. Positions that should be controlled by the community are, in practice, more influenced by administrative considerations. Thus, empirically, it appears that the mechanism for dismissing neighborhood heads does not reflect community participation, but rather reflects the dynamics of government institutions.

3.2.8. There is a perception that the Head of the Neighborhood is an extension of the village head.

In the eyes of residents, the neighborhood head is often associated with paperwork, correspondence, and government

administration. When residents need a signature for a specific purpose, they approach the neighborhood head as part of an administrative procedure, not as a social figure to whom they can express their aspirations or community issues.

Furthermore, the neighborhood head's more intense communication patterns with government structures than with residents also influence this perception. Residents see the neighborhood head frequently attending formal meetings, delivering reports, and carrying out administrative instructions. Indirectly, the neighborhood head is perceived as part of the government structure, rather than as a representative of the community before the government.

This perception is further strengthened when problems arise in the neighborhood. Residents no longer view the neighborhood head as a channel for their aspirations to the government, but rather as a transmitter of government policies to them. The role, which was originally two-way—connecting residents with the government and the government with residents—shifts to one-way, communicating government affairs to residents.

As a result, the emotional connection between residents and the neighborhood head has become increasingly strained. Residents respect the neighborhood head as an administrative official, but no longer see him as a social figure who has grown up within their community. The neighborhood head is respected for his position, not for his social closeness.

This phenomenon demonstrates that the highly administrative procedural design of the Mayoral Regulation has empirically influenced how residents interpret the position of Neighborhood Head. The position, originally based on social trust, has shifted to one understood as part of the government bureaucratic system. Thus, a strong perception has emerged within the community that the Neighborhood Head is no longer a representative of the residents, but rather an extension of the government within the neighborhood.

Based on the Theory of Effectiveness, it can be concluded that this Mayoral Regulation has experienced an effectiveness failure. because the five determining factors for the effectiveness of the law are not met so that Mataram Mayor Regulation Number 14 of 2024 concerning Amendment to Mataram Mayor Regulation Number 1 Year 2013 about Mechanism and Procedures for Formation Environment and Harmony Neighborhoods are not sufficiently repaired through technical revisions, but must be reconstructed by rebuilding the norms for the election and dismissal of the Neighborhood Head based on the social culture of the residents, the legal awareness of the community, and the principle of community participation, so that the law no longer stands as an administrative rule, but becomes a law that lives and works in society.

4. Closing

4.1. Conclusion

Based on the discussion in Chapter III, it can be emphasized that the arrangement of the mechanism for the selection and dismissal of the Head of the Environment in Mataram Mayor Regulation Number 14 of 2024 is not merely a technical administrative issue, but contains normative defects in the formation of statutory regulations. The regulation exceeds its delegative function from Regional Regulation Number 3 of 2012 by creating new norms that are not mandated, delegating the formation of norms to a committee without a basis for legitimate attribution or delegation authority, and

formulating provisions that do not meet the principle of clarity of formulation (*lex certa*) so that they are multi-interpretable and non-operational. In addition, the regulation of the term of office that is vertically contradictory to the provisions of the Minister of Home Affairs Regulation and the existence of internal norm conflicts between Article 8 paragraph (6) and Article 8A shows systemic inconsistencies that have implications for authority defects, material defects, and the loss of legal certainty and normative legitimacy. As a result, the character of the Environment as a participatory community institution based on deliberation has shifted to a mechanism that is bureaucratic and administrative in nature. The empirical findings in Chapter IV indicate that implementation weaknesses lie not solely in the implementing factors, but rather in the construction of norms that do not provide uniform operational guidelines and are not aligned with the social realities of society. The ambiguity of norms gives rise to variations in mechanisms between environments, the dominance of committee discretion, administrative disputes, the formality of single candidates, the weak social function of Acting Civil Servants (ASN), and a tendency towards top-down dismissals. From the perspective of Legal Reconstruction Theory and Legal Effectiveness Theory, this condition indicates a failure in the substance, structure, and culture of the law, so that it cannot be resolved sufficiently through partial technical revisions. Therefore, a systematic normative reconstruction is needed to return the regulation of the Head of the Environment to the corridor of the hierarchy of laws and regulations, uphold the principles of good regulation formation, formulate clear and operational norms, limit uncontrolled discretion, and place the community as the primary subject so that the regulation has legal and sociological legitimacy and effectiveness in implementation.

4.2. Suggestion

Based on the normative findings in Chapter III and empirical findings in Chapter IV, a systematic reconstruction of the regulation of the mechanism for selecting and dismissing the Head of the Environment in Mataram City is needed, not just partial improvements. Therefore, a comprehensive revision of Regional Regulation Number 3 of 2012 is needed by including more explicit regulations regarding the position of the Environment, the election mechanism, term of office, and dismissal of the Head of the Environment, so that the Mayor's Regulation no longer functions as a norm-former, but purely as an implementing regulation of a technical operational nature. In addition, it is necessary to revoke and re-formulate the Mayor's Regulation by paying attention to the principle of clarity of formulation (*lex certa*), the prohibition of delegating norms to the election committee, the elimination of the Acting (Plt) norm that is not ordered by the Regional Regulation, the affirmation that the procedure for selection and dismissal must be regulated in the form of *regeling* and not *beschikking*, as well as adjustments to the term of service and limitations on the term of office in accordance with the provisions of the Minister of Home Affairs Regulation. In the process of its formation, strict attention must be paid to the theory of legislation, especially regarding the limits of delegative authority, the orderly hierarchy of norms, and the principles of forming good regulations in order to prevent the recurrence of the formation of norms that are *ultra vires*.

In practice, the mechanism for selecting a Neighborhood Head needs to be returned to the principle of participatory

community deliberation by limiting the committee's discretion to only technical aspects in accordance with standard guidelines. The understanding that the Neighborhood Head is a representative of the community, not an extension of the village bureaucracy, must be strengthened so that citizen participation in the selection, evaluation, and dismissal processes becomes part of the local legal culture. In addition, further study is needed regarding the normative reconstruction model of community institutions in urban areas, particularly regarding the relationship between the village administrative structure and community participation. Thus, the regulation of the mechanism for selecting and dismissing Neighborhood Heads in the future is expected to have normative and sociological legitimacy as well as be effective in its implementation, and reflect the character of the Neighborhood as a participatory community institution based on community deliberation.

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