

ABSTRAK

Dalam menyelenggarakan sistem administrasi pemerintahan di Indonesia dikenal penunjukan Pelaksana Tugas (Plt) Kepala Kantor Urusan Agama yang merupakan Pejabat Sementara karena Pejabat Definitif berhalangan tetap. Jabatan Pelaksana Tugas memiliki masa tugas selama 3 bulan dan dapat diperpanjang selama 3 bulan berdasarkan mandat yang diberikan oleh Atasannya. Plt tidak berwenang mengambil keputusan dan/atau tindakan yang bersifat strategis yang berdampak pada perubahan status hukum pada aspek organisasi kepegawaian dan alokasi anggaran. Namun dalam pengisian jabatan Pelaksana Tugas Kepala KUA kerap dilakukan ketika terjadi kekosongan jabatan definitif akibat pejabat sebelumnya pensiun, mutasi, meninggal dunia, atau diberhentikan. Penunjukan Plt merupakan solusi administratif yang sah selama dilakukan dengan mematuhi ketentuan waktu dan kewenangan yang berlaku. Namun, ketika pelaksanaan pengisian jabatan Plt menyimpang dari ketentuan normatif tersebut, maka muncul persoalan yuridis yang perlu mendapatkan perhatian serius. Pengaturan mengenai Pelaksana Tugas Kepala KUA diatur berdasarkan Peraturan Menteri Agama Nomor 34 Tahun 2016. Namun demikian, PMA ini tidak secara eksplisit mengatur mekanisme pengisian jabatan Plt Kepala KUA ketika terjadi kekosongan jabatan, sehingga ruang pengaturannya merujuk pada ketentuan umum yang berlaku dalam kepegawaian negara dan ketentuan administrasi pemerintahan. Oleh sebab itu, regulasi internal Kemenag turut berperan untuk mengisi kekosongan pengaturan teknis terkait penunjukan Pelaksana Tugas di lapangan. Tipe penelitian yang digunakan adalah yuridis normatif. Pendekatan (*approach*) yang digunakan dalam penelitian ini adalah pendekatan konseptual (*conceptual approach*), pendekatan perundang-undangan (*statue approach*) dan pendekatan kasus (*case approach*). Saran yang dikemukakan bahwa hendaknya perlu ditegaskan secara normatif batasan kewenangannya, khususnya dalam pengambilan keputusan strategis seperti pengangkatan pegawai, penandatanganan akta nikah yang bersifat khusus, atau pengelolaan aset KUA. Penegasan ini harus diatur dalam regulasi internal Kementerian Agama agar tidak menimbulkan konflik administratif atau hukum.

Kata Kunci : Pengisian Jabatan, Pelaksana Tugas, Plt, Kepala Kantor Urusan Agama, Peraturan Perundangan-Undangan di Indonesia

*Filling the Position of Acting Head of the Religious Affairs Office According to
Laws and Regulations in Indonesia*

ABSTRACT

In organising the government administration system in Indonesia, it is known as the appointment of the Acting (Plt) Head of the Religious Affairs Office who is a Temporary Official because the Definitive Official has permanent obstacles. The position of Executive has a term of office of 3 months and can be extended for 3 months based on the mandate given by his Superior. Plt is not authorised to make decisions and/or strategic actions that have an impact on changes in legal status in aspects of personnel organisation and budget allocation. However, in filling the position of Acting Head of KUA, it is often done when there is a definitive vacancy due to the previous official's retirement, mutation, death, or dismissal. The appointment of Plt is a valid administrative solution as long as it is done by complying with the provisions of time and applicable authority. However, when the implementation of the filling of the Plt position deviates from the normative provisions, there are legal issues that need to receive serious attention. The regulations regarding the Acting Head of KUA are regulated based on the Regulation of the Minister of Religion Number 34 of 2016. However, this PMA does not explicitly regulate the mechanism of filling the position of Acting Head of KUA when there is a vacancy, so the regulation space refers to the general provisions that apply in state personnel and government administration provisions. Therefore, the internal regulations of the Ministry of Religion also play a role in filling the gaps in technical regulations related to the appointment of Executives in the field. The type of research used is normative juris. The approach used in this study is conceptual approach, statute approach, and case approach. The advice put forward is that the limits of its authority should need to be normatively emphasised, especially in strategic decision-making such as the appointment of employees, the signing of a special marriage certificate, or the management of KUA assets. This affirmation must be regulated in the internal regulations of the Ministry of Religion so that it does not cause administrative or legal conflicts.

*Keywords: Position Filling, Acting, Acting, Head of the Religious Affairs Office,
Laws and Regulations in Indonesia*