

## PRINCIPLE OF BENEFIT AND PUBLIC INTEREST: REFUSAL OF PROCUREMENT OF ELECTRIC SERVICE CARS BY THE MAYOR OF SOLO

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**ABSTRACT;** The General Principles of Good Governance are one of the main references applied by many countries in the world, especially developing countries as an effort to improve their governance systems. The General Principles of Good Governance are needed to limit the government's authority so as to avoid excesses of authority as well as a basic reference for achieving an appropriate policy. The purpose of conducting this research is to find out the application of the principle of public interest and the principle of benefit for the realization of "good governance" in the government of Gibran Rakabuming Raka, especially in his policy of refusing to procure electric cars as official vehicles contained in Presidential Instruction Number 7 of 2022. This research was conducted by using normative juridical research methods with data taken from previous research literature, legal literature, legal scientific journals, laws and regulations, online news, and others, which then resulted in a conclusion that the policy taken by Gibran Rakabuming Raka in rejecting procurement electric cars for official cars refer to the Principles of Public Interest and the Principle of Benefit.

**Keywords:** Official Car; Gibran; The General Principles of Good Governance.

### INTRODUCTION

The state is an organization that has a purpose.<sup>1</sup> The goals of the Indonesian state are stated in the preamble of the 1945 Constitution which reads, "... to form an Indonesian state government that protects the entire Indonesian nation and all of its bloodshed and to promote public welfare, educate the nation's life, and participate in carrying out world order based on freedom, eternal peace and social justice...". In order to realize the goals and ideals of the nation, the condition is to create state administrators who are able to carry out their functions and duties seriously and responsibly.

In Indonesia, there is a regional autonomy system in which there is a principle of decentralization which has elements to regulate the transfer of authority from the central government to regional governments independently of the regions. With decentralization, local governments can further develop all their regional potentials.<sup>2</sup> To support the realization of regional autonomy, it is necessary to have broad, real and responsible powers in the regions in an appropriate and fair manner. In administering the state, the government or state administrators do not always act according to the applicable regulations, but also according to their own initiative, as long as the government can be held accountable for their actions. Therefore, the general principles of good governance are needed because of concerns arising from government actions that are considered detrimental to society and as a measure of the correctness of government actions. General principles of good governance are needed to limit government authority and avoid abuse of authority.<sup>3</sup>

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<sup>1</sup> R.Y. Gandaria, IMPLEMENTASI ASAS-ASAS UMUM PEMERINTAHAN YANG BAIK (AAUPB) DALAM MEWUJUDKAN PRINSIP GOOD GOVERNANCE AND CLEAN GOVERNMENT DI PEMERINTAHAN DAERAH," *Lex Administratum* 3, no. 6 (n.d.): 5–13.

<sup>2</sup> Ade Firli Julianty and Dzunuwanus Ghulam Manar, "Analisis Implementasi E Budgeting Dalam Mendukung Transparansi Pada Pemerintah Kota Surakarta," ed. G. Balint et al., *Journal of Politic and Government Studies* 9, no. 04 (September 9, 2020): 149–162, accessed November 28, 2022, <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/28673>.

<sup>3</sup> Ridwan HR, *Hukum Administrasi Negara* (Jakarta: Rajawali Pers, 2006).

Good governance is one of the most important references used by many countries in the world, especially developing countries, when they try to improve their governance system.<sup>4</sup> This paradigm shift is caused by a paradigm shift from government to governance, the form of socio-political interaction between government and society in dealing with complex, dynamic, and diverse problems. In the UNDP document, good governance is the use of economic, political and administrative power in managing government affairs at all levels. The main key in realizing good governance is state administration. State administrative law has a very close relationship with the general principles of good governance because in almost all sectors of government there is an administrative system to run it, good relations between the state apparatus and its people. The general principles of good governance are a bridge between legal norms and ethical norms.

The general principles of good governance are the same as the principles of democracy which require that the highest power and sovereignty remain in the hands of the people, so that all policies of the state apparatus are always related to the interests of the people. One of the development steps in implementing the general principles of good governance is the creation of a government that is transparent and responsible in administering the APBD, a balance between fulfillment of rights and obligations, motivation in every decision-making, legal certainty, and so on. In this case, the author would like to take a deeper look at the application of the principles of public interest and the principle of benefit in order to realize good governance in Gibran Rakabuming Raka's administration as Mayor of Solo for the 2020-2025 period in relation to the Presidential Instruction concerning the transition of regional heads' official vehicles to electric vehicles.

On September 13, 2022, President Joko Widodo signed Presidential Instruction Number 7 of 2022 concerning the Use of Battery Electric Vehicles as Operational Service Vehicles for Government Agencies and Regional Governments. The purpose of the Presidential Instruction is to accelerate the implementation of the battery electric vehicle program. In the Presidential Instruction, the President directs Governors, Regents and Mayors to compile and stipulate regulations for local governments to accelerate program implementation, encourage local business actors to increase the use of various types of electric vehicles and create synergies as well as supervise regional apparatuses in each work unit to supervise the development of electric vehicles, report on the development of battery electric vehicles, and provide fiscal and non-fiscal incentives in the form of convenience and priority for users of electric motorized vehicles. The President's instruction to regional heads to immediately switch to electric-powered official vehicles has direct implications for the survival of future generations. The existence of this Presidential Instruction is a manifestation of the government's concern for future generations, because of the urgency of having to hasten the transition from fossil-fueled vehicles to electric vehicles that are environmentally friendly, we must look at the things that underlie the policy, namely the issue of climate change which has long-term effects. The existence of the Presidential Instruction which specifically instructs regional leaders to prepare and stipulate regional head regulations and budget allocations in order to support the acceleration of the implementation of the electric official car program. Various reactions to the existence of this Presidential Instruction emerged from several regional heads, one of which reacted positively was the Governor of West Java, namely Ridwan Kamil, he welcomed the instruction positively and had the ambition to make West Java the first province in Indonesia to use electric cars as official cars. . However, the opposite reaction came from the Mayor of Solo, namely Gibran Rakabuming Raka. According to Gibran Rakabuming Raka, the purchase of an electric car for official car purposes must be postponed because it intersects with the priority scale of budget allocations which are currently focused on economic recovery in Solo. Gibran thinks that what the people of Solo need right now are adequate public facilities such as markets, smart parks, and other facilities. The decision of the Mayor of Solo is the focus of discussion in this article, the implementation of which will be reviewed according to the principles of public interest and the principle of benefit.

## **PROBLEM**

1. How is the policy of refusing electric official cars by the Mayor of Solo when viewed from the principle of benefit and the principle of public interest?

## **RESEARCH METHODS**

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<sup>4</sup> Melani Dwiyaniti Selamat, "PENERAPAN PRINSIP PEMERINTAHAN YANG BAIK DALAM PENYELENGGARAAN PEMERINTAHAN DAERAH (SUATU STUDI PADA SEKRETARIAT DAERAH KABUPATEN KEPULAUAN SIAU TAGULANDANG BIARO)," *Governance* 5, no. 1 (2013).

The research method used by the author is normative juridical, namely by collecting library study data that refers to laws and regulations, legal writings, legal literature, legal journal articles, as well as online news that is relevant to the issues discussed. The data and materials obtained were analyzed descriptively-qualitatively to find answers to the problems discussed in this paper.

## DISCUSSION

### 1. Application of the principle of public interest

Based on the 2014 Government Administration Law, the principle of public interest is a principle that prioritizes public welfare and benefit in an aspirational, accommodative, selective and non-discriminatory manner. The elements contained in the principle of public interest based on the 2014 Government Administration Law are prioritizing public welfare and benefit and the principle of public interest requires, as a general principle, that the public interest is always above personal and group interests in every decision that embodies the fulfillment of duties principal of the official.<sup>5</sup> The principle of public interest plays a very important role in the administration of government because this principle is important so that civil servants such as civil servants prioritize the public interest by understanding and taking into account the wishes and wishes of the people and not the interests of certain groups or groups. According to Jazim Hamidi, the basis of public interest is national, nation and state interests, development interests, community interests and the basis of laws and regulations.<sup>6</sup> However, for the sake of the public interest, private interests are limited because the public interest is essentially included in social and national interests based on the principle of social justice for all Indonesian people.<sup>7</sup> According to Kuntjoro Purbopranoto, the weakness of the principle of public interest is rigid and requires long-term changes, but it is not matched by fast movement to see the dynamics of life today.<sup>8</sup>

Currently, almost 95 percent of Indonesia's energy needs come from fossil fuels, which consist of 50 percent of fuel oil (BBM), and the rest is gas and coal.<sup>9</sup> The biggest fuel user is from the transportation sector, which is then followed by the household, industrial and power generation sectors. Based on data from the Central Bureau of Statistics in 2020, the number of motorized vehicles in Indonesia has reached 136.13 million vehicles.<sup>10</sup> This has an impact on increasing the level of global warming which can cause extreme climate change.<sup>11</sup> The issue of increasing levels of global warming which can cause climate change is currently a hot issue for discussion and is the main focus for countries around the world in reducing carbon emissions. In addition, in this century, it is not humans fighting nature to survive, but humans, to survive, must protect nature. Therefore, alternative energy is needed other than fuel which is more environmentally friendly and does not damage the environment such as electric cars. Electric cars are a means of transportation that are environmentally friendly because they have no pollution or exhaust emissions and can meet people's mobility needs, and can help reduce the impact of global warming.<sup>12</sup>

The development of electric cars is a shared responsibility of all levels of world society to create a brighter future and mitigate extreme climate change. The government has an obligation to preserve the environment in accordance with the Sustainable Development Goals (SDGs) by developing electric cars. This can be observed with the Presidential Decree No. 55 of 2019 concerning the Acceleration of the Battery-Based Vehicle Program for road transportation. The existence of this Perpres shows that the priority of the Indonesian government is to accelerate the development and deployment of electric vehicles in Indonesia and is a form of the Indonesian government's commitment to reducing carbon emissions. In addition, at a forum with Stakeholders, the Minister of Energy and Mineral Resources agreed to stop selling fossil fuel

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<sup>5</sup> Cekli Setya Pratiwi et al., *Penjelasan Hukum ASAS-ASAS UMUM PEMERINTAHAN YANG BAIK* (Jakarta: Penerbit Lembaga Kajian dan Advokasi untuk Independensi Peradilan (LeIP), 2016), 88.

<sup>6</sup> Jazim Hamidi, *Penerapan AAUPPL Di Lingkungan Peradilan Administrasi Negara* (Bandung: Citra Aditya Bakti, 1999).

<sup>7</sup> Pratiwi et al., *Penjelasan Hukum ASAS-ASAS UMUM PEMERINTAHAN YANG BAIK*, 89.

<sup>8</sup> Ibid., 88.

<sup>9</sup> Angling Nugroho Kemenangan, "Mimpi Mobil Listrik Nasional Dan Dukungan Terhadap Ekonomi Hijau," *Kemenkeu Learning Center*, last modified 2022, <https://klc2.kemenkeu.go.id/kms/knowledge/mimpi-mobil-listrik-nasional-dan-dukungan-terhadap-ekonomi-hijau-76953cfc/detail/>.

<sup>10</sup> Cindy Mutia Annur, "Jumlah Kendaraan Bermotor RI Capai 136,13 Juta Pada 2020, Pulau Jawa Terbanyak," *Databoks Katadata*, last modified 2021, accessed November 28, 2022, [https://databoks.katadata.co.id/datapublish/2021/11/29/jumlah-kendaraan-bermotor-ri-capai-13613-juta-pada-2020-pulau-jawa-terbanyak#:~:text=Transportasi %26 Logistik-,Jumlah Kendaraan Bermotor RI Capai 136%2C13,Pada 2020%2C Pulau Jawa Terbanyak&text=Badan.](https://databoks.katadata.co.id/datapublish/2021/11/29/jumlah-kendaraan-bermotor-ri-capai-13613-juta-pada-2020-pulau-jawa-terbanyak#:~:text=Transportasi%20Logistik-,Jumlah Kendaraan Bermotor RI Capai 136%2C13,Pada 2020%2C Pulau Jawa Terbanyak&text=Badan.)

<sup>11</sup> Kemenangan, "Mimpi Mobil Listrik Nasional Dan Dukungan Terhadap Ekonomi Hijau."

<sup>12</sup> Ibid.

vehicles in 2040 in Indonesia. Another manifestation of the Indonesian government's commitment is that on September 13, 2022, President Joko Widodo signed Presidential Instruction Number 7 of 2022 concerning the Use of Battery-Based Electric Motorized Vehicles as Operational Service Vehicles and/or Individual Vehicles for Service of Central Government Agencies and Regional Governments. The Presidential Instruction aims to accelerate the implementation of the program for using battery-based electric motorized vehicles. In the Presidential Instruction, the President gives instructions to the heads of level I and II regions to make regional head regulations and budget allocations in order to support the acceleration of program implementation, encourage Regional Owned Enterprises (BUMD) to increase the priority for the use of electric vehicles, carry out monitoring of each government unit in the regions about the extent of the use of electric vehicles in their environment, provide reports on the development of electric vehicles, and provide a number of incentives and priorities for electric vehicle users.

With this presidential instruction, various responses emerged from Governors, Regents and Mayors in every region in Indonesia. One of them is West Java Governor Ridwan Kamil who issued a conversion policy to electric cars starting in 2021, with West Java targeting to become the first provincial government in Indonesia to use electric cars for official purposes.<sup>13</sup> However, this is different from the response from the Mayor of Solo, namely Gibran Rakabuming Raka, who deleted the budget plan for the procurement of electric car budgets contained in Presidential Instruction (Inpres) Number 7 of 2022. Gibran sees that the urgency and priority scale for the current city of Solo is accelerating economic recovery. , not electric cars used by government employees.<sup>14</sup> The budget for the procurement of electric cars will be diverted for public purposes needed by the community, such as the construction of traditional markets, roads, smart parks and others. According to Gibran, the purchase of electric cars will be postponed if you see the current priority scale, namely for economic recovery.

The policy taken by Gibran Rakabuming Raka as Mayor of Solo is a form of prioritizing public welfare and benefit in an aspirational, accommodative, selective and non-discriminatory manner, and does not prioritize personal and/or group interests. This means that what was done by Gibran Rakabuming Raka is a form of implementing the principle of public interest in an effort to realize good governance. The interests of the electric car budget are considered only for government groups or official needs, while those who really need the benefits of this budget are the people of Solo. Even though by disobeying the president's instructions and not helping the central government to reduce carbon emissions by using electric cars as stated in the Sustainable Development Goals (SDGs), given the fact that the current priority scale in the city of Solo is post-covid-19 economic recovery, where the car budget electricity that is only intended for certain groups, namely by the government, can be diverted for the public interest.

## 2. Application of the principle of benefit

Being part of the state administration means having to have the ability to determine how appropriate a policy is for the situation currently being experienced by the country as well as the scale of priorities that must be taken into account. The benefit of a policy must also be taken into account before the policy. Therefore, there is a principle called the principle of benefit which is an indicator of good governance which is included in the list of General Principles of Good Governance. According to the 2014 AP Law, what is meant by the principle of benefit is how to pay attention to the balance between the benefits and interests of various parties. Of the many benefits that need to be considered, what is the subject of discussion in this article is the interests of the current generation and the interests of future generations because the author feels that this is closely related to the Solo mayor's policy towards electric vehicles.

The nature of fossil fuels which when used will produce air pollution which is very dangerous and far from being environmentally friendly is now a serious threat to plants, animal life and human health. Lots of harmful pollutants are produced from burning fossil fuels. But many people choose to downplay this. For example, smoke; one of the most dangerous pollutants that has been underestimated and ignored by people. Most of the smoke consists of ground-level ozone, carbon

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<sup>13</sup> Luthfi Faris Satria and Amirul Nefo, *DESAIN ELECTRIC VEHICLE BERJENIS CROSSOVER UNTUK KENDARAAN DINAS GUBERNUR JAWA BARAT DENGAN STUDI ESTETIKA KENDARAAN SINGABARONG CIREBON*, 2021, <https://eproceeding.itenas.ac.id/index.php/fad/article/view/121/101>.

<sup>14</sup> Rosyid, "Gibran Ogah Mobil Listrik: Saya Siap Disanksi, Saya Siap Dipecat.," *CNN Indonesia*, last modified 2022, <https://www.cnnindonesia.com/nasional/20221103181924-20-869215/gibran-ogah-mobil-listrik-saya-siap-disanksi-saya-siap-dipecat>.

monoxide, and various dust particles. This ozone is not the same as the ozone layer to protect the earth from ultraviolet. Ground-level ozone is a pollutant that has various effects that can harm the human body. Ground-level ozone can irritate the eyes and damage the air sacs in the lungs – where oxygen and carbon dioxide are exchanged – causing shortness of breath, headaches, nausea, and exacerbating respiratory problems such as asthma. Yes, indeed most of the smoke is produced in urban areas. But the wind that blows can carry it to the countryside or even to another city. This shows that the problem of pollution knows no boundaries and can easily become a global problem.<sup>15</sup> Seeing how dangerous the use of fossil fuels is for the environment, switching to vehicles with environmentally friendly energy sources - such as electricity - is a must to ensure a healthy and decent life for future generations.

On the other hand, Indonesia is currently in a phase of economic recovery after being hit by a global crisis storm that began with the Covid-19 pandemic, which was then followed by the Russia-Ukraine war, which has yet to end. Many budget allocations that should have been earmarked for a particular need were then diverted to accelerate economic recovery. Regarding the transition to electric official cars, the Mayor of Solo, Gibran Rakabuming Raka, had time to express his opinion. He expressed the following opinion, "We'll look at the urgency and priority scale. If you want to buy a car, I don't think the timing is right. We're trying to speed up economic recovery." it's still expensive, the choices are still few. And I can still use this old car. That's why we're shifting the budget to something else first." "For car purchases to be postponed first to build smart parks, build markets, road repairs I think are more important. This is just a matter of priority scale."<sup>16</sup>

Gibran's opinion is quite reasonable considering that Indonesia's current economic priority is to restore the economy which was previously in shambles. Although it seems to delay the preparation of the needs of future generations, what he is doing is not without reason. Seeing that there are many needs whose fulfillment is considered quite urgent while the existing budget is full of limitations, postponing other needs that may be postponed can be a solution. Gibran's decision can be said as a manifestation of the state administration's efforts to carry out the principle of benefit as well as possible.

## CONCLUSION

The application of the principle of public interest and benefit to the policies taken by Gibran Rakabuming Raka was realized by eliminating the official electric car budget, which was then diverted according to the main priorities of the City of Solo, namely for the public interest such as the construction of public facilities: the construction of traditional markets, roads, smart parks, and others and reviewing its benefit, it turns out that the current generation, which has just gone through the global economic crisis, feels it is appropriate to be a priority allocation from the existing budget. This policy, although not in accordance with Presidential Instruction (Inpres) Number 7 of 2022 concerning the Use of Battery-Based Electric Motorized Vehicles as Operational Service Vehicles and/or Individual Vehicles for Service of Central Government Agencies and Regional Governments, Gibran prioritizes public welfare and benefit in an aspirational way, accommodative, selective and non-discriminatory, and does not prioritize personal and/or group interests. In addition, even though with this policy Gibran did not help the central government in terms of reducing carbon emissions in the issue of climate change due to global warming, Gibran sees that for the time being the interests of Solo residents in terms of public facilities and economic recovery are prioritized over the procurement of electric official cars which is only used for personal service purposes.

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<sup>15</sup> Gayatri Dyah Suprobowati and Sahid Yudhakusuma Kalpikajati, "The Urgency of Using Electric Vehicles and Creating an Adequate Legal Ecosystem," *Proceedings of the International Conference For Democracy and National Resilience (ICDNR 2021)* 620, no. Icdnr (2022): 61–64.

<sup>16</sup> Labib Zamani, "Alasan Gibran Hapus Anggaran Pembelian Mobil Listrik: Timing-Nya Tidak Pas, Kita Sedang Lakukan Percepatan Pemulihan Ekonomi," *Kompas.Com*, last modified 2022, accessed November 23, 2022, <https://regional.kompas.com/read/2022/11/02/121432078/alasan-gibran-hapus-anggaran-pembelian-mobil-listrik-timing-nya-tidak-pas>.

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