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## The Authority Relationship: Regional Head and His Deputy in the Regional Autonomy

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**Abstract :** The study aims to examine the Regional Head authority in the regional autonomy and to investigate the authority relationship between the Regional Head authority and his Deputy from legal and political perspectives. This study employed a doctrinal research method involving legal material sources (the laws and regulations), court decisions/judgments, legal theories, and scholars' perspectives. The findings revealed the Regional Head authority is clearly stated in Article 65 of Law Number 9 of 2015 concerning Regional Government, such as to lead the implementation of government affairs--the regional authority based on the laws and policies established with the DPRD, to maintain public peace and orderliness, and to compile and to submit regional regulations draft. Normatively, the Regional Head and his Deputy have their respective duties, the authority relationship. In this case, the Deputy Regional Head assists the Regional Head in the governance to acquire the fullest services for the community. In short, in terms of authority, the Regional Head is an extension of the President-- the full holder of government power. In terms of the authority relationship, different opinions between the Regional Head and his Deputy are frequently occurred as in the political views

**Keywords:** Authority, Regional Autonomy, Relations

### *Relasi Kewenangan Kepala Daerah dengan Wakil Kepala Daerah dalam Kerangka Otonomi Daerah*

**Abstrak :** Tujuan dari penelitian ini yaitu mengkaji kewenangan Kepala Daerah dalam sistem otonomi daerah, dan mengkaji bagaimana hubungan kewenangan antara Kepala Daerah dan Wakil Kepala Daerah dalam perspektif hukum dan politik. Metode yang digunakan dalam penelitian ini adalah metode penelitian doktrinal yakni menggunakan sumber bahan hukum yang berupa peraturan perundang-undangan, keputusan/ketetapan pengadilan, teori hukum, dan pendapat para sarjana. Hasil penelitian menunjukkan bahwa kewenangan yang dimiliki Kepala Daerah sudah sangat jelas tertuang dalam Pasal 65 Undang-Undang Nomor 9 Tahun 2015 tentang Pemerintahan Daerah yang salah satunya adalah memimpin pelaksanaan urusan pemerintahan yang menjadi kewenangan daerah berdasarkan ketentuan peraturan perundang-undangan dan kebijakan yang ditetapkan bersama DPRD, memelihara ketenteraman dan ketertiban masyarakat, menyusun dan mengajukan rancangan Perda. Adapun relasi kewenangan antara Kepala Daerah dan Wakil Kepala Daerah secara normatif memiliki tugas masing-masing dimana Wakil Kepala Daerah dalam hal ini membantu Kepala Daerah dalam hal penyelenggaraan pemerintahan untuk mewujudkan pelayanan yang optimal bagi masyarakat. Simpulan bahwasannya secara kewenangan Kepala Daerah merupakan kepanjangan tangan dari Presiden sebagai pemegang penuh kekuasaan pemerintahan, namun dalam hal hubungan kewenangan antara Kepala Daerah dan Wakil Kepala Daerah sering terjadi perbedaan pendapat salah satunya disebabkan perbedaan pandangan politik.

**Kata Kunci:** Kewenangan, Relasi, Otonomi Daerah.

## INTRODUCTION

In Indonesia, the dynamics of regional government administration keep adjusting to changes in the political-legal constitution which have altered several times. For instance, the old order, the new order, and the current order of reform. The election of a unitary state, a decentralized system, is set as the basis for establishing autonomous regions. It has become an alternative since the inception of the

Indonesian state.<sup>1</sup> A unitary state chosen by Indonesia's independence originator brought long-term consequences. According to Jimly Asshiddiqie,<sup>2</sup> the discussion on the form of government (staatsvormen) is related to choices between unitary state (eenheidsstaat), federal (bonds-staat), or confederation (Staten-bond). However, the concept of a centralist unitary state was not adopted. It is more to the concept of dispersal of power. The Republic of Indonesia as a unitary state adheres to the principle of decentralization in the government administration providing opportunities and flexibility for regions to carry out regional autonomy. Based on the provisions of Article 18 of the 1945 Constitution of the Republic of Indonesia after the amendments, it is stated that regional governments run the widest possible autonomy, except for government affairs which are determined by law to be the affairs of the central government.<sup>3</sup> In nation-state life, there is always a tug of war between power. Regardless, this greed can violate the principles of state law, democracy, and human rights. The state is actually a construction created by human beings (human creation), relations patterns between humans in social life which are organized in such a way to meet common interests and goals.<sup>4</sup>

Decentralization is a concept implies a delegation of authority, the central government to lower-level governments to manage their own territory. Decentralization aims to further improve the efficiency and effectiveness of government service functions to all social levels. This means decentralization shows a vertical building of state power. In Indonesia, decentralization is adopted and then manifested in the form of regional autonomy.<sup>5</sup> Regional autonomy as stated in Article 1 paragraph (6) of Law Number 23 of 2014, Regional Government, is stated as autonomous regions' right, authority, and obligation to regulate and manage their own government affairs and local communities interest in the Unitary State system of the Republic of Indonesia. Regional autonomy as a manifestation adoption of decentralization is expected to provide the best service to the community. Referring to Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, it determines the positions of Governor, Regent, and Mayor and does not determine the position of deputy regional head. Another article explicitly stipulates the existence of a vice president position. In carrying out his obligations, the president is assisted by one vice president. The positions of Deputy Governor, Deputy Regent, and Deputy Mayor are not regulated in the 1945 Constitution of the Republic of Indonesia. Therefore, the regulation on deputy regional head's positions, duties, functions, as well as filling and dismissing the positions is stipulated in the Act.

The decentralization design was stipulated by Law Number 22 of 1999 concerning Regional Government which was later replaced and refined again by Law Number 32 of 2004 and further refined into Law Number 23 of 2014, Regional Government. Practically, every Regional Head and Deputy Regional Head, either province or district/city are directly elected by the people since 2004. This indicates this assumption process of democracy, the realization of People's Government (demos

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<sup>1</sup> This can be seen in the 1945 Constitution which was ratified on August 18, 1945, is regulated in Article (1) stating that Indonesia is a Republic Unitary State. This is related to Article 18, the division of Indonesia's territory into large and small regions, its government structure is determined by law, taking into account and remembering the basis of deliberation in the state government system, and the origin rights in special regions. Sri Kusriyah, *Politik Hukum Desentralisasi & Otonomi Daerah dalam Perspektif Negara Kesatuan Republik Indonesia*, Unissula Press, Semarang, 2019, p. 1.

<sup>2</sup> Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Sinar Grafika, Jakarta, 2011, p. 259.

<sup>3</sup> Weni Aprila, *Analisis Pelaksanaan Fungsi Badan Permusyawaratan Desa (BPD) Dalam Penyelenggaraan Pemerintahan Desa Di Desa Kolek Kecamatan Sangkulirang Kabupaten Kutai Timur*, eJournal Ilmu Pemerintahan, Samarinda, 2020, p.355.

<sup>4</sup> Jimly Asshiddiqie, *Pengantar Hukum Tata Negara*, PT RajaGrafindo Persada, 2015, p. 11.

<sup>5</sup> Sulila dan Ismet, *Implementasi Dimensi Layanan Publik Dalam Konteks Otonomi Daerah*. Deepublish, Yogyakarta, 2015, p.1

crateiri) is done by bringing the power closer to the people which is derived from the will and choices of the people.<sup>6</sup>

The Deputy Regional Head position for the district/city government level has only existed since the enactment of Law Number 22 of 1999, Regional Government. Meanwhile, in the provincial government, the Deputy Governor position had already existed. Only, at that time, it was appointed directly by the Governor. Along with the era of regional autonomy, such a position exists at the district/city government level and the provincial government and is selected in a package with the regional head by the Regional People's Representative Council. Based on Law Number 32 of 2004, regional heads and deputy regional heads are elected directly by the people.<sup>7</sup> If there is no deputy regional head position, the regional government authority is practically on the regional head. It was only after the existence of deputy regional head since the enactment of Law Number 22 Year 1999, the regional head and his deputy shared roles and tasks. This then raises a new problem, the disharmony possibility that can disrupt regional government. Based on Article 26 paragraph (1) of Law Number 32 of 2004 concerning regional Government, the deputy regional head assists regional heads in administering the regional government, coordinating vertical agencies activities in the regions, following up on reports and or findings the results, supervising the supervisory apparatus, applying the empowerment of women and youth, and seeking the development of socio-cultural and environmental preservation.

In addition, the deputy regional head also monitors and evaluates the implementation of regional government activities, carries out other government duties and obligations assigned by the regional head, and covers the regional head's duties and authorities in his absence. If you look closely, the duties of deputy regional heads referring to Law Number 32 of 2004 have several additions compared to Law Number 22 of 1999. This is related to the additional task of empowering women and youth, seeking the development of social, cultural, and environmental preservation. Previously, in Law No. 22/1999, these tasks did not exist.<sup>8</sup> Meanwhile, Regional Heads' duties and authorities correspond to Article 65 of Law Number 23 of 2014, Regional Government is to lead regional governments administrations based on policies established by the Regional People's Representative Assembly, to submit a draft for regional regulations, and to stipulate regional regulations approved by Regional People's Representative Assembly. Furthermore, they also prepare and submit a draft of regional expenditure revenue budgets for regional regulations to the regional people's representative assembly. This is to be discussed and determined jointly. In addition, they also fulfill regional obligations, represent the region in and out of court, and appoint legal representatives to represent them, and perform other duties and authorities. This should be in accordance with legislation.

Throughout Indonesia's independence, the issue of relations between the center and the regions have never reached the power urgency of deputy regional heads. This includes deputy regional heads at the provincial or district or city levels. So far, This means the position is considered only a 'spare tire' which is only a complement to the sufferer. The constitution does not explicitly state that the

<sup>6</sup> Solihat, Yeyet, dan Nanang Nugraha. *Reposisi Kewenangan Wakil Kepala Daerah dalam Penyelenggaraan Pemerintahan Daerah Studi Pada Pemerintahan Daerah Kabupaten Karawang.* Jurnal Politikom Indonesiana, 2016, p. 131.

<sup>7</sup> Article 24 paragraphs (1) and (3) of Law no. 32 of 2004, states that: Each region is led by a regional government head called the regional head, who is assisted by one deputy regional head. Furthermore, the deputy regional heads are divided into provinces known as deputy governors. Meanwhile, the districts are called deputy regents and for cities are called deputy mayors. The said regional head and his deputy are elected in one pair directly by the people in the area concerned. Catur Wido Haruni, *Tinjauan Yuridis Normatif Hubungan Kewenangan Kepala Daerah Dengan Wakil Kepala Daerah Dalam Penyelenggaraan Pemerintahan Daerah*, Jurnal Humanity Volume 9, Number 1 September 2013, p. 158.

<sup>8</sup> Guyanie, Gugun. *Politik Hukum Pengaturan Jabatan Wakil Kepala Daerah Dalam Sistem Desentralisasi*, IN RIGHT: Jurnal Agama dan Hak Azazi Manusia, 2017, p. 21.

Regional Head must have a Deputy Regional Head. Article 18 paragraph 4, the result of the second amendment, only states the Governors, Regents, and Mayors, respectively as the heads of government at the provincial, district, and city levels are democratically elected. In fact, many problems arise related to the deputy regional head position.

Especially when Law Number 52 of 2004 concerning Regional Government mandates that the Regional Head and his Deputy are elected directly by the people in one pair. In this case, pairs mean the Regional Head and his Deputy are one package and are in equal positions. However, disharmony between them sometimes occurs in the way. This will automatically disrupt the stability of regional government administration. There are several cases where the split relationship between the Governor and his Deputy, the Regent and his Deputy, or the Mayor and his Deputy, arise due to many factors. One of them is the political competition between the Regional Head and his Deputy. Based on the aforementioned background, the study formulated the following research questions: (1) how is the regional head authority in regional autonomy, (2) how is the authority relationship between the regional head and his deputy in a legal and political perspective.

## RESEARCH METHODS

The method is a scientific activity related to a systematic way of working through certain stages to understand a subject or object of research. This stage is to find answers that can be scientifically justified and have been tested for validity.<sup>9</sup> research is defined as the process of collecting and analyzing data systematically to achieve certain goals.<sup>10</sup> This research employed the normative-juridical method, which is done by examining and interpreting theoretical matters concerning principles, conceptions, doctrines, and legal norms relating to the regional heads and his deputy's authority. The data analysis was descriptive-analytical. In conducting qualitative analysis that is descriptive and prescriptive, the analysis ensures the legislation does not contradict another, pays attention to hierarchy and legal certainty, and examines existing laws, both written and unwritten. The study involved primary legal material (statutory regulations) and secondary legal materials such as law discovery lecture materials, law books, and legal articles. Meanwhile, tertiary legal materials are legal dictionaries and encyclopedias.

## RESULTS AND DISCUSSION

### 1. The Regional Head Authority within Regional Autonomy.

The Unitary State of the Republic of Indonesia is divided into provincial regions. The provincial area is further divided into district and city areas. Every province, regency, and city area has a regional government that is regulated by law. Provincial, district, and city-regional governments regulate and manage their own government affairs according to the principles of autonomy and co-administration.

The implementation of regional government is in line with the mandate of the 1945 Constitution of the Republic of Indonesia. Thus, the policies adopted by the government to regional governments have the right to regulate and manage government affairs. According to the principle of autonomy and assistance tasks, this aims to accelerate the realization of community welfare through service improvement, empowerment, and community participation. This should also refer to the principles of democracy, equity, justice, privilege, and specificity of a region in the Unitary State system of the Republic of Indonesia.<sup>11</sup>

Based on the 1945 Constitution, the Unitary State of the Republic of Indonesia, Indonesia is a Unitary State. The principle of unitary state authority is dissimilar to central and regional

<sup>9</sup> 15 Kosady Ruslan, *Metode Penelitian Public Relations dan Komunikasi*, Rajawali Pers, Jakarta, 2003, p. 24.

<sup>10</sup> 38 Nana Syaodih Sukmadinata, *Metode Penelitian Pendidikan*, Rosda Karya, Bandung, 2005, p. 5.

<sup>11</sup> 46 Paisal Burlian, *Kewenangan Kepala Daerah Menurut Undang-Undang*, Noer Fikri Offset, Palembang, 2014, p. 91.



governments. The authority is only owned by the central government. Meanwhile, the regional government authority given by the central government is based on the provisions of laws and regulations. According to Moh Kusnadi dan B. Saragih,<sup>12</sup> The power authority that exists in regional government is derivative (indirect) and often in the form of broad autonomy. The authority of government affairs is partially delegated to and implemented by other parties. As mentioned by Irawan Soejito This is known as decentralization, territorial decentralization and functional decentralization. Territorial decentralization is the decentralization of authority by the government to a public institution, such as a self-governing alliance, An alliance to foster the overall interrelated group interests. They are usually limited to a certain area where they live in harmony. The functional territory, on the other hand, is the delegation of authority from the state or regional government entrusted to a specifically formed professional or expert institution.

In the Unitary State of the Republic of Indonesia, the delegation authority for government affairs is regulated by a law on regional government. This is in the form of a law made by the Central People's Representative Assembly, the legislative body. One of the principles of regional governance is to increase the efficiency and effectiveness of government administration, particularly the objectives of regional autonomy, the development and services implementation to the community. Moreover, this is also to improve the development of political stability and national unity. According to Joko Widodo the objectives of the regional autonomy policy are:<sup>13</sup>

1. Democratization of local government administration.
2. Community and regional empowerment.
3. Improving the quality of community services.
4. Improving welfare, justice, and equity
5. Implementing of good governance.
6. Free from malpractice, corruption, collusion, or nepotism.

In implementing regional autonomy, the delegation of authority and responsibility is to create and make decisions adjusted to the situation, conditions, needs, and problems happening in the region. Accordingly, J. Wajong stated regional autonomy means to regulate and to manage. Regulating is legislative while managing is executive. The autonomy right gives high trust, the freedom (*zelfstandigheid*) to carry out activities in the region. The right to freedom or known as *zelfstandigheid* becomes the basis of autonomy. It does not refer to independence or *onafhankelijkheid* against the central government. Thus, the central government has to conduct supervision according to the provisions of the law. Furthermore, they have to do supervision of regional heads, the central government representatives against the district and/or city-regional governments.

Governors and his Deputy, Regents and his Deputy, and Mayors and his Deputy are elected in regional head elections every five years by the people directly. This indirectly gives strong legitimacy to the position of regional heads in the context of implementing representative democracy. However, as mentioned previously, the authority of the regional head is different from the president. Even though both have direct legitimacy from the people.<sup>14</sup> In Article 65 of Law Number 23 of 2014 as amended by Law Number 9 of 2015 concerning Regional Government, it is stated that the regional heads duties and authorities are:<sup>15</sup>

- a. Leading the Government Affairs which are the Regions authority. This is based on laws, regulations, and policies provisions established with the DPRD

<sup>12</sup> Moh Kusnadi dan B. Saragih, *Ilmu Negara*, Gaya Media Pratama, Jakarta, 1988, p.108.

<sup>13</sup> Joko Widodo, *Membangun Birokrasi Berbasis Kinerja*, Bayu Media Publishing, Malang, 2008, p.6.

<sup>14</sup> Muhammad Qur'anul Kariem, *Kewenangan Kepala Daerah Dalam Konteks Pemerintahan Menurut Peraturan Perundang-Undangan*, JCOMMENT (Journal of Community Empowerment), Volume 1 No 1, Mei 2020, p. 14.

<sup>15</sup> Kotan Y. Stefanus, *Menelisik Kewenangan Kepala Daerah dalam Mengeluarkan Keputusan Tata Usaha Negara Dan Konsekuensinya*, Jurnal Hukum Yurisprudinsia 21.1.2021.p.4.

- b. Maintaining peace and orderliness in society
- c. Compiling and submitting drafts for regional regulations on RPJPD and on RPJMD to the DPRD. This is to be further discussed with the DPRD and to compile and to set RKPD;
- d. Preparing and submitting drafts for regional regulations on APBD, changes to APBD, and accountability for APBD implementation to DPRD for joint discussion;
- e. Representing the Region in and out of court. It can be governed by law in accordance with the provisions of the legislation;
- f. Proposing the appointment of deputy regional heads; and
- g. Performing other duties in line with the provisions of the legislation.

In performing the duties as referred to in paragraph (1), the regional head is authorized to:

- a. Submit a draft for regional regulation;
- b. Set regulations approved by the DPRD;
- c. Set and determine PERKADA (regional head regulation)
- d. Take certain actions in urgent situations that are desperately needed by the District and/or the community;
- e. Exercise other authorities to the legislation provisions

The Regional Head is a figure or manager who determines the effectiveness of achieving regional governance goals. In the region, the process of governance is synergistically determined to what extent the role played by the Regional Head. In other words, the direction and objectives of the regional government are determined by their ability, competence, and capability in carrying out administrative/managerial functions, leadership, services, and other tasks. The Regional Head is a strategic component to realize quality services in internal services (within the organization) and external services (the community).<sup>16</sup> The Regional Head, the head of the autonomous region in regional autonomy, must have regulating functions. This refers to establishing regional regulations of regional autonomy for provinces, districts/cities. The regional head also has and co-administration tasks. This refers to regulating the substance for regional interests. This includes norms of commands and prohibitions. The command norms are actions that should be done by the community, while the prohibition norms are actions that the community should not do. These two norms are mandatory for local communities, particularly in regulating government affairs to maintain public security and orderliness.

The regulation and administration of the Unitary State System of the Republic of Indonesia--the delegation of authority affairs from central government are the authority of the regional government. This includes mandatory and optional affairs. Mandatory affairs are basic matters related to the rights and basic services of citizens. It covers the protection of constitutional matters as follows; (1) national interests, public welfare, peace, and public orderliness within the integrity of the Unitary State of the Republic of Indonesia, (2) and fulfillment of national commitments related to international treaties and conventions. Meanwhile, optional affairs are affairs that actually exist in the region and have the potential to improve the welfare of the community adjusted to the conditions, characteristics, and superior potential of the region.

In performing the function as regional leaders-- the heads of autonomous regions, for instance, implementing decentralization of regional government embodied in regional autonomy, the regional heads are obliged to realize the implementation of government affairs. Based on the

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<sup>16</sup> Widdy Yuspita Widiyaningrum, *Kepemimpinan Kepala Daerah Melalui Strategi Aura: Sebuah Kajian Teoritis*, Jurnal JISIPOL Ilmu Pemerintahan Universitas Bale Bandung Volume 5, Number 1, January 2021, p. 52.

principle of autonomy, it consists of mandatory and optional affairs. They serve as the right to regulate the administration of regional government. Thus, Regional regulations are made. For the regions, regional regulations are on the highest level in regulating government affairs. In performing government affairs, the activities and programs should be in line with the one-year regional development activity plan. The regional head needs to provide information on the accountability, the final implementation of the regional government to the Regional People's Representative Assembly. This occurs at the end of the fiscal year. The Regional People's Representative Assembly is a reflection of the people in the region. The regional government administration has a partnership relationship and is responsible to regional heads. For example, in realizing community welfare for regional communities. The regional head is the head of government in realizing the regional development work plan funded from the Regional Revenue and Expenditure Budget (APBD). The Regional Revenue and Expenditure Budget is prepared based on mandatory and optional affairs. They are carried out in line with Regional Regulations and must be approved by the DPRD (people's representatives). This suits the people and is ratified by the regional head. Its implementation, on the other hand, is in form of regional head regulations and decisions.

## **2. The authority relationship between the Regional Head and his Deputy (Legal and political perspectives)**

The principle of legality becomes the main principle of government foundation and state administration in each country. In addition to the main pillars of the rule of law, in the principle of legality, the leader and his representative's authority is obtained in three ways, namely attribution, delegation, and mandate.<sup>17</sup> Indonesia adheres to a unitary state system. The relationship authority between all levels of government has been regulated in Article 18 A of the 1945 Constitution of the Republic of Indonesia. The relationship between the Central and Regional Governments will be regulated by a special law. Article 18A of the 1945 Constitution of the Republic of Indonesia determines:

1. The authority relationship between the central and regional governments of provinces, regencies, and cities, or between provinces and regencies and cities, shall be regulated by law and should highlight the region's specificity and diversity;
2. Financial relations, public services, utilization of other natural resources between the central and local governments are fairly regulated and implemented in tune with the law.

Thus, the national government covers two subsystems: (a) the central government subsystem and (b) the regional government subsystem. In the regional government subsystem, there are smaller subsystems. For example, in Indonesia, there is a central government subsystem consisting of the president and its ministers. In the regions, the provincial government subsystems consist of governors and Provincial DPRD, and district/city. Meanwhile, government sub-systems consist of regents/mayors and regency/municipal DPRD. Lastly, the village sub-systems consist of village heads and village consultation agencies.

The deputy regional head's availability in the administration of local government is highly strategic. The success key to administering and conducting development cannot be separated from the support of the deputy. Thus, regional heads should always maintain a harmonious relationship with their deputy. Particularly in administering regional government-related matters. This is because they are one unity in simultaneous regional elections by the people. The ideal relationship cannot be separated from mutual trust in partners. Regional heads and their deputy are frequently not living in harmony once they are elected. They mostly compete for roles as they have the same

<sup>17</sup> Risal, La Ode Munawir, *Pembagian Kewenangan Kepala Daerah dan Wakil Kepala Daerah dalam Penyelenggaraan Pemerintahan*, Legal Standing: Jurnal Ilmu Hukum Vol.5 No. 2, September 2021, p. 76.



of winning the election. In some cases, these conditions led to divisions of the regional bureaucracy, in favor of the regional head and in favor of his deputy.

The controversy over the deputy of regional heads is not something new. his role is often seen as a complement in government. From various drafting laws and regulations on decentralization, this controversy always arises and generally involves several philosophical questions such as if such position is needed, the process for filling it, the divisions of work, and the prospects. These questions arise as their performance is not good and commonly there is a dispute between regional heads and his deputy. The deputy's existence will always be controversial if his working mechanism is not regulated explicitly and clearly. Literally, the deputy is the most trusted person for the leader which is also known as his right hand. Thus, matching chemistry is needed. This can be realized if the leader has the freedom to choose his own deputy. However, if the deputy is appointed unilaterally by the management, the conflict between the regional heads and his deputy will frequently occur. This is because the "dream" of the number two person is to become the number one.

This is normal and very human. Every individual has an ego and desires more than he has achieved. In this case, the role of the deputy can backfire on the leader. Accordingly, this needs to be re-examined considering the necessity of a deputy. This is determined by certain factors such as the workload, the complexity, and the span control length. In government organizations, the presence or absence of a deputy leader and the filling mechanism are determined by political decisions which then embodied in-laws and regulations. Under the provisions of laws and regulations, the duties of Deputy Regional Heads are stated in Article 66 of Law Number 23 of 2014 as amended by Law Number 9 of 2015 concerning Regional Government, in the article, it is stated that they have to assist Regional Heads in:

- a. Leading the implementation of Government Affairs under the authority of the Regions;
- b. Coordinating the activities of the Regional Apparatus and following up on reports and/or findings of its supervision
- c. Monitoring and evaluating Regional Government by provincial Regional Apparatus for deputy governors; and
- d. Monitoring and evaluating government administration by Regency/City, Sub-District, and/or Village Regional Apparatuses for deputy regents/mayors;

In addition, the authority of the Deputy Regional Head is to give advice and consideration to its regional head. For instance, the implementation of Regional Government, performing his duties and authority if he undergoes detention or is temporarily unavailable, and performing other duties in line with legislation. One of the pillars that support the effectiveness of regional government, obtaining the welfare of local communities, is the election of capable and acceptable regional heads. For this reason, it is necessary to think about the mechanisms. Thus, capable and acceptable regional heads can be manifested. On the other hand, the election of regional heads and their deputy often creates problems. Accordingly, it is also important to only conduct regional heads election mechanism. Then, let elected regional heads appoint their own deputy. In this way, potential conflicts between regional heads and his could be avoided.

To avoid ethical and moral problems in PILKADA (the regional head elections), it is necessary to regulate this matter. Candidates for regional heads who clearly prove and are legally flawed of morals are prohibited from running for the election. Likewise, in ethical issues, it is necessary to stipulate that candidates who have served as regional heads twice are not allowed to run for deputy regional heads. This regulation will become a binding written rule and positive law. In addition to legal authority, candidates for regional heads and his deputy politically prefer to make mutual agreements. They will rely on the same vision and mission to run the government once they are elected. This will later cause problems if they decide to change the vision and

mission agreed upon in the future. This type of problem mostly appears and makes a dispute. In the end, one of them will choose to resign. For example, Deputy Regent of Garut, Dicky Chandra who chose to resign from his position. In addition, Prijanto also resigned as Deputy Governor of DKI Jakarta. This is due to internal conflicts within the government.

## **CONCLUSION**

Based on the aforementioned discussion, the authors conclude that the Regional Head in the regional autonomy has the authority from the central government affairs which is under regional governments, mandatory and optional affairs. Mandatory affairs are basic matters and services on citizens' rights. This covers the protection of constitutional matters. For instance, national interests, public welfare, peace, and public orderliness within the integrity of the Unitary State Republic of Indonesia, and fulfillment of related national commitments with international treaties and conventions. Optional affairs are affairs that exist in the region and have the potential to improve the welfare of the community adjusting to the conditions, characteristics, and superior potential of the region. Legally, the principle of legality becomes the main principle and the basis of the Regional Head and his Deputy's authority. Particularly, in the government and state administrations in each country. The principle of legality becomes the basis for its implementation. It ensures the security of public freedom. The government administration is based on the principle of legality. This means that it is based on oral and written law. In this case, the statutory law sets as the basis for the government's authority. In addition to the main pillars of the rule of law, this also covers the principle of legality, and the leader and his deputy's authority in regional government affairs

## **SUGGESTION**

Referring to the above-mention explanation, communication is a means of implementing the political aspect. This is the Deputy Regional Head's authority. During the election, there has been an agreement reached through a political contract. It has become one way of achieving equal distribution of authority. The authority distribution should be based on political contracts—delegation and mandates.

## **REFERENCES**

- Catur Wido Haruni, *Tinjauan Yuridis Normatif Hubungan Kewenangan Kepala Daerah Dengan Wakil Kepala Daerah Dalam Penyelenggaraan Pemerintahan Daerah*, Jurnal Humanity Volume 9, Nomor 1 September 2013.
- El Guyanie, Gugun. *Politik Hukum Pengaturan Jabatan Wakil Kepala Daerah Dalam Sistem Desentralisasi*, IN RIGHT: Jurnal Agama dan Hak Azazi Manusia, 2017.
- HAW.Widjaja, *Penyelenggaraan Otonomi di Indonesia, Dalam Rangka Sosialisasi, UU Nomor 32 Tahun 2004 tentang Pemerintahan Daerah*, PT RajaGrafindo, Jakarta, 2005.
- Jimly Asshiddiqie, *Pengantar Hukum Tata Negara*, PT RajaGrafindo Persada, Jakarta, 2015.
- Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Sinar Grafika, Jakarta, 2011.
- Joko Widodo, *Membangun Birokrasi Berbasis Kinerja*, Bayu Media Publishing, Malang, 2008.
- Kotan Y. Stefanus, *Menelisik Kewenangan Kepala Daerah dalam Mengeluarkan Keputusan Tata Usaha Negara Dan Konsekuensinya*, Jurnal Hukum Yurisprudinsia [Vol. 21 No. 1 \(2021\)](#)
- Moh Kusnadi dan B. Saragih, *Ilmu Negara*, Gaya Media Pratama, Jakarta, 1988.
- Muhammad Qur'anul Kariem, *Kewenangan Kepala Daerah Dalam Konteks Pemerintahan Menurut Peraturan Perundang-Undangan*, JCOMMENT (Journal of Community Empowerment), Volume 1 No 1, May 2020.
- Nana Syaodih Sukmadinata, *Metode Penelitian Pendidikan*, Rosda Karya, Bandung, 2005.

- Paisol Burlian, *Kewenangan Kepala Daerah Menurut Undang-Undang*, Noer Fikri Offset, Palembang, 2014.
- Risal, La Ode Munawir, *Pembagian Kewenangan Kepala Daerah dan Wakil Kepala Daerah dalam Penyelenggaraan Pemerintahan*, Legal Standing: Jurnal IlmHukum Vol.5 No. 2, September 2021.
- Rosady Ruslan, *Metode Penelitian Public Relations dan Komunikasi*, Rajawali Pers, Jakarta, 2003.
- Sri Kusriyah, *Politik Hukum Desentralisasi & Otonomi Daerah dalam Perspektif Negara Kesatuan Republik Indonesia*, Unissula Press, Semarang, 2019.
- Solihat, Yeyet, dan Nanang Nugraha. *Reposisi kewenangan wakil kepala daerah dalam penyelenggaraan pemerintahan daerah Studi Pada Pemerintahan Daerah Kabupaten Karawang.*" Jurnal Politikom Indonesiana, 2016.
- Sulila dan Ismet, *Implementasi Dimensi Layanan Publik Dalam Konteks Otonomi Daerah*. Deepublish, Yogyakarta, 2015.
- Weni Aprila, *Analisis Pelaksanaan Fungsi Badan Permusyawaratan Desa (BPD) Dalam Penyelenggaraan Pemerintahan Desa Di Desa Kolek Kecamatan Sangkulirang Kabupaten Kutai Timur*, eJournal Ilmu Pemerintahan, Samarinda, 2020.
- Widdy Yuspita Widiyaningrum, *Kepemimpinan Kepala Daerah Melalui Strategi Aura: Sebuah Kajian Teoritis*, Jurnal JISIPOLI Ilmu Pemerintahan Universitas Bale Bandung Volume 5, Nomor 1, January 2021.

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