

## **THE POSITION OF A DEPUTY REGIONAL HEAD IN RUNNING THE REGIONAL GOVERNMENT IN INDONESIA**

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### **ABSTRACT**

Tension between Regional Heads and Deputy Heads of region in the process of running the regional governments has been a common phenomenon in Indonesia. This can be seen in their efforts to assign certain people for certain strategic positions and lack of approval between them in issuing government policies. This study therefore aims to elucidate the position of Deputy Heads of region in running the local governments either at provincial or district or municipal levels, and the pattern of relationship between Deputy Heads of region and Heads of region. Methods employed in this study are statute approach, conceptual approach and historical approach. The study results show that the position of a Deputy Head of region as stipulated in Law No. 23/2014, Article 63(1), on Regional Government, is as an assistant to the Regional Head. The relationship between a Deputy Regional Head and a Regional Head in the regional government system seems to be a vertical relationship since the role of a Deputy Regional Head is to provide support to the Regional Head to improve the performance of the regional government. In carrying out his or her duties, a Deputy Head of the region is obliged to account for his or her duties to the Regional Head. If the Head of a region dies, resigns, discharges or cannot perform his or her duties for six consecutive months in his or her term of office, the Deputy Head shall replace him or her until his or her term of office. The results of this study indicate the need for a more comprehensive evaluation of the position and authority of the Deputy Regional Heads in the regional government system in Indonesia. This will help to clarify the position and authority of the Deputy Heads of region and avoid the possibility of conflict

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between the Regional Heads and the Deputy Heads of region in the system of the local governments in Indonesia.

**Key words: Position, authority, Deputy Regional Head, regional government, Indonesia.**

## INTRODUCTION

Law No. 23/2014, article 63(1), on Regional Government, provides that a regional government is headed by a Regional Head and a Deputy Regional Head (deputy governor, vice regent, deputy mayor) (1, 2). Both Head of region and Deputy Head of region are politically at the same level as they are elected democratically by the people as a package through the election (3). However, the duties and authorities of a Deputy Head of region either at provincial or district or municipal levels are not clearly stipulated in the Law No. 23/2014, Article 63(1), even though the Law has indicated that a Head of region is assisted by a Deputy Head of region (2).

The content of Law No. 23/2014, Article 63(1), seems to be not in line with the 1945 Constitution of the Republic of Indonesia, Article 18 (4), which shows that Governors, Regents and Mayors respectively are the Heads of provincial, regency and municipal governments (1, 4). Obscurity of the position of a Deputy Head of region in the 1945 Constitution and unclarity of the duties and authorities of a Deputy Head of region in Law No. 23/2014, Article 63(1), often raise questions about the position and authority of Deputy Regional Heads in running the regional governments (5, 6).

Law No. 23/2014, Article 63(1), stipulates that a Deputy Head of region is an assistant to the Head of region, indicating that the tasks, duties and authorities of a Deputy Head of region would be very much dependent upon the Head of region (7, 8). A Deputy Head of region can only function if he or she receives attributive authority, delegated authority and mandates from the Head of region (3, 9, 10). This shows that technically a Deputy Head of region has no authority and his/her relationship with the Head of region is a vertical relationship.

Such position has often led to creating tension between elected Regional Heads and Deputy Regional Heads. This is largely due to the notion that Deputy Regional Heads are at equal

positions to the Regional Heads since they are both elected democratically and directly by the people as a pair of Regional Head and Deputy Regional Head (2, 5, 8). This study therefore aims to elucidate the position of a Deputy Head of region in running the local government either at provincial or district or municipal levels, and the pattern of the relationship between a Deputy Head of region and a Head of region. This elucidation will provide a clear understanding of the tasks, duties and authorities of a Deputy Head of region, and of the relationship between a Deputy Head of region and a Head of region in running the local governments.

## **METHODS**

### ***Research specification***

This study is categorised as a normative juridical research. Normative legal research is a legal study conducted by examining literatures or secondary data. Discussion on the topic being studied is based on legislation, documents, journal articles, research reports and any other relevant references.

### ***Approaches***

Methods or approaches employed the current study are (1) *Statute approach*, that is by reviewing all laws and regulations related to the legal issues being researched; (2) *Conceptual approach*, which is by examining the views and doctrines that develop in the science of law; (3) *Historical approach*, which is done with the aim to understand the philosophy of the rule of law from time to time, and to understand the change and development of philosophy underlying the rule of law.

### ***Sources of legal materials***

The primary sources of legal materials used in this study are legislation, legal documents, legal reports such as the 1945 Constitution of the Republic of Indonesia (4), Law No. 32/2004 on Regional Government (11), Law No. 12/2008 on the Second Amendment to the Law 32/2004 on Regional Government, and Law No. 23/2014 on Regional Government (1). Secondary sources of legal materials include books, journal articles and newspapers.

## **RESULTS**

### ***The position of a Deputy Regional Head in running the regional government***

A Deputy Head of region is a political position in the local government at provincial, district and municipal levels (12). However, the position of a Deputy Head of region is not mentioned in the 1945 Constitution of the Republic of Indonesia. The 1945 Constitution, Article 18 (4), provides that Governors, Regents and Mayors respectively are the Heads of provincial, regency and municipal governments (4). Similarly, Law No. 23/2014, Article 59 (1), on Regional Government, explains that each region shall be headed by a head of regional government called the Regional Head (1). The content of both Articles are similar, indicating Governors, Regents and Mayors respectively as the heads of local governments at provincial, regency and municipal levels.

The position of a Deputy Head of region has been mentioned in Law No. 32/2004 on Regional Governments, then replaced by Law No. 23/2014, Article 63 (1), asserting that the Head of region is assisted by a Deputy Head of the region (2, 11). Prior to these Laws, the position of a Deputy Head of region has been stipulated in Law No. 5/1974, Article 24(1 & 3), on the Principles of Regional Government, stating that the Deputy Head of the First Level Region shall be a qualified civil servant appointed by the President, and the Deputy Head of the Second Level Region shall be a qualified civil servant appointed by the Minister of Home Affairs on behalf of the President (5, 13). According to this Law, the position of Deputy Head of region is not a necessary position in the regional government structure (5, 13). Charging the position of Deputy Head of region can only be conducted if it is really needed (paragraph 5). Likewise, it has also been stipulated in Law No. 22/1999, Article 30, on Regional Government, stating that "Each region is led by a Regional Head as the Chief Executive assisted by a Deputy Head of region" (14, 15).

Both Law No. 5/1974, Article 24(1&3) and No. 22/1999, Article 30, emphasise that the function of a Deputy Head of region is to assist a Regional Head in carrying out his or her daily duties and authorities in accordance with the guidelines set by the Minister of Home Affairs; If the Head of region is absent, the Deputy Head of region shall carry out the daily duties and authorities of the Regional Head (13, 16). It is clear that a Deputy Head of region has the duty to assist the Head of region in carrying out his or her obligations, coordinating the activities of government agencies in the region, carrying out other tasks assigned by the Head of region (6, 17, 18). Besides, a

Deputy Head of region shall report to the Head of region regarding his or her duties that have been carried out. Law No. 23/2014, Article 66, on Regional Government (1), explains that (1) duties and authorities of a Deputy Head of Region are (A) to assist Regional Head in (i) leading the implementation of Government Affairs which are the authority of the region, (ii) coordinating the activities of the regional apparatus and following up on the reports and / or findings of the supervisory apparatus, (iii) monitoring and evaluating the implementation of regional government programs and activities implemented by the provincial regional apparatus on behalf of the vice-governor; and (iv) monitoring and evaluating the implementation of district or municipal government programs and activities implemented by the its apparatus on behalf of the vice regent or deputy mayor; (B) provide advices and opinions to the Head of region in running the local government; (C) carry out the duties and authorities of the Head of region if the Head of region undergoes a period of detention or is temporarily absent; and (D) carry out other duties in accordance with the provisions of legislation. (2) In addition to performing the duties as referred to in paragraph (1) a Deputy Regional Head shall carry out other duties and obligations assigned by the Regional Head and stipulated by the decision of the Regional Head. (3) In performing the duties referred to in paragraph (1) and paragraph (2), a Deputy Head of region shall report to the Regional Head.

### ***Pattern of relationship between a Head of Region and a Deputy Head of Region***

The relationship between a Deputy Regional Head and a Regional Head in running of the regional government has been stipulated in the Law No. 23/2014, Article 63(1), on Regional Government (1). It states that a Deputy Head of region is an assistant to the Head of region. The main task of a Deputy Head of region is to help the Head of region in organizing the local government, following up reports and/or findings of supervisory authorities (1, 19).

Another task is to assist the Regional Head to evaluate the implementation of programs and activities of the provincial governments (for a Deputy Governor) and the implementation of government programs at district, sub-district, and village levels (for a Vice-Regent). The Deputy Regional Heads at any levels also provide advices and opinions to the Regional Heads (Governor, Regent and Mayor) in regards to the implementation of local government activities and programs, perform other duties and obligations assigned by the Regional Heads, and carry out duties and authorities of the Regional Heads if they are absent (1, 6, 15).

In carrying out the duties, a Deputy Head of region is responsible for reporting to the Regional Head as stipulated in Law No. 23/2014, Article 78(1), on Regional Government (1). A Deputy Regional Head can also replace the Regional Head if the Regional Head dies, resigns, discharges, or cannot perform his or her obligations for six consecutive months in his or her term of office. It therefore seems that the relationship between a Deputy Head of region and a Head of region is a vertical relationship even though politically they are at the same level as they are democratically elected by the people as one package (6, 20).

Furthermore, both a Regional Head and a Deputy Regional Head have the obligations as indicated in Law 23/2014, Article 67, on Regional Government, to firmly hold and practice *Pancasila*, implement the 1945 Constitution of the Republic of Indonesia, improve social welfare, maintain social peace and democratic life, obey and enforce all laws and regulations, and maintain ethics and norms in running the local governments. They are also obliged to promote and develop regional competitiveness, implement the principles of clean and good governance, and be accountable for the management of regional finances, establish working relationships with all vertical agencies in the regions and all regional apparatus, submit the strategic plan of local government administration in the plenary session with the Regional House of Representatives (1, 12, 16).

## **DISCUSSION**

The tasks of a Deputy Head of region are mainly to assist the Head of region, indicating that the full authority is on the hands of the Regional Head. This shows that the position of a Deputy Regional Head is weaker compared to a Regional Head. The position of a Deputy Head of region is to assist the Regional Head in leading the region, to perform certain tasks, to replace the Regional Head if he or she is absent (1, 5, 6). However, Law No. 23/2014, Article 66, is missing the essence that the presence of the Deputy Heads of the region is an integral part with the Regional Heads since they are democratically elected in pairs by the people (1). The duties and authorities of the Deputy Heads of region are general, the full power is at the hands of the Heads of region. Based on the material form, a Deputy Head of region is not equal to the Head of region, and can only have full authority if the Head of the region died or dismissed (6, 21).

The elucidation above indicates that as an assistant to the Head of region, the form of responsibility of a Deputy Head of region is directly to the Regional Head as the regional leader. The tasks of a Deputy Head of region are mandates that at any time can be taken over by the Head of region (2, 3). The authorities held by a Deputy Regional Head are attributive authority, delegated authority and mandates given by the Regional Head (3, 15, 16).

Although a Deputy Regional Head takes a role as an assistant to a Regional Head, a Deputy Head of region is also an instrument or official of the central government and the local government. A Deputy Head of region assists the Regional Head in carrying out his or her daily duties and authorities according to the guidance given by the Minister of Home Affairs. If it is necessary, a Head of region may delegate to a Deputy Head of region to on his or her behalf give a statement in meetings with the Regional House of Representatives (17, 18). Besides, a Regional Head and a Deputy Regional Head are politically equivalent because they are elected simultaneously as a package of candidates who are independently running for election or promoted by a political party, a coalition of political parties (22-24).

The position of a Regional Head and a Deputy Head of region is therefore intertwined; both are inseparable partners and public officials in terms of management and leadership in the region. Both are local officials who are also a symbol of the people, acting as protectors of local communities. Rusdianto (6) argues that a Regional Head and a Deputy Regional Head must be able to synergize and harmonious in thinking, acting and giving priority to the interests of the nation, state and local community rather than personal interests and groups. A Regional Head and a Deputy Regional Head must be wise, honest, fair and neutral in implementing the policies they have stipulated, and their actions must meet the rules provided in the legislations.

## **CONCLUSIONS**

This study reports that the position of a Deputy Head of region as stipulated in Law No. 23/2014, Article 63(1), on Regional Government, is as an assistant to the Head of region. A Deputy Head of region helps the Head of region in running the local government. As an assistant to the Head of region, the tasks and duties of a Deputy Head of region are assigned by the Head of region. It means that a Deputy Head of region is fully dependent upon the Head of region as the one who

has the full authority within a local government at district, municipal or provincial levels. Since the Law No. 23/2014, Article 63(1), on Regional Government, does not consider the essence of the presence of a Deputy Head of region, the relationship between a Deputy Head of region and a Head of region seems to be a vertical relationship even though politically they are at the same level as there are democratically elected by the people as a package. The results of this study indicate the need for a more comprehensive evaluation of the position and authority of a Deputy Regional Head in the regional government system in Indonesia. This will help to clarify the position and authority of a Deputy Head of region and avoid the possibility of conflict between a Regional Head and a Deputy Head of region in the system of the local governments in Indonesia.

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