

## RECONSTRUCTION OF THE VICE REGENT'S POSITION IN OPTIMIZATION OF REGIONAL AUTONOMY: REALIZING DEMOCRATIC AND JUSTICE VALUES

**Liberthin Palullungan<sup>1</sup>, Lisma Lumentut<sup>2</sup>, Zainal Amin Ayub<sup>3</sup>**

<sup>1</sup>Universitas Kristen Indonesia Paulus, Indonesia, liberthin@ukipaulus.ac.id.

<sup>2</sup>Universitas Kristen Indonesia Paulus, Indonesia, lumentutlisma@gmail.com

<sup>3</sup>University Utara Malaysia, Malaysia, z.amin@uum.edu.my.

Received: 2023-07-06; Reviewed: 2023-08-16; Accepted: 2023-08-17; Published: 2023-08-25

### Abstract

*The ambiguity of the Deputy Regent's position in local government makes the Deputy Regent's position often underestimated. The Deputy Regent is perceived as a subordinate of the Regent even though the Regent and Deputy Regent are both directly elected by the people. This study aims to reconstruct the Deputy Regent's position in order to optimize regional autonomy while at the same time embodying the values of democracy and justice. This research is doctrinal research, prioritizing conceptual and statutory approaches. The results of the study confirmed that the weak position of the Deputy Regent compared to the Regent in carrying out his duties was caused by two factors, namely the juridical factor in the form of the absence of special arrangements regarding the duties and powers of the Deputy Regent, and from non-juridical factors, which is a political factor that placed the Deputy Regent as the Regent's subordinate. Efforts to realize the values of democracy and justice for optimizing regional autonomy can be carried out by reconstructing the authority of the Deputy Regent by strengthening the proportional distribution of authority between the Regent and Deputy Regent.*

**Keywords:** Democracy; Justice; Regional Autonomy; Vice-regent.

### 1. INTRODUCTION

Regional heads are the “backbone” of government at the regional level. The role of regional heads is important in implementing legal products, policies and various other authorities granted by laws and regulations.<sup>1</sup> In carrying out and carrying out their duties, the regional head is assisted by the deputy regional head. The deputy regional head who is elected in pairs with the regional head is not only a “helper” to the regional head, but becomes a unit that optimizes the function of the regional head in providing services and implementing policies for the community.<sup>2</sup> Regional heads at the provincial level are known as Governors while at the district level they are known as Regents. This is linear

<sup>1</sup> Erga Yuhandra, Suwari Akhmaddhian, and Anggit Anggiatna, “The Authority Relationship: Regional Head and His Deputy in the Regional Autonomy,” *Unifikasi: Jurnal Ilmu Hukum* 8, no. 2 (2021): 176–85, <https://doi.org/10.25134/unifikasi.v8i2.5069>.

<sup>2</sup> Hendrik Muchlison, “Implementasi Pelimpahan Kewenangan Bupati Kepada Camat Dalam Pembangunan Infrastruktur Melalui Pemanfaatan Program Pagu Indikatif Wilayah Kecamatan (PIWK) Di Kabupaten Sidoarjo,” *Jurnal Kebijakan Pembangunan* 17, no. 1 (2022): 77–90, <https://doi.org/10.47441/jkp.v17i1.234>.

with the mention of deputy regional heads which at the provincial level is known as Vice Governor while at the district level it is known as Vice Regent.<sup>3</sup>

The role of the Regent as a regional head at the district level occupies an important orientation in his efforts to advance the region.<sup>4</sup> This is because the Regent as the head of the region at the district level focuses on carrying out regional autonomy and its policies. This right is slightly different from regional heads who at the provincial level also carry out the principle of deconcentration as representatives of the central government in the regions.<sup>5</sup> Therefore, the role, position, and authority of the Regent as regional head at the district level is the most important aspect in order to realize pro-people policies as an effort to succeed regional autonomy. Regional autonomy is actually a conception that emphasizes the role and participation of regions in managing, and empowering their regions.<sup>6</sup> Regional autonomy is one of the conceptions born from the “womb” of reform as an implication for development inequality between the center and the regions.<sup>7</sup> In relation to the role of the Regent and his representatives in optimizing regional autonomy, juridically the duties and authorities of the Regent and his deputy have been regulated in Article 65 juncto Article 66 of Law No. 23 of 2014 concerning Regional Government (Local Government Law) which only emphasizes the tasks and authorities of regional heads without explaining the tasks and powers of deputy regional heads at all.

Related to these provisions, textually it can be seen that the authority of the Vice Regent is legal uncertainty because the orientation of his authority in general only helps the duties of regional heads. In addition, Article 66 paragraphs (2) and (3) actually which states that, “In carrying out the tasks referred to in paragraph (1) and paragraph (2), the deputy regional head is responsible answer to the head of the area” affirm that the authority of the Vice Regent must be based on the Decree of the Regent as well as in exercising his authority the Vice Regent must be responsible to the Regent. This provision actually places the Vice Regent as a “subordinate” to the Regent. In fact, the Vice Regent should be a partner of the Regent. This is shown politically that the Regent and Vice Regent are simultaneously a pair elected in a momentum called regional elections.<sup>8</sup> Therefore, the Vice Regent should get proportional authority as a partner of the Regent in leading the district government.

<sup>3</sup> Weni Gusdi Sari and Zainuddin Zainuddin, “Konsep Otonomi Daerah Dalam Hukum Tata Negara Islam,” *JIS-RAH: Jurnal Integrasi Ilmu Syariah* 2, no. 2 (2021): 177, <https://doi.org/10.31958/jisrah.v2i2.4348>.

<sup>4</sup> Surya Mukti Pratama and Hario Danang Pambudhi, “Kebijakan Kepala Daerah Dalam Kerangka Sistem Otonomi Daerah,” *Jurnal Analis Hukum (JAH)* 4, no. 1 (2021): 120–30.

<sup>5</sup> Shenita Dwiyaning and Lita Tyesta Addy Listiya Wardhani, “Sistem Pertanahan Keraton Yogyakarta Sebagai Daerah Otonomi Khusus,” *Jurnal Pembangunan Hukum Indonesia* 1, no. 2 (2019): 226–36, <https://doi.org/10.14710/jphi.v1i2.226-236>.

<sup>6</sup> Baren Sipayung and Rido Doly Cristian, “The Influence of the Implementation of Regional Autonomy on Regional Financial Management of East Kalimantan Province,” *Citizen : Jurnal Ilmiah Multidisiplin Indonesia* 2, no. 3 (2022): 356–68, <https://doi.org/10.53866/jimi.v2i3.92>.

<sup>7</sup> Fradhana Putra Disantara, “TANGGUNG JAWAB NEGARA DALAM MASA PANDEMI COVID-19,” *JCH (Jurnal Cendekia Hukum)* 6, no. 1 (September 30, 2020): 48–60, <https://doi.org/10.33760/jch.v6i1.262>.

<sup>8</sup> Fadjar Trisakti and Nico Djajasinga, “Impact of Decentralization and Regional Autonomy in the Context of Improving the Quality of Public Services Towards Good Governance,” in *Proceedings of the 2nd Annual Conference*

One of the problems regarding the authority of the Vice Regent occurred in the case of the resignation as Vice Regent of Indramayu by Lucky Hakim who felt hampered and constrained in carrying out his duties and authority as Vice Regent due to positive legal provisions that only seated the Vice Regent as an assistant to the Regent.<sup>9</sup> The weakness of the regulation regarding the authority of the Vice Regent is exacerbated by the attitude of the Regent of Indramayu who often carries out his own duties without involving Lucky Hakim as Vice Regent. From the case of the resignation of Lucky Hakim as Vice Regent, it actually also emphasized that there were regulatory problems regarding the authority of the Vice Regent so that it could not be optimal to exercise its authority. From the description of these legal problems, this study focuses on answering two legal issues, namely: the legal position of the Vice Regent in the Indonesian constitutional system as well as efforts to reconstruct the authority of the Vice Regent as regional efforts in the success of regional autonomy.

The assessment of the functions and leadership of deputy regional heads, especially deputy regents, has actually been carried out by three previous studies, such as those conducted by Yusrizal, et al. (2021) which discussed the substance of the authority of the deputy regent in the Local Government Law.<sup>10</sup> The novelty of this study is that it discusses the formulation of authority between the Regent and his deputy must be accompanied by a harmonious relationship between the Regent and his deputy. The role and leadership of regional heads in optimizing aspects of regional autonomy was also carried out by Taufiqurrahman (2022) which discussed the importance of regulating the role of deputy regional heads so that in carrying out regional autonomy, regional governments have a “triad” that has great strength so that it can be optimal in carrying out regional autonomy.<sup>11</sup> Research on the importance of the position of deputy regional head was conducted by Sukmariningsih and Agusta (2023) which discussed the importance of the position of deputy regional head so that if the deputy regional head dies before being inaugurated, certain legal efforts need to be made to ensure that the position of deputy regional head remains filled.<sup>12</sup>

The three previous studies above generally show the importance of the position of deputy regional heads, especially Vice Regents. Research on the reconstruction of the authority of the Vice Regent as a regional effort in the success of regional autonomy has never been carried out specifically so this research is an original research. This study

---

*on Blended Learning, Educational Technology and Innovation (ACBLETI 2020)*, vol. 560, 2021, 49–53, <https://doi.org/10.2991/assehr.k.210615.010>.

<sup>9</sup> Dinas Kominfo Kabupaten Indramayu, “Keputusan Lucky Hakim Mundur Dari Jabatan Wakil Bupati Indramayu, Bupati Nina Agustina: Kita Hormati Dan Hargai Hak Politiknya” ([diskominfo.indramayukab.go.id](http://diskominfo.indramayukab.go.id), 2023).

<sup>10</sup> Eva Lestari, Mukhlis M, and Yusrizal Y, “Analisis Kewenangan Wakil Bupati Dalam Penyelenggaraan Pemerintahan Daerah Berdasarkan Undang-Undang Nomor 9 Tahun 2015 Tentang Perubahan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintah Daerah,” *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 4, no. 1 (2021): 83–92, <https://doi.org/10.29103/jimfh.v4i1.4108>.

<sup>11</sup> Mhd. Taufiqurrahman, “Efektivitas Wakil Kepala Daerah Dalam Penyelenggaraan Pemerintahan Daerah,” *Dar-ma Agung* 30, no. 1 (2022): 914.

<sup>12</sup> Retno Mawarini Sukmariningsih Agusta, Ivan, “Pengisian Jabatan Wakil Kepala Daerah Terpilih Yang Meninggal Dunia Sebelum Dilantik,” *JHPIS* 2, no. 1 (2023): 135.

uses normative legal research methods that emphasize normative-prescriptive analysis of positive laws.<sup>13</sup> This research approach uses conceptual and statutory approaches. The primary legal materials in this study are: the 1945 NRI Constitution and the Local Government Law. Secondary legal materials include journal articles, books, and the results of studies that discuss regional autonomy and the authority of the Vice Regent. Non-legal material is a dictionary of languages.

## 2. ANALYSIS AND DISCUSSION

### 2.1. The Legal Position of the Deputy Regent in the Indonesian State Administration System

The discussion of the authority of the Regent and Vice Regent cannot be separated from the idea of regional autonomy. This is because the idea and conception of regional autonomy provide direction for how to regulate the authority of the Regent and Vice Regent.<sup>14</sup> The authority of the Regent and Vice Regent is important to get attention because from the authority that is definite and applicative, the function of the Regent and Vice Regent in carrying out policies to improve regional welfare can be realized. The conception of regional autonomy as proposed by Philip Mahwood emphasizes the role and participation of civil society in developing regions.<sup>15</sup> The role of civil society in developing regions related to the positions of Regent and Vice Regent can be seen from the stretching of the post-reform regional autonomy orientation. At that time, a provision was also formulated that the Regent and Vice Regent were directly elected by the people in a regional election.<sup>16</sup> The election of Regents and Vice Regents directly elected by the people is actually part of the development of the idea of regional autonomy.

That is because before the reform era which carried the jargon of regional autonomy, the election of Regent and Vice Regent was carried out indirectly through the Regional People's Representative Council (DPRD).<sup>17</sup> The DPRD, which is the people's representative in the region, has the authority to elect the Regent and Vice Regent. Changes in formulation that emphasize the selection of Regents and Vice Regents directly elected by the people are part of paradigmatic changes and updates. Leadership in the regions can be carried out and have an orientation to carry out regional autonomy optimally and maximally. Regional autonomy actually has three orientations in relation to the positions of Regent and Vice Regent, namely: First, regional autonomy cannot be viewed as a conception but a paradigm in running government at the regional level

<sup>13</sup> Cynthia Hadita Eka N.A.M. Sihombing, *Penelitian Hukum*, 1st ed. (Malang: Setara Press, 2022).

<sup>14</sup> Jauhar Nashrullah and Georges Olemanu Lohalo, "The Establishment of a New Autonomous Region of Papua in State Administrative Law Perspective," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* V, no. 40 (2022): 145-59, <https://doi.org/10.24090/volksgeist.v5i2.6901>.

<sup>15</sup> Thansri Gazali Syahfei, "Efektivitas Hukum Penyelenggaraan Pemerintahan Daerah," *Jurnal Living Law* 13, no. 2 (2021): 132-41.

<sup>16</sup> Bambang Irawan et al., "Development Planning to Accelerate Sustainable Development Goals (SDGs) in Mahakam Ulu Districts as a New Autonomous Region," *Masyarakat, Kebudayaan Dan Politik* 34, no. 2 (2021): 184, <https://doi.org/10.20473/mkp.v34i22021.184-195>.

<sup>17</sup> A. B. Santoso, "Regional Head of Performance Accountability in Local Government Law from The New Order to The Reform Era," *Varia Justicia* 17, no. 1 (2021): 62-71.

that prioritizes people's participation while aiming to empower and prosper the people.<sup>18</sup> This orientation of regional autonomy has relevance to the duties and authorities of the Regent and Vice Regent so that they are always relevant to the development and demands of the community.

Second, regional autonomy comprehensively seeks to position leadership in the regions as the "locomotive" of development in the regions.<sup>19</sup> As a "locomotive" of development in the regions, the role of the Regent and Vice Regent is important because on the one hand it is an "extension" of the central government to implement central policies in the regions. On the other hand, it is also oriented to absorb and take the aspirations of the people to then be made a priority in implementing policies in the regions. Third, regional autonomy seeks to place the people as partners of local governments in formulating and implementing policies. This means that in the process of formulating to implementing policies, the people must be placed as the most important party who, in addition to being asked for input and views, can also evaluate whether the policies that have been implemented by the Regent and Vice Regent are in accordance with the wishes and needs of the people or not.<sup>20</sup> Of the three orientations related to the idea of regional autonomy which has implications for the role and authority of the Regent and Vice Regent in developing the region, so comprehensive regional development can be realized if there is systematic and responsive leadership in the regions.

Systemized and responsive regional leadership is leadership in the region where a harmonious relationship is established between the Regent and Vice Regent and there is a proportional and professional development of authority.<sup>21</sup> Systemized leadership means that between the Regent and Vice Regent must be understood as a whole or a series elected simultaneously. So that the Regent and Vice Regent have a proportional role and authority in leading the community in the region. The non-realization of systematized leadership can have an adverse impact on policies implemented by stakeholders below. Because of the disharmony between the Regent and Vice Regent, it can lead to leadership dualism in the regions.<sup>22</sup> Responsive leadership can be realized if the Regent and Vice Regent can jointly involve the community in a participatory manner in the process of making and evaluating policies.<sup>23</sup>

<sup>18</sup> Surya Mukti Pratama and Hario Danang Pambudhi, "Kedudukan, Fungsi, Dan Pengawasan Peraturan Kebijakan Kepala Daerah Dalam Kerangka Sistem Otonomi Daerah," *Analisis Hukum* 4, no. 1 (2021): 121.

<sup>19</sup> Diki Suherman, Yogi Suprayogi Sugandi, and Mohammad Benny Alexandri, "Policy Advocacy Network in Support of the Expansion of the New South Garut Autonomous Region," *Policy & Governance Review* 5, no. 2 (2021): 128, <https://doi.org/10.30589/pgr.v5i2.389>.

<sup>20</sup> Irawan et al., "Development Planning to Accelerate Sustainable Development Goals (SDGs) in Mahakam Ulu Districts as a New Autonomous Region."

<sup>21</sup> Lainah Lainah et al., "Kebijakan Otonomi Daerah (Regional Autonomy Policy) Dan Dampaknya Pada Pendidikan Madrasah," *Edukatif: Jurnal Ilmu Pendidikan* 4, no. 4 (2022): 6023-31, <https://doi.org/10.31004/edukatif.v4i4.3553>.

<sup>22</sup> Luh Putu Sudini and Made Wiryani, "Juridical Analysis of Local Government Authority on the Establishment Local Regulations Eco-Tourism Development," *Diponegoro Law Review* 7, no. 1 (2022): 53-69, <https://doi.org/10.14710/dilrev.7.1.2022.53-69>.

<sup>23</sup> Pahrudin HM and Firdaus Firdaus, "Pilkada Dan Kesejahteraan Masyarakat: Studi Kebijakan Pembangunan Di Provinsi Jambi Pasca Pemilihan Gubernur 2015," *TAJIDID: Jurnal Ilmu Ushuluddin* 19, no. 2 (2021): 214-42, <https://doi.org/10.30631/tjd.v19i2.125>.

From the aspect of systematized and responsive leadership above, in essence, it emphasizes the proportionality of authority and the role of the Regent and Vice Regent to jointly lead which aims to improve the welfare of the community in the region. Problems occur when the authority of the Vice Regent is actually seated as a “replacement” for the Regent when he is unable to carry out his duties. Article 66 of the Local Government Law does not provide a specific formulation regarding the authority of the Vice Regent other than its substance which is only intended to assist the authority of the Regent. Referring to the provisions of Article 66 of the Local Government Law, there are at least three legal implications regarding the authority of the Vice Regent if it is related to the authority of the Regent in general. The three implications, namely: first, if referring to the provisions of Article 66 of the Local Government Law, there is no authority of the Vice Regent which is substantively policy making, but it is more administrative in nature and only based on provisions to assist the authority of the Regent.

The formulation of the provisions of Article 66 of the Local Government Law which places the Vice Regent as an assistant to the Regent above actually has implications for the weak authority of the Vice Regent when compared to the Regent. The Vice Regent can even be said to be a “*back up*” or “second leader” because it can function optimally if the Regent on his authority. Second, Article 66 paragraph (2) of the Local Government Law substantively further emphasizes the inferior position of the Vice Regent to the Regent in exercising his authority. This is due to the substance of Article 66 paragraph (2) of the Local Government Law which emphasizes that the Vice Regent only carries out duties and authorities based on the Regent Decree. This creates an unequal relationship between the Regent and Vice Regent which at the same time places the Vice Regent only symbolic and does not have a substantive orientation.

At the national level, this superior and subordinate relationship is also appropriate if applied to the President or Vice President to ministers. However, this superior and subordinate relationship is not appropriate if applied to the relationship between the Regent and Vice Regent. The relationship between the Regent and Vice Regent should be a partner relationship because the Regent and Vice Regent are elected in a pair through the mechanism of electing regional heads. Therefore, the relationship between superiors and subordinates as formulated by the provisions of Article 66 paragraph (3) of the Local Government Law should not be appropriate and if there is a hierarchical relationship between the Regent and Vice Regent, then the relationship is only administrative. Of the three implications of the provisions of Article 66 of the Local Government Law which places the Vice Regent as an assistant to the Regent, this relates to the legal position of the Vice Regent in the national constitutional system.

The Vice Regent has a low legal position because he has a superior and subordinate relationship with the Regent. This makes the Vice Regent unable to establish certain

policies that have a strategic impact as the implementation of regional autonomy. The weak position of the Vice Regent is not commensurate with the political aspect of the election of the Vice Regent who is a unit (one partner) with the Regent. The political process that places the Regent and Vice Regent as partners should be implemented with a proportional division of authority between the Regent and Vice Regent.

## **2.2. Reconstruction of Vice Regent Authority: The Efforts to Optimize Regional Autonomy**

Uncertainty regarding the authority of the Vice Regent in an effort to optimize regional autonomy is actually due to the determination of Article 66 of the Local Government Law which substantively places the Vice Regent as subordinate to the Regent. This is clearly contrary to the provisions of Article 18 paragraph (4) of the 1945 NRI Constitution. Article 18 paragraph (4) of the 1945 NRI Constitution does not mention the authority of the Vice Regent. However, the provisions of Article 18 paragraph (4) of the 1945 NRI Constitution affirm that the Regent is elected through a democratic mechanism by the people. The provisions of Article 18 paragraph (4) of the 1945 NRI Constitution can be substantively interpreted that the Regent and Vice Regent are elected as a pair in regional elections. So that the Regent and Vice Regent lead the region together in implementing various policies as part of the common vision and mission when nominating regional heads.<sup>24</sup>

Referring to the political aspect, the nomination process between the Regent and Vice Regent together actually shows the need for urgency to provide a relatively equal legal position between the Regent and Vice Regent. The effort to seat the Regent and Vice Regent equally is to formulate proportional provisions regarding the authority of the Vice Regent. As is known, in Article 66 of the Local Government Law, the authority of the Vice Regent is still limited and ceremonial, some of which are also authorities that are substituted or replace the Regent if the Regent is absent or unable to carry out his duties and authority. Ideally, the authority of the Vice Regent is complementary, which means that it complements the duties and authorities of the existing Regent.

The Regent and Vice Regent are likened to duality, where both have political legitimacy to jointly lead the community as well as jointly in setting and implementing policies.<sup>25</sup> The space to regulate the authority regarding the Vice Regent is actually open when referring to the provisions of Article 66 paragraph (2) of the Local Government Law. However, the formulation in Article 66 paragraph (2) of the Local Government Law actually emphasizes the importance of legal products in the form of Regent Decrees

<sup>24</sup> Prilani Prilani and Setio Budi H Hutomo, "Konfigurasi Komunikasi Politik Atas Fenomena Calon Tunggal Pada Pilkada Kabupaten Kediri Tahun 2020," *Jurnal Komunikasi* 12, no. 2 (2020): 282, <https://doi.org/10.24912/jk.v12i2.9624>.

<sup>25</sup> Ni'matul Huda, *Presiden Dan Pembantu Presiden Dalam Sistem Ketatanegaraan Indonesia*, 1st ed. (Yogyakarta: UII Press, 2019).

in regulating the duties and authorities of the Vice Regent. This also confirms that the Vice Regent can be given authority proportionally as long as it is regulated by the Regent through a legal product called the Regent Decree. This substance actually still places the position of the Vice Regent as a subordinate of the Regent. Article 63 paragraph (1) of the Local Government Law juridically has implications for weakening the position of the Vice Regent. This is because in the formulation of Article 63 paragraph (1) of the Local Government Law, it is affirmed that the Regent “may” be appointed by his deputy. Provisions can in legal terminology have an optional character, so that the Regent “may” be accompanied by his representative implicating that the Regent is not obliged to be accompanied by the Vice Regent.

The provisions of Article 63 paragraph (1) of the Local Government Law are clearly not in accordance with the existing substance and facts where politically the Regent and Vice Regent are elected simultaneously while carrying out policies as a result of a common vision and mission.<sup>26</sup> The provisions of Article 63 paragraph (1) of the Local Government Law actually reduce the meaning that the Regent and Vice Regent are a unit of regional leaders to carry out policies aimed at the welfare of the people in the region.<sup>27</sup> In relation to efforts to optimize regional autonomy, regional leadership must be strong and synergistic. This also includes that in relation to the authority of the Regent and Vice Regent must be divided proportionally. Efforts to optimize regional autonomy in the regions require effective, responsive and populist leadership which will be optimal if there are consistent and proportional arrangements related to the authority of the Regent and Vice Regent.

Efforts to reconstruct the authority of the Vice Regent who is still under the “*shadow*” of the Regent can actually be done with two formulations, namely: first, it is necessary to regulate in Government Regulations regarding the distribution of duties and authorities between the Regent and Vice Regent. The establishment of this Government Regulation is a further regulation of the Local Government Law so that the formulation in the form of a Government Regulation can open space to implement the proportional distribution of duties between the Regent and Vice Regent. Second, further ceremonial division of duties can be carried out through a Regent Decree as stipulated in Article 66 paragraph (2) of the Local Government Law. The regulation regarding the Regent Decree is more administrative in nature so that it does not create the impression of a relationship between superiors and subordinates related to the relationship between the Regent and Vice Regent.

---

<sup>26</sup> Khairani Arhdan, Sandy Mulia, “Urgensi Pengisian Jabatan Kepala Daerah Pada Masa Transisi Pilkada Tahun 2024 Menurut Peraturan Perundang-Undangan,” *Unes Law Review* 5, no. 3 (2023): 1083–94.

<sup>27</sup> Nofal Supriaddin, “The Effect of Internal Control System and Good Governance on Employee Performance: Moderated by Leadership Style,” *International Journal of Management and Education in Human Development* 2, no. 2 (2022): 527–35.



### 3. CONCLUSION

The legal position of the Vice Regent in the national constitutional system has a low legal position because it has a superior and subordinate relationship with the Regent. This makes the Vice Regent unable to establish certain policies that have a strategic impact as the implementation of regional autonomy. The weak position of the Vice Regent is not commensurate with the political aspect of the election of the Vice Regent who is a unit (one partner) with the Regent. The political process that places the Regent and Vice Regent as partners should be implemented with a proportional division of authority between the Regent and Vice Regent. The reconstruction of the authority of the Vice Regent can be done with two formulations, namely: First, it is necessary to regulate in the Government Regulation regarding the distribution of duties and authorities between the Regent and Vice Regent. The establishment of this Government Regulation is a further regulation of the Local Government Law so that the formulation in the form of a Government Regulation can open space to implement proportional distribution of duties between the Regent and Vice Regent. Second, further the ceremonial aspect of Vice Regent through a Regent Decree as stipulated in Article 66 paragraph (2) of the Local Government Law. The regulation regarding the Regent Decree is more administrative in nature so that it does not create the impression of a relationship between superiors and subordinates related to the relationship between the Regent and Vice Regent.

### REFERENCES

- Agusta, Ivan, Retno Mawarini Sukmariningsih. "Pengisian Jabatan Wakil Kepala Daerah Terpilih Yang Meninggal Dunia Sebelum Dilantik." *JHPIS* 2, no. 1 (2023): 135.
- Arhdan, Sandy Mulia, Khairani. "Urgensi Pengisian Jabatan Kepala Daerah Pada Masa Transisi Pilkada Tahun 2024 Menurut Peraturan Perundang-Undangan." *Unes Law Review* 5, no. 3 (2023): 1083–94.
- Dinas Kominfo Kabupaten Indramayu. "Keputusan Lucky Hakim Mundur Dari Jabatan Wakil Bupati Indramayu, Bupati Nina Agustina: Kita Hormati Dan Hargai Hak Politiknya." [diskominfo.indramayukab.go.id](http://diskominfo.indramayukab.go.id), 2023.
- Disantara, Fradhana Putra. "TANGGUNG JAWAB NEGARA DALAM MASA PANDEMI COVID-19." *JCH (Jurnal Cendekia Hukum)* 6, no. 1 (September 30, 2020): 48–60. <https://doi.org/10.33760/jch.v6i1.262>.
- Dwiyansany, Shenita, and Lita Tyesta Addy Listiya Wardhani. "Sistem Pertanahan Keraton Yogyakarta Sebagai Daerah Otonomi Khusus." *Jurnal Pembangunan Hukum Indonesia* 1, no. 2 (2019): 226–36. <https://doi.org/10.14710/jphi.v1i2.226-236>.
- Eka N.A.M. Sihombing, Cynthia Hadita. *Penelitian Hukum*. 1st ed. Malang: Setara Press, 2022.
- Hendrik Muchlison. "Implementasi Pelimpahan Kewenangan Bupati Kepada Camat

- Dalam Pembangunan Infrastruktur Melalui Pemanfaatan Program Pagu Indikatif Wilayah Kecamatan (PIWK) Di Kabupaten Sidoarjo.” *Jurnal Kebijakan Pembangunan* 17, no. 1 (2022): 77–90. <https://doi.org/10.47441/jkp.v17i1.234>.
- HM, Pahrudin, and Firdaus Firdaus. “Pilkada Dan Kesejahteraan Masyarakat: Studi Kebijakan Pembangunan Di Provinsi Jambi Pasca Pemilihan Gubernur 2015.” *TAJDID: Jurnal Ilmu Ushuluddin* 19, no. 2 (2021): 214–42. <https://doi.org/10.30631/tjd.v19i2.125>.
- Huda, Ni’matul. *Presiden Dan Pembantu Presiden Dalam Sistem Ketatanegaraan Indonesia*. 1st ed. Yogyakarta: UII Press, 2019.
- Irawan, Bambang, Paisal Akbar, Eko Priyo Purnomo, and Achmad Nurmandi. “Development Planning to Accelerate Sustainable Development Goals (SDGs) in Mahakam Ulu Districts as a New Autonomous Region.” *Masyarakat, Kebudayaan Dan Politik* 34, no. 2 (2021): 184. <https://doi.org/10.20473/mkp.v34i22021.184-195>.
- Lainah, Lainah, Zulmuqim Zulmuqim, Iswantir Iswantir, and Bambang Trisno. “Kebijakan Otonomi Daerah (Regional Autonomy Policy) Dan Dampaknya Pada Pendidikan Madrasah.” *Edukatif: Jurnal Ilmu Pendidikan* 4, no. 4 (2022): 6023–31. <https://doi.org/10.31004/edukatif.v4i4.3553>.
- Lestari, Eva, Mukhlis M, and Yusrizal Y. “Analisis Kewenangan Wakil Bupati Dalam Penyelenggaraan Pemerintah Daerah Berdasarkan Undang-Undang Nomor 9 Tahun 2015 Tentang Perubahan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintah Daerah.” *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 4, no. 1 (2021): 83–92. <https://doi.org/10.29103/jimfh.v4i1.4108>.
- Nashrullah, Jauhar, and Georges Olemanu Lohalo. “The Establishment of a New Autonomous Region of Papua in State Administrative Law Perspective.” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* V, no. 40 (2022): 145–59. <https://doi.org/10.24090/volksgeist.v5i2.6901>.
- Pratama, Surya Mukti, and Hario Danang Pambudhi. “Kebijakan Kepala Daerah Dalam Kerangka Sistem Otonomi Daerah.” *Jurnal Analisis Hukum (JAH)* 4, no. 1 (2021): 120–30.
- . “Kedudukan, Fungsi, Dan Pengawasan Peraturan Kebijakan Kepala Daerah Dalam Kerangka Sistem Otonomi Daerah.” *Analisis Hukum* 4, no. 1 (2021): 121.
- Prilani, Prilani, and Setio Budi H Hutomo. “Konfigurasi Komunikasi Politik Atas Fenomena Calon Tunggal Pada Pilkada Kabupaten Kediri Tahun 2020.” *Jurnal Komunikasi* 12, no. 2 (2020): 282. <https://doi.org/10.24912/jk.v12i2.9624>.
- Santoso, A. B. “Regional Head of Performance Accountability in Local Government Law from The New Order to The Reform Era.” *Varia Justicia* 17, no. 1 (2021): 62–71.
- Sari, Weni Gusdi, and Zainuddin Zainuddin. “Konsep Otonomi Daerah Dalam Hukum Tata Negara Islam.” *JISRAH: Jurnal Integrasi Ilmu Syariah* 2, no. 2 (2021): 177. <https://doi.org/10.31958/jisrah.v2i2.4348>.

- Sipayung, Baren, and Rido Doly Cristian. "The Influence of the Implementation of Regional Autonomy on Regional Financial Management of East Kalimantan Province." *Citizen : Jurnal Ilmiah Multidisiplin Indonesia* 2, no. 3 (2022): 356–68. <https://doi.org/10.53866/jimi.v2i3.92>.
- Sudini, Luh Putu, and Made Wiryani. "Juridical Analysis of Local Government Authority on the Establishment Local Regulations Eco-Tourism Development." *Diponegoro Law Review* 7, no. 1 (2022): 53–69. <https://doi.org/10.14710/dilrev.7.1.2022.53-69>.
- Suherman, Diki, Yogi Suprayogi Sugandi, and Mohammad Benny Alexandri. "Policy Advocacy Network in Support of the Expansion of the New South Garut Autonomous Region." *Policy & Governance Review* 5, no. 2 (2021): 128. <https://doi.org/10.30589/pgr.v5i2.389>.
- Supriaddin, Nofal. "The Effect of Internal Control System and Good Governance on Employee Performance: Moderated by Leadership Style." *International Journal of Management and Education in Human Development* 2, no. 2 (2022): 527–35.
- Syahfei, Thansri Gazali. "Efektivitas Hukum Penyelenggaraan Pemerintahan Daerah." *Jurnal Living Law* 13, no. 2 (2021): 132–41.
- Taufiqurrahman, Mhd. "Efektivitas Wakil Kepala Daerah Dalam Penyelenggaraan Pemerintahan Daerah." *Darma Agung* 30, no. 1 (2022): 914.
- Trisakti, Fadjar, and Nico Djajasinga. "Impact of Decentralization and Regional Autonomy in the Context of Improving the Quality of Public Services Towards Good Governance." In *Proceedings of the 2nd Annual Conference on Blended Learning, Educational Technology and Innovation (ACBLETI 2020)*, 560:49–53, 2021. <https://doi.org/10.2991/assehr.k.210615.010>.
- Yuhandra, Erga, Suwari Akhmaddhian, and Anggit Anggiatna. "The Authority Relationship: Regional Head and His Deputy in the Regional Autonomy." *Unifikasi: Jurnal Ilmu Hukum* 8, no. 2 (2021): 176–85. <https://doi.org/10.25134/unifikasi.v8i2.5069>.