

# Appointment of Acting Regional Heads by The Central Government: Analysis of Authority and Principles of Local Democracy

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## Abstract

*The appointment of an Acting Regional Head by the Central Government during the transition period of the 2024 National Simultaneous Regional Elections has sparked constitutional controversy regarding government authority and alignment with the principles of local democracy and decentralization. This study aims to examine the legal construction of the Central Government's authority in appointing Acting Regional Heads. In addition, this study also seeks to evaluate the suitability of this practice with the principles of democracy and decentralization as stipulated in the 1945 Constitution of the Republic of Indonesia. The method used in this study is a normative legal research method, by applying a statutory approach and a conceptual approach. The legal sources that are the object of analysis include the 1945 Constitution, Law No. 10 of 2016, Law No. 23 of 2014, and Regulation of the Minister of Home Affairs No. 4 of 2023, Constitutional Court decisions, and scientific literature related to the theory of authority and democracy. The results of the study indicate that the authority of the Central Government in appointing Acting Regional Heads is formally attributive and meets the principle of legality. However, the regulatory framework still leaves serious issues related to the limits of authority, selection mechanisms, accountability, and minimal participation by the Regional People's Representative Council (DPRD) and local communities. This situation creates a deficit in democratic legitimacy and a tendency towards recentralization, which has the potential to undermine the principle of regional autonomy. This study concludes that the appointment of Acting Regional Heads is formally constitutional but problematic from a democratic and decentralized perspective, necessitating a reconstruction of the appointment mechanism to align with the principles of local democracy and a democratic state based on the rule of law.*

**Keywords:** Local Democracy; Decentralization; Authority and Acting Regional Head.

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## I. INTRODUCTION

The 16th US President, Abraham Lincoln, argued that "democracy is a government of the people, by the people, and for the people," so the highest power holders in a government are the people. Indonesia is a sovereign country that adheres to a democratic system and has been expressly stated in the constitution, namely in the preamble to the 1945 Constitution in the fourth paragraph, which states that the Indonesian state is sovereign of the people, which means that power and government are carried out according to the will of the people. Then it was reaffirmed in the third amendment to the 1945 Constitution, Article 1 paragraph (2) which reads "sovereignty is in the hands of the people and is implemented according to the Constitution." Some of the main principles of a democratic state include, power being in the hands of the people, the division of power and a system or mechanism of "checks and balances" between institutions, the existence of fair and free elections, the protection of human rights, and equality before the law. The principles above make Indonesia a constitutional democracy. (Intan Sri Anisa, 2024) (Irawan, 2025). After the 1998 reforms, Indonesia amended its constitution by implementing the principle of decentralization in its government system. Decentralization is the embodiment of the principles of democracy and a unitary state, where power is not fully centralized, but is shared to bring public services closer to the people.

Article 18 of the 1945 Constitution fundamentally serves as a concrete legal basis for the implementation of regional autonomy, by granting substantial, real, and accountable authority to regional governments. Technically, regional autonomy is regulated in Law No. 22 of 1999 and has been subject to several material and formal tests, revoked, and most recently replaced by Law No. 23 of 2014. This law is considered a turning point from the centralistic system of the New Order era and focuses on the distribution, regulation, and utilization of natural resources and provides substantial authority to regional governments to

regulate and manage their government affairs independently in accordance with statutory provisions. In addition, the implementation of regional autonomy must also be carried out based on the principles of democracy, community participation, and justice, while still considering the potential and diversity of the region. (Robi, 2023). In 2024, Indonesia will hold simultaneous national elections, including the election of regional leaders at the provincial level for governors, at the district level for regents, and at the city level for mayors. This is an important step by the government to realize the division of power through a democratic process involving the community.

The implementation of these simultaneous regional head elections has various consequences, one of which is related to the term of office of regional leaders that ends before 2024. It was recorded that 101 regional leaders have completed their terms in 2022, and another 170 will finish in 2023. Thus, there are a total of 271 regional leaders whose terms of office expire before the simultaneous elections in 2024. This condition requires a special mechanism to avoid vacancies in regional head positions so that the government continues to run and does not experience stagnation. In order to maintain the continuity of regional government during the transition period leading up to the regional elections which will be held simultaneously nationally in 2024, the central government has appointed acting regional heads to fill vacant positions in the regions. The legal basis for appointing acting regional heads is stated in Law No. 10 of 2016 in Article 201 paragraph (9), which states: "To fill the vacant positions of Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor whose terms of office end in 2022 as referred to in paragraph (3) and whose terms of office end in 2023 as referred to in paragraph (5), an acting Governor, acting Regent, and acting Mayor will be appointed until the election of the Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor through national simultaneous elections in 2024." Article 174 in paragraph (7) of Law No. 10 of 2016 explains that if the remaining term of office of a regional head is less than 18 months, the president has the authority to appoint an acting governor, while the minister appoints acting regents and mayors.

However, the procedure for appointing acting regional heads carried out by the minister and the president is considered to involve little or no involvement of the DPRD or participation of the regional community. This is considered contrary to the principles of local democracy and the decentralization system that is the basis for governance in Indonesia. In the constitution of the Republic of Indonesia, specifically in Article 18 paragraph (4) of the 1945 Constitution, it is explained that regional heads must be elected democratically. (DADAN RAMDANI, 2024) Several articles in Law No. 10 of 2016 relating to Acting Regional Heads have been tested several times by the Constitutional Court. The Constitutional Court's Decision Number 67/PUU-XIX/2021, that in the simultaneous regional elections which will be held in 2024, has implications for cutting the term of office of regional heads and is considered not to provide legal certainty, violating the constitutional rights of elected regional heads so that it is contrary to the Law and the 1945 Constitution. Then the Constitutional Court's Decision Number 15/PUU-XX/2022, the applicant stated that the appointment of Acting Regional Heads carried out by the central government is considered to have no clear mechanism and standards in its appointment and is considered to violate the democratic system and the principle of decentralization adopted by the Indonesian state as outlined in the 1945 Constitution of the Republic of Indonesia. Although the articles tested by the applicant were still declared constitutional by the Constitutional Court and the applicant's application was rejected in its entirety by the Constitutional Court. However, in its considerations, the Constitutional Court advised the government to form implementing regulations for Article 201 of Law No.

However, it was ignored by the government and only established in 2023, at which point many acting regional heads were appointed without a clear selection mechanism and standards. (Ramdhani, 2024) Although the legal basis for appointing Acting Regional Heads is regulated in Law No. 10 of 2016 and its implementing regulations, namely Home Affairs Ministerial Regulation No. 4 of 2023, the appointment of Acting Regional Heads still causes problems and is considered inconsistent with the principles of democracy stated in the 1945 Constitution. The selection mechanism, criteria, and procedures are not expressly regulated in the law, thus opening up room for interpretation for the central government. The practice of appointing Acting Regional Heads is often criticized for being considered unilateral, lacking participation

from the Regional People's Representative Council (DPRD) or local communities, which are fundamental requirements that must be fulfilled in the implementation of a democratic state, and is considered prone to politicization. This condition raises the question, does the appointment practice truly uphold the principles of local democracy and decentralization? (Yahuda & Michael, 2024) Most studies have examined the problematic appointment of acting regional heads by the central government.

However, only a few have comprehensively examined the legal construction of the central government's authority to appoint acting regional heads and the suitability of this practice to the principles of local democracy. This research is crucial to ensure the legal and constitutional evaluation of the appointment of acting regional heads. Based on this description, this study will examine the legal construction of the central government's authority in appointing acting regional heads and whether the appointment mechanism aligns with the principles of democracy and decentralization as stipulated in the 1945 Constitution. This research uses two problem formulations based on the background above, namely: (1) How is the legal construction of the central government's authority regarding the appointment of Acting Regional Heads in Regional Head Elections? and (2) Is the appointment of Acting Regional Heads in accordance with the principles of democracy and decentralization according to the 1945 Constitution?

## **II. METHODS**

This research applies the normative legal method, namely a legal study that focuses on positive legal provisions governing the appointment of acting regional heads by the central government. The approaches used include a legislative approach and a conceptual approach. The legislative approach is carried out through a review of various regulations such as the 1945 Constitution, Law No. 23 of 2014, Law No. 10 of 2016 concerning Regional Head Elections, and Regulation of the Minister of Home Affairs No. 4 of 2023 concerning Acting Governors, Regents, and Mayors. Meanwhile, a conceptual approach is applied to understand various legal theories regarding authority, democracy, and decentralization as a foundation for analysis. (Rifa'i et al., 2023). Information gathering for this research was conducted through a literature search, with a focus on the use of existing data (secondary data). This data includes relevant laws and court decisions (as primary sources); publications such as books, journals, and scholarly articles, as well as the opinions of legal experts (as supporting sources); and references such as legal dictionaries and encyclopedias to assist in understanding the definitions of the legal terms used.

Data collection techniques are carried out by searching, recording, and grouping legal materials from official sources such as government websites, university libraries, and national and international legal journals related to the issue of central government authority and the principles of democracy in the regions. All data obtained were analyzed using descriptive qualitative analysis methods, namely by explaining and interpreting applicable laws and linking them to the principles of democracy and decentralization in the 1945 Constitution. The results of the analysis were then used to build a legal construction regarding the authority of the central government in appointing Acting Regional Heads and evaluating their suitability with the principles of local democracy and the principles of decentralization adopted by the Unitary State of the Republic of Indonesia.

## **III. RESULT AND DISCUSSION**

The discussion in this journal will comprehensively analyze the practice of appointing Acting Regional Heads carried out by the central government using two theoretical foundations: the Theory of Authority and the Theory of Democracy. These two theories were chosen because the practice of appointing Acting Regional Heads is an action that lies at the intersection of administrative legality and democratic legitimacy. On the one hand, the central government has a legal basis to fill regional head positions through the mechanism of appointing Acting Regional Heads. However, on the other hand, this mechanism raises fundamental questions regarding the fulfillment of the principles of popular sovereignty and local democracy, considering that Acting Regional Heads are not directly elected by the community as regional heads are. Therefore, this discussion is designed to explore how this authority is established, exercised, and limited under Indonesian positive law, as well as how these mechanisms are assessed from the perspective of

constitutional democracy. The analysis focuses not only on normative (legal-formal) aspects but also on substantive aspects related to legitimacy and democratic impact on regional government administration. The discussion will then be synthesized to examine the tensions, relationships, and potential harmonization between the two theories in the context of appointing Acting Regional Heads. With this approach, the discussion is expected to be able to provide a complete picture of the issues of constitutionality, legality and democratization of the practice of appointing Acting Regional Heads, by answering the research problem formulation in depth;

### **Legal Construction of the Central Government's Authority Regarding the Appointment of Acting Regional Heads in Regional Head Elections**

The authority of the Central Government in appointing Acting Regional Heads must be analyzed within the framework of constitutional law and state administrative law, relying on the theory of authority as the primary instrument for assessing the legality of government actions. In a state based on the rule of law, every government action can only be justified if it has a legitimate and clear basis for authority in statutory regulations. Philipus M. Hadjon emphasizes that authority (*bevoegdheid*) is the power granted by law to produce legal consequences, so that without a legitimate basis for authority, government actions have the potential to violate the principle of legality (*legaliteitsbeginsel*). This perspective positions authority as a normative foundation that distinguishes legitimate government actions from arbitrary actions. (Hari Susanto, 2020) In line with this, Bagir Manan clearly distinguishes between power and authority. Power only reflects the factual ability to act, while authority always contains a normative dimension in the form of rights, obligations, and limitations determined by law. Therefore, authority serves not only as a justification for government action but also as a limiting mechanism to ensure its implementation remains aligned with the objectives for which the authority was granted. In this context, the theory of authority serves as an instrument of constitutional control over the administration of government. (Situngkir, 2023) (Herlina, nd) In state administrative law, three main forms of government authority are recognized: attribution, delegation, and mandate.

Attribution is the granting of original authority by law or the constitution to a governmental body, accompanied by full responsibility for its implementation. Delegation is the transfer of authority from one body to another with the transfer of legal responsibility, while a mandate is the assignment of a higher-ranking official to a lower-ranking official to act on their behalf without transferring responsibility. This classification is crucial for assessing the nature of the Central Government's authority in appointing Acting Regional Heads. (Wicaksono & Rahman, 2020) Normatively, the Central Government's authority in appointing Acting Regional Heads is rooted in Law No. 10 of 2016 concerning Regional Head Elections. Article 201 paragraph (10) and paragraph (11) provide the legal basis for the Government to fill vacant regional head positions until the holding of simultaneous national regional head elections. In this construction, the appointment of Acting Governors is the authority of the President, while the appointment of Acting Regents and Acting Mayors is the authority of the Minister of Home Affairs. This regulation is then detailed through Home Affairs Ministerial Regulation No. 4 of 2023 which regulates the requirements, proposal mechanisms, and appointment of Acting Regional Heads. However, the enactment of Minister of Home Affairs Regulation No. 4 of 2023 deserves normative criticism because it was carried out far beyond the deadline stipulated in Article 205C of Law No. 10 of 2016, which expressly requires implementing regulations to be established no later than three months after the law's enactment.

This delay reflects normative neglect by the Government and has resulted in the practice of appointing Acting Regional Heads for years without clear, transparent, and accountable legal standards. This condition strengthens the argument that although the authority to appoint has a formal legal basis, its implementation has not been accompanied from the outset by an adequate regulatory framework to guarantee the principles of democracy and accountability. (Nababan et al., 2025) When analyzed based on the theory of authority, this normative construction indicates that the authority to appoint Acting Regional Heads is essentially attributive, as it is directly created by law and does not originate from the delegation of authority from the regional government or the Regional People's Representative Council (DPRD). As stated by CPI Goorden, attribution is a mechanism for the original creation of authority through statutory regulations.



Therefore, from a formal legal perspective, the Central Government has the legal legitimacy to appoint Acting Regional Heads in the event of a vacancy. (DADAN RAMDANI, 2024) However, the attributive nature of this authority cannot be interpreted as absolute. In a state governed by the rule of law, all governmental authority must be exercised in accordance with general principles of good governance, such as proportionality, transparency, accountability, and the prohibition of abuse of authority.

Problems arise when regulations regarding the appointment of Acting Regional Heads fail to provide clear boundaries regarding the scope of substantive authority, a transparent selection mechanism, and the degree of participation of regional actors. (Hadi, 2018) In practice, provisions regarding the appointment of Acting Regional Heads are largely implemented through central government administrative policies without detailed regulations regarding selection standards, involvement of the Regional People's Representative Council (DPRD), and public oversight mechanisms. This situation opens up wide scope for discretion and has the potential to shift the administrative purpose of appointing Acting Regional Heads into a political instrument. The risk of abuse of authority (*détournement de pouvoir*) increases when authority intended as a temporary administrative solution is used for purposes not entirely in line with the intended purpose of granting the authority. The issue becomes even more complex when, in practice, Acting Regional Heads not only carry out routine administrative functions but also make strategic decisions, befitting a definitive regional head, such as budget management and official transfers. If the appointment of Acting Regional Heads is understood as a form of administrative mandate, then this expansion of authority contradicts the mandate's intended temporary and limited nature. The discrepancy between the nature of the authority and its implementation demonstrates the weakness of the legal framework for appointing Acting Regional Heads. In its review of constitutional democracy, the Constitutional Court, through Decisions No. 67/PUU-XIX/2021 and No. 15/PUU-XX/2022, affirmed that the appointment of Acting Regional Heads is constitutionally permissible to fill vacant positions and ensure the continuity of regional government.

However, this constitutional legitimacy rests on considerations of administrative needs and exceptional necessity, not on substantive fulfillment of the principle of popular sovereignty. The Court has never positioned the appointment of Acting Regional Heads as a normal mechanism for filling regional head positions. Furthermore, the Constitutional Court implicitly demands transparency, accountability, and limitations on the authority of Acting Regional Heads to ensure that these mechanisms do not deviate from the principles of democracy and decentralization. However, existing implementing regulations have not fully internalized these constitutional requirements. The minimal involvement of the Regional People's Representative Council (DPRD) and local communities, as well as the absence of clear limitations on authority, actually strengthen the central government's dominance in central-regional relations. (Ramdhani, 2024) Thus, it can be concluded that the Central Government's authority to appoint Acting Regional Heads formally meets the principles of legality and is attributive. However, from a legal and constitutional perspective, this authority still poses serious issues related to the clarity of authority boundaries, accountability mechanisms, and consistency with the principles of regional autonomy. This situation indicates that normative legality is not always synonymous with constitutional legitimacy, thus requiring further analysis of the appointment of Acting Regional Heads from the perspective of democracy and decentralization in the following problem formulation.

### **The Conformity of the Appointment of Acting Regional Heads with the Principles of Democracy and Decentralization According to the 1945 Constitution**

Based on the finding that the Central Government's authority in appointing Acting Regional Heads formally meets the principle of legality, but still leaves the issue of constitutional legitimacy, the analysis of this Problem Formulation is directed at examining this mechanism from the perspective of democracy and decentralization. The focus of the discussion is no longer limited to the normative legitimacy of the authority, but rather on the extent to which the appointment of Acting Regional Heads reflects the principles of popular sovereignty, democratic accountability, and respect for regional autonomy within the framework of Indonesia's constitutional democracy. (Rimantoro, 2024) The principle of democracy is a fundamental pillar of the Indonesian rule of law, as affirmed in Article 1 paragraph (2) of the 1945 Constitution, which states that sovereignty rests with the people and must be exercised according to the Constitution. In the

context of regional government, this principle is reinforced by Article 18 paragraph (4) of the 1945 Constitution, which mandates that governors, then regents, and mayors must be elected democratically. This provision emphasizes that local democracy is not merely a policy choice, but an integral part of the constitutional design of regional autonomy, which places the people as the primary source of legitimacy for power at the local level.

(Yahuda & Michael, 2024) Local democracy cannot be understood narrowly as a mere electoral procedure, but rather encompasses guarantees of public participation, legitimacy of power, government accountability, and a relationship of responsibility between regional leaders and the people. Within this framework, direct regional head elections serve as a primary instrument to ensure that regional government power is exercised based on the people's mandate and is politically accountable. Therefore, every mechanism for filling regional head positions, including during transitional or vacant positions, should continue to reflect the fundamental values of local democracy and not diminish the essence of popular sovereignty. The appointment of Acting Regional Heads by the Central Government raises conceptual issues from a democratic theory perspective. Unlike definitive regional heads who obtain a direct mandate through general elections, Acting Regional Heads are appointed through administrative mechanisms without the involvement of the local people. As a result, their legitimacy is legal-administrative, not democratic. In democratic theory, this condition is known as a democratic deficit, namely a situation where power is exercised by public officials who do not receive a direct mandate from the people and do not have a direct political accountability relationship to the communities they lead. This legitimacy deficit has the potential to weaken the quality of local democracy and reduce public trust in the implementation of regional governance. (Anwar et al., 2024) When tested using democratic parameters encompassing participation, legitimacy, oversight, and accountability, the mechanism for appointing Acting Regional Heads exhibits a number of structural weaknesses.

Local community participation in the appointment process is virtually non-existent, as appointment authority rests solely with the President and the Minister of Home Affairs. The Regional People's Representative Council (DPRD), as the political representative of the local people, also has no substantive role in the selection or approval process. In terms of legitimacy, Acting Regional Heads lack a political mandate from the people, while in terms of accountability, the accountability relationship tends to be vertical to the Central Government, rather than horizontal to the DPRD and local communities. This weakens the principle of checks and balances at the local level and shifts the orientation of local government from public accountability to administrative loyalty. (Pratama et al., 2024) The issue of democracy becomes even more problematic when linked to the principle of decentralization as stipulated in Article 18 paragraph (2) of the 1945 Constitution, which emphasizes that regions have the authority to regulate and manage all their own government affairs according to the principle of autonomy. The dominance of the Central Government in all stages of appointing Acting Regional Heads shows a tendency towards recentralization of authority in central-regional relations. The dependence of Acting Regional Heads on central authority has the potential to influence the independence of regional policies and limit the space for autonomy in strategic decision-making during the transitional period of government. (Utama et al., 2024) Although Minister of Home Affairs Regulation No. 4 of 2023 is normatively claimed as an instrument to ensure openness, transparency, and accountability in the appointment of Acting Regional Heads, an analysis of the substance of its regulations shows that this regulation remains administratively oriented and centralized.

The regulation does not provide a meaningful mechanism for regional community participation, does not position the Regional People's Representative Council (DPRD) as a substantive oversight actor, and does not establish selection standards containing indicators of democratic legitimacy. Furthermore, the regulation of the Acting Regional Head's authority, which is essentially the same as that of the definitive regional head, with limitations that can be excluded with the Minister's approval, indicates that the limitations on authority are weak and immeasurable. This condition confirms that Minister of Home Affairs Regulation No. 4 of 2023 does not fully reflect the principles of local democracy and decentralization as mandated by the 1945 Constitution. From a constitutional democratic perspective, the Constitutional Court has indeed affirmed that the appointment of Acting Regional Heads is constitutionally permissible to fill vacant positions and ensure

the continuity of regional government. However, this constitutional legitimacy is based on administrative needs and exceptional necessity, not as a substitute for democratic mechanisms for filling regional head positions. The Court also implicitly emphasized the importance of transparency, accountability, and limited authority to ensure that these mechanisms do not deviate from the principles of democracy and decentralization. However, existing implementing regulations have not fully internalized this constitutional intent, creating a gap between formal legality and the fulfillment of substantive democracy.

(Assyayuti, 2022) Conceptually and constitutionally, there are fundamental differences between a definitive regional head elected through a general election and an Acting Regional Head appointed by the Central Government. A definitive regional head derives direct democratic legitimacy from the people, has a political mandate, and is horizontally accountable to the public and the Regional People's Representative Council (DPRD). In contrast, an Acting Regional Head is a non-elective official who derives legitimacy solely from administrative decisions of the Central Government, thus providing a vertical and limited accountability. Equating the duties and authorities of an Acting Regional Head with a definitive regional head has the potential to blur the line between democratic mandate and administrative assignment within the regional government system. Based on this analysis, it can be concluded that the appointment of Acting Regional Heads by the Central Government, although formally declared constitutional, still leaves a deficit of democratic legitimacy and tensions with the principle of decentralization in practice. Appointments that do not involve the participation of the people and the Regional People's Representative Council (DPRD) as a representation of local sovereignty have the potential to weaken local democracy and strengthen vertical relations between the central and regional governments. Therefore, the formal constitutionality of the appointment of Acting Regional Heads cannot be equated with the fulfillment of the principles of constitutional democracy, so that a reconstruction of the mechanism for filling positions is needed that is more participatory, accountable, and consistent with the spirit of regional autonomy.

The synthesis between the theory of authority and the theory of democracy shows that the actions taken by the Central Government in appointing Acting Regional Heads are at the intersection of the legality of authority and democratic legitimacy. From the perspective of the theory of authority, as stated by Philipus M. Hadjon and Bagir Manan, the authority of the Central Government is formally legally justifiable because it originates from the attribution of law, specifically Law No. 10 of 2016 which is operationalized through the Home Affairs Regulation No. 4 of 2023. Thus, the act of appointing Acting Regional Heads normatively fulfills the principle of legality as a prerequisite for the validity of government actions. (Hariyanto, nd) However, the theory of authority also emphasizes that attribution of authority is not absolute and remains bound by general principles of good governance, including limitations on objectives, scope of authority, and prohibitions on abuse of authority. Weak regulations regarding selection mechanisms, limits on substantive authority, and oversight patterns of Acting Regional Heads expand the Central Government's discretion and open up the potential for deviation from the objectives of authority, including a tendency toward centralization and politicization of power in regional government practices. From the perspective of democratic theory, this problem is further exacerbated. The principle of popular sovereignty, as affirmed in Article 1 paragraph (2) and Article 18 paragraph (4) of the 1945 Constitution, requires that the appointment of regional heads reflect popular participation and political legitimacy. The appointment of Acting Regional Heads through administrative mechanisms without the involvement of the people and the Regional People's Representative Council (DPRD), results in a legal-administrative, rather than democratic, legitimacy, thus creating a democratic deficit in the implementation of regional governance.

The tension between legality and legitimacy is increasingly problematic within the framework of decentralization. The dominance of the Central Government in the process of appointing Acting Regional Heads indicates a tendency towards recentralization of authority that has the potential to weaken regional autonomy as guaranteed by Article 18 paragraph (2) of the 1945 Constitution. The ambiguity between the administrative nature of Acting Regional Heads and the implementation of strategic policy functions similar to definitive regional heads has an impact on weakening horizontal accountability, disrupting the checks and balances mechanism, and increasing the risk of politicization of regional bureaucracy. Thus, this synthesis confirms that the appointment of Acting Regional Heads is legally valid according to the theory of authority,

but is not fully aligned with the principles of democracy and decentralization. Normative legality does not automatically generate democratic legitimacy. Therefore, a restructuring of the mechanism for appointing Acting Regional Heads is necessary through strengthening objective criteria, transparency in selection, involvement of the Regional People's Representative Council (DPRD), limitations on substantive authority, and public oversight mechanisms, so that legality and legitimacy can coexist within the framework of a democratic and decentralized state based on the rule of law.

#### **IV. CONCLUSION**

This study shows that the central government's actions in appointing Acting Regional Heads normatively fulfill the principle of legality because they are sourced from the authority of attribution of law, specifically Article 201 of Law Number 10 of 2016 and its implementing regulations. However, this formal legality has not been fully accompanied by adequate regulations regarding the selection mechanism, limitation of authority, and supervision, thus opening up wide discretionary space for the Central Government. This condition confirms that the legal construction of the appointment of Acting Regional Heads is still administrative and centralistic, and has the potential to deviate from the initial purpose of granting authority within the framework of regional autonomy. From a constitutional democracy perspective, the appointment of Acting Regional Heads raises legitimacy issues because it does not involve public participation or the Regional People's Representative Council (DPRD) as the regional political representation.

Although the Constitutional Court, through Decisions Number 67/PUU-XIX/2021 and Number 15/PUU-XX/2022, confirmed this mechanism as a temporary solution, the Court firmly emphasized that filling regional head positions must still be interpreted "democratically." Appointment practices that lack participation and accountability indicate a democratic deficit and a tendency towards recentralization of authority, potentially undermining the principle of decentralization guaranteed by Article 18 of the 1945 Constitution. Therefore, this study confirms that the legality of the Central Government's authority to appoint Acting Regional Heads does not automatically generate democratic legitimacy. Therefore, normative and institutional reconstruction is needed through strengthening regulations at the statutory level, involving the DPRD, limiting the substantive authority of Acting Regional Heads, and implementing transparent and accountable oversight mechanisms. This reconstruction is a constitutional prerequisite for state administrative authority to align with the principles of local democracy and decentralization within a democratic, rule-of-law framework.

#### **V. SUGGESTION**

Based on the research conclusions, which confirm that the Central Government's authority in appointing Acting Regional Heads is legally valid in terms of normative legality but does not fully fulfill democratic legitimacy and the principle of decentralization, this study recommends three corrective measures. First, lawmakers need to strengthen and restructure the legal regulations regarding the appointment of Acting Regional Heads at the statutory level, not only through implementing regulations. This strengthening should include the formulation of an appointment mechanism, objective selection criteria and standards, limitations on strategic authority, and affirmation of the temporary and non-political nature of the Acting Regional Head's term of office. These more stringent and measurable regulations are needed to limit the Central Government's discretionary attribution of authority, prevent abuse of authority, and bridge the gap between administrative legality and constitutional legitimacy in the practice of appointing Acting Regional Heads. Second, the mechanism for appointing an Acting Regional Head needs to be reconstructed to better reflect the principles of local democracy and popular sovereignty at the regional level, through the involvement of the Regional People's Representative Council (DPRD) as the political representative of the local people and providing space for local community participation.

This involvement can be designed in the form of consultations or recommendations with clear institutional weight, both at the candidate nomination stage and in the performance evaluation of the Acting Regional Head. This reconstruction is crucial to reduce the democratic deficit inherent in non-elective



positions and to ensure that the legitimacy of the Acting Regional Head does not stem solely from administrative decisions of the Central Government. Third, it is necessary to strengthen the oversight and accountability mechanisms of Acting Regional Heads in a balanced manner, both horizontally to the Regional People's Representative Council (DPRD) and vertically to the Central Government. Strengthening horizontal oversight is crucial to maintain the principle of checks and balances in regional governance and prevent the tendency for recentralization of authority during the transition period. Furthermore, the Central Government must consistently apply the general principles of good governance, particularly the principles of openness, accountability, and proportionality, to prevent the politicization of office, maintain the neutrality of the regional bureaucracy, and protect the quality of local democracy.

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