



## Governance of Acting Regional Heads and Its Implications for National Resilience

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### Article Info:

### Abstract

#### Keywords:

accountability, acting regional head, *asta gatra*, local democracy, national resilience

**Purpose:** This research describes how much the selection of acting regional heads by the central government does not run as per the constitutional principles, local democracy and national resilience which are through the *Asta Gatra* framework but more politically captured by offering a model of governance that is more accountable and participatory.

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**Study Design/Methodology/Approach:** Normative legal method with narrative review and comparative analyses of legislation, Constitutional Court decisions, and national and international academic literature to map the correlation between legal legitimacy, institutional design and regional government stability.

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**Findings:** The findings reveal that the higher-level leadership appointment system has substantial regulatory vacancies, especially in terms of authority restriction, legislative supervision, selection transparency and performance responsibility. These contradictions are affecting the political, governance and social aspects of *Asta Gatra* so that it can drain the power of regional legitimacy and institutional resilience. Country illustrations, like in Germany, India, and South Africa, show that support for interim leadership is normally subject to legislative endorsement and public scrutiny, with terms of office limited to democratic insurance coverage.

**Originality/Value:** This conceptual contribution is presented to the development of an institutional design for regional leadership transitions that is more democratic and adaptive to national resilience needs. Recommendations focus on regulatory reform, involvement of the Regional People's Representative Council (DPRD), and strengthening public evaluation to ensure the appointment of Acting Regional Heads aligns with substantive democratic principles and strengthens regional autonomy.

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INTRODUCTION

The appointment of acting regional heads by the Indonesian central government has become a growing constitutional and political controversy, particularly in the context of simultaneous regional elections and democratic transitions. Although decentralisation has been reinforced by Law Number 23 of 2014, mainly Article 1 paragraph (2), which stipulates that the implementation of regional government adheres to the principle of autonomy and community participation, as well as Articles Number 17 and Number 18 granting regions a mandate to determine their policy based on local need, the practice of appointing temporal regional heads without any involvement from the legislative, public participation and without electoral legitimacy is decreasing democracy. According to letters b and c of the law, the provisions in letters b and c of the law provide that regional government must be guided by principles, which are identified as democracy, effective public services, and balanced central and regional relations. The practice of appointing acting regional heads that is highly centralised is not in line with these principles, thus potentially weakening the spirit of regional autonomy rooted in Article 18 of the 1945 Constitution. The lack of synergy between legal norms affirming decentralisation and centralised administrative practices reflects a decline in the quality of local democracy within the regional governance architecture. The unilateral appointment of acting regional heads by the central executive raises serious questions about the erosion of popular sovereignty and the tendency to recentralise subnational authority for technocratic reasons. To examine these tensions more systematically, the relationship between legal norms, administrative practices, and their implications for national resilience can be summarised in Table 1.

Table 1. Governance Aspects

Governance Aspect	Legal Norms (Law No. 23/2014 and the 1945 Constitution)	Acting Regional HeadsAppointment of acting regional heads	Implications for National Resilience (Asta Gatra)
Regional Autonomy	Article 1 paragraph (2) confirms that regional governance will take place based on autonomy and participation of the people while Article 18 gives responsibility to decentralisation.	The President and the Minister of Home Affairs make appointments with no elections held or regional input.	Weakens the political and governmental elements of <i>Asta Gatra</i> due to reduced local accountability.
Role of Regional	Law Number 23/2014 mandates that DPRD holds	DPRD has no role in the selection or evaluation	Diminishes representative

<b>Parliaments (DPRD)</b>	representational functions in regional oversight and policymaking.	of Acting Regional Heads.	legitimacy and disrupts socio-political stability.
<b>Public Transparency</b>	The preamble emphasises democratic principles, justice, and effective public service.	The selection process does not disclose candidates track records nor provide avenues for public objections.	Reduces public trust and affects the social dimension of <i>Asta Gatra</i> .
<b>Accountability</b>	Regional governments are required to submit periodic performance reports to DPRD and the public.	Accountability is directed vertically to the Ministry of Home Affairs through quarterly administrative reports.	Shifts accountability from the region to the central government and limits the responsiveness of local administration.
<b>Government Stability</b>	Decentralisation is aimed at promoting efficient public service delivery and political stability at regional level.	Most Acting Regional Heads come from ministries, the military or police which can constrain their capacity to respond to local needs.	Could diminish the capacity in regions to sustain coordination and institutional resilience.

Source: Data processed by the author (2025)

Table 1 shows that legal norms reinforcing decentralisation are not always consistently implemented in the process of appointing acting regional heads, thus resulting in deviations from the principles of local democracy. Nevertheless, this lack of synchronisation between the legal framework and central administrative practices underscores the need to interpret temporary positions within the evolving dynamics of central-regional relations. Therefore, the pattern of acting appointments cannot be separated from the journey of governance reforms, which since 1998 have sought to expand regional autonomy through Law Number 22 of 1999 (subsequently replaced by Law Number 32 of 2004 and finally Law Number 23 of 2014), which normatively position regions as entities with broad authority to manage their own affairs (Bedner and Vel, 2021).

However, in contemporary constitutional practice, a contradictory phenomenon has emerged in the appointment of regional heads by the central government without an electoral process, which has the potential to disrupt the balance between the spirit of decentralisation and state control. This phenomenon has become increasingly prominent alongside the simultaneous regional head elections and the transitional period of vacant regional leadership positions, thereby giving the central government strategic authority in filling these vacancies. This raises fundamental questions regarding the legitimacy of power, the neutrality of bureaucracy, and the sustainability of local democracy principles amid national executive dominance.

Good governance requires public participation, transparency, and accountability (Peters, 2018). However, Rahmazani (2023) noted that the appointment of acting regional heads is still carried out behind closed doors, with minimal information, and does not go through meritocracy-based selection. Meanwhile, civil society organisations have noted a trend of elite capture, where interest groups gain privileged access to strategic positions. While the central government's administrative argument remains relevant, especially when vacancies have the potential to lead to stagnation in public services, the main problem arises from the government's failure to develop political tools capable of balancing administrative needs with democratic motivations.

Other countries have stricter regulations for filling temporary positions, for example, Germany, which requires state parliamentary approval and sets clear term limits for acting officials. South Africa, through Article 139 of its Constitution (Greffrath et al., 2016), mandates strict legislative oversight of provincial government intervention, while India mandates state governors to monitor the accountability of acting officials. These three models demonstrate that other countries do not leave the appointment of acting officials entirely to the executive. However, Indonesian laws do not specify term limits, monitoring devices, or participatory duties in the selection of acting regional heads, although continuity is still needed by the government.

A comparison between theory, regulation, and practice shows that there are gaps, as does the theory of decentralisation, which emphasises that democratic government is based on local representation. However, the reality of the appointment of acting regional heads by the central government shows that this mechanism does not reflect the principle of regional autonomy. Existing analyses are still descriptive and do not include legal perspectives, country comparisons, or resilience, while the need for research is increasing because the practice of acting regional heads has the potential to weaken political structures, the balance of power, and public trust.

The urgency of this research is to demonstrate the need for a comprehensive analysis of the appointment of acting regional heads through a multidimensional approach that combines decentralisation theory, democratic legitimacy, national regulations, empirical findings, and the *Asta Gatra* framework as a basis for national resilience (R.Z. Panca Putra S et al., 2024). The novelty of the study arises from positioning the issue of appointing acting officials as a constitutional issue and a national resilience issue, accompanied using a cross-country comparative perspective that is still limited in Indonesian literature. Based on the phenomenon, the formulation of questions covers four main aspects: first, how the legal framework for appointing acting officials shapes the dynamics of the central government's relationship with the regions. Second, how those appointments affect regional autonomy, legitimacy, and national resilience through *Asta Gatra*. Third, how countries with decentralised systems implement the mechanism for appointing acting officials; and fourth, what policy reforms are needed to strengthen the governance of appointing regional heads to make them more democratic, transparent, and in line with the principles of national resilience.

## LITERATURE REVIEW

### Theoretical Studies

Decentralisation explains how authority is transferred from the central government to regional governments to strengthen responsiveness and political representation. Cheema and Rondinelli, (2007) state that decentralisation encompasses political, administrative, fiscal, and market dimensions, which influence how regions make decisions and exercise accountability. Article 18 of the 1945 Constitution establishes decentralisation as a constitutional mandate, which was further reinforced through Law Number 22 of 1999 and Law Number 23 of 2014 as the institutional framework for regional autonomy. In a study of national resilience, *Asta Gatra* explains that national stability depends on a balance of political, governmental, social, economic, and defence and security aspects, making the legitimacy of regional leadership a strategic factor for national resilience. However, existing literature indicates that the appointment of acting regional heads is more often discussed as an administrative issue rather than as a matter of constitutional legitimacy or national resilience. Therefore, this theoretical framework views the appointment of acting regional heads as a non-electoral mechanism that must be assessed through decentralisation theory and the concept of national resilience to determine the extent to which the practice affects the balance of power and state stability.

Empirical Studies

Academic dialogues related to the selection of acting regional heads in Indonesia increasingly seem to bring this matter up as a constitutional/governance issue rather than simply an administrative tradition. There is evidence to suggest that authority has been transferred from the subnational representative nexus and its representatives, while also removing public accountability at the subnational level. This dynamic has shaped the academic discussion, focusing on legitimacy and accountability questions, but also on wider impacts on democratic consolidation. To offer some conceptual clarity and the necessary academic context for the present study, a synthesis (see Table 2) will summarise key points in important works across literature.

Table 2: Synthesis of Key Literature on the Appointment of Acting Regional Heads

Author(s) and Year	Analytical Focus & Finding	Implications for Democracy and Governance
Farhani (2022)	<b>Focus:</b> Executive discretion in appointments. <b>Finding:</b> Selection occurs through a closed procedure with no public visibility.	Undermines democratic constitutionalism and weakens substantive legitimacy.
Zalukhu, Simamora and Siregar (2025)	<b>Focus:</b> Centralisation of authority. <b>Finding:</b> Acting heads are appointed without competitive procedures or legislative consultation.	Reduces deliberative space for regional politics and strengthens central executive dominance.
Riadhussyah et al. (2022)	<b>Focus:</b> Electoral legitimacy and sovereignty. <b>Finding:</b> Administrative appointments replace electoral mandates.	Diminishes political accountability and heightens risks of bureaucratic politicisation.
Bakri (2023)	<b>Focus:</b> Representative oversight and public accountability. <b>Finding:</b> The absence of elections restricts DPRD oversight and limits political participation.	Disrupts centre–local equilibrium and weakens regional governance resilience.
Maziyah et al. (2024)	<b>Focus:</b> Good governance and administrative law <b>Finding:</b> Closed procedures with minimal public involvement may lead to maladministration	Contradicts principles of legality, transparency and accountability within administrative governance.

Source: Data processed by the author (2025)

The literature validates that formal decentralisation lacked participation and transparency in the appointment of the acting regional head. While the constitutional requirements ensure local autonomy, procedural centralisation in the hands of the central executive has restricted representative involvement and shut down public scrutiny. These trends indicate a broader shift in institutional practices, which has significant implications for democratic legitimacy, administrative accountability, and the sustainable capacity of regional governments. Considering these dynamics, later sections of this paper refer to both empirical data and comparative observations to understand how such practices condition constitutional governance and subnational institutional stability in Indonesia.

### **Appointment of Acting Regional Heads and Their Democratic Authorisation**

The appointment of acting regional heads is a strategic element in the transition period leading to the 2024 simultaneous elections. The closed selection procedure strongly dominates the central government in determining interim leaders, without providing representative space for the regions. Farhani (2022) explains that the appointment pattern, which relies on executive discretion, is not in line with the principles of democratic constitutionalism, as the public does not have adequate access to the selection process, even though the Constitutional Court has requested the development of implementing regulations to ensure legal certainty and transparency.

Beetham (2013), through the Theory of Democratic Legitimacy, asserts that the authority of public office can only be accepted if the legal basis is connected to political representation that can be traced to the community as a source of legitimacy. The process of appointing officials without representative channels creates legitimacy that is administrative in nature and does not reflect the political aspirations of citizens. This limitation reduces the opportunities for temporary officials to gain local support, which is urgently needed for regional government stability. The impact is seen in the balance of *Asta Gatra*, especially the *Panca Gatra* elements related to politics, governance, and community participation, because the narrowing of representative space weakens the strengthening of national resilience that requires public legitimacy and responsive institutions.

A study by Zalukhu et al. (2025) suggest that appointments by the President and the Minister of Home Affairs without a competitive mechanism or consultation with the Regional People's Representative Council (DPRD) strengthen the centralization of authority and close the space for regional deliberation in determining interim leadership. Furthermore, Riadhussyah et al. (2022) confirm that administrative design replaces the

meaning of popular sovereignty, because positions that should have been obtained through general elections are transformed into positions determined through bureaucratic appointments without electoral legitimacy. The impact of these changes can affect the balance of *Asta Gatra*, particularly the *Panca Gatra* elements that encompass politics, governance, and community participation, because the space for regional representation is weakened at a time when national resilience demands inclusive governance rooted in popular sovereignty.

Bakri, (2023) shows that appointing officials without general elections weakens the role of the Regional People's Representative Council (DPRD) and narrows the space for political participation at the regional level, as evidenced by officials' orientation toward central authority rather than the needs of local communities. Rahmazani (2023) confirms that the concentration of power at the central level reinforces the perception of officials' closeness to the central government, thereby diminishing the effectiveness of regional democratic control. This tension directly impacts the imbalance of *Asta Gatra*, particularly the *Panca Gatra* elements, due to the weakening of political and governmental functions at the local level and the reduction of representational space as a supporting element of national resilience.

A governance study Maziyah et al. (2024) points out that secret appointments, minimal public participation, and low accountability do not conform to elements of good governance as stipulated in the State Administration Law. This dissonance is apparent because strong adherence to legality, transparency in selection, and rigour in professionalism are fundamental requirements for avoiding appointment mechanisms being used as instruments for central political expansion in the region while simultaneously retaining the greatness of *Asta Gatra*, which requires institutional stability and representative legitimacy in regional governance.

### **Deficiencies in the Architecture of Governance and Their Effects on Sub-National Government Resilience**

Research on improving governance consistently highlights structural weaknesses in oversight mechanisms for officials. For example, a study by Prakasa et al. (2022) titled "Reducing Corruption in Public Procurement: Efforts Towards Good Governance" assessed the importance of transparency, the integrity of oversight bodies, and regulatory consistency in preventing administrative irregularities. However, because the research focused on public procurement, the governance principles proposed are relevant in explaining similar risks in the selection of officials: closed procedures, minimal public

involvement, and weak access to oversight create regulatory uncertainty that can open opportunities for abuse of authority.

Syam et al. (2024), in the study "Why Should the Role of the House of Representatives in Monitoring and Reviewing Local Regulations Be Strengthened?", provides a broader understanding of the root causes of oversight issues and suggests that the Regional People's Representative Council (DPRD) has not yet optimally performed its oversight function due to limited regulatory frameworks and institutional capacity. The results illustrate the weakening role of the legislature, explaining why the appointment of officials tends to occur without a deliberative process, even though the Regional People's Representative Council (DPRD) holds the position of a representative institution that should be part of the checks-and-balances mechanism.

The unbalanced governance configuration has direct implications for the five elements of *Asta Gatra*, particularly politics, governance, and social, as the resilience of local governments depends on stable regulations, democratic oversight mechanisms, and representative legitimacy. When the official selection process fails to establish adequate representative channels, local governments lose a crucial fulcrum for social stability and quality public services. Governance literature argues that regulatory uncertainty and weak legislative control reduce the capacity of local governments to maintain internal coordination, make strategic decisions quickly, and maintain policy consistency during leadership transitions.

### **Comparative Lessons from Decentralised Countries**

The international experiences are a comparative tool that adds value to our understanding of how effective the interim appointment mechanism is. South Korea has a 'resume-based' system that mandates consultations with provincial councils, ensuring the decisions of the central government are always channelled through local representatives. This approach ensures that transitional leadership is not disconnected from local political dynamics.

Japan implements an acting mayor system that prioritises the highest-ranking career officials within the local government to fill vacancies. The selection of career officials aims to maintain administrative continuity and prevent central political interference that could disrupt local government stability.

Germany demonstrates a stronger model through its federal system. The Landtag (state parliament) and the Landregierung (state government) mutually agree to appoint

interim officials. This bipartisan method reflects the need for officials to be responsive to an interchange between their coequals in government to keep power balanced.

One of the key principles that these three examples share is the importance of representative institutions as a check on central executive power and the importance of open procedures. Those models can be used as a benchmark for Indonesia to further improve governance by appointing acting regional heads of government, particularly in relation to transparency, participation, and procedural consistency.

## METHODS

A qualitative case study method was used to analyse the legal construction, institutional arrangements, and practice of appointing acting regional heads in Indonesia. Data were collected through document reviews, legal texts, reports from oversight bodies, credible media articles, and academic journal entries, including Constitutional Court decisions, analyses by the Indonesian Ombudsman, and other scholarly works including those by Laksana (2022; Rahmazani (2023). A purposive document sampling method was adopted to select the documents that are relevant to the four key research foci: distribution of central-regional authority, legitimacy of local leadership, implications for *Asta Gatra*, and comparative study on interim appointment practices elsewhere. The data sources were complemented by semi-structured expert interviews with constitutional lawyers, regional policy analysts of autonomy, and representatives of the government sector to expand our understanding of normative context and decision-making organisational processes.

This study applies an inductive approach to develop thematic patterns from raw data through open coding and axial coding, as formulated by Strauss, Anselm; Corbin, (1990) and reinforced by Thomas, (2006) in qualitative inductive analysis. The analysis process organises all legal texts, institutional reports, and interview transcripts and groups substantive meanings into thematic categories that depict the relationship between (a) a juridical framework, (b) democratic legitimacy, and (c) accountability structures. Coding is supported by qualitative analysis software to ensure reliability of coding and track the data. Using discourse and narrative analysis by De Fina and Johnstone (2015), we then examine how institutional actors understand authority, its legal bounds, and official appointments for local governance. The comparative approach refers to Landman (2003) to compare interim office-filling structures in Germany and South Africa as a benchmark for democratic accountability. The strategy used in this research is to map the relationship between institutional design and local government resilience through the *Asta Gatra* framework without relying on statistical generalisations, in accordance with Yin (2009)

view that case studies produce in-depth analytical generalisations of institutional phenomena.

## RESULT AND DISCUSSION

### Result

From the perspective of normative and narrative legal reviews, the sample includes a selection of regulations, constitutional court decisions, indexed scientific publications, and reports from civil society organisations produced in the period 2018–2024. The reference corpus encompasses three fields-of-study clusters: legal-normative studies, legal policy and comparative studies of public administration. The regulation in paragraph (9), regulates the President by Law Number 23 years of 2014 concerning regional government, particularly in Article 213, Paragraph (9). The appointment has been regulated by the Presidential Regulation Number 6 of 2005 and the law related to the Minister of Home Affairs Regulation Number 4/2023 that regulates the administrative requirements for such appointments; however, it does not rule out the role of the People's Representative Assembly (DPRD) as there are many enquiries for an open selection mechanism or any monitoring instruments regarding his/her performance. This procedural telescope illustrates the tension between legality and legitimacy in the constitution, both of which demand public accountability and procedural openness. Decision of Constitutional Court of the Republic of Indonesia Number 67/PUU-XX/2022 clearly illustrates that transitional governing procedures should be susceptible to democratic principles, while Decision of Constitutional Court of the Republic of Indonesia Number 128/PUU-XII/2014 presents a normative approach which prescribes that non-electoral appointments have to have a limiting finish time and are able to become publicly vetted justifications. Neither ruling has been incorporated into regulations, and there is still much leeway for the exercise of administrative discretion. These findings mirror four issues identified in the literature, including the legal vacuum, the dominance of central authority, the legitimacy deficit and normative reform institutions as vital elements to promote responsible governance transitions.

Comparisons with India, Germany, and South Africa indicate that these countries have developed more structured legislative control processes for filling the positions of interim executive heads. In India the appointment process is controlled by the courts; the German Landtag must approve appointments to ensure they are legitimate; South Africa's Constitution restricts central government involvement to temporary and equitable actions. It is critically important that we can construct models to demonstrate that it is

possible to design transitional governance in such a way that the administrative capacity may be effective, yet the principle of democratic accountability will stand.

Empirically, the upward trajectory of official nominations through 2024 signals that there is a dynamic in favour of ministry, central agency and police/military candidates. Public responses from Central Papua, North Maluku and South Kalimantan indicate the discontent with non-transparent and non-accountable procedures of appointment. This circumstance describes the strengthening of deconcentration, which affects the regional government's resilience in the *Asta Gatra* framework, requiring that the integration model between political design, good governance and the social field be a precondition of national resilience.

## Discussion

The discussion analyses how the legal process behind the selection of acting heads has influenced central-regional ties and, therefore, how these proceedings affect autonomy, legitimacy, and national resilience through *Asta Gatra*; how some other highly decentralised countries offer comparative lessons; and, finally, it elaborates on policy implications to enhance the democratic form and content of governing official choices. The analysis adopts normative qualitative methods to interpret legislation, Constitutional Court rulings, and institutional reviews. It also connects with empirical and comparative studies by describing research results and situating them within democratic legitimacy theory, central-regional relations theory, and theories of national resilience, such as *Asta Gatra*.

### The legal structure for appointing acting regional heads and the dynamics of central-regional relations

The examination of Law Number 23 of 2014 and its deload, revealed surplus power to the appointment of Acting Regional Heads is solely vested upon the President as well as the Home Affairs Minister without going through competitive, consultative or deliberative processes with the Regional DPRD. This authority structure creates a central-regional relationship that is more instructive than coordinative. This tendency is strengthened given that there is no legal requirement for the central government to take on board contributions from regional governments or civil society organisations during the selection process.

This finding is consistent with the theoretical approach of central-regional relations, which explains that institutional design in the government system is heavily influenced

by the distribution of authority established by public law. In Indonesia, the centralisation of power represents an unequal structural relationship that could potentially obstruct regional autonomy, a fundamental principle of decentralisation.

Further, Constitutional Court Decisions Number 128/PUU-XII/2014 and Number 67/PUU-XX/2022 confirm that democratic regulations should be developed. The Court stressed that non-electoral appointments should be done within a system of checks and balances, as acting officials wield strategic authority at par with a full-fledged regional head. But the positive is that a man did not get an institution to enforce such a law (Hale 1926). There are no standards, benchmarks of evaluation and oversight mechanisms that the Regional People's Representative Council (DPRD) and the public can use as references.

The research results show that in the 2021–2024 period, most acting officials came from central ministries and institutions. The shift from regional civil servants to central officials changed the profile of regional leadership and created a wider representation gap. Theoretically, this situation is relevant to Beetham (2013) view on democratic legitimacy, which requires a connection between legal authority and a representative base. When officials are elected without a representative mechanism, the resulting legitimacy is only legal-administrative, not substantively derived from citizens.

This finding answers the first research question, i.e., the legal framework for appointing acting officials has created an asymmetrical central-regional relationship, where political control rests entirely with the central government while the role of regional institutions is limited.

### **Impact of Acting Regional Head Appointments on Regional Autonomy, Legitimacy, and Resilience through *Asta Gatra***

Empirical studies and civil society evaluations show that the appointment of acting regional heads has a direct impact on regional autonomy and government legitimacy. Data from ICW (2023), and analyses by Sugiharta and Fitri (2024); Taufiqurrahman (2024); Widad (2024) highlight low transparency, unavailability of information regarding candidates, and the absence of a forum for public objections. This situation has given rise to public dissatisfaction in several provinces and reduced trust in the central government.

From the perspective of democratic legitimacy, appointing non-elected officials takes accountability from voters to the central government. Acting officials are more likely to serve the interests of the appointed institution than those of the community in the region they 'administer'. This effect is consistent with authority relations theory,

which suggests that public actors develop ties of accountability to the party from whom they get their authority.

These structural implications are represented by five components of *Panca Gatra* in the *Asta Gatra* that include political, governance, economic, social and security systems. In the political sphere, the absence of representation erodes the responsiveness of regional institutions, as shown below:

- In the governance aspect, the absence of officials from the local political process compromises policy stability.
- In the social aspect, leadership uncertainty reduces public trust in local government.
- The economic aspect hinders strategic decisions that require continuity.
- In the security aspect, the potential for conflicts of interest increases because officials often lack social roots in the region.

The link between official appointments and regional resilience answers the second research question, as non-electoral appointments impact autonomy, legitimacy, and national resilience by weakening the elements of *Panca Gatra*, the foundation of regional government resilience.

### Comparative Learning from Decentralised Countries

Cross-national studies of decentralised polities yield useful knowledge about assemblages of institutions that temper administrative stability with democratic accountability. The appointment of acting officials in Germany is subject to the consent of the Landtag (state assembly), so the procedure complies with a representative system that still is checked through regional political supervision. This model of legislative oversight is based on the doctrine of checks and balances, where parliament works as a constraint upon the executive in a political system. In South Africa, this requirement is strengthened by article 139 of the Constitution, which requires legislative control and constrains the discretion of the central executive, including having to provide for judicial review to prevent acting officials from being used as a tool of political discipline. India too adopts an internal control mechanism, as the appointment of administrators for union territories is subject to consultation with representative organs at the local level and governed by a regime of strict administrative checks and balances against abuse of power. A comparison of these countries reveals a common structure: decentralised countries have developed transparent mechanisms for appointing representatives who at least have clear constitutional limits on central authority.

## Comparative Learning from Decentralised Countries

Constitutional implications of appointing acting regional heads reflect the pattern of centre-and-region relationship arrangements, highlighting the affirmation of democracy, decentralisation and popular sovereignty principles by the state. The legislative framework in Law Number 23 of 2014 affords the central executive wide discretion and does not have a clear consultative or oversight process. This mode of regulation explores the space between legality and political representation, as highlighted by Beetham (2013) in the theory of democratic legitimacy. Farhani (2022), Riadhussyah et al. (2022), and Zalukhu et al. (2025) confirmed that appointing officials through closed administrative procedures narrows local democratic space and reduces citizens' ability to trace the sources of legitimacy of acting officials. The absence of implementing regulations mandated by Constitutional Court Decisions Number 128/PUU-XII/2014 and Number 67/PUU-XX/2022 also demonstrates that the principle of checks and balances has not been internalised in the design of acting appointments.

Governance studies highlight weaknesses in the oversight and accountability dimensions. Laksana (2022) shows that the mandatory quarterly reporting to the Ministry of Home Affairs is not accompanied by oversight channels for the Regional People's Representative Council (DPRD), civil society, or independent institutions, thus preventing the official performance evaluation process from being open to public verification.

Maziyah et al. (2024) demonstrated that closed procedures and minimal public participation undermine accountability, while Pratama et al. (2025) and Bakri (2023) stated the DPRD from the selection mechanism accelerated the centralisation of authority. However, it also alters the behaviour of state officers, making them more inclined to follow the central government's directives instead of addressing local societal concerns. Assessments by ICW (2023), Sugiharta and Fitri (2024), Taufiqurrahman (2024) and Widad (2024) reaffirm the closed process of appointment, which leads to the lowering of public trustworthiness as well as regional government justice.

The governance reform agenda logically aligns with these findings. It is therefore important to strengthen technical regulations to ensure how these decisions should be made this includes, for example, the selection procedures, eligibility criteria, limits of acting officials' powers, stages of assessment, and lines of public reporting and audit. The participation of the DPRD in both the nomination and evaluation process is expected to boost representative legitimacy and serves as a deliberative arena reflecting checks and balances. Developed Transparency i.e. candidates' track records, shortlists and quarterly reviews will be published and can play a part in rebuilding trust on the part of the public

and reducing the risk of conflicts. Public objection procedures and governance audits by independent institutions should also be built in as a part and parcel of the appointment system, like, e.g., Germany, South Africa, and India, where legislative approval and judicial review have been carved as constitutional constraints on executive authority to appoint public officials for transitional periods.

Incorporating *Asta Gatra*, an analytical framework for evaluating acting regional heads is established. The tasks of officials in the transitional period concern not only administrative continuity but also political or governmental, economic or social and security dimensions within *Panca Gatra* that become the base for regional resilience. Bakri (2023) analysis and studies of regional governance show that officials' turning away from central influence may threaten local stability, decrease the capacity for internal coordination, and undermine institutional robustness. Transitional term limits commensurate with the temporary nature of the mandate, as well as affirming the obligation for periodic evaluations based on *Asta Gatra*, are prerequisites for preventing long-term distortions of authority without electoral legitimacy. These steps place the process of appointing acting regional heads within a constitutional democratic framework and strengthen their contribution to national resilience.

## CONCLUSION

Normative, empirical, and comparative studies indicate that the appointment of acting regional heads does not meet the principles of regional autonomy and local democracy as stipulated in Article 18 of the 1945 Constitution. Article 201, paragraph (9), of Law Number 23/2014 Other supplementary regulations and derivatives from it open a wide room for discretion to the central government, which does not require consultation with the Regional DPRDs, public involvement and transparent performance evaluation. This legal form demonstrates a disjuncture between legality and legitimacy, as explained by Beetham in the framework of democratic legitimacy. Empirical evidence regarding the dominance of the central apparatus in appointing officials in the 2021 to 2024 period, including elements of the military and police, indicates that local political accountability is reduced. Constitutional Court Rulings Number 128/PUU-XII/2014 and Number 67/PUU-XX/2022 also reaffirm that clear criteria and boundaries of authority and control must be set to ensure that non-electoral appointments are held accountable. These comparisons with Germany, South Africa and India show that transitional governance can be secured through legislative approval, time-specific limitations, administrative scrutiny and public justification. A summary conclusion of these findings

is that the current legal reputation still promotes a hierarchical central-regional relation and has failed to establish legitimacy and stability for regional governments.

There is an urgent need for substantial amendments to Law Number 23 of 2014, and regulations enacted pursuant thereto, designed to bolster the robustness of constitutional democracy and fortify regional governments. The participation of the Regional People's Representative Council (DPRD) in the elective mechanism, clear and objective selection requirements, a maximum tenure for office holders, application of Asta Gatra evaluation absorpsi monitors (Association of Regional Representatives), and public reporting which is auditable will give rise to transparency. More intensive oversight by the Ombudsman, the National Human Rights Commission (Komnas HAM), and civil society can help ensure that transitional officials carry out government functions professionally and responsively and do not deviate from their mandate of local representation. The limitations of the research on the aspects of public perception, the performance of officials, and the dynamics of regional politics open up space for further research through in-depth interviews, public perception surveys, and governance audits, so that understanding of the impact of the appointment of officials on the quality of public services and the resilience of regional governments can be enriched more comprehensively.

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