

The Role and Authority of the Deputy Regional Head According to Islamic Principles within the Framework of Regional Government Law

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Abstract: The position of the deputy regional head in Indonesia's regional government system is often unclear, particularly within constitutional and legal context. This ambiguity leads to inefficiencies and conflicts in governance. This study seeks to examine the role of the deputy regional head from the perspective of *fiqh siyasah*, addressing the legal uncertainties and suggesting ways to enhance their authority. Utilizing a normative juridical approach, this research draws on secondary data from legal documents, academic articles, and other pertinent sources. Data were gathered through a structured literature review, and qualitative analysis was conducted using juridical methods to create a descriptive narrative. The findings indicate that the authority of the deputy regional head is frequently overshadowed by the regional head, relegating their role to mostly ceremonial or minor administrative tasks. This disparity contradicts Islamic governance principles, which prioritize justice, consultation, and accountability. This study contributes to the field by proposing a Principle-Based Authorization Model aimed at redefining the deputy's authority in a way that aligns with both Islamic values and contemporary governance requirements. This model is recommended as a foundation for legal and policy reforms to promote more effective and cohesive regional governance.

Keywords: Deputy Regional Head; Regional Government; Principle-Based Authorization.

Introduction

The establishment of regional governments designates regional heads and their deputies as the primary leaders of their respective regions. However, legal frameworks often regard the role of deputy regional heads as secondary, primarily assigning them with task of supporting the regional head in their responsibilities (Catur, 2013). Various laws specify different procedures for appointing deputy regional heads. For example, Law No. 22 of 1948 stated that a deputy regional head could only be appointed when the regional head was incapacitated and unable to perform their duties. In contrast, Presidential Decree No. 2 of 1960, issued during the Old Order era, set forth rules for appointing lawmakers at the provincial level. Articles 1(1), (2), and (3) of this decree state, "The President may appoint a Deputy Regional Head for Level 1 Regions based on criteria relevant to the election of the Regional Head." This law restricted the candidacy of regional deputy leaders to provincial or Level 1 regions, giving the President the authority to make such appointments (Abdullah, 2016).

Presidential Decree No. 2 of 1960 and Law No. 5 of 1974 outlined that the Deputy Regional Head for Level 1 Regions should be appointed without nominations to enhance governance. The role was not independent, as it was held concurrently with that of the Regional Head and typically filled by career officials based on regional needs. Furthermore, Law No. 22 of 1999 empowered Regional People's Representative Councils to propose and elect both Regional Heads and their representatives. Following this, Law No. 32 of 2004 established the direct election of Deputy Regional Heads as part of the regional

head elections. This legislation required candidates for deputy regional head to engage politically in order to expand their support base (Janah et al., 2023). However, this relationship often shifted once the regional head and deputy took office, with the deputy frequently delegated to a subordinate or supporting role. Article 26 of Law No. 32 of 2004 outlined the deputy's responsibilities, which primarily encompassed coordination, facilitation, guidance, supervision, and monitoring—tasks typically managed by regional offices or technical agencies. Additionally, agreements or negotiations among regional heads, deputies, and their supporting political parties often led to increased responsibilities for deputy regional heads, especially in the area of policy-making (Guslan, 2018).

The 2014 amendment to the 2004 Regional Government Law, as outlined in Law No. 23 of 2014, inadequately addressed the role of deputy regional heads. Article 63(1) states that a Deputy Regional Head may assist the Regional Head, indicating that such assistance is optional rather than mandatory. This phrasing suggests that regional governments could operate without lawmakers, thereby rendering the role of deputy regional heads nonessential (Ambarasti & Suhartono, 2023).

Currently, tensions often arise between regional heads and their ministers, which starkly contrasts with their camaraderie they exhibited during their campaigns. The deputy regional head's role often appears minor and inconsequential, prompting the question: is it necessary to elect a deputy regional head alongside the regional head? The ambiguity surrounding the deputy's authority significantly contributes to these conflicts. Additional sources of tension may stem from personal backgrounds, differences in welfare benefits, and an uneven distribution of power and responsibilities. Notably, income disparities between the two positions may breed jealousy and further strain their relationship.

Research by Warsito indicates that conflicts between regional heads and their deputies have occurred in various areas in Central Java, particularly in 26 regions. These disputes often originate from ideological differences related to development planning. Notably, 73% of regional head and deputy candidates in these areas were supported by coalitions. However, while ideological differences are present, they represent only a small fraction of these conflicts, suggesting that other factors may have a more substantial impact on the tension between regional heads and their deputies (Dewi & Suharta, 2019). Additionally, Noranisa points out that due to regulatory limitations on the authority and functions of deputy regional heads, they often lack opportunities to contribute to leadership enhancement. Therefore, it is crucial to reassess the existing regulations to facilitate better collaboration between the two regional leaders (Noranisa, 2023).

The evolution of democratic systems in regional governance has become a vital concern for nearly all nations today. Participatory democracy, particularly through the direct election of regional heads, necessitates active public involvement in monitoring these leaders' performance (Kelibay et al., 2022). However, the lack of meaningful public engagement in regional governance has significantly contributed to the rising number of regional heads facing legal violations. Moreover, intensified anti-corruption efforts have brought these violations to light. The deputy regional head plays a crucial role in shaping regional governance during direct elections, but many have resigned during their terms due to incompatibility with their regional heads.

Although Law No. 23 of 2014 regarding regional government outlines the structural relationship between regional heads and their deputies, the practical implementation often reveals a duality in the deputy's role. While deputies are intended to assist regional heads with administrative tasks and strategic planning, their responsibilities frequently lack clear definition, leading to ambiguity. In many instances, deputy regional heads are relegated to ceremonial functions with limited authority in critical decision-making processes. Additionally, prolonged vacancies in deputy positions due to appointment delays disrupt the continuity of regional governance. These structural dysfunction undermines the effectiveness and efficiency of regional governments. These challenges raise important questions about the relevance and practicality of the provisions in Law No. 23 of 2014, especially regarding the delineation of responsibilities for regional heads and their deputies. A thorough review is essential to assess the viability

of the deputy regional head's role within the context of decentralization and regional autonomy (Mukhlis, Maskun, et al., 2024).

It is vital to investigate the “Contradictions in the Role of Deputy Regional Heads in the Regional Government System: An Analysis of Law No. 23 of 2014 on Regional Government.” This research aims to clarify the position and responsibilities of deputy regional heads elected through the direct regional election system. What initiatives have been implemented to enhance the role of deputy regional heads as collaborators in regional leadership? The study highlights a significant legal issue concerning the ambiguity and contradictions surrounding the role and authority of deputy regional heads within Indonesia's regional government system. While deputy regional heads are acknowledged as vital members of regional leadership, their responsibilities are often poorly defined, relegating them to ceremonial or minor functions. This situation has resulted in structural dysfunction in governance. Law No. 23 of 2014 exacerbates this problem by employing discretionary language (such as *may assist*), which fails to clearly outline the authority or necessity of deputy regional heads within the administrative framework. Additionally, prolonged vacancies in deputy positions, frequent conflicts with regional heads, and a lack of explicit authority have contributed to inefficiencies in regional governance.

This study aims to bridge existing gaps by addressing the constitutional ambiguities surrounding the role of deputy regional head through the lens of *fiqh siyasah*. It seeks to integrate Islamic governance principles—such as justice, benefit (*maslahah*), and accountability—into contemporary legislative frameworks, proposing reforms that empower deputies to serve not only as assistants but also as active contributors to governance. By aligning constitutional provisions with Islamic ideals, this study provides a normative foundation for strengthening the role of deputy regional heads in supporting decentralization, enhancing regional autonomy, and ensuring effective governance.

The study is urgent due to the essential role that deputy regional heads could play in promoting effective and democratic regional governance (Mukhlis, Aidonojie, et al., 2024). If the existing legal ambiguities are not addressed, governance inefficiencies will continue, particularly in areas like strategic planning and administrative continuity. Moreover, the tensions between regional heads and their deputies undermine collaborative leadership, which is crucial for regional development. As Indonesia advances its commitment to decentralization and regional autonomy, a comprehensive reevaluation of the deputy regional head's role is essential to align it with democratic principles and governance needs (Mutawalli, 2023). Clearly defined responsibilities can also bolster anti-corruption efforts by minimizing governance malpractice and ensuring better oversight. This study aims to provide actionable recommendations for legal and policy reforms to strengthen the role of deputy regional heads and enhance the effectiveness of regional governments.

Literature Review

Deputy Regional Head

The Deputy Regional Head serves a dual function as a vital link between central and regional government, playing a crucial role in political policymaking within their regions. This position operates under the authority granted by relevant laws and regulations (Bait, 2017). Additionally, the Deputy Regional Head is a member of the regional government council, appointed to represent the Regional Head in their absence.

From a legal-normative standpoint, the basis for the existence of the Deputy Regional Head is unclear. Article 18, paragraph 4 of the 1945 Constitution states, “The Governor, Regent, and Mayor, each as the head of the regional government of the Province, Regency, and City, are elected democratically.” This principle is echoed in Article 59, paragraph 1 of Law No. 23 of 2014 on Regional Government, which asserts, “Each region is led by the head of the regional government, referred to as the regional head.” Both articles emphasize the democratic election of regional heads. However, it is only in Article 63, paragraph 1 of Law No. 23 of 2014 that the role of the Deputy Regional Head is specifically mentioned, indicating that the regional head is assisted by the Deputy Regional Head. This phrasing positions the Deputy Regional

Head as secondary and discretionary, leading to ambiguity regarding their authority and necessity (Ambarasti & Suhartono, 2023).

Existing literature provides a theoretical foundation for understanding the responsibilities of the Deputy Regional Head. Their duties include overseeing and evaluating regional government activities, carrying out additional governmental tasks assigned by the Regional Head, and assuming the Regional Head's responsibilities during their absence. Comparative studies by (Sudrajat, 2020) indicate that Law No. 32 of 2004 expanded the roles of Deputy Regional Heads compared to Law No. 22 of 1999. These expanded responsibilities include initiatives to empower women and youth, as well as to foster social, cultural, and environmental development (Yuhandra et al., 2021). The importance of the Deputy Regional Head's position in Indonesia should take into account various factors such as the region's size, population, complexity of regional government issues, and the overall effectiveness of regional governance. However, existing literature also points out that the political interests of parties often overshadow these considerations (Mukhlis, Ruslan, et al., 2024). This situation reveals a significant tension between the theoretical framework of regional governance and the practical execution of the Deputy Regional Head's role, highlighting the need for further research to address these contradictions and to refine the legal and functional basis of the position (Siswoyo, 2020a).

Siyasah

Islamic political thought, known as *siyasah*, has been thoroughly explored in academic literature, emphasizing its core principles and modern applications. A central component of *siyasah* is *siyasah shar'iyah*, which refers to governance according to Islamic law. This concept prioritizes justice, public welfare, and adherence to Sharia in political administration.

In the article "*Al-Siyasah al-Shar'iyah: Good Governance in Islam*," the authors examine the Islamic principles that underpin governance and propose a framework for good governance informed by Islamic values (Moten, 2017). They argue that effective governance, from an Islamic standpoint, is grounded on Sharia and *siyasah shar'iyah*, with the goal of promoting public benefit and preventing harm. Another study titled "*The Concept of Governance in an Islamic Perspective; Al-Amanah wa Al-Adalah as Siyasah Shar'iyah*" discusses how Islamic governance serves the public interest, positioning the state as a vehicle for creating and maintaining benefits (Widiyanto et al., 2023). The authors conclude that good governance ensures justice, dignity, equality, and fair distribution of developmental benefits, aligning with the principles of *amanah* (trustworthiness) and *adālah* (justice) inherent in *siyasah shar'iyah*.

The application of *siyasah shar'iyah* to contemporary issues is further explored in "*Siyāsah Syar'iyah and Its Application to Constitutional Issues in Indonesia*" (Maimun & Hakim, 2023). This paper discusses how Islamic political doctrines, rooted in revealed values, can inform state laws and constitutional matters, demonstrating the relevance of *siyasah* in modern governance. Additionally, the article "*Combating Corruption Based on Al-Siyasah al-Syar'iyah Perspective: A Literature Review*" analyzes how Islamic governance principles can effectively address corruption (Din et al., 2024). The study emphasizes that combating corruption requires adherence to the principles of Islamic rulership, promoting justice and public welfare as outlined in *siyasah syar'iyah*. Together, these scholarly works highlight the importance of *siyasah* in Islamic governance, illustrating its foundational role in promoting justice, public welfare, and adherence to Sharia in both historical and contemporary contexts.

Regional Government Law

Regional government law is a crucial aspect of governance that establishes the legal framework within which regional authorities operate. It defines the distribution of powers, responsibilities, and limitations of regional governments in relation to both national and local administrations. Scholars such as Devas and Delay (Crawford & Hartmann, 2008) emphasize that regional government law plays a fundamental role in decentralization, enabling local authorities to make decisions that align with the specific needs of their communities. The principle of subsidiarity, widely discussed in legal literature,

advocates that governance should be conducted at the lowest appropriate level to enhance efficiency and responsiveness (Oates, 1999).

The legal foundation of regional government varies across jurisdictions, but common elements typically include legislative, executive, and fiscal autonomy. According to Bahl and Bird, effective regional governance requires a well-defined legal structure that ensures transparency, accountability, and citizen participation (Bahl & Bird, 2018). Additionally, regional government law often regulates financial management, taxation, and service delivery, ensuring that municipalities have adequate resources to fulfill their obligations. Studies by Shah highlight the importance of intergovernmental relations in shaping regional government functions, particularly in federal systems where power is shared between national and subnational entities (Shah, 2006).

One of the persistent challenges in regional government law is striking a balance between autonomy and oversight. While regional governments require independence to function effectively, central authorities often impose legal constraints to maintain national coherence and prevent mismanagement (Rodríguez-Pose & Gill, 2003). The issue of legal pluralism also arises in some countries, where traditional or customary laws coexist with formal legal systems, occasionally leading to conflicts in governance (Tamanaha et al., 2012). Moreover, the increasing trend of urbanization has prompted legal scholars to examine whether regional government laws are sufficiently adaptable to address the evolving needs of metropolitan areas (Slack & Côté, 2014).

Recent discussions in regional government law also emphasize digital governance and public participation. Technological advancements have introduced new legal considerations regarding e-governance, data protection, and citizen engagement in decision-making processes (Mossberger et al., 2013). Regional government law remains a dynamic and evolving field that addresses the legal and institutional dimensions of decentralized governance. While it establishes the foundation for local autonomy, it must also ensure accountability and efficiency in service delivery. Ongoing research continues to explore ways to improve legal frameworks, particularly in response to technological, social, and economic developments that shape modern governance.

Method

This study utilizes a normative legal research methodology with an analytical approach to assess the role and function of Deputy Regional Heads within Indonesia's governance framework. The analytical approach is selected for its emphasis on identifying legal inconsistencies, ambiguities, and practical challenges, offering solution-oriented insights aimed at improving governance. The research draws on secondary data, which include primary legal materials such as laws and regulations, secondary sources like scholarly articles, and tertiary materials such as legal dictionaries. Data collection involved a structured literature review, which was analyzed qualitatively using interpretative and critical methods. The findings are presented in a descriptive-analytical format, integrating legal provisions with practical insights to propose actionable solutions for enhancing legal clarity and governance efficiency.

Results and Discussion

The Role and Function of the Deputy Regional Head in Regional Governance

Extent of discussions were focused on the roles of regional and deputy regional heads, however, there are still gaps on discussing the real challenges in overcoming these various inconsistencies in Indonesia's legal framework. Although literature addresses the historical and legislative evolution of these roles, it often neglects their implications in terms of ambiguity and overlap. The 1945 Constitution, for instance, explains the duties of regional heads but does not mention their deputy, whereas Law No. 23 of 2014 specifies that a deputy's duties are as an aide to a regional head. The absence of definite constitutional acknowledgement results in a gray zone, leading to different interpretations regarding the extent and limitations of deputy's authority (Wicaksana et al., 2021).

There is a disturbing regression as concerns the duties of deputy regional heads in the statutory framework. Under the provisions of Law No. 32 of 2004, deputies played a crucial role in oversight and evaluation at the provincial and regency/city levels. However, Law No. 23 of 2014 drastically reduced this role, confining deputies to assist the regional head without proper delegation of authority. This transition creates governance ambiguities, particularly when deputies need to take action in the regional head's absence. From an authority theory standpoint, the existing law does not imply any formal transfer of authority since responsibility is still under the regional head. Such a hierarchy suppresses deputy regional heads from carrying out their roles (Agusta & Sukmariningsih, 2023).

The legal inconsistencies raise doubt about Indonesia's ability to govern effectively in the region. In absence of well-defined responsibilities of deputy regional head, there could be conflicts, inefficiencies, and unmet regional needs. It warrants revisiting of laws to reestablish the role of the deputy as an administrative head with a substantial degree of power which will lead to more effective governance and equitable development through decentralization.

Duties of the Deputy Regional Head

Law No. 32 of 2004 and Law No. 23 of 2014 highlight the duties of deputy regional heads, which from a macro perspective show that the role of deputy regional heads has discouraged their function. Even though Law No. 32 of 2004 provided significant monitoring and advisory authority to them, Law No. 23 of 2014 diminished their authority and set out some ambiguities in their responsibilities. This constraint hinders their capacity to influence governance effectively, and this inconsistency in legislative intent raises concerns.

Deputies were mandated to coordinate vertical institutions, oversee governance, and drive sustainability under Law No. 32 of 2004, and they were also expected to serve as oversight and executive recommendation when regional heads were out of action. But Law No. 23 of 2014 added nebulous terms such as "assist the regional leader" and "facilitate coordination," lowering the lucidity of their positions. Moreover, this Law also had provided less emphasis on their position as a subordinate to regional heads, and put aside their independent evaluative and supervisory spaces (Muharis & Umar, 2021).

The contradictions between Law No. 32 of 2004 and Law No. 23 of 2014 indicate that unified general picture of the deputy was not agreed on by the legislators in Indonesia's regional governance. On the one hand, the former gives deputies the power to assess governance; resulting in confusion and undermining their institutional role. As this reduces their functioning as check-and-balance mechanism constituents in the regional governance system (Abustan, 2022).

These ambiguities have severely hampered the efficiency of governance, with deputies finding it difficult to assert their roles when regional heads tend to monopolize decision-making. This vagueness is a one-size-fits-all that makes deputies unsure of what they have the authority to do and what they are responsible for doing. Not only may this compromise their effectiveness, also runs the threat of engendering voids in governance, particularly when the provincial chief is absent (Wardani, 2019).

In addition, the constitutional does not acknowledge the position of deputy regional head, complicating things further. The 1945 Constitution of the Republic of Indonesia explicitly states the duties of regional heads but not their deputies. This is in marked contrast to the carefully written provisions establishing other executive offices, like that of the Vice President. Consequently, the deputy regional head's legal position is insulated, based only on statutory provisions, which is actually inconsistent (Hariyanto, 2020).

The aforementioned issues highlight the urgency of reviewing and aligning legal regulations in the realm of deputy regional heads. They need to be fitted with a well-defined and well-recognized (by a constitution) role to provide a strong foothold in governance at the regional level. Moreover, it would be in line with strengthening regional leaders that are needed to further decentralize Indonesia's governance, to become more balanced and accountable (Djadjuli, 2018).

Challenges in the Role of Deputy Regional Heads

Regional heads maintain the superiority of their powers, which is a reason why the deputy regional heads often work in nominal positions. Elected political representatives often find themselves delegated to administrative duties. The Ministry of Home Affairs is reviewing their position, citing disharmony that prevents the functional of regional governance.

Referring to data from the Ministry of Home Affairs depicts that 94% of regional heads have conflicts with their deputies in the 2004 and 2015 year range and cause regional governance is unproductive (Siswoyo, 2020b; Nugraha, 2013), technical administrative work is handled by regional apparatus under the leadership of the Regional Secretary which has broad power over the regional bureaucracy and budget control. This dynamic reorients the regional head's collaboration toward the regional secretary, sidelining the deputy regional head. Studies have shown that this trend often leaves deputies as nominal figures, relegated to mostly ceremonial arrangements with little influence on crucial decisions (Bait, 2017).

Fights between these regional heads and their deputies have been attributed to vagueness about authority and duplicative roles. In Central Java alone, a study revealed that 26 of the province's 35 regencies had witnessed such disputes, with deputies finding it difficult to impose their influence in spite of these structural issues. In addition, there is research which shows that the regulation of Deputy Regional Heads is very weak. Law Number 23 of 2014 concerning regional government contains the delegation of duties and authorities to Deputy Regional Heads, but not explicitly defined, so there is functional ambiguity (Roslikana et al., 2022).

The role of deputy regional heads is steeped in contradictions from a legal perspective. The Regional Head Election Law highlights the democratic bond between regional heads and their deputies. The principles of joint leadership (Rofingi, 2018) will also be seen in the elections of regional heads where 100% of them in gubernatorial, regency, and mayoral elections are paired with a deputy that is simultaneously elected by the voters, according to the General Elections Commissions (KPU). Deputies are required by the Election Law but have no inherent authority from regional government law. The Law No. 23 of 2014 Article 63(1) rendered the deputy's position optional, which is contrary to the Election Law democratization.

These ambiguities have real-world consequences. According to a study published in the *Journal of Law, Policy, and Globalization*, efforts to enhance the role of Deputy Regional Heads are hampered by their unclear legal status, which may lead to tensions with Regional Heads and disturb regional governance (Susianto et al., 2015). These legal contrasts only have the impact of eroding the democratic principles of the Election Law that seem to cheapen and weaken the deputy regional heads. This governance failure requires a full scale review.

Deputy Regional Head Position in the View of *Fiqh Siyasah*

With the development of modern governance, the role of deputy regional head is very important; as a supporting position for governance and regional head figures, as well as the deepening of responsibilities of the regional head system, the deputy regional head must also shouldered the task of ensuring policies and development. In Islam, leadership is a trust (*amanah*), a position to preserve religion (*hifz ad-din*) and manage worldly affairs (*siyasah ad-dunya*). It is no light responsibility as highlighted in QS. An-Nisa: 58 that Allah commands the believers to be just in judgment. Ibn Katsir explains this verse as syntax or even a commandment (in the sense of *umara'* (rulers in legal matters) to uphold justice. Hence, this verse provides two lessons: to submit the trust to its owner, and to behave fairly with another human being (Amin, 2015).

The wisdom of *fiqh siyasah dusturiyah* is a discipline of the *haqiqat* that leads to regulation of citizens and state institutions as well as citizens' relations with other state institutions whose implementation falls within the constitutional rights of citizens. The issue of *fiqh siyasah dusturiyah* is a relationship between sovereign and the people and institutions in the society (Kusniawati, 2019).

Among the subject that *fiqh siyasah dusturiyah* discusses is *imamah*. The concept of *Imamah* encapsulates the idea of a leadership position held post-prophethood that is necessary for the protection and proper governance of religion. It contains the qualifications, rights, and duties of an imam, who is

known as caliph in Islam. The imam's characteristics must be recognized by the community, either by appointment from a predecessor or by election from a council.

Using principles that promote democracy (like unity, social justice, human rights, equality, nationalism and deliberation), Syaukani links *fiqh siyasah* to the Indonesian constitutional system. The researcher considers *siyasah dusturiyah*, which emphasizes governance and constitutional law in Islam, as the most relevant field for appointing regional leaders based on the Quran and Hadith.

Siyasah dusturiyah is a normative principle that governs contraction and collaboration between the citizens and the state known as a constitution written (Sadikin et al., 2021). *Siyasah dusturiyah* is essentially principles of addressing anything about governance in any country in which there are constitutional articles, laws, customs, and the like that govern it. There are features of the government sector that are also discussed in the science of *fiqh siyasah dusturiyah* (Damanik, 2019).

In accordance with the 1945 Constitution, the Republic of Indonesia as the Central and regional government in general as protected, promote welfare, educate the life of the nation, and participate in world peace based on freedom, and justice. By representing the desire of the public and consolidating the balance of forces for their social and economic rights, led regional heads, deputies and members of the government, contribute to achieving these goals.

The parts of regional government institutions in the Islamic state are *Imamah*, *Ahl Ahlu al-Halli wa al-'Aqdi*, and *wizara* (Fauzi, 2019). It was at the time that Prophet Muhammad SAW also made it clear that a caliph was necessary. If no one exists then one has to be appointed immediately to maintain leadership continuity. Al-Mawardi listed two means to appoint a leader; one was through the *Ahl Ahlu al-Halli wa al-'Aqdi* institution. Secondly, the head is appointed by the reigning leader (Thamyis, 2018). According to the book *al-siyasah al-syariyyah*, someone will be the leader either: a) through the election (*bayah* is directly given by the people), b) appointed by the previous caliph, or c) appointed by *Ahl Ahlu al-Halli wa al-'Aqdi* (Kusniawati, 2019).

Pemilu (General Election) is the election organized for the President, Vice President, Legislative Members, and Regional Representative Councils (DPD) in Indonesia, while Pilkada (Regional Head Election) is a regional election in Indonesia to lift Governors, their Deputies, Regents, and their Deputies, and or Mayors and their deputies. The deputy regional head can assist the regional head in governance, deliver advice, undertake tasks assigned by the regional head, and accompany the regional head until the term expires. As stated by Imam al-Mawardi, in Islam, a leader needs qualified assistants who can be referred to as *wazir*, whereby an imam cannot do his work alone. The *wazir*, according to Imam al-Mawardi is the state affairs teacher who oversees the state in which the land is still called the government or in the sense of the deputy regional head (Al-Mawardi, 2016).

The word "*wizarah*" derives from "*al-wazir*," which means "heavy," with the implication of a *wazir* bearing the burden of overseeing government policies. In modern Arabic and Persian, it also means a minister. The First Encyclopedia of Islam also mentions that the word "*wizarah*" is a loanword from Persian, and it comes from the term "*vicira*" in Zend Avesta, which means one who adjudicates and judges. Wazir leads a ministry that decides and carries out public policies benefitting the state or kingdom (Jafar, 2022).

A *wazir* is a person in charge of a *wizarah*, which is a state institution that aids the head of state. *Wizarah* was not a new phenomenon at the time of the Abbasid dynasty but institutionally linked with Persian influence, which existed before the Abbasid period. Abu Salamah al-Khallal was the first *wazir* appointed under *al-Saffah*'s reign. As the caliph's right hand, the *wazir* was responsible for overseeing the day-to-day operations of the government and had the power to appointment and dismissal of government administrations, heads of provinces and regional judges. The *wazir* was also in charge of departments (*Diwan*), like the Tax Department (*Diwan al-Kharaj*), the Defense Department (*Diwan al-Jaisy*), and the Finance Department (*Diwan Bayt al-Mal*) (Nurfazillah, 2020).

According to Shofiyah et al. (2024), the authority of the deputy regional head in an Islamic perspective is based on *maslahah mursalah*, *syura*, and *hisbah*, as proposed in *fiqh siyasah*; first, *Maslahah*

Mursalah (Welfare of the People). Deputy regional head must ensure that their policy and strategic decision-making have a public interest in them, hence, prioritize what society must gain instead of personal or group interests. Second, *Syura* (Consultation). The deputy must cooperate with decisions made through consultation, which presupposes transparency and inclusiveness of governance for just and wise outcomes. Third, *Hisbah* (Responsibility). A deputy of Islamic values policies to align with justice, avoid corruption, and accountable to the necessary care of the regional head, community, and Allah SWT.

The political thought of al-Mawardi in Indonesia will not match if it is associated with the conditions that must be followed in selecting a deputy regional head. Indonesia is recognized as an Islamic country, but not all of its citizens practice Islam as Indonesia is known for its cultural and religious diversity (Azikin, 2018).

Deputy regional head from the *fiqh siyasah* viewpoint is a reflection of the Islamic principle of *wilayah*, so that governance and public interests are realized justly (*adl*), deliberative (*shura*), and accountable (*muhasabah*). The deputy regional head, similar to the past role of the *amir* under a caliph, is responsible to assist the regional head in the management of public affairs and administration, maintaining the continuity of governance, and the welfare of the people (Prihastuti, 2022). In classical Islamic governance, amirs monitored regional alignment with Sharia, similar to Abbasid time. Likewise, in modern Indonesia, the deputy regional head acts as a liaison between the regional head and the people, and implements the principles of *fiqh siyasah* by creating inclusive, efficient, and just governance (Adhari & Rishan, 2012).

Current legal structure constrained the deputy regional head's autonomy and made them dependent on the regional head, which contradicts the principles of *fiqh siyasah* regarding distributed authority and accountability (Noranisa & Asmi, 2023). Constitutionally, there is no deputy regional head, and this absence causes uncertainty, which means the regional head will not be replaced in the event he becomes indisposed and governance will be stalled. *Fiqh siyasah* emphasizes the necessity for clear roles and authority in governance. This opposes the Islamic tenets of maintaining the continuity of governance with sound leadership to achieve the well-being of society (Ghafar & Firmansyah, 2023).

The constitution include the deputy regional head as a delegation on managerial matters to enforce the functionary that should be performed of it. This guarantees balance of power with mutual accountability and collective governance (El Guyanie, 2014). The measure of a leader is not whether they know Islam. Although no law specifies this requirement, every president since independence, including Widodo, has been a Muslim, and this has been a common factor in the success, peace, and security of the nation (Aulia & Wisnaeni, 2018).

To sum up, the techniques of *fiqh siyasah* become a good foundation to enhance the function of the deputy regional head. In the regional autonomy perspective, the deputy regional head plays the role of their respective organization as a form of public administration, justice, accountability, public welfare, as an approach to Islamic values and fill the legal gaps in what was passed in the constitution.

Strengthening Regional Government through Regulation of the Role of the Deputy Regional Head

Like the Law of the Republic of Indonesia No. 10 of 2004 on the Election of the Regional Head, the 1945 Constitution of Indonesia does not include provisions regarding the role of deputy regional head (Hariansah & Agustian, 2022). However, per Article 18, paragraph (4) each institution shall be regulated therein in accordance with democratic principles. The 1945 Constitution also shows flexibility, responding to the practical necessities and interests to realize effective governance, which positions the deputy regional head in a significant position (Bait & Neonbeni, 2022).

The deputy regional head, according to Law Number 23 of 2014, is charged with administering government functions at the provincial or district/city level. This authority can vary but includes the ability to make decisions and perform functions within their scope of authority, as defined by laws and regulations (Abikusna, 2019). Legitimacy comes from legal provisions, mainly the constitution that serves as a basis for any decision taken by officials or bodies. Attribution delegates organizations from the government or state to obtain authority (Satria et al., 2024).

Regulatory ambiguity over the deputy regional head role means it is viewed as lesser, which gets the position in trouble and leaves relationship a frayed mess. Indonesia's 2014 law does provide limited guidance on the deputy's authority (Adiyanta, 2019). Democracy is now the archetype of governance in Indonesia, with the will of the people as its sole means in state actions. The state in some countries requires the sovereignty of the people (Faisal & Azhari, 2021).

According to Jimly Asshiddiqie, there are officials that can be broadly classified into two categories: elected public officials that are appointed through elections, and unelected public officials that are appointed without elections. Then the power exercised is political (elected positions) or administrative (appointed) (Asshiddiqie, 2007). The position, authority and duties of deputy regional head is regulated in Law Number 23 of 2014 on Regional Government, followed by some regions that add regional regulations. A stronger national, legal framework would have better defined their rights and duties. Three methods could enhance their authority to improve their regional governance (Yudanti & Setiadi, 2022).

The deputy regional head's role is tight in laws, avoiding conflicts. Yet, the rigid framework curtails flexibility and neglects regional context and differences among various regional governments, which may lead to conflicts (Bakry et al., 2022). Assess the Deputy Regional Head based on the Principle-Based Authorization Framework in laws and regulations, and it is further clarified through lower regulations. It delineates the functions, powers, duties, and responsibilities of the Regional Head and Deputy, providing clear directions about their relative roles and inter-linkages. This model enables a flexible adaptation to the governance requirements (Ritonga & Gani, 2024).

At the same time, the principle of government concreteness serves to shape the appropriate public response to government's governance – integrity based on shared responsibility, the division of roles and the equal status for regional heads and deputies. The last Principle of Cohesiveness in the Government is an attempt of absolute unit of all system, unity of Head of Region and Deputy, a common view that supports the performance of government, democracy, and good disposition.

Article 18, paragraph (4) of the 1945 Constitution reads: Governors, Regents, and Mayors are the Heads of regional government at the provincial, regency, and city levels, respectively, without any designation of a deputy. Article 63, paragraph (1) of Law Number 23 of 2014 on Regional Government stipulates that a Regional Head can be assisted by a Deputy, this means optional, instead of mandatory (Asshiddiqie, 2007).

The 1945 Constitution did not require a Deputy Regional Head but provided flexibility in the establishment. It is important to note that considering the *haut* minority governance has never been a simple thing, the Deputy Regional Head is needed (Gusmansyah, 2018). The unclear position of Deputy Regional Head in the state administration of Indonesia based on Law Number 23 of 2014, is stated that the Deputy assists the Regional Head, but not specify the scale of assistance (Ahmad, 2017). This is because the Deputy Regional Head is a political office according to state administrative law's distinction between political offices and administrative positions (Monterio, 2016). The Deputy is large a ceremonial post, the Regional Head runs the show. The Regional Secretary does technical works and controls the bureaucracy, so there is more interaction with the Regional Head. So it would take a different kind of person to step into the Deputy position.

This study aims to identify the ambiguities in Indonesia's regulating deputy regional head. Data findings indicate that this ambiguity in Law No. 23 of 2014 is exacerbated by the inclusion of the word "may assist" title which ultimate limits their role to ceremonial and administrative functions, thus inhibiting their power a role in governance. The analysis highlights tensions arising between regional heads and deputies due to overlapping authority and unclear delegation of authorities, as well as deputies' dependence on the goodwill of the heads. These tensions strain governance and reveal inefficiencies in Indonesia's decentralized system.

The study applies the principles of *fiqh siyasah* – justice, consultation, and accountability – to propose reforms on deputy regional head. The Principle-Based Authorization Model proposes clear, defined roles, balanced authority, and the compatibility of legitimate authority with good governance through Islamic

and democratic values, and thus aims for collaboration and conflict reduction. Legal reform of deputy heads according to the principle of good governance, equal development and decentralization will increase the role of deputy heads. To empower deputies, who should also be active movers and shakers of governance, is anti-corruption in itself. The potential of regional governance can only be unlocked by redefining their role in line with ethical and democratic principles.

Conclusion

This is a crucial indication of the Deputy Regional Head position in the perspective of Law No. 23 of 2014 which only regards the position of deputy merely as secondary and ceremonial duties, therefore in its implementation, there will be tensions between the Regional Head and the Deputy Regional Head where the Delegation of authority of the Regional Head does not apply in a comprehensive manner and results in inefficiencies in the governance. Comparing with previous laws, their authorities have been diminished and thus, there is a need to adopt a principle based model to lay down their duties and collaboration. Deputy Regional Heads are expected to hold Islamic governance principles that are clean, just, transparent, accountable, and capable of collaborating (*fiqh siyasah*). Their promise if, however, dampened by unclear legal structures. In line with Islamic and democratic governance principles, this requires reforms that must give clear powers and autonomy for decision making that seek to shape their role. By extending regional autonomy, improving governance, and addressing changing societal needs, these reforms could reduce reliance on the center government. Hence, this study highlights the need to redefine their functions to facilitate decentralization and balanced development.

There are important implications of these findings. In the practice of law, they stress the importance of aligning Indonesia's legal framework to eradicate uncertainties and enable the official state to carry out its authorities efficiently. They argue for specific policy changes in support of giving the regions more autonomy, and decentralization. For society, the empowerment of deputy regional heads will result in better, effective, accountable and democratic governance that responds to local needs. The redefinition of the deputy regional head role is in line with the larger spirit of decentralization, as well as the manifestation of good governance. As this study sets the basis for the legal and policy system, changes require transformation of Indonesia's regional governance system in terms of better justice, accountability, and equitable development through integration of Islamic governance with current legal structures.

Conflict of Interest

This article does not contain any conflict of interest.

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