

## LEGAL BOUNDARIES OF ACTING GOVERNORS AND DEMOCRATIC LEGITIMACY IN WEST PAPUA'S LOCAL GOVERNANCE

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### ABSTRACT

Acting Governors (Pj Governors) in Indonesia, including in West Papua, are temporary officials appointed to fill vacancies in regional head positions based on statutory provisions. Their existence is crucial to ensure the continuity of local governance. However, in practice, the role of Acting Governors often raises issues concerning political legitimacy, governance effectiveness, and the legal implications of their authority. This study analyzes the legal basis and scope of authority of the Acting Governor of West Papua, examines its implementation in regional governance practice, and formulates recommendations for improving effective, transparent, and accountable governance. This research employs empirical legal research with a juridical-normative and conceptual approach, supported by qualitative descriptive analysis through legislation review, interviews, and documentation. The findings show that the authority of Acting Governors is normatively well-regulated, yet its implementation still faces challenges such as limited technical regulations, weak institutional capacity, and local political pressures influencing decision-making processes. Therefore, strengthening regulatory frameworks, enhancing transparency and accountability, and optimizing coordination between central and regional governments are necessary. These efforts are expected to ensure more stable, effective, and balanced governance between national and regional interests, while also supporting sustainable development and improving public service quality in West Papua in particular effectively.

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## INTRODUCTION

The filling of regional head positions in Indonesia is carried out either through direct elections by the people for definitive office holders or through the appointment of an Acting Regional Head (Penjabat Kepala Daerah) to temporarily fill a vacant position. The Acting Regional Head is responsible for ensuring the continuity of government administration until a new definitive regional head is elected, but this position has more limited authority compared to a definitive regional head, particularly in matters of personnel management and strategic policy-making. This situation often leads to public debate due to issues of political legitimacy and governmental effectiveness, whereas a definitive regional head elected directly by the people possesses strong legitimacy and broader authority in governing the region and formulating public policies.<sup>1</sup>

The appointment of Acting Regional Heads in Indonesia is regulated under Minister of Home Affairs Regulation Number 4 of 2023 and is intended to ensure the continuity of government administration, development programs, and public services during periods of regional leadership vacancy. When a regional head position becomes vacant before the implementation of the 2024 Simultaneous Regional Elections, the central government, through the Minister of Home Affairs, appoints a qualified civil servant to serve as an Acting Regional Head. For the position of governor, the appointee must be a high-ranking madya official, while for regents and mayors, the appointee must be a pratama high-ranking official, in accordance with the provisions of Civil Service Law Number 5 of 2014. This policy is designed to maintain governmental stability, administrative effectiveness, and policy continuity during the transitional period. However, the appointment mechanism has generated debate regarding democratic legitimacy because Acting Regional Heads are appointed rather than directly elected by the people. As a result, their authority is more limited than that of definitive regional heads, particularly in relation to strategic policy decisions, personnel transfers, and major administrative changes that generally require approval from the Minister of Home Affairs.<sup>2</sup>

The appointment of Acting Regional Heads in Indonesia has sparked debate due to differences in mechanism and legitimacy compared to definitive regional heads. Definitive regional heads are directly elected by the people, giving them strong political legitimacy and full authority to make strategic decisions, while Acting Regional Heads are appointed by the central government to temporarily fill vacancies, do not have direct public legitimacy, and have limited authority regulated by law, including restrictions on long-term policy-making and civil service management such as appointments, transfers, and dismissals. Based on office theory, this difference indicates that authority must correspond to its source of legitimacy and responsibility, so Acting Regional Heads are mainly tasked with maintaining governmental stability and ensuring continuity of public services rather than making major policy changes.<sup>3</sup>

The authority of Acting Regional Heads in Indonesia is limited due to their temporary status and lack of direct political legitimacy from the people, unlike definitive regional heads who are elected through general elections. Therefore, Acting Regional Heads are primarily focused on administrative duties, maintaining governmental stability, and ensuring the continuity of public services without making strategic decisions that could significantly change regional policy direction. In practice, they are also required to consider local socio-political

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<sup>1</sup> Usman, S. (2022). Polemics of the Appointment of Acting Regional Heads,” *Journal of Social Sciences and Humanities (JSSH)*, 2(1), 63–73. <https://doi.org/10.52046/jssh.v2i2.1144>

<sup>2</sup> Saiful Ahmad, Fahmy Adriawan Simin, Muh. Haikal Umakaapa. “Conflict of Authority in the Appointment of Acting Regional Heads: The Case of the Acting Regent of Pulau Morotai, North Maluku in 2022”, *Comserva. Comserva: Journal of Research and Community Servc*, Volume 2 No. 09 Januari 2023 (1729-1742).

<sup>3</sup> Ashari Ashari *et al.*, “Implications of the Authority of Acting Regional Heads in Civil Service Governance Following the Issuance of the Minister of Home Affairs Circular Letter Nomor 821/5492/SJ,” *Innovative: Journal Of Social Science Research* 4, no. 1 (2024): 11635–44.

conditions and often consult the Regional House of Representatives before making important policies to avoid conflict or political resistance. These limitations are important to prevent abuse of power and ensure that strategic decisions remain with officials who have full legitimacy, although they may also hinder the ability to respond quickly to urgent policy needs.

Acting Regional Heads in Indonesia have limited authority because their position is temporary and they do not derive direct political legitimacy from a public election. As a result, their primary responsibilities are focused on carrying out administrative functions, maintaining the continuity of government operations, ensuring the delivery of public services, and preserving political and social stability during the transition period. They are generally expected to avoid making long-term strategic decisions that could significantly influence the future direction of regional development, such as large-scale civil service rotations, major budget reallocations, or substantial policy reforms, unless they obtain approval from the relevant authorities. In practice, Acting Regional Heads must also pay close attention to local socio-political conditions and maintain effective communication with the Regional House of Representatives (DPRD), community leaders, and other stakeholders to prevent potential conflicts and ensure that government policies remain responsive to public needs. These limitations are intended to uphold the principles of good governance, neutrality, accountability, and legal certainty while preventing the concentration or misuse of power during a temporary appointment.

Civil servant transfers in Indonesia are governed by Law Number 5 of 2014 concerning the State Civil Apparatus and must be carried out based on qualifications, competence, performance, and transparent administrative procedures to ensure fairness and accountability. The transfer process requires approval from authorized officials and must remain free from political influence, as political intervention can undermine justice and professionalism within the civil service. In the case of Acting Regional Heads, their authority over ASN transfers is strictly limited because their position is temporary and based on delegated powers. As a result, they are not permitted to make strategic personnel decisions freely. Therefore, strict adherence to legal regulations and effective supervision are essential to maintain accountability, uphold merit-based principles, and prevent any abuse of authority in the transfer process.<sup>4</sup>

The Acting Governor of West Papua, Paulus Waterpauw, undertook several strategic administrative actions during his tenure, including the appointment of high-ranking officials, administrative officials, the assignment of acting regional heads, and the inauguration of religious institutions. These actions were intended to support the continuity of government administration and ensure the effective functioning of public institutions during the transitional period. However, the implementation of such measures may give rise to legal and administrative concerns when they are perceived to exceed the limited and temporary authority granted to an acting official. Under Indonesian law, Acting Governors are expected to focus primarily on maintaining governmental stability and administrative continuity, while major strategic decisions are generally reserved for definitively elected regional heads or require prior approval from the Minister of Home Affairs. Consequently, actions involving personnel appointments and other strategic policies may raise questions regarding the boundaries of authority and the potential for abuse of power if not carried out in accordance with applicable legal provisions. These concerns also highlight the importance of accountability, legal certainty, and effective supervision in the exercise of acting authority. Therefore, this study is limited to examining the appointment of Paulus Waterpauw as Acting Governor of West Papua based on Presidential Decree Number 50/P of 2022 and the Minister of Home Affairs Letter Number 821/5492/SJ of 2022, with particular emphasis on the use of acting authority and its implications for regional governance,

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<sup>4</sup> Merli Herlina, “Sources of Authority of Government Bodies or Administrative Officials,” *Universitas Ekasakti Padang*, Universitas Ekasakti Padang, 2021.

administrative accountability, and the implementation of government policies in West Papua.<sup>5</sup>

## METHODS

This study is a normative legal research that uses philosophical, statutory, conceptual, political, and comparative approaches to examine the appointment and authority of Acting Governors. The data sources consist of primary legal materials in the form of laws and regulations as well as relevant Presidential Decrees, secondary legal materials such as books and legal journals, and non-legal materials from social and political sciences that are relevant to strengthen the analysis.<sup>6</sup>

The data collection technique in this study includes primary legal materials, secondary legal materials, and non-legal materials. Primary legal materials are collected through a statutory approach by examining relevant laws and regulations, while secondary materials are obtained through literature studies such as books and legal journals. Non-legal materials are taken from relevant social and political sciences. All materials are analyzed qualitatively using a statutory approach to produce a systematic description and to formulate legal conclusions or prescriptions regarding the issues under study.

## RESULTS AND DISCUSSION

### Scope and Limitations of The Acting Governor of West Papua

The authority of Acting Governors in Indonesia plays a crucial role in ensuring the continuity of regional governance when there is a vacancy in the position of a definitive regional head. Acting Governors are appointed by the President based on Law Number 10 of 2016 and Minister of Home Affairs Regulation (Permendagri) Number 4 of 2023 to maintain government stability and ensure the uninterrupted delivery of public services during the transitional period. Their responsibilities include administering regional government affairs, overseeing the implementation of development programs, submitting draft regional regulations to the Regional House of Representatives (DPRD), and maintaining public order and security. Therefore, Acting Governors serve as temporary leaders who ensure that regional governance remains effective, efficient, and stable until a definitive regional head is officially appointed.<sup>7</sup>

Although Acting Governors possess authority similar to that of definitive governors, their powers remain limited in several important aspects. They are generally prohibited from carrying out civil servant (ASN) transfers or personnel mutations without prior approval from the Minister of Home Affairs, cannot revoke policies established by previous regional heads without authorization, and are restricted from implementing policies that contradict existing government programs in order to maintain administrative stability and continuity. The term of office of an Acting Governor is typically one year and may be extended for an additional year based on regional needs. However, an Acting Governor may also be dismissed before the expiration of the term by the President following a performance evaluation or in cases of legal violations. These regulations are designed to ensure the continuity, effectiveness, and stability of regional governance during the transitional period before a definitive regional head is appointed.<sup>8</sup>

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<sup>5</sup> <https://www.jagatpapua.com/paulus-waterpauw-lantik-empat-lembaga-keagamaan-papua-barat/> Accessed on June 23, 2025

<sup>6</sup> Peter Mahmud Marzuki. (2017). *Legal Research: Revised Edition*. Jakarta: Prenada Media. <https://books.google.co.id/books?id=CKZADwAAQBAJ>

<sup>7</sup> MSi Arifin Tahir, MSi Rusli Isa, and Yacop Noho Nani, *Textbook of Selected Topics in Local Government Management* (CV. Cahaya Arsh Publisher & Printing, 2024).

<sup>8</sup> Mochammad Tommy Kusuma, Elva Imeldatur Rohmah, and Nafi Mubarak, "Filling the Vacancy of Regional Head Positions Ahead of the 2024 Simultaneous Elections," *Sosio Yustisia: Journal of Law and Social Change* 2, no. 2 (2022): 1-33.

The Acting Governor plays an important role in maintaining stability and continuity of regional government during the transitional period of a vacant regional head position. They carry out temporary head-of-region duties such as implementing government affairs, formulating policies in coordination with the Regional House of Representatives, maintaining public order and services, and preparing regional development planning. In addition, the Acting Governor may represent the region in certain matters in accordance with applicable regulations. With these responsibilities, the Acting Governor is required to have strong integrity and competence to ensure that government operations remain effective until a definitive regional head is appointed.<sup>9</sup>

The Acting Governor is required to submit performance reports to the Minister of Home Affairs every three months as a form of administrative accountability and oversight by the central government. These reports serve as an important mechanism for evaluating the implementation of government programs, public service delivery, budget management, and the overall performance of the regional administration during the transitional period. Although an Acting Governor performs many of the functions of a definitive governor, the position is subject to significant legal and administrative limitations. For instance, the Acting Governor is generally prohibited from transferring or promoting civil servants (ASN), making strategic personnel decisions, or revoking policies established by previous regional leaders without obtaining prior approval from the Minister of Home Affairs. In addition, the Acting Governor is restricted from issuing new policies that conflict with existing regulations or development programs, as such actions could disrupt governmental continuity and create administrative uncertainty. These limitations are designed to ensure that the temporary office holder focuses on maintaining stability, neutrality, and the effective operation of government rather than introducing major policy changes. This framework is particularly important in regions such as West Papua, where political, social, and developmental conditions require careful governance to preserve public trust, support ongoing development initiatives, and ensure a smooth transition until a definitive governor is elected and officially assumes office.<sup>10</sup>

The appointment of Paulus Waterpauw as Acting Governor of West Papua was based on a Presidential Decree and was intended to ensure the continuity of regional governance, maintain political and administrative stability, and support the uninterrupted implementation of development programs during the transitional period before the election of a definitive governor. As Acting Governor, Paulus Waterpauw was entrusted with a range of strategic responsibilities, including accelerating efforts to reduce stunting and extreme poverty, improving public welfare, enhancing the quality of public services, and promoting sustainable regional development. He was also tasked with preparing and supporting the successful implementation of the 2024 General Election by ensuring political neutrality within the bureaucracy, maintaining public order and security, and fostering a peaceful and democratic electoral environment. Furthermore, his role involved strengthening coordination and cooperation between the central government and regional authorities to ensure that national and regional development policies were implemented effectively and in harmony. In carrying out these responsibilities, Paulus Waterpauw was expected to build strong synergy with local communities, traditional leaders, religious figures, civil society organizations, and other stakeholders to create an inclusive, participatory, and conducive governance environment. Such collaboration was essential for addressing regional challenges, promoting social cohesion, and ensuring that development initiatives reflected the needs and aspirations of the people of West Papua.<sup>11</sup>

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<sup>9</sup> Laurene Patricia, "Democratic Crisis Due to the Appointment of the Acting Governor of DKI Jakarta Without Public Votes," *Tambusai Education Journal* 7, no. 1 (2023): 1465-73.

<sup>10</sup> Dadan Ramdani, "Problems in the Appointment of Acting Regional Heads During the Transition Period of the National Simultaneous Regional Elections, 2024," 2022.

<sup>11</sup> Ibnu Pramudana and Surya Perdana, "Analysis of the Authority of Acting Regional Heads According to Law Number 23 of 2014," *EduYustisia* 2, no. 1 (2023): 17-30.

The appointment and authority of Acting Regional Heads are regulated not only by law but also by Government Regulation Number 49 of 2008 and Minister of Home Affairs Regulation Number 4 of 2023. These regulations limit the authority of Acting Governors, including prohibitions on transferring civil servants or revoking permits without the approval of the Minister of Home Affairs, as well as restrictions on issuing policies that contradict previous officeholders, in order to maintain governmental stability and legal certainty. Nevertheless, Acting Governors still have important authority in administering government affairs, drafting regional regulations, representing the region in legal matters, and taking urgent actions in the interest of the region. In addition, Law Number 10 of 2016 stipulates that Acting Governors are appointed from high-ranking *madya* officials and serve until a definitive regional head is inaugurated, meaning they are still required to have adequate competence to ensure the continuity of regional governance during the transitional period.<sup>12</sup>

The acting governor has an important role in maintaining the stability of local government, especially during the transition period of vacancies. In carrying out his duties, the Acting Governor must follow the provisions of government regulation number 49 of 2008 and Permendagri number 4 of 2023, including the Prohibition of employee mutations, cancellation of permits, and policy making that conflicts with previous officials without the approval of the Minister of Home Affairs. In addition, the Acting Governor must maintain coordination with the DPRD, Forkopimda, and carry out government tasks, public services, and Regional Development Planning in a sustainable manner. The system of supervision and accountability is carried out through periodic reports to the Minister of internal affairs as well as performance evaluation, with sanctions in case of violations. Overall, the authority of the Acting Governor is designed to maintain continuity of government, political stability, and the effectiveness of public services in the region.<sup>13</sup>

The Acting Governor of West Papua plays a crucial role in ensuring the continuity and stability of regional governance during the transitional period before a definitive governor assumes office. As the head of the provincial government, the Acting Governor is responsible for administering governmental affairs, formulating and implementing regional policies, coordinating with regional institutions and stakeholders, and ensuring the effective execution of development programs. These responsibilities include overseeing priority sectors such as infrastructure development, improving community welfare, strengthening public services, and supporting the preparation and implementation of regional elections. Despite carrying out many of the functions of a definitive governor, the Acting Governor's authority is legally restricted to prevent the misuse of power during the temporary tenure. For example, the Acting Governor is generally not permitted to conduct civil servant (ASN) transfers, appointments, or other strategic personnel decisions without prior approval from the Minister of Home Affairs. Likewise, significant policy changes or the revocation of previous government policies require authorization from the central government. In performing these duties, the Acting Governor must uphold the principles of good governance by maintaining political stability, preserving public order and security, ensuring the continuity of government programs, and delivering public services efficiently and effectively. Furthermore, the Acting Governor is expected to exercise accountability, transparency, professionalism, and neutrality in all governmental activities to

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<sup>12</sup> Nunung Puji Rahayu, “Harmonization of Legal Regulations on the Term of Office of Regional Heads Elected in 2020 (Study of Constitutional Court Decision No. 18/PUU-XX/2022 on Article 28D Paragraph (3) of the 1945 Constitution of the Republic of Indonesia and Article 201 Paragraph (7) of Law No. 10 of 2016 on the Election of Governors, Regents, and Mayors)” (UPN Veteran East Java, 2023).

<sup>13</sup> Umi Khairiah, Ervina Sari Sipahutar, and Anjani Sipahutar, “Synergy of Authority between the National Police and Regional Government in Maintaining Public Security and Order within Regional Autonomy,” *Jurnal Normatif* 4, no. 1 (2024): 336-44.

maintain public trust and support a smooth transition toward the leadership of a definitively elected governor.<sup>14</sup>

The proper and responsible use of the authority of the Acting Governor has a significant impact on political stability, economic development, and the sustainability of government programs in West Papua. By exercising authority in accordance with legal regulations and principles of good governance, the Acting Governor can help create a stable political environment that supports effective administration and minimizes potential conflicts among various stakeholders. Prudent decision-making, strong coordination with regional institutions, and active community participation contribute to maintaining public trust and ensuring that government policies address the needs and aspirations of local communities. In addition, effective leadership during the transitional period can support economic growth by facilitating the implementation of development projects, improving public services, and creating favorable conditions for investment and business activities. The optimization of the Acting Governor's authority also requires continuous improvement in the quality of human resources within the regional government, greater transparency in policy formulation and implementation, stronger accountability mechanisms, and enhanced coordination among government agencies and other relevant institutions. Through these efforts, regional development can be carried out more efficiently, public welfare can be improved, and development programs can continue sustainably, ensuring long-term benefits for the people of West Papua even during periods of political transition.<sup>15</sup>

### **Administrative Practices and Governance Challenges of the Acting Governor of West Papua**

The authority of the Acting Governor in Indonesia plays an important role in maintaining the continuity of local government during the transition period when a definitive gubernatorial vacancy occurs. The acting governor is appointed by the president based on Law Number 10 of 2016 concerning regional elections and regulation of the Minister of Home Affairs number 4 of 2023 to ensure that public services and government administration continue to run well. His duties include the conduct of local government affairs, the preparation and submission of draft local regulations to the Regional House of Representatives, as well as maintaining public order and order. However, his authority is limited, such as not being allowed to make employee mutations, cancel previously issued licenses, or make strategic policies without the approval of the Minister of the Interior. This restriction aims to maintain stability, policy consistency, and legal certainty during the transition period of local government.<sup>16</sup>

Acting Governors in Indonesia generally serve a term of one year, which may be extended for an additional year depending on regional circumstances and the needs of the government. However, an Acting Governor may also be removed from office before the completion of the term by the President based on the results of performance evaluations, failure to fulfill assigned responsibilities, or violations of applicable laws and regulations. During their tenure, Acting Governors play a critical role in ensuring the continuity and stability of regional governance during periods of leadership transition. Their responsibilities include administering regional government affairs, implementing national and regional development programs, drafting and submitting regional regulations, overseeing public services, and maintaining public order and

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<sup>14</sup> Bambang Ariyanto, "Management of Central and Regional Government Relations in Handling the COVID-19 Pandemic," *Suloh: Journal of the Faculty of Law, Universitas Malikussaleh* 8, no. 2 (2020): 37-57.

<sup>15</sup> Harsuko Riniwati. *Human Resource Management: Main Activities and Human Resource Development* (Universitas Brawijaya Press, 2016).

<sup>16</sup> Wa Santika, L M Ricard Zeldi Putra, and Hadi Supriyanto, "Legal Review of the Limitations of Authority of Acting Regents Based on Law of the Republic of Indonesia Number 23 of 2014 on Regional Government," *Sultra Law Review* 5, no. 02 (2023): 6-11.

security. They are also responsible for ensuring that government institutions continue to function effectively and that development initiatives are carried out without disruption. Because the position is temporary and operates within certain legal limitations, Acting Governors must demonstrate a high degree of adaptability, professionalism, and leadership in responding to regional challenges and changing circumstances. Effective coordination with central government agencies, regional institutions, community leaders, and other stakeholders is essential to achieving policy objectives and maintaining public trust. Furthermore, Acting Governors are expected to uphold the principles of transparency, accountability, neutrality, and integrity in all aspects of governance.<sup>17</sup>

The Acting Governor acts as a temporary leader who maintains the continuity of local government when a vacancy occurs, with limited authority to carry out administrative affairs, maintain political stability, security, and public services, as well as develop development plans and report periodically to the Minister of Home Affairs. Although it has a strategic function, the acting governor is still limited so as not to carry out strategic policies such as ASN mutations or license changes without central approval, so that his role is more as a policy executor and transition guard until the election of a definitive governor.

The appointment of Paulus Waterpauw as Acting Governor of West Papua is expected to ensure the continuity of development programs, strengthen cooperation between local and central governments, and build synergies with civil society so that policies run effectively and inclusively. In general, the appointment of acting regional heads in Indonesia is based on Law No. 10 of 2016 and Law No. 23 of 2014, which confirms that acting regional heads are appointed by the president to fill the vacancy of the governor with the authority to run government affairs, draft regional regulations, and maintain the stability of public services during the transition period until the.<sup>18</sup>

The authority of an Acting Regional Head includes administering regional government affairs, preparing and submitting draft regional regulations, representing the region in legal matters both inside and outside the court, and making urgent decisions necessary to maintain the continuity of public services and governmental stability during the transitional period. Acting Regional Heads are also responsible for coordinating regional development programs, supervising public administration, ensuring the effective delivery of public services, and maintaining public order and security. However, despite possessing many of the powers of a definitive regional head, their authority is subject to significant legal restrictions designed to prevent the misuse of power during a temporary appointment. These limitations include the prohibition of transferring, appointing, or dismissing civil servants (ASN), revoking permits or licenses that have been issued by previous administrations, and making strategic policy changes without prior approval from the Minister of Home Affairs. Such restrictions are stipulated in Law Number 10 of 2016, Law Number 23 of 2014 concerning Regional Government, Government Regulation Number 49 of 2008, and Minister of Home Affairs Regulation Number 4 of 2023. These regulations ensure that Acting Regional Heads focus primarily on maintaining administrative continuity, political neutrality, and governmental stability rather than introducing major policy shifts. Consequently, the role of Acting Regional Heads is essential in safeguarding the smooth operation of regional governance, preserving public trust, and ensuring that development programs and public services continue effectively until a definitive regional head is officially elected and assumes office.<sup>19</sup>

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<sup>17</sup> Heru Kumprasetyo Pringgodo, "Juridical Analysis of the Appointment of Police Officials as Acting Governors from the Perspective of Positive Law and Fiqh Siyasah" (UIN Fatmawati Sukarno Bengkulu, 2019.).

<sup>18</sup> Ibnu Pramudana and Surya Perdana, "Analysis of the Authority of Acting Regional Heads According to Law Number 23 of 2014," *EduYustisia* 2, no. 1 (2023): 17-30.

<sup>19</sup> Askari Razak, "Appointment of Governors by the President in the Draft Law on the Special Region of Jakarta: Controversy and Orientation," *UNES Law Review* 6, no. 2 (2023): 6242-52.

The authority of the acting governor aims to maintain the continuity of local government when there is a vacancy, ensure public services and development programs continue to run, and support election preparations by maintaining coordination with the KPU and Bawaslu, regional order, and social stability. In addition, the acting governor plays a role in implementing public policies, drafting local regulations, and strengthening coordination with DPRD and Related Agencies so that the government remains effective and responsive. Despite having a fairly broad authority, the acting governor remains limited, especially in terms of ASN mutations that must be approved by the Minister of Home Affairs, so that his role is administrative, neutral, and focused on the sustainability of government.<sup>20</sup>

The acting governor has the authority to take urgent action in crisis conditions to maintain order and security, represent the region in legal matters, and appoint legal representatives to protect the interests of the region. However, this authority is limited by rules, such as the Prohibition of employee mutations, cancellation of permits, and policy changes without the approval of the Minister of the interior, thus maintaining the stability and continuity of government. In its implementation, the acting governor is obliged to submit accountability reports periodically to the Minister of Home Affairs and is under the supervision of the president through the Minister of Home Affairs, with performance evaluation and administrative sanctions as a control mechanism to ensure accountability, transparency, and compliance with applicable policies.<sup>21</sup>

Overall, the Acting Governor holds a highly strategic role in ensuring the continuity, stability, and effectiveness of regional governance during periods of leadership transition. This role involves administering government affairs, coordinating closely with the Regional House of Representatives (DPRD), Regional Apparatus Organizations (OPD), and the Regional Leadership Coordination Forum (Forkopimda), as well as maintaining public order, security, and social stability. Through effective coordination among these institutions, the Acting Governor helps ensure that government programs, public services, and development initiatives continue to operate without disruption despite the absence of a definitive regional head. In West Papua, the responsibilities of the Acting Governor extend beyond routine administrative functions to include supporting infrastructure development, improving social welfare, reducing poverty, enhancing public services, and facilitating sustainable economic growth. The Acting Governor also plays a crucial role in preparing and overseeing the implementation of elections to ensure that they are conducted in a peaceful, democratic, transparent, and conducive manner. Although the Acting Governor possesses relatively broad authority to manage regional affairs, that authority remains subject to legal limitations designed to safeguard neutrality and prevent the misuse of power during the transitional period. These restrictions are particularly evident in matters related to civil servant (ASN) transfers, strategic personnel decisions, and major policy changes, all of which generally require prior approval from the Minister of Home Affairs.<sup>22</sup>

The Acting Governor has the important responsibility of maintaining public order, social harmony, and regional stability through an inclusive, participatory, and dialogical approach that allows various community groups to express their aspirations and concerns. By fostering open communication and cooperation with local communities, traditional leaders, religious figures, civil society organizations, and other stakeholders, the Acting Governor can ensure that government policies are responsive to the needs of the people and contribute to social cohesion.

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<sup>20</sup> Nuryani Ani, "Addition of Authority for Civil Servant Transfers by Acting Regional Heads in Minister of Home Affairs Circular Letter No. 821/5492/SJ from the Perspective of Maslahah Mursalah" (UIN Prof. KH Saifuddin Zuhri Purwokerto, 2023).

<sup>21</sup> Juvisher Vigoh Rivaldo Sarajar, " Authority of Environmental Supervisory Officers under Law Number 32 of 2009 on Environmental Protection and Managemen," *Lex Et Societatis* 8, no. 4 (2020).

<sup>22</sup> Suryo Triono and Septiana Novita Dewi, " The Effect of Internal Control Systems on the Quality of Local Government Financial Reports," *Journal of Accounting and Tax* 21, no. 1 (2020): 213-20.

In West Papua, this responsibility extends beyond maintaining security and public order to include the implementation of strategic development policies aimed at improving infrastructure, enhancing social welfare, reducing poverty, expanding access to education and healthcare, and promoting the sustainable management of natural resources. These initiatives are intended to stimulate economic growth, create employment opportunities, and ensure that development benefits are distributed more equitably across the region. However, the implementation of these responsibilities is often challenged by limited authority resulting from the temporary nature of the position, complex political dynamics, geographical constraints, and the rich socio-cultural diversity of West Papua. Therefore, the Acting Governor must demonstrate strong leadership, adaptability, and effective coordination with central and regional government institutions to address these challenges successfully. Furthermore, the performance of the Acting Governor is periodically evaluated by the Ministry of Home Affairs using indicators related to governance effectiveness, development achievements, public service quality, and administrative accountability.<sup>23</sup>

The assessment of the performance of the acting governor is not only seen from the achievement of numbers, but also the impact of policies on the community from social, economic, and political aspects. Evaluation by the Ministry of Home Affairs periodically aims to strengthen accountability, transparency, and performance improvements to be more responsive to regional needs. The success of the acting governor is determined by his ability to maintain stability, encourage development, continue programs, and strengthen community coordination and participation. Therefore, capacity building, information disclosure, and policy flexibility are needed to support sustainable development and community welfare.<sup>24</sup>

### **The Acting Governor's Role in Ensuring Continuity of Governance**

The government plays a role in maintaining the continuity of local government through regional heads and acting governors appointed to fill vacancies, as stipulated in law Number 23 of 2014 on Regional Government, Law Number 10 of 2016 on regional elections, and Permendagri number 4 of 2023. The Acting Governor carries out public policies in the areas of education, health and the economy to maintain continuity of government until a definitive regional head is elected, despite facing challenges such as budget constraints and political dynamics.<sup>25</sup>

Accountability is the obligation of public officials to be responsible for the exercise of their authority and the decisions they make, because in a state governed by the rule of law, no authority exists without accountability. In the context of government administration, accountability encompasses both legal and political dimensions. Legal accountability is assessed through judicial mechanisms and the enforcement of laws and regulations, while political accountability is reflected through reporting obligations and responsibility to the public as the ultimate holder of sovereignty in a democratic system. These principles ensure that government officials exercise their powers in a transparent, lawful, and responsible manner. Therefore, when a vacancy occurs in the position of a regional head, the central government appoints an Acting Governor to prevent a power vacuum and to ensure the continuity of governmental functions, public services, and development programs. Although Acting Governors possess authority to administer regional affairs, their powers are subject to legal limitations and oversight mechanisms

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<sup>23</sup> Abu Huraerah, *Social Protection Policy: Theory and Application of Dynamic Governance* (Nuansa Cendekia, 2022).

<sup>24</sup> Harsuko Riniwati, *Human Resource Management: Main Activities and Human Resource Development* (Universitas Brawijaya Press, 2016).

<sup>25</sup> President of the Republic of Indonesia, *Law of the Republic of Indonesia Number 23 of 2014 on Regional Government*, 2014, 1-203.

to ensure that they remain accountable and act in accordance with democratic principles until a definitively elected regional head is officially inaugurated.<sup>26</sup>

As described in Article 201 paragraph (10) of Law No. 10 of 2016 that:

“to fill the vacancy of the governor, appointed Acting Governor who comes from the position of senior vice president until the inauguration of the governor in accordance with the provisions of the legislation”.<sup>27</sup>

Regarding the responsibility of the acting (Pj) Regional Head, the relevant rules are regulated in PP No. 6 of 2005 on the election, ratification of the appointment, and dismissal of regional heads and Deputy Regional Heads. In Article 132 paragraph (3), explained that:

“In the performance of its duties, the Acting Head of the region is responsible to the president through the Minister of Home Affairs for the Acting Governor and to the Minister of Home Affairs for the acting regent/Mayor”. Based on these rules, that the acting (Pj) governor is responsible to the president through the Minister of Home Affairs, while the acting (Pj) Regent and mayor are responsible to the Minister of Home Affairs.<sup>28</sup>

The Acting Regional Head has a reporting obligation to the president and the Minister of Home Affairs, in contrast to the definitive Regional Head who is also obliged to report to the Community (Article 72 of law no. 23 of 2014). In practice, the Pj is also proposed to report to the DPRD because of the long tenure and involvement in local government. Its authority is limited and administrative in accordance with Permendagri No. 4 year 2023, only to maintain stability and implement existing policies, not strategic policies, and remain under the supervision of the central government. Responsibility is limited to the term of office and does not cover the policy of the previous regional head, according to law No. 30 year 2014 on Government Administration.<sup>29</sup>

The Acting Governor of West Papua has limited authority as a transitional official who only performs administrative functions, maintains government stability, and implements existing policies, without mutating ASN, canceling permits, or taking strategic policies without the approval of the Minister of Home Affairs. In practice, acting Governor shall report regularly to the Ministry of Home Affairs as a form of accountability. However, the regulation in Permendagri No. 4 of 2023 is considered still causing debate because it is considered not fully in line with the Local Government Law and the Constitutional Court's decision, so it has the potential to cause legal uncertainty. The appointment mechanism is also top-down by the central government, thus raising issues of legitimacy, democracy, and the need for a balance between legal, social, and ethical aspects in the appointment of acting regional heads.<sup>30</sup>

The replacement of regional heads in South Sulawesi and West Papua presents different governance challenges that require distinct approaches from the Acting Governor. In South Sulawesi, changes in regional leadership often occur due to legal violations or political issues that can affect governmental stability and public trust. Therefore, the Acting Governor must prioritize

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<sup>26</sup> Rahmazani, “The Problems of Appointment Acting Officer of Regional Head in the Transition Period Before the Election of 2024,” *Jurnal Konstitusi* 20, no. 2 (2023): 196–215, <https://doi.org/10.31078/jk2022>.

<sup>27</sup> Republik Indonesia, “Law of the Republic of Indonesia Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents, and Mayors into Law,” 2016, 1–90, <https://doi.org/10.1017/CBO9781107415324.004>.

<sup>28</sup> BAPPENAS RI, “Government regulation (PP) No. 6 of 2005 on the election, ratification of the appointment, and dismissal of regional heads and Deputy Regional Heads,” *Demographic Research*, no. 1 (2020): 4–7.

<sup>29</sup> Administrasi Pemerintahan et al., “Law No. 30 Of 2014 On Government Administration (Statute Book Of The Republic Of Indonesia Of 2014, No. 292, Annotated In Supplement To The Statute Book Of The Republic Of Indonesia No 5601),” no. 292 (2014).

<sup>30</sup> Lily Bauw, “Special Autonomy of Papua: A Review from the Perspective of the Unitary State of the Republic of Indonesia,” *Papua Law Journal* 1, no. 1 (2018): 1–26, <https://doi.org/10.31957/plj.v2i2.578>.

restoring confidence in government institutions through bureaucratic reform, strengthening accountability, improving transparency, and ensuring that public services continue to function effectively. Meanwhile, in West Papua, the challenges are more complex because of the region's unique social, cultural, and customary characteristics, where indigenous communities play a significant role in public life. As a result, the Acting Governor must focus on building harmonious relationships with Indigenous Peoples, promoting constructive dialogue among stakeholders, and incorporating local values and traditions into policy implementation. In addition, maintaining social cohesion and addressing regional development issues require a collaborative and inclusive approach. Although the contexts differ, both regions require leadership that is adaptive, participatory, and responsive to community needs.<sup>31</sup>

The differences in the powers of the Acting Governor in Indonesia with Australia, the United States, and Canada can be summarized as follows:

1. Power structure: Indonesia adheres to a unitary state system so that the Acting Governor is under the control of the central government and only carries out central policies. While in federal countries such as Australia, the US, and Canada, local/provincial governments have greater autonomy so that temporary officials only handle administrative matters and do not change strategic policies.
2. Political culture: in Indonesia, the political culture is centralized so that the Acting Governor tends to be an extension of the central government. Whereas in federal states, the political culture emphasizes regional autonomy more so that temporary officials are not involved in long-term policies and only focus on operational tasks.
3. Central intervention: in Indonesia, Central government intervention is very strong in the appointment and supervision of acting governors. In contrast, in the US, Australia, and Canada, central intervention is very limited and only occurs in certain conditions such as emergencies, so that regions are more free to regulate their own authority.<sup>32</sup>

The following is a summary of the problems of the appointment of Pj regional head:

1. Disharmony between regional government organizers, the appointment of PJ that is centralistic without the participation of DPRD and the community often causes conflicts between Central and local governments, even triggering disharmony in the inauguration process in some regions.
2. Incomplete and overlapping regulations, the rules of law related to the Acting Regional Head are still unclear and inconsistent, including the issue of dual positions and the use of old regulations that are not relevant, causing legal uncertainty.
3. The effectiveness of government is disturbed, the presence of Pj who concurrently holds the position makes the work focus divided, so that the performance of local government is less than optimal and has an impact on public services.<sup>33</sup>

The appointment of an Acting Regional Head through an electoral college system is considered a more democratic mechanism than a unilateral appointment by the Minister, as it allows for broader representation and participation in the selection process. Such a system can enhance the legitimacy and accountability of the Acting Regional Head by incorporating the views and interests of various stakeholders within the region. In addition, the electoral college mechanism is more consistent with the principles of democracy and regional autonomy because

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<sup>31</sup> Jauhar Nashrullah and Georges Olemanu Lohalo, "The Establishment of a New Autonomous Region of Papua in State Administrative Law Perspective," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 2 (2022): 145–59, <https://doi.org/10.24090/volksgeist.v5i2.6901>.

<sup>32</sup> Edward Benedictus Roring *et al.*, "Comparison Of Constitutional Systems In The United States And Indonesia: Implications For National Political Stability," *Communitarian: Jurnal Prodi Ilmu Politik* 6, no. 1 (2024).

<sup>33</sup> Iqbal Rifanda Sugiharta, Fauziyah Fauziyah, and Icha Cahyaning Fitri, "The Controversy Of Filling The Vacancy Of The Governor's Office In The Perspective Of Democracy In Indonesia," *Indonesian Journal of Law and Justice* 1, no. 4 (2024): 8, <https://doi.org/10.47134/ijl.v1i4.2260>.

it provides greater opportunities for regional institutions and representatives to contribute to leadership selection. By promoting a more inclusive and participatory process, this approach can strengthen public trust, improve governance, and support the effective implementation of regional government affairs while respecting the autonomy granted to local governments under Indonesia's decentralization framework. The mechanism can be carried out provided:

1. Election mechanism (electoral college), the Acting Regional Head is elected through a representative system (DPRD and regional elements), so it is more democratic and in accordance with the principle of regional autonomy than the direct appointment by the central government.
2. Duties and authorities, the authority of the Acting Regional Head is equated with the definitive regional head to be more effective in carrying out development, as well as reducing restrictions that are considered to hinder regional performance.
3. Accountability, acting regional heads must be accountable to the President, DPRD, and the community through a representative system, thus reflecting a stronger and more transparent accountability.<sup>34</sup>

In conclusion, because the process of forming laws takes a long time, arrangements regarding acting temporary regional heads can be strengthened through more detailed government regulations as a short-term legal basis. In addition, the performance evaluation system needs to be improved by emphasizing transparency, accountability, and public participation, by taking lessons from other countries such as Malaysia that involve the community in evaluation and the Philippines that use results-based performance indicators. Thus, the system of acting governors in Indonesia can be more effective, responsive, and accountable.<sup>35</sup>

## CONCLUSION

The appointment of Acting Governors in Indonesia is intended to temporarily fill vacancies in regional leadership during the transition period leading to the 2024 Simultaneous Regional Elections, ensuring that government administration, public services, and development programs continue without interruption. Despite the importance of this role, the appointment process has faced criticism due to the limited authority of Acting Governors in making strategic policy decisions and the relatively low level of regional participation in the selection process, raising concerns about democracy, representation, and accountability, particularly in the absence of fully comprehensive implementing regulations. Acting Governors play a vital role in maintaining governmental continuity and administrative stability by overseeing regional affairs and ensuring the effective delivery of public services. Although they possess considerable authority, their powers are restricted by legal provisions, including limitations on transferring civil servants and revoking existing policies without the approval of the Minister of Home Affairs. In West Papua, the exercise of authority by the Acting Governor has generally been consistent with the fundamental purpose of the position, which is temporary in nature and focused primarily on administrative functions and public service delivery. These legal restrictions are intended to preserve political and administrative stability, prevent the abuse of power, and ensure a smooth transition of governance until a definitively elected regional head officially assumes office.

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<sup>34</sup> Laurene Patricia, "Democratic Crisis Due to the Appointment of Acting Governor of DKI Jakarta Without Public Votes," *Journal of Tambusai Education* 7, no. 1 (2023): 1465-73.

<sup>35</sup> Hafid Irfani and Asri Elies Alamanda, "Principles of Transparency and Accountability in the Appointment of Acting Regional Heads," *Justitiabile: Law Journal* 6, no. 2 (2024): 165-81.

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