Beyond Formal Competence and Toward a Post-Positivist Reconstruction of Regent and Vice Regent Authority in Indonesian Local Government

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Abstract

The relationship between regents and vice regents is a distinctive feature of Indonesia's decentralized government. Both are elected as a political pair, yet the legal framework does not assign executive authority on an equal basis. This article examines how vice-regent authority should be understood beyond the formal enumeration of statutory duties. It uses doctrinal legal research with statutory and conceptual approaches. The analysis treats positive law as the normative starting point and reconstructs the institutional structure of authority through the concepts of public office, normative competence, institutional allocation, and accountability. The study finds that joint electoral legitimacy does not produce equal executive authority and that the legal position of the vice regent cannot be explained adequately by formal competence alone. The article therefore proposes the concept of institutionally activated authority. This concept understands public authority as a legally constituted capacity that acquires substantive institutional form through the legal organization of competence, allocation of functions, relations between offices, and accountability. The framework provides a post-positivist account of local executive authority without requiring identical powers for regents and vice regents.

Keywords: Authority; Institutional theory; Local government; Post-positivism; Vice regent

I. INTRODUCTION

Indonesia's decentralization has transformed local government into an important arena for public authority, democratic accountability, and public service delivery. The transfer of governmental functions to subnational authorities has made the institutional capacity of local government increasingly important to the quality of decentralized governance. Setiawan et al. (2022) show that analytical, operational, and political capacities at the local level significantly shape the ability of Indonesian local governments to deliver public services. Lurusati and Torenvlied (2023) likewise demonstrate that local democratization and direct executive elections have changed the incentives and outcomes of decentralized government, although electoral reform does not automatically produce consistent improvements in governance outcomes. Shoesmith et al. (2020) further show that the performance of decentralization varies across local settings because formal institutional arrangements operate under different administrative and social conditions. These studies suggest that decentralization should not be examined only through the transfer of authority from the central government to local governments. It also requires closer attention to how authority is organized within the local executive itself.

At the regency level, the relationship between the regent and vice regent presents a distinctive institutional arrangement. Under Indonesia's local election law, the regent and vice regent are nominated and elected as a single candidate pair. The electoral framework therefore places both offices within the same process of democratic legitimation. However,

the regional government framework constructs their governmental roles differently. Law No. 23 of 2014 on Regional Government, as amended, places the regent as the head of regional government, while the vice regent performs assisting, coordinating, monitoring, advisory, and other legally assigned functions. The law also provides that additional governmental duties may be assigned by the regional head and that the vice regional head is accountable to the regional head in carrying out the relevant duties. Yuhandra et al. (2021) identify this differentiation as a central feature of the legal relationship between regional heads and their deputies. Palullungan et al. (2023) similarly find that the position of the vice regent remains normatively weaker and less clearly defined than that of the regent.

This arrangement creates an institutional tension between electoral legitimacy and executive authority. The regent and vice regent obtain office through the same electoral process, but their governmental competences are not constructed on an equal basis. This difference should not automatically be treated as a defect in institutional design. Equal electoral legitimacy does not necessarily require identical executive powers because public offices may legitimately perform different functions within the same governmental structure. Carpenter (2025) explains that public office is inherently relational because its authority, obligations, and accountability are defined partly through its relationship with other offices and institutions. At the same time, unclear relations between regional heads and their deputies may create uncertainty about functions and responsibility, as shown in the Indonesian context by Agustina (2020). The relevant legal question is therefore not whether the regent and vice regent must possess equal authority. The more fundamental question concerns whether the legal system constructs a coherent relationship between electoral legitimacy, executive competence, institutional position, and accountability.

Existing Indonesian scholarship has addressed several dimensions of this problem. Yuhandra et al. (2021) examine the legal and political relationship between regional heads and their deputies and conclude that the two offices perform different normative functions within regional government. Agustina (2020) focuses on disharmony between regional heads and deputy regional heads and relates such problems to the design of the deputy office within the decentralized governmental system. Palullungan et al. (2023) take a more reconstructive approach by identifying ambiguity in the vice regent's position and proposing a more proportional distribution of authority. These studies make an important contribution because they demonstrate that the position of the deputy regional head cannot be understood merely as an administrative issue. Nevertheless, their main concern remains focused on the distribution, weakness, conflict, or possible strengthening of the deputy's authority. The conceptual nature of public authority itself receives less sustained attention.

This conceptual gap becomes clearer when legal office is distinguished from legal competence. A public office is not simply a title held by an individual. Carpenter (2025) describes office as a legally and institutionally structured location of authority, obligation, and responsibility. The authority attached to an office therefore exists within relationships with other offices and accountability structures. Cern (2020), drawing on Neil MacCormick's institutional theory of law, similarly emphasizes that legal norm use becomes meaningful through institutionalized practices and structures rather than through isolated rules alone. Taekema (2021) also explains that doctrinal legal scholarship is concerned with the interaction between positive legal norms and their institutional context, including the relationships among rules, roles, procedures, and legal concepts. These perspectives indicate that identifying the statutory duties of a vice regent is necessary but not sufficient to explain the institutional character of the office.

A post-positivist perspective provides a useful framework for addressing this issue without abandoning the authority of positive law. Positive law remains the normative point of departure because statutes establish public offices, define competences, and determine legal relationships. However, the meaning of a legal position cannot always be exhausted by

a literal reading of individual provisions. Cern (2020) explains that MacCormick's institutional approach understands law as an institutional normative order in which rules acquire systemic meaning through institutions and related practices. Taekema (2021) likewise argues that doctrinal analysis must place particular legal rules within broader normative and institutional contexts if it is to explain their legal significance. Recent work on statutory interpretation also shows that legal concepts are not always reducible to isolated linguistic formulations and often require interpretation within wider conceptual structures (Wojtczak & Zeifert, 2025). A post-positivist reading in this article therefore does not displace positive law. It seeks to understand how positive law constructs authority through an integrated institutional arrangement.

Applied to the relationship between the regent and vice regent, this perspective directs attention to four connected elements. These elements concern the legal existence of the office, the competence assigned to it, the institutional allocation of governmental functions, and the structure of accountability. Carpenter (2025) demonstrates that authority and responsibility are embedded in the relational structure of public office rather than located solely in the officeholder. Wojtczak and Zeifert (2025) also show that the interpretation of statutory concepts requires attention to the conceptual categories through which legal language is organized. In the Indonesian context, Palullungan et al. (2023) demonstrate why this distinction matters because the legal status of the vice regent does not automatically produce a clearly defined sphere of authority. The analytical question can therefore move beyond identifying what tasks are listed in the statute. It can instead ask how the law organizes a public office so that formal competence becomes a legally meaningful capacity for governmental action.

Accordingly, this article aims to reconstruct the authority of regents and vice regents through a post-positivist understanding of law as an institutional normative order. It argues that public authority should not be understood only as competence formally conferred by statute. Authority should also be understood as a legally constituted and institutionally structured capacity for governmental action. This argument builds on recent institutional accounts of public office and legal norm use developed by Carpenter (2025) and Cern (2020). It also responds to the specific problems of authority and institutional position identified in Indonesian studies by Yuhandra et al. (2021) and Palullungan et al. (2023). On this basis, the article develops the analytical concept of institutionally activated authority to explain how a formally constituted office acquires substantive legal capacity through the organization of competence, allocation of functions, relations between offices, and accountability. The concept does not assume that regents and vice regents should possess identical authority. Its purpose is to provide a more coherent legal explanation of how differentiated executive authority is constituted within Indonesian local government.

II. METHOD

This study employs doctrinal legal research because the research problem concerns the legal construction of authority within the relationship between regents and vice regents. Doctrinal research is appropriate for identifying, interpreting, and systematizing legal rules and concepts within a coherent legal framework. It also allows legal analysis to move beyond the description of individual provisions toward a structured understanding of how norms operate within an institutional setting (Taekema, 2021; van Gestel, 2023).

The study applies statutory and conceptual approaches. The statutory approach examines the 1945 Constitution of the Republic of Indonesia, Law No. 23 of 2014 on Regional Government and its amendments, and legislation governing local executive elections. These materials are analyzed systematically to identify the legal structure of office, competence, allocation of functions, and accountability. The conceptual approach is used to examine public office, legal authority, institutional allocation, and substantive agency. This

approach is necessary because legal meaning cannot always be understood adequately from isolated statutory provisions and must be interpreted within broader legal and conceptual structures (Wojtczak & Zeifert, 2025; Theil, 2025).

The analysis proceeds by identifying relevant legal provisions, interpreting their relationship within the regional government framework, and examining them through institutional legal theory. The resulting legal structure is then reconstructed conceptually to explain the relationship among formal office, normative competence, institutional allocation, and substantive agency. This process provides the basis for developing the concept of institutionally activated authority as the principal analytical contribution of the article (Taekema, 2021; van Gestel, 2023).

III. RESULTS AND DISCUSSIONS

A. Result

1. Joint Electoral Legitimacy and Asymmetric Executive Authority

The statutory analysis shows that Indonesian law constructs the relationship between the regent and vice regent through two connected but different legal frameworks. Under the local election framework, candidates for regent and vice regent are nominated and elected as a single candidate pair. Article 42 of Law No. 10 of 2016 expressly regulates the registration of candidates for regent and vice regent as a pair. Their accession to office therefore originates from the same electoral process and the same expression of voter support. Yuhandra et al. (2021) recognize this common electoral basis as an important feature of the relationship between regional heads and their deputies, while Palullungan et al. (2023) emphasize that both the regent and vice regent obtain democratic legitimacy through direct election by the people. BPK Peraturan

The legal structure becomes different once the elected pair enters the regional government framework. Law No. 23 of 2014 places the regional head at the center of the regional executive and assigns the office a broader range of governmental tasks and powers. The vice regional head is primarily assigned assisting, coordinating, monitoring, evaluating, and advisory functions. Article 66 also allows the regional head to assign additional governmental duties to the vice regional head through a regional head decision. Agustina (2020) identifies this unequal distribution of functions as one of the structural issues affecting relations between regional heads and their deputies. Palullungan et al. (2023) similarly conclude that the vice regent occupies a legally weaker position because the statutory framework does not provide an equivalent sphere of authority to that held by the regent.

Table 1. Legal Construction of Regent and Vice Regent Relations

Dimension	Electoral Framework	Regional Government Framework
Legal formation	Regent and vice regent are nominated and elected as one candidate pair	Regent and vice regent occupy distinct executive offices
Basis of legitimacy	Both obtain office through the same electoral process	Their governmental competences are regulated differently
Institutional position	Both are presented to voters as one political pair	The regent leads regional government while the vice regent primarily performs assisting and related functions

Source of functions	Democratic mandate is obtained through the same election	The regent receives broader statutory powers while the vice regent performs statutory and additionally assigned functions
Allocation of functions	The election does not determine an internal distribution of executive functions	Additional governmental duties may be assigned to the vice regent by the regent
Accountability	Both derive democratic legitimacy from the same election	The vice regent is accountable to the regent in performing the duties regulated under Article 66
Temporary substitution	Not applicable during the electoral process	The vice regent may perform the duties and powers of the regent under legally specified circumstances

Source. Author's analysis of Law No. 10 of 2016 and Law No. 23 of 2014, supported by Yuhandra et al. (2021) and Palullungan et al. (2023).

Table 1 demonstrates that Indonesian law separates the legal basis of electoral legitimacy from the legal organization of executive authority. The election framework gives the regent and vice regent a common route to office, but the regional government framework does not convert that common legitimacy into equal governmental competence. Yuhandra et al. (2021) describe the relationship between the regional head and deputy as one in which the legal distribution of governmental functions remains differentiated despite their common electoral origin. Fikri et al. (2025) also identify the unequal distribution of authority as a recurring issue in relations between regional heads and their deputies. The first doctrinal result can therefore be expressed as joint electoral legitimacy combined with asymmetric executive authority. This statement describes the legal pattern and does not imply that asymmetry itself is contrary to law.

The asymmetric structure is further demonstrated by the statutory rules on temporary substitution. Article 65 of Law No. 23 of 2014 provides that the vice regional head performs the duties and powers of the regional head when the latter is temporarily unavailable under the circumstances specified by law. The same vice-regent office that normally performs assisting, coordinating, monitoring, and advisory functions can therefore exercise the powers of the regional head when a particular legal condition arises. Agustina (2020) notes this substitution function as one of the legally defined duties of the deputy regional head. Palullungan et al. (2023) also recognize that the vice regent cannot simply be treated as an ordinary administrative subordinate because the office has an independent statutory basis and can assume executive functions under specified legal conditions.

The first result therefore concerns not only an unequal quantity of authority but also a different legal configuration of authority. The regent holds a broader sphere of authority as part of the normal structure of regional government, while the legal capacity of the vice regent is differentiated according to statutory duties, assigned functions, and legally defined substitution. Yuhandra et al. (2021) show that the relationship between the two offices is shaped by this differentiation of legal functions. Fikri et al. (2025) likewise conclude that uncertainty surrounding the distribution of authority remains central to the institutional relationship between regional heads and their deputies. These findings establish the normative pattern that requires further conceptual explanation in the Discussion section.

2. The Institutional Structure of Vice Regent Authority

The second result concerns the legal configuration of vice-regent authority under the regional government framework. A systematic reading of Law No. 23 of 2014 shows that the position of the vice regent is not constructed through a single provision or a single grant

of authority. The law establishes the office as part of the regional executive structure and regulates its functions through several interconnected provisions concerning duties, additional assignments, temporary substitution, and responsibility to the regional head. Recent studies similarly show that the legal position of the deputy regional head must be understood from the overall arrangement of statutory functions rather than from one provision in isolation (Yuhandra et al., 2021; Palullungan et al., 2023).

First, the vice regent has a distinct statutory position within regional government. The office is not created by the personal discretion of the regent because its existence, method of appointment, duties, prohibitions, replacement, and succession are regulated by law. At the same time, Article 63 of Law No. 23 of 2014 states that the regional head may be assisted by a deputy regional head. This formulation places the vice regent within a legal relationship that is closely connected to the office of the regent. Agustina (2020) identifies this arrangement as one of the structural characteristics of the deputy regional head, while Palullungan et al. (2023) emphasize that the statutory existence of the vice-regent office does not automatically result in an equivalent sphere of authority to that held by the regent.

Second, the law directly assigns several governmental functions to the vice regent. Article 66 includes duties related to assisting the regional head in leading governmental affairs, coordinating regional administrative activities, monitoring and evaluating the implementation of regional government, following up supervisory findings, and providing advice and consideration to the regional head. These provisions demonstrate that the vice-regent office has functions that arise directly from legislation and do not depend entirely on a separate assignment by the regent. Yuhandra et al. (2021) regard these statutory duties as the principal legal basis for the deputy's role in regional government, while Sudrajat (2020) similarly identifies the statutory functions of deputy regional heads as an important constitutional feature of local executive arrangements.

Third, the statutory framework also permits the regent to assign additional governmental duties to the vice regent. Article 66 therefore combines functions that arise directly from legislation with functions that may be further determined through a legally authorized decision of the regional head. This arrangement makes the legal scope of vice-regent functions partly dependent on how the statutory relationship between the two offices is implemented. Palullungan et al. (2023) identify the limited clarity of this distribution as one reason for the weak position of the vice regent, while Fikri et al. (2025) find that the division of authority continues to be a recurring source of tension in relationships between regional heads and their deputies.

Fourth, the law places the performance of vice-regent duties within a defined relationship of responsibility to the regional head. Article 66 provides that the deputy regional head is responsible to the regional head in carrying out the duties regulated by that provision. The statutory framework therefore does not construct the regent and vice regent as two parallel executive authorities operating independently of one another. Agustina (2020) links this legal arrangement to the unequal distribution of authority within the regional executive, while Fikri et al. (2025) show that uncertainty regarding the division of responsibilities contributes to recurring institutional disharmony between regional heads and their deputies.

The legal configuration becomes more complex in circumstances where the regional head is temporarily unable to perform the office. Law No. 23 of 2014 provides that the deputy regional head may carry out the duties and powers of the regional head under legally specified conditions. This rule shows that the legal capacity of the vice regent is not fixed at the level of assisting and coordinating functions. The same statutory office may perform a broader range of executive functions when the conditions established by law are satisfied. Sudrajat (2020) treats this substitution function as an important element in understanding the constitutional position of deputy regional heads, while Palullungan et al. (2023) note that

this feature prevents the vice regent from being understood simply as an ordinary administrative subordinate.

Taken together, these findings show that vice-regent authority is legally configured through several related arrangements. The office has an independent statutory basis, receives several functions directly from legislation, may receive additional governmental duties from the regent, operates within a legally defined relationship of responsibility, and may exercise broader executive functions in specified circumstances. The legal position of the vice regent is therefore neither wholly independent from nor entirely absorbed into the office of the regent. Yuhandra et al. (2021) and Fikri et al. (2025) similarly demonstrate that the central issue lies in how the legal system structures the relationship and distribution of functions between the two offices. This legal configuration provides the basis for the theoretical reconstruction developed in the Discussion section

B. Discussion

1. A Post-Positivist Reading of Local Executive Authority

The results show that the authority of the vice regent cannot be explained adequately by identifying statutory duties alone. The legal framework creates a public office, assigns a number of competences, permits additional institutional allocation, and establishes an accountability relationship with the regent. This pattern suggests that authority is not located in a single statutory provision but is produced through a broader legal structure. Taekema (2021) argues that doctrinal legal analysis must examine positive legal norms together with the institutional context in which they operate. Cern (2020) similarly explains that MacCormick's conception of law places legal norms within an institutional normative order in which rules, institutions, practices, and interpretive structures reinforce one another. The result therefore supports a shift from reading authority as an isolated legal competence to understanding it as part of an institutional legal arrangement.

This interpretation does not reject positive law. The statutory framework remains the basis for determining whether an office legally exists and what functions may validly be performed. The post-positivist position adopted here concerns the level of explanation rather than the source of legal validity. Positive law establishes the office and competence, but the meaning of authority becomes clearer when the rules are read as part of a structured institutional relationship. Cern (2020) shows that MacCormick distinguished law as an institutional normative order from both morality and politics, while Taekema (2021) emphasizes that doctrinal analysis studies legal rules within the broader normative and institutional framework to which they belong. The distinction is important because the present argument does not claim that political practice can create authority without legal basis. It argues that the legal character of authority must be reconstructed from the institutional organization of legally valid norms.

The concept of public office strengthens this reading. Carpenter (2025) argues that office is a locus of authority, obligation, and accountability and that public offices are inherently relational. An office derives part of its institutional meaning from its relationship with other offices, the persons subject to its authority, and the structures that hold it accountable. Wojtczak and Zeifert (2025) likewise show that legal concepts operate within broader conceptual taxonomies and cannot always be understood from isolated statutory language. Applied to the vice regent, these insights mean that the office cannot be fully defined by asking only which duties appear in Article 66. The legal position becomes intelligible only when those duties are connected with the regent's authority, the rules on additional assignment, the rules on temporary substitution, and the applicable accountability structure.

This reading also explains why the existing debate on the weakness of the deputy regional head requires further conceptual refinement. Recent Indonesian scholarship has consistently identified ambiguity and imbalance in the position of the deputy regional head. Hariansah and Agustian (2022) find that the office combines directly prescribed functions with powers that may arise through delegation or mandate. Arifin (2024) similarly argues that the authority of the regional head often overshadows the deputy and produces uncertainty about the deputy's role. Hariyanto et al. (2025) reach a comparable conclusion and note that the unclear scope of deputy authority may reduce the office to ceremonial or minor administrative functions. These studies demonstrate a real doctrinal problem, but they largely approach the issue through the weakness or insufficiency of authority. The present analysis places the problem at an earlier conceptual level by asking how the legal system constitutes authority before deciding whether that authority should be strengthened.

A post-positivist approach also allows the analysis to avoid two opposite simplifications. The first is a narrow formalism in which the meaning of authority is reduced to the literal wording of individual statutory provisions. The second is an overly open approach in which political expectations or moral preferences are treated as substitutes for positive law. Jędrczak (2023) shows that contemporary non-positivist legal theory does not necessarily deny the institutional character of law but questions whether institutional validity alone is sufficient to explain the nature and purpose of legal order. Hiebaum (2026), while criticizing strong forms of Dworkinianism, likewise argues that legal interpretation can acknowledge principles and institutional justification without abandoning the importance of positive legal sources. For the present study, this middle position is particularly useful because it permits the evaluation of institutional coherence without turning the argument into a claim that the vice regent must possess the same authority as the regent.

The legal asymmetry identified in the Result section can therefore be understood as institutionally permissible but conceptually demanding. Joint electoral legitimacy does not require equal authority, because two offices created through the same electoral process may legitimately perform different governmental functions. The central requirement is that the differentiation be legally intelligible and institutionally coherent. Carpenter (2025) emphasizes that authority and accountability must be understood relationally within an office structure. Arifin (2024) and Hariyanto et al. (2025) show that uncertainty concerning the deputy regional head arises precisely where the legal system does not clearly connect office, function, and responsibility. The relevant normative concern is therefore not equality of authority but institutional clarity concerning the legal position, scope of competence, mechanism of allocation, and responsibility of each office.

2. From Formal Office to Substantive Agency and Institutionally Activated Authority

The results also support a conceptual reconstruction of public authority. If authority were understood only as a fixed quantity of power attached to an office, the vice-regent position would be difficult to explain. The office exists independently by statute, possesses several competences directly under law, may receive additional functions, and may temporarily exercise the powers of the regent under specified legal conditions. This structure indicates that the legal capacity of the office develops through several connected stages rather than through one undifferentiated grant of power. Carpenter (2025) provides a useful foundation by treating office as a structured locus of authority and accountability. Taekema (2021) likewise recognizes doctrinal reconstruction as a method for explaining how legal concepts are shaped by the interaction of positive norms and their institutional context.

The first element is formal office. A legally constituted office provides the institutional location in which public authority may exist. The second element is normative competence, which determines what the office is legally permitted or required to do. These elements must be distinguished because legal recognition of an office does not automatically establish the

full scope of its operational authority. Carpenter (2025) stresses that an office has an identity that is distinct from its individual holder, while Hariansah and Agustian (2022) demonstrate that the deputy regional head has a legally recognized position even though the content of its authority remains partly dependent on other legal mechanisms. The distinction between office and competence therefore explains why the vice regent can have an independent legal status without possessing an equivalent sphere of executive authority.

The third element is institutional allocation. Some functions of the vice regent arise directly from legislation, while others may be assigned within the legally defined relationship between the regent and vice regent. This means that authority is not only attributed by statute but can also be structured through a legally authorized allocation mechanism. Arifin (2024) identifies the absence of a sufficiently clear authorization model as a central weakness in the existing system. Hariyanto et al. (2025) similarly argue that the uncertain allocation of deputy authority contributes to institutional inefficiency and recurring conflict. The concept of institutional allocation therefore captures an important feature that is not visible when authority is described only in terms of statutory attribution. It explains how the legal system distributes operational functions among offices while maintaining an overall executive structure.

The final element is substantive agency. In this article, substantive agency does not refer to the actual political influence, personality, or bargaining strength of a particular vice regent. Such questions would require empirical research and fall outside the scope of this doctrinal study. Substantive agency refers instead to the legally structured capacity of an office to perform meaningful governmental functions within the institutional order. Cern (2020) shows that legal norm use becomes institutionally meaningful when norms are embedded in structures that organize their application. Taekema (2021) likewise explains that doctrinal analysis may move from the identification of positive rules toward a normative and conceptual understanding of how those rules function within legal institutions. Substantive agency therefore represents the point at which formal status and normative competence become legally usable governmental capacity.

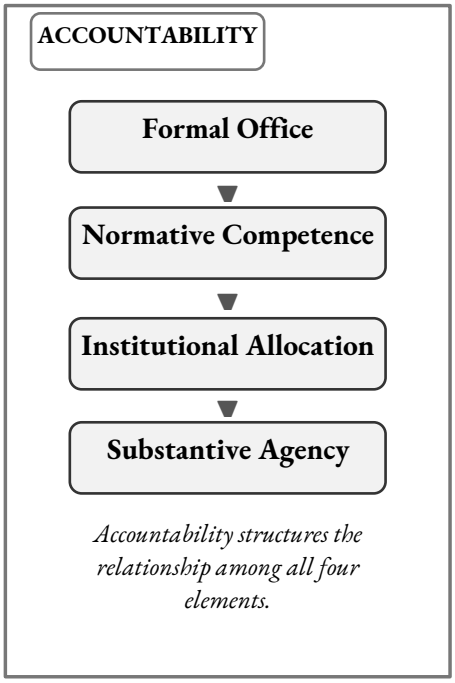

Figure 1. Conceptual Structure of Institutionally Activated Authority

The four elements form the basis of the concept proposed in this article as institutionally activated authority. This article uses the term as a conceptual reconstruction to explain how a legally constituted public office acquires substantively exercisable authority within an institutional legal structure. The term is not presented as an established doctrine in legal theory, but as an analytical concept developed in this article. Its conceptual foundation draws on the understanding of public office as a relational locus of authority, obligation, and accountability rather than merely a formal position held by an individual (Carpenter, 2025). The concept also builds on the view of law as an institutional normative order in which legal norms acquire meaning and operative significance through their organization within institutional structures and practices (Cern, 2020). The word activated does not suggest that authority may arise independently from positive law or that political practice can create legal power without a valid legal basis. Instead, it refers to the process through which legally recognized competence becomes institutionally operable through rules governing the distribution of functions, relations between offices, temporary substitution, and responsibility. In this sense, the concept differs from the broader notion of institutional authority because it emphasizes the process through which a formally constituted legal position becomes capable of performing meaningful governmental functions. The concept is therefore intended to bridge the analytical gap between the existence of a public office and the substantive exercise of authority within the institutional order.

This reconstruction also clarifies the role of accountability. Accountability should not be treated as an element that merely follows the exercise of authority. It is part of the structure that defines the authority itself. Carpenter (2025) emphasizes that office and accountability are conceptually connected because public authority is entrusted rather than owned. Arifin (2024) similarly identifies unclear responsibility as one of the institutional problems arising from the current design of the deputy regional head. In the proposed model, accountability therefore connects formal office, normative competence, and institutional allocation with substantive agency. The clearer this relationship is, the easier it becomes to determine which office has legal responsibility for a particular governmental function.

The concept differs from proposals that respond to the weakness of the vice regent primarily by demanding a more proportional distribution of authority. Palullungan et al. (2023) propose stronger and more proportionate authority for the vice regent in order to improve democratic fairness and regional autonomy. Arifin (2024) and Hariyanto et al. (2025) similarly recommend clearer and stronger authorization for the deputy regional head. These proposals address an important policy question, but the present article addresses a prior theoretical question. Before deciding how much authority should be given to the vice regent, it is necessary to explain how public authority is legally constituted and institutionally structured. Institutionally activated authority is intended to provide that analytical foundation rather than to prescribe equal executive power.

The theoretical implication is that asymmetric authority is not necessarily inconsistent with democratic legitimacy. The regent and vice regent may share a common electoral basis while occupying different positions within the executive structure. What matters is whether the distinction among their offices, competences, allocated functions, and accountability can be explained coherently within the legal system. Hiebaum (2026) emphasizes that legal coherence should not be equated with a requirement for one uniquely correct institutional arrangement. Cern (2020) likewise shows that institutional legal order depends on the structured relationship among norms and institutions rather than on uniformity among legal actors. The proposed concept therefore shifts the inquiry from equality of power to coherence of institutional design.

The broader contribution of this reconstruction lies in its understanding of public authority as more than formally conferred competence. The analysis suggests that legal authority should be understood as a legally constituted and institutionally structured capacity

for governmental action. This formulation retains the central role of positive law while recognizing that the meaning of authority depends on how legal norms organize public offices and their relationships. Taekema (2021) supports this combination of doctrinal grounding and conceptual reconstruction, while Carpenter (2025) demonstrates the importance of office and accountability in explaining the structure of public authority. In the context of Indonesian local government, this approach provides a more precise explanation of why the vice regent can be a legally distinct office, possess differentiated competence, remain partly dependent on institutional allocation, and still exercise substantive governmental capacity under legally specified conditions.

IV. CONCLUSION

This study concludes that the authority of the vice regent cannot be adequately understood only through the formal enumeration of statutory duties. Although the regent and vice regent obtain democratic legitimacy through the same electoral process, the regional government framework constructs their executive authority asymmetrically. The legal position of the vice regent is shaped by the interaction of formal office, normative competence, institutional allocation, and accountability. From a post-positivist perspective, positive law remains the basis of legal validity, but the meaning of authority must also be understood within the institutional normative order in which these elements operate. On this basis, the article proposes the concept of institutionally activated authority as a conceptual reconstruction of public authority. The concept explains how a legally constituted office becomes capable of exercising substantive governmental functions through the institutional organization of competence, allocation of functions, relations between offices, and accountability. The central issue in the regent and vice regent relationship is therefore not whether both offices should possess equal authority, but whether their differentiated authority is structured with sufficient legal clarity, institutional coherence, and accountability.

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