

The Role and Limitations of the Village Secretary's Authority in the Absence of a Village Head

Meida Rachmawati¹, Adhi Susano²

meida_r@unw.ac.id¹, adhi.susano@gmail.com²

Faculty of Law, Universitas Borobudur, Indonesia¹, Faculty of Computer Science, Universitas Indraprasta PGRI, Indonesia

Article Info

Received: 2025-05-02

Revised: 2025-02-28

Accepted: 2025-03-28

Keywords:

Village Secretary, Vacancy of Village Head Position, Delegation of Authority

Abstract

This study discusses the role and limitations of the Village Secretary's authority in filling the vacancy of the Village Head position, which has become a crucial issue in village governance. Although the Village Secretary is the highest structural official after the Village Head, regulations governing the delegation of authority during a vacancy are still minimal and not explicit. The study uses a normative and empirical approach by analyzing laws and regulations as well as field practices in several villages. The results of the study indicate that the appointment of an Acting Village Head (Plt) by the regional government is the only legal mechanism that can provide full legitimacy to the authority of the Village Head. Delegating authority to the Village Secretary without an official legal basis risks triggering legal, administrative, and social conflicts, as well as potential legal liability. Therefore, clear regulations and firm procedures are needed, along with the development of village officials, to ensure that village governance continues to function effectively and accountably during the transition period of the Village Head position.

1. Introduction

The village government holds a very important role within the national governance structure, particularly in efforts to bring public services closer to the community at the grassroots level. (Mudzakir, 2010) As the smallest administrative unit, the village becomes the frontline in the implementation of development, community empowerment, and administrative services that directly interact with the lives of citizens. (Subekti, 1995) In the context of regional autonomy, the village holds a strategic position as it is the first and foremost place for absorbing, managing, and distributing various policies and development programs from both central and regional governments. (Abdalla, 2015) Therefore, strengthening village governance structurally and functionally is a crucial prerequisite in creating participatory, efficient, and responsive government management that meets community needs.

As stipulated in Law Number 3 of 2024 concerning Villages, villages possess rights based on origin and local authority on a village scale in carrying out governance, development, community guidance, and community empowerment. (Rachman, 2013) This law provides a strong legal foundation for villages to manage their own affairs, including the management of village finances and assets, institutional arrangements, and the establishment of village regulations. These functions position the village not merely as a policy implementer, but also as a subject with limited autonomy to determine development priorities and directions according to local characteristics and needs. (Fatimah, 2007) With this authority, village governance is required to operate professionally, transparently, and accountably in order to provide tangible benefits to the community.

In the organizational structure of village governance, the Village Head holds a central position as the highest leader responsible for all village government activities. The Village Head not only acts as a symbol of governance but also serves as the main decision-maker in planning and implementing village programs. They have the authority to establish policies, coordinate activity implementation, and supervise all village officials in performing their duties. (Sulistyowati, 2012) In this position, the Village Head becomes a crucial figure in determining the success of village governance, ranging from administrative services to the implementation of development based on community participation.

In addition, the Village Head acts as the executor of policies established in collaboration with the Village Consultative Body (BPD) and community leaders. The Village Head also serves as the direct link between local government and the village community in the implementation of government programs. (Deni, 2018) In fulfilling this role, the Village Head must be able to balance the interests of the community, applicable legal regulations, and the goals of village development. Therefore, the presence and role of the Village Head cannot be easily replaced, as in practice, the Village Head is the driving force of the entire village governance system. (Bilyan, 2024) Hence, when the position of Village Head becomes vacant, village governance

may experience stagnation or even failure in carrying out its functions, making it essential to examine who holds authority and to what extent the role of acting official can be legally and effectively carried out.

The vacancy of the Village Head position is an unavoidable condition in the dynamics of village governance. Such a vacancy may occur for various reasons, such as the Village Head passing away, being dismissed due to legal violations or serious administrative breaches, resigning voluntarily, or the term of office expiring before the election process is completed. In some cases, a vacancy may also result from the Village Head being entangled in legal issues and temporarily dismissed based on a court decision that has not yet gained legal force. This situation creates a leadership void that must be filled promptly to ensure that village governance is not disrupted. Unfortunately, not all regulations clearly stipulate who is automatically authorized to replace the Village Head in such emergency situations, leading to legal gaps and overlapping authority.

The vacancy of the Village Head position cannot be seen merely as an administrative event, as its implications affect various aspects of village governance. Under normal circumstances, the Village Head is the main actor in strategic decision-making, including approving planning documents, managing the village income and expenditure budget (APBDes), and signing important governmental documents. When this position is vacant, many government activities are delayed due to the absence of an officially authorized figure to carry out these functions. As a result, public services are disrupted, the disbursement of village funds is delayed, and development and community empowerment programs do not proceed as they should. This directly harms the community, especially those who heavily rely on village services and programs.

In addition to administrative and public service disruptions, the vacancy of the Village Head position can also trigger socio-political issues within the village. Without an officially appointed Village Head, there is a potential for power struggles and influence contests among village officials, the Village Consultative Body (BPD), and community leaders. Uncertainty over leadership can lead to internal conflict, poor coordination, and delays in making urgent decisions. In some cases, this condition leads to political tensions that jeopardize social stability and village security—especially when the community feels their concerns are not being addressed during the leadership vacuum.

Within the village governance structure, the Village Secretary is one of the village officials with a strategic role in assisting the Village Head in daily governance. According to Article 50 paragraph (1) of Law Number 6 of 2014 on Villages, village officials are responsible for assisting the Village Head in carrying out their duties and authority. (Sholichudin, 2024) As a village official, the Village Secretary holds the highest structural position after the Village Head and plays a central administrative role in managing village governance. This position becomes particularly important

when the Village Head is unable to fulfill their duties, whether temporarily or due to a vacant position. (Satriawan, 2015)

The main duties and functions of the Village Secretary are further regulated in Minister of Home Affairs Regulation Number 84 of 2015 on the Organizational Structure and Working Procedures of Village Government. Article 4 paragraph (1) states that the Village Secretary is responsible for assisting the Village Head in the administrative aspects of governance. These duties include general administration, financial administration, and civil registration. (Wardana, 2021) Furthermore, Article 5 explains that the Village Secretary's functions include planning, coordinating report preparation, and managing financial administration and village government archives. These functions position the Village Secretary as the backbone of the village administrative system, ensuring the continuity of bureaucratic services to the public. (Lipana, 2024)

The Village Secretary's role is also reinforced in the village government structure as a career-based position, unlike the Village Head, who holds a political position obtained through direct elections. According to Article 48 of the Village Law, village officials—including the Village Secretary—are appointed by the Village Head from among residents who meet specific requirements and are recognized as village government employees. In practice, the Village Secretary's term is relatively stable and does not change with each new Village Head, making them a figure of continuity within the village bureaucracy. (Muhyidin, 2024) This strengthens their role as an official capable of maintaining the continuity of village governance, especially during transitions or vacancies in the Village Head position.

In situations where the Village Head position is vacant, it is not uncommon for the Village Secretary to be appointed as Acting Official (Plt) or temporary officer to ensure the continuity of village governance. Although regulations do not explicitly designate the Village Secretary as the direct replacement for the Village Head, in practice, many regional heads (Regents/Mayors) issue decrees appointing the Village Secretary as the official with limited authority to perform the Village Head's daily tasks. This appointment is crucial to guarantee the legality of administrative actions and to prevent a legal vacuum in village governance services. (Hariri, 2018) Nevertheless, the authority granted to the Village Secretary must remain limited to avoid exceeding the strategic and political functions of the Village Head, as the Village Secretary is not a democratically elected official.

One of the critical issues that arises during a vacancy in the Village Head position is the lack of clear regulations on the delegation of authority. Although Law Number 6 of 2014 on Villages and its derivatives, such as Minister of Home Affairs Regulation Number 84 of 2015, regulate the main duties and functions of village officials—including the Village Secretary—they do not explicitly establish a formal mechanism or clear boundaries regarding the execution of Village Head duties by another official during a vacancy. (Marza Nadya Rahayu, 2024) This lack of clarity creates a gray area

in village governance, where there is no nationally applicable standard procedure on who should be responsible or what level of authority the interim official may exercise.

The absence of specific regulations opens the door to varied interpretations at the district/city level. Some local governments choose to appoint the Village Secretary as the Acting Village Head through a decree from the regent or mayor, but not all regions adopt such a clear policy. In some cases, the delegation of authority occurs informally without strong legal grounds, which ultimately leads to administrative issues, including doubts over the validity of documents signed by the acting official. This not only creates legal uncertainty but also risks delaying urgent and strategic decision-making. (Aulia, 2023)

Furthermore, the lack of clarity regarding the Village Secretary's authority during a Village Head vacancy may lead to two extreme consequences. First, if the Village Secretary fully assumes the role without clear limitations, there is a risk of power misuse, since the Village Secretary is not a political official elected by the people and thus lacks a direct mandate to establish village-level strategic policies. For example, if the Village Secretary authorizes the village budget (APBDes) or transfers village officials, it could breach legal boundaries reserved for the Village Head. Second, if the Village Secretary hesitates to make decisions due to fear of overstepping their authority, governance could stagnate, disrupting public services and delaying development activities.

These conditions underscore the need for more specific and technical normative regulations regarding the appointment of interim Village Heads and the scope of authority they may exercise. Without clear regulations, villages experiencing leadership vacancies will remain vulnerable—legally, administratively, and socio-politically. In the long term, this could erode public trust in village governance. Therefore, intervention from local governments in the form of technical guidelines or regent/mayor regulations outlining a legal and limited delegation scheme is crucial to ensure the continuity of village governance during leadership crises.

The urgency of research on the role and authority limitations of the Village Secretary in the absence of a Village Head is significant, both academically and practically. Academically, this study contributes to the development of legal and public administration knowledge at the village level, particularly in understanding the relationship between structural and political positions within the framework of village autonomy. Practically, the research can provide a strong argumentative and normative basis for drafting clearer and more operational policies concerning the delegation of authority and legal protection for acting officials in villages. Given the number of villages facing leadership vacancies for various reasons, the presence of scientifically grounded guidelines or regulations is essential to prevent governance stagnation and potential abuse of power. Therefore, this research is expected to offer

concrete recommendations for local governments and national policymakers to improve village governance towards greater order, efficiency, and fairness.

2. Method

This research employs a normative-empirical legal method, which combines an analysis of positive legal norms with the realities encountered in the practice of village governance. Normatively, the study uses a statutory approach by examining various regulations governing the authority of Village Heads and Village Secretaries, such as Law Number 6 of 2014 on Villages, Minister of Home Affairs Regulation Number 84 of 2015, and other implementing regulations at the regional level. On the empirical side, the research adopts a case study approach by analyzing several villages experiencing a vacancy in the Village Head position and assessing how the Village Secretary's role is carried out in such situations. This dual approach enables the study to identify gaps between legal norms and their practical implementation in the field.

The specification of this research is descriptive-analytical, aiming to systematically describe and deeply analyze the forms of authority exercised by Village Secretaries and the legal boundaries within the context of a vacant Village Head position. The data sources consist of primary data obtained through direct interviews with Village Secretaries, other village officials, and relevant district government authorities, as well as direct observations in villages experiencing leadership vacancies. Meanwhile, secondary data include primary legal materials (laws and regulations), secondary legal materials (literature, journals, and previous research), and tertiary legal materials (legal dictionaries, legal encyclopedias, and so on). Data collection techniques involve in-depth interviews, field observations, and documentation studies of village government records. All collected data are then analyzed using qualitative analysis techniques, which involve logically and systematically organizing and interpreting the data to draw valid and in-depth conclusions regarding patterns of authority and potential legal issues that may arise.

3. Results and Discussion

Regulation of the Authority of the Village Secretary in Applicable Legislation Regarding the Implementation of Village Government Duties During a Vacancy in the Village Head Position

Within the legal framework of village governance, the Village Secretary is an element of the village apparatus who plays a crucial role in supporting the functioning of village administration. Based on Law Number 3 of 2024, the Second Amendment to Law Number 6 of 2014 on Villages, the Village Secretary is a village official who assists the Village Head in administrative governance. Article 48 paragraph (1) states that the village apparatus consists of the Village Secretary and other officials, each with tasks and functions according to the structure of the village government. Furthermore, Article 49 paragraph (1) stipulates that village officials are appointed by the Village Head from among village residents who meet the requirements and

are approved by the Regent/Mayor through the Subdistrict Head (Camat). This provision affirms that the Village Secretary holds a legal status as a structural, non-political official, unlike the Village Head, who is a political figure elected through a direct election. (Yani, 2018)

The position of the Village Secretary is further elaborated in Minister of Home Affairs Regulation Number 84 of 2015 on the Organizational Structure and Working Procedures of Village Government. Article 2 paragraph (1) states that the Village Government consists of the Village Head and village apparatus. Meanwhile, Article 3 paragraph (1) affirms that village apparatus includes the Village Secretariat, territorial implementers, and technical implementers. The Village Secretariat is headed by the Village Secretary, who is assisted by staff or section heads. Thus, the Village Secretary is the highest leader within the Village Secretariat, making them the village official with the broadest coordinating and administrative role compared to other village apparatus. (Dewi, 2022)

The main duties and functions of the Village Secretary are detailed in Articles 4 and 5 of Minister of Home Affairs Regulation Number 84 of 2015. Article 4 paragraph (1) states that the Village Secretary has the duty of assisting the Village Head in the field of administrative governance. Article 5 outlines the Village Secretary's main functions, which include: drafting technical policies and implementing village administration; coordinating the preparation of plans and work programs; managing general, financial, and archival administration; and preparing periodic reports on village governance implementation. These functions establish the Village Secretary as a key driver of the village administrative system, ensuring bureaucratic continuity, particularly in delivering public services. (Hasibuan, 2021)

From an administrative authority perspective, the Village Secretary holds a clear but limited role. They do not have the authority to make strategic policy decisions—such as political decisions, the appointment or dismissal of village officials, or the ratification of the village budget (APBDes)—which fall under the exclusive domain of the Village Head. However, in practice, some Regents/Mayors have issued regulations delegating certain responsibilities to the Village Secretary for daily administrative functions, particularly in urgent situations or when the Village Head position is vacant. Although such delegation is often temporary and limited, the lack of explicit national provisions has led to varied practices across regions. (Satriawan, Politics of Village Governance Law in Indonesia, 2015)

The vacancy of the Village Head position refers to a situation in which the Village Head ceases to perform their duties for certain reasons as regulated by law. According to Law Number 6 of 2014 on Villages, as amended by Law Number 3 of 2024, Article 40 paragraph (1) states that the Village Head may be dismissed due to death, voluntary resignation, or dismissal. Further provisions are explained in Government Regulation Number 43 of 2014 on the Implementation of the Village Law, in conjunction with Government Regulation Number 11 of 2019, which stipulate

that a Village Head may be temporarily or permanently dismissed due to legal violations, conflicts of interest, or ethical breaches. (Asyri Febriana, 2022) Therefore, a vacancy in the Village Head position may occur suddenly or be anticipated, depending on the cause, and it has a direct impact on the continuity of governance at the village level.

As the smallest unit of government responsible for administration, public services, and development, a vacancy in the Village Head position creates a void in authoritative power. According to Article 26 of the Village Law (UU Desa), the Village Head holds executive authority at the village level, including the formulation of village regulations, management of village finances, appointment and dismissal of village officials, and responsibility for maintaining social stability in the area. When this position is vacant, there is a legal and administrative necessity to promptly appoint an authorized official so that village governance can continue in a legal and effective manner. (Reva Hazarina Karmila, 2024) However, the regulations that technically stipulate who should replace the Village Head and in what capacity are not yet fully defined at the statutory level.

To bridge this leadership gap, government regulations provide room for the appointment of an acting official (Penjabat or Plt Village Head). Article 39 paragraph (1) of Government Regulation No. 43 of 2014 states that if the Village Head is temporarily dismissed, the Regent/Mayor may appoint a temporary official from among civil servants (PNS) within the district/city government. This official carries out the duties of the Village Head until a definitive Village Head is inaugurated. In practice, such appointments are usually made through a decree from the Regent and only apply during the transition period. Nevertheless, in many regions, this process is not implemented promptly due to administrative delays or the discretion of the regional head, leaving the village temporarily without functional leadership.

In this context, a legal question arises: is the Village Secretary automatically authorized to replace the Village Head during the vacancy period? Unfortunately, there is no explicit provision in the Village Law or its implementing regulations that states the Village Secretary can directly act as the Village Head without a formal appointment from an authorized official. This leads to legal uncertainty and opens space for varying interpretations across regions. As a result, some areas limit the Village Secretary to administrative functions only, while others allow them to carry out Village Head duties informally, including signing strategic documents on behalf of the village government.

This normative ambiguity creates administrative and legal problems, particularly concerning the validity of decisions made during the vacancy. For instance, does a decree signed by the Village Secretary carry legal weight? Are they authorized to approve the village budget (APBDes) or make financial management decisions? In a legal system that upholds the principles of legality and norm-based authority, carrying out duties without a clear legal basis may lead to legal disputes and weaken

the legitimacy of village governance. Furthermore, this lack of clarity places the Village Secretary in a vulnerable position, as they may be criticized or even sanctioned for allegedly exceeding their authority.

Therefore, the absence of normative regulations on the delegation of Village Head authority to the Village Secretary during a vacancy constitutes a serious gap in the village governance legal system. While functionally the Village Secretary is the highest structural official after the Village Head, without explicit legal backing, they cannot automatically assume all Village Head responsibilities. There is a pressing need for more technical derivative regulations, either in the form of a Ministerial Regulation or a Regent/Mayor Regulation, to clearly, narrowly, and controllably govern the delegation mechanism. This would ensure the continuity of village governance without compromising legality and the principles of good governance.

In the practice of village governance, the continuity of administrative functions and public services must not stop, even when the Village Head position becomes vacant. Such vacancies frequently occur due to death, resignation, or early dismissal of the Village Head. In this administrative emergency, temporary leadership becomes crucial. However, existing legal frameworks have not fully accommodated this need. There is no explicit provision in the Village Law or its implementing regulations that directly authorizes the Village Secretary to act as interim Village Head. In practice, however, it is often the Village Secretary who assumes operational and administrative duties to keep governance running.

This gap reveals a significant disparity between legal norms and field realities. Legally, Article 39 paragraph (1) of Government Regulation No. 43 of 2014 states that the interim Village Head must be appointed by the Regent/Mayor from civil servants (PNS). However, this process requires time and administrative procedures, often creating a leadership vacuum. During this period, the Village Secretary frequently acts *de facto* as interim leader, although *de jure*, there is no strong legal basis for such authority. As a result, governance continues in a "legal grey area," where actions are taken in the public interest but lack solid legal grounding.

The legal consequences of this cannot be ignored. Actions taken by the Village Secretary without clear legal authority risk being deemed invalid, particularly those involving financial documents, village regulations, or strategic decisions. Legal challenges or the annulment of decisions are possible if the legitimacy of the Secretary's authority is questioned. Moreover, the Secretary could face personal legal risks for overstepping their official authority under positive law.

Beyond legal issues, this ambiguity undermines principles of good governance. Accountability and legal certainty become blurred when the acting official lacks formal authority. Village communities, staff, and partners such as the Village Consultative Body (BPD) face uncertainty about who to coordinate with or hold

accountable during the vacancy. This vacuum can also be exploited by certain actors to abuse power or make non-transparent decisions.

This situation highlights the urgent need for new regulations or revisions to existing ones that clearly define authority delegation during a Village Head vacancy. Alternatively, technical guidelines from the Ministry of Home Affairs or local governments—such as circulars or regional regulations—should operationalize the delegation of duties to the Village Secretary with clear legal boundaries. This is essential to prevent administrative chaos and to provide legal protection for village officials acting in good faith.

The Practice of Carrying Out the Duties and Authority of the Village Secretary in Filling the Vacancy of the Village Head Position in the Field, as well as the Constraints Faced

The vacancy of the Village Head position is a common phenomenon in various regions of Indonesia, whether due to the Village Head's death, resignation, dismissal due to legal violations, or the expiration of their term while elections have yet to be held. In such situations, the village must not halt its governance operations. Based on practices in various regions such as Sleman, Garut, and Banyuwangi Regencies, the Village Secretary often takes over operational roles to ensure public services continue. Although not officially designated as the Acting Officer (Plt), the Village Secretary carries out various functions that are essentially the authority of the Village Head.

During this vacancy, the role of the Village Secretary becomes highly strategic. They not only perform administrative duties according to their position but also take over internal coordination among village officials, lead coordination meetings, communicate with the sub-district government, and manage village development programs. In many places, the Village Secretary is responsible for ensuring the absorption of the village budget, preparing administrative reports, and approving or validating certain documents to maintain smooth public services. This role is carried out *de facto*, as *de jure*, no legislation explicitly grants such authority to the Village Secretary during the Village Head vacancy.

Examples of actions frequently taken by the Village Secretary during the vacancy include signing administrative letters for population services, business certificates, grant letters or aid recommendations, and organizing village meetings for development planning. Additionally, in budget execution, the Village Secretary is often involved in disbursing Village Funds or Village Allocation Funds (ADD), even though they do not officially have the authority to sign village financial disbursement documents. In some villages, the Village Secretary also takes on the role of managing daily public service agendas and coordinating with village institutions such as the Village Consultative Body (BPD) or the Village Community Empowerment Agency (LPMD) for the implementation of planned work programs.

However, such practices are not uniform across regions. In some regencies like Bantul and Temanggung, the Regent's policy accelerates the appointment of an interim village head from sub-district civil servants (PNS), so the Village Secretary only performs standard administrative functions without exceeding their authority. Meanwhile, in other areas where the appointment of an Acting Officer is slow or absent, the Village Secretary practically shoulders dual responsibilities. This disparity highlights the dependence on local policies and the discretion of regional leaders in interpreting legal gaps, ultimately leading to variations in village governance practices across Indonesia.

In the context of exercising authority without an official decree, many actions taken by the Village Secretary are not based on a Regent's Decree (SK) or formal delegation of authority. For instance, the Village Secretary signs village development planning meeting (musrenbangdes) documents, technical decisions, or development activity recommendations. However, under applicable regulations, such authority should lie with the Village Head or an official formally appointed by the Regent. Yet, due to urgent needs and public service demands, these actions are still carried out. They are often based on informal agreements between the Village Secretary, the Sub-District Head (Camat), or the BPD, without a legally binding written foundation.

These administrative actions, though intended to sustain village governance, exist in a legal grey area. The absence of formal delegation raises questions about their validity, especially in cases of conflict, audits, or lawsuits from aggrieved parties. Some actions may be deemed to exceed authority and could potentially lead to power abuse. On the other hand, the lack of clear legal norms also imposes moral and administrative burdens on the Village Secretary, who must make critical decisions without clear legal protection. Most of these actions are responses to regulatory gaps, shaped by pragmatic local bureaucratic practices.

Regional governments' responses to Village Head vacancies vary widely, depending on policies and the capacity of respective regency/city governments. Generally, the authority to appoint an Acting Officer (Plt) or Interim Village Head during a vacancy is regulated under Government Regulation No. 43 of 2014 concerning the Implementation of the Village Law. In practice, the Regent or Mayor plays a central role in determining the interim appointee, typically a civil servant (PNS) with administrative experience at the sub-district or village level. However, field realities show that this appointment process is often slow and hindered by complex bureaucratic procedures, leaving villages without formal leadership for extended periods.

The role of the Sub-District Head (Camat) as the regional government's extension is crucial during the Village Head vacancy. The Camat is responsible for facilitating village governance, including overseeing the performance of village officials, especially the Village Secretary, who often *de facto* replaces the Village Head. The Camat also serves as a liaison between the village and the regency government in

coordinating interim appointments and ensuring uninterrupted public services. Nevertheless, not all Sub-District Head have the full capacity or authority to take swift action in addressing the vacancy, leaving gaps in oversight and management during the village government transition.

The duration and process of appointing an interim official vary across regions. Some regencies can swiftly appoint interim officials through structured administrative mechanisms, ensuring the Village Head vacancy lasts only a few weeks. However, in other regencies, the process may take months due to administrative requirements, tiered recommendations, and a shortage of competent human resources. This situation forces village governance to operate under unofficial leadership, risking delays in development programs and public services while creating legal uncertainty.

Facing these conditions, the Village Secretary often encounters legal and administrative dilemmas. A primary constraint is the absence of explicit legal grounds permitting the Village Secretary to fully exercise the Village Head's authority. Existing regulations focus more on delegating authority to Acting Officers appointed by regional governments rather than to structural village officials like the Village Secretary. Consequently, although the Village Secretary practically performs the Village Head's duties, their legal position remains unclear and lacks strong formal legitimacy.

Hesitation in decision-making is a significant challenge for the Village Secretary. Without clear legal backing, they often fear their actions may be deemed *ultra vires*, potentially leading to legal repercussions. This hesitation can delay strategic decisions necessary for the village's welfare, hindering public services and administrative efficiency. In some cases, this uncertainty also sparks internal conflicts between village officials and oversight bodies like the Village Consultative Body (BPD).

Moreover, the risk of legal or administrative liability weighs heavily on the Village Secretary while performing dual roles. If administrative errors, budget misuse, or procedural violations occur during their duties, the Village Secretary may face legal, administrative, or even criminal sanctions. Without clear legal protection, this risk burden can cause psychological pressure and reduce task effectiveness. Therefore, detailed regulations are needed to provide legal certainty for Village Secretaries filling Village Head vacancies, enabling optimal performance while avoiding unnecessary legal risks.

Social and political challenges at the village level during the Village Head vacancy often pose significant obstacles for the Village Secretary performing dual roles. A major constraint is distrust or even resistance from the Village Consultative Body (BPD), community leaders, and other village officials. Since the Village Secretary is not officially appointed to replace the Village Head, many question their legitimacy and capacity to make strategic decisions with broad impacts. This distrust often leads

to friction and debates that disrupt village governance. In some cases, the BPD refuses to cooperate or rejects decisions made by the Village Secretary during the transition, causing policy stagnation.

Internal conflict risks escalate when power struggles arise between the Village Secretary and other village figures who believe they should fill the vacancy. This competition sometimes polarizes the village community, worsening tensions and hindering synergy in village development programs. Additionally, relationships between the Village Secretary and other village officials may strain due to disagreements over roles and authority during the vacancy. Such local political tensions can deteriorate village governance and erode public trust in village institutions.

Beyond social and political challenges at the village level, coordination hurdles with regional governments further complicate the situation. Since the Village Secretary performs the Village Head's duties without official status, communication and coordination with regional agencies are sometimes suboptimal. Regional governments prefer engaging with formally appointed Acting Officers or Interim Village Heads, leaving the Village Secretary facing administrative barriers in accessing resources, reporting activities, or seeking official guidance. This situation slows the regional government's response to village needs and issues during the transition, ultimately diminishing public service quality at the village level.

Despite various social, political, and administrative constraints, evaluations of the Village Secretary's effectiveness during the Village Head vacancy yield mixed results. In some villages, the community and other officials acknowledge the Village Secretary's crucial role in sustaining governance and public services, deeming their role effective given existing limitations. However, from a legal standpoint, the Village Secretary's actions are often seen as precarious due to the lack of clear regulatory support. This issue raises long-term concerns for village governance, where informal administrative practices may set negative precedents and weaken law-based governance. Thus, formulating detailed regulations on the Village Secretary's authority during Village Head vacancies is essential to provide legal certainty while ensuring smooth village governance.

Legal Limitations on the Delegation of Authority to the Village Secretary During the Vacancy of the Village Head Position

The delegation of authority from the Village Head to temporary officials is regulated in several legal regulations that serve as the legal basis for handling the vacancy of the Village Head position. One of the main references is Law Number 6 of 2014 concerning Villages and its amendments, as well as its implementation regulated in Government Regulation Number 43 of 2014 concerning the Implementation of the Village Law. Article 55 of the Village Law states that in the event of a Village Head

vacancy, the Regional Government through the Regent/Mayor must immediately appoint an Acting Village Head (Plt) or Interim Village Head. This appointment aims to ensure the smooth implementation of village governance during the transition period until a definitive Village Head is elected or appointed.

Furthermore, Article 59 of Government Regulation No. 43 of 2014 regulates in detail the mechanism for appointing an Acting Village Head by the Regent/Mayor. This article stipulates that the temporary official appointed must be a civil servant (PNS) within the regional government, particularly an official with competence in village governance. This appointment is official and has a clear legal basis, so all the authorities of the Village Head can be exercised by this official during the vacancy period. This regulation provides strong formal legitimacy for the Acting Village Head to carry out the duties and authorities of the Village Head without legal uncertainty.

The fundamental difference between an Acting Village Head and a Village Secretary lies in the aspects of legality and authority. The Acting Village Head is officially appointed by the Regent/Mayor through an official decision or decree that serves as the basis for their duties. Thus, the Acting Village Head has full authority to make strategic decisions, lead village governance, manage budgets, and perform administrative and political actions that are typically the authority of the Village Head. In contrast, the Village Secretary is a village official selected and appointed based on village regulations and laws governing village officials, and their authority is generally limited to administrative and technical functions of village governance.

The Village Secretary has no explicit legal basis to replace or exercise the authority of the Village Head during the vacancy period, unless there are specific regional regulations governing this. In practice, the role of the Village Secretary often increases *de facto* during the vacancy, but this is informal and often lacks clear legality. This difference in legal status is important because it affects the legitimacy of decisions made. Decisions made by an Acting Village Head can be legally and administratively accountable, whereas actions taken by the Village Secretary without official delegation risk being annulled or challenged due to the lack of adequate legal basis.

Thus, regulations governing the appointment of an Acting Village Head are crucial to ensuring legal certainty and the smooth implementation of village governance during the Village Head vacancy. The absence or delay in appointing an Acting Village Head can create an ambiguous role for the Village Secretary, potentially leading to legal and administrative problems, as well as social conflicts at the village level. Therefore, regional governments are expected to promptly take formal steps in accordance with applicable regulations to ensure village governance remains effective and legally valid during the transition period.

The delegation of authority to the Village Secretary during the vacancy of the Village Head position is a highly sensitive issue fraught with legal limitations. According to

applicable laws and regulations, particularly Law Number 6 of 2014 concerning Villages and Government Regulation Number 43 of 2014, the Village Secretary has administrative and technical duties and authorities, not executive or policy-making authorities that are typically the rights of the Village Head. Therefore, strategic authorities such as development policy determination, large-scale village financial management, inauguration of village officials, or political decision-making cannot be legally delegated to the village secretary. This is because the Village Secretary is not an official with a formal mandate as the leader of village governance but rather an administrative executor under the Village Head.

Existing regulations contain no explicit norms permitting the delegation of the Village Head's executive authority to the Village Secretary during the vacancy period, except through official appointment as an Acting or Interim Village Head by the regional government. In other words, the delegation of authority without a clear legal basis and without an official decision potentially violates the principles of good governance and the principle of legality. This prohibition is important to ensure that village governance remains transparent, accountable, and in accordance with applicable legal mechanisms. If authority is delegated informally or based solely on customary practice, it can create legal uncertainty and risks of authority abuse.

The legal risks arising from the delegation of authority without a clear legal basis are significant. A Village Secretary performing Village Head functions without official legitimacy may face legal challenges, both administratively and criminally, if there are deviations, authority abuses, or state losses. For example, decisions regarding village fund management that do not follow procedures could lead to investigations by law enforcement agencies and administrative sanctions, including dismissal from village office. Moreover, decisions made by the Village Secretary in such capacity may be challenged for their validity and potentially annulled by oversight institutions such as the Village Consultative Body (BPD) or regional government. This could result in stagnation of village governance and harm to the village community.

In addition to legal risks, unclear regulations on authority delegation can also cause internal conflicts within the village governance structure. The BPD and other village officials may refuse to recognize the unofficial authority of the Village Secretary, creating tension and potentially hindering the smooth implementation of village governance tasks. Therefore, it is crucial for regional governments to issue clear regulations or guidelines on the limitations of the Village Secretary's authority during the Village Head vacancy. This would not only provide legal certainty for the Village Secretary but also maintain the stability and governance of village administration to ensure it remains effective and rule-compliant.

Delegating authority to the Village Secretary without official appointment as an Acting or Interim Village Head is highly discouraged and violates applicable legal provisions. The strategic and administrative authorities of the Village Head must remain exercised by officials with clear legal mandates to ensure village governance

operates with principles of accountability, transparency, and legality. Efforts to update regulations that detail and provide a strong legal foundation for this authority delegation are urgently needed to avoid practices prone to conflicts and legal issues in the future.

The delegation of the Village Head's authority to the Village Secretary without an official legal basis has serious legal implications, particularly regarding the validity and enforceability of decisions made during the vacancy period. Decisions produced by the Village Secretary without official appointment as an Acting or Interim Village Head are vulnerable to being deemed invalid under administrative law. This is because the principle of legality requires that every government action must be based on clear and legally valid regulations. Therefore, administrative decisions made by the Village Secretary in an unofficial capacity may be annulled by the regional government, BPD, or through legal mechanisms such as the state administrative court in case of disputes. The direct impact would be the obstruction of village development programs and public services relying on such decisions.

Moreover, unofficial authority delegation poses legal and administrative accountability risks for the Village Secretary personally. If decisions or actions taken result in state losses, budget misuse, or violations of community rights, the Village Secretary may face administrative or even criminal sanctions under applicable laws, such as Law Number 31 of 1999 concerning Eradication of Corruption Crimes and regulations on village financial management. The unclear legal status of authority delegation also places the Village Secretary in a dilemma when making decisions due to fear of legal risks, which could ultimately hinder the effectiveness of village governance and public services.

Case studies related to authority delegation in villages can provide real examples of the risks and consequences of exercising authority without adequate legal basis. For instance, several rulings by state administrative courts in Indonesia have cases where village decisions signed by village officials other than the Village Head or Acting Village Head were deemed legally flawed and annulled. In one case, a decision on village fund management made by the Village Secretary during the Village Head vacancy was annulled due to the lack of official appointment authorizing such action. These cases reinforce the importance of having a strong legal basis and clear procedures for authority delegation in village governance.

Lessons from these case studies demand that regional governments be more proactive and firmer in implementing mechanisms for appointing Acting or Interim Village Heads to prevent prolonged authority vacuums. Regulations governing authority delegation must be clear and operational so that village officials, including the Village Secretary, have legal certainty in performing their duties during the transition period. Additionally, socialization and training for village officials are needed to help them understand the limitations of their authority and potential legal risks when exercising authority without official mandates. With these steps, it is

hoped that village governance will become more stable, accountable, and protected from potential legal conflicts in the future.

4. Conclusion

The delegation of authority to the Village Secretary during a vacancy in the Village Head position is a complex issue and prone to legal uncertainty. Based on a review of applicable regulations, the appointment of an Acting (Plt) or Interim Village Head by the local government is the only legal mechanism that provides formal legitimacy in exercising the full authority of the Village Head. Although the Village Secretary has a strategic role in supporting village government administration, they do not have an explicit legal basis to replace or fully exercise the authority of the Village Head. The practice of informally delegating authority to the Village Secretary without official designation has the potential to cause legal, administrative, and social conflicts at the village level, as well as legal liability risks for the village officials concerned. Therefore, clear legal certainty and regulations are important to ensure that the delegation of authority proceeds in accordance with the principles of legality and good village governance.

As a recommendation, local governments need to immediately regulate clear mechanisms and procedures regarding the delegation of authority during a vacancy in the Village Head position. This includes expediting the appointment of an Acting or Interim Village Head to prevent prolonged authority vacuums. Additionally, intensive guidance and socialization are needed for village officials, especially Village Secretaries, regarding the limits of their authority and the legal risks they might face if they carry out duties without an adequate legal basis. Formulating policies that accommodate on-the-ground practices while ensuring legal certainty is crucial for maintaining village government stability, preventing internal conflicts, and ensuring public services continue to operate effectively during the transition period. Consistent enforcement of regulations will also strengthen village governance and increase public trust in the village government.

References

- Abdalla, E. U. (2015). *Hukum dan Otonomi Desa*. Jakarta: Kencana.
- Asyri Febriana, N. K. (2022). Reformasi Hukum Tanah Desa Dalam Kepungan Kapitalisme Global. *Fundamental Justice*, 3(1), 35–50.
- Aulia, A. F. (2023). Perlindungan Hukum Terhadap Hak-Hak Masyarakat Desa dalam Konteks Pemerintahan Desa. *Hakim: Jurnal Ilmu Hukum dan Sosial*, 1(4), 236–246.
- Bilyan, M. H. (2024). Dinamika Hukum Pemerintahan Desa: (Tinjauan Terhadap UU No. 6 Tahun 2014). *Jurnal Al-Mizan*, 11(2), 318–331.

- Deni, H. A. (2018). *Hukum Pemerintahan Desa di Indonesia*. Jakarta: Rajagrafindo.
- Dewi, I. G. (2022). Kedudukan Desa dalam Melaksanakan Pemerintahan Desa Ditinjau dari Sistem Ketatanegaraan Republik Indonesia. *Aktual Justice*, 7(1), 1-20.
- Fatimah, S. (2007). *Aspek Hukum Pemerintahan Desa*. Bandung: Citra Aditya Bakti.
- Hariri, A. (2018). Eksistensi Pemerintahan Desa Ditinjau dari Perspektif Asas Subsidiaritas dalam Undang-Undang Nomor 6 Tahun 2014 tentang Desa. *Legality: Jurnal Ilmiah Hukum*, 26(2), 253–266.
- Hasibuan, S. A. (2021). Legitimasi Kedudukan Kepala Desa dalam Penyelesaian Sengketa Agraria. *Jurnal Kajian Pembaruan Hukum*, 1(2), 45–60.
- Lipana. (2024). Analisis Terhadap Kedudukan Peraturan Desa dalam Sistem Peraturan Perundang-Undangan di Indonesia. *Indragiri Law Review*, 2(1), 53–61.
- Marza Nadya Rahayu, A. H. (2024). Analisis Pembentukan Peraturan Desa dan Kedudukannya dalam Sistem Hukum Indonesia. *Jurnal Media Akademik (JMA)*, 2(11).
- Mudzakir. (2010). *Hukum Desa di Indonesia*. Yogyakarta: Pustaka Pelajar.
- Muhyidin, D. N. (2024). Peraturan Desa dan Kedudukannya dalam Sistem Hukum di Indonesia. *The Republic: Journal of Constitutional Law*, 2(1), 52–66.
- Rachman, M. D. (2013). *Hukum Desa dalam Perspektif Negara Hukum*. Malang: Bayumedia.
- Reva Hazarina Karmila, K. A. (2024). Akibat Hukum Pengelolaan Keuangan Desa yang Tidak Dipertanggungjawabkan oleh Kepala Desa Ditinjau dari UU No. 3 Tahun 2024 tentang Desa. *Jurnal Media Akademik (JMA)*, 2(10).
- Satriawan, M. I. (2015). Politik Hukum Pemerintahan Desa di Indonesia. *Fiat Justisia: Jurnal Ilmu Hukum*, 7(2).
- Satriawan, M. I. (2015). Politik Hukum Pemerintahan Desa di Indonesia. *Fiat Justisia: Jurnal Ilmu Hukum*, 7(2).
- Sholichudin, M. S. (2024). Perlindungan Hukum Terhadap Hak-Hak Masyarakat Desa dalam Konteks Pemerintahan Desa. *Majelis: Jurnal Hukum Indonesia*, 1(3), 99–121.
- Subekti, R. (1995). *Hukum Desa dan Pemerintahan Desa*. Bandung: Mandar Maju.
- Sulistyowati, E. (2012). *Hukum Desa dan Pemberdayaan Masyarakat*. Yogyakarta: LKiS.
- Wardana, D. J. (2021). Politik Hukum Pemerintahan Desa. *Jurnal Justiciabelen*, 2(2).
- Yani, A. (2018). Sistem Pemerintahan Indonesia: Pendekatan Teori dan Praktek Konstitusi Undang-Undang Dasar 1945. *Jurnal Legislas Indonesia*, 15(2), 55–68.