



DYNAMICS AND LEGAL POLITICAL CHALLENGES OF SIMULTANEOUS REGIONAL ELECTIONS IN INDONESIA TOWARDS EFFICIENCY AND STABILITY

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Article Info	Abstract
Article History Received : 2024-09-03 Revised: 2024-09-05 Published: 2024-10-01	<i>Regional head elections (Pilkada) in Indonesia have undergone significant changes over time, from the appointment model to direct and simultaneous elections. These changes aim to create a more inclusive, efficient, and stable democratic system. However, simultaneous Pilkada faces various challenges, such as high political costs, inconsistencies in the schedule for regional head elections with the election of DPRD members, and mechanisms for filling regional head positions during the transition period that lack transparency. This study uses normative methods with a legislative and conceptual approach to analyze key regulations, including Law Number 32 of 2004, Law Number 1 of 2015, and Constitutional Court Decision Number 55/PUU-XVII/2019.</i>
Keywords: Simultaneous Regional Elections, Legal Politics, DPRD, Local Democracy, Regulatory Reform.	<i>The results of the study show that direct regional elections provide greater space for public participation, but the high political costs raise the risk of corruption, collusion, and nepotism. On the other hand, regional head elections through the DPRD have the potential to reduce political costs, but are vulnerable to internal politicization. Therefore, reform of simultaneous regional election regulations is needed to align local and national election schedules, strengthen the mechanism for filling regional head positions, and control political costs. In addition, an evaluation of the direct election model by considering the return of regional head elections through the DPRD is one option that is worth studying to create a more efficient and accountable democratic system.</i>
	<i>The study's recommendations include strengthening independent oversight, stricter regulation of campaign funding, and comprehensive political education for the public. With the right reforms, simultaneous regional elections can be an effective instrument in supporting local democracy and better local governance in Indonesia.</i>

I. INTRODUCTION

Regional head elections (Pilkada) in Indonesia have undergone significant developments over time, from the appointment model to the direct and simultaneous election model. These changes indicate the dynamics of legal politics that continue to strive to create a more democratic, efficient, and stable election system. However, various challenges and weaknesses in the design and implementation remain a concern, thus encouraging the need for reform to improve the quality of regional head elections in Indonesia.

Historically, Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia states that "Governors, Regents, and Mayors as heads of provincial, district, and city regional governments are elected democratically." This provision provides a constitutional basis that regional head elections must be conducted based on democratic principles. The term "democratically elected" can be interpreted in various ways, either directly by the people or

indirectly through representatives, as long as it upholds democratic values.

Direct regional elections have been implemented since the enactment of Law Number 32 of 2004 concerning Regional Government. Article 56 paragraph (1) of this Law states that "Regional heads and deputy regional heads are elected as a pair directly by the people in the relevant region." This change aims to strengthen the implementation of people's sovereignty and ensure that regional leaders are elected directly by the citizens they will lead. However, the implementation of direct regional elections also raises new challenges, such as increasing political costs, the potential for social conflict, and the rise of money politics.(Fachrurozy et al., 2023)

In 2015, the government took a new step by implementing simultaneous regional elections through Law Number 1 of 2015. This law, in Article 3 paragraph (1), states that "The election of Governors, Regents, and Mayors is held simultaneously throughout Indonesia."

Simultaneous regional elections aim to increase budget efficiency, minimize the potential for conflict, and create better political stability. By combining the regional head election schedules in various regions, it is hoped that logistical and administrative burdens can be minimized, so that the state budget can be used more efficiently. (Hafid & Nugroho, 2019)

However, the implementation of simultaneous regional elections is not free from obstacles. One of the main issues is the incongruence of the election time between regional heads and members of the Regional People's Representative Council (DPRD). Simultaneous regional elections in Indonesia cannot be fully categorized as concurrent local elections because the schedule for regional head elections does not coincide with the election of DPRD members in the same region. This often results in a divided government, where regional heads do not get majority support in the DPRD. This condition has the potential to weaken the effectiveness of regional government.

In addition, filling the position of regional head during the transition period is also a prominent problem. The appointment of acting regional heads by the central government is considered less transparent and lacks public participation. In many cases, acting regional heads are selected without a democratic process, so their legitimacy is often questioned. This situation shows the need for reform in the mechanism for appointing acting regional heads to be in accordance with the principles of democracy and accountability.

Constitutional Court Decision Number 55/PUU-XVII/2019 provides several models of simultaneous elections that can be used as a reference for simultaneous regional election reform. One of the recommended models is the separation between national elections and local elections. In this model, national elections for members of the DPR, DPD, and president are held first, followed by local elections for regional heads and DPRD members. This approach is expected to create a more congruent regional government and increase local political stability.

As part of legal politics, simultaneous regional elections must continue to be developed to ensure the achievement of strategic goals, such as budget efficiency, strengthening local democracy, and political stability. Future projections require improvements in the design of simultaneous regional election regulations, including adjusting the election schedule to be in line with the election

of DPRD members and strengthening the mechanism for appointing acting regional heads. Thus, simultaneous regional elections can be an effective instrument in supporting better regional governance in Indonesia.

II. RESEARCH METHODS

This study uses a normative legal research method, which focuses on the study of applicable legal norms related to the legal politics of simultaneous regional elections in Indonesia. (Indra Utama Tanjung, 2024) The approach used is the statute approach, which examines the main regulations such as Law Number 32 of 2004, Law Number 1 of 2015, and Law Number 8 of 2015, as well as the Constitutional Court Decision Number 55/PUU-XVII/2019. In addition, this study also uses a conceptual approach to understand the dynamics of legal politics and the challenges faced in the implementation of simultaneous regional elections.

The data used in this study consist of primary legal data, such as laws and court decisions, as well as secondary legal data, including books, journals, scientific articles, and relevant research reports. The data collection technique was carried out through library research, by tracing legal documents and supporting literature. Data analysis was carried out descriptively-analytically to describe and evaluate the dynamics, challenges, and prospects for the renewal of the simultaneous Pilkada legal policy. This study aims to provide recommendations based on legal theory that can be applied in the reform of the simultaneous Pilkada system in Indonesia.

III. RESULTS AND DISCUSSION

A. Dynamics of Legal Politics of Simultaneous Regional Elections in Indonesia

The political legal journey related to regional head elections (Pilkada) in Indonesia reflects ongoing efforts to create a better local democracy system. From time to time, changes in policies and regulations regarding Pilkada show the dynamics of political law influenced by the need for political stability, budget efficiency, and strengthening democracy. However, along the way, the implementation of simultaneous Pilkada also gave rise to a number of significant challenges. (Concerned, 2014)

Historically, the election of regional heads in the early days of Indonesian independence was carried out through a system of appointment by the central government. This is reflected in Law Number 22 of 1948 concerning Regional Government, which stipulates that provincial heads are appointed by the President based on candidates proposed by the Regional People's Representative Council (DPRD). (Abqa et al., 2023) However, this system is considered less democratic because it does not involve direct public participation in the election of regional heads. Significant changes occurred when the government introduced direct regional elections through Law Number 32 of 2004. Article 56 paragraph (1) of this law states that "Regional heads and deputy regional heads are elected in one pair directly by the people in the relevant region." This step aims to strengthen the sovereignty of the people and increase the accountability of regional leaders to the community.

However, the implementation of direct regional elections is not entirely free from problems. The high political costs that must be incurred by regional head candidates are one of the main issues. Many candidates are forced to spend large amounts of money on campaigns, which often leads to money politics. In addition, the direct regional election process often triggers horizontal conflicts in society, especially when the election results are disputed. (Satria, 2019) In this context, simultaneous regional elections were introduced as a solution to reduce political costs, minimize conflict, and create better political stability.

The implementation of simultaneous regional elections was first regulated in Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014. Article 3 paragraph (1) of this law states that "The election of Governors, Regents, and Mayors is held simultaneously throughout Indonesia." This policy aims to align the regional election schedule in all regions, thereby creating budget efficiency and reducing the frequency of local political escalation that can disrupt national stability. (Saraswati, 2011)

Despite having good intentions, the implementation of simultaneous regional elections faces various challenges. One of them is the lack of synchronization between the election of regional heads and the election of DPRD members. As a result, there is often a mismatch between the vision of regional heads and the

majority of DPRD members, which can hinder decision-making at the local level. This divided government has the potential to weaken the effectiveness of regional government.

Another issue that emerged was the mechanism for filling regional head positions during the transition period. The appointment of acting regional heads by the central government is often considered undemocratic due to the lack of public participation. In many cases, the appointment process is carried out behind closed doors, which raises doubts about the legitimacy of the officials. This shows the need for reform in the mechanism for appointing acting regional heads to be more transparent and accountable. (Zuhri, 2018)

Constitutional Court Decision Number 55/PUU-XVII/2019 is an important milestone in the discussion of simultaneous regional election reform. In this decision, the Court proposed six models of simultaneous elections that can be applied in Indonesia. One of the recommended models is the separation between national elections and local elections. In this model, national elections for members of the DPR, DPD, and president are held first, followed by local elections for regional heads and DPRD members. This approach is expected to create a more stable and efficient regional government, as well as strengthen the relationship between regional heads and DPRD. (Nugraha et al., 2018)

As part of the dynamics of legal politics, simultaneous regional elections also reflect the government's efforts to balance the needs of democracy with administrative efficiency. Despite its weaknesses, this policy remains an important step in strengthening regional governance. In the future, evaluation and improvement of the regulations on simultaneous regional elections are needed, including adjusting the election schedule to be more synchronized with the election of DPRD members. Thus, simultaneous regional elections can be an effective instrument in supporting local democracy in Indonesia. (Hardiyanto, 2016)

B. Challenges and Prospects of Legal Politics of Simultaneous Regional Elections in Indonesia

Simultaneous regional elections in Indonesia, as an effort to strengthen political stability and budget efficiency, have become a strategic policy in the local political system. However, behind its implementation, there are various challenges that need to be overcome so that these goals can be

achieved. In addition, the prospect of political and legal reform related to simultaneous regional elections is an urgent need to create a more inclusive, transparent, and accountable democratic system.(Putra, 2014)

1. Challenges in the Implementation of Simultaneous Regional Elections

a. Incongruity in the Election of Regional Heads and DPRD

One of the main challenges in implementing simultaneous regional elections is the lack of synchronization between the timing of regional head elections and the election of members of the Regional People's Representative Council (DPRD). This lack of synchronization often results in a divided government, where the elected regional head is not supported by the majority of DPRD members. This has the potential to hamper the legislative process and decision-making at the regional level. As stated in Article 3 paragraph (1) of Law Number 1 of 2015, "The election of Governors, Regents, and Mayors is held simultaneously throughout Indonesia." Although this law regulates the simultaneity of regional elections, there are no provisions that ensure that regional head elections are held simultaneously with DPRD member elections. As a result, the relationship between the executive and legislative at the regional level is often not harmonious.

b. Filling Vacant Regional Head Positions Another challenge is the mechanism for filling vacant regional head positions during the transition period. The process of appointing acting regional heads carried out by the central government often draws criticism because it is considered to lack transparency and accountability. In many cases, acting regional heads are selected based on political considerations, without involving the community or the DPRD in the process. This is contrary to the principles of democracy, where every decision-making process that impacts the community should be carried out openly and participatively.

c. High Political Costs

Although one of the main objectives of the simultaneous regional elections is budget efficiency, its implementation is still

overshadowed by the high cost of politics. Regional head candidates often have to spend large amounts of money on campaigns and building political networks, which can ultimately open up opportunities for money politics. These high political costs also increase the risk of corruption after candidates are elected, because they feel the need to "return" their political investment.

d. Horizontal Conflict in Society

Simultaneous regional elections often trigger horizontal conflicts in society, especially when the election results are disputed. These conflicts usually occur in areas that have a history of political rivalry or social conflict. In some cases, these conflicts even lead to acts of violence, which not only damage social order but also disrupt local political stability.

2. Analysis of Prospects for Political and Legal Updates for Simultaneous Regional Elections(Huda, 2012)

a. Alignment of Local and National Election Schedules One of the important recommendations for the reform of simultaneous regional elections is the alignment of local and national election schedules. This is in line with the Constitutional Court Decision Number 55/PUU-XVII/2019, which proposed a national simultaneous election model to elect members of the DPR, DPD, president, and vice president, followed by local elections to elect regional heads and DPRD members. This model is expected to create a more congruent government, where regional heads and DPRD have a vision that is aligned. In addition, this model can also reduce the frequency of political escalation at the local level, which often disrupts national stability.

b. Strengthening the Mechanism for Filling Regional Head Positions Another necessary reform is strengthening the mechanism for filling regional head positions during the transition period. The process of appointing acting regional heads must be carried out transparently and involve public participation. One step that can be taken is to form an independent team consisting of academics, community leaders, and

representatives of the DPRD to select candidates for acting regional heads. This process must be based on clear criteria, such as competence, integrity, and professional track record.

- c. **Political Cost Control** To reduce the high cost of politics, there needs to be stricter regulation regarding campaign funding. Article 74 paragraph (1) of Law Number 10 of 2016 states that "The source of campaign funds for candidate pairs can come from political parties or coalitions of political parties, donations from other parties that are legitimate according to law, and donations from candidate pairs themselves." This regulation needs to be strengthened with stricter supervision of campaign fund flows, including transparency in campaign fund reporting and strict sanctions for violators.
 - d. **Strengthening Political Education** Political education for the community is also an important factor in supporting the success of the simultaneous regional elections. A community that has a good understanding of politics will be better able to choose competent and integrity leaders, and will not be easily influenced by money politics practices. The government and civil society organizations can work together to improve political education through socialization programs, training, and awareness campaigns.
3. **Long-Term Prospects of Simultaneous Regional Elections**

In the future, simultaneous regional elections have great potential to become a main pillar in strengthening local democracy in Indonesia. With the right reforms, simultaneous regional elections can create a more stable, efficient, and accountable regional government. However, to achieve this goal, a strong commitment is needed from all parties, including the government, the DPR, political parties, and civil society.

Simultaneous Pilkada regulation reform must continue to be carried out to adjust to the developing political and social dynamics. In addition, strengthening the capacity of election organizers, such as the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu), is also the key to the success of simultaneous Pilkada. Election organizers must be able to ensure that each stage of the Pilkada runs in accordance with the principles of democracy, transparency, and accountability.

On the other hand, political parties also need to increase their role in the cadre formation and selection of regional head candidates. Political parties must ensure that the candidates they nominate have the competence, integrity, and vision that are in accordance with the needs of the community in the region. Thus, political parties do not only play a role as candidates, but also as agents of change that contribute to strengthening local democracy. (Zoelva, 2013)

Direct regional elections, despite having high democratic values, have given rise to significant problems, especially the high political costs that must be incurred by regional head candidates. These large political costs are not only a burden for candidates, but also create a situation where elected regional heads feel the need to "return capital" after taking office. This often opens up opportunities for corruption, collusion, and nepotism in regional government.

From a legal political perspective, the election approach by the Regional People's Representative Council (DPRD) can be an alternative that is worth considering to overcome this problem. In the election mechanism by the DPRD, regional head candidates do not need to spend large amounts of money on campaigns, because the selection and election process is carried out through people's representatives at the local level. This can reduce the dependence of regional heads on political donors or certain parties who have personal interests in regional policies. (Huda, 2012)

Historically, Indonesia has implemented regional head elections by the DPRD, as regulated in Law Number 22 of 1999 concerning Regional Government. Article 24 of this law states that "Regional heads are elected by the DPRD from candidates proposed by political parties or coalitions of political parties that have seats in the DPRD." This mechanism reflects that regional heads are representatives of the aspirations of political parties that have received a mandate from the community through legislative elections. In other words, the legitimacy of regional heads can still be maintained through the political process that takes place in the DPRD. (Hafid & Nugroho, 2019)

However, returning the regional head election mechanism to the DPRD also has challenges. One of them is the risk of politicization within the DPRD. The process of electing regional heads through the DPRD can open up opportunities for unhealthy political lobbying, where certain candidates may offer rewards or concessions to

DPRD members to gain a majority of votes. In this situation, transparency and accountability become very crucial issues to pay attention to.

From a legal perspective, the DPRD's election approach can be seen as a form of strengthening the principle of representative democracy. This concept is based on Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that "Sovereignty lies in the hands of the people and is implemented according to the Constitution." The DPRD, as a representative institution at the regional level, has a mandate to channel the aspirations of the people, including in the regional head election process. By strengthening regulations that ensure transparency and accountability in this election mechanism, the potential for abuse of power can be minimized.(Fahmi, 2020)

In addition, the election mechanism by the DPRD can reduce political fragmentation at the local level. In the direct regional election system, regional heads are often elected without majority support in the DPRD, which causes the relationship between the executive and legislative to become disharmonious. With the election by the DPRD, the elected regional head has a greater chance of getting full support from the DPRD, so that the legislative process and decision-making at the regional level can run more effectively.

However, if the regional head election is returned to the DPRD, very strict legal arrangements are needed to ensure the integrity of the process. One step that can be taken is to form an independent body to oversee the election process in the DPRD. In addition, strict sanctions must be imposed on DPRD members or other parties who are proven to have committed bribery or corruption during the election process.

From this analysis, it appears that both direct regional election mechanisms and elections by the DPRD have their own advantages and disadvantages. Direct elections provide greater space for public participation, but high political costs are a major obstacle. On the other hand, elections by the DPRD can reduce political costs and the potential for post-election corruption, but are vulnerable to internal politicization and lack of transparency. Therefore, the best policy may be to combine the advantages of both systems, while maintaining democratic values and strengthening supervision to prevent abuse of power.(Umar, 2017)

IV. CONCLUSIONS AND RECOMMENDATIONS

Simultaneous regional elections in Indonesia reflect the state's efforts to create an efficient, stable, and democratic regional government system. However, the dynamics of its implementation show various challenges, such as high political costs, the misalignment of regional head elections with DPRD members, and a less transparent mechanism for filling vacancies in regional head positions. The high political costs not only burden candidates but also open up opportunities for corrupt practices in regional government. On the other hand, the simultaneous regional elections that are not integrated with local legislative elections result in a divided government, thus hampering the effectiveness of public policies at the regional level. Considering these various weaknesses, it is important to re-evaluate whether direct regional head elections remain the best option or need to be aligned with the election mechanism by the DPRD.

The government needs to consider reforming the political law of simultaneous regional elections with strategic steps that include: (1) aligning the local and national election schedules to create a congruent and efficient government; (2) strengthening regulations related to the mechanism for filling regional head positions to be more transparent and participatory; and (3) re-evaluating the direct election model by considering the possibility of returning regional head elections through the DPRD to reduce political costs and potential corruption. If elections by the DPRD are implemented, strict regulations, independent supervision, and firm legal sanctions must be enforced to maintain the integrity and accountability of the election process. The combination of democratic values and the principle of efficiency must be the basis for determining future regional election policies, so as to be able to create regional governments that are stable, effective, and responsive to the needs of the community.

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