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**MODELS OF ELECTION OF THE HEAD OF REGIONS AFTER THE 1998
POLITICAL REFORM IN REALIZING LOCAL DEMOCRACY IN
INDONESIA**

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Abstract:

Local election is one of the important of democracy in Indonesia. After the 1998 political reform Indonesia has tried to find out some model of local election. The research aims to evaluate the implementation of local democracy in the election of the Head of Regions (Governor, Regents, Mayors) after the 1998 political reform in Indonesia. The research is a normative legal research with statute approach. The data used is secondary data. The data is taken through library research which consists of primary legal source, secondary legal source and tertiary legal source. The result of research shows that there are 4 models of Local Election of the Head of Regions after the 1998 political reform, they are as follows: 1) Indirect local election, 2) Direct election. Direct election has some various models such as direct local election without independent candidate, direct election with independent candidate and direct election with simultaneous election. The practice of simultaneous local election also shows

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some negative impacts such as more social conflicts, lack of security staffs to secure the elections, more disputes brought to the Constitutional Court. The research recommends that the DPR and Government have to evaluate further the model of simultaneous local election in a better schedule such as conducting local election based on particular zones.

Keywords: models of local election, local democracy, head of regions

1. Introduction

Legal reform in Indonesia has given an impact on lower level of government, the local government.¹ In a wider perspective, political reform is implemented in various fields to create a legitimate, democratic, honest, clean and dignified government.³

One of the important changes in the amendment of the 1945 Constitution is a regulation of the local government. In the 1945 Constitution before amendment, local government was only regulated in one general section. But after the amendment of the 1945 Constitution, the local governance has been set out in a more detail regulation.⁴ One of the details of such arrangements is about local election that shows that the position of head of the region in local government becomes an important part of democratization of Indonesia.⁵ Election of the Head of Regions is alternative to answer a chaotic and a poor electoral process indirect election of the Head of Regions and Vice-Head of the Regions through the DPRD with enactment of Law Number 22 of 1999 on Local Government.⁶

The local election system through representatives who have been run in a long time in Indonesia is still not able to accommodate the aspirations of the people. Society is not

¹TitikTriwulan T, 2005, *Pemilihan Kepala Daerah Berdasarkan Undang-Undang Nomor 32 Tahun 2004 dalam Sistem Pemilu Menurut UUD 1945*, Jakarta, Prestasi Pustaka, p. 6.

³Haw. Widjaja, 2002, *Otonomi Daerah dan Daerah Otonomi*, Jakarta, PT. Raja Grafindo Persada, p. 88.

⁴See, Article 18 (4) of the 1945 Constitution before amendment and Article 18 (4) of the 1945 Constitution after amendment. The results of both amendments were the formulation of the 1945 Constitution, Article 18 (4) which contains a new paragraph 3 of Article 11 under Chapter and Regional Government. Prior to the amendment of Article 18 consists only of one section and explanation.

⁵See Part VI of the 1945 Constitution on Local Government Act 18 (4) which reads: "Governors, Mayors as the respective heads of provincial governments, district, and municipal elected democratically".

⁶Mustam Arif, Direktur Eksekutif Jurnal Celebes "Isu Lingkungan di Kota Makassar", <http://www.antarane.ws.com/berita>, accessed on April 1, 2015 at 09.00 a.m.

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satisfied with the representation model through local parliament in the election of the Head of Regions. Additionally, the DPRD was given authority which tends to be excessive. Therefore, then Law Number 22 of 1999 on Regional Government was replaced by Law Number 32 of 2004 on Regional Government and amended again by Law Number 12 of 2008 on the second amendment of Law Number 32 of 2004 on Regional Government. The amendment of the law has also caused changes to the mechanism of the local elections from an indirect election to a direct election. Law Number 12 of 2008 has also made a new variant of the model of the local elections by allowing independent candidates to participate in local elections. Law Number 32 of 2004 and Law Number 12 of 2008 on Regional Government were made to answer the development of the state, dynamics of constitutional system, and demands for the implementation of regional autonomy.

However, the direct regional elections held since the promulgation of Law Number 32 of 2004 in conjunction with Law Number 12 of 2008, has also been facing problems from period to period. Indonesia seems still in the process of trial and error of finding model of local democracy.

Recent developments of the implementation of the local election in 2010 shows that there are many local election disputes brought to many the Constitutional Court. During 2010, local election disputes were dominant cases registered in the Constitutional Court. The numbers of cases were 230 cases or 73.72 % of all cases registered by the Constitutional Court.⁷ In the local election 2010, there were 244 local elections in all regions in Indonesia, both at the level of provinces, cities, and districts. Among those local elections 94, 26% brought to the Constitutional Court for disputes.⁸

In the light of building a better local democracy, the government has initiated a new policy in the implementation of the local election, that is election of the head of regions with simultaneous local election. Thus, it is expected the future of election of the head of regions can be held with more effective and efficient, especially related to the use of time, energy and cost of local elections. The implementation of simultaneous local election, can be regarded as an improvement of model of local democracy in the development of the electoral system of

⁷Mahkamah Konstitusi, Laporan tahunan 2010: Membangun Demokrasi Substantif, Meneguhkan Integritas Konstitusi, (Jakarta: Sekretariat Jendral dan Kepaniteraan Mahkamah Konstitusi), 2011, p. 10.

⁸*Ibid.*, p. 18.

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the Republic of Indonesia, especially in the local elections. Based on the previous background, the study will answer two central issues, they are: First, how is the model the local elections (governor, regent, mayor) and the deputy after the 1998 reform in Indonesia in realizing local democracy? What are the strenghts and weaknesses of the various models of local election?

2. Local democracy in Indonesia

a. Democracy in Indonesia

Indonesia is a democratic state based on the rule of law, as stated in the 1945 Constitution. As practiced in other modern countries, Indonesian democracy is also based on the philosophical and fundamental norms of the nation, Pancasila, as stated in the preamble of the Constitution.⁹

In Indonesia, democracy has been an option of the nation since the Indonesian people declared its independence in 17 August 1945. In the fourth principles of Pancasila, it is stated that "Democracy, led by the inner wisdom consultative/representative" became the basis of recognition of the sovereignty of the people embodied in the basic principles in democratic mechanisms. Almost all notion of democracy refers to the meaning that "at the last level is the people who give the rules for the basic problems of their life, including in assessing the policy of the state, and therefore the state policy determines the life of the people".¹⁰ For this reason, democracy is accepted and implemented in almost all countries, with variations and adjustments to the character of each country.

The same thing also expressed by Abdul Razak that:

Indonesian state is built on the pillars of a constitutional democracy that it contains two main principles, namely the principle of popular sovereignty and the rule of law.

The second pillar is what should be the basis for running the government. The logical

⁹DahlaTha'in, 1994, *Pancasila Yuridis Ketatanegaraan*, Yogyakarta, UUP AMP YKPN, p. 98.

¹⁰Deliar Noer, 1983, *Pengantar ke Pemikiran Politik*, Jakarta, CV Rajawali, p. 207.

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consequence of the principle of popular sovereignty requires it to be accepted that the competencies of the government comes from the people as sovereign.¹¹

With a government that adheres to this system, the highest power belongs to the people. Everyone has the same rights and opportunities to achieve democratic rules. Therefore, the implementation of the country to be formulated in the form of law, which is based on the participation and interest of the people

b. Implementation of Local Democracy in Indonesia

In Indonesia, local democracy is a sub-system of democracy that provides opportunities for local governments in developing the life of local government in relations with the people in their environment.¹² Therefore, local democracy is the implications of decentralization undertaken in these areas as a manifestation of the democratic process in Indonesia.

In terms of regional sovereignty, local democracy is built to provide a portion of which have accrued to the local people in the legitimization of the executive elite. During this time the people of the area gives sovereignty only in the legislative area by legislative elections. So *trias politica* refers to the concept of separation of powers Montesquieu its top three state agencies to local government context in the executive and legislative regions, while in the concept of institutional of the judiciary refer to institutional center. This is related to the pattern of the central government to regional relations in the principle of decentralization. Sovereignty of the people within the concept of the system of government can be divided into national and local democratic hierarchy of procedures for political recruitment.

Political goal of regional autonomy (decentralization) is to create a more equitable relationship and open between central and regional governments within the concept of the Unitary State. Unity can be entered in the politics of decentralization in governance by giving

¹¹Abdul Razak, 2004, *Analisis Hukum Tentang Tata Cara Pembentukan Peraturan Daerah*. Universitas Hasanuddin, Makassar, p. 341.

¹²Rudini H. et al, 1994, *Atas Nama Demokrasi Indonesia*, Yogyakarta, Biograf Publishing, p. 6-7.

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the opportunity and freedom to the region to run the regional government. Goals like this, is not something easy to do. Indonesia 's own experience in determining the pattern of decentralization with an assortment of legislation. The goals and achievements are structuring of government and social relations in accordance with the characteristic of Indonesia as a nation.

3. Regional head election after the political reform

a. Election of the Head of Regions Based on Law Number 22 of 1999

In the Law Number 22 of 1999, the election of the head of regions is conducted through Local Parliament (the DPRD) as regulated in Article 34 of Law Number 22 of 1999. Law Number 22 of 1999 provides explicitly regulation on the implementation of the functions of the Head of the Regions and the DPRD. In the conception of the Law, the DPRD is no longer a part of government, but rather placed as a legislative institution which is equal to local government. Through the Law, the DPRD was given sole authority to elect the Head of Regions, ask the accountability of the Head of Regions and even dismiss the Head of Regions and/or Deputy Head of Regions assess if the DPRD has sufficient reasons for it.¹³

The reasons behind the local elections conducted through the DPRD referred to the 1945 Constitution. Considering Law Number 22 of 1999 was made before amendment of the 1945 Constitution and promulgated on May 7, 1999, by the first before amendment of NRI 1945 was held on October 19, 1999.

The election of Head of Region and Deputy Head of Regionis conducted directly by free, confidential, honest and fair principles. Each member of the DPRD may vote for one pair of candidate of Head of Regions and Deputy Head of Region from candidates who have been assigned by the Chairman of the DPDR. The candidates of the Head of Region and Deputy Head of Region with the most votes in the election, will be designated as Head of

¹³See, Article 19 of Law Number 22 of 1999 on Regional Government.

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Regions and Deputy Head of Region by the DPRD and then signed by the President.¹⁴ Furthermore, elected Head of Region will be inaugurated by the President or other officials who is delegated by the President.¹⁵

The term of office of the Head of Regions is for 5 (five) years. Heads of Regions and Deputy Head of Region can be re-elected only for one more term.¹⁶ Heads of Regions and Deputy Head of Region, in running the government based on policies established together with the DPRD, and in implementing the duties of Head of Regions has to be responsible for the DPRD.¹⁷

b. Election of the Head of Regions Based on Law Number 32 of 2004

The democratic process in the region began to appear with a significant change in the Law Number 32 of 2004 which formulate direct election models. Of the 240 articles in the Law, there are 63 articles which regulate the election of the heads of regions.¹⁸ In Law Number 32 of 2004 regarding Local Election arrangements made directly adjusted from article 56-119 under the title of the Election of Head of Regions and Deputy Head of Regions.¹⁹

The local elections for governor and vice governor and the selection of Regent and Vice Regent and the election of Mayor and Deputy Mayor organized by an independent body, namely the Regional General Election Commission (election commission). The heads of regions and deputy head of regions held democratically by the principles of direct, public, free, confidential, honest and fair.²⁰

The election of Governor, Regent/Mayor is conducted by an independent organ, the name is Election Commission, as stipulated in Article 66 ayat(2) of Law Number 32 of 2004

¹⁴See, Act 40 of Law Number 22 of 1999 on Regional Government.

¹⁵See, Act 42 (1) of Law Number 22 of 1999 on Regional Government.

¹⁶See, Act 41 of Law Number 22 of 1999 on Regional Government.

¹⁷See, Act 44 (1) and (2) of Law Number 22 of 1999 on Regional Government.

¹⁸Susie Berindra, Search of an Ideal Leader, taken from http://kompas.com/kompascetak/0604/28/Politik_hukum_/2630087.htm, accessed on December 1, 2015 at 2:10 pm, stating that when the 1998 reform, demands from the public for the government to hold a re-election several governors. The reason, the governors elected by Parliament was involved in corruption, collusion and nepotism. In addition, the governor was elected when the Suharto regime in power. However, the current interior minister, Hamid Syarwan, resist the desire of the people firmly.

¹⁹S.H. Sarundajang, 2012, *Pilkada Langsung Problematika dan Prospek*, Jakarta, Kata Hasta Pustaka, p. 15.

²⁰See, Act 22E (1) Constitution of NRI 1945

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which states that "In the organization of the election of Governor and Vice Governor, District Commission is part of the organizers of elections set by the Provincial Election Commission and Article 57 paragraph (1) provides that the Election Commission is accountable to the DPRD. However, the Constitutional Court has nullified the article so that the Election Commission is not accountable to the DPRD in carrying out local elections.

c. Election of the Head of Regions Based on Law Number 12 Year 2008

The local election by Law Number 12 of 2008 is held directly which regulated in Article 56 of Law Number 12 Year 2008 which states:

"(1) The head of regions and deputy head of regions selected in the candidate pairs held democratically based on the principles of direct, public, free, confidential, honest, and fair.

(2) The pair of candidates as referred to in paragraph (1) proposed by a political party, coalition of political parties, or individuals who are supported by a number of people who fulfill the requirements as set in this Law".

As a follow up of the Constitutional Court's decision by the Constitutional Court Decision No.5/PUUV/2007 that the right to file individual candidates themselves into head of region candidate, then Law Number 12 of 2008 regarding the Second Amendment to Law Number 32 of 2004 in Article 59 paragraph (1) that allows a couple of independent candidates in the local election with the support of numbers of people. This is an attempt to strengthen democracy at the local level in Indonesia. In addition, the 1945 Constitution also guarantees the right to vote and be elected in Article 28D Paragraph (1) and Paragraph (3) of the 1945 Constitution, which states "every citizen has the right to obtain equal opportunities in government".

d. Election of the Head of Regions Based on Law Number 8 of 2015

In Law Number 8 of 2015, model of election of head of region is getting better. Local election which through representation by the DPRD as stipulated in Law Number 22 of 1999,

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then with the promulgation of the law on local government, Law Number 32 of 2004 *in conjunction with* Law Number 12 of 2008, the model of local elections changed by direct election by the people. Article 56 paragraph (1) of Law Number 32 Year 2004 on Regional Government states that "the Governor and the Deputy Governor, the Regent and Vice Regent, Mayor and Deputy Mayor selected in pairs through direct elections". It is regulated in Article 24 paragraph (5) which states that the head of region and deputy head of region the area as referred to in paragraph (2) and (3) are elected directly by the people in the regions concerned. Then in the current law of local government current, Law Number 23 of 2014 has provided a separate regulation in the elections of head of region for each area the territory of the Republic of Indonesia as stated in Article 62 of Law Number 23 of 2014 that the "provisions on the local elections shall be regulated by law". Then Law Number 1 of 2015 is promulgated and amended by Law Number 8 of 2015 concerning the Election of Governor, Regent, and Mayor conducted also directly in accordance with Article 1 of Law Number 8 of 2015. The mechanism for electing governors, regents, and mayors held in accordance with Article 3 of Law Number 8 of 2015 which states "The elections held every five (5) years simultaneously throughout the territory of the Republic of Indonesia". The implementation of Elections of Head of Regions are still using the principle of elections based on the principle of direct, public, free, confidential, honest, and fair.²¹

The simultaneous local elections have been scheduled by the Law as follows:

- a. The first schedule is on December 2015 (for the end of the term of office in 2015 and the first half of 2016).²² The schedule is set on Wednesday, December 9, 2015 by Presidential Decree No. 25 Year 2015 concerning Election Day for Local Election 2015 as the National Holiday.
- b. The second schedule is held on February 2017 (for the end of the term of office of the second half of 2016 and throughout the end of the tenure 2017).²³
- c. The third schedule is held on June 2018 (to the end of the term of office in 2018 and the end of the term of office in 2019).²⁴

²¹See, Act 2 of Law Number 1 Year 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 Year 2014 on the Election of Governors, Regents and Mayors Act into law.

²²See, Act 201(1) of Law Number 8 of 2015.

²³See, Act 201(2) of Law Number 8 of 2015.

²⁴See, Act 201(3) of Law Number 8 of 2015.

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d. Direct election with simultaneous local election in the entire territory of the Republic of Indonesia will be held in 2027.²⁵

The new model of direct election with simultaneous local election which is regulated in Law Number 8 of 2015, presumably can be a correction to the elections that have taken place since 2005, which is considered as less substantial impact on the realization of good governance, resulting less-developed regions. In addition to those laws related to the implementation of the elections, political parties and election organizers must also increase its commitment to the success of direct election with simultaneous local election which considering that simultaneous local election cannot be separated from the positive role of the election institution, political parties and the society.²⁶

4. Election Of The Head Of Regions And Local Democracy In Indonesia

a. Effect of Election of the Head of Regions Model Towards Local Democracy

Election of the Head of Regions directly by the people through elections provided in Article 24 paragraph (5) and Article 56 of Law Number 32 of 2004 on Regional Government in conjunction with Law Number 12 of 2008 on the amendment of Law Number 32 of 2004 in conjunction with Article 1 (4) of Law Number 15 of 2011 on the Election. In this model a couple of candidates Head of Regions and Deputy Head of Regions is nominated by political parties or coalition of political parties that meet the requirements, and a couple of pairs of independent candidates who meet the requirements to enter the competition through elections to be elected directly by the people .

With the removal of the authority of the DPRD for the election of Head of Regions and Deputy Head in the Law Number 22 of 2003 concerning the Composition and MPR, DPR, DPD and DPRD, has become the reason for implementation of a direct election for the Head of Regions. It is stated in the explanation of sub paragraph 4 of Law Number 32 of 2004 that the Head of Regions is the Head of the Regional Government which is elected democratically. Democratic election of the head of regions, bearing in mind that the duties and authority of the according to Law Number 22 of 2003 concerning the composition and

²⁵See, Article 201(7) of Law Number 8 of 2015.

²⁶Saldi Isra et al, 2014, *Pemilihan Umum Serentak*, Jakarta, Rajawali Pers, p. 367.

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Status of People's Consultative Assembly, Legislative Assembly, Regional Representative Council, and the Regional People's Representative Assembly, stated among other things that the DPRD has no longer duty and authority to elect the Head and Deputy Head of Regions. Therefore, then the democratic election in this Law is done by the people directly.

In amendment of Law Number 12 of 2008 in conjunction with Law Number 32 of 2004 on Regional Government, Article 59 paragraph 1b, it is mentioned that the candidate of head of regions can also be submitted from independent candidates supported by numbers of people.

The issuance of Law Number 1 of 2015 on Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents and Mayors as Law which was amended by Law Number 8 of 2015 on the Amendment of Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents and Mayors into law, and the promulgation of Second Government Regulation in lieu of Law Number 2 of 2014 on the Amendment of Law Number 23 of 2014 concerning local government along with an explanation. This regulation contains two important points, namely: to remove tasks and authority of the DPRD to propose the appointment and dismissal of the Regent/Mayor and/or Vice Regent/Deputy Mayor to the Minister of Home Affairs through the Governor as the representative of the Central Government for approval the appointment and/or dismissal. This regulation has also directly eliminated legal uncertainty in the society.

The local elections should be included in the broad concept for the realization of a democratic local government. The shifting of the local elections from the representative system into a direct local election must be regarded as an effort to improve democratic local government. There are three reasons that justify that there is an influence of democratic local government which elected by the people on the performance of the local government, namely:

- Democratic local government can open more space for people to directly participate in political activities at the local level (*political equality*);
- Democratic local government prioritizes serving the public interest (*local accountability*);

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○ Democratic local government can improve the quality of social and economic development that based on the needs of local communities (*local responsiveness*).

After analyzing the regulation on local elections in the previous paragraphs, the meaning of democratic elections conducted in a direct election is the manifestation of the concept of democracy that has been mandated in Article 1 (2) of the 1945 Constitution which is considered closer to the essence of democracy. Thus, it can be argued that the model of direct election is part of realizing of democracy at the local level. This model must also be able to resolve the weaknesses of the practice of democracy in the past.

b. Advantages and Disadvantages of Direct Election

Local election, whether it is a direct or indirect election, has some advantages and disadvantages. Some advantages are as follows:²⁷

- i. People can participate directly in electing a leader in the region, so that it is in accordance with democratic principles.
- ii. The elected Head of Region have stronger legitimacy, so that they can carry out their program more easily.
- iii. Prevent the transactional politics in the DPRD.

However, there are also some disadvantages of direct election. They are as follows:²⁸

- i. The election will take a longer time and so that it is not effective and efficient.
- ii. The election is not efficient because it uses a very much budget.
- iii. There is no relevancy in terms of the position of governor in order to make the process of filling the post of Deputy Governor as the Central Government through direct elections. This is because regional autonomy is not at the provincial level, but at the level of district/municipality.
- iv. There will be more potential and horizontal conflicts in communities large due to different supporters of candidate.

²⁷*Ibid*, p. 521.

²⁸*Ibid*, p. 522.

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Regarding the realizing of simultaneous local election, there are also some advantages and disadvantages of the simultaneous local election. They are as follows:

There are some advantages of the implementation of simultaneous local election:²⁹ First, the budget will be more efficient. The election costs that should be spent twice (the first budget to finance elections Regent/Mayor and the second budget to finance the election of the Governor) can be combined for one election only. The problem, of course, the budget will not only be the burden of the provincial budget, but also the Regency/Municipality budget.³⁰

Second, there will be influence of the candidate of the Head of Region to the support of votes for the local parliament. Having this formula, the Head of Region will get enough political support in the DPRD.

Third, coalition of political parties that support the elected governor/regent/mayor are likely to maintain their coalition to compete in the local election of Governor/Regent/Mayor. As a result, there will be a more hierarchical and coordinated of government in different level in running the power.

Fourth, simultaneous local election will create more rational voters. This occurs because there will be a limited number of candidates, so that voters can vote carefully the candidate. This situation also because the coalition of political parties will be more clear and consistent.

Fifth, the Election Commission will easily manage and organize the implementation of the simultaneous local election. This is because the Election Commission will handle the process of local elections in one schedule.

²⁹*Ibid*, p. 533.

³⁰This has been done by the South Kalimantan Provincial Election Commission that held a general election in June 2005 when they combined with 7 Regency/City. They simply divided the budget by means of 60% is financed by Regency/City which carries out elections, and 40% funded by the provincial budget. Similarly, the Election Commission of North Sulawesi, held general elections in June 2005 combined with 3 Regency/City and to make distributions budget is financed 79.1% District/Municipal and Provincial Budgets 22.9% funded. West Sumatra Provincial KPU hold elections simultaneously with 10 District /City in June 2006, did the distribution of the budget by way of fees PPK, PPS, until the budget is borne KPPS Regency/City while operational costs borne by provincial budget. Bengkulu Provincial KPU had to organize a general election simultaneously with 5 Regency/City in June 2005, the distribution of the budget in a way all the costs of Governors' election and Election District/City financed by local budgets. The district/city in last four provincial elections that are not held in the Regency/City, all fees charged to the provincial budget.

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The simultaneous local election has also some disadvantages. They are as follows:³¹

First, there will be more potential conflict and violence due to large numbers of population with heterogeneous society in term of groups, ethnic and religion.

Second, the simultaneous local election will need more security staffs to maintain the process of local election. The strength of the security forces were inadequate since the security forces will fully concentrate in each region.

Third, lack of political support from legislative organ on the elected government. Direct election with simultaneous local election can also produce the Governor and Regent/Mayor that they are not from a political party or coalition of political parties that dominant in parliament.

Fourth, there will be lack of synchronization between the policy of the Governor and Regent/ Mayor because they are from different political or coalition of political parties.

Fifth, the Election Commission and its staff will face difficulties in term of burden of management because the Commissioners have to supervise all regions in Indonesia.

Sixth, the Constitutional Court will receive many local election disputes from candidates who lost in the simultaneous local election. Based data of local election in December 2015, there are 144 local election disputes brought to the Constitutional Court.³² As a result, the Constitutional Court faced a heavy works to trial and decide the disputes.

5. Conclusion

Based on the above discussion, it can be summarized some conclusion as follows: First, there are several models of the local elections after political reform in 1999, namely:

- i. Indirect Election. Based on Law Number 22 of 1999, Election of Heads of Regions and Deputy Head of Regions is elected by Parliament through and not simultaneous.

³¹Saldi Isra et al, *Op.Cit*, p. 534.

³²Election of the Head of Regions, taken from <http://infopilkada.kpu.go.id//>, asseced on February, 14, 2015 at 09.00 a.m.

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- ii. Direct Election. There are several variations of direct election models, namely:
 - a. Direct election without independent candidate and not simultaneous schedule. Based on Law Number 32 of 2004 Election of Heads of Regions and Deputy Head of Regions is elected by the people, there is no independent candidate, and the implementation of the local election is not simultaneous.
 - b. Direct election with independent candidates. Based on Law Number 12 of 2008 Election of Head of Regions and Deputy Head of Regions held directly by the people, and the Law allows independent candidates to compete in the local election, and the implementation of the local election is not simultaneous.
 - c. Direct election with simultaneous local election. In this model, the local election is conducted by allowing independent candidates and using simultaneous schedule.

Second, the development and changes on the model election of Head of Regions and Deputy Head of Regions are influenced and determined by the pattern of the legislation specified in the applicable regime. In fact, the experience of Indonesia shows that the effort to modify the models of the local election is part of ways to develop and realize democracy at local level.

Third, the model of local election through a democratic election does not mean the election has to use a direct election. Democracy can also be run through a representative system chosen by Parliament. Democracy at the local level can be achieved by both models in accordance with the social conditions and any provisions in the Constitution.

Suggestions

Based on the problems that have been discussed, the study recommends that the government, with other competent institutions need to evaluate comprehensively the concept of a local election that will be held simultaneously, so that the implementation of local democracy can be realized in accordance with the essence of democracy itself.

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