

Model Penyelenggaraan Pemilu Serentak Nasional dan Lokal Di Indonesia Pasca Putusan MK No 55/PUU XVII/2019

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ABSTRACT: This study is aimed at finding out and analyzing a model of implementing simultaneous elections in Indonesia following the issuance of Indonesian Constitutional Court Decision Number 55/PUU XVII/2019, to elect members of DPR (House of Representatives), DPD (Regional Representative Board), President/Vice President, followed by simultaneous election at local level to elect members of Provincial DPRD (Regional House of Representatives)/City DPRD members, Governor, and Regent/Mayor. Normative legal method, statute, and conceptual approach based on which the impact of national simultaneous elections to Indonesia's party and presidential systems were analyzed were used. For the local simultaneous elections, local Concurrent Elections Urgency was analyzed to elect members of DPRD, Regent and Deputy Regent. Simultaneously held elections are aimed for the effectiveness of organizing elections in Indonesia but not without good administrative system.

Keywords: Indonesian Constitutional Court; election.

I. INTRODUCTION

Robert Dahl (2001)¹ argues that the nature of democracy is marked by recurrent responsiveness to people's preference. Democracy as a fundamental instrument backing up the government system has three bases of requirement: sincere competition that reaches individuals and groups of organizations (especially political parties) over seats in the government that offer effective power in a regular time frame, and this competition should pose no coercion; political participation that involves as many members of public as possible in voting for a leader or policy.²

Moore reveals some indicators intended to measure democracy, such as (1) portion of people who vote; (2) open elections; (3) results of elections of state head and members of legislature; (4) polling in political party; (5) number of people voting; legislative power outweighing executive power; (7) freedom of mass media; (8) freedom of individuals, groups, and politics; (9) no force of intervention from the state.³

Democracy in Indonesia is regulated in the 1945 Indonesian Constitution, specifically in Article 1 paragraph (2) stating "Sovereignty is vested in the people and implemented pursuant to the Constitution."

The provision concerning people's sovereignty in the summary of the decision in forming the 1945 Indonesian Constitution delivered by Hamdan Zoelva as a representative of Partai Bulan Bintang (PBB) states:

"Sovereignty in people is the essence of a democratic state. However, the embodiment of this sovereignty in the statehood and the way the sovereignty is administrated to minimize the demand on behalf of the people as what happens during reform still become an issue. Therefore, the sovereignty should be brought back in discussion, the sovereignty fully enforced by MPR (People's Consultative Assembly) as

¹An American political scientist introducing polyarchy, a term used to refer to 'democracy'.

²Anyualatha Haridison, "Pembangunan Politik: Demokrasi, Governance dan Supremasi Hukum", Jurnal Administrasi Publik, FISIP Universitas Palangka Raya, 2013, p 3.

³*Ibid*

governed in Article 1 Paragraph (2) of the 1945 Indonesian Constitution. Thus, general elections should be governed in the Constitution as to reveal and embody the sovereignty.”⁴

Furthermore, the provision of general elections is stipulated in Article 22 paragraph (2) letter E of the 1945 Indonesian Constitution stating:

The general elections are organized to elect the members of the DPR, the DPD, the President and the Vice President and the members of DPRD.”

Jimly Asshiddiqie argues that general elections are fundamental instrument with which human rights are accommodated. He believes that the government is required to guarantee the implementation of the general elections as scheduled. Since the sovereignty belongs to the people, all the aspects regarding the implementation of the general elections should be handed back to the people who hold the right to determine.”⁵

To assure that general elections are enforced effectively, it is essential that attention be given to the systems based on which the sequence of democratic events is held. This part is paramount recalling that systems in general elections in a state are fundamental to run the statehood. As a consequence, the systems should be based on sufficient and proper understanding about the enforcement of general elections to allow them to work democratically. Selection of the systems should refer to ideal design of the systems according to mandate from the Constitution.⁶

Ramlan Surbakti agrees that there are two functions of system in general elections. First, the system serves as the procedure and mechanism of votes converted into seats in statehood either in legislature and/or executive body. These procedure and mechanism are commonly called as the stage in general elections. To differentiate between authoritarian and democratic general elections, the democracy makes the law that governs general elections in which the principles of democracy are given at length. The law concerning general elections with the elaborate democratic principles such as the principles of general election, integrated general election, and just general election will set the parameter to support the process of democratic general elections. Second, it serves as an instrument to establish democratic political system per se. The systems in general elections are at least divided into six elements related to the extent of the constituency, constituents, the pattern on which the candidacy is based, the voting model and the formulation of general elections, the threshold of representation and the schedule of the implementation of all general elections.⁷

The future of general elections in Indonesia is inextricable from the Constitutional Court Decision Number 55/PUU-XVII/2019 that has given the following regulations for the implementation of general elections:

1. General elections are held simultaneously to elect the members of DPR, DPD, President/Vice President, and the members of DPRD;
2. General elections are held simultaneously to elect the members of DPR, DPD, President/Vice President, Governor, and Regent/Mayor;
3. General elections held simultaneously are to elect the members of DPR, DPD, President/Vice President, members of DPRD, Governor, and Regent/Mayor;

⁴ Mahkamah Konstitusi Republik Indonesia, Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia tahun 1945, Latar Belakang, Proses, dan Hasil Pembahasan, 1999-2002, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi 2010, 256.

⁵ Jimly Asshiddiqi in Mirza Sahputra dan Husni Jalil et al, Pemilihan Umum Menurut UUD 1945 (Argumentasi Antara Pemilihan Umum Serentak dan Pemilihan Umum Tidak Serentak), Jurnal Ilmu Hukum Pascasarjana Universitas Syiah Kuala Volume 3, No. 2 (2019), 71.

⁶ Administration and Cost of Elections, Sistem Pemilu, retrieved from <https://id.scribd.com/doc/57825565/Sistem-Pemilu>, p 1, on 10 July 2020

⁷ Ramlan Subekti dalam Indra Pahlevi, Sistem Pemilu di Indonesia, Antara Proporsional dan Mayoritarian (Jakarta: P3DI Setjen DPR Republik Indonesia dan Azza Grafika), 3-4.

4. National general elections are held to elect the members of DPR, DPD, President/Vice President; followed by local general elections held simultaneously to elect the members of Provincial DPRD, DPRD in regency/municipality, Governor, and Regent/Mayor;
5. National general elections are held simultaneously to elect the members of DPR, DPD, President/Vice President; followed by provincial general elections held simultaneously to elect the members of Provincial DPRD and Governor; followed by general elections held simultaneously in regency/municipality to elect the members of DPRD in regency/municipality and to elect a Regent and Mayor;
6. Other elections are held simultaneously to elect the members of DPR, DPD, and President/Vice President.”⁸

In this context, this research is aimed to suggest that simultaneous national general elections and simultaneous local general elections be split, like the alternative model offered by the Constitutional Court as mentioned above.

II. Research Methods

As explained earlier, normative research method, statute and conceptual approach were employed in this study. The data involved both primary and secondary materials, where the former was obtained from laws and regulations concerning general elections, while the latter was from literature, theses, research reports, journals, and academic articles, all of which were analyzed by means of deductive-logic approach, narrowing general description into a more specific conclusion.⁹

III. Results and Discussion

Simultaneously held general elections result from Constitutional Court Decision Number 14/PUU-XI/2013 deciding that general election to elect president and the election for legislative members are no longer held at different time. This simultaneousness is mainly intended to stimulate the effectiveness of presidential government in Indonesia. Separation between legislative general election and election to elect president has sparked polemic leading to decreasing legislative support given to the elected president. In presidential government system in Indonesia, DPR holds an authority to grant or reject the proposal on presidential policy. In such a condition, with the deadlock looming, the elected president may be only backed up by the minority of parties in legislative body.¹⁰

Implication on Party System

In reference to the study conducted by Bawaslu RI (Indonesian General Election Supervisory Body), Constitutional Court Decision decided to have presidential and legislative general election held simultaneously in 2019, and this truly implements the presidential system. This simultaneousness gives incentive structure to political parties for coalition in the beginning of general elections. Electability of a candidate for president is highly taken into account in the coalition process. The coalition is no longer affected by voting result or seats in the parliament, but it is more affected by the level of popularity of the candidate for president. A figure of presidential candidate is a determining factor in the process of his/her candidacy and the coalition formed.¹¹

According to Bawaslu, matching ideology, platform, visions and missions serve as the principle in the coalition process for presidential candidacy, but the two-round system in general elections indirectly impedes the implementation process of coalition at early stage of the general election. The absence of presidential candidates with high electability will trigger competition among political parties for the position. This situation leads to a huge number of presidential candidates representing their political parties in a general election. In

⁸Perludem, Implikasi Putusan MK Terhadap Desain Sistem Pemilu Serentak yang Konstitusional, retrieved from <http://perludem.org/2020/02/27/implikasi-putusan-mk-terhadap-desain-sistem-pemilu-serentak-yang-konstitusional/>,

⁹Peter Mahmud Marzuki, Penelitian Hukum (Jakarta: Kencana Prenada Media Group, 2011), 41.

¹⁰Perludem, Implikasi Putusan MK Terhadap Desain Sistem Pemilu Serentak yang Konstitusional, retrieved from <http://perludem.org/2020/02/27/implikasi-putusan-mk-terhadap-desain-sistem-pemilu-serentak-yang-konstitusional/>, on 6 July 2020.

¹¹Bawaslu RI, Kajian Sistem Kepartaian, Sistem Pemilu dan Sistem Presidensial (Jakarta, Sekretariat Bawaslu RI, 2015), 75.

other words, it keeps political parties waiting for the second round to be in coalition. Simultaneousness in both presidential and legislative general elections are likely to give more permanent coalition of political parties. In forming coalition, political parties tend to overlook political pragmatism. The equality and closeness of ideologies serve as the basis for coalition establishment. Political parties use the chance resulting from coattail effect of the presidential candidate with his/her high popularity. Added votes or seats are the result of the coattail effect for the supporting political parties in presidential candidacy.¹²

Furthermore, according to Bawaslu, the implementation of the general elections to elect both a president and legislative members simultaneously influence the attitude of political parties that tends to be rational in the presidential candidacy process. Political parties will surely compete for a presidential candidate with significant electability instead of putting a candidate with very low electability. Therefore, a political party with a candidate of significant electability is likely to build coalition with another party having a candidate of strong electability to win the seat in the general election.¹³

Implication on Effectiveness of Presidential System

Ni'matul Huda states that presidential system is a government system rendering the executive position irresponsible in people's representatives. In other words, executive power is out of the (direct) supervision of the parliament. In such a system, executive position is handed over to the voters.¹⁴

The 1945 Indonesian Constitution following the last amendment has neutralized and strengthened presidential system. The existence of the MPR has been renewed and the MPR position is no longer as the highest state body, and the highest sovereignty belongs to the people as a whole, meaning in post-last amendment, parliament supremacy was transferred to constitutional supremacy.¹⁵

Ni'matul Huda and Imam Nasef also explain that presidential system has at least three principle issues such as dual legitimacy because both executive body and legislature are elected by people and this position has rendered them legitimation justifying that they have equally strong position before the people. Moreover, this system also gives rigidity, meaning that the members of both legislature and executive body will hold permanent position. As a consequence, unsatisfactory performance of the elected president when he/she takes office means that people have to wait until the next general election to elect a better candidate. In such a system, majoritarian tendency can also present a problem. When a president comes with the most political support from the majority in parliament, he/she will have all the power to himself/herself.¹⁶

Another problem in presidential system will be more apparent when this system comes together with multi-party system. As generally known, Indonesia is a state with multi-party system combined with presidential system. Several researchers such as Scott Mainwaring and Juan Linz argue that the mergence between presidential democracy and multi-party system will just cause another problem, in which the situation will tend to encourage the president to build major coalition between parties in parliament to mainly strengthen the basis of political support in the parliament.¹⁷

However, the coalition in the presidential system will be tougher, leading to the following situations, as elaborated by Agus Riwanto: in presidential system, the president chooses his/her own members of cabinet who are probably elected from opposition parties or his/her own parties of professional members. The implication of this condition is that the parties have no commitment to support the president. In terms of presidential system, the formation of cabinet for president will be more likely to accommodate the elites in political parties, resulting in the absence of guarantee of parties in the parliament that backs up the president. It is because president will obviously accommodate the interest of political elites, not representing the whole interest. From this, different

¹²Bawaslu RI, *Kajian Sistem Kepartaian, Sistem Pemilu dan Sistem Presidensial*, 76.

¹³*Ibid*

¹⁴Ni'Matul Huda dan Imam Nasef, *Dalam Efriza, Dinamika Sosial Politik Menjelang Pemilu Serentak tahun 2019*, Jurnal Penelitian Politik Vol 16. No.1, Juni 2019, 3

¹⁵*Ibid*, Efriza, *Dinamika Sosial Politik Menjelang Pemilu Serentak Tahun 2019*, 3-4

¹⁶*Ibid*, Efriza, *Dinamika Sosial Politik Menjelang Pemilu Serentak Tahun 2019*, 4

¹⁷Efriza, "Penguatan Sistem Presidensial Dalam Pemilu Serentak 2019", *Jurnal Penelitian Politik*, Vol 16, No.1 (2019), 4.

perspectives regarding support given by the president among political parties and political elites lead to the absence of solidarity of support given by parties to the president in the parliament.¹⁸

Theoretically, support of aspect from legislature is essential, and sufficient support from legislature will strengthen the presidential system. Therefore, reinforcement of presidential system is equal to raising political support in the legislature. Mark P. Jones in Djayadi Hanan states, “...all evidence indicates the functioning of presidential system is greatly enhanced when the president is provided with a majority or near-majority in the legislature.”

In other words, reinforcing presidential system is closely related to the presence of sufficient political support in the legislature for a president. Sufficient political support refers to majority support (over 50%) or near-majority (close to 50%). Thus, if a president gains support below the threshold, there is little possibility that government agenda will be appropriately run.¹⁹

Departing from such a thought, simultaneous general elections in Indonesia have found their correlation in the reinforcement of presidential system. As explained earlier, simultaneous general elections implement both presidential general election and general election to elect members in legislature at the same time, and this simultaneousness is aimed to bring concurrent result of the election to executive members backed up by the legislative body; concurrent elections are aimed to elect several democratic institutions simultaneously, and this concurrency can be regarded as to imply positive correlation to the support of political parties for the president in legislature: a coattail effect.²⁰

Table 3. Comparison between time of general election and gained seats of political party coalition²¹

Year	Time	Elected President	Presidential coalition party round 1	Number of seats in legislature	President ial coalition seats	Seats for other parties
2004	Not concurrent	Susilo Bambang Yudhoyono & Jusuf Kalla	Demokrat, PBB, PKPI	550	67	483
2009	Not concurrent	Susilo Bambang Yudhoyono & Boediono	Demokrat, PPP, PKB, PKS, PAN	560	317	243

¹⁸Agus Riwanto, “Penguatan Sistem Presidensial Dalam Pemilu Serentak 2019”, *Jurnal Penelitian Politik*, Vol 16, No. 1 (2019), 4
 Desain Sistem Pemerintahan Antikorupsi: Konsep Pencegahan Korupsi Politik dalam Sistem Pemerintahan, Partai Politik dan Pemilu (Malang: Setara Press, 2018), 56-57.

¹⁹Djayadi Hanan, “Memperkuat Presidensialisme Multipartai di Indonesia: Pemilu Serentak, Sistem Pemilu, dan Sistem Kepartaian”, *Jurnal Paramadina*, Vol. 13 (2016), 1454.

²⁰Agus Riwanto, Dalam Efriza “Penguatan Sistem Presidensial Dalam Pemilu Serentak 2019”, *Jurnal Penelitian Politik*, Vol 16, No. 1 (2019), 4

²¹Heroik Mutaqin Pratama, “Menguji Desain Pemilu Serentak: Studi Perbandingan Amerika Latin dan Indonesia,” *Analisis CSIS*, Vol. 46. No. 4 (2017), 454.

2014	Not concurrent	Joko Widodo & Jusuf Kalla	PDIP, PKB, Nasdem, Hanura	560	208	352
2019	Concurrent	Joko Widodo & Ma'ruf Amin	Golkar, PKB, PDIP, PPP, Hanura, Nasdem, PKPI, Perindo, PSI, Gerindra.	575	427	148

Different time between legislative and presidential general elections leads to lower number of seats obtained by political parties that the candidate for president represents. Furthermore, Jones (1994) in his research states that general elections to elect executive and legislature members simultaneously held served as important aspects implicating the support from the majority legislative to executive.

Urgency in simultaneously held general elections to elect members of DPRD, Regent, and Vice Regent, Mayor and Vice Mayor

Constitutional Court Injunction Number 55/PUI-XVII/2019 states that general elections must be held simultaneously, but the design of this concurrent general elections needs to be reviewed, recalling that technical issues may appear like what happened in General Election back in 2019 regarding five ballot boxes directly for the elections of president, DPR-RI, DPD, Provincial DPRD, and DPRD in Regency/Municipality. This design caused difficulty among voters and kept the votes away from neutral.

Forum for General Election and Democracy (Perludem) implies that simultaneous general elections have to be encouraged to build an effective presidential system, to eliminate partnership between presidential candidate and political party, and to avoid any transactional practices. Moreover, DPR RI, Provincial DPRD and DPRD in Regency/Municipality have to share the same thought as the systems in general elections to elect Governor, Regent, and Mayor. Other technical problems concerning ballot and improper hole made on the ballot causing invalid vote in a significant number contribute to ineffectiveness of the general election implementation.

General Election Commission reported there were 17,503,953 invalid votes in General Election 2019. This figure outweighed the votes gained by some parties passing parliamentary threshold. In terms of the arrangement of the general election, there were 894 committee members who passed away and 5,175 others who went ill due to excessive fatigue during vote count. It was believed that simultaneous general elections taking place in 2019 involved money politics according to 47.4% of respondents of the research conducted by LIPI, while 46.7% argued that money politics was acceptable.²²

This stimulates some systematic problems that have to be significantly taken care of to meet the objective of the general elections as stipulated in the 1945 Indonesian Constitution.

Concurrent schedule of general elections to elect Governor, and Mayor/Regent (or commonly known as regional head election or *pemilukada*) allows more effective and efficient election process. Regional head elections simultaneously take place gradually to 2027, and their preparation is the realization of the democratic mechanism itself. This moment directly functions as paramount medium of the manifestation of the sovereignty for the people.

There are some matters deserving more attention regarding the regional head elections taking place simultaneously in 2020. As delivered by the Ministry of Home Affairs, the regional heads won the election 2020

²² retrieved from <http://lipi.go.id/berita/Evaluasi-Pemilu-Serentak-dalam-Temuan-Survei-LIPI/21763> on 02 June 2020

will have to take office for less than five years. Article 201 paragraph (7) implies that Governor and Vice Governor, Regent and Vice Regent, and Mayor and Vice Mayor winning the position in the election 2020 will have to take office till 2024.²³ Thus, simultaneous regional head election surely gives impact to the tenure of the regional heads. Several regions may experience a moment where they take office for not more than five years, either for the local heads currently taking office or those serving in the upcoming period.²⁴

The following are several supporting points to encourage concurrent elections to elect Governor, Mayor, Regent, and members of Provincial DPRD and DPRD Regency and Municipality

1. Cost efficiency

The Regional Head Elections are expected to cut the cost spent for the election arrangement. Looked at closer, the design for simultaneous election part 1 in 2015 had not managed to save cost, contravening the objective of the concurrency that is aimed to save cost. Some researchers believe that Forum for General Election and Democracy (Perludem) and Regional Head Election (Pemilukada) simultaneously taking place in the first part do not indicate any cost efficiency.²⁵ In West Java, for example, eight regions held the regional head election simultaneously but not concurrently with the election for Governor, and this non-concurrency could cost double and all committee members involved also have to be paid twice.²⁶ Surprisingly, money prepared for wages to pay the committee members accounts for the highest expenditure. In other words, if all regional elections are held simultaneously, efficiency of the elections can be assured.

2. People's Participation in local simultaneous elections

Political participation, according to Miriam Budiardjo, is defined as an activity prepared by an individual or a group that requires active involvement in political life in which leaders of the state are elected directly or indirectly and this activity affects the government policies. This activity may involve voting in general elections and attending general meeting, joining as a political member/ interest group, establishing relationship with government officials or with the members of parliament.²⁷ Political participation of the people in local head election is considered as an important aspect in a democratic state and as the nature of modernization of politics. With regard to the democracy, political participation has an influence on the legitimation of the people regarding how government is run. In the local head election, political participation affects people's legitimation towards elected candidates. Every person has his/her preference and interest to decide whom to elect in the election. It is probable that the public official winning the election in the election depends on the preference of the voters.²⁸

Elections these days bring confusion to people, especially lay persons who are illiterate. The arrangement of general elections is essential parts affecting the cost efficiency. Moreover, the elections are still held in a bit complicated format where legislative election and the election for president and vice president are not integrated in time. The concept offered by Ramlan Surbakti regarding to simultaneous general election system and moderate pluralism system (simple multi-party) can be referred to as a source to create efficiency and effectiveness of general elections, where local and national general election should split. This separation can help solve the problems arising in candidacy: (1) addressing full concentration of those in charge of political parties to recruitment of candidates; (2) minimizing any internal conflict; and (3) reducing the number of election events up to once in two to three years. The election held once in two to three years will contribute positive influence to political parties that will also tend to take internal regeneration of political parties seriously. Political parties are required to give understanding to all cadres about the substance of political parties and the right objectives of the competition in general elections. All candidates joining in the candidacy are also required to be both qualified and competent to improve the quality of political parties.²⁹

²³Ibid., Debora Sanur, *Persiapan Pilkada Serentak 2020*, 27

²⁴Ibid

²⁵Pangi Syarwi Chaniago, *Evaluasi Pilkada Pelaksanaan Pilkada Serentak Tahun 2015*, *Jurnal Politik Indonesia: Indonesian Political Science* vol 2 Tahun 2016, p.202

²⁶Ibid., 202

²⁷Budiardjo Miriam, 1982. *Partisipasi dan Partai Politik: Sebuah Bunga Rampai*. Jakarta: Gramedia. p. 1

²⁸Naskah Akademik RUUPILKADA retrieved from

https://www.bphn.go.id/data/documents/na_ruu_perubahan_kedua_atas_uu_no_1_th_2015_ttg_pilkda.pdf on 05 June 2020. p.4

²⁹Hayat Korelasi Pemilu Serentak dengan Multi Partai Sederhana Sebagai Penguatan Sistem Presidensial, *Jurnal Konstitusi*, Volume 11, Nomor 3, September 2014, p476

It is not unusual for conflict to boil in internal parties during elections for either executive or legislative members. The internal conflict among political parties presents barriers to executing their primary tasks and function. The regeneration is often hampered due to the conflict, and the election held every five years seems to be the only access allowing regeneration. The elections taking place simultaneously within two to three year period is able to enhance the quality of political parties to create candidates.³⁰

Simultaneously held local head election taking place gradually are meant to perform modification to equalize the tenure of regional heads. This equality is encouraged since there is sharp discrepancy of tenure in 523 regions in provinces, regencies, and cities holding upcoming local head election. Simultaneous local head election is divided into three batches. The first batch was held on 9 December 2015 in 269 regions, the second was in 2017 to elect regional heads leaving their tenure in July till December 2016 and regional heads leaving their tenure in 2017 in 101 regions, and the third was in 2018 in 126 regions.³¹

Constitutional Court has issued some decisions regarding the simultaneous local head election: 1) Decision Number 33/PUU-XIII/2015 concerning revocation of provision of Article 7 letter r of Law Number 8 of 2015 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning Election for Governor, Regent, and Mayor into the Law with its explanation; 2) Decision Number 100/PUUXIII/2015 regarding Arrangement of Local Head Election with single candidates, 3) Decision Number 42/PUU-XIII/2015 allowing ex-convict to be registered as a candidate for a Regional Head, 4) Decision Number 41/PUU/XII/2014 with Subject Matter concerning review of Law Number 5 of 2014 concerning government employees Article 119 and Article 123 Paragraph (3) stating: Written resignation from a position as a government employee should be posted since the appointment as a candidate for Governor, Regent, and Mayor and since the implementation of general election to elect President/Vice President and election to elect members of DPR, DPD, and DPRD; and 5) Decision Number 60/PUU-XIII/2015 concerning requirement of support for individual candidate, 6) Decision Number 105/PUUXIII/2015 concerning the change of the word "day" in Article 157 paragraph (8) of Law Number 8 of 2015 from calendar day to working day.³²

Simultaneous local head election was held in 2015, 2017, 2018, and again in 2020 according to Law Number 10 of 2016 concerning Election for Governor, Regent, and Mayor. For the election simultaneously held in 2020, General Election Commission (KPU) has issued Regulation Number 16 of 2019 concerning Amendment to Regulation Number 15 of 2019 concerning Stages, Program, and Arrangement of Election for Governor and Vice Governor, Regent, and Vice Regent and/or Mayor and Vice Mayor of 2020. This regulation was enforced on 25 November 2019 to replace the Regulation of General Election Commission Number 15 of 2019. According to Regulation of General Election Commission Number 16 of 2019, regional head election will be held in 2 stages consisting of preparation and application, where the former involves: (a) program planning and budgeting (to 30 September 2019), (b) Arrangement and Signing of document of Agreement on Regional Grant (to 1 October 2019), (c) Arrangement and validation of the regulation concerning implementation of election (to 31 August 2020), (d) Informing members of public, counseling, and technical mentoring (1 November 2019 to 22 September 2020), (e) Formation and Tenure of Supervisory Committee of PPK, PPS, and KPPS (from 1 January 2020 to 16 May 2020), (f) Notification and Registration of election supervisor (from 1 November 2019 to 16 September 2020), (g) organizing List of potential voters (DP4) (from 20 February 2020 to 27 March 2020), (h) Updating data and list of voters (from 27 March 2020 to 22 September 2020). Upcoming local head election was administered simultaneously on 23 September 2020, where the preparation had taken place since 30 September 2019.³³

The delay in the preparation has led to the delay of the notification of registration of candidate pairs initially scheduled on 16-18 June 2020 to 9 – 18 June 2020. With the Regulation of General Election

³⁰Ibid., 477

³¹Statement from the House of Representatives of Indonesia (DPR RI) concerning Judicial Review of Law Number 10 of 2016 concerning Second Amendment to law Number 1 of 2015 concerning Stipulation of Regulation in Lieu of Law Number 1 of 2014 concerning Election for Governor, Regent, and Mayor into Law towards the 1945 Indonesian Constitution in Case Number 90/Puu-XV/2017, 12

³² Ibid., p. 13

³³Debora Sanur, *Persiapan Pilkada Serentak 2020*, Pusat Penelitian Badan Keahlian DPR RI, Jurnal Vol. XI, No.24/II/Puslit/Desember/2019, 26

Commission Number 16 of 2019, General Election Commission and Regional General Election Commission have an extra time to be more prepared in the simultaneous implementation of regional head election. This also gives hope that the election can be administered better than the previous elections since several regions will hold the regional head election simultaneously in 2020.³⁴ The election held directly represents the mechanism of the democracy in regional areas. This election is a means of manifestation of sovereignty and to confirm that the members of public are direct voters. Gaffar argues that the election has three essential functions in the regional government: 1) electing regional government based on people's expectation, 2) an election based on missions, vision, program, quality, and integrity of candidate for regional government. This principle determines the success of the running of the regional government, 3) an election aimed to administer accountability and evaluation, and to politically control a regional head and political strength that serves as pillar.³⁵

Concurrent local head election has an impact on the future of regional heads, where the tenure of the regional heads currently taking office or those having their tenure in the upcoming period can even be shorter than 5 years. In the DPR RI, Commission II of DPR RI will conduct evaluation regarding general election-related issues, including local head election. Ahmad Doli Kurnia as the chairman of the Commission opines that evaluation conducted to see general election-related issues is meant to fix the system of local head election held simultaneously in the upcoming period. It is implied that the election may be held through DPRD and revision of Law Number 10 of 2016 concerning General Election for Regional Head may be required. The Commission II of DPR RI has not come to the decision whether the local head election through DPRD can take place.³⁶

IV. Conclusion

Both local and national general elections have special impact on the implementation of general election in Indonesia. General election can also have an influence on the party system since simultaneous general election to elect president and the election to elect members of legislature will tend to give more permanent political coalition. Simultaneous general election is also correlated to the reinforcement of presidential system and capable of creating a government as a result of the concurrent general election, where executive members are elected with the support from legislature. Simultaneous general election is also the consequence of Constitutional Court Injunction Number 55/PUI-XVII/2019 that amends the separate general elections into concurrent general elections. However, the concurrent general elections also lead to another issue like shorter tenure from five to four-year tenure. Concurrent elections at local level to elect Governor, Regent, members of Provincial DPRD and DPRD in Regency or city are mainly aimed to meet cost efficiency and encourage the participation of the members of public in regional areas.

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