

REFORMULATING GOVERNOR ELECTIONS BETWEEN POPULAR SOVEREIGNTY AND GOVERNMENT EFFECTIVENESS IN INDONESIA'S DECENTRALISED SYSTEM

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Abstract: This study comprehensively examines the design of gubernatorial elections in Indonesia within the framework of decentralisation, with a particular focus on balancing the principle of popular sovereignty and the demands of local government effectiveness. Through a normative legal approach, juridical-deductive analysis, and a comparative constitutional study of the United States, Germany, India, Brazil, and the Philippines, this article evaluates the impact of the current design of gubernatorial elections on these two pillars. The main findings show that while direct gubernatorial elections formally affirm popular sovereignty, their implementation is faced with various juridical and political challenges such as money politics, dynastic politics, and party cartelisation that significantly delegitimized the essence of such sovereignty and undermine the effectiveness of local governance. The comparative analysis offers a spectrum of subnational local government election models, from direct elections to parliamentary appointments, whose success depends largely on the socio-political and constitutional context of each country. Based on these findings, the research recommends a series of multi-faceted reforms that touch not only on the electoral mechanism, but also on campaign finance regulation, political party institutional strengthening, and electoral law enforcement, in order to realise an ideal gubernatorial election design capable of strengthening the quality of democracy and the effectiveness of local governance in Indonesia.

Penelitian ini mengkaji secara komprehensif desain pemilihan gubernur di Indonesia dalam kerangka desentralisasi, dengan fokus utama pada upaya menyeimbangkan prinsip kedaulatan rakyat dan tuntutan efektivitas pemerintahan daerah. Melalui pendekatan hukum normatif, analisis yuridis-deduktif, dan studi perbandingan konstitusional terhadap Amerika Serikat, Jerman, India, Brasil, dan Filipina, artikel ini mengevaluasi dampak desain pemilihan gubernur saat ini terhadap kedua pilar tersebut. Temuan utama menunjukkan bahwa meskipun pemilihan langsung gubernur secara formal mengafirmasi kedaulatan rakyat, implementasinya dihadapkan pada berbagai tantangan yuridis

dan politis seperti politik uang, politik dinasti, dan kartelisasi partai yang secara signifikan mendelegitimasi esensi kedaulatan tersebut dan melemahkan efektivitas pemerintahan daerah. Analisis komparatif menawarkan spektrum model pemilihan kepala daerah subnasional, dari pemilihan langsung hingga penunjukan parlemen, yang keberhasilannya sangat bergantung pada konteks sosio-politik dan konstitusional masing-masing negara. Berdasarkan temuan ini, penelitian merekomendasikan serangkaian reformasi multi-aspek yang tidak hanya menyentuh mekanisme pemilihan, tetapi juga regulasi pendanaan kampanye, penguatan institusi partai politik, dan penegakan hukum pemilu, guna mewujudkan desain pemilihan gubernur yang ideal, yang mampu memperkuat kualitas demokrasi dan efektivitas pemerintahan daerah di Indonesia.

Keywords: *Governor Election; Popular Sovereignty; Election System; Regional Head Election.*

INTRODUCTION

The holding of gubernatorial elections in Indonesia is one of the central pillars in the decentralisation architecture that was rolled out post-Reformasi 1998. The shift from indirect election by the Regional People's Representative Council or Dewan Perwakilan Rakyat Daerah (DPRD) to direct election by the people, which began in 2005 under Law No. 32/2004 on Regional Government (Sarbaini 2020), marked a significant leap in democratisation at the local level. The aspirations underlying this change were to bring local leaders closer to their people, strengthen accountability, and provide a more tangible manifestation of the principle of popular sovereignty. Governors, in the context of regional autonomy in Indonesia, hold a crucial dual role: as heads of autonomous regions responsible for governance at the provincial level, as well as representatives of the central government in the regions (Junaidi 2012). This duality of roles presents its own complexities in the design of the electoral system, demanding a design that is not only democratic but also capable of ensuring effective coordination between the centre and the regions.

The long journey in finding the ideal gubernatorial election model in Indonesia is characterised by a series of continuous legislative changes. Starting from Law Number 22 of 2014 which had returned the governor election to the DPRD, which was then annulled and replaced by Government Regulation in Lieu of Law (Perppu) Number 1 of 2014 which was enacted into Law Number 1 of 2015, to a series of amendments through Law Number 8 of 2015, Law Number 10 of 2016, and Law Number 6 of 2020. These legislative dynamics reflect a never-ending national effort to formulate an electoral system that best suits the characteristics of Indonesia. This iterative effort is not merely a technical adjustment, but a reflection of a deeper struggle to find common ground between the ideals of democracy and the pragmatism of effective governance in the midst of a pluralistic archipelago. The need for redesign, as signalled in academic and public discourse, indicates that the current model is

not fully capable of addressing the fundamental challenges of democratic consolidation and decentralisation in Indonesia (Marpaung 2019).

At the heart of the debate over the design of gubernatorial elections in Indonesia lies the conceptual tension between the manifestation of popular sovereignty and the achievement of effective local governance. On the one hand, direct regional elections (*Pilkada langsung*) are seen as the main instrument for realising popular sovereignty, where citizens have the right to directly elect their leaders (Sarbaini 2020). This mechanism is expected to increase political participation, strengthen the legitimacy of elected leaders, and bring the relationship between the government and the governed closer.

However, on the other hand, the practice of direct elections often raises various problems that have the potential to undermine the effectiveness of government. High political costs, rampant money politics, and the phenomenon of corruption involving elected regional heads are some of the negative excesses that are often associated with the direct election system (Sarbaini 2020). In fact, the discourse to return the election of the governor to the DPRD had surfaced with the argument of the high cost of direct elections and the limited authority of the governor compared to the regent/mayor, which implies the consideration of efficiency and effectiveness (Junaidi 2012). Thus, this research seeks to unravel and find a middle ground in navigating this dilemma, formulating a gubernatorial election design that not only respects the voice of the people but is also able to produce effective, stable, and integrity regional leadership. There is a gap that needs to be bridged; while direct elections are glorified as a manifestation of popular sovereignty, their implementation and results often produce conditions that hinder the expected effectiveness of governance. This suggests that the form of popular sovereignty (direct elections) may inadvertently sacrifice the substance of sovereignty itself, namely accountable and effective governance.

While Indonesia's direct gubernatorial election system upholds popular sovereignty in principle, its practical implementation faces significant challenges that delegitimized that sovereignty and hinder effective governance. A comprehensive redesign is therefore required, which not only learns from international best practices but is also tailored to Indonesia's unique constitutional and socio-political context. Contemporary discourse on Indonesian elections, including *Pilkada*, is often coloured by issues such as the "toxic alliance" between political elites and the massive impact of social media and "buzzers" in shaping public opinion, further emphasizing the urgency of reform. Various democracy monitoring organisations have also highlighted a decline in the quality of certain aspects of elections in Indonesia, which requires serious attention.

RESEARCH METHOD

This study applies normative legal approach, juridical-deductive analysis, and a comparative constitutional study of the United States, Germany, India, Brazil, and the Philippines, this research evaluates the impact of the current gubernatorial election design on these two pillars. The data used was sourced from primary, secondary, and tertiary legal

materials, which were obtained through a literature study. Data analysis uses qualitative techniques, which analyses data by explaining and interpreting the content of legal materials, not by using numbers or statistics (Marzuki 2007). After the data is collected, the author analyses it using deductive reasoning and content analysis to produce a comprehensive understanding.

RESULT AND DISCUSSIONS

The Current Constitutional Design of Governor Elections in Indonesia

The design of gubernatorial elections in Indonesia rests on a constitutional foundation enshrined in Article 18(4) of the 1945 Constitution of the Republic of Indonesia (UUD 1945), which states that “Governors, Regents, and Mayors, each as head of provincial, district, and municipal governments, shall be elected democratically” (Wahyu 2023). It is this phrase “democratically elected” that has been the source of ongoing interpretation and debate regarding the most appropriate election mechanism, whether through direct election by the people or through a representative mechanism in the DPRD.

The implementation of the constitutional mandate is further regulated in a series of laws. Post-Reformation, the dynamics of Pilkada arrangements, including gubernatorial elections, show considerable volatility. Law No. 22/2014 on the Election of Governors, Regents and Mayors, which had returned elections to the DPRD, was short-lived and was replaced by Government Regulation in Lieu of Law No. 1/2014, which was later passed into Law No. 1/2015. This law then underwent several amendments, namely through Law Number 8 of 2015, Law Number 10 of 2016 on the Second Amendment to Law Number 1 of 2015, and finally Law Number 6 of 2020 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2020. This legislative framework generally reaffirms the principle of direct election of governors by the people, regulates nomination requirements, campaign mechanisms, voting and counting, and dispute resolution of election results.

The role of the Constitutional Court (MK) in shaping the legal landscape of gubernatorial elections is also very significant. Through its various decisions, the Constitutional Court not only resolves disputes over election results but also conducts judicial reviews of norms in the Pilkada law. Several important decisions have provided new interpretations or even changed crucial provisions, such as Constitutional Court Decision Number 135/PUU-XIII/2015 relating to the right to vote for persons with mental disabilities (ODGJ), Constitutional Court Decision Number 105/PUU-XIII/2015 regarding deadlines in disputes, and Constitutional Court Decision Number 56/PUU-XVII/2019 which regulates the nomination requirements for former convicts of corruption cases. Furthermore, in 2024, a series of Constitutional Court decisions related to the presidential/parliamentary threshold again changed the dynamics of candidacy, by lowering the percentage of vote or seat support requirements for political parties or coalitions of political parties wishing to nominate candidates. These decisions show that the Constitutional Court has become a key actor in defining the contours of electoral democracy in Indonesia, often acting as a corrective

mechanism to legislative design. This indicates a *de facto* power-sharing in the formation of electoral rules of the game between the legislature and the judiciary, where the Constitutional Court proactively interprets the meaning of “democratic elections” beyond mere procedural aspects, towards the substance of justice and broader participation.

To provide a clearer picture of the evolution of this legal framework, the following table is presented in table 1 and table 2:

Table 1
 Key Legislative Milestones in Governor Elections in Indonesia

Law Number/Year	Standout Features related to Selection Design	Note Impact/Rationale for Change
Law No. 1 Year 2015 (Stipulation of Perppu No. 1 Year 2014)	Restore direct elections after Law No. 22/2014.	Response to public rejection of indirect elections.
Law No. 8 Year 2015	Amendment to Law No. 1/2015, technical and substantial adjustments.	Early post-implementation refinements.
Law No. 10 Year 2016	Second amendment to Law No. 1/2015, funding arrangements, candidate requirements (including related to convicted status).	Addressing issues that arise in practice, including the Court’s previous judgements.
Law No. 6 of 2020 (Stipulation of Perppu No. 2 of 2020)	The third amendment to Law No. 1/2015, mainly related to the postponement of simultaneous regional elections due to the COVID-19 pandemic.	Adaptation to emergency conditions.

Source: author

Table 2
 Significant Constitutional Court Rulings on Governor Elections (2017-2024)

Case Number/Year	Key Issues	The Gist of the Verdict	Impact on Electoral Design/Practice
135/PUU-XIII/2015	Voting rights for ODGJ.	ODGJ do not automatically lose their right to vote; there must be an individualised medical assessment.	Expanding voter inclusiveness.

56/PUU-XVII/2019	Candidacy requirements for former corruption convicts.	Former corruption convicts must wait a gap of 5 years after completing the main sentence before they can run for office.	Tighten candidate integrity requirements.
Various Decisions on Regional Head Candidacy Thresholds (2024)	Nomination threshold (seats/votes) for political parties/merged political parties.	MLowering the nomination threshold from 20% of seats/25% of valid votes to a range of 6.5%-10% of valid votes, depending on the number of DPT.	Potentially increases the number of candidates, opening up space for smaller political parties.
Decision on the resignation of legislative members for regional elections (2025)	Prohibition of strategic resignation of elected legislative members to run for Pilkada.	Elected legislators are prohibited from resigning to run for elections before being inaugurated, to prevent misuse of seat allocations.	Influencing political parties' regeneration and nomination strategies.

Source: author

The direct election of the governor is a manifestation of the principle of popular sovereignty as mandated by Article 1 paragraph (2) of the 1945 Constitution, which states that “Sovereignty is in the hands of the people and shall be exercised according to the Constitution” (Sarbaini 2020). In this context, the people as the highest holder of sovereignty delegate some of their authority to the elected governor through a free and fair election mechanism. The political rights of citizens, both to elect and to be elected, are the essence of this manifestation of sovereignty (Sarbaini 2020). Direct elections are expected to create a reciprocal relationship between leaders and the people, where leaders feel directly responsible to their constituents (Wahyu 2023).

However, the reality on the ground shows that the realisation of popular sovereignty in the Pilgub in Indonesia is not flawless. A number of factors significantly delegitimized or distort the essence of sovereignty. First, the extremely high political costs of contesting the Pilgub have opened a wide space for the practice of money politics (Farida et al. 2020). The phenomenon of vote buying, political dowries to parties, and various other forms of financial transactions have turned electoral contestation into a battle of capital, no longer a battle of ideas and programmes. This has the potential to lead to the “commodification of sovereignty,” where people’s votes are bought and sold and access to public office is determined more by financial strength than the quality and integrity of candidates (Muhtadi 2013). Popular sovereignty, which should be an expression of pure collective will, shifts into an object of

transaction, which in turn undermines the joints of egalitarian democracy. Second, the growing phenomenon of dynastic politics poses a serious threat to meritocracy and equal opportunities in politics (Pratiwi and Widyantara 2025). Political power that is inherited from generation to generation in one family or close relatives tends to close the space for potential cadres outside the dynastic cycle, while potentially perpetuating corrupt practices and abuse of authority (Farida Azzahra and Indah Fitriani Sukri 2022).

Third, the practice of cartelisation of political parties and elite accommodation often limits people's substantive choices. Large coalitions built not on the basis of ideological or platform similarities, but rather for the sake of sharing power, can produce a single candidate or uncompetitive contestation, so that people are faced with limited choices or even the illusion of choice. Fourth, the low level of party identification among voters and the tendency for transactional voting behaviour also worsen the situation (Muhtadi 2013). Voters who do not have strong ideological ties to political parties are more vulnerable to the lure of money politics and are more easily mobilised based on momentary pragmatic issues.

Recent Constitutional Court decisions, particularly those relating to the lowering of the threshold for regional head candidacy, are expected to open up a wider space for competition and provide more alternative candidates for voters. However, the effectiveness of this decision in substantively strengthening popular sovereignty still needs to be tested, especially if it is not balanced with improvements in other aspects such as campaign funding and strengthening the integrity of political parties.

The effectiveness of local governance, as measured by the governor's ability to run the wheels of government, implement development programmes, and provide quality public services, cannot be separated from the design of the electoral system. Direct gubernatorial elections are often claimed to produce leaders with strong political legitimacy, as they are directly elected by the majority of the people (Junaidi 2012). This legitimacy, theoretically, can be an important asset for governors to consolidate support, make difficult decisions, and implement policies effectively, including in carrying out their dual functions as heads of autonomous regions and representatives of the central government (Junaidi 2012).

However, a number of problems arising from the electoral process itself have the potential to undermine the effectiveness of post-election governance. First, corruption by elected regional heads is often a logical consequence of the high political costs of campaigning (Sarbaini 2020). Governors who are indebted to donors or have to return large political capital tend to be prone to corrupt practices, which ultimately sacrifice the public interest and the effectiveness of development programmes. Second, the dominance of dynastic politics can negatively impact the principle of meritocracy in the bureaucracy and strategic decision-making (Pratiwi and Widyantara 2025). The placement of individuals based on family loyalty rather than competence can weaken the capacity of the regional apparatus and produce suboptimal policies. Third, electoral political calculations often still colour decision-making and resource allocation by incumbent governors, especially ahead of the next election period

(Saragih and Supriatna 2024). Short-term populist programmes may be prioritised over long-term strategic investments, in order to gain votes.

The relationship between the elected governor and the local legislature is also an important factor affecting the effectiveness of governance. While direct elections give the governor an independent mandate, an uneasy relationship with the local legislature can hamper the development agenda and budget passage (Susilawan, Ikhsan, and Haryono 2015). There is a disconnect to be observed: while direct elections provide a strong popular mandate, the electoral process itself (with high costs that encourage corruption, or dynastic succession that prioritises loyalty over competence) can produce candidates who are adept at campaigning but not necessarily effective as governors. As a result, the legitimacy gained from elections is not always directly proportional to effective local governance capabilities. An ideal electoral system should be able to select leaders who are not only legitimate but also competent.

Enduring Juridical and Political Challenges in Governor Elections

The implementation of gubernatorial elections in Indonesia, despite various regulatory improvements, is still faced with a series of persistent and entrenched juridical and political challenges. These challenges not only affect the quality of the electoral process but also impact on the legitimacy of the results and the effectiveness of the local governments formed. From a juridical perspective, several major obstacles continue to overshadow the organisation of the Pilgub. *First*, the complexity and potential inconsistencies in the electoral legal framework itself are a source of problems. Overlaps or even contradictions between Pilkada laws and technical regulations issued by the General Election Commission (KPU) and the Election Supervisory Agency (Bawaslu) often lead to confusion and difficulties in implementation in the field (Adnan, Hasanah, and Jiwantara 2023). This requires continuous synchronisation and harmonisation of regulations. *Second*, the resolution of disputes over election results (PHPU) remains a significant challenge. Although the Constitutional Court has issued special procedural regulations to handle election disputes, such as Constitutional Court Regulation Number 6 of 2020 and most recently Constitutional Court Regulation Number 3 of 2024, large caseloads, tight deadlines, and evidentiary complexity often become obstacles (Sarbaini 2020). The quality of decisions and their ability to deliver substantive electoral justice continues to be under scrutiny.

Third, the holding of simultaneous national elections, which aims for efficiency and synchronisation of national and regional political cycles, creates its own juridical and logistical challenges (Adnan, Hasanah, and Jiwantara 2023). The enormous workload for election administrators at all levels, the potential for voter fatigue, and the blurring of local issues amidst the frenzy of national politics are some of the negative impacts that need to be anticipated and managed carefully. The effort to organise these “mega-elections”, if not supported by an adequate legal framework and institutional capacity, risks increasing the number of errors, disputes and ethical violations by overwhelmed organisers. This can paradoxically undermine the very quality and legitimacy of elections that simultaneity seeks

to enhance. *Fourth*, law enforcement against campaign violations, especially related to campaign funding and money politics, is still relatively weak. Existing regulations are often difficult to implement effectively, and sanctions imposed sometimes do not provide an adequate deterrent effect. This opens a gap for illegal practices to continue and undermine the integrity of elections.

In addition to the juridical challenges, Pilgub in Indonesia is also plagued by a number of political dilemmas that are deeply rooted in the practice of local democracy. Money Politics is one of the most destructive chronic “diseases”. The practice of vote buying, giving material rewards to voters or organisers, and the very high political costs of nomination and campaigning have become commonplace phenomena (Sarbaini 2020). Money politics not only undermines the principle of fair and equal competition, but is also an entry point for post-election corruption, where elected regional heads seek to “return the capital” or fulfil promises to donors (Abdurrohman 2021).

Identity politics is also a serious challenge. The use of ethnic, religious, racial and intergroup (SARA) sentiments in campaigns to mobilise support or discredit political opponents has the potential to divide social cohesion and lead to discrimination (Hasanudin, Yusuf Samad, and Batara Maya 2023). Identity politics can obscure voters’ rational assessment of candidates’ capacities and programmes, and threaten pluralistic national values. The phenomenon of political dynasties has shown an increasing trend in various regions. Leadership succession based on kinship rather than meritocracy threatens the principle of equality in politics and has the potential to perpetuate oligarchic power at the local level (Pratiwi and Widyantara 2025). Political dynasties are often associated with corruption that is more structured and difficult to eradicate, and have the potential to produce a less responsive and innovative government due to limited elite circulation (Farida Azzahra and Indah Fitriani Sukri 2022).

Party Cartelisation and Elite Capture are also a problem. Political party coalitions that are built only to share power, without being based on a common ideological platform, often limit voters’ choices and reduce political accountability. The lack of institutionalisation of political parties, characterised by weak party ideology and the dominance of personal figures over programmes, contributes to pragmatism and transactional politics (Muhtadi 2013). The recruitment and regeneration process of regional head candidates within political parties is also often not ideal, prioritising popularity and financial strength. Finally, the development of information technology, especially social media, has created new challenges in the form of “buzzer culture” and the spread of disinformation or hoaxes (Seah 2024). These phenomena can worsen the political atmosphere, increase polarisation, and mislead voters, requiring a comprehensive handling strategy.

It is important to understand that these various political pathologies-money politics, identity politics and political dynasties-are often not mutually exclusive, but rather interrelated and reinforce each other. For example, political dynasties may have greater financial resources to practice money politics, and at the same time use identity issues to

consolidate their mass base. These linkages mean that partial reform efforts are unlikely to be effective. A systemic approach is needed to address these intertwined political dilemmas.

Comparative Constitutional Perspective

To enrich the analysis and formulate recommendations for a more ideal gubernatorial election design for Indonesia, this research conducts a constitutional comparative study of subnational regional head election practices (KDH) in five countries: United States, Germany, India, Brazil and the Philippines. These five countries were chosen because they represent a diversity of electoral models (direct election, parliamentary appointment, or variations thereof) in the context of a federal or unitary state with significant decentralisation. In addition, these countries have relevant experience in managing democratic challenges at the subnational level. As previously mentioned, among the five countries being compared, four adopt a federal system of government and one follows a unitary system. However, the author intends to classify them based on their shared characteristic of having a decentralized system in managing local government authority, along with several key parameters that serve as the main focus of the comparison, including: (1) the method of electing the KDH (governor, minister-president, chief minister); (2) the legal basis governing the election; (3) the impact of the election method on democratic accountability and public participation; (4) its effect on the effectiveness of local government and intergovernmental relations; and (5) the mechanisms put in place to address political challenges such as corruption, clientelism and political fragmentation. The methodological approach used was to identify potentially transferable principles while keeping in mind the highly context-specific practices of each country (Kaufman, Kelemen, and Kolcak 2025). The US experience of highly decentralised electoral administration (Veazey 2023), also provides an important account of implementation variation.

A crucial understanding that emerges from comparative studies is that no single model of subnational KDH elections is universally superior. The success of a design depends largely on its fit with the broader constitutional structure, political culture, party system and historical trajectory of each country (Kaufman, Kelemen, and Kolcak 2025). Therefore, the lessons drawn for Indonesia must be carefully adapted, not simply adopted. In all 50 US states, governors are directly elected by the people through a popular vote, provided for in each state's constitution. This system reflects a strong tradition of participatory democracy, but is also influenced by strong party dynamics and the significant role of campaign funding (Naco 2024). Governors in the US generally have considerable executive powers as head of state government, including budgeting and veto power over legislation, although they also face bureaucratic challenges (Governors Association, n.d.).

It has the strengths of direct accountability to voters, a clear and strong mandate for the elected governor. However, it has very high campaign costs, the potential for partisan gridlock between the executive and legislature, and significant variation in governor powers between states. Unlike the US, the Minister-President (equivalent to a governor) in Germany's

16 states (*Länder*) is elected by the state parliament (*Landtag*), not through direct election by the people. The legal basis is contained in the constitution of each Land. This system provides for indirect democratic accountability, through elected representatives, and places great emphasis on coalition government formation and party discipline. The *Länder* play an important role in Germany's co-operative federal system, despite the potential "joint-decision trap" of having to seek consensus (Barbaro and M. Rode 2025). This promotes political stability and policy coherence through coalition government, reduces campaign costs for executive office, and strengthens the role of political parties. However, it can reduce the direct involvement of voters in making executive choices, and the potential for less transparent coalition bargaining at the political elite level.

India, being a federal state with a parliamentary system at the State level, has a mechanism whereby the Chief Minister is appointed by the Governor of the state. However, this appointment is a formality, as the Governor is required to appoint an individual who is able to garner majority support in the State Legislative Assembly (*Vidhan Sabha*). As such, the Chief Minister is collectively accountable to the legislature. State elections in India demonstrate high democratic engagement, despite concerns about the tendency to centralise power from the central government and the dynamics of identity politics (Vaishnav and Mallory 2024). The Chief Minister holds *de facto* executive authority and plays a central role in state administration and policy formulation (Marpaung 2019). It has a clear link between legislative majority and executive power, encouraging a cohesive party-based government and accountability to parliament. However, there is potential for government instability if the legislative majority is fragile or changes frequently, as well as central government influence in the appointment process of the Governor (although the selection of the Chief Minister remains dependent on the confidence of the legislature).

Brazil has a system of direct popular election of state governors, with a two-round system if no candidate receives an absolute majority of votes (more than 50%) in the first round. The system is regulated by the Federal Constitution and the Brazilian Electoral Code. Voter participation is generally high, but Brazil's political system faces challenges of extreme political party fragmentation and threats to democratic institutions (Amaral, n.d.). Governors in Brazil are key political actors with significant fiscal and political influence, although their governing effectiveness varies between states (Alston, Melo, and Pereira 2007). It guarantees a majority mandate for the elected governor, increases direct accountability to the public, and provides strong legitimacy (Analytica, n.d.). But it has the potential to create political polarisation in the second round, high campaign costs, and the complexity of managing a highly fragmented multi-party system (Analytica, n.d.).

In the Philippines, provincial governors are generally directly elected by the people based on national laws. However, there is a special case of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), which adopts a parliamentary system where the chief executive is a Chief Minister elected by the Bangsamoro Parliament. In general, the Philippine political landscape, including at the regional level, is characterised by open

competition but also plagued by chronic problems such as the dominance of political dynasties, clientelism and electoral violence (Rathi 2025). The effectiveness of regional governance is often hampered by weak state institutions, corruption, and specific challenges such as the transition of government in BARMM and inter-clan conflict management. It has the strength that most governors are directly elected by the people, providing a popular mandate. The BARMM model offers an alternative to the parliamentary system in the context of special autonomy. But it has weaknesses, the acute dominance of political dynasties, the weak role of political parties, rampant electoral irregularities, and political violence that threatens the democratic process (Rathi 2025).

A comparative analysis of the five countries presents a diverse spectrum of subnational chief executive election models. The US and Brazilian experiences with direct elections highlight aspects of direct accountability to the people, but also face the challenges of high campaign costs and potential polarisation. In contrast, parliamentary models in Germany and India tend to promote the stability of coalition-based governments and strengthen the role of political parties, but the accountability of the executive to the people is indirect. The case of the Philippines is a reminder that even direct elections can run parallel to severe political pathologies if fundamental institutional weaknesses are not addressed.

A key lesson for Indonesia is that the choice between direct or indirect elections is not a simple dichotomy. Each system has advantages and disadvantages that need to be considered in the specific context of Indonesia. A two-round system as in Brazil can be an alternative to ensuring a majority mandate in a direct election system. Strengthening campaign finance regulations and strict oversight, as attempted (albeit with challenges) in many countries, is crucial. A more institutionalised and programmatic role for political parties, as seen in Germany, can help reduce the personalisation of politics and transactional politics. Most importantly, electoral design reforms must be accompanied by strengthening law enforcement institutions, improving political culture and empowering civil society.

This spectrum illustrates the inherent trade-off between maximising direct accountability to the people and maintaining stability and policy coherence. Direct elections, such as in the US and Brazil, tend to promote direct accountability but risk producing fragmented mandates or populist leaders who are less bound to party platforms, which can affect stability or policy coherence. In contrast, parliamentary elections, such as in Germany and India, tend to foster greater party discipline and potentially more stable governing coalitions, but direct popular accountability to the executive becomes more diffuse. The case of the Philippines shows how direct elections can go hand-in-hand with severe governance pathologies if the underlying institutional weaknesses are not addressed. Indonesia's current system leans towards a direct accountability model. The crucial question is whether this model, in its current form, optimally balances accountability with the need for stable and effective government, or whether elements from other models can be usefully integrated.

Reconceptualising Governor Elections for a Stronger Indonesian Democracy

Based on an analysis of the challenges faced by Indonesia and lessons learnt from international practice, this section formulates basic principles and proposes models and reform mechanisms for a more ideal gubernatorial election design. The aim is to strengthen the quality of democracy while improving the effectiveness of local governance in Indonesia. Any attempt to redesign the gubernatorial election system should be guided by a set of fundamental principles rooted in Indonesia's constitutional values (Pancasila and the 1945 Constitution) and universal democratic principles. These principles include:

1. Strengthening Substantive Popular Sovereignty by ensuring that the people's voice is truly the ultimate determinant, not only procedurally but also essentially, by minimising distortions due to money politics or elite manipulation.
2. Improving Leadership Accountability and Competence by producing leaders who are not only accountable to the people but also have the competence and integrity to effectively carry out government duties.
3. Ensuring Electoral Integrity and Fairness by creating an election process that is honest, fair, transparent, and free from fraud and intimidation.
4. Minimise Corruption and Undue Elite Influence by designing a system that narrows the space for corrupt practices, money politics, and elite domination to the detriment of the public interest.
5. Strengthening the Institutionalisation of Political Parties by encouraging political parties to function more programmatically, internally democratic, and responsible in the recruitment and nomination process.
6. Government Effectiveness and Inter-Level Coordination by ensuring that the elected governor is able to run the wheels of government effectively, manage regional resources optimally, and establish harmonious coordination with the central government and district/city governments.

There is no single perfect solution. However, based on in-depth analysis, several options for reform models and mechanisms can be considered, recognising that each choice has implications and requires customisation to the Indonesian context. Given the complexity and interconnectedness of challenges such as money politics, political dynasties and weak party institutionalisation, a single reform approach (for example, simply changing the voting method) is unlikely to be sufficient. A multi-faceted package of reforms is needed that addresses multiple leverage points in the electoral and political system simultaneously. The first option is to maintain Direct Elections with Significant Reforms. This model retains the essence of direct elections by the people, but with fundamental improvements in several crucial aspects such as, campaign funding reform, tighter and more realistic campaign spending restrictions. Increasing the share of public funding for campaigns, combined with more transparent and accountable restrictions on private donations. Strengthening audit mechanisms and law enforcement against campaign finance violations by Bawaslu and other law enforcement agencies. Stricter Nomination Arrangements by reconsidering the rules

related to the nomination threshold after the 2024 Constitutional Court decision, while still finding a balance between inclusiveness and preventing excessive party fragmentation.

Review and strengthen rules regarding conflicts of interest and cooling-off periods for certain officials or relatives of incumbents to mitigate dynastic politics, although it is necessary to pay attention to previous Constitutional Court decisions that tend to protect individual political rights. Encourage political parties to implement a more transparent, participatory and meritocracy-based candidate recruitment and selection process.

Strengthening the Election Organiser by improving the professionalism, independence and capacity of the KPU and Bawaslu at all levels. Provision of adequate resources and ongoing training for election officials. Voter Education and Civil Society Strengthening. Massive and sustainable voter education programmes to increase political awareness, media literacy, and voters' ability to assess candidates rationally, as well as to counter identity politics and money politics. Strengthening the role of civil society in election monitoring and reform advocacy. Option Two explores an Asymmetric Model (with Constitutional Prudence). This option considers the possibility of applying a different gubernatorial election model to specific provinces, based on their unique characteristics (for example, special autonomy status such as Papua or Aceh, or different levels of political and socio-economic maturity). Example: Some provinces may continue to use direct elections, while others with special considerations (e.g., to reduce conflict or strengthen the role of adat) may explore an indirect election model by DPRD with strong public participation mechanisms, or other customised models.

This option is a radical deviation from the current principle of uniformity and requires a very in-depth constitutional review to ensure that it does not conflict with the principles of a unitary state and equality before the law. There needs to be a very strong and justifiable justification for any differentiation. Option Three, Modified Indirect Election (by DPRD with Increased Public Participation and Transparency). If the challenges of a direct election system are deemed too severe and difficult to overcome in the short-medium term, the option of indirect election by DPRD could be reconsidered, but with significant modifications to maintain democratic legitimacy and accountability.

Lessons learnt from Germany and India parliamentary accountability can be adapted. Necessary Safeguard Mechanisms: Transparent and accountable internal nomination processes within the DPRD. Involvement of the public in providing input and assessment of candidates for election to the DPRD (e.g. through public testing, widely broadcast open debates). Strengthened mechanisms for public and media oversight of the election process in DPRDs. Internal reform of political parties to ensure that elected DPRD members truly represent the aspirations of their constituents.

The benefits of this option are that it reduces the political costs of large-scale campaigns, strengthens the institutional role of political parties, and potentially results in a more stable government because it is supported by a majority in the DPRD. However, it risks a return to transactional politics at the DPRD elite level, reduced direct involvement of the

people in electing the executive, and the potential for elite capture if oversight mechanisms are ineffective. Each proposed reform model or mechanism is expected to bring significant improvements. For example, campaign funding reform and strengthening Bawaslu are expected to suppress money politics, so that people's sovereignty is more purely reflected and elected governors are not burdened with political debts that encourage corruption, which in turn increases government effectiveness. The implementation of a two-round system has the potential to increase the legitimacy of elected governors because they are supported by the majority of voters, which can strengthen their capacity to lead.

However, every reform also has potential drawbacks. A two-round system, for example, can increase election costs and polarisation. Therefore, mitigation strategies need to be prepared, such as optimisation of logistics and peaceful campaigns mediated by the KPU and community leaders. Restrictions on political dynasties may face legal challenges on human rights grounds; the solution could be very careful formulation and focus on preventing obvious conflicts of interest. Strengthening the role of parties in a modified indirect model should be matched by maximum transparency and public participation to prevent elite capture. The success of the reforms will largely depend on the political commitment of the stakeholders and the institutional readiness to implement them.

CONCLUSION

Although Indonesia's current constitutional and legislative framework, through direct elections, formally affirms the principle of popular sovereignty, its implementation on the ground faces a series of complex juridical and political challenges. Challenges such as rampant money politics, the strengthening of dynastic politics, the practice of party cartelisation, and the use of identity politics have significantly delegitimised the essence of popular sovereignty itself. Furthermore, the negative excesses of the electoral process, especially corruption and the placement of figures based on connections rather than competence, have adversely affected the effectiveness of local governance. The current system has not been able to optimally balance these two fundamental pillars. Subnational electoral practices in the United States, Germany, India, Brazil and the Philippines demonstrate a diversity of models and valuable lessons. No single system is perfect and can be adopted in its entirety. However, principles such as guaranteeing a majority mandate, strengthening the role of programmatic political parties, transparent and accountable campaign financing mechanisms, and effective dispute resolution systems, emerge as important elements that can be considered for the Indonesian context.

Based on the findings and analyses, this study advocates a comprehensive and multi-faceted redesign of gubernatorial elections. The choice to retain direct elections remains relevant given the strong commitment to popular participation, but must be accompanied by fundamental reforms. Strengthening campaign finance regulations, tightening nomination requirements to mitigate dynastic politics and improve candidate integrity, revitalising the role of political parties as pillars of democracy, and implementing a two-round system to

ensure a more solid majority mandate, are some of the key components of the proposed design. This approach is believed to be more capable of addressing Indonesia's specific challenges while absorbing positive lessons from international practices, so as to strengthen the quality of democracy and improve the effectiveness of local governance simultaneously. [W]

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