

# Urgency of Implementing Asymmetrical Local Elections in Indonesia under the 1945

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## Article History

Received on 29 November 2025

1<sup>st</sup> Revision on 01 Desember 2025

2<sup>nd</sup> Revision on 04 Desember 2025

3<sup>rd</sup> Revision on 19 Desember 2025

Accepted on 23 Desember 2025

## Abstract

**Purpose:** This study aims to analyse the urgency of implementing Asymmetric Regional Head Elections (Asymmetric Pilkada) in Indonesia as a solution to various problems plaguing the current direct e local strategylection system.

**Methodology:** This study uses a normative legal research method. This approach involves analysing primary legal materials, including the 1945 Constitution and related laws and regulations, as well as secondary legal materials such as academic literature and court decisions, particularly from the constitutional court.

**Results:** This study found that the symmetrical direct election system has caused significant problems, including very high costs that burden the regional budget, rampant money politics, intense social conflicts, and a high number of election disputes. The concept of 'democratically elected' in Article 18(4) of the 1945 Constitution is an open legal policy, which allows for both direct and indirect election models.

**Conclusions:** The implementation of asymmetric regional elections is urgent to overcome the shortcomings of the existing system. This model offers a flexible and contextual approach to regional elections, ensuring that the democratic process remains fair, honest, and honest without burdening regions that are not yet ready for direct elections.

**Limitations:** This study is primarily conceptual and normative in nature. It relies on secondary data and legal analysis, thus lacking empirical validation through field research. The proposed implementation indicators require further operationalization and practical testing in various regional contexts.

**Contributions:** This article contributes to the study of constitutional law and regional autonomy by offering a better legal framework for asymmetric regional elections as a democratic yet context-sensitive election model, strengthening constitutional interpretation while promoting more efficient, accountable, and sustainable regional governance.

**Keywords:** *Asymmetric Regional Head Elections, Democratic Governance, Regional Head Elections, UUD 1945*

**How to Cite:** Fitriani, F., & Syarif, N.. (2025). Urgency of Implementing Asymmetrical Local Elections in Indonesia under the 1945 . *Jurnal Studi Ilmu Sosial dan Politik*, 6(1), 77-91.

## 1. Introduction

Since Indonesia's independence in 1945, the founding fathers who participated in investigating committee for preparatory work for Indonesian Independence, such as Soekarno, Mohammad Hatta, Muhammad Yamin, Johannes Laturhary, and R. Hindromarton, as well as other figures, agreed to establish Indonesia as a republic based on nationalist-unitarianism ([Rowiyan, 2018](#)). The implication of a republican form of government is that the government recognises the sovereignty of the people to determine their government, including the direct election of the head of state, both the president and vice president, which strengthens the presidential system in Indonesia ([Kuswanto, 2018](#)). Throughout Indonesia's history, the election format has undergone several changes to suit the context and objectives since the establishment of the Indonesian state on 17 August 1945 until now ([Dewi & Aziz, 2016](#)). During the Old Order era in 1959, for example, regional head elections were determined by the regional people's representative council based on candidates proposed by political parties or other groups. Subsequently, during the New Order era, regional head elections continued to be conducted through the regional people's representative council, but the centralised system of government under Soeharto gave the central government, through the Minister of Home Affairs, significant influence in determining regional head candidates ([Aermadepa, Apriyanto, Mulyeni, Judijanto, Lawra, & Nizwana, 2024](#)). Fundamental changes occurred after the reform, which strongly recognised public participation by granting the people the right to vote directly at the provincial, regency and city levels through democratic elections, namely direct, public, free, confidential, honest and fair elections ([Hambali, 2014](#)).

Democratic regional head elections are the spirit of the struggle that emerged from the 1998 reforms. The people demanded that there be space for the community to determine their own regional heads. However, the implementation of direct regional head elections has not always been positive; rather, it has given rise to new problems in the regions, such as inflated implementation costs borne by the regions, horizontal conflicts between groups, and disharmony between regional heads ([Azzahro, Oktavia, Zahra, Fahrizi, & Fuadi, 2024](#)). In addition, the prevalence of money politics also indicates the need for an evaluation of the implementation of direct regional head elections. The Barito Kuala regional election, for example, ultimately resulted in the disqualification of a pair of regional head candidates by the Constitutional Court because they were proven to have engaged in money politics during the 2024 regional election re-vote, with a value of 16 million rupiah per voter ([Dirgantara, 2025](#)). Therefore, the idea of asymmetrical regional elections has emerged as a proposed solution to address the current issues surrounding regional elections. This is in line with Prabowo Subianto's speech, in which he called for an evaluation of direct regional elections, which are considered inefficient and costly ([Fatayati & Mahardika, 2022](#)).

Asymmetric regional elections are a special type of election for specific regions ([Siboy & SH, 2023](#)). This means that regional head elections are no longer the same across regions, but are instead specially qualified based on the suitability of each region. Previous studies have extensively discussed asymmetric regional head elections ([Supriyono, Sholichah, & Irawan, 2022](#)). One such study is Ahmad Gelora Mahardika's work entitled 'Asymmetric Regional Elections as an Effort to Create an Effective Regional Government System' ([Lamabelawa, 2025](#)). In addition, there is also a study by Umi Zakia Azzahro on the theme of 'Asymmetric Regional Head Election Patterns: An Evaluative Study of Regional Government'. Both studies highlight the concept and implementation of asymmetric regional head elections in Indonesia. However, in this paper, the author will take a different perspective, focusing on the analysis of asymmetric regional elections in the context of political aristocracy. The focus of the study is on the role and involvement of the aristocracy in the process of determining regional heads through asymmetrical mechanisms, and how this is contextualised within an election system that is in line with the principles mandated by the 1945 Constitution ([Purnamasari, 2022](#)).

Previous studies have discussed the concept of asymmetric district selection as an alternative to the weaknesses of direct elections, both from the perspective of local government effectiveness and local political stability constitutional rights ([Alyonni, Soerjatisnanta, Yusdiyanto, & Muhtadi, 2025](#)).

However, these studies are generally normative-descriptive in nature and have not formulated objective parameters that can be used as an operational basis for implementing asymmetric regional elections in Indonesia. Thus, there is an academic gap regarding how the concept of asymmetric regional elections can be designed in a systematic, governmeasurable manner that is in accordance with the constitutional principles of the 1945 Constitution.

Based on these gaps, this study offers an original contribution by integrating the concept of asymmetric regional elections into a constitutional analysis framework based on indicators: regional fiscal capacity, political stability (measured using the election vulnerability index), and the quality of regional democratic maturity. The integration of these three indicators is the main novelty of this study, as it provides a rational and measurable basis for det elected villageermining the most appropriate regional head election model for each region , without compromising democratic principles. Thus, this study not only strengthens the argument that asymmetric regional elections are a constitutionally valid open legal policy, but also offers a new conceptual model that can be used as a reference for legislators in designing a more adaptive, efficient, and fair regional election system. This position affirms the contribution of this research to the development of constitutional law, particularly in the discourse on local democracy and asymmetric decentralisation in Indonesia.

## **2. Literature Review**

Studies on decentralisation and institutional design show that vertical authority arrangements influence the behaviour of local political actors, accountability, and public policy outcomes ([Kuhlmann & Wayenberg, 2016](#)). The concept of asymmetric decentralisation refers to the allocation of different authorities across subunits of the state at the same level to accommodate differences in historical, ethnic or administrative capacity, which has important implications for the design of local election mechanisms ([Mozaffar & Schedler, 2002](#)). Comparative studies and case studies (e.g., Aceh, Papua, Ukraine) show that asymmetric arrangements can reduce separatist pressure, alter the incentives of local parties/actors, and affect voter participation and local political stability ([Slee & Desmond, 2023](#)). Recent empirical studies have found positive effects of asymmetric decentralisation on voter participation in non-Western contexts, suggesting that institutional impacts can be highly contextual and dependent on indicators of local capacity ([Cid & Lerner, 2023](#)).

Fiscal and governance literature emphasises that regional fiscal capacity affects the ability to hold elections and increases the risk of vote buying if election costs are high relative to the regional government budget. Organisation for Economic Co-operation and Development (OECD) and governance studies highlight how fiscal asymmetries require adjustments to policy design at the local level ([Sharma, 2012](#)). In parallel, research on electoral vulnerability and democracy maturity indices provides an empirical basis for measuring regional ‘readiness’ to hold direct regional elections ([Patergiannaki & Pollalis, 2023](#)). Although literature on decentralisation asymmetry and case studies has developed, most studies are descriptive or focus on constitutional/conflict aspects, while only a few studies systematically link asymmetric regional election models with objective indicators (fiscal, political stability, quality of democracy) to formulate operational criteria for replacing election mechanisms. Thus, there is a gap between the normative-constitutional discourse and the operational needs of local electoral policy. This study fills this gap by developing a conceptual framework and operational indicators that integrate fiscal capacity, political vulnerability index, and democracy maturity index as objective criteria for determining the application of the asymmetric regional head election model. Therefore, this study focuses on incorporating normative elements into a model that can be tested and adopted by policymakers, making it an original contribution to constitutional law theory and local democracy policy.

## **3. Methodology**

### **3.1 Research Methodology**

This research was conducted using a normative legal research method. This approach was chosen because the focus of this research was to analyse the various legal principles and norms governing regional head elections and to examine the compatibility of the concept of asymmetric regional head elections with the constitutional framework in Indonesia. This research is descriptive-analytical in

nature, aiming to describe the problems inherent in the symmetrical regional head election system while analysing and developing constitutional alternative designs.

The data sources used in this study are secondary data, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, specifically Article 18 paragraph (4) and Article 22E, as well as various sectoral laws such as Law Number 10 of 2016 concerning regional elections. Secondary legal materials include textbooks, scientific journals, and academic articles by experts discussing democracy, decentralisation, and constitutional law, which serve to provide a theoretical basis. Meanwhile, tertiary legal materials such as legal dictionaries are used to clarify terminology. Data collection techniques were carried out through document studies, by inventorying, categorising, and critiquing all relevant legal materials and literature, including constitutional court decisions and official reports from institutions such as Bawaslu.

The data analysis technique applied was qualitative analysis through content analysis and legal reasoning. The analysis process began with a legal interpretation of the meaning of the phrase 'democratically elected' in the constitution, referring to the history of the article's formation and the jurisprudence of the constitutional court. Next, a conceptual analysis was conducted to dissect and define the core of the asymmetric regional election concept. Based on this analysis, this study then evaluated the weaknesses of the symmetric direct regional election system using empirical data such as high costs, conflict vulnerability, and rampant money politics. In the final stage, this study turned to legal construction, namely designing a feasible asymmetric regional election model by proposing key indicators such as regional fiscal capacity and democracy maturity index, while also testing the suitability of the design with the spirit and provisions of the 1945 constitution to ensure its constitutional validity.

This study formulates the issue of whether the implementation of asymmetric regional elections is a constitutional requirement and a rational policy, given that the symmetric direct regional election model is no longer adequate to guarantee democratic, honest, and integrity-based regional head elections throughout Indonesia. and whether the design of asymmetric regional elections based on indicators of regional fiscal capacity, political stability, and democratic maturity can be constitutionally justified as a form of open legal policy based on Article 18 paragraph (4) and Article 22E paragraph (1) of the 1945 constitution of the republic of indonesia.

## **4. Results and Discussions**

### ***4.1 The Urgency of Holding Democratic, Honest and Fair Asymmetric Regional Elections in Indonesia***

Regional head elections, or Pilkada, are an important instrument in realising democratic governance, because it is during the election process that interaction occurs between the people, who cast their votes for the leaders who will govern them. The democratic system adopted by almost all countries, including Indonesia, strongly emphasises the principle of popular sovereignty. In fact, the Indonesian constitution mentions popular sovereignty twice, namely in the preamble to the 1945 Constitution, paragraph four, and Article 1, paragraph (2) of the 1945 Constitution ([Noviati, 2013](#)).

One manifestation of people's sovereignty in the implementation of state administration in Indonesia is the recognition of the people's right to vote directly, including in elections for the president and vice president, members of the legislature, and regional heads, namely governors, regents, and mayors. Legally, direct regional head elections are not explicitly mentioned in the Indonesian constitution. In fact, Article 18 paragraph (4) of the 1945 Constitution states that '*Governors, Regents and Mayors, as heads of provincial, regency and city governments, shall be elected democratically*'. The direct implementation of regional head elections is based on the interpretation of Article 56 of Law No. 32 of 2004 on regional government, which stipulates that regional heads and deputy regional heads shall be elected democratically based on the principles of direct, general, free and confidential, honest and fair elections ([Purwadi, 2019](#)).

The implementation of regional head elections has undergone several changes. Initially, from 1959 to 2004, regional head elections were determined by the regional representative council. However, since 2004, regional head elections have been conducted directly based on the principle of one man, one vote, similar to general elections. However, at the end of 2014, the controversy over indirect elections resurfaced with the enactment of Law No. 22 of 2014 on the election of governors, regents and mayors, which was then immediately revoked due to public opposition with the issuance of Perppu No. 1 of 2014, which reinstated direct regional elections.

The enactment of Law No. 8 of 2015 on the election of governors and deputy governors, regents and deputy regents, and mayors and deputy mayors did not immediately end the debate and declare that direct elections were the best electoral system. Instead, after a decade had passed, there was renewed discussion about returning to an indirect electoral system. This was also conveyed by Prabowo Subianto, who called for an evaluation of direct regional head elections, which are considered inefficient and costly (Winanda, 2025). The desire to review the regional election system arose in response to various shortcomings and inefficiencies in its implementation in the field. According to Purwadi (2019), number of problems that occur in the field can be analysed through several aspects, including horizontal conflicts between citizens, money politics, producing corrupt leaders, transactional politics, and wasteful spending of the budget for each implementation.

#### 4.1.1 Potential for conflict

Almost always, regional head elections in Indonesia are marred by conflicts between communities, from the early stages of the candidates' campaigns to the announcement of the winners. Direct elections create loyal supporters for each candidate, which often leads to friction between communities. Based on data from the international crisis group, which conducted research on the 2010 regional elections, nearly 10 per cent of the 200 regional elections held during that period were marred by violent conflict (Hikmat, 2014). Violence occurred in Toraja, South Sulawesi; Mojokerto, East Java; and Toli Toli, South Sulawesi. Even the 2013 regional head elections in Southwest Sumba, East Nusa Tenggara, resulted in clashes that left one person dead, 19 houses burned down, and hundreds of residents displaced. Referring to the 2024 election vulnerability index and simultaneous elections issued, the provinces with the highest vulnerability scores are, in order, DKI Jakarta with a score of 88.95, North Sulawesi (87.48), North Maluku (84.86), West Java (77.04), and East Kalimantan (74.04) (Bawaslu, 2023).

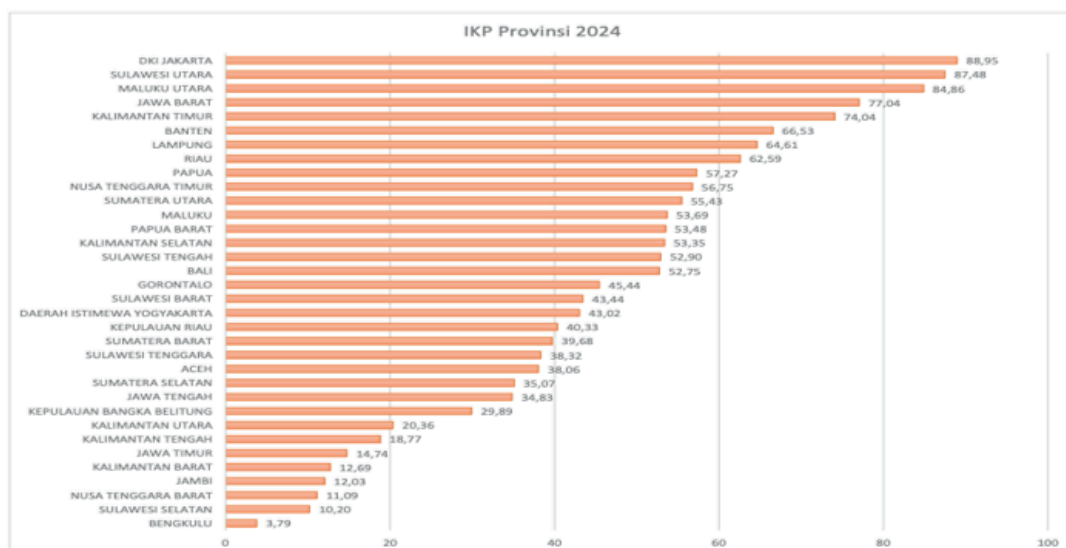


Figure 1. IKP Provinsi 2024

Based on the Figure 1, it can be concluded that if the unrest arising from the regional elections is not handled properly, it has the potential to cause conflict within the community. North Maluku achieved

the maximum score for two dimensions, namely the socio-political dimension (100) and contestation (100). The main indicators contributing to the level of socio-political vulnerability in North Maluku are the occurrence of ethnic, religious, and racial-based riots, the disruption of the election process due to the pandemic, intimidation of election organisers, the destruction of election facilities, and serious issues with the neutrality of civil servants and the Indonesian national armed forces/Indonesian national police. Meanwhile, for the contestation dimension, campaign violations, hate speech in real and virtual campaigns, conflicts between supporters, and money politics are cases with a high level of seriousness ([Mahroza, 2024](#)).

Furthermore, the implementation of regional elections has also led to conflicts not only within the community but also in the form of disputes over election results at the constitutional court. To date, disputes over the results of regional head and deputy regional head elections are the second most common type of case handled by the constitutional court after judicial review of legislation, with a total of 1,460 cases or 32.68% ([Mpesau, 2024](#)). Therefore, if this is not taken into account in the current electoral system, it is not impossible that direct regional elections as they are currently conducted will give rise to ongoing conflicts in various regions of Indonesia.

#### *4.1.2 The Practice of Money Politics*

In discussions regarding the practice of money politics in direct regional head elections, this phenomenon has emerged as a serious problem that threatens the integrity of the democratic process in Indonesia. The practice of money politics involves the misuse of money or other resources to influence voters or participants in the electoral process, which can lead to undue influence in the election of candidates. According to [Purwadi \(2019\)](#), the issue of money politics has arisen alongside the increasing costs of regional head elections, which are borne by regional budgets, creating opportunities for unhealthy transactions. In some regions, such as Barito Kuala, massive money politics led the constitutional court to disqualify a pair of regional head candidates in its decision No. 313/PHPU.BUP-XXIII/2025. This is clear evidence that this phenomenon undermines the democratic process.

In addition, during the 2024 regional elections, based on data compiled on the constitutional court website, there were 309 cases of election violations in Indonesia, some of which were caused by money politics ([Yusuf, Namruddin, Mirfan, Jumarlis, & Mahka, 2025](#)). In fact, violations of money distribution in regional elections are subject to strict sanctions, as stipulated in Article 187A of Law Number 10/2016 on regional elections, with penalties ranging from 36 to 72 months' imprisonment and fines of between Rp200 million and Rp1 billion. However, in reality, these violations still occur, as evidenced by the Bawaslu's findings of 130 cases of money distribution during the quiet period ([Nadilla, 2025](#)). This is a serious matter regarding the implementation of regional elections, which must be evaluated to prevent the continuation of fraudulent practices that undermine the principles of democracy in Indonesia.

#### *4.1.3 Corrupt leaders*

Leaders involved in corruption cases in Indonesia, especially in the context of regional head elections, are one of the main problems affecting the quality of democracy in the country. Corruption by public officials, especially regional heads elected through direct regional head elections, not only harms state finances but also undermines public trust in the democratic system itself ([Tarisa, Febriyanti, & Amaliatulwalidain, 2025](#)). According to several studies, corruption committed by regional leaders is often the result of money politics in the election process. In a direct regional head elections system, regional head candidates who need large amounts of money for their political campaigns tend to make promises that they can pay for using their power after being elected. This tempts them to abuse their authority for personal gain or for the benefit of certain groups.

One study by ([Suryanto, Nurdin, Saiyasopon, Mohamed, & TeguhFathoni, 2021](#)) states that corruption by regional heads in Indonesia is largely caused by the extremely costly direct regional election system. In an effort to recoup high campaign costs, many elected officials engage in the diversion of public funds for personal or group gain. [Bisdan \(2024\)](#) highlights that the influence of money politics

in regional elections creates a situation where elected candidates feel obliged to repay their political ‘debts’ by misusing regional budgets. Furthermore, leaders elected through direct regional elections are indeed representative of the people's choice, but this does not guarantee that they will be good leaders. A poor election process will result in poor leaders, and large amounts of capital will encourage leaders to recoup their investment in the political arena by any means necessary, including corruption, after taking office as regional heads. Based on research data conducted by Indonesia Corruption Watch obtained from the corruption eradication commission website, since 2010-2018, no less than 253 regional heads have been named as suspects in corruption cases by law enforcement officials ([Sommaliagustina, 2019](#)).

#### 4.1.4 High Implementation Costs

It cannot be denied that the costly implementation of regional elections, which is borne by the regional budget, places a heavy burden on local governments. Moreover, it is not uncommon for direct regional elections to give rise to conflicts within the community and lawsuits in the constitutional court, resulting in the elections being held repeatedly. The 2024 regional elections, for example, such as in Barito Kuala, South Sulawesi, and the Mayor of Banjarbaru, are examples of regional elections that were held more than once due to the granting of a re-election requested at the constitutional court. Regional elections, as a celebration of democracy for the community, must be paid for with a large budget for each implementation, and in fact, the budget for each regional election increases every year.

Table 1. Costs of Regional Elections in Indonesia from 2015 to 2024

Year	Jumlah Anggaran	Number of Provinces, Regencies, and Cities	Budget Source
2015	7.09 trillion	269	APBN dan APBD
2018	5.95 trillion	101	APBN dan APBD
2020	20,4 trillion	270	APBN dan APBD
2024	38,2 trillion	545	APBN dan APBD

Table 1 shows the costs of regional elections in Indonesia from 2015 to 2024. In 2015, the total budget for regional elections reached 7.09 trillion IDR across 269 provinces, regencies, and cities, funded by both the national and regional budgets. By 2018, the expenditure slightly decreased to 5.95 trillion IDR for 101 regions. In 2020, the costs surged to 20.4 trillion IDR for 270 regions, and by 2024, the projected expenditure is 38.2 trillion IDR covering 545 regions, all financed through both the national and regional budgets.

Thus, high political costs can be a burden for a region in holding regional elections. Therefore, it is important to consider the fiscal capacity of each region, as each region has different financial capabilities. Regions with strong fiscal capacity may not face significant obstacles in conducting elections. However, for regions with limited fiscal resources, it becomes challenging to prioritize between essential development needs and the costs of holding regional elections. In this context, it is necessary to evaluate the current regional election system. Although election costs are a vital part of Indonesia’s democratic process, reasonable limits are required, including careful consideration of each region’s fiscal capacity.

Considering the various problems and challenges in the implementation of regional elections as described above, it is necessary to review the implementation of symmetrical regional elections that have been in place since 2004. This aims to improve the quality of regional elections so that they are more democratic, honest, and have integrity. Therefore, sub-chapter 2 will discuss the concept of asymmetrical regional elections, which are designed to remain in line with the provisions of the 1945 Constitution, particularly Article 18 paragraph (4) and Article 22E paragraph (1) of the 1945 constitution of the republic of indonesia.

#### ***4.2 Design of Asymmetric Regional Election Arrangements based on the 1945 Constitution***

Asymmetric regional elections are a system of regional head elections that are implemented differently depending on the conditions and needs of each region. The purpose of this system is to improve the weaknesses in the implementation of direct regional elections currently applied in Indonesia. The design of asymmetric regional elections must take into account the principles contained in the 1945 Constitution, particularly those contained in Article 18 paragraph (4) and Article 22E paragraph (1) of the 1945 constitution of the republic of indonesia. Article 18 paragraph (4) of the 1945 Constitution states that governors, regents and mayors, as heads of provincial, regency and city governments, shall be elected democratically'. In this context, the phrase 'democratically' can be understood in depth from the discussions that took place when this article was being drafted, for example, as stated by Pataniari Siahaan from the Indonesian democratic party of struggle faction

Everywhere in America, direct elections automatically mean that candidates must have a lot of money because they have to visit all places using faster transportation and pay for mass media coverage. So, in fact, that is not where the problem of money politics lies. Our problem is how to ensure that checks and balances on the executive branch are in place. That is the real issue, sir, not the election mechanism. Therefore, we see that with Alternative 2, the democratic description will actually accommodate the checks and balances mechanism better than the regents, mayors, and governors in this law. Another example is direct elections. We can easily see now that governors can be dismissed by the regional representative council, as happened in West Kalimantan. With the excuse of annual reports, if the reports are not accepted, they can be dismissed. Well, I think this is not part of democracy. Democracy says that institutions must be built, Sir. So, it's not just a matter of direct elections. For this reason, we see that if direct elections are used as an assumption, it automatically seems as if all problems have been solved with direct elections. If we use the word democratic, there will be more aspects covered regarding the election itself.

The above discussion shows that the implementation of regional elections in a democratic manner provides options that are appropriate to the conditions of a diverse country and does not require direct elections. ([Azzahro, Oktavia, Zahra, Fahrizi, & Fuadi, 2024](#)) emphasises that free and fair elections are the main foundation of the democratic system in Indonesia, and that the asymmetrical regional election system needs to be regulated so that it continues to provide fair opportunities for all citizens to participate in elections ([Kafi, 2020](#)).

Looking further at constitutional court decision number 97/PUU-XI/2013, which states that the phrase 'democratic' in Article 18 paragraph (4) of the 1945 constitution of the republic of indonesia. The rationale behind the formulation of Article 18(4) of the 1945 Constitution at that time was that the regional head election system to be implemented should be adapted to the development of society and conditions in each relevant region. Lawmakers could formulate an election system desired by the community in regional head elections so that the community would have the choice of whether to implement a representative system carried out by the regional people's representative council or a direct election system by the people. The aim was to adapt to the dynamics of the nation's development in order to determine the democratic system desired by the people. This was an open legal policy of the legislators and was also closely related to respect for and protection of the constitution regarding the diversity of customs and cultures of communities in different regions. Some regions are more inclined to implement an indirect election system by the people, while others are more inclined and better prepared for a direct election system by the people. Both direct election systems (direct democracy) and indirect election systems (representative democracy) fall under the category of democratic systems. Based on these two views, it was then agreed to use the word democratic in Article 18 paragraph (4) of the 1965 Constitution.

In subsequent developments, a serious discourse emerged regarding the position of regional elections as part of the electoral regime. In 2013, the constitutional court granted part of a judicial review petition against Article 236C of Law No. 12 of 2008, which relates to the constitutional court authority to resolve disputes over regional election results. Through decision No. 97/PUU-IX/2013, the constitutional court stated that it did not have the authority to adjudicate and decide on disputes

over regional election results, and ordered the establishment of a special judicial body to handle such matters. However, this order was not adequately responded to by the parties concerned, so to fill the legal vacuum, the Constitutional Court continued to perform its function of resolving disputes over regional election results.

Then, in 2022, through decision number 85/PUU-XX/2022, the constitutional court changed its stance and decided to resume its authority. In that ruling, the constitutional court also ordered the legislature to remove the phrase ‘until the establishment of a special judicial body’ in Article 157(3) of Law No. 10 of 2016, and affirmed that regional elections are part of the electoral regime. Therefore, the constitutional court's authority to handle disputes over regional election results became permanent. Furthermore, because decision 85/PUU-XX/2022 does not distinguish between the electoral regime and the regional election regime, the principles of direct, general, free, secret, honest, and fair as stipulated in Article 22E paragraph (1) of the 1945 Constitution also automatically apply in the implementation of regional elections, which have become part of the electoral regime.

Thus, it can be said that the concept of asymmetric regional elections does not conflict with the 1945 Constitution, especially in relation to the phrase ‘elected democratically’. This is because Article 18 paragraph (4) is open in nature. In designing asymmetric regional elections, it is important to unify the regional election and general election regimes so that both can run harmoniously. This is to avoid overlap that can cause administrative difficulties and wasteful costs. [Suryanto, Nurdin, Saiyasopon, Mohamed, and TeguhFathoni \(2021\)](#) stating that separate electoral systems for regional elections and legislative elections can increase the administrative burden and trigger political tensions that are detrimental to the quality of democracy in Indonesia. The regional election system, which is an open legal policy, means that decisions regarding policy are determined by the policy makers themselves. Therefore, it can be understood that democratic regional head elections can be carried out using various alternatives.

#### *4.2.1 Direct Elections*

Direct regional elections are considered the most democratic form of election because in regional head elections, the sovereignty of the people is recognised as the determining factor in the election of regional heads through one man one vote. The explanation of direct elections as democratic elections is also explained by Jurgen Habermas, who says that leaders must meet the criteria of participatory quantity and discourse quality ([Chambers, 1996](#)).

#### *4.2.2 Election through the Regional Representative Council*

Elections through the regional people's representative council were once conducted by the Indonesian government prior to the enactment of Law No. 32 of 2004 on regional government. The implementation of regional head elections through the was expected to promote political democracy at the local level, but its implementation has been problematic, especially given the current situation where vote buying in regional parliaments, in this case the regional people's representative council, to determine regional leaders has become a major concern. The implementation of regional head elections through the regional people's representative council opens up opportunities for monopolisation by regional people's representative council politicians, resulting in a process that is isolated and inaccessible to the public. The consequence is that the elected regional head is not a figure chosen by the people ([Sugiharto, 2020](#)).

Elections within the executive branch should be interpreted as part of the phrase ‘democratically elected’ as described in the 1945 Constitution. Regional heads elected in this manner are only understood to be limited to administrative regions and the national capital. Currently, administrative regions only exist in DKI Jakarta, where the mayor/regent is a civil servant position appointed by the Governor upon consideration by the DKI Jakarta Provincial regional people's representative council. In addition, the head of the national capital authority as the head of the regional government is appointed, promoted, and dismissed by the President after consultation with the DPR.

In designing asymmetrical regional elections, it is very important to consider the capacity and readiness of regions to hold regional head elections in accordance with the conditions of each region. [Purwadi \(2019\)](#) believes that regions with low human development indices or those with higher potential for social unrest should receive special attention in the regulation of regional elections so that the election process is more stable and secure. In addition, regions with special characteristics, such as autonomous regions or special regions, also need policies that can strengthen local government in accordance with the provisions of the law.

Therefore, the implementation of asymmetric regional elections is highly dependent on certain indicators in order to maximise the realisation of fair and democratic elections and avoid problems in the future. There are two important indicators in determining asymmetrical regional elections, the first being a region's economic growth indicator. An important indicator in determining the concept of asymmetrical regional elections is a region's economic growth. This is based on the fact that regional elections require significant costs, so it is necessary to evaluate the region's capabilities. In addition, Article 166 paragraph (1) of Law Number 10 of 2016 stipulates that "Funding for election activities shall be borne by the regional revenue and expenditure budget, and may be supported by the state revenue and expenditure budget in accordance with the provisions of laws and regulations".

This indirectly means that regional implementation requires regional financial independence. However, based on data from the Financial Audit Agency, only 60 or 11.93% of regional governments can be considered independent out of 503 regional governments. This means that 443 or 88.07% of regencies and cities are not fiscally independent. To assess the financial capacity and economic growth rate of a region, this study uses the Regional Domestic Product (RDP) growth rate indicator based on Constant Prices (ADHK). The use of RDP based on constant prices aims to measure real economic growth from year to year, without being influenced by price fluctuations. In addition, Gross Regional Domestic Product (GRDP) can also be used to identify price changes through the calculation of the RDP deflator or implicit index.

Regions whose growth rates are above or below the national average will be grouped into three categories. This classification is used to assess the extent to which a region has the capacity to hold regional elections. The purpose of this grouping is to encourage more effective and efficient governance and to ensure that democratic processes such as regional elections do not become an excessive fiscal burden on the regions. Therefore, the classification approach based on ADHK GRDP is used as a reference in developing models and indicators for the implementation of asymmetric regional elections.

The second indicator is the democracy maturity index. Another indicator that can be used is the Democracy Maturity Index to explain the readiness of a region to implement asymmetric regional elections. According to [Kelsen \(1955\)](#) those who see the negative impact of democracy, democracy is a system in which no one can choose himself to rule or to bestow upon himself unconditional and unlimited power. The maturity of democracy is important because if direct regional elections are held without being balanced by the quality of the people, then the election of leaders will be determined not by quality but by the bad narratives that are circulating.

Table 2. Provincial IKP Based on Regency/City Aggregation, 2024

<b>Province (Aggregation of Regencies/Cities)</b>	<b>Average CPI</b>
Province (Aggregation of Regencies/Cities)	Average CPI
Banten	45,18
Papua	45,09
Maluku Utara	42,35
Sulawesi Tengah	41,70
DIY	41,37

Province (Aggregation of Regencies/Cities)	Average CPI
Jawa Barat	39,72
NTB	38,48
Sulawesi Utara	37,02
DKI Jakarta	35,95
Jawa Tengah	35,90
Kalimantan Timur	35,62
Aceh	34,00
Jambi	33,53
Sulawesi Selatan	32,45
Kalimantan Barat	31,58
Sumatera Barat	31,55
Jawa Timur	31,49
Riau	31,36
Bali	30,70
Kalimantan Selatan	30,11
Kalimantan Utara	30,04
Sulawesi Barat	29,81
Lampung	29,10
NTT	29,08
Kepulauan Riau	28,89
Sulawesi Tenggara	27,38
Papua Barat	22,91
Sumatera Utara	22,22
Gorontalo	21,51
Kepulauan Bangka Belitung	20,27
Bengkulu	19,04
Sumatera Selatan	17,32
Maluku	16,75
Kalimantan Tengah	14,05

Based on the Table 2, it can be understood that the provinces with the highest development inequality index levels are Papua (45.06), North Maluku (42.35), Central Sulawesi (41.70) and Yogyakarta (41.37). Meanwhile, the provinces with the lowest aggregate development inequality index for districts/cities are Central Kalimantan (14.05), Maluku (16.75), South Sumatra (17.32), Bengkulu (19.04), and Bangka Belitung Islands (20.27).

Thus, the implementation of asymmetric regional elections is carried out in stages, taking into account the three main indicators mentioned earlier. However, these two asymmetric regional election models do not apply to regions that already have special status or privileges from the central government. In these regions, the implementation of asymmetric regional elections continues without the need to consider additional indicators, as they have already obtained legitimacy through the asymmetric decentralisation system. Examples of such regions include Aceh, the Special Region of Yogyakarta, Papua and its surroundings, and the Capital City of Nusantara, which currently implements a system of appointing the Head of Authority by the President. This system itself is still a subject of public debate to this day.

Furthermore, it is important to note that political parties continue to play a central role in both direct and indirect regional election models. This role can take the form of nominating candidate pairs in direct regional elections, or involvement through regional people's representative council members in

indirect regional head elections. In an asymmetrical regional election model that uses an indirect mechanism, it is hoped that political parties can act more professionally and refrain from excessive intervention in the regional election process, as was the case in the early days of reform when indirect regional elections were still in place.

## **5. Conclusions**

### **5.1 Conclusion**

This study confirms that the implementation of a symmetrical regional head election (Pilkada) system based solely on direct elections throughout Indonesia has generated various structural problems, including high political costs that burden regional finances, widespread vote buying practices, increasing electoral conflicts, and numerous disputes over election results. These conditions indicate that the symmetrical regional election model is no longer fully effective in ensuring democratic, honest, fair, and integrity-based regional elections across regions with different levels of political and institutional readiness.

Based on the constitutional analysis of Article 18 paragraph (4) and Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, as well as the decisions of the constitutional court, this study concludes that the concept of asymmetric regional elections constitutes a constitutionally valid open legal policy. The phrase “elected democratically” does not exclusively refer to direct elections, but rather provides constitutional space for various electoral mechanisms, as long as they uphold democratic principles, accountability, justice, and public participation.

The main finding of this study is that asymmetric regional elections can be designed rationally and measurably by integrating indicators such as regional fiscal capacity, political stability, and democratic maturity as the basis for determining the mechanism for electing regional heads. This approach strengthens the constitutional legitimacy of asymmetric regional elections while offering a more contextual, adaptive, and sustainable model of local democracy. Therefore, asymmetric regional elections should not be viewed as a democratic regression, but rather as a corrective constitutional instrument aimed at improving the quality and effectiveness of local democracy in Indonesia.

### **5.2 Research Limitations**

This study is limited to normative juridical analysis based on constitutional provisions, statutory regulations, and Constitutional Court decisions related to regional head elections in Indonesia. The study does not empirically examine the practical implementation or effectiveness of asymmetric regional elections in specific regions. In addition, the proposed indicators, such as fiscal capacity, political stability, and democratic maturity, have not yet been quantitatively tested through empirical data or policy simulations.

### **5.3 Suggestions and Directions for Future Research**

This study recommends that legislators, particularly the house of representatives and the government, revise Law No. 10 of 2016 by incorporating explicit provisions regarding asymmetric regional elections based on objective and measurable criteria, including regional fiscal capacity, the election vulnerability index, and the democracy maturity index. Election management bodies, such as the general elections commission, bawaslu, and honorary council of election organizers, are also encouraged to develop regional classification maps based on fiscal indicators and political vulnerability to support election planning, budgeting, and conflict prevention strategies. Furthermore, both central and regional governments should strengthen regional fiscal capacity, political literacy, democratic governance, and public participation as prerequisites for the implementation of more effective regional election systems. Future research is recommended to empirically examine the effectiveness of asymmetric regional election models through comparative studies between regions, quantitative analysis, or policy simulation approaches. Such studies are expected to strengthen the validity, feasibility, and practical implementation of the asymmetric election model proposed in this research.

## Acknowledgement

The author would like to express sincere gratitude to all parties who have contributed to the completion of this research. Special thanks are extended to fellow academics and reviewers whose constructive input and critical insights have enriched the analysis and strengthened the arguments presented in this study. The author also appreciates the support of relevant institutions that have provided access to legal documents, academic literature, and official data essential to this research. Finally, sincere thanks are extended to family and close friends for their moral support and encouragement throughout the research and writing process. Any errors or omissions are entirely the responsibility of the author.

## Author Contributions

FF contributed to the conceptualization of the study, development of the methodology, legal analysis, investigation, data curation, preparation of the original draft, and visualization of the findings. NS contributed to validation, supervision, writing review and editing, provision of resources, and project administration. Both authors made substantial contributions to the research, participated in revising the manuscript critically for important intellectual content, and approved the final version for publication.

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