



The ideal election system according to the 1945 constitution of the Republic of Indonesia

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Abstract

The search for an ideal system in determining the pattern of general elections in Indonesia in accordance with the wishes of the 1945 Constitution has yet to find a final point. The government and members of the legislature are still looking for common ground and always making improvements. So that an ideal system can be found which is desired by the people as the holder of sovereignty. This study uses a qualitative research method with a literature approach and a statutory approach. The results of the study indicate that the regional autonomy policy with an asymmetric pattern is still the best policy in democracy in Indonesia. So that it can provide space for special and special regions to determine their own regional head election system.

Keywords: general election; asymmetric; constitution

Introduction

In Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia Post-Amendment it is stated that "sovereignty is in the hands of the people and is carried out according to the Constitution." Since the beginning of independence, Indonesia has been a democratic legal state originating from the concept of the rule of law and people's sovereignty, which is a conception that was idealized by the founders of the Indonesian nation. On the other hand, the Republic of Indonesia is a power organization which is based on the principles of people's sovereignty. Even the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) ^[12, 15] itself gained the position as the highest law because it was formed by all the people as owners of sovereignty (Gaffar, 2013) ^[11].

One of the important means for the implementation of popular sovereignty in the regions is the election of regional heads. At the beginning of independence, after Indonesia's independence, the rules regarding the position of regional heads were contained in Law Number 1 of 1945 concerning Regulations concerning the Position of Regional National Committees (Hutapea, 2015) ^[6]. Based on this law, the appointed regional head is the old regional head from the previous period. This was because the political situation, security and constitutional law at that time were not yet conducive (Nugraha; Mulyandari, 2016) ^[4]. After the enactment of Law Number 22 of 1948 concerning the establishment of Basic rules regarding self-government in regions that have the right to regulate and manage their own household, Law Number 1 of 1957 concerning the Principles of Regional Government, Law Number 5 1974 concerning the Principles of Regional Government.

At the beginning of the reform era, based on Law Number 22 of 1999 concerning Regional Government, the Regional Head Elections were conducted by the Regional People's Representative Council (hereinafter referred to as DPRD). Until June 2005 was the first time in Indonesia that regional head elections were held directly at the provincial and district/city levels by the people based on Law Number 32 of 2004 (Suharizal, 2012) ^[22].

Regional Head General Election rules keep changing until the most recent amendment, Law Number 10 of 2016, which adds the second amendment to the law that governs the election of governors, mayors, and other elected officials, is made into law, which is now the case. This law is called Law Number 10 of 2016. General Elections Commission policy number 179/PL.02-Kpt/01/KPU/III/2020 says that the stages of the governor election will be postponed in 2020 because of the spread of COVID-19. This policy is for the 2020 regional head election, but it was first put in place because of the spread of COVID-19. In this decision, there will be four stages to the regional head elections that were postponed. They include the inauguration of the voting committee, the verification of the support requirements for individual candidates, and the formation of the Voter Data Update Committee (Hasibuan, 2020) ^[18].

Given that in the Indonesian government there is a principle of autonomy, which means there is flexibility for local governments to regulate their own regions (Prayudi, 2017) ^[16]. So that the role of the regional head is an important role in the government system and to develop the region. Therefore, an appropriate electoral system must be a concern in order to realize good local government.

Based on the description above, the author focuses the discussion on several questions, namely: How is the Implementation of the Development of the Regional Head Election which has been going on until now? What is the Ideal Election System according to the 1945 Constitution of the Republic of Indonesia?

Methods

This research is normative legal research. Normative research, meaning research that is focused on a rule of law or regulations (Amirudin; Asikin, 2004) ^[5]. This type of research is library research that studies library materials related to the problem being researched. Libraries that become references include literature books, laws and regulations, and documents related to the problems in this

legal research (Mamudji, *et al.*, 2005) ^[21]. The data in this study were obtained by reading, studying library materials related to the problem being studied. The references used include literature books, data/tables, dictionaries, internet media, laws and regulations, as well as documents related to the problems in this legal research.

Results and Discussion

Implementation of Regional Head Elections Guidance

The implementation of the Regional Head General Election is very important in a system of governance. Elections are one of the real forms of democracy. In essence, the word democratic contained in Article 18 paragraph 4 of the 1945 Constitution of the Republic of Indonesia has a different meaning from the Presidential and Vice-Presidential Election which is regulated in Article 6A of the 1945 Constitution of the Republic of Indonesia which states that both are elected in one pair directly by the people. This shows that Article 18 paragraph 4 provides an opportunity for lawmakers to determine what models and systems are used to elect regional heads (Mahardika; Fatayati, 2020) ^[2-3].

Jimly Asshiddiqie thinks that the word "democratically elected" is flexible so that it can include both direct and indirect elections, and he thinks that this is a good thing because it gives each region a say in how they choose their Regional Head (Asshiddiqie, 2002) ^[12]. Voting is still a democracy, even if it's done by someone else. In the election, there is still a lot of work done by the people who choose their representatives and a lot of help from the rest of the community, too.

In practice, the regulation of the implementation of the Regional Head General Election is a polemic that continues to be discussed to this day. Indonesia has not yet found a system that is truly appropriate for use in the Regional Head Election. This can be seen from the alternation of legal rules regarding the Regional Head Elections in Indonesia. Prior to the implementation of the Regional Head General Election in Indonesia, the regional head election system went through various legal changes in accordance with the Constitution in force at that time. When the independence of the Republic of Indonesia was first proclaimed, the applicable state constitution was the 1945 Constitution of the Republic of Indonesia. In the 1945 Constitution of the Republic of Indonesia, the regulation regarding regional government is contained in Article 18 of the 1945 Constitution of the Republic of Indonesia which reads:

"The division of Indonesia's regions into large and small regions, with the form of government structure stipulated by law, taking into account and remembering the basis of deliberation in the state government system, and the rights of origin in special regions."

In 1945, Law Number 1 about the Regional National Committee came into effect. It says that the Regional National Committee is the Regional People's Representative Body, which works with and is led by the Regional Head to regulate the household of the region as long as it doesn't conflict with the Central Government Regulation and the Regional Government that is bigger than that. This is only a short-term situation because there hasn't been a general election yet (Nopyandri, 2013) ^[15].

The regulations governing the mechanism for the election of Regional Heads were then enshrined in Law Number 22 of 1948 concerning the Stipulation of Basic Rules concerning

Self-Government in Regions with the Right to Regulate and Manage Their Own Households. Article 18 of Law Number 22 of 1948 reads:

1. The Head of the Province is appointed by the President from a minimum of two or a maximum of four candidates proposed by the Provincial DPRD.
2. The Head of the Regency (big city) is appointed by the Minister of Home Affairs from a minimum of two and a maximum of four candidates proposed by the Village Regional People's Representative Council (small town).
3. The head of the village area (small town) is appointed by the head of the province from a minimum of two and a maximum of four candidates proposed by the Village Regional People's Representative Council (small town).
4. The regional head may be dismissed by the authorities at the suggestion of the relevant Regional People's Representative Council.
5. The Head of a special region is appointed by the President from the descendants of the family who ruled the area before the Republic of Indonesia and who still controls the area, with the conditions of skill, honesty and loyalty and keeping in mind the customs of the area.
6. For special regions, a deputy regional head may be appointed by the President keeping in mind the conditions referred to in paragraph (5). The Deputy Head of the Special Region is a member of the Regional Government Council.

It was not until 1949, though, that the government in Indonesia changed for the second time in history. During the period from December 27, 1949 to August 17, 1950, the United States of Indonesia constitution was used. This means that the constitution used was the Constitution of the United States of Indonesia (UUD RIS). This type of union did not last long. Furthermore, Article 1 of Law Number 7 of 1950, which changed the Provisional Constitution of the United States of Indonesia to the Provisional Constitution of the Republic of Indonesia, explained how the Indonesian state looked at the time. This is the Republic of Indonesia. When Indonesia joined with 45 other countries, it did so as a single country.

With the form of a unitary state, there is no decentralization process in administering regional regulations. At that time, the appointment of Regional Heads still used the appointment system by the President, in which all Mayors and Governors were always appointed by the first President of the Republic of Indonesia Soekarno until the end of his term of office. Thus, after the Republic of the United States of Indonesia, from August 17, 1950, to July 5, 1959, the Provisional Constitution of 1950 ("UUDS 1950") was enacted as the basis for the Indonesian Constitution. At this time, Law Number 1 of 1957 was issued concerning the Principles of Regional Government. Thus, according to Article 24 of Law Number 1 of 1957, the appointment of Regional Heads is carried out through:

1. Before there was a law in Article 23, paragraph (1), the Regional Head is elected by the Regional People's Representative Council, taking into account the qualifications and knowledge needed for the job, as well as the provisions in paragraphs (2) through (3). (7).
2. The results of the Regional Head election as referred to in paragraph (1) require prior approval from the President if it concerns the Regional Head from the I

level and the Minister of Home Affairs or the authorities appointed by him if it concerns the Regional Head from the II and III levels.

3. Regional heads are elected for one election period for the Regional People's Representative Council or for those who are elected from time to time to fill vacancies for Regional Heads, for the remainder of the election period.
4. With a Government Regulation, general regulations are stipulated regarding the requirements for skills and knowledge as referred to in paragraph (1) and the method of selecting and ratifying Regional Heads.

Thus, the DPRD makes the appointment of the Regional Head, which is approved by the President or the Minister, based on his level. Level I is a province that includes the capital. Level II is for regencies and municipalities, and Level III is for sub-districts. The direct regional elections in Indonesia took place between June 1957 and January 1958, in which the regions that took part were Jakarta and the provinces of West Java, Central Java, East Java and DI Yogyakarta (Sutikno, 2010; 2014) [23]. Because the 1950 UUDS period was over, the Regional Head General Election didn't happen, but that's not why. In 1959, the 1950 Constitution was put in place. From 5 July 1959 until now, the 1945 Constitution of the Republic of Indonesia was again made the state constitution, with some changes made to it. For Law Number 1, a Presidential Decree about Regional Government was set up instead, and it said what to do with the government in each area of the country. It says in Article 4 paragraph 1: "The President chooses and fires the heads of regions for Level I Regions, while the Minister of Home Affairs and Regional Autonomy chooses and fires the heads of regions for Level II Regions."

The Presidential stipulation was later refined by Law Number 18 of 1965 concerning the Principles of Regional Government. Article 11 of Law No. 18/1965 stipulates that: "Regional heads are appointed and dismissed by: 1). President for Level I Regions; 2). Minister of Home Affairs with the approval of the President for Level II and 3) Regions. Head of Level I Region with the approval of the Minister of Home Affairs for Level III Regions that are in Level I Regions."

The law was then revised again in Law Number 5 of 1974 concerning the Principles of Regional Government. Article 15 of Law Number 5 of 1974 reads:

1. At least three people and no more than five candidates are nominated and elected by the Regional People's Representative Council to be the Head of the Level I Region. The Leaders of the Regional People's Representative Council/Leadership of the faction have discussed and agreed on which candidates should be nominated.
2. The results of the elections as referred to in paragraph (1) of this article shall be submitted by the relevant Regional House of Representatives to the President through the Minister of Home Affairs at least 2 (two) persons to be appointed by one of them.
3. The procedure for implementing the provisions referred to in paragraph (1) of this article is regulated by a Regulation of the Minister of Home Affairs.

And Article 16 of Law Number 5 of 1974 reads:

1. Regional People's Representative Council nominates

and votes on candidates for Level II Region heads from a group of at least three people and up to five people who have been talked about and agreed on by the Leaders of the Regional People's Representative Council and the Governor District head..

2. The results of the election referred to in paragraph (1) of this article must be sent to the Minister of Home Affairs through the Governor of the Regional Head. At least two people must be chosen to be one of them..
3. The procedure for implementing the provisions referred to in paragraph (1) of this article is regulated by a regulation of the Minister of Home Affairs.

From the articles above, it can be understood that the appointment of Regional Heads at that time was carried out by the President through nominations made by the DPRD. The last law that regulates the appointment of Regional Heads without direct elections is Law Number 22 of 1999 concerning Regional Government. In that year, the Regional Head Elections had not been carried out directly, but were carried out as stated in Article 18 paragraph 1 letter a of Law Number 22 of 1999, namely: "The DPRD has the duties and authorities: electing the Governor/Deputy Governor, the Regent/Deputy Regent, and Mayor/Deputy Mayor." Furthermore, the implementation of the Regional Head General Election is based on Article 56 of Law Number 32 of 2004 concerning Regional Government which reads:

1. Candidates for regional heads and deputy regional heads are put together in a pair, and the election is done in a way that is democratic and fair. It is done by direct, general, free, confidential, honest, and fair rules..
2. The pair of candidates as referred to in paragraph (1) is proposed by a political party or coalition of political parties.

It can be concluded that this article mandates the Regional Head General Election directly and from political parties. Then, in 2008, Law Number 32 of 2004 underwent changes as outlined in Law Number 12 of 2008 which allowed individual candidates based on the decision of the Constitutional Court Number 5/PUUV/2007 and the sound of Article 56 paragraph (2) was changed to: "The pair of candidates as referred to in paragraph (1) is proposed by a political party, a coalition of political parties, or individuals who are supported by a number of people who meet the requirements as stipulated in this Law."

After the existence of the Law, Law Number 22 of 2014 concerning the Election of Governors, Regents and Mayors were enacted, Article 3 of Law Number 22 of 2014 reads:

1. Governors are elected by members of the Provincial DPRD democratically based on the principles of being free, open, honest and fair.
2. Regents and mayors are democratically elected by members of the Regency/City DPRD based on the principles of being free, open, honest and fair.

From this article, it can be seen that the re-election will be done through the DPRD. In addition to Law Number 22 of 2014, Law Number 23 of 2014 about Regional Government was also released. In Law Number 23 of 2014, it doesn't go into great detail about the Regional Head Election. When Law Number 22 of 2014 was passed, there was a lot of public backlash. Many parties refused to sign the law, but

President SBY responded to this by issuing a Government Regulation in Lieu of Law Number 1 of 2014 about Elections three days later. They are called Governors, Regents, and Mayors (Perppu number 1), and Law Number 1 of 2015 calls for them to be made into law in the place of Perppu number 1 of 2014. (Prihatmoko, 2005) ^[13].

After that, there was an amendment to Law Number 1 of 2015 through Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning Election of Governors, Regents, and Mayor became a law which was subsequently amended by Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning Election of Governors, Regents, and Mayors to become The law that mandates the simultaneous regional head elections is based on Article 201.

Finally, just before the 2020 Regional Head General Election, the Government issued a Government Regulation in Lieu of Law (Perppu) amending Law Number 1 of 2015, namely Government Regulation in Lieu of Law Number 2 of 2020 concerning the Third Amendment to Law Number 1 of 2015, which was later stipulated as Law through Law Number 6 of 2020 concerning Stipulation of Government Regulation in Lieu of Law Number 2 of 2020 concerning Third Amendment to Law Number 1 of 2015, which was later stipulated as Law through Law Number 6.

In essence, Article 18B paragraph 1 of the 1945 Constitution of the Republic of Indonesia has hinted at the inevitability of implementing asymmetric decentralization. Indonesia is one of the countries that implements an asymmetric system in the Regional Head Election. This means that the implementation of the Regional Head General Election is not exactly the same in all regions in Indonesia. This is because there are several regions that carry out the post-conflict local election asymmetrically with other regions, which is caused by their specificity and privileges. The specifics and privileges are stated in the law and there is also the Regulation of the General Election Commission of the Republic of Indonesia Number 10 of 2017 concerning Special Provisions in the Election of the Governor and Deputy Governor of Aceh, Regents and Deputy Regents, and/or Mayors and Deputy Mayors in the Aceh Region. Governor and Deputy Governor in the Special Capital Region of Jakarta, Papua and West Papua.

The Ideal Election System According to the 1945 Constitution of the Republic of Indonesia

Regional Government is one of the most important components in governance in Indonesia. To run a regional government, it is necessary to have a Regional Head who is elected through a democratic Regional Head Election in accordance with the mandate of Pancasila and the 1945 Constitution of the Republic of Indonesia. The Regional Head General Election in Indonesia is an ongoing polemic and there is no perfect system to implement. The implementation of the Regional Head General Election is still changing in line with the changing power holders and the political situation at that time.

Based on Law No. 22/1999, the General Election of Regional Heads is carried out indirectly, then based on Law Number 32 of 2004, the Election of Regional Heads is

carried out directly and pairs of candidates are promoted by Political Parties. Furthermore, in 2008 with the existence of Law No. 12 of 2008 candidates were allowed to go through individual channels. In 2014 Law No. 22 of 2014 emerged which restored the indirect General Election of Regional Heads until in the end Law Number 10 of 2016 which returned the direct Election of Regional Heads again. Alternating rules with various mechanisms shows that there is no legal certainty in the implementation of regional elections in Indonesia. In fact, legal certainty is very important in the rule of law.

Currently, based on the applicable law, the General Elections are held directly. At first, the direct election was used as a solution to answer polemics in indirect elections and was considered to be able to solve the existing problems. However, it is very unfortunate that direct local elections still have many shortcomings. If it is concluded, the shortcomings of the direct Pilkada can be seen clearly, from the many cases that arose even before the implementation of the Pilkada to the results of the General Election.

One of the causes of many cases, in this case corruption and bribery, is the very high cost of the Regional Head General Election. The costs referred to are the implementation budget costs and also the costs for pairs of candidates in the Regional Head General Election. Where the candidates have to spend very large funds starting from the time of campaigning until the payment of witnesses during the vote recapitulation. So the logical consequence is that the elected candidate will use his power to recover the costs that have been spent in various ways; corruption, policy corruption.

Policy corruption is the role of the elected regional head to make policies that benefit certain individuals/parties that can benefit him. Policy corruption is more dangerous than money corruption, because a policy will have a long term impact. This is certainly not in line with dignified justice, where the power of the regional head should be used for the greatest welfare of the regional community, not only for the benefit of the rulers (Rumokoy, 2016) ^[19].

In addition, in the implementation of direct regional head elections, divisions often occur between the people because of different political choices and there are candidates who cheat by paying most of the people in a certain area or better known as the dawn attack. For example: there are 3 families who were evicted from their rent in Solok City because of different political choices (Subartime Editor, 2021).

Whereas every voter has a human right to vote freely and without interference from any party. Another example: four months before the 2020 Pilkada, the chairman of the Neighborhood Association (RT) 09, Durian Payung Village, Tanjung Karang Pusat District, Lampung, Eko Jaya Saputra, was fired by the local Lurah for playing politics and siding with a candidate for the regional head. This is contrary to his responsibilities as the head of the RT, which is to protect the community without favouring one candidate over another (Headline Lampung, 2021) ^[7]. And there is still strong identity politics going on in Indonesia.

It is now clear that not all parts of Indonesia are democratic enough to hold direct elections, as required by the law. This shows that people's voices can still be bought, and that people are still easy to get into trouble with their words and ideas. People don't think this is fair because conscience can still be bought, and it turns into an unhealthy competition. Behavior that divides society is not good and doesn't make

things better for people. Some people don't seem to care about the values of God or Pancasila so they can be the leader of their town or city, too (Pureklolon, 2017) ^[24]. In terms of direct election problems that need to be fixed, it's not the direct election system itself that needs to be changed. It's the legal material, the law enforcement officers, and the maturity of the political way of all the people in society who are involved. All existing election instruments must be more objective (Juanda, 2008).

A clear way to figure out if a region can hold a symmetrical/direct election (based on the current Election Law) or one that is done by proxy is needed. There may be a way to get the Regional Head General Elections in Indonesia to work. The asymmetrical General Elections may be the way to get them to work. For example, in line with the spirit of the constitution and a theory called "dignified justice," asymmetric Pilkada is meant to help people become more human. This is in line with Pancasila and Indonesia's noble national values, which are put forward in the theory. The value of God is important in every step of the Regional Head General Election process, from the start to the end. The goal of the election is to find regional leaders who fear God, are honest, and truly want to serve their regions. People's values can also be seen in the rules for the Regional Head General Election that make people more human, and in the arrangements that help the region grow and the people be more happy. There is less chance that conflict will split the community in some places because of an asymmetrical election. It also emphasizes community solidarity for the sake of Indonesia's unity. A General Election based on this kind of "dignified justice theory" is needed for democracy to work and to make the people as rich as possible (Sinaga, 2018) ^[20].

An asymmetrical General Election means that the implementation of the Regional Head General Election in Indonesia can be carried out in different ways, according to local conditions and needs. So that no area is sacrificed and 'forced' to carry out the Regional Head Election symmetrically. With the development of asymmetrical elections, local wisdom and local political culture that live in the regions can also continue to be developed considering that Indonesia is a country rich in culture. This is in line with Friedrich Karl von Savigny who said that the law does not need to be made because the law grows with society. So that it does not rule out the emergence of other privileges in the series of Regional Head Elections in each region.

Asymmetric elections can also be the answer to the problems that exist in Indonesia. For example, the asymmetrical General Elections that were implemented in Aceh made integration so that the conflict between the Government of Indonesia and GAM (Free Aceh Movement) subsided. Besides that, it also reduces conflict with Papua, and customs in Papua can continue to be maintained and developed. In DKI Jakarta, it can also be seen the active participation of the community in determining the Governor, considering that there will be no other General Elections due to Jakarta's special status as an administrative area. Finally, the mechanism for the election of the Governor and Deputy Governor in Yogyakarta Special Region, which was carried out for generations and ran smoothly without any turmoil from the community as a form of appreciation for their own regional culture. This is certainly in line with the theory of dignified justice.

Asymmetric elections are not a new thing in Indonesia,

because in practice not all regions conduct elections symmetrically as regulated in Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Laws Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors becomes a law that implements direct elections. In general, these asymmetrical areas are areas that are given special privileges as mandated by Article 18 B paragraph 1 of the 1945 Constitution of the Republic of Indonesia. Regions that conduct asymmetric elections include the Special Capital Region of Jakarta, the Special Region of Yogyakarta, Aceh and Papua, each of which is regulated by the law (Fatoni, 2020) ^[1].

Asymmetrical forms are very diverse and can be taken into consideration in the implementation of the Regional Head General Election in Indonesia. In the past, Law Number 32 of 2004 which mandated direct elections did not recognize individual candidates. The individual candidate was first implemented in Aceh based on Law Number 11 of 2006 concerning the Government of Aceh and became the first independent candidate pair to win in the Regional Head General Election. This has become a problem for candidates for Regional Head who are independent/not from political parties in other regions and proven by the conduct of a judicial review of the Constitutional Court against Articles 56, 59 and 60 of Law Number 32 of 2004 by a member of the Lombok Regency DPRD named "Lalu Ranggalawe". These articles are related to the requirements for regional head candidates through political parties from the law.

In the end, the decision of the Constitutional Court Number 5/PUU-V/2007 was issued which opened up opportunities for independent regional head candidates to advance in the Regional Head General Election. So after the Constitutional Court's decision, individual candidates are accommodated through Law Number 12 of 2008. The existence of this Constitutional Court decision is in line with dignified justice, which provides equal opportunities for candidates promoted by parties or non-parties to compete in the General Election. This action is very dignified because it does not discriminate and gives equal rights to be able to run for office (Ugang, 2014) ^[25].

There are two ways to vote for Regional Heads: directly for those who are high-ranking and indirectly for those who are medium and low-ranking. This is because the asymmetrical General Election was put into place. This local election, even though there are some indirect votes, doesn't mean that democracy isn't alive and well. There are many advantages to voting for regional heads in this way, including that it saves money. Both in terms of the implementation budget and the costs for candidate pairs, the costs are lower. There aren't any extra costs for this because the DPRD has a smaller number of members than there are people to supervise one by one. This makes it easier to supervise the DPRD members than to supervise each person individually. It will be more trustworthy from the point of view of the candidate pair because they aren't busy trying to get back or make more money than they spent on the General Election. That's not all, though. This method is also safer because it doesn't have the power to split the community and doesn't start a fight. The election process does not need to be escorted or watched by people who need to be watched (Mahardika, 2020) ^[2, 3].

This asymmetrical election is carried out in accordance with the needs and local political culture in each region, so that it

will also provide a new democratic spirit for the regions to further advance their regions. There will be an integration between the Regional Government and the community in order to advance their regional index and no longer become an area that is considered democratically incapable. So that over time, all regions continue to grow democratically, developing into developed regions within the framework of the Unitary State of the Republic of Indonesia.

Conclusion

The arrangements for the implementation of the Regional Head General Elections in Indonesia since independence until now are still changing. After reformation, the Regional Head Elections in Indonesia are based on Article 18 paragraph 4 of the 1945 Constitution of the Republic of Indonesia which reads "The election of governors, regents and mayors is carried out democratically". Implementation arrangements are still changing, after Law Number 5 of 1974 until the issuance of Law Number 22 of 1999 concerning Regional Government which mandates that the Regional Head General Election be carried out indirectly. In 2014 Law Number 22 of 2014 concerning the Election of Governors, Regents and Mayors emerged which returned indirect elections and only a few days later the Law was immediately revoked by the existence of Perppu Number 1 of 2014 which was later stipulated as Law Number 1 Year 2015 and underwent several changes that returned direct Pilkada..

The 1945 Constitution of the Republic of Indonesia says that the asymmetrical General Election in Indonesia is the best way to vote in local elections after a war. The goal of this asymmetrical General Election is to follow the 1945 Constitution of the Republic of Indonesia, which emphasizes the values of Pancasila and the noble values of the country, and to achieve a dignified Pilkada that makes people more human. Asymmetrical elections have many benefits. Such as: for regions that aren't yet democratic, regional elections are held in an indirect way to avoid conflicts in the community. In addition, the budget costs will be less so that the money can be used to help the most people. There are already places in Indonesia where asymmetrical General Elections have already been used in the Pilkada process, so this isn't a new thing, either. It's a constitutional issue because Article 18 paragraph 4 of the 1945 Constitution of the Republic of Indonesia says that governors, mayors, and governors are elected by the people. Article 18 B of the 1945 Constitution of the Republic of Indonesia paragraph 1 says that regional specialties and privileges should be respected. To solve this problem, you can use the direct symmetrical Pilkada evaluation. With the symmetrical Pilkada, the forms of election are all the same, but with the asymmetric Pilkada, each region can run their own elections based on their needs and circumstances.

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