

**ELECTION OF REGIONAL HEAD BASED ON HIERARCHY:  
STRENGTHENING ARGUMENTATION OF THE DISCUSSION  
OF ABOLISHING DIRECT ELECTIONS IN INDONESIA AND  
PROPOSED MODELS**

**PEMILIHAN KEPALA DAERAH BERBASIS HIRARKI:  
PENGUATAN ARGUMENTASI WACANA PENGHAPUSAN  
PILKADA LANGSUNG DI INDONESIA DAN USULAN MODEL**

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Volume 1, Number 2, September 2022

Received: July 20, 2022 Accepted: August 30, 2022 Online Published: September 30, 2022.

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**ABSTRACT**

Since the direct election of regional heads (Pilkadasung) has resulted in six major problems. These six big problems gave birth to the discourse of eliminating the Pilkadasung in Indonesia, and replacing it with a new system that is still within the corridors of democracy. The formulation of the problem in this paper are: (1) what arguments can be given in order to strengthen the discourse on the abolition of the Pilkadasung?, and (2) the proposed model that can be given as a substitute for the abolition of the Pilkadasung?. This paper is a conceptual study. Based on state administration practices that occur in the Special Region of Yogyakarta, where the election of regional heads uses the determination method, where Sri Sultan Hamengkubuwono and Sri Paku Alam are appointed by the President as Governor and Deputy Governor (DIY). As well as. practice of state administration in the Special Capital Region of Jakarta, where the Mayor is appointed by the Governor. Then, based on the theory from Manor and Crook. Strengthening the argument that the Pilkadasung is not the only way that is the most democratic, so alternative models can be used with other systems. In an effort to eliminate the six major problems of the Pilkadasung, the proposed model proposed in this paper is a hierarchy-based regional head election. The Governor is appointed by the President, and the Mayor/Regent is appointed by the Governor. The appointment process uses the following mechanisms: (1) an open position auction, (2) a public hearing, and (3) a fit and proper test at the Provincial

DPRD for the Governor and at the City/Regency DPRD for the Mayor and/Regent. This mechanism is implemented gradually and transparently.

**Keywords : Hierarchy; Direct Pilkada; Democracy; Model**

### **ABSTRAK**

*Sejak bergulirnya pemilihan kepala daerah langsung (Pilkadasung) telah membuahakan enam masalah besar. Keenam masalah besar ini melahirkan wacana penghapusan Pilkadasung di Indonesia, serta menggantinya dengan sistem baru yang masih dalam koridor demokrasi. Perumusan masalah dalam tulisan ini adalah : (1) argumentasi apa yang dapat diberikan dalam rangka penguatan wacana penghapusan Pilkadasung?, dan (2) usulan model yang dapat diberikan sebagai pengganti penghapusan Pilkadasung?. Tulisan ini adalah sebuah kajian konseptual. Berdasarkan pada praktek tata negara yang terjadi di Daerah Istimewa Yogyakarta, dimana pemilihan kepala daerah menggunakan metode penetapan, dimana Sri Sultan Hamengkubuwono dan Sri Paku Alam ditetapkan oleh Presiden sebagai Gubernur dan Wakil Gubernur (DIY). Serta, praktek tata negara di Daerah Khusus Ibukota Jakarta, dimana Walikota ditunjuk oleh Gubernur. Kemudian, berdasarkan teori dari Manor dan Crook. Menguatkan argumentasi bahwa Pilkadasung bukan satu-satunya cara yang paling demokratis, sehingga dapat digunakan alternatif model dengan sistem yang lain. Dalam rangka upaya menghilangkan enam masalah besar Pilkadasung, usulan model yang diajukan dalam tulisan ini adalah pemilihan kepala daerah berbasis hirarki. Gubernur ditunjuk oleh Presiden, dan Walikota/Bupati di tunjuk oleh Gubernur. Proses penunjukan ini menggunakan mekanisme : (1) lelang jabatan terbuka, (2) public hearing, dan (3) fit and proper tes di DPRD Provinsi untuk Gubernur dan di DPRD Kota/Kabupaten untuk Walikota dan/Bupati. Mekanisme ini dilaksanakan secara bertahap dan transparan.*

**Kata Kunci : Hirarki; Pilkada Langsung; Demokrasi; Model**

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## **I. INTRODUCTION**

Like a big tree, direct regional head elections (Pilkadasung), produce at least six big problems. The six big problems are: First, until March 2021, as many as 429 regional heads were arrested for corruption cases<sup>1</sup>. Every year this figure has continued to exist, since the Pilkadasung was launched in 2005.

Second, a number of central and local government programs are often out of sync. As a result, the budget allocation is not optimal in moving the people's economy<sup>2</sup>. Third, the occurrence of community polarization and it does not only occur in DKI Jakarta but all corners of the country. In DKI

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<sup>1</sup> Nurul Ghufron, *Rapat Koordinasi Pencegahan Korupsi Kepala Daerah Se-Sumatera Barat*, Padang, 2021.

<sup>2</sup> Robert Endi Jaweng, *Seminar Memperkuat Perekonomian Domestik Melalui Sinkronisasi Perencanaan Pembangunan Pusat dan Daerah*, 2012, Bappenas

Jakarta, people who are not politically related to DKI Jakarta also take part in heating up the political situation<sup>3</sup>.

Fourth, the high cost of campaigning in the Pilkadaesung raises the possibility of an impact on the election results which are difficult to separate from the corrupt behavior of the elected regional head. Hopes for accelerating people's welfare have been distorted by the Pilkadaesung system<sup>4</sup>. Fifth, the high cost of the Pilkadaesung caused more losses than profits<sup>5</sup>.

Sixth, the conflict that occurred as a result of the Pilkadaesung. As happened in the Pilkadaesung, South Buru Regency-Maluku Province, there has been destruction and burning of houses against supporters of one partner. This conflict is based on a sense of dissatisfaction with the election results won by other couples. The conflict that resulted in 97 Heads of Families having to be evacuated<sup>6</sup>. Based on these six problems, a discourse was born to abolish the Pilkadaesung system by looking for new mechanisms that are still in the corridors of the democratic system. Starting in 2014, this discourse began shortly after the general election took place. Despite getting a lot of opposition, it seems that this discourse did not dampen some members of the House of Representatives (DPR). During the 2017 Annual Report of the Corruption Eradication Commission (KPK) on March 12 2018, the Chairman of the DPR, Dr. Bambang Soesatyo, who was the speaker, stated this and even asked the KPK to support this discourse as a form of prevention against the rampant corruption in Indonesia.

These six problems are also the reasons so that it is considered important to do writing in the form of this conceptual study. This paper seeks to strengthen the discourse on the abolition of the Pilkadaesung by providing a proposed model as a substitute for the Pilkadaesung by taking into account the concepts of democracy. It is hoped that this paper can provide new ideas and alternatives in the knowledge of constitutional law, especially in the study of regional head elections.

In strengthening the argument for the abolition of the Pilkadaesung by using a hierarchy-based regional head election, an analysis is presented in the form of state administration practices, as well as theory. The practice of state administration in Indonesia recognizes the mechanism for filling the positions of regional heads through a determination system, as happened in the election model for the positions of Governor and Deputy Governor of the Special Region of Yogyakarta. Sri Sultan Hamengkubowono and Sri Paku Alam as Governor and Deputy Governor of the Special Region of Yogyakarta

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<sup>3</sup> Wicaksono, A. (2019). Gubernur DKI Jakarta Dipilih Presiden: Sebuah Wacana yang Patut Dipertimbangkan. *Jurnal PolGov*, 1(1), 35. <https://doi.org/10.22146/polgov.v1i1.48286>

<sup>4</sup> Ryaas Rasyid, 2011, dalam <https://nasional.kompas.com/read/2011/08/24/14261156/Tiga.Dampak.Negatif.Pilkada.Langsung>

<sup>5</sup> Tito Karnavia, 2019, dalam <https://nasional.kompas.com/read/2019/11/13/10205041/usul-tito-soal-evaluasi-pilkada-langsung-dan-jawaban-jokowi?page=all>

<sup>6</sup> Loilatu, M. J. (2011). RESOLUSI KONFLIK PEMILIHAN KEPALA DAERAH (PILKADA) KABUPATEN BURU SELATAN TAHUN 2015. *Journal of Physics A: Mathematical and Theoretical*, 44(8), 1689–1699.

were selected through a determination mechanism<sup>7</sup>. Also, the appointment of mayors in the Special Capital Region of Jakarta by the Governor.

The theory presented in this paper is the Manor and Crook Theory which states, in many cases the direct election of regional heads and the separation between majors (regional heads) and councilors (members of the DPRD) in developing countries have led to worse governance practices. The main factors are the co-optative character of the local elite and always close the opportunity for other parties to compete in politics, the low level of knowledge and political awareness of the community, and the absence of DPRD oversight of regional heads. These factors are reflected in Indonesia. Co-optation of power is carried out by the incumbent by utilizing bureaucratic access. As a result, it is not uncommon for population data to be manipulated, the process of administering regional elections is not objective and not independent.

## II. METHOD

This paper is a conceptual study. In a conceptual study, a framework of thought is needed that is used as a rationale that contains a combination of theory with facts, observations, and literature studies, which will be used as the basis for<sup>8</sup>. The framework of thinking has the benefit of helping writers to place their writing in a wider context. In addition, it also helps the author in testing the formulation of the problem. The last benefit is that it makes it easier for writers to find theories or concepts. Of course the theory or concept in question is a theory or concept that is used as a tool to answer the problem.

## III. ANALYSIS AND DISCUSSION

### a. Strengthening Discourse Arguments for Abolishing Direct Pilkada

The six major problems that resulted from the direct Pilkada are fundamental, thus giving rise to the discourse of abolishing the Direct Pilkada and trying to find a new mechanism for the election of regional heads which is still within the corridors of democracy.

The six problems have been briefly described in the background section. In this section, these six big problems will be further elaborated. First, until March 2021 as many as 429 Regional Heads as a result of the Direct Election were caught Corruption, this figure seems to have no end. The data for the last five years shows the number of regional heads arrested for corruption by the Corruption Eradication Commission:<sup>9</sup>

Table 1. Regional head arrested by the Corruption Eradication Commission

No.	Position	2021	2020	2019	2018	2017
1	Governor	1	-	1	2	1
2	Mayor/Regent and Deputy	19	10	18	30	13

<sup>7</sup> Engkus Kuswara, *Pemilihan Kepala Daerah Dalam Perspektif Hukum Tata Negara-Tinjauan Atas Pengisian Jabatan Gubernur Provinsi Daerah Istimewa Yogyakarta*, Skripsi, Universitas Indonesia, 2012, p.10.

<sup>8</sup> Unaradjan, D. D. (2019). *Metode Penelitian Kuantitatif*. Universitas Atma Jaya (p. 302).

<sup>9</sup> <https://www.kpk.go.id/id/statistik/penindakan/tpk-berdasarkan-profesi-jabatan>

Not even a month in 2022, corruption cases have re-emerged. In January, for three weeks in a row, the public had been treated to news of the arrest of a regional head who was entangled in corruption. No less than three regional heads have been named as rasuah suspects. The arrest of the three opened a black sheet at the beginning of the year and added to the long list of corruption cases of regional heads<sup>10</sup>.

Three main factors causing regional head corruption<sup>11</sup>, namely: monopoly of power, policy discretion, weak accountability. Regional heads have enormous power in managing the APBD budget, recruiting regional officials, granting natural resource permits, procurement of goods and services and making regional head regulations, and the existence of a dynasty of power, this causes regional heads to commit criminal acts of corruption through bribery and gratuities. . The right of discretion is attached to public officials, especially regional heads, meaning that discretion is exercised because not everything is covered by regulations so that policies are needed to decide something, so that what is targeted can be fulfilled without having to wait for available rules, the problem is then this discretion is understood very well. wide, even though the discretion is very limited, he can only be given his space when there are no rules and that is in a very urgent situation. There is a situation where a regional head incurs costs that are not in the APBD, therefore the regional head looks for loopholes to create fictitious expenditures to cover these costs so that regional heads tend to commit corruption for the benefit of the service as well as for personal interests. There is collusion between regional heads and DPRD related to policies made by regional heads, for example problems in making regional regulations and licensing. Included in the weakness of accountability is the lack of transparency in budget management, asset management and in the procurement of goods and services, causing regional heads to take action. corruption crime.

There are also several other factors that cause regional heads to commit corruption, among others due to the high cost of direct regional elections, lack of competence in regional financial management, lack of understanding of regulations, and understanding of the wrong cultural concept<sup>12</sup>.

Second, central and local government programs are often out of sync. Synchronization of planning through deliberation on development plans (musrenbang) from the village or sub-district to the center, is often dominated by political processes and is technocratic<sup>13</sup>.

One of the consequences of this non-synchronization is that there are many errors in the use of inappropriate budgets between ministries/agencies (K/L) and local governments, resulting in non-optimal performance achievements. This discrepancy also appears in the findings of the Supreme Audit Agency (BPK), where many K/Ls ask for a budget to produce goods which will be handed over to the community or local government (Pemda). On the other hand, when a request has been approved and granted and then realized to produce goods or infrastructure in an area, many local

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<sup>10</sup> <https://antikorupsi.org/id/article/korupsi-kepala-daerah-0>

<sup>11</sup> Pusat Penelitian dan Pengembangan Pengawasan, Badan Pengawasan Keuangan dan Pembangunan, *Laporan penelitian* , 2016, p.15.

<sup>12</sup> *Ibid.*

<sup>13</sup> Robert Andi Jaweng, *Loc.cit.*

governments refuse. The local government does not necessarily want to accept it because the goods or infrastructure are central government programs. Therefore, they assume they have no obligation to maintain. The local government also did not accept it because the goods or infrastructure were not what they had requested from the start. Not only that, BPK also found other problems related to inappropriate spending to the community and local governments due to the lack of synchronization between the center and the regions<sup>14</sup>.

One of the causes of this discrepancy is that in the regional sphere, the Governors, Regents, and Mayors often have regional development plans that differ from national development. This is because of the tug-of-war of interests such as different visions and missions, campaign promises and so on<sup>15</sup>. There needs to be a locking formulation that can equate development plans between the center and the regions<sup>16</sup>. Then, in the preparation of the RPJMD/RPJMN there are two documents that are actually running, namely the political and the technocratic. This is what makes sometimes between the regions and the center out of sync. Sometimes the central plan is not implemented because it is unpopular<sup>17</sup>.

Third, the occurrence of community polarization. The potential for division of society in the implementation of direct elections is still a threat. The results of a study by the Ministry of Home Affairs show that polarization has the potential to occur when regional democratic parties take place, including touching on ethnic, religious, racial and intergroup (SARA) issues<sup>18</sup>.

Chairman of the National Mandate Party (PAN) Zulkifli Hasan highlighted the increasingly polarized political conditions in Indonesia. According to him, this happened as a result of the 2017 and 2018 regional elections, the 2019 presidential elections, and the 2020 regional elections which contain a deceitful character of democracy. The polarization that occurs in society is intense, even giving rise to the seeds of hostility and hatred which have very high social and cultural costs.<sup>19</sup>

The 6th President of the Republic of Indonesia Susilo Bambang Yudhoyono (SBY) also highlighted social and political life which according to him has become increasingly polarized since the 2017 DKI Jakarta Pilkada contestation. Starting from the political dynamics in the 2017 Jakarta Pilkada, it seems that in people's lives, distance and separation are built that

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<sup>14</sup> Sri Mulyani, *Rapat Kerja Bersama Komsu XI*, 2020, dalam <https://m.lampost.co/berita-belanja-pusat-dan-pemerintah-daerah-tidak-sinkron.html>

<sup>15</sup> Cholid Mahmud, *Diskusi Terbatas Sinkronisasi dan konsistensi Pelaksanaan RPJMN dan RPJPN 2005-2025*, DPD Daerah Istimewa Yogyakarta, 2018.

<sup>16</sup> Purwo Susanto, 2018, *Diskusi Terbatas Sinkronisasi dan konsistensi Pelaksanaan RPJMN dan RPJPN 2005-2025*, DPD Daerah Istimewa Yogyakarta.

<sup>17</sup> Tavip Agus Rayanto, *Diskusi Terbatas Sinkronisasi dan konsistensi Pelaksanaan RPJMN dan RPJPN 2005-2025*, DPD Daerah Istimewa Yogyakarta, 2018.

<sup>18</sup> <http://harnas.co/2019/12/16/waspadai-polarisasi-pilkada>

<sup>19</sup> <https://www.cnnindonesia.com/nasional/20210324200722-32-621728/soroti-polarisasi-zulhas-sindir-demokrasi-culas-pilkada-2017>

should not happen. A sharp polarization is built among the people, both because of identity, politics and ideology factors.<sup>20</sup>

Fourth, the corrupt behavior of the elected regional heads due to the very large costs of participating in the direct elections. There is a correlation between direct post-conflict local election and corrupt behavior. The entanglement of hundreds of regional heads in corruption cases is suspected of high political costs, both for nominations through political parties, campaign costs that are not properly monitored so that there are no limits, and the existence of money politics directly to voters, triggering regional heads to try to return capital, giving rise to the term political industry.<sup>21</sup>

Furthermore, research from Iza Rumestan concludes that there is a correlation between the corrupt behavior of regional heads and the Pilkada. This correlation occurs because the direct Pilkada requires large political costs so that after being elected the official concerned tries to recover the political costs that have been incurred during the election process plus additional capital to re-nominate.<sup>22</sup>

The high number of corruption in the regions, apart from lust for power, is also caused by other problems such as high political costs. Swelling political costs then encourage candidates to seek other sources of funding. This phenomenon is coupled with the professionalization of political activities such as campaign costs, polls, advertisements in the mass media, to political consultants, all of which need financing. On the other hand, candidates also do not have roots in the community, like political parties that do not have ideological closeness to the community and tend to only become boats for a few individuals. This causes the campaign to be intensified and expensive. The amount of money spent, ultimately encourages candidates to 'return their capital', thus seeking many sources of funding, including corruption.<sup>23</sup>

Kelima, besarnya biaya pelaksanaan Pilkada Langsung. Pelaksanaan Pilkada Langsung ternyata membebani Anggaran Pendapatan Belanja Daerah. Biaya pelaksanaan pilkada tiap tingkatan menghabiskan anggaran berbeda. Besarannya antara tiga puluh miliar rupiah sampai 40 miliar rupiah. Jumlah tersebut belum termasuk yang dikeluarkan para kandidat calon kepala daerah. Untuk tingkat Bupati setidaknya perlu mengeluarkan RP 30 miliar. Sementara untuk tingkat provinsi mencapai Rp 100 miliar.<sup>24</sup> The implementation of direct elections is ineffective in terms of time and inefficient in terms of cost because it wastes a lot of regional budgets, while the fiscal

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<sup>20</sup> Susilo Bambang Yudhoyono, *Indonesia Tahun 2021, Peluang Untuk Sukses Ada, Jangan Kita Sia-Siakan*, 2021, dalam <https://www.demokrat.or.id/indonesia-tahun-2021-peluang-untuk-sukses-ada-jangan-kita-sia-siakan/>

<sup>21</sup> Hayati, M., & Noor, R. S. (2020). Korelasi PILKADA Langsung dan Korupsi di Indonesia. *MORALITY: Jurnal Ilmu Hukum*, 6(2), 102. <https://doi.org/10.52947/morality.v6i2.174>

<sup>22</sup> Karyono. (2016). Korelasi Sistem Pilkada Langsung Dengan Perilaku Korupsi Kepala Daerah. *Harmony*, 1(1), 30–44.

<sup>23</sup> Kahfi Adlan Azis, 2021, dalam <https://rumahpemilu.org/korupsi-kepala-daerah-dan-tingginya-biaya-politik/>

<sup>24</sup> Glidheo Algifaryano, dalam <https://www.liputan6.com/bisnis/read/4134744/mahalnya-pilkada-langsung-hingga-habiskan-uang-rp-100-miliar>

capacity of the regions is low so that the election financing is taken by reducing public service spending (education and health).<sup>25</sup>

Sixth, conflicts due to the implementation of direct elections. The contestation in the struggle for power at the local level which is dominated by cases of conflict during the implementation of direct local elections is a phenomenon that is the antithesis of democratic ways of choosing a leader. Democracy actually requires non-violent ways in determining a leader because of the principles of democracy in an election. In addition, elections and local elections are the extent to which everyone has the same opportunity, the process uses democratic methods. There have been several conflicts in direct local elections, including in Tuban Regency, North Maluku Province and South Sulawesi Province, it seems that they are relatively similar to each other in triggering the conflict, namely the dispute over the election results. direct pilkada Referred to as embryo because the slight difference causes dissatisfaction of the losing candidate pair.<sup>26</sup>

The conflict due to the direct elections took many victims, as happened in the direct elections of South Buru Regency-Maluku Province in 2015, there were destruction and burning of houses against supporters of one partner. This conflict is based on a sense of dissatisfaction with the election results won by other couples. The conflict that resulted in 97 Heads of Families having to be evacuated. The six major problems of the direct elections, in other terms the negative impact of direct elections, gave birth to the discourse of abolishing the direct elections and seeking a new system of regional head elections that were still within the corridors of democracy. The argument for strengthening the discourse can be postulated on the practice of state administration, and theory.

First, the practice of state administration in Indonesia recognizes the mechanism for filling regional head positions through a determination system, as happened in the model for the election of the Governor and Deputy Governor of the Special Region of Yogyakarta (DIY). Sri Sultan Hamengkubowono and Sri Paku Alam as Governor and Deputy Governor of the Special Region of Yogyakarta were selected through a determination mechanism.

The Special Region of Yogyakarta, both historically and juridically, has strong legitimacy as a special blood. The privilege of DIY is also reflected in the mechanism for filling the positions of Governor and Deputy Governor with a determination system, in which Sri Sultan Hamengkubowono and Sri Paku Alam are appointed directly by the President. Constitutionally, the stipulation system as Governor and Deputy Governor of DIY is not contrary to the constitution, as long as the stipulation has legitimacy from the community

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<sup>25</sup> Aziz, N. L. L. (2016). Politik Anggaran Dalam Pelaksanaan Pilkada Serentak Di Indonesia. *Jurnal Masyarakat Indonesia*, 42(1), 51–64. Retrieved from <http://jmi.ipk.lipi.go.id/index.php/jmiipk/article/view/359>

<sup>26</sup> Nurhasim, Moch. (2010). Konflik dalam Pilkada Langsung: Studi tentang Penyebab dan Dampak Konflik. *Jurnal Penelitian Politik LIPI: Peluang Indonesia Dalam Perdagangan Bebas*, 7(2), 105–117.



(the people want it).<sup>27</sup> This has also been regulated in Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta.

Furthermore, in DKI Jakarta the mayor is appointed by the Governor on the consideration of the Jakarta Provincial DPRD taken from elements of civil servants who meet the requirements.<sup>28</sup> This is based on Law Number 29 of 2007 concerning the Provincial Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia.

Second, the theory used as an argument is Manor and Crook. According to Manor and Crook, in many cases the direct election of regional heads and the separation between majors (regional heads) and councilors (members of the DPRD) in developing countries have led to worse governance practices. The main factors are the co-optative character of the local elite and always close the opportunity for other parties to compete in politics, the low level of knowledge and political awareness of the community, and the absence of DPRD oversight of regional heads. These factors are reflected in Indonesia. Co-optation of power is carried out by the incumbent by utilizing bureaucratic access. As a result, it is not uncommon for population data to be manipulated, the election process is not objective and not independent.<sup>29</sup> The basic principles of decentralization, namely the existence of political equality and political accountability at the local level do not have a positive correlation with strengthening democracy at the local level.<sup>30</sup>

More, Wawan and friends<sup>31</sup> in the study concluded that the post-conflict local election mechanism using a direct and indirect system, when compared, tends to be more profitable by using an indirect election system.

Third, that in Article 18 of the 1945 Constitution, it is stated that Governors-Deputy Governors, Regents-Deputy Regents, Mayors-Deputy Mayors can be elected in a democratic way. Democracy can be direct and indirect. Regarding regional head elections, this regional head election is contained in Article 18 of the 1945 amendment to the 1945 Constitution of the Republic of Indonesia. Article 18 only states that Governors, Regents and Mayors are elected through democratic means. Democratic methods have multiple interpretations, depending on how the law translates them. Initially, the election was conducted by means of a representative mechanism by the DPRD and now the election system has been replaced directly by the people. Basically, the two post-conflict local election systems, directly or indirectly, do not conflict with the Basic State and the Constitution. If the elections are conducted directly, then the democracy used is pure democracy, in which the implementation of the elections is carried out by the people, of the people and

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<sup>27</sup> Widodo, I. G. (2011). SISTEM PENETAPAN GUBERNUR KEPALA DAERAH ISTIMEWA YOGYAKARTA DALAM SISTEM PEMILIHAN KEPALA DAERAH BERDASARKAN PASAL 18 AYAT (4) UUD 1945. *Jurnal Dinamika Hukum*, 11(2). <https://doi.org/10.20884/1.jdh.2011.11.2.190>

<sup>28</sup> Charles Simabura, 2019, dalam <https://www.hukumonline.com/klinik/a/alasan-walikota-dki-jakarta-tidak-dipilih-secara-langsung-lt5cd5441ad8b65>

<sup>29</sup> Eko Prasajo, *Loc.cit.*

<sup>30</sup> Romli, L. (2018). Pilkada Langsung, Calon Tunggal, dan Masa Depan Demokrasi Lokal. *Jurnal Penelitian Politik*, 15(2), 143. <https://doi.org/10.14203/jpp.v15i2.757>

<sup>31</sup> Wawan, S., Yudhitiya, D. S., & Caecia, G. (2015). Tinjauan Yuridis Perbandingan Sistem Pilkada Langsung dan Tidak Langsung Berdasarkan Demokrasi Pancasila. *Jurnal Dinamika Sosial Budaya*, 17(2), 300–310.

for the people based on the values of Pancasila. On the other hand, the indirect election system is also a manifestation of the implementation of Pancasila democracy. The difference is that the democracy applied is representative democracy, where the election of regional heads can be carried out by members of the local DPRD who are the embodiment of the Indonesian people or through an open auction with a transparent and accountable public hearing. Thus, indirect elections do not conflict with Pancasila democracy.

Thus, arguing on the practice of state administration, and the theory, it can be said that direct Pilkada is not the only democratic way of electing regional heads, it is very open to opportunities for other systems to be applied in the context of regional head elections which are still within the corridor of democracy.

#### **b. Proposed Hierarchy-Based Regional Head Election Model**

Until now, many formulas have been offered as a substitute for direct regional elections, one of which is the discourse of returning to the system of regional heads elected by the Regional People's Representative Council. It is based on the cause of the emergence of the discourse on the abolition of Direct Pilkada as well as its supporting arguments in the practice of state administration and theories. In this study, a hierarchical-based regional head election model is proposed.

In this hierarchy-based regional head election model, the Governor is appointed by the President. Furthermore, the Mayor and Regent are appointed by the Governor. The appointment must first go through the following mechanisms: (1) Open Position Auction; (2) Public Hearings; and (3) Fit and Proper Test.

The first is the open position auction or also known as the open selection process, Eko Prasajo<sup>32</sup> stated that the job auction scheme will create fair and objective competition, so that the best candidate for leadership can be obtained.

This position auction is an adaptation of an open and competitive promotion among civil servants (PNS). The position auction is a mechanism system carried out in implementing the appointment of civil servants (PNS) in a structural position which is carried out based on the principle of professionalism. The auction of office itself has been introduced and practiced in Western countries, with different terms. The aim is to select personnel who have adequate capacity, competence and integrity to fill certain positions. With the auction of positions, it is able to reduce the occurrence of corruption, collusion and nepotism (KKN). This is because the auction of positions is carried out in a transparent manner. The job auction mechanism is able to prevent the politicization of the bureaucracy, or the attitude of leaders who choose officials based on subjectivity in voting.<sup>33</sup>

In the bidding process for this position, the President prior to appointing the Governor, conducts an open bidding (open bidding) to the entire community by providing certain qualifications and requirements in a

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<sup>32</sup> Dalam Anugerah E Yugiantoro, *Lelang Jabatan: Penerapan Good Governance dalam Birokrasi*, Makalah Tidak Diterbitkan, tanpa tahun, p.1.

<sup>33</sup> Fajria Anindya Utami, <https://wartaekonomi.co.id/read340595/apa-itu-lelang-jabatan>, 2021.

transparent process. This open bidding resulted in a number of (could be 7, 9, or 11) top ranking people to participate in the public hearing process.

Second, the number of people (can be 7, 9 or 11) at the top of the open bidding results, then called candidates, must follow the next process, namely public hearings. This public hearing concerns the profile and track record of the candidate. Hearings from the community can be done offline or online. Public hearings are scored using a certain method, based on the scores from these public hearings, the President picks 5 candidates with the best scores to then take the fit and proper test at the Level I Regional House of Representatives (DPRD Province).

Third, the 5 candidates with the best scores took the fit and proper test at the Level I Regional House of Representatives (DPRD Province). As a result of the fit and proper test, the Provincial DPRD determines the 3 best candidates, which will then be submitted to the President. Then as the end of the process, the President selects and appoints one of the 3 candidates as Governor. The same process also applies to the appointment of the Mayor/Regent by the Governor, the difference is that the fit and proper test process is carried out at the City/Regency DPRD.

This model can eliminate the six big problems of Piladasung, because:

- 1) The whole process of this model is low-cost, and does not require campaigning, does not require political dowries, politics of money-sharing, and so on, which can suppress the corrupt behavior of the appointed regional head;
- 2) Ensure that there will be synchronization and continuity of programs between the central and regional governments, as well as in the regions themselves; as well as
- 3) Conflict and community polarization can be avoided.

#### **IV. CONCLUSION**

Since the direct elections in Indonesia have given birth to six major problems, namely: (1). Many regional heads resulting from the direct elections have been caught in corruption, (2). Central and local government programs are often out of sync,(3). The occurrence of community polarization, (4). The corrupt behavior of the elected regional heads due to the very large costs of participating in the direct elections, (5). The amount of the direct election implementation costs, (6). Conflicts due to the implementation of direct elections. The existence of these six major problems gave rise to the discourse of abolishing direct elections and looking for a new system in regional head elections that are still within the corridors of democracy. The arguments for the practice of state administration and theory confirm that direct Pilkada is not the only democratic way of electing regional heads. For this reason, as an alternative to the election of regional heads, this study proposes a hierarchical-based model of regional head elections. The President appoints the Governor, and the Governor appoints the Mayor/Regent. The appointment process follows a mechanism with several stages, namely: (1) an open position auction, (2) a public hearing, and (3) a fit and proper test at the Provincial DPRD for the Governor, for the Mayor/Regent at the Regency DPRD.

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