

REFORMING INDONESIA'S ELECTORAL SYSTEM FOR PRESIDENTIAL GOVERNABILITY

M. Iwan Satriawan*

Faculty of Law, Universitas Lampung, Indonesia
iwan.satriawan@fh.unila.ac.id

Rudy

Faculty of Law, Universitas Lampung, Indonesia
rudy.1981@fh.unila.ac.id

Chaidir Ali

Faculty of Law, Universitas Lampung, Indonesia
chaidir.ali@fh.unila.ac.id

Yusdiyanto

Faculty of Law, Universitas Lampung, Indonesia
yusdiyanto.1980@fh.unila.ac.id

Reisa Malida

Faculty of Law, Universitas Lampung, Indonesia
reisa.malida@fh.unila.ac.id

Yeti Yuniarsih

School of Law, Boston University, United State of America
yetiuni@bu.edu

Volume 5, Number 2, September 2026

Received: July 3, 2026 Accepted: July 8, 2026 Online Published: October 1, 2026.

ABSTRACT

This article examines which electoral design can best support presidential governability in Indonesia while reducing incentives for candidate-centred money politics. It uses normative legal research with statutory, case and conceptual approaches, analysing the 1945 Constitution, Law No. 7 of 2017 on General Elections, and Constitutional Court Decisions No. 22-24/PUU-VI/2008, No. 114/PUU-XX/2022 and No. 135/PUU-XXII/2024, complemented by effective-number-of-parties (ENPP) data for the 1999-2024 elections and the secondary literature. The article finds that, since the Court's 2008 ruling replaced the semi-open list with a purely open list applied from the 2009 election, intra-party competition has intensified while party-system fragmentation has persisted, leaving the President dependent on broad and loosely bound coalitions. It proposes a three-part design: closed-list proportional representation for the House of Representatives (HOR) and Regional People's Representative Council (RPRC), accompanied by statutory safeguards on candidate nomination and campaign finance; separation of national elections (President and Vice President, HOR and Regional Representative Council (RRC)) from local elections (RPRC and regional heads), in line with Decision No. 135/PUU-XXII/2024; and a proportionality-tested parliamentary threshold for local councils. The article concludes that this design is constitutionally defensible and more likely to strengthen governability, but that it would relocate rather than

automatically eliminate money politics unless candidate nomination is regulated. Its contribution is to tie these reforms into one constitutional design, tested against the Constitution and the Court's most recent jurisprudence.

Keywords : Election; Political Parties; Presidentialism.

Open access under a Creative Commons Attribution-ShareAlike 4.0 International License. Copyright © 2026 by Authors.

I. INTRODUCTION

One of the things that is always a homework in every election implementation in Indonesia is related to the practice of money politics which remains a persistent problem, especially in the implementation of legislative elections at the provincial, district/city levels.¹ Although simultaneous elections and presidential elections have been held since 2019 and 2024, this has not eliminated the practice of money politics, which has eroded the foundations of democracy. Furthermore, the large number of political parties gaining seats in parliament has resulted in a presidential system with extreme multi-party systems, rather than moderate ones.

While the initial goal of holding simultaneous presidential and legislative elections was to create a coattail effect and a moderate party system in Indonesia, the electoral system, which determined elected candidates based on the majority of votes, resulted in the emergence of a liberal electoral system characterized by the emergence of numerous political parties participating in the elections, which resulted in an emphasis on the strength of individual legislative candidates and the marginalization of political parties.² This is proven by the emergence of the phenomenon of differences between the winners of political parties in one electoral district and the presidential winner or split-ticket voting and the emergence of winners of legislative seats at all levels who are not legislative candidates with small serial numbers or one and two.³

The differences in voter choice in the simultaneous elections in 2019 and 2024 are due to the following: First, the proximity of voters to legislative candidates. Therefore, even if they belong to different presidential parties, voters will still choose legislative candidates due to this proximity. Second, the need for balance. This is common practice in legislative elections for the Indonesian House of Representatives where candidates are chosen from different candidates than in legislative elections for provincial and district/city. The goal is to establish a checks and balances mechanism, as voters expect.

However, in practice, the checks and balances mechanism, as voters had hoped for in the two simultaneous elections in 2019 and 2024, has not been fully realized. This is because the open proportional representation system, which relies on the majority vote, does not significantly influence political

¹ R. C. Kurniawan and D. Hermawan, "Strategi Sosial Pencegahan Politik Uang di Indonesia," *Integritas: Jurnal Antikorupsi* 5, no. 1 (2019): 29–41, <https://doi.org/10.32697/integritas.v5i1.338>

² Agus Riwanto, "Korelasi Pengaturan Sistem Pemilu Proporsional Terbuka Berbasis Suara Terbanyak dengan Korupsi Politik di Indonesia," *Yustisia* 4, no. 1 (2015): 91, <https://jurnal.uns.ac.id/yustisia/article/view/8624>

³ <https://news.detik.com/pemilu/d-6904613/yandri-pan-60-anggota-dpr-terpilih-bukan-nomor-urut-1>

parties. The number of political parties able to seat their members in parliament remains at around 9 in the 2019 election and 8 in the 2024 election. This is a less than ideal number, based on the Effective Number of Party Politics (ENPP) calculation in Indonesia, which is 7 (seven) political parties, as shown in Table 1 below.

Table 1. Calculation of ENPP and the Ideal Number of Parties in Indonesia

Election	Political parties participating in the election	Political parties in parliament	ENPP	ET/PT Amount
1999	48	21	4.71	ET 2%
2004	24	16	7.07	ET 3%
2009	38+6 local political parties	9	6.21	PT 2.5%
2014	12+3 local political parties	10	8.18	PT 3.5%
2019	16+4 local political parties	9	7.47	PT 4%
2024	18+6 local political parties	8	7.60	PT 4%
The ideal number of political parties in Indonesia (average)			7	PT 3%

This occurs because two things work, namely the mechanical effect and the psychological effect of the election system.⁴ This mechanical effect works on parties due to the direct application of electoral law in converting votes into seats. Meanwhile, the psychological effect of the electoral system arises from the reactions of voters and parties to the consequences arising from the implementation of electoral law. This will be evident in the implementation of elections with a district system, which will result in few political parties participating in the election because the opportunity to gain seats for new or small parties is very difficult. In contrast, the implementation of a proportional system with a majority vote, which almost every election always gives rise to new parties because the opportunity to gain seats is very large, especially at the level of the Provincial, Regency, and City Regional People's Representative Council which does not apply the parliamentary threshold (PT) as in the election of members of the Indonesian House of Representatives.

This is what happened with the implementation of elections in Indonesia which have been going on since 1955 until the last election in 1999 using closed proportional representation without the application of PT.⁵ However, after the Constitutional Court's decision was issued, the open proportional system with the most votes (applied from the 2009 election following Decision No. 22-24/PUU-VI/2008, after the semi-open list used in 2004) has repeatedly given rise to a multi-party system in parliament at all levels even

⁴Ibid, p. 62

⁵Except for the elections of 1977, 1982, 1987, 1992 and 1997 which implemented a political party fusion policy based on the mandate of Law No. 3 of 1975 concerning Political Parties and Functional Groups, LNRI of 1975 No. 32 TLNRI No. 3062

though the PT had implemented it.⁶ While the method for calculating vote conversion has been constantly changing, from the Hare quota to the final one in the 2024 election, the *Sainte Laque* system was used as a means of implementing a simple party system. However, with the most votes, which is the hallmark of an open proportional representation system, victory is determined by the number of personal votes garnered by candidates within the same party. Therefore, in the context of electoral competition, winning a seat is less dependent on defeating other party candidates and more on defeating internal party competitors.⁷

Third, the ideology of political parties has waned, shifting from programmatic to charismatic and clientelistic. This has resulted in legislative candidates easily switching from party A to party B due to being disqualified in the previous election, or even forming a new party in the next election due to losing the general chairmanship or disagreeing with the policies of the party's central board. Furthermore, a political party can shift from opposition to coalition, and *vice versa*.

Existing scholarship has examined these problems separately. Studies of open-list proportional representation link it to high campaign costs and money-driven politics⁸, and work on presidentialism examines the difficulty of combining presidential government with fragmented multiparty⁹. Closed-list proportional representation, the separation of national and local elections, and parliamentary thresholds at the local level have also been proposed before¹⁰. What remains under-examined is whether these components can be combined into one constitutionally coherent design, tested against the text of the 1945 Constitution and the Constitutional Court's most recent jurisprudence, that addresses money politics and presidential governability together. Constitutional Court Decision No. 135/PUU-XXII/2024, which separates national and local elections from the 2029 cycle, makes the question urgent, because it changes the institutional setting in which any list system and any threshold would operate.

This article therefore does not claim novelty for the individual reform ideas. Its contribution is threefold: (i) it specifies one electoral design, namely closed-list proportional representation with regulated candidate nomination, national-local separation as ordered by the Constitutional Court, and a proportionality-tested local parliamentary threshold; (ii) it tests that design against Articles 6A, 18(3), 22E and 28J of the 1945 Constitution and the Court's case law; and (iii) it states the limits of the closed-list argument, in

⁶The 2004 election resulted in 16 political parties in parliament, the 2009 election resulted in 9 political parties, the 2014 election resulted in 10 political parties, the 2019 election resulted in 9 political parties, the 2024 election resulted in 8 political parties.

⁷Burhanuddin Muhtadi, *Kuasa Uang* (Politik Uang dalam Pemilu Pasca Orde Baru), Jakarta:Gramedia, 2020, p.19

⁸Jayus, *Rekonseptualisasi Penyelesaian Perselisihan Tentang Hasil Pemilu di Indonesia*, Disertasi Progam Doktor Ilmu Hukum Fakultas Hukum Universitas Brawijaya Malang, 2014, p. 79

⁹Agus Riwanto, *Hukum Partai Politik dan Hukum Pemilu di Indonesia*, Yogyakarta:Thafamedia, 2016, p. 1

¹⁰Sigit Pamungkas, *Perihal Pemilu*,Jogyakarta:Laboratorium Jurusan Ilmu Pemerintahan dan Jurusan Ilmu Pemerintahan Universitas Gajah Mada, 2009 p. 39

particular that money politics may move from candidate-level vote buying to the nomination process.

Based on this background, the article addresses three research questions. First, how does an open proportional representation system with a majority vote contribute to a fragmented multi-party presidential system? Second, what risks does that system pose to presidential governability and to the integrity of elections? Third, what electoral system model is constitutionally appropriate for Indonesia, and what safeguards does it require?

II. RESEARCH METHOD

This research will employ a normative legal research method, thus primarily utilizing data from library materials. The data collection method employed in this research is a literature study, which examines or explores legal materials or written data in the form of statutes, court decisions, books, journals, magazines, newspapers, and other legal materials relevant to the research topic. The analysis uses a statute approach (the 1945 Constitution, Law No. 7 of 2017, Law No. 8 of 2015 and Law No. 23 of 2014), a case approach (Constitutional Court Decisions No. 22-24/PUU-VI/2008, No. 114/PUU-XX/2022 and No. 135/PUU-XXII/2024) and a conceptual approach drawing on the literature on electoral systems and presidentialism. The primary legal materials are supplemented by the ENPP data in Table 1 and by peer-reviewed journal articles, and are analysed qualitatively and prescriptively.

III. ANALYSIS AND DISCUSSION

The discussion proceeds in four steps. The first two parts are mainly descriptive-analytical: they explain how the open-list system and multipartism interact in a presidential system and which governability risks follow. The third part is normative: it sets out the constitutional basis, the mechanism and the limits of closed-list proportional representation. The fourth part is normative-constitutional: it assesses the separation of national and local elections under Decision No. 135/PUU-XXII/2024 and the proportionality of a local parliamentary threshold.

A. Open Proportional and Multiparty Presidential

Elections are not only an institution for the ongoing democratic process in a country, but also an institution that can be used to test the upholding of democratic values, law and justice.¹¹ In studies on elections, two important aspects will always be encountered, namely the first relating to the electoral system and the second relating to the electoral process.¹²

The election system can also have the meaning of a method of converting or changing people's votes into seats to become people's representatives in representative institutions or can also be interpreted as a collection of methods or ways for citizens to choose their representatives.

¹¹Ali Masykur Musa, *Sistem Pemilu Proporsional Terbuka Setengah Hati*, Jakarta:Pustaka Indonesia Satu (PIS),2003, p. 3

¹²Arend Lijphart, *Pattern of Democracy: Government Form and Performance in Thirty-Six Countries*, New Haven and London:Yale University Press,1999, p. 144

The electoral systems used by countries around the world vary widely. Countries with similar demographic and geographic characteristics do not necessarily adopt the same electoral system. Countries that implement the same form and system of government do not necessarily implement the same electoral system, and vice versa.¹³

One constitutional practice not yet regulated by constitutional law during the New Order era was elections. This resulted in elections being merely a government program, a further elaboration of the Broad Outlines of State Policy. Furthermore, the New Order government was an incarnation of the Functional Group Party, and therefore, all election programs were always aimed at ensuring Functional Group Party victory at all levels, including the HOR, Provincial RPRC, and Regency/City RPRC.¹⁴

Therefore, because of the importance of the implementation of elections, the amendment to the 1945 Constitution has regulated it in 5 (five) articles, namely first, article 6 A for the presidential election which is directly elected by the people who previously were sufficient to be elected by the National Assembly/HOR. Second, article 18 paragraphs (3) and (4) are for the election of RPRC members and regional heads, third, article 19 for the election of HOR RI members, fourth, article 22C for the election of RRC members and fifth is article 22E for the formation of an independent and permanent election organizing institution.

Indonesia itself, because of its diverse society, has chosen to use a proportional system (balanced representation) or what is also known as a proportional representation system or multi-member representation in every election from 1955 until the last in 2024. According to Arend Lijphart, countries that tend to use a consensus democracy model relatively use a proportional representation election system.¹⁵

In this system, the number of votes each political party receives determines the number of seats it will receive in parliament. This means that the ratio of votes between political parties is the same as the ratio of seats they receive in parliament.¹⁶ The impact of implementing this system is that it can facilitate fragmentation between political parties. When conflict arises, party members tend to form new parties due to the large number of new parties seeking seats at all levels of the legislative body through elections.¹⁷

The combination of proportional representation (closed-list in 1999, semi-open in 2004 and open from 2009) with a multiparty system, between the 1999 and 2019 elections, has not produced a majority that would facilitate the president's cabinet formation. Instead, what has emerged is a loose coalition unbound by party ideology, but rather focused on the distribution of

¹³Mhd Ansor Lubis, Anggreni Atmei Lubis dan Wenggedes Frensh, *Sistem Pemiihan Umum Proporsional terbuka dan Tertutup*, (Purbalingga:Eureka Media Aksara, 2023, p. 23

¹⁴Zainal Arifin Hoesein dan Arifudin, *Penetapan Pemilih dalam Sistem Pemilihan Umum* (Jakarta:Rajawali Pers, 2017), p.23

¹⁵Wilma Silalahi, *Sistem Pemilihan Umum di Indonesia*, (Jakarta:Rajawali Press,2022), p. 151

¹⁶Yanuarti dan Nurhasim, *Mencari Sistem Pemilu dan Kepartaian yang Memperkuat Sistem Presidensial*, Jurnal Penelitian Politik, Vol.10 No.2 Tahun 2013 .h.97 <https://ejournal.politik.lipi.go.id/index.php/jpp/article/view/437/0>

¹⁷Mochamad Nurhasim, Fisibilitas Sistem pemilu Campuran:Upaya Meperkuat Sistem Presdiensial di Indonesia, *Jurnal Penelitian Politik*,Vol.11 No. 1 Juni (2014), p. 150

ministerial positions between the president-elect and the president's supporting political parties in parliament.

These institutional problems will become more complex if the realization of the coalition is not based on a minimum consensus among the political parties in the coalition, so that there is a high potential for it to disband midway or (deadclock).¹⁸ This phenomenon occurred in Indonesia during the 1999 elections, which resulted in the impeachment of Abdurrahman Wahid for ignoring the demands of the president's parliamentary supporters, namely the Central Axis and the Indonesian Democratic Party of Struggle. Then, in the 2014 and 2019 elections, the Red-White Coalition opposition was dissolved when the Functional Group Party, the National Mandate Party, and the United Development Party joined the cabinet. Similarly, the Just and Prosperous Indonesia Coalition disbanded when the Great Indonesia Movement Party and the National Mandate Party joined the cabinet.

Although in theory it is stated that only through political parties can the quality of presidential democracy be determined, particularly in the form and format of political representation that will be produced in general elections.¹⁹ However, if it is not balanced with good political party conditions, presidential democracy will only give birth to a fantasy from a general election process.

As a result, elections will fail to produce a majority power that serves as a democratic installation. Even elections, which are synonymous with the process of establishing democratic institutions that strengthen the presidential system of government and promote governability, will also fail to function optimally.²⁰ Instead, it will shift into an oligarchy of power between the president and the political parties supporting the president-elect. The president-elect will tend to maintain government stability and avoid a divided government by embracing as many political parties as possible, especially those in parliament.²¹

The literature explains why this matters. Mainwaring argued that presidentialism combined with a fragmented multiparty system is a difficult combination for democratic stability²², and later comparative work qualified that claim by showing that outcomes depend on party-system features and on the design of presidential powers²³. The effective number of parties, measured

¹⁸ At its formation in October 2024, the Kabinet Merah Putih consisted of 48 ministers, excluding vice-ministers and heads of certain institutions, appointed by Presidential Decree No. 133/P of 2024. Nearly all political parties, both parliamentary and non-parliamentary, secured positions in the cabinet, except for the PDI-P, Nasdem, and PKS.

¹⁹ Hamdani, K., Iyah, K. M., & Ramadhani, A. N. A. (2023). Menakar konstruksi proporsional tertutup dan kebijakan afirmatif perempuan di parlemen. *Jurnal Nomokrasi*, 1(1). <https://journal.unhas.ac.id/index.php/jnomokrasi/article/view/25038>

²⁰ Hamdani, Iyah and Ramadhani (2023), p. 5.

²¹ Ibnu Tricahyo, "Reformasi Pemilu Menuju Pemisahan Pemilu Nasional dan Lokal", (Malang: In-Trans Publishing, 2009), p. 15

²² Kurniawati Hastuti Dewi, "Pemilukada di Indonesia: Filosofi, Konsep, Simulasi Kesiapan dan temuan dari Daerah" dalam *Gagasan Pemilihan Umum Kepala Daerah Asimetris*, (Yogyakarta: Calpulis, 2016), p. 27

²³ Constitutional Court Decision No. 5/PUU-V/2007 regarding the permission of independent candidates in regional elections, but in fact not many independent candidates have won regional elections from 2008-2020 so that the support of political parties in regional elections is still needed.

with the Laakso-Taagepera index²⁴, is the standard indicator of fragmentation, and Table 1 shows that it has ranged between roughly 6.2 and 8.2 since the 2004 election. Comparative work also indicates that fragmentation is shaped not only by list format but also by district magnitude, thresholds and the timing of presidential and legislative elections²⁵. The open list should therefore be treated as one contributing factor rather than the sole cause; its distinctive effect is to move competition from between parties to within parties and to reward candidates' personal networks over party programmes.

B. Open Proportional Risk in a Presidential System

The emergence of the Constitutional Court decision No. 114 / PUU-XX / 2022 related to the establishment of an open proportional election system with the most votes for the 2024 election which further strengthens the previous Constitutional Court decision No. 22-24 / PUU-VI / 2008 regarding the implementation of an open proportional election system. The implementation of an open proportional majority vote is a response to the emergence of legislative members who are unknown to the voting public because they use a closed list system, meaning voters only choose political party images. The implementation of a closed list proportional election system has an impact on the loyalty of legislative members being greater to political parties than to constituents in their electoral districts.

This decision is argued here to carry three risks, namely, firstly, an intensified practice of money politics is not only occurring between legislative candidates and their constituent voters but also between legislative candidates and election organizers in order to win the electoral competition. These are risks that the literature associates with open-list competition; they are not treated here as proven causal effects of the Court's ruling.²⁶

Second, there is the absence of political party ideology. All political parties have shifted from cadre parties that prioritized cadre ideology to charismatic or even clientelistic parties due to the practice of electoral liberalism, one of which is no longer considering the urgency of legislative candidate numbers on the ballot paper. Because any legislative candidate and any ballot number can be elected as long as they can win the hearts of the people, meaning they win the most votes in their chosen district. In other words, it can be interpreted as a free competition between candidates, especially within the same electoral district and within the same party.²⁷

Thirdly, the failure of the objective of implementing simultaneous elections, which was expected to create a coattail effect, namely that the

²⁴Asrinaldi A, *Koalisi Model Parlementer dan Dampaknya pada Penguatan Kelembagaan Sistem Presidensial di Indonesia*, Jurnal Penelitian Politik 10 no.2 Desember 2013,h.65, <https://ejournal.politik.lipi.go.id/index.php/jpp/article/view/435>

²⁵Read Articles 4-5 of the 1945 Constitution

²⁶Sholahuddin, Ali Syafaat dan M.Dahlan, "Reformulasi parliamentary Thershold yang berkeadilan dalam pemilu Legislatif di Indonesia", <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/108>

²⁷ Prayudi (2021). Agenda pemilu serentak: Pemisahan pemilu nasional dan pemilu lokal. *Politica*, 12(1), 69. <https://doi.org/10.22212/jp.v12i1.1768>

election of the president would influence the election of parties in legislative institutions, has failed.²⁸

The elected president is forced to implement consensus democracy by partnering with numerous political parties. This is done to secure policies and maintain government stability, as a result of the large number of political parties able to place their cadres in parliament at all levels. This is a consequence of the practice of a presidential system combined with a multi-party system, resulting in the large number of political parties participating in the election being able to place their cadres in the House of Representatives.

C. Closed-List Proportional Representation: Constitutional Basis, Mechanism and Limits

Any move away from the open list must first be tested against the Constitution. Article 22E(3) of the 1945 Constitution provides that political parties are the participants in elections for members of the HOR and RPRC. In Decision No. 114/PUU-XX/2022 the Court declined to invalidate the open list, considered that the open list is not the root cause of money politics, and left the choice of system to the legislature²⁹. A statutory return to a closed list is therefore constitutionally permissible, provided that the principles of Article 22E(1) and the democratic character of candidate selection are preserved. Because Decision No. 22-24/PUU-VI/2008 grounded the most-votes rule in popular sovereignty, a closed list also needs a persuasive justification and safeguards for voter participation.

As to mechanism, the argument runs through incentives. Under an open list, a candidate's seat depends on a personal vote, which rewards individual spending, personal brokerage networks and vote buying, and which places co-partisans in competition with one another³⁰. Under a closed list, a seat depends on list position and party vote share, so competition among co-partisans is replaced by competition among parties and the marginal return to buying individual votes should fall. This is a claim about incentives, not a proven causal relationship, and it has an important limit. If list position determines election, payment may shift from voters to party gatekeepers, for example as candidacy fees or payments for high list positions, so that money politics is relocated from the electoral stage to the nomination stage.

The conclusion that a closed list suppresses money politics therefore holds only if it is accompanied by legal safeguards: statutory standards for democratic and transparent candidate selection, disclosure and audit of party

²⁸ Argoebie, B., Cindy, Umar, M. R., & Wulandari, L. (2025). An evaluation of Indonesia's open proportional electoral system and its impact on party fragmentation in the 2024 general election. *Jurnal Politik Indonesia (Indonesian Journal of Politics)*, 11(1), 79-95. <https://e-journal.unair.ac.id/POLINDO/article/view/71891>; Aspinall, E., Rohman, N., Hamdi, A. Z., Rubaidi, & Triantini, Z. E. (2017). Vote buying in Indonesia: Candidate strategies, market logic and effectiveness. *Journal of East Asian Studies*, 17(1), 1-27.

²⁹ Mainwaring, S. (1993). Presidentialism, multipartism, and democracy: The difficult combination. *Comparative Political Studies*, 26(2), 198-228.

³⁰ Hamdani, K., Iyah, K. M., & Ramadhani, A. N. A. (2023). Menakar konstruksi proporsional tertutup dan kebijakan afirmatif perempuan di parlemen. *Jurnal Nomokrasi*, 1(1). <https://journal.unhas.ac.id/index.php/jnomokrasi/article/view/25038>; Prayudi (2021). Agenda pemilu serentak: Pemisahan pemilu nasional dan pemilu lokal. *Politica*, 12(1). <https://doi.org/10.22212/jp.v12i1.1768>

and campaign finance, administrative and criminal sanctions for payments connected with nomination, and effective supervision by the Election Supervisory Agency. Without them, a closed list may strengthen party oligarchy, the problem the open list was meant to correct³¹. Empirical evidence on the closed list in Indonesia is also limited, because it was last used in 1999, before the current rules on party and campaign finance; further research using the General Election Commissions and the Election Supervisory Agency data is needed to test the causal claim.

D. Separation of Local and National elections

The emergence of the Constitutional Court decision No. 135/PUU-XXII/2024 regarding the implementation of national and local elections which are separated on one side according to the author is a new breakthrough related to changes in the implementation of elections which were initially simultaneous with 5 ballot boxes in the 2019 and 2024 elections but for the 2029 elections have been separated into national elections and local elections.

Decision No. 135/PUU-XXII/2024, pronounced on 26 June 2025, declared Articles 167(3) and 347(1) of Law No. 7 of 2017 and Article 3(1) of Law No. 8 of 2015 conditionally unconstitutional³². Under the ruling, national elections comprise the election of members of the HOR and RRC and of the President and Vice President, while local elections comprise the election of members of the provincial and regency/city RPRC and of governors, regents and mayors. Local elections are to be held at least two years and at most two years and six months after the inauguration of the HOR and RRC members or of the President and Vice President, beginning with the cycle after the 2029 elections. The RRC, in other words, belongs to the national election and not to the local one.

In implementing regional autonomy, the government delegates some of its authority to regions to manage their own affairs. Thus, regional autonomy essentially aims to bring policymakers closer to the community, ensuring that policies adopted by local governments reflect the potential, needs, and conditions of their respective regions. The key to implementing regional autonomy is increasing community participation.³³

The welfare of the people within the framework of the Unitary State of the Republic of Indonesia is an ideal that will always be pursued, one of which is through decentralization policies. Decentralization in a unitary state like Indonesia means that the central government grants authority and power to regions to regulate and manage their own affairs within an autonomous region.³⁴ This also includes the implementation of elections, both legislative and regional elections.

³¹ Mainwaring, S., & Shugart, M. S. (1997). Juan Linz, presidentialism, and democracy: A critical appraisal. *Comparative Politics*, 29(4), 449-471.

³² Laakso, M., & Taagepera, R. (1979). "Effective" number of parties: A measure with application to West Europe. *Comparative Political Studies*, 12(1), 3-27.

³³ Golder, M. (2006). Presidential coattails and legislative fragmentation. *American Journal of Political Science*, 50(1), 34-48; Carey, J. M., & Shugart, M. S. (1995). Incentives to cultivate a personal vote: A rank ordering of electoral formulas. *Electoral Studies*, 14(4), 417-439.

³⁴ Constitutional Court Decision No. 114/PUU-XX/2022; Constitutional Court Decision No. 22-24/PUU-VI/2008.

However, in reality, the implementation of national elections has consistently resulted in problems with the unification of the HOR, RRC, and RPRC elections. This is despite the fact that regional elections still rely on political party support to nominate candidates for regional head positions in the RPRC.³⁵ This has resulted in a coalition process involving party elites acting "as if" on behalf of their constituents. However, in elections, voter preferences for political parties differ from their preferences for individuals. Consequently, the coalition process for regional head candidates is no longer based on public aspirations, but rather on dictates from the Central Executive Board, which appear pragmatic and oligarchic.³⁶

The constitutional basis for the separation of local and central elections can be based on Article 1 number 2 of Law No. 23 of 2014 concerning regional government which states the following:

Regional government is the administration of regional government affairs by the regional government and the regional people's representative assembly (RPRC) according to the principles of autonomy and assistance tasks....

This is supplemented by the following text in Article 18 paragraph (3) of the 1945 Constitution:

Provincial, district and city regional governments have Regional People's Representative Assembly whose members are elected through general elections.

According to the aforementioned articles, regional government can be interpreted to include the regional government (regional head) and the RPRC. This differs from the Indonesian definition of government, which is held by a President and assisted by a Vice President, who separate powers between the executive, legislative, and judicial branches.³⁷

Likewise, regarding elections, based on the aforementioned article, RPRC elections fall under the chapter on regional government. Therefore, the Constitutional Court's ruling regarding the concept of separating national and local elections does not conflict with the 1945 Constitution.

The Decision nevertheless leaves a transitional constitutional question open. Article 22E(1) of the 1945 Constitution provides for elections every five years, and the interval between national and local elections means that RPRC

³⁵ Aspinall, E., Rohman, N., Hamdi, A. Z., Rubaidi, & Triantini, Z. E. (2017). Vote buying in Indonesia: Candidate strategies, market logic and effectiveness. *Journal of East Asian Studies*, 17(1), 1-27.; Argoebie, B., Cindy, Umar, M. R., & Wulandari, L. (2025). An evaluation of Indonesia's open proportional electoral system and its impact on party fragmentation in the 2024 general election. *Jurnal Politik Indonesia (Indonesian Journal of Politics)*, 11(1), 79-95. <https://e-journal.unair.ac.id/POLINDO/article/view/71891>; Carey, J. M., & Shugart, M. S. (1995). Incentives to cultivate a personal vote: A rank ordering of electoral formulas. *Electoral Studies*, 14(4), 417-439.

³⁶ On party patronage and factionalism, see Fionna, U., & Tomsa, D. (2020). Changing patterns of factionalism in Indonesia: From principle to patronage. *Journal of Current Southeast Asian Affairs*, 39(1), 39-58.

³⁷ Constitutional Court Decision No. 135/PUU-XXII/2024 (pronounced 26 June 2025), concerning the review of Articles 167(3) and 347(1) of Law No. 7 of 2017 on General Elections and Article 3(1) of Law No. 8 of 2015 on the Election of Governors, Regents, and Mayors.

members and regional heads elected in 2024 would either serve beyond five years or be replaced by acting officials. This question falls to the legislature and should be regulated when Law No. 7 of 2017 is revised³⁸.

Second, no less important than separating national and regional elections is the implementation of a parliamentary threshold at the local or regional level. This refers to Constitutional Court Decision No. 52/PUU-X/2012, which states that legal policy related to limiting the number of political parties that do not effectively gain public support, so that these political parties cannot have representatives in representative institutions, both at the central and regional levels.

The phenomenon of placing the parliamentary threshold only at the HOR RI level, not at the Provincial or Regency/City RPRC level, has also resulted in an ineffective regional government system, as many provinces and regencies/cities have political parties with only one seat in parliament. At least several parties in several regions have only secured one seat at the Provincial and City/Regency RPRC levels, as shown in the data below:

Table 2. List of 11 political parties in the region that only got 1 seat in the 2019-2024 elections

No	Political parties	Number of Seats	Regional Name	Total Number of RPRC Seats
1	National Awakening Party	1	West Lampung Regency	35 seats
2	United Development Party	1	Bandar Lampung City	50 seats
3	Work Party	1	Jember Regency	50 seats
4	United Development Party	1	Jakarta Special Capital Region	106 seats
5	People's Conscience Party	1	East Java RPRC	120 seats
6	National Awakening Party	1	East Java RPRC	120 seats
7	Indonesian Unity Party	1	West Java RPRC	120 seats
8	Indonesian Unity Party	1	North Sumatra RPRC	100 seats
9	United Development Party	1	South Sumatra RPRC	75 seats
10	Indonesian Solidarity Party	1	Special Region of Yogyakarta RPRC	55 seats
11	National Mandate Party	1	Bondowoso RPRC	45 seats

Source: compiled from various sources.

³⁸ Constitutional Court Decision No. 52/PUU-X/2012, as cited above.

If we look at the proposal from Sholahuddin Al-Fatih et al.³⁹ which proposes the implementation of a parliamentary threshold for the Provincial RPRC of 3% and 3.5% for the Regency/City RPRC, then it will not be found in any regional parliament whose party only has one seat at the RPRC level, both provincial and city/regency as per the data above. Because with the implementation of the parliamentary threshold, at least every new political party can enter as a member of the provincial, city/regency RPRC if it gets at least 2 (two) seats at all levels. This can only be implemented if there is a separation between national elections and local elections with the implementation of the parliamentary threshold at the local level, not only at the national level as has been the case so far.

The proposal for local thresholds must be assessed for constitutional proportionality, not only for its effect on fragmentation. A threshold limits the equality of votes and the right of parties to be represented, because votes for parties below the threshold are not converted into seats. Article 28J(2) of the 1945 Constitution permits limits on rights by law, provided they serve a legitimate aim and are proportionate. At the national level, the parliamentary threshold has been treated as an instrument for simplifying the party system within legislative legal policy⁴⁰. Extending it to the RPRC needs separate justification, because local councils are much smaller than the HOR; the councils in Table 2 have between 35 and 120 seats, so the effect of a given percentage depends heavily on council size.

Four questions structure the assessment. First, legitimate aim: simplifying local party systems and stabilising local government are legitimate aims. Second, suitability: a threshold can reduce the number of one-seat parties, as the data in Table 2 suggest, but its effect varies with council size. Third, necessity: less restrictive alternatives should be considered, such as a lower or size-graded threshold, a minimum-seat rule for forming a council faction, or adjustments to district magnitude. Fourth, proportionality in the strict sense: the loss of representation, meaning wasted votes and the effect on regional political diversity and on small and new parties, must not outweigh the gain. Special attention is needed for regions with recognised local parties, notably Aceh under its special autonomy⁴¹. On this analysis the proposal is defensible only in a graded, evidence-based form, and its design should be tested against the 2024 RPRC results before adoption.

Third, by separating national and local elections, it is hoped that a coattail effect will emerge from voters voting for council candidates, which will be held simultaneously with regional head elections. This will undoubtedly alter the vote share of political parties supporting a particular candidate. This way, coalitions of political parties supporting regional head candidates can be implemented early, rather than after the election of RPRC members, as has been the case previously.

³⁹ Law No. 11 of 2006 on the Governing of Aceh.

⁴⁰ See Argoebie et al. (2025); Aspinall et al. (2017).

⁴¹ Constitutional Court Decision No. 135/PUU-XXII/2024; 1945 Constitution, Articles 18(3), 22C and 22E(1).

However, it is no less important to note that the separation scheme between national and local elections can be interpreted as subjectively bringing federalist aspirations which will also have an impact on the role of local tycoons or strongmen in winning candidates as in the case of certain regional elections.⁴² This issue must also remain a serious concern in relation to the development of democracy in the regions. To ensure that the separation of national and local elections does not lead to the creation of new regional kings due to weak public control over the various dynamics of election implementation at the local level.

IV. CONCLUSION

On the basis of the normative analysis, this article concludes that a presidential system is more likely to govern effectively if the electoral system reduces the fragmentation of the party system and aligns the incentives of parties and candidates with party programmes. The analysis supports moving from open proportional representation with the most votes to closed-list proportional representation for HOR and RPRC elections. This is constitutionally permissible under Article 22E(3) of the 1945 Constitution and within the legislature's legal policy, as recognised in Constitutional Court Decision No. 114/PUU-XX/2022. A closed list is expected to reduce candidate-level vote buying and intra-party competition, but it does not by itself eliminate money politics, because payments may shift to candidate nomination; it must therefore be accompanied by statutory standards for democratic candidate selection, disclosure of party and campaign finance, and effective sanctions.

Second, in line with Constitutional Court Decision No. 135/PUU-XXII/2024, national elections should be held separately from local elections. National elections cover the President and Vice President, the HOR and the RRC; local elections cover the provincial and regency/city RPRC and regional heads. The RRC therefore remains part of the national election. Separation is expected to strengthen the link between presidential and legislative outcomes at the national level and to allow local coalitions to form earlier, although this depends on transitional arrangements for the terms of RPRC members and regional heads.

Third, a parliamentary threshold for local councils may help simplify local party systems, but its constitutionality depends on a proportionality assessment of its effects on equality of votes, regional political diversity and small parties; a size-graded and evidence-based threshold is more defensible than a uniform one.

The original contribution of this article is to combine these three components in one constitutional design tested against the 1945 Constitution and the Constitutional Court's most recent jurisprudence, and to state its limits. The legal-policy implication is that legislators revising the General Elections Law should treat list format, national-local separation, thresholds and the regulation of party nomination as one package, supported by empirical evaluation of the 2024 election data.

REFERENCES

Books, Journal, and Other Source :

- Argoebie, B., Cindy, M. R. Umar, and L. Wulandari. "An Evaluation of Indonesia's Open Proportional Electoral System and Its Impact on Party Fragmentation in the 2024 General Election." *Jurnal Politik Indonesia (Indonesian Journal of Politics)* 11, no. 1 (2025): 79–95. <https://e-journal.unair.ac.id/POLINDO/article/view/71891>.
- Asrinaldi, A. "Koalisi Model Parlementer dan Dampaknya pada Penguatan Kelembagaan Sistem Presidensial di Indonesia." *Jurnal Penelitian Politik* 10, no. 2 (2013). <https://ejournal.politik.lipi.go.id/index.php/jpp/article/view/435>.
- Aspinall, E., N. Rohman, A. Z. Hamdi, Rubaidi, and Z. E. Triantini. "Vote Buying in Indonesia: Candidate Strategies, Market Logic and Effectiveness." *Journal of East Asian Studies* 17, no. 1 (2017): 1–27.
- Carey, J. M., and M. S. Shugart. "Incentives to Cultivate a Personal Vote: A Rank Ordering of Electoral Formulas." *Electoral Studies* 14, no. 4 (1995): 417–439.
- Dahl, R. A. *Perihal Demokrasi*. Jakarta: Yayasan Obor Indonesia, 2001.
- Detik News. "Yandri PAN 60 Anggota HoR Terpilih Bukan Nomor Urut 1." Detik News. <https://news.detik.com/pemilu/d-6904613/yandri-pan-60-anggota-HoR-terpilih-bukan-nomor-urut-1>.
- Dewi, K. H. "Pemilukada di Indonesia: Filosofi, Konsep, Simulasi Kesiapan dan Temuan dari Daerah." In *Gagasan Pemilihan Umum Kepala Daerah Asimetris*. Yogyakarta: Calpulis, 2016.
- Fionna, U., and D. Tomsa. "Changing Patterns of Factionalism in Indonesia: From Principle to Patronage." *Journal of Current Southeast Asian Affairs* 39, no. 1 (2020): 39–58.
- Golder, M. "Presidential Coattails and Legislative Fragmentation." *American Journal of Political Science* 50, no. 1 (2006): 34–48.
- Hamdani, K., K. M. Iyah, and A. N. A. Ramadhani. "Menakar Konstruksi Proporsional Tertutup dan Kebijakan Afirmatif Perempuan di Parlemen." *Jurnal Nomokrasi* 1, no. 1 (2023). <https://journal.unhas.ac.id/index.php/jnomokrasi/article/view/25038>.
- Hoesein, Z. A., and Arifudin. *Penetapan Pemilu dalam Sistem Pemilihan Umum*. Jakarta: Rajawali Pers, 2017.
- Jayus. "Rekonseptualisasi Penyelesaian Perselisihan tentang Hasil Pemilu di Indonesia." PhD diss., Universitas Brawijaya, Malang, 2014.

- Kurniawan, R. C., and D. Hermawan. "Strategi Sosial Pencegahan Politik Uang di Indonesia." *Integritas: Jurnal Antikorupsi* 5, no. 1 (2019): 29–41. <https://doi.org/10.32697/integritas.v5i1.338>.
- Laakso, M., and R. Taagepera. "'Effective' Number of Parties: A Measure with Application to West Europe." *Comparative Political Studies* 12, no. 1 (1979): 3–27.
- Lijphart, A. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven and London: Yale University Press, 1999.
- Lubis, M. A., A. A. Lubis, and W. Frensh. *Sistem Pemilihan Umum Proporsional Terbuka dan Tertutup*. Purbalingga: Eureka Media Aksara, 2023.
- Mainwaring, S. "Presidentialism, Multipartism, and Democracy: The Difficult Combination." *Comparative Political Studies* 26, no. 2 (1993): 198–228.
- Mainwaring, S., and M. S. Shugart. "Juan Linz, Presidentialism, and Democracy: A Critical Appraisal." *Comparative Politics* 29, no. 4 (1997): 449–471.
- Muhtadi, B. *Kuasa Uang: Politik Uang dalam Pemilu Pasca Orde Baru*. Jakarta: Gramedia, 2020.
- Musa, A. M. *Sistem Pemilu Proporsional Terbuka Setengah Hati*. Jakarta: Pustaka Indonesia Satu, 2003.
- Nurhasim, M. "Fisibilitas Sistem Pemilu Campuran: Upaya Memperkuat Sistem Presidensial di Indonesia." *Jurnal Penelitian Politik* 11, no. 1 (2014).
- Pahlevi, I. "Perdebatan Sistem Pemilu di Indonesia: Studi terhadap Perumusan Sistem Proporsional dalam Undang-Undang Nomor 10 Tahun 2008 tentang Pemilu Legislatif." PhD diss., Universitas Indonesia, 2014.
- Pahlevi, I. *Sistem Pemilu di Indonesia antara Proporsional dan Mayoritarian*. Jakarta: P3DI Setjen HOR RI dan Azza Grafika, 2015.
- Pamungkas, S. *Perihal Pemilu*. Yogyakarta: Laboratorium Jurusan Ilmu Pemerintahan, Universitas Gadjah Mada, 2009.
- Prayudi. "Agenda Pemilu Serentak: Pemisahan Pemilu Nasional dan Pemilu Lokal." *Politica* 12, no. 1 (2021). <https://doi.org/10.22212/jp.v12i1.1768>.
- Rishan, I. "Risiko Koalisi Gemuk dalam Sistem Presidensial di Indonesia." *Jurnal Hukum Ius Quia Iustum* 27, no. 2 (2020).

- Riwanto, A. "Korelasi Pengaturan Sistem Pemilu Proporsional Terbuka Berbasis Suara Terbanyak dengan Korupsi Politik di Indonesia." *Yustisia* 4, no. 1 (2015).
<https://jurnal.uns.ac.id/yustisia/article/view/8624>.
- Riwanto, A. *Hukum Partai Politik dan Hukum Pemilu di Indonesia*. Yogyakarta: Thafamedia, 2016.
- Silalahi, W. *Sistem Pemilihan Umum di Indonesia*. Jakarta: Rajawali Pers, 2022.
- Sholahuddin, A. Syafaat, and M. Dahlan. "Reformulasi Parliamentary Threshold yang Berkeadilan dalam Pemilu Legislatif di Indonesia." <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/108>.
- Tricahyo, I. *Reformasi Pemilu Menuju Pemisahan Pemilu Nasional dan Lokal*. Malang: In-Trans Publishing, 2009.
- Yanuarti, and Nurhasim. "Mencari Sistem Pemilu dan Kepartaian yang Memperkuat Sistem Presidensial." *Jurnal Penelitian Politik* 10, no. 2 (2013).
<https://ejournal.politik.lipi.go.id/index.php/jpp/article/view/437/0>.
- Yusnedi, F. R., Suryanef, Hasrul, and A. L. Rafni. "Analisis Perbedaan Sistem Proporsional Terbuka dan Tertutup pada Pemilu di Indonesia." *Journal of Education, Cultural and Politics* 4, no. 3 (2024).

Laws and Regulations :

- 1945 Constitution of the Republic of Indonesia.
- Law No. 3 of 1975 on Political Parties and Functional Groups.
- Law No. 23 of 2014 on Regional Government.
- Law No. 8 of 2015 on the Election of Governors, Regents, and Mayors.
- Law No. 11 of 2006 on the Governing of Aceh.
- Law No. 7 of 2017 on General Elections.
- Constitutional Court Decision No. 5/PUU-V/2007.
- Constitutional Court Decision No. 22-24/PUU-VI/2008.
- Constitutional Court Decision No. 52/PUU-X/2012.
- Constitutional Court Decision No. 114/PUU-XX/2022.
- Constitutional Court Decision No. 135/PUU-XXII/2024.
- Presidential Decree No. 133/P of 2024 on the Formation of State Ministries and the Appointment of Ministers of the Kabinet Merah Putih for 2024-2029.