

Constitutional Development and the Role of Democratic Advocacy: The *Quo Vadis* of General Elections in Indonesia

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Abstract

The implementation of simultaneous national and regional elections in Indonesia in 2019 and 2024 revealed significant constitutional, administrative, and democratic challenges. These included excessive institutional burdens, diminished voter rationality, weakened regional political discourse, and severe humanitarian impacts on election administrators. These conditions culminated in Constitutional Court Decision No. 135/PUU-XXII/2024, which mandates the separation of national and regional elections beginning in 2029. This article critically examines the constitutional direction, democratic implications, and normative risks of this decision, particularly its role as an instrument of constitutional engineering within Indonesia's presidential system. Employing prescriptive qualitative legal research, the study utilizes doctrinal analysis, comparative constitutional review, and content

analysis of legal norms, court decisions, and scholarly literature. The findings indicate that while election separation has the potential to strengthen governability, enhance regional democratic focus, and improve electoral rationality, it simultaneously poses risks of constitutional change by stealth. This could potentially undermine the five-year election principle and democratic legitimacy if not carefully regulated. This research contributes by integrating constitutional law, theories of governability and governmentality, and democratic advocacy into a cohesive analytical framework that moves beyond procedural electoral reform. The study concludes that Constitutional Court Decision No. 135/PUU-XXII/2024 should be treated as a constitutional guideline rather than a substitute for formal amendment. Accordingly, it recommends legislative harmonization of election laws, strengthened civic advocacy, enhanced political education, and cautious institutional restraint to ensure that electoral reform advances substantive democracy without eroding constitutional integrity.

Keywords *Constitutional Court Decision, General Elections, Constitutional Engineering, Indonesian Elections, Civic Advocacy*

A. Introduction

General elections are a fundamental pillar of a democratic system of government.¹ Elections are not merely a procedure to select political leaders; they are also a constitutional tool that shapes the direction of political representation, the degree of democratic accountability, and the pattern of power relations among state institutions.² In a presidential system, the regulation of elections is a crucial issue, especially regarding the timing and synchronization of national and regional elections, as these arrangements directly affect checks and balances, governability,

¹ I Made Sila et al., "Democracy and the 1945 Constitution: A Political Perspective on Indonesia's Constitutional Framework," *International Journal of Education and Social Science Studies* 1, no. 2 (2025): 93–102, <https://doi.org/10.60153/ijess.v1i2.200>.

² Steven Levitsky & Daniel Ziblatt, *How Democracies Die* (Gramedia Pustaka, 2020).

governmentality, and the quality of democracy at both the central and regional levels.³

Indonesia, a democratic country forged through a lengthy constitutional process, holds general elections governed by fundamental amendments to the 1945 Constitution of the Republic of Indonesia.⁴ These amendments confirm the commitment to democratic elections and reinforce the principles of decentralization and regional autonomy. Article 18, paragraph (4) of the 1945 Constitution mandates that regional leaders be elected democratically, while Article 22E of the 1945 Constitution states that general elections be conducted periodically every five years to elect members of the House of Representatives (DPR), the Regional Representative Council (DPD), the President and Vice President, and the Regional House of Representatives (DPRD).⁵ This normative framework indicates that, from the beginning, the Indonesian constitution recognized two aspects of democracy—national and regional—both of which must be proportionally reflected in electoral design.

Indonesia's experience in organizing the 2019 and 2024 simultaneous elections serves as a crucial turning point in the discussions on general elections. The mechanism of simultaneous elections using five ballots—combining the polls for the President and Vice President, the DPR, the DPD, and the DPRD—was originally designed to “purify” and strengthen the presidential system. However, in practice, this design revealed various structural problems. These

³ B Purwanto, D P Wahyuni, and A R Jatihusodo, “Unmasking Electoral Turmoil: The General Election Supervisory Agency’s Battle Against Disputes in Indonesia’s Democracy,” *Indonesian State Law Review* 6, no. 1 (2023): 23–52, <https://doi.org/10.15294/islrev.v6i1.68228>.

⁴ Ernawati Huroiroh, Titik Triwulan Tutik, and Dossy Iskandar Prasetyo, “Implications of Constitutional Court Decision Number 135/PUU-XXII/2024 on the Separation of DPR and DPRD Elections on the Electoral System in Indonesia,” *Justitia Jurnal Hukum* 9, no. 2 (2025): 143–61, <https://doi.org/10.36501/justitia.v1i2.143>.

⁵ M Afandi, F. Yudhi Priyo Amboro, and Triana Dewi Seroja, “Reconstruction of the Election Simultaneity Model through the Constitutional Court Decision Number 135/PUU-XXII/2024: Constitutional or Unconstitutional?,” *Journal of Law, Politic and Humanities* 6, no. 1 (2025): 221–37, <https://doi.org/10.38035/jlph.v6i1.2446>.

included an overwhelming administrative burden on election officials, increased complexity in voting and counting procedures, a surge in invalid votes, a rise in vote-buying (money politics), and a diminished capacity for voters to address issues related to regional government development.⁶ This evidence shows that simultaneous elections do not automatically improve democracy; under certain conditions, they may even undermine it.

The complexity of these general elections was subsequently granted constitutional legitimacy through Constitutional Court Decision Number 55/PUU-XVII/2019. In this ruling, the Constitutional Court emphasized that the 1945 Constitution does not require a single model for general elections. The Court explicitly permitted various constitutional election designs, provided that simultaneous elections are maintained for the President and Vice President, DPR, and DPD, alongside separate simultaneous regional head elections. This ruling significantly shifted the election debate from a purely normative-constitutional approach to a practical debate on how the electoral system should be designed to suit Indonesia's presidential system character and the state structure.

The new direction of Indonesia's electoral design was clarified further in Constitutional Court Decision Number 135/PUU-XXII/2024. In this landmark decision, the Constitutional Court ruled that national and regional elections must be held separately, with a specified interval starting in 2029.⁷ This ruling marks a significant paradigm shift in Indonesian electoral practice. The separation of elections is no longer viewed merely as a policy option for lawmakers but as a constitutional requirement to organize democracy in a more rational and tiered manner. The separation serves as a response to the heavy toll of the 2019 and 2024 simultaneous elections, which not only

⁶ Suci Megawati et al., "Behavioral Model Integration in Studying Money Politics in the 2024 Election: Perspectives of Young Indonesian Voters," *Public Administration and Policy* 28, no. 2 (2025): 202–14, <https://doi.org/10.1108/PAP-01-2024-0009>.

⁷ Huroiroh, Tutik, and Prasetyo, "Implications of Constitutional Court Decision Number 135/PUU-XXII/2024 on the Separation of DPR and DPRD Elections on the Electoral System in Indonesia."

caused tremendous fatigue for the organizers but also left a tragic record of casualties.⁸

With the separation of elections, the public is expected to better focus on evaluating candidates and political agendas at their respective levels without being overwhelmed by excessive technical complexity. However, this Constitutional Court ruling also raises questions regarding whether the separation of elections genuinely strengthens democracy or introduces new risks for the future of national constitutional law.

Existing studies on Indonesian electoral reform mainly focus on normative-administrative compliance, technical arrangements, and post-election assessments, particularly since the 2019 and 2024 simultaneous elections.⁹ While several scholars have examined Constitutional Court decisions concerning electoral simultaneity, such analyses largely remain within the realm of constitutional interpretation and legislative discretion.¹⁰ Meanwhile, studies on vote-buying (money politics) and voter education often view civic advocacy as an external moral tool, separate from the electoral system's institutional structure. This article diverges from those approaches by framing Constitutional Court Decision No. 135/PUU-XXII/2024 as a form of constitutional engineering that reshapes the framework of Indonesian democracy. By integrating electoral design, governability analysis, comparative constitutional practices, and a model of civic advocacy, this research advances a substantive framework for strengthening democratic quality beyond procedural compliance.¹¹

⁸ Siti Aisyah and Dina Fitriani Wulandari, "Analisis Prinsip Utilitarianisme Dalam Pengambilan Keputusan Yudisial: Studi Putusan Mahkamah Konstitusi Nomor 135/PUU-XXII/2024 Tentang Pemisahan Pemilu Nasional Dan Daerah," *Judge: Jurnal Hukum* 6, no. 4 (2025): 877–92.

⁹ Huroiroh, Tutik, and Prasetyo, "Implications of Constitutional Court Decision Number 135/PUU-XXII/2024 on the Separation of DPR and DPRD Elections on the Electoral System in Indonesia."

¹⁰ Afandi, Amboro, and Seroja, "Reconstruction of the Election Simultaneity Model through the Constitutional Court Decision Number 135/PUU-XXII/2024: Constitutional or Unconstitutional?"

¹¹ Harimurti Adi Nugroho, O. Djunaedi, and Ismail Ismail, "Formulation of Coalition Threshold For Political Parties Based on Proportionality Principles In The Presidential Election Post Constitutional Court Decision No. 62/PUU-

In this context, a comprehensive approach is necessary, as a purely administrative approach could diminish the strategic significance of the Constitutional Court's decision as an instrument of constitutional engineering with a direct impact on the configuration of presidential democracy and the strengthening of local democracy.¹² In constitutional law literature and comparative studies, multilevel elections and electoral sequencing are understood as key variables in maintaining the balance between governability and governmentality at both the national and regional levels.

Based on these conditions, this article argues that the separation of national and regional elections, as stipulated in Constitutional Court Decision Number 135/PUU-XXII/2024, should be understood as a constitutional design issue rather than merely a technical or administrative matter. Using Indonesia as a case study, this research critically examines the future constitutional direction of national and regional elections. It also reviews the future path of electoral design that can strengthen the presidential system and improve the quality of regional democracy within the framework of the unitary state of the Republic of Indonesia. The aforementioned conditions raise a fundamental question regarding constitutional development and the state's role in advancing democracy: what are the next steps in determining the direction of general elections in Indonesia?

This study utilizes a prescriptive qualitative research. It aims to critically and analytically examine how general elections should be conducted, considering Constitutional Court Decision No. 135/PUU-XXII/2024, which effectively nullified simultaneous general elections. Understanding this issue allows for the development of solutions to

XXII/2024," *Asian Journal of Social and Humanities* 3, no. 5 (2025): 997–1009, <https://doi.org/10.59888/ajosh.v3i5.496>.

¹² Adi Nugroho, Djunaedi, and Ismail. *See also* Muhammad Asmawi, and Amiludin Amiludin. "The Indonesian Constitutional Court and the 2024 Presidential Election: A New Role in Electoral Integrity?" *Indonesian Court and Justice Review* 2, no. 2 (2025). <https://doi.org/10.65815/ermhzm84>; Naufal Ahsan Syahputra, and Brian Antonio. "Fake News, Moral Panic, and Political Mobilization: A Case Study of Indonesia's Election Cycles". *Indonesian Discourse on Communication, Democracy, and Political Movements* 1, no. 3 (2024). <https://doi.org/10.65815/texfr132>.

problems encountered in previous elections. Therefore, a literature review was conducted on national regulations, international best practices, and theories related to general elections and constitutional law. The data were then analyzed using content analysis, which involved the following stages: (1) creating a code framework that includes themes for categorizing the data; (2) coding the data based on these predetermined themes; (3) interpreting the data to understand its meaning and examining relationships between different data points; and (4) systematically compiling the analysis results to presenting targeted recommendations.¹³

B. Constitutional Court Decisions as the Basis for Constitutional Engineering of Election Practices in Indonesia

As the guardian of the constitution, the Constitutional Court plays a crucial role in ensuring its enforcement. The role of the Court, as outlined in Article 24C of the 1945 Constitution and reaffirmed in Article 10 of Law Number 24 of 2003 concerning the Constitutional Court, is central to its authority to review laws in light of the 1945 Constitution. Constitutional Court Decision Number 135/PUU-XXII/2024 exemplifies this role. However, this decision signifies a shift from mere constitutional interpretation toward constitutional engineering, actively shaping the design of elections to enhance democratic practices.

The Court's considerations in the *a quo* decision were based on careful reflection and empirical analysis of the 2019 and 2024 simultaneous elections, which revealed several critical issues. One primary concern is that regional development has been overshadowed by national political discourse. Simultaneous national and regional elections distorted voters' focus and priorities, with national issues dominating public discussion at the expense of regional concerns. As a result, development at the provincial and regency/city levels became less effective and even lost political visibility. Since the Constitution mandates that regional democracy is a vital component of the

¹³ Michael Huberman Matthew B. Miles, *Qualitative Data Analysis: A Method Sourcebook* (California: SAGE Publications, 2014).

Indonesian state, the Constitutional Court ruled that this practice misaligns with the principle of regional autonomy, diminishes the quality of regional politics, and is inconsistent with the principle of people's sovereignty.

Furthermore, the increased workload for election officials caused by overlapping national and local election stages within the the same year has created institutional inefficiency. Given a five-year term, the Court observed that the effective working period for election administrators lasts only approximately two years, as all election stages are compressed into an excessively dense cycle.

Third, the Court emphasized the humanitarian impact of the “five-ballot” election design, which caused institutional fatigue and lead to casualties among Polling Station Working Committee (*Kelompok Penyelenggara Pemungutan Suara* or KPPS) officers. In the 2019 and 2024 elections, it was recorded that 894 officers died and 5,175 fell ill due to exhaustion. These casualties resulted from working hours that reached 20-22 hours during voting, 11 hours during polling station preparations, and 48 hours during the distribution of election invitations. These officers worked beyond the reasonable limit of 8-9 hours per day for consecutive days, often with insufficient access to health facilities. This serves as a tragic precedent that must be changed in future policies.¹⁴

Furthermore, the five-ballot system not only burden officials but also erode public awareness and culture; it causes fatigue and reduces voter rationality. The primary beneficiaries of these elections are political parties, which can exert influence over their constituents with minimal effort, given that voters lack the capacity for effective oversight.¹⁵

On the other hand, the Court noted that scheduling elections too close together weakens political party renewal. Political parties spend excessive time on leadership training, leading them to rely on electoral

¹⁴ Tri Astuti et al., “Representasi Penyelenggaraan Pemilihan Umum Serentak Tahun 2024 Dalam Prosedur Pemilu Yang Bermutu Dan Berintegritas,” *Jurnal Usm Law Review* 7, no. 2 (2024): 528–39, <https://doi.org/10.26623/julr.v7i2.8551>.

¹⁵ Mahkamah Konstitusi, “Putusan Mahkamah Konstitusi Republik Indones Nomor 135/PUU-XXII/2024” (2024).

pragmatism and recruit popular figures rather than developing ideological leaders. This is a dangerous practice for a democratic country that should not depend solely on populism without maintaining a balanced meritocracy.

Finally, the Constitutional Court observed that public fatigue stemmed from the complexity of choices and limited voting time, leading to a decline in the quality of popular sovereignty. The tight schedule and lack of space for the public to evaluate, understand, and review election practices created opportunities for money politics and authoritarian populism. Because the public had minimal time and opportunity to understand the candidates and their own needs, election contestants were able to exploit voters using pragmatic tactics.

The ruling represents an effort to maintain the governability of Indonesia's general elections. However, this ruling could also exceed judicial restraint by creating new norms that directly affect the electoral cycle and the terms of office of elected officials. This ruling could become an issue if the legislature (DPR) revises election laws in a way that leads to elections being held more than 5 years after the previous one. Such implementation would conflict with Article 22E, paragraph (1), of the 1945 Constitution, which mandates that elections be held every five years. Indirectly, this ruling may have subtly altered the substance of the Constitution without following the procedural changes as stipulated in Article 37.

Richard Albert refers to this constitutional refinement as “Constitutional Change by Stealth,” a change that occurs covertly through legal interpretation without utilizing the amendment mechanism.¹⁶ This can be triggered by urgent political needs, constitutional shifts aligned with societal needs or social realities, neglect by state institutions, or the formation of practices that go uncorrected over time. However, constitutional change by stealth, when executed without moral guidance and proper constitutional awareness, poses serious risks to Indonesian democracy. Modifications made without public participation and representative legitimacy can shift power structures, obscure the principle of popular sovereignty, and weaken

¹⁶ Richard Albert, “Constitutional Amendment by Stealth,” *McGill Law Review* 60, no. 4 (2015): 673–736.

inter-institutional accountability. Consequently, this places the Constitutional Court in a dilemma: balancing the need to respond to the public interest and maintain democracy, with the obligation to uphold the limits of its authority.

The Constitutional Court's decision to intervene in the general election process may be justified as a means of addressing the slowness of legislative interpretation and self-regulation. This falls within the scope of expediting and ordering the legislature to act on general election practices in accordance with election laws. The Court's activism in mandating non-simultaneous elections may exceed the limits of constitutional interpretation. The Constitutional Court should not only serve as the guardian of the Constitution but must also avoid becoming a “dumping ground” for tasks that should be carried out by the legislature. In addition, such practices can endanger democracy if they are exploited by bad actors. This indicates that the Constitutional Court and its judicial decisions are double-edged swords: they can either protect democracy or facilitate its erosion, depending on how formal and informal norms are maintained or subverted. Incremental legal changes, when unchecked, can have profound cumulative effects, a definitive challenge in the 21st century.

The Stealth Constitutional Amendment proposed by Richard Albert can be examined through three main characteristics: (1) Circumvention of formal rules; (2) Intentional creation of conventions; and (3) Ambiguous democratic impact.¹⁷ The first characteristic involves bypassing formal constitutional amendments that are clearly regulated in the Constitution. In the Indonesian context, this practice indicates an avoidance of the process stipulated in Article 37. Typically, amendments require strict procedures, such as approval by the People's Consultative Assembly (MPR) through an open mechanism that allows the public to be heard, considered, and provided with explanations.

However, in a “stealth amendment,” political actors do not change the text directly but change the meaning and function of the Constitution through practical politics and administrative policies. This obscures the amendment procedure as a constitutional safeguard, undermines the rule of law, and creates a politically dangerous precedent

¹⁷ Albert.

without consensus. This risk is amplified if the practice is continuously carried out by the holders or interpreters of legislation, in this case, the Constitutional Court. The Court must not fall into the “power trap” of certain groups and refrain from “judicial acrobatics” that secretly change the Constitution through judicial activism, even when framed as a legislative mandate.¹⁸

Second is the intentional convention creation, which refers to the conscious creation of new norms or conventions in a constitution. This occurs when certain practices are planned at the inception of a policy and implemented repeatedly until they are perceived as obligatory norms. To borrow Hannah Arendt's term, there is a banality of policy and decision-making with *erga omnes effects* on a national scale.¹⁹ However, these norms or conventions are not directly written down, even though they have never been openly discussed as constitutional amendments, do not obtain adequate democratic legitimacy, and do not go through an inclusive deliberation process. As a result, judicial decisions become substitutes for amendments, which are executed through legislation, rather than supplements to the Constitution. This allows the Constitution to be altered through the manipulation of customs rather than the agreement of the people as constituents.

Third is the ambiguous democratic impact, which represents a paradox of democracy. On the one hand, stealth amendments can represent progressive and democratic development. This is evident in rulings that expand public participation, increase the accountability of state institutions, and reduce the dominance of the political elite. On the other hand, the process often violates the principles of democracy due to the lack of accountability and public involvement by avoiding the mechanism of public approval and obscuring the fact that there has been constitutional changes. Therefore, democracy is reduced to “fragments of results,” rather than being viewed holistically as a long process of maturation. In a country governed by the rule of law, the

¹⁸ Albert.

¹⁹ Milton Arrieta-López and Roberto Certain-Ruiz, “Intersecting Visions of Justice: The Philosophical Tapestry of Human Rights and Human Nature in the Thoughts of Macintyre, Arendt, Nino, and Habermas,” *Age of Human Rights Journal* 22, no. 22 (2024): 1–26, <https://doi.org/10.17561/tahrj.v22.8430>.

procedure for amending the constitution is as important as the constitutional amendment itself.²⁰

In correlation with Decision No. 135, while it does not directly amend Article 22E, its interpretation effect changes the Article's substance. Specifically, Decision No. 135 has the potential to change the design of the five-yearly cycle for regional head elections in 2031 without a formal amendment mechanism as stipulated in Article 37 of the 1945 Constitution or broad political consensus.

The Court has the potential to engage in indirect activism, which reflects circumvention that indirectly changes the practices regulated in the Constitution. Decision No. 135 provides a normative direction for the state to determine the design of future elections. This certainly becomes a reference for lawmakers by creating the expectation that the separation of elections is a constitutional requirement.

If this is implemented without constitutional challenge, it establishes a new agreement in the state administration of a country, which happens by design, through judicial and legislative decisions via a final and binding Supreme Court ruling that is reinforced and legitimized through legislation.

Finally, the ambiguity of the impact on democracy can also be examined in this ruling. Decision No. 135 fully considers strengthening the quality of democracy, increasing voter rationality, and improving national and regional issues. Of course, these considerations are very pro-democracy. However, procedurally, the impact is problematic. There is no broad public participation, no open exchange of ideas, and it is highly dependent on the discretion of the nine constitutional judges. It is paradoxical to strengthen democracy, through undemocratic means. When the five-year election period can be shifted through a judicial decision without a constitutional amendment, the temporal limits of power are no longer determined by the Constitution, but by institutional interpretation. Therefore, Decision No. 135 has the potential to go beyond ordinary judicial interpretation and could become a practice of constitutional amendment by stealth that could be repeated.

²⁰ Albert, "Constitutional Amendment by Stealth."

Such decisions must not be exploited by irresponsible political forces or manipulated into “autocratic legalism.”²¹ This phenomenon illustrates how emerging authoritarians exploit the law itself to erode liberal democracy, making their actions appear legitimate and difficult to oppose.

If this decision is to serve as a reflection, the Court must exercise caution and impartiality toward the people, truth, and justice, without being swayed or compromised by political interests that could erode the values of democracy.²² Democracy does not always collapse through revolution or coups; it often experiences “slow but sure” erosion through decisions and laws that appear formally valid but substantively undermine the constitution and democratic values.²³ Consequently, constitutional engineering needs to be responded to wisely by lawmakers and implemented in accordance with democratic legitimacy and the principles of nomocracy. The Court's decision is therefore a guide for lawmakers, namely the House of Representatives (DPR) and the government to improve general election practices.

C. Governability and Governmentality in Elections and the Development of Democracy

Governability and governmentality are central, yet distinct, concepts in the study of elections and democratic development. Governability refers to a political system's ability to implement decisions and manage resources effectively, whereas Foucault's governmentality focuses on the rationality, techniques, and discourses through which populations are governed.²⁴ Understanding the

²¹ F De Sa E Silva, “Autocratic Legalism 2.0: Insights from a Global Collaborative Research Project,” *Verfassung Und Recht in Ubersee* 55, no. 4 (2022): 419–40, <https://doi.org/10.5771/0506-7286-2022-4-419>.

²² Aprila Niravita, “Social Injustice in the Industrial Revolution 4.0,” *Indonesian Journal of Advocacy and Legal Services* 1, no. 2 (2020): 163–68, <https://doi.org/10.1111/soc4.12162>.

²³ Ziblatt, *Bagaimana Demokrasi Mati*.

²⁴ A M Song, J P Johnsen, and T H Morrison, “Reconstructing Governability: How Fisheries Are Made Governable,” *Fish and Fisheries* 19, no. 2 (2018): 377–89, <https://doi.org/10.1111/faf.12262>.

interaction between the two is crucial for analyzing how the electoral process shapes, and is shaped by, the evolution of democracy.

In this context, governability is the ability to manage complex systems, emphasizing the reciprocal relationship between the rulers and the ruled. This concept includes feedback mechanisms and is often associated with state capacity, namely coercive, extractive, administrative functions.²⁵ Meanwhile, governmentality, as introduced by Michel Foucault, refers to the art and practice of governing beyond traditional state sovereignty, focusing on how power is expressed through techniques, rationality, knowledge, and discourse.²⁶ Foucault places governance within the genealogy of power relations and often uses it to analyze neoliberalism, populism, and global governance.²⁷ Based on these definitions, one may conclude that governability pertains to the capacity and functionality of an election to be carried out; while governmentality refers to the techniques and rationalities of power derived from elections, which often even transcend formal state structures. The duality of governability and governmentality provides a comprehensive lens for analyzing electoral governance, capturing both the structural capacity to govern and the subtle techniques through which populations are shaped and regulated.

These two concepts are intertwined in a dialectical and critical interaction. System design, party dynamics, voter competence, and the operational capacity of election administrators mediate the interaction between governability and governmentality in the electoral process. In addition, there are several challenges in conducting elections. Political polarization and the complexity of the system pose persistent challenges to the effective and legitimate management of elections.²⁸

²⁵ E M Hlynisdóttir, "Conceptualising Key Concepts," in *Palgrave Studies in Sub-National Governance*, vol. Part F1141, 2020, 9–28, https://doi.org/10.1007/978-3-030-51552-2_2.

²⁶ M Peters, "Governmental Policy Analysis," in *Studies in the Political Economy of Public Policy*, 2019, 23–63, https://doi.org/10.1007/978-3-030-05466-3_2.

²⁷ Y Peng, "The Role of Governmentality in Social Studies," in *ACM International Conference Proceeding Series*, 2019, 105–10, <https://doi.org/10.1145/3375900.3375921>.

²⁸ A G Díaz, "Electoral Coordination Under Simple and Complex Electoral Systems: A Time-Series Cross-Sectional Analysis," *Election Law Journal: Rules, Politics, and Policy* 23, no. 2 (2024): 97–119, <https://doi.org/10.1089/elj.2023.0006>.

The governability and governmentality of elections are central to the development, stability, and resilience of democratic institutions.²⁹ Governability enables the state to formulate and enforce laws, thereby ensuring order and the pursuit of public welfare. However, this can only be achieved if there is legitimacy, political capacity, and measurable responsiveness to the community needs. A reflection of this governability is the scheduling of elections, along with the granting of legitimacy to the broader community to determine its own destiny in the context of regional autonomy or decentralization.

The implementation of decentralization and participatory mechanisms serves to deepen democracy. However, this requires careful design to avoid new forms of exclusion. Accountability and transparency are crucial, especially in fragile contexts, and institutional resilience depends on structural and cultural factors.³⁰ Therefore, the government needs to adopt an electoral governmentality that provides sufficient space for provincial and district/city communities to access participatory decentralization. This enables citizens to make choices responsibly, thoughtfully, and without interference. This is reflected in the Constitutional Court's decision, which allows elections to be no longer held simultaneously.

Reflecting on the above, the interaction between governability and governmentality in elections is multifaceted, shaped by institutional design, partisan politics, voter competence, and legal breakthroughs. Although advances in state legal systems and participatory mechanisms offer new avenues for deepening democracy, persistent challenges such as polarization, exclusion, and theoretical limitations highlight the need for context-sensitive, evidence-based research. Bridging theoretical

²⁹ S D Silva and M Schubert, "Democratic Institutions in Sri Lanka's Local-Level Politics: Challenges to Social Inclusion," in *Including the Excluded in South Asia: Power, Politics and Policy Perspectives from the Region*, 2019, 145–56, https://doi.org/10.1007/978-981-32-9759-3_9.

³⁰ H Mabizela and N Dorasamy, "Politics, Development, and Governance as a Cornerstone for Improved Performance of Government," in *Development in Post-Apartheid South Africa: Political and Governance Considerations*, 2025, 223–34, <https://doi.org/10.4324/9781003629689-12>.

insights with practical reforms remains essential for the evolution and resilience of democratic institutions worldwide.³¹

In Indonesia, the fragmentation between the General Election Law and the Regional Election Law has led to overlapping policies and administrative inefficiencies, which undermine democratic legitimacy.³² This fragmentation requires regulatory harmonization to improve efficiency, transparency, and accountability in governance. The prevalence of single-candidate elections in regional contests serves as a cautionary example; it limits voter choice, weakens political competition, and triggers voter apathy.³³ This highlights the urgent need for comprehensive electoral reform to restore popular sovereignty and citizen agency in governance.

1. Critical Reflection on the Challenges of Governability and Governmentality in General Elections in Indonesia

Weak governability and governmentality can divert public attention from regional democratic practices, where citizens should be scrutinizing single-candidate races and regional programs, and toward national-level contests instead.³⁴ This dilution of focus reduces the quality of democracy. Instead of evolving, democracy stagnates when elections are held in regions where a single candidate runs against an “empty box.” Even though there are direct elections, the spirit of democracy from, by, and for the people seems to be limited by the

³¹ Y L Morse, “Presidential Power and Democratization by Elections in Africa,” *Democratization* 25, no. 4 (2018): 709–27, <https://doi.org/10.1080/13510347.2017.1419188>.

³² F Arifin et al., “Reforming Indonesia’s Electoral System: Legal and Policy Considerations,” *Jambe Law Journal* 8, no. 1 (2025): 61–99, <https://doi.org/10.22437/jlj.8.1.61-99>.

³³ D J Sistyawan et al., “Empowering Communities through Electoral Law Reform: The Challenge of Single-Candidate Elections in Indonesia,” *Jurnal Pengabdian Hukum Indonesia* 8, no. 1 (2025): 163–92, <https://doi.org/10.15294/jphi.v8i1.23294>.

³⁴ F Ramadhan and I D Rafiqi, “Urgensi Pemisahan Penyelenggaraan Pemilihan Umum Serentak Nasional Dan Lokal,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 2 (2021): 233–47, <https://doi.org/10.24090/volksgeist.v4i2.5224>.

invisible hands of the political elite. This stagnation results from a broader weakening of the national political system, as mentioned in the preceding discussion.

Furthermore, Indonesia's current political system is characterized by large governing coalitions and a dominant presidency, which complicates electoral politics and elections due to weak party differentiation and high district magnitude.³⁵ This configuration has implications for the potential decline of democracy and requires reform to address these structural problems. Moreover, the integrity of general elections is often compromised by various irregularities, including administrative, ethical, and criminal violations, which undermine democratic principles.³⁶ Addressing these problems requires strengthening the institutional framework and ensuring a fair, transparent, and accountable general election process to improve government effectiveness.

Second, there remains a persistent obsession among political parties with forming large, pragmatic coalitions, often at the expense of ideological niches and alignment with specific policy issues. This trend is evident in the numerous parties in the parliament that exhibit minimal differences in platform or color. Such situation makes it difficult for voters to associate success or failure to specific elected officials due to the lack of clarity or the ambiguity surrounding political parties that are ideologically and conceptually similar, thus weakening political accountability.³⁷ This absence of accountability represents a significant obstacle to effective governability and governmentality.

Third, the use of discretionary decisions by incumbent regional heads to win elections is ineffective in increasing electability. Evidence

³⁵ T B Pepinsky, "Cleavages, Institutions, and Democracy in Indonesia: The 2024 Elections in Comparative Perspective," *Journal of Current Southeast Asian Affairs* 44, no. 3 Special Section: Presidentialism and Democracy in Indonesia (2025): 345–65, <https://doi.org/10.1177/18681034251349467>.

³⁶ A Zarkasi et al., "Indonesia's 2024 Election: Constitutional Court Perspectives on Electoral Violations," *Sriwijaya Law Review* 9, no. 2 (2025): 372–98, <https://doi.org/10.28946/slrev.v9i2.4584>.

³⁷ S Hamid, "Indonesian Politics in 2012: Coalitions, Accountability and the Future of Democracy," *Bulletin of Indonesian Economic Studies* 48, no. 3 (2012): 325–45, <https://doi.org/10.1080/00074918.2012.728631>.

suggests that performance-based governance is more critical for general elections.³⁸ This makes it easier for incumbents in the regions to secure re-election and to sharpen their grip on power in areas without oversight or a healthy democratic process. Although the power of the vote remains in the hands of the people, some candidates still dominate the general election process.

The importance of strengthening governability and governmentality in regional elections is closely linked to the global Sustainable Development Goals (SDGs), especially Goal 16, which highlights the need for effective, accountable, and inclusive institutions.³⁹ Electoral integrity is essential for building peaceful and inclusive societies, as the quality of electoral democracy directly influences the legitimacy of power and the government's ability to perform its public duties.⁴⁰ In this context, phenomena such as single-candidate races, ideologically uniform pragmatic coalitions, and the decline of political accountability at the local level reveal an institutional gap that could impede the achievement of the SDGs, affecting not only political dimensions but also broader social and economic aspects.

Furthermore, the decline of governmentality in regional elections has a systemic impact on achieving other SDG goals, such as reducing inequality (SDG 10) and promoting sustainable development at the local level (SDG 11).⁴¹ When the electoral process fails to generate meaningful contestation and genuine participation, the resulting public policies tend to reflect the interests of the political elite rather than the

³⁸ D Darmastuti and D Setyaningrum, "The Effect of Discretionary Spending on Incumbent Victories in Elections," *Humanities and Social Sciences Reviews* 7, no. 4 (2019): 685–93, <https://doi.org/10.18510/hssr.2019.7488>.

³⁹ Aprila Niravita et al., "The Potential of Criminal Sanctions in Indonesia's Spatial Planning Law from a Sustainable Development Perspective," *Indonesian Journal of Environmental Law and Sustainable Development* 4, no. 2 (2025): 375–408, <https://doi.org/10.15294/ijel.v4i2.19096>.

⁴⁰ T Lebeda et al., "1 English Title: How to Improve the Integrity of Elections in the Czech Republic? Election Malpractice and Fraud at Polling Stations.," *Acta Politologica* 13, no. 3 (2021): 24–45, https://doi.org/10.14712/1803-8220/19_2021.

⁴¹ Seema Arora-Jonsson, "The Sustainable Development Goals: A Universalist Promise for the Future," *Futures* 146, no. February 2022 (2023): 103087, <https://doi.org/10.1016/j.futures.2022.103087>.

diverse needs of the community. This reinforces patterns of exclusive and elitist development, where minority groups, indigenous peoples, and marginalized citizens are increasingly excluded from the decision-making process. Therefore, weak electoral democracy is not merely a procedural issue but a structural factor that deepens development injustice.⁴²

From an SDG perspective, the electoral law reform described above serve as a tool for institutional sustainability efforts to ensure that democratic institutions function consistently, adaptively, and responsively over the long term. Harmonizing election laws, strengthening the roles of the General Elections Commission (*Komisi Pemilihan Umum* or KPU) and the Election Supervisory Agency (*Badan Pengawas Pemilu* or Bawaslu), and expanding political participation for independent candidates and minority groups are forms of normative investment to bolster institutional resilience. Strong electoral institutions not only guarantee a fair transfer of power but also foster a policy environment that supports sustainable development planning, as legitimate and accountable local governments are better equipped to incorporate sustainability principles into their regional development agendas.

Ultimately, strengthening the governability and governmentality of regional elections must be positioned as an integral part of Indonesia's SDG achievement strategy rather than a separate political agenda.⁴³ Substantive democracy provides the ethical and structural foundation for sustainable development, while inclusive development strengthens the legitimacy of democracy. This dialectical relationship confirms that failure to improve the quality of elections can derail Indonesia's commitment to the SDGs. Conversely, serious and responsible electoral reform can act as a catalyst for social justice, effective governance, and comprehensive, sustainable development.

⁴² Sarah Cummings et al., "Doing Epistemic Justice in Sustainable Development: Applying the Philosophical Concept of Epistemic Injustice to the Real World," *Sustainable Development* 31, no. 3 (2023): 1965–77, <https://doi.org/10.1002/sd.2497>.

⁴³ Aprila Niravita et al., "The Potential of Criminal Sanctions in Indonesia's Spatial Planning Law from a Sustainable Development Perspective."

2. *Legal Options for Improving the Quality of Governability and Governmentality in General Elections in Indonesia*

To achieve a mature Indonesian democracy, the Indonesian government must harmonize the General Election Law and the Regional Election Law to reduce operational costs and strengthen oversight mechanisms. This task must be undertaken by the government together with the House of Representative (DPR) to implement the *a quo* Constitutional Court decision. Several pressing issues need to be addressed, such as filling interim regional head positions and extending the terms of regional representative councils. Such measures must be carried out constitutionally by adhering to the Court's ruling. Furthermore, the revision of the General Election Law must be informed by a sociological perspective, namely by paying attention to public needs and demands, to ensure it does not become an opportunistic attempt by those in power to smooth over the law, foster authoritarian populism, and legitimize election practices that do not reflect the will of the people.

Further research is needed on the standing of decisions that may conflict with the Constitution itself. If the Election Law is amended to schedule regional elections in 2031, it could potentially violate the constitutional mandate that general elections be held every five years.⁴⁴ Consequently, constitutional engineering needs to be carried out responsibly. The government must carefully consider whether such engineering truly guarantees the Constitution or merely serves as a vehicle for stealthy constitutional change to further the interests of certain elites.

Second, the regional democratic reform agenda must be directed toward strengthening substantive political education, increasing electoral transparency, and expanding political participation for

⁴⁴ Huroiroh, Tutik, and Prasetyo, "Implications of Constitutional Court Decision Number 135/PUU-XXII/2024 on the Separation of DPR and DPRD Elections on the Electoral System in Indonesia."

independent candidates and minority groups.⁴⁵ Political education cannot be understood merely as procedural familiarization of election stages; rather, it must be interpreted as a process of forming citizens' critical awareness of democratic values, electoral integrity, and political responsibility. Transparency at every stage of the election, from candidacy and political funding to vote counting, is a prerequisite for restoring public trust in local democracy, which is often eroded by transactional and oligarchic practices. In this context, opening up fairer opportunities for independent candidates and minority group representation is an essential strategy for diversifying political contestation and breaking the dominance of exclusive local elites.

In line with this, strengthening the role of the KPU and Bawaslu is a key element in maintaining election integrity. Institutional independence, technical capacity, and effective law enforcement authority must serve as the primary foundation to ensure that these two institutions not only operate administratively but also uphold the principles of honest and fair elections. Without adequate institutional strengthening, procedural reforms risk becoming merely symbolic and failing to address the structural issues that have long hampered the consolidation of democracy at the local level.

Furthermore, these reforms require ongoing coordination among election officials, the state, and civil society to build a resilient local democratic ecosystem. The role of the state should not be limited to providing a legal and institutional framework. Moreover, the government could adjust the parliamentary threshold to balance political stability with democratic inclusiveness, ensuring representation for smaller parties.⁴⁶ Ultimately, improving governability and governmentality in Indonesia's general elections requires addressing regulatory fragmentation, enhancing election integrity, and ensuring political accountability. Comprehensive reform and institutional

⁴⁵ A Aman and D Tomsa, "The Constitutional and Legislative Foundations of Indonesia's Electoral Regime," in *Constitutional Democracy in Indonesia*, 2023, 133–50, <https://doi.org/10.1093/oso/9780192870681.003.0007>.

⁴⁶ I M Sumada et al., "Policy Implementation and Strategic Effects: Assessing the Impact of Parliamentary Thresholds on Indonesia's Political System and Governance," *Journal of Infrastructure, Policy and Development* 8, no. 10 (2024), <https://doi.org/10.24294/jipd.v8i10.8548>.

strengthening are crucial to promoting a more transparent, accountable, and inclusive democratic process. Efforts to achieve these objectives include implementing the Constitutional Court's decision to separate national and regional elections, collaborating with lawmakers to revise election laws accordingly, and undertaking broader measures such as public advocacy to empower constituents as the ultimate determiner of the fate and direction of the nation's trajectory.

D. A Plan: The Role of the State in Advocating for General Elections

Scott Shapiro's *Planning Theory of Law* posits that legal activity is a form of social planning, in which legal institutions plan for communities by issuing generalized plans or plan-like norms that dictate what members may or may not do and identify who has the authority to enforce them.⁴⁷ Shapiro argues that laws are essentially plans created by legal institutions to solve moral problems within a community. These plans are intended to guide behavior and resolve issues of authority and governance.⁴⁸

One distinctive feature of legal systems, according to Shapiro, is their self-certifying nature, meaning they validate their own authority and norms.⁴⁹ Furthermore, Shapiro asserts that legal systems are organized around a moral aim, which differentiates them from other forms of social planning.⁵⁰ This moral aim is intended to address complex issues of authority and governance within the community. This theory can be further applied to electoral law; several practices demonstrate that election officials create internal regulations to guide registration, voting, and vote counting—all of which are essential for non-arbitrary election administration. However, these “plans” must be in line with election laws and the Constitution itself.

⁴⁷ Scott J. Shapiro, “The Planning Theory of Law,” *SSRN Electronic Journal*, 2017, 1–31, <https://doi.org/10.2139/ssrn.2937990>.

⁴⁸ B Celano, “What Can Plans Do for Legal Theory?,” in *Law and Philosophy Library*, vol. 100, 2013, 129–52, https://doi.org/10.1007/978-94-007-4593-3_6.

⁴⁹ Shapiro, “The Planning Theory of Law.”

⁵⁰ Humberto Bergmann Ávila and Jorge Todeschini, *Certainty in Law* (Sao Paulo: Springer International Publishing, 2016), <https://doi.org/10.1007/978-3-319-33407-3>.

In this framework, the law plays a pivotal role in shaping and guiding election conduct. It establishes the foundational structure for elections and ensures the process remains fair, transparent, and inclusive.⁵¹ The legal framework for elections, including constitutional provisions and statutory laws, sets the standards for electoral conduct and defines the roles of various bodies. Courts and election tribunals play a critical role in adjudicating election disputes and ensuring that electoral laws are upheld. This judicial oversight helps maintain the integrity of the electoral process.⁵² Laws governing campaign finance, voter registration, and voting procedures are essential to prevent fraud, ensure equal access, and maintain public confidence in the electoral system.⁵³

However, Indonesia can advocate for more suitable general elections by implementing comprehensive electoral reforms, integrating advanced technologies, clarifying institutional roles, and enhancing public engagement.⁵⁴ The law serves as the backbone of these efforts, providing the necessary framework and oversight to ensure that elections are conducted fairly and transparently.

1. Advocating Basic Principles and Practices of General Elections to the Wider Community Following the Constitutional Court's Ruling

The state plays a major role in advocating how elections profoundly influence the running of government. This advocacy cannot be separated from the basic principles of elections, which Indonesia

⁵¹ U N Huda et al., "Evaluating the Election Law in Indonesia for Strengthening Democracy and Ensuring Honest and Fair Elections," *Law Reform: Jurnal Pembaharuan Hukum* 21, no. 2 (2025): 401–18, <https://doi.org/10.14710/lr.v21i2.66848>.

⁵² F Siregar, "Election Supervision in Indonesia: Options for Reforming the General Election Supervisory Agency," in *Constitutional Democracy in Indonesia*, 2023, 151–72, <https://doi.org/10.1093/oso/9780192870681.003.0008>.

⁵³ K M Stack, "The Internal Law of Democracy," *Vanderbilt Law Review* 77, no. 6 (2024): 1627–1712.

⁵⁴ M Mutawalli et al., "Periodization of General Elections: Ideas and Refinements in Indonesia," *Substantive Justice International Journal of Law* 6, no. 2 (2023): 118–37, <https://doi.org/10.56087/substantivejustice.v6i2.245>.

recognizes as direct, public, free, confidential, honest, and fair. These principles are inherent to direct democracy, which places the responsibility on every citizen to determine the future of their nation under the "one person, one vote doctrine."⁵⁵ The urgency of vigorous advocacy by the state is heightened, given that the "one person, one vote" doctrine has not yet been substantively implemented.

To date, the "one person, one vote" system has mainly offered a utilitarian approach. This has substantial implications for vulnerable communities or, in postmodern terms, "alienated" communities.⁵⁶ Because the system emphasizes the majority vote, policies ultimately adopted by policymakers are often the ones that receive the most votes. While this is a problem that needs to be addressed, it should not be used as a justification for returning to representative democracy, which does not place citizens on an equal political footing and perpetuates the ontological view that no citizen has more rights than others to determine the collective future (all are equal).⁵⁷

The state can address these issues through advocacy processes, primarily to address unequal access to information, suboptimal political literacy, and the dominance of algorithms in the age of artificial intelligence. Consequently, it is essential to maintain the "one person, one vote" principle while taking steps to improve it.

The state must educate every citizen on the importance of general elections, the "one-person, one-vote" doctrine, and the urgency of separating regional and national elections.⁵⁸ This effort cannot be separated from the Constitutional Court's decision as a baseline. A fundamental urgency of this ruling is for the benefit of the regions.

⁵⁵ Ashira Pelman Ostrow, "One Person, One Weighted Vote," *Florida Law Review* 68, no. 6 (2016): 1839–81.

⁵⁶ Juneman Abraham, Bagus Takwin, and Julia Suleeman, "Counterfeit Self: A Confirmatory Factor Analysis among Indonesians," *Kasetsart Journal of Social Sciences* 39, no. 3 (2018): 518–25, <https://doi.org/10.1016/j.kjss.2017.07.011>.

⁵⁷ Damian Cueni, "Constructing Liberty and Equality—Political, Not Juridical," *Jurisprudence* 0, no. 0 (2024): 1–20, <https://doi.org/10.1080/20403313.2023.2296816>.

⁵⁸ S J Zainurin and W W N Husin, "The Role of Political Knowledge and Civic Education in Motivating Student Participation in Elections: The Malaysian Case," *Journal of Educational and Social Research* 15, no. 6 (2025): 27–49, <https://doi.org/10.36941/jesr-2025-0198>.

Regions, as part of the government that upholds the principles of regional autonomy and decentralization, are relatively disadvantaged by the simultaneous general elections. As stated by Judge Arif Hidayat in the Constitutional Court's decision, citizens in the regions tend to lose focus on their regional elections⁵⁹ when national issues overshadow regional development. This puts regional interests in a vulnerable position and prevents them from maximizing access to policies that suit their needs.

Development issues in the regions should receive more discussion, focus, and attention from the public as voters. National issues should not overshadow regional matters. Local governments should not function merely as executors of central government policies that are often ordered authoritatively without being involved as initiators, as seen in policy practices labeled as “national strategic development projects.”⁶⁰ Therefore, community advocacy on the basic principles of general elections and their practices is essential and can be achieved through several processes.

2. *Technological Development as a Means of General Elections*

One major problem of the 2019 and 2024 simultaneous general elections was the overwhelming workload, which resulted in a heavy human cost due to the extensive manual processes involved in voting and tabulation. In this regard, Indonesia should emulate international best practices by utilizing technology to streamline election processes. In the context of these elections, technology is an important tool for assisting election committees at the national or regional levels.

Indonesia can follow Estonia's Internet Voting (iVoting) system, which offers several aspects that could be adapted. Estonia's success is mainly due to its advanced digital infrastructure, including the X-Road

⁵⁹ Huroiroh, Tutik, and Prasetyo, “Implications of Constitutional Court Decision Number 135/PUU-XXII/2024 on the Separation of DPR and DPRD Elections on the Electoral System in Indonesia.”

⁶⁰ Muh Afif Mahfud and Naufal Hasanuddin Djohan, “The Expansion Of Investor Access to Cultivation Rights: A Socio-Legal Analysis on Agrarian Injustice in Indonesia,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 2 (2024): 55–67, <https://doi.org/10.30631/alrisalah.v24i2.1500>.

system, which seamlessly integrates public and private databases.⁶¹ For Indonesia, developing a similar infrastructure is crucial to ensure secure and efficient data management and voting processes.⁶² The adoption of this technology would play a significant role in addressing problems in Indonesia's general elections.

Estonia employs a secure online authentication system using digital IDs. Indonesia would need to establish a reliable identity verification system, possibly utilizing National Identity Numbers (NIK) to ensure voter authenticity and prevent fraud.⁶³ This can be complemented by efforts to improve the electronic ID (e-KTP) system and more comprehensive utilization of NIK. In addition, the design of the voting platform should prioritize accessibility and user-friendliness to engage a broader demographic, particularly younger, tech-savvy voters.⁶⁴ However, implementation requires robust internet infrastructure and secure authentication mechanisms. The e-KTP, which utilizes Near Field Communication (NFC) technology, can be used for secure voter authentication. Although underutilized, this technology has the potential to enhance identity verification processes.⁶⁵ Ensuring the security of NIK data is critical; implementing decentralized systems and blockchain technology could enhance data protection and prevent unauthorized access.

⁶¹ T Treier and K Duuna, "Identifying and Solving a Vulnerability in the Estonian Internet Voting Process: Subverting Ballot Integrity Without Detection," *IEEE Access* 12 (2024): 197766–82, <https://doi.org/10.1109/ACCESS.2024.3521337>.

⁶² Firdaus Arifin et al., "The Constitutionality of E-Voting in the Transformation of Digital Democracy: A Normative Analysis and Implications for Electoral Legitimacy," *Journal of Indonesian Legal Studies* 10, no. 1 (2025): 63–90, <https://doi.org/10.15294/jils.v10i1.21193>.

⁶³ K Vassil et al., "The Diffusion of Internet Voting. Usage Patterns of Internet Voting in Estonia between 2005 and 2015," *Government Information Quarterly* 33, no. 3 (2016): 453–59, <https://doi.org/10.1016/j.giq.2016.06.007>.

⁶⁴ Christian Schachtner, "Estonia—Citizen Participation in the Capital City," in *The European Smart City Movement*, ed. Christian Schachtner (Cham: Springer Nature Switzerland, 2025), 71–76, https://doi.org/10.1007/978-3-031-96700-9_8.

⁶⁵ R M Awangga, N H Harani, and M Y H Setyawan, "KAFA: A Novel Interoperability Open Framework to Utilize Indonesian Electronic Identity Card," *Telkomnika (Telecommunication Computing Electronics and Control)* 17, no. 2 (2019): 712–18, <https://doi.org/10.12928/TELKOMNIKA.V17I2.11755>.

However, this transition cannot be implemented immediately. Indonesia currently lacks clear regulations governing digital elections, which poses significant legal challenges. Establishing a comprehensive legal framework that addresses the nuances of electronic voting (e-voting) is essential to ensure compliance and security.⁶⁶ This requires several careful considerations, such as risk management, the readiness of electronic-based government system, and institutional transparency. Estonia's approach to risk management in e-voting involved thorough risk analyses and public engagement to build trust. Indonesia could adopt similar strategies to address societal risks and enhance public confidence in the electoral process.⁶⁷ Implementing independent oversight mechanisms, as practiced in Estonia, would be vital to ensuring the integrity of Indonesia's voting process; this could involve third-party audits and transparent, real-time reporting of election results.

Implementing e-voting can enhance public trust. As the main engine of this democratic country, public trust cannot be separated from transparency and public participation.⁶⁸ The introduction of e-voting would likely have a significant impact on public participation in monitoring and shaping the future direction of democracy in Indonesia. In addition, such transparency can suppress and minimize the practice of “money politics” that often occurred during the 2019 and 2024 general elections. In Estonia, positive experiences with iVoting have fostered high public trust. Indonesia could benefit from campaigns that highlight successful pilot projects and engage citizens in discussions regarding the benefits and security of digital voting. Estonia's experience shows that public confidence is built through consistent

⁶⁶ F H Hadiprodjo, I N Alam, and L A Wulandhari, “Implementation of Blockchain-Based Electronic Voting System: A Case Study in Indonesia,” in *Procedia Computer Science*, vol. 269, 2025, 1–12, <https://doi.org/10.1016/j.procs.2025.08.253>.

⁶⁷ Bogdan Romanov, David Duenas Cid, and Peeter Leets, “State versus Technology: What Drives Trust in and Usage of Internet Voting, Institutional or Technological Trust?,” *Government Information Quarterly* 42, no. 4 (2025): 102068, <https://doi.org/10.1016/j.giq.2025.102068>.

⁶⁸ Kaisa Kurkela et al., “Citizen Participation as an Organisational Challenge in Local Government,” *International Journal of Public Sector Management* 37, no. 1 (2024): 124–40, <https://doi.org/10.1108/IJPSM-08-2022-0179>.

dialogue and transparency. Indonesia should focus on community outreach and education to demystify the voting process and address any concerns about digital voting.⁶⁹

Estonia has effectively utilized voter education to enhance participation. Indonesia could implement similar strategies, focusing on educating voters about the e-voting process, its benefits, and how to use the technology effectively. These efforts should also involve specific demographics, such as women and families, to enhance participation.⁷⁰ Tailoring educational programs to address the unique concerns and needs of these groups could improve overall voter turnout.⁷¹ Moreover, these practices must incorporate open feedback mechanisms; establishing channels for voter feedback can help refine the e-voting process. This approach not only improves the system but also fosters a sense of ownership among voters, encouraging greater participation. Ultimately, while Estonia's iVoting system presents a promising model for Indonesia, careful consideration of technological, legal, cultural, and educational factors is essential for successful implementation. By adapting Estonia's experiences to the local context, Indonesia can enhance its electoral processes and promote greater democratic participation.

3. Real-Time Monitoring of Campaign Funds by the Community

A major challenge with the 2019 and 2024 simultaneous general elections was the heavy workload, which exacted a heavy human cost. To support the advocacy process and improve the maturity of the general election process following the Constitutional Court's decision, Indonesia should implement real-time monitoring of campaign funds. This can be achieved through integrated monitoring mechanism

⁶⁹ Romanov, Cid, and Leets, "State versus Technology: What Drives Trust in and Usage of Internet Voting, Institutional or Technological Trust?"

⁷⁰ Puji Lestari et al., "Beyond Legal Frameworks: Uncovering the Hidden Impact of Gender Violence in Indonesia's 2024 Political Recruitment," *Jurnal Suara Hukum* 7, no. 2 (2025): 350–78, <https://doi.org/10.26740/jsh.v7n2.p350-378>.

⁷¹ Abdul Kadir et al., "Women and Family Based Voter Education Strategy to Increase Community Participation in Elections in Buton, Indonesia," *Samarah* 8, no. 3 (2024): 1346–71, <https://doi.org/10.22373/sjhg.v8i3.24050>.

developed with appropriate technology. To establish a real-time monitoring mechanism for political party campaign funds in Indonesia, several steps can be taken, including a focus on legislative measures, technology integration, the active role of civil society, and international best practices.

Indonesia can enhance its electoral laws to clarify the roles of the General Elections Commission (KPU) and other oversight bodies. This includes defining precise reporting requirements and deadlines for campaign finance disclosures, as current regulations face challenges such as overlapping authority and weak enforcement.⁷² Furthermore, stricter penalties for violations of campaign finance laws are necessary to deter misconduct, as current sanctions are often perceived as too lenient to ensure accountability.⁷³

The KPU and civil society, watchdogs should provide political parties with training on compliance with campaign finance regulations. Such training can improve understanding and adherence to the rules, as evidenced by studies showing that training enhances party accountants' skills.⁷⁴ Training and understanding of financial literacy among the public and political parties is essential to reduce the scope for misuse of campaign funds, including curbing money laundering and money politics.

Technological advancements are a key sector in developing and promoting such oversight, which can be achieved by implementing blockchain technology.⁷⁵ Blockchain can be used to create a transparent, immutable record of campaign contributions and expenditures. This technology enhances the integrity of financial reporting by making it challenging to alter records *post-factum*, thus reducing opportunities for

⁷² Huda et al., "Evaluating the Election Law in Indonesia for Strengthening Democracy and Ensuring Honest and Fair Elections."

⁷³ Huda et al.

⁷⁴ L Kusumasari, "The Impact of Campaign Fund Training in Indonesia," *Advanced Science Letters* 23, no. 9 (2017): 8069–74, <https://doi.org/10.1166/asl.2017.9837>.

⁷⁵ S Kumar, D Gupta, and T Yadav, "A Decentralized Voting System Based on Blockchain," in *Lecture Notes in Electrical Engineering*, vol. 1451 LNEE, 2025, 187–202, https://doi.org/10.1007/978-981-96-9979-7_14.

fraud.⁷⁶ Furthermore, data analytics can be used to monitor campaign finance in real time, identifying patterns and anomalies in funding sources and spending. This can help detect irregularities early and ensure compliance with financial regulations.⁷⁷

This practice can be facilitated through a dedicated web-based platform that streamlines the submission of and public access to campaign finance reports. Such platform can enhance transparency and allow voters to make informed decisions based on candidates' financial backing.⁷⁸ Several civil society projects exemplify this through the establishment of *Bijak Memilih* and *KawalPemilu* websites, which provide comprehensive data on candidates and their respective political parties. Furthermore, neutral, publicly monitorable websites can be used by political parties themselves as internal cash-flow monitoring tools.

However, these steps cannot be implemented optimally if the leading actors in advocacy and monitoring, namely civil society and civil society organizations (CSO), do not perform optimally. CSOs can serve as watchdogs, overseeing campaign finance and pushing for transparency.⁷⁹ Their participation boosts public trust in the electoral process and ensures political parties are held accountable for their financial activities. This oversight is increasingly bolstered through crowdsourcing. By monitoring election processes through crowdsourced data, citizens enhance transparency; initiatives such as

⁷⁶ Hadiprodjo, Alam, and Wulandhari, "Implementation of Blockchain-Based Electronic Voting System: A Case Study in Indonesia."

⁷⁷ B Leonardo et al., "Enhancing Voter Participation in Indonesia Through a Web-Based Election and Campaign System," in *Proceeding - 2025 4th International Conference on Creative Communication and Innovative Technology: Empowering Transformative MATURE LEADERSHIP: Harnessing Technological Advancement for Global Sustainability*, ICCIT 2025, 2025, <https://doi.org/10.1109/ICCIT65724.2025.11167120>.

⁷⁸ Leonardo et al.

⁷⁹ Islamia Dewi Setyorini & Amalia Nur Andini, "Breaking The Silence: Civil Society Organizations Promoting Women's Personal Security against Sexual Violence in Jombang Islamic Boarding Schools," *Salasika: Indonesian Journal of Gender, Women, Child, and Social Inclusion's Studies* 6, no. 1 (2023), <https://doi.org/https://doi.org/10.36625/sj.v6i1.114>.

KawalPilpres have shown that public participation substantially improves trust in election outcomes.⁸⁰

In addition to the Estonian model, Indonesia can learn from countries that have successfully implemented real-time monitoring systems for campaign financing. For instance, examining the legal frameworks and enforcement mechanisms in Albania and North Macedonia can provide insights into effective practices.⁸¹ By adapting successful elements from other democracies, such as clear reporting timelines and robust auditing processes, Indonesia can create a more effective monitoring system. This includes ensuring that financial reports are publicly accessible and regularly updated. Finally, strengthening the capacity of institutions responsible for monitoring campaign finance is crucial. This includes providing adequate resources and training to ensure effective oversight.⁸² Ultimately, Indonesia can adopt a comprehensive approach to establish a real-time monitoring mechanism for political party campaign funds by strengthening legislative frameworks, leveraging technologies such as blockchain, engaging civil society, and drawing on international best practices. These steps can significantly improve transparency and accountability in campaign financing, ultimately strengthening Indonesia's democratic process.

4. Improving Political Education on Simultaneous Elections and Optimizing Media Roles to Foster Rational Voting

The Election Management Body, consisting of the General Election Commission (KPU), the Electoral Supervisory Agency (Bawaslu), and the Election Organisers' Ethics Council (DKPP), must conduct

⁸⁰ F Gunawan and Y Ruldeviyani, "Improving Data Quality in Crowdsourced Data for Indonesian Election Monitor: A Case Study in KawalPilpres," in *Journal of Physics: Conference Series*, vol. 1566, 2020, <https://doi.org/10.1088/1742-6596/1566/1/012095>.

⁸¹ A Kume and L Lirëza, "On The Transparency of Electoral Campaign Financing in Albania and North Macedonia," *Journal of Liberty and International Affairs* 9, no. 2 (2023): 332–49, <https://doi.org/10.47305/JLIA2392426k>.

⁸² Huda et al., "Evaluating the Election Law in Indonesia for Strengthening Democracy and Ensuring Honest and Fair Elections."

intensive outreach regarding the implementation of non-simultaneous elections with national and regional designs through the mass media, digital content creators, and direct engagement with schools and universities to provide political education to the public, especially first-time voters. The roles of mass media (print and electronic), community leaders, and traditional leaders are vital in empowering local communities to supervise the implementation of simultaneous elections.

Furthermore, collaboration is necessary among the KPU, regional KPUs, political parties, and candidates (presidential, legislative, and regional) through integrity pacts. These pacts should govern the conduct of campaigns, the production of campaign attributes, the distribution of banners and promotional media to ensure that they remain educational in nature and do not contain slander and manipulation that can create division in the society. This is particularly critical considering that the 2019 elections were fraught with identity politics, causing polarization that damaged family and kinship structures. This raises an important question: how does the separation of national and regional elections in Indonesia affect political education and voter rationality?

Separating national and regional elections allows voters to concentrate on local governance issues without the overshadowing influence of national politics. This separation is expected to improve political education by encouraging voters to engage more deeply with the specific visions and missions of local candidates, rather than being swayed by national party dynamics.⁸³ Comprehensive reforms are recommended to enhance transparency and provide better information regarding candidates and their policies, which is crucial for empowering communities and fostering informed voting behavior.⁸⁴ Political

⁸³ Ramadhan and Rafiqi, "Urgensi Pemisahan Penyelenggaraan Pemilihan Umum Serentak Nasional Dan Lokal."

⁸⁴ Sistyawan et al., "Empowering Communities through Electoral Law Reform: The Challenge of Single-Candidate Elections in Indonesia." *See also* Syafa Amirah, "AI-Powered Political Messaging: Automated Persuasion and the 2024 Indonesian Election". *Indonesian Discourse on Communication, Democracy, and Political Movements* 2, no. 4 (2025). <https://doi.org/10.65815/7grwvr59>; Samuel Raditya Putra, and I Gede Putu Oka Bagaskara. "Clientelism and Corruption in Local

education is necessary for voters to understand their rationality in making choices. Various factors, including social norms, emotional trust, and access to information, influence voter rationality in Indonesia. Separating elections allows voters to adopt different decision-making strategies based on the perceived importance of the election. For instance, voters may engage in more deliberative evaluations during regional elections than during national elections, when they might rely on heuristics or social affiliations.⁸⁵

The distinct nature of national versus regional elections can lead to vulnerabilities in voter rationality, particularly through the influence of disinformation and identity politics. This highlights the importance of targeted political education to help voters in critically assessing information and making informed choices. The state, through its independent institutions, has a vital role in combating disinformation and providing the public with the optimal and comprehensive access to information as part of their fundamental human rights.

The timing and nature of elections significantly affect political engagement across different demographic groups. For example, women and families are identified as crucial segments for increasing participation in regional elections. Strategies that involve these groups in political education can enhance community involvement and ensure that their voices are heard in the democratic process.⁸⁶

Elections: Evidence from Indonesia's Pilkada". *Indonesian Anti Corruption Studies* 1, no. 2 (2024). <https://doi.org/10.65815/0vpvyh91>; Muhammad Abdurrahman, "Digital Surveillance, State Power, and Civil Liberties in Contemporary Indonesia". *The Indonesian Journal of Critical Legal Studies* 1, no. 1 (2026): 121-150.

⁸⁵ D S Kartini, M D Adinadya Putra, and A Zainudin, "Decision-Making Process in Voting during the 2024 Election in Indonesia (A Study in Bandung Regency)," *Frontiers in Political Science* 7 (2025), <https://doi.org/10.3389/fpos.2025.1647672>.

⁸⁶ Kadir et al., "Women and Family Based Voter Education Strategy to Increase Community Participation in Elections in Buton, Indonesia." See also Ahmad Siboy, and Sholahuddin Al-Fatih. "The Logic Position of State Emergency Law in the Implementation of Regional Head Elections during the Covid-19 Pandemic." *Unnes Law Journal* 8, no. 1 (2022): 65-86. <https://doi.org/10.15294/ulj.v8i1.37358>; Exsyel Hendy Basuki, Windya Nopryanti, Hezron Sabar Rotua Tinambunan, and Mohammed Ali Ahmed Saeed. "Judicial Constitutional Capture and the Transformation of Democratic

This process can also be complemented by implementing a social learning framework in voter education to engage various community segments, particularly first-time voters. This approach encourages peer-to-peer learning and the utilization of available resources to foster a more informed electorate. Additionally, the media plays a key role in shaping public criticism and understanding of future elections by providing information regarding candidates and electoral processes. The independence and neutrality of the press are essential for ensuring that voters receive balanced information, which significantly impacts their decision-making. The rise of digital media enables faster dissemination of information, which can either enhance or undermine informed voting, depending on the quality of the content.⁸⁷ The effectiveness of political education is closely tied to how accessible and transparent information about candidates and their platforms is. Regions with higher levels of budget transparency during elections tend to foster better voter engagement and rational decision-making. On the other hand, the separation of national and regional elections in Indonesia has profound implications for political education, voter rationality, and demographic engagement. By focusing on local governance, enhancing political education, and leveraging media effectively, Indonesia can cultivate a more informed and rational electorate. This approach not only strengthens democracy but also empowers communities to hold their leaders accountable and participate meaningfully in the political process.⁸⁸

5. Limiting State Roles and Improving Central-Regional Relations

Backsliding in Indonesia”. *Unnes Law Journal* 12, no. 1 (2026): 199-236. <https://doi.org/10.15294/ulj.v12i1.47964>

⁸⁷ A D Anggoro and A Amin, “The Development of Teun Van Dijk Model: A Discourse Analysis towards News Report of Jakarta Regional Election on Media Indonesia.Com Published from November until December 2016,” *Journal of Social Sciences Research* 4, no. 12 (2018): 834-40, <https://doi.org/10.32861/jssr.412.834.840>.

⁸⁸ D Purwanti, “Do Local Elections Matters on Regional Budget Transparency?,” *International Journal of Scientific and Technology Research* 9, no. 3 (2020): 6371-6381.

The 1945 Constitution of Indonesia mandates that elections must be conducted in a direct, general, free, confidential, honest, and fair manner. This establishes the foundational legal framework for electoral integrity and citizen participation.⁸⁹ Indonesian electoral law outlines the roles of the General Election Commission (KPU) and the General Election Supervisory Agency (Bawaslu), which are responsible for overseeing the electoral process and ensuring compliance with legal standards.⁹⁰ However, the lack of detailed constitutional provisions allows frequent changes to electoral laws, creating instability and uncertainty in the electoral process. The KPU and Bawaslu are designed to operate independently but overlapping authorities and limited resources often undermine their effectiveness. This can lead to procedural weaknesses and challenges in enforcing electoral laws.⁹¹ Various violations, including administrative, ethical, and criminal ones, are frequently linked to interference by the state apparatus and inadequate oversight, which compromises the integrity of elections and diminish public trust in the electoral process.

Limitations on state involvement can also hinder citizen participation. For example, the presidential threshold has been criticized for reducing political representation and forcing parties into coalitions that may not reflect the electorate's preferences.⁹² This erosion of public trust undermines democratic principles. Consequently, civil society organizations play a crucial role in monitoring state actions during elections, challenging violations, and advocating for reforms to enhance

⁸⁹ W Silalahi et al., "Controversy of the Capability of Voters with Mental Health Disorder in the General Election," *Medico-Legal Update* 20, no. 2 (2020): 703–707.

⁹⁰ Aman and Tomsa, "The Constitutional and Legislative Foundations of Indonesia's Electoral Regime."

⁹¹ S Butt and F Siregar, "Multilayered Oversight: Electoral Administration in Indonesia," *Asian Journal of Comparative Law* 16, no. S1 (2021): S121–35, <https://doi.org/10.1017/asjcl.2021.32>.

⁹² W Mateu, "The Presidential Threshold Dilemma: Constitutional Legitimacy Versus Democratic Erosion in Indonesia," *International Journal of Law and Society* 4, no. 3 (2025): 365–86, <https://doi.org/10.59683/ijls.v4i3.140>.

electoral integrity. Their involvement fosters greater transparency and accountability, ultimately affecting electoral outcomes.⁹³

Nonetheless, Indonesia's move from a centralized to a decentralized governance system has generated a need for clear legal frameworks that define the roles of central and regional governments. Law No. 23 of 2014 on regional government emphasizes the importance of regional autonomy and the need for effective governance structures to support this transition.⁹⁴ This theoretical framework suggests that when elections are distinct, voters can make more informed choices, leading to better governance outcomes. The separation allows regional governments to be more accountable to their constituents. When local elections are held independently, regional leaders are incentivized to respond to their communities' needs, as they are directly responsible to voters.⁹⁵

Studies indicate that community trust and satisfaction can mediate the quality of regional elections, suggesting that when voters feel heard, they are more likely to engage with and support their local governments.⁹⁶ Empirical studies show that regions with direct local elections tend to provide better public goods. For instance, a study found that the reduction in local government size due to district splitting led to increased public good provision, particularly in districts with direct elections.⁹⁷ This suggests that separating elections from

⁹³ R Kurniawan et al., "Social Capital in the Indonesian General Election 2019," in *Proceedings of the International Conference on Industrial Engineering and Operations Management*, 2021, 3502–3509.

⁹⁴ D Suherman et al., "The Legal Framework of Advocacy Planning in Territorial Splitting: How Is Civil Society Involved in Shaping Local Policies?," *Khazanah Hukum* 7, no. 3 (2025): 471–96, <https://doi.org/10.15575/kh.v7i3.48811>.

⁹⁵ D Singhanian, "Do Smaller Local Governments Bring Citizens More? Evidence from Direct Elections in Indonesia," *World Bank Economic Review* 36, no. 3 (2022): 774–99, <https://doi.org/10.1093/wber/lhac010>.

⁹⁶ L I Mindarti, A Malik, and B Supriyono, "Quality of Regional Election Implementation as Determinant of Performance of Simultaneous Regional Election: Community Trust and Satisfaction as Mediation, and Regulatory Harmonization as Moderation," *Review of Pacific Basin Financial Markets and Policies* 24, no. 1 (2021), <https://doi.org/10.1142/S0219091521500089>.

⁹⁷ Singhanian, "Do Smaller Local Governments Bring Citizens More? Evidence from Direct Elections in Indonesia."

advocacy can improve intergovernmental relations by ensuring that local governments remain attuned to their constituents' needs. Furthermore, the existence of a political budget cycle indicates that local governments respond more effectively to direct elections than to other economic indicators, reinforcing the idea that accountability mechanisms are strengthened when elections are separate.⁹⁸

Indonesia's diverse cultural landscape influences the effectiveness of separating elections from advocacy. Historical practices, such as dynastic politics, continue to challenge democratic ideals and accountability.⁹⁹ Understanding these cultural nuances is crucial for implementing effective electoral reforms that improve governance. The historical background of community involvement in governance underscores the importance of participatory decision-making. The movement for regional autonomy is directly connected to the need for national and local leaders to be responsive to their constituents, a need supported by separate election timelines.

E. Conclusion

The Constitutional Court's decision to implement non-simultaneous general elections provides a foundation for legislators to engage in constitutional engineering of election process and timing. However, such practices risk becoming covert constitutional changes that, if carried out without restrictions or oversight, could reinforce autocratic legalism in Indonesia. Additionally, there are challenges related to the governability and governmentality of general elections that need to be addressed through exploring accountability, public participation, and the implementation of non-simultaneous general elections. Finally, in responding to current election issues, it is necessary to ensure that election law is treated as a plan grounded in justice and voter advocacy. This can be achieved by emphasizing the basic

⁹⁸ D Wardhana, "Entitlement Programmes for Garnering Votes? The Impact of Local Elections on Targeted Social Protection in Decentralised Indonesia," *International Journal of Development Issues* 20, no. 1 (2021): 143–55, <https://doi.org/10.1108/IJDI-04-2020-0070>.

⁹⁹ M M Mukhlis, A Ilmar, and M S Tajuddin, "Dynastic Politics in Regional Elections: Challenges to Democracy and the Need for Legal Reform in Indonesia," *Jurnal Konstitusi* 21, no. 4 (2024): 565–87, <https://doi.org/10.31078/jk2143>.

principles of elections, utilizing technology for administration and campaign finance monitoring (as seen in Estonia and North Macedonia), and improving political education regarding non-simultaneous elections and the ontological position of the “one person one vote” principle. Maximizing the role of mass media, and improving central-regional relations are equally essential. The future of elections in Indonesia must align with the will of the people through direct elections, ensuring a democracy whose government is carried out from the people, by the people, and for the people, that shall not perish from the earth.

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