
Legal Politics In Indonesia

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ABSTRACT

Legal politics in Indonesia has an important role in determining the direction of the formation and implementation of regulations. Article 18 paragraph 4 of the 1945 Constitution of the Republic of Indonesia confirms that regional heads are elected democratically, reflecting the principles of popular sovereignty in the regional government system. This research aims to analyze the dynamics of legal politics related to regional head elections, identify the challenges faced, and provide recommendations for the necessary legal political reforms. The research method used is a qualitative approach with a literature study, which includes an analysis of various legal sources, previous research, and political theories related to local democracy. The results show that although democratic local elections have been implemented, there are various challenges that hinder the effectiveness and integrity of the process. Issues such as the high cost of politics, the practice of money politics, and horizontal conflicts in the community are significant obstacles. In addition, the relationship between politics and law is often intertwined, creating uncertainty in electoral policy. In conclusion, to strengthen a transparent and accountable local government system, comprehensive reforms in local election regulations, increased monitoring of political funding, and public political education are needed. With these steps, it is expected that regional autonomy can run more effectively and in accordance with constitutional values.

INTRODUCTION

Indonesia is a country that adheres to a decentralized government system as regulated in Article 18 of the 1945 Constitution of the Republic of Indonesia. One of the main provisions, namely Article 18 paragraph (4), confirms that regional heads are elected democratically (Najib & Indarja, 2023; Syahril & Redi, 2023; Umasangaji, 2023; Zein et al., 2022). This provision emerged as a result of post-1998 political reforms, which aimed to strengthen people's participation in regional government and create stronger legitimacy for regional heads (Harijanti, 2017). Democratic elections are an important basis in regulating regional autonomy, where the community is given the right to directly elect their leaders through a transparent and fair election process (Norris, 2017).

However, implementing this system is not free from various challenges. One of the main problems is the high political costs that regional head candidates must bear in participating in the election process. These high costs often encourage unhealthy practices, such as money politics and raising support based solely on economic interests (Rahayu,

2020). In addition, regional head elections often give rise to horizontal conflicts in society, especially in areas with complex political dynamics (Harijanti, 2017).

Furthermore, the flexibility of the interpretation of the word "democratic" in Article 18 paragraph (4) also provides space for regional head elections directly or through representatives. This interpretation is based on the diversity of culture and traditions in various regions in Indonesia, thus allowing regions to adapt election mechanisms according to local needs (Aspinall & Berenschot, 2019; Aspinall & Sukmajati, 2016; van Klinken, 2018). Nevertheless, the direct election system tends to be more applied because it is considered more in line with the principle of popular sovereignty as regulated in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia (Harijanti, 2017).

Evaluation of the implementation of Article 18 paragraph (4) of the 1945 Constitution is very important to ensure that the system implemented can support the principles of local democracy without compromising national stability (Butt, 2015; Hill, 2024; Von Vorys, 2015). In this context, strengthening legal politics is an urgent need to overcome the various challenges that arise, as well as to ensure that the applicable regulations truly support effective, accountable and responsive local governance (Rahayu, 2020). This research aims to identify and analyze the main issues related to the implementation of Article 18 paragraph (4) of the 1945 Constitution in the context of legal politics in Indonesia.

This research covers several important aspects, such as analyzing the implementation of Article 18 paragraph (4) to assess whether the principles of local democracy are effectively applied. In addition, this research identifies the challenges faced in the implementation of local elections, including the practice of money politics and unfairness in the electoral process. Next, it evaluates the influence of legal politics on regional autonomy, as well as how this affects the relationship between the central and regional governments. Finally, the research aims to provide recommendations for politico-legal reforms needed to strengthen Indonesia's local government system to make it more transparent, accountable and responsive to people's aspirations.

METHOD RESEARCH

This research uses a qualitative approach with library research methods. The aim of using this approach is to collect and analyze data contained in relevant literature, whether in the form of books, journal articles, research reports, or legislation that supports the topic being discussed. This research methodology is described in several stages as follows:

1. Research Approach

The approach used is a descriptive analytical approach, which aims to describe and analyze phenomena related to legal politics in Indonesia. This approach focuses more on explaining various concepts and theories that exist in the context of regional government and local democracy, as well as the challenges in their implementation.

2. Types of research

This type of research is normative research, which aims to analyze statutory regulations and legal policies related to regional head elections, as well as analyzing literature related to the implementation of local democratic systems in the context of Indonesian legal politics. In this research, the literature studied includes legal political theories, as well as analysis of legislation relevant to the topic studied.

3. Data source

The data sources in this research come from two main categories: Primary Data: Relevant laws and regulations, such as the 1945 Constitution of the Republic of Indonesia, the Law on Regional Government, and the Law on General Elections. Secondary Data: Books, journals, articles and previous research discussing legal politics, local democracy and the implementation of decentralization in the government system in Indonesia.

4. Data Collection Techniques

Data was collected through library study techniques, namely by accessing and reviewing various literature sources related to the topic under study. The literature used includes textbooks, journal articles, theses, dissertations, research reports, and relevant news articles.

5. Data analysis

After the data is collected, the next step is to analyze the data using qualitative analysis. The analysis techniques used in this research are content analysis and descriptive analysis. Content analysis is carried out by examining various legal texts, political theories and related documents to gain an in-depth understanding of the problem under study. Meanwhile, descriptive analysis aims to describe and explain the facts found in the data systematically and logically.

6. Data Validity

To ensure the validity of the data, this research prioritizes sources that can be accounted for, both in terms of quality and credibility. The data sources used are expected to provide an objective picture of the implementation of legal politics in Indonesia, especially those related to local democracy and government decentralization.

RESULTS AND DISCUSSION

1. Legal Political Challenges in Indonesia

Legal politics in Indonesia, especially related to the implementation of decentralization and regional autonomy, faces various challenges that affect the effectiveness of local democracy and the quality of government (Febriandiela et al., 2024; Rodiyah et al., 2020). One of the main challenges is the inequality in the implementation of regional autonomy in various regions. Article 18 of the 1945 Constitution of the Republic of Indonesia gives regional governments great authority to regulate and administer government affairs, but this is often hampered by differences in capacity between more developed regions and less developed regions. Harijanti (2017) explained that many regions face obstacles in managing budgets and human resources, which has an impact on the poor quality of public services and governments that are more vulnerable to corruption.

Apart from that, another big challenge is the emergence of the practice of money politics in regional head elections. High political costs, which include campaign costs and vote buying, often hamper the electoral process which should be democratic. Rahayu (2020) states that this creates a gap between regional head candidates who have large capital and those who do not have financial resources, so that the quality of democracy is threatened with being disrupted. Regional head elections that are full of money politics practices can also trigger divisions in society, both at the individual and group level, which can worsen political stability at the regional level.

In addition, horizontal conflicts often arise due to unfairness in elections, which creates tension between groups. According to Suharizal (2011), sharp political competition, both at the elite and community levels, can worsen relations between residents in areas that previously did not have major problems in social relations. These conflicts show that the implementation of direct regional head elections is often not followed by the community's readiness to accept existing political differences.

2. Political and Legal Relations

The relationship between politics and law in Indonesia plays a very important role in shaping policies and regulations related to regional government. Politicians and political parties often influence policies produced by legislative and executive institutions, including policies related to regional head elections. This shows that politics and law in Indonesia do not operate completely independently; the two often influence each other, sometimes even conflict with each other.

For example, even though Article 18 of the 1945 Constitution of the Republic of Indonesia mandates the democratic election of regional heads, in reality there are practices that damage the integrity of the electoral system. Suharizal highlighted that the existence of dynastic politics in several regions of Indonesia is a serious problem. Dynasty politics creates domination of power in one particular family or group, which is not in accordance with the basic principles of democracy. This creates inequality in government, because only a handful of parties have access to become regional heads, while the aspirations of the wider community are often ignored.

In addition, the political and legal policies taken by the central government are often not in line with regional needs and conditions. Harijanti (2017) notes that policies that should support decentralization and more autonomous regional government, sometimes actually lead to more centralization. This is reflected in several government policies which emphasize tighter control over regional governments, without paying attention to the differences in social and political contexts that exist in each region. Although the aim is to maintain national stability, these policies often hinder innovation and development in regions that already have good management capacity.

3. Legal Political Reform

Political and legal reform in Indonesia is very necessary to overcome the challenges that exist in the regional government system and the implementation of local democracy. Some steps that can be taken include changes in regional head election regulations, updating the supervisory structure of regional government, as well as reforms in community political education.

4. Renewing regional head election regulations that are more transparent and accountable is the first step that needs to be taken. One of the things suggested is limiting campaign funds and strict supervision of political funding, with the aim of reducing money political practices that are detrimental to the democratic process. Rahayu (2020) suggests that the government introduce a more transparent campaign financing system and conduct regular audits of the funds used by regional head candidates, to ensure that the election process runs fairly and without the influence of certain economic forces.

5. Structural reforms are also needed in the relationship between central and regional governments. Harijanti (2017) proposed the need for reform in the supervisory structure of policies taken by regional governments, with the aim of ensuring that the autonomy granted does not lead to abuse of power. The central government must be wiser in providing policies that can support regional autonomy without sacrificing national stability. This includes more flexible policy adjustments, so that regions with different characteristics can design local policies that suit their needs.
6. Finally, political education reform is also very important to create a society that is more aware of its rights in the political system. Political education that starts at an early age can help people to better understand the democratic process and the importance of active participation in general elections. Suharizal argues that good political education can reduce dependence on political elites and encourage people to be more critical of the potential leaders they choose.

CONCLUSION

This research shows that legal politics in Indonesia, particularly with regard to decentralization and local democracy, faces significant challenges that affect the implementation of fair and efficient governance. Although Article 18(4) of the 1945 Constitution provides a strong legal basis for regional autonomy and democratic local elections, challenges such as disparities between rich and poor regions, money politics, and the dominance of dynastic politics still threaten the integrity of democracy. Therefore, structural reforms in local election policies, strict oversight of campaign financing, and improved public political education are needed to strengthen local democracy and ensure regional autonomy without abuse of power.

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