

Representative Versus Direct Democracy in Regional Head Elections: A Constitutional Analysis of Popular Sovereignty in Indonesia

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Abstract. *The discourse on returning the election of regional heads to the Regional People's Representative Council (DPRD) has resurfaced in Indonesia's constitutional debate, gaining significant support from major factions in the national parliament. This proposal is primarily driven by the exponential rise in political costs and widespread money politics, which are viewed as eroding the integrity of direct elections. What began as a procedural debate has now evolved into a fundamental discussion about the most suitable model of local democracy in light of Indonesia's current political realities. This study examines the discourse through constitutional analysis, positioning popular sovereignty as the central normative variable while assessing its implications for local democracy quality. Using statutory and conceptual approaches, the research analyzes laws and democratic doctrines. The findings indicate that the phrase "elected democratically" in Article 18 paragraph (4) of the 1945 Constitution allows flexible interpretation, accommodating both direct and indirect election models. However, returning authority to the DPRD risks consolidating local political oligarchies, weakening legislative oversight, and limiting public participation. Ultimately, the dysfunction in local democracy stems not primarily from the direct election system, but from institutional weaknesses, declining political ethics, and low accountability of democratic actors.*

Keywords: *Constitutional Interpretation, Legislative Oversight, Political Oligarchy, Popular Sovereignty, Regional Elections.*

1. Introduction

Democracy, in theoretical terms, places the people as the highest locus of sovereignty in the overall process of governance (Dahl, 1989). This principle emphasizes that the legitimacy of public power derives from the will of the citizens, not from political elites or closed power structures. Within the framework of a modern rule-of-law state, popular sovereignty is institutionalized through electoral mechanisms as a legitimate and periodic means of articulating political will.

In the context of post-reform Indonesia, the agenda of strengthening democracy has accelerated significantly, one of which is reflected in the implementation of direct regional head elections since 2005. This policy reflects a wider framework of political decentralization intended to more evenly distribute authority between central and regional governments (Hadi & Darissalam, 2025). Under this arrangement, regions are no longer treated merely as administrative units, but as political entities that possess autonomy in selecting their own leaders.

Direct elections are considered strategically important in broadening political participation at the local level, as citizens are not only passive participants but also actively involved in shaping leadership choices and regional development policies (Retnowati, 2015; Hasibuan, 2022). In addition, this system is believed to strengthen the accountability of regional leaders, as their legitimacy is derived directly from the electoral mandate of the people (Budiarto, 2008; Ridua, 2025).

However, in contemporary dynamics, there has been growing discourse on returning the mechanism for electing regional heads to the Regional People's Representative Council (DPRD). This discourse does not emerge in a vacuum, but is driven by critical evaluations of direct elections, which are considered to have produced various structural problems. Therefore, the debate that has developed is not merely technical or procedural, but touches upon the fundamental aspects of the design of local democracy (Faturohman, 2012).

The arguments often put forward include the high political costs that must be borne by candidates, the potential for horizontal conflicts within society, and the widespread practice of vote buying in electoral contests (Mulyadi et al. 2018; Riyanti & Firmanto, 2025). These phenomena are seen as leading to a distortion in the quality of democracy, as political competition becomes more determined by financial power than by leadership capacity. From this perspective, election through the DPRD is considered an alternative to reduce these negative effects.

The discourse on changing this electoral mechanism has given rise to sharp academic and political debates. The main issue revolves around the tension between representative democracy, as embodied by regional legislative institutions, and direct democracy, which grants an immediate electoral mandate to the people. This debate also reflects a broader conceptual contest over which model of democracy is most compatible with the consolidation of democracy in Indonesia (Purwadi, 2019; Karsa & Rohani, 2022).

Constitutionally, Article 18 paragraph (4) of the 1945 Constitution states that regional heads are elected democratically (Yahuda & Michael, 2024). This normative formulation opens room for interpretation regarding variations in electoral mechanisms, whether direct or indirect. However, the interpretation of this phrase cannot be separated from the spirit of constitutional reform, which inherently emphasizes the expansion of public participation, the strengthening of electoral legitimacy, and the deepening of democratic practices at the local level.

Although numerous studies have examined the implementation of direct regional head elections in Indonesia, most of the existing literature primarily focuses on practical and political dimensions, such as electoral participation, political costs, decentralization, and the emergence of money politics (Kristiyanto, 2017; Purwadi, 2019; Riyanti & Firmanto, 2025; Baehaki, 2025). Previous scholars generally emphasize whether direct elections have succeeded in strengthening local democracy and improving governmental accountability after the Reformasi era (Wakhid et al., 2017; Febriyanto & Firman, 2023). However, relatively limited attention has been devoted to the constitutional and democratic implications of proposals to return the election of regional heads to the Regional People's Representative Council (DPRD). In particular, there remains an insufficient normative analysis regarding the interpretation of the phrase "elected democratically" as stipulated in Article 18 paragraph (4) of the 1945 Constitution and its relationship with the broader spirit of constitutional reform. Existing research also tends to discuss direct and indirect elections separately, without comprehensively comparing their compatibility with democratic consolidation, public participation, and political legitimacy at the local level (Sinaga, 2018; Majid & Sugitanata, 2021). Therefore, this study seeks to fill that gap by examining the discourse on indirect regional head elections from constitutional, democratic, and governance perspectives within Indonesia's post-reform political framework.

The discourse concerning the return of regional head elections to the DPRD has generated significant constitutional and political debates in Indonesia. On one hand, direct elections are considered an important manifestation of popular sovereignty because they provide citizens with the opportunity to directly determine regional leadership and strengthen democratic participation. On the other hand, critics argue that direct elections have produced various structural problems, including high political costs, electoral corruption, transactional politics, and social conflict. This situation raises fundamental questions regarding whether the indirect election mechanism through the DPRD would strengthen or instead weaken democratic consolidation in Indonesia. Furthermore, the constitutional interpretation of the phrase "elected democratically" under Article 18 paragraph (4) of the 1945 Constitution remains open to differing interpretations, creating uncertainty concerning the most appropriate electoral mechanism within the Indonesian democratic system. Based on these issues, this study aims to examine the construction of this discourse through a constitutional analysis, placing the principle of popular sovereignty as the main normative variable and considering its implications for the quality of local democracy.

Based on this background, there are 3 research questions that will be discussed, namely:

1. How does the constitutional interpretation of the phrase "elected democratically" affect the relationship between representative democracy and the principle of popular sovereignty in Indonesia?
2. To what extent does the dominance of political parties and local oligarchs cause the weakening of the legislative oversight function in Indonesia's democratic system?

3. How do the practices of money politics and high political costs affect the quality of recruitment and performance of people's representatives elected democratically?

2. Research Methods

The research adopts a juridical-normative method, which focuses on the systematic interpretation and evaluation of legal norms rather than empirical facts in the field. This method is considered appropriate because the study seeks to understand the legal meaning, scope, and normative consequences of constitutional provisions related to regional head elections and democratic representation.

The research employs two main approaches: the statutory approach and the conceptual approach. The statutory approach involves a detailed examination of primary legal sources, particularly the 1945 Constitution of the Republic of Indonesia (especially Article 18 paragraph 4), and other relevant regulations concerning regional elections. Meanwhile, the conceptual approach explores democratic doctrines, popular sovereignty theory, decentralization principles, and representative democracy concepts drawn from legal scholars and constitutional theory.

Data sources consist primarily of secondary data (Soekanto, 2007). Primary legal materials include the 1945 Constitution, statutes, and official government regulations. Secondary legal materials encompass academic literature, scholarly books, journal articles, expert opinions, and previous research on constitutional law and local democracy. Data collection was conducted through literature review by systematically documenting, classifying, and inventorying relevant legal documents and academic sources.

The analysis is carried out using a qualitative-descriptive technique. Legal materials are interpreted through grammatical, systematic, teleological, and historical interpretation methods. The study presents findings narratively by describing, explaining, and analyzing the flexibility of the constitutional phrase "elected democratically," its relationship with popular sovereignty, and its impact on the quality of local democracy. All conclusions are drawn through deductive reasoning from general legal principles to specific interpretations.

3. Results and Discussion

3.1. Constitutional Interpretation of Elected Democratically and Its Relation to Popular Sovereignty

The phrase "elected democratically" in Article 18 paragraph (4) of the 1945 Constitution carries a normative character that is both open and flexible in its interpretation (Yahuda & Michael, 2024). This formulation does not provide rigid procedural limits regarding the model of election, thereby allowing room for various institutional designs in the recruitment of regional leaders. From a constitutional law perspective, this elasticity is often understood as a form of

constitutional delegation to the legislature to determine mechanisms that are considered most relevant to the development of democracy. Thus, both direct elections by the people and indirect elections through the DPRD can formally be placed within the democratic spectrum (Purwadi, 2019; Karsa & Rohani, 2022). This flexibility indicates that the constitution does not confine democracy to a single procedure. However, such openness in interpretation also demands a deeper and more substantive understanding of democracy.

Procedurally, the categorization of democracy often stops at the fulfillment of representation mechanisms and voting processes. This minimalist approach evaluates democracy from the standpoint of procedures rather than the quality of participation it produces. Within this framework, elections conducted through representative institutions are still considered legitimate, as they are carried out by bodies that derive their mandate from the people (Sinaga, 2018; Majid & Sugitanata, 2021). However, reducing democracy to merely electoral procedures risks overlooking the participatory dimension that constitutes the very essence of popular sovereignty. Democracy is not only about who votes, but also about the extent to which citizens are authentically involved. Therefore, evaluating democracy cannot depend only on formal institutional legitimacy, it also requires substantive indicators that assess the extent and quality of citizen participation (Dahl, 1998; Melfa, 2013).

Substantive democracy emphasizes that direct public participation is an essential element in the political process. Such involvement is not merely symbolic, but serves as an instrument of public control over the distribution of power. In this context, the people act as active subjects who determine the direction of regional leadership. Direct participation also strengthens political legitimacy, as mandates are obtained without institutional intermediaries (Hasibuan, 2022; Indriani et al., 2024). The broader the space for participation, the stronger the foundation of sovereignty that supports governance. This perspective places the people as central actors, not merely as a source of electoral legitimacy. Therefore, democracy is understood as a practice of engagement, not just a procedure of delegation.

On this basis, direct election of regional heads is considered more capable of representing the principle of popular sovereignty. This mechanism allows for a linear mandate relationship between voters and elected leaders (Fatur Rahman, 2012; Yussyanti, 2015). Political accountability also becomes more measurable, as regional heads are directly responsible to their constituents. In addition, direct elections provide a more open arena for competition compared to the restricted channels of representative institutions, allowing citizens to directly evaluate candidates' capabilities, vision, and integrity. This level of transparency enhances the legitimacy of democracy, making direct elections widely viewed as a tangible form of participatory democratic practice.

Meanwhile, the mechanism through the DPRD tends to represent an indirect form of democracy that relies on the mediation of political elites. Although this model formally remains within a democratic framework, it creates a distance between the people and the process of leadership selection (Chakim, 2014; Sarbaini, 2020). The potential for distortion of public will becomes greater, as political preferences are filtered through party interests and coalitions. As a result,

the articulation of popular sovereignty risks being reduced. From the perspective of substantive democracy, such conditions are seen as less optimal in reflecting the authentic will of the people. Therefore, the debate over constitutional interpretation should not stop at the level of procedural legality, but must go further to assess the extent to which the electoral mechanism truly actualizes popular sovereignty in a comprehensive manner.

Within the framework of social contract theory, popular sovereignty is positioned as the highest source of legitimacy that, in principle, cannot be transferred or alienated. The people are understood as the original holders of authority underlying the existence of political power. The state and all its institutions arise from a collective agreement among citizens to organize social life in an orderly manner. Therefore, all forms of public power are essentially derivatives of the will of the people. This conception places the people not merely as objects of governance, but as the primary subjects determining the direction of power. In this construction, sovereignty is inalienable and permanently attached to citizens. Consequently, every political mechanism must ensure that such authority remains under the control of the people (Rousseau, 2002; Indriani et al., 2024).

Representative institutions are then established as institutional instruments to effectively implement this sovereignty within a modern state system. Given spatial limitations and the complexity of decision-making, the people delegate authority to their representatives to carry out legislative, oversight, and political representation functions. However, this mandate is delegative in nature, not a full transfer of sovereignty. Representatives act only as executors of the public will, not as its owners (Respationo, 2013; Wakhid et al., 2017). In other words, the legitimacy of representative institutions remains rooted in and dependent upon the people. This position underscores the ethical and political limits in the exercise of representative authority. Representation must not transform into a substitute for popular sovereignty.

In the context of representative democracy, the relationship between the people and their accountability. Every political decision made by representative institutions should representatives is fiduciary in nature, meaning it is a trust-based relationship that requires continuous ideally reflect the aspirations of their constituents. Therefore, mechanisms of representation must maintain space for public control to prevent deviations from the mandate. When the representative function operates optimally, indirect democracy can still uphold the principle of popular sovereignty. However, the quality of representation is largely determined by the integrity of the party system and the behavior of political elites. Distortions of interest are likely to occur when accountability channels weaken. It is at this point that representative democracy faces challenges to its legitimacy (Pardede, 2018; Hasibuan, 2022).

The transfer of authority to elect regional heads to the DPRD must be understood within this theoretical framework. When strategic decisions regarding regional leadership are shifted from the people to representative institutions, there is a change in the locus of political decision-making. The people are no longer direct decision-makers but act as indirect grantors of authority through legislative elections, a condition that may create a gap between public preferences and the outcomes of leadership selection. Furthermore, in political practices that are frequently

influenced by compromise, elite interests can become more dominant than the aspirations of constituents. As a result, the articulation of sovereignty experiences a narrowing of participatory channels. This mechanism raises serious questions about the degree of substantive representation.

Conceptually, this situation can be understood as a reduction of the essence of popular sovereignty. Decisions concerning the direction of regional governance which directly affect citizens' lives are no longer in the hands of voters as the holders of sovereignty. This reduction is not merely a procedural issue, but touches upon the philosophical dimension of democracy itself. The further the people are distanced from the process of selecting their leaders, the weaker the actualization of their sovereignty becomes (Indriani et al., 2024).

Therefore, the debate over the mechanism for electing regional heads cannot be separated from the fundamental question of who truly holds political authority. At this point, the relationship between representative democracy and popular sovereignty becomes crucial to be continuously examined in a critical and in-depth manner.

3.2. Dominance of Political Parties and Local Oligarchies in Weakening Legislative Oversight

The election of regional heads through the DPRD opens wide space for the strengthening of political party dominance, particularly those that control the majority of seats in the legislative body. In the structure of local politics, seat distribution is not merely a reflection of election results, but also serves as an instrument of control over the recruitment process of executive power.

When the authority to elect regional heads lies in the hands of the DPRD, the configuration of party power automatically becomes the main determining factor (Faturohman, 2012; Farida et al., 2020). The leadership selection process is no longer fully based on public preferences, but rather on internal political calculations within the regional parliament. This situation creates a tendency where election outcomes can be projected in advance based on seat composition. As a result, the space for contestation becomes increasingly limited. Electoral democracy risks shifting into a mere institutional formality. An imbalanced legislative configuration has direct implications for unequal political competition (Satria & Chahnia, 2025). Candidates who lack support from majority parties face structural barriers that are difficult to overcome. In many cases, the candidacy process is determined more by elite negotiations than by leadership capacity. As a result, political selection tends to become exclusive and elitist.

Mechanisms of checks and balances within the contest are weakened, as competition does not take place on a level playing field. This imbalance also has the potential to hinder the emergence of alternative figures outside the circle of party oligarchies. The space for elite circulation becomes closed and repetitive (Respatono, 2013). In the long term, such conditions may obstruct the regeneration of regional leadership.

This phenomenon is closely correlated with the thesis of political oligarchy in contemporary political science. Oligarchy is understood as the concentration of power in the hands of a small group of elites who possess political, economic, and organizational resources. In the context of political parties, oligarchy manifests through elite control over candidate selection, funding, and strategic decision-making processes (Chakim, 2014; Yahuda & Michael, 2024). When the election of regional heads is transferred to the DPRD, this oligarchic structure gains a stronger institutional channel. Power is no longer widely dispersed through public involvement, but instead becomes centralized in elite-level negotiations, which strengthens patterns of exclusivity in the allocation of public positions. As a result, while procedural democracy may still operate, its substantive meaning becomes increasingly diminished or narrowed (Winters, 2011).

Furthermore, the dominance of majority parties also has the potential to create transactional relationships between the legislative and executive branches at the regional level. Elected regional heads may become bound to the interests of the supporting coalition in the parliament. As a result, public policies risk being influenced by short-term political compromises rather than the broader interests of society. The DPRD's oversight function over the executive may also weaken due to conflicts of interest. What should be a control relationship can turn into a collusion of power. In such a situation, the accountability of regional government deteriorates, and local democracy loses an independent corrective mechanism. The balance of power becomes fragile.

Thus, the election of regional heads by the DPRD cannot be separated from the risk of consolidating political oligarchy at the local level. Power structures tend to concentrate in the hands of party elites controlling the regional parliament. Public participation is reduced, as citizens no longer play a direct determining role in the electoral process. Political competition loses its openness and healthy competitiveness. Leadership circulation becomes limited to the same elite networks (Retnowati, 2015; Insiyah et al., 2019). From the perspective of substantive democracy, this condition reflects a decline in the quality of local democracy. Therefore, any discourse on changing the election mechanism must seriously consider the potential for reproducing oligarchy.

The political relationship between regional heads and the DPRD under an indirect election mechanism carries the potential for problematic structural closeness, especially when both emerge from the same political coalition configuration. This shared support base not only fosters political affinity but also creates room for power compromises that exceed institutional boundaries. Regional heads elected with the backing of a parliamentary majority tend to develop obligations of political reciprocity toward the supporting parties (Hutapea, 2015). In such situations, the executive–legislative relationship no longer fully rests on the principle of oversight, but rather on calculations of coalition stability. This closeness has the potential to shift the orientation of institutional relations from supervision to protection. As a result, legislative independence in performing its oversight mandate erodes. The control function transforms into an accommodative relationship (Budiardjo, 2008).

The DPRD's oversight function is normatively realized through constitutional instruments such as the right of interpellation, the right of inquiry (*angket*), and the right to express opinions. These three rights are designed as corrective tools to ensure accountability in regional governance. Through the right of interpellation, the legislature can request explanations regarding strategic executive policies. The right of inquiry allows investigation into alleged violations or policy deviations. Meanwhile, the right to express opinions serves as a broader channel for political evaluation. However, the effectiveness of these instruments heavily depends on the political independence of the DPRD (Insiyah et al., 2019; Farida et al., 2020). When that independence is weakened by coalition closeness, the enforcement power of oversight diminishes accordingly. Constitutional instruments risk becoming mere formal legitimacies.

Conflict of interest becomes a key variable explaining this potential weakening. The DPRD, drawn from the coalition supporting the regional head, faces a dilemma between performing its oversight function and maintaining internal political stability (Riyanti & Firmanto, 2025). Exercising oversight rights over a regional head from the same coalition may be perceived as a threat to party cohesion. As a result, control mechanisms tend to be softened or even avoided. This situation creates a policy impunity space for the regional executive. Oversight no longer operates objectively, but selectively and politically (Purwadi, 2019; Baehaki, 2025). Over the long term, such practices erode the principle of public accountability. The legislature loses its position as a power-balancing institution.

The broader implication of this condition is the weakening of the checks-and-balances system at the regional government level. The balance of power, which is supposed to prevent domination by a single branch, becomes disrupted. The executive gains greater room to maneuver without adequate control (Kristiyanto, 2017; Farkhani, 2019). Legislation, budgeting, and oversight risk being directed to support coalition interests rather than public interest. When corrective functions weaken, the potential for abuse of authority increases. Government transparency becomes difficult to enforce optimally. Local democracy loses its institutional safeguards, resulting in a degradation of governance quality.

Thus, the design of electing regional heads through the DPRD affects not only the electoral aspect but also has systemic implications for local power relations. Political closeness between the legislative and executive branches has the potential to produce structural collusion that weakens the oversight function (Muslimin, 2019; Sarbaini, 2020). Constitutional control instruments become ineffective when overshadowed by coalition interests. The system of checks and balances, which should serve as a pillar of local democracy, experiences dysfunction. Ultimately, governmental accountability to the people is reduced. Therefore, any reconstruction of the electoral mechanism must take into account its impact on the balance of power. Without strong oversight, local democracy is vulnerable to substantive decline.

3.3. Impact of Money Politics and High Political Costs on Recruitment and Performance of Representatives

Arguments regarding budgetary efficiency are often used as a normative justification for supporting the election of regional heads through the DPRD (Hadi & Darissalam, 2025). Indirect elections are seen as capable of reducing electoral costs that have traditionally burdened both candidates and state finances. Campaign expenses, voting logistics, and the implementation of election stages are often cited as indicators of inefficiency in direct regional elections. From a fiscal perspective, shifting the mechanism is considered a rational solution to reduce democratic spending waste. This narrative is constructed as if procedural efficiency equates to an improvement in democratic quality (Retnowati, 2015; Farkhani, 2019). Yet, democracy is not measured merely by the costliness of the process; the substantive integrity of the process is a far more decisive variable.

Behind the pretext of efficiency, empirical reality reveals more complex problems. Various law enforcement findings show that a significant number of regional legislators are involved in corruption cases. This phenomenon indicates the presence of transactional practices deeply embedded in representative political processes (Indonesia Corruption Watch, 2024). Corruption involving legislator signals that the decision-making space in parliament is not free from financial interests. In the context of electing regional heads through the DPRD, this situation creates the potential for political support to be bought and sold. The electoral process shifts from a competition of ideas to a negotiation of interests. Consequently, the integrity of the election remains threatened, even without direct involvement of the voters.

This condition shows that the practice of money politics does not automatically disappear under an indirect election mechanism. Instead, it shifts its locus from the mass participation level to the circle of political elites. In direct regional elections, vote buying targets the electorate, whereas in DPRD-based elections, similar practices are likely directed at legislators (Yahuda & Michael, 2024; Hadi & Darissalam, 2025). The scale of these transactions can even become more concentrated, as they involve a limited number of actors. Consequently, political costs do not truly decrease; they merely change form and distribution channels. Democracy becomes elitist and shielded from public oversight, making process transparency increasingly difficult to achieve.

Furthermore, the shift of transactional practices to the elite level carries serious implications for the quality of regional leadership (Respationo, 2013; Muslimin, 2019). Regional heads elected through political transactions risk being trapped in reciprocal interest relationships. Public policies may be directed toward repaying the “political investment” made during the election process. This situation increases the risk of policy corruption and abuse of authority (Insiyah et al., 2019). Regional governance shifts its focus from public service to fulfilling transactional political commitments. In the long term, government administration becomes unhealthy, and public trust in democratic institutions declines.

Thus, changing the election mechanism does not automatically address the root problems of electoral democracy. The main issue lies not in whether elections are direct or indirect, but in the transactional political culture surrounding them. Without reforms to party integrity and oversight systems, money politics will continue to adapt in new forms. Budgetary efficiency becomes a superficial argument if it is not accompanied by structural improvements. Democracy risks experiencing procedural changes without any real improvement in quality. Therefore, reforms must target actors, institutions, and political governance comprehensively. Only then can electoral democracy function substantively and with integrity.

4. Conclusion

The election of regional heads through the DPRD fundamentally has a normative legitimacy basis within the constitutional framework, particularly through a flexible interpretation of the principle of being “elected democratically.” Procedurally, this mechanism does not contradict the structure of Indonesian constitutional law. However, formal legality does not automatically equate to substantive democratic legitimacy.

Upon deeper examination, indirect elections carry the potential to reduce the actualization of popular sovereignty, as the ultimate holders of political mandates. Public participation channels narrow because strategic decisions shift to a limited representative space. At the same time, this configuration risks consolidating political party dominance and strengthening oligarchic networks at the local level. The power relations that emerge can also weaken legislative oversight functions due to coalition conflicts of interest. Moreover, the practice of money politics does not disappear; instead, it transforms into a more closed elite circle.

Thus, the challenges facing local democracy do not fundamentally stem from direct elections as an electoral instrument. The root problems lie in institutional deficits, weak political party integrity, low political literacy among citizens, and inadequate enforcement of election laws. Transferring the authority to elect regional heads to the DPRD merely shifts the locus of the problem without addressing its substance. Democracy risks experiencing both a decline in participatory engagement and a degradation of public accountability. Therefore, the agenda for strengthening local democracy should focus on political institutional reform, improving party cadre systems, and intensifying civic and political education. Law enforcement against electoral violations must also be applied consistently and uncompromisingly. Through these measures, the quality of democracy can be preserved not only procedurally but also strengthened substantively and sustainably.

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