

RTHINKING OF LOCAL ELECTION IN THE UNITARY STATE: A STUDY OF INDONESIA'S POLITICS

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ABSTRACT

The election is very much associated with democracy. As Indonesia is constitutionally democratic the country is also committed to holding the election regularly. However, as Indonesia is a unitary state, identifying local elections with dmocratization might be questionable. This study was a research-based articl on Indonesia's politics today. A thorough observation of the local election showed that from the perspectiv of economics, the local election was identical to wasting finansial and time energy. In the long run, it may put the country at risk of disintegration from the standpoint of politics. Due to the weaknesses of a local election, the main question is why the Government institutionalizd local polls. Thus, the result revealed that the local election as a means of recruiting local government leaders was worth dismantling and recommended to be replaced by a tight selection of administrative requirements.

Keywords: Local election, Unitary state, Indonesia, Democracy, Decentralization

ABSTRAK

Pemilu sangat erat kaitannya dengan demokrasi. Karena Indonesia secara konstitusional demokratis, negara ini juga berkomitmen untuk menyelenggarakan pemilu secara teratur. Namun, karena Indonesia adalah negara kesatuan, mengidentifikasi pemilihan kepala daerah dengan demokratisasi mungkin patut dipertanyakan. Artikel ini merupakan artikel berbasis riset tentang politik Indonesia saat ini. Pengamatan menyeluruh terhadap pilkada menunjukkan bahwa dari segi ekonomi, pilkada identik dengan pemborosan dana dan tenaga waktu. Dalam jangka panjang, hal itu dapat menempatkan negara pada risiko disintegrasi dari sudut pandang politik. Karena kelemahan pilkada, pertanyaan utamanya adalah mengapa Pemerintah melembagakan pilkada. Dengan demikian, hasil penelitian menunjukkan bahwa pilkada sebagai sarana rekrutmen pimpinan pemerintah daerah layak dibongkar dan direkomendasikan untuk diganti dengan seleksi persyaratan administrasi yang ketat.

Kata Kunci: Pemilihan lokal, Negara kesatuan, Indonesia, Demokrasi, Desentralisasi

INTRODUCTION

The difference between a federal and a unitary state is that a federal state consists of states with broad autonomy except in defence, foreign policy, and printing money. In contrast, the unitary state is a centralized state that lacks autonomy and consists of a multilevel government from the centre, province, district, and city. Based on Article 1, section 1 of the Indonesian constitution of 1945, the form of the Indonesian state is a unitary state. Thus, as a unitary state, since Indonesia's independence from 1945 until 2015, there has never been a local election. This study discusses whether local elections follow the unitary state and the negative impact from the political, economic, and social aspects or not. The main question to be discussed in this study is whether the institution of local election in such a unitary state as Indonesia is worth establishing, banning, or just modifying.

Seventy-seven years since Indonesia's independence, the government has not successfully established one election system. Elections always fail to satisfy popular political interests, and the format of elections keeps changing from one period to another. Based on the state constitution, the election must be established as political recruitment to government officials though conventionally, this principle applies to both executive officials at the national level, such as the President and legislative body members.

The government held the first election in the country in 1955. The election was specified for the recruitment of members of parliament, namely Konstituante, instead of the general election. Throughout the 23 years of the first President Soekarno era, horizontal conflicts between political factions were severe. Instead of compromise, there were no solutions for the disputes, which have become the rule since early independence. Such a situation caused Sukarno to maintain his position by maintaining the critical balance between the conflicting political groups instead of obtaining legitimacy from the election.

Suharto took over power; there exists a general election. Since 1971, the national election has been held regularly once every five years. For the sake of his power interest, Suharto interpreted articles and verses of the constitution so that his political behavior was constitutionally based. However, there is no means of amending the body itself. President Suharto maintained his power by building loyalty from the military, technocracy, and the state-affiliated quasi-party. These political tools have a specific role that works under the control of the "inner circle", which performs as the "right hand" of the President. The final decision of almost everything, however, is centralized in the hands of the President.

The elections throughout this era represent a unified election. The election comprises an election for the executive (the President) and legislative (people representatives) for all existing levels of Government, national Government (central), province government (regional), and district or city government (local). There was no significant difference in the implementation of elections from one period to another but a degree of state intervention in the election process.

Many political changes took place in the post-Suharto era. For example, in the Constitution of 1945, the laws related to local Government and election were amended. Besides that, the election management format also shifted from the district type to the proportional one. However, lessons learned from previous experiences indicate that only some systems are perfect. Accordingly, there have been modifications in the format of management of the election.

Before 2005, local leaders and deputy local leaders were elected by the House of Regional Representative Council (DPRD). Since the enactment of Law Number 32 of 2004 concerning Local Government, local leaders are directly elected by the people through the Election of local leaders and deputy local leaders. The first local Election was held in June 2005, held in Kutai Kartanegara Regency, East Kalimantan. This local leadership election is in line with the direct Election of the President and Vice President at the national level since 2004.

Since the pandemic happened, people's enthusiasm to vote has decreased. Under such a circumstance, people are not supposed to make out. Then, political campaigns before the Election could only be held through social media, limited meetings, and physical distancing following the health protocol. Since the local-level Government election had been decided, pro and contra responses exist towards establishing the Election. However, most supporting factions say that the local Election is a constitutional obligation that must be implemented. This view is mostly shared by high-ranking officials of Government, political parties, non-government organizations (NGO) activists, and those interested in getting personal benefits from the upholding local Election. However, the intellectuals, prominent figures, and freelance activists not coopted by the Government oppose the Local Election. Those who are against the local Election say that the Election represents a high-cost economy, eventually leading to corruption, inefficiency, and regulation violation.

Such criticism of the local election is not only voiced by the "outsiders." From within the bureaucracy, Mahfud MD, Coordinator Minister of Politics, law, and Security, and Tito Karnavian, Minister of Domestic Affairs, voiced such criticism too. Further, the local election contradicts the fact that Indonesia is a unitary state which theoretically and normatively acknowledges the existence of local autonomy while denying local sovereignty.

LITERATURE REVIEW

There are two forms of state, namely federal and unitary states. Federal states are more decentralized and democratic, whereas unitary states are more centralized and tend to be authoritarian. While in principle, there are two types of the Unitary States, namely, the Unitary State with a centralized system and the Unitary State with a decentralized system. The central Government regulates all local government affairs in a unitary state with a centralized system. Local governments only carry out what has been instructed by the Central Government and manage their regions according to their individual needs in a unitary state with a decentralized system. The central Government delivers the power to the local Government, which is called regional autonomy.

According to the context of politics, a nation differs from a sociological entity. The anthropocentric Government refers to the condition where the country had existed before the state. The political cohesiveness of the people of this type of nation is solid because the political sentiments among people have deeply rooted in shared cultural values. The existence of nation-states in Europe may support this proposition.

The sociological type of nation refers to the condition that the state had existed before the country. The Government exists because of state preference. The existence of Indonesia represents this type of nation. The founders of this nation had strived and sacrificed themselves by all means to build a new sociological entity, not an anthropocentric government based on cultural values. Briefly, what they expected, by their plea, is the formation of a new sociological-based country, the character of which is unity in diversity. The new nation exists in a state with a unitary form of Government.

Theoretically, a unitary state is a political system in which, normatively, a central government holds total power over all political subdivisions in the country (Hakim, 2017; Duignan, 2020). Essentially, the unitary system is opposite the federal system or federation, which normatively acknowledges the separation of power and responsibility between the Federal Government and the state (national level). In the unitary state, all parts of the political system must be subordinated to the central Government's decisions. There is only room for the local governments or other parts of the political system to pursue their preferences if proven by the Central Government. It is true that through a legislative process called "devolution," the central Government can decentralize its power to the Local Government.

Nevertheless, the central Government remains authoritative over the local governments. The central Government has the constitutional authority to the local Government's policy or even

retake all previous rules to the Local Government. The Central Government has rights limited only to autonomy, not sovereignty. The purpose of the General election is to supply political legitimacy to the top-rank official of Government as President and member of parliament because they ought to operate under state sovereignty. For the Local Government, however, political election at the national level is optional. The local Government in the unitary state is supposed to implement what has been decided by the Central Government. Based on the critical paradigm, local elections aim to select and appoint capable local leaders rather than the election.

RESEARCH METHOD

This study used a normative research method that examined existing legal sources and analyzed them with literature. This study used secondary data as data consisted of documents, regulations, books, etc. Then, the author analyzed the data by explaining the result descriptively. Besides that, the type of this study was a narrative study answering the research questions. After that, the author drew a conclusion based on the research questions of this study.

RESULT AND DISCUSSION

During the political campaign, the party and the individual candidates raise economic problems beyond their capacity to solve. Mostly, the candidates are part of the economic problems rather than problem solvers. Accordingly, the issues and promises delivered during the campaign are strongly "political" in the sense of deception rather than real substance. Ironically, many, if not most, people know about this. If they remain to vote for the party or the candidate, it is nothing but because they are desperate for survival, no matter the small amount. Under such a circumstance, the two sides construct patron-client social relationships to maintain their power. Money politics, corruption, gratification, and the like are better seen in this context. The programs that eradicate this kind of social pathology are not merely a matter of law.

The issue is mixed with local issues, such as the indigenous of the candidate. What is emphasized by all these issues is that the candidate is not "a foreigner." Based on these kinds of issues, the local election process, which is political at the surface, is essentially anthropocentric. The anthropocentric approach commonly used in the political campaign, to a certain extent, drives sentiment of localism to people's minds, especially in the traditional tribes in the outskirts and the remote areas. Consequently, sooner or later, it may be contra-productive for national integrity.

The world is getting more democratic. No exception is Indonesia. The election has been perceived as a suitable means of political recruitment, not just a formal obligation that must be

pursued because of the republican state. The people have enjoyed such a mechanism for years. Later, unfortunately, the modified model which had been agreed upon also failed to satisfy the political aspiration of the people concerning the recruitment of an executive head of local government. As a mandatory institution to select the executive head, the local people's representative was indicated to have been trapped in the oligarchy, corruption, manipulation, abuse of power, bribery, and the like. In effect, the political recruitment, which has been very expensive, leads to even worse political behaviour and joint corruption between the executive head and members of the local-people representatives. Democracy has become a stage of dramaturgy for hiding all bad political behaviour of this kind. In effect, people can no longer trust the modified district type of local election and demand the direct election of the proportional type.

The ratification of a new law for election on September 26, 2014, might be a milestone of a new era in the local election. The modified district type of election was ended through ratification and replaced by direct election. The political recruitment of members of local-people representatives and the executive head of the local government are separated, although implementation may be simultaneous. This political change has a very big impact on the political behaviour of the people during the election. First, by the law, popular access to political mobility is now open without political constraint. How far individuals can reach their political careers depends upon the popular support they can gain. Individuals decide what might be best and take responsibility for their own decision. Ironically so many of those who speculatively run the candidacy for legislative or executive even though have no experience nor educational background for the position.

Secondly, the candidates realize that there is no free lunch. They need several votes to be elected, which brings an abundance of money. Speculatively, they expect they can get back the money they spent on running the candidacy. Close observation of the leadership of many of those elected in this way shows they could be performing better in administering local Government. Worse, there has been evidence of abuse of power and other crimes, such as corruption. The elected leaders should have been terminated before concluding the task and imprisoned.

Among others, the impact of gambling behaviour in local politics is the commodification of vote, which is popularly known as money politics. The term refers to a condition where the candidates are "obliged" to buy political support from both the people and the parties, or otherwise, they will not get a good vote. The amount of cash that must be "prepared" for fulfilling this "obligation" is quite abundant, making it almost impossible to be self-sufficient in funding their pursuit of the political process. Because of this mechanism, there is always a big boss behind the

screen. In Indonesian, the terminology for the big boss is called "cukong" or *the Godfather*. The term refers to somebody who plays "gambling" by providing a "loan" behind the screen. It is truly gambling because the candidates may lose, and the boss may lose accordingly. Here apply the principles: the higher the official position targeted through the election, the bigger the boss who plays the key role in mobilizing the popular vote. Under such a circumstance, the individual candidate gets quasi-legitimacy from the election. In other words, indeed, whoever is elected is illegitimate.

As the expenditure of individual candidates to win the vote is quite expensive, they must be assured that those who have received the money in politics go to the ballots and vote for the candidates. There have been pieces of evidence of the use of violence or at least a threat of the use of violence for those who violate the "agreement." Violence is deeply rooted in their culture. The run amok among people might be a case in point (Santoso, 2002; Colombijn, Freek and Lindblad, 2003). Violence has been seen as fair dealing and the way out of conflicting views. The rivalry between candidates may produce and reproduce violence even though it might not closely relate to the election.

Through the election, there is a possibility of political recruitment because the power will not be solely seized in the hand of one ruler. In other words, the election also means a commitment not only to democratic values but also to social justice. In the real world, the theory and the practice may go differently. A thorough observation of general elections from the first in 1971 to the last in 1996 shows the election turned from a political means for collecting legitimacy into a battleground between factions. Political rivalries between contestants were permanently coloured by showing off using mass mobilization, rallies, and convoys of political supporters, turning election days into mobocracy. Direct contact between conflicting parties was inevitable. Very often, these kinds of political campaigns lead to violence. Historically, there has been evidence that violence is not limited to the political arena but reiterates in different stages too. The phenomena as such tend to continue to post Suharto's era.

In the name of democracy, the election continues and is no longer limited at the national level but developed into local elections. In contrast, its contribution to strengthening national integration and local government management is doubted. In effect, political conflicts do not stop at the arena of a federal election but go further to the local elections. The newly elected leaders who ideally bring new leadership and change to government administration cooperate with other oligarchies with different interests. In effect, the bureaucracy needs to develop into an organization

based on the merit system and impersonality. Further, corruption, collusion, and nepotism develop without control.

Legitimacy is essential to the sustainability of the regime. Max Weber said without legitimacy, a ruler, regime, or governmental system is hard-pressed to attain the conflict-management capability essential for long-run stability and good Government (Hudson, 1977). In the unitary state, the election may be seen as a process of gaining political legitimacy from the ruled. After identifying several synonymous or near-synonyms for legitimacy, Ted Gur tends to say that the meaning of legitimacy is close to "support," "authoritativeness," and "system effect." The regimes are legitimate "to the extent that their citizens regard them as proper and deserving support.

Based on the law, the central Government assumes all basic needs in the economy, health, education, and so forth and politically thoroughly controls all aspects of daily life, leaving only a part of the country that can act without government approval. In the name of public responsibility, however, the Government pays for all the basic needs of social life consequently. The local Government needs authorization from the central Government to act under the directions. The provincial election is optional because the local governments have received central government authority. By the time the local election was held, it was practically not through direct voting but indirectly through local people's representatives. Besides, the election represents more of a formality because the final decision concerning individual leaders who eventually will be selected is not in the hand of the people but in the hand of higher rank officials or a specific structure that acts for the sake of the interest of the central Government. All such power behaviour is believed to be a normative consequence of taking the unitary form of the Government. Further, local governments can enjoy political power limited to local autonomy, not sovereignty, in the sense of capability (Nordlinger, 1981).

The post-Suharto era has seen political change. The political demand for democratization has constantly soared. The assumption which developed soon after Suharto resigned from the presidency resembled assumptions of the Society-Centred Model. The primary purpose of a state is not for the state herself but for society. The condition can do something only if proven by the community. The mushrooming growth of political parties and local elections in 2005 can be traced back to this political philosophy. Law Number 5 the Year 1974, amended by Law Number 22 the Year 1999, Law Number 32 the Year 2000, and Law Number 23 the Year 2014. All these laws are much closer to the Society-Centred Model in the content.

The issues discussed include all political parties' race for power in national and local governments. For their interests, the political parties were grouped in the power play. At the national level, the parties are affiliated with the candidates of the President based on ideology and pragmatic political interest. After the general election was over and the President-elect had been inaugurated, the parties turned their attention to the rivalry in the local elections. Under such a circumstance, quite a problem of coordination between central and local governments is not only possible to rise, but probable. As the country is unitary, such a political change sooner or later may become a serious challenge to national integrity.

It is undeniable that democracy is synonymous with fair elections. This assumption also applies to regional elections. A critical review of local polling practices shows that these beliefs are closer to the political interests of specific groups than democracy or democratization. There are several assumptions regarding regional elections. First, at the national level, elections are a political process that aims to produce legitimate national leaders. In contrast, local elections aim to elect competent local leaders to translate national politics into action at the local level. In Short, local governments do not need local elections because what is essential in local elections is not political legitimacy but authorization from the central government to exercise national authority in the regions.

Historically, the spirit of the 2005 general election is anti-authoritarian, and the centralization of power for 32 years was in President Suharto's hands. The regime refuses to give the people sufficient opportunity to share their passion. Jackson described power in the Suharto era as being tightly seized by no more than 1000 people. Those 1000 people are under the strict control of 100, known as the inner circle. Furthermore, 100 people in the inner circle were under the strict supervision of only ten people, and finally, all absolute power was on one person, President Suharto (Jackson and Lucian, 1978).

After President Suharto resigned on May 21st, 1998, the issue of anti-authoritarianism and democratization became increasingly popular. However, at the same time, a national political trend weakened the power of the House of Consultative Assembly (MPR) and strengthened the People's Representative Council (Parliament). Significant political changes occurred when the government that initially controlled the general election switched to direct elections. Regional Head Elections, which had never existed under President Suharto's leadership, have begun to be implemented.

Local Government Law Number 32 of 2004 encourages drastic changes in the management of Regional Governments. Based on the law, local governments have the autonomy to regulate their regions; the people have the right to elect local leaders directly. Furthermore, since 2005, this

law has also authorized the election of governors, regents, and regional legislatures, which were previously conducted through elections or appointments. After 15 years of "political reform," there is almost no significant change in Government or public services resulting from the election of regional heads. As expected, local governments need to become more autonomous in terms of capabilities. The local Government depended finance much on the central Government's funds to perhaps for the capital city. This political change trend shows that neither the election of regional heads nor the decentralization policy in the reform era has brought about improvements in regional autonomy with the Suharto era of centralized Government. It happens because sectoral egoism develops so that it is counterproductive to efficiency, effectiveness, and national integration. Collective corruption developed in such a way because of the election of regional leaders, while public services became increasingly deteriorating.

The Indonesian Government decided to hold collective local elections in December 2020. This election was held one day and applied to hundreds of local governments in the country. As more than two pairs of candidates follow every election, the election must be a big event that needs much government expenditure and effort. Thousands of candidates took part or ran for the candidacy. Given the Government's decision, some criticism existed from those who opposed the policy. What is more striking to be discussed here is, however, the fact that the criticism of the local election not only comes from the society but also from the most competent and responsible part of the bureaucracy, Tito Karnavian, the Minister of Domestic Affairs and Mahfud MD. the Coordinator Minister of Law, Politics and Security.

According to Tito Karnavian, the local election stimulates controversy and recommends a thorough review. In his opinion, the local election has become financially burdensome to the state. Further, the local election, like the one in Papua, has been sensitive to provoking political instability. Instead of an election, Tito proposes selection by the Local People Representative Body (DPRD). There is a possibility of recruiting both military officers and the police to fulfil the position of the Head of Local Government in 2022-2024.

Research data by "Kata Data" showed that between 2004 and 2019, 114 heads of Districts were caught because of corruption. They consist of 17 Governors, 74 Heads of Districts, and 23 Mayors. The Commission of Anti-Corruption has caught three Heads of Districts, including Khamami, the District of Mesuji, and Sri Wahyuni, the Head of Talaud, in 2020. The case of corruption varies in kind and degree of corruption. Most of which subsequent are gratification 81 cases, budget manipulation of the Local Government. Twenty-seven cases and goods and services 13 cases. In one seminar, Mahfud, MD, said, "The political recruitment head of local Government

through direct voting is destructive. 92% of those who ran for candidacy have been trapped in a large amount of debt to the money lenders. Corruption is inevitable as the amount can hardly be paid back through the payroll. This tendency of corruption is so because, legally, regulations allow every head of the district to give a certain amount of concession of their "jurisdictional" area to be managed by the private sector. Not all local leaders commit corruption. However, the number of those who have been caught is relatively fantastic. From 2016 to 2020, 41 local leaders, the governor, the head of the district, and mayors were caught red-handed.

In his study of Indonesia's politics from 1949-1957, Herbert Feith showed two elite leadership types. Firstly, leadership is much closer to an administrator in type. A rational approach, order, and realism in government administration, such as Muhammad Hatta, the first Indonesian vice President, predominantly characterize this type. Secondly, leadership is charismatic and much closer to solidarity maker in type. Characteristically, this type of leadership resembles political leadership, which concerns more with emotional relations between the leader and the lead. This type emphasizes the spirit of radical change through the spirit of unity and revolution.

Symbolically, a charismatic type of leadership can be found in the personality of Soekarno, the country's first president (Feith, 2007). Through solidarity-making-type leadership, President Soekarno was successful in nation-building even though. Unfortunately, he almost failed to leave behind sustainable development (Alfian, 1978). Feith's study has been rather dated, but the two types of leadership remain in the recent era. It is far from being exaggerated to say that stagnation in the public services and management of the Local Government is due to the predominance of solidarity maker-type of leadership resulting from the recent local elections. Indonesia's politics is facing a dilemma. Normally, the local election must be held regularly. It is so because, as had been described by Mahfud MD, the local election has had a strong legal standing. However, as Mahfud also pointed out, the local election has been misleading.

The development of local election regulations is in line with the National level elections, namely the election of the President and Vice President and members of the People's Representative Council (Parliament). Law No. 32/2004 local leaders are directly elected and are supported by political parties. The first local election of this law was in Kutai, Kertanegara, East Kalimantan, in June 2005. The 2004 Law was enhanced by Law No. 22/2007 on the election of local leaders, abbreviated as PEMILUKADA. Law No. 12 of 2008 enhanced the previous law by allowing candidates for local leaders to be supported by individuals or by a group of people. Thus, local elections have a solid legal basis to be carried out. Local elections in Indonesia were held in 2014, 2015, 2017, 2018, and 9 December 2020.

The problems that arise in the 2020 local elections are: First, they occur during a pandemic. The President was pushed to postpone these local elections but refused. As a result, public participation in elections is meagre. Second, campaigns are only allowed with social media so that the candidates feel they could be more optimal. Third, there is a suspicion of the President's interest in holding elections during the pandemic so that his son and son-in-law can become mayors of Solo and Medan. Fourth, there are allegations that local elections encourage dynastic politics with the continuation of one's leadership by his wife or other family members; for example, the Sleman regent elected is the wife of the previous regent, as well as the regent of Batu.

Closed observation of the practice of election of the local Government of Indonesia shows that the elections are biased to political interest, ethnicity, and localism. In many cases, the elections develop into anthropocentrism and localism. Ideological ties, cultural values, and geographic origins are more dominant political issues than administrative ones. In effect, political conflicts have the potential to break out between factions amid mismanagement of the Local Government. Accordingly, the election of local government, even in the name of democracy, is potentially contra-productive to the political cohesiveness and organizational development of such a country as Indonesia.

For the sake of the political cohesiveness of the nation, in the short run, the local election is worth dismantling and replacing by selection based on administrative competence. The election of the political-type leader must end. Any dissatisfaction with the results of the general election must not be channeled to the election of the local government. At the local level, selecting public administrators who are competent in implementing regulation and public policies is more important than finding solidarity maker-type leaders. In so doing, the merit system is worth considering and a must.

The direct election of a local government leader does not injure the principle of the unitary state because it is based on a solid law. Nevertheless, the local government's election will threaten Indonesia's disintegration, considering that each region has its own characteristics that can encourage the desire of local governments to separate themselves from the central government. Second, it has been proven that the results of local elections encourage dynastic politics with the election of the President's son and son-in-law to become mayors and the wife of the former Regent to replace her husband, as happened in Sleman, Yogyakarta, and Batu, Malang. The difference between a Federal and a unitary state does not lie in decentralization because, in a federal state, the states in that country are unitary. In contrast, each local government carries out national government policies in a unitary state.

CONCLUSION

According to the result and discussion about the research question, it can be concluded that the local election as a means of recruiting local government leaders was worth dismantling and recommended to be replaced by a tight selection of administrative requirements. It can be seen through the reformation after the Soeharto era. Several aspects, including the political field, have changed. Thus, the election should be adjusted by the new leader and regulation.

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