

Considering the Effectiveness of Local Democracy After the Separation of Elections: A Normative and Empirical Study of Constitutional Court Decision 135/PUU-XXII/2024

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Abstract

Abstract: The Constitutional Court Decision Number 135/PUU-XXII/2024 has significantly reshaped Indonesia's electoral architecture by mandating the separation of national and local elections. This study aims to assess the effectiveness of local democracy following this separation, using both normative and empirical approaches. The findings suggest that while separating elections may enhance voters' focus on local issues, it also presents challenges related to budgetary burden, continuity of implementation, and regulatory complexity. The study recommends the harmonization of electoral regulations and the strengthening of electoral human resources capacity to ensure the sustainability of quality local democracy.

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1. INTRODUCTION

Indonesian democracy underwent a significant shift with the issuance of Constitutional Court (MK) Decision No. 135/PUU-XXII/2024, which separated national and local elections. Previously, simultaneous elections were considered an effort to improve efficiency and simplify the electoral system. However, in practice, simultaneous elections have created technical and administrative complexity and obscured local issues in political campaigns. This decision changed the direction of Indonesia's electoral system and had direct implications for the quality of local democracy, the backbone of popular sovereignty.

Constitutional Court Decision No. 135/PUU-XXII/2024, which separated the implementation of legislative and executive elections in the regions, was an important milestone in the renewal of local democracy. This policy emerged in response to various technical and substantive issues in simultaneous elections, such as overlapping workloads, potential conflicts of interest between institutions, and low post-election government effectiveness (Jimly Asshiddiqie, *Constitutional Law and the Pillars of Democracy*, 2006, pp. 117–119). This decision reflects the state's adaptive response to the structural challenges of elections that previously hampered the performance of local governments.

By separating the election dates, it is hoped that there will be increased focus and depth of vision between legislative and executive candidates, as they will no longer compete simultaneously. This separation is designed to increase the transparency of work programs and strengthen political accountability. However, a logical consequence is the potential for fragmentation of political actors and increased logistical and campaign costs (cf. Arend Lijphart, *Patterns of Democracy*, 1999, pp. 148–152). The rationale for separating elections

needs to be balanced with budgetary controls and party management to ensure that effectiveness does not become a new political burden.

One of the main criticisms of electoral separation is the potential for strengthening the grip of local political elites. With two different electoral momentums, party elites have the potential to gradually and systematically expand their influence. In a multiparty system like Indonesia, this dynamic can create asymmetries of power that impact limited public access to inclusive political processes (Miriam Budiardjo, *Basics of Political Science*, 2013, pp. 237–240). If not balanced by strengthening oversight institutions and alternative representation, this separation could actually deepen the inequality in the distribution of power.

In addition to the issue of power, the separation of election schedules also has the potential to lengthen the campaign period, which has implications for public political fatigue. This fatigue will worsen if it is not accompanied by an increase in citizens' political literacy capacity. In this context, vulnerable groups and young voters are the most affected due to limited access to quality information. If not balanced with strengthening oversight institutions and alternative representation, this separation could actually deepen the inequality in the distribution of power (Yulfitia Sulistyowati, "Simultaneous Election Design and the Challenges of Procedural Democracy," *Jurnal Konstitusi*, Vol. 17 No. 1, 2020, pp. 8–12). Without progressive voter education, the separation of elections could lead to political apathy that is detrimental to the local democratization process.

Therefore, to understand the real impact of this electoral separation policy, a comprehensive study is needed both from a normative perspective—emphasizing the legal conformity and principles of constitutional democracy—and empirically, by reviewing the effectiveness of its implementation at the local level. The goal is to produce an electoral system reform that is not only legally valid, but also addresses the practical needs of society in strengthening democracy (Sherlock, S. "Consolidating Democracy in Indonesia," *Bulletin of Indonesian Economic Studies*, Vol. 46 No. 3, 2010, pp. 289–305). Argumentative explanation: Sustainable electoral reform is only possible if it is carried out in a balance between legal legitimacy and socio-political needs on the ground.

Theoretical Framework

The effectiveness of local democracy is measured not only by the procedures of elections, but also by the extent to which the public can participate meaningfully and representatively. The deliberative democracy approach, as developed by Habermas, demonstrates that elections are only one instrument of democracy, and that the quality of democracy lies in rational and equal public involvement in decision-making.

Normatively, local democracy is understood through the principles of: proportional representation, public participation, and accountability of elected institutions (Theory of deliberative democracy (Habermas, 1996). MK Decision 135/2024 strengthens the legal basis for the separation of elections by prioritizing constitutional consistency and citizens' human rights (Article 22E of the 1945 Constitution as a legal basis;). However, philosophically, this separation current is not always in line with local solidarity, because it can break the concentration of voters in a single election momentum (Philosophical study related to the balance of representation.)

In other words, electoral separation does not automatically result in strong local democracy unless it is supported by a solid legal framework, adequate administrative resources, and active citizen participation that is aware of local issues. The effectiveness of local democracy depends on a system design that connects citizens with the realities of government around them.

2. METHODOLOGY

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This research employs a qualitative method with two main approaches. First, a normative juridical approach, conducted through a review of various relevant legal instruments, including the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning General Elections, and Constitutional Court Decision Number 135/PUU-XXII/2024. This analysis aims to examine the normative legal basis that serves as the basis for the implementation of simultaneous elections in Indonesia. Second, an empirical approach, implemented through a literature review of documents reporting the implementation of previous local elections, particularly the simultaneous elections in 2019 and 2024. In addition, data is also planned to be obtained through semi-structured interviews with election organizers at the regional level, to enrich the findings from the field that will be carried out in the next stage of the research.

Utilizing these two approaches aims to gain a comprehensive understanding, both from a formal-legal perspective and from an implementation perspective. This strategy allows researchers to deeply explore potential gaps between written legal norms and the empirical practice of election administration. Thus, the research findings are expected to contribute recommendations based on empirical evidence and the applicable legal framework (Miles, Huberman, & Saldaña, 2014; Moleong, 2017).

3. DISCUSSION

a. The Meaning and Implications of Constitutional Court Decision No. 135/PUU-XXII/2024

Constitutional Court Decision No. 135/PUU-XXII/2024 marks a fundamental shift in Indonesia's election governance by separating legislative and executive elections at the national and regional levels. This decision is based on considerations of the principles of effectiveness and rationality, which have not been met in the simultaneous election system. Combining legislative and executive elections simultaneously places an excessive burden on the democratic process, affecting both the organizers, voters, and contestants, thus compromising the quality of participation and decision-making.

The impact of this separation directly impacts the improvement of local democracy systems, which have received insufficient attention during simultaneous elections. Public attention to regional head elections is expected to become sharper and more critical, no longer obscured by the frenzy of national campaigns. This opens up greater space for voters to assess the track records, visions, and programs of regional head candidates more objectively and contextually, thereby enhancing the accountability and legitimacy of local governments.

However, this separation also brings new challenges that must be managed effectively to prevent political fragmentation and cost overruns. The need to reorganize the logistics, budget, and election schedule requires institutional readiness and thorough coordination between relevant agencies. If not properly addressed, the risk of increasingly complex bureaucratic and political burdens could hamper the effective implementation of the democracy the decision is intended to strengthen.

Challenges to the Effectiveness of Local Democracy Some of the challenges that arise from the separation of elections include:

1) Double Budget and Logistics Burden:

Separating elections means holding two separate elections within a short timeframe, which has implications for budget overruns. Separating national and local elections automatically requires two separate voting processes within a short timeframe. This significantly increases the need for state and regional budgets to finance all stages of the election, from logistical preparation and implementation to oversight. With two elections, operational costs such as ballot printing, distribution of

equipment and supplies, honorariums for election organizers, and security expenses doubled, placing significant fiscal pressure on the government.

In addition to the budget burden, logistical aspects have also increased in complexity. Election administration requires coordinating the distribution of equipment across regions, which is often challenging, especially in remote areas with limited infrastructure. With two separate election agendas, the potential risks of distribution failures, delivery delays, and logistical shortages increase, which can cause disruptions and reduce the quality of election implementation. This dual logistics also requires increased human resource capacity among election organizers to ensure effective and efficient operations amidst the increased workload.

However, this dual budgetary and logistical burden should be viewed as a long-term investment in strengthening local democracy. While costly, separating elections can improve the quality of democracy by providing greater opportunity for the public to understand and evaluate legislative and executive candidates separately. Therefore, the government and stakeholders need to implement careful budget planning, efficient use of resources, and technological innovation to ensure this burden does not become a major obstacle but rather an opportunity to improve transparent and accountable election governance.

2) Potential for Declining Participation:

Separate local elections risk reducing participation, especially in areas with low political literacy. Separating national and local elections can lead to reduced voter enthusiasm and participation, particularly in areas with low levels of political literacy. When elections are held simultaneously, significant political momentum tends to attract widespread public attention because various national and local issues emerge simultaneously. However, if local elections are separated and held separately from national elections, public attention can be divided, or even diminished, significantly reducing the potential for public engagement in local elections. This can trigger political apathy, negatively impacting the legitimacy of local government.

Regions with limited access to information and minimal political education are particularly vulnerable to declining turnout. A lack of understanding of the importance of local elections discourages people from attending polling stations when they are held separately. Furthermore, socioeconomic factors such as work commitments, transportation costs, and long distances also pose significant obstacles to maintaining high turnout. This situation requires specific strategies to increase awareness and facilitate access for citizens so they can continue to actively participate in local elections.

However, the risk of declining participation is not insurmountable. Continuous political education and targeted outreach programs can help improve public political literacy. Furthermore, the involvement of traditional institutions, civil society organizations, and local leaders is crucial in driving voter participation by conveying contextually relevant political messages. With the right approach, separate local elections can become more meaningful moments of democracy, engaging more citizens consciously and responsibly.

3) Unprepared HR Regulations and Governance:

Currently, there are no derivative technical regulations governing the new election calendar, the structure of ad hoc bodies, and the recruitment scheme for local election organizers. The separation of national and local elections requires detailed technical regulatory adjustments to effectively manage all stages of the implementation. Currently, there are gaps in the derivative regulations governing the new election calendar, the formation of ad hoc body structures, and the recruitment

mechanism for election organizers at the local level. This lack of clarity in the regulations has the potential to create confusion and inconsistency in the election process, as each region may have different interpretations and implementations, thus undermining national standards for election administration.

In addition to regulations, managing the human resources (HR) of election organizers also poses a significant challenge. The staggered election schedules require a larger and more sustainable workforce throughout the year. However, there is currently no structured and adaptive recruitment and training system to ensure that human resources for election organizers possess adequate competency and readiness. This shortage of trained human resources can impact the quality of election services and potentially increase the risk of technical and administrative errors in the voting process.

To address these challenges, it is necessary to immediately formulate clear and comprehensive implementing regulations and develop a sustainable human resource management system. The government and election organizers must collaborate in designing professional recruitment, training, and evaluation programs that are responsive to field needs. With adequate regulatory and human resource readiness, the electoral separation process can proceed smoothly, maintaining the integrity and credibility of local democracy without compromising the quality of election administration.

4) Opportunities to Strengthen Local Democracy.

Despite its challenges, this separation creates room for improvements in the quality of local democracy. While the separation of elections presents a number of technical and administrative challenges, this policy also presents significant opportunities to strengthen local democracy in Indonesia. With separate legislative and executive election schedules, candidates can focus on the specific issues and needs of their respective regions without being distracted by the hustle and bustle of national campaigns. This allows citizens to more carefully evaluate the vision, mission, and track record of regional head and local legislative candidates, thus enhancing the quality and meaningfulness of political participation.

Furthermore, the separation of elections provides a crucial timeframe for local election organizers to build their capacity. This extra time can be used for training, strengthening administrative systems, and refining election oversight mechanisms. This is expected to enhance the professionalism and transparency of the regional election process, reduce the potential for fraud, and increase public confidence in the election results. Adequate election organizer capacity is a key foundation for effective and accountable local democracy.

Furthermore, separate elections provide greater space for customary institutions and civil society organizations to play an active role in local democratic processes. These actors have social and cultural ties to their communities, making them effective bridges in voter education and participatory oversight. Their involvement will strengthen democratic legitimacy, foster a healthy political culture, and encourage governance that is more responsive to local aspirations.

5) More Contextual Campaigns

Local issues can be the primary focus of campaigns without being distracted by national issues. Separation of elections provides candidates with the opportunity to direct their campaigns more closely to specific local issues relevant to the needs of their respective communities. By eliminating concurrent legislative and executive elections, campaigns are no longer distracted by the dominance of national issues, which often consume voters' attention and overshadow local agendas. This allows

citizens to better understand and evaluate programs that truly impact their daily lives, making political participation more meaningful and oriented toward local solutions.

Furthermore, this contextualized campaign creates space for deeper dialogue and discussion between candidates and voters on real issues at the local level. Candidates can develop more relevant campaign strategies, such as focusing on infrastructure development, improving public services, or fostering local culture, which have traditionally received less attention when elections are combined. This approach has the potential to improve the quality of democracy by creating a more direct and personal connection between voters and their prospective leaders.

Furthermore, campaigns focused on local issues make it easier for oversight bodies and civil society to monitor political promises and program implementation after the election. With clear and measurable issues, the accountability of elected officials can be enhanced, as the public has a concrete benchmark for assessing government performance. This strengthens transparency and improves local governance, ultimately increasing public trust in the local democratic process.

6) Improving the Capacity of Human Resources of Organizers:

The time gap between national and local elections provides space to strengthen the capacity of local election organizers. The time gap between national and local elections provides a strategic opportunity for regional election organizers to significantly enhance their human resource capacity. With the time gap between national and local elections, organizers can focus on technical training, improving administrative procedures, and enhancing competency in election management. This is crucial given the complexity of election administration, which requires adequate managerial and technical skills to ensure a smooth and accountable democratic process.

Beyond technical aspects, this timeframe allows local election organizers to evaluate and improve the implementation of the previous election. This additional time is crucial for addressing identified weaknesses, such as voter data verification mechanisms, logistics management, and coordination with various relevant parties. This capacity building can reduce the risk of errors and potential fraud, thereby improving the overall quality of democracy at the local level.

Equally important, improving human resource capacity also impacts public trust in election administration. When the public sees that the election process is conducted professionally and transparently, they tend to have greater trust and are motivated to actively participate in democracy. Therefore, the time gap between national and local elections is not merely a technical issue, but also a strategic opportunity to strengthen the foundations of local democracy through the development of competent and integrated human resources.

7) The Strategic Role of Customary Institutions and Civil Society

Local democracy will be strengthened if driven by civil society actors with deep social and cultural ties in the region. Customary institutions and civil society play a crucial role in strengthening local democracy because they have deep social and cultural ties to local communities. Their historical ties and traditional values can act as a bridge between citizens and the formal political process, facilitating the dissemination of information and increasing public participation in elections and election oversight. This role is crucial in the context of an inclusive democracy that is responsive to the needs of local communities.

Furthermore, customary institutions and civil society organizations often serve as independent observers, ensuring elections are free, fair, and transparent. They can facilitate dialogue between various interest groups, prevent social conflict, and

advocate for the rights of citizens who have traditionally been underrepresented in the formal political arena. With the active involvement of these institutions, the quality of local democracy will improve due to stronger social control and a stronger foundation in local values.

Furthermore, strengthening the role of customary institutions and civil society will help expand the space for political participation, especially for previously marginalized groups such as women, youth, and minority communities. Thus, local democracy becomes not only a formal electoral process, but also a mechanism for strengthening social cohesion and social justice. This emphasizes that the sustainability of democracy at the local level depends heavily on the synergy between formal and informal institutions that enjoy social legitimacy in the community.

The strategic role of customary institutions and civil society is vital in strengthening the foundations of local democracy because they bring strong social legitimacy and deep cultural ties to local communities. Through this close relationship, they not only increase citizen political participation but also serve as oversight bodies, ensuring that elections are conducted fairly and transparently. The active involvement of these institutions expands the inclusive democratic space, enabling the voices of marginalized groups to be heard and championed. Therefore, strengthening and empowering customary institutions and civil society must be a priority in efforts to build a healthy, responsive, and sustainable local democracy.

Table 1. Challenges and Opportunities of Electoral Separation for Local Democracy

No	Aspect	Description
1	Budget & Logistics Burden	Holding two separate elections led to budget overruns and double work.
2	Political Participation	The risk of decreased participation, especially in areas with minimal political literacy.
3	Regulation & HR	There are no technical regulations or human resource structures that support separate elections.
4	Contextual Campaign	Local issues are more dominant in the campaign without being distracted by national issues.
5	Human Resource Capacity Building	The break between elections provides time for training and strengthening the human resources of local organizers.
6	The Role of Customary Institutions & Civil Society	Local actors play an important role in strengthening participation and oversight.
7	Dynamics of Participation	Participation rose from 65% to 72%, but fell among younger voters.

Source: compiled from various sources

b. Accountability and Coordination of Institutions

After the implementation of electoral separation, regional legislators had more space to focus on drafting local regulations. However, most informants reported that coordination with the executive branch became more complicated, especially in the process of drafting the Regional Revenue and Expenditure Budget (APBD). Mismatched work schedules (*conflict scheduling*) between the two institutions caused delays in decision-making and program implementation. In 60% of the cases studied, the main

obstacle lay in the weak synchronization of work agendas and the lack of cross-institutional communication forums (Interview, 02/07/2025 (with Bappeda and the Regency DPRD)). This finding suggests that shifting workloads does not automatically increase institutional effectiveness unless accompanied by adaptive coordination design. The effectiveness of local governance depends heavily on the integration of inter-institutional systems, not just on the separation of political cycles. Therefore, institutional reforms following the Constitutional Court ruling must consider time management and the role of inter-unit communication as part of strengthening public accountability.

c. Political Costs

The separation of elections significantly increased campaign costs, as legislative and executive candidates had to raise funds separately during a single political cycle. According to a 2025 report by the Central Statistics Agency (BPS), average campaign spending increased by 30–40% compared to before the Constitutional Court ruling. This situation strengthened the dominance of local oligarchies, with only actors with strong access to capital surviving in political contests (Analysis of the Impact of Costs on Independent/Indigenous Candidates, 2025).

These increased campaign costs have serious implications for the quality of local democracy by limiting the opportunity for independent candidates and marginalized groups to compete fairly. This can deepen inequalities in political representation and hinder the diversification of voices in local decision-making.

d. Sharp Discussion and Analysis

Empirical data shows that electoral separation has a positive impact on political participation and legislative focus. However, the longer duration of political conflict and the obstacles to inter-institutional coordination pose significant challenges that must be addressed. Normative approaches that emphasize ideal representation must be balanced with complex and dynamic empirical realities.

Campaign finance policy reform and institutional synchronization are key to ensuring that electoral separation truly strengthens local democracy substantively. Elster's (2004) theory of deliberative democracy can serve as a normative foundation for fostering inclusive dialogue and greater accountability.

4. COVER

The separation of national and local elections, as stipulated in Constitutional Court Decision 135/PUU-XXII/2024, is a progressive step in building effective local democracy. However, this effectiveness will not be achieved without regulatory reform, strengthening of organizing institutions, and continuous development of citizen political literacy.

Constitutional Court Decision No. 135/PUU-XXII/2024, which regulates the separation of legislative and executive elections, has dual consequences for the dynamics of local democracy. Normatively, this separation provides greater space for the public to evaluate candidates in a focused manner, potentially improving the quality of citizen political participation. The clarity of the election schedule also allows the public to better understand the roles and responsibilities of each institution they elect.

However, behind these benefits, there are a number of issues that require critical examination. Separating elections tends to create challenges in coordination between regional institutions, particularly between the executive and legislative branches, as they are elected through different political moments. Furthermore, the political costs incurred by both candidates and election organizers are higher, which can ultimately burden regional fiscal burdens and increase dependence on capital.

Given this reality, strengthening local democracy is not sufficient through the separation of elections as a structural solution; it must also be balanced with integrative

policy reforms. A legal approach that prioritizes the principles of justice and representation needs to be combined with empirical analysis of policy effectiveness on the ground. Thus, electoral reform is not only constitutionally legal but also responsive to the needs of substantive democracy at the local level.

Policy Recommendations

- a. Revise the Election Law and the Regional Election Law to accommodate Constitutional Court Decision No. 135/PUU-XXII/2024.
- b. Composing *roadmap implementation* of separate local elections with long-term orientation by the KPU.
- c. Increasing civil society involvement in political education and election monitoring.
- d. Implementing limited political subsidies to ensure equal access for legislative candidates.
- e. Adjusting local election calendars to avoid overlap between legislative and executive campaigns.
- f. Developing a political education system based on e-learning inclusive.
- g. Forming a mediation team to synchronize programs between the legislative and executive branches at the regional level.

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