

## **The Separation of National and Local Elections Examined from the Aspect of Election Implementation Effectiveness**

**(Studies of Constitutional Court Decision Number 135/PUU-XXII/2024)**

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### **Abstract**

*The implementation of simultaneous elections or five (5) box elections has implications for the accumulation of workloads for election organizers, which within reasonable limits has an impact on the quality of general election implementation. In addition to the threat to the quality of general election implementation, the accumulation of workloads for organizers concentrated in a certain time period due to the tight timing of general elections in the same year causes relatively long periods of free time for election organizers. The purpose of this study is to determine the implications of the separation of national and local elections and its effectiveness in the implementation of elections in Indonesia. This research is a type of normative legal research that uses a legislative approach. The results explain that the separation of national and local elections in the implementation of elections has implications for regulatory changes related to election laws and regional elections that are not only related to technical aspects, but also touch on the institutional design of election organizers, the flow of stages of implementation, nomination mechanisms, and budget management of encouraging rationality of voters in using their voting rights, the transfer of government power at the central and regional levels which is mutually consolidated and will reduce the coattail effect between presidential and regional legislative elections. Furthermore, separating national and local elections will ensure greater election effectiveness, as voters face simpler choices. Logistics provision and distribution will be faster and more accurate, and local figures will be more likely to dominate the House of Representatives (DPR) ticket.*

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## **1. INTRODUCTION**

Free and fair elections are a necessity in contemporary state practice. In fact, a country uses elections as a democratic feature of the political system it has built. There are at least 4 (four) objectives of elections, namely: (1) to enable the orderly and peaceful transition of government leadership; (2) to enable the change of officials who will represent the interests of the people in representative institutions; (3) to implement the principle of popular sovereignty; and (4) to implement the principle of citizens' human rights. (Jimly Asshiddiqie: 2006)

For countries with modern democratic systems, general elections are a fundamental mechanism required in the process of governing the state and forming a government. Elections are understood as a concrete manifestation of popular sovereignty and a concrete form of public participation in the running of government. Therefore, the election system and implementation are always a priority. Through the arrangement of the system and the

quality of election administration, it is hoped that government of, by, and for the people can truly be realized. (Janedjri M. Gaffar: 2012)

Article 22E paragraph (1) of the 1945 Constitution, explains that "General elections are carried out directly, generally, freely, secretly, honestly and fairly every five years"; then Article 18 paragraph (3) of the 1945 Constitution, "Provincial, district and city regional governments have a Regional People's Representative Council whose members are elected through general elections" and Article 18 paragraph (4) of the 1945 Constitution, "Governors, Regents and Mayors respectively as heads of provincial, district and city regional governments are elected democratically";

Article 22E paragraph (1) explains that the general elections implemented aim to create fair and integrated elections and serve as a guideline for general elections in Indonesia to be carried out effectively and efficiently. However, a different situation occurred on November 27, 2024, as can be seen during the implementation of the 2024 simultaneous general elections, accompanied by various incidents during their implementation. Empirical facts show that many victims have fallen ill and died due to the election administration system being so heavy and stressful, and the number of election officials recorded *To this* 886 people died and 5,175 officials fell ill in the 2019 simultaneous elections, while in the 2024 simultaneous elections, 94 people died and more than 13,000 others were recorded as ill based on data collected by the Ministry of Health, for this reason experts called for a comprehensive evaluation to be carried out, such as separating elections at the national and local levels.

On June 26, 2025, the Constitutional Court (MK) read out Decision Number 135/PUU-XXII/2024, which immediately shook the national political landscape. In this decision, the Constitutional Court stated that national and local elections could no longer be held simultaneously. They should be spaced between two and two and a half years apart. National elections to elect the President/Vice President, the House of Representatives (DPR), and the Regional Representative Council (DPD) were to be held separately from local elections to elect members of the Provincial DPRD, Regency/City DPRD, Governors, and Regents/Mayors.

In its consideration, the Constitutional Court explained that the implementation of simultaneous elections or five (5) box elections has implications for the accumulation of workloads for election organizers, which within the limits of reasonable reasoning has an impact on the quality of general election administration. In addition to the threat to the quality of general election administration, the accumulation of workloads for organizers concentrated in a certain time span due to the pressure of holding general elections in the same year results in a relatively long gap in time for election organizers. (MK Decision 135-PUU-XXII/2024) Based on the background above, the author focuses on examining the implications of separating the implementation of national and local elections and its effectiveness in organizing elections in Indonesia.

## 2. RESEARCH METHOD

The research method used in this study is a normative legal research type, namely research whose study is carried out by reviewing various literature, books, legislation and other sources. The approach method used is the statutory approach, because what will be studied are various legal regulations that are the focus and central theme of a study. (Peter Mahmud Marzuki: 2013) The statutory approach is carried out by reviewing laws and regulations related to the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning Elections.

### 3. RESULTS AND DISCUSSION

#### a. Implications of Separating National and Local Elections in the Implementation of Elections

##### 1) amendments to Law Number 7 of 2017 concerning elections and Law Number 10 of 2016 concerning regional elections

Regulatory changes relate not only to technical aspects, but also to the institutional design of election organizers, the implementation process, the nomination mechanism, and budget management. Regulatory adjustments need to be implemented immediately to create legal certainty before the 2029 election. If regulations are left unclear, these risks triggering new disputes that could undermine the principles of justice and legal order. Legal certainty is a fundamental element in a state based on the rule of law and is non-negotiable, because without it, citizens' constitutional rights can be eroded.

##### 2) Political Pattern Power and Community Participation

Separating national and local elections can encourage voters to exercise their right to vote rationally and simultaneously strengthen the accountability of the ruling elite, both those elected to the executive and legislative branches. Voters can more easily track the track record of every politician running for office at both the national and local levels. In this context, separating national and local elections aligns with efforts to strengthen public participation in governance and public policymaking. This can also serve as a catalyst for reducing overly intense conflict between competing parties in elections at both the central and regional levels.

The separation of the implementation of national elections (elections for President, DPR, DPD) and local elections (elections for Governor, Regent/Mayor, Provincial DPRD, Regency/Mayor DPRD) guarantees democracy better than holding simultaneous elections because election participants will be able to focus on national government affairs issues in national elections and on regional government affairs issues in regional elections so that they can compete well in offering alternative programs and alternative candidates to voters. In addition, election participants are also required to be accountable for their performance to constituents in both types of elections. (Roni Sulistyanto Luhukay: 2020) The increasing involvement of the community in the implementation of general elections shows the increasingly strong democratic order in a country. ( Sahbana:2017)

##### 3) Political Superstructure

The political superstructure consists of institutions mentioned in a country's constitution and carries out executive, legislative, and judicial functions and is tasked with making policies related to the public interest. (Muklis Siregar: 2024) Separating national and local elections could encourage a mutually consolidated shift in government power between the central and regional governments. For regional governments, both at the provincial and district/city levels, their development programs will be more conducive to aligning with the national development agenda of the elected presidential/vice presidential candidates. (Prayudi: 2021)

##### 4) Party System

Separating national and local elections could reduce the coattail effect between presidential and regional legislative elections. In simultaneous elections, the success of presidential candidates typically impacts the electability of parties at the legislative

level, including the Regional People's Representative Council (DPRD). However, separating political parties requires them to build a dual support base that no longer relies solely on the popularity of presidential candidates. While this could strengthen local political independence, it also has the potential to weaken the cohesion of the national party system.

### b. Effectiveness of Separating Local and National Elections

The simultaneous direct election of five boxes has weakened the institutionalization of political parties. Parties are powerless in the face of a political reality where capitalists, popular candidates, and those with substantial resources are transactionally and tactically nominated because parties no longer have the opportunity, space, or energy to simultaneously develop cadres for the legislative nomination process at all levels. This has resulted in political recruitment practices that are highly transactional, undemocratic, and even tend to be carried out like opening job openings by political parties.

Comparison of simultaneous elections with the separation of national and local elections

No	Substance	Simultaneous Elections	Separation of national and local elections
1	Ballot paper	Voters face 5 ballots with hundreds of names and candidates.	Voters only received 3/4 of the ballots with dozens of candidate names.
2	Voter psychology in the voting booth	Voters are faced with a complex choice situation.	Voters are faced with a simpler choice situation.
3	KPU Administration	It's complicated, because you have to provide 5 ballot papers, 5 types of ballot boxes, 5 types of vote counting formats, 5 types of minutes.	It is simpler because each only provides 3/4 ballot papers, 3/4 ballot boxes, 3/4 types of counting formats, and 2 types of minutes.
4	Logistics provision and distribution	The time for determining the list of candidates and the D-day is relatively short and must provide all 5 types of logistical needs, relatively done with excess capacity.	This reduces the risk of printing and distribution errors. Because it only requires three-quarters of the logistics, the process can be more precise and provide more time for distribution.
5	Candidate psychology	Local candidates become free riders because they benefit from the national figures they elect at the same time. Conversely, national candidates for the House of Representatives (DPR) don't have to work as hard, as the local candidates handle the mass support and transactional politics.	All candidates will work hard because mass support gathering will tend to be conducted independently. Therefore, the electoral district elections will encourage local figures to dominate the DPR candidates and prevent "drop-in" candidates.

## 4. CONCLUSION

1. The separation of national and local elections has implications for changes to regulations related to election and regional election laws that are not only related to technical aspects, but also touch on the institutional design of election organizers, the flow of stages of implementation, nomination mechanisms, and budget management, encouraging rationality of voters in using their voting rights, the transfer of government power at the central and regional levels which is mutually consolidated and has an impact on reducing the coattail effect between the presidential election and regional legislative elections.
2. The separation of national and local elections guarantees greater effectiveness in the implementation of elections because voters are faced with a simpler choice situation, the provision and distribution of logistics is faster and more precise and will encourage local figures to dominate more than candidates at the center.

## 5. RECOMMENDATIONS

1. The government must revise Law Number 7 of 2017 concerning elections to ensure legal certainty before entering the 2029 election stage. If regulations are left unclear, this risks triggering new disputes that could undermine the principles of justice and legal order.
2. Socialization is made simple, clearly distinguishing between national and local issues so that voters can understand more easily.

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### Verdict

Constitutional Court Decision Number 135/PUU-XXII/2024

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