

The Nature Of The Election Of The Head Of The Region Directly Simultaneously In Indonesia

¹khaerul Mannan, A. Muin Fachmal, La Ode Husen,
Corresponding Author: khaerul Mannan

ABSTRACT: *The purpose of this study is to analyze and know and understand the nature of the reform of the direct election system of regional heads simultaneously in Indonesia. To analyze and to know and understand the form of elaboration of fair and just principle of direct election of regional head directly to various laws and regulations in Indonesia. To analyze and to know and understand the design of the change of regional head election system directly simultaneously in applying fair and honest principle to campaign activity.*

KEYWORD: *The Electoral System, Directly, Simultaneously*

Date of Submission: 24-03-2018

Date of acceptance: 08-04-2018

I. INTRODUCTION

Indonesia is a sovereign State of the People and belongs to a modern and advanced democracy then elections are the main mechanism that must exist in the stages of State administration and formation of government. Elections are the real form of popular sovereignty and concrete forms of popular participation in the administration of the State. Therefore, the system and organization of elections has always been a major concern. The spirit of government from, by, and for the people is expected to really be realized through the structuring of the system and the quality of organizing the election.

In an effort to create elections that are in line with the expected implementation of popular sovereignty, our constitution outlines some of the principles of elections that serve as guidelines and guidance in their implementation. The 1945 Constitution of the State of the Republic of Indonesia has outlined the principles of elections, namely, fair and just. One of the formulations in the 1945 Constitution, has affirmed the State of Indonesia as a democratic country and is a state of law. As affirmed in Article 1 Paragraph (2) of the 1945 Constitution that "Sovereignty is in the hands of the people and carried out according to the Constitution" and paragraph (3) "the State of Indonesia is a state of law". Thus the owner of supreme authority within the state is the people. The application of the Constitution of the State of Indonesia comes from the people. Institution and organization of the State is a reflection of the interests of the people. In a constitutional system based on the Constitution, the exercise of popular sovereignty is channeled and organized according to the constitutional procedures established in law and the constitution.

At the beginning of the reform era, governance is directed towards a democratic and decentralized government. To this end, there have been amendments to the laws on the field of politics and the laws of government. In relation to the law on governance, there has been a change in the law on regional government, so that the process of governing governance will be changed from centralized to decentralized, as well as to changes in the Law on Regional Head Election (Pilkada).

Today's society is no stranger to the direct election of heads of regions. different from the conditions of government during the New Order because at that time the election of regional heads implemented by the legislature at the level.

The direct election of regional head for the first time is regulated in Law Number 32 Year 2004 regarding Regional Government, an indicator of the existence of democratization process in Indonesia. The journey of democratic learning in Indonesia before the independence period to date. gave birth to a new system, dissatisfaction (shortage) of Law Number 32 Year 2004 regarding regional autonomy gave birth to a new Law conception in order to create a more democratic order again.

In the state of the Republic of Indonesia adopting the Presidential system and in implementing the Regional Government using the principle of decentralization and co-administration, the position of the Regional Head and Deputy Regional Head is essential in making public decisions. In order that public decisions are supported by the public and in favor of the public interest: (a) the Regional Head and Deputy Regional Head shall be elected directly by the people, so that the elected Regional Head shall have broad support from the people. (b) Public policy formulation is prepared in a participatory and transparent manner. (c) Having clear public accountability. (d) The presence of supervision from the public and representative institutions of the

people.

Autonomy Regions The development of democracy and local public participation is an unavoidable consequence, it is expected that democracy at the local level, can be an entrance for regional progress, because with the election of regional heads and deputy heads of regions directly the political legitimacy of large regional heads. The democratic process in the region is expected to generate high and critical political participation of local communities, but it is also hoped that there will be a strong civil society in the region If the democracy is going well then the principle of "check and balance" will happen automatically. (KPU Provinsi, Kab / Kota and Panwas) are expected to always adhere to legislation and enforce candidate pairs fairly and equally The regional government is also expected to support the smooth implementation of regional head elections and apply neutral side with one of the candidate pairs.

The direct election of regional heads and deputy regional heads has become an integral part of the development of democracy in Indonesia. Consolidation of democracy at the local level becomes a crucial part in realizing democratic national consolidation thereby demonstrating its role and function as an important part of the democratization process in Indonesia.

There are several problems including:

1. the problem of the legal framework that still leaves a variety of confusion and uncertainty for the organizers, participants, and voters in practice often leads to conflicts and security problems in the field. The ambiguous and multi-interpretive rules ultimately contribute to a series of issues in conducting the election of regional heads, such as the chaotic march of voter lists, chaotic nominations, uncontrolled campaigns, to polling and counting of troubled votes.
2. election system problems and nomination methods. The nominating system provides space for political parties, coalitions of political parties and individual candidates to advance candidates for the birth of so many candidates, followed by problematics including costly organizing and money politics, double support for party stewardship dualism, and rampant transactional politics buying and selling support.
3. the problem in the implementation of the stages due to organizational uncertainty, maturity of candidates, and acceptance of voters over the process of organizing existing stages. There are still some of the organizers who are not professional and qualified in organizing the stages. In addition, the implementation of pilkada is not problematic in the initial stages, until the results of the vote counting, the candidates and supporters in action to protest and rejection resulting in horizontal conflict between communities.
4. the issue of law enforcement and the handling of violations. The existing rules have not been able to respond to real and complex issues that occur in the field. The legal provisions on the handling of election violations have not been regulated in detail in the existing law. The capacity of law enforcement has caused many problems and even creates new problems. This is understandable because there is still a lack of programs to increase understanding and capacity in handling election violations.
5. the dissemination of the election period of pemilukada complexity in the implementation of which ultimately also led to pembekakan and waste of the budget. Bahkan fact arises until there are areas that take the budget of education and health to meet the budget allocation of election pilkada. Pemilih also end up bored and run out of energy because constantly- the canal must berpilkada. Not surprised if the participation rate from year to year implementation of elections graph voter participation continues to decline.

Contemporary Indonesian political history records, every time local elections are held, there are always protests that doubt the process or the results of the regional head elections. This occurred in the elections during the New Order era, but also the elections at the beginning of the 1999 reform until the legislative elections in 2014 and the presidential elections in 2014 and even the election of 1955 known as the cleanest election was not deserted from the protests. Implementation of direct election of regional head (Pilkada) throughout 2005, adding long list of protest dissatisfaction of society to election. The emergence of protests against the process and election results on the one hand, due to the many violations of the election regulations are not resolved completely, on the other hand, due to feelings of unfair treatment by the election of regional heads.

In Article 22E (1) of the 1945 Constitution of the State of the Republic of Indonesia, it is stipulated that "General elections shall be held in a direct, public, free, secret, honest and fair manner every five years".

This is further clarified in Article 2 of Law Number 1 Year 2015 concerning Stipulation of Government Regulation in Lieu of Law Number 1 Year 2014 on the Election of Governors, Regents and Mayors Becoming Laws, which affirms that the Elections are held democratically based on the principle, , free, confidential, honest, and fair.

In the practice of a regional head election system, in accordance with prevailing laws and regulations, a democratic open-minded local recruitment system with a direct principle is also accompanied by money politics. It is common knowledge that candidates for regional heads always sell out votes to vote for members of parliament in elections, and to finance social groups in order to create public opinion. It goes on nowadays that the candidates of regional heads always sell money (money politics) to buy voters vote. It clearly violates the provisions of the aforementioned article on the Elections being implemented democratically on the basis of

direct, public, free, confidential, honest and fair principles.

The direct election of regional heads in a number of regions, has obviously led to social changes both structural and functional in the life of Indonesian society. The process of transformation / change through the direct election of regional heads as if through a dysfunctional or functional conflict process. the changes that occur after the direct elections of local heads are often not accompanied by conflict situations that have a wide impact on the social life of the community.

Implementation of elections from 2005 to 2015, held simultaneously, was heavily colored by protests and even riots, in various regions, the mass of supporters of losing candidates launched anarchist actions because they felt cheated by other participants as well as by organizers in various forms of cheating, including cheating in the form of money politics.

Dissatisfied protests over electoral processes and results in the backdrop of the many unresolved violations, and the feeling of being unfairly treated by the local election organizer, indicate a law enforcement problem in every election of the regional head. If not immediately addressed, on the one hand, it will continue to cause protests from parties who feel violated their constitutional rights, rigged, or treated unfairly; on the other hand, the protests that emerged could eventually delegitimize the election results. In an effort to bring about an honest and fair elections as well as in order to avoid delegitimization of regional head elections in the future, the issues of law enforcement of regional head election must be completed comprehensively. Steps that need to be done is to identify the causes of the emergence of law enforcement problems; then look for a comprehensive solution to overcome the problem so that finally realized a law enforcement system of local elections that can ensure the implementation / implementation of elections are honest and fair.

Based on the experience, the practice of regional head election during this time raises the problems in the field of money politics in the regional head elections allegedly caused by several factors: First, the limits of the occurrence of violations are uncertain resulting in multi-interpretation that led to controversy; Second, the mechanisms and procedures for handling violations are not clear so that handling is not easy; Third, election law enforcement agencies are not well prepared so that the oversights in handling cases that occur; Fourthly, the legal sanction for violation of regional head election is so light that it does not give a deterrent effect to continue to violate the law; Fifth, the need to perfect or update and complement the existing legal and legislative pitfalls; Sixth, improving the quality of human resources of law enforcers both in terms of morality and intellectual capacity, because not the few existing law enforcers, do not understand the idealism of law that is being enforced; Seventh, the lack of socialization of law and legislation in general to the wider community. Eighth, lack of public control in terms of law enforcement.

International democratic electoral standards state that free and fair elections can be achieved where law enforcement is available that regulates all election management processes, while protecting the organizers, participants, candidates, voters, monitors and citizens in general from fear, intimidation, violence, bribery, fraud, and other fraudulent practices that will affect the outcome of the election. Therefore, the election of a fair and fair regional head requires election law and the apparatus in charge of enforcing the election law. .

The occurrence of events (violations) of local election law that lead to criminal acts as happened in some areas, at least there are four disappointing phenomena associated with the implementation of elections of regional heads namely: first, the election of regional heads is always accompanied by community conflicts, starting from the stage of candidacy and even continuing post-election of regional head. the conflict on the election of the head of the region in question is a prolonged conflict and leads to violence; both money politics, selau smell in every election of the head of the region that some people consider as a flavor seasoning. The real money politics is a bribery process has shifted into fairness, both for the candidate and the community. Though the act is a criminal act that damages the image and order of good democracy; thirdly, the direct election of regional heads is not directly proportional to the increase of welfare, independence and regional progress, it often raises issues leading to black campaigns that incite community anger (supporters) that lead to deeds of destruction and violence; and fourth, the facts show that the regional autonomy bills the more corruption cases that occur. Cases of corruption involving regional misconduct greatly affect the election process of regional heads if the regional head submits to the re-election of the regional head.¹

II. PROBLEM FORMULATION

Based on the background of the above problem then the formulation of the issues raised in the discussion of this dissertation is as follows:

1. What is the nature of the reform of the direct election of regional heads in Indonesia?
2. How is the elaboration of fair and just principles of direct election of regional heads directly to various laws and regulations in Indonesia?
3. How does the design of the regional head electoral system change simultaneously in the application of fair

¹ Natsir , Penegakan hukum terhadap tindak pidana pemilihan umum kepala daerah di sulsel. 2015, hlm 89.

and honest principles to campaign activities?

III. THEORETICAL FRAMEWORK

Democratic Theory

Democracy has been known and has been the focus of study for a long time, even since the emergence of the term democracy itself, it has spawned a variety of understanding and model of democracy practiced in various countries. In various literatures, democracy is understood as one form of government rooted in the classification of Aristotle made based on the number and nature of the State authority. Democracy is rooted in the word "demos" and "cratos" which means "power exists in the whole people" to distinguish it from the form of oligarchic rule, the power that few people have, and the monarchy, the power that exists in one person.² The term democracy is rooted in Greece at the time of the city-state, but the modern model of democracy is not derived from it. The assumptions and practices of democracy at the time were very different from modern democracies. In ancient Greece, democracy was not founded on the idea of individual citizens' rights. This right is only granted to a small number of citizens living in the city. The word democracy in the modern sense began to be used in the nineteenth century to show representative government in which representatives of the people were elected through free, competitive elections by citizens.³

Representative Democracy

There are two types or models of democracy based on the way the government is run by the people, namely direct democracy and representative democracy. Direct democracy in the sense of self-government by which all decisions are made by all the people gathered at the same time and place may only occur in a very small country, both in terms of the size of the territory and the population. The direct democratic model is already unlikely implemented in this modern period because of the vast territory of the country and the ever-increasing population.⁴

If direct democracy is enforced with the current conditions it will create a difference of opportunity because to run it requires the cost and time that not all citizens are able to bear it.⁵ Therefore, developing mechanisms capable of guaranteeing the interests and wishes of citizens becomes the material of decision-making through the people representing them, namely representative democracy. In the idea of representative democracy, the ultimate power (sovereignty) remains in the hands of the people, but in pelaksanaananya done by people's representatives elected by the people themselves. Representative democracy is a form of democracy that is made to be able to run in the long term and covers a large area. In representative democracy, the function of government is transferred from citizens to the organs of the State. According to John Locke, although power has been left to State organs, society as a political unity can still convey aspirations and demands. To establish a political society, a law or law is created so that it is necessary to create a body or constitution-making body elected and constituted by the people.⁶

Democratic Elections.

Elections have a close relationship with the State of democracy and the State of law. The essence of democracy is the involvement of the people in the formation and administration of government through participation, representation, and supervision. Therefore, one of the cirri of democracy proposed by NDArora and SSAwasthy is that government shall be accountable to the governed or at least by the representative of the governed. more assertive Van. Appeldornn states that the main means of the people to exercise their sovereignty is through voice and election.

The holding of elections is one of the principles of modern law State formulated by the International Commission of Jurists. in the context of a State of law an election is also necessary to ensure that the law is made democratically, ie by an institution elected by the people through democratic means, namely by an institution elected by the people through democratic means of elections. . Moh. Mahfud MD affirmed the close relationship between the elections and the principles of democracy and State law. Elections are closely related to democracy because elections are one way of implementing democracy. This is considering that currently no single country is fully capable of direct democracy. The modern democratic state is a State that carries out representative democracy, the right of the people to be

2 Wirjono Prodjodikoro, 1981, *Asas asas ilmu Negara dan Politik*, Jakarta, PT. Eresco, hlm 22-23

3 Wirjono Prodjodikoro, 1981, *Asas asas ilmu Negara dan Politik*, Jakarta, PT. Eresco, hlm 110.

4 Penggagas kedaulatan Rakyat, Russeau, tidak menyetujui adanya badan perwakilan sebagai pelaksanaan demokrasi perwakilan, tetapi mencita-citakan suatu bentuk "demokrasi langsung", lihat, Miriam Budiardjo, *Op cit*, hlm 173

5 Robert A.Dahl, 1999, *Perihal Demokrasi : Menjelajah Teori dan Praktek Demokrasi Secara singkat*, Penerjemah : A.rahman Zainuddin, Jakarta, Yayasan Obor Indonesia, hlm 18-19

6 Delia Noer, 1997, hlm 121

organized by representatives of the people, both those sitting in the legislative and executive. Therefore, the representatives of the people are elected by the people themselves through the election. Moreover, in a democratic country, the role of representative institution which is also domiciled as a legislative institution has grown increasingly important, especially in the formation of law and decision of State policy.⁷

Elections are also closely linked to the principle of the State of law because through elections, the people can elect representatives who form the legal product, and also oversee the implementation of the law, the election is also a representation of the implementation of other laws of the State of law, namely the implementation of the protection of human rights, select and choose, and the form of equality before the law and government.⁸

Theory of the State of Law (The Rule of Law)

In Article 1 Paragraph (3) of the Constitution of the Unitary State of the Republic of Indonesia Year 1945 emphasized that, "State of Indonesia a state of law". The state of law referred to is a state that enforces the law supremacy to uphold truth and justice and no power is not accountable.⁹ Based on the above description, the meaning of a State of Law is a state which stands above a law that guarantees justice to its citizens. Justice is a requirement for the happiness of life for its citizens, and as a basis of justice it is necessary to be taught a sense of morality to every human being that he becomes a good citizen. as well as the rule of law that exists only if the rule of law reflects justice for the interfaith life of its citizens.¹⁰ general, in every country that holds the state of law, always the three basic principles, namely the supremacy of law, equality before the law, and law enforcement by way of not contradicting the law (due process of law)

The important principle in a legal state is equal protection or equality before the law. Differences in legal treatment are permissible only if there is a particular reason, for example, children under the age of 17 have different rights to children over 17 years of age. This distinction is a rational excuse. But treatment differences are not permissible if for no logical reason, for example because of differences in skin color, gender, religion and belief, certain sectors of religion, or status differences such as between landlords and poor peasants. Nevertheless, the difference of treatment without a logical reason like this to date still occur in many countries, including in countries that have advanced law though.¹¹

The development of theory The state of law is a product of history. This is due to the formulation or understanding of the State of the law always evolves following the history of human development. Because, it is in order to understand the theory of the State of the law correctly and correctly, please note the history of the development of political and legal thought that encourages the birth and development of the concept of the State law. In addition, the idea of the State of law is actually sdh very old but always actual. Judging from the historical perspective of the development of philosophical thought of law and state, the idea of a State of law has developed from the time of Ancient Greece, the idea of the sovereignty of the people grew and flourished from the Roman tradition, while the ancient Greek tradition became the source of the idea of rule of law.

The state of law is used to translate both the rechtsstaat and the rule of law, although both originate from two different legal traditions, but have the same notion that: (1) the public authorities can only exercise authority under a higher order made possible by law, and (2) the law binds all members of society.

History of the birth of the concept of rechtsstaat or the rule of law in continental Europe in the medieval period, born at the time of separation of power between the church and the kingdom accompanied by the authority of each ruler to build and manage the legal system respectively. The Roman emperor developed a legal system based on Roman legal principles, while the Church developed its own legal system on the basis of Christ's teachings.

It was at this time that the tradition of formulating legal norms in legal documents was formally enacted, arranging and developing judicial institutions, and other institutional institutions also organized under the rule of law. At the same time the ruler also becomes bound by the rule of law established, declared and promulgated himself to reinforce the boundaries of jurisdiction between the kingdom and the church. This development provides an objective position to a law which has independent authority independent of its forming or invading human beings.

IV. DISCUSSION

Local Election as regency of local government or election regime.

7Moh.Mahfud.MD, Hukum dan PIlra-Pilra Demokrasi, op cit, hlm 220

8Moh.Mahfud.MD, Hukum dan Pilar-Pilar Demokrasi, op cit, hlm 222-222

⁹ See, La Ode Husen, Negara Hukum, Demokrasi dan Pemisahan Kekuasaan, UMI-Toha, Makassar, 2009. p.15

10Moh.Kusnardi dan Harmaily Ibrahim, 1988, hlm 153.

11Munir Fuady, 2009-hlm. 207.

Since the enactment of Law Number 22 Year 2007 on Election Organizer, the impact of the Constitutional Court Decision No.072-073 / PUU-II / 2014, the election of regional head is no longer part of the regional government regime, but has become part of the electoral regime. In the Law Number 22 Year 2007, the term of regional head election (Election) is then changed to the General Election of Regional Head (Pemilukada), as mentioned in the provisions of Article 1 point 4: Regional Head General Election and Deputy Regional Head is the General Election to elect the regional head and deputy regional head directly in the Unitary State of the Republic of Indonesia based on Pancasila and the Constitution of the Republic of Indonesia of 1945.

Historically, there are 3 (three) points that point to the shift of the Regional Head Election and Deputy Head of Region from the regency of local government to become the election regime with the title Pemilukada.

First, the existence of Constitutional Court Decision no. 072-073 / PUU-II / 2004 on the petition for judicial review of Law Number 32 Year 2004 petitioned by CETRO and others in 2004. In its ruling, the Constitutional Court canceled the provisions of Article 57 paragraph (1) throughout the sentence " ...shall be responsible to the Regional People's Legislative Assembly, "Article 66 Paragraph (3) Sub-Paragraph e" Requests Accountability for the Implementation of KPUD's Duties ", Article 67 Paragraph (1) Sub-Paragraph e" Sentence of Parliament ", Article 82 Paragraph (2) sentence " ...by DPRD" Law Number 32 of 2004 on Regional Government that causes KPUD not responsible to DPRD in conducting Regional Head Election.

Second, the enactment of Law Number 22 Year 2007 regarding Election Organizer which causes all provisions related to the election organizers in Law Number 32 Year 2004 is revoked and declared null and void.

Third, the transfer of authority over the handling of disputes over the results of the election of regional heads and deputy regional heads from the Supreme Court to the Constitutional Court.

However, in subsequent developments, regional elections abbreviated as elections are not categorized as general elections only because the election of regional heads is not mentioned in Article 22 E of the 1945 Constitution particularly paragraph (2). The election of regional head is mentioned in the article concerning regional government, namely Article 18 paragraph (4) of the 1945 Constitution. From this comes the term "election regime" and "regime of government" Local election is not an election originally stipulated by lawmakers through Law Number 32 Year 2004 on Regional Government, Constitutional Court then corrected the law, and the confirmation that the election is an election then followed by lawmakers through Law Number 12 of 2008 regarding the first amendment to Law Number 32 Year 2004 regarding Regional Government. At the time the Parliament and the Government agree on a number of amendments to Law Number 1 Year 2015 on the stipulation of Perpu No. 1 of 2015 on the Election of Governors, Regents and Mayors, whose amendments are set forth in Law No. 8 of 2015 on the first amendment of the Act Number 1 of 2015 on PERPU Selection of Governor, Regent and Mayor, the Constitutional Court reaffirmed its decision that elections are not election which is then confirmed in Law No. 8 of 2015 on the first amendment of Law No. 1 of 2015 on Government Regulation in Lieu of Law on the Election of Governors, Regents and Mayors.

Constitutionality of Direct Local Head Election.

The 1945 Constitution does not explicitly state that the local governor is elected directly by the people in the general election, such as the president and vice president, members of the DPR, members of the DPRD and DPD members. Article 18 paragraph (4) only implies the election of governors, regents and mayors in a democratic manner. This democratic meaning is then made the argument that there is no prohibition of the regional head elected DPRD.

Based on the opinion of Jimly Asshiddiqi, it can be ascertained that the democratic meaning is the direct election by the people. Therefore, the meaning of "democratic" in line with Article 6 A paragraph (1) of the 1945 Constitution, namely direct elections by the people for the President and Vice President. Because the provisions in the constitution are one with another harmonious, then the word "democratic" in the election of regional head is more or less the same as the provisions of presidential and vice presidential elections.

Proof of constitutional harmonization is seen in the election of members of DPR and DPD. Although Article 2 Paragraph (1) of the 1945 Constitution does not explicitly mention direct election, nobody has denied the electoral mechanism of the legislative elections. Even the constitution does not even mention the word "democratic" in it. This provision only mentions, members of DPR and DPD elected by general election.

Interpretation of the word democratic can also be seen in the decision of the Constitutional Court on the examination of Article 214 letter a, b, c, Law Number 10 Year 2008. In this decision, the Constitutional Court gives interpretation on people's sovereignty as stated in Article 1 paragraph (2) 1945, namely the highest sovereignty in the hands of the people, so that in a variety of election activities, people directly choose who wanted. This is a very basic constitutional principle. It is not only the color and spirit of the constitution in shaping the government, but it is also seen as the nature of all laws in politics.

Thus the background of thought and the purpose of the establishment of Article 18 Paragraph (4) of the 1945 Constitution is that the governors, regents and mayors elected democratically are the same as the election conducted against the president.

Interpretation of the democratic meaning can also be seen from the birth of the provisions on general elections in the constitution. Article 22 E Paragraph (1) of the 1945 Constitution on General Election is the Third Amendment (2001). The provision of Article 22 E Paragraph (1) states that "general elections are held in a direct, public, free, secret, honest and fair every five years". Then paragraph (2) states that "General elections are held to elect members of the People's Legislative Assembly, Regional Representative Council, President and Vice President and Regional People's Legislative Assembly". Whereas the election implementers are stipulated in paragraph (5) stating that "General Election is organized by a national, permanent, and independent electoral commission".

Therefore, the implication of the amendment of Article 18 of the 1945 Constitution and Article 22 E of the 1945 Constitution to the third amendment shall be legally interpreted that the implementation of Article 18, especially in the election of regional head, shall refer to Article 22 E. legal logic, if Article 18 is considered contradictory to Article 22E, it can be ascertained that in the 3rd Amendment the formulation contained in Article 18 shall be amended and adjusted to Article 22 E, the definition of being elected democratically shall be interpreted in the same manner as the election procedure conducted against the President as mentioned in Chapter VIII B concerning General Election Article 22 E of the 1945 Constitution.

Reform of the System of Regional Head Electoral Systems

Since the enactment of Law No. 8 of 2015, political constellations have changed. Law No. 8 of 2015 stipulates that pilkada is held directly and simultaneously. This is evident from Article 1 Paragraph (1) which states, "The election of Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor hereinafter referred to as election shall be the implementation of people's sovereignty in the provinces and districts to elect the Governor and Vice Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor directly and democratically ". And also Article 3 Paragraph (1) which states, "Elections are held every 5 (five) years simultaneously throughout the territory of the Unitary State of the Republic of Indonesia".

Pilkada is simultaneously present to meet reform of the electoral system and become a pilkada solution until 2024 which implies major issues, such as the high cost of democracy. Pilkada will simultaneously save the budget, effort and time that was initially wasteful and long became short and effective. Pilkada simultaneously, from the aspect of organizing, encourages the creation of efficiency and effectiveness, which is quite difficult to find in direct elections.

Direct pilkada systems always consider aspects of "legitimacy" and "efficiency" that are always a "trade off". That is, choosing a system that has a high legitimacy always contain very inefficient consequences. Conversely, merely expressing efisiensi will result in a lower legitimate election results.

The direct election always seized the attention of the public, political parties, and contestants by sucking in trillions of rupiah APBD. with the presence of direct pilkada, a picture that direct pilkada conducted since 2005 was experiencing refinement. Completion is accomplished simultaneously in several waves which will eventually be simultaneously implemented nationally in 2024.

In addition to the efficiency factor, the elections simultaneously, it becomes the picture that direct elections provide strengthening of the constitutional system (presidential system) .The reason for that efficiency is not an economic reason, whereas the decision of the Constitutional Court is not an economic reason but a constitutional reason. In terms of implementation, pilkada simultaneously encourages the creation of effectiveness and efficiency. The election of the governor in one region is carried out simultaneously with the election of regents and mayors, will save the budget, saving energy and time. Voters are only once to the polls and the organizers start the KPU until the KPPS can prepare and carry out their duties simultaneously. The direct election process simultaneously implies good cooperation among political parties to create democratic civility, democracy that can run in accordance with the ideals of democracy to create justice and equality in society, and minimize collisions between the various impacts.

V. CONCLUSION

1. The simultaneous election of regional heads will create a solid and effective regional government, not only supported by local political forces, as well as having a synergistic relationship with the central government. Regional autonomy will be well implemented if all elements of the executive, legislative and political parties establish constructive dialogical communication in the check and balance mechanism, in line with the spirit of democracy.
2. The simultaneous election of regional heads simultaneously creates a more organized cyclical cycle, important in creating bureaucratic efficiency, more focused work planning and more compact program

implementation, so far development programs in the region have been stalled due to the uncontrolled working period between the governor and the bupati or mayor.

REFERENCES

- [1]. A. Muin Fahmal, 2008, *Peran Asas Umum Pemerintahan Yang Layak Dalam Mewujudkan Pemerintahan Yang Bersih*, Penerbit Total Media, Yogyakarta.
- [2]. Alfian, 1999. *Pemilihan Umum dan Prospek Demokrasi di Indonesia* ,dalam Demokrasi dan Proses Politik, Jakarta: Penerbit LP3ES.
- [3]. A. Ahsin Thohari, 2004, *Komisi Yudisial dan Reformasi Peradilan*, Penerbit Elsam, Jakarta.
- [4]. Alexander Irwan dan Edriana, 1995. *Pemilu Pelanggaran Asas Luber*, Jakarta: Penerbit Pustaka Sinar Harapan.
- [5]. Andi Alfian Malarangeng, 1999. *Komisi Pemilihan Umum, dalam Kajian Pemilu*, Jakarta, Penerbit Puskap, Depdagri dan Biro Humas KPU.
- [6]. La Ode Husen, 2009, *Negara Hukum, Demokrasi dan Pemisahan Kekuasaan*, UMI-Toha, Makassar
- [7]. Natsir , *Penegakan hukum terhadap tindak pidana pemilihan umum kepala daerah di sulsel. 2015*
- [8]. Robert A.Dahl, 1999, *Perihal Demokrasi : Menjelajah Teori dan Praktek Demokrasi Secara singkat* , Penerjemah : A.rahman Zainuddin, Jakarta, Yayasan Obor Indonesia,
- [9]. Moh. Mahfud MD, 1993. *Demokrasi dan Konstitusi di Indonesia, studi tentang Interaksi Politik dan Kehidupan Ketatanegaraan*, Penerbit Liberty, Yogyakarta.
- [10]. -----, 1998, *Politik Hukum di Indonesia*, Jakarta: Penerbit LP3ES. ,
- [11]. -----, 1999, *Hukum dan Pilar-pilar Demokrasi*, Jakarta: Penerbit Gama Media.
- [12]. -----, 2003, *Demokrasi dan Konstitusi di Indonesia*, Studi tentang Interaksi Politik dan Kehidupan Ketatanegaraan, Jakarta, Penerbit Bina Cipta.
- [13]. Munir Fuady, 2009, *Teori Negara Hukum Modern (Rechtstaat)* ,Penerbit Refika Aditama, Bandung.
- [14]. Natsir , *Penegakan hukum terhadap tindak pidana pemilihan umum kepala daerah di sulsel. 2015*
- [15]. Wirjono Prodjodikoro, 1981. *Asas asas ilmu Negara dan Politik*, Jakarta, PT. Eresco,

khaerul Mannan. " The Nature Of The Election Of The Head Of The Region Directly Simultaneously In Indonesia." *International Journal of Humanities and Social Science Invention (IJHSSI)* 7.04 (2018): 39-46.