


# Dynamics and Challenges of Democracy in Local Elections in Indonesia and the Netherlands

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## Abstract

**Introduction:** Elections for regional heads and heads of government are one of the important aspects in building a democratic system that encourages citizen participation in the political process.

**Purposes of the Research:** This study aims to describe the dynamics and challenges of democracy associated with the implementation of regional elections in several countries. Local elections are a major test of a country's democratic health, and a variety of factors can affect the outcome and integrity of the process.

**Methods of the Research:** This research is legal research using two legal approaches, namely the statute approach and the comparative approach.

**Results of the Research:** The results showed that regional elections have complex dynamics and several significant challenges in the context of democracy. These dynamics include intense political competition, increased public participation, and changes in political communication through social media. While the challenges that need to be faced in regional elections include contests involving incumbents, fraud in elections, political money, voter participation, political polarization, and the integrity of organizers that occur in Indonesia and in the Netherlands. Thus, this study shows that regional elections are not only a political event, but also a test of the quality of a country's democracy. Concerted efforts to address these challenges will play a key role in maintaining and strengthening democratic systems that are healthy and responsive to people's needs.

**Keywords:** Dynamics; Challenges; Democracy; Local Elections.

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## INTRODUCTION

Democracy is one of the most applied systems of government worldwide, and local elections are one of the key elements in the practice of democracy. Local elections allow citizens to elect their local leaders directly or indirectly, who will be responsible for the management of governance at the local level. It is a central element in carrying out democratic principles, such as public participation, accountability, and popular representation. Elections are not only a mechanism for the people to elect representatives but also part of the evaluation process for the ruling elite and as a momentum for the re-establishment of the social contract.<sup>1</sup> However, in recent decades, regional elections have become increasingly complex and faced various challenges as the development of changing

<sup>1</sup> Evi Purnama Wati, "Elections as a Form of People's Sovereignty", *E-Journal of Law*, Vol 8, No 2, May 2015, p. 194.

political dynamics, developments in communication technology, and socioeconomic issues have had a significant impact on the way regional elections are held and run.

In this context, there is a deep need to understand how political dynamics and certain challenges affect the process of electing regional heads and the quality of democracy in different countries. One issue that often repeats in every momentum of general elections and regional head elections is the system of electing regional heads between direct elections and elections with a representative system in the Regional People's Representative Council. The provisions in Article 18 paragraph (4) of the Constitution of the Republic of Indonesia Year 1945 (UUD 1945) have stipulated that "the Governor, Regent, and Mayor respectively as heads of provincial, regency, and city local governments are democratically elected". The formulation of this norm sparked debate among the political elite in interpreting the word "democratically elected". A growing interpretation is that regional elections can be conducted through the DPRD or carried out directly. Regional elections through the DPRD are considered more efficient, allowing the suppression of the occurrence of various conflicts and so on. Direct regional elections by the people did not make the *money politics* that were the initial goal of handing over direct elections by the people realized<sup>2</sup>.

Meanwhile, direct elections assume that the essence of democracy is people's participation that cannot be represented by anyone and by any institution. So, regional elections, it open space for the appearance of prospective leaders who are by the expectations of the people.<sup>3</sup> In the Indonesian context, since the enactment of Law Number 10 of 2016 concerning Regional Elections, several changes have occurred in the mechanism and governance of regional elections. However, several ongoing problems and challenges still affect the implementation of regional elections in Indonesia. At the local level, local elections are often characterized by corrupt practices, money politics, the spread of fake news (hoaxes), and other rule-violating practices. These challenges can affect the electoral process and the integrity of elected leaders, as well as undermine public confidence in the political system and government.

Political, economic, and social dynamics also play an important role in regional elections. Competition between candidates, intervention from certain political forces or interests, and shifts in local political dynamics are determining factors that can affect the course of regional elections. Moreover, in some cases, conflicts of interest and inequality of access to political resources can overshadow a democratization process that is supposed to be equitable and fair. Therefore, research on the challenges and dynamics in local elections in Indonesia and several other countries is essential to understand and address issues related to democratic processes and governance at the local level. By analyzing this problem, it is hoped that policy recommendations can be produced that can increase integrity and transparency in regional elections and strengthen active community participation in local political processes.

## METHODS OF THE RESEARCH

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<sup>2</sup> Insiyah, Sayyidatul, Xavier Nugraha, and Shevierra Danmadiyah. "Regional Head Election by Regional People's Representative Council: A Comparison with Direct Election by the People." *The Rule of Law: Journal of Legal Research* 28.2 (2019): 164-187. p. 166

<sup>3</sup> Mahfud MD, 2007, *Constitutional Law Debate After Constitutional Amendment*, Jakarta: Pustaka LP3ES Indonesia, pp.133-135.

In accordance with the background described earlier, it shows that this research is a *juridical normative*<sup>4</sup> legal research using two legal approaches, namely *the statute approach*<sup>5</sup> to identify legal provisions related to the holding of regional head elections and the *conceptual approach*<sup>6</sup> to provide a new perspective to answer previously established problems related to the dynamics and challenges of democracy in the implementation of regional elections in Indonesia. The technique of collecting legal material is carried out by collecting and identifying primary legal material in the form of relevant laws and regulations and legal interpretation is carried out by the object of the problem which is then analyzed by juxtaposing existing legal provisions with secondary legal materials in the form of books or journals containing legal theories and relevant legal principles to give birth to new legal concepts as answers to Legal issues set out in this study.

## RESULTS AND DISCUSSION

### A. Concept of Democracy

The term "democracy" comes from ancient Greek. In Greek, the term consists of two words: "demos" meaning "people" and "kratos" meaning "power" or "government"<sup>7</sup>. Adi, literally, "democracy" can be translated as "government by the people" or "power of the people"<sup>8</sup>. The concept of democracy first appeared in Athens, an ancient city in Greece, in the 5th century BC. The democratic system in Athens was known as "Athenian democracy" or "classical democracy." Under Athenian democracy, adult male citizens had the right to participate in political decision-making, including elections and decision-making in the general assembly. Correspondingly, Hans Kelsen explains: "*that all power should be exercised by one collegiate organ the member of which are elected by the people, and which should be legally responsible to the people*". (that all power should be exercised by an organ whose members are elected by the people and legally accountable to the people)<sup>9</sup>.

One important contributor to democratic thought was the ancient Greek philosophers, such as Cleisthenes and Pericles. However, it is also important to remember that democracy in Athens at the time had very limited criteria, and most of the population, including women, slaves, and non-Athenian residents, were excluded from political rights. Deliar Noer defined democracy is the administration of the state based on the will and will of the people because sovereignty is in the hands of the people.<sup>10</sup> According to Jimmly Asshiddiqie that in a country with a modern democratic system, the legality and legitimacy of government is a very important factor where in addition to a government must be legal, the government must also be *legitimate*<sup>11</sup>. Therefore, regional elections are not only a political ritual to change leaders, but also a momentum to evaluate the leadership that has been

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<sup>4</sup> Djatmiati, Tatiek Sri, et al. "ANALYSIS OF LAW ENFORCEMENT AGAINST COAL MINING BUSINESSES IN INDONESIA IN THE CONDITION OF THE COVID-19 PANDEMIC." *PalArch's Journal of Archaeology of Egypt/Egyptology* 19.1 (2022): 211-222.

<sup>5</sup> Rustan, Ahmad, Ju Lan Hsieh, and Wahyudi Umar. "Maladministration on Mining Business Licenses: Case Study "Mining Business License Production Operation PT. Aneka Tambang, Tbk."." *Varia Justicia* 17.3 (2021): 246-257.

<sup>6</sup> Rustan, Ahmad, and Tatiek Sri Djatmiati. "DISSERTATION (362)-Responsibility of Commitment Making Officials (PPK) in the process of procurement of government goods/ services." (2022).

<sup>7</sup> Hutapea, Bungasan. "The dynamics of local election law in Indonesia." *Journal of Rechts Vinding: Media for National Legal Development* 4.1 (2015): 1-20.

<sup>8</sup> Bondan Gunawan, *What is Democracy*, (Jakarta : Pustaka Sinar Harapan, 2000), p.1

<sup>9</sup> Ahmad Rustan, *local elections, between the system of representation and in person*, LEGITIME Law Journal December 2014 Edition, p. 4

<sup>10</sup> Deliar Noer, *Introduction to Political Thought*, (Jakarta : CV. Eagle, 1983), p. 207.

<sup>11</sup> Jimly Asshiddiqie, *Introduction to Constitutional Law*, Jakarta: RajaGrafindo Persada, 2009, p.417

running and allow for the renewal of the moral or social contract as a commitment to future power changes that favor the interests of the people at large.

Over time, the concept of democracy developed and underwent various forms in different civilizations and countries. More inclusive modern democracies, which give voting rights to most citizens and include principles such as human rights and the rule of law, have continued to evolve throughout history, influencing many countries around the world in the centuries that followed. Democracy is a system of government in which political power is held by the people, either directly or through representation. In regional elections, the essence of democracy is very important because it is one of the main ways in which people can participate in the political process and elect local leaders who will represent their interests at the regional level. One of the essentials of democracy in regional elections is people's participation as voters.

Regional elections are the main mechanism through which the people can actively participate in their government. In a healthy democracy, every citizen has the same right to cast their vote, without discrimination based on sex, religion, race, or social background. This ensures that all votes have equal value and that the people have control over their choices. This is by the provisions in Article 28D of the 1945 Constitution that every citizen has the right to equal opportunities in government. In the 2020 regional election, the voter turnout rate for the gubernatorial election was 69.67 percent. While at the district level, the voter participation rate reached 77.52 percent, and 69.04 percent for voter participation at the mayoral election level.<sup>12</sup> Participation in regional elections is a manifestation of people's political rights which have been guaranteed by the Constitution in Article 1 paragraph (2) of the 1945 Indonesian Constitution that "sovereignty is in the hands of the people and is exercised according to the Constitution". Thus, the formulation of Article 18 of the 1945 Indonesian Constitution is emphasized in Article 1 paragraph (2) of the 1945 Indonesian Constitution. Political rights are individual rights that cannot be represented by anyone and by any institution.

Thus, the essence of democracy in local elections is to give the people control over their local government, produce leaders who represent their interests, and create accountability mechanisms. It allows communities to actively participate in the political process, contribute to the development of their regions, and supervise their elected leaders to ensure they carry out their duties by the interests of the people.

## **B. Dynamics and Challenges of Democracy In Regional Elections In Indonesia**

Democracy in regional elections is a complex and dynamic process that is influenced by several factors. Political competition is one of the primary drivers of these dynamics, as candidates vie for the support of voters through various means. Voter participation is another important element, as higher participation levels generally indicate greater engagement by the public in the political process.<sup>13</sup> Social media has also impacted local elections, allowing for more rapid and efficient communication, but also posing risks such as spreading disinformation and fake news.<sup>14</sup>

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<sup>12</sup> <https://nasional.kompas.com/read/2021/01/21/15280091/mendagri-sebut-partisipasi-pemilih-pilkada-2020-diapresiasi-dub-as>

<sup>13</sup> HM. Wahyuddin Husain and H.Hufron, *Law, Politics & Interests*, (Yogyakarta : Laks Bang PRESSindo, 2008), p. 109

<sup>14</sup> Tedjo, Pratiwi. "The role of democracy, simultaneous regional elections in 2018 challenges and hopes." *Pulpit Administration* 15.1 (2018): 25.

Identity dynamics can also play a role in regional elections, with issues such as ethnicity, religion, and sexual orientation sometimes used to influence the outcome of the election. It can lead to polarization and conflict in society. Additionally, pressing local issues such as infrastructure, education, healthcare, and economic development can also impact the election results.<sup>15</sup> Candidates who can effectively address these issues are more likely to gain the support of voters.

Finally, the importance of independent supervision, accountability, and civil society involvement cannot be overstated. NGOs, independent media, and fair and transparent electoral bodies have an important role to play in ensuring that the regional elections are free and fair. Campaign fundraising and the role of money in politics can also influence electoral dynamics, with candidates who have more funds potentially having an advantage.<sup>16</sup> By understanding these various factors and their interplay, we can gain a better understanding of the complex dynamics of democracy in regional elections.

The dynamics of democracy in regional elections continue to change along with social, technological, and political developments. A good understanding of these dynamics is important to ensure that the electoral process takes place fairly, transparently, and represents the interests of the people. Democracy in local elections is often faced with various challenges that can interfere with integrity, transparency, and participation in the political process. Some of the key challenges in this context include: 1) Corruption and money politics: Corruption can affect local elections in various ways, such as misuse of campaign funds, bribes to voters, or other corrupt practices that undermine the integrity of elections. LSI noted that 21.9% of respondents in the 2020 DKI Regional Election area had been offered money or goods to vote for certain gubernatorial candidates;<sup>17</sup> 2) Voter Manipulation: Local elections can be influenced by attempts to manipulate voters through intimidation, fraud, or false propaganda. This can interfere with the fair selection process. According to Lolly Suhenty (Member of Bawaslu RI) said that his party found that the KPU Voter Data Update Officer (Panrtarlih) did not cross out the names of thousands of deceased citizens from the voter list. Thousands of citizens were called because the case was found at 1,958 polling stations (polling stations). The KPU itself sets the number of voters per polling station at 300 people<sup>18</sup>; 3) Inequality of access to resources: candidates with greater financial resources have an edge in political campaigns, thus ruling out candidates who are less financially able. This can hinder balanced competition in elections; 4) Disinformation and Hoaxes: The spread of disinformation, hoaxes, and fake news through social media can confuse voters and undermine trust in the electoral process; 5) Political Intimidation: Candidates, voters, and even election observers can experience physical intimidation or threats, especially in harsh and conflicted political environments; 6) Political Polarization: Increasing polarization in society can affect local elections by directing voters to increasingly polarized camps and reducing the chances of political compromise; 7) Information Limitations: Voters who do not have adequate access to information about candidates and their political platforms may have difficulty making informed decisions; 8) Technology Issues: Electronic systems and technological security can become a problem if not properly managed, increasing the risk of electronic manipulation in elections; 9) Low Participation:

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<sup>15</sup> Aminah, Siti. *State power on the local political scene*. Prenada Media, 2016. p. 5

<sup>16</sup> Rahawarin, Zainal Abidin. "Book Dynamics of money politics in local elections." (2022). p. 44

<sup>17</sup> <https://databoks.katadata.co.id/datapublish/2021/01/12/politik-uang-masih-terjadi-di-pilkada-2020>

<sup>18</sup> <https://news.republika.co.id/berita/rr247h409/bawaslu-ribuan-orang-meninggal-tidak-dicoret-dari-daftar-pemilih-kpu>

Low voter turnout can reduce the legitimacy of local elections. Voters' disinterest in participating can be related to distrust of the political process or noncompetitive elections; 10) Cheating in Candidacy: The challenge begins even before the election, with the potential for fraud in the nomination process. This can include withholding fake signatures or overly strict candidacy requirements; 11) Foreign Interference: Some countries may try to interfere with local elections in a variety of ways, including cyberattacks, the spread of disinformation, or covert support for certain candidates; 12) Security Conflicts: Areas affected by security conflicts or tensions may have difficulty holding safe and sustainable elections.

Careful election monitoring, electoral law reform, strict campaign finance regulations, transparency, voter education, and protection of human rights are some of the ways to address democratic challenges in local elections and maintain the integrity of the political process.

### C. Problems and Challenges Democracy In The Netherlands

The Netherlands is a well-established democratic country, but it still faces numerous challenges that can impact its democratic system.<sup>19</sup> One of the issues that the country faces is low voter participation, particularly among young voters. The Netherlands also has a fragmented political system with many different political parties, which makes it challenging to form a stable majority in parliament and to create a government.

Another challenge that the Netherlands faces is inequality in the political decision-making process, where some community groups may feel that their interests and views are not adequately accommodated in political decisions. The issue of migration and integration has also become a significant political debate in the Netherlands, which can create tension in society. Populism has emerged as a challenge to the democratic system in the Netherlands, as it has in many other European countries and around the world, where populist parties can leverage anti-elite and anti-establishment sentiment to gain support.

Finally, security and counter-terrorism efforts are also important issues in the Netherlands, and security-related policies often take center stage in democratic contexts. The country also faces challenges related to social and economic welfare, including economic inequality and access to welfare services. As the use of technology in politics and government increases, the Netherlands also faces challenges related to privacy, cybersecurity, and potential external influence.

It should be noted that these challenges are not monolithic and may change over time. The Dutch government and society continue to work to overcome these challenges and strengthen their democratic system. The conditions that occur in the Netherlands in several aspects have similarities with democratic problems with Indonesia related to the low participation of novice voters. Such is the case with the issue of equality in decision making and policies that lack public participation so that the resulting legal products tend to ignore the public interest as an example of the birth process of the Job Creation Law No. 11 of 2020 which is currently Law No. 6 of 2023 which is substantially more in favor of the interests of elites and investors.

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<sup>19</sup> Pratama, Vidiel Tania. "DEMOKRIS DAN PLURALISME." *Kebinekaan Kita*: 388.

Overcoming the dynamics and challenges of democracy in local elections requires various comprehensive and sustainable efforts including strengthening electoral laws and regulations to protect election integrity and address problems such as bribery, use of illegal campaign funds, and voter manipulation. Tighten campaign finance controls and prohibit unauthorized contributions. Imposing strict sanctions against violations of electoral law. Increase transparency in local elections by publicly publishing information about campaign funds, funding sources, and campaign spending. In addition, voter education is also important to help voters understand their rights and the importance of participation in elections. Solving the dynamics and challenges of democracy in regional elections requires the collaboration of political actors, government, civil society, and voters themselves. Only with joint efforts can democracy in regional elections be maintained and strengthened.

## CONCLUSION

In accordance with the problems and results of the discussion as described earlier, it can be concluded that the democratic process at the local level both in Indonesia and in the Netherlands is still faced with a number of complex problems. These challenges include corrupt practices, money politics, the spread of fake news, and the intervention of certain political forces or interests that can undermine the integrity of elections and weaken public trust in the political system. In addition, inequality of access to political resources and conflicts of interest are also serious obstacles in realizing a fair and transparent democratization process. To overcome this challenge, concrete steps are needed to improve integrity, transparency, and accountability in the process of electing regional heads. Strengthening regulations and strict law enforcement against violations of election rules, preventing corruption, and spreading fake news are very important. In addition, active public participation in monitoring and monitoring the electoral process needs to be increased through better education and political awareness.

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