



The Values of Pancasila Democracy in Direct Regional Head Elections

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Abstract: This research aims to examine how the values of Pancasila democracy are applied in direct regional elections. The background of this research is that direct regional elections have been held since 2005, whereas previously regional elections were chosen by the Regional People's Representative Council (DPRD) of the regency/city. This research is a normative legal study that examines the norms present in the regional election regulations, analyzed through the values of Pancasila. The data used is secondary data, which is obtained through library research sourced from primary legal materials as well as secondary legal materials, namely the Law. The latest regional head election law is Law No. 10 of 2016, and the most recent one is Law No. 6 of 2020 concerning the stipulation of Government Regulation in Lieu of Law No. 2 of 2020 on the Election of Governors, Regents, and Mayors. The concept of direct regional elections emerged as a result of Law No. 22 of 2007 concerning the Administration of General Elections. This law included regional elections within the electoral regime, officially naming them General Elections for Regional Heads, abbreviated as PEMILUKADA. After further examination, it was found that regional elections are not included in the electoral regime because the basis of regulation in the 1945 Constitution is different. General Elections are regulated in Article 22 letter E, while Regional Head Elections are regulated in Article 18 paragraph 4. Which states, "The Governor, Regent, and Mayor, each as the head of the provincial, regency, and city regions, are elected democratically." The Regional Election Law is always updated to find the formulation that best aligns with the original values of the Indonesian nation.

Keywords: Direct Regional Elections, Pancasila Democracy.

Introduction

Direct regional elections will soon be held simultaneously in November 2024. Regional elections are not actually part of the electoral regime as regulated by Law No. 7 of 2017 on Elections. Regional elections are regulated by a law separate from the election law, namely the law on regional elections (Setiawan, A. H., 2023). Direct regional elections began in 2005, with direct elections for regional heads being held at both the provincial and regency/city levels. Before 2005, regional heads were elected by the Regional Representative Council (DPRD). Since the enactment of Law Number 32 of 2004 on Regional Government, regional heads have been directly elected by the people through the Regional Head and Deputy Regional Head Election, abbreviated as Pilkada, which was first held in June 2005. The implementation of direct regional elections is held to democratically elect Governors, Regents, and Mayors (Sarbaini, 2020).

Direct regional head elections are related to the implementation of people's sovereignty, which is a principle of a democratic state. The implementation of direct regional elections means that the democratization at the local level has successfully achieved its fundamental goals, namely electing regional leaders through a democratic, free, fair, and non-violent electoral mechanism (Basuki, U., 2020). Regional leaders elected by the people through direct elections have strong legitimacy because they are supported by the people who cast their votes directly (Asgar, S., 2023).

The process of directly electing regional heads is a correction of the previous regional elections that used a representative system by the Regional People's Representative Council. The use of this direct election system indicates the development and restructuring of regional democracy formats that are evolving within the framework of political liberalization (Triyono, L., 2022). In Law Number 8 of 2015, it is explained that the elections for Governors, Regents, and Mayors are conducted simultaneously and aim to save the State budget. The implementation of the regional head elections in 2015 is interesting to study as the initial wave in the design of simultaneous regional elections that have been conducted subsequently in 2017, 2018, and 2020 (Engkus, E., et al., 2019). Meanwhile, simultaneous regional elections throughout Indonesia will be held in 2024.

Article 18 paragraph (4) of the 1945 Constitution states, "The Governor, Regent, and Mayor, each as the head of the provincial, regency, and city regional governments, are elected democratically" (Warsito, W., 2023). Does the phrase "democratic" in the 1945 Constitution have to be interpreted as direct regional elections directly chosen by the people, or can it be interpreted differently? That's why the author wants to research this, namely Pancasila Democracy in the implementation of direct regional elections.

Methodology

The type of research used in compiling this study is normative legal research. This research is a normative legal study that prioritizes library research with data collection from libraries and other places (Zainuddin, M., & Karina, 2023). That is, examining how the norms of Pancasila Democracy are applied in direct regional elections. The legal materials used are Primary legal materials consist of legislation, official records or minutes in the making of legislation, particularly the 1945 Constitution, the Election Law and its

implementing regulations, as well as secondary legal materials using literature from books and scientific journals related to Pancasila Democracy and regional head elections. Then, for data analysis, qualitative descriptive methods are used with the aim of obtaining suggestions on what should be done to address certain issues related to Pancasila Democracy in direct regional elections.

Literature Review

Overview of Democracy

The definition of Democracy is the government by the people. Originally in Greek thought, it meant a political form where the people themselves possess and exercise all political power. Broadly speaking, democracy is a modern socio-political system that is the best among the many systems and ideologies that exist today. According to constitutional law expert Mahfud MD, there are two reasons for choosing democracy as the system for society and the state. First, almost all countries in the world have made democracy a fundamental principle. Second, democracy as a state principle has essentially provided direction for the role of society in organizing the state as its highest organization (Salim, A., & Susilowati, T., 2024).

Etymologically, democracy consists of two Greek words: *demos*, which means people or residents of a place, and *cretein* or *cratos*, which means power and sovereignty. The combination of the two words *demos* and *cretin*, *demos cratos* (democracy), means a state of a country where in its system of government sovereignty is in the hands of the people, the highest power is in the joint decisions of the people, the people govern, and the power is by the people (Suarlin, S., & Fatmawati, F., 2022). According to Lincoln, democracy is a form of government where the highest political authority and sovereignty are in the hands of the people, and the people who possess sovereignty have the right to govern. Therefore, a democratic government is one that receives the people's approval or a government that already has a mandate to govern from the people within a system of government by the people, which Lincoln referred to as *government by the people*, represented in the form of representative institutions that act on behalf of the people's interests (Maskum, A. B., & Machmudi, Y., 2023).

Regarding the understanding of the term democracy, there is apparently no uniformity of opinion among legal scholars. This is due to differing perspectives. According to C.F. Strong, democracy is a system of government in which the majority of adult members of the political community participate through representation, ensuring that the government ultimately accounts for its actions to that majority. In other words, a democratic state is based on a representative system that guarantees the sovereignty of the people (Mayrudin, Y. M. A., 2017). According to R. Kranenburg's interpretation in his book *Inleiding in de vergelijkende staatsrechtwetenschap*, the word democracy, formed from the two Greek roots mentioned above, means a system of governance by the people. Upon further examination, the meaning of democracy is a form of government conducted by and in the name of a single individual (for example, by an absolute monarch) (Radietama, R. S., 2016). Also not included in the definition of democracy is the form of government called

"autocracy" or "oligarchy," which is a government conducted by a small group of people who consider themselves to encompass and have the right to wield all power over the entire populace.

According to M. Durverger in his book *Les Regimes Politiques*, the meaning of democracy includes a form of government where the ruling and the ruled are the same and cannot be separated. It means a system of government where essentially all people (the populace) have equal rights to govern and to be governed (Halimah, M. N., 2023). Democracy as the foundation of state life means that at the final level, the people make decisions on matters concerning their lives, including evaluating state policies, because these policies determine the lives of the people. From an organizational perspective, "democracy" means the organization of the state carried out by the people themselves, or with the people's consent because sovereignty is in the hands of the people.

From the opinions of the experts above, there is a common thread or point of intersection regarding the definition of democracy, which is the people as the holders of power, the makers and determiners of the highest decisions and policies in the administration of the state and government, as well as the controllers of the implementation of these policies, whether carried out directly by the people or represented through representative institutions. Therefore, a country that adopts a democratic system is organized based on the will and desire of the majority of the people, while also not disregarding the minority. Because the people participate directly, the government is called a direct democracy.

Overview of Pancasila Democracy

Since the fall of the New Order in 1998, democracy has become the most talked-about vocabulary. Democracy has become an important keyword that is synonymous with the struggle of the reform movement initiated by reform figures and students. There is no reform without democracy. Similarly, there is no democracy without reform. There is no democracy without reform. These two words are like two sides of a coin. Then the question arises, what form of democracy is practiced by Indonesia? Of course, the answer is democracy that aligns with the ideology of the Indonesian nation and state, namely Pancasila democracy. Democracy in Indonesia is implemented based on the values of Pancasila. Therefore, democracy in Indonesia is known as Pancasila democracy. The term Pancasila democracy and its implementation procedures were officially used starting in 1968 through MPRS Decree No. XXXVII/MPRS/1968 on the Guidelines for the Implementation of Pancasila Democracy. The material regulated in this decree was largely transferred into various subsequent MPR decrees, especially the decree on MPR's rules of procedure.

In his state address, President Suharto stated that Pancasila democracy means people's sovereignty democracy that is imbued and integrated with the principles of Pancasila (Sistyawan, D. J., SH, M., & CLA, P. A, 2023). People's sovereignty means that the highest power in a country is in the hands of the people. The people must uphold the values of Pancasila, especially the first principle, namely the belief in One Supreme God, which

means that the people have the obligation to adhere to the religion they believe in. From the religion that is believed in, there are certainly beliefs and guidelines of prohibitions and commandments. If the fifth principle is implemented well by the people, daily life and even state life can run smoothly.

In essence, Pancasila democracy is deliberation for consensus. In simple terms, Pancasila democracy is a democracy that refers to the fourth principle in Pancasila, which states "Democracy led by the wisdom of deliberation/representation." Philosophically, Pancasila democracy means that democracy is based on the people's sovereignty led by wise deliberation and representation, imbued with the unity of Indonesia, the humanity that is just and civilized, as well as the belief in the One and Only God and the embodiment of social justice for all Indonesian people. Such is the consequence that each principle of Pancasila is imbued by the principle above it and imbues the principle below it. Thus, in Pancasila democracy, all the principles are interconnected and form an integral unity. The first principle as the foundational principle, the second principle as the manifestation of the first principle; the third principle as the means; the fourth principle as the method; the fifth principle as the goal.

Pancasila democracy according to experts:

1. Notonagoro states that Pancasila democracy is a people's democracy led by wisdom and deliberation of representatives, which is based on the belief in the One and Only God, just and civilized humanity, uniting Indonesia, and having a social personality for all Indonesian people (Yusdiyanto, 2016). In line with that,
2. Dardji Darmodihardjo argues that Pancasila democracy is a democratic ideology rooted in the personality and life philosophy of the Indonesian nation, as manifested in the provisions of the preamble of the 1945 Constitution (Darmodiharjo, 1979).
3. Sunarso states that the concept of Pancasila democracy can be distinguished into material and formal aspects (Sunarso H. S., & SH, M, 2023).
 - a. Material aspect (substantive side).

Pancasila democracy must be imbued and integrated with its other principles. Therefore, the understanding of Pancasila democracy is not only political democracy but also economic and social democracy.
 - b. Formal aspect:

Pancasila democracy is a form or method of decision-making (political democracy) reflected by the fourth principle.
4. Agustamsyah states that Pancasila democracy has several meanings (Agustamsyah, 2011).
 - a. Pancasila democracy is a democracy based on kinship and mutual cooperation aimed at the welfare of the people, which contains elements of religious awareness, based on truth, love, noble character, and Indonesian personality, as well as sustainability.
 - b. In Pancasila democracy, the organization of the state is carried out by the people themselves or with the people's consent.

- c. In Pancasila democracy, individual freedom is not absolute, but must be harmonized with social responsibility.
 - d. In Pancasila democracy, the universality of democratic ideals is combined with the aspirations of the Indonesian nation, imbued with a spirit of kinship, so that there is no dominance of the majority or minority.
5. Padmo Wahjono in Fatkhurohan argues that Pancasila democracy is a model of democracy desired by the Indonesian nation, forming the values of the desired state order of the Indonesian nation and formulated in the 1945 Constitution (Fatkhurohman, 2011). Meanwhile, Darji Darmodiharjo and Sutopo Yuwono (1994) also state that Pancasila democracy is a people's sovereignty democracy that is imbued with and integrated with the other principles.
 6. According to the formulation of the results of the human rights symposium held in June 1957, Pancasila democracy is a democracy that has responsibilities both vertically and horizontally. Thus, Pancasila democracy is a democracy that must be accountable to Allah SWT (vertical), accountable to humanity, and to the unity of Indonesia (horizontal).

Overview of the Regional Election

The regional elections (Pilkada) are one of the political activities that implement the people's sovereign right to choose their leaders for the next five years. Through the Pilkada, there is a regular, peaceful, and quality transition of power holders. The election of regional heads is a means of implementing the people's sovereignty in the provinces and/or regencies/cities based on Pancasila and the 1945 Constitution to elect regional heads and deputy regional heads. The regional elections (Pilkada) are also a new breakthrough in the Indonesian political system, especially at the local government level.

Before the Pilkada, regional heads were chosen through a political process that could not be called an election, as it did not involve the voting public, stating that the Pilkada is a momentum for local leadership succession as a manifestation of participatory democracy. According to Santoso, what is meant by Pilkada is a political process to directly elect regional heads. The holding of regional elections was initially mandated by Article 56, paragraph (1) of Law No. 32 of 2004, which states that: Regional Heads and Deputy Regional Heads are elected in a single pair of candidates through a democratic process based on the principles of direct, general, free, secret, honest, and fair elections (Santoso 2019). Based on the legal foundation above, local elections (Pilkada) are a public election activity aimed at selecting regional heads and their deputies for certain autonomous regions, which are expected to create a more stable and higher-quality political system, as there is a process of maturation for voters, political parties, organizers, and the mass media.

Furthermore, Sanit stated that the process of conducting elections directly influences the formation of political culture, as the behavior of the contestants and election organizers is directly experienced by members of the community who are aware of it, whether through observation or information. Furthermore, this system regulates several aspects, including the candidate nomination process, the voting procedure, the size/weight of electoral

districts, the scope of electoral districts, and the decision-making process. Rahman added that the electoral system, although it may seem like just a mechanism to determine the composition of the government for a few years, is actually the main means for individual political participation in a broad, complex, and modern society (Rahman, 2020). Perhaps elections are the key to establishing a democratic system.

As part of an electoral process, regional elections are a component of a national policy expected to strengthen Indonesia's political system. Therefore, local elections have significant benefits. According to Sanit, there are several benefits of the regional elections as follows:

1. Concrete realization of democracy, meaning that the regional election process will fulfill the principles of democratization at both structural and cultural levels. At the structural level, it is more civilized because it involves increasingly broad public participation. The 50 plus one rule is a real and absolute figure that reflects and represents the voice of the people. At the cultural level, the regional election process is believed to provide the freedom for the permeation of values such as transparency, independence, and honesty.
2. There is a possibility that violence against the process and data will be reduced.
3. The reduction of money politics mechanisms.

Adding to the positive benefits mentioned by Santosa, another benefit is the emergence of leaders who understand the local context and are accountable to the people, with the assumption that the people will choose someone they know well. Meanwhile, Rahman added two positive benefits: direct regional elections provide a broad opportunity for the election of regional heads who align with the majority will of the people, and government stability is better maintained since regional heads are not easily ousted. Based on the above opinions, direct regional elections play a strategic role in implementing the people's sovereignty to choose their leaders, making them more accountable to the people rather than to their political parties.

Result and Discussion

Pancasila Democracy in Direct Regional Head Elections

Regional head elections are a mechanism for leadership transition carried out democratically. In general, an overview of the general elections conducted in a country can be found in the Constitution or the Basic Law of that country. Because according to C.F. Strong, the constitution of a country regulates: the form of the state, the form of the constitution, the form of the executive institution, the form of the legislative institution, and the form of the judicial institution or judiciary (Strong, 2019). The value of a democracy that upholds the harmony between the desires of the people and the behavior of their representatives or regional heads, who have been entrusted through honest, fair, free, and secret elections, is no longer a mere necessity. Thus, the direct exercise of people's sovereignty through elections can empower the functions of the people's representatives (legislative) and the government (executive) in accordance with democratic principles. Thus, it can strengthen the system of democracy based on the law (constitutional democracy) and the principles of a democratic rule of law. According to Deny Indrayana,

Pancasila democracy is a democracy that prioritizes deliberation and consensus in decision-making, without any positions (Nasoha, A. M. M et al , 2024).

The 1945 Constitution does not mandate the implementation of regional elections through direct voting, but the election of regional heads must be carried out democratically. The practice of Pancasila must be imbued and based on the principles that are interconnected with one another. Because each principle in Pancasila is interconnected with one another in a way that cannot be separated. Especially the First Principle, Belief in One God, underlies the subsequent principles. The belief and devotion of the Indonesian people to the One and Only God have become the philosophical foundation in every action within society and the state. Each principle in Pancasila must begin with the self-awareness of every Indonesian citizen to nurture and develop each principle in community life. A community life based on the philosophy of Pancasila will create the order, peace, and law enforcement that have long been desired. The long-dreamed prosperity is hoped to be realized in order to achieve social justice for all Indonesian people.

The internalization of Pancasila values that support the successful implementation of elections and voting in Indonesia includes several aspects, namely (Riyanti, D., & Prasetyo, D, 2019). first, inclusive behavior such as not seeing oneself or one's group as superior to others, tolerance towards fellow citizens, and respecting fellow voters. Second, it is pluralistic, meaning mutual respect, affection, and tolerance amidst the diversity of cultures, races, customs, languages, and religions. Third, deliberation and consensus, where all kinds of differences are laid out to achieve a common interest. All emerging ideas will be accommodated in a mutual agreement, just like the agreement that emerged regarding the elections from the DPR, the Government, and the KPU for the stages of implementation. Fourthly, it is the unity of the nation. Elections become a unifying tool and a nation's capital for the people, institutions, and others to cooperate for the improvement of the nation's life. A successful election will produce quality leaders. The noble values of Pancasila enshrined in its five principles are extraordinary to be practiced in national and state life, including in the conduct of General Elections (Pemilu).

The first principle of Pancasila, Belief in the One and Only God, provides guidance for election participants, namely the candidate pairs, as well as the public as voters, to refrain from using religious sentiment to gain votes or win the election. The first principle teaches to give each individual the freedom to believe in their own religion and faith, to respect the religion of others, and not to impose their own religion and faith on others. Similarly, in the context of elections, it is only right that every voter is given the freedom to determine their preference (for a political party or candidate) based on their own conscience, including their religious beliefs, without imposing those beliefs on others. Instead, there should be mutual respect for each other's beliefs when making political choices. Negative campaigns that exploit religious sentiment to win a political contest have proven to cause division, polarization, mutual suspicion, hostility, hatred, and prolonged resentment among fellow citizens. Such a situation is certainly contrary to the desires and inner sentiments of our nation's founders when they conceived Pancasila, which was intended to unite the various groups within our nation by placing Pancasila above all groups. At least,

this is somewhat implied in Bung Karno's speech about Pancasila on June 1, 1945. Namely, "We want to establish a country, all for all." Not for one person, not for one group, whether the noble class or the wealthy class, but for everyone.

The second principle of Pancasila, Just and Civilized Humanity, is a philosophy that should be inclusive in direct elections, meaning open to everyone. All citizens have the same rights and opportunities to vote and/or be elected in the local election contest. The right to vote and be elected is not differentiated based on gender, age, social structure, or physical and mental limitations.

The third principle, Unity of Indonesia, is the third principle of Pancasila that serves as a guideline for voters and contestants in elections to maintain unity and harmony in exercising their voting rights and competing. Regional elections as a means of changing or contesting local leadership must be conducted with a spirit of unity and not to divide the people. Although the regional elections are a competition, they must be conducted peacefully, as the General Election Commission always requires contestants to sign a peace election pact. The third principle of Pancasila also serves as an encouragement for the people to participate together in the success of the elections with a spirit of unity. Campaigns that incite, sow discord, and cause division are prohibited by law.

The fourth principle of Pancasila, Democracy led by the Wisdom of Deliberation through Representation. The fourth principle is the foundation of democratic life, namely Pancasila democracy. Elections must be able to guarantee the realization of people's sovereignty as stated in the basic principles of the state, namely Pancasila.

Elections are the process of choosing leaders from, by, and for the people. The right to vote comes from the people, and the support of the majority of the people results in the election of representatives. Article 18 paragraph (4) does not require regional elections to be conducted directly but to be chosen democratically. Democratic according to the fourth principle of Pancasila is carried out by prioritizing representative deliberation, but it does not mean prohibiting direct regional head elections as currently practiced. The principle of democracy is by the people, of the people, and for the people, or involving the people to participate, especially in choosing their leaders. In the regional elections, deliberations have been conducted by political parties to nominate their candidates as participants in the elections. Then the people decide through direct elections. It is the leader who formulates and decides policies to manage the interests of the people.

The fifth principle is Social Justice for All Indonesian People. Regional elections must be conducted honestly and fairly. Fairness is one of the principles of elections as stated in the Election Law. Candidates and voters must be treated fairly and equally, meaning they should receive the same treatment from both the organizers and the Government. The prohibition on using state facilities, the neutrality of ASN, state officials, the military, the police, and government organizers is very important as a manifestation of the fifth principle of Pancasila. Elections must also be conducted honestly, prohibiting the use of money politics to influence voters. Every election violation must be processed fairly in accordance with the applicable laws and regulations, that is the justice of the election. With all the values of the Pancasila precepts translated well and implemented in the conduct of the elections, it

is hoped that leaders with integrity can be produced through this democratic process, so that the ideals of the Indonesian nation, which have been embedded since Indonesia's independence, can be realized.

Conclusion

Pancasila is the Foundation of the State where the foundation of the Republic of Indonesia is laid. All aspects of national and state life have been regulated in Pancasila, including democracy. Pancasila does not require direct regional head elections, just as in the Presidential/Vice Presidential, DPR, DPD, and DPRD elections, as stated in the 1945 Constitution, which does not mandate the implementation of direct regional head elections but rather emphasizes that regional head elections should be conducted democratically. Direct regional elections are not the only way to realize Pancasila democracy; the Fourth Principle of Pancasila emphasizes democracy through a representative deliberative system. However, direct regional elections do not violate the norms of Pancasila democracy. In the future, it is necessary to conduct a more in-depth study on how to implement Democracy that aligns more closely with the values of Pancasila, not just by referring to liberal democracy as has been the case so far.

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