



# Legal Basis for the Implementation of Simultaneous General Elections and Regional Elections in Indonesia

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**Abstract:** This article aims to analyse the legal basis and juridical implications of holding general elections and regional elections simultaneously, while evaluating the effectiveness of applicable laws and regulations, both in terms of general elections and regional elections. The research method used is descriptive-analytical research with a normative legal approach as the main approach, which is based on legislation and related legal literature. This approach is supported by empirical legal analysis to obtain a factual picture of the dynamics of simultaneous elections. The data used is secondary data obtained through literature studies and analysed qualitatively. The results of the study show that the legal basis for simultaneous general and regional elections originates from the 1945 Constitution, specifically Article 1 paragraph (2) and Article 22E, which are then elaborated in Law Number 7 of 2017 concerning General Elections, Law Number -Law Number 10 of 2016 concerning Regional Elections, and reinforced by Constitutional Court Decision Number 14/PUU-XI/2013. Even in emergency situations, this regulation is adaptive through Perppu Number 2 of 2020. The positive implications include increased presidential legitimacy, budget efficiency, and effective public participation. However, the implementation of simultaneous general elections can also give rise to technical complexities, disputes, and institutional capacity constraints. Therefore, regulatory harmonisation and institutional strengthening are necessary so that simultaneous general elections truly become an effective, efficient, and substantial means of democracy in strengthening people's sovereignty and do not give rise to matters that could burden people's sovereignty.

**Keywords:** Democracy, Elections, Law, People, System

## Introduction

Every sovereign country, especially Indonesia, certainly has a legal system and governance that functions to maintain order, uphold justice, and protect the rights of its citizens. The legal system used in Indonesia is also inseparable from the democratic legal system, which is upheld as one of the fundamental principles of people's sovereignty (Muptiah, 2025).

As a country governed by the rule of law and embracing democracy, Indonesia affirms that all aspects of national and state administration must be based on laws whose primary focus is on order and justice, capable of leading its citizens to success (Wahanisa et al, 2023). This principle of democracy also places the people as the highest authority, exercised through representative mechanisms and direct participation, but still based on the law, which will function not only as a guideline but also as a means of regulating the running of

the government so that it remains in accordance with the constitution (Rohmatillah et al, 2023).

In constitutional practice, public participation in determining the direction of government policy can be realised through the electoral process, which can be a manifestation of the principle of popular sovereignty and an indicator of the sustainability of a healthy democratic system (Noor et al, 2023). Elections and regional elections, in a democratic electoral system, are not merely a technical procedure, but an important instrument for transferring the sovereignty of the people to certain candidates who are elected to hold positions in the political sphere. Therefore, democratic, transparent, honest and fair elections and regional elections (LUBER JURDIL) are an absolute requirement (*Conditio sine qua non*) for the establishment of a democratic system (Setiawan et al, 2024).

In line with national political developments, Indonesia has adopted the simultaneous implementation of general elections and regional elections, with the aim of creating budgetary efficiency, increasing political legitimacy, reducing power fragmentation, and strengthening government stability (Almunawar, 2025). The existence of laws regarding the electoral system, such as Law No. 7 of 2017 on General Elections and Law No. 10 of 2016 on Regional Elections, is proof that the simultaneous implementation of general and regional elections is not merely a political choice, but also a legal decision that has constitutional legitimacy. And through this legal basis, it is hoped that the implementation of general elections and regional elections can proceed in accordance with democratic principles that uphold justice, transparency, and accountability, and place all parties, including officials such as the Indonesian National Armed Forces, the Indonesian National Police, and civil servants, in a neutral position (Cornelia et al, 2024).

However, in practice, the implementation of simultaneous general and regional elections is not without challenges, such as the potential for conflict, abuse of democratic freedoms, and practices that are not in accordance with the principles of justice (Zulfiqar et al, 2025). Therefore, supervision, evaluation, and strengthening of the legal system are necessary so that simultaneous general and regional elections can truly become an instrument that strengthens people's sovereignty and improves the quality of democracy in Indonesia (Hindiawati et al, 2025).

As in the research conducted by Aprista Ristyawati, in an article entitled “Efektivitas Pelaksanaan Pilkada Serentak 2020 pada Masa Pandemi Darurat COVID-19 di Indonesia” (Ristyawati, 2020). It should be noted that the simultaneous regional elections also have positive and negative aspects. The 2020 simultaneous regional elections, which were held amid the COVID-19 pandemic, had both positive and negative impacts. On the positive side, the implementation of the regional elections was considered a tangible manifestation of the applicable regulations, thereby fulfilling the constitutional obligations of the state. In addition, the constitutional rights of the people can also be properly channelled, both for the community as voters and for regional head candidates as participants in political contests. The holding of regional elections also reduces the practice of regional leadership being led for too long by temporary officials (Plt), because definitive regional heads have broader authority in making strategic policies, especially those related to handling the pandemic and post-COVID-19 recovery. Another positive impact is the avoidance of budget overruns, as further delays would potentially render the costs incurred by the government

and candidate pairs futile. However, the implementation of simultaneous regional elections also has a number of negative impacts. The risk of COVID-19 transmission increases due to crowds gathering during the registration, campaigning and voting stages. This situation raises concerns about the emergence of new clusters of virus transmission. In addition, the economic crisis caused by the pandemic also makes fraud, especially money politics, more likely to occur as people are more susceptible to material temptations. Potential violations can also occur in the technical stages of voting, counting, and vote recapitulation. Another negative impact is the possibility of an increase in the number of people abstaining from voting (Fanandi & Sumarno, 2025). Some people refuse to come to the polling stations for health and safety reasons, which ultimately reduces participation and weakens the legitimacy of the election results.

Thus, it is important to examine in greater depth the legal basis for the implementation of simultaneous general and regional elections in Indonesia, in order to understand the direction of democratic development and law enforcement in the country. Therefore, this article aims to serve as a basis for the people to understand the objectives of the democratic system, which is used as a reference or guideline in conducting elections, both general and regional.

## **Methodology**

This research is descriptive-analytical, which aims to describe and analyse in depth the legal basis for the implementation of simultaneous general and regional elections in Indonesia. The approach used in this research is also a normative juridical approach as the main approach, which is based on relevant laws and regulations. This approach is supported by an empirical legal approach that aims to obtain a factual description of the legal basis for the implementation of the electoral system, which refers to the democratic system implemented by Indonesia as a sovereign state. The types of data used include secondary data as the main source, obtained through a literature study of laws and regulations and legal literature analysed qualitatively using a descriptive approach, namely by describing and interpreting the data based on the legal context and empirical facts found, which are then presented systematically in the form of an in-depth and structured description.

## **Result and Discussion**

### **1. Legal Basis and Regulatory Integration governing the Implementation of Simultaneous General Elections and Regional Elections in Indonesia in ensuring Legal Certainty**

The implementation of simultaneous general and regional elections in Indonesia is essentially based on constitutional principles that affirm that sovereignty resides with the people and is exercised in accordance with the 1945 Constitution of the Republic of Indonesia (UUD 1945). Article 1 paragraph (2) of the 1945 Constitution affirms that the sovereignty of the people is the main basis for the legitimacy of elections. Furthermore, Article 22E of the 1945 Constitution states that elections shall be held directly, publicly, freely, confidentially, honestly, and fairly (*luber and jujur*) every five years to elect members of the DPR, DPD, President, and Vice President, as well as the DPRD. In this

context, the 1945 Constitution provides a fundamental legal framework, which is then translated into more technical regulations through legislation.

The legal basis for the implementation of simultaneous national elections is set out in Law No. 7 of 2017 on Elections, which regulates the holding of legislative elections (DPR, DPD, DPRD) and presidential and vice-presidential elections in a single event. Meanwhile, the legal basis for regional head elections is Law Number 10 of 2016, which is the second amendment to Law Number 1 of 2015 concerning the Election of Governors, Regents, and Mayors. These two laws show that there's a difference between national elections and local elections (*pilkada*). However, they're closely related because they're both democratic mechanisms for expressing people's sovereignty.

The emergence of the concept of simultaneous elections cannot be separated from Constitutional Court Decision Number 14/PUU-XI/2013, which emphasises the importance of combining the legislative and presidential election schedules to strengthen the presidential system so that it does not become trapped in political fragmentation. This ruling not only serves as a normative basis, but also provides direction for the renewal of the constitutional system in the context of electoral democracy in Indonesia. With this ruling, the design of simultaneous elections has gained legal certainty from the highest judicial institution in terms of reviewing laws against the constitution.

However, the fundamental problem lies in the integration of regulations. In practice, simultaneous general and regional elections are still regulated by two different laws. This creates the potential for disharmony, especially in terms of technical implementation (Moh Arief Erawan & Marten Bunga, 2025). Some issues that often arise include the duration and mechanism of campaigns, procedures for resolving disputes over results, and the division of authority between organising institutions (Kusumo, 2025). For example, the General Elections Commission (KPU) as the election organising body has the mandate to implement both, but the procedures and details of implementation must follow the provisions of each respective law. This condition has implications for technical variations that can cause uncertainty for election participants and voters (Rifky Alif Dharmawan, Katon Galih Setyawan, Agung Stiawan, 2025).

However, normatively speaking, regulatory integration is sufficient to provide legal certainty. This is because:

- a. The main foundation of the 1945 Constitution is that all simultaneous elections and regional elections are rooted in the same constitutional principles.
- b. The Constitutional Court's ruling strengthens the legitimacy of the unified election schedule as part of a democratic constitutional system.
- c. Special laws, both the Election Law and the Regional Election Law, regulate the implementation procedures in detail, thereby fulfilling the principle of legality, which is the main principle in a state based on the rule of law.

Thus, despite differences in regulations that could potentially cause technical problems, the existing legal and regulatory framework has, in principle, ensured legal certainty (Hardiansyah et al, 2025). Going forward, the challenge will be to harmonise and codify election and regional election regulations to avoid overlapping rules. This harmonisation can be achieved through the revision of laws that integrate election and regional election regulations into a more comprehensive legal framework, thereby not only providing formal legal certainty but also ensuring the effectiveness of electoral democracy in Indonesia.

However, according to research conducted by Aprista Ristyawati in 2020, there was a delay in the 2020 regional elections, which were supposed to be held on 23 September but had to be postponed to 9 December 2020 through Substitute Regulation Number 2 of 2020 as an amendment to Law Number 1 of 2015, due to the COVID-19 pandemic. This amendment demonstrates that the legal basis for simultaneous regional elections is adaptive and flexible, adjusting to national emergency conditions. This Perpu also serves as evidence that election and Pilkada regulations not only guarantee legal certainty in normal circumstances, but also provide a valid legal basis when the country faces extraordinary circumstances such as the COVID-19 pandemic. In other words, there is a multi-layered legal mechanism that ensures the Pilkada can continue to be held without losing its constitutional legitimacy.

Therefore, the legal basis for simultaneous general and regional elections is not only based on the 1945 Constitution, Law No. 7 of 2017, Law No. 10 of 2016, but also develops according to needs, such as through Government Regulation in Lieu of Law No. 2 of 2020, which serves as evidence that legal certainty can ensure adaptive legal instruments (Gunawan & Nurul Mujahidah, 2024).

## **2. Legal implications and effectiveness of legal regulations on the democratic system and the practice of simultaneous general and regional elections in Indonesia**

The implementation of simultaneous general and regional elections has broad legal implications for the dynamics of Indonesia's democratic system (Fatullah et al, 2024). In principle, simultaneous elections are a logical consequence of Constitutional Court Decision No. 14/PUU-XI/2013, which mandates that presidential and legislative elections be held at the same time. From a constitutional perspective, this strengthens Indonesia's presidential model, as the elected president will have stronger political legitimacy. This legitimacy stems from an electoral process that is parallel to legislative elections, thereby reducing the potential for disharmony between the executive and legislative branches. Legally, this has a positive impact on government stability because it reduces the possibility of political fragmentation that could weaken the running of the government (Angsemin, 2024).

Another implication can be seen in the implementation of simultaneous regional elections. With the unification of schedules, the people can exercise their voting rights more efficiently and the state can reduce the costs of implementation (Sari et al, 2025). From a constitutional law perspective, this policy supports the principle of people's sovereignty and the effectiveness of regional government administration (Aristawati et al, 2024). However,

the legal implications also include the need to adjust the terms of office of regional heads to align with the election schedule. This has given rise to new legal mechanisms, such as the appointment of acting regional heads through additional regulations, thereby creating new dynamics in the regional government system (Iqbal & Jamaluddin, 2024).

Despite its positive aspects, in practice, the simultaneous implementation of general elections and regional elections also poses major challenges from both a legal and technical perspective (Bunda et al., 2025). The complexity of election law has increased due to the large number of different types of elections taking place at the same time (Fanandi & Sumarno, 2025). As a result, the Constitutional Court has had to bear a much greater burden of election dispute cases, while the Election Supervisory Agency (Bawaslu) has been required to expand the scope of its supervision with a high level of complexity (Maurisya et al., 2024). Normatively, the law has provided instruments for supervision and dispute resolution, but their effectiveness is often limited by human resource capacity, infrastructure, and time constraints for resolving cases (Malawat & Tuasikal, 2025).

In terms of the effectiveness of legal regulations, real challenges also arise in the field. Limited resources at the local level often create obstacles, ranging from a lack of technical understanding among the public regarding the voting system with multiple ballots, an increased potential for administrative errors, to the risk of money politics, which is becoming more widespread due to the simultaneous nature of the elections. In addition, harmonisation between laws and regulations is often not optimal, leading to different interpretations in practice.

Nevertheless, it can be asserted that, legally speaking, the legal basis for the implementation of simultaneous general and regional elections is adequate. Law No. 7 of 2017 on General Elections and Law No. 10 of 2016 on Regional Elections, accompanied by a ruling from the Constitutional Court, have provided a clear and constitutional legal framework. The problems that arise are mostly related to technical implementation and institutional capacity, rather than a lack of legal norms. Thus, the effectiveness of the legal regulations on simultaneous general and regional elections is basically in line with the principles of constitutional democracy in Indonesia (Maulana, 2024). However, to optimise its effectiveness in the future, it is necessary to strengthen institutional capacity, harmonise regulations, and innovate technically in the implementation so that the principle of people's sovereignty can truly be realised substantively (Erawan & Bunga, 2025).

## Conclusion

The implementation of simultaneous general and regional elections in Indonesia has a strong legal basis, namely the 1945 Constitution, specifically Article 1 paragraph (2) and Article 22E, which is further reinforced by Law -Law No. 7 of 2017 on Elections and Law No. 10 of 2016 on Regional Elections, and reinforced by Constitutional Court Decision No. 14/PUU-XI/2013. Normatively, this legal framework is sufficient to guarantee legal certainty, as all regulations are rooted in the principles of people's sovereignty and the rule of law. Even in emergency situations, such as the COVID-19 pandemic, regulations remain adaptive with the issuance of Perppu No. 2 of 2020, which demonstrates the flexibility of the law in maintaining the constitutional legitimacy of the election administration.

However, there are still challenges in integrating regulations between general elections and regional elections, which have the potential to cause technical disharmony. Therefore, in the future, harmonisation and codification of regulations within a more comprehensive legal framework will be needed. From a legal perspective, simultaneous general and regional elections have a significant impact on Indonesia's democratic system, particularly in strengthening the political legitimacy of the president, preventing political fragmentation, and improving the efficiency of the electoral process. However, major challenges remain, both in terms of institutional capacity, legal complexity, and the potential for an increase in electoral disputes and money politics. In principle, the effectiveness of existing regulations is in line with the constitutional democratic system, but their substantive effectiveness is highly dependent on institutional strengthening, capacity building of administrators, and regulatory harmonisation. Thus, even though the legal basis is solid, efforts to improve the governance of simultaneous elections are key to ensuring that people's sovereignty can be realised more tangibly in the practice of democracy in Indonesia. The implementation of simultaneous general and regional elections in Indonesia, particularly in assessing how existing legal regulations are actually enforced in the field, requires a more comprehensive study of the effectiveness of compliance with the principles of LUBER JURDIL (free, fair, transparent, honest and democratic elections), the level of public participation as an indicator of people's sovereignty, and the effectiveness of oversight mechanisms against potential violations, such as money politics, vote manipulation, or abuse of authority, do not become obstacles when these simultaneous elections are held. The study of these simultaneous elections should also examine the social and political impacts of their implementation, such as the potential for conflict within the community, the dynamics of political parties, and the technical challenges faced by the organisers. Therefore, it is essential to optimise the role of independent supervisory institutions, both in terms of authority and capacity, so that the supervision of the election process can be carried out to the fullest extent possible. With these steps, it is hoped that the implementation of simultaneous general and regional elections will not only fulfil constitutional obligations but also substantially strengthen the quality of democracy in Indonesia.

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