

## Democratic Legitimacy of Regional Head Elections by the DPRD from a Constitutional Perspective

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### **Abstract**

*Ideally, the selection of regional heads as part of the regional government system should reflect the principle of popular sovereignty and democratic legitimacy as mandated by the 1945 Constitution of the Republic of Indonesia. In reality, however, the election of regional heads by the Regional People's Representative Council (DPRD) often generates debate regarding its democratic legitimacy, particularly due to limited direct public participation, the dominance of political elites, and transactional political practices that may undermine public trust. This situation raises constitutional questions regarding the extent to which elections conducted by the DPRD can be democratically justified. This study aims to analyze the democratic legitimacy of regional head elections by the DPRD from a constitutional perspective, especially in relation to the principle of popular sovereignty and Article 18 paragraph (4) of the 1945 Constitution. The research employs a library-based qualitative approach using a normative juridical method. The analysis focuses on constitutional norms, statutory regulations, legal doctrines, and relevant Constitutional Court decisions. The findings indicate that normatively, the election of regional heads by the DPRD possesses democratic legitimacy as a form of representative democracy. However, substantively, such legitimacy depends on strengthening accountability and transparency to ensure alignment with the spirit of popular sovereignty.*

**Keywords:** Democratic Legitimacy, Regional Head, DPRD

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## Abstrak

Pemilihan kepala daerah sebagai bagian dari sistem pemerintahan daerah Idealnya harus mencerminkan prinsip kedaulatan rakyat dan legitimasi demokratis sebagaimana diamanatkan oleh Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Namun realitasnya, pemilihan kepala daerah oleh Dewan Perwakilan Rakyat Daerah (DPRD) kerap memunculkan perdebatan mengenai legitimasi demokratisnya, khususnya terkait terbatasnya partisipasi langsung rakyat, potensi dominasi elite politik, serta praktik politik transaksional yang berpengaruh terhadap kepercayaan publik. Kondisi tersebut menimbulkan persoalan konstitusional mengenai sejauh mana pemilihan oleh DPRD dapat dipertanggungjawabkan secara demokratis. Penelitian ini bertujuan untuk menganalisis legitimasi demokratis pemilihan kepala daerah oleh DPRD dalam perspektif konstitusi Indonesia, terutama ditinjau dari prinsip kedaulatan rakyat dan ketentuan Pasal 18 ayat (4) UUD 1945. Metode penelitian yang digunakan adalah penelitian kepustakaan dengan pendekatan kualitatif melalui metode yuridis normatif. Analisis dilakukan terhadap norma konstitusi, peraturan perundang-undangan, doktrin hukum, serta putusan Mahkamah Konstitusi yang relevan. Hasil penelitian menunjukkan bahwa pemilihan kepala daerah oleh DPRD memiliki legitimasi demokratis secara normatif sebagai bentuk demokrasi perwakilan, namun secara substantif memerlukan penguatan akuntabilitas dan transparansi agar sejalan dengan semangat kedaulatan rakyat.

**Kata Kunci:** Legitimasi Demokratis, Kepala Daerah, DPRD

## Introduction

Democracy is a fundamental principle in Indonesia's constitutional system, which places the people as the holders of the highest sovereignty. This principle is constitutionally affirmed in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that sovereignty rests with the people and is exercised in accordance with the Constitution (Republik Indonesia, 1945). In the context of a constitutional democratic state, the exercise of popular sovereignty is not only realized through direct general elections, but also through legally institutionalized representative mechanisms. Therefore, democracy in Indonesia's constitutional practice is not singular in nature, but rather takes various forms and instruments tailored to the needs of the governmental system. One important manifestation of this democracy is the mechanism for filling public offices, including the positions of regional heads.

The election of regional heads constitutes a crucial aspect of local governance, as it is directly related to the legitimacy of power at the local level. Regional heads play a strategic role in implementing regional autonomy, managing resources, and representing the interests of local communities. Therefore, the electoral mechanism must reflect the principles of democracy and popular sovereignty. In the history of Indonesia's constitutional system, the mechanism for electing regional heads has undergone significant dynamics, ranging from

appointment, election by the Regional People's Representative Council (DPRD), to direct election by the people (Febriyanto & Firman, 2023). These dynamics indicate that the issue of democratic legitimacy has always been a central concern in debates regarding models of regional head elections.

Within the constitutional framework, Article 18 paragraph (4) of the 1945 Constitution stipulates that governors, regents, and mayors are elected democratically (Republik Indonesia, 1945). This formulation does not explicitly mandate direct election by the people, thereby leaving room for indirect election models through the DPRD. The election of regional heads by the DPRD represents a form of representative democracy, in which popular sovereignty is exercised through representatives who are democratically elected in legislative general elections. Normatively, this model may be considered valid and constitutional insofar as it fulfills the principles of democracy, accountability, and transparency.

Nevertheless, the election of regional heads by the DPRD has often generated debates concerning its democratic legitimacy. The main criticisms are directed at the potential dominance of political elites, transactional political practices, and the weakening of the direct relationship between the people and regional heads (Baehaki, 2025). This condition raises fundamental questions regarding the extent to which elections by the DPRD truly reflect the will of the people as the holders of sovereignty. In this context, the democratic legitimacy of regional head elections by the DPRD becomes an important constitutional issue to be examined in depth, both from the perspective of democratic theory and constitutional law.

Ideally, the election of regional heads by the DPRD as a model of representative democracy should be able to realize popular sovereignty indirectly through accountable and transparent representative mechanisms. The DPRD is expected to carry out the people's mandate honestly, rationally, and with an orientation toward the public interest (Indri, 2024). However, in the reality of constitutional practice, elections by the DPRD are often confronted with various problems, such as low public trust, transactional political practices, and weak accountability of representatives (Surana, 2025). These conditions give rise to problems of democratic legitimacy that may potentially conflict with the spirit of the Constitution. Therefore, the main problem of this research is how the democratic legitimacy of regional head elections by the DPRD is viewed from the perspective of the Indonesian Constitution.

This research aims to analyze the democratic legitimacy of regional head elections by the DPRD from a constitutional perspective, particularly by examining the principles of popular sovereignty, representative democracy, and the provisions of Article 18 paragraph (4) of the 1945 Constitution. In addition, this research seeks to identify the challenges and constitutional implications of implementing this electoral model in Indonesia's constitutional practice. The contribution of this research is expected to enrich the body of knowledge in constitutional law, particularly with regard to the concept of democratic legitimacy in regional head elections. Practically, this research is also expected to serve as a consideration for legislators and stakeholders in formulating regional head election policies that are constitutional, democratic, and oriented toward strengthening popular sovereignty.

## Literature Review

Studies on the democratic legitimacy of the election of regional heads by the Regional People's Representative Council (DPRD) from a constitutional perspective are not new in the discourse of Indonesian constitutional law and democracy. Srye Micze Ridua, in a work entitled *"Election of Regional Heads through the DPRD in the Indonesian Constitutional System,"* has comprehensively examined the constitutional legitimacy of regional head elections through the DPRD based on Article 18 paragraph (4) of the 1945 Constitution (Micze Ridua, 2025). The main finding of this work emphasizes that the election of regional heads by the DPRD has a valid constitutional basis and can be understood as a form of representative democracy within Indonesia's constitutional system. The similarity between Ridua's work and the present study lies in their shared focus on the constitutionality of regional head elections by the DPRD and the use of a normative juridical approach. The difference, however, is that Ridua's work places greater emphasis on the normative validity of the electoral mechanism, whereas the present study specifically emphasizes the dimension of democratic legitimacy, both normatively and substantively, in relation to the principle of popular sovereignty.

Adithiya Diar and Beny Saputra in their work *"Judicial Activism in the Indonesian Constitutional Court: The Adjudication of Regional Election Disputes,"* examine the role of the Constitutional Court in resolving disputes over regional head election results through a judicial activism approach (Diar & Saputra, 2025). The main findings show that the Constitutional Court does not merely act as a textual interpreter of the law, but also plays an active role in realizing substantive justice and safeguarding the legitimacy of regional head election outcomes. The similarity between this work and the present study lies in their attention to the democratic legitimacy of regional head elections from a constitutional perspective. The difference is that Diar and Saputra focus on the role of judicial institutions in the post-election phase, whereas the present study concentrates on the mechanism of regional head elections by the DPRD as the initial process for the formation of democratic legitimacy.

Adeh Dwi Putra, Andi Sri Rezky Wulandari, and Amelia Arief, in their work *"Indonesian Political Dynamics in National and Regional Elections,"* analyze political dynamics and the legal implications of the postponement of regional elections and the appointment of acting regional heads in the 2024 Simultaneous General and Regional Elections (Putra et al., 2024). Their findings indicate that electoral political dynamics have a significant impact on democratic legitimacy and the stability of regional governance. The similarity with the present study lies in the shared concern with democratic legitimacy in the context of regional head elections. However, the difference lies in the focus of analysis, as Putra et al. emphasize contemporary political dynamics and electoral policies, while the present study specifically examines regional head elections by the DPRD from the perspective of the Constitution and representative democracy.

Based on these previous studies, it can be concluded that there are still relatively few studies that specifically and systematically examine the democratic legitimacy of regional head elections by the DPRD by simultaneously integrating

constitutional aspects, the principle of popular sovereignty, and representative democracy. Most studies tend to emphasize legal validity, the role of judicial institutions, or electoral political dynamics, without thoroughly examining how democratic legitimacy is constructed and accounted for within the mechanism of elections by the DPRD. Therefore, this research occupies a strategic position in filling this research gap by offering a comprehensive analysis of the democratic legitimacy of regional head elections by the DPRD from the perspective of the Indonesian Constitution.

### **Research Methodology**

This article constitutes library-based research employing a qualitative approach, aimed at analyzing the democratic legitimacy of the election of regional heads by the Regional People's Representative Council (DPRD) from the perspective of the Indonesian Constitution. The study applies a normative juridical research method, focusing on the examination of legal norms, constitutional principles, and relevant doctrines of constitutional law. This approach is selected because the object of the study is directly related to constitutional provisions, the principle of popular sovereignty, and the concept of representative democracy as regulated in the 1945 Constitution of the Republic of Indonesia.

The primary legal materials in this study consist of the 1945 Constitution of the Republic of Indonesia, statutory regulations concerning regional governance, and relevant decisions of the Constitutional Court related to the election of regional heads. Secondary legal materials include constitutional law textbooks, scientific journals, academic articles, previous research findings, and scholarly doctrines addressing democracy, popular sovereignty, and the system of regional head elections. Data analysis is conducted using a descriptive-analytical technique through legal interpretation methods (grammatical, systematic, and teleological interpretation), followed by deductive reasoning to draw conclusions. The validity and reliability of the data are ensured through source triangulation and consistency of normative argumentation. The manuscript is organized systematically and logically, beginning with the introduction, followed by the theoretical framework, normative-constitutional analysis, critical discussion, and concluding remarks.

### **The Concept of Democratic Legitimacy in the Indonesian Constitutional System**

The concept of democratic legitimacy constitutes a fundamental foundation in the Indonesian constitutional system in determining whether the exercise of state power is lawful and justified. In a democratic state, power is not merely understood as the capacity to govern, but must also obtain recognition and acceptance from the people as the holders of the highest sovereignty (Muptiah, 2025). Without democratic legitimacy, state power may potentially transform into authoritarianism, even when it is formally wrapped in legal procedures. Therefore, legitimacy serves as a bridge between power, law, and the will of the people in constitutional practice. This concept affirms that democracy is not merely a

political mechanism, but also a normative value that binds the administration of the state.

Theoretically, democratic legitimacy is rooted in the principle of popular sovereignty, which places the people as the primary source of state authority. From the perspective of political philosophy, legitimacy arises when the people give their consent—either directly or indirectly—to rulers and to the policies that are implemented (Riyadi et al., 2025). Such consent is not always explicit, but is manifested through political participation, general elections, and public compliance with the law. Accordingly, democratic legitimacy does not stand alone, but is closely connected to political awareness and public trust in state institutions.

In the Indonesian context, democratic legitimacy has distinctive characteristics because it is grounded in Pancasila and the 1945 Constitution of the Republic of Indonesia. Indonesian democracy is not purely liberal, but rather a form of democracy based on the values of belief in God, humanity, national unity, deliberation, and social justice (Fadlail, 2024). This indicates that the legitimacy of power in Indonesia is measured not only by electoral procedures, but also by its conformity with the moral and social values that live within society. Therefore, democratic legitimacy in Indonesia is both normative and cultural in nature.

The 1945 Constitution explicitly states that sovereignty resides in the hands of the people and is exercised in accordance with the Constitution. This formulation affirms two important aspects of democratic legitimacy, namely the people as the source of sovereignty and the Constitution as the limitation and guiding framework for its exercise. State power may not be exercised arbitrarily in the name of the people, but must be subject to constitutional rules. Thus, democratic legitimacy in the Indonesian constitutional system is constitutional in character, rather than merely populist.

General elections constitute the primary instrument for building democratic legitimacy in Indonesia. Through elections, the people confer mandates upon their representatives in the legislative institutions as well as upon the president and vice president. Free, fair, and periodic elections are essential conditions for ensuring that such legitimacy truly reflects the will of the people. When elections are marred by manipulation, fraud, or political exclusion, the resulting legitimacy of power becomes fragile. Therefore, the quality of elections is a decisive factor in determining the strength or weakness of democratic legitimacy.

However, democratic legitimacy does not end with the electoral process alone. After obtaining a mandate from the people, those in power are required to exercise authority in an accountable, transparent, and public-interest-oriented manner. Public policies must be capable of responding to societal needs and upholding social justice. When the government fails to meet public expectations, democratic legitimacy may erode, even though the exercise of power is formally lawful. This demonstrates that legitimacy is dynamic in nature and must be continuously maintained.

State institutions within the Indonesian constitutional system also derive democratic legitimacy in accordance with their respective functions and authorities. For example, the House of Representatives (DPR) obtains legitimacy as the representative of the people in carrying out legislative, budgetary, and oversight functions. Meanwhile, judicial institutions derive legitimacy through

their independence and integrity in upholding law and justice. When these institutions deviate from their constitutional duties, public trust declines and democratic legitimacy is correspondingly weakened.

The Constitutional Court plays a strategic role in safeguarding democratic legitimacy within the constitutional system (Saputro & Anwar, 2023). As the guardian of the Constitution, the Court ensures that political processes and legal products do not conflict with the principle of popular sovereignty and the constitutional rights of citizens. The Court's decisions often determine the validity of public policies and electoral outcomes. Accordingly, democratic legitimacy is not only constructed through political processes, but is also protected through constitutional legal mechanisms.

On the other hand, public participation constitutes a crucial element in strengthening democratic legitimacy. Participation is not limited to elections, but also includes involvement in policy oversight, the expression of public aspirations, and social control over the exercise of power. A passive society tends to weaken democracy, whereas an active and critical society strengthens state legitimacy. Therefore, a healthy democracy requires citizens who are aware of their rights and obligations.

The challenges to democratic legitimacy in Indonesia have become increasingly complex amid developments in technology, social media, and political polarization. Inaccurate information, hate speech, and identity politics can erode public trust in state institutions. If not properly managed, these conditions may generate a crisis of legitimacy, even when democratic procedures formally continue to operate. The state is therefore required to respond to these challenges through inclusive policies and sustained political education.

From the perspective of political ethics, democratic legitimacy is also closely related to the morality of power (Himawan et al., 2024). Power that is legally valid but morally unjust will be difficult to accept by society. In this regard, state administrators are not sufficient if they merely adhere to formal legality, but must also consider the values of justice, honesty, and humanity. Democratic legitimacy ultimately demands harmony between law, ethics, and the will of the people.

Democratic legitimacy in the Indonesian constitutional system is a complex and multidimensional concept. It is constructed not only through elections, but also through the Constitution, the performance of state institutions, public participation, and the moral integrity of those in power. Within the framework of Pancasila democracy, legitimacy must reflect the will of the people while simultaneously upholding the noble values of the nation. By continuously maintaining democratic legitimacy, Indonesia can strengthen its constitutional foundations and ensure that power is genuinely exercised for the greatest prosperity of the people.

### **The Meaning of “Elected Democratically” in Article 18 Paragraph (4) of the 1945 Constitution**

The meaning of the phrase “*elected democratically*” in Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia constitutes an important

concept in Indonesia's system of local government. This provision stipulates that governors, regents, and mayors, as heads of regional governments, are to be elected democratically. Although the formulation appears simple, it contains broad constitutional significance and is open to various interpretations. Understanding the meaning of "*elected democratically*" cannot be separated from the principle of popular sovereignty, the design of regional autonomy, and the development of democratic practices in Indonesia.

In general, the concept of democratic election is rooted in the idea that governmental authority must derive from the will of the people. In a democratic state, leaders obtain legitimacy not through appointment or hereditary succession, but through mechanisms that provide space for public participation. This principle is consistent with Article 1 paragraph (2) of the 1945 Constitution, which affirms that sovereignty resides in the hands of the people and is exercised in accordance with the Constitution (Republik Indonesia, 1945). Accordingly, the phrase "*elected democratically*" reflects the Constitution's commitment to democracy as the foundation of governance, including at the regional level.

However, the 1945 Constitution does not explicitly specify the form or mechanism of election referred to in Article 18 paragraph (4). This lack of specificity indicates that the Constitution deliberately provides flexibility for the legislature to adjust the mechanism for electing regional heads in accordance with social, political, and cultural dynamics. In other words, the meaning of "*elected democratically*" is open and contextual. This also confirms that democracy in the Indonesian Constitution is not rigid, but adaptive to changing circumstances.

In Indonesia's constitutional practice, the meaning of "*elected democratically*" has been implemented through two main models, namely election by the Regional People's Representative Council (DPRD) and direct election by the people (Baehaki, 2025). Both models are claimed to be democratic because they involve elements of popular representation. Election by the DPRD places elected representatives as intermediaries of the people's will, whereas direct elections grant citizens the right to vote directly. The existence of these different models demonstrates that democracy is not always synonymous with direct elections.

Direct elections of regional heads, which began to be implemented in 2005, are often viewed as the most concrete realization of the phrase "*elected democratically*." Through this mechanism, the people are able to directly determine who will lead their regions. This model is considered to strengthen the political legitimacy of regional heads, as the mandate is obtained directly from the people. Moreover, direct elections also promote greater accountability of regional heads to the public, rather than solely to political elites within the DPRD.

Nevertheless, direct elections are not free from various problems that have generated criticism regarding the quality of democracy itself. High political costs, money politics, and social polarization are among the frequent consequences of direct elections. These phenomena raise critical questions as to whether direct elections are always substantively democratic. From this perspective, democracy is measured not only by procedures, but also by the quality and ethical standards of the political processes involved.

This is where the distinction between procedural democracy and substantive democracy becomes important in interpreting Article 18 paragraph

(4) of the 1945 Constitution. Procedural democracy emphasizes formal electoral mechanisms, such as voting and the determination of results (Akhyar et al., 2025). Substantive democracy, on the other hand, emphasizes values such as justice, honesty, meaningful participation, and the protection of the people's rights (Firdaus et al., 2024). The phrase "*elected democratically*" should ideally encompass both dimensions, rather than merely fulfilling formal procedural requirements.

In various decisions, the Constitutional Court has also affirmed that the meaning of "*elected democratically*" cannot be interpreted in a single or exclusive manner. The Court has taken the view that both direct elections and elections through the DPRD may be considered democratic, provided that they are conducted in accordance with democratic principles and constitutional norms (Riyanti & Firmanto, 2025). This interpretation reinforces the understanding that the 1945 Constitution does not lock in a single electoral model. Accordingly, the legislature possesses constitutional authority to determine the mechanism that is considered most appropriate for the interests of the people and the state.

Within the context of regional autonomy, the meaning of "*elected democratically*" is also closely related to efforts to strengthen effective and responsive local governance. Regional heads elected through democratic mechanisms are expected to be able to represent local community aspirations. Such elections serve as a means for the people to evaluate, select, and replace regional leaders in a peaceful and constitutional manner. Thus, democratic elections function as an instrument of power control at the regional level.

Public participation constitutes a key element in realizing the substantive meaning of "*elected democratically*." Participation is not limited to casting votes, but also includes involvement in monitoring the electoral process and overseeing the performance of regional heads. An active and critical society will encourage higher-quality elections and strengthen the legitimacy of electoral outcomes. Without meaningful participation, elections risk becoming merely a formality of democracy.

In addition to participation, the integrity of electoral management bodies is crucial in determining the quality of democratic elections. The General Elections Commission (KPU), the Election Supervisory Body (Bawaslu), and related institutions must uphold the principles of independence, professionalism, and fairness (Hayckel et al., 2024). Violations of these principles may undermine public trust and erode the democratic meaning of elections. Therefore, democratic elections require not only public involvement, but also electoral governance with high integrity.

The phrase "*elected democratically*" in Article 18 paragraph (4) of the 1945 Constitution is a constitutional concept that is rich in meaning and not narrow in scope. It does not refer solely to direct elections, but encompasses all electoral mechanisms that uphold the principles of popular sovereignty, justice, and accountability. This meaning must be understood comprehensively, both procedurally and substantively. With such a comprehensive understanding, this provision can serve as a strong foundation for strengthening democracy and local governance that is oriented toward the interests of the people.

## **The Election of Regional Heads by the DPRD as a Model of Representative Democracy**

The implementation of regional head elections by the Regional People's Representative Council (DPRD) constitutes one model of representative democracy that has been, and in certain contexts continues to be, part of the dynamics of Indonesia's constitutional system. This model places elected representatives as the main actors in determining regional heads, thereby exercising popular sovereignty through mechanisms of representation. From a democratic perspective, this system affirms that the will of the people does not always have to be channeled directly, but may also be articulated through representative institutions that are themselves democratically elected. Therefore, elections conducted by the DPRD cannot automatically be regarded as being contrary to democratic principles.

Conceptually, representative democracy is based on the idea that in complex and large-scale societies, it is not feasible for all citizens to be directly involved in every political decision-making process. Representative democracy grants a mandate to a number of elected individuals to represent the interests of the people within legislative institutions (Simanjuntak & Collins, 2025). In this context, the DPRD is viewed as the political representation of the people at the regional level, possessing democratic legitimacy to make strategic decisions, including the selection of regional heads. This model emphasizes efficiency, rationality, and professionalism in political processes.

In the history of Indonesia's constitutional system, the election of regional heads by the DPRD once served as the primary mechanism prior to the introduction of direct elections (Riqiey, 2023). This system was based on the assumption that DPRD members, as representatives of the people, possess sufficient political capacity and knowledge to assess the quality of candidates for regional head positions. In addition, elections through the DPRD were considered capable of reducing high political costs and minimizing the potential for horizontal conflicts within society. Accordingly, this model has historical foundations and political rationales that should not be disregarded.

From a constitutional perspective, the election of regional heads by the DPRD may be regarded as consistent with Article 18 paragraph (4) of the 1945 Constitution, which provides that regional heads are to be "elected democratically" (Hadi, 2023). This provision does not explicitly require direct election by the people, thereby allowing room for models of representative democracy. As long as the DPRD is formed through democratic elections, the decisions it produces, including the election of regional heads, may be considered to possess democratic legitimacy. This interpretation underscores the flexibility of the Constitution in accommodating various democratic models.

One of the principal advantages of electing regional heads through the DPRD is efficiency in the administration of regional governance. The electoral process is relatively simpler, faster, and less costly than direct elections. Moreover, this model has the potential to minimize grassroots-level money politics, as the contestation does not involve a large number of voters. From a governance perspective, such efficiency may constitute an added value in promoting regional political stability.

Nevertheless, elections by the DPRD are also subject to criticism and inherent weaknesses. One of the main concerns is the potential for political transactions between candidates for regional head positions and DPRD members. Such practices may shift the orientation of elections away from public interests toward the interests of political elites. As a consequence, elected regional heads may become more accountable to the DPRD than to the broader public. This condition has the potential to weaken public accountability in the administration of regional government.

Within the framework of representative democracy, the quality of the DPRD becomes a determining factor in the success of this electoral model. A DPRD that demonstrates integrity, professionalism, and responsiveness to public aspirations will be better positioned to carry out the selection of regional heads in a democratic manner (Idris & Rattanapun, 2024). Conversely, a DPRD that is dominated by narrow political interests may undermine the legitimacy of the system. Therefore, elections by the DPRD require a high quality of political representation in order to genuinely reflect the will of the people.

The election of regional heads by the DPRD also affects the relationship between the executive and legislative branches at the regional level. Regional heads elected by the DPRD tend to have political dependence on that institution (Hasibuan, 2022). On the one hand, this may strengthen coordination and governmental stability. On the other hand, excessive dependence may hinder the DPRD's oversight function due to potential conflicts of political interest. This imbalanced relationship constitutes a serious challenge in the practice of representative democracy.

When compared with direct elections, the DPRD-based model places greater emphasis on procedural democracy grounded in representation rather than on direct popular participation (Riyanti & Firmanto, 2025). In direct elections, the people are directly involved in determining their leaders, whereas in DPRD-based elections public involvement is indirect. This difference often gives rise to debates regarding which democratic model is more ideal. However, both models essentially pursue the same objective, namely to realize a legitimate government oriented toward the public interest.

In contemporary constitutional practice, assessments of regional head elections by the DPRD cannot be separated from the surrounding social and political context. In regions with low levels of political literacy or high social conflict, this model may serve as an alternative to maintain stability. Conversely, in regions with strong civil society, demands for direct elections are usually more dominant. Accordingly, elections by the DPRD should be viewed contextually, rather than purely normatively.

From the perspective of political ethics, the election of regional heads by the DPRD requires a high level of moral commitment from representatives (Asnawi, 2023). They do not merely act as politicians, but also as trustees of the people's mandate. Decisions must be based on the public interest, rather than on personal or group benefits. Without strong political ethics, this model of representative democracy risks losing its substantive meaning.

The election of regional heads by the DPRD as a model of representative democracy is constitutionally valid and supported by strong theoretical

foundations. This model offers efficiency and stability, yet it also entails risks of elitism and weakened public accountability. Therefore, debates regarding this model should not be confined to a dichotomy of democratic versus undemocratic, but should instead focus on how to enhance the quality of representation, institutional integrity, and alignment with the public interest. Through such an approach, representative democracy can remain an important instrument within Indonesia's constitutional system.

### **Constitutional Implications of the Election of Regional Heads by the DPRD for Popular Sovereignty**

The constitutional implications of electing regional heads by the Regional People's Representative Council (DPRD) for popular sovereignty constitute an important issue in the dynamics of democracy and constitutional governance in Indonesia. Debates concerning models of regional head elections are not merely related to technical choices or practical politics, but touch upon fundamental questions of how popular sovereignty is realized within the system of government. In a constitutional democratic state such as Indonesia, every policy regulating mechanisms for filling public offices must be constitutionally and democratically accountable. Therefore, the election of regional heads by the DPRD must be examined in depth from the perspective of popular sovereignty.

Popular sovereignty is a fundamental principle affirmed in Article 1 paragraph (2) of the 1945 Constitution, which provides that sovereignty resides in the hands of the people and is exercised in accordance with the Constitution (Republik Indonesia, 1945). This formulation signifies that the people are the source of the legitimacy of power, while its exercise is limited and directed by the Constitution. In this context, the election of regional heads by the DPRD may be viewed as one form of the indirect exercise of popular sovereignty. The people confer a mandate upon their representatives in the DPRD through general elections, and the DPRD subsequently exercises that mandate in determining regional heads.

Elections conducted by the DPRD reflect a model of representative democracy that places the legislative institution as an intermediary of the people's will (Insiyah et al., 2019). Representative democracy does not negate popular sovereignty, but rather articulates it through representative institutions. Accordingly, from a theoretical standpoint, the election of regional heads by the DPRD may still be considered consistent with the principle of popular sovereignty. However, such consistency is highly dependent on the quality of representation and the integrity of the representative institutions that exercise this authority.

Constitutionally, Article 18 paragraph (4) of the 1945 Constitution stipulates that governors, regents, and mayors are to be elected democratically (Republik Indonesia, 1945). This provision does not explicitly mandate direct elections by the people, thereby allowing room for elections through the DPRD. This constitutional flexibility demonstrates that the 1945 Constitution recognizes more than one democratic model in filling the office of regional head. Accordingly, elections by the DPRD possess a constitutional basis insofar as they comply with democratic principles and do not negate the essence of popular sovereignty.

Despite having a constitutional foundation, elections of regional heads by the DPRD carry significant implications for the manner in which popular sovereignty is realized. In this model, popular sovereignty is layered and indirect, as the will of the people is channeled through their representatives. This implication requires a high level of public trust in the DPRD as a political representation of the people. When such trust weakens, the democratic legitimacy of the election outcomes is likewise eroded.

One crucial constitutional implication is the potential shift in the center of accountability of regional heads (Ramadhanti et al., 2025). Regional heads elected by the DPRD tend to have strong political ties to that institution. As a consequence, their accountability is more likely to be directed toward the DPRD rather than directly to the people. This condition may affect the substantive meaning of popular sovereignty, as the people do not possess a direct mechanism to evaluate and determine their regional leadership.

In addition, elections by the DPRD may strengthen the role of political elites in determining the direction of regional governance. The concentration of power in the hands of representative elites may create distance between the people and regional authorities. From a constitutional perspective, such distance becomes problematic when it hampers public participation in political processes. Ideally, popular sovereignty should not only be formally recognized, but also substantively realized in everyday political life.

Another implication that must be carefully considered is the potential for transactional practices in DPRD-based elections. Money politics and interest-based negotiations among elites may undermine the democratic meaning of the electoral process. If such practices occur, popular sovereignty risks being reduced to elite sovereignty. Within the context of a state based on the rule of law, such conditions are contrary to the constitutional spirit that upholds justice, integrity, and clean governance.

On the other hand, the election of regional heads by the DPRD may also be viewed as having positive implications for the stability of regional governance. A more controlled electoral process has the potential to reduce horizontal conflicts in society that often arise in direct elections. From a constitutional standpoint, stability constitutes an important prerequisite for the effectiveness of governance. However, such stability should not be achieved at the expense of the principles of participation and popular sovereignty.

The Constitutional Court plays an important role in maintaining the balance between flexibility in electoral mechanisms and the principle of popular sovereignty (Kartika, 2021). Through its authority of judicial review, the Court ensures that regulations governing regional head elections do not deviate from constitutional values. The Court's decisions emphasize that any electoral model must continue to guarantee democracy, justice, and respect for the rights of the people. In this way, the Constitutional Court functions as a guardian of the meaning of popular sovereignty in constitutional practice.

Within the framework of regional autonomy, the constitutional implications of DPRD-based elections are also related to the relationship between central and regional governments. Democratic electoral mechanisms at the regional level constitute an important indicator of the quality of regional autonomy itself

(Insiyah et al., 2019). If popular sovereignty at the regional level is reduced, regional autonomy risks losing its democratic legitimacy. Therefore, the regulation of regional head elections must consistently take into account the strengthening of the position of the people as the holders of sovereignty.

The election of regional heads by the DPRD carries complex constitutional implications for popular sovereignty. Normatively, this model has a constitutional basis and may be regarded as a form of representative democracy. Substantively, however, there are serious challenges related to accountability, participation, and the dominance of political elites. Accordingly, debates concerning models of regional head elections should be directed toward ensuring that popular sovereignty remains the core spirit of every design of Indonesia's constitutional system.

### **Strengthening Accountability and Transparency in the Election of Regional Heads by the DPRD**

Strengthening accountability and transparency in the election of regional heads by the Regional People's Representative Council (DPRD) constitutes a strategic issue in maintaining the quality of representative democracy in Indonesia. The election of regional heads by the DPRD positions the representative institution as the principal actor in determining regional leadership, thereby demanding a high level of public responsibility. Without adequate accountability and transparency, this mechanism risks losing its democratic legitimacy. Therefore, the reinforcement of these two principles becomes an essential prerequisite to ensure that elections conducted by the DPRD remain consistent with the values of constitutional democracy.

Accountability in representative democracy refers to the obligation of elected representatives to justify and take responsibility for their political decisions before the people as the holders of sovereignty. In the context of regional head elections, members of the DPRD act not merely as individual political actors, but as representatives of the people's will (Hasibuan, 2022). Decisions regarding the selection of regional heads must be explained rationally and openly to the public. Such accountability ensures that the authority exercised by the DPRD is not conducted in a closed or arbitrary manner.

Transparency, meanwhile, is a principle that requires openness throughout all stages of the regional head election process. Transparency includes public access to information regarding electoral procedures, candidate criteria, decision-making processes, and the reasons underlying the political choices made by the DPRD (Trisnati et al., 2025). Without transparency, the public will face difficulties in assessing whether the election process is conducted fairly and democratically. Accordingly, transparency serves as a primary instrument for building public trust in the election mechanism administered by the DPRD.

Within the constitutional framework, strengthening accountability and transparency is consistent with the principle of popular sovereignty as stipulated in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Although the election is conducted indirectly, popular sovereignty must still be reflected in both the process and the outcomes of the election. The DPRD, as the

executor of the people's mandate, is obliged to provide space for public oversight over the authority it exercises. In this way, the election of regional heads by the DPRD may continue to meet the standards of constitutional democracy.

One concrete form of strengthening accountability is the establishment of clear and measurable rules governing the mechanism for electing regional heads by the DPRD (Hadi et al., 2026). Detailed regulations concerning the stages of the election, the rights and obligations of DPRD members, and sanctions for violations will help prevent abuses of authority. Firm rules also provide legal certainty for all parties involved. In this context, law functions as an instrument for controlling political power.

In addition to regulation, public oversight plays a crucial role in reinforcing accountability. The involvement of civil society, the media, and independent monitoring institutions can encourage the DPRD to act in a more responsible manner. Public oversight enables the election process to be monitored critically and objectively. With effective oversight, the potential for transactional practices and conflicts of interest can be minimized.

Transparency may also be enhanced through mechanisms for public access to information. The election process conducted by the DPRD should be organized in an open manner, for example through sessions that are accessible to the public or broadcast widely. The public presentation of candidates' visions, missions, and programs will improve the quality of public evaluation. In this way, the public is not only informed of the final outcome of the election, but also gains an understanding of the process underlying that outcome.

Strengthening accountability and transparency also contributes to improving the quality of political representation within the DPRD. Members who are aware that their decisions are subject to public scrutiny are more likely to act cautiously and professionally in carrying out their duties (Karubaba, 2025). This condition encourages the DPRD to truly function as a representative of the people, rather than as a political actor driven by narrow interests. In the long term, this will enhance public trust in representative institutions.

From the perspective of regional governance, an accountable and transparent election of regional heads will produce leaders with strong legitimacy. Regional heads elected through open and accountable processes tend to be more responsive to public needs. Such legitimacy is essential to ensure policy effectiveness and the stability of regional governance. Thus, accountability and transparency are not merely procedural requirements, but also functional necessities.

Nevertheless, efforts to strengthen accountability and transparency face various challenges. Resistance from political elites, political cultures that are not yet fully open, and weak law enforcement may hinder the effective implementation of these principles. In addition, limited public capacity to access and understand political information also constitutes a significant obstacle. These challenges require a shared commitment between the state and society to continuously promote democratic reform.

The role of law enforcement agencies and ethics bodies is therefore crucial in supporting accountability and transparency (Purnomo, 2024). The enforcement of sanctions for violations in the election process will create a deterrent effect and

strengthen public confidence. Ethics bodies within the DPRD also play an important role in maintaining moral standards and the integrity of council members. Through effective enforcement mechanisms, the principles of accountability and transparency can be implemented in a concrete and meaningful manner.

Strengthening accountability and transparency in the election of regional heads by the DPRD represents a strategic step to ensure that representative democracy remains aligned with the principle of popular sovereignty. These two principles constitute the primary foundations for building public trust and democratic legitimacy. Despite the various challenges, efforts to reinforce accountability and transparency must be pursued consistently. In this way, the election of regional heads by the DPRD can function as a democratic mechanism that is not only constitutionally valid, but also substantively meaningful for the people.

## **Conclusion**

From a constitutional perspective, the election of regional heads by the DPRD may be considered to possess normative democratic legitimacy, insofar as it is understood as part of the mechanism of representative democracy. Article 18 paragraph (4) of the 1945 Constitution, which stipulates that regional heads are to be “elected democratically,” does not explicitly require direct election by the people, thereby providing constitutional space for election through the DPRD. Within the framework of Article 1 paragraph (2) of the 1945 Constitution, popular sovereignty continues to be exercised indirectly through representatives elected democratically in legislative elections. Accordingly, from a constitutional standpoint, the election of regional heads by the DPRD does not contradict the principles of democracy and popular sovereignty.

Nevertheless, in substantive terms, the democratic legitimacy of regional head elections conducted by the DPRD is highly dependent on the quality of representation, accountability, and transparency in practice. Empirical realities indicate that the potential dominance of political elites and transactional practices may erode the substance of popular sovereignty and diminish public trust in this mechanism. Therefore, elections by the DPRD can only be sustained as a democratic mechanism if accompanied by strengthened principles of accountability, openness, and effective public oversight. Through such an approach, the election of regional heads by the DPRD is not only constitutionally valid, but also democratically meaningful in accordance with the spirit of the Indonesian Constitution.

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