

# ELECTION OF LOCAL HEADS THROUGH THE REGIONAL REPRESENTATIVE COUNCIL FROM A DEMOCRATIC PERSPECTIVE IN INDONESIA

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## Abstract

In essence, democracy can be defined as a system of government in which political decisions are made by the people or citizens either directly or through their elected representatives in general elections. The election of regional heads is one of the primary mechanisms for realizing popular sovereignty at the local level. Since 2005, Indonesia has implemented a system of direct elections for regional heads by the people as part of the post-reform era's direct democracy. By the end of 2025, the discourse on the idea of reverting regional elections to being conducted through the Regional People's Representative Council (DPRD) rather than through general elections as originally established-will gain momentum. Based on this background, the author aims to discuss the following: The election of regional heads through the Regional People's Representative Council (DPRD) is examined in light of the principles of democracy in Indonesia, and the implications of such elections on the quality of democracy and the legitimacy of regional leadership in Indonesia. This study employs normative research methods, utilizing legislative, conceptual, and historical approaches to examine the legal basis, relevance, and implications of the regional head election system conducted by the DPRD. The study found that the principle of democracy is not solely interpreted as the direct participation of the people in determining regional leaders, but can also be realized through the mechanism of representative democracy, where the Regional People's Representative Council (DPRD) as an institution resulting from general elections-possesses the legitimacy to represent the will of the people. However, the mechanism for electing regional heads through the DPRD faces significant challenges regarding the fulfillment of the principles of popular sovereignty, political participation, and accountability.

**Keywords:** Election, Regional Head Election, Democracy, DPRD

## **A. INTRODUCTION**

Terminologically, democracy means "government by the people." It can be concluded that democracy is a form of government in which the power to govern comes from those who are governed. Democracy is a form of government that actively involves all members of society in making decisions within their delegated authority.<sup>1</sup> The meaning of democracy as the foundation of social and state life implies that the people are the ones who determine matters concerning their lives, including evaluating state policies, as these policies will shape the people's future.<sup>2</sup> Article 18, Paragraph (4) of the 1945 Constitution of the Republic of Indonesia mandates that regional government be regulated by law; as a result, the system of regional government has changed several times. The system for appointing regional heads has varied, ranging from appointment, nomination by the Regional People's Representative Council, election by the Regional People's Representative Council, to direct election by the people. The process of regional expansion can serve as an entry point for local political elites with strong power and influence to expand their political dominance.<sup>3</sup>

The debate regarding the process of establishing regulations for the regional election mechanism centers on the term "democratic" in Article 18, Paragraph (4) of the Constitution of the Republic of Indonesia, which serves as the foundation for the enactment of laws and is open to multiple interpretations. Pursuant to Article 18, Paragraph (4) of the 1945 Constitution of the Republic of Indonesia, the Governor, Regent, and Mayor-as the heads of the

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<sup>1</sup> Mukhlis, dkk., "Sistem Demokrasi dalam Pemilihan Umum Di Indonesia" *Educandumedia* 2, no. 1 (2023). <https://doi.org/10.61721/educandumedia.v2i1.193>.

<sup>2</sup> Felicia Patricia dan Chindy Yapin. "Penguatan Mekanisme Penyelenggaraan Pemilihan Umum Melalui Rekonstruksi Kesadaran Penyelenggara Pemilihan Umum". *Binamulia Hukum* 8, no. 2 (2023): 155-172. <https://doi.org/10.37893/jbh.v8i2.346>.

<sup>3</sup> Suci Indah Lestari, "Regional Elections and Opportunities for the Political Phenomenon of Dynasty in Expansion Areas: A Case Study of Pesisir Barat District". *Nakhoda: Jurnal Ilmu Pemerintahan* 23, no. 1 (2024): 63-72. <https://doi.org/10.35967/njip.v23i1.669>.

provincial, regency, and municipal governments, respectively are elected democratically. This understanding of "democratic" gives rise to multiple interpretations; its regulations must be studied in depth and comprehensively so that its implementation can benefit regional democratization and the welfare of local communities.<sup>4</sup>

However, in practice, nearly two decades of direct regional head elections have revealed a number of serious issues. Conducting direct regional elections entails enormous costs, both for the organizers and the candidates. Data from the General Election Commission (KPU) shows that the average cost of organizing a single local election can reach tens to hundreds of billions of rupiah in each region. These high costs often drive local government candidates to seek financial support from certain parties, which has the potential to lead to money politics and policy corruption. Furthermore, direct elections also frequently trigger social polarization within the community. Fierce political competition at the local level often results in horizontal conflicts, divisions among community groups, and a weakening of social cohesion. Furthermore, this system has not yet fully succeeded in ensuring the election of qualified local leaders. A candidate's popularity often takes precedence over their track record, integrity, or competence.<sup>5</sup>

The process of electing regional heads (Pilkada) through direct elections is one of manifestation of post-reform democracy in Indonesia. This mechanism is intended to strengthen the sovereignty of the people, increase political participation, and reinforce the legitimacy of regional heads. However, in practice, direct Pilkada face various challenges, including legal, political, social,

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<sup>4</sup> Aprianus Wilsontrianto Loin & Randy Vallentino Neonbeni, "Sistem Pemilihan Kepala Daerah dan Implementasinya dalam Undang-Undang Nomor 1 Tahun 2015 Tentang Pemilihan Gubernur, Bupati dan Walikota" *Seikat: Jurnal Ilmu Sosial, Politik dan Hukum* 2, no. 2 (2023): 152-164. <https://doi.org/10.55681/seikat.v2i2.470>.

<sup>5</sup> Ratna Riyanti & Fakhry Firmanto, "Pemilihan Kepala Daerah Melalui Pemilihan DPRD Berbasis Demokrasi Perwakilan", *Jurnal Pengabdian Masyarakat dan Riset Pendidikan* 4, no. 1 (2025). <https://doi.org/10.31004/jerkin.v4i1.2227>.

and economic issues. The direct election of regional heads through general elections is one of the key achievements of political reform in Indonesia. Since the implementation of direct Pilkada in 2005, the people have been granted the direct right to elect governors, regents, and mayors. Direct Pilkada is viewed as a means of realizing popular sovereignty and democratization at the local level. However, over time, the implementation of regional head elections through general elections has actually given rise to various complex issues. Numerous cases of election violations, the prevalence of money politics, high administrative costs, and horizontal conflicts have become recurring phenomena. These conditions raise critical questions regarding the effectiveness of direct regional head elections in strengthening democracy and local governance in Indonesia.

The discourse on electing regional heads through the Regional People's Representative Council (DPRD) has resurfaced alongside increasing critical evaluations of the implementation of direct regional head elections in Indonesia. Since the implementation of direct regional elections post-reform as a manifestation of democratization and the strengthening of people's sovereignty at the local level, this mechanism was expected to produce regional leaders who are legitimate, accountable, and responsive to the needs of the community. One of the many factors behind the emergence of the discourse on regional head elections through the DPRD is the high cost of politics and the administration of direct regional elections. The large state and regional budgets allocated for conducting regional elections, coupled with the campaign costs that candidates must bear, are deemed disproportionate to the quality of local leadership.

## **B. RESEARCH METHODS**

This study employs a normative legal research method using legislative, conceptual and historical approach to examine the legal basis, relevance, and

implications of the system for electing local heads through the Regional People's Representative Council (DPRD). The normative legal research method aims to examine and analyze the legal norms governing the local head election system, particularly the mechanism for electing local heads through the Regional People's Representative Council (DPRD).<sup>6</sup>

The statute approach involves a systematic examination of the legal provisions governing the election of regional heads within Indonesia's constitutional system. This approach includes an analysis of the 1945 Constitution of the Republic of Indonesia, particularly Article 18, section 4, as well as laws and regulations related to the election of regional heads. Through this approach, the study seeks to examine the legal basis and constitutional legitimacy of regional head elections through the Regional People's Representative Council (DPRD) and their consistency with the democratic principles upheld within the national legal system. Conceptual approach. This involves examining concepts and theories developed in legal and political science, particularly those related to democracy, representative democracy, popular sovereignty, and the regional government system. The conceptual approach is used to understand the democratic significance of regional head elections and to assess the relevance of elections conducted through the Regional People's Representative Council (DPRD) within the framework of Indonesian democracy. Through this approach, the research relies not only on written norms but also on the views of experts and legal doctrines that form the basis of legal reasoning.

Additionally, this study employs a historical approach to trace the evolution of regulations and practices regarding local head elections in Indonesia over time. This approach includes an examination of the dynamics of local head elections before and after the reform era, including the shift from a

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<sup>6</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenadamedia Group, 2016).

system of election through the Regional People's Representative Council (DPRD) to direct election by the people, as well as the resurgence of the discourse on election through the DPRD.

The historical approach is crucial for understanding the sociopolitical and legal contexts influencing policy changes and for assessing the implications of implementing the regional head election system through the Regional People's Representative Council (DPRD) based on past empirical experiences. By combining these three approaches, this study aims to provide a comprehensive analysis of the legal basis, relevance, and implications of the regional head election system through the Regional People's Representative Council (DPRD) on the quality of democracy and the legitimacy of regional leadership in Indonesia.

## **C. RESULTS AND DISCUSSION**

### **1. Regional Head Elections through The Regional People's Representative Council (DPRD) Examined from The Principles of Democracy in Indonesia**

Democracy is a term derived from the Greek words 'demos,' meaning the people, and 'kratos,' meaning power. Thus, democracy can be interpreted as a form of government in which the highest power resides with the people. In a democracy, the people have the right to participate in the decision-making process, either directly or through representatives elected in general elections. Democracy also entails respecting human rights, individual freedoms, and social justice. In a democracy, every individual is valued and respected, regardless of race, religion, gender, or social status.<sup>7</sup> Theoretically, democracy is based on several principles and values, including: Popular Sovereignty, Freedom, Justice, Transparency, and Accountability.

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<sup>7</sup> Loviera Azahra, & Wina Nurhayati Praja. “Sistem Demokrasi Di Indonesia”. *Cendikia: Jurnal Pendidikan Dan Pengajaran* 2, no. 5 (2024): 294–296. <https://doi.org/10.572349/cendikia.v2i5.1474>.

Indonesia is a democratic state governed by the rule of law, rooted in the concepts of the rule of law and popular sovereignty. This principle of sovereignty is affirmed in Article 1, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Furthermore, the principle of the rule of law is also stipulated in Article 1, Paragraph (3) of the 1945 Constitution, which explicitly states, "that the State of Indonesia is a state governed by the rule of law." These fundamental principles clearly state that a state is built upon law and democracy. According to Padmo Wahjono, a democratic rule of law state represents the ideal form of governance. This implies that the laws in force within a state must be formulated democratically that is, laws desired by the people. This principle implies that, as a state governed by the rule of law, all actions by state officials and citizens must comply with applicable legal norms. The applicable law is one that aligns with the needs of society. Therefore, there is a requirement for planning in the formulation of legal norms, including the determination of the objectives to be achieved and the methods to achieve those objectives.<sup>8</sup>

Democracy is the safest way to maintain control over the state; in other words, the rule of law must be underpinned by a democratic system. Democracy is a principle that establishes that the highest source of power or sovereignty in a state lies in the hands of the people. Thus, all laws and powers exercised by the state must not conflict with the will of the people (the people's conscience). In a democracy, its essence lies in public participation. Democracy is also greatly influenced by local democracy, which reflects the political culture of a region. The election of regional heads is one of the primary instruments in the implementation of democracy at the local level. In the context of Indonesia's constitutional framework, democracy is not merely understood as the people's

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<sup>8</sup> Anak Agung Istri Ari Atu Dewi, Luh Nila Winarni. "Penjabaran Prinsip Demokrasi dalam Pembentukan Kebijakan Daerah", *Supremasi Hukum* 28, no. 1 (2019): 83-107.

direct participation in electing leaders but can also be realized through representative mechanisms. Therefore, the election of regional heads through the Regional People's Representative Council (DPRD) requires a comprehensive analysis based on the democratic principles adopted within Indonesia's legal and political system, as follows:<sup>9</sup>

*a. The Principle of Popular Sovereignty*

The principle of popular sovereignty is the cornerstone of Indonesian democracy, as affirmed in Article 1, Paragraph (2) of the 1945 Constitution. In the election of regional heads through the DPRD, popular sovereignty is not expressed directly through the casting of votes by citizens, but is channeled through the people's representatives seated in the DPRD. Normatively, this mechanism can still be categorized as democratic because DPRD members are elected through free and fair general elections, thereby possessing legitimacy as representatives of the people's will. The discourse on transferring the right to vote from the people to the DPRD has sparked debate regarding the extent to which popular sovereignty is truly realized in substance. From the perspective of modern democracy, popular sovereignty is not measured solely by formal representation, but also by the extent to which the aspirations and interests of the people genuinely influence the political decision-making process. Therefore, the election of regional heads through the DPRD requires a mechanism-that ensures the DPRD's decisions reflect the will of the people at large.

*b. The Principle of Representative Democracy*

The election of regional heads through the Regional People's Representative Council (DPRD) is a manifestation of representative democracy, in which the people entrust political mandates to their representatives to make strategic decisions, including in selecting regional heads. In the theory of

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<sup>9</sup> Taufik Irawan, Atma Suganda, Supot Rattanapun, "The Application of Democratic Principles in Indonesia's Electoral System", *PENA LAW: International Journal of Law* 2, no. 3 (2025). <https://doi.org/10.56107/penalaw.v2i3.200>.

representative democracy, the legitimacy of political decisions depends on the quality of representation, the integrity of the people's representatives, and the accountability of the representative body to its constituents. In practice in Indonesia, the effectiveness of representative democracy through the Regional People's Representative Council (DPRD) is largely determined by the capacity and integrity of the DPRD members themselves. If the DPRD is able to carry out its representative functions responsibly, transparently, and free from narrow interests, then the election of regional heads through the DPRD can serve as a legitimate democratic mechanism. Conversely, if the DPRD is trapped in transactional practices and the dominance of political elites, this mechanism has the potential to diminish the quality of democracy and alienate the people from the decision-making process.

*c. The Principle of Political Participation*

Political participation is a key indicator in assessing the quality of democracy. Direct local head elections provide a broad space for the public to actively participate in selecting their leaders. Conversely, elections through the DPRD tend to limit public political participation to the stage of electing DPRD members alone. This limitation on participation risks diminishing public engagement in local political processes and undermining the political education function that has historically been inherent in direct regional head elections.

Therefore, to remain consistent with the principle of political participation, the election of regional heads through the DPRD must be supplemented with mechanisms for indirect participation, such as public hearings for regional head candidates, transparency in the election process, and the involvement of civil society in oversight.<sup>10</sup>

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<sup>10</sup> Fikri Hadi, Dodi Fitria Darissalam, Hufron, "Pemilihan Kepala Daerah Melalui DPRD Dalam Perspektif Demokrasi Di Indonesia" *Justitiable* 8, no. 2 (2026). <https://doi.org/10.56071/justitiable.v8i2.1721>.

*d. Principles of Accountability and Transparency*

The principles of accountability and transparency are essential elements of democracy. In regional head elections through the Regional People's Representative Council (DPRD), the political accountability of the elected regional head tends to be stronger toward the DPRD than toward the people directly. This can have a positive impact if the DPRD effectively carries out its oversight functions, but it also has the potential to create an unbalanced power dynamic between the executive and legislative branches. Transparency in the election process is a primary prerequisite to ensure this mechanism does not generate public suspicion. Without adequate transparency, elections through the Regional People's Representative Council (DPRD) are vulnerable to closed-door political compromises and transactions of interest that contradict democratic values.

**2. Implications of Regional Head Elections through DPRD on The Quality of Democracy and The Legitimacy of Regional Leadership in Indonesia**

As a key component of democracy at the regional level, local elections through the Pilkada have had a significant impact on the development of state institutions and formal political capacity in the regions. Regional elections provide space for the public to engage or participate in electoral activities.<sup>11</sup> Elections are a manifestation of the people's political participation in a democratic nation, and to achieve this, the integrity and fairness of election conduct are essential-reflecting the quality of democracy in the relevant country.<sup>12</sup>

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<sup>11</sup> Asrifai. "The Impact of Simultaneous Local Elections (Pilkada) for the Achievement of Democratic Consolidation in the Election of Governors and Deputy Governors of Central Sulawesi". *Jurnal Bina Praja* 12, no. 2 (2020): 167-179. <https://doi.org/10.21787/jbp.12.2020.167-179>.

<sup>12</sup> Ahmad Rusly Purba, "Tinjauan Yuridis Pelaksanaan Pemilihan Kepala Daerah (Pilkada) Serentak", *Jurnal Ilmiah Metadata* 5, no. 3 (2023): 47-64. <https://doi.org/10.47652/metadata.v5i3.393>.

Public involvement in selecting and determining their leaders is the essence of democracy. Eliminating direct public participation is considered a negation of democracy. This view subsequently became the basis for the direct general election system, which is regarded as a more appropriate and democratic system compared to the representative system. Leaders elected through direct elections are considered more legitimate because they represent the will of the majority of the people.<sup>13</sup> The election of regional heads through the Regional People's Representative Council (DPRD) is one of the mechanisms constitutionally permitted within Indonesia's system of government. However, the implementation of this mechanism carries significant implications for the quality of local democracy and the legitimacy of regional leadership. Therefore, it is important to comprehensively analyze the impact of elections through the DPRD using a substantive democracy perspective.

The quality of democracy is not merely measured by adherence to formal procedures, but also by the extent to which democratic principles such as participation, accountability, transparency, and representation are substantively upheld. The election of regional heads through the DPRD directly results in a reduction of the public's direct political participation in determining their local leaders. The public is no longer involved in the process of electing local heads but only plays a role in selecting their representatives in the DPRD. This situation has the potential to reduce public engagement and weaken the political education function that has traditionally been inherent in direct local elections. On the other hand, elections through the DPRD can be viewed as a legitimate form of representative democracy, provided that the DPRD effectively and responsibly fulfills its representative functions. In this context, the quality of democracy is largely determined by the level of integrity and professionalism of

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<sup>13</sup> Aip Syarifudin, "Pilkada Dan Fenomena Politik Uang: Analisa Penyebab Dan Tantangan Penanganannya" *Jurnal Keadilan Pemilu* 1, no. 2 (2020): 25-34. <https://doi.org/10.55108/jkp.v1i2.169>.

DPRD members. If the DPRD is able to objectively absorb and advocate for the aspirations of the people, this mechanism has the potential to create a more rational and controlled democratic process. However, if the DPRD becomes entangled in transactional politics and elite domination, the quality of democracy will actually deteriorate.

The election of regional heads through the DPRD also has implications for the level of transparency in the democratic process. The election process taking place within the legislative chamber tends to be less open compared to direct elections, thereby potentially fostering negative perceptions among the public. Without clear regulations regarding the openness of the process and public access to information, elections through the DPRD may erode public trust in the local democratic system.

The political legitimacy of regional heads elected by the Regional People's Representative Council (DPRD) is highly dependent on the level of public trust in the DPRD itself. If the DPRD is viewed as a representative, clean, and accountable institution, then the legitimacy of the elected regional head can be maintained. Conversely, if the DPRD faces a crisis of public trust, the elected regional head risks facing legitimacy issues from the very beginning of their term, which can hinder the effectiveness of their leadership and the implementation of public policies. The implication of regional elections conducted through the DPRD is that it diminishes the quality of democracy itself and has the potential to further complicate political turmoil, because meaningful democracy is not merely measured by the amount of money spent or the election victory margin, but rather by how effectively the interests of the demos are represented. Direct regional elections are a form of actualizing the political rights of the people in the spirit of regional autonomy, namely the right to vote

and be elected directly.<sup>14</sup> In principle, the current direct election process for regional heads is a correction of the previous regional election system, which utilized a representative system through the Regional People's Representative Council.<sup>15</sup>

#### **D. CONCLUSION**

Based on the principles of democracy in Indonesia, the election of regional heads through the Regional People's Representative Council (DPRD) can be considered constitutionally and theoretically valid as part of representative democracy. However, the quality of democracy produced depends heavily on institutional design, the integrity of the DPRD, as well as the accompanying mechanisms of participation, accountability, and transparency. Without strengthening these aspects, the election of regional heads through the Regional People's Representative Council (DPRD) has the potential to weaken substantive democracy and distance the people from the center of political decision-making at the regional level.

Implications for the quality of democracy indicate that elections through the Regional People's Representative Council (DPRD) are highly dependent on the integrity, accountability, and transparency of the local legislative body. If the DPRD is able to carry out its representative functions substantively and free from transactional political practices, then this mechanism can function democratically. Conversely, weak public oversight and low public trust in the DPRD have the potential to lower the quality of democracy and reinforce the dominance of the political elite at the local level. Regarding the aspect of leadership legitimacy, regional heads elected through the DPRD obtain indirect

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<sup>14</sup> Umi Zakia Azzahro, dkk. "Pola Pemilihan Kepala Daerah Asimetris: Studi Evaluatif Pemerintahan Daerah", *Arena Hukum* 14, no. 2 (2023). <http://dx.doi.org/10.22212/jnh.v14i2.3978>.

<sup>15</sup> Puspaningrum, Agatha Jumiati, "The Values of Pancasila Democracy in Direct Regional Head Elections", *Indonesian Journal of Law and Justice* 2, no. 4 (2025). <https://doi.org/10.47134/ijlj.v2i4.4118>.

political legitimacy, the strength of which is largely determined by the level of public trust in the DPRD.

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