

The Local Election and Local Politic in Emboding the Democracy

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Abstract

The existence of local politic through the local election has at least 3 main purposes. First, in elite perspective, it expects that the mandate people are more accountable, responsive, transparent, and better public services quality. Second, in public perspective, the interest of the society becomes more inclusive, wider public participation, improving articulation ability of the society, and public access towards state assets' source. Third, in economic perspective is to encourage the regional competitiveness for developing the local economy. The democracy empowerment based on the local wisdom is really needed for creating democratic government system. The democratic achievement must be focused not only in the national level, but also in province, regencies, even in the village level. Therefore, it can come up to the democracy in the local level. In local politics democracy context, the people empowerment is the main requirements for implementing decentralization and regional autonomy, which needs to begin the construction arrangement to the supervision and involving the people's participation.

Keywords: Local Election, Local Politic, Democracy.

1. Introduction

Article 1 paragraph 1 The 1945 Constitution of the Republic of Indonesia states that "The state of Indonesia shall be a unitary state in the form of a republic". This provision shows that Indonesia is not a federal country. In the relation to the article 1, furthermore, Article 4 Paragraph 1 of the Constitution states, "The President of Republic Indonesia shall hold the power of government in accordance with the Constitution". It gives understanding in constitutional perspectives that President is assigned to organize the government. In this context, the President controls all governmental issues started from the central government to the lowest level government. In relation to the local government, Article 18 of the Constitution governs separation power between the local government and the government, which is implemented to the principle of local autonomy and co-administration/co-assistance. Therefore, the autonomous regions will exist to regulate and manage the local government or the domestic affairs.¹

The replacement of the Law No. 5 of 1974 on The Principles of Local Government becoming the Law No. 22 of 1999 on the Local Government shows a new democracy in the local government. This replacement contains also the decentralization issue from the government to the local government based on wide autonomy. Thus, the decentralization concept submits the governmental affairs to the local government based on the Constitution. The sovereignty has been fully recognized by the Law No. 22 of 1999 including the local election. Article 34 of the Law No 22 of 1999 regulates:

- (1) Filling position of Head and Vice Head of the local government made by the House of representatives (DPRD) through elections simultaneously;
- (2) Candidates of Head and Deputy Head of the local government are enacted by DPRD through the stage of nomination and election.

The consequences of elected by DPRD based on Article 31 Paragraph 2 the Law No. 22 of 1999 stipulates Governor to take direct responsibility to DPRD. Along the time and the changes of the society, the Law No. 32 of 2004 on the regional Government revised the Law No. 22 of 1999. Many things were changed in the Law No. 22 of 1999 to improve particularly the local elections.

The regulation of the local government as elaboration of Article 18 Paragraph 4 of the Constitution has been poured to some Laws on the local government. The law then has been revised many times and the last version is the Law No 12 of 2008 on Second Amendment of the Law No. 32 of 2004. The Implementation of the Law is the Government Decree No. 6 of 2005. The Decree also has been changed to another Decree. The Government Decree No. 17 of 2005 is the replacement of the Government Decree No. 6 of 2005. The Government Decree No. 6 of 2005 was then changed to the Government Decree No. 25 of 2007. The last amendment of the Government Decree No. 6 of 2005 was the Government Decree No. 49 of 2008 on the election, appointment, and release of Head and Vice Head of the local government. This regulation of election of Head and Vice Head of the local government will be voted directly by the society conceptually to implicate to the democratic order in

¹ Based on the Article 18 The 1945 Constitution of the Republic of Indonesia, it has regulated the hierarchical authority between the Government, Provincial Government, and Regencies/Municipalities Government.

the region.

The proclamation of the local democracy to direct local election is the implementation of political decentralization that give the independency to the head of the local government for doing the selection of the political elites to develop the area. The direct local election means that the people get the direct involved in choosing their leaders. The election is a leadership training vehicle for the local elites for increasing their ability and their professionalism in formulizing and making the policies, as well as anticipating and coping of the political communication of the community's problem. Based on the experience as mentioned above, it is expected to spawn the politicians or the powerful leaders who can compete in the national level.¹

The election also can create the political and government stability in local level. This is because the elected local head accomplish strong. So, termination of the regional head that is directly chosen by the society cannot be initiated by DPRD.² Observing the implementation of the local head's election held in Indonesia, it illustrates that Indonesia shows a quasi-democracy. The expectation to be achieved by the society to the elected local head is to obtain a good quality and accountability of the leader. The models of the elected local head is quite vulnerable to a horizontal conflict in community either organized or unorganized community. The conflict happens due to interest differences and the perception that generate conflicts of opinion in form of debates and polemics.³

2. Concept of Democracy

Etimology, democracy is derived from two words, *demos* and *cratein* (Greek). *Demos* means the society and *cratein* means government. Democracy can be then defined as people of the government⁴ or more known as the rule of the people, by the people, and for the people. The concept of democracy become the key word in political science. It becomes reasonable because democracy is currently touted as an indicator of political development of a country.

The democracy plays an important role in terms of separation of power in a country (generally based on the concept and principle of Trias Politica) in which state authority is derived from the people and will be used for the welfare and the prosperity of the people. A kind of Trias Politica principle become absolutely important to be accounted when the facts of historical record of government authority (executive) which is unable to create equitable and civilized people. It is even the absolute authority often leads to the human rights violations. It covers also the excessive authority of the legislative body to determine its own budget for the salaries and the allowance of its members without concern of the people's aspiration.

The democracy is known as a huge scope. Regardless of its form, the phenomenon of the democracy is really attractive to be talked. Moreover, if its linked to the fact, Indonesia is a country that make democracy process as its path. Substantially, democracy will not be effective without the development of internal party organization, government institution, and even the people association. The preservation of democracy needs the agreement of the society on the democracy meaning, the works of democracy, and the usefulness for their life. A strong democracy is sourced by the willingness of the society and its aims to achieve good and common benefit. Therefore, democracy must be linked to the representative issue of willingness of the society.⁵

According to Hans Kelsen, one of the essence of democracy is situation of the presence or absence of a compromise which unities the dissents to determine the foundation order of a state. Compromise principle is a settlement of a problem (conflict) through a norm, which is not entirely accordance with the interest of the parties and other parties.⁶ To this tendency, the democracy is an approach to self-determination. In line with it, the discussion between the majority and minorities should been continually made in order to find a mutual agreement and to guide the community in its activities. The discussion of an unlimited problem is not only in a parliament level, but also occurs in most of the political institutions, in newspaper, books, and other public opinion facilities. A democratic state is having extensive facilities for the existence of public opinion. According to Hans Kelsen, the public opinion can only arise if there are the intellectual freedom, the freedom of speech, the

¹ See Lili Romli, *Direct Regional Election; Regional Autonomy and Local Democracy*, CSIS Analysis, Vol. 34, 2005, No. 3.

² Suharizal, *Implications of Direct Local Head Election to Growth Democracy and Governance in the Region*, Dissertation, Graduate Program, University of Padjajaran, Bandung, 2010, p. 342.

³ Syamsuddin Haris, et.al. *Decentralization dan Autonomy*, LIPI, Jakarta, 2004, p.166.

⁴ Sri Sumantri M., *Introduction to Comparative Constitutional Law*, Jakarta; Rajawali, 1981, p. 25.

⁵ Mochtar Mas' oed, *State, Capital and Democracy, second mold*, Pustaka Pelajar, Yogyakarta, 1999, p. 6.

⁶ Hans Kelsen, *The General Theory of Law and State, First Edition*, Nuansa Publisher and Nusamedia Publisher, Bandung, 2006, p. 407.

freedom of press, and the religion guaranteed freedom.¹

Democracy is known as the ideology which stipulates that the authority is belongs to the people and must be used according to the willingness of the people.² Padmo Wahjono suggest that the highest authority is the source of the people that should generate a government of, by, and for the people. The government must run the willingness of the people which distributed in the form of law (the state of law).³ **Bernhard Suttor**⁴ states that democracy has an empirical signs. It is the rights guarantee to express, to obtain the free information, to express to freedom of press, to be association and coalition, to assemble and demonstrate, to establish opposition parties, and vote free, equal, and confidential election. **Affan Gaffar**⁵ mentions, there are 5 (five) empirical characteristics of democracy, as followings accountability, the authority rotation, openness political recruitment, elections, and to enjoy the basic rights.

Eugene D. Genovese⁶ states that the assumption that democracy is intrinsically wonderful – that the more of it we have the better off we are – exposes the deeper and more difficult problem of equality. All the leading contributors to the current debates stand on the principle that “all men are created equal” – a principle announced as self-evident though nowhere seriously defended; a principle the traditionalist critique of equality thereby goes unanswered.

To show that a state with the basic of democracy, Robert A. Dahl⁷ files 7 (seven) indicators of empirical democracy, as follows:

1. Control over governmental decisions about policy is constitutionally vested in elected officials;
2. Elected officials are chosen and peacefully removed in relatively frequent, fair and free elections in which coercion is quite limited;
3. Practically all adults have the right to vote in these elections;
4. Most adults have the right to run for public offices for which candidates run in these elections;
5. Citizens have an effectively enforced right to freedom of expression, particularly political expression, including criticism of the officials, the conduct of the government, the prevailing political, economic, and social system, and the dominant ideology;
6. They also have acces to alternative sources of information that are not monopolized by the government or any other single group;
7. Finally they have and effectively enforced right to form and join autonomous associations, including political associations, such as political parties and interest, that attempt to influence the government by competing in elections and by other peaceful means.

For Lyman Tower S⁸, the key points of democracy indicators is (1) Citizen involvement in political decision making; (2) Some degree of equality among citizens; (3) Some degree of liberty or freedom granted to or retained by citizens; (4) A system of representation; and (5) An electoral system majority role. As the universal theory, democracy is chosen by 5 (five) main principles, as follows:

1. Presence of the equal rights and position between societies.
2. Effective participation, which shows the process and the equal opportunities for people to express their preference in the taken decisions.
3. Presence of enlightened understanding, which shows the understanding of people to the decisions, is taken by the state.

¹ *Ibid*

² Dian Bakti Setiawan, *The Terminaion of Regional Head: Dismissal Mechanisms According to the Government System in Indonesia*, PT Raja Grafindo, Jakarta, 2011, p.14.

³ Padmo Wahjono in Asep Warlan Yusuf, *Based on Law Government*, Papers, 2002, p. 33.

⁴ **Bernhard Suttor** in Mukhtie Fajar, *Type of State of Law*, Persada Buana, Jakarta, 2005, p. 32.

⁵ **Affan Gaffar** dalam *Ibid*. p. 33.

⁶ Eugene D. Genovese, *Critical Legal Studies as Radical Politics and World View*. In Jerry Leonard (Ed.) *Legal Studies as Cultural Studies a Reader in (Post) Modern Critical Theory*. State University of New York Press, Albany, 1995, p. 280.

⁷ Robert A. Dahl in Afan Gaffar, *Indonesian Politics; Transition to the Democracy*. Pustaka Pelajar, Yogyakarta, 2004, pp. 3-4.

⁸ Nukthoh Arfawie Kurde, *Assessing Critical Theory of the Law State, the Constitution and Democracy in the Context of Decentralization and Regional Autonomy Under The 1945 Constitution of the Republic of Indonesia*. Pustaka Pelajar, Yogyakarta, 2005, p. 69, from Lyman Tower Sargent, *Contemporary Political Ideologies*. The Dorsey Press, Chicago, 1990.

4. A scheduled final control by the people, which shows that people have a privilege to create their own decision, material restricting, or material expanding and will be decided and conducted through the political process, and can be accepted and satisfying the parties.
5. Inclusiveness is a sign that indicates the sovereign is for all the people, for grown community members unless the mental disorder people.¹

3. The Concept of Local Politics

Local politics can be simply defined as all the political activities in the local level. In this case, all matters are related to the political as the local government, the formation of regional policy, and the local head election. It shows that the local politics scope is under national scope. The local groups are included in local politics' management among the cities, regencies, and villages.

On the local politics level, the government cannot give a full intervene. It is due to in any of local arrangements have had their own local regulations. In this case, the local regulations usually are not in line with the government. The sharia regulation is not in line with the government regulation. In national political level, there is not regulation based on sharia, but sharia regulations can be created in the local level. It is caused by the existence of the regional autonomy, which liberates the region to develop its own territory. Indirectly, the national government considers that region knows their own territory and it has rights to set their own territory. The freedom to manage the area at the local level does not mean it has freedom to oppose the state. The local politics implementation must be inline to the national politics. The differences in the region's level do not mean to be separated from the national territory's order. The local politics must be oriented to the national politics.

The national politics still become the obligatory reference for the local politics. It is made as the illustration of the national politics including the election of local head of the government. In the national order, government's election is in the level to choose a president, but in the local level, the one who will be chosen is mayors, regents and headman (villagers). In this case, even the cover area is different but the local election process is still inline to the national leader's election. It can be seen by elections electoral system. In the local level, it requires using the election during the local elections with different participants. In the national level itself, it needs the Indonesian citizen's participation.

In addition, the local politics can also be interpreted as a local market, which provide the public services.² In this this case, it is intended that the local politics can become a provider of public services, which will be suitable for the people. It is because of the local community people will be more understandable. The local government policies will consider to the lives of the local people. Therefore, the local government is regarded as a good service provider for the community due to its understandable of the needs of people. The local politics will be more concerned to the rights of the common people. The local arrangements would have poor people than the prosperous people. It is because the local political uses grass-root approach. It means that the poor people will become the concern.

The definition of local politics is similar to national politic. The differences appear in the area and history. The local politics essentially become the basis for the implementation of the national politics. However, the national politics also become the centered for the local politics. The basic concepts of politics come from the local level. It can be shown by the election process of the headman (head of village) that uses a stick (biting) and using the yields symbol in form of the candidate's representative. It is adopted by the national politics with some changes in the area election formation. It can be demonstrated by the nowadays election by using stab and tick. The system finally is implemented in the local political orders. In the implementation stage, the local politics and national politics will be treated equally. The implementation procedures of the local politics are equal to the national politics. However, the implementation should be inline to the national procedures. It is intended that the local politics is only valid in the local area.

4. Impact of Election on Democratization Process

General election is one of the instruments to give political space to the people of Indonesia. The election is a channel of political sovereignty of the people to show their political stance. Its processes and political

¹ Robert A. Dahl (1982) *Modern Politics Analysis*. Gramedia, Jakarta. Adopted by Muhammad Budairi Idjedar, *HAM Versus Capitalism*. INSIST Press, Yogyakarta, 2003, pp. 7-8.

² Based on www.answer.com, local politics is a local community market. Local politics are closer to the local government people. In 1980, English and Americans saw the local market has become a provider (the service provider) and replacing monopolistic elected control from the elected government.

mechanisms also can be built. Therefore, the election is an important part of a democratic process. However, it must be understood that there are certain people groups that still do not understand about the meaning or the basic principles of democracy. The result of it, there are misinterpreting or narrowly interpretation of democracy.¹ On this context, this discourse will provide a general overview of the contribution of the election to strengthen democracy especially in the context of political development in Indonesia after the reform.

In the context of democratization in the region (province/regency/city) to realize the ideals of local autonomy, the presence of the leader in this area (the Governor/the Mayor/the Regent) who has ability to lead and understand the character of the area become main prerequisite. It is because the head of the region occupies a strategic position to control the government bureaucracy in advance in order to reach the prosperity of his/her people. Moving on from the contextual construction as mentioned above then, the model of local direct elections has been held since June 2005.

The output of the direct election is becoming a legitimate arena either political or legal perspective to choose the best political actors in the region based on the willingness and aspirations of the people without any intervention. Indeed, this situation will be contrast with the election representative's version (indirect democracy) represented by the political elite in the region (DPRD). Thus, learning from previous political experience, it is still reminded how patterns are applied to representative democracy in the region after the enactment of the Law No. 22 of 1999 that causes a new political oligarchy in local government.

The parameter of the local government to be categorized success particularly in the process of direct election is an improvement of people's welfare index (Human Development Index, HDI).² However, not all-direct election shows the people's welfare improvement. The survey resulted from Indonesian Survey Institute (LSI) in 2007 showed that HDI of the society was not influenced by the performance of government management from the centralized to decentralized systems. In general, people do not feel a significant change from the local autonomy regime.³

In fact, the concept of the local autonomy based on participatory democracy is including direct elections of the head of local government and the active participation of the public to control the performance of the head of the local government. One of the main factors of ineffectiveness and goals of autonomy is lack of public participation in the administration of the local government. Another factor of ineffectiveness and goals of autonomy is the high number of legal problems faced by the head of the local government. Thus, the direct election issue is not enough to realize the goals and ideals of the local autonomy. The most important thing is harmonization between the idea of the direct election and public participation in overseeing the local government.

The direct election does not necessarily guarantee the quality of democracy itself. It can be seen from the translation of democracy at the local level that it needs various requirements. In that perspective, the effectiveness of the system of direct election is determined by some factors, quoted by Suharizal⁴ as a precondition of democracy in seeing values and political views of the people in each region.

The precondition of democracy includes political views, the quality of the voters, the political recruitment system, the function of political parties, freedom of the press, and civil society empowerment. Although it has been mentioned that the direct election does not necessarily guarantee the quality of democracy itself, but it is certainly open access and the potential for improving the quality of local democracy. The problem probably is how to narrow the democracy gap during this run with the improvement of the system or mechanism of democracy at the level of implementation. One of them is to revamp the system of checks and balances in regard relationship between the head of government and the House of representatives (DPRD) as a political actor of the local government.

This phenomenon can be seen from the two political realities that often occur in practice in some areas. *Firstly*, it concerns to the legitimacy of the election winner because the majority of the head of the government election winner only has less than 50% of the valid votes. The data from People's Voter Education Network (JPPR)⁵ in its

¹ Miriam Budiardjo, *the Foundation of Political Science*, PT. Gramedia, Jakarta, 2013, p. 50.

² One country's HDI is influenced by 3 (three) dimension, as following: longevity, knowledge, and standard of living. Technically, three of them are indicated by health, education, and economy. See Suharizal, op.cit., p.137.

³ Edition of Kompas Newspaper at March 30, 2007.

⁴ Suharizal, op.cit. p. 49.

⁵ See People's Voter Education Network (JPPR) in its website <http://www.home.jppr.or.id>, accessed March 13, 2015.of

survey conducted on the results of the election period of 2005-2010 found that the winner of the election in general had the support of voters under 50%. This means that the election did not reflect the majority support of voters. According to the monitoring election of JPPR at 226 the direct election, 153 or 67.70% of the election had support of less than 50%. The low level of public participation and the high turnout of voters who did not vote in the election legally are not a problem.¹ The results of the elections remain legally valid, but the problem is the aspect of public legitimacy, which would certainly impact on the community participation in the region.

Secondly, the fact shows that the majority of elected regional heads are not nominated by a political party or coalition of political parties that have a power majority in the DPRD. In the context of establishing the principle of checks and balances between the local government and DPRD, it is reluctant to find out the possibilities of the local government and DPRD to conduct collusion in some issues. In other word, the principle of checks and balances will be neglected.²

The output of the local elections particularly direct local elections is to present the heads of regions that can meet the preferences of the majority of the local communities. It also accelerates the formation of better regional governance (good governance) as the purpose of granting autonomy to the regions. By doing so, in terms of substance, the election is expected to make the process of selection of the best leaders, at least in the eyes of constituents to make changes and provide benefits to the local and wider community.

In some cases of the direct election such as in East Java, Central Java, Bangka Belitung, the District Solo, and Bantaeng, they illustrate that the figure of the leadership of the head of local government resulted from the direct election can break the stagnation of government and set a great precedent to run the government. The presence of the head of the local government can bring its the region into a more advanced and eventually get the full trust of the people. However, it must be recognized that this cannot be generalized as the victory the direct election because generally in almost all regions, the election process has not spawned a leader who could make fundamental changes to speed up the progress of the region. Even in some provinces/regencies/cities tend to present a legal case conducted by the head of the local government. Some of them, then, end up a prisoner of the Corruption Eradication Commission (KPK).

The practice of the direct election so far has shown that there is no relationship between voters (constituents) and the competence of the local government heads is carried. Some the local government head candidates although chosen by the most voters, it does not mean that the local government heads has the ability (competence) to solve the existing problems in its provinces/regencies/cities. It is because in reality the recruitment process of the election, the popularity factor, financial ability, and political parties bearers have marginalized qualification aspects of candidate's ability.

At this level, the selection process becomes bias due to the political reality today is still limited to the withdrawal of support, not yet touched on the search for government leaders.³ The qualifications and competence of a person will be excluded from the views and interests of political parties. In conjunction with the local government, the essence of democracy should not be simplified only at the level of decision-making and governance involving public participation. The Translation of democracy is not just talking about the division and separation of powers between central and local governments. The essential principles of democracy in the provinces/regencies/cities are:

1. Elements of the power; they will cover whether or not the elements of the region has been represented in the center government particular in terms of decision-making;
2. The raw material of the decision making; it covers whether or not the political elite has a full mandate to assume decision-making, or is still available to access, so that the people still had the opportunity to give their views and aspirations in order to reflect the people's needs in the region; and
3. How the pattern of relationships that have been developed between local leaders and their people.

All of principles as mentioned above are a fundamental elaboration of the principles of democratization at the local level. It is because the direct election, at least procedurally, actually places on the sovereignty of the people as stakeholder's political sovereignty. Thus, the top of the leader in the local level is required to actually take

¹ The Law No. 32 of 2004 as the legal basis of the direct election until 2010 states that the candidates can be announced as the winner of the election if they get more than 50 % valid voters or if they do not, they get enough 25 % out of the Valid voters. See the article 107 of the Law and Article 95 of the Government Decree No. 6 of 2005.

² Saldi Isra, *Executive-Legislative Post the Local Election*, an Article, Tempo, September 16, 2005.

³ Suhrihal, *op.cit.*, pp. 183-184.

responsibility and sided with the aspirations and interests of the constituents as a consequence of the people's choice in the election process without the involvement and intervention of DPRD.

The conceptual construction as explained above is far from ideal. Instead, after the election process takes place, the obscurity pattern of relationships between the elected head of the local governments and his/her constituents become crucial. As a candidate promoted by political parties and/or a combination of political, the elected head of the local governments is even more obedient and serve the interests of supporting political parties rather than the real interests of their constituents.

The phenomenon of relations that have developed between the head of the local governments and his/her constituents above should be recognized as a real portrait that occurs in many provinces/regencies/cities. When referring to the Law No. 23 Year 2014 jo. Perppu No. 2 Year 2014 jo. The Law No. 2 of 2015, the pattern of relationships between the head of the local governments and his/her constituents is close and work together due to the elected head is voted directly by the people as mandatory constituents. Similarly, the members of DPRD also have been elected directly by the people.

The construction regulation as mentioned above, it logically shows that the pattern of relations between local leaders is closely interconnected with his/her constituents. If the government and DPRD are close and synergy with the community, the implications for the realization of public confidence will lead to the stability of his/her power during his/her position. In terms of the public participation, the community's participation to the political process will bring benefit to them because the policies issued by the government and DPRD will be directly felt by the community. By doing so, it means decentralization goals and ideals will be realized through the implementation of autonomy.

This concept as stipulated above is not just a look at local wisdom as reference of person's behavior, but it has capability to harmonize a public life.¹ In the end of the concept of local wisdom, it will be a worldview and life strategy that intangible activities undertaken by the local community in responding to various issues that are presented as a result of the dynamic system of government that is increasingly complex. For a nation that embraces democracy like Indonesia, sovereignty should be on how governments make constructive policy.² On the contrary, if the determination policy does not involve and accommodate the aspirations and values of life in society, the concept of a democratic state that is always touted still limited ideals.

The amendment of the Constitution of the Republic of Indonesia Year 1945 actually has expressly given more attention to culture as the translation of the values of local wisdom. Article 32 paragraph (1) of the Constitution explicitly states that "advance the national culture of Indonesia among the civilization of the world by assuring the freedom of society to preserve and to develop cultural values". This means that the issue of national culture is a state problem that needs to be taken seriously by all levels of Indonesian society in order to form a national culture. One vehicle for promoting national culture is to preserve the nation's cultural heritage. To establish a strong national culture, the values of ethnic and local knowledge of the various ethnic groups in Indonesia cannot be ignored because it is an essential element in human development in Indonesia.

In this context, Jimly Asshidiqie³ sees it as a new provision, which describes the political culture of our country in the future. In terms of it, it is affirmed that the state must proactively promote the culture of the community to maintain and develop their own cultural values on the world stage. In addition, the state's commitment has to be developed in national life with the freedom of every cultural community in the country to develop the cultural heritage of each. Another aspect related to cultural heritage, the State must recognize the establishment of the customary law community along with their traditional rights in accordance with the development of society and the principles of the state.⁴ Related to this, Laica Marzuki⁵ says that law that is part of the culture.

Indeed, the government has the potential to realize democratization because the process of decentralization as the antithesis of a centralized government requires a level of responsiveness, representation, and greater

¹ Putri Amal Wijayanti and Ali Rokhman, *Local Wisdom as Part of Democracy and Development in Indonesia*, Proceeding Semnas FISIP-UT, 2011, p. 610.

² M. Thoha, *Indonesian Governmental Bureaucracy in Reform Era*, Kencana Prenada Media Group, Jakarta, 2008, p.95

³ Jimly Asshiddiqie (a), *Consolidation of Indonesian Constitution 1945 Draft (After Amandement 4th)*, Yasrif Watampone, Jakarta, 2003, p. 75.

⁴ See Article 18B paragraph (2) the Indonesian Constitution.

⁵ Laica Marzuki, *Siri Part of Legal Awareness of Buginess-Makassarness*, Hasanuddin University Press, Makassar, 1995, p.34.

accountability. In relation to the elections at the local level, citing the opinion of Alan R. Ball¹ is that elections and democracy are closely related in substance and function. It means that the election is a real actualization of democracy as the primary means for people to assert its sovereignty over the state and government.

The principle of sovereignty of the people is embodied in the community engagement process to determine who should run the government, especially in the regions. It includes the assertion of people sovereignty as confirmed in Article 1 (2) of the 1945 Constitution that “sovereignty belongs to the people and carried out in accordance with the Constitution”. According to Jimly Asshiddiqie,² this formulation is the direct elaboration of people's sovereignty as expressly stated in the constitution.

One of the existences of local wisdom can be found in meaning of proverbs. The proverbs are words or statements that contain comparisons, parables, advice or principle of life. The local wisdom in the form of proverbs describes the truth based on common sense and practical experience that is human.

5. Conclusion

Local politics in Indonesia is a combination of competing interests between local strongmen and the old officials (incumbent) who all strive to continue to build and perpetuate power in the region. The local election is a mechanism of direct election of executive leaders in it. The involvement of the citizens in the local election will bring benefit for the region with the assumption that those chosen are representations of society. In the context of the direct local election for example, the direct local election could be a strategy of development of the local government to be more strong and accountable. In the democratization point of views in the region, the presence of the leader who has capability to lead and understand the character of the area become a major prerequisite due to a strategic position to control the government bureaucracy in advancing the prosperity of the people of the area.

References

- Bernhard Suttor** in Mukhtie Fajar, *Type of State of Law*, Persada Buana, Jakarta, 2005.
- Dian Bakti Setiawan, *The Terminaion of Regional Head: Dismissal Mechanisms According to the Government System in Indonesia*, PT Raja Grafindo, Jakarta, 2011.
- Edition of Kompas Newspaper at March 30, 2007.
- Eugene D. Genovese, *Critical Legal Studies as Radical Politics and World View*. In Jerry Leonard (Ed.) *Legal Studies as Cultural Studies a Reader in (Post) Modern Critical Theory*. State University of New York Press, Albany, 1995.
- Hans Kelsen, *The General Theory of Law and State, First Edition*, Nuansa Publisher and Nusamedia Publisher, Bandung, 2006.
- Jimly Asshiddiqie (a), *Consolidation of Indonesian Constitution 1945 Draft (After Amandement 4th)*, Yasrif Watampone, Jakarta, 2003.
- Jimly Asshiddiqie (b), *Comment to the Indonesian Constitution 1945*, Sinar Grafika, Jakarta, 2010.
- Laica Marzuki, *Siri Part of Legal Awareness of Buginess-Makassarness*, Hasanuddin University Press, Makassar, 1995.
- Lili Romli, *Direct Regional Election; Regional Autonomy and Local Democracy*, CSIS Analysis, Vol. 34, 2005, No. 3.
- M. Thoha, *Indonesian Governmental Bureaucracy in Reform Era*, Kencana Prenada Media Group, Jakarta, 2008.
- Miriam Budiardjo, *the Foundation of Political Science*, PT. Gramedia, Jakarta, 2013.
- Mochtar Mas' oed, *State, Capital and Democracy, second mold*, Pustaka Pelajar, Yogyakarta, 1999.
- Nukthoh Arfawie Kurde, *Assessing Critical Theory of the Law State, the Constitution and Democracy in the Context of Decentralization and Regional Autonomy Under The 1945 Constitution of the Republic of Indonesia*. Pustaka Pelajar, Yogyakarta.
- Padmo Wahjono in Asep Warlan Yusuf, *Based on Law Government*, Papers, 2002.
- People's Voter Education Network (JPPR) in its website <http://www.home.jprr.or.id>, accessed March 13, 2015.
- Putri Amal Wijayanti and Ali Rokhman, *Local Wisdom as Part of Democracy and Development in Indonesia*, Proceeding Semnas FISIP-UT, 2011.
- Robert A. Dahl in Afan Gaffar, *Indonesian Politics; Transition to the Democracy*. Pustaka Pelajar, Yogyakarta, 2004.
- Robert A. Dahl (1982) *Modern Politics Analysis*. Gramedia, Jakarta. Adopted by Muhammad Budairi Idjedar, *HAM Versus Capitalism*. INSIST Press, Yogyakarta, 2003.

¹ Alan R. Ball in Suhrizal, op.cit., p. 175.

² Jimly Asshiddiqie (b), *Comment to the Indonesian Constitution 1945*, Sinar Grafika, Jakarta, 2010, p. 10.

- Saldi Isra, *Executive-Legislative Post the Local Election*, an Article, Tempo, September 16, 2005.
Sri Sumantri M., *Introduction to Comparative Constitutional Law*, Jakarta; Rajawali, 1981.
Syamsuddin Haris, et.al. *Decentralization dan Autonomy*, LIPI, Jakarta, 2004.
Suharizal, *Implications of Direct Local Head Election to Growth Democracy and Governance in the Region*,
Dissertation, Graduate Program, University of Padjajaran, Bandung, 2010.