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The Constitutional Construction of Separate National and Regional Elections in Indonesia

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ABSTRACT

General elections in Indonesia shape representative democracy and the constitutional exercise of public power. This study examines the constitutional basis and regulatory construction of separating national and regional elections. It uses normative legal research with statutory, conceptual, and case approaches, examining the 1945 Constitution, election legislation, and relevant Constitutional Court decisions. Legal materials are analyzed through grammatical, systematic, historical, and teleological-constitutional interpretation to identify each decision's ratio decidendi, operative order, and legal consequences. The study finds that Decision No. 135/PUU-XXII/2024 declares specified provisions conditionally unconstitutional unless interpreted to require national elections for the President/Vice President, DPR, and DPD, followed by regional elections for DPRD and regional heads after an interval of 2 to 2.5 years. Decision No. 259/PUU-XXIV/2026 reaffirms that this interpretation has been binding since June 26, 2025, and applies from the 2029 elections; it creates no additional statutory deadline. The article develops a three-part normative framework linking equal and accessible political rights; representation, accountability, and oversight; and legal certainty, transition, and institutional integrity. Electoral separation does not automatically guarantee democratic improvement; its value depends on enforceable legal safeguards and measurable institutional performance.

Keywords: *Constitutional Adjudication; Constitutional Democracy; National Elections; Political Rights; Regional Elections.*

A. INTRODUCTION

General elections are a fundamental instrument in a democratic state because they enable the people to exercise sovereignty through the election of representatives and government leaders. In the Indonesian constitutional system, elections are connected not only with the mechanism for changing political power but also with the principle of popular sovereignty stated in Article 1(2) of the 1945 Constitution of the Republic of Indonesia. The people are the holders of sovereignty, while the exercise of state power must remain subject to constitutional

provisions (Republic of Indonesia, 1945). The design of election schedules is therefore a constitutional question: it affects how voters confer mandates, how representatives are formed, and how public authorities can subsequently be evaluated.

Elections cannot be judged solely by the regular conduct of voting or by the emergence of political winners. They must also guarantee voter freedom, political equality, legal certainty, administrative integrity, and respect for constitutional rights. Constitutional democracy requires power acquired through democratic procedures to remain limited and exercised in accordance with the Constitution. Electoral legitimacy is inseparable from the rule of law, human-rights protection, and mechanisms for accountability and oversight (Asshiddiqie, 2005). Accordingly, the quality of an electoral design must be assessed not only by administrative efficiency but also by whether all citizens can participate on equal terms and whether the resulting mandates remain constitutionally accountable.

The development of Indonesia's electoral system demonstrates that the simultaneous-election model is a constitutional question that has evolved through judicial interpretation. Constitutional Court Decision No. 14/PUU-XI/2013 required presidential and legislative elections to be held simultaneously from 2019, reasoning that separate schedules could encourage post-legislative political bargaining and weaken the presidential system (Constitutional Court of the Republic of Indonesia, 2014a).

The 2019 General Election combined five ballot contests in one voting cycle: the President and Vice President, the DPR, the DPD, the provincial DPRD, and the regency/municipal DPRD. Its implementation exposed the complexity of the

five-ballot model, including the workload imposed on election officials, the volume of choices facing voters, and the consequences for electoral administration. Fuadi (2021) identifies legal-political and institutional challenges associated with simultaneous elections. Sirajuddin et al. (2021) likewise argue for separating national and local election administration to improve the process and its results. These findings make the operational case for reform relevant, while also raising constitutional questions about the relationship between Articles 18 and 22E of the 1945 Constitution, the status of regional-head elections, and the legal design of the transition period.

The next development is evident in Constitutional Court Decision No. 55/PUU-XVII/2019. The Court rejected the proposition that the Constitution requires only one simultaneous-election model and identified six constitutionally permissible alternatives for lawmakers: (1) simultaneous elections for the DPR, DPD, President/Vice President, and DPRD; (2) simultaneous elections for the DPR, DPD, President/Vice President, governors, and regents/mayors; (3) simultaneous elections for the DPR, DPD, President/Vice President, DPRD, governors, and regents/mayors; (4) simultaneous national elections for the DPR, DPD, and President/Vice President, followed after an interval by simultaneous local elections for provincial and regency/municipal DPRD and regional heads; (5) simultaneous national elections, followed by a provincial election cycle for the provincial DPRD and governor, and subsequently by a regency/municipal cycle for the regency/municipal DPRD and regent/mayor; and (6) other models, provided that simultaneous elections for the DPR, DPD, and President/Vice President are maintained. The Court left the choice to lawmakers, subject to

meaningful public participation, early preparation and simulation, careful assessment of technical implications, simplicity for voters, and stability of the electoral model (Constitutional Court of the Republic of Indonesia, 2020).

The issue acquired a new dimension through Constitutional Court Decision No. 135/PUU-XXII/2024, pronounced on June 26, 2025. The Court separated national elections—electing the President and Vice President, members of the House of Representatives (DPR), and members of the Regional Representative Council (DPD)—from regional elections—electing members of provincial and regency/municipal Regional House of Representatives (DPRD) and regional heads and their deputies. In this article, the capitalized term "Regional Elections" refers to the combined group specified in Decision No. 135, namely DPRD and regional-head elections. "Pilkada" is used more narrowly for the regional-head election regime under the relevant statutes. This is a separation of election schedules and electoral groups, not a separation of state powers.

The separation of national and regional elections does not automatically guarantee higher-quality constitutional democracy. It requires harmonization of election legislation, legally certain terms of office and transitional arrangements, protection of equal political participation, and continuous oversight of public power. Separate election periods may create additional travel, information, and administrative burdens, particularly for voters with disabilities, older voters, and people in remote areas. The Court left the formulation of transitional arrangements to lawmakers through constitutional engineering, which must remain proportionate, time-limited, and grounded in law (Constitutional Court of the Republic of Indonesia, 2025). The constitutional test is therefore whether the new

calendar improves political evaluation without making the exercise of voting rights less accessible or equal.

The relationship between election schedules, legal certainty regarding terms of office, and the quality of constitutional democracy has been addressed from several perspectives. Fuadi (2021) focuses on the legal politics and institutional difficulties of simultaneous elections; Sirajuddin et al. (2021) use a normative legal approach to support separating national and local election administration; and Prayudi (2021) examines the proposal through embedded-democracy theory, including party dynamics, centre–regional relations, and voter participation. Post-Decision No. 135/PUU-XXII/2024 studies have developed the debate further: Asmorojati et al. (2026) examine electoral justice and regional autonomy; Huroiroh et al. (2025) consider implications for the DPR/DPRD electoral system; Islami (2025) addresses the constitutional perspective; Ardiansyah et al. (2026) and Zainurahman et al. (2025) focus on tenure and transition-related legal certainty; Satmawati et al. (2026) examine the legal certainty of separation; and Taqiuddin et al. (2026) and Budhiati and Herlambang (2026) analyze constitutionality and the development of regional-election doctrine. These contributions establish important arguments on electoral design, adjudication, and institutional consequences. The remaining task is to connect those strands in an implementation framework that identifies the applicable law (lex lata), the required legislative and regulatory changes (lex ferenda), the institution responsible for each action, and indicators by which compliance or failure can be assessed. This article makes that connection through a five-aspect matrix mapped to three

normative orientations, including accessible political participation and safeguards against transition-related rights violations.

Against that background, this research addresses two normative questions. First, what is the constitutional significance and legal scope of separating national and regional elections under Constitutional Court Decision No. 135/PUU-XXII/2024, read alongside Decisions No. 14/PUU-XI/2013, No. 55/PUU-XVII/2019, No. 072-073/PUU-II/2004, No. 97/PUU-XI/2013, No. 85/PUU-XX/2022, and No. 259/PUU-XXIV/2026? Second, what legislative harmonization and transitional arrangements are required to implement that separation while protecting equal political rights, representation, accountability, legal certainty, and institutional oversight? The research aims to establish the constitutional boundaries of the two election groups and formulate a verifiable normative framework for implementing the Court's binding interpretation.

B. RESEARCH METHOD

This study is normative legal research (doctrinal legal research) using statutory, conceptual, and case approaches. The statutory approach examines the 1945 Constitution of the Republic of Indonesia, particularly Articles 1(2), 18(3)–(4), 20A, 22E(1), 22E(2), 22E(5), 23E, 24C(1), 27(1), and 28D(1); Law No. 7 of 2017 on General Elections, particularly Articles 1(1), 167(3), 167(4), 167(6), 267(2), 314, 341, 347(1), and 367; and the regional-head election framework under Law No. 1 of 2015, as amended by Law No. 8 of 2015, Law No. 10 of 2016, and Law No. 6 of 2020, particularly Article 3(1) of Law No. 8 of 2015 as interpreted by Decision No. 135. The study also examines Law No. 8 of 2016 on Persons with Disabilities, Law No. 19 of 2011 ratifying the Convention on the Rights of Persons

with Disabilities (CRPD), Article 29 of the CRPD, Law No. 23 of 2014 on Regional Government, and relevant implementing regulations, including KPU Regulation No. 25 of 2023. The conceptual approach uses popular sovereignty and constitutional democracy to assess the legitimacy and limits of electoral design; electoral periodicity and legal certainty to assess calendars and terms of office; Pitkin's theory to evaluate authorization, descriptive and symbolic representation, and substantive responsiveness; inclusive political participation to assess accessibility and reasonable accommodation; and accountability to distinguish electoral evaluation from institutional and social oversight. The case approach examines Decisions No. 14/PUU-XI/2013 and No. 55/PUU-XVII/2019 as the development of simultaneous-election doctrine; Decisions No. 072-073/PUU-II/2004, No. 97/PUU-XI/2013, and No. 85/PUU-XX/2022 as the development of the constitutional status and dispute jurisdiction of Pilkada; Decision No. 135/PUU-XXII/2024 as the operative separation ruling; and Decision No. 259/PUU-XXIV/2026 as the subsequent clarification of its binding effect and application. The legal materials were selected because they directly govern constitutional election design, the scope of regional-head elections, electoral rights, institutional authority, and transitional consequences. The search and legal-material cut-off was November 8, 2026. The ratio decidendi of each decision was identified by isolating the constitutional issue necessary to resolve the case, examining the Court's reasoning that supports that resolution, and testing it against the operative order; supporting considerations not necessary to the result were treated as explanatory rather than as the operative holding. Primary legal materials comprise the Constitution, statutes, conventions, and official court decisions;

secondary materials comprise relevant books and peer-reviewed journal articles. Tertiary sources were not used as substantive authorities because the analysis relied directly on primary legal sources and selected secondary scholarship. Materials were collected through library research, inventoried and classified, then analyzed through grammatical interpretation of statutory wording; systematic interpretation of the relationship among constitutional provisions; historical interpretation of the evolution of election doctrine; and teleological-constitutional interpretation in light of popular sovereignty, equality, inclusion, and legal certainty. The resulting propositions were tested against the ratio decidendi and operative orders and synthesized through deductive legal reasoning into a normative implementation matrix that links legal duties, responsible institutions, proposed instruments, and verifiable indicators.

The primary legal materials were read in their applicable and amended versions. Law No. 7 of 2017 remains the principal General Election Law and has been amended, among others, by Government Regulation in Lieu of Law No. 1 of 2022, enacted as Law No. 7 of 2023. The regional-head election framework originated in Law No. 1 of 2015, which was amended by Law No. 8 of 2015, Law No. 10 of 2016, and Law No. 6 of 2020. Decision No. 135/PUU-XXII/2024 gives a conditional constitutional interpretation to Article 3(1) of Law No. 8 of 2015, as well as to Article 167(3) and Article 347(1) of Law No. 7 of 2017. The analysis therefore distinguishes the formal wording of the statutes from the binding constitutional meaning that must be applied following the Court's final decision.

C. RESULT AND DISCUSSION

1. Constitutional Basis for Separate National and Regional Elections

The constitutional basis for separating national and regional elections must be derived from a systematic reading of Articles 18 and 22E of the 1945 Constitution, rather than from treating either provision in isolation. Article 18(3) provides for the Regional House of Representatives (DPRD) elected through general elections, while Article 18(4) requires governors, regents, and mayors to be elected democratically. Article 22E(1) establishes the principles of direct, general, free, secret, honest, and fair elections held every five years; Article 22E(2) identifies the offices elected through general elections, namely the DPR, DPD, President and Vice President, and DPRD; and Article 22E(5) guarantees a national, permanent, and independent election commission. Article 18(3) and Article 22E(2) therefore place DPRD membership within the constitutional general-election framework, whereas Article 18(4) leaves the democratic method for choosing regional heads to be regulated by law. The different wording—"elected through general elections" and "elected democratically"—does not mean that regional-head elections may disregard democratic standards. Rather, it indicates that the Constitution does not prescribe an identical electoral mechanism or juridical category for every office. Read together with Articles 1(2), 27(1), and 28D(1), these provisions allow legislative design choices while requiring popular sovereignty, equality, periodicity, and legal certainty. The distinction is therefore a distinction of constitutional route and statutory regime, not a difference in the need to protect democratic rights.

The earlier constitutional jurisprudence explains the continuing distinction between regional-head elections and elections under Article 22E without treating the former as democratically inferior. Decision Nos. 072-073/PUU-II/2004, pronounced on March 21, 2005, held that Article 18(4) left lawmakers room to choose a direct or another democratic method for electing regional heads. Whichever method was selected, the principles of free, fair, and honest elections had to be observed; once direct elections were chosen, their administration had to be independent of the DPRD. The decision therefore addressed the democratic method and institutional independence of the regional election commissions (KPUD). Decision No. 97/PUU-XI/2013, pronounced on May 19, 2014, subsequently distinguished direct Pilkada from the formal category of elections expressly enumerated in Article 22E, while recognizing it as a material election implementing Article 18(4). The Court accordingly treated the method of election and the allocation of dispute jurisdiction as matters governed by the regional-head election regime, without removing the requirement that the process satisfy democratic principles. In the same decision, the Court invalidated Article 236C of Law No. 12 of 2008 and Article 29(1)(e) of Law No. 48 of 2009, but maintained its authority to adjudicate regional-head election result disputes until the legislature established the special judicial body contemplated by law. Decision No. 85/PUU-XX/2022 later declared Article 157(1) and (2) of Law No. 10 of 2016, as well as the phrase “until a special judicial body is established” in Article 157(3), unconstitutional. The effect was to remove the provisional character of the Court’s jurisdiction over regional-head election result disputes. This line of decisions concerns the constitutional method, institutional administration, and dispute

jurisdiction of Pilkada; it does not erase the separate textual bases of Article 18(4) and Article 22E or itself prescribe the national–regional election calendar (Constitutional Court of the Republic of Indonesia, 2005, 2014b, 2022).

Constitutional Court Decision No. 135/PUU-XXII/2024 provides the operative constitutional basis for the current separation. The Court declared Article 167(3) and Article 347(1) of Law No. 7 of 2017, as well as Article 3(1) of Law No. 8 of 2015, conditionally unconstitutional and without binding legal force insofar as they were not interpreted to require national elections for the President/Vice President, DPR, and DPD, followed by regional elections for provincial and regency/municipal DPRD and regional heads. The ruling was pronounced on June 26, 2025, and its citation year is therefore 2025, notwithstanding the 2024 case-registration number. The operative order requires the regional-election ballot to take place no sooner than two years and no later than two years and six months after the inauguration of the DPR and DPD or the President and Vice President. The decision does not convert regional-head elections into the Article 22E category in all respects; it harmonizes the electoral calendar by placing DPRD and regional-head elections in one subsequent regional group while retaining their distinct constitutional and statutory bases (Constitutional Court of the Republic of Indonesia, 2025).

The ratio decidendi of Decision No. 135/PUU-XXII/2024 must be distinguished from supporting considerations and from the operative order. In paragraphs [3.16.1]–[3.16.5], the Court considered the structural effects of the five-ballot model on election administrators, voters, party institutionalization, the time available to assess government performance, and invalid votes. These

considerations explain the problem addressed by the Court; paragraph [3.17] draws the constitutional conclusion that future elections should be organized in two groups. The operative part then gives that conclusion binding legal effect through the conditional declaration concerning the three statutory provisions. Thus, the Court did not abolish simultaneity altogether: it retained simultaneous contests within each group while prescribing a 2-to-2.5-year interval between the national and regional groups. The distinction matters because the Court's policy considerations explain the holding, whereas the operative order determines the provisions' binding legal meaning.

This development should be read against the earlier election-model jurisprudence. Decision No. 14/PUU-XI/2013 supported simultaneous presidential and legislative elections to prevent post-legislative bargaining and strengthen the presidential system. Decision No. 55/PUU-XVII/2019 then clarified that the Constitution does not mandate a single simultaneous-election model. In paragraph [3.16], the Court identified six alternatives: (1) simultaneous elections for the DPR, DPD, President/Vice President, and DPRD; (2) simultaneous elections for the DPR, DPD, President/Vice President, governors, and regents/mayors; (3) simultaneous elections for the DPR, DPD, President/Vice President, DPRD, governors, and regents/mayors; (4) simultaneous national elections for the DPR, DPD, and President/Vice President, followed some time later by simultaneous provincial and regency/municipal DPRD and regional-head elections; (5) simultaneous national elections, followed by provincial DPRD and gubernatorial elections, and subsequently by regency/municipal DPRD and regent/mayoral elections; and (6) another model, provided that elections for the

DPR, DPD, and President/Vice President remain simultaneous. In paragraph [3.17], the Court emphasized that selecting among constitutionally permissible models belonged to the legislature, not the Court. The Court also required lawmakers to consider meaningful participation, early preparation and simulation, technical consequences, simplicity for voters, and stability of the electoral system (paras. [3.16]–[3.18]). Decision No. 135/PUU-XXII/2024 subsequently narrowed the available legislative choice by prescribing, through its binding operative order, the two-group national and regional arrangement. Lawmakers retain authority to regulate implementation, but cannot select a calendar that contradicts that interpretation (Constitutional Court of the Republic of Indonesia, 2014a, 2020, 2025).

The subsequent Constitutional Court Decision No. 259/PUU-XXIV/2026, pronounced on August 12, 2026, clarifies the legal effect and temporal application of Decision No. 135/PUU-XXII/2024. The Court rejected the petition in its entirety. In paragraphs [3.10]–[3.11], it reasoned that the conditional interpretation in Decision No. 135 has been final and binding since its pronouncement on June 26, 2025. The unchanged wording of the statutory text does not create two norms of equal rank: the applicable norm is the provision as interpreted by the Constitutional Court. The Court further confirmed that the separated national and regional election design applies beginning with the 2029 elections and that the legislative framework must be completed before the 2029 election stages commence. Decision No. 259 did not create a new statutory deadline, did not prescribe a one-year or twenty-month amendment period, and did not alter the 2-to-2.5-year interval. Its significance is confirmatory: it removes uncertainty about

the binding effect of Decision No. 135 and establishes the 2029 election cycle as the practical point by which implementing legislation must be ready (Constitutional Court of the Republic of Indonesia, 2026).

A distinct issue concerns terms of office and the transition period. The regular 2-to-2.5-year interval between national and regional elections is part of the permanent electoral calendar prescribed in the operative order of Decision No. 135/PUU-XXII/2024. It must not be confused with transitional arrangements for regional heads and DPRD members elected in 2024, whose existing terms do not align with the new calendar. Their legal bases and inauguration dates differ: DPRD members elected in February 2024 hold a five-year representative mandate under Article 367 of Law No. 7 of 2017, while regional heads elected in November 2024 hold five-year terms under Article 162 of Law No. 10 of 2016. These terms must be traced from the legally prescribed commencement of office, not treated as if the polling dates themselves were the dates of inauguration. Paragraph [3.18.2] of Decision No. 135 assigns the transitional design to lawmakers through constitutional engineering. That authority is not a licence for indefinite extension. Any adjustment must have an express statutory basis, a legitimate public purpose, demonstrate necessity and proportionality, specify its duration and end date, and remain open to legal review while preserving continuity of government and the right to periodic elections.

Transitional regulation should distinguish at least three matters: the legal end of existing DPRD and regional-head terms; the mechanism for vacancies or temporary executive appointments during the transition; and the commencement of regular terms after the first separated regional elections. DPRD membership is

a collective representative mandate and should not be replaced by an executive interim appointment. Any adjustment to the DPRD term must follow its own statutory basis and protect the continuity of representation. For regional heads, any temporary appointment must be based on statute, be limited to necessary caretaker functions, prohibit the use of interim authority to predetermine electoral competition, and be subject to reporting and oversight. The statute should identify the appointing authority, powers and restrictions of interim officials, accountability mechanisms, and the precise date on which the temporary arrangement ends. An extension or early termination must be exceptional, time-limited, proportionate, and supported by reviewable criteria (Zainurahman et al., 2025; Ardiansyah et al., 2026).

The separation of elections also requires a sequenced legislative harmonization. First, Law No. 7 of 2017 should be revised to align the definition of elections in Article 1(1), the calendar and stages in Article 167(3), (4), and (6), campaign provisions in Article 267(2), ballot and polling arrangements in Article 341, and voting provisions in Article 347(1) with the two-group design. The amendments should also coordinate nomination, campaign-finance disclosure, logistics, counting, recapitulation, supervision, dispute resolution, and reporting for each cycle. Second, the regional-head election framework originating in Law No. 1 of 2015, as amended by Laws No. 8 of 2015, No. 10 of 2016, and No. 6 of 2020, must be harmonized with Decision No. 135, particularly the conditional interpretation of Article 3(1) of Law No. 8 of 2015 and the transitional provisions. Third, after statutory amendment, KPU and Bawaslu regulations should be adjusted to implement the two calendars, nomination and campaign stages, voter

registration, logistics, oversight, and dispute-handling procedures within each institution's legal authority. Failure to complete this framework before the 2029 stages begin risks inconsistent calendars, uncertain nominations, overlapping campaign and funding rules, logistical gaps, and procedural disputes, even though the Court's constitutional interpretation remains binding (Constitutional Court of the Republic of Indonesia, 2026).

The authority of the Constitutional Court must be distinguished from that of lawmakers and election administrators. Under Article 24C(1) of the 1945 Constitution, the Court's final and binding constitutional review determines the meaning of the statutory provisions; it does not itself draft every technical rule. The DPR and the President, acting through the constitutional legislative process, must amend the statutes and enact express transition provisions. KPU and Bawaslu then issue implementing rules within their respective statutory mandates. Bawaslu's mandate concerns supervision of the electoral process and enforcement of election law; it does not replace ongoing scrutiny of government performance. DPR and DPRD exercise legislative, budgetary, and supervisory functions, courts adjudicate disputes within their jurisdiction, BPK audits public finances, and the press and civil society contribute through social accountability. Decision No. 259 confirms that formal legislative amendment is necessary for operational completeness, but is not a condition for the binding constitutional interpretation to take effect (Saifulloh, 2022).

2. The Role of Separate National and Regional Elections in Strengthening Constitutional Democracy in Indonesia

The separation of national and regional elections may improve the quality of democracy only if it changes the conditions under which voters assess candidates and public policies, rather than merely changing the calendar. Election quality therefore depends on honest and fair procedures, comprehensible candidate information, substantive competition, and the public's ability to evaluate officials after they take office (Majid & Yazid, 2026).

Holding national and regional contests in one voting cycle brings together different political choices, but can make it difficult for voters to distinguish candidates, issues, and responsibilities for each office. Public attention may concentrate on national competition, while regional policy issues and the capacity of local candidates receive less consideration. This risk is not universal or inevitable; it depends on ballot design, voter information, campaign practices, and the capacity of election administrators (Huroiroh et al., 2025).

Separating election periods can clarify the focus of political evaluation. National elections concern national policy and the relationship between the central executive and legislative branches, while regional elections concern public services, development, regional budgeting, and regional autonomy. The two electoral groups nevertheless remain interconnected parts of Indonesia's constitutional system, and the separation of their schedules does not eliminate party-system or policy links between the national and regional levels (Irawan et al., 2026).

As stipulated in Constitutional Court Decision No. 135/PUU-XXII/2024, national elections cover the election of the President and Vice President, the DPR, and the DPD, while regional elections cover the provincial and regency/municipal DPRD and regional heads. The change in schedule may give voters more time to distinguish mandates and evaluate local issues, but it does not by itself guarantee substantive competition, clarity of accountability, or stronger democratic participation. Those results depend on nomination rules, party competition, campaign finance, accessible information, and the legal responsibilities of elected institutions (Satmawati et al., 2026).

Pitkin's (1967) account of representation distinguishes formalistic representation (authorization and accountability), descriptive representation (whether representatives reflect the social characteristics of those represented), symbolic representation (the meanings and legitimacy attached to representatives), and substantive representation (acting for and advancing constituents' interests). These dimensions provide different evaluative parameters for the electoral matrix. Subsequent scholarship cautions against reducing representation to the election-day authorization of a representative. Mansbridge (2003), for example, identifies promissory, anticipatory, gyroscopic, and surrogate forms of representation, while Saward (2006) emphasizes the dynamics and contestability of representative claims, including forms of representation not confined to elected office. Applied here, separate schedules may strengthen the formalistic dimension by making mandates and subsequent electoral evaluation more distinct, and may assist substantive representation by giving local issues greater visibility. However, the calendar does not itself determine descriptive diversity or symbolic legitimacy,

and it cannot ensure that elected officials act responsively. These dimensions remain affected by party recruitment, internal party democracy, nomination and candidate-selection rules, campaign-finance transparency, equal media access, and the quality of public performance information. Accordingly, the matrix treats schedule separation as a possible enabling condition, while legally testable indicators focus on transparent recruitment and nominations, accessible candidate profiles, campaign-finance disclosure, constituent engagement, and responsiveness to local needs (Pitkin, 1967; Mansbridge, 2003; Saward, 2006; Satmawati et al., 2026).

Separating national and regional elections can clarify the relationship between electoral mandates and the scope of official accountability. Voters may assess regional governments and DPRD members with greater attention to local policy, public services, budgeting, and oversight, rather than having local choices overshadowed by national figures. Regional heads exercise executive functions, while DPRD performs regional legislative, budgetary, and supervisory functions under the regional-government framework. A separate election period can give voters a time buffer to assess these institutions, but it creates no new legal powers and does not replace the accountability mechanisms already provided by law. Its contribution to substantive representation is conditional on accessible performance information, transparent budgets, effective DPRD oversight, and responsive public participation (Republic of Indonesia, 2014).

However, electoral separation should not be understood as an automatic guarantee that voters will make more rational decisions or that political representation will necessarily improve. National political influence can still be

present in regional elections through party support, coalitions, the popularity of figures, and political communication. Separation therefore needs to be accompanied by voter education, transparent candidate information, disclosure of campaign finance, and enforcement of rules that ensure equal competition. Without these safeguards, separation may simply shift issues from one election schedule to another without addressing the substantive problems of representative democracy (Fuadi, 2021; Majid & Yazid, 2026).

Separate election periods may strengthen vertical or electoral accountability by allowing voters to evaluate national and regional mandates at different times. This is a periodic mechanism through which citizens can reward or sanction political actors at the next election; it is not a continuous performance-review mechanism and does not guarantee that voters will have adequate information. The interval between elections therefore has democratic value only if officials disclose performance, budget, and policy information in forms that citizens can assess and use (Constitutional Court of the Republic of Indonesia, 2025; Pitkin, 1967).

Electoral accountability must not be treated as a substitute for horizontal institutional oversight or social accountability. At the national level, the DPR exercises legislative, budgetary, and oversight functions; at the regional level, the DPRD performs the corresponding functions under the regional-government framework. Courts adjudicate legal disputes and review the legality of state action within their jurisdiction. BPK audits the management and accountability of state finances under Article 23E of the Constitution. Bawaslu supervises the conduct of elections and enforcement of election law, not the full performance of elected governments throughout their terms. The press, civil society, and citizens

contribute through access to information, public scrutiny, advocacy, and participation in policy processes. These mandates are legally distinct and should not be collapsed into a general claim of "checks and balances." Separate schedules may support the timing of vertical evaluation, but horizontal and social accountability remain necessary between elections (Republic of Indonesia, 1945, 2014, 2017).

Protection of political rights also requires that separate elections do not create new inequalities in participation. Articles 27(1), 28D(1), and 22E(1) of the 1945 Constitution require equality, legal certainty, and free, secret, honest, and fair elections. Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD), ratified by Law No. 19 of 2011, requires equal political participation and accessible voting procedures, facilities, and materials, including the right to vote by secret ballot and to receive assistance, when requested, from a person of the voter's own choice. Law No. 8 of 2016 complements this obligation by requiring accessibility and reasonable accommodation for persons with disabilities (United Nations, 2006; Republic of Indonesia, 2011, 2016a). Universal accessibility concerns the design of polling stations, routes, information, ballots, and digital or printed materials for the widest range of users; reasonable accommodation addresses an individual voter's specific needs where general accessibility is insufficient. Assistance must preserve the voter's autonomy and secrecy, rather than transfer the choice to an assistant. Remedies must be available where registration, information, polling access, ballot assistance, or secrecy is denied. Practical measures include accessible polling stations and routes, Braille ballot templates where relevant, accessible voter education and campaign materials,

trained polling officers, and complaint channels capable of timely correction. Research on the 2024 election identifies continuing barriers involving information, polling-station location, Braille templates, and assistance (Alemande et al., 2024; Schur et al., 2015; Nebuchadnezzer, 2025; Yulyana et al., 2024; Amiel & Wahidin, 2025). A two-cycle calendar may allow more focused voter education, but it may also require repeated travel and information costs; accessibility standards must therefore apply consistently to both cycles and be evaluated by actual access and remedies, not only by formal rules.

The principle of checks and balances must be understood as a system of limited and mutually accountable public authority, not as a consequence of separating election schedules or as a new separation of powers. Constitutional democracy requires power to be legitimized by the people and continuously limited and supervised under the Constitution. Separate national and regional election periods may enable voters to assess authorities at different times, but the DPR/DPRD, courts, BPK, Bawaslu, media, and civil society continue to perform distinct functions under their respective mandates. This institutional division is relevant because electoral separation can only contribute to constitutional democracy when scrutiny is continuous and remedies are effective (Republic of Indonesia, 1945, 2014, 2017).

However, electoral separation does not automatically create a balance of power. Regional election outcomes may remain influenced by national party configurations, dominant political networks, and local patronage. Potential failure is indicated where voter access declines across either cycle; accessible facilities or reasonable accommodations are not provided; campaign finance and candidate

information remain opaque; regional policy issues remain submerged by national political narratives; interim officials exercise powers beyond caretaker needs; the 2-to-2.5-year interval or term limits are disregarded; or institutional oversight and remedies are ineffective. Regional governments that obtain electoral legitimacy still require DPRD supervision, judicial remedies, public-finance audits, Bawaslu supervision of electoral conduct, and public participation in policy-making. Separation should therefore be understood as an instrument that may improve the timing and focus of political evaluation, not as a substitute for existing oversight institutions (Huroiroh et al., 2025; Irawan et al., 2026).

Table 1. Normative Construction of Separate Elections and Constitutional Democracy

Aspect	Framework mapping	Lex lata (current law)	Lex ferenda (proposed instruments)	**Legally testable indicators**
Political rights and accessibility	I — Rights and accessibility	1945 Constitution Arts. 18(4), 22E(1), 27(1), 28D(1); CRPD Art. 29 (Law No. 19/2011); Law No. 8/2016.	Amend election rules to guarantee universally accessible registration, information, ballots, polling stations and routes; individual reasonable accommodation; voter-chosen assistance; ballot secrecy; accessible remedies. DPR/President enact law; KPU/Bawaslu implement and supervise.	Accessible TPS/routes and information; Braille templates where relevant; accommodation requests fulfilled; secret and autonomous voting protected; complaints registered and remedied within applicable time limits.

Representation and accountability	II — Representation, accountability and oversight	1945 Constitution Arts. 18(3)–(4), 20A, 22E(2); Law No. 23/2014; applicable party, election and regional-government rules.	Strengthen transparent party recruitment and nominations, candidate and programme disclosure, campaign-finance transparency, accessible performance/budget information, constituent feedback, and clarity of DPRD and regional-head functions.	Published candidate and programme information; campaign-finance reports and compliance; accessible performance and budget records; documented constituent engagement; DPRD oversight and follow-up.
Legal certainty and transition	III — Legal certainty, transition and institutional integrity	1945 Constitution Arts. 1(2), 22E, 24C(1), 28D(1); Law No. 7/2017 as amended; Law No. 1/2015 as amended by Laws No. 8/2015, 10/2016 and 6/2020; Decisions No. 135/2025 and 259/2026.	Amend Law No. 7/2017 Arts. 1(1), 167(3), (4), (6), 267(2), 341 and 347(1); harmonize the regional-head election framework, including Art. 3(1) of Law No. 8/2015 and transition rules; regulate DPRD and regional-head terms separately.	Published and consistent election calendar; 2–2.5-year interval; express statutory basis and end-date for each transition; separate treatment of DPRD and regional-head tenure; no indefinite extension; defined interim powers.
Oversight and checks and balances	II — Representation, accountability and oversight	1945 Constitution Arts. 20A, 23E, 24, 22E(5); Law No. 7/2017; Law No. 23/2014; statutory mandates of DPR/DPRD, courts, BPK and Bawaslu.	Clarify DPR/DPRD oversight of government and budgets; BPK public-finance audit; judicial remedies within jurisdiction; Bawaslu supervision of electoral conduct; access to information and public	Oversight hearings and reports; audit findings and follow-up; Bawaslu election-supervision reports and complaint remedies; reasoned judicial decisions; timely publication of budget/performance data; documented public scrutiny.

			participation by media and civil society.	
Institutional integrity	III — Legal certainty, transition and institutional integrity	1945 Constitution Art. 22E(5) and Art. 24C(1); Law No. 7/2017; regional-head election legislation; KPU and Bawaslu statutory mandates.	After statutory harmonization, align KPU/Bawaslu technical regulations on stages, nomination, campaign, voter lists, logistics, data, supervision and dispute procedures; define institutional coordination without transferring statutory powers.	Implementing regulations issued before 2029 stages; no conflicting norms; published division of duties and schedules; traceable logistics/data procedures; professional and independent election administration.

Source: Author's synthesis of the Constitution, election legislation, the CRPD, and Constitutional Court Decisions Nos. 135/PUU-XXII/2024 and 259/PUU-XXIV/2026.

The five aspects in Table 1 map onto three orientations because they address different stages of the same constitutional design. Orientation I (rights and accessibility) establishes the threshold condition: every citizen must be able to participate effectively and equally. Orientation II (representation, accountability, and oversight) concerns what electoral mandates must achieve and how the exercise of public authority is assessed between elections. Orientation III (legal certainty, transition, and institutional integrity) provides the temporal and institutional conditions that make those rights and mandates operational. The mapping is therefore substantive rather than merely presentational: rights are the democratic standard, representation and oversight are the accountability mechanisms, and legal certainty and integrity secure their continuity. The

indicators are legally testable where they can be checked against statutory requirements, published regulations, polling-station and accommodation records, finance disclosures, audit and oversight reports, election calendars, and reviewable transition decisions.

Implementing the decision requires a clear order of legislative and administrative action. First, the DPR and the President should amend Law No. 7 of 2017 so that its definitions, stages, calendar, nomination, campaign, ballot, counting, supervision, and dispute provisions reflect the national and regional groups specified by Decision No. 135. Second, they should harmonize the regional-head election framework originating in Law No. 1 of 2015, as amended by Laws No. 8 of 2015, No. 10 of 2016, and No. 6 of 2020, particularly the conditional interpretation of Article 3(1) of Law No. 8 of 2015 and the transition rules. Third, KPU and Bawaslu should adjust their implementing regulations only after the statutory framework is clear, within their respective mandates. Transitional clauses must separately address the terms of 2024-elected DPRD members and regional heads, temporary vacancies, interim executive appointments, and the first regular terms under the separated calendar. This framework must be completed before the 2029 election stages begin; otherwise, unresolved rules may produce inconsistent calendars, nomination uncertainty, logistical gaps, and disputes notwithstanding the binding constitutional interpretation.

The development of these follow-up regulations must be conducted through an open and participatory legislative process. Public participation should not be achieved solely through formal consultation forums, but must provide a real

opportunity for civil society, academics, political parties, voter groups—including organizations of persons with disabilities—and election organizers to submit views, receive explanations, and understand how their inputs are considered. Accessibility of consultation materials and meetings is part of meaningful participation. This transparency is crucial because election regulations determine how the people exercise sovereignty and influence the distribution of power within the state (Ramadoni et al., 2025).

The normative construction proposed in this article consists of three connected orientations, each linking constitutional principles to legal norms, institutional duties, instruments, and evaluation. The first orientation is the protection of equal and accessible political rights, grounded in Articles 18(4), 22E(1), 27(1), and 28D(1) of the 1945 Constitution, Article 29 of the CRPD, Law No. 19 of 2011, and Law No. 8 of 2016; the legislature must establish enforceable accessibility and reasonable-accommodation duties, while KPU and Bawaslu must implement and supervise accessible information, polling arrangements, secret and autonomous voting, and effective remedies. Its indicators include accessible polling stations and materials, fulfilment of accommodation requests, protected ballot secrecy, and timely resolution of complaints. The second orientation is representation, accountability, and oversight, grounded in Articles 18(3), 20A, 22E(2), and 23E of the Constitution and the regional-government framework; law should support transparent party recruitment and nominations, campaign-finance disclosure, accessible performance and budget information, meaningful constituent engagement, DPR/DPRD oversight, judicial remedies, audit, and social scrutiny, while keeping Bawaslu's supervisory role confined to electoral

conduct. Its indicators include accessible candidate and performance information, transparent finance and budgets, documented oversight and audit follow-up, and effective legal remedies. The third orientation is legal certainty, transition, and institutional integrity, grounded in Articles 1(2), 22E, 24C(1), and 28D(1), and the binding effect of Decisions No. 135/PUU-XXII/2024 and No. 259/PUU-XXIV/2026; lawmakers must harmonize the Election Law and regional-head election law, preserve the 2-to-2.5-year interval, and enact proportionate, time-limited transition provisions, after which KPU and Bawaslu must align technical rules before the 2029 stages begin. Its indicators include a consistent statutory calendar, a clear end-date and legal basis for every temporary arrangement, defined institutional powers, and no conflicting implementing rules. The three orientations are interdependent: a predictable calendar is not constitutionally adequate if it excludes voters, and accessible voting is not sufficient if elected authorities cannot be held accountable.

D. CONCLUSION

The first research question is answered by the systematic relationship between Articles 18(3)–(4) and 22E(1), (2), and (5) of the 1945 Constitution. DPRD elections fall within the Article 22E general-election framework, while regional-head elections are constitutionally grounded in Article 18(4), which requires democratic election but leaves the method to legislation. Earlier decisions developed that distinction and the jurisdictional rules for Pilkada; Decisions No. 14/PUU-XI/2013 and No. 55/PUU-XVII/2019 addressed the permissible models of simultaneity. Decision No. 135/PUU-XXII/2024 then conditionally declared specified statutory provisions unconstitutional unless applied to require national

elections for the President/Vice President, DPR, and DPD followed by regional elections for DPRD and regional heads after 2 to 2.5 years. Decision No. 259/PUU-XXIV/2026 confirmed that the interpretation has been binding since June 26, 2025 and applies from the 2029 elections, without imposing a separate statutory amendment deadline.

The second research question is answered by a sequenced framework: amend the General Election Law; harmonize the regional-head election law and its transition provisions; then align KPU and Bawaslu regulations before the 2029 stages commence. The article's principal contribution is the five-aspect implementation matrix mapped to three orientations—rights and accessibility; representation, accountability, and oversight; and legal certainty, transition, and institutional integrity—with institutional responsibilities and indicators capable of verification. Its central finding is conditional: separate schedules may improve the focus of political evaluation, but they do not by themselves guarantee substantive representation, accessible participation, or checks and balances. This is a doctrinal study and does not empirically measure voter behaviour, institutional performance, or the effects of the 2029 arrangements. Future research should test the matrix against implementation data from both electoral cycles.

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