

Comparison Of Direct Regional Head Election Systems In The Context Of Global Construction Law

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ABSTRACT

This article analyzes the comparison of regional head election systems directly in the context of global constitutional law. The background to this research is driven by the complexity and diversity of regional head election systems implemented in various countries, as well as their impact on global state governance which is increasingly connected and interdependent. The main objective of this research is to understand the differences and similarities in these systems, identify the factors that influence the choice of the regional head election system, and explore the implications for global constitutional law issues. The research methods used involve literature analysis, comparative studies, and a review of various regional head election models, both based on direct elections and representative systems. The research results show that the direct regional head election system has the potential to increase public participation and accountability, by focusing on democratic principles. However, its implementation can also pose challenges, such as fragile political stability and the protection of minority rights which is often a concern. This research concludes that a deeper understanding of the direct regional head election system and its implications for global state governance is very important in efforts to build global statecraft law that is more inclusive and sustainable. This article contributes to the literature discussing global constitutional law issues and can be a guide for researchers, legal practitioners, and policymakers in planning and evaluating regional head election systems.

Keywords:

Regional Head Elections, Electoral Systems, Democracy, Minority Rights, Election Technology

INTRODUCTION

A government system is a system that a country has to regulate its governance (Yuliani, 2023). Meanwhile, the regional head election system has a very important role in determining the direction and character of a country's state administration. In the context of increasingly interconnected global constitutional law, a comparison of regional head election systems is a very relevant and in-depth topic to study. One of the signs of a rule of law is the existence of a democratic system based on popular sovereignty. The implementation of a democratic system must be based on community participation and interests (Syarif & Adhitya Rizky Prabowo, 2023). The background to this research arises from the understanding that regional head election systems vary throughout the world and are the center of debate and research in various fields of study. For example, John Locke, a prominent philosopher, argued that direct elections conferred strong government legitimacy on the people. This form of government (he calls it a "commonwealth") does not explicitly establish democracy as the only legitimate system (Britannica, 2023). while Montesquieu argued for the need for separation of powers to prevent abuse (Goldoni, 2011). He argued that to create a democratic state, it was necessary to separate state power into three forms or organs namely legislative power, executive power, and judicial power (Kristina, 2021).

The main challenge in the context of global statecraft is the extent to which these systems can support the principles of democracy, public participation, and accountability, while dealing with the social, cultural and economic complexities that

exist in various countries. Various opinions on this matter have emerged from scholars and political thinkers. Alexis de Tocqueville, for example, referred to the danger of "tyranny of the majority" in a system of direct elections (Assimacopoulou, 2001). The greatest danger that Tocqueville saw was that public opinion would become a very powerful force, and that the majority could oppress unpopular minorities and marginal groups. (Edsitement, 2023). while John Stuart Mill described the benefits of active citizen participation in regional head elections as the foundation of a strong democracy. Government is a democratic form of government, not an anti-democratic form of government, as is generally considered (Lederman, 2022).

This research aims to provide in-depth insight into the direct regional head election system from a global state administration perspective. By understanding the differences and similarities in these systems, we can identify their impact on political stability, the protection of minority rights, and the establishment of more inclusive global constitutional law. Through methods of literature analysis and comparative studies, this article will explore the implications of various regional head election models, as well as explore global trends in the development of regional head election systems which are increasingly influenced by modern technology.

By understanding the diversity in regional election systems, we can inform legal practitioners, researchers, and policy makers about how to design systems that are effective and in line with the values of democracy and justice in an increasingly interconnected global state system. Thus, this research will not only provide a deeper understanding of the regional head election system, but will also provide useful guidance for the future development of global constitutional law.

METHOD

The research method used involves literature analysis and comparative studies to understand direct comparisons of regional head election systems in the context of global constitutional law. The following is a more detailed explanation of the research methods used:

1. Literature Analysis:

To understand the conceptual and theoretical framework, the research began with a literature analysis that included books, scientific articles, government reports, and related theoretical sources (Salmaa, 2023). This literature analysis helps in understanding the basic concepts and historical development of direct regional head election systems in various countries.

Secondary data, including the views of political and constitutional thinkers from various eras, is used to support an in-depth understanding of the diversity of approaches in the regional head election system.

2. Comparative Study:

In short, comparative research is comparing one variable with another variable to get facts from object of research researched (Azis, 2023). This research involves a comparative study to analyze various regional head election models in various countries. In this context, the regional head election system which is directly elected by the people is investigated further.

Primary data obtained through comparative analysis of the laws and practices of regional head elections in various countries. This includes the regional head election system, voting mechanisms, candidate requirements, and legal aspects related to regional head elections.

In addition, the implications of the direct regional head election system for global statecraft are also analyzed, including its impact on democracy, political stability, minority rights and public participation.

Through this research method, this research aims to provide a comprehensive and in-depth picture of the comparison of direct regional head election systems at the level of global constitutional law. By combining literature analysis and comparative data, this research seeks to provide a broader and deeper view of the diversity of regional head election systems and their implications for an increasingly connected global state structure.

RESULTS AND DISCUSSION

The research results show that the direct regional head election system has significant implications for global state governance. The following are the main findings revealed through this research:

a. Support for Democracy and Public Participation

The system of direct regional head elections tends to provide strong legitimacy to leaders elected by the people, increase public participation in the political process, and strengthen democratic principles in various countries (Hamidi & Cahyo, 2013). The successful implementation of direct elections is not only the task of organizers, supervisors and local governments but also the task and responsibility of society as a whole (Maninggesa, 2022).

The research results show that the direct regional head election system provides strong legitimacy to leaders elected by the people, and this supports the principles of democracy (Winengan, 2018). This is in line with the views of political thinkers such as John Locke, who considered that direct elections gave strong authority to the people (Rogers, 2005), and Alexis de Tocqueville, who observed the important role of public participation in maintaining democracy (Barton, 2023). However, the discussion also highlighted that although this system increases public participation, sharp political fluctuations can occur, threatening political stability.

Support for Democracy and Public Participation is one of the results of research that highlights how the regional head election system directly supports democratic principles and encourages public participation in the political process (Lee, 2023). In this context, this refers to the positive aspects that arise from the use of a direct regional head election system, namely:

- a) **Democratic Legitimacy:** The system of direct regional head elections gives authority to the people in choosing their leaders (Rahman, 2016). This means that elected leaders gain strong legitimacy from citizens, because they are directly elected by a majority vote. It supports the basic principles of democracy that emphasize government by the people.
- b) **Greater Public Participation:** This system encourages greater public participation in the political process. In direct regional head elections, citizens have the right to choose their own leaders, so they feel directly involved in political decision making (Misno, 2021). This participation is a manifestation of the basic principle of democracy which states that the people are the holders of power.
- c) **Government Accountability:** This system also creates a strong accountability mechanism, as directly elected leaders are accountable to their voters (National Democratic Institute, 2013). If the leader does not meet voters' expectations, they

can be replaced in the next election, which is an integral part of the democratic system.

This support for democracy and public participation reflects the importance of the direct regional head election system in maintaining the basic principles of democracy and encouraging citizens to be actively involved in their country's political process.

b. Challenges related to Political Stability

Even though it provides strong legitimacy, the direct regional head election system can cause sharp political fluctuations, threaten political stability, and create uncertainty in the formation of long-term policies.

The direct regional head election system has the potential to disrupt political stability. This is consistent with Montesquieu's thinking, which warned about the danger of "tyranny of the majority" that could arise in a direct democratic system. This challenge requires further thinking about how to maintain political stability, including through institutional mechanisms that mitigate sharp political fluctuations.

Challenges to political stability refer to issues and vulnerabilities that arise in the context of a direct regional head election system and have the potential to disrupt a country's political stability. In this context, some important points to note are:

- a) Sharp political fluctuations: The direct regional head election system often results in sharp changes in leadership after the election. This can include changes in parties or individuals holding power, and can result in significant changes in policy direction. These rapid and unpredictable political fluctuations can create political uncertainty that can affect stability (Wolak, 2023).
- b) Long-term policy uncertainty: When elected leaders change regularly, long-term policies become less reliable. This can complicate strategic planning and sustainable policy implementation, especially if those policies span across different leadership periods.
- c) Potential for Social Tensions: Sharp and unstable political fluctuations can also create social tensions, especially if the direct election of a leader creates deep political conflict. This can affect relations between groups in society and disrupt social stability.
- d) Protection against the tyranny of the majority: There are also concerns that a system of direct regional head elections could enable majority domination without adequate protection for minority rights. This can threaten political and social stability because minorities who feel they are not fairly represented can feel marginalized.
- e) Expanding the Role of Institutions: To overcome sharp political fluctuations, it is often necessary to expand the role of institutions such as parliament or executive institutions which have a role in maintaining political stability. This mechanism can help reduce the risk of political instability that could arise after direct elections.

This challenge to political stability is an important concern in designing an effective and sustainable regional head election system. To maintain political stability, it is necessary to find a good balance between democratic principles and the stability of state governance.

c. Protection of Minority Rights

Research shows that in some cases, direct regional head election systems can ignore the protection of minority rights, create risks of majority domination, and require additional efforts to ensure fair representation for all groups in society.

The research findings underscore the importance of protecting minority rights in the regional head election system. Along with John Stuart Mill's concept (Duncan, 1969) Regarding the importance of minority participation in politics, research results show that in some cases, the direct regional head election system can ignore the protection of minority rights (Agustine & Triningsih, 2021). The discussion emphasized the need for strong legal and constitutional mechanisms to ensure that all groups in society have a fair and equal voice in regional head elections.

Protection of minority rights refers to efforts to ensure that the rights and interests of minority groups in society are respected and protected, especially in the context of a direct regional head election system. Some key aspects of this concept are:

- a) Interests of minority groups: Minority rights cover the basic rights and interests of minority groups in society, including their civil, political, social and cultural rights. This includes the right to be elected, represented, participate in the political process, as well as the right to maintain and practice their cultural identity.
- b) Protection in the context of Regional Head Elections: In the context of direct regional head elections, the protection of minority rights becomes very important. This means that electoral systems must be designed to ensure that minority groups have an equal opportunity to be represented and receive fair political attention.
- c) Prevention of majority domination: One of the main concerns in protecting minority rights is preventing majority domination which has the potential to harm minorities. In regional head elections, this could include mechanisms such as diverse electoral systems, quotas, or guarantees that minority votes are valued and taken into account.
- d) Recognition of cultural identity: Protection of minority rights also involves recognition and respect for the cultural identity, language, religion and cultural wealth of minority groups. This ensures that they are not discriminated against or harassed in the election process or in everyday life.
- e) Equal Access to Elections: It is important that all citizens, including minority groups, have equal access to regional head elections. This includes aspects such as physical access to polling places, voter education, and increasing political awareness among minority groups.

Protection of minority rights is a basic principle in democracy that emphasizes the importance of treating all citizens fairly and equally regardless of their ethnic, religious or cultural group. In the context of regional head elections, this aims to ensure that the resulting policies and decisions reflect the interests and aspirations of all groups in society.

d. Technological Development and Regional Head Elections

The findings also highlight the influence of modern technology in the local election process, with more and more countries using technology to facilitate voting and ensure the integrity of the electoral process.

The development of modern technology also plays an important role in regional head elections (Januwarso et al., 2022). In this case, the research results show how technology has influenced the regional head election process, such as electronic voting, faster reporting of results, and election monitoring. This is in line with global trends in the use of technology in elections. The discussion includes the benefits of technology in increasing transparency and reducing the potential for fraud, but also emphasizes risks related to data security and privacy that need to be addressed.

Technological developments and Regional Head Elections refer to the impact of modern technology in the regional head election process. In this context, some key points are:

- a) **Electronic Voting:** One of the significant technological developments is the introduction of electronic voting. Voters can use electronic devices, such as computers or electronic voting machines, to cast their votes. This has the potential to speed up the election process, reduce voting errors, and increase the accuracy of results.
- b) **Electronic Monitoring:** Modern technology allows for more effective electronic monitoring during elections. Surveillance cameras, online reporting systems, and smartphone apps allow for better monitoring and transparency during elections, helping to reduce the potential for election violations and fraud.
- c) **Faster Reporting of Results:** Technology also allows for faster reporting of results after elections. With the use of computer systems and communications networks, election results can be announced quickly, providing real-time information to voters and observers.
- d) **Electronic Security and Data Protection:** The use of technology in elections also presents security-related challenges. Protection of voter data and election system security is important to prevent potential cyber threats and electronic fraud.
- e) **Internet Access and Information:** Modern technology, especially widespread internet access, allows voters to access more information about candidates and political issues before elections. This can help voters make more informed decisions.

These technological developments create changes in the way regional head elections are carried out. They have the potential to improve efficiency, transparency, and participation in elections, but also require attention to issues of security, data protection, and fair access. In the context of global constitutional law, these technological developments also raise questions about how to overcome emerging new challenges and ensure election integrity in the digital era.

Through the results of this research, we can understand that the direct regional head election system has complex and varied impacts, depending on the political, social and cultural context and characteristics of each country. These findings encourage the need for a holistic approach in designing regional head election systems that are in line with democratic values, ensure sustainable political stability, and protect minority rights in the context of an increasingly complex and connected global state structure.

CONCLUSION

The conclusion from research regarding direct comparison of regional head election systems in the context of global constitutional law is that this system has complex and varied implications. In order to combine various findings and discussions, conclusions can be formulated as follows:

- a. **Democracy and Public Participation:** The system of direct regional head elections supports democratic principles by providing strong legitimacy to leaders elected by the people and encouraging greater public participation in the political process. However, sharp political fluctuations can threaten political stability.

- b. **Challenges to Political Stability:** The system may face challenges regarding political stability, especially due to frequent changes in leadership after elections. Strong institutional mechanisms are needed to maintain political stability.
- c. **Protection of Minority Rights:** Protection of minority rights is an important aspect of the direct regional head election system. This protection involves preventing majority domination and ensuring fair representation for all groups in society.
- d. **Technological Developments and Regional Head Elections:** Technological developments have brought significant changes to regional head elections, with positive impacts such as electronic voting which speeds up the election process and negative impacts such as security risks and data privacy.

Several examples of comparisons between direct regional head elections in Indonesia and several other countries reveal significant differences in the regional head election systems as follows:

- a. **Indonesia vs. United States:** Indonesia and the United States both implement direct regional head elections. However, the difference in their political systems is a striking aspect. Indonesia is a presidential country with a strong central government, while the United States is a federal country with state governments having greater power.
- b. **Indonesia vs. UK:** Indonesia has direct elections for regional heads, while the UK, which adheres to a parliamentary system, does not have direct elections for regional heads. In England, such regional elections are carried out by elected representatives.
- c. **Indonesia vs. India:** Indonesia implements a direct regional head election system, where governors and regents are elected directly by local residents in general elections. This system is also implemented at the district/city level. In India, there are different regional head election systems in various states. Most Indian states have indirect local elections, in which the head of the state government (usually called the Chief Minister) is elected by members of the state legislature, who are in turn elected by the people.
- d. **Political and Cultural Context:** The practice of regional head elections in Indonesia and other countries is greatly influenced by their respective political and cultural contexts. Cultural values, political traditions, and societal dynamics play an important role in the implementation of elections and political participation.

In conclusion, direct regional head elections are an important aspect of global statecraft, and different countries adopt different approaches according to their political and cultural structures. Understanding these comparisons can help in improving regional election systems and support sustainable democracy around the world.

In an increasingly connected global statecraft, a deep understanding of various regional election systems and their implications is key to designing systems that are effective and in line with the principles of democracy and justice. This conclusion shows that while direct regional head election systems have their benefits, it is important to address the challenges and risks involved to ensure stable and inclusive state governance.

Acknowledgment

The completion of this research would not have been possible without the valuable contributions and support from various individuals and organizations. So, we would like to express our gratitude to CV. Batanghari Academia Indonesian Kolaka. We

extend our sincere appreciation to CV. Batanghari Academia Indonesia Kolaka for their invaluable assistance and guidance throughout the research process. Their support has been instrumental in the successful execution of this research.

References

- Agustine, O. V., & Triningsih, A. (2021). Political Rights Protection in Regional Election: Evaluation Perspective of Regional Expansion in Indonesia. *Jurnal Dinamika Hukum*, 21(1), 75. <https://doi.org/10.20884/1.jdh.2021.21.1.2866>
- Assimacopoulou, F. (2001). Arthur de Gobineau commenté par Alexis de Tocqueville. *The Tocqueville Review*, 22(2), 197–219. <https://doi.org/10.3138/ttr.22.2.197>
- Azis, Y. A. (2023). *Penelitian Komparatif: Pengertian, Jenis dan Contoh*. <https://deepublishstore.com/blog/penelitian-komparatif/>
- Barton, S. (2023). The Man Who Understood Democracy: The Life of Alexis De Tocqueville by Olivier Zunz (review). *Journal of the Early Republic*, 43(3), 503–505. <https://doi.org/10.1353/jer.2023.a905102>
- Britannica. (2023). The legitimacy of government. *Democracy*. <https://www.britannica.com/topic/democracy/The-legitimacy-of-government>
- Duncan, G. (1969). John Stuart Mill and democracy. *Politics*, 4(1), 67–83. <https://doi.org/10.1080/00323266908401157>
- Edsitement. (2023). *Alexis de Tocqueville on the Tyranny of the Majority*. <https://edsitement.neh.gov/curricula/alexis-de-tocqueville-tyranny-majority>
- Goldoni, M. (2011). Montesquieu and the 'French' Model of Separation of Powers. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.1945431>
- Hamidi, J., & Cahyo, I. (2013). The Regional Head Election Model based on the 1945 Constitution in the Context of Regional Autonomy. *Brawijaya University*.
- Januwarso, A., Sukristiyanto, A., & Darmawan, A. (2022). Digital Election Model in the Election of Regional Head and Deputy Head in Indonesia. *Advances in Social Sciences Research Journal*, 9(2), 159–167. <https://doi.org/10.14738/assrj.92.11658>
- Kristina. (2021). *Konsep Pembagian Kekuasaan Menurut Montesquieu*. <https://www.detik.com/edu/detikpedia/d-5774275/konsep-pembagian-kekuasaan-menurut-montesquieu>
- Lederman, S. (2022). Representative Democracy and Colonial Inspirations: The Case of John Stuart Mill. *American Political Science Review*, 116(3), 927–939. <https://doi.org/10.1017/S0003055421001283>
- Lee, M. (2023). Environmental Democracy and Law on Public Participation. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4487188>
- Maninggesa, S. (2022). Pentingnya Peranan Pemerintah Daerah dalam Penyelenggaraan Pemilihan Umum. *AHKAM*, 1(1), 166–176. <https://doi.org/10.58578/ahkam.v1i1.749>
- Misno, I. M. G. R. (2021). Public Political Participation in the 2020 Regional Head Election: The Case of Denpasar, Indonesia. *International Journal of Social Science and Human Research*, 04(03). <https://doi.org/10.47191/ijsshr/v4-i3-39>
- National Democratic Institute. (2013). *Accountability*. <https://www.ndi.org/e-voting-guide/accountability>
- Rahman, A. (2016). Direct Election of the head of the Regional. *Indonesia Prime*, 1(1), 1–7. <https://doi.org/10.29209/id.v1i1.1>

- Rogers, G. A. J. (2005). John Locke and the Authority of Church and State. *Anglophonia*, 17(1), 289–296. <https://doi.org/10.3406/calib.2005.1553>
- Salmaa. (2023). *Studi Literatur: Pengertian, Ciri, Teknik Pengumpulan Datanya*. <https://penerbitdeepublish.com/studi-literatur/>
- Syarif, E., & Adhitya Rizky Prabowo. (2023). *Analysis of Regional Head Elections Through the Regional People's Representative Council In the Indonesian Democratic System*.
- Winengan, W. (2018). Local Political Democratization Policy: Voter Participation in the Direct Regional Head Elections. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 22(1), 61. <https://doi.org/10.22146/jsp.31222>
- Wolak, J. (2023). How Political Content in US Weekly Can Reduce Polarized Affect Toward Elected Officials. *PS: Political Science & Politics*, 56(4), 525–530. <https://doi.org/10.1017/S1049096523000331>
- Yuliani, A. (2023). Hak Konstitusional Warga Negara. *Jaringan Dokumentasi Dan Informasi Hukum*. <http://jdih.sukabumikab.go.id/v1/artikel/detail/5/hak-konstitusional-warga-negara/>