



REGIONAL AUTONOMY AND LOCAL DEMOCRACY: INDEPENDENT CANDIDATES CASES

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Abstract

One of the efforts to achieve local democracy is through the participation of independent candidates in the Direct General Election in the region. The presence of independent candidates in the Direct General Election gives a great hope to change the political structure of the shackles of the old forces. This paper aims to discuss the implication of regional heads coming from independent candidates on the effectiveness of local governance and the implementation of substantive democracy in the region. The method used is a qualitative approach using descriptive research method. The data collection is done through literature approach. Processing data uses Milles and Huberman interactive models, which includes data reduction, data presentation, and conclusion. The study concluded three things: First, the presence of independent candidates in the Direct General Election gives the opportunities to achieve local democracy that is getting bigger, Second, Regional Heads elected from independent candidates face the challenges of the ineffectiveness of regional government, and Third, within certain limits, the power of elected regional heads from independent lane leads to the realization of democracy that is not substantial.

Keywords: individual candidates, Regional Election, local democracy.

I. INTRODUCTION

According to Mahfud MD (2003: 18), in his book "Demokrasi dan Konstitusi di Indonesia" at least there are three routes that are recorded on the efforts towards a modern democracy, namely the bourgeois revolution, characterized by capitalism and parliamentarian (France, UK), the revolution from above, which is also capitalist and reactionary, culminating in fascism (Germany), and the peasant revolution as seen on the communists to some extent supported by the workers (Russia and China). In the past, democracy has inspired the city-state (polis) of the Ancient Greeks between the 4th century BC to practice what is called "direct democracy" in which the people's right to make political decisions were executed directly by all citizens of the State acting under the procedure of the majority (Mahfud MD, 2003: 21).

The basic idea of a democratic government is the recognition of human nature, which is basically

human beings have the same ability in social relations. Based on such basic ideas, there are two (2) basic principles of democracy, namely: 1) The recognition of people's participation in government, i.e. the election of people's representatives to the representative institutions of the people directly, publicly, freely, and confidentially as well as honestly and fairly, and 2) Recognition of human nature and dignity, such as the presence of government's action to protect human rights for common interest (Pasaribu, 2010: 339).

Various studies have been conducted, among others by Amalia Herin Novita in an article entitled "Eksistensi Calon Independen Pemilihan Kepala Daerah Kota Malang Tahun 2013 Kasus Pasangan Calon Dwi Cahyono dan Muhammad Nur Uddin (Dwi-Uddin)" which produces some conclusions as follows: First, the presence of independent candidates gives a great hope to change our political structure of the shackles of the old forces. Second,

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democracy can be realized well with independent candidates. Third, the existence of an independent candidate itself is undeniable. The Direct Election in Malang in 2013 tried to present independent candidates and one of the independent candidate's pairs is Dwi-Uddin. Fourth, raise the support certainly would have to be a good strategy. The political strategy used by Dwi-Uddin in gaining the support of the community is to campaign by directly involved with the public.

Based on the research result by Novita (2013), suggested the following things: First, reorganization on the mechanism in the election through independent channels is needed, especially in the city of Malang. Second, public disappointment in political parties gives independent candidates a greater chance in the election. Third, independent candidates have a strong chance they have a strong and good political strategy.

Furthermore, a research by Alfons Sarah Saartje published in the *Jurnal Konstitusi* Vol 2 No 2, November 2010, entitled "Calon Independen Dalam Pemilihan Umum Kepala Daerah" confirms that the direct implementation of General Election is under the Law 32 of 2004 and Law No 12 of 2008. At the time of Law No 32 of 2004, there was no independent candidate in the General Election. In Law No 12 of 2008, there are two main points, namely direct General Election and the opportunity for independent candidates to participate in the General Election.

A study by Alfons (2010) aims to study and analyze the implementation of independent candidates in the general elections of regional heads according to the provisions of Law No 12 of 2008. Alfons concluded two (2) things: first, the presence of independent candidates in the General Election have been accommodated by Law No 12 of 2008 and Head of KPU Regulation No 15 of 2008. Second, the Regional Election Commission must accommodate independent candidates in local elections.

A research by Ni Putu Eka Martini A.R. (2015), a lecturer of Law in Udayana University, on "Problematika Calon Independen dalam Pemilihan Umum Kepala Daerah" aims to determine the basic law governing independent candidates and to find out the problems faced the independent candidates in the election. The legal basis for independent candidates in the General Election is a Constitutional Court Ruling No 5/PUU-V/ 2007 which content cancels Article 59 paragraph (1) of Law No 32 of 2004 which states that the participants of the regional head and deputy regional head are a pair of candidates simultaneously proposed by political parties or coalition of political parties. The decision of the Constitutional Court then stated in Article 59 paragraph (1) of Law No 12 of 2008 regarding the Second Amendment to Law No 32 of

2004 on Regional Government. While the problems of independent candidates in the General Election, among others: the independent candidates do not have a political machine, bear the required political cost, and if elected, he/she must be able to adjust the balance of power with legislators because they do not have political support in the legislature.

A research (Thesis) by Alfariyani (2013) - State Islamic University of Sultan Syarif Kasim in Riau, Pekanbaru - on "Tinjauan Yuridis terhadap Calon Perseorangan dalam Pemilihan Kepala Daerah dan Wakil Kepala Daerah secara Langsung Berdasarkan UU No 12 Tahun 2008" (Judicial Review of the Individual Candidates in Election of Regional Head and Deputy Regional Head Directly Under Law No 12 Year 2008). From the research by Alfariyani (2013), can be concluded as follows: First, the mechanism for independent candidates to contest the elections of regional head and deputy head of the requirements include provisions regarding terms of support with the following provisions: First, that the province with a population of up to 2,000,000 (two million) people must be supported by at least 6.5% or regency/city with a population of up to 250,000 (two hundred and fifty thousand) must be supported by at least 6.5%; second, that the province with a population of more than 2,000,000 (two million) of up to 6,000,000 (six million) people must be supported by at least 5% or regency/city with a population of more than 250,000 (two hundred and fifty thousand) to 500,000 (five hundred thousand) must be supported by at least 5%; third, that the province with a population of more than 6,000,000 (six million) to 12,000,000 (twelve million) people must be supported by at least 4% or regency/city with a population of more than 500,000 (five hundred thousand) to 1,000,000 (one million) people must be supported by at least 4%; and fourth, that the province with a population of more than 12,000,000 (twelve million) people must be supported by at least 3% or regency/city with a population of more than 1,000,000 (one million) people must be supported by at least 3% ; as well as the amount of the support is spread over more than 50% of districts/municipalities in the province in question or the number of sub-districts/cities in question. The support for the pair of individual candidates as the candidates for Governor/Deputy Governor, regent/deputy regent or mayor/deputy mayor made in the form of letters of support that is accompanied by a photocopy of identity card (KTP) or certificate of identity in accordance with the legislation.

Second, the constraints faced by individual candidates: (1) At the time of registration for a pair of candidates, individual candidates are constrained in terms of collection and verification of support requirements, (2) At the time of filing, the

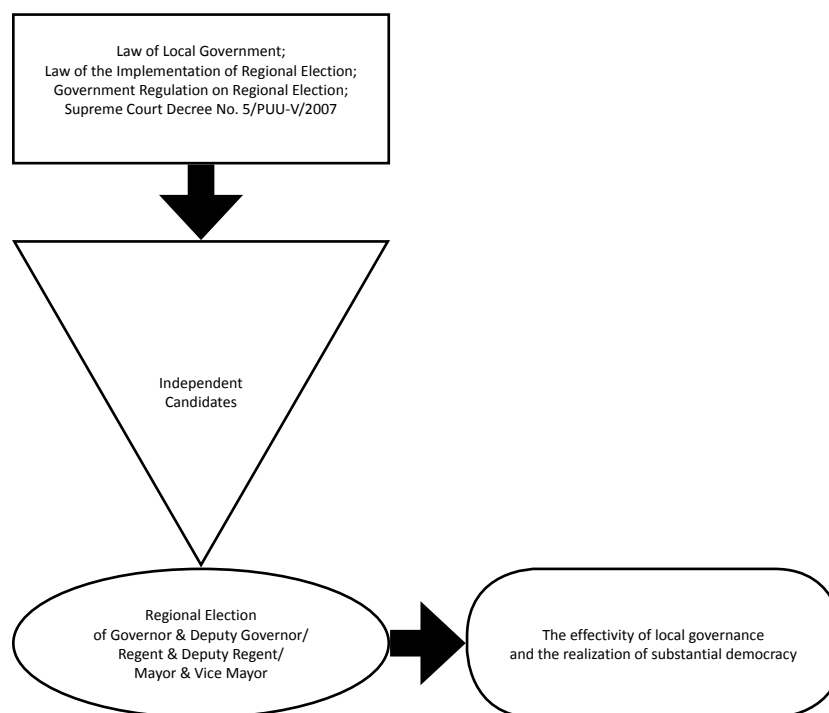


Figure 1. Conceptual Framework of Local Democracy Development

individual candidates will possibly face obstacles in the form of rejection from the Provincial or Regency / City Election Commission as a result of the ineligible or unsuitable terms of support that have been submitted previously, (3) During the campaign, independent candidates are constrained by the lack of support or mass when compared with candidates coming from a political party or coalition of political parties, and (4) At the moment the pair of independent candidates won and became head of the region, it is possible that the stability of the regional administration disrupted.

A research by Sri Warjiyati (2014) on “Calon Perseorangan Dalam Pemilihan Umum Kepala Daerah” (Individual Candidates In General Election of Regional Head) aims to discuss individual candidates in elections of regional heads from the perspective of siyasah jurisprudence. This study used a descriptive approach. The data used is secondary data obtained from the study of the policy. The data were analyzed qualitatively. The area that becomes the focus of research is the province of Nanggroe Aceh Darussalam. From this result, Warjiyati (2014) concluded that in siyasah Jurisprudence, the mechanism of independent candidates in the election is in accordance with the concept of al-ammah maslahah (concerning the interests of the general public).

A research from Research and Development Agency of Human Rights (Balitbang HAM) (2008) on “Pengajuan Calon Independen Dalam Pilkada ditinjau dari Aspek Perspektif Hak Asasi Manusia” (Submission of Independent Candidates in the elections in terms of the aspect of Human Rights

Perspective) aims to determine the public’s opinion on the submission of independent candidates in the elections and analyzing the impacts of the submission of independent candidates in the elections. The approach used in this research is descriptive. Primary data was collected at the locus of research namely West Nusa Tenggara, Bali, Riau and West Kalimantan provinces. Secondary data was obtained from literature study (library research). The data analysis was conducted qualitatively with quantitative data as a supporter. The result of this study concluded two things, first that individual candidates have raised the pros and cons in the community regarding the submission of individual candidates and the implementation of the decision of the Constitutional Court; second, with independent candidates being accommodated in the elections, it has an impact on various aspects of democracy, political institutionalization through political parties, government effectiveness, and fulfillment of human rights in the area.

To distinguish from the five studies, the author will discuss the topic of individual candidates in relation to the implementation of democracy in the region/local democracy. Local democracy - as we know - has been implemented, but has not fully achieved what is referred to as a substantive democracy, it is merely procedural democracy.

II. METHOD

The approach used in this paper is a qualitative approach, whereas the method of writing is a descriptive method. This method was chosen

because the author wanted to portray the problems and challenges faced by individual candidates of regional heads in the General Election in Indonesia, both at the time of the process of candidacy and was elected and served as head of the region. With this method, it is expected to obtain a complete and comprehensive picture of the phenomenon of the emergence of individual regional head candidates in the election in the country.

The data collection is done through a literature study. Authors explore various scientific papers and policies of the prospective head region in the individual lanes Direct Election in Indonesia. The data have been obtained and processed in accordance with the stage of qualitative data processing stated by Milles and Huberman (1984), namely data reduction, presentation, and conclusion.

III. RESULT AND DISCUSSION

A. Individual Candidates Versus Political Party Candidates

At first, the candidacy of the regional head and the deputy head can only be done by a political party or coalition of political parties. It is as stated in Article 59 paragraph (1) of Law No 32 of 2004: "Participants of the regional head and deputy regional head election are candidate pairs as proposed by a political party or coalition of political parties". In fact, the regional heads elected through political parties have not been able to demonstrate the expected performance, on the contrary, corruption is "rampant" in the area.

The portrait of the poor performance of regional heads has actually been started since the General Election campaign. This is shown in the results of the Commission study (2016) on "Potensi Benturan Kepentingan Pada Pendanaan Pemilu" (Potential Conflict of Interest on Election Funding). The result shows that on the reporting aspect, Regional Election's actual spending is greater than assets on LHKPN, as many as 51.4% of respondents' Regional Election's expense exceeds the capabilities of cash property owned. Meanwhile, as many as 16.1% of respondents' Regional Election's expense exceeds the total assets owned. All expenses not specified in the Report of Receipts and Expenditures of Campaign Fund (LPPDK), and Report of Acceptance of Campaign Donation (LPSDK).

The fact is quite surprising considering this study is the result of the research team of the Corruption Commission (KPK) that has high 'legitimacy'. In addition, most of the enforcement of regulations regarding the General Election, particularly in terms of funding (Law and Regulation Commission) in terms of compliance, accuracy and the enforcement of sanctions is not effective. In

Article 45 paragraph 2 letter c of Law No. 10 2016, stated that "the receipt of the candidate's assets report from the institution authorized to check the assets report of State Administrator, as the proof of the requirements fulfillment from the candidates as stated on Article 7 letter j". In Article 7, paragraph j stated that the Candidates for Governor and Vice Governor, Candidates for Regent and Vice Regent, and Candidates for Mayor and Vice Mayor must "submit a list of personal wealth".

But with the issuance of the Constitutional Court Decree No 5/PUU-V/2007, which is confirmed by Law No 12 of 2008, then individual/person can nominate themselves as regional head or deputy regional head as long as they meet the requirements specified in legislation. In Article 59 paragraph (1) of Law No 12 of 2008 regarding the Second Amendment Act No 32 of 2004 on Regional Government stated: "Participants of the regional head and regional deputy head are: a) The pair of candidates proposed by political parties or coalition of political parties, and b) a pair of independent candidates backed by a number of people.

First Dimension, the requirement for candidate's pair as proposed by political parties or coalition of political parties as stated in Article 59 paragraph (2) of Law No 12 of 2008 is if it meets the requirements of the acquisition of at least 15% of the total seats in parliament, or 15% of the accumulated acquisition of valid votes in the general election of Parliament members in the related regions. This requirement is becoming more aggravated in the regulation lieu of Law No 12 of 2008, which set out the Bill on the Second Amendment of Act No 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law on the Election of Governors, Regents, and Mayors Become Law. It is as contained in Article 40 of the bill, namely: "Political party or coalition of political parties may register a pair of candidates if it meets the requirements of the acquisition of at least 20% of the total seats in the Regional Representatives Council or 25% of accumulated acquisition of valid votes in the election of parliament members in the related areas (Article 40 paragraph 1).

From the material content of Article 59 paragraph (2) of Law No 12 of 2008 and Article 40 paragraph (1) of Bill in lieu of Law No 1 of 2015, can be stated that the requirement of seat number acquired by DPRD increased by 5% (from 15% to 20%), and so is the requirement of the accumulation of valid vote acquisition on DPRD election, which also increased by 10% (from 15% to 25%). The increase of requirement certainly has its own reasons, one of which is to provide political education to all stakeholders concerned with the political system, consisting of political actors, the group of interest, and the political party itself.

As the second dimension, which relates to the pair of individual candidates, where the requirement to submit themselves as the pair of candidates for regional heads has been stipulated with law regulations. This is as stated in Article 59 Paragraph (2a) as follows: "The pair of individual candidates can register themselves as the candidates for governor/vice governor if they meet the term of support with the provisions as follows: "a) Province with the population of up to 2,000,000 people must be supported by at least 6.5%, b) Province with the population of more than 2,000,000 people to 6,000,000 people must be supported by at least 5%, c) Province with the population of 6,000,000 to 12,000,000 people must be supported by at least 4%, and d) Province with the population of more than 12,000,000 people must be supported by at least 3%".

Meanwhile, in Article 59 Paragraph (2b) for regency/city: "independent candidates pair can register as a candidates pair of regent/deputy regent or mayor/deputy mayor if meeting the term of support with provisions as follows: "a. regency/city with the population up to 250,000 people must be supported by at least 6.5%, b. Regency/city with the population more than 250,000 people to 500,000 people must be supported by at least 5%, c. Regency/city with the population more than 500,000 people to 1,000,000 (one million) people must be supported by at least 4% (four percent), and d. Regency/city with the population of over 1,000,000 (one million) must be supported by at least 3% (three percent)".

However, with the ratification of Law No. 10 of 2016 on Second Amendment of Law No. 1 of 2015 on the Enactment of Government Regulation No. 1 of 2014 on the Election of Governor, Regent, and Mayor to Become A Law, then the number of support is changing. This is as stated in Article 41 paragraph (1) of Second Revision Bill towards Law No. 1 of 2015: "a) province with the population included on the list of permanent voters of up to 2,000,000 (two million) people must be supported by at least 10% (ten percent), b) province with the population included on the list of permanent voters of over 2,000,000 (two million) people to 6,000,000 (6 million) people must be supported by at least 8.5% (eight point five percent), c) Province with the population included on the list of permanent voters of over 6,000,000 (six million) people to 12,000,000 (twelve million) people must be supported by at least 7.5% (seven point five percent), and d) province with the population included on the list of permanent voters of over 12,000,000 (twelve million) people must be supported by at least 6% (six percent), and e) the number of support spread in more than 50% (fifty percent) of the regency/city in the concerned Province".

As for the regulating of regency/city level, it is described as follows: "a) regency/city with the population included on the list of permanent voters of up to 250,000 (two hundred fifty thousand) people must be supported by at least 10% (ten percent), b) regency/city with the population included on the list of permanent voters of over 250,000 (two hundred fifty thousand) people to 500,000 (five hundred thousand) people must be supported by at least 8.5% (eight point five percent), c) regency/city with the population included on the list of permanent voters of over 500,000 (five hundred thousand) people to 1,000,000 (one million) people must be supported by at least 7.5% (seven point five percent), and d) regency/city with the population included on the list of permanent voters of over 1,000,000 (one million) people must be supported by at least 6% (six percent), and e) the number of support spread in more than 50% (fifty percent) of the concerned regency/city".

The form of support for independent candidates, both at the provincial and regency/ city levels, is made in the form of letters of support, along with a photocopy of Electronic Identity Card or a certificate issued by the department of population and civil registration, explaining that residents are domiciled in the administrative area that holds the Election at least 1 (one) year and is listed in the DPT of previous General Election in the concerned province or regency/city (Article 41 paragraph 3). Changes in the total population to the number of voters in the DPT apply since the publication of the Constitutional Court Decree of 2015. Support is given to one (1) pair of independent candidates.

By following these requirements, then the support of regional head candidates from independent candidates must meet the percentage of the population of a region. The support is made in the form of letters of support, along with a photocopy of ID card or certificate of identity in accordance with the legislation. For example, the support for Ahok to progress through independent candidates in the general election for regional head (Election) of DKI Jakarta in 2017 is originally as many as 749,137 people (7.5% X 10 million inhabitants of Jakarta city), with the Constitutional Court Decree in 2015, then it amounts to only approximately 530,000 people (7.5% x 7,096,198 people). The total of 7,096,198 people is the number of people enrolled in 2014 DPT.

Individual lane, or also referred to as independent lane, becomes a choice in the midst of the various problems faced by political parties today. With political party's cadres lodged in various corruption cases in the last several years seemed like there was no solution from political parties. In addition, the selection of individual lane to avoid the obligation to provide "mahar" (dowry) to political

parties that are often borne by the regional head candidates supported by a political party.

If the candidates supported by a political party must submit and adhere to the policies outlined by the supporting party, then the independent candidates will be free of such obligations. The regional head supported by political party also has a duty to accommodate the interests of political parties into a political vehicle, as well as becoming the agent of the party. The party's ideology, which is often at odds with the ideology of regional head candidates from the independent lane, becomes the reason for regional head candidates to choose the independent lane. The idealism of candidates for regional heads from the independent lane, which is not accommodated by the political parties, comes into consideration for regional head candidates to advance through independent lane.

The regional head of political party will be held hostage and forced to accommodate the interest of the supporting political party. This happened because, since the beginning, the candidate for the regional head has built a communication of "reciprocation politics" to gain support from the political party. Therefore, all the policies of the regional head will consider more on how to accommodate the interest of the supporting political party rather than the need of the people of at least the constituent. In a bigger sense, this can cause a development in a region to only be a mode for sharing a "development cake" among authority, businessmen, and political party.

The existence of independent regional head that is free from political party's intervention is alleged will guarantee more the independence of the regional head. With the independence of the regional head, the principles of governance can be achieved in government practice. Even so, the candidate for the regional head from the independent lane

is really prone to problems when assuming the position of the regional head, especially when facing DPRD in policy formulation and implementing the development in the concerned region.

B. The Effectivity of Regional Government

By definition, according to Agung Kurniawan in his book "Transformasi Pelayanan Publik" (Public Service Transformation), he defines effectivity as follows: "Effectivity is the capability to execute duty, function (operation of program activity or mission) of an organization or the like without pressure or tension between the execution" (Kurniawan, 2005:109). Effectivity can also be defined as the utilization of resources, facilities, and infrastructure in a certain amount, which consciously stipulated previously to produce a number of goods or activity services being implemented. Effectivity shows success from the side of whether the purpose stipulated is achieved or not (Siagian, 2001: 24). Meanwhile, the criteria to measure effectivity according to Tangkilisan (2005: 141), comprises of 1) productivity, 2) work adaptation capability, 3) work satisfaction, 4) profitable capability, and 5) search for resources.

What refers to as the effectivity of local government in this paper is that there is no pressure or tension within the government relation between the regional head and DPRD. This is in line with the mandate of Law No 23 of 2014 that the regional head and DPRD are in fact a unity (*dwi tunggal*) of the local governance. The position of the *dwi tunggal* actually has prevailed since the New Order in accordance with the Law No 5 of 1974 on the Main Point of Government in the Region, where the Regional Head and DPRD are one package in implementing local governance. The *dwi tunggal* position itself has been "omitted" by the time the Law No 22 of 1999 prevailed. The results of various

Table 1.

List of Pairs of Candidates Failed on the Regional General Election for Governor and Vice Governor of DKI Jakarta

No.	Name of Candidates Pair	Remarks/Reason for Not Registering as Independent Candidates
1	Basuki Tjahaja Purnama (Ahok)/ Heru Dwi Hartono (Heru)	The number of ID Card Support achieves 1 million ID Cards but deferred as Ahok chose to proceed through Political Party Lane (Nasdem, Hanura, Golkar, and PDIP).
2	Ichsanuddin Noorsy/ Ahmad Daryoko	Only collected 19.505 ID Cards from the required 532.213 ID Cards.
3	Ahmad Taufik/ Mujtahed Hashem	Only inquired KPU on the submission of support requirement.
4	Muhammad "Eki Pitung" Rifki/ Baliala Reza	Is preparing for the support documents and will come back (while in fact the registration is closed on Sunday)
5	Jamaludin Amran/ Armen Rustam Effendi	Came to KPUD DKI 2 minutes before the document submission closing time. Not yet preparing the support requirement documents.

Source: processed from various sources.

researches show that the implementation of Law No 22 of 1999 gives a negative impact in the relation between the Regional Head and DPRD.

The real form of effectivity is the work productivity, in which the result achieved is compared to the processes of activities done, where there is a ratio between output and input. Even so, sometimes to acquire adequate productivity level, must give up a lot of input variables.

The effectivity of independent candidates is started since the event of the Regional General Election itself. The Regional General Election of DKI Jakarta in 2107, for instance, from the identified five pairs of regional head candidates, there is not any candidate that can proceed in the rivalry of the election for governor and vice governor of DKI Jakarta.

As it is known, the five pairs of candidates above did not even register did not pass the initial verification, and some did not prepare terms of support. Especially with the revision of the law that the terms of support in the form of ID Card for the implementation of the General Election are not only of the total population of DKI Jakarta but the population of Jakarta as listed in the voters list (DPT) of the previous General Election.

Furthermore, the election of independent candidates for regional head and regional deputy head is not impossible in the context of local democracy today. The voters, especially novice voters, usually look for candidates who are considered to represent their aspirations and free from the shadow of other forces outside themselves (political parties, local bosses, local entrepreneurs, and so on). This local boss is a special term known in the context of power in the region, where these groups may consist of a certain elite (former officers), champion (example: in Banten), a group of rich people in the area (including entrepreneurs in the area, although these entrepreneurs can be expelled as a separate power because it can support candidates pair independently).

Another problem faced by independent candidates, if elected as the regional heads, is that the independent candidates should be able to adjust the balance of power with the legislative members as a consequence of independent candidates for not having the political support of a political party, then it certainly will not gain political support in legislative institutions. At this level, there are concerns if the presence of independent candidates would only exacerbate the effectiveness of the regional administration. In this perspective, the presence of independent candidates should be supported by the development of effective power concerning the relationship of power relations between the executive and the legislative, local government system, and healthy party system.

Election result directly from individual candidates, whether for regional head or regional deputy head or any one of them (the regional head or only the deputy head, particularly the regional head), is potential to cause relationship conflict with the parliament while in duty. For example, the conflict between Garut Regent and Garut DPRD ended in dismissal (impeachment) to the Regent, H. Aceng Fikri. While his deputy - Dicky Chandra had long ago resigned from the post of deputy regent because he was often in conflict with Aceng Fikri. This has led to an estrangement between them that ultimately "broke up their partnership" as regional leaders pair.

However, as known, Aceng Fikri then be impeached by Garut DPRD because he was considered of committing serious violations of the law and the mandate of the people of the region. In the event, the head of the region promoted by the Political Parties, (probably) the case of Aceng Fikri can avoid impeachment. Why? Because of the balance of power in government. Garut regent position at that time was very weak because it does not have political support in DPRD. A similar case occurred in the United States, at the time Bill Clinton was impeached by the parliament, Clinton could win the battle with parliamentary support.

In a rather different context, the challenge to build local governance effectivity can be seen from the pair of Basuki Tjahaya Purnama – Djarot Syaiful Hidayat in DKI Jakarta Province. Ahok may not come from independent candidates while chosen as the deputy governor to accompany Governor Joko Widodo. But by the time Joko Widodo was sworn as the president in the midst of his post as the Governor of DKI Jakarta and Ahok succeeded the post of DKI Jakarta Governor, the local political map of DKI Jakarta started to shift. Meanwhile, Ahok decided to retreat from Gerindra Party because of the different view with the party that supported the election of the regional head and deputy regional head by DPRD (indirect).

To achieve the effectiveness of government, Ahok preferred political party lane than the individual lane in the upcoming 2017 General Election. This is understandable because he has experienced disharmony in relationships with the DPRD of DKI Jakarta, which resulted in the ineffectiveness of local governance.

C. Realizing Substantial Democracy in the Region

According to Prof. Gerry Stoker (University of Strathclyde), the main task of local government is how to answer two challenges, first, to convince the continuous relevance and the spirit of democratic local governance in a global world, and second, to manage the emergence of autonomous civil

society, the association that organizes self-limiting state power and provide the basis for a political alternative and the provision of services (Int'l IDEA, 2000). The opinion of Stoker became plausible, that one of the tasks of local government is to maintain the relevance of the spirit of democratic local government and provide support on the emergence of an autonomous civil society in local realm.

Therefore, the efforts to achieve democracy at the local level is in line with the concept of good governance. In good governance, many parties play a role in governance, namely the government itself/ state, private sector, and civil society (citizens) (Tjokroamidjojo, 2001). The three components/ pillars are jointly responsible for organizing the tasks of modern government, one of which is the provision of public services to the community, either service of administrative, goods, or services. In this case, the provision of services must be able to meet the principles of equality, justice, effective, and efficient.

According to Wahyudi (2009: 16), the basic principle of democratic governance is the participation of the people. People's participation

is accompanied by the recognition of human rights, freedom, solidarity, and equality. In the society, required a social contract that guarantees the rights of every individual in it. John Locke calls those rights as natural rights, namely the rights to life, liberty, and property. Rulers must govern with the consent of the people.

But it must be admitted that up until now, local governments are still unable to achieve the ideal condition because of some reasons surrounding it, among others are:

1. The impact of local government system with the previous structural efficient model causes high dependency to central (government), the independence of local (government) in its governance and financial management is still low.
2. The quality of Human Resources within local governance, despite the development in quality through education and training program, still has not impacted significantly.
3. The still low capability in implementing governance effectively, efficiently, and economically as well as the low possession of

Table 2.
Country Scores on Citizen Democratic Institutions
(high scores = high citizen democracy)

State	Mayor	Referendum	Personal Vote	Local Parties	Citizen Democratic Institution Score *
Sweden	0	0	0.13	0	0.03
Norway	0	0	0.19	0.13	0.08
Austria	0	0	0.24	0.08	0.08
The Netherlands	0	0	0.20	0.27	0.12
England	0	0	1	0.08	0.27
Belgium	0	0.5	0.30	0.29	0.27
Croatia	0	1	0.25 *	0.03	0.32
Czech Republic	0	1	0.30	0.22	0.38
Spain	1	5	0	0.5	0.39
Greece	1	0	0.30	0.51	0.45
France	1	0	0	0.81	0.45
Germany	1	0.5	0.39	0.15	0.51
Poland (20+)	1	0	0.30	1	0.58
Israel	1	0	n/a	0.93	0.64
Italy	1	1	0.30	0.35	0.66
Poland (20-)	1	0	1	0.62	0.66
Switzerland	1	1	0.57	0.10	0.67

*For Israel the scale score was computed on the basis of only three indicators.

Source: Danters & Klok (2014) in Citizen "Democracy and the Responsiveness of Councillors: The Effects of Democratic Institutionalisation on the Role Orientations and Role Behaviour of Councillors".

responsibility, responsiveness, and representatives in fulfilling the people's demand.

4. The absence of control and mechanism institutionally from the people so that it enables deviation and inefficiency in governance (Yunus: 89-90).

The question is, how to achieve the substantial local democracy in the region? The fact is, the political reality in Indonesia these days has not reflected the expected ideal concept (procedural democracy). Representation democracy applied by electing people's representatives through General Election has not been able to result in responsible government so that the democracy model experienced trust crisis from the people. The crisis of trust affects the people's distrust towards political and legal institutions. While in fact, the democracy system in Indonesia stood on the top of the constitution formed at the beginning of the founding of Indonesia.

As a comparison below will be stated democracy value table in various countries. The score is defined by 4 variables: mayor, referendum, personal vote, and local parties. Direct Mayor Election (0 = no, 1 = yes), citizen initiation on referendum (0 = no, 1 = yes), the proportion of elected board members based on personal vote (0.00–1.00), and the proportion of elected board members as independent candidates (0.00–1.00).

From the Table 2, it is clear that the governance system in the regions such as Austria, Netherlands, Norway, and Sweden is very democratic. Meanwhile, on the other side of the continuum, can be found countries with a local governance system that is more democratic such as Switzerland, Germany, Italy, Poland, and Israel. Possibly, there are various reasons for the variation. Switzerland, for instance, has a long tradition on the concept of citizen. In some other countries nowadays, it is marked with strong democracy institutions in local government, this is the result of the newest democracy. The reformation happens after the main obstacle of facing a political system. The cases are, for example, in Germany after the unification (Vetter, 2009, Gabriel and Eisenmann, 2005), Italy after the political crisis at the beginning of the 1990s (Bobbio, 2005), and Poland after the democracy transition (Swianiewicz, 2005) (Danters & Klok, 2014: 669-670).

When viewed from the practices of local governance these days, actually there has been an effort in achieving the substantial democracy. The problem is, can the constructed law framework be implemented in the field? Then, has all the component responsible for the success of local governance possessed the similar intention to achieve the real democracy in this country? Such rhetorical questions will get bigger and must be answered by all stakeholders, both in Central and

Local (Government).

IV. CONCLUSION

- a. The issuance of decentralization and local autonomy policy implemented since 2001 became the stake for the development of government and local democracy. It is even more so with the acceptance of the proposal for individual candidates in Regional Election, in accordance with Constitutional Court (MK) Decree No 5/PUU-V/2007, then the chance to realize local democratic is bigger. The decree then strengthened with the enactment of Law No 12 of 2008 about the Second Amendment of Law No 32 of 2004 on Regional Government. The latest, individual candidates are strengthened with the issuance of Law No 10 of 2016 on the second amendment of Law No. 1 of 2015 on the Stipulation of the Government Regulation No. 1 of 2014 on the Election of Governor, Regent, and Mayor.
- b. The participation of individual candidates in regional election apparently implied on the ineffectivity of the implementation of regional governance, because there is an imbalance between the relation of Regional Heads (Governor, Regent, Mayor) with its DPRD. In the case of Ahok-DPRD of DKI Jakarta, even though he's not really an individual candidate, showed that there are a pressure and tension between Governor – DPRD of DKI Jakarta which easily happened because of the imbalance of power.
- c. Lastly, in certain limits, the authority of regional heads chosen from the individual lane is, in fact, is not directed to substantial democracy, but more to fulfill procedural aspect. It is true that there is an equal right for each person to choose and be chosen (Human Rights perspective), but in reality, the appointment of individual candidates has not been able to realize the purpose of democracy itself.

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