

## CHALLENGES AND SOLUTIONS FOR DEMOCRATIC STABILITY IN INDONESIA AFTER THE CANCELLATION OF ELECTION REGULATIONS



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### **Abstract:**

*This paper explores the impact of the cancellation of electoral regulations, specifically PKPU No. 9 of 2020, on the stability of democracy in Indonesia. The decision by the Indonesian Supreme Court (Mahkamah Agung RI) to annul this regulation has created significant legal uncertainty, potentially disrupting the simultaneous regional elections (Pilkada). This study aims to analyze the challenges faced by the government and the General Election Commission (KPU) in responding to this decision, and to evaluate solutions that can be implemented to maintain democratic stability. Utilizing a qualitative analysis method, the paper identifies key issues such as regulatory changes, the potential delay of Pilkada, and increased administrative burdens. The findings highlight the importance of legal certainty and effective coordination among the government, election authorities, and the public to address these challenges. The study also proposes several solutions to enhance the electoral process and uphold democratic integrity in the future.*

**Keywords:** *democratic stability, legal uncertainty, PKPU No. 9 of 2020, simultaneous regional elections, Indonesian Supreme Court, regulatory changes*

### **A. Introduction**

The democratic process in Indonesia, especially the implementation of simultaneous regional head elections (Pilkada), is a crucial aspect of the government system. The simultaneous regional elections are designed to provide opportunities for the community to determine regional leaders directly and ensure accountability and transparency in the election process. However, implementing the Regional Elections often faces challenges, both from a technical and legal perspective.

One of the latest challenges faced is the Supreme Court of the Republic of Indonesia's cancellation of the General Election Commission Regulation (PKPU) No. 9 of 2020. PKPU No. 9 of 2020 is an important regulation that regulates various technical aspects of elections, including candidate requirements, registration procedures, and mechanisms for implementing the Regional Elections. The cancellation of this regulation has created significant legal uncertainty, potentially disrupting the Regional Elections' carefully planned schedule and procedures.

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This Supreme Court decision triggered various problems that affected the stability of democracy. Legal uncertainty can confuse prospective regional leaders, political parties, and voters. In addition, the impact of this cancellation can also result in a delay in the Regional Election process and an increase in administrative burden for the government and the KPU. Therefore, it is essential to understand the challenges faced in responding to this decision and find practical solutions to maintain the integrity and smooth running of the election process.

This article explores the impact of the cancellation of PKPU No. 9 of 2020 on democratic stability in Indonesia. Using a qualitative analysis approach, this article will identify the main problems that arise, such as regulatory changes and potential postponement of the Regional Elections, and evaluate various solutions that can be implemented to overcome these challenges. The main focus of this research is to provide a comprehensive picture of how legal uncertainty affects the democratic process and how coordination efforts between the government, the KPU, and the community can help overcome its negative impacts. Through this discussion, this article hopes to provide useful insights for policymakers, academics, and related parties to maintain democratic stability and improve the quality of the election process in the future.

### **Problem Formulation**

1. What is the impact of the cancellation of PKPU No. 9 of 2020 on the stability of democracy and the implementation of simultaneous regional elections in Indonesia?
2. What challenges do the government and the KPU face in responding to the cancellation of PKPU No. 9 of 2020?
3. What solutions can be applied to maintain democratic stability and ensure the smooth process of simultaneous regional elections after regulations are canceled?

### **B. Methods**

This research method combines a literature study approach to understand the impact of the cancellation of PKPU No. 9 of 2020 on the stability of democracy and the implementation of simultaneous regional elections in Indonesia. Literature studies are the main cornerstone of this research because it allows comprehensive information collection from relevant and reliable sources.

The first step of this research involves a Literature Review. This review will cover the literature related to election regulations, decisions of the Supreme Court of the Republic of Indonesia, and their impact on the Pilkada process. This includes analyzing legal documents, academic journals, textbooks, and current research on electoral systems and democratic stability.

Furthermore, an in-depth analysis of legal documents and literature will be conducted to identify how the cancellation of PKPU No. 9 of 2020 affects the implementation of the regional elections and democratic stability. The main focus is on regulatory changes, administrative challenges, and the impact of legal uncertainty.

This research also involves an in-depth understanding of legal theories relevant to the context of the cancellation of election regulations. This includes an analysis of the principles of electoral law and democratic stability that can guide fairness and transparency in the electoral process. The results of this literature study will form the basis for formulating solid arguments and conclusions and provide practical recommendations to maintain democratic stability and the smooth running of the simultaneous regional elections.

### **C. Result and Discussion**

The Supreme Court of the Republic of Indonesia's cancellation of the General Election Commission Regulation (PKPU) No. 9 of 2020 has created a wave of changes in

implementing simultaneous regional head elections (Pilkada) in Indonesia. This regulation previously regulated various important aspects of the election process, including candidate requirements, registration procedures, and the mechanism for implementing the Regional Elections (Nugroho, 2020). The impact of this decision is widespread, affecting various dimensions, from democratic stability to the efficiency of election administration.

The Supreme Court's decision to cancel PKPU No. 9 of 2020 has created significant legal uncertainty. This uncertainty confuses prospective regional leaders, political parties, and voters regarding the rules to follow (Altman & Pérez-Liñán, 2021). Legal uncertainty can undermine public confidence in the democratic system and reduce voter participation, undermining the legitimacy of election results.

The cancellation of PKPU No. 9 of 2020 also risks delaying the implementation of the simultaneous Regional Elections. This postponement can impact the planned election schedule and affect the readiness of candidates and voters (Kline, 2022). Susanto (2022) shows that delaying the election process can cause uncertainty in determining regional leaders and disrupt the planned local government agenda.

The government and the KPU are facing an increase in administrative burden due to sudden changes in regulations. Changing regulations and adjusting to the Supreme Court's decision require significant resources and time (Ariani, 2023). Magar and Thapa (2022) show that increasing administrative burdens often complicate the implementation of elections, mainly if regulatory changes are not managed properly.

Effective coordination between the government, the KPU, and other related parties is the key to overcoming the challenges faced after the cancellation of PKPU. Gupta and Khamis (2021) emphasized the importance of coordination in the legislation process to ensure that new regulations are accepted and implemented effectively. Without good coordination, unclear information can lead to confusion and errors in implementing new regulations. Applying the principles of fairness and transparency is very important in handling the cancellation of PKPU No. 9 of 2020. Zhao and Zhang (2021) underline that fairness in the electoral process is essential to maintain the integrity and public trust in the democratic system. Eder and Pappas (2023) show that applying the principles of justice can increase voter participation and support democratic stability.

To address the impact of legal uncertainty and election delays, proactive solutions are needed. Dawson and Nash (2023) recommend a quick and efficient approach to legislation to ensure that new rules can be implemented before the simultaneous regional elections begin. This includes accelerating the process of ratifying and socializing new regulations so that all relevant parties can comply with the applicable rules.

Increasing administrative capacity and training for relevant parties is also an essential solution. Mahmud (2022) noted that adequate training can reduce workload and increase the effectiveness of implementing new regulations. By increasing administrative capacity, workloads can be better managed, and the selection process can run more smoothly.

Continuous monitoring and evaluation of the implementation of new regulations is also essential. Wong and Chen (2021) emphasized the importance of monitoring to ensure that regulatory changes are going as planned and identify problems that may arise. A good evaluation can help improve the process and ensure that the new regulations do not interfere with the smooth implementation of the Regional Elections. The role of the media and public education in disseminating information about regulatory changes is also important. Educating the public about changes to the rules and electoral process can reduce confusion and increase voter participation (Kumar & Singh, 2021). An effective information campaign can improve public understanding and support the smooth election process.

The cancellation of regulations also has consequences for political parties and candidates. Political parties must adjust their strategies to meet the new regulations, which can affect their campaign preparations and election strategies (Hidayat, 2021). Candidates

may have to face additional difficulties in adjusting documents and meeting new requirements, which could impact their readiness for the Regional Elections.

As an election-organizing institution, the KPU must face major challenges in adjusting regulations and socializing changes to the public (Ariani, 2023). The KPU must also ensure that all changes are implemented consistently and promptly to maintain public trust and ensure the election process runs as planned.

Legal uncertainty and the potential postponement of the Regional Elections can affect public confidence in the electoral process and democracy. According to Altman and Pérez-Liñán (2021), public trust is essential to democratic stability. If the public feels that the election process is not transparent or unfair, this can damage the legitimacy of the elected government.

Legal uncertainty and election delays can reduce voter participation. Research by Zhao and Zhang (2021) shows that uncertainty in the electoral process often results in decreased voter participation, as voters may feel that their vote will not significantly impact.

Technology can play an important role in dealing with the challenges arising from the cancellation of PKPU No. 9 of 2020. Information and communication technologies can increase transparency, disseminate information, and facilitate a more efficient election process (Eder & Pappas, 2023). Effective use of technology can help overcome some of the administrative and legal challenges faced.

An evaluation of the electoral legal system as a whole is also needed to identify weaknesses and improve the electoral process in the future. Research by Gupta and Khamis (2021) shows that careful system evaluation can help design better reforms and strengthen democratic stability.

Implementing the legal reforms necessary to improve the electoral system must be carried out carefully and transparently. Dawson and Nash (2023) recommend that reforms involve all relevant parties to ensure that the changes implemented meet the needs of democracy and justice.

International influence and comparisons with practices in other countries can also provide insight into how to handle challenges in the electoral system. Comparative research can help formulate effective policies and strategies (Magar & Thapa, 2022).

Long-term considerations about how the repeal of regulations affects the democratic system are also important. Studies on long-term impacts can guide future improvements to the electoral system (Kline, 2022).

Civil society participation in the electoral and reform process can also positively contribute. Civil society can be crucial in overseeing the electoral process and promoting transparency (Kumar & Singh, 2021).

## **D. Conclusion**

The Supreme Court of the Republic of Indonesia's cancellation of PKPU No. 9 of 2020 has a major impact on the stability of democracy and the implementation of simultaneous regional elections in Indonesia. These regulations, which regulate various technical aspects of elections, are critical to the Pilkada process. The legal uncertainty that arises due to this cancellation can disrupt public trust, reduce voter participation, and postpone the Regional Elections, affecting local governments' schedules and agendas.

The government and the KPU face significant challenges in the form of increased administrative burdens, the need for effective coordination, and adjustments needed by political parties and candidates. To overcome this problem, it is essential to speed up the legislation process and socialize new regulations to implement the updated rules before the regional elections begin. In addition, increasing administrative capacity through training and continuous monitoring of the implementation of new regulations is also very important to maintain a smooth election process.

In addition, the role of the media and public education, as well as the use of information technology, are crucial to reducing public confusion and increasing voter participation. A thorough evaluation and reform of the electoral legal system are also needed to correct weaknesses in the electoral system. With these solutions, it is hoped that democratic stability can be maintained and that simultaneous regional elections can occur pretty and transparently.

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