

LOCAL CHIEF EXECUTIVE POLITICAL ACCOUNTABILITY IN INDONESIA: A HISTORICAL-LEGAL ANALYSIS

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Received: 7 March 2022 | Last Revised: 8 February 2023 | Accepted: 15 January 2024

Abstract

This paper discusses the local chief executive's (LCE) political accountability in the Local Government Acts (LGAs). Using historical and theoretical approaches, this article examines the influence of the political interests of the regimes on the changes of provisions on LCE's political accountability in the LGAs from 1945 to date. The LCE was accountable to the local council (DPRD) from 1945-1958 and 1999-2004; and to the central government from 1959-1998. While since 2004, the LCEs are only had to report -but not be accountable- to the Central Government, local council and the local community. Two important academic questions arise when dealing with this phenomenon. First, to what extent are the political interests of the democratic and authoritarian regimes shaped the changes of provisions on LCE political accountability in the LGAs? Second, how do the provisions conform to the accountability principles? This study's result shows that the rulers' political orientation shaped the LCEs' political accountability system and ignored the principles of accountability, leading to the inconsistent

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institutional design of LCE accountability. Furthermore, the LGA has yet to regulate the electoral/political accountability of LCEs, which should be a consequence of adopting the LCE direct election. We recommend precise arrangements on the accountability principle in the Constitution to avoid the politicization of laws by legislators according to their political interests and improve the role of Citizens through a recall petition to strengthen the enforcement mechanisms.

Keywords: Constitution; Decentralization; Local Accountability; Political Configuration

I. INTRODUCTION

Decentralization in Indonesia is intended to strengthen public accountability as a means of protecting the interests of local communities.¹ Accountability broadly defined as an obligation to account for the success or failure implementation of the organization's mission through a media of accountability. It is a crucial factor in a representative democracy system to avoid abuse of the people's mandate by representatives,² to prevent corruption,³ to optimize the performance of the government.⁴ Accountability is an indispensable part of decentralization and serves as a balancing force.⁵

LGAs regulate the LCEs' accountability system. In contrast to the local chief executive administrative and fiscal accountability to DPRD and the Central Government, which are clearly and consistently regulated in the Local Government Act Number 1 of 1945 to Law Number 9 of 2015, these laws stipulate the political accountability system differently.

In the old order administration, the local chief executive was accountable for Central Indonesian National Committee at local level (KNIP Daerah) who served

¹ Ryaas Rasyid, "Regional Autonomy and Local Politics in Indonesia," in *Local Power and Politics in Indonesia*, ed. Edward Aspinall and Greg Feal (Canberra: Research School of Southeast Asian Studies - The Australian National University, 2003).

² W. T Stanbury, *Accountability to Citizens in the Westminster Model of Government: More Myth than Reality* (Vancouver: Fraser Institute Digital Publication, 2003).

³ Laurence Ferry, Peter Eckersley, and Zamzulaila Zakaria, "Accountability and Transparency in English Local Government: Moving from 'Matching Parts' to 'Awkward Couple?'," *Financial Accountability and Management* 31, no. 3 (2015): 345-361, <https://doi.org/10.1111/faam.12060>.

⁴ Mark Bovens, "The Concept of Public Accountability," in *The Oxford Handbook of Public Management*, ed. E. Ferlie, L. E. Lynn Jnr., and C. Pollitt (Oxford: Oxford University Press, 2005), 182-208.

⁵ Jesse Ribot and Arun Agrawal, "Accountability in Decentralization : A Framework with South Asian and West African Cases," *The Journal of Developing Areas* 33, no. 4 (1999): 473-502, <http://dx.doi.org/10.2307/4192885>.

as local council as regulated in LGA 1 of 1945. KNIP Daerah had the power to question, assess and sanction LCEs as part of horizontal accountability. In the New Order government, the LGA 5 of 1974 stipulated the LCEs' accountability to the central government. Hence DPRD lost its role in evaluating LCEs' performance, and only the central government had the authority to assess and impose sanctions on them. Meanwhile, in the reformation era's first five years (1999-2003), the LGA 22 of 1999 reinstated the political accountability of LCEs to the DPRD.

However, when the people directly elected the local chief executive in 2004, the LCEs' political accountability system, as regulated in the LGA 32 of 2004 and the LGA 23 of 2014, showed an unclear direction. Instead of being accountable to their constituents, local chief executives only submit reports on local government administration to the central government, DPRD and the public. As a result, as holders of sovereignty that shall be involved in achieving an accountability system,⁶ the resident do not have the power to judge and impose sanctions on the poor-performing local chief executives.

Despite these changes, the LCE political accountability needs to be fixed. The LCEs' accountability to the central government in the era of Guided Democracy and the New Order caused LCE to pay less attention to local aspirations. When the LCEs were responsible to the DPRD at the beginning of the reformation era, the DPRD tended to use its authority to impose its interests on the LCEs, thus triggering political turmoil in the region. Meanwhile, the absence of LCEs' political accountability system in the current era has even led to the uncontrolled performance of LCEs. The central authority commonly emphasizes administrative accountability, while DPRD tend to use horizontal accountability instruments as a political weapon. Suppose power is decentralized to actors who are responsible only to higher authorities in the government structure or to the local council; decentralization is unlikely to achieve its stated goals.

⁶ Richard Mulgan, "Accountability: An Ever-Expanding Concept?," *Public Administration* 78, no. 3 (2000): 555-573, <https://doi.org/10.1111/1467-9299.00218>.

Here we argue that the LCEs' political accountability system needs to be regulated clearly and consistently by referring to the principles of accountability, the local administration system, and the LCEs' appointment system. Accountability at the local level must entail four principles, including setting accountability standards, obtaining information on policies and actions to be assessed, making judgments about the conformity of policies and actions with standards, and imposing sanctions on unsatisfactory performances.⁷ The head of an autonomous region in the unitary state system must be administratively responsible to the central government. The elected LCE shall be accountable to voters.⁸

This research will answer three questions: how did the different historical junctures shape local chief executives' accountability systems? How is the conformity of the LCE accountability norms in the LGAs with the enforcement principles as one of the four accountability principles introduced by The International Institute for Democracy and Electoral Assistance (IDEA)?⁹

II. METHOD

This research adopts a qualitative method to obtain a deeper understanding of Indonesia's local chief political accountability system to explore and critically analyze various phenomena surrounding the study's object.¹⁰ This study uses a legal-historical approach to examine the different historical junctures on the characteristics of legal products. According to Pathak,¹¹ legal-historical research presents a fascinating picture of the working of the law. It reveals facts crucial to unravelling many a legal problem that requires often looking back to the past.

⁷ Anuradha Joshi, "Do They Work? Assessing the Impact of Transparency and Accountability Initiatives in Service Delivery," *Development Policy Review* 31, no. 1 (2013): 29-48, <https://doi.org/10.1111/dpr.12018>.

⁸ Abraham Rugo Muriu, "Decentralization, Citizen Participation and Local Public Service Delivery: A Study on the Nature and Influence of Citizen Participation on Decentralized Service Delivery in Kenya" (Thesis (published) submitted for the submission at Universitätsverlag Potsdam, 2013).

⁹ Andrés Mejía Acosta, Anuradha Joshi, and Graeme Ramshaw, *International Institute for Democracy and Electoral Assistance IDEA Democratic Accountability and Service Delivery-A Desk Review* (Sweden: International IDEA, 2013), <https://www.idea.int/>.

¹⁰ John W. Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*, 4th ed. (California: SAGE Publications Inc., 2014).

¹¹ Rabindra Kr. Pathak, "Historical Approach to Legal Research," in *Legal Research and Methodology Perspectives, Process and Practice*, ed. B.C. Nirmal, Rajnish Kumar Singh, and Arti Nirmal (India: Satyam Law International, 2019), 1295.

The reason behind the choice of the legal-historical approach is sustained by the fact that the law formation process is inextricably linked to the conception and the structure of political power.¹² At the same time, the legislative and government institutions are parts of political institutions.¹³ Hence, in the rule of law system, the constitution should provide normative boundaries to prevent the politicization of law in the law-making process.

In addition, this study also utilizes a theory-driven approach, using several theories on political accountability to analyze the proposed topic. It allows researchers to build a corpus of robust scientific knowledge through theory testing.¹⁴ The theories are primarily used to develop a suitable conceptual framework as the basis for conducting data analysis.

Primary data are collected by interviewing experts, while secondary data are collected from relevant books, journals, and articles on the statutory regulations of local government and political history literature in Indonesia. The collected data are analyzed and interpreted using qualitative analysis and then placed within a conceptual framework.¹⁵ The final step is presenting interpretation by explicating a compact story from the interconnections of the categories.

III. ANALYSIS & DISCUSSION

3.1. Understanding Political Accountability in Decentralized Government

Decentralization aims to improve efficiency, equity, greater participation, and responsiveness of the government to citizens¹⁶ by giving authority to local governments.¹⁷ However, the effectiveness of decentralization hinges on

¹² Daniel S. Lev, *Hukum dan Politik di Indonesia [Law and Politics in Indonesia]* (Jakarta: LP3ES, 1990).

¹³ Miro Cerar, "The Relationship between Law and Politics," *Sword and Scales : An Examination of the Relationship between Law and Politics* 15, no. 1 (2009), <https://digitalcommons.law.ggu.edu/annlsurvey/vol15/iss1/3>.

¹⁴ Philip J. Cash, "Developing Theory-Driven Design Research," *Design Studies* 56 (2018): 84-119, <https://doi.org/10.1016/j.destud.2018.03.002>.

¹⁵ Creswell, *Research Design: Qualitative*.

¹⁶ Michael Mbate, "Decentralisation, Governance and Accountability: Theory and Evidence," *Journal of African Democracy and Development* 1, no. 2 (2017): 1-16, www.kas.de/Uganda/en/.

¹⁷ Markus Böckenförde, "A Practical Guide to Decentralized Forms of Government" (Paper (published) presented as part of the Constitution Building Programme implemented by International IDEA with funding from the Royal Norwegian Ministry of Foreign Affairs, 2011).

accountability. The absence of an accountability system will eliminate control over local government administrators or distance their range of control so that local governments can act arbitrarily or only serve their interests.¹⁸

Lindberg¹⁹ emphasized the importance of looking at sources in the accountability relationship, the level of control, and the spatial direction of the accountability relationship. The source of authority that comes from superiors, as in the government structure, will produce a form of administrative/bureaucratic accountability that is vertical, the source of authority from the council in the context of representative democracy produces a form of horizontal accountability,²⁰ while the source of authority from the voters will produce political/electoral accountability.²¹

In the last few decades, local autonomy has incorporated features of political decentralization. Political decentralization aims to enable local people to elect (directly or indirectly) public officials, thereby strengthening their political accountability to their constituents.²² Political decentralization opens political competition at the local level, tightens the circle of accountability between public and public officials,²³ and increases the political accountability of local government officials to their constituencies. It allows constituent as principals to evaluate and sanction poor-performing agents (LCE).²⁴ Only if constituents use accountability as a balancing force that decentralization is most likely to be effective.²⁵

¹⁸ Bovens, "The Concept of Public."

¹⁹ Staffan I Lindberg, "Accountability: The Core Concept and Its Subtypes" (Paper (published) presented for the Africa Power and Politics Programme (APPP) by the Overseas Development Institute, 2009).

²⁰ Guillermo O'Donnell, "Horizontal Accountability in New Democracies," *Journal of Democracy* 9, no. 3 (1998): 112-26, <https://doi.org/10.1515/9781685854133-004>.

²¹ Edward Brenya et al., "Democratic Institutions and Political Accountability : A Case Study of Ghana's Fourth Republican Parliament," *The International Journal of Humanities & Social Studies* 2, no. 12 (2014): 52-67, <http://www.theijhss.com/>.

²² Sujit Choudry, Michael Heyman, and Richard Stacey, *Decentralization in Unitary States: Constitutional Frameworks for the Middle East and North Africa* (Center for Constitutional Transitions, International IDEA and the United Nations Development Programme, 2014).

²³ Jean-Paul Faguet, "Decentralization and Local Government Performance" (Paper (published) is taken from a study at Centre for Economic Performance and Development Studies Institute, London School of Economics and financed by a grant from the World Bank Research Committee, 1997).

²⁴ Andreas Schedler, "Conceptualizing Accountability," in *The Self-Restraining State: Power and Accountability in New Democracies*, ed. Andreas Schedler, Larry Diamond, and F. Marc Plattner (London: Lynn Rienner Publisher, Inc., 1999).

²⁵ Ribot and Agrawal, "Accountability in Decentralization."

3.2. Local Chief Political Accountability System in Indonesia: Problems and Its Consequences

Regulatory provisions regarding the political accountability system of LCEs that have been continuously changing in the seven decades of the Indonesian nation's journey indicate that this nation is still searching for the right design. It is inseparable from the decisions of different ruling regimes regarding the political decentralization model and the pattern of relations between the central government and local governments within the framework of a unitary state system. The following chapters show these relationships with its various consequences.

3.2.1. Political Configuration and It's Effects

Referring to Sato,²⁶ an analysis of Indonesia's political configuration can be divided into five sections, namely liberal democracy era, guided democracy era, the first and second phases of the new order era, and the current reformasi era.

From the outset, government system in the liberal democracy era (1945-1958) adopted a presidential system.²⁷ However, at the suggestion of the Central Indonesian National Committee (KNIP), the government issued a government decree on 14 November 1945, marking the dawn of the parliamentary system.²⁸ The government also issued a declaration on 3 November 1945 as a transition to a parliamentary system that provided the people with ample opportunities to establish political parties, thereby giving rise to a multi-party system. The parliament showed high productivity in producing hundreds of laws, dozens of motions and interpellations, the right of inquiry, and the right to budget.

In this liberal configuration, three laws on local government were enacted, reflecting the supremacy of local councils. Law Number 1 of 1945 regulates the Local Indonesian National Committee (KNID) as a local council.²⁹ The Local

²⁶ Yuri Sato, "Democratizing Indonesia: Reformasi Period in Historical Perspective," *IDE JETRO* 1 (2003): 1-31, <https://www.ide.go.jp>.

²⁷ Despite it being categorized as a quasi-presidential system by a number of constitutional law experts. See Moh. Kusnardi and Harmaily Ibrahim, *Pengantar Hukum Tata Negara Indonesia [Introduction to the Indonesian Constitutional Law]* (Jakarta: Pusat Studi Hukum Tata Negara Fakultas Hukum UI, 1983).

²⁸ Juniarto, *Sejarah Ketatanegaraan Republik Indonesia [Constitutional History of the Republic of Indonesia]* (Jakarta: Bumi Aksara, 1990).

²⁹ Law No. 1 of 1945 on Regulations Regarding the Position of Regional National Committees.

Government Agency, led by the regional head, is responsible to the KNID (Article 3 of Law Number 1 of 1945), leading to a horizontal accountability system for LCEs.

Under the Law Number 22 of 1948,³⁰ DPRD plays a role in the nomination of LCEs to be appointed by authorized officials (Article 18), thereby indicating the increasingly stronger position and role of the DPRD in determining LCE candidates. The LCE is responsible to and obliged to provide the requested information to the DPRD (Article 34). This system accommodates the enforcement principle in which the DPRD reserves the right to propose the dismissal of the local chief executive to the Central Government.

On 18 January 1957, the first law on the Principles of Local Government, as indicated in the 1950 Constitution, was passed.³¹ The law adheres to the principle of real autonomy as an implication of the ultra-democratic principle in the 1950 Constitution and also strengthens the parliamentary system in the local government system more than the previous laws do. According to Article 6 of the law, members of the DPD (Regional Representative Board) make decisions and hold the executive power of the local government (Article 44).

The design of the LCE accountability system in this law also shows a parliamentary-style in which they are accountable to the DPRD. The general explanation of this law also explains that the LCE functions as a chairperson and concurrently as a member of the DPD; hence, they are collegially responsible to the DPRD in performing their duties. Therefore, when the DPRD overthrows the DPD through a vote of no confidence or other instruments, the status as the LCE is also terminated, meaning that the position of the LCE is no longer a central government apparatus.

Political instability during the liberal democracy era was used as a pretext by President Soekarno to issue a presidential decree on 5 July 1959, reinstating

³⁰ Law Number 22 of 1948 Concerning Stipulation of Basic Rules Regarding Self-Government in Regions with the Right to Regulate and Manage Their Own Households.

³¹ Law Number 1 of 1957 on the Principles of Regional Government.

the 1945 Constitution and returning the central authority to the President, which also marked the start of the Guided Democracy era (1959-1966). According to Bakti,³² it was the ground for the return of the 1945 Constitution and paved the way to the guided democracy era through which Sukarno pushed for several main agendas.

The first is the centralization of power to the President by establishing a national council consisting of representatives of functional groups. This extra-constitutional position of the council, higher than the Cabinet, was led by President Soekarno himself. According to Lubis M.,³³ the council membership and the cabinet reflects the whole nation and the parliament. The second is the creation of the Soekarno-Military-PKI (Indonesian Communist Party) axis to strengthen the centralism of power.³⁴

The third is the disbandment of political parties that did not support Sukarno, including Masyumi and the PSI. The guided democracy regime also weakened the people's legislature due to the frequent issues of several laws and regulations in the forms of PERPRES, PENPRES, and PERPPU by the President, in addition to the establishment of DPR-GR (People's Representative Council of Gotong Royong) disbanding of the DPR (House of Representatives) through Presidential Decree Number 4 of 1960.³⁵ The fourth is control over the press that did not support government policies and threatened to revoke the issuance license, assuming it does not support the implementation of the USDEK.

The political configuration in this guided democracy is centralized, authoritarian, and repressive with an executive characteristic, in contrast to the liberal democracy era. In this political configuration, the Government stipulates

³² Ikrar Nusa Bakti, "The Transition to Democracy in Indonesia: Some Outstanding Problems," *The Asia-Pacific: A Region in Transition* (2004): 195-206, <https://apcss.org>.

³³ Mochtar Lubis, *Hati Nurani Melawan Kezaliman, Surat Surat Bung Hatta Kepada Presiden Soekarno 1957-1960 [Conscience Against Violence, Bung Hatta's Letters to President Soekarno 1957-1960]* (Jakarta: Sinar Harapan, 1986).

³⁴ Shils, Edward, "Angkatan Bersenjata dalam Pembangunan Politik Negara-Negara Baru [Armed Forces in Political Development of New Countries]," in *Elit dalam Perspektif Sejarah [Elites in Historical Perspective]*, ed. Sartono Kartodirdjo (Jakarta: LP3ES, 1983).

³⁵ Zentralarchiv Yamguchi and Gigi Quetelet, "Comparative Study of Post-Marriage Nationality of Women in Legal Systems of Different Countries," *International Journal of Social Science Research and Review* 3, no. 3 (2020): 1-8, <https://doi.org/10.47814/ijssrr.v3i3.41>.

two regulations related to regional government, namely Presidential Decree Number 6 of 1959³⁶ and Law Number 18 of 1965.³⁷ Presidential Decree Number 6 of 1959 offers a political policy that restores and strengthens the position of the local chief executive as an apparatus of the Central Government (Article 14). According to Article 14 of the decree, Paragraph 2, the local chief executive supervises the running of local governments and may suspend the DPRD's decision assuming the LCE considers the decision to be in contradictory with public interest and higher laws and regulations (Article 15). In determining the local chief executive, the Central Government may appoint candidates other than those proposed by the local council (Article 14). The role of the DPRD was compromised since it was led by a local chief executive (Article 1). The local chief executive responds to the DPRD, which no longer can dismiss him/her so it has weakened the principle of DPRD enforcement in this horizontal accountability (Article 14).

Meanwhile, Law Number 18 of 1965 strengthened the Central Government's control over the regions. Liang Gie called it "the colonial law" due to the dominance of the Central Government's role over regional governments. According to Article 17 Paragraph 2, the local chief executive could not be overthrown by the DPRD because they are civil servants and a Central Government apparatus (Article 19).

Suharto took the helm of the new order regime with the army built from a coalition of groups opposing President Soekarno and the Indonesian Communist Party (PKI), intellectuals, students, and businesspeople.³⁸ From 1965 to 1969, Suharto and the army adopted a liberal-inclined political system of governance to determine a new democratic regime and became the antithesis of the authoritarian guided democracy government. During this period, press freedom allowed mass media to broadcast news and openly criticize the Government's abject failure of guided democracy.

³⁶ Stipulation of the President Number 6 of 1959 on Regional Government.

³⁷ Law Number 18 of 1965 on the Principles of Regional Government.

³⁸ Edward Aspinall and Greg Fealy, *Soeharto's New Order and Its Legacy* (Australia: ANU Press, 2010), 0-14.

Suharto and the army began political consolidation for the 1971 general election after Suharto took office in 1968. Several indicators marked the political configuration of the new order. The first is the authoritarianism of military-based regimes or dictatorships.³⁹ The second is the simplification of political parties through the fusion policy, which led to the creation of three political parties, namely the Indonesian Democratic Party (Partai Demokrat Indonesia/PDI) as a merger of nationalist-oriented political parties, the United Development Party (Partai Persatuan Pembangunan/PPP) as a merger of Islamic political parties, and the Golkar Party.⁴⁰ The third is the suppression of the press and the exercise of concentrated administrative, fiscal and political power.⁴¹

From 1966 to 1969, the three periods with varying political configurations in the new order era influenced the characteristics of legal products following the implementation of a liberal-democratic Decree of the People's Consultative Assembly (TAP MPRS) Number XXI/MPRS/1966.⁴² The decree provided broad autonomy to the regions and tended to be liberal with the libertarian style of the early new order.

During the 1969-1971 consolidation period, the new format of Indonesian politics, which emphasizes growth-based economic development on the support of foreign capital borne by national stability and national integration, influenced the concept of autonomy. It was also replaced with the concept of 'real and responsible' autonomy as indicated by Law Number 6 of 1969.⁴³

³⁹ R. W. Baker, "Indonesia in Crisis," *Asia Pacific Issues* 36 (1998), <https://scholarspace.manoa.hawaii.edu/Indonesia> is facing a grave crisis which is, in the most fundamental sense, political. A loss of confidence in the Soeharto government and a wave of violence sparked by deteriorating economic conditions have raised the specter of a general collapse. As the world's fourth-largest nation by population, possessing vast natural resources, and located at a key crossroads between the Pacific and Indian Oceans, Indonesia is strategically critical to the future of the Asia-Pacific region. Since 1965 it has played a responsible and active international role, and was a leader in establishing the Association of Southeast Asian Nations (ASEAN)

⁴⁰ Stefan Eklöf, *Indonesian Politics in Crisis: The Long Fall of Suharto, 1996-1998* (Copenhagen: NIAS Publishing, 1999).

⁴¹ Francis E. Hutchinson, "(De)Centralization and the Missing Middle in Indonesia and Malaysia," *Sojourn: Journal of Social Issues in Southeast Asia* 32, no. 2 (2017): 291-335, <http://www.jstor.org/stable/44668418>.

⁴² Ketetapan Majelis Permusyawaratan Rakyat Sementara Republik Indonesia Nomor XXI/MPRS/1966 Tahun 1966 Tentang Pemberian Otonomi Seluas-Luasnya Kepada Daerah [Decree of the Provisional People's Consultative Assembly of the Republic of Indonesia Number XXI/MPRS/1966 of 1966 on the Granting of the Widest Autonomy to Regions].

⁴³ Law Number 6 of 1969 on Statements of the Non-Applicability of Various Laws and Government Regulations in Lieu of Laws.

Meanwhile, in the third period of 1971-1999, the political configuration showed an anti-democratic and authoritarian characteristic that further influenced the pattern of local government legal products. Decree of the People's Consultative Assembly Number IV/MPR/1973⁴⁴ on the GBHN (Outlines of the State Policy) was enacted immediately after the 1971 general election, which also adopted the concept of real and responsible autonomy. After the GBHN, the new order regime also passed Law Number 5 of 1974,⁴⁵ which strengthened the role of the Central Government in regional administration. The Central Government exercises three types of supervision to the regions, including preventive, repressive, and general supervisions (Articles 68-71). The DPRD is authorized to nominate at least two local chief executive candidates to the Central Government. However, neither President nor Ministry of Home Affairs is bound by the proposal. The candidate with the highest number of votes in the DPRD is not automatically appointed to be the local chief executive for the final determination is the prerogative of the President (Articles 15-16).

This law adopts a vertical accountability system (Article 22, Paragraph 2), which was built based on the concept of the President as the highest authority to administer the government in all regions across the country. According to Article 22, Paragraph 3, the LCE is only obliged to provide "information" of accountability to the DPRD for regional administration. Therefore, the DPRD, as an element of the local government, can exercise supervision without sanctions. For example, the DPRD of Central Aceh Regency once found irregularities committed by the local chief executive but was only able to act to reject the local chief executive's accountability report.⁴⁶

Since the end of the new order era (1999), Indonesia has elected five presidents, with Habibie, Abdurrahman Wahid, and Megawati Soekarno Putri

⁴⁴ Decree of the People's Consultative Assembly of the Republic of Indonesia Number: IV/MPR/1973 on The Outlines of State Policy.

⁴⁵ Law of the Republic of Indonesia Number 5 of 1974 on the Principles of Government in the Regions.

⁴⁶ Nikmatul Huda, "Undang-Undang Nomor 5 Tahun 1974 dan Reformasi Sistem Pemerintahan di Daerah [Law Number 5 of 1974 and Reform of the Regional Government System]," *Jurnal Hukum IUS QUIA IUSTUM* 5, no. 10 (1998): 48-59, <https://journal.uui.ac.id/IUSTUM/article/view/6956>.

elected by the MPR and Susilo Bambang Yudhoyono (SBY) and Joko “Jokowi” Widodo democratically elected through a direct general election.

In general, political configuration in the reformasi era is democratic with different levels and characteristics.⁴⁷ Relationship between the executive and the legislature is dynamic. At the beginning of the reformasi era, the DPR enjoys a stronger political position than the executive such as the case with the leadership of Habibie, Abdurrahman Wahid, and the first period of SBY’s administration. Liddle⁴⁸ argued that the President had to face a more fragmented and rootless party system. Meanwhile, in the Megawati administration, the second period of SBY’s administration, and the Jokowi administration, the executive balanced the DPR and is even more dominant over the parliament. Therefore, to secure the DPR support, the President prioritizes developing inclusive alliances with all political parties, offers cabinet seats, and provides other loyalty rewards. The internal affairs of at least two opposition parties eventually forced the DPR to declare their support for the government.⁴⁹

The dynamics of these relationships are strongly influenced by the President’s capacity to build a governing coalition. However, there is no guarantee that the coalition can effectively diminish political power in the DPR because, according to Sherlock,⁵⁰ of consensus instead of voting in parliamentary decision-making. Therefore, for this reason, it is crucial to win majority support from DPR members as representatives of political parties by gaining control and making decisions regarding legislation, budgets, and other government policies. In addition, cabinet solidarity is low across parties regardless of the number of parties represented in the Cabinet.

The multi-party system was back in place in the reformasi era, enabling dozens of political parties to participate in the 1999 and 2004 elections. According

⁴⁷ Gerry van Klinken, “Indonesian Politics in 2008: The Ambiguities of Democratic Change,” *Bulletin of Indonesian Economic Studies* 44, no. 3 (2008): 365-81, <https://doi.org/10.1080/00074910802395328>.

⁴⁸ R. Liddle, “Year One of the Yudhoyono-Kalla Duumvirate,” *Bulletin of Indonesian Economic Studies* 41, no. 3 (2005): 325-40, <https://doi.org/10.1080/00074910500306593>.

⁴⁹ Marcus Mietzner, “Coercing Loyalty: Coalitional Presidentialism and Party Politics in Jokowi’s Indonesia,” *Contemporary Southeast Asia* 38, no. 2 (2016): 209-32, <http://dx.doi.org/10.1355/cs38-2b>.

⁵⁰ Stephen Sherlock, “SBY’s Consensus Cabinet - Lanjutkan? [SBY’s Consensus Cabinet - Continue?],” *Bulletin of Indonesian Economic Studies* 45, no. 3 (2009): 341-43, <https://doi.org/10.1080/00074910903424043>.

to Johnson Tan,⁵¹ political parties are weak, personalistic, and dominated by the elite, leading to the liquidation of the information department previously used to control the press by President Abdurrahman Wahid and led to the rapid development of online mass media. Political elites' domination of some mainstream mass media also emerged.

In recent years, political configuration in the reformasi era has been growing dynamic by shifting from the liberal-democratic one and the quasi-parliamentary one to the centralized one. Power⁵² argued that during the Jokowi's administration, the quality of Indonesian democracy has deteriorated, affecting the characteristics of legal products regarding local government and the accountability system. At the onset of the reformation era, an ambitious program of decentralization was rolled out to restore the political rights of the citizens and shift broad government responsibilities to the sub-national level. Nonetheless, this program disrupted the country's widespread patronage network. Amendments to the 1945 Constitution have emboldened local governments with a more robust policy of decentralization.

Law Number 22 of 1999 adheres to broad, real, and responsible autonomy. However, the law is different from Law Number 5 of 1974, which restored the regional head election system to the DPRD and determined the characteristics of legislative supremacy.⁵³ The LCE accountability system in Article 31 Paragraph (2) stipulates that the Governor is responsible to the DPRD in performing duties and authority as a local chief executive. Article 32 Paragraph (3) stipulates that regents and mayors are accountable to the DPRD.

The LCE accountability system design based on Law Number 22 of 1999 gives the DPRD the authority to question, to assess, and to impose sanctions on the local chief executive, including dismissal. In practice, the implementation

⁵¹ Paige Johnson Tan, "Reining in the Reign of the Parties: Political Parties in Contemporary Indonesia," *Asian Journal of Political Science* 20, no. 2 (2012): 154-79, <https://doi.org/10.1080/02185377.2012.714132>.

⁵² Thomas P. Power, "Jokowi's Authoritarian Turn and Indonesia's Democratic Decline," *Bulletin of Indonesian Economic Studies* 54, no. 3 (2018): 307-38, <https://doi.org/10.1080/00074918.2018.1549918>.

⁵³ Nuraida Mokhsen, "Decentralization in the Post New Order Era of Indonesia" (Thesis (published) submitted for the submission of PhD program at The Australian National University, 2003).

of this accountability system presents many problems due to the accountability mechanism of LCE used as a political instrument by the DPRD rather than for evaluating the performance of regional heads. DPRD used it to “blackmail” head of local government,⁵⁴ the accountability forum became an arena of “collusive” relationship between head of local government and DPRD, so it created political turmoil and instability have been rampant in local government administration.⁵⁵

Law Number 32 of 2004 enacted at the end of Megawati’s administration, provided a strong executive position. The concept of local autonomy adopted is similar to the concept adopted by Law Number 5 of 1974, which is in accordance with the significant changes in the LCE election system. The enactment of this law marks the commencement of full recognition of the people’s sovereignty in electing regional heads through a direct election system for candidates proposed by political parties, a coalition of political parties, and individuals.

The direct LCE election system is implemented with adjustments to the development planning system as stipulated in Law Number 25 of 2004. The vision, mission, program, and campaign promise of the elected regional head are used as a reference in the preparation of the Local Mid-term Development Plan (Rencana Pembangunan Jangka Menengah Daerah/RPJMD) in accordance with Article 5 Paragraph 2 of the RPJMD, leading to the creation of symmetry between the people’s sovereignty in local elections and the development planning system.

The design of the LCE accountability system no longer needs the regional head to be accountable to the DPRD as they only submit the Accountability Report (Laporan Keterangan Pertanggungjawaban/LKPJ) directly to the DPRD. In addition, the LCE also submits a Report on the Implementation of Regional Government to the Central Government (Laporan Penyelenggaraan Pemerintah Daerah kepada Pemerintah Pusat/LPPD) and a Summary of Accountability Report

⁵⁴ Djohermansyah Djohan, “Menyoal Revisi UU Otonomi Daerah [Questioning the Revision of the Regional Autonomy Law],” in *Otonomi Daerah: Evaluasi & Proyeksi [Regional Autonomy: Evaluation & Projection]*, ed. Indra J. Piliang, Dendi Ramdani, and Agung Pribadi (Jakarta: CV. Tri Rimba Persada, 2003), 151-59.

⁵⁵ Alan Bayu Aji, “Implikasi Politik Hukum Pengaturan Pertanggungjawaban Kinerja Kepala Daerah Pasca Reformasi [Political Implications of the Regulation of Regional Heads’ Performance Accountability Post-Reformation],” *Jurnal Lex Renaissance* 2, no. 2 (2017): 231-58, <https://doi.org/10.20885/JLR.vol2.iss2.art1>.

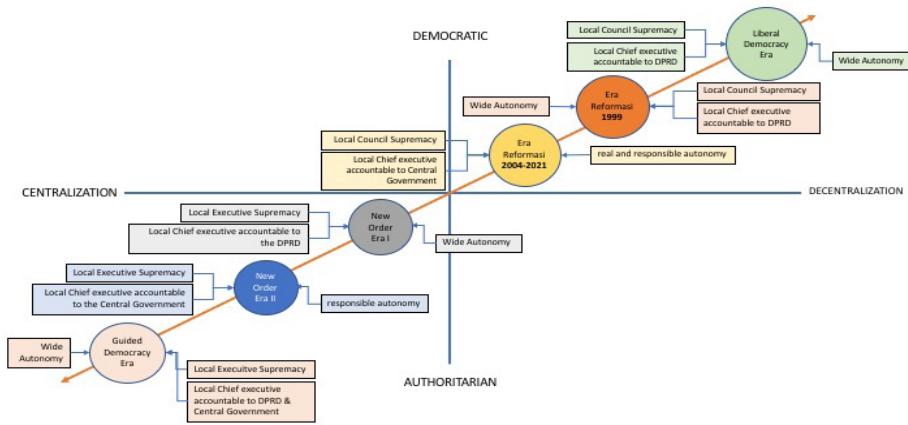
to the community in accordance with Article 27 Paragraph 2. The change in this accountability system is also regulated in Law Number 23 of 2014 instead of Law Number 32 of 2004.

The above provisions explain that the LPPD as a form of a vertical report from the LCE to the Central Government is a consequence of the unitary state. The LKPJ is submitted by the LCE to the DPRD annually. Meanwhile, the DPRD only has the ability to provide recommendations for improving the running of local government. Therefore, the LCE is no longer responsible to the DPRD. Conversely, the DPRD is not authorized to impose sanctions on the dismissal of LCE for their unsatisfactory performance. Instead, they can only exercise the right of interpellation, assuming the LCE does not carry out the obligation to submit an accountability report.

The provincial DPRD is able to report the Governor to the Minister and the Regency/City DPRD is able to report the Regent to the Governor, assuming the explanation of the regional leadership regarding the use of rights is not accepted. Based on the report, the Minister and the Governor issue is able to issue written warnings to the Governor and the regent/mayor, respectively. Furthermore, the local chief executive is obliged to take part in a special coaching program in the field of government carried out by the Ministry, assuming the written warning delivered twice in a row fails to be implemented. Moreover, the submission of the local chief executive's Summary of annual LKPJ to the community is also not followed by a clear mechanism for providing feedback and sanctions regarding lackluster performance and inability to fulfill campaign promises.

The sift of the accountability systems during those periods can be shortly described as follows:

Figure 1. Political Configuration and Its Effect to the Decentralization Legal Framework



Source: Authors, 2021

The figure indicates that the political configuration in Indonesia remains a determinant factor against the law, as Dahrendorf⁵⁶ stated that the law is controlled by those with power. The political configuration at the central government determines legal direction related to the local government and accountability systems of LCEs. Irrespective of the rising popularity associated with the decentralization process, it is still in the middle of a tug-of-war between the aspiration of local communities and the interests of the Central Government.⁵⁷

3.2.2. Tracing the Root of the Problem

The changes to the provisions of the LCEs' political accountability system raise at least two fundamental questions. Why can the regime in power easily change the design of the political decentralization system and the LCEs' accountability system in the local government act? Has the design of the LCEs' political accountability system fulfilled the enforcement principle as one of the

⁵⁶ Ralf Dahrendorf, *Class and Conflict in an Industrial Society* (London: Routledge, 2022), 354.

⁵⁷ Andres Pose-Rodriguez and Roberto Ezcurra, "Does Decentralization Matter for Regional Disparities? A Cross-Country Analysis," *Journal of Economic Geography* 10, no. 5 (September 2010): 619-44, <https://doi.org/10.1093/jeg/lbp049>.

pillars of the accountability system? The following sections will examine both of these issues.

3.2.2.1. The Lack of Norms on Accountability in the Constitution

Indonesia places the Constitution in the highest position in the legal system. With this position, legislators are bound by constitutional norms in making legal regulations; thus, it can prevent the potential failure of representative democracy, majority dictatorship, and neglect of human rights. Therefore, the Constitution must contain fundamental norms regarding the principal aspects of the administration of the state.⁵⁸

Article 18 of the 1945 Constitution, which is the constitutional basis for forming regions, does not clearly and unequivocally stipulate the principles of regional government administration. It fully submits the arrangements to legislators through laws. The elucidation of article 18 states local autonomy without further explanation regarding its' model and type. While the second amendment to the 1945 Constitution adds norms regarding the administration of regional government by affirming the broadest possible implementation of autonomy, including clarifying the political autonomy. However, the political autonomy in LCE selection stipulated in Article 18, paragraph 4, is still ambiguous by only requiring "democratic selection". It has triggered support and rejection of the direct election system to date.

This ambiguity of norms allows the regimes in power to tinker with the decentralization model, especially in the political decentralization. The nuances of Dutch colonialism still influence the spirit of local government administration.⁵⁹ This issue often triggers tensions between the central government and the regions due to the attraction of interests.

⁵⁸ The Constitution must contain the background and objectives of the country; basic rules regarding sovereignty, state form, government system, state ideology, citizenship; rules on the fundamental rights of citizens; power structure and state institutions (main and auxiliary organs); local government; power change mechanism; referendum mechanism; constitutional amendment mechanism; as well as other matters deemed necessary. See Elliot Bulmer, *Local Democracy* (Sweden: International IDEA, 2017), <https://www.idea.int/>.

⁵⁹ W. Jati, "Inkonsistensi Paradigma Otonomi Daerah di Indonesia: Dilema Sentralisasi atau Desentralisasi [The Inconsistency of the Paradigm of Regional Autonomy in Indonesia: The Dilemma of Centralization or Decentralization]," *Jurnal Konstitusi* 9, no. 4 (May, 2012): 743-70, <https://doi.org/10.31078/jk947>.

While the norms governing accountability in the Indonesian Constitution are minimal, except for the Federation of the Republic of Indonesia (Republik Indonesia Serikat/RIS) Constitution and the 1950 Constitution. The 1945 Constitution does not explicitly regulate the norms regarding the system of accountability/responsibility in government. Only the Elucidation of the 1945 Constitution states that the President who holds power and responsibility in administering the government is the mandate of the MPR, is elected and appointed by the MPR, and is responsible to the MPR. The President is not responsible for the DPR. Therefore, on November 11, 1945, the Working Committee of KNIP proposed to the President a system of accountability of ministers to Parliament. Unfortunately, although President accepted the proposal, it was not followed by an amendment to the 1945 Constitution.

The amendments to the 1945 Constitution in the reformation era did not include regulatory norms regarding the government accountability system, both the accountability of the elected president (replacing the electoral system by the MPR) and the accountability of local government. Proposals to include norms regarding the accountability system in the 1945 amendment process in this reformation era have appeared, including a proposal from a team of academics from Gadjah Mada University who advocated the implementation of political decentralization that would allow local chief executives (governors, regents, sub-districts, and village heads) are elected by the people and are accountable to the people. However, this proposal failed to be adopted in the constitutional amendments.

There were proposals from several Members of Parliament (MP) to include norms for regulating the accountability system during the Constitution's amendment process. The National Awakening Faction (F-KB), through its spokesperson Khofifah Indar Parawansa proposed that all state institutions, including the president, be responsible for the MPR as the supreme state institution. Several other MPs from the F-KB, Military & Police (F-TNI/POLRI), Reformation Faction, PPP-Faction, and Golkar Party Faction (F-PG) proposed that the elected president be accountable to the people through the MPR.

However, this proposal failed. Therefore, scholars assume the elected president's and local chief's accountability to the people based on voters' assessment in the next election, which is considered weak due to several factors.⁶⁰

The absence of regulatory norms regarding accountability in the Constitution poses a severe problem. It allows legislators to freely regulate this accountability system in LGAs following their political mission. The local chief accountability norms that have frequently changed in the LGAs from the old-order era to the reformation era prove how the government and legislators' political interests can control the accountability system's direction and design. As the supreme law in Indonesia, the constitution has lost its role in guarding the accountability of elected officials.

Without clear arrangements on the local chief accountability system (and accountability of public officials in general) in the Constitution, the local chief executive accountability system will not be effective. It will only become a formal procedure in local democracy.

3.2.2.2. Vertical, Horizontal or Electoral Accountability?

The LCE accountability system before the enactment of LGA 32 of 2004 only involves two main actors, namely the DPRD and the Central Government. The LCE accountability system model is also manifested in two forms, namely the vertical and horizontal accountability to the Central Government and the DPRD respectively. This process took place in a liberal-democratic manner, in line with the characteristics of legislative supremacy as in the liberal democracy era and the beginning of the reformation era. The horizontal accountability system is still simultaneous with the vertical ones as a consequence of the form of a unitary state. This shift in the accountability system from horizontal to vertical and vice versa shows the tug-of-war between the central and regional governments in the context of political decentralization.

⁶⁰ Secretariat General of the People's Consultative Assembly of the Republic of Indonesia, *Minutes of Amendment to the 1945 Constitution of the Republic of Indonesia, 1999-2002, Session Year 1999* (Secretariat General of the People's Consultative Assembly of the Republic of Indonesia: Jakarta, 2008).

Since the implementation of the local chief executive direct election system back in 2004, political parties that nominate candidates and local communities as voters in the local election emerged as new actors in the local accountability system. The presence of this new actor at the local level was followed by the adjustment to the LCE accountability model into electoral accountability. Law Number 32 of 2004 and Law Number 23 of 2014 stipulated that LCE must submit a summary of the LCE's Local Government Implementation Report (RLPD) to the public through mass media without any arrangement regarding the mechanism for providing feedback. However, even this mechanism is still weak in the implementation.⁶¹

Unfortunately, the addition of this new actor (community) does not include the provision of a significant level of control by the community to LCEs. As voters in the local election who are the source of the accountability relationship of LCE, the community is only half-heartedly involved in this accountability system without being given the power of control and imposing sanction. It leads to a weak electoral accountability system.

Some scholars, such as Strom,⁶² argue that the people in the next election can evaluate the performance of the elected LCE as part of the political accountability system. Elections serve as an instrument to elect new representatives and assess the performance of incumbents. The people, as voters, can punish the incumbents by not re-electing them (punishment vote) or rewarding them in the next election.⁶³ However, this approach has some weaknesses; First, voter preferences are easy

⁶¹ "Personal Interview with Prof. Ramlan Surbakti," 2021.

⁶² Kaare Strom, "Democracy, Accountability, and Coalition Bargaining, Center for the Study of Democracy," *European Journal of Political Research* 31, no. 1 (February 1997): 47-62, <http://dx.doi.org/10.1023/A:1006856818727>.and even the granting of that right did not secure women's equal access to or exercise of social, political, and civil power. Today, all Western industrialized democracies guarantee women and men's formal equality as citizens, but some research suggests women are less likely to take advantage of that equality. Some findings indicate women may be less engaged citizens than men, and participate in politics less frequently, along with being less knowledgeable about and interested in the political sphere (Verba, Burns and Schlozman 1997

⁶³ Emmanuel Skoufias et al., "Electoral Accountability and Local Government Spending in Indonesia" (Policy Research Working Paper (published) submitted for the publication of World Bank Group, 2014).

to manipulate, especially if the elected officials who are running again prioritize new programs and cover up their track records.⁶⁴ Second, It is unclear whether voters are making their choice in the election based on reward and punishment votes, based on the new program offered, or voting based on political loyalty or similar political identities.⁶⁵

Decentralization not only means delegating resources and authority to lower levels of government but also requires the transformation and change of key accountability actors between government institutions and the community.⁶⁶ In their study in Jambi, Tony Djogo and Rudi Syaf found that the decentralization of forest resource management authority to local governments has resulted in a situation where district governments are not accountable to the central government or downward to local communities.⁶⁷

In the context of the relationship between the actors of accountability, the local chief executive accountability system in local government law still tends to use horizontal accountability by positioning the DPRD as the principal even though the government system applied is presidential.⁶⁸ The law also fails to regulate the role of political parties in this accountability system, allowing political parties to duck their responsibilities and play their role more as a “ticket provider” for local chief executive nominations.⁶⁹

⁶⁴ Edward Rubin, “The Myth of Accountability and the Anti-Administrative Impulse,” *Michigan Law Review* 103, no. 8 (2005): 2073-2136, <https://repository.law.umich.edu/mlr/vol103/iss8/3>.

⁶⁵ Bernard Manin, Adam Przeworski, and Susan C. Stokes, “Elections and Representation,” in *Democracy, Accountability, and Representation*, ed. Adam Przeworski, Susan C. Stokes and Bernard Manin (Cambridge: Cambridge University Press, 2012), 29–54.

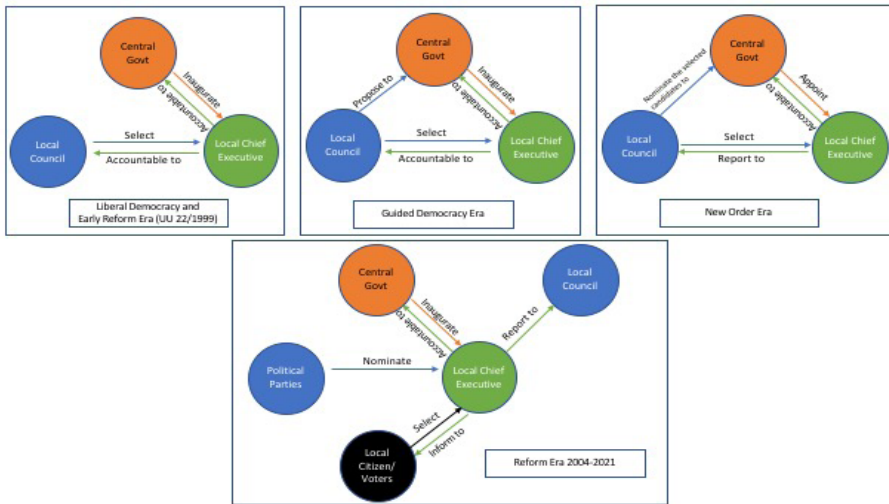
⁶⁶ Sebastian Eckardt, “Political Accountability, Fiscal Conditions and Local Government Performance—Cross-Sectional Evidence from Indonesia,” *Public Administration and Development* 28, no. 1 (2008), <http://dx.doi.org/10.1002/pad.475>.

⁶⁷ Tony Djogo and Rudi Syaf, “Decentralization without Accountability: Power and Authority over Local Forest Governance in Indonesia” (Paper (published) submitted for Indiana University, Digital Library of the Commons (DLC), 2004).

⁶⁸ “Personal Interview with Dr. Ghafar Karim.”

⁶⁹ “Personal Interview with Prof. Ramlan Surbakti.”

Figure 2. Map of Actors in the Local Chief Executive Accountability System



Source: Author, 2021

3.2.3. The Conformity of Accountability Principles

A number of LGAs show that the LCE accountability degree meet the parameters of standard, answerability, and enforceability in the liberal democracy era. However, the enforceability parameter is consistently owned by the Central Government through vertical and administrative accountability instruments because it is the condition where the Central Government has the authority to assess accountability and impose sanctions on LCE.

Meanwhile, the enforceability parameter in the horizontal accountability system was applied during the liberal democracy era and the early reformation era through Law Number 22 of 1999. The DPRD has the enforceability authority to assess and impose sanctions on local chief executive instead of the horizontal accountability system in the eras of guided democracy, the new order, and post-2004 reformation.

The enforceability parameter in the electoral accountability system of LCE is not enforced despite the implementation of direct elections since 2004. As constituents in the elections, local communities are not authorized to control

and impose sanctions on elected LCE when they fail to fulfill their campaign promises.⁷⁰ The absence of an accountability system that puts citizens as the main actors causes the absence of responsibilities for the elected officials to fulfill their campaign promises.⁷¹

3.2.4. Role of Constituent

The LCE accountability system, since the era of liberal democracy to date, has not provided sufficient space for the people to assess LCEs' performance. Law Number 32 of 2004 and Law Number 23 of 2014 stipulated that LCE must submit a summary of the LCE's Local Government Implementation Report (RLPD) to the public through mass media; however, it needs to arrange the mechanism for providing feedback. It causes the public's response to the RLPD to be very low, as found in the Rahmatunnisa study,⁷² and gives rise to alternative legal efforts through time-consuming class actions, such as collective legal action against local chiefs in Jakarta⁷³ and Bogor.⁷⁴

In a system of political decentralization where the people are involved in electing LCEs, apart from the Central Government and the DPRD, the authority needs to be granted to the community to assess and impose sanctions on regional heads as part of the accountability system. More is needed for the people to access the LCEs' RLPD. Experiences and systems developed in a number of countries such as the Philippines,⁷⁵ South Korea,⁷⁶ and Peru⁷⁷ as unitary state that

⁷⁰ "Personal Interview with Dr. Ghafar Karim."

⁷¹ Muhtar Said, Ahsanul Minan, and Muhammad Nurul Huda, "The Problems of Horizontal and Vertical Accountability of Elected Officials in Indonesia," *Journal of Indonesian Legal Studies* 6, no. 1 (2021): 83-124, <https://doi.org/10.15294/jils.v6i1.43403>.

⁷² Mudiayati Rahmatunnisa, "Questioning the Effectiveness of Indonesia's Local Government Accountability System," *Jurnal Bina Praja* 10, no. 1 (2018): 135-45, <https://doi.org/10.21787/jbp.10.2018.135-145>.

⁷³ Ihsanuddin, "Anies Berkali-Kali Digugat ke Pengadilan: Dari Urusan Banjir, Polusi, Hingga Upah Minimum Halama [Anies Has Been Sued Again and Again to the Court: From Floods, Pollution, to Minimum Wages]," *Kompas.com*, published March 10, 2022.

⁷⁴ Ahmad Sudarno, "Bupati Digugat Warga Bogor karena Jalan Rusak [The Regent Sued by Bogor Residents For Damaged Roads]," *Liputan6.com*, published June 7, 2016.

⁷⁵ Raul C Pangalangan, "Law and Newly Restored Democracies: The Philippines Experience in Restoring Political Participation and Accountability," *IDE Asian Law Series* 13 (2002), <https://www.ide.go.jp/>.

⁷⁶ Jin-Wook Choi, Chang Soo Choe, and Jaehoon Kim, *Local Government and Public Administration in Korea* (Seoul: Local Government Officials Development Institute, 2013).

⁷⁷ Michael Haman, "Recall Elections: A Tool of Accountability? Evidence from Peru," *Desarrollo y Sociedad* 87 (2021): 73-111, <https://doi.org/10.13043/dys.87.3>.and the margin of victory was low in previous municipal elections. The key vari-ables for the successful removal of a mayor include the political experience of the organizer of a recall procedure, the number of null votes, and votes for the winner in previous municipal elections. Future research

implement decentralization and direct local election systems, also implement electoral accountability system along with vertical and horizontal systems. This electoral accountability system is realized through a direct democracy mechanism by granting the right to the community to submit a petition to request a recall-election.

Recall-election is an election that will allow the resident to vote and decide whether to remove LCE from office or keep them in power if they are satisfied with the LCEs' performance.⁷⁸ The initiative of filing petitions causes public officials to propose political compromises with their voters, hence politicians cannot move freely from the control of their voters.⁷⁹ Some scholars found that the recall election may be used as a political weapon by the losers.⁸⁰ However, the constitutional court can play a role in reviewing the validity of the recall petition to prevent the politicization of the petition as adopted in the impeachment system.

The direct democracy mechanism in the LCE accountability system needs to be considered for adoption in Indonesia. Through this model, the people as principals can effectively control LCEs, so that LCE can pay more attention to and make people's preferences a reference in public services. It will also be able to build consistency in the LCEs' political accountability system with the political decentralization system.

The constitution and the LGA law need to regulate the right of the people to submit petitions to request the dismissal of the LCE as part of the LCE's political accountability system. Meanwhile, the DPRD play a checks and balances role.

should build on these findings and further examine recall elections." "author": [{"dropping-particle": "", "family": "Haman", "given": "Michael", "non-dropping-particle": "", "parse-names": false, "suffix": ""}], "container-title": "Desarrollo y Sociedad", "id": "ITEM-1", "issue": "87", "issued": {"date-parts": [{"2021}]}, "page": "73-111", "title": "Recall elections: A tool of accountability? evidence from Peru", "type": "article-journal", "volume": "2021", "uris": [{"http://www.mendeley.com/documents/?uuid=136f0f7b-c731-4c60-baab-04befd931059"}], "mendeley": {"formattedCitation": "Michael Haman, \"Recall Elections: A Tool of Accountability? Evidence from Peru,\" <i>Desarrollo y Sociedad</i> 2021, no. 87 (2021)

⁷⁸ Andrew Ellis, "The Use and Design of Referendums" (Paper (published) presented for Seminar on the Referendum in Costa Rica co-sponsored by International IDEA and the Supreme Election Tribunal of Costa Rica, 2007).

⁷⁹ Katharina Eva Hofer-jaronicki, "Voting and Participating in Direct Democracies" (Thesis (published) submitted for the Schweizerisches Institut für Empirische Wirtschaftsforschung (SEW-HSG) Universität St. Gallen, Switzerland, 2015).

⁸⁰ Yanina Welp and Juan Pablo Milanese, "Playing by the Rules of the Game: Partisan Use of Recall Referendums in Colombia," *Democratization* 25, no. 8 (2018): 1379-96, <https://doi.org/10.1080/13510347.2017.1421176>.

This petition proposal can be submitted to the local election commission (KPUD) for an administrative review and then submitted to the Constitutional Court (MK) to evaluate its legal validity. Suppose the Constitutional Court approves this petition proposal. In that case, the KPUD can hold a recall election to ask the people's opinion on the proposed dismissal of the LCE and, at the same time, choose a replacement candidate.

IV. CONCLUSION

Historical-legal analysis shows that the ruling regime's political interests shaped the characteristics of legal products on the LCE accountability, leading to an ineffective LCE political accountability system. The LCE accountability system remains tarnished by a number of problems, including the absence of enforceability and limited public participation.⁸¹ The absence of norms regulating the principles of accountability in the Constitution contributes to this problematic situation. The authors suggest amending the Constitution to insert provisions on the principle of accountability to prevent law-making as a mere political instrument by the ruling regime. The authors also recommend strengthening the enforcement system of the LCE accountability by granting control power and sanction to the people as the principal in the LCE accountability. The LGA should include the recall election as a robust instrument for the people to hold the LCE accountable.

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⁸¹ Rahmatunnisa, "Questioning the Effectiveness."

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