

# PROBLEMATIC OF THE ELECTION INDONESIA

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## PROBLEMATIC OF THE ELECTION POLICY IN INDONESIA

**Azis Setyagama**

Indonesia is one of the largest democracies in the world. Indonesian citizens have the highest power where the will of the people is the will of the state. To channel the will of the people general elections are being held as a form of people's control of the power in Indonesia. Before 2019 elections in Indonesia were held separately between legislative and executive elections. After the Constitutional Court Decision No 14/PUU-XI/2003 general elections in Indonesia are held simultaneously between executive and legislative elections. The impact that occurred after the simultaneous elections were held in 2019, the implementation of this elections took many lives, because many election executive officers died due to fatigue in carrying out tasks due to too much workload and too little time available. This paper represents a normative legal research that examines the norms in given Constitutional Court Decision and Law No 42 of 2008 concerning election of President and Vice President. Besides reviewing from the normative side, the authors also study from sociological studies related to the community's evaluation of the general elections implementation. From the results of normative and sociological studies it concluded that the simultaneous election in 2019 caused many casualties because election officials were exhausted in carrying out election process. Thus, it is necessary to change the rule of law regarding the implementation of general elections in Indonesia.

**Keywords:** general elections, simultaneous elections, election process, Constitutional Court, Indonesia.

## ПРОБЛЕМАТИКА ИЗБИРАТЕЛЬНОГО ПРОЦЕССА В ИНДОНЕЗИИ

Азис Сетягама

Индонезия – одна из крупнейших демократий в мире. Индонезийские граждане обладают высшей властью там, где воля народа является волей государства. Чтобы исполнить волю народа, проводятся всеобщие выборы, что позволяет народу контролировать власть в Индонезии. До 2019 г. в Индонезии выборы органов законодательной и исполнительной власти проводились отдельно. После решения Конституционного суда № 14/PUU-XI/2003 в Индонезии проводятся одновременные выборы в исполнительные и законодательные органы власти. Проведение одновременных выборов в 2019 г. унесло жизни многих членов избирательных комиссий, которые умерли из-за сильной усталости и слишком большой нагрузки при выполнении своих служебных обязанностей. Данная статья представляет собой нормативно-правовое исследование, изучающее нормы указанного Постановления Конституционного суда и закона № 42 от 2008 года, касающегося выборов Президента и Вице-президента. Помимо рассмотрения с нормативной стороны, автор также анализирует результаты социологических исследований, связанных с оценкой обществом качества проведения всеобщих выборов. По результатам нормативных и социологических исследований был сделан вывод о том, что всеобщие выборы 2019 г. привели к многочисленным жертвам из-за острой нехватки членов комиссий, ответственных за проведение выборов. В этой связи, очевидно, что необходимо изменить законодательство о всеобщих выборах в Индонезии.

**Ключевые слова:** всеобщие выборы, одновременные выборы, избирательный процесс, Конституционный суд, Индонезия.

### **Introduction**

The development of political and constitutional law in Indonesia proceeded rapidly after an amendment to the 1945 Constitution by the Indonesian People's

Consultative Assembly in the period 1999-2002. One of the dimensions of development as referred to is marked by the strengthening of participatory democracy by the people in the arena of succession to national leadership through the means of holding direct and presidential elections. As the mandate of the Constitution of the Republic of Indonesia in particular Article 1 paragraph 2 emphasizes that, "Sovereignty is in the hands of the people and implemented according to the Constitution". Furthermore, the provisions of <sup>1</sup> Article 6A Paragraph 1 also confirm that, "The President and Vice President are elected in a pair directly by the people" [19].

General election, hereinafter referred to as election, is a means of exercising people's sovereignty in the Unitary State of the Republic of Indonesia based on the Pancasila and the 1945 Constitution of the Republic of Indonesia [17, p. 72].

In its development, tracing the historical aspects of the amendment to the 1945 Constitution shows that the discourse on the election of President and Vice President is a hot topic debated by various groups in the amendment process. The debate as referred to surfaced since the 2nd BP MPR Meeting on 6 October 1999, especially regarding issues surrounding whether the pair of <sup>3</sup> President and Vice President are still elected by the People's Consultative Assembly (MPR) as Article 6 Paragraph 2 of the 1945 Constitution or directly elected by the people in a general election [19].

In 2014 the momentum of the People's Democratic Party event will soon be echoed to elect representatives of the people who will sit in the <sup>3</sup> DPR, DPD and Provincial / City DPRD institutions as well as the general elections for the President and Vice President. Similar to the election in 2009 in the context of the construction of legal norms of legislation in Indonesia general elections for the <sup>3</sup> President and Vice President were held after the general election of members of the DPR, DPD, and DPRD as mandated by <sup>3</sup> Article 3 paragraph 5 of Law Number 42 of 2008. However, amid the enactment of the Law referred to, there is a desire from people who have legal standing to submit a material test of a number of Articles in the provisions of the Presidential Election Law because it is deemed to have constitutional losses incurred as a result of regulating the mechanism of the electoral system.

Lawsuit for judicial review of Law No 42 of 2008 concerning the election of President and Vice President as referred to by Effendi Gazali. This material test was submitted as a representation of the Civil Society Coalition for the holding of the general election so that it would be held simultaneously. The articles tested are Article 3 paragraph 5, Article 9, Article 12 paragraph 1, paragraph 2, Article 14 paragraph 2, and Article 112. In December 2013 Yusril Ihza Mahendra submitted a similar application for examination with regard to the provisions of Article 3 Paragraph 4, Article 9, Article 14 Paragraph 2 and Article 112. The applicant's legal status in the a quo case is qualified as an individual Indonesian citizen who has impaired his constitutional rights and / or authority with the enactment of the provisions of Article 3 paragraph 5, Article 9, Article 12 paragraph 1 and 2, Article 14 paragraph 2 and Article 112 of Law No 42 Year 2008.

In the end, the Constitutional Court as a state institution has the authority to conduct a material review (constitutional review) of a Law against the Basic Law to decide upon a request for a judicial review from the applicant. Referring to the legal document in the form of the Constitutional Court Decision Number 14/PUU-XI/2013 which is one of the petitioners' considerations based on the applicant's Action-Research framework which finally concluded that factors that significantly hampered the progress of the Indonesian state, among others.

Based on the description above, the writer cites a number of basic arguments for the reasons for applying for a material test of Law No 42 of 2008 which is used as the basis for holding the election of President and Vice President separately, as stipulated in the Constitutional Court Decision Number 14/PUU-XI/2013, among others:

*First*, constitutional reasons are new. The right of citizens to vote contained in the rights of citizens guaranteed by the Constitution in the form of equality in law and government. Article 27 paragraph 1, the right to obtain recognition, guarantee, protection and legal certainty that is fair and the same treatment before the law as Article 28D paragraph 1. The right to have equal opportunities in government: Article

<sup>3</sup>  
28D paragraph 3. All of which are forms of the realization of people's sovereignty: Article 1 paragraph 2 and Article 6A paragraph 1.

*Second*, the right of citizens to vote intelligently at the simultaneous general election is related to the concept of political efficacy in which citizens can build a map of checks and balances of the Presidential Government with their own beliefs.

*Third*, the right of citizens to vote efficiently in a simultaneous general election related to the use of time, energy, and the cost of citizens to exercise their voting rights which is more secure by holding a simultaneous general election.

*Fourth*, on the side of the efficiency of the holding of elections, based on the preliminary research of the applicant, the calculation of the election of non-concurrent elections (derived from the APBN and APBD, and also the citizens' tax) can range from 5 to 10 trillion Rupiah in the case of the election of President and Vice President made separately with the election of Members of DPR/D and DPD; or until around 20 to 26 trillion (because regional head elections cannot be held simultaneously as well).

*Fifth*, the existence of simultaneous general elections will encourage political parties to be more careful in determining the direction of their cadre, whether towards which legislative level, or towards the President and Vice President, and in the future towards which regional head candidates (which level) (so that it does not happen that a cadre tries to seek political fortune on various levels at various election years). General elections held simultaneously are also often associated with opportunities to bring up alternative executive leaders.

*Sixth*, the existence of general elections held simultaneously is also often associated with Savings and Prevention of political corruption, together with the Prevention of money politics that can reach hundreds of Trillions.

It turned out that after the Constitutional Court's decision No14/PUU-XI/2013 concerning concurrent elections, held in 2019 caused many problems in the implementation of the simultaneous elections. This cannot be predicted beforehand. The considerations made by the Constitutional Court are correct when seen from the perspective of logic, but they have not yet been tested implicitly against the

Constitutional Court's decision to grant elections simultaneously. After the elections are held simultaneously in the election of the President and Vice President, the House of Representatives, the Regional Representatives Council of the Provincial TKI, and the Regency / City Level II Regions many problems arise that were not previously predicted, such as many members of the Voting Committee, Chair of the Voting Committee (KPPS) experienced a lot of local level fatigue due to workloads that are too heavy, many have fallen ill and even many have died. Simultaneous election costs that were originally thought to be more efficient than separate elections turned out to be more expensive in implementation. And the reason for simultaneous elections will strengthen the Presidency government system, it turns out that in the nomination of the President and Vice President there is a coalition between supporters of the presidential and vice-presidential candidates who prioritize pragmatic interests, because in the nomination of the President and Vice President the Presidential Threshold requirement is applied with a 20% vote limit so that he wants do not want parties to have a coalition to achieve this vote and ultimately certain the power sharing among supporters of the Presidential and Vice President Candidates if the President and Vice President are elected as President and Vice President, and if this is the case there is a politics of reciprocity which will eventually weaken Presidential system [8].

After the ruling of the Constitutional Court No 14/PUU-XI/2013 concerning simultaneous general elections, there are many problems and problems in the implementation of the 2019 general elections.

### **Methodology**

The research method used in writing this article is to use a normative legal research method which is based on a juridical analysis and sociological analysis that has been regulated in Decision of the Constitutional Court No 14/PUU-XI/2003 concerning concurrent elections and Law No 42 of 2008 concerning election of President and Vice President. In the decision of the Constitutional Court to give the mandate to the Government to carry out simultaneous general elections, namely between legislative elections merged at one time with executive elections. Legislative

elections are intended to elect prospective members who sit in the institutions of the House of Representatives (DPR), the Regional Representative Council (DPD) and the Regional Representatives Council Level I (Province) and the Regional Representative Council Level II Regency / City (DPRD TK I, DPRD TK II Regency / City).

*Executive general election to elect the President and Vice President*

In the implementation of simultaneous elections in accordance with the decisions of the Constitutional Court, many problems occur due to the simultaneous elections held before 2019 general elections held separately with different times, namely after the legislative general elections then followed by presidential elections with a grace period of 6 months with a legal basis Acts Invite No 42 of 2008 concerning Election of President and Vice President.

**Results and discussion**

*The purpose of conducting general elections in Indonesia*

Elections have a major influence on a country's political system, through elections the public has the opportunity to participate by bringing up leaders and screening of these candidates. In essence the election, in any country has the same essence. Election means that the people carry out activities to elect a person or group of people to become the people's leader or state leader. The elected leader will carry out the will of the people who elect him.

According to Parulian Donald, there are two benefits which simultaneously serve as a direct goal or target to be achieved with the implementation of electoral political institutions, namely the formation or establishment of legitimate power (Authority) and achieving the level of political representation through general elections. Arbi Sanit concluded that elections basically have four main functions namely 1) the establishment of the legitimacy of the authorities and the government; 2) formation of people's political representation; 3) circulation of the ruling elite; and 4) political education [1, p. 58].

As a means of implementing the principle of people's sovereignty based on Pancasila in the Republic of Indonesia, the general election aims to include:



1. Enabling safe and peaceful transition of government. 2. To carry out people's sovereignty. 3. In the context of exercising the rights of citizens [5, p. 61].

General election objectives according to Prihatmoko, the election in its implementation has three objectives namely:

1. As a mechanism for selecting government leaders and alternative public policies. 2. Election as a transfer of conflicts of interest from the community to the people's representative bodies through elected representatives or parties that win seats so that community integration is guaranteed. 3. Elections as a means of mobilizing, mobilizing or mobilizing popular support for the State and government by participating in the political process [6, p. 16].

Likewise, the purpose of the election according to C.S.T. Kansil and Christine S.T. Kansil believes that the general election function as a democratic tool used to:

1. Maintaining and developing the foundations of democracy in Indonesia. 2. Achieve a just and prosperous society based on Pancasila (Social justice for all the people of Indonesia). 3. Ensuring the success of the struggle of the new order, namely the upholding of the Pancasila and the maintenance of the 1945 Constitution [7, p. 128].

Referring to the paradigmatic framework regarding the basic ideas of democracy and popular sovereignty, the formulation of the constitution that covers the holding of elections in Indonesia is contained in the provisions of Article 22 E 1 elections are held directly, publicly, freely, confidentially, honestly. And fairly every five years once 2 general elections are held to elect members of the People's Legislative Assembly, the Regional Representative Council, the President and Vice President and the Regional People's Representative Council. In the provisions of the delegation as stipulated through the formulation of Article 3 paragraph 5, it provides direction for the regulation that the election of the President and Vice President shall take place after the general election of members of the DPR, DPD and DPRD. The matter referred to on an ongoing basis relates to the arrangements as set out in the provisions of Article 9, Article 12 paragraphs 1 and 2, Article 14 paragraph 2 and Article 112.

After the Constitutional Court Decision No 14/PUU-XI/2013 concerning simultaneous elections where the President and Vice President, the House of Representatives, the House of Representatives Level I, the District / City Level II House of Representatives, and the Regional House of Representatives are elected at the same time. The Democratic Party is held at the same time which was previously separately, namely the legislative general election preceded by electing members of the House of Representatives, the Regional Representative Council, the Regional Representative Council of the Provincial TK I and the Regional Representative Council of the Regional TK II Regency / City. After a 6 month legislative election a general election is held to elect the President and Vice President.

*General election implementation before 2019 in Indonesia*

Elections are a democratic mechanism that must be passed in electing leaders as representatives of the people. The historical course of elections in Indonesia has often been held every five years as Indonesia's independence has held 11 elections since 1955 until now. Legislative elections are: 1955 elections, 1971 elections, 1977 elections, 1999 elections, 2004 elections, 2009 elections and 2014 elections. And the presidential and vice presidential elections are 2004 elections, 2009 elections, and 2014 elections. The general election (election) was originally intended to elect members of representative institutions (legislative), namely the DPR, Provincial DPRD, and Regency / City DPRD. After the fourth amendment to the 1945 Constitution in 2002, the presidential and vice presidential elections which were originally conducted by the MPR were agreed to be carried out directly by the people so that the presidential election was included in the electoral regime in accordance with the provisions of the 1945 constitution as well as members of the Regional Representative Council (DPD) ) as a new institution in the 1945 Constitution amendments were also carried out through elections. With the issuance of Law No 22 of 2007 concerning the implementation of general elections, regional head elections and deputy regional head (Pilkada) are also included as part of the election regime. In general, the term "election" more often refers to legislative and presidential elections held every five years after the government regime came to power and for a new

government through a system of direct elections held by the people as a country that adheres to a democratic system.

In the 1945 Constitution of the Republic of Indonesia (1945 amendments) general elections were held in Indonesia to elect members of the representative body, the President and Vice President. The Constitution in Article 22E of the 1945 Constitution regulates the provisions on elections in a clear and detailed manner, as follows:

1. General elections shall be conducted in a direct, general, free, secret, honest, and fair manner once every five years.

2. General elections are held to elect members of the People's Legislative Assembly, the Regional Representative Council, the President and Vice President and the Regional People's Representative Council.

3. Participants in the general election to elect members of the People's Legislative Assembly and members of the Regional People's Representative Council are political parties.

4. Participants in the general election to elect members of the Regional Representative Council are individuals.

5. Elections are held by a national, permanent and independent election commission.

6. Further provisions on general elections are regulated by law [19].

During the New Order period the Government succeeded in holding six general elections, namely 1971, 1977, 1982, 1987, 1992, and 1997. In every election held during the New Order era, Golkar always obtained a majority of votes and won the election. In the 1997 election which was the last election under the New Order Government, Golkar won 74.51% with the acquisition of 325 seats in the DPR and PPP gained 5.43% with the acquisition of 27 seats. Whereas PDI suffered a slump in votes by only getting 11 seats in the DPR. This is due to internal conflicts within the bull-headed party. The PDI eventually split into PDI Suryadi and PDI Megawati Soekarno Putri, now PDIP. Organizing regular elections during the New Order Government has given the impression that democracy in Indonesia has been going

well. Moreover, the election took place with the principle of LUBER (direct, general, free and confidential). But in reality, the election was directed at winning one of the election contestants, Golkar.

Golkar's victory which was always striking from the 1971 election to the 1997 election benefited the government whose votes in the MPR and DPR were dominated by Golkar. This situation has enabled Suharto to become President of the Republic of Indonesia for six periods, because during the New Order the president was elected by members of the MPR. Besides that, every responsibility, draft law, and other proposals from the government always get MPR and DPR approval without any notes [16].

The holding of the general elections before 2019, during the new order general election only chose the People's Representative Council, which was elected not people but the image of political parties, where in the New Order there were only 3 political parties, namely the Indonesian Democratic Party (PDI), the United Party Development of Indonesia (PPP) and Work Group (Golkar). Elections are conducted by the election Body under the Ministry of Home Affairs where this body is under the control of the government rather than an independent body. Whereas the President and Vice President were elected by a state institution called the People's Consultative Assembly (MPR), not directly elected by the people.

*Implementation of simultaneous general elections after Constitutional Court Decision No 14/PUU-XI/2003 concerning concurrent elections*

The simultaneous elections have been carried out as a result of the mandate of Constitutional Court Decision No 14/PUU-XI/2003 concerning concurrent elections. The general election commission (KPU) succeeded in holding the 2019 ballot relatively smoothly and safely. There have been no physical conflicts, riots, and no massive fraud has been discovered so far. Only, event management problems arise that need to be evaluated in order to improve elections in the future. Improved management is very necessary because the election is increasingly complex and complicated. More types of ballots because the legislative and presidential elections are held simultaneously. The number of voters has also increased. Prospective voters

in this election reached 92.8 million people who cast their votes in 810 thousand polling stations (TPS).

The voting committee bears quite a heavy task in the election process. They must ensure the availability of election logistics to count the votes. A total of 119 members of the voting committee throughout Indonesia died until the day of the ballot. Although the burden of election tasks is not necessarily the main cause of their death, it still needs to be used as an evaluation material by the KPU. There are at least three things that the government and the KPU need to do to improve the election:

*First*, fixing the matters of logistics preparation, voting and vote counting. All processes will be easier and more efficient if assisted with digital technology. The task of the voting committee will be lighter if the government and the KPU prepare more sophisticated election management.

*Second*, the Government together with the House of Representatives needs to immediately examine the implementation of elections electronically. With electronic elections the process of voting and counting can be done faster than a manual system. Some countries, such as Australia, Brazil, Japan, Canada and the United States, have implemented electronic elections. Even the Philippines has held electronic elections since 2010. The Agency for the Assessment and Application of Technology (BPPT) has actually developed electronic voting technology (e-voting). The electronic voting was tested in the village head election in Jembrana Regency, Bali, in 2009. As a result, e-voting saved an election budget of around 60 percent. Nine years ago the Constitutional Court also decided that e-voting was constitutional and could be applied on a broader scale.

*Third*, the KPU needs to improve campaign management so that all election contestants, both legislative and presidential elections, get a stage. Public attention during the 2019 election campaign period was more focused on presidential and vice presidential candidates. Whereas the role of legislators and senators of the Regional Representatives Council is equally important in the administration of the state [10].

Simultaneous elections will be easier if the KPU prepares better management of this event. Voters are generally not too difficult to cast various types of ballots. Election management affairs are the problem and need to be addressed.

The Chairperson of the Indonesian general elections commission (KPU), Arief Budiman, assessed that after the 2019 simultaneous elections, a joint evaluation would be needed. Arief said the evaluation was not only limited to the system but also its technical work, and that aside from the need for an evaluation of the implementation of the electoral system at the same time, it also needed an evaluation of the technical work. Because, held Arief, reflecting from the recent 2019 elections that were held recently was considered to be very tiring. In fact, it took many victims to the polling group (KPPS) officers who died from exhaustion. “This is a concern for all of us post-election we need to do an evaluation. Not only related to the system, but also the technical work, what about the technical work as it is today. People can’t finish until midnight, he even has to continue until the morning until the morning the next sunrise”, said Arief at the KPU RI Office, Jalan Imam Bonjol, Menteng, Central Jakarta. Furthermore, Arief considered that the simultaneous general election was not only tiring for the election organizers. Rather, it was also felt tiring for the election participants, security officers and also the community [14].

This simultaneous election or the so-called five-box election is the <sup>3</sup> election of President and Vice President, the election of members of the DPD RI, DPR RI, Provincial DPRD, Regency / City DPRD. The democratic event which is held every five years aims to produce country leaders both at the executive level (President and Vice President) and at the legislative level (DPR, DPD, and DPRD). In this context, the State gives authority or authority to two institutions that are responsible for carrying out and overseeing the election implementation process, namely the general election commission (KPU) as a technical institution and the election oversight body (BAWASLU). The general election commission (KPU) as a technical institution is tasked with planning, regulating, evaluating, and carrying out well, honestly, fairly, transparently and proportionally. And the election supervisory body (BAWASLU) as a supervisory body is tasked with overseeing and ensuring the entire implementation

process runs in accordance with the mandate stipulated in the constitution. These two institutions have been formed up to the village level. This is done to facilitate the entire process of implementation and supervision can be monitored properly, quickly, and precisely.

It seems that we need to re-examine the comparison between the 2014 and 2019 elections, the 2019 elections have some differences with the 2014 elections. Starting from the implementation, the number of <sup>3</sup> political parties participating in the election, to the method of counting the votes of political parties. This difference is indicated by the merging of the Presidential Election Law, the Presidential Election Law, and the Election Implementation Act to become only the Election Law. The fundamental difference from the holding of the 2019 elections is simultaneity. In 2014 the legislative and presidential elections were held separately. At that time, the legislative election was held first on April 9, 2014, while the presidential election was held 3 months later or on July 9, 2014.

This simultaneous election had an impact on the decision of the Constitutional Court (MK) in claim number 14/PUU-XI/2013 which was decided on January 23, 2014. Through the judicial review process, the constitutional court (MK) canceled Article 3 paragraph 5, Article 12 paragraph 1 and 2, Article 14 paragraph 2, and Article 112 of Law No 42/2008 concerning the presidential election, which regulates the implementation of this election three months after the implementation of the legislative elections alias not simultaneously. Legislative and presidential elections are held simultaneously, the number of political parties' increases, the presidential threshold uses the results of the 2014 legislative elections, parliamentary threshold rises to 4 percent, the method of calculating the number of seats, the amount of campaign funds, the addition of electoral districts and seats. Changes to the electoral system as stipulated in this law, making the election organizers certainly have very dense, heavy work, and at the same time demanded to finish it quickly. The implication of this process makes the bias results not optimal and unsatisfactory for all people [12].

The 2019 simultaneous election which took place on April 17 was considered to be still lacking. The election this time was considered to be many things that were not well anticipated, one of which was related to budget efficiency. Many things are not anticipated. “Our shadow simultaneous election creates efficiency because each segment whether the election of regional heads, legislative elections, and creates huge political and economic costs”, said Senior Populist Researcher Afrimadona at the Populi Center office in Jakarta. According to him, simultaneous elections also dispersed. He said, most people were more focused on the presidential election and opened up opportunities for cheating because of the lack of supervision. Simultaneous elections would also ultimately create obscurity in the community. In the end the focus would be on the presidential election. The community focused on the presidential election. According to Afri, Law No 7 of 2017 concerning elections should be able to anticipate problems that occur in the simultaneous elections this time. And learn from other countries to be able to hold elections better. It would be better in talking about the Election Law we invite many parties and various countries. So we can give input that if the options we use to make the election procedures then this is what we must anticipate [9].

#### *Problems and constraints after simultaneous elections*

Seeing the complexity of the simultaneous elections, many figures argue that evaluation is needed. Former Chief Justice of the Constitutional Court Jimly Asshiddiqie proposed that elections be separated into several levels, namely: Presidential elections could be held in conjunction with legislative elections for the House of Representatives, governor elections with provincial legislative elections and election of Regents / Mayors with legislative elections of the House of Representatives Regency / City Regional People. A similar proposal was conveyed by the Association for elections and Democracy (Perludem). Perludem Executive Director Titi Anggraini said that simultaneous elections could reduce the burden on election administrators. However, Perludem assessed that the current system is not a simultaneous election, but a contract.



Responding to this, the Commissioner of the General election commission (KPU) Hasyim Asy'ari said there was a discourse of separating simultaneous elections at the regional level with simultaneous elections at the national level. The discourse, said Hasyim, came from evaluation research on the holding of the 2019 and 2014 elections [11].

Based on the problem and some of the opinions above, the author agrees if an evaluation is needed to hold the election simultaneously. From the beginning there were weaknesses in the formulation of policies for implementing simultaneous elections. The Constitutional Court's decision should be followed by an evidence-based policy making process with strong data, based on a simulation of the implementation. Thus, the burden of organizing elections can be identified from the outset and steps to mitigate risk can be considered if things happen that are not desirable. It is unfortunate if the results of the KPU evaluation research submitted by the KPU Commissioner, Hasyim Asy'ari above only become discourse. Research results should be the basis for policy making.

Policy decisions must be based on strong evidence, not just one or two research reports. This ensures that the decision is based on a broad view of the issue. Most policies are interdisciplinary and require different knowledge. Regarding evidence as a policy base, there are four types.

Namely, *first*, statistical and administrative data, which help describe the current condition of an issue and explain historical trends.

*Second*, research-based evidence, which illustrates a causal relationship. This contributes to our understanding of "why things happen in their own ways" and explains the relationship between issues.

*Third*, evidence from the community and stakeholders (such as civil society organizations or business actors), which contributes to our understanding of who evaluates policies and how likely they will respond.

*Fourth*, evidence from evaluation, which helps explain past successes or in similar situations. All of these different types of evidence are mapped to achieve policy goals [13].

Therefore, based on the above opinion, a research-based evaluation of the simultaneous elections must be carried out. The results of the evaluation research must be a reference for improving future election management policies. Seeing the complexity of the simultaneous elections, many figures argue that evaluation is needed. Former Chief Justice of the Constitutional Court Jimly Asshiddiqie proposed that elections be separated into several levels, namely: Presidential elections can be held in conjunction with legislative and regional representative elections, governor elections with provincial legislative elections, and election of Regents / Mayors with legislative elections of the House of Representatives Regency / City Regional People [3].

According to Pramono Ubaid, Constraints faced in the simultaneous election were logistical problems and voter services, until 25 April 2019 there were a number of polling stations that had to be corrected due to logistical availability and voter service problems. A total of 705 polling stations had to vote again, 2,260 polling stations had a supplementary election, while 296 polling stations had a follow-up election. He acknowledged that KPPS officers had difficulty serving voters when they moved to vote because the number was booming.

He added, as many as 705 polling stations (TPS) had to re-vote, 2,260 polling stations did supplementary elections, while 296 polling stations conducted follow-up elections. He acknowledged that the officers of the Chair of the Voting Committee (KPPS) found it difficult to serve voters moving to vote because the number was booming. For the General election commission (KPU), it is easy to list the voters who process the voting process. However, it is difficult to meet the availability of ballots because it is technically difficult to move the ballots that have been allocated to polling stations to follow voters who have moved to vote. In addition to logistical issues, the election with 5 ballots resulted in the longer time needed to complete the voting and vote counting process. This obstacle is one of the causes of the large number of election administrators who are sick [4].

The Election oversight body (Bawaslu) for example, gave 11 notes. One of them is updating the status data of victims of natural disasters, to ensure that voters

who do not meet the requirements and move domicile permanently can still use their voting rights. When entering the campaign period, 2019 election participants are prohibited from campaigning in educational institutions, governments and places of worship, as stated in Law No 7 of 2017 concerning elections. However, in the 2019 presidential election event, candidates from the camp number 01 Joko Widodo-Ma'ruf Amin and 02 serial number Prabowo Subianto-Sandiaga Uno, had a chance to take a safari to the Pesantren. KPU also throws a warning. The destruction of the Campaign Props (APK) also enlivens this simultaneous election discourse. At least the Democratic Party and PSI, have reported to the police because their APKs installed in public spaces have been damaged.

In addition to these problems, there were also warnings from the Indonesian Institute of Sciences (LIPI) based on their survey in mid-2018 ago. The survey of 145 people – political, economic, sociocultural and security experts from 11 provinces in Indonesia stated the potential problems in the 2019 concurrent elections. The biggest potential problem was money politics (89 percent), then dispute over election results (76,6 percent), bureaucratic non-neutrality (66,2 percent), voters who do not use voting rights (53,1 percent), intimidation in elections (46,2 percent), and use of violence in elections (32,4 percent) [15].

#### *Election system that is in accordance with the Indonesian State*

Elections in Western democracies today become an ideal model for democratic countries in developing countries which import modern concepts of democracy [20]. In developing countries of democracy which import the concept of western democracy, elections are at least a tense event, sometimes even a bloody event, so they are often avoided by delaying the election. This also greatly influences the electoral system used in a country.

There are two general election systems that are often used by several countries, namely the District and Proportional Electoral systems. With the existence of the electoral system, Indonesia, which adopts a democratic system and conducts general elections, of course, uses one of these systems, or even both. The unclear electoral system used makes Indonesia often experience problems in the general election.

Election, hereinafter referred to as election, is a means of implementing people's sovereignty which is carried out directly, publicly, freely, securely, honestly and fairly in the Unitary State of the Republic of Indonesia Based on Pancasila and the 1945 Constitution of the Republic of Indonesia [19].

Elections as an implementation of democratic principles that apply in Indonesia have been applied several times starting from independence until 2009. In the history of the implementation of general elections in Indonesia, there have been many problems and several violations, namely violations of election crimes, violations of election administration, and violations of vote counting [18, p. 156]. Violations of this calculation will be assessed and rectified by the Constitutional Court as a State institution whose authority is regulated in the 1945 Constitution, which is one of them to resolve the results of the general election. The Constitutional Court's evaluation of the KPU recapitulation results is a constitutional assessment that will assess the formal procedure and the truth of the material.

With various polemics occurring regarding general elections in Indonesia that are inseparable from the general election system used, the general elections of 1955 and 2004 had specificity or privileges compared to elections in other years that had been conducted. All elections are not held in a vacuum situation, but rather take place in an environment that also determines the outcome of the election itself. From these general elections, it can also be seen that there are efforts to find an electoral system that is suitable for Indonesia [2, p. 473].

Reforms brought several fundamental changes. First, the opportunity was opened again for the free movement of political parties, including the establishment of new parties. This provision was then reflected in the 1999 general elections which were held in the presence of many parties. Second, in the 2004 general elections for the first time in Indonesian history a direct presidential and vice presidential election was held. Third, elections are held for a new body, the Regional Representative Council which will represent the region specifically.

For the election of members of the People's Legislative Assembly and the Regional People's Legislative Assembly, a proportional system with an open list

system is used, so that voters can vote directly for the selected candidates. There is a color to the district system in calculating the seat acquisition of the House of Representatives and the Regional People's Representative Council in the 2004 general election [2, p. 487].

Under this will, the author describes the advantages and disadvantages of the two election systems used by many countries in the world;

### *1. Use of the District system*

#### a. District System Benefits:

This system is more encouraging towards the integration of political parties because there are only one contested seats in each electoral district.

Party fragmentation and the tendency to form new parties can be dammed, even this system can lead to the party's natural and non-coercive simplification.

Because of the small size of the district, the elected representatives can be known by the community, so that relations with constituents are tighter.

For large parties this system is beneficial because through the distortion effect can win votes from other voters.

It is easier for a party to achieve a majority position in parliament, so there is no need to form a coalition with other parties.

It is easier for a party to achieve a majority position in parliament, so there is no need to form a coalition with other parties.

#### b. District System Weaknesses

This system pays little attention to the interests of small parties and these groups are scattered in various districts.

This system is less representative in the sense that the party whose candidate loses in a district loses the votes that have supported it.

The district system is considered ineffective in a plural society because it is divided into ethnic, religious and tribal groups, so that it raises the notion that an ideologically integrated and ethnically integrated national culture is a prerequisite for the success of this system.

It is possible that the representative tends to pay more attention to the interests of the district as well as the citizens of the district, rather than the national interest.

## *2. Use of Proportional Systems*

### *a. Advantages of Proportional Systems*

The proportional system is considered representative, because the number of party seats in parliament is in accordance with the number of votes obtained in the election.

Proportional systems are considered more democratic in a more egalitarian sense because they are practically without distortion, namely the gap between national votes and the number of seats in parliament, without missing or wasted votes.

### *b. Weakness Proportional system*

This system does not encourage parties to integrate or cooperate with each other and take advantage of existing similarities, but vice versa.

This system facilitates party fragmentation. If a conflict arises in a party, its members tend to separate themselves and establish a new party.

The proportional system gives a strong position to the party leadership through the list system because the party leader determines the list of candidates.

The elected representative is likely to be loosely tied to his constituents.

Due to the large number of competing parties, it is difficult for a party to win a majority (50% + one) in parliament, which is needed to form a Government [2, p. 649].

From the explanation of the advantages and disadvantages of the electoral system above as well as the journey of the Indonesian general election from the first time until now, little can describe the system that is suitable and good for Indonesia in accordance with the context of political culture and the diversity of the people.

Regarding the electoral system that the authors recommend, so as not to experience problems and problems such as the holding of the legislative and executive elections in 2019 in which many election officials who died due to fatigue at work, the election that will come in 2024 should be separated again by paying

attention to the level of position. For central level positions, namely the House of Representatives (DPR), the Regional Representative Council (DPD), and the President and Vice President are held at a certain time. For the position of the Provincial Level I Representative Council, and the Regency / City Level II Representative Council are held at different times. Thus, it will ease the election officials so that the death toll due to work fatigue like 2019 will not happen again.

### **Conclusion**

Indonesia is a democratic country that upholds people's rights to channel their aspirations through democratic elections. Elections in Indonesia are held every five years to elect candidates for representation in the legislative and executive bodies. Before the Constitutional Court's decision No 14/PUU-XI/2003 concerning simultaneous elections, holding legislative elections and holding executive elections with a lag period of about 6 months that takes precedence over legislative elections by electing candidates for the House of Representatives (DPR), the Regional Representative Council (DPD) and the House of Representatives Provincial Level I People's Region and Regency / City Level II People's Representative Council. For general elections the executive elects the President and Vice President. After the Constitutional Court's decision of the legislative and executive elections the implementation was merged at one time so that there were problems and problems that caused many casualties to the election executive officers because they were exhausted in carrying out their duties due to simultaneous elections.

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