

LEGAL POLITICS OF THE GENERAL ELECTION SYSTEM IN INDONESIA TO REALIZE DEMOCRATIC GENERAL ELECTIONS

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Received : 19 March 2025

Revised : 30 March 2025

Accepted : 13 April 2025

Published : 20 May 2025

DOI : <https://doi.org/10.54443/ijerlas.v5i3.2954>

Publish link : <https://radjapublika.com/index.php/IJERLAS>

Abstract

The purpose of this study is to find out and analyze the arrangement of the general election system in Indonesia and to find out and develop the general election system in Indonesia in order to realize democracy. The research method used in writing this research is the normative legal research method. The research results explain that the general election system which was initially implemented in 1955 until now Indonesia already has quite complex legal regulations and is felt to have formulated important things that serve as guidelines for implementing elections. And the implementation of democratic principles in general elections in Indonesia in the perspective of legal politics. In the perspective of legal politics, these principles have a strong basis in the Indonesian legal system. The suggestion in this study is that in the future the regulation of the general election system used for the next general election will continue to emphasize the values of the constitution and the 1945 Constitution. And not ignore the values of democracy and sovereignty. The general election system implemented in Indonesia in the future depends on the objectives and priorities of the election itself and also depends on Indonesia's readiness as a democratic country. In determining the general election system in Indonesia in the future, it is important to carefully consider the impacts of the systems used and compare them with the needs and ideals of the Indonesian nation.

Keywords: *Legal Politics, General Election System, Democratic*

INTRODUCTION

General Election is the embodiment of democracy itself. Election is one of the core or pillars that underlies democracy. Without elections, democracy will be something empty or hollow. Therefore, it is not right if we discuss elections without delving deeply into the essence of democracy itself. Etymologically, democracy comes from the word "*demo*" and "*Kratos*" which means people's sovereignty. In this context, the people have the sovereignty to run and regulate the country according to their will. The concept of democracy means that the country belongs to the people and is run by the people themselves. Thus, understanding the essence of democracy becomes very relevant when discussing elections. Elections are one of the mechanisms that allow the people to participate and exercise their sovereignty in determining the direction and decision-making of the country.¹

General elections are not just a political procedure, general elections are a manifestation of people's sovereignty. Through elections, people have the opportunity to choose their representatives in legislative and executive institutions. Thus, the implementation of elections that guarantee voter sovereignty is not damaged due to technical problems or fraud that occurs. Efforts to create a fair election implementation are highly dependent on aspects of the election implementation, such as the legal framework for elections, election organizers, and the commitment of all parties interested in the election must be in the same atmosphere.

¹Ayon Diniyanto, "Measuring the Impact of the Implementation of Presidential Threshold in the Simultaneous Elections in 2019", Indonesian State Law Review 1 No. 1, 2018, pp. 83-90

Of the various aspects, the legal framework of the Election is one of the main factors in creating a democratic election. According to International IDEA, the legal framework of the election must be arranged neatly and systematically so as not to cause bias in meaning.²

Formulated 15 aspects of democratic elections, namely: a) preparation of the legal framework; b) selection of the electoral system; c) determination of electoral districts; d) the right to vote and be elected; e) voter registration and voter lists; f) access to ballot papers for political parties and candidates; g) democratic election campaigns; h) access to media and freedom of expression; i) financing and expenditure; j) voting; k) counting and recapitulation of votes; l) the role of party and candidate representatives; m) election monitoring; n) compliance with the law; o) enforcement of election regulations; and p) election organizing institutions.³

The legal policy of the general election system in Indonesia is supported by various regulations, namely:

1. The 1945 Constitution guarantees the right of every citizen to participate in government.
2. Law Number 7 of 2017 concerning General Elections: Regulates in detail the election mechanism, voter registration, campaign, and vote counting. Law Number 7 of 2017 concerning General Elections serves as a legal framework for organizing democratic, transparent, and accountable elections. Its main objective is to ensure that elections can be implemented properly, reflect the sovereignty of the people, and produce legitimate representatives.
3. Law Number 10 of 2016 concerning Regional Head Elections: Regulates the election of governors, district heads, and mayors.

In political theory, there are simply two electoral systems with a number of variations, namely the proportional representation system and the district system or what is often called the single-member constituency.⁴ But if we look closely at the electoral systems used by countries that have held elections, the number of electoral systems is actually quite large. Therefore, as part of the systematization, political scientists then try to classify the electoral systems into large categories that are included in their respective family groups. From this classification, in general there are four family groups in the electoral system, namely the plurality/majority system, the proportional representation system, the mixed system and other systems.⁵

General elections have been held since 1955 in Indonesia using a proportional system. The proportional election system is an election system where the available seats in parliament are distributed to political parties participating in the election according to the balance of votes they obtained in the election in question. Basically, both models of proportional systems, both open and closed, have been implemented in the election system in Indonesia. Where the closed proportional system was used for the 1999 and 2004 elections, while the open proportional system was used for the 2009, 2014 and 2019 elections.⁶

Since the first election in 1955 until the final election of the New Order in 1997, the election system used was a proportional election system with a closed variant (closed list), namely the role of political parties in the election is strong in placing candidates and determining candidates based on serial numbers. While in the first election of the Reformation era in 1999, it still adopted the election system inherited from the New Order, only changing the variant of determining the elected candidate by introducing the *stabilitas accord* model, namely an agreement between political parties if there are remaining votes to be given to candidates from political parties with certain serial numbers based on the agreement of the political party leaders.⁷

Meanwhile, the 2004 election still used a closed proportional election system as in the 1999 election, by determining a variant of the seat determination model based on the acquisition of political parties in the electoral district (Dapil) and the determination of elected candidates based on the Voter Divisor Number (BPP). If there is a candidate

²Triono, "Measuring the Effectiveness of the 2019 Simultaneous Elections" *Journal of Political Discourse*, Volume 2, Number 2, October 2017, p. 156.

³Didik Supriyanto, *Maintaining the Independence of Election Organizers Accompanied by Law Number 22 of 2007 Concerning Election Organizers*, Jakarta, USAID, 2007, p. 24

⁴Saifullah Ma'shum, *KPU and the 1999 Election Controversy*, Jakarta: Pustaka Indonesia Satu, 2001, p.16

⁵Kacung Marijan, *Indonesian Political System: Post-New Order Democratic Consolidation*, Jakarta: Kencana Prenada Media Group, 2011, pp. 84-85

⁶Ibid

⁷Maulida Khairunnisa and Siti Fatimah, "Open and Closed Proportional Systems during Elections in Indonesia and Their Advantages and Disadvantages" *Jurnal Tana Mana*, Vol. 4 No. 1, 2023, p. 95

who can meet 100% of the BPP, then the candidate is automatically determined to be the elected candidate, if there is no candidate who can meet the BPP, then the elected candidate is determined based on the list of serial numbers determined by the political party in the ballot paper. If there are still remaining seats, they are distributed to the political party that obtains the largest remaining votes (large remainders) in succession until all seats are divided up in the electoral district (Dapil).⁸.

The 2009 legislative election used an open proportional system with the determination of elected candidates based on the most votes and no longer based on serial numbers. The change of elected candidates from being based on serial numbers to being based on the most votes was the implementation of the Constitutional Court decision Number 22-24/PUU-VII/2008, which became the legal basis for using an open proportional system based on the most votes. The 2014 legislative election implemented the same system as the 2009 election, namely the open proportional system.

The 2019 legislative election system still applies an open proportional system. The legal basis for open proportional has been legitimized in Law Number 7 of 2017 concerning General Elections. It is clearly stated in Article 168 paragraph (2) of Law Number 7 of 2017 concerning Elections which reads "elections to elect members of the DPR, Provincial DPRD, and Regency/City DPRD are implemented with an open proportional system".

The implementation of the Election in Indonesia is always followed by the creation of legal instruments regarding the Election. Ahead of the implementation of the 2019 Election, the House of Representatives or DPR and the Government did not fail to create new legal instruments related to the 2019 Election. Law Number 7 of 2017 concerning General Elections is a new legal instrument issued to regulate the 2019 Election.⁹

However, Law Number 7 of 2017 concerning General Elections has weaknesses, so that there is a lawsuit to test the Law to the Constitutional Court. The lawsuit to test the Law against Law Number 7 of 2017 concerning General Elections was tested 18 times.¹⁰

In February 2022, the Indonesian Democratic Party of Struggle (PDI-P) became the first party to propose that the 2024 election use a closed proportional system or vote for political parties (parpol). The articles in Law Number 7 of 2017 concerning General Elections that are the basis for Judicial Review include Article 168 paragraph (2), Article 342 paragraph (2), Article 353 paragraph (1) letter b, Article 386 paragraph (2) letter b, Article 420 letters c and d, Article 422, Article 426 paragraph (3) of Law Number 7 of 2017 concerning General Elections.

The reasons for the applicant to submit the Articles are the reduced important role of political parties in the Election as the constitution should dictate. The open proportional system causes complications in the implementation of elections, the open proportional system causes waste of the state budget, and the open proportional system causes money politics and encourages criminal acts of corruption.¹¹

After the Constitutional Court's decision Number 22-24/PUU-VI/2008, which stipulates that the general election system is implemented using an open proportional system. This is considered inconsistent because the PDI-P considers that the open proportional system or voting for legislative candidates (caleg) which is usually used requires quite a large cost and says that with an open system it will only elect less qualified candidates and are usually elected based on nepotism or popularity. In fact, being a people's representative requires responsibility and other important values needed by a leader.¹²

In the Constitutional Court Decision Number 114/PUU-XX/2022, the Judge rejected the applicants' provisional request. In the main petition, the petition was rejected in its entirety. Based on the Constitutional Court's decision, the 2024 election will continue to use an open proportional system. If we re-examine Article 22E paragraph (3) of the 1945 Constitution which states that general election participants elect members of the People's Representative Council and members of the Regional People's Representative Council are political parties. This is in line with the closed proportional system where the election mechanism by the people is only for political parties.

⁸Ibid

⁹Ayon Diniyanto, "Legal Politics of General Election Regulation in Indonesia: Problems and Challenges", Indonesian Legislation Journal Volume 16 Number 12, 2019, p. 161

¹⁰Sodikin, "Simultaneous Elections (Legislative Elections with Presidential and Vice Presidential Elections) and Strengthening the Presidential System", RechtVinding Journal, Volume 3 Number 1, 2014

¹¹ <https://news.detik.com/pemilu/d-6774528/hasil-putusan-mk-sistem-pemilu-2024>, accessed March 28, 2024

¹²Kusuma Wijaya, Dynamics of Political Parties Regarding the Discourse on Changes to the 2024 Election System in the Perspective of Democracy, Journal of Law and Social Politics, Volume 1 Number 2, 2023, page 154

However, if we return to using a closed proportional system, this would of course be contrary to Article 168 paragraph (2) of Law Number 7 of 2017 concerning Elections. The proportional system was indeed chosen and considered as a legitimacy to accommodate the euphoria of democracy.¹³ Thus, between Article 22E paragraph (3) of the 1945 Constitution and Article 168 paragraph (2) of Law Number 7 of 2017, a conflict of norms has arisen in the two Articles, thus giving rise to legal uncertainty. This article will discuss the arrangement of the general election system in Indonesia, as well as examine the general election system in Indonesia in realizing democracy.

RESEARCH METHODS

The method used in writing this research is the normative legal research method. According to Bahder Johan Nasution, normative legal research is a research that pays serious attention to the existing positive legal structure, maintains and develops it with a logical structure by conducting a study of three layers of law, namely legal dogmatics, legal theory, and legal philosophy.¹⁴ Thus, Peter Mahmud Marzuki formulated legal research as: "a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced."¹⁵ Based on the review of the legal research above, this research is used as the basis for this research by using the normative legal research type related to the legal politics of the general election system in Indonesia to realize democratic general elections.

RESULTS AND DISCUSSION

A. Regulation of General Election System in Indonesia

1. The 1955 election system arrangements.

The legal basis for implementing the 1955 elections is as follows: Law Number 7 of 1953 concerning the Election of Members of the Constituent Assembly and members of the DPR as amended by Law Number 18 of 1953; Government Regulation Number 9 of 1954 concerning the Implementation of Election Law; Government Regulation Number 47 of 1954 concerning the Method of Nominating Membership of the DPR/Constituent Assembly by Members of the Armed Forces and the Statement of Inactivity/Dismissal based on the acceptance of membership of the nomination of said membership, as well as the prohibition of holding an Election Campaign against Members of the Armed Forces.

The 1955 election system was a combination of the district system and the proportional representation system. What was interesting about the 1955 Election was the high awareness of healthy competition. For example, even though the candidates for DPR were the prime minister and ministers who were in power, they did not use state facilities and their authority to subordinate officials to influence voters who benefited their party.

2. Regulation of the General Election System in 1971.

The legal basis for the implementation of the 1971 election was based on Law Number 15 of 1969 concerning General Elections for Members of the DPR, Level I DPRD and Level II DPRD which were held in a Direct, General, Free and Secret manner.

The principles of the 1971 General Election were stated in the MPRS Decree Number XI/MPRS/1966 which stipulated that the General Election was direct, general, free and secret. In the context of the voting, MPRS Decree Number XLII/MPRS/1968 was issued concerning the voting schedule which was held on July 5, 1971. The 1971 Election System adopted a balanced representation system by adopting a binding list system, meaning that the strength of organizational representation in the DPR and DPRD was balanced with the level of voter support because voters gave their votes to the Election Participating Organizations.

The stages of seat distribution in the 1971 Election were as follows. First, the party votes were divided by the kiesquotient in the electoral district. The second stage, if there was a party that carried out stembus accord, then the total remaining votes of the parties that combined the remaining votes were divided by the kiesquotient. In the next stage, if there were still seats left, one seat each was given to the party that won the largest remaining votes, including the combined remaining votes of the parties that carried out stembus accord from the acquisition of seats in the

¹³Aminah, Analysis of the Implementation of Proportional System and District System in General Elections to Simplify the Party System in Indonesia Reviewed from the Principles of the Legal State, Journal of Law, Sebelas Maret University: Yustisia, Volume 1, 2012, p. 83

¹⁴Bahder Johan Nasution, Legal Research Methods, Mandar Maju, Bandung, 2008, p. 75

¹⁵Peter Mahmud Marzuki, Legal Research, Kencana, Jakarta, 2008, p. 29.

second stage of the distribution. If no party carried out stembus accord, then after the first distribution, the remaining seats were distributed directly to the party that had the largest remaining votes.

3. Regulation of the General Election System 1977-1997.

The legal basis for implementing the 1977-1997 elections is as follows:MPR Decree Number IV/MPR/1973 concerning the General Guidelines of State Policy in the fields of politics, Government Apparatus, Law and Foreign Relations; MPR Decree Number VIII/MPR/1973 concerning General Elections; Law Number 3 of 1975 concerning Political Parties and Functional Groups; Law Number 5 of 1974 concerning the Principles of Regional Government; Law Number 8 of 1974 concerning the Principles of Civil Service; Law Number 5 of 1979 concerning Village Government; MPR Decree Number IV/MPR/1978 concerning the General Guidelines of State Policy and MPR Decree Number VII/MPR/1978 concerning General Elections; Law Number 2 of 1980 concerning General Elections; Government Regulation Number 41 of 1980 as a replacement for Government Regulation Number 1 of 1976; MPR Decree Number II/MPR/1983 concerning GBHN and MPR Decree Number III/MPR/1983 concerning Elections; Law Number 2 of 1980 concerning General Elections; Government Regulation Number 41 of 1980 as a replacement for Government Regulation Number 1 of 1976; MPR Decree Number II/MPR/1988 concerning GBHN and MPR Decree Number III/MPR/1988 concerning Elections; Law Number 2 of 1980 concerning General Elections; Government Regulation Number 35 of 1985 as amended by Government Regulation Number 43; Government Regulation Number 37 of 1990; MPR Decree Number II/MPR/1993 concerning GBHN and MPR Decree Number III/MPR/1993 concerning Elections; Law Number 5 of 1996 concerning General Elections; Government Regulation Number 36 of 1985; Government Regulation Number 37 of 1996.

The Election System from 1977 to 1997 elected the DPR and DPRD using a proportional system with the List System followed by only 3 political parties, namely the United Development Party, Golkar and the Indonesian Democratic Party. After 1971, the implementation of periodic and regular elections began to be implemented. The third election was held 6 years after the 1971 Election, namely in 1977, after that it was always scheduled once every 5 years. In terms of schedule, regular elections have been held since then.

One thing that is clearly different from previous elections is that since the 1977 election there have been far fewer participants, two political parties and one Golkar. This happened after the government together with the DPR tried to simplify the number of parties by creating Law No. 3 of 1975 concerning Political Parties and Golkar. The two parties were the United Development Party or PPP and the Indonesian Democratic Party or PDI) and one Golongan Karya or Golkar. So in 5 elections, namely the 1977, 1982, 1987, 1992, and 1997 elections there were only three participants.

The results are the same, Golkar always wins, while PPP and PDI become complements or mere ornaments. Golkar has even been the winner since the 1971 Election. This situation directly and indirectly puts executive and legislative powers under Golkar's control. Golkar's main supporters are the civil and military bureaucracy.

4. Regulation of the General Election System in 1999.

The legal basis for implementing the 1999 elections is as follows:Law Number 2 of 1999 concerning Political Parties; Law Number 3 of 1999 concerning General Elections (stipulating the General Election Commission as the organizer of general elections whose members consist of representatives of political parties participating in the general elections and representatives of the government); Law Number 4 of 1999 concerning the Composition and Position of the People's Consultative Assembly, the People's Representative Council, and the Regional People's Representative Council.

The election system is still the same, namely the proportional system, only the determination of the elected candidates in this election is different from the previous election, namely by the ranking of the votes obtained by a party in the electoral district. For the President and Vice President, it is still the same as the previous elections, namely being elected in the MPR.

5. Regulation of the General Election System in 2004.

The legal basis for implementing the 2004 elections is as follows:Law Number 20 of 2004 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2004 concerning Amendments to Law Number 12 of 2003 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council, to Become Law; Law Number 23 of 2003 concerning the General Election of President and Vice President; Law Number 12 of 2003 concerning the General

Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council; Law Number 2 of 1999 concerning Political Parties.

There are 2 types of elections, namely the DPR, DPD and DPRD elections and the Presidential and Vice Presidential elections. The DPR and DPRD elections use an open proportional system, while the Regional Representative Council (DPD) uses a multi-member district system. The President and Vice President are no longer elected by the MPR, but are elected directly by the people through the Presidential and Vice Presidential Election.

The 2004 election was held with a different system from previous elections. The differences were in the DPR and DPRD election system and the DPD election system, as well as the presidential and vice presidential elections which were held directly and no longer through MPR members like previous elections, and could even go to the second round. In addition, the election was also national, permanent, and independent.

This election was an election that was participated by many parties. There were two types of general elections, the first was an election to elect members of parliament whose parties met the parliamentary threshold. At that time, the election was participated by 24 political parties and was held on April 5, 2004.

6. Regulation of the General Election System in 2009.

The legal basis for implementing the 2009 elections is as follows; Law Number 17 of 2009 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2009 concerning Amendments to Law Number 10 of 2008 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council to Become Law; Law Number 42 of 2008 concerning the General Election of President and Vice President; Law Number 10 of 2008 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council; Law Number 22 of 2007 concerning the Organizers of General Elections.

There are 3 types of elections, namely the DPR, DPD and DPRD elections, the Presidential and Vice Presidential elections, and the Regional Head and Deputy Regional Head elections. The DPR and DPRD elections use an open proportional system, the Regional Representative Council (DPD) uses a multi-member district system. The President and Vice President are elected directly by the people through the Presidential and Vice Presidential elections. Regional Heads and Deputy Regional Heads are no longer appointed, but are elected directly by the people through the Regional Head and Deputy Regional Head elections.

The General Election for Members of the House of Representatives was held with an open proportional system whose calculations were based on a number of electoral districts, with the election participants being political parties. This general election was the first to be held with the determination of elected candidates based on the most votes, not based on serial numbers (voters chose candidates for members of the House of Representatives, not political parties).

Meanwhile, the 2009 Presidential and Vice Presidential Election of the Republic of Indonesia (often abbreviated as Pilpres 2009) was held to elect the President and Vice President of Indonesia for the 2009-2014 period. Voting was held on July 8, 2009. Based on Law Number 42 of 2008, the nomination of presidential and vice presidential candidate pairs was proposed by political parties or a coalition of political parties participating in the 2009 General Election of Members of the People's Representative Council who obtained at least 20% of the number of DPR seats or 25% of the number of valid national votes.

7. Regulation of the General Election System in 2014.

The legal basis for implementing the 2014 elections is as follows; Law Number 8 of 2012 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council; Law Number 15 of 2011 concerning the Organizers of General Elections.

There are 3 types of elections, namely the DPR, DPD and DPRD elections, the Presidential and Vice Presidential elections, and the Regional Head and Deputy Regional Head elections. The DPR and DPRD elections use an open proportional system (most votes) The Regional Representative Council (DPD) uses a multi-member district system. The President and Vice President are elected directly by the people through the Presidential and Vice Presidential elections. The Regional Head and Deputy Regional Head are elected directly by the people through the Regional Head and Deputy Regional Head elections.

8. 2019 General Election System Regulations.

The legal basis for the implementation of the 2019 election is Law Number 7 of 2017 concerning General Elections. The 2019 election system There are 3 types of elections, namely the DPR, DPD and DPRD elections, Presidential and Vice Presidential elections, DPR and DPRD elections use an open proportional system (most votes), the Regional Representative Council (DPD) uses a multi-member district system, the President and Vice President are elected directly by the people through the Presidential and Vice Presidential elections.

The simultaneous holding of legislative elections and presidential elections, or more commonly known as "simultaneous elections" or "five-box elections", makes the scale of the implementation of Indonesian elections extraordinarily large. The 2019 election is the largest democratic party in Indonesian history. The 2019 election is also the largest one-day election in the world.

However, the predicate is still increasing, because the 2019 Election is also the most complex election in the world. Of course, there are three election systems used on one voting day. Namely, the proportional system of open candidate lists to elect candidates for members of the DPR, Provincial DPRD, and Regency/City DPRD; the multi-member district system to elect members of the DPD; and the two-round majority system to elect presidential and vice presidential candidates.

The five-box simultaneous election was held after the Constitutional Court issued a judicial review decision on Law Number 42 of 2008 concerning the Presidential and Vice Presidential Elections. In Decision Number 14/PUU-XI/2013 which was read on January 23, 2014, the Constitutional Court stated that holding the presidential and vice presidential election (presidential election) after the general election of members of the DPR, DPD, and DPRD (legislative election) was contrary to the 1945 Constitution.

B. The General Election System in Indonesia in Realizing Democracy

General elections are said to be democratic when there are certain measurements that can be used as a benchmark. One of the benchmarks for democratic elections is that issued by the "Institute for Democracy and Electoral Assistance" (IDEA) which is an international institution whose direction of movement is related to the arrangement of the democratic system. For that reason, it should be used as a source of inspiration for election activists. According to IDEA, there are 15 (fifteen) criteria that are internationally recognized as a tool for measuring the standards of an election implementation, including:¹⁶

1. Preparation of the legal framework;
2. Electoral system;
3. Determination of electoral districts and definition of electoral unit boundaries;
4. The right to vote and to be elected;
5. Election implementing body;
6. Voter registration and registered voters;
7. Access to political party and candidate ballot papers;
8. Democratic election campaign;
9. Media access and freedom of expression;
10. Campaign financing and expenditure;
11. Voting;
12. Counting and tabulation of votes;
13. The role of party representatives and candidates;
14. Election monitoring;
15. Compliance and enforcement.

Apart from IDEA, the benchmarks for democratic elections are taken from standard international agreement sources, including:¹⁷

1. International Declaration of Human Rights (UDHR) 1948;
2. International Covenant on Civil and Political Rights (ICCPR) 1960;
3. Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950;

¹⁶Abdul Hakam Sholahudin, et al., Election Law in Indonesia, Banten, Sada Kurnia Pustaka, 2023, p. 3

¹⁷Ibid.

4. African Charter on Human and Peoples' Rights 1981;
5. International Declaration on the Criteria for Free and Fair Elections (Paris Declaration), Inter-Parliamentary Council at its 154th meeting on 26 March 1994.

International election standards are compiled by summarizing various aspects concerning political rights and basic freedoms that are established through various agreements, both universal and regional, including the involvement of political commitments between countries in the world.

Elections held by the state can be said to be successful if they can represent a democratic system, the continuity of elections, candidates, and bodies that can regulate and have a sense of responsibility and obey all existing rules. For this reason, there are several principles that must be adhered to in the implementation of elections, namely direct, general, held by organizations and voters who are the same participants, secret, honest, and fair. So the elections that have been held must be able to contribute to improving the welfare and prosperity of the community.¹⁸

Thus, the Election in its implementation must be based on the six principles, so that the democratic atmosphere becomes stronger. In addition, there are four other reasons that support the Election implementation to commit to the six principles, namely to ensure that the Election held has legitimacy, anticipate internal and external conflicts, form the character of a quality leader, and receive recognition from the international world for Indonesia. The existence of a quality and integrity Election will result in the realization of democracy and a good governance system.¹⁹

CONCLUSION

Since the beginning of the general election in Indonesia, namely in 1955, it has had a legal umbrella, namely Law Number 7 of 1953, Government Regulation Number 9 of 1954, Government Regulation Number 47 of 1954, and the election system used is combination of district system and balanced representation system. Then the 1971 election legal basis was Law Number 15 of 1969 and the legal system used adopted a balanced representation system by adopting a binding list system. In the 1977-1997 elections, at least 20 legal bases for implementing elections were formulated, and the elections used were a proportional system with a List System. Furthermore, the 1999 election had at least 4 legal bases for implementing elections and its election system used proportional system of determining the elected candidate with the ranking of votes obtained by a party in the electoral district. Furthermore, the 2004-2019 election used an open proportional election system. In the 2019 election, the legal basis was Law Number 7 of 2017, which until now Law Number 7 of 2017 has been the basis for the implementation of the upcoming election.

Referring to the explanation above, it can be concluded that from the time the elections in Indonesia were held, namely in 1955 until now, Indonesia has had quite complex legal regulations and is considered to have formulated important things that serve as guidelines for the implementation of elections. The indicators of democratic elections are: Preparation of the legal framework, Election system, Determination of electoral districts and definition of electoral unit boundaries, The right to vote and to be elected, Election implementing bodies, Registration of voters and registered voters, Access to ballot papers for political parties and candidates, Democratic election campaigns, Media access and freedom of expression, Campaign financing and expenditure, Voting, Counting and tabulation of votes, The role of party and candidate representatives, Election monitoring, Compliance and law enforcement.

SUGGESTION

It is hoped that in the future the regulation of the general election system used for the next general election will continue to emphasize the values of the constitution and the 1945 Constitution. And will not ignore the values of democracy and sovereignty. The general election system implemented in Indonesia in the future depends on the objectives and priorities of the election itself and also depends on Indonesia's readiness as a democratic country. In determining the general election system in Indonesia in the future, it is important to carefully consider the impacts of the systems used and compare them with the needs and ideals of the Indonesian nation.

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¹⁹Ibid.

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