RECONSTRUCTING THE LEGISLATIVE ELECTORAL SYSTEM: ENHANCING THE QUALITY OF THE DPR THROUGH A CLOSED PROPORTIONAL SYSTEM

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Abstract

This study proposed a reform of Indonesia's legislative electoral system by implementing a closed proportional model to improve the quality and effectiveness of the House of Representatives (DPR). The open proportional system, standed since the 1998 Reform Era, has raised several serious issues, including the prevalence of money politics, high nomination costs, weakened party cohesion, and reduced accountability of elected representatives. Based on theoretical approaches encompassing popular sovereignty, political representation, and party systems which supported by empirical data, this study argues that a closed system aligns more closely with the principles of substantive democracy. The research proposed a closed-list system rooted in meritocracy and accountability, emphasizing objective candidate recruitment, independent oversight, a minimum 30 percent quota for women, and public monitoring of candidate lists. This reform is recommended to be implemented through a revision and integration of various electoral laws within an omnibus law framework. Conceptually, the findings contribute to the development of constitutional law and the strengthening of representative institutions that are professional, transparent, and people-oriented.

Keywords: ***Electoral System, Closed Proportional System, Political Representation, Meritocracy, DPR Performance***

INTRODUCTION

Elections are a fundamental element in the implementation of the principle of popular sovereignty in a democratic system (Asshiddiqie, 2020). The quality of elections plays a strategic role in determining the direction of governance, particularly in forming legislative institutions that can optimally represent the public interest. In this regard, the electoral system is not merely a technical mechanism; it is a political and legal instrument that significantly influences the distribution of power, policy-making processes, and the quality of resulting regulations (Norris, 2004). Therefore, selecting an appropriate electoral model is essential to ensure that democracy is not only procedural but also substantive.

Since the 1998 Reform Era, Indonesia has adopted an open proportional system for legislative elections. Although this system was intended to encourage direct public participation in selecting representatives, it has also led to significant negative consequences. These include widespread money politics, soaring campaign costs, weakened internal party cohesion, and a decline in the quality of elected legislators (ICW, 2019; KPU, 2019). Empirical findings also indicate that this system has degenerated policy fragmentation and caused internal party conflicts, ultimately resulting in lower accountability of representatives to both constituents and their parties (LIPI, 2020).

The adjustment of Article 1 Paragraph (2) of the 1945 Constitution, which declares that sovereignty belongs to the people and is implemented in accordance with the Constitution, provides a crucial foundation for reevaluating the electoral system. Elections are not merely a recruitment mechanism for representatives but a channel for conveying public aspirations through institutionalized political structures (Pitkin, 1967). In this context, the closed proportional system is believed to offer greater potential for delivering high-quality political representation, as

political parties stand the primary responsibility for selecting legislative candidates based on integrity, competence, and loyalty to party values (Panebianco, 1988). International experience showed that the closed proportional system can reduce money politics, increase legislative efficiency, and maintain governmental stability (International IDEA, 2023). Indonesia previously applied this system during the 1955 General Election, widely regarded as one of the most democratic elections in the nation's history, with outstandingly high voter participation (Feith, 1962). Moreover, this system aligns with the values of Pancasila, especially the fourth and fifth principles, which emphasize deliberation and social justice in governance (Asshiddiqie, 2020).

Considering philosophical, empirical, and normative dimensions, an evaluation of the current electoral system is urgent. This study aims to identify the shortcomings of the open proportional system and to propose a framework for a closed proportional system grounded in the principles of meritocracy and public accountability. Accordingly, it is expected that Indonesia's electoral system will better ensure quality political representation, create a responsive parliament, and promote clean and effective governance.

LITERATURE REVIEW
Theory of Popular Sovereignty

Popular sovereignty is a fundamental concept in political science and democratic systems, emphasizing that ultimate authority lies with the people rather than with an individual or a single monarch. This idea originated from the practice of direct democracy in ancient Greece and later evolved into the representative democracy widely adopted today. Key political thinkers such as Jean Bodin, Thomas Hobbes, John Locke, Montesquieu, and Jean-Jacques Rousseau significantly shaped the theory of sovereignty and democratic governance.

Jean Bodin considered sovereignty as absolute and indivisible power, initially vested in monarchs, but later this notion shifted toward the people (Bodin, 1576). Thomas Hobbes viewed sovereignty as absolute power necessary to maintain order, with individuals surrendering their rights to a ruler to prevent chaos (Hobbes, 1996). John Locke rejected absolute authority and believed that sovereignty rests with the people, with government acting as a servant accountable to its citizens (Locke, 1988). Montesquieu introduced the principle of separation of powers (trias politica) to prevent power concentration and to ensure balanced governance accountable to the public (Montesquieu, 1989). Jean-Jacques Rousseau emphasized the importance of the social contract and rejected the delegation of sovereignty, asserting that true sovereignty lies in the collective will of the people (Rousseau, 1997).

The implementation of popular sovereignty must be grounded in the rule of law (constitutional democracy), where people's power is exercised in accordance with constitutional and legal frameworks, as stipulated in Indonesia's 1945 Constitution. This principle is realized through state institutions that perform legislative, executive, and judicial functions in a transparent, participatory, and accountable manner. Elections serve as the primary mechanism for realizing popular sovereignty, allowing citizens to directly choose their representatives. Elections not only symbolize civic participation but also represent a tangible manifestation of democratic principles, emphasizing inclusiveness, healthy political competition, and public accountability of officials. Thus, popular sovereignty is the central principle of modern democracy, ensuring that all state power originates from, is exercised by, and serves the people, while safeguarding human rights and maintaining orderly governance.

Theory of Representation

The theory of representation is at the core of the modern democratic system as it emphasizes how the voices of the people are accommodated through representation in political decision-making. This concept is not only about the presence of representatives in legislative bodies but also reflects the quality of the relationship between the representatives and those they represent. In academic discourse, the theory of representation has evolved into five main approaches: formal, substantive, descriptive, symbolic, and responsive.

Formal representation emphasizes the legal and procedural aspects of electing representatives. As long as elections are held legitimately and according to the rules, the elected representatives are considered legitimate, even if they do not actively advocate for the people's interests. In contrast, substantive representation measures the success of representatives by how well the policies they produce reflect the needs and aspirations of the people. In this context, representation is not only about being elected but also about bearing the responsibility to fight for constituents' interests.

Descriptive representation focuses more on identity similarities between the representatives and the represented, such as gender, ethnicity, or social background. The basic assumption is that these similarities foster better understanding and empathy toward the constituents' issues. Meanwhile, symbolic and responsive representation emphasizes the emotional connection and communication between representatives and the public. A

representative who symbolically represents a historically marginalized group can instill hope and a sense of belonging to the political system. Responsiveness—defined as the ability of representatives to actively listen to and follow up on public aspirations—becomes a crucial measure of representational effectiveness. The implications of these various theories are vast. When representation is implemented fairly and inclusively, it can strengthen political legitimacy and increase public trust in government institutions. Representation that reflects societal diversity can also promote political participation from previously marginalized groups. Furthermore, it enriches perspectives in the legislative and policymaking processes, making the resulting decisions more responsive to the real needs of society. Thus, effective representation not only maintains the balance of power in democracy but also strengthens social justice, enhances social cohesion, and creates a more stable political system that is oriented toward the public interest.

Electoral System

The electoral system is the main mechanism in modern democracies to elect representatives to legislative bodies in a legitimate and constitutional manner. Elections serve as a bridge between the people as sovereign holders and the institutions of state power. According to Arend Lijphart (1994), an electoral system is a method of converting votes into parliamentary seats. Therefore, the design of the electoral system directly impacts the quality of democracy, political representation, and governmental stability.

In general, electoral systems can be categorized into three main types: plurality/majoritarian systems, proportional systems, and mixed systems. Indonesia adopts a proportional system, which has undergone significant changes since the 1998 reformation era. The open-list proportional system used in legislative elections since 2009 allows voters to directly choose legislative candidates. However, this system has also led to various issues, such as the dominance of money politics, unhealthy internal competition among candidates from the same party, and the decline in the quality of legislators due to the prioritization of popularity over capability.

In response to these weaknesses, discourse has emerged advocating a shift to a closed-list proportional system. In this system, voters vote only for parties, and the parties arrange a ranked list of candidates. This model is considered capable of strengthening the role of parties in the political recruitment and cadre development process, and it may enhance the quality of the parliament if parties implement strict and meritocratic selection mechanisms.

In this context, it is also important to uphold the fundamental principles of democratic elections, as formulated by International IDEA, namely: direct, general, free, confidential, honest, and fair elections (often abbreviated in Indonesia as LUBER – *langsung, umum, bebas, rahasia* and JURDIL – *jujur* and *adil*). Any reconstruction of the electoral system must not violate these principles but rather serve to strengthen them. Therefore, changes to the electoral system must be placed within the broader framework of institutional reform and overall improvement in democratic quality, not merely as short-term political manoeuvres.

Political Parties

Political parties hold a central role in democratic systems, including in the legislative election process. As stated in classical literature by Schattschneider (1942), "modern democracy is unthinkable save in terms of political parties," implying that modern democracy cannot be separated from the existence of political parties. In this context, political parties are not merely electoral vehicles but also institutions that perform vital functions such as political education, articulation and aggregation of interests, and political recruitment.

Generally, political parties are defined as organizations that seek to gain and maintain power through elections. According to Miriam Budiardjo (2008), a political party is "an organized group whose members share common orientations, values, and ideals, and who seek to obtain political power—usually through constitutional means—in order to implement their policies." In representative democratic systems such as Indonesia's, political parties are key to the formation of legislative bodies, as only through parties can legislative candidates be nominated.

The main functions of political parties include serving as channels for public aspirations, political educators, and platforms for producing future leaders. The political recruitment function becomes particularly important in a closed-list proportional system, as parties have full authority to determine who will be advanced as legislative candidates. Therefore, a strong and democratic party system is a prerequisite for producing a quality parliament. Party systems can be classified into single-party, two-party, and multiparty systems. Indonesia adopts a multiparty system, which allows for political diversity but also presents coordination and stability challenges.

In the context of a closed-list proportional system, political parties are not only the primary selectors of legislative candidates but also institutions responsible for political cadre development. Effective cadre development reflects a meritocratic, transparent, and public service-oriented internal system. However, in practice, many political

parties in Indonesia remain trapped in patterns of patronage, oligarchy, and a lack of ideological development among their members. This has resulted in poor-quality legislators, even though the system provides ample opportunity for improvement through the closed-list proportional model.

Therefore, the reconstruction of the legislative electoral system cannot be separated from the urgent need to improve internal political party structures, particularly in terms of cadre development and recruitment. Only through comprehensive reform within political parties can the closed-list proportional system function as intended—producing representatives who are not only loyal to their parties but also possess integrity and are committed to serving the public interest.

Legislative Institution

The legislative institution is one of the main pillars in a democratic government system. In the context of Indonesia, this institution is represented by the House of Representatives (DPR) as the embodiment of the people's will, elected through a democratic electoral process. According to Article 20 of the 1945 Constitution, the DPR has the power to make laws, meaning it serves not only as a policymaker but also as a supervisory body over government activities and a guardian of public aspirations. Therefore, the quality of the legislature is a direct reflection of the quality of democracy itself.

Theoretically, the legislative institution has three main functions: legislative (law-making), budgetary (budgeting), and oversight (control). These functions demonstrate that the legislature is not merely symbolic but plays a vital role in maintaining the balance of power and representing public interests. However, the effectiveness of these functions greatly depends on the personal quality of its members and the underlying political mechanisms.

In a closed-list proportional system, as proposed in electoral reform, the composition of the legislature is heavily influenced by the internal processes of political parties. Legislative candidates are elected not solely based on individual popularity but also on their position on the party's list. This has important implications for the independence and capacity of DPR members in carrying out their duties. If the recruitment process is transactional or driven solely by elite interests, the representative function may be compromised, and the legislature could lose its substantive meaning.

Moreover, the legislature also plays a strategic role in pushing for political system reforms. Through its authority to establish and revise election laws, the DPR holds both moral and constitutional responsibility to ensure that the prevailing electoral system fosters a healthy, fair, and public-oriented political climate. Thus, reconstructing the legislative electoral system is not merely a technical matter of voting mechanisms but also involves the fundamental roles and functions of the legislature as a credible democratic institution.

METHOD

This study employed a combination of normative-juridical and socio-legal approaches to gain a comprehensive understanding of the legislative electoral system in Indonesia. The normative-juridical approach was used to evaluate the prevailing legal regulations, particularly those stipulated in the 1945 Constitution, Law No. 7 of 2017 on General Elections, and Law No. 2 of 2011 on Political Parties (Asshiddiqie, 2020). The main focus of this approach was to assess the extent to which the closed proportional system aligns with the legal norms governing elections and political representation in the House of Representatives (DPR).

On the other hand, the socio-legal approach was employed to observe the social and political dimensions that arise from the implementation of the electoral system. This approach allowed for an analysis of how political actors, such as political parties, voters, and legislative candidates, respond to the shift from an open to a closed system (Rahardjo, 2006). Key aspects under examination include the role of parties in candidate recruitment, the quality of elected representatives, and public perceptions of a system that emphasizes party dominance in the nomination process.

The research design was descriptive-analytical, aiming to portray legal and social phenomena in depth and to identify the impacts of the electoral system on the quality of legislative performance (Bungin, 2005). Data collection was carried out through in-depth interviews with selected members of the Indonesian House of Representatives (DPR RI), purposively chosen based on their experience and relevance to electoral issues. Key informants in this study were Masinton Pasaribu, Maman Abdurrahman, Junimart Girsang, Dave Laksono, and Arteria Dahlan.

Literature review was used as a source of secondary data, encompassing primary legal materials such as legislation and Constitutional Court decisions, secondary legal materials including academic literature and expert opinions, and tertiary legal materials such as legal dictionaries and encyclopedias. Through this interdisciplinary

approach, the study aims to develop a comprehensive analysis of the closed proportional electoral system design and its implications for political representation and the effectiveness of the DPR as a representative institution.

RESULTS AND DISCUSSION (TNR, 12 BOLD)
Regulation of Legislative Candidate Election System in Indonesia

A comparative analysis of the development of Indonesia's legislative election system from 1971 to 2024 is crucial to understanding changes in electoral regulations and practices within the context of national political dynamics. This study focused on five main aspects: the legal basis for elections, political party eligibility requirements, legislative candidate nomination mechanisms, vote-counting methods, and the role of election organizers. Changes across these five aspects reflect responses to democratic challenges and legal reforms that have taken place over the decades. For clarity and accessibility, these developments are summarized in a series of comparative tables. These tables provide a clear overview of the shifts in policy and implementation that have shaped the quality and legitimacy of Indonesia's legislative processes.

Table 1. Comparative Overview of Legislative Elections in Indonesia (1971–2024)

Period	Requirements for Party Participation	Nomination Mechanism	Vote Counting System	Election Organizer
1971 (Early New Order)	Open system, 10 parties, Law No. 15/1969	Closed-list proportional. Candidates are determined by the party.	Hare quota + highest remainder	Ministry of Home Affairs is dominant, the Election Committee is not independent
1977–1997 (Party Fusion Period)	Only 3 parties (Golkar, PPP, PDI). Forced merger, Law No. 3/1985	Still closed-list proportional. State intervenes in candidate determination.	Hare quota + party list order	Heavily controlled by the central government
1999 (Early Reform Era)	48 parties. Must be legally established & based on Pancasila. Law No. 3/1999	Still closed. Parties autonomously compile candidate lists.	Hare quota + party order	First independent General Elections Commission (KPU)
2004	Administrative & factual verification. Party branches in 2/3 regions. Law No. 12/2003	Semi-open list. Voter votes start to influence candidate ranking.	Transition to most votes counted; quota system still us	KPU strengthened, overseas election committees (PPLN) introduced
2009	2.5% electoral threshold. Strict factual verification. Law No. 10/2008	Fully open proportional list. Voters vote directly for candidates.	Pure Sainte-Laguë. Seats based on the top individual candidate votes	KPU and the Election Supervisory Body (Bawaslu) are increasingly independent
2014	3.5% threshold. Parliamentary parties were verified administratively. Law No. 8/2012	Fully open. 30% female quota in the final candidate list (DCT)	Pure Sainte-Laguë	Result tabulation system (Situng) introduced for transparency
2019	4% threshold. Initially, only new parties were verified factually, then all were verified (Constitutional Court Decision 53/PUU-XV/2017)	Fully open. Candidate Nomination System (DCS) → Final List (DCT) transition applied	Pure Sainte-Laguë	Information technology (Situng) enhanced
2024	4% threshold. Requirements: party branches in 75% provinces & districts, 30%	Fully open. Attempt to revert to closed-list rejected by	Pure Sainte-Laguë	KPU and Bawaslu further strengthened,

female representation. Law No. 7/2017	Constitutional Court (Decision 114/PUU-XX/2022)	digital oversight improved

Implementation of Elections in Indonesia

A pivotal transformation in Indonesia's legislative electoral system occurred with the adoption of the open-list proportional representation system in the 2004 election. This reform was part of the post-New Order democratization movement, aimed at expanding public participation in the selection of parliamentary representatives (Ufen, 2008). Initially, the system was semi-open, as political parties still retained the authority to determine the order of legislative candidates. A significant shift came in the 2009 election, when Indonesia fully implemented an open-list proportional system, where the candidate with the highest number of votes secured a seat regardless of their position on the party list (Aspinall, 2014).

This reform was further characterized by the adoption of the Sainte-Laguë method for seat allocation—considered a fairer system—and the gradual enforcement of parliamentary thresholds: 2.5% (2009), 3.5% (2014), and 4% (2019 and 2024), intended to reduce political fragmentation in parliament (Sherlock, 2004; Buehler, 2010). While the open-list system broadened voter engagement and strengthened individual accountability, it also introduced technical complexities, increased administrative burdens, and heightened the risk of intra-party fragmentation.

Related to these challenges, the idea of reinstating a closed-list proportional system has regained traction. Proponents argue that this system could strengthen political party institutions through merit-based candidate selection and reduce the influence of mere popularity and vote-buying practices (Tomsa, 2008). The New Order experience demonstrated that while the closed-list system contributed to political stability, it also led to low representative accountability due to state dominance over political parties (Liddle, 1996). In contrast, the open-list system of the Reform Era increased popular participation but introduced new distortions in electoral democracy, such as growing political pragmatism, weakened party cohesion, and widespread transactional politics in candidate nominations (Aspinall & Sukmajati, 2016).

In this context, the closed-list system is considered to have the potential to foster a more professional and representative parliament through more selective internal party mechanisms. By reinforcing the role of political parties as the primary actors in recruitment and campaigning, the system could serve as a strategic tool to improve the quality of Indonesia's constitutional democracy.

To offer a more systematic perspective on the potential impact of the closed-list proportional system, the following table compares electoral practices during the New Order, the Reform Era, and projected implications if the closed-list system were reinstated. The table outlines six key aspects—candidate recruitment, political representation, political stability, accountability, legislator quality, and money politics—to objectively assess the system's potential benefits and challenges.

Table 2. Implications of Implementing a Closed-List Proportional System in Indonesia

Aspect	Practice in New Order Elections (1971–1997)	Practice in Reform Era Elections (1999–2024)	Practice in Reform Era Elections (1999–2024)
Candidate Recruitment	Closed, but controlled by the government for political stability.	Open, but vulnerable to money politics and individual popularity.	Selection based on party-assessed competence, reducing money politics and "celebrity" candidates.
Representation	Golkar dominance, lack of minority group representation.	Seat fragmentation, small parties struggle to enter parliament.	Minority group representation is ensured through inclusive party lists.
Political Stability	Stable but authoritarian, the ruling party dominates.	Dynamic but prone to internal DPR conflicts due to fragmentation.	Stability through dominant, organized parties; policies become more focused.

Accountability	Low, since candidates are accountable to the party, not the people.	Candidates are more accountable to voters, but vulnerable to pragmatism.	Accountability to both parties and constituents through performance evaluation mechanisms.
Legislator Quality	Candidates were selected based on loyalty to the regime.	Many popular candidates often lack legislative capacity.	Quality improvement as parties focus on competence and track records.
Money Politics	Minimal due to tight government control.	Rampant as candidates must fund their own campaigns.	Suppressed as parties control campaign funding, not individual candidates.

Reconstructing the Closed-List Proportional Electoral System to Realize a High-Quality House of Representatives

The open-list proportional electoral system implemented in Indonesia since 2004 was initially intended to expand public participation by allowing voters to directly choose their legislative representatives. However, in practice, this system has given rise to a range of complex, multidimensional issues that cannot be ignored. On the technical front, the open-list system creates significant complexity in ballot design, vote tabulation, and logistics distribution—burdens that not only strain election organizers but also compromise vote accuracy and, more gravely, endanger election workers. As documented by the National Commission on Human Rights (Komnas HAM), the intense physical exhaustion resulting from the 2019 election process led to the deaths of hundreds of polling officials and caused thousands more to fall ill (Komnas HAM, 2020).

Beyond technical challenges, the system also presents major fiscal concerns. The General Elections Commission (KPU-*Komisi Pemilihan Umum*) reported that the cost of administering the 2024 election exceeds IDR 76 trillion, far surpassing previous election budgets. This increase is primarily driven by the demand for massive human resources, complex logistics, and the intensive oversight required in the open system (KPU, 2023). This ballooning expenditure places additional pressure on the overall effectiveness of election administration.

Moreover, the open-list proportional system significantly affects the broader political dynamics. It fosters electoral contests that are highly individualistic and transactional, emphasizing personal popularity and vote counts, thereby creating fertile ground for vote-buying practices. Research by Burhanuddin Muhtadi (2019) revealed that approximately 33% of voters admitted to receiving money or goods during the 2014 legislative elections, highlighting how entrenched these practices have become. In this context, elections tend to resemble a pragmatic free market rather than a competitive arena for substantive ideas and policy programs.

One serious consequence of this situation is the weakening of political party institutions. When legislative candidates are elected based more on personal influence than party structure, party loyalty erodes. This phenomenon contributes to the depoliticization of parties, characterized by declining public trust in political parties and the rise of candidate-centered politics. As Mainwaring and Scully (1995) argue, weak parties are likely to produce unstable democracies because they lose the ability to control elected representatives, who should act as channels of collective public aspirations.

In response to these problems, the closed-list proportional system emerges as a rational and strategic reform alternative. By positioning political parties as the central institutions in the candidate selection process, this system facilitates recruitment based on competence, ideological alignment, and personal integrity. Comparative studies by Bågenholm (2013) show that countries using closed-list systems, such as Sweden and Germany, tend to have more stable, representative, and clientelism-free parliaments.

Given this empirical evidence and international experience, a shift to a closed-list proportional system deserves to be a central agenda item in Indonesia's electoral reform efforts. This transformation aims not only at improving technical efficiency and reducing budgetary burdens but also at restoring political credibility, strengthening parties as democratic pillars, and producing representatives who are principled, accountable, and genuinely serve the public interest.

However, comparing closed- and open-list proportional systems reveals significant trade-offs. The closed-list system enhances party control over nominations and legislative behavior, promoting party cohesion and political stability, but reduces individual accountability of legislators to their constituents. In contrast, the open-list system gives voters greater autonomy in choosing individual candidates, potentially increasing legislative responsiveness, but it also risks internal fragmentation and undermines party solidarity.

In Indonesia, the challenges of party fragmentation and governmental effectiveness are crucial considerations in determining the most suitable electoral system. A closed-list proportional system, combined with a strict electoral threshold, offers a structural solution to reduce the number of parties, enhance legislative stability, and ensure the quality of elected representatives, as evidenced by the experiences of several advanced democracies. However, these benefits must be accompanied by strengthened oversight mechanisms, transparency, and rigorous performance evaluations of political parties to maintain optimal public accountability and representation.

Therefore, legislative electoral reform that leans toward a closed-list system is not merely a technical adjustment but a strategic necessity for building an effective, stable, and high-quality parliament in a complex and diverse Indonesia.

This proposed change, as outlined in the Omnibus Law, is grounded in thorough and comprehensive legal studies. Its primary goal is to enhance the quality of parliamentary representation while strengthening substantive democracy. The closed-list system allows political parties to serve as gatekeepers of legislative candidate quality through competence- and integrity-based selection, while simultaneously reducing the influence of money politics (Nugroho, 2018).

Furthermore, the system is believed to reinforce parliamentary stability and foster collective accountability among DPR members, political parties, and constituents. Such collective accountability ensures that representatives are responsible not only as individuals but also through internal party controls and external public oversight (Schedler, 1999). Nevertheless, successful implementation of this reform requires harmonization with existing legal frameworks, such as the Electoral Law, the Political Parties Law, and the MD3 Law, to ensure transparency in candidate selection, stringent party verification, and firm enforcement of sanctions for violations (Lembaga Studi Demokrasi dan HAM, 2021).

Although the reform may face constitutional challenges related to voting rights and freedom of association, it is seen as a vital strategy to realize a more substantive form of popular sovereignty and to address the political fragmentation that has long hampered legislative effectiveness in Indonesia (Prasetyo, 2020). For this reason, the Omnibus Law as a reform instrument must uphold constitutional principles and be accompanied by robust oversight mechanisms to preserve a healthy democracy in which political parties function as accountable pillars of the democratic system (Situmorang, 2019).

Legal Formulation for Shifting the Legislative Electoral System from Open to Closed Proportional through the Omnibus Law

The reformulation of Indonesia's legislative electoral system from an open to a closed proportional model through the Omnibus Law approach is not merely a technocratic agenda, but a legal and political strategy to restore the quality of substantive democracy and strengthen the people's sovereignty within the framework of a constitutional state (Asshiddiqie, 2019; Komarudin, 2020). The electoral system is a crucial instrument in the institutional design of democracy, as it determines how the preferences of the people are translated into representative institutions (Lijphart, 1999). In the Indonesian context, the open proportional system has generated several serious problems, including transactional politics, high political costs, and the degradation of legislator quality. Therefore, a shift toward a closed proportional system offers a more stable alternative focused on strengthening representative democracy (Mietzner, 2013).

First, based on the perspective of constitutional law, the closed system aligns with the principles of legal certainty, electoral justice, and popular sovereignty as stipulated in Article 1(2) and Article 22E (1) of the 1945 Constitution. In the open system, the dominance of individual popularity and the practice of vote buying undermine the meritocratic principles in legislative candidate selection (Aspinall & Berenschot, 2019). In contrast, the closed system allows political parties to act as gatekeepers by compiling candidate lists based on quality, track record, and ideological loyalty. This approach reinforces the institutional function of political parties as intermediaries between the people and the state (Scarrow, 2005).

Second, in terms of legislative reform, the Omnibus Law approach to revising the Electoral Law, Political Party Law, and the MD3 Law serves as an efficient mechanism for harmonizing overlapping legal norms. Amendments to strategic articles such as Article 168 on the electoral system, Article 222 on the presidential nomination threshold, and Article 245 concerning the authority of the House's Ethics Council, create a more cohesive and accountable legal architecture (Bivitri, 2021). This regulatory synchronization clarifies mechanisms of party accountability in candidate selection while also opening space for public oversight and the involvement of independent institutions in the electoral process.

Third, concerning the institutional strengthening of political parties, the closed system encourages internal party reform through improved cadre development, capability verification, and integrity-based selection. Revisions to Articles 173 and 214 of the Political Party Law reinforce the principle of checks and balances in political recruitment processes to prevent elite co-optation (Hadiz & Robison, 2013). The role of external institutions in verifying the selection process is a key element to ensure transparency and accountability of political parties in the closed system era.

Fourth, in terms of parliamentary governance, the closed system combined with revisions to the MD3 Law enhances legislative accountability. Provisions on periodic reporting, strict recall mechanisms, and legislative ethical obligations create a balance between party loyalty and responsibility to the people. This is in line with Constitutional Court Decision No. 52/PUU-XV/2017, which emphasized the importance of substantive representation in a democratic system (Constitutional Court, 2017).

Fifth, from the perspective of citizens' constitutional rights, shifting to a closed system certainly poses challenges for judicial review, as it may be seen as limiting individuals' rights to directly vote for legislative candidates. Therefore, this reform must meet the proportionality test, meaning it must have a legitimate legal basis, be proportionate, and not exceed the intended limitations (Dworkin, 1977). As compensation, strong public participation mechanisms must be established in compiling the final candidate list (DCT), through open conventions, public audits, and monitoring by independent institutions.

Ultimately, implementing a closed proportional system through the Omnibus Law approach is not only a legal-formal effort but also a transformative strategy to address the dysfunction of the representative system, the accountability crisis, and legislative fragmentation. With a strong constitutional foundation and an inclusive legal design, this system can serve as a more representative, stable, and democratic instrument aligned with the values of Pancasila and social justice as enshrined in the Preamble of the 1945 Constitution (Asshiddiqie, 2022; Wahyudi, 2021).

CONCLUSION

During its historical journey, Indonesia's legislative electoral system has undergone significant changes that reflect political dynamics and societal needs. During the New Order era (1971–1997), the government implemented a highly centralized closed proportional system aimed at maintaining political stability, although it limited the public's opportunity to participate directly in the democratic process. After the Reform Era in 1998, the system shifted to an open proportional model that allowed voters to directly choose their preferred legislative candidates. This change was also accompanied by regulatory reinforcements such as the implementation of the parliamentary threshold and simultaneous elections. However, the open system has not been without challenges, including increasing party fragmentation, rampant vote-buying, high election costs, and intra-party candidate competition that potentially weakens internal solidarity.

When evaluating its strengths and weaknesses, the closed system has proven effective in maintaining stability, but often at the expense of transparency and public accountability. Meanwhile, the open system increases public participation but also gives rise to various democratic issues. Therefore, a reformed closed proportional system is considered the best middle ground to produce high-quality legislators. In this system, the role of political parties must be strengthened through a competency-based recruitment process, candidate verification by an independent body, and rigorous public oversight during candidate selection. This reform should also emphasize inclusivity principles, such as setting a minimum 30% quota for women's representation, transparency in the candidate list, and the application of strict sanctions against parties that violate accountability principles.

To ensure the effectiveness of the reform, revising the Electoral Law, Political Party Law, and the MD3 Law through an omnibus law approach is crucial to align regulations and protect voters' constitutional rights. With a transparent and tightly supervised approach, this reformed closed proportional system has the potential to serve as a foundation for creating a professional, responsive, and high-integrity House of Representatives, while simultaneously strengthening the quality of democracy in Indonesia.

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