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**GENERAL ELECTION SYSTEM IN INDONESIA BASED ON LAW OF THE  
REPUBLIC OF INDONESIA NO. 7 OF 2017**

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**Abstract**

*Each country claims that the system of government administration or the political system they build is a democracy. Indonesia is a country that bases its sovereignty on the people's sovereignty in addition to the basis of the rule of law to organize a democratic government by carrying out general elections using a separate system in legislative elections (DPR, DPD, Provincial DPRD, and Regency/City DPRD). The electoral system in Indonesia is inseparable from the recruitment function in the political system. The problem raised in this research is how is the general election system in Indonesia based on Law Number 7 of 2017 concerning General Elections, and what are the weaknesses of the open proportional system used in public elections in Indonesia? This research belongs to the normative legal research group prioritizes secondary data (library data and legislation). The nature of this research uses a descriptive-analytical method that describes the actual situation. The result of the study is that the general election system in Indonesia uses an Open Proportional System for the election of members of the Legislative Assembly (DPR, Provincial DPRD, and Regency/City DPRD) as stipulated in Article 168 paragraph (2) of Law Number 7 of 2017 concerning General Elections, while in section (3) specifies that the election to elect members of the DPD shall be carried out with a district system with many representatives. The disadvantages of using an open proportional system include that it is difficult for parties to integrate or cooperate by taking advantage of existing equations; this system facilitates party fragmentation; when a conflict arises within the party, it will be easy to break up, which often gives birth to new parties; this system gives the party leader an extreme position; the elected representatives may be separated from their constituents due to not knowing each other; and because of the large number of competing parties, it is difficult for a party to gain the majority in parliament needed to form a strong government.*

**Keywords:** Election, Democracy, Open Proportional System, Indonesia

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**INTRODUCTION**

The practice of having presidential and vice-presidential elections, which began in 2004 and continued until 2014, occurs periodically or following legislative elections. The results of legislative elections (the parliamentary threshold) may be used as a reference/ticket to nominate a presidential candidate with a predefined threshold if a grace period is introduced. (Muslimin et al., 2021)

General Elections involving both Presidential and parliamentary elections; elections for House of Representative (DPR), Regional Representative Council (DPD), and Regional House of Representatives (DPRD); are manifestations of the mandate specified in the 1945 Constitution of the United States Article 1 2 of the Constitution of Indonesia, which states: "sovereignty resides within the hands of the people and following the Constitution." (Prawira, 2019). General elections as a symbol of the implementation of democracy are typical in democratic nations. Elections hold to select candidates who, if elected, will serve as the people's representatives. (Rannie, 2020)

Law Number, seven the Year 2017 on General Elections, declares that the criteria governing the presidential nomination threshold – 20% of the seats in the House of Representatives (DPR) or 25% of the total number of valid votes cast in the 2014 election – are not following UUD NRI 1945. Contrary to article 6A paragraph (2), article 22E paragraph (1), article 27 paragraph (1), article 28D paragraph (1), and article 28D paragraph (3) of UUD NRI 1945, article 222 does not provide public choice freedom (Sabrina & Ristawati, 2021).

In a democratic nation, elections are significant because they relate to three primary functions (Labolo & Ilham, 2015) : (1) Political legitimacy; through elections, the legitimacy of the government

or the ruler confirm, as the elected government is essentially the choice of the majority of sovereign citizens. (2) Movement among the political elite. With elections, the circulation or replacement of the power elite carries out more evenly, as the voters directly select who is a member of the political elite and who is not. (3) Political training. Elections aim to educate citizens on their political rights and responsibilities. Participating in the election implementation process envisaged that citizens will learn how to participate in the democratic system directly (Rahmat & Junaedi, 2021).

The General Elections Regulations (Pemilu) have undergone numerous modifications since Indonesia's independence. First, Law No. 12 of 1946 Concerning Renewal of Central National Committee, which regulates the election of Central National Committee members, is the first legislation in Indonesia governing the conduct of elections (Law No. 12 of 1946) (Ramdani & Arisandi, 2014). Second, Law No. 12 of 1946 was repealed and replaced by Law No. 27 of 1948 (Law No. 27 of 1948), which regulates the composition and election of the People's Representative Council, and Law No. 12 of 1949 was enacted. Thirdly, the government of Indonesia passed Law No. 7 of 1953, sometimes known as the Election Law (Sunarso et al., 2022).

Consequently, parliamentary elections utilize the open proportional and district electoral systems with numerous candidates (Wartoyo & Tungga, 2019). According to (Al-Hamdi et al., 2022) the open proportional; system has three significant drawbacks. First, the system imposes a substantial strain on the Electoral Management Bodies, particularly in providing qualified personnel. There are detailed explanations here; 1) the Electoral Management Bodies are overburdened before, during, and after the election, particularly the Electoral Management Bodies officers at the polling stations (TPS) on day D of the election (voting process and vote count) and recapitulation process; 2) the system tends to prioritize administrative and technical issues over substantive issues such as voter education; 3) the system requires capable officers, but it is not supported by pieces of training and coaching, while the Electoral Management Bodies tend to focus on technical preparations; 4) violations are increasing in a variety of patterns, and 5) the system requires a large budget for technical and administrative issues, but the budget is inefficient.

Second is the emergence of money in politics and the rise of defective ballots. Money politics is produced by free competition, and society maintains that it is a standard component of electoral culture. The community can collaborate with the candidates to accomplish this mutually beneficial task. In addition, the candidates fear that they will not be elected if they do not conduct themselves in this manner. It is also vital to remember that bribery of EMBs, particularly at the grassroots level, is possible due to their poor salaries and lack of honesty.

Furthermore, several listed candidates affect the confused voters and the increasing number of invalid ballots. In conclusion, candidates, not parties, are responsible for hefty campaign expenses. It results in candidate-centric politics as opposed to party-centric politics.

Third, there is a lack of party allegiance and ineffective party cauterization. It can observe in the following examples: 1) The lack of commitment is caused by open-list PR, which is more akin to candidate-centered politics than party-centered politics. The impact is that a politician can switch from one party to another; 2) financial capital is more influential in winning an elected candidate than personal capacity; 3) the party's lack of institutionalization causes the rise of party personalization, and 4) fragmentation occurs not only among political parties but also among candidates within the party. As a result, candidates within the party have a discordant relationship; 5) internal conflict among candidates within the party fighting for votes in the same constituency can cause the party's vote to decrease; 6) political education within the party is not working effectively because candidate victory is frequently stimulated not by political skills but by financial capital (Al-Hamdi et al., 2022).

Considering the preceding studies, the open system elections difficulties in this investigation are 1) the system imposes a substantial strain on the Electoral Management Bodies, particularly in providing qualified personnel; 2) Second is the emergence of money in politics and the rise of defective ballots; 3) there is a lack of party allegiance and ineffective party cauterization.

## **RESEARCH METHOD**

This study conducts utilizing a normative methodology (Diantha & SH, 2016). Thus, the research categorized type of normative juridical research to analyze and test aspects of the legal perspective

related to the general election system in Indonesia based on Law Number 7 of 2017 regarding General Elections and various weaknesses of the open proportional system implemented in Indonesia based on Law Number 7 of 2017 regarding General Elections

## **RESULT AND DISCUSSION**

### **A. General Election System in Indonesia following the Provisions of Law No. 7 of the Republic of Indonesia on General Elections (2017).**

Based on the results of the author's research conducted to answer the first question, it determined that the General Election system used in the implementation of elections in Indonesia is an open proportional system, as stipulated in Article 168 paragraph (2) of Law Number 7 of 2017 concerning General Elections (Najih, 2018). Meanwhile, paragraph (3) states, "Elections for DPD members conducts using a multi-representation district system." Then, according to Article 185 of Law No. 7 of 2017 on General Elections, "The creation of electoral districts for members of the DPR, Provincial DPRD, and Regency/City DPRD takes into account the following principles:" letter c "Adherence to a proportional election system." The purpose of this provision, as stated in the Explanation of Electoral Law No. 7 of 2017, Letter b, complies with the formation of constituencies by prioritizing a large number of seats so that the proportion of seats obtained by each political party is as close as possible to the ratio of valid votes obtained.

Indonesia's electoral system has shifted from a closed-list PR system to an open-list PR system. According to Article 6 paragraph (1) of Law No. 12 of 2003 Concerning the General Election of Members of the DPR, DPD, and DPRD, the open propositional system went into effect for the 2004 general elections (Aspinall, 2014). According to Article 6 paragraph 2 of Law No. 12 of 2003, the 2004 general elections conducts using the District method for the election of DPD members. Moreover, in 2009, the electoral system outlined in Article 5 paragraphs (1) and (2) of Law Number 10 of 2008 concerning the Election of Members of the DPR, Provincial DPRD, and Regency/City DPRD utilized an open propositional system. In contrast, the election of DPD members continues to use a district system with numerous representatives (Setyagama, 2020).

In a proportional electoral system, the state's territory serves as a single constituency. Nevertheless, because of the country's vast size and population, the region is divided into electoral districts (for example, the province into one const more ituency). A set number of contestable seats are allocated to these constituencies based on the size of the constituency, the number of residents, political factors, etc. In this instance, it is clear that than one seat will be contested, and the residual votes from one constituency cannot be combined with the remaining ballots from other constituencies; hence, this system refers to as a Multy-member Constituency (Bardovič, 2017).

### **B. Weaknesses of Indonesia's Open Proportional System in Conducting General Elections**

From the results of the author's research conducted in response to the concerns of these two theses, the following identifies as shortcomings in the use of the open proportional system in elections :

1. This system does not encourage parties to integrate or cooperate in capitalizing on existing similarities; instead, it tends to accentuate disparities.
2. This system aids in the fragmentation of political parties. If a dispute emerges within a political party, its members tend to secede and form a new party.
3. The proportional system provides the party leader with a prominent position.
4. The elected representative will likely have a fragile relationship with his constituents.
5. It is difficult for a party to obtain the parliamentary majority required to create a government when there are many competing parties.

As the author argues below, the open proportional system's flaw is that it does not encourage parties to integrate or cooperate and take advantage of the existing equations. This system aids in the fragmentation of political parties. The proportional system gives the party leadership a strong position through the list system, as the party leadership determines the list of candidates; the elected deputy is likely to have a tenuous relationship with his constituents; and if a conflict arises within a party, its members tend to break away and form a new party. Due to

the vast number of competing parties, it will be difficult for a party to obtain the majority of votes required to form a government (50 percent plus one vote) in parliament. An open proportional election system allows voters to choose whichever candidate they like. Legislative candidates who receive the most votes from voters are elected. Election observers widely suggest this system because it is viewed as more democratic and will result in greater public participation. The rationale is that voters select their representatives directly.

### CONCLUSION

Following Article 168 paragraph (2) of Law Number 7 of 2017 concerning General Elections, the open proportional system is utilized to conduct elections in Indonesia. Editor of Article 168, paragraph 2: "Elections to elect members of the DPR, Provincial DPRD, and Regency/City DPRD conducted using an open proportional system." Meanwhile, paragraph (3) states, "Elections for DPD members conducted using a multi-representation district system." Then, according to Article 185 of Law No. 7 of 2017 on General Elections, "The creation of electoral districts for members of the DPR, Provincial DPRD, and Regency/City DPRD takes into account the following principles:" letter c "Adherence to a proportional election system." Among the shortcomings of the application of the open proportional system are: This system does not promote parties to integrate or collaborate to capitalize on existing similarities; instead, it tends to accentuate differences and facilitates party fragmentation. If a conflict arises within a party, its members tend to form a new party; the proportional system gives the party leader a strong position; the elected representative is likely to have a tenuous relationship with his constituents; and due to a large number of competing parties, it is difficult for a party to gain the parliamentary majority required to form a government.

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