

# Organizing Democracy through General Elections in Indonesia: The Challenge of Law Enforcement and State Stability

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## Abstract

Democracy is a system of government in the country to strive for the realization of a people's sovereignty (people's power) over the state to be able to be run by the government of that country. The development of democracy in Indonesia is running very fast after the amendments to the 1945 Constitution. One of the developments in the political framework characterized by a constitutional formula that provides a basic framework states that sovereignty belongs to the people and is carried out in accordance with the Constitution. On the basis of the formulation of leadership succession in the executive and legislative branches it is directly carried out as mandated by Article 22 E paragraph (2). However, in practice the constitutional arrangement in Law Number 42 of 2008 concerning the General Election of the President and Vice President shows that it is inconsistent with statements in the constitution. As stipulated in Article 3 paragraph (5) states that the election of the President and Vice President is held after the election of the DPR, DPD and DPRD. At the end of the Constitutional Court through Decree No. 14/PUU-XI/2013 states that the selection of models is unconstitutional. Based on this assessment the constitutionality of the norm selection method is based on the simultaneous interpretation of the constitution both from the initial intentions and historical interpretations. The simultaneous constitutional electoral plan was called born as an effort to shift the direction of the transition to democracy in a strengthening system so that democratic consolidation of direct democratic practices tends to be transactional, corrupt, manipulative, high cost and to preserve power can be minimized in the practice of constitutional democratic dimensions to understand and sovereignty.

**Keywords :** *democracy, general elections, law enforcement, state stability*

## Introduction

Democracy is all decisions, sovereignty is in the hands of the people and elections are the process of electing officials. So the general election is in the hands of the people who have the right, who deserves to be the leader of the State. In Indonesia the system of democracy embraced is the Pancasila democracy because

Pancasila is the ideology of the Indonesian nation, all of its government falls into the hands of the people themselves.

Indonesian democracy has one pillar, namely the principle of politics which is divided into three powers, namely legislative power, executive power, and judicial power, from these three powers are State politics that are not mutually exclusive and are equally equal in their ranking (Khanifah & Kamil, 2019). But his duties were different because this power in the general election took place impartially for the candidates. According to Austin Ranney there are basic criteria for democratic elections, namely:

- a. General suffrage. Elections are only called democratic if all adult citizens enjoy passive and active suffrage. If restrictions are made, this must be determined democratically, namely through law. In modern life, the limitation can only be understood if it is based on the inability of a person to accept his state social responsibility.
- b. Equivalent weight of votes. There must be a guarantee that the votes of each voter are given the same weight, meaning that there should not be a group of citizens, whatever their position, life history, and services, which get more representatives from other citizens. For example, it is determined that each parliamentary seat is worth 420,000 votes, so there must be a guarantee that no group of citizens whose number is less than the quota gets one or even more seats in parliament.
- c. Equation of campaign rights. The work program and superior candidates will have no meaning if they are not recognized by the mass of voters. Therefore, the campaign has become very important in the electoral process. Through this process the mass of voters was introduced to the candidates and the work program of the election contestants.

The first time the presidential election and legislative elections were held simultaneously for 2019 for now which is being discussed in Indonesian society is the election campaign for the former corruption and legislative elections and inmates. JokoWidodo's first nominee candidates paired with KH. Ma'ruf Amin and candidate number two are PrabowoSubianto and Sandiaga Uno. On September 23, 2018 the KPU set a number of rules for election participants for the campaign which took

place from September 23, 2018 to April 13, 2019. The rules for the 2019 election campaign include:

1. Do not advertise in mass media before the campaign period
2. Advertisements during the campaign period can only be for 21 days which end with the start of the calm period
3. It is prohibited to place political party flags and serial numbers of election participants other than in places that have been arranged
4. It is forbidden to post images of state officials including the president and vice president and former president and vice president (except the general chairman of the party) on the props
5. The mass media must provide equal opportunity to election participants in the election and display of campaign advertisements
6. Prohibited from using government facilities, places of worship, and places of education
7. It is prohibited to carry or use images and attributes other than images or attributes of election participants
8. Prohibited from holding closed meetings without reporting to the KPU and Bawaslu

When the KPU reads the rules of the election, the candidates and their partners shake hands to carry out a positive peace campaign (Yustikarini, Alike, & Arifin, 2018). It has been done until now the presidential candidates and vice president campaigned to compete in a healthy manner not to bring down other parties and not harm any party and with this campaign period it is very beneficial for the people of Indonesia. Moreover they compete to carry out their work program for Indonesia.

Current news KPK Chairman AgusRahardjo proposed that political parties be financed by the government. It is expected that with funding from the state, democracy will be cleaner from corruption. There are political parties that agree, some do not agree. This news was announced on December 4, 2018 on a private television program. When political parties divert funds from the government, sanctions need to be implemented. For example, disqualification from participation in elections(Khanifah & Kamil, 2019), and there are some political parties that agree

and disagree with the idea put forward by the KPK, because according to the party that agrees is a very good idea to eliminate corruption when the campaign takes place and does not harm other people or parties and political parties are not difficult to find funds for their campaign. from parties who disagree with their allegations because the money used for the political party's campaign comes from the state budget and better the state budget itself is more concerned with the community's development of its economy than the money used for political parties that are in the campaign period.

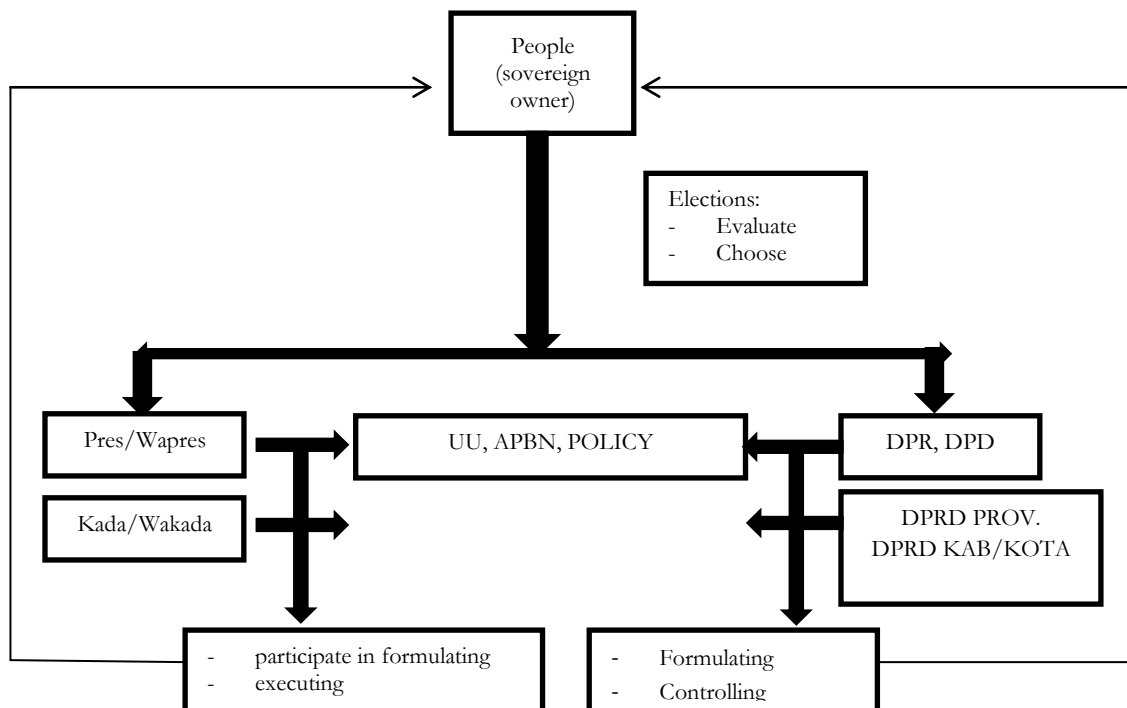
- a. Legal entity status in accordance with the Law on political parties. Which means that each person who entered into a cooperation agreement on the basis of realizing unity and unity which has been determined by law.
- b. Has management in all provinces, which means that the person is acting in state institutions that have been determined according to the person and carry out their obligations and responsibility.
- c. Has management in 75% of the number of districts/cities in the province concerned
- d. Having management in 50% of the number of sub-districts in the district/city concerned
- e. Include at least 30% of women's representation in the management of central political parties
- f. Has a membership of at least 1,000 people or 1/1,000 of the total population in the management of political parties as referred to in number three which is proven by ownership of a member card
- g. Having a permanent office for management at the central, provincial and district/city levels until the last stage of the election
- h. Submitting the name, symbol and image of the political party to the KPU
- i. and include the election campaign fund account number on behalf of the political party to the KPU

That is the condition when political parties want to nominate themselves as presidential, presidential, or legislative elections. Indonesia is not only a country that has Pancasila democracy but is also referred to as a legal state, because there is a clear

correlation between the rule of law, which relies on the constitution, with people's sovereignty, which is carried out through this democratic system (Sistem et al., 2019).

In its development the practice of democracy in the modern era is no longer possible to be carried out directly, in the sense that all people gather to make decisions and all people jointly run the government. Therefore representative democracy emerges, in which the people elect their representatives to make state decisions and elect officials who will carry out these decisions both at the central and regional levels. The decisions taken and their implementation must be in accordance with the aspirations and interests of the people. The people as owners of sovereignty do not lose their sovereignty, even though they have chosen their representatives. (Arrsa, 2014) The people evaluate the performance of their representatives, and if they are seen as failing or inappropriate, the representative will not be elected again. In the following constitutional construction the author describes the relationship between popular sovereignty, democracy and elections in an order as follows:

**Figure 1: Relationship between popular sovereignty, elections and democracy**



Source: (Arrsa, 2014).

Based on the picture above, the election is part of an effort to translate democratic practices and people's sovereignty so that the government formed represents the common will of all national elements to form and continue the concept of the state. In this context, of course, the organization of the State is present and needed by the citizens of the political community so that their shared interests can be protected or promoted through the establishment and use of a mechanism called the State. If a nation-state is established based on the principle of popular sovereignty and is aimed at all nations consisting of diverse ethnic cultures, and religions. Then the mechanism of democracy is the only choice in the process of forming a collective agreement (Lestari, Asikin, & Risnain, 2019).

## **Method**

This writing is normative article where the data presented are qualitative. This writing only examines cases and facts obtained through various print and online media relating to the holding of elections in Indonesia. Its also the collected data on General Election in Indonesia due to mining activities various place and therefore to analyze the potential democracy. These secondary data were getting from journal, research, books and news paper. In addition, quantitative data were support from narrative in order to provide more Comprehensive analyzing (Creswell, 2009).

These secondary data was from primary observation in Indonesia, during the observation activity of general election for this research. Democracy phenomenon aim to representative democratic practices and people's sovereignty so that the government formed represents the common will of all national elements to form and continue the concept of the state.

## **Result and Discussion**

### **1. Democracy and General Elections in Indonesia**

The term democracy comes from Greek, namely "demos" which means people and "kratos" means government. so democracy is a people's government or a government where the people hold the highest sovereignty or the people are included in the government of the country (Priyanto, Sunarto, Setiajid, Ngabiyanto, 2018). In addition to the democracy, many systems have been implemented.

democracy can also be called as a forum for the government to display its desire to regulate or control the people. Democracy has been interpreted as a political system that seeks form in the movement of society through the concept of civilization. Can do something in the name and authority of government responsibility.

Indonesia is one country that applies a democratic political system. Democracy applied in Indonesia has a slogan that is from the people, by the people, and for the people. One of the means of the democratic political system in Indonesia is General Election. General elections are a manifestation of freedom of opinion and freedom of association. General elections in Indonesia adhere to the principle of "Luber" which stands for "Direct, General, Free and Secret". The origin of *Luber* has been around since the New Order era. Then in the reform era there was also the principle of "Jurdil" which stands for "Honest and Fair (Fitriana, 2015). And people used to say it with *LuberJurdil*. This *Jurdil* illustrates the future so that the development of society in Indonesia can be honest and fair in choosing a leader that we will carry out in the future.

In terms of its functional, democracy can be divided into two categories, namely direct democracy and representative democracy (indirect). In direct democracy all citizens directly participate in the withdrawal and termination of every regulation that will be enforced in the community. In the era of Ancient Greece, Athens where democracy was applied for the first time in the world was able to carry out direct democracy because an assembly was able to accommodate citizens who still consisted in a limited or small amount. Now in the modern era where the area and the number of citizens are already so large with the problems faced increasingly complex, then it is no longer possible for democracy to be directly implemented. Democracy that is commonly implemented is representative democracy (indirect) with various variations (Priyanto, Sunarto, Setiajid, Ngabiyanto, 2018).

Direct democracy is held only in the election of the executive body, while for the legislative function as an institution overseeing the course of government, the people directly control it. But because of the daily activities of the people in fulfilling their needs, a special institution is needed to oversee the administration of the government such as parliament (senate). In direct democracy, between those who elect and be elected are directly related. For example, prospective executive members

and their families directly face their admirers, comment on their work plan and voters (people) directly assess the person (person or individual). This direct democracy can use another system that is proportional, but of course it is discordant because it uses various symbols, although voters want to deal directly with the person to be elected and will represent them in parliament later (Ali, 2015).

In indirect democracy, general elections are usually held to elect leaders. The general election is a district system or proportional system. So in general elections the people do not directly elect their candidate leaders but through representatives in the legislature first. For example indirect democracy: To elect the Indonesian president, the people did not directly vote but passed representatives, namely the people first elected their representatives in the DPR, which after the DPR was added with regional envoys to become MPRs, then the MPR chose the president (Pasaribu, Sumadinata, & Muradi, 2018)

## **2. The Challenges of Law Enforcement and State Stability on General Elections in Indonesia**

In Indonesia, elections (elections) are the process of selecting people to fill certain political positions. These positions are diverse, ranging from the president, people's representatives at various levels of government, to the village head. In the broader context, elections can also mean the process of filling in positions such as the student council president or class leader, although for this' election 'is used more often.

According to Ali Moertopo, the definition of Election is as follows: “In essence, elections are a means available to the people to carry out their sovereignty in accordance with the principles that are governed by the Preamble of the 1945 Constitution. Election itself is basically a Democratic Institution that elects representatives of the people in the MPR , DPR, DPRD, which in turn are tasked to jointly with the government, determine the politics and running of the State government”.

Elections which are the process of changing power must be directed to be able to elect people's representatives who have integrity and competence in their respective fields and have many experiences that have been felt in their lives so when



they will choose leaders for the State, look at him first how to interact with the community, prosper society, so that people are not deceived by what they are talking about in public when delivering their vision and mission in campaigning. The people's representatives and their political parties are those who have a vision of governance reform, where the vision is reflected in their attitudes and behavior, and are clearly translated into the platform of their party programs. We can see the attitudes and behavior of candidates and their political parties whether they are good and the farthest from members of corruption, then able to overcome the problems of the community that are declining in social and economic conditions. Anti-corruption is the main factor in candidates because usually the authorities will be tempted by negative things like this corruption.

There are some that must be observed in democratic elections, namely:

1. In this process must be carefully and carefully seen in the election, whether the party has a clear mechanism regarding the party's financial system and campaign funds and does not get money from parties that have the potential to affect their independence and integrity; whether candidates and parties are able to control themselves not to use money politics in the determination of candidate lists and campaigns. In short, candidates and parties are able to release themselves from the issue of money politics in each stage of the election. So that leadership is not easily deceived by anyone who wants to destroy himself and his country.
2. Candidates and parties must be able to show that they have a clear vision, commitment, program and platform in eradicating corruption. They are also willing to sign the fact of integrity not to commit acts of corruption in their capacity as legislators or public officials. So that candidates are trusted with the community and are believed that the candidate deserves to lead a country that will be led and change their country better.
3. Candidates have been proven to have committed acts of KKN when carrying out their mandate as members of parliament or other public officials and the party has no clear stance and program to eradicate corruption in the previous government and follow up on appropriate penalties for corruption in the Indonesian State not given the opportunity to re-nominate political parties or serve as board members in any institution (Arrsa, 2014).

The implementation of democratic elections does not automatically guarantee the granting of voting rights from each voter to be carried out in an aspirational manner or in accordance with the wishes or autonomous will of each voter. In many ways, the aspirations of voters are no longer autonomous or sterile from various influences, both political, economic, ideological, kinship and religiosity. Political influence occurs through the obedience of voters to political parties, while economic influences appear through money politics (vote buying) (Octarina & Djanggih, 2019). The influence of ideology and religiosity is seen through the role of developing religious or ideological figures, while the influence of kinship is seen through the influence of traditional leaders or family figures in an environment.

Democratic elections should be carried out in accordance with the principles of elections adopted by Indonesia, namely LUBER JURDIL. In the LUBER and JURDIL election principles, supervision can be carried out. The supervision is not only carried out by Panwaslu, we also have to play a role in the supervision. The community can monitor both directly and indirectly in the process of running democracy/elections. Direct monitoring can be carried out during the democratic process. not only the Election Supervisory Committee and we play a role, but the Election Supervisory Committee will also continue to carry out its duties in this election, whether the presidential election, legislative members or others. Each person must carry out their duties responsibly.

As for the weaknesses of democratic elections held every 5 years:

1. Wasteful multiparty system

It is clear that a very large party system wastes a lot of budget. Of course this situation arises because more and more people are interested in becoming politicians. Isn't the job of sitting, rocking feet, cheap enough and looking for sensation in the media but the income (salary) and facilities obtained are very high beyond all those who work around the workplace. So, people who like assets and positions have capital just a little directly for a new party. Various new names also appear to be chosen in the periodic community party event.

2. Personal expense campaign

Very much capital in the hands is willing to be sacrificed to pay dowry to be presented by the political party's red carpet. The person even borrowed here and

there to be able to acquire huge campaign costs to win him. Then the huge sacrifice was relinquished because knowing exactly when he was in office / lead there would be a lot of funds to be asked for money by force at will without anyone knowing.

3. Private cost campaign

Of all the shortcomings of democracy, this is the most destructive and strange weakness. The only thing that arises is because the "cake shop is looking for new employees but an electronics store that finances the process." This is clearly a political culture that has existed since the reformation. This kind of democratic practice is clearly the root of corporate corruption in private versus government.

4. Waste of campaign material

These various forms of waste are carried out because the interest to win is very high. The funds disbursed by the private sector and private bags are hot money so that their use seems rushed and careless. Providing brochures, clothes, hats, envelopes and various other accessories to bribe the wider community who are not members of the party and after this waste is an oversight of democracy that we should turn back to the right function.

5. Politicians double job

Pay attention to their work, not only to defend the interests of the people but a lot of other activities that are more important. Maybe there are also those who work as entrepreneurs as well as regents/mayors/governors/presidents. Maybe there are also those who work as artists and members of the board and there are many other forms of double jobs which show that these people are very thirsty with money and power

6. Injustice of the government dividing resources

The enormous power struggle made officials also give up many valuable things in order to become winners. all of this is due to struggle. The interest of politicians in fighting for victory is very high because the prizes offered are also very high. If only, the government controls all the resources that exist in its territory (nationalization of private companies), and surely this can be shared fairly and equitably with the entire community.

## Conclusion

Indonesia is the state of law that embraces the democratic system. one of its embodiments is the general election because its sovereignty is in the hands of the people, although almost all the nations embrace the fundamental sovereignty of the State which means sovereignty/decision is in the hands of the people and power derived from the will of the people. Democracy includes the theory of people's sovereignty which means the teaching that determines that the highest source of power or leniency in a State is in the hands of the people. As such, the rule and power that the State is doing can not contradict the will of the people. This theory has the purpose of a prosperous country and achieves its ideals. Democracy calls for a separate term that is explained in the principle of sovereignty of the people, namely constitutional democracy, democracy of the people, and democracy Pancasila.

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