

# The proposal for the implementation of elections in Indonesia: a framework based on the presidential system



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## Abstract

*As a democratic country, in order to promote the general welfare, all citizens have the same right to exercise their political rights. In the context of organizing general elections, a form of democracy adopted by Indonesia. . Elections that are carried out transparently and peacefully and the elected leaders are generated by the most votes, then the country can be called a democratic country. The purpose of this research is to show that the function of political parties in selecting legislative candidates This type of research is normative legal research, using a conceptual approach. The research method is a legal scientific logic research procedure. The results of this study indicate that the application of an open proportional system has a major influence on every determination of the quality of legislative members, and the enactment of an open proportional system causes many popular legislative candidates to be elected without considering the capacity of the ability of legislative candidates who will ascend to office, and an open proportional system that best reflects the basic principles of democracy a In the implementation of several policies of t h e Constitutional Court with the Decision issued by allowing educational institutions as campaign sites. There are pros and cons to this. But basically where the community is smart in politics is one of the requirements in realizing a good democracy. The other main requirements are fair law enforcement and respect for human rights values.*

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## 1. Introduction

Indonesia's constitutional system is designed to safeguard the entirety of the nation and its homeland, as articulated in the Fourth Paragraph of the Preamble of the 1945 Constitution, while also striving to advance the overall well-being of its citizens. In this instance, Indonesia is identified as a republic nation that upholds the presidential system of governance, wherein the chief executive is elected directly by the populace. Numerous challenges arise in anticipation of the implementation of general elections in 2024, accompanied by diverse perspectives on ensuring its efficient execution following

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Indonesia's established system of government.<sup>1</sup> In a democratic system, the populace assumes the highest authority inside a nation.

In the context of a democratic nation, it is imperative to uphold the principle of equal political participation among all individuals, encompassing both their right to vote and to be elected, to foster the overall well-being of the populace. In the democratic process, eligible persons who have fulfilled the relevant legislation and regulations criteria can exercise their voting rights. This enables them to directly engage in electing their chosen representatives, who will then assume positions within the government. Indonesia is a nation characterized by a highly pluralistic and varied society wherein a significant population resides amidst diverse backgrounds.<sup>2</sup> In order to maintain stability within the Republic of Indonesia, it is imperative to have a competent and astute government that can effectively reflect the diverse and multifaceted nature of the nation, encompassing variations in geography and ideology. The Unitary State of the Republic of Indonesia is the constitutional form of the Indonesian state as stipulated in Article 1945 of the Constitution.<sup>3</sup> Indonesia comprises numerous significant elements, the foremost being its status as a Unitary State. This denotes a centralized governance structure wherein political and administrative authority are concentrated under the national-level central government.

Although the regions exhibit varying degrees of autonomy, they ultimately operate within the confines of a unitary state structure. Additionally, Indonesia can be classified as a republican state due to its governance structure. The country is led by a president who serves as the head of state, a position obtained by popular elections. This system is distinct from a monarchical form of government.<sup>4</sup> The president assumes the role of both the head of state and the head of government in the Republic of Indonesia. Thirdly, Indonesia exhibits significant diversity in ethnicity, culture, religion, language, and geography. The notion of *Bhinneka Tunggal Ika*, which translates to "Different yet one," embodies the ethos of unity in the face of diversity, underpinned by Pancasila as the foundational principle and ideology of the Indonesian state, following its liberation from Dutch colonial rule. The Republic of Indonesia (NKRI) is characterized by a governmental structure that adheres to republican principles and a democratic political framework. Indonesia's system of government and administration is founded upon the principle of *Bhinneka Tunggal Ika*, which embodies the notion of "Unity in Diversity." This pertains to the acknowledgment of the diverse ethnic, cultural, religious, and linguistic characteristics of Indonesia, which are acknowledged and embraced within the context

<sup>1</sup> Muwaffiq Jufri, 'The Urgency of The Fifth Amendment of The 1945 Constitution of The Republic Of Indonesia Related To Religious Freedom and Rights', *Jurnal HAM*, 12.1 (2021), 123–40.

<sup>2</sup> Ni'matul Huda, Dodik Setiawan Nur Heriyanto, and Allan Fatchan Gani Wardhana, 'The Urgency of the Constitutional Preview of Law on the Ratification of International Treaty by the Constitutional Court in Indonesia', *Heliyon*, 7.9 (2021), e07886 <<https://doi.org/10.1016/j.heliyon.2021.e07886>>.

<sup>3</sup> Kuswanto Kuswanto, 'Consistency of the Presidential System in Indonesia', *Sriwijaya Law Review*, 2.2 (2018), 170 <<https://doi.org/10.28946/slrev.vol2.iss2.67.pp170-182>>.

<sup>4</sup> Sekar Anggun Gading Pinilih, 'The Green Constitution Concept in the 1945 Constitution of the Republic of Indonesia', *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 30.1 (2018), 200 <<https://doi.org/10.22146/jmh.28684>>.

of national cohesion. The constitution of Indonesia incorporates Pancasila as the primary state philosophy, which serves as a guiding framework for advancing the Indonesian state and society. The 1945 Constitution of Indonesia serves as the governing document that establishes the fundamental principles of the state, delineates the structure of government institutions, safeguards human rights, and outlines the legal framework inside the nation.<sup>5</sup>

As a unitary republic, Indonesia encompasses a vast expanse of land and is characterized by a rich diversity of customs, tribes, beliefs, and civilizations. The idea and ethos of Unity in Diversity represent the sole means through which the Indonesian nation can be unified. Cohesion within state affairs upholds integrity and security, bolsters national identity, fosters advancement across several domains, and cultivates a serene and harmonious environment.<sup>6</sup> In a nation characterized by a division of powers and a republican form of governance, the prevailing system of governance is either the presidential system or a semi-presidential system. When a nation lacks a division of powers, despite being a Republic, the prevailing system of governance employed is the parliamentary system. The fundamental principle underlying the presidential system of government is the concept of the separation of powers. In democratic nations, the prevailing system of governance typically adheres to either the parliamentary or the presidential system, with variations arising in response to specific circumstances and conditions. These variations may include quasi-parliamentary or quasi-presidential arrangements.<sup>7</sup>

A presidential system is a form of governance wherein the executive branch is not subject to direct accountability to the legislative branch. Despite potential disapproval from the legislative branch, the executive authority remains immune to subversion by or via the legislature. One possible way to rewrite the user's text to be more academic is as follows: In a presidential form of governance, the executive and legislative branches operate autonomously. The two entities are not intrinsically interconnected like those observed in a parliamentary form of governance. The general populace elects the individuals in question through a separate electoral process. The presidential system, alternatively referred to as the congressional system, is a form of governance in a republic where the executive authority is elected and distinct from the legislative authority.<sup>8</sup>

According to Rod Hague, a presidential system is characterized by a democratically elected president who assumes government leadership and possesses the authority to appoint key government officials. In this system, the president and the legislature hold

<sup>5</sup> Indah Dwi Qurbani, Ilham Dwi Rafiqi, and Ilham Dwi Rafiqi, 'Prospective Green Constitution in New and Renewable Energy Regulation', *Legality: Jurnal Ilmiah Hukum*, 30.1 (2022), 68–87 <<https://doi.org/10.22219/ljih.v30i1.18289>>.

<sup>6</sup> Abdul Kadir Jaelani and Resti Dian Luthviati, 'The Crime Of Damage After the Constitutional Court's Decision Number 76/PUU-XV/2017', *Journal of Human Rights, Culture and Legal System*, 1.1 (2021), 31–42 <<https://doi.org/10.53955/jhcls.v1i1.5>>.

<sup>7</sup> Bayu Dwi Anggono, 'The Tenure Arrangement Of Primary Constitutional Organ Leaders In Indonesian Constitutional System', *Constitutional Review*, 2.1 (2016), 029 <<https://doi.org/10.31078/consrev212>>.

<sup>8</sup> Oly Viana Agustine, 'The Applicability of Jurisprudence on the Authority of Judging Laws in the Constitutional Court Decisions', *Jurnal Konstitusi*, 15.3 (2018), 642.

fixed terms of office, preventing either entity from forcibly removing the other from power.<sup>9</sup> Furthermore, there is a clear separation of powers between the executive and legislative branches, with no overlapping status or functions. In a presidential system, the president holds a position of considerable strength and is not susceptible to removal based on subjective factors such as insufficient political backing. Nevertheless, there exists a system by which the president can be controlled. If the president engages in constitutional violations, exhibits disloyalty towards the nation, and becomes entangled in criminal affairs, it becomes possible to depose the president from office.<sup>10</sup> In the event of removal from office on account of specific transgressions, it is customary for the vice president to assume the vacated position. In a presidential system of government, the President is held accountable to the electorate, or the body of individuals who have the right to vote in the election of the President.

Typically, nations across the globe adhere to one of the following governmental frameworks. Nevertheless, a substantial degree of government efficacy is conducive to advancing modernization in the rule-making process under a presidential form of governance. The presence of other forms of governance is regarded as either a modification or amalgamation of the two governmental systems mentioned above. The United Kingdom is widely regarded as an exemplary model of a country that conforms to the parliamentary system of government. The United Kingdom is commonly recognized as the originator of parliamentary systems and is sometimes called the "Mother of Parliaments." On the other hand, the United States is seen as an exemplary model of a country with a presidential administration style.<sup>11</sup> The presidential system needs to acknowledge the presence of a governing body with ultimate authority. The division of power characterizes state sovereignty, sometimes referred to as the separation of powers, which entails the allocation of authority among three distinct branches: the legislative, the executive, and the judiciary. This framework, known as the "Trias Politica," was initially conceptualized by Montesquieu. The election of the president and vice president is conducted by a direct voting process by the populace, with the duration of their tenure being stipulated by the constitutional framework.<sup>12</sup> According to paragraph IV of the Preamble of the 1945 Constitution, establishing the independence of the Indonesian nation is articulated through the Constitution of the Republic of Indonesia,

<sup>9</sup> Gerrit J Gonschorek, Günther G Schulze, and Bambang Suharnoko Sjahrir, 'To the Ones in Need or the Ones You Need? The Political Economy of Central Discretionary Grants – Empirical Evidence from Indonesia', *European Journal of Political Economy*, 54 (2018), 240–60 <<https://doi.org/https://doi.org/10.1016/j.ejpoleco.2018.04.003>>.

<sup>10</sup> Irwan Anjalline, Rini R.A. Anggraini, and Rosita Indrayati, 'Electoral Campaign Fund Regulatory Responsibilities As a Member of Legislative Candidate By Law Number 8 In 2012 Election Of Members Of The House Of Representatives, The House Of Representatives And The House Of Representatives', *Journal Lentera Hukum*, 1.1 (2014), 42–53 <<https://doi.org/10.19184/ejhl.v1i1.564>>.

<sup>11</sup> Howard P Lehman, 'Deepening Democracy?: Demarcation, Traditional Authorities, and Municipal Elections in South Africa', *The Social Science Journal*, 44.2 (2007), 301–17 <<https://doi.org/https://doi.org/10.1016/j.soscij.2007.03.013>>.

<sup>12</sup> Irfan Amir, 'Disqualification of the Candidate Pair for the Elected Regional Head of Sabu Raijua Regency', *Al-Bayyinah*, 5.2 (2021), 196–213 <<https://doi.org/10.35673/al-bayyinah.v5i2.1830>>.

which is founded upon the principle of popular sovereignty.

In 1999, when the MPR initiated deliberations on amendments to the 1945 Constitution, a fundamental consensus emerged over the intended trajectory of these reforms, which aimed to strengthen the presidential system. In this context, reinforcing entails enhancing the system of governmental administration to uphold the fundamental tenets of the presidential system effectively. Hence, engaging in public discourse that critically examines the adopted system of government is highly beneficial, serving as a platform for the public to assess the implementation of governance and to enhance the presidential system following the principles outlined in the 1945 Constitution. Therefore, it is imperative to analyze the governance structure, encompassing the various classifications and criteria used to differentiate between systems.<sup>13</sup>

This analysis aims to offer a comprehensive understanding of the origins of the critique directed towards contemporary governance practices and their interconnectedness with the party system. The concept of governance is a fundamental aspect of political science and constitutional law. The phrase is employed to denote how the governance of a nation is conducted. The primary determinant of variations in governmental organization is in the entity or institution that possesses governmental authority. The parliamentary and presidential systems are widely acknowledged as the two most prominent political systems. In addition to the systems mentioned above, alternative systems exist, such as the mixed system employed in France and the collective system observed in Switzerland. The primary distinction between parliamentary and presidential systems lies in the allocation of governing authority. The division is reinforced by the shared political legitimacy of the president and the parliament, as they are elected representatives of the populace.<sup>14</sup>

Therefore, inside the realm of the presidency, a component serves as a representation of the populace, particularly in the execution of governmental affairs. The president is supported in governing the nation by the vice president and ministers, who are appointed, dismissed, and accountable to the president. This arrangement stems from the fact that all these posts are part of the same entity, known as the presidential institution. In adherence to the principle of separation of powers, individuals serving in the presidency are prohibited from concurrently holding any offices inside the parliament. Hence, fundamentally, the authority to structure the government rests only within the president's purview.

One of the methods to ensure the representation of the Indonesian populace in the government, encompassing both the Executive and Legislative branches, is through the implementation of General Elections. In addition to establishing a representative government, elections serve as a mechanism for upholding the sovereignty of the populace, thereby fostering the growth and vitality of democracy after the reform of the

<sup>13</sup> Ambarini Irma, 'Mewujudkan Efektivitas Dan Efisiensi Penyelesaian Sengketa Pemilihan Umum: Perbandingan Sistem Penyelesaian Sengketa Pemilihan Umum Di Indonesia Dan Brazil', 35, 2021, 2013–15.

<sup>14</sup> Windy Melva, 'Menggagas UUD 1945 Dari Pemilukada', *Jurnal Dinamika Hukum*, 13.1 (2013), 171–78 <<http://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/view/165%0Ahttp://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/viewFile/165/113>>.

Indonesian state.<sup>15</sup> Syamsudin Haris thinks that elections serve as a means of political instruction for the populace, characterized by directness, transparency, and broad participation. The primary objective is to enhance political comprehension and foster heightened public consciousness regarding democratic principles. Addressing the deadlock of the current electoral system necessitates enhancing its functionality and fostering a comprehensive comprehension among the general public and state apparatus regarding the authentic essence of democracy and the effective implementation of democratic principles in electoral processes.<sup>16</sup> Hence, the limited criticisms and proposals delineated in this manuscript are anticipated to prove valuable and serve as a realistic answer for enhancing the electoral process.

Like democracy, governance also plays a crucial role in determining the distribution and allocation of public services. Hence, establishing effective governance systems can enhance the provision of electricity and facilitate access to clean cooking technology. This can be achieved by formulating and executing well-designed policies that prioritize the accessibility of clean cooking technologies. General elections in Indonesia serve as a concrete embodiment of democratic principles, allowing voters to actively engage in selecting public representatives. This assertion demonstrates that ultimate authority and control over governance remain with the citizenry.<sup>17</sup> Democracy and the conduct of democratic elections are intrinsically intertwined, as they represent a "condition sine qua non" relationship, wherein the existence of one is indispensable for the existence of the other. Elections can be understood as a mechanism employed to facilitate the attainment of democratic ideals or as a means to transfer the authority of the populace to specific candidates to assume political roles. One possible way to rewrite the user's text to be more academic is: "The user's Elections serve as a tool that can be ensured by adherence to constitutional principles and alignment with the planned trajectory of state policy."<sup>18</sup>

Hence, the approach may be modified if perceived as the appropriate democratic course of action within certain circumstances. The process of making a decision necessitates careful consideration and drawing from past experiences in order to evaluate the potential benefits and drawbacks associated with the choice at hand. The political system of Indonesia entails the direct election of the President and Vice President, exemplifying the principle of popular sovereignty, wherein citizens can directly decide the individuals who will assume leadership roles within their

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<sup>15</sup> Salvador Romero Ballivián, 'Medio Siglo de Historia Del Organismo Electoral de Bolivia', *América Latina Hoy*, 51 (2009), 77–94 <<https://doi.org/10.14201/alh.1332>>.

<sup>16</sup> Gonschorek, Schulze, and Sjahrir.

<sup>17</sup> Ulrike Reisach, 'The Responsibility of Social Media in Times of Societal and Political Manipulation', *European Journal of Operational Research*, 291.3 (2021), 906–17 <<https://doi.org/https://doi.org/10.1016/j.ejor.2020.09.020>>.

<sup>18</sup> Johanna Koehler, 'Exploring Policy Perceptions and Responsibility of Devolved Decision-Making for Water Service Delivery in Kenya's 47 County Governments', *Geoforum*, 92 (2018), 68–80 <<https://doi.org/https://doi.org/10.1016/j.geoforum.2018.02.018>>.

government.<sup>19</sup> The present discourse concerns the electoral method implemented in Indonesia, which is based on a presidential form of administration. In this instance, the community plays a significant role in the functioning of the electoral system, as Indonesia is a democratic nation wherein the selection of the head of state and their subordinates is contingent upon the community's collective choice.

A significant portion of the population believes that the current electoral process is merely a customary occurrence every five years, with potentially negative consequences for the general populace. The election outcomes alone are insufficient in establishing a fair and prosperous society, as envisioned by the nation's founders. While acknowledging the existence of individuals who are unprepared and unable to comprehend it, it is essential to note that According to Pahlevi (year), the readiness being referred to pertains to the enhancement of political awareness and the extent of public engagement in the organization of elections. If one posits that individuals are presently intelligent yet infers that those who offer enticements will be readily embraced, it is imperative to modify this perspective. When it comes to voting, a deeply personal affair, it becomes evident that political consciousness truly commences from the inception of the electoral process and persists until the conclusion of the voting phase, wherein the acceptance of any form of monetary politics is unequivocally unacceptable. Implementing the electoral system for the next 2024 legislative elections is debated among various stakeholders, including politicians, observers, and constitutional law experts.<sup>20</sup>

The faction opposing the open proportional system and advocating for the reinstatement of the closed proportional system in the 2024 legislative elections presents the argument that the open proportional system is flawed due to the emergence of pragmatic legislative candidates prioritizing popularity over party loyalty (individualistic behaviour). This tendency towards depoliticization within the party risks its ability to regenerate and maintain a robust ideological foundation. In an open proportional system, the individuals possess complete sovereignty.<sup>21</sup> Nevertheless, the current state of individuals experiencing hunger and poverty sometimes leads to the election of politicians who prioritize the interests of capital owners and those with financial resources while disregarding political integrity, moral considerations, and even competence. Consequently, implementing an open proportional system leads to the emergence of elected representatives who possess limited experience, lack proven competence, and may not necessarily represent the most qualified members of the political party. This might result in the election of representatives who cannot effectively uphold ethical standards and fulfil their responsibilities as gatekeepers of moral conduct.

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<sup>19</sup> Christian Schnaudt, 'Mind the Gap(s): Winning, Losing, and Perceptions of Electoral Integrity in Mixed-Member Proportional Systems', *Electoral Studies*, 83 (2023), 102611 <<https://doi.org/https://doi.org/10.1016/j.electstud.2023.102611>>.

<sup>20</sup> Dahyeon Jeong, Ajay Shenoy, and Laura V Zimmermann, 'De Jure versus De Facto Transparency: Corruption in Local Public Office in India', *Journal of Public Economics*, 221 (2023), 104855 <<https://doi.org/https://doi.org/10.1016/j.jpubeco.2023.104855>>.a

<sup>21</sup> Todd A. Eisenstadt, 'Measuring Electoral Court Failure in Democratizing Mexico', *International Political Science Review*, 23.1 (2002), 47–68 <<https://doi.org/10.1177/0192512102023001003>>.

Instead of advocating for the welfare of the populace, the supervisory role is not fully optimized.<sup>22</sup> Furthermore, the outcome of open proportionality entails the emergence of detrimental rivalry, also referred to as destructive politics, among candidates belonging to the same political party. This competition primarily revolves around internal disputes among party members rather than engaging in contestation with candidates from other parties.<sup>23</sup>

In a closed proportional system, voters are limited to choosing political parties as their preferred choice. In a mixed proportional electoral system, voters can select political parties or individual candidates. Nevertheless, political parties possess the prerogative to select candidates for placement in representative institutions without being only obsessed with the candidate's ability to acquire votes. A common theme emerges through examining the realities observed in the field, highlighting the crucial issue of addressing the erosion of party power authority about leadership recruitment. This necessitates careful consideration of the electoral system to be adopted, ensuring the preservation of democratic values while safeguarding against the negative influences of money politics and the proliferation of hastily selected candidates before elections, which may undermine the process of political party regeneration in Indonesia. The topic of open and closed proportional electoral systems has generated significant scholarly discourse. In this context, the author aims to explore the electoral system that aligns with Indonesia's adopted system of government, specifically the presidential system of government. Problem Formulation: An examination of the organization of elections in Indonesia within the context of a presidential system. This study aims to analyze topics that are subject to intense debate in the period preceding the 2024 election.

## 2. Research Method

The research employed the Yuridis Normatif research method, which is a methodology that centres on the analysis of the implementation of rules or norms within favourable legislation.<sup>24</sup> This approach was chosen due to its relevance to the selected legal problem themes. The research methodology employed in this study is a legitimate and systematic scientific approach characterized by collecting data through library observations and compiling secondary data.<sup>25</sup> These data are subsequently analyzed and interpreted to conclude. The primary focus of this research is to gain a comprehensive understanding of the

<sup>22</sup> Iwan Rois and Ratna Herawati, 'Urgensi Pembentukan Peradilan Khusus Pemilu Dalam Rangka Mewujudkan Integritas Pemilu', *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 7.2 (2018), 267 <<https://doi.org/10.24843/jmhu.2018.v07.i02.p10>>.

<sup>23</sup> Arif Rachmanto, 'Comparing Presidential System Implementation in South Korea, Philippines, and Indonesia', *Wacana Hukum*, 29.1 (2023), 37–48.

<sup>24</sup> Rian Saputra and others, 'Reconstruction of Chemical Castration Sanctions Implementation Based on the Medical Ethics Code (Comparison with Russia and South Korea)', *Lex Scientia Law Review*, 7.1 (2023), 61–118 <<https://doi.org/10.15294/lesrev.v7i1.64143>>.

<sup>25</sup> Rian Saputra, Josef Purwadi Setiodjati, and Jaco Barkhuizen, 'Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States)', *JOURNAL of INDONESIAN LEGAL STUDIES*, 8.1 (2023), 243–88 <<https://doi.org/10.15294/jils.v8i1.67632>>.



concept of Pancasila within a broader historical context.<sup>26</sup> However, this not only pertains to the historical development of ideas but also extends to the necessary actions for the future and the establishment of an improved, proficient electoral system that upholds individuals' voting rights. This system should be aligned with the provisions outlined in Law Number 7 of 2017 regarding General Elections and Government Regulation instead of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 regarding General Elections.

### 3. Results and Discussion

#### **The development and execution of an election system that aligns with the principles and functioning of a presidential government**

In a broader context, other criteria might serve as reference points for assessing the efficacy of election administrators. From a legal perspective, the success or failure of conducting elections in Indonesia is contingent upon the role of election organizers, as stipulated in Article 22 E Paragraph 5 of the 1945 Constitution, Law Number 7 of 2017, and other relevant legislation or decisions about elections. Regarding the 2019 concurrent elections, the election organizers encountered many challenges and impediments. In this instance, the KPU and Bawaslu, the entities entrusted with organizing the 2019 election, are perceived as falling short in fulfilling their duties. General elections manifest popular sovereignty, wherein citizens exercise their rights to engage in the state's political affairs actively. Democratic elections serve as a fundamental benchmark for a nation that upholds a democratic framework, values human rights, and adheres to the principle of legal governance. The execution of democratic elections poses challenges in various countries. The confluence of power dynamics within the realm of politics significantly impacts the execution of various processes. The implementation of elections can give rise to various initiatives aimed at manipulating the legislation, manipulating the process, and weakening law enforcement. The inherent power dynamics associated with elections undermine their democratic essence, rendering their execution undemocratic. The democratic essence of legislative elections is reflected in the implementation norms, which include direct, general, free, secret, honest, and fair elections.<sup>27</sup>

In a democratic system, individuals, commonly called voters, can exercise their voting rights directly. This entails the ability to cast their votes in alignment with their conscience without the involvement of intermediaries. Following the legislation, all citizens who meet the specified conditions are eligible to participate in elections, encompassing the whole populace.<sup>28</sup> A general election ensures equal opportunity for all citizens, irrespective of their ethnicity, religion, race, class, gender, geographic background, occupation, and social standing, without any form of discrimination. In a democratic society, individuals with the

<sup>26</sup> Rian Saputra, M Zaid, and Silaas Oghenemaro, 'The Court Online Content Moderation : A Constitutional Framework', *Journal of Human Rights, Culture and Legal System*, 2.3 (2022), 139–48 <<https://doi.org/10.53955/jhcls.v2i3.54>>.

<sup>27</sup> Joan Costa-Font and Martin Ljunge, 'Ideological Spillovers across the Atlantic? Evidence from Trump's Presidential Election', *European Journal of Political Economy*, 76 (2023), 102231 <<https://doi.org/https://doi.org/10.1016/j.ejpoleco.2022.102231>>.

<sup>28</sup> Jagannath MVK and Debasish Maitra, 'Do Election Cycles, Political Stability, and Government Effectiveness Matter for the Risk of Banks? Evidence from Indian Banks', *Journal of Behavioral and Experimental Finance*, 39 (2023), 100830 <<https://doi.org/https://doi.org/10.1016/j.jbef.2023.100830>>.

right to vote are free to use their agency in decision-making processes, devoid of external influences, such as undue pressure or coercion. Individuals are ensured security in exercising their rights, allowing them to make choices based on their conscience and personal interests. The concept of secrecy is integral to the voting process, ensuring that voters can cast their ballots with the assurance that their selections will remain undisclosed to any party or entity.<sup>29</sup> The virtue of honesty is of utmost importance in the context of holding elections. It is imperative that government officials, election participants, election supervisors, election observers, voters, and all other relevant parties adhere to the principles of honesty as stipulated by laws and regulations. Equitable, or rather, within the framework of electoral processes, each voter and participant is afforded equal treatment and safeguarded against any fraudulent activities perpetrated by any party.

Community involvement in general elections serves as a mechanism through which the community can collectively decide the individuals and policies that will shape the leadership of a country or region within a specific timeframe. Within the framework of the electoral process, individuals possess the authority to ascertain the individuals who will assume leadership roles within a specific nation or geographical area. The state is a multifaceted entity that extends beyond its governmental functions. It comprises an ongoing administration, law, bureaucracy, and coercion framework. Its purpose is not only to oversee the functioning of the state apparatus but also to shape the interaction between citizens and the government and to structure key relationships within political and civil society.<sup>30</sup> Elections serve as the primary mechanism for democratic representative governance. In a democratic system, the legitimacy of governmental authority is contingent upon the voluntary agreement the populace bestows. The principal means of implementing consent lies with the government, which is achieved through the organization of elections characterized by their fairness, freedom, and authenticity, with a particular focus on selecting candidates for legislative positions. In nations where democratic principles are not upheld, electoral processes are still conducted to establish a semblance of legitimacy in the exercise of power and authority.<sup>31</sup>

According to a study conducted by Indonesia Corruption Watch (ICW), the Constitution and Democracy Initiative (Kode Inisiatif), the Association for Elections and Democracy (Perludem), and the Syndication of Elections and Democracy (SPD), an examination was carried out to assess the performance of the election organizers, specifically the KPU and Bawaslu. There are concerns regarding the autonomy of the KPU and Bawaslu, particularly about decision-making and the formulation of regulations regarding verifying political parties

<sup>29</sup> Eleonora Minaeva, Aleksandra Rumiantseva, and Margarita Zavadskaya, 'From Local Elections to Appointments: How Has Municipal Reform Changed Vote Delivery in Russian Municipalities?', *Electoral Studies*, 85 (2023), 102657 <<https://doi.org/https://doi.org/10.1016/j.electstud.2023.102657>>.

<sup>30</sup> Bridgett A King and Norman E Youngblood, 'E-Government in Alabama: An Analysis of County Voting and Election Website Content, Usability, Accessibility, and Mobile Readiness', *Government Information Quarterly*, 33.4 (2016), 715–26 <<https://doi.org/https://doi.org/10.1016/j.giq.2016.09.001>>.

<sup>31</sup> Maryam Alavi-Nia and Alireza Jalilifar, 'We Believe the Iranian Nation Can: The Manifestation of Power in Iranian Televised Presidential Debates', *Language & Communication*, 33.1 (2013), 8–25 <<https://doi.org/https://doi.org/10.1016/j.langcom.2012.11.001>>.

as election participants.<sup>32</sup> One notable issue is the KPU's alteration of the verification mechanism to incorporate a sampling method, wherein the political parties are responsible for selecting the samples. These circumstances raise doubts and warrant further inquiry. According to expert analysis, the level of professionalism exhibited in this context is considered commendable. Based on the capacity to allocate tasks and responsibilities, establish a hierarchy of importance, foster the socialization of electoral processes, and adhere to the principles of professionalism. The collegial principle is a fundamental aspect of decision-making in academic settings.<sup>33</sup>

The arrangement of the 2019 concurrent elections yielded favourable outcomes in bolstering the efficacy of the presidential system. Simultaneous elections engender a congruous government, compelling parties to establish pre-election coalitions as their sole recourse. This leads to a streamlining of the party system within the parliamentary framework, wherein the elected president emerges from a coalition of parties that collectively command a parliamentary majority. The theory about coalition formation prior to elections and the phenomenon known as the coattail effect are crucial variables. Within the parliamentary setting, political parties assume the responsibility of articulating and implementing their party's vision and mission to formulate policies that serve the interests of the general public and facilitate effective governance.<sup>34</sup> The objective is to sustain the stability of the government led by the elected president, thereby facilitating the president's capacity to garner political backing from the parliament for the implementation of their proposed programs. The presidential system is a form of administration wherein executive power is not subject to direct parliamentary oversight, ensuring that government posts remain unaccountable to the people's representative bodies. Within this particular system, the role of the executive is detached from the representative body of the populace.<sup>35</sup> However, the legal foundation of executive authority is contingent upon the electoral process conducted by the people. Based on Scott Mainwaring's study findings, it is rare for presidents to be elected from the majority party. In the context of a presidential multi-party democracy, the election of a minority president necessitates pursuing a parliamentary majority through the establishment of coalitions.

However, the process of constructing stable coalitions poses considerable challenges. This phenomenon might be attributed to the non-binding nature of alliances, which consequently amplifies the inclination of political parties to break coalitions within a presidential system. One subsequent consequence of this alliance grounded on ideology is the implementation of political party discipline, anticipating a shift in the focus of political party

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<sup>32</sup> Chris Marsden, Trisha Meyer, and Ian Brown, 'Platform Values and Democratic Elections: How Can the Law Regulate Digital Disinformation?', *Computer Law and Security Review*, 36 (2020), 105373 <<https://doi.org/10.1016/j.clsr.2019.105373>>.

<sup>33</sup> Schnaudt.

<sup>34</sup> Manuel Hidalgo, 'The 2010 Legislative Elections in Venezuela', *Electoral Studies*, 30.4 (2011), 872-75 <<https://doi.org/https://doi.org/10.1016/j.electstud.2011.10.002>>.

<sup>35</sup> Julie Cupples and Irving Larios, 'Gender, Elections, Terrorism: The Geopolitical Enframing of the 2001 Nicaraguan Elections', *Political Geography*, 24.3 (2005), 317-39 <<https://doi.org/https://doi.org/10.1016/j.polgeo.2004.10.002>>.

politicians from the pursuit of power to the endeavour of policy realization.<sup>36</sup> Throughout its extensive history, Indonesia has successfully navigated numerous challenges and hurdles. One persistent challenge remains the temporal period preceding the appointment of governmental officials. Legislative candidates and political parties consistently employ various political methods as they actively strive to secure the support and influence of the electorate. A total of twelve general elections have been conducted in the period spanning from 1955 to 2019.<sup>37</sup>

In grammatical interpretation, the term 'system' refers to a structured and organized device that exhibits interrelationships among its constituent elements, thereby contributing to forming a larger entity. The electoral system is implemented systematically and organized during the electoral process conducted by the citizens of a nation.<sup>38</sup> Within the realm of electoral systems, four prominent categories of electoral systems are widely implemented across the globe. The group comprises four distinct categories: the district system, proportional system, threshold system, and the system based on the number of seats in representative organizations. Indonesia employs the Proportional system, which consists of two variants: Proportional Representation and Single Transferable Vote. Several key features in its implementation characterize the Proportional Representation system. Firstly, each electoral district is represented by multiple individuals.<sup>39</sup>

Additionally, political parties must present a list of candidates that exceed the seats allocated to a single electoral district.<sup>40</sup> Furthermore, voters are limited to casting their vote for a single candidate, and it is essential to note that only the candidate themselves possesses the right to vote. The Proportional system encompasses an additional form of allocation about selecting candidates to occupy the seats obtained by political parties involved in the electoral process. Within the framework of this Proportional system, an additional kind of division arises about the allocation of candidates elected to occupy the seats obtained by political parties engaged in the electoral process. The proportional system can manifest itself in various forms, including Closed List, Open List, and Free List. In a closed-list electoral system, political parties determine the candidates who fill the seats won by the party.<sup>41</sup> Conversely, in an open list system, individuals can directly select legislative candidates, choose the party symbol, or even vote for both. The contrasting nature of these two systems results in varying

<sup>36</sup> W Jefferson West, 'Regional Cleavages in Turkish Politics: An Electoral Geography of the 1999 and 2002 National Elections', *Political Geography*, 24.4 (2005), 499–523 <<https://doi.org/https://doi.org/10.1016/j.polgeo.2005.01.003>>.

<sup>37</sup> Titon Slamet Kurnia, 'Mahkamah Konstitusi Sebagai Election Court: Refleksi Teoretis', *Refleksi Hukum: Jurnal Ilmu Hukum*, 3.1 (2019), 33–48 <<https://doi.org/10.24246/jrh.2018.v3.i1.p33-48>>.

<sup>38</sup> M. Guntur Hamzah and Wilma Silalahi, 'Constitutionality of the Former Ex-Convict as Election Participants of Regional Heads', *Proceedings of the 1st Paris Van Java International Seminar on Health, Economics, Social Science and Humanities (PVJ-ISHESSH 2020)*, 535 (2021), 538–44 <<https://doi.org/10.2991/assehr.k.210304.121>>.

<sup>39</sup> Tanto Lailam and Putri Anggia, 'Pengenyingan Keadilan Substantif Dalam Penerapan Ambang Batas Sengketa Hasil Pilkada Di Mahkamah Konstitusi', *Jurnal Legislasi Indonesia*, 17.2 (2020), 209 <<https://doi.org/10.54629/jli.v17i2.543>>.

<sup>40</sup> M. Yasin al-Arif, 'Anomali Sistem Pemerintahan Presidensial Pasca Amandemen UUD 1945', *Jurnal Hukum IUS QUIA IUSTUM*, 22.2 (2015), 238–54 <<https://doi.org/10.20885/iustum.vol22.iss2.art4>>.

<sup>41</sup> Risa J. Toha, Dimitar D. Gueorguiev, and Aim Sinpeng, 'The Normalization of Intolerance: The 2019 Presidential Election in Indonesia', *Electoral Studies*, 74.July (2021), 102391 <<https://doi.org/10.1016/j.electstud.2021.102391>>.

effects.

About the impact of the electoral system and the presence of political parties, the author posits that the district system tends to foster the emergence of two parties, whilst the proportional system has a propensity to foster the establishment of a multi-party system. The proportional system tends to foster factionalism and facilitate the emergence of smaller political parties. Consequently, the author posits that the proportional system is conducive to multiplying multi-party systems. In order to mitigate the proliferation of political parties within a proportional election system, Indonesia has implemented the utilization of both an electoral threshold and a parliamentary threshold.<sup>42</sup> Despite the prevailing desire among many individuals for Indonesia's electoral system to revert to a closed proportional system, it is argued that retaining an open-list proportional system is still justifiable based on previous experiences. Indonesia transitioned to its current electoral system due to the significant impact exerted by political parties in selecting MPs, particularly in the closed proportional system. While the existing system may still possess certain limitations, it is comparatively more receptive to expressing public opinion.<sup>43</sup> The closed proportional electoral system is a balanced representation system wherein voters are restricted to casting their votes for political parties in their entirety.

The closed proportional electoral system discussed in this scholarly article pertains to a closed list system, when political parties pre-determine the individuals who will occupy the seats assigned to their party in the election, restricting voters from selecting specific candidates. During the 1999 elections, the electoral system employed in Indonesia was a closed proportional system; however, in the subsequent 2004 elections, a semi-open proportional system was adopted.<sup>44</sup> The electoral system was called semi-open because the selection of party representatives for parliamentary seats was not solely determined by the number of votes obtained but relied on including candidates listed up to serial number 24. In 2009, the selection of candidates was based on the highest number of votes, ensuring the genuine implementation of open list proportionality.<sup>45</sup> The open-list proportional system can be classified as a semi-district system due to its incorporation of the advantageous features of both district and proportional systems while mitigating their respective limitations.

When comparing the district system and the proportional system, it is evident that it is the preferred choice for implementation. The district system is highly efficacious in streamlining the number of political parties by limiting the contestation to a single seat, thereby fostering the amalgamation of political parties. However, when implemented, the Indonesian populace widely perceives the district system as undemocratic.<sup>46</sup> The reason for this is that the district system fails to adequately represent society's diverse and pluralistic

<sup>42</sup> Dian Agung Wicaksono and Ola Anisa Ayutama, 'Initiation of Special Court on the Local Election for Regional Leaders to Face the Simultaneously Election of Governor, Regent, and Mayor in Indonesia', *Jurnal Rechts Vinding*, 4.1 (2015), 157-79 <<https://doi.org/10.33331/rechtsvinding.v4i1.53>>.

<sup>43</sup> Eisenstadt.

<sup>44</sup> Titon Slamet Kurnia, 'Prediktabilitas Ajudikasi Konstitusional: Mahkamah Konstitusi Dan Pengujian Undang-Undang', *Jurnal Konstitusi*, 13.2 (2016), 259 <<https://doi.org/10.31078/jk1322>>.

<sup>45</sup> Luthfi Widagdo Eddyono, 'Penetapan Anggota Panwaslu Oleh Bawaslu: Analisis Putusan Mahkamah Konstitusi Nomor 11/Puu-Viii/2010', *Jurnal Konstitusi*, 8.2 (2016), 23 <<https://doi.org/10.31078/jk822>>.

<sup>46</sup> Nicolae Stef, Sami Ben Jabeur, and Robert F. Scherer, 'Time to Resolve Insolvency and Political Elections', *International Review of Law and Economics*, 72.September (2022), 106104 <<https://doi.org/10.1016/j.irle.2022.106104>>.

interests, as it often results in the wastage of votes from minority groups. Hence, adopting the proportional system is deemed the optimal decision for Indonesia. A proportional system is a method that considers the voter population in order to allocate several representatives to a given region. The proportional electoral system is more reflective of the electorate's preferences due to its allocation of parliamentary seats based on the votes each political party receives. Additionally, this system ensures that every vote holds significance, as no votes are disregarded or rendered ineffective.<sup>47</sup> Consequently, more minor and minority parties are afforded an equal opportunity to secure representation in parliament.

In contrast, the open proportional system affords equal opportunities to all candidates, as the candidate who garners the most votes and fulfils the necessary criteria will be elected automatically, irrespective of their assigned serial number. Consequently, voters can directly cast their vote for their preferred candidate.<sup>48</sup> The utilization of an open proportional system in the 2014 elections was met with considerable criticism. Critics argued that Indonesia needed to prepare for such a system due to the low level of regeneration within political parties. Additionally, candidates were observed prioritizing their interests, often resorting to cannibalistic tactics against their party members. This internal competition fostered divisions within the party and facilitated fraudulent activities, particularly about the prevalence of candidates engaging in money politics. Money politics is frequently observed in the context of general elections. Money politics is a prevalent issue that emerges during general elections.<sup>49</sup> The prevalence of money politics and its detrimental impact on democratic processes can be attributed to the absence of robust legal frameworks and effective oversight mechanisms. This allows politicians to engage in practices that undermine the integrity of democratic systems. Electoral manipulation refers to the intentional provision or assurance of monetary resources or other material support to individuals, intending to dissuade them from exercising their voting rights or influencing their voting behaviour in favour of specific candidates or parties. This manipulation may also involve deliberately rendering ballots invalid, engaging in illicit transactions of campaign funds with prohibited entities as stipulated by legal provisions, or intentionally submitting false information in election campaign fund reports.<sup>50</sup>

The open proportional electoral system is widely regarded as the electoral system that most effectively embodies the fundamental values of democracy. This is primarily due to its ability to directly translate voters' preferences into election outcomes without the involvement of intermediaries. When encountering deficiencies in the operation of a system, it is essential to direct our focus towards enhancing how the system is managed rather than attributing the faults solely to the system itself. The primary weakness of the open proportional system lies in the prevalence of money politics. It is imperative to establish

<sup>47</sup> Jeong, Shenoy, and Zimmermann.

<sup>48</sup> Julia Partheymüller and others, 'Participation in the Administration of Elections and Perceptions of Electoral Integrity', *Electoral Studies*, 77.October 2021 (2022), 102474 <<https://doi.org/10.1016/j.electstud.2022.102474>>.

<sup>49</sup> Mohammad Syaiful Aris, 'Pembentukan Peradilan Khusus Penyelesaian Hasil Pemilihan Kepala Daerah Dalam Pelaksanaan Pemilu Serentak Nasional', *Media Iuris*, 5.3 (2022), 473-506 <<https://doi.org/10.20473/mi.v5i3.34154>>.

<sup>50</sup> Surya Darma Kardeli, 'Analisis Tentang Parliamentary Threshold Dan Calon Perseorangan Berdasarkan Undang-Undang Nomor 10 Tahun 2016 Dalam Perspektif Demokrasi Dan Prinsip Check and Ballances', *Jurnal Ilmiah Hukum LEGALITY*, 26.1 (2018), 118 <<https://doi.org/10.22219/jihl.v26i1.6618>>.

regulations governing campaign practices to address this issue, as this is where the root of the problem originates.<sup>51</sup> Consequently, rendering money politics ineffective can be achieved by imposing a maximum limit on campaign expenditures for candidates, ensuring that the allocated amount is reasonable. Additionally, implementing a system of oversight to monitor the transparent utilization of campaign funds is crucial. By adopting these measures, money politics will be effectively curtailed, as engaging in such activities would serve no purpose when candidates are constrained by financial limitations and subject to scrutiny from authorized institutions.

Implementing the open proportional system is unlikely to result in significant transformative effects. In instances where individuals seeking political office lack the necessary qualities and capabilities to serve as members of the legislature effectively, it is not uncommon to encounter candidates for the Indonesian People's Consultative Assembly (DPR) who possess an inadequate understanding of the DPR's functions as outlined in Article 20A of the 1945 Constitution of the Republic of Indonesia.<sup>52</sup> Furthermore, their knowledge of legislation or legal drafting often needs to be improved. These candidates rely solely on financial resources, without the support of requisite knowledge, as they confidently aspire to secure a seat in the *Senayan*, oblivious to the significant responsibilities they will bear. Consequently, the prevalence of costly elections tends to prioritize candidates solely based on their financial means. The high cost of politics poses a significant challenge to effectively implementing our current electoral system. The substantial expenses associated with campaigns and witness fees often compel candidates to rely on pragmatic strategies within the electoral arena.<sup>53</sup>

Consequently, many unsuccessful candidates experience psychological distress, leading to manifestations of mental instability, such as frustration or depression. This, in turn, contributes to the overcrowding of mental health facilities. Conversely, those who emerge victorious in elections are not immune to ethical transgressions, as a notable proportion of them become entangled in corruption scandals.<sup>54</sup> This phenomenon might be attributed to the substantial financial investments required to secure seats in the House of Representatives. Consequently, many representatives exploit their positions to generate personal gains by engaging in budgetary malfeasance. The practice of subjecting candidates to a state of "losing becomes ash winning becomes charcoal" is highly consequential.

However, it is worth noting that many scholars and professionals who possess the necessary skills and qualifications and have a proven track record of contributing to society face obstacles in their pursuit of public office due to financial constraints that render them unable to afford the associated expenses. Hence, modifying the existing politically driven recruitment system that prioritizes financial considerations is imperative. This modification

<sup>51</sup> Daniel L Bennett and Jason T Long, 'Is It the Economic Policy, Stupid? Economic Policy, Political Parties & the Gubernatorial Incumbent Advantage', *European Journal of Political Economy*, 58 (2019), 118–37 <<https://doi.org/https://doi.org/10.1016/j.ejpoleco.2018.09.006>>.

<sup>52</sup> Martha Pigome, 'Implementasi Prinsip Demokrasi Dan Nomokrasi Dalam Struktur Ketatanegaraan Ri Pasca Amandemen Uud 1945', *Jurnal Dinamika Hukum*, 11.2 (2011) <<https://doi.org/10.20884/1.jdh.2011.11.2.191>>.

<sup>53</sup> Marsden, Meyer, and Brown.

<sup>54</sup> Mardian Wibowo, I Nyoman Nurjaya, and Muchammad Ali Safaat, 'The Criticism on the Meaning of "Open Legal Policy" in Verdicts of Judicial Review at the Constitutional Court', *Constitutional Review*, 3.2 (2018), 262 <<https://doi.org/10.31078/consrev326>>.

can be achieved by implementing a fit and appropriate test for potential applicants, incorporating technological aspects. The KPU selects examiners from reputable backgrounds, including academics and non-partisan political practitioners, across all electoral districts in Indonesia.<sup>55</sup> These examiners are chosen based on specific criteria. Subsequently, the qualified examiners are allocated to different regions cross-sectionally. For instance, examiners from Region A will conduct assessments in Region B, and so forth. This distribution strategy aims to ensure the impartiality of the examiners, although it may not guarantee absolute neutrality.

### **Constitutional court decision will have a a positive impact on conducting fair general elections**

The examination encompasses a range of critical subjects on legislation that aspiring legislators must comprehensively understand. Only prospective candidates who successfully pass the suitability assessment are eligible to run for office. Consequently, the eventual winner is assured to possess a high level of competence, as their knowledge has been rigorously evaluated during the initial candidacy phase. Furthermore, this political recruitment procedure, characterized by its quality and dignified nature, facilitates the inclusion of independent candidates from non-political affiliations, particularly those with backgrounds in academia and professional practice.<sup>56</sup> Both election methods possess distinct advantages and disadvantages. Efforts persist in pursuing an election system that is well-suited for our nation. It is plausible that a particular electoral system may yield favourable outcomes in other nations, but its implementation within our own country may yield divergent results. Hence, the selection process is guided by the imperative of aligning with the inherent characteristics of our nation, characterized by its multicultural and pluralistic nature.<sup>57</sup>

Furthermore, it is imperative to consider the circumstances of voters and prioritize the interests of political parties while simultaneously guaranteeing that the electoral system effectively promotes enhanced representation for the community. There exist numerous aspects that play a crucial role in the determination of the appropriate election system to be employed. Presently, a group of individuals is engaged in a judicial examination of the Open Proportional Election System that is currently in use. They aim to advocate for a transition towards a Closed Proportional Election System. Perludem acknowledges that open and closed elections have distinct advantages and disadvantages within each system.<sup>58</sup> According to Perludem, if there is a desire to modify the voting system, it is their perspective that there are better venues for such adjustments than the Constitutional Court.

The open proportional system is considered the electoral system that most closely aligns with the fundamental ideals of democracy as implemented by Indonesia. This system aims to

<sup>55</sup> Ken Miichi, 'The Role of Religion and Ethnicity in Jakarta's 2012 Gubernatorial Election', *Journal of Current Southeast Asian Affairs*, 33.1 (2014), 55–83 <<https://doi.org/10.1177/186810341403300104>>.

<sup>56</sup> Hanif Fudin, 'Aktualisasi Checks And Balances Lembaga Negara: Antara Majelis Permusyawaratan Rakyat Dan Mahkamah Konstitusi', *Jurnal Konstitusi*, 19.1 (2022), 202 <<https://doi.org/10.31078/jk1919>>.

<sup>57</sup> Nicholas Tarling and Edmund Terence Gomez, *The State, Development and Identity in Multi-Ethnic Societies: Ethnicity, Equity and the Nation, The State, Development and Identity in Multi-Ethnic Societies: Ethnicity, Equity and the Nation*, 2008 <<https://doi.org/10.4324/9780203932162>>.

<sup>58</sup> Koehler.



establish an improved and efficient electoral process without compromising the voting rights of the populace. It is well acknowledged that any electoral system possesses inherent weaknesses. Hence, when a system has been selected, and its limitations become evident during implementation, it is imperative to consider other solutions rather than simply opting to modify the system. This is because substituting it with an alternative system will expose us to the vulnerabilities inherent in the new system. Subsequently, shall we resume the pursuit of an alternative system? If such is the case, when will the task be completed? This could result in an infinite loop. Given this circumstance, when confronted with the deficiencies inherent in a system, it is advisable to seek methods to address these weaknesses while maintaining the system's integrity.<sup>59</sup>

A common drawback of open proportional representation is the limited institutionalization of political parties. The abovementioned issue can be effectively addressed by enhancing the system to nominate parliamentary candidates. The Election Law and Political Party Law should regulate the candidate nomination method in a manner that aligns with the objective of enhancing the institutional capacity of political parties. In order to achieve this objective, it is necessary to modify the nomination rules outlined in the Election Law by embracing the internal election system employed by political parties to select legislative candidates. The necessity for eliminating the candidate selection process, which certain political parties have implemented via an open recruitment procedure, is evident.<sup>60</sup>

It is recommended that the candidates have a background as party cadres. It is hypothesized that this process diminishes the participation of non-cadre candidates who solely use their popularity and financial resources.<sup>61</sup> Hence, the Election Law must mandate a stipulation whereby those eligible for nomination as legislative candidates must have maintained party membership for a specified duration, such as a minimum of three years. Moreover, the open proportional system has also been criticized for exacerbating the prevalence of financial influence in electoral processes. All electoral systems possess the inherent capacity to manifest financial influences in political processes. Hence, it is imperative to deliberate on the strategies for eradicating money's influence in politics. The current iteration of Law Number 7/2017 on General Elections includes measures on managing money politics. However, the existing provisions need to be revised to address this issue.

Furthermore, apart from the exclusive focus on financial aspects in political campaigns and voting, the existing regulations on managing financial influence in politics must be revised. Accessing the primary participants in money-driven politics is exceedingly challenging under the existing regulations. While it is true that individuals may be found guilty of engaging in money politics, it is essential to note that they typically serve as field operators rather than the masterminds behind such activities. In order to mitigate the influence of money in politics, it is imperative to enhance the existing legal framework on the regulation and management of financial contributions within political processes. The potential solution to addressing the issue of money politics is to broaden its scope and

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<sup>59</sup> Reisach.

<sup>60</sup> Judith Fullerton, Kerri Durnell Schuiling, and Theresa Ann Sipe, 'Presidential Priorities: 50 Years of Wisdom as the Basis of an Action Agenda for the next Half-Century', *Journal of Midwifery & Women's Health*, 50.2 (2005), 91–101 <<https://doi.org/https://doi.org/10.1016/j.jmwh.2004.11.007>>.

<sup>61</sup> Gonschorek, Schulze, and Sjahrir.

enhance the mechanisms for its management.<sup>62</sup>

These ideas for improvement have already been noted in the evaluation of the 2009, 2014 and 2019 elections. Suppose the government and political parties in the DPR see that the process of institutionalization of political parties is weakening and money politics is increasingly prevalent in elections. In that case, the government and DPR must fix the existing electoral law policy. The Election Law must be revised by the vision of holding honest and fair elections following Article 22E paragraph (1) of the 1945 Constitution. All norms of Law No. 7/2017 on General Elections that have loopholes to weaken the election law should be revised. Political party institutions and the breeding of money politics must be improved to address complaints against open proportional systems.

Suppose the aforementioned legal policy enhancements are implemented. In that case, it can be argued that there would be no necessity for alterations to the electoral system, be it in its entirety or partially, such as adopting a closed proportional system for the DPR and an open proportional system for provincial/regency/city DPRDs. Given the prevailing independence and statesmanship exhibited by the constitutional justices, the Constitutional Court is compelled to render a decision that accords primacy to preserving the ongoing 2024 elections. The potential exists for the Constitutional Court to alter its position concerning the approach to deciding elected candidates through majority voting, as elucidated in Constitutional Court Decision No. 22-24/PUU-VI/2008. Nevertheless, the revision of the abovementioned decision is solely aimed at allowing legislators to assess the current voting system rather than being implemented for the next 2024 elections. The current situation persists due to the Constitutional Court's steadfast position on determining elected candidates through majority voting, which restricts legislators from altering the candidate determination process outlined in Law Number 7/2017 on General Elections.

Furthermore, the Constitutional Court Decision Number 65/PUU-XXI/2023, which permits Educational Institutions to serve as venues for political campaigning, elicits advantages and disadvantages in the upcoming General Election in 2024. A sombre shade commenced to be projected. Practical politics heavily influence educational institutions. Certain schools may invite only one presidential contender, while other institutions may extend invitations to different presidential candidates. There exist divergent options between two distinct educational institutions. The divisiveness of the 2024 elections has a significant impact on students as well. The anticipated outcome of the Constitutional Court's ruling is expected to exert an adverse influence on the education ecosystem. Conflicts of interest are likely to proliferate within the confines of educational institutions, such as school benches and college buildings, akin to the rapid growth of mushrooms during the rainy season. There is a significant likelihood of confrontations or altercations occurring within or near educational institutions. These clashes may involve professors, students, or even the guardians of students and can be instigated by divergent decisions or the mobilization of schools and campuses for various campaigns.<sup>63</sup>

Not only do parties vary among different schools, but they also exhibit differences inside a single school and campus. The Constitutional Court has rendered its decision. Unlike places

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<sup>62</sup> Omar S López, 'The Efficacy of Today's American Political Culture in Closing the Achievement Gap', *Social Sciences & Humanities Open*, 6.1 (2022), 100367  
<<https://doi.org/https://doi.org/10.1016/j.ssaho.2022.100367>>.

<sup>63</sup> Cupples and Larios.

of worship, educational institutions are not categorically barred from serving as campaign locations. However, they are subject to the existing regulations, which permit their use as campaign venues only if certain conditions are met. Specifically, educational institutions may be utilized for campaigning purposes provided they do not possess any distinctive qualities associated with political activities and are granted permission by the establishment's proprietor. In order to enhance the quality of discourse on campuses and educational institutions, it is imperative to transcend the limitations of mere campaigns and foster more robust platforms. The most suitable approach entails engaging in an intellectual discourse that relies on well-founded arguments and empirical evidence, prioritizing instructional value over provocative elements. In addition, it is essential to note that educational institutions often include many inexperienced voters. Consequently, it becomes imperative for the government to fulfil its responsibility of offering political education to these beginner voters.<sup>64</sup>

In this particular scenario, there exists a necessity for the provision of education to novice voters. The primary objective of political education for novice voters is to foster consciousness and enhance comprehension. In the context of the younger demographic, particularly those who will meet the constitutional requirements and engage in the establishment of consultations or democratic political entities, there exists a need to delve into the intricacies of political rights and responsibilities.<sup>65</sup> The primary objective of political education is to cultivate a politically astute society. A hallmark of a knowledgeable society in the future lies in its comprehensive understanding of civic rights and responsibilities, enabling the practical expression of public aspirations. The presence of an intelligent society inside the realm of politics is a fundamental prerequisite for successfully realizing an innovative and efficient democracy. Satisfactory. Another primary prerequisite is the equitable implementation of laws and adherence to human rights principles. During that particular event, novice voters were also advised to exercise their voting rights without succumbing to external influences.<sup>66</sup> The millennial generation, in particular, was emphasized as crucial in actively mobilizing their peers to participate in the electoral process. The objective is establishing a robust democratic party capable of nurturing and producing competent leaders. Effective leadership is crucial for developing plans and policies to expedite progress and significantly enhance the community's well-being.

The Constitutional Court must provide a framework for the electoral system that aligns with the provisions outlined in the 1945 Constitution. One of the primary considerations is that the election system should adhere to the fundamental idea of popular sovereignty, among other factors. The electoral system should incorporate mechanisms allowing individuals who own sovereignty to assess and oversee the participants in elections, particularly political parties, to uphold democratic principles. This implies that the electoral system should be structured to prevent individuals from granting unrestricted authority to political parties.

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<sup>64</sup> Massimiliano Ferraresi and Gianluca Gucciardi, 'Political Alignment, Centralisation, and the Sense of Government Unpreparedness during the COVID-19 Pandemic', *European Journal of Political Economy*, 73 (2022), 102144 <<https://doi.org/https://doi.org/10.1016/j.ejpoleco.2021.102144>>.

<sup>65</sup> Michael Wallace, Allen Hyde, and Todd E Vachon, 'States of Inequality: Politics, Labor, and Rising Income Inequality in the U.S. States since 1950', *Research in Social Stratification and Mobility*, 78 (2022), 100677 <<https://doi.org/https://doi.org/10.1016/j.rssm.2022.100677>>.

<sup>66</sup> Lehman.

Furthermore, the electoral system must have a mechanism that actively engages the populace through the participation of political parties, particularly in the stages of candidate nomination and selection.<sup>67</sup> Furthermore, selecting an election system that can effectively ensure the preservation of a diverse range of political objectives within representative institutions is imperative. Furthermore, it is imperative to enhance the efficacy of electoral law enforcement procedures to effectively address any infringements or irregularities during elections, irrespective of the voting method employed. This is crucial to safeguard the integrity and impartiality of electoral processes.<sup>68</sup>

By simply establishing a framework, it refrains from taking a stance on the constitutionality of specific electoral systems. The determination of that choice should be within the purview of the legislators. Opting for this course of action will undoubtedly create an opportunity for legislators to assess the voting system critically.<sup>69</sup> Moreover, to guarantee the implementation of the electoral system evaluation agenda following the 2024 Election, it is optional for the Constitutional Court to incorporate it into its deliberations. By opting for this particular role, the Constitutional Court will continue to be recognized as the preserver of democratic principles rather than the inverse scenario. In this scenario, there is a correlation between the General Election and the economy, as the distribution of monetary resources is disseminated throughout the population due to campaigns and elections in many locations. However, despite the prevailing viewpoint that investment growth may decelerate due to the next elections, he maintains a positive outlook on the performance of investments. The potential for investment growth in the forthcoming political year is favourable, as there is a lack of negative sentiment on investment performance.<sup>70</sup>

Furthermore, the current performance of the rupiah exchange rate is relatively favourable. During the political year period, the government has the potential to leverage economic stability as a means to attract investment. For the last two decades, Indonesia has effectively upheld political stability by managing electoral processes. Furthermore, the political framework implemented during the 2024 General Election exhibits a structure that poses challenges for individuals needing more financial resources to engage in the electoral process. When the political system is characterized by low costs, individuals lacking financial resources can participate in politics. In order to ensure that those in positions of authority are not solely those who possess financial resources, individuals with a clear vision, mission, and commitment to effectively and efficiently actualize the goals of the Indonesian State must also be allowed to assume such positions.

#### 4. Conclusion

As a democratic country that adheres to the presidential system to promote the general welfare, all citizens have the same right to exercise their political rights, in this case, the

<sup>67</sup> David Altman, 'Collegiate Executives and Direct Democracy in Switzerland and Uruguay: Similar Institutions, Opposite Political Goals, Distinct Results', *Swiss Political Science Review*, 14.3 (2008), 483–520 <<https://doi.org/10.1002/j.1662-6370.2008.tb00110.x>>.

<sup>68</sup> Bruno Castanho Silva, Mario Fuks, and Eduardo Ryô Tamaki, 'So Thin It's Almost Invisible: Populist Attitudes and Voting Behavior in Brazil', *Electoral Studies*, 75 (2022), 102434 <<https://doi.org/https://doi.org/10.1016/j.electstud.2021.102434>>.

<sup>69</sup> Bennett and Long.

<sup>70</sup> Jefferson West.

General Election as a form of democracy adopted by Indonesia. In general elections, several systems are applied in various countries, including the general election system between the closed proportional system and the open proportional system, the open proportional system that best reflects the basic principles of democracy applied in Indonesia and because the system of government adopted by Indonesia is a presidential system. This is because each vote is channeled according to the will of the voting public. The solution to overcome the rampant use of money politics is to set the game rules in the campaign. That is where the root of the problem grows, so what must be done is to make money politics a futile act, namely by setting a maximum limit on campaign costs for candidates in a reasonable amount. In addition, limiting the expenditure of election funds for each candidate will make it easier for competent academics and practitioners constrained by cost problems to run for office. The Constitutional Court needs to provide a framework related to the electoral system following the framework of the 1945 Constitution. Among other things, first, the electoral system must stay within the principle of popular sovereignty. As a means of democracy, the electoral system must provide space for the people, as the holders of sovereignty, to evaluate and control the actors involved in elections, especially political parties. All of this must also be followed by the adequate quality of candidates and realizing elections that reflect the basic principles of democracy applied by Indonesia to realize a better and more effective electoral system that does not sacrifice people's voting rights in the implementation of several policies of the Constitutional Court with the verdict issued by allowing educational institutions as campaign sites. There are pros and cons to this. However, where the public is innovative in politics is one of the requirements for realizing a sound democracy. The other main requirements are fair law enforcement and respect for human rights.

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