

The General Elections in Indonesia as the Application of the Concept of People's Sovereignty

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Abstract.

This paper aims to provide a brief explanation regarding the holding of general elections in Indonesia as a democratic party as well as a manifestation of people's sovereignty. This paper is a qualitative research using the library study method, namely by collecting reference materials from written sources, such as textbooks, dictates, newspapers, and laws. Then analyzed and reduced to get a conclusion. The conclusion of this study is the division of the types of modern democracy, currently the Republic of Indonesia is in the stage of democracy with direct supervision by the people. Supervision by the people in this case, is manifested in a democratic election administration. The drafting of laws on elections, political parties, as well as the composition and position of the new legislative body has made it easier for our society to start studying democracy.

Keywords: Democracy; Elections; leader.

1. Introduction

A country in the form of a republic has a government system that is never separated from the supervision of its people. Is democracy, a form of government that is formed because of the will of the people and aims to fulfill the interests of the people themselves. Democracy is a process, meaning that a republic will not stop at one form of government as long as the people of that country have an ever-changing will. There are times when the people want super tight supervision of the government, but there are also times when the people are bored with their representatives who continue to act because of the power that seems to have no limits¹.

¹ Ilman Hakim, A., & L. Iztighfari, D. (2021). Dilema Pengawasan Partisipatif: Ikatan Patrimonial dan Masyarakat yang Terkooptasi di Jawa Timur. *Jurnal Adhyasta Pemilu*, 2(2), 145–156. <https://doi.org/10.55108/jap.v2i2.28>, see Irawan, D. (2022). Kampung Pengawasan Partisipatif dan Road Map Indeks Kerawanan Pemilu di Kabupaten Indramayu. *Jurnal Adhyasta Pemilu*, 5(1), 19–31. <https://doi.org/10.55108/jap.v5i1.85>

In contrast to a monarchy which uses lineage as the basis for selecting leaders, in a democratic republic the principle of equality is applied whereby anyone who has the ability to lead can become a leader if he or she is liked by the majority of the people.

In his book "Le Contract Social", Jean Jacques Rousseau explained that the ruler/government had made an agreement with his people which he called the social contract. In a democratic republic, this social contract or community agreement is manifested in a general election. Through general elections, people can choose who will represent them in the process of channeling aspirations, which in turn determines the future of a country.

2. Research Methods

This paper is a qualitative research using the library study method, namely by collecting reference materials from written sources, such as textbooks, dictates, newspapers, and laws. Then analyzed and reduced to get a conclusion.

3. Results and Discussion

3.1. Theory of Government Forms and State Forms

A. The difference between Monarchy and Republic

In the book "Il Principe", Niccolo Machiavelli said that there are only two forms of state, namely a republic and a monarchy. He defines the state as the form of the genus, while the monarchy and republic as the form of the species.²

Just like Machiavelli, Georg Jellinek, in his book, "Allgemeine Staatslehre" also differentiates the form of a state into a monarchy and a republic and this form is considered as a species form of the state. The distinction in the two forms is based on differences in the formation of the will of the state. There are only two possibilities, namely:

1. If the way in which the formation of the will of the state occurs is solely psychologically or naturally, which occurs in the soul or body of a person and appears as the will of a person or individual, then the form of the state is monarchy.

²Irawanto, B. (2019). Making it Personal : The Campaign Battle on Social Media in Indonesia's 2019 Presidential Election. *Perspective*, 1(28), 1–11. Retrieved from https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2019_28.pdf

2. If the way in which the formation of the state takes place is juridical, that is, it is made at the will of the people so that it looks like the will of the council, then the form of the state is a republic.³

Meanwhile, Leon Duguit as a realist disagrees with the use of *staatswill* as a measure to determine the shape of the state. In his book "*Traite de Droit Constitutionnel*", he stated that to determine a country in the form of a monarchy or a republic is to use the method of appointing the head of state. If the head of state is appointed based on lineage, then the country is a monarchy, while if appointed not on the basis of descent, then the form is a republic.⁴

Actually Duguit said the two forms above were forms of government, this was unusual because it was not in accordance with Constitutional Law. Typically, the term form of government is used to further define differences from the form of the state, namely regarding differences in the constitutional law system. Duguit himself divided the form of the state into two, namely the union state and the unitary state.

According to Kranenburg, the measurement used by Duguit is more realistic, but in certain forms there are still abnormalities or incompatibilities. For example, in the Kingdom of Poland it turned out that the king was appointed by election and not solely on the basis of heredity. Prof. Otto Koellreuter agrees with Duguit's opinion about the division of state forms into monarchy and republic. Besides that, as a German fascist, he added a third form which he called *autoritaren fuhrerstaat*.⁵

Today, a monarchy is a country ruled by a dynasty so that the head of state is appointed from generation to generation. Therefore, he believed that the basis of monarchy was inequality. This is because not everyone can become head of state. On the other hand, a republic is based on the principle of equality because the head of state is appointed based on the will of the people and everyone has the same right to become the head of state.

For the third form of state, *autoritaren fuhrerstaat*, the head of state is no longer appointed on the basis of a dynasty but on the basis of a mind that can rule which he refers to as *der gedanken der staatsautoritat*. Similar to the form of

³Irham, M. A. (2016). Korupsi Demokratis dalam Partai Politik: Studi Kasus Penyelenggaraan Pemilu Pilkada Lampung. *MASYARAKAT: Jurnal Sosiologi*, 21(1), 35–56. <https://doi.org/10.7454/mjs.v21i1.4799>

⁴Isnal, A., Resmawan, E., & Alaydrus, A. (2018). Analisis Proses Rekrutmen Calon Anggota Panitia Pengawas Pemilu Kecamatan (Panwaslu Kecamatan) Di Kota Samarinda Tahun 2017. *EJournal Ilmu Pemerintahan*, 6(3). Retrieved from [https://ejournal.ip.fisip-unmul.ac.id/site/wp-content/uploads/2018/09/Andi_Isnal_\(09-25-18-03-36-32\).pdf](https://ejournal.ip.fisip-unmul.ac.id/site/wp-content/uploads/2018/09/Andi_Isnal_(09-25-18-03-36-32).pdf)

⁵*Ibid.*

monarchy, this form is also based on the principle of inequality. However, in contrast to monarchy which stems from heredity, the form of *autoritaren fuhrerstaat* stems from thoughts that can rule the country. Koellreuter did not explain further why a person with a mind that could rule or *der gedanken der staatsautoritat* could be appointed head of state. He only said that the political forms of the supreme leadership of the socialist national state should in many respects differ from those in a liberal state.

B. Division of Three Forms: Monarchy, Oligarchy, and Democracy

What is used as a measure in this theory is the number of people who are given power to maintain the public interest and make regulations regarding these matters. In other words, the measure is the number of people holding the reins of government (quantity theory). The division is:

1. *Monarchy* when there is only one person in charge.
2. *Oligarchy* when the governing consists of several people.
3. *Democracy* if the ruling is the people / the people.⁶

This division of the three forms of state was actually made by Herodotus, however, it was Aristotle who first suggested it.⁷ Apart from that, Aristotle also developed a theory of quality, which is a decline in the form of the state in terms of the quality of the people who rule. That is, does he rule in the public interest or for his own/group interests. These forms are:

1. *monarchy*, namely the government run by one person for the benefit of the people. If the person who rules then carries out the government for his own sake, then the form changes to a tyranny/dictatorship.
2. *Aristocracy*, namely the government carried out by a group of intellectuals for the benefit of the people. If the group carries out the government for the benefit of its group, then its form degenerates into an oligarchy.

⁶Junaidi, M. (2020). Tindak Pidana Pemilu Dan Pilkada Oleh Sentra Penegakan Hukum Terpadu. *Jurnal Ius Constituendum*, 5(2), 220–234. <https://doi.org/10.26623/jic.v5i2.2631>, see Khalyubi, W., & Perdana, A. (2021). Electoral Manipulation Informationally on Hoax Production in 2019 Presidential and Vice Presidential Election in Indonesia. *Journal of Government and Political Issues*, 1(2), 87–99. <https://doi.org/10.53341/jgpi.v1i2.17>

⁷ Nurmansyah. (2011). *Manajemen Sumber Daya Manusia Suatu Pengantar*. Pekanbaru: Universitas Lancang Kuning Press. see Nurmantoro, M. A. (2017). Pengaruh Kemampuan awal, Kecerdasan Emosi dan Motivasi Belajar Terhadap Kemampuan Komunikasi Matematis Siswa. *Prosiding Diskusi Panel Pendidikan “Menjadi Guru Pembelajar,”* 1(1), 1–11. Retrieved from <https://journal.lppmunindra.ac.id/index.php/repository/article/view/1659/0>

3. *Politeia*, namely government by all people for the benefit of all people. If the government is carried out by people who do not understand the problems of government, then this form will degenerate into democracy.⁸

Polybios, a state expert from Greece, bases his theory which contains the development of state forms on the principle of cause and effect. He describes the process of growth and annihilation/disappearance of state forms psychologically. And the development of one form of state to another is a cycle. Just like Aristotle, Polybios also expressed three forms of the ideal state and its degenerate forms. The difference, according to Polybios, is that the third ideal form of state is democracy and not politeia. Meanwhile, the form of degeneration is olocracy, which is a chaotic condition caused by the failure of the people's representatives in carrying out their duties due to lack of attention to the public interest.

C. Types of Modern Democracy

Democracy can be distinguished in three types by its size, namely the relationship between state organs. The three types are:

1. Democracy with a parliamentary system.

Initially, the purpose of using the parliamentary system was to maintain the form of the kingdom/monarchy in England in an atmosphere of increasing people's power. The trick is to create a system of government where the king cannot be contested and the role of ministers who are responsible to the parliament in carrying out the government. Thus there is a close relationship between the executive and legislative institutions and their interdependence with one another.

2. Democracy with separation of powers.

This form is especially applied in the United States where the executive branch is strictly separated from the legislature and judiciary. The president in this case has completely separate powers and cannot influence the work system of the legislative and judicial institutions. In this system, which is a continuation of Montesquieu's Trias Politica theory, the three high state institutions have equal power, so in practice it is difficult to walk together for a long time. Therefore, a system is created to create a balance between the three existing powers, which is called a check and balance system. In this system, the President of the United

⁸Nengsih, N. S., Akmal, M., Khairi, M., Abid, M. F., & Solihin, M. (2019). Integritas KPU dan Pemilihan Umum. *Jurnal Stisipol Raja Haji*, 1(1), 51–61. Retrieved from <https://journal.stisipolrajahaji.ac.id/index.php/jisipol/article/view/5>

States has veto power over a bill that has been accepted by Congress. On the contrary, Congress can also impeach the President in case of irregularities. For judicial powers, a Supreme Court justice is appointed by Congress from the candidates proposed by the President. In addition, the Supreme Court also has the right to review a law materially (judicial review) and declare it invalid if the law is contrary to the constitution.

3. Democracy with direct control by the people.

In this form, the legislature is subject to supervision or control from the people. People's supervision can be carried out in two ways, namely by people's initiative and by referendum. People's initiative is the right of the people to submit or propose a bill in the legislative and executive institutions. Meanwhile, a referendum is asking for approval of the people's opinion regarding a policy that has been, is being, or will be implemented by the legislature and executive. Referendums are divided into three types, namely:

- a. *obligatoir referendum*, namely a referendum on a law whose material concerns the rights of the people so that it is mandatory to seek the approval of the people before the law is enacted.
- b. *facultative referendum*, namely a referendum on laws that have been in force for a certain time.
- c. *consultative referendum*, i.e. referendums relating to the technical issues of a country.⁹

General elections, which are a manifestation of people's sovereignty in a democratic republic, have several systems, namely:

1. *district system*, is an electoral system in which the country is divided into districts. In the people's representative body, each district is represented by an equal number of members or members from all districts. The advantage of this system is that the people know their representatives well, and vice versa, thus there is a close relationship between the representatives and the regions they represent. Meanwhile, the drawback is that minority votes will disappear because only those who get the majority vote will represent their region.

⁹Kusdianita, S., Hartana, M., Arsyad, M. Z., & Putri, Y. M. (2022). Perempuan Sebagai Modal Sosial Pengawasan Partisipatif di Masyarakat. *Jurnal Adhyasta Pemilu*, 5(1), 59–69. <https://doi.org/10.55108/jap.v5i1.84> see Mahpudin. (2021). Gowaslu sebagai Electoral Technology: Keterlibatan Publik dalam Pengawasan Partisipatif Berbasis Daring. *Jurnal Adhyasta Pemilu*, 4(2 SE-Artikel), 1–21. <https://doi.org/10.55108/jap.v4i2.53>

2. *Proportional system*, is a system based on the percentage of parliamentary seats that will be distributed to political parties participating in general elections, in other words, political parties will get the number of seats in accordance with the number of votes obtained by voters in all regions of the country. The advantage of this system is that all parties are represented, making it more democratic. In addition, in this system, elections are also held nationally, not regionally. Representative bodies really become a forum for the aspirations of all people for countries that use this system. However, the bad thing is, party leaders really determine who will sit in parliament to represent their party. In addition, regional representatives also do not know their constituency closely.
3. *Combined system*, is a combination of the two previous systems. In this system, the country is divided into several electoral districts, the remaining votes that are not a majority do not just disappear because they are calculated by the number of seats to be divided.

3.2. Implementation of General Elections in Indonesia

A. The 1945 Constitution

The Republic of Indonesia is a unitary state in the form of a republic and runs a government in a democratic form. In the third main idea of the Preamble to the 1945 Constitution it is contained that the Republic of Indonesia is a state with people's sovereignty based on democracy and deliberative representation. Therefore, the state system formed in the Constitution must be based on people's sovereignty and based on representative deliberations.¹⁰

In the 1945 Constitution (UUD 1945) it is explained that people's sovereignty is held by a body, called the People's Consultative Assembly (MPR), as the embodiment of all Indonesian people (Vertretungsorgan des Willens des Staatsvolkes). This assembly is tasked with preparing the Constitution and establishing the outlines of state policy. The MPR also appoints the Head of State (President) and his deputy (Vice President). The MPR is the highest authority in the country, while the President is in charge of running the country according to the outlines set by the MPR. Here, the role of the President is as the MPR's mandate, meaning that the President must submit to and be responsible to the MPR

¹⁰Mahrawa, F. A., & Prayogi, I. (2021). Evaluasi Rekrutmen Pengawas Tempat Pemungutan Suara (PTPS) dalam Pemilu Serentak 2019. *Jurnal Adhyasta Pemilu*, 2(1 SE-Artikel), 35–47. <https://doi.org/10.55108/jap.v2i1.37> see McLeod, R. (2000). Soeharto's Indonesia: A Better Class of Corruption. *Agenda - A Journal of Policy Analysis and Reform*, 7(2), 99–112. <https://doi.org/10.22459/ag.07.02.2000.01>

According to Article 2 paragraph (1) of the 1945 Constitution of the fourth Amendment of 2002,

The People's Consultative Assembly (MPR) consists of members of the People's Representative Council (DPR) and members of the Regional Representatives Council (DPD) who are elected through general elections. This is also stated in Article 19 paragraph (1) of the 1945 Constitution resulting from the second amendment of 2000 which reads: "Members of the People's Legislative Assembly are elected through general elections." as well as Article 22C of the 1945 Constitution of the third amendment of 2001 which reads: "Members of the Regional Representatives Council are elected from each province through general elections."

In Article 6A of the 1945 Constitution which is the result of the third amendment in 2001, it is explained regarding the election of the President and Vice President, which reads in full:

- (1) *The President and Vice President are directly elected as a pair by the people.*
- (2) *Candidate pairs for President and Vice President are proposed by political parties or a coalition of political parties participating in the general election prior to the holding of the general election.*
- (3) *Candidates for President and Vice President who get more than fifty percent of the total votes in the general election with at least twenty percent of the votes in each province spread over more than half of the provinces in Indonesia, are sworn in as President and Vice President.*¹¹

The 1945 Constitution which is the Constitution of the Republic of Indonesia regulates general election issues in Chapter VIIB concerning General Elections Article 22E as a result of the third Amendment to the 1945 2001 Constitution. In full, Article 22E reads as follows:

- (1) *General elections are held directly, publicly, freely, confidentially, honestly and fairly every five years.*

¹¹Perdana, G. (2019). Menjaga Netralitas ASN dari Politisasi Birokrasi (Protecting The ASN Neutrality From Bureaucracy Politicization). *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 10(1), 109–128. <https://doi.org/10.22212/jnh.v10i1.1177>, see Reuter, T. (2015). Political Parties and the Power of Money in Indonesia and Beyond. *TRaNS: Trans-Regional and -National Studies of Southeast Asia*, 3(2), 267–288. <https://doi.org/10.1017/trn.2014.23>, and see Reyn, G. (2022). Totok Harap Semangat Gotong Royong Dapat Minimalisir Perpecahan saat Pemilu 2024. Retrieved from <https://bawaslu.go.id/id/berita/totok-harap-semangat-gotong-royong-dapat-minimalisir-perpecahan-saat-pemilu-2024>

(2) General elections are held to elect members of the Council

People's Representatives, Regional Representative Council, President and Vice President, and Regional People's Representative Council.

(3) Participants in the general election to elect members of the People's Legislative Assembly and members of the Regional People's Legislative Assembly are political parties.

(4) Participants in the general election to elect members of the Regional People's Legislative Assembly are individuals.

(5) General elections are held by an election commission that is national, permanent and independent.

(6) Further provisions regarding general elections shall be regulated by law.¹³

B. General Election Law

Apart from being listed in the 1945 Constitution, issues regarding general elections are also systematically described in a law drafted jointly by the DPR and the President.

The current law on General Elections is Law Number 12 of 2003 on General Elections for members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council. This law is a substitute for Law Number 3 of 1999 concerning General Elections which was later replaced by Law Number 4 of 2000 because the old law was considered to be no longer in accordance with the demands and developments in the dynamics of society.

Described in Law (UU) no. 12 of 2003 that the changes that occurred in the 1945 Constitution Article 2 paragraph (1) which states that "sovereignty is in the hands of the people and implemented according to the Law

Base" means that people's sovereignty is no longer fully implemented by the MPR, but implemented according to the Constitution.

Based on these changes, all members of the DPR, DPD, President and Vice President, Provincial DPRD and Regency/Municipal DPRD are elected through direct, public, free, secret, honest and fair elections every five years. Through

these elections, representative institutions and democratic government will be born.¹²

The purpose of holding elections is to elect representatives of the people and representatives of the regions, as well as to form a government that is democratic, strong and gains the support of the people in order to realize the national goals as mandated by the 1945 Constitution.¹³

Elections are held by a National Election Commission (KPU) which is national, permanent and independent. This commission has full responsibility for the administration of elections, and in carrying out its duties, the KPU submits reports to the President and the DPR.

According to Article 25 of Act No. 12 of 2003, the duties and authorities of the KPU are:

1. planning the implementation of the KPU.
2. stipulates the organization and procedures for all stages of the election implementation.
3. coordinate, organize, and control all stages of the election implementation.
4. determine election participants.
5. determine electoral districts, number of seats, and candidates for members of DPR, DPD, Provincial DPRD, and Regency/Municipal DPRD.
6. determine the time, date, procedure for conducting the campaign and voting.
7. determine the results of the elections and announce the elected candidates for members of the DPR, DPD, Provincial DPRD and Regency/Municipal DPRD.
8. evaluate and report on the implementation of elections.
9. carry out other duties and authorities regulated by law.¹⁴In Article 1 of Act No. 12 of 2003 it is explained that general elections (elections) are a means of implementing people's sovereignty in the Unitary State of the Republic of Indonesia which is based on Pancasila and the 1945 Constitution.

Election participants are political parties for candidates for legislative members and individuals for candidates for DPD members who have fulfilled the requirements according to Act No. 12 of 2003.

As a democratic country, Indonesia provides equal rights for all citizens who meet the requirements to vote and be elected in elections. According to Article 14 of Act No. 12 of 2003, in order to be registered as a voter and exercise their

¹²Explanation of Act No. 12 of 2003 concerning Elections for the DPR, DPD and DPRD. p. 1.

¹³ibid. p. 2.

¹⁴ Act No. 12 of 2003 concerning Elections for the DPR, DPD and DPRD. p.18.

right to vote in elections, an Indonesian citizen (WNI) must be 17 (seventeen) years old or married, not mentally disturbed, and not being revoked by a court decision. which has permanent legal force.

Meanwhile, to become a candidate for members of the DPR, DPD, Provincial DPRD and Regency/City DPRD, according to Article 60 of Act No. 12 of 2003, an Indonesian citizen must meet the following requirements:

1. aged 21 (twenty one) years or more.
2. fear God Almighty.
3. domiciled in the territory of the Unitary State of the Republic of Indonesia.
4. proficient in speaking, reading, and writing in Indonesian.
5. educated as low as high school or equivalent.
6. loyal to Pancasila as the basis of the state, the 1945 Constitution, and the ideals of the August 17, 1945 Proclamation.
7. not a former member of the Indonesian Communist Party, including its mass organizations, or not a person involved in G30S/PKI, or other banned organizations.
8. are not being revoked by virtue of a court decision that has permanent legal force.
9. is not serving a prison sentence based on a court decision that has permanent legal force for committing a crime punishable by imprisonment for 5 (five) years or more.
10. physically and mentally healthy.
11. registered as a voter.¹⁵

Concerning election participants from political parties it is clearly described in Article 7, Article 8, Article 9 and Article 10 of Act No. 12 of 2003. Meanwhile, the procedures for individual election participants are regulated in Article 11 and Article 12 of Act No.12 of 2003.

In connection with the holding of elections, the DPR together with the President also drafted Act No. 31 of 2002 concerning Political Parties in lieu of Act No. 2 of 1999 concerning Political Parties which are considered no longer in accordance with the development of society and changes in state administration.

In the Elucidation of Act No. 31 of 2002 stipulates that the formation, maintenance and development of political parties is basically a reflection of the rights of citizens to assemble, associate and express opinions. Through political parties, people can realize their right to express opinions about the direction of

¹⁵Solihah, Ratnia, 2018, " Peluang dan Tantangan Pemilu Serentak 2019 dalam Perspektif Politik", *Jurnal Ilmiah Ilmu Pemerintahan*, Volume 3, Nomor 1.

life and its future in society and as a state. Political parties are a very important part of a democratic political system.¹⁶

Political parties have a function as a means of political education, political socialization, political communication, and political recruitment. Through the implementation of these functions, political parties are expected to be able to increase people's political awareness and unite various groups in society in order to support national unity, realize justice, uphold the law, respect human rights, and ensure the creation of security stability.

Article 1 of Act No. 31 of 2002 defines a political party as a political organization formed by a group of citizens of the Republic of Indonesia voluntarily on the basis of the same will and aspirations to fight for the interests of members, society, nation and state through general elections. 19

In general, the goals of political parties are to realize the national ideals of the Indonesian nation, develop a democratic life based on Pancasila by upholding people's sovereignty, and realizing prosperity for all Indonesian people. While the specific goal is to fight for its ideals in the life of society, nation and state.

3.3. Application of the Concept of People's Sovereignty in the Implementation of Elections in Indonesia

The theory of popular sovereignty was born as a reaction to the theory of king sovereignty which mostly results in tyranny and misery for the people. Jean Jacques Rousseau, the father of the theory of people's sovereignty, through the book "Le Contract Social" expressed the theory of community agreements (social contracts) which stated that in a country, natural liberty has changed to civil liberty in which the people have their rights. The power of the people as the highest thing in this case through representation based on the most votes. According to Rousseau, decisions from the majority vote (majority) always represent the public interest. However, in reality, those who are supported by the most votes are no longer questioning the truth but are concerned about winning or losing.

Since the beginning of independence, our country has implemented the concept contained in the theory of popular sovereignty. Starting from the ratification of the 1945 Constitution as a constitution to the appointment of Soekarno and Mohammad Hatta as President and Vice President, everything was carried out with democratic principles. Even though there were many irregularities in the government system, both during the Old Order and the New Order, in the end, it

¹⁶Explanation of Act No. 31 of 2002 concerning Political Parties. p. 1. 19 Act No. 31 of 2002 concerning Political Parties. p. 3.

was the sovereignty of the people that determined where our country would go next.

In the system of government of the Republic of Indonesia, determining the direction of these goals involves all citizens in a democratic party, namely general elections (elections). Elections in Indonesia are held every 5 (five) years and were held for the first time in 1955. Many events occurred at that time, and all of them had a huge influence on the ups and downs of the condition of our country's government.

In 1965, a party that had participated in elections since the first election, the Indonesian Communist Party (PKI), staged a rebellion with the aim of replacing the foundation of the Indonesian state, Pancasila, with the ideology of Marxism-Leninism. This understanding is the principle adhered to by members of the PKI. During the uprising, many army generals and officers were kidnapped, tortured, and killed. This rebellion is what we later know as the September 30th Movement (G30S/PKI).

Because of the G30S/PKI incident, communism in Indonesia is considered a latent danger that always threatens national unity and integrity. The Provisional People's Consultative Assembly (MPRS) of the Republic of Indonesia stopped all activities related to the PKI through MPRS Decree Number XXV/MPRS/1966 concerning the Dissolution of the Indonesian Communist Party. Since then, parties with the principles of communism have been banned from standing in Indonesia.

In Act No. 31 of 2002 concerning Political Parties stated: "that is a historical fact of the Indonesian nation, the Indonesian Communist Party which adheres to the ideology or teachings of Communism/Marxism-Leninism has committed treason against the nation and the Unitary State of the Republic of Indonesia, therefore, the Decree of the Provisional People's Consultative Assembly

Republic of Indonesia Number XXV/MPRS/1966 concerning the Dissolution of the Communist Party

Indonesia, the Declaration as a Prohibited Organization in the Entire Territory of the Republic of Indonesia for the Indonesian Communist Party and the Prohibition of Any Activities to Spread or Develop Communism/Marxism-Leninism Understandings/Teachings must continue to be enforced and implemented consistently."¹⁷This means that Indonesian citizens do not have the right to

¹⁷Triono, 2017, "Menakar Efektivitas Pemilu Serentak 2019", *Jurnal Wacana Politik*, Volume 2, Nomor 2, Oktober. Zuhro, R. Siti, 2019, "Demokrasi dan Pemilu Presiden 2019", *Jurnal Penelitian Politik*, Volume 16, Nomor 1, June.



establish a political party using communism as its basis because it is clearly against Pancasila and the 1945 Constitution. Thus, elections in Indonesia will never again include political parties based on communism as participants.

Another incident that can be used as an example of deviation from the constitutional system in Indonesia is when President Soekarno dissolved the DPR by decree of July 5, 1959. In fact, in the Trias Politica it was clearly illustrated that the position of the executive branch (president) was not higher than that of the legislature (DPR). The events that occurred during the New Order era when President Soeharto was in power also showed extraordinary irregularities. Some members of the MPR—the highest institution of the Republic of Indonesia—besides being elected from the election results, they are also appointed by the President. In fact, the President can even appoint MPR members to become ministers.

What is happening now is exactly the opposite of events in the past. Most Indonesian people have shown enormous antipathy towards the government (executive) due to trauma from the government during the New Order era. This resulted in the people wanting super tight supervision of the government, and this authority belonged to the DPR. In Article 30 and Article 66 of Act No. 22 of 2003 concerning the Composition and Position of the MPR, DPR, DPD, and DPRD, it is explained that the DPR can take hostage any state officials, government officials, and legal entities who refuse a forced summons because they do not provide information to the DPR.

UU no. 22 of 2003 concerning the Composition and Position of the MPR, DPR, DPD, and DPRD is a refinement of Act No. 4 of 1999. In the Elucidation of Act No. 22 of 2003 it is explained that this law was drafted in order to enhance the roles and responsibilities of deliberative institutions and people's/regional representatives to develop democratic life, guarantee the representation of the people and regions in carrying out their duties and authorities, and develop a mechanism of checks and balances between the legislature and executive as well as improving the quality, productivity and performance of members of the people's and regional deliberative/representative institutions in order to realize justice and people's welfare.

In general, the elections held during the New Order era were considered by most people not to take place in a democratic manner. Various strategies were justified by a party that was in power at that time to continue to win elections. The collapse of the New Order, which was marked by Suharto's resignation from the position of President, provided a breath of fresh air in a society that was hungry for political education and eager to learn democracy.

The 1999 elections were the first elections in Indonesia which were considered by the international community to be the most democratic. By adding the principle of honesty and fairness (*jurdil*) behind direct, public, free, secret (overflow), the 1999 elections were held for the first time by an independent institution called the KPU. Its implementation is also very open under the supervision of various independent supervisory agencies, both local and foreign. Positive changes also occurred in the composition and position of the legislative and executive institutions. Now, the President is no longer the MPR's mandate because the President and his representatives are directly elected by the people, so the role of the legislature is only as a supervisor over the implementation of government.

The 2004 election, which we will soon be approaching, uses the same system as the previous elections, namely multi-party. The only difference is that this election uses two systems at once in a half measure, the district system for the election of DPD members, and the proportional system for the election of members of the DPR. Although it is somewhat odd in the use of two systems at once, this is commonplace for a country whose people are in the stage of learning democracy.

4. Conclusion

In the division of the types of modern democracy, currently the Republic of Indonesia is in the stage of democracy with direct supervision by the people. Supervision by the people in this case, is manifested in a democratic election administration. The drafting of laws on elections, political parties, as well as the composition and position of the new legislative body has made it easier for our society to start studying democracy. Sooner or later, the Indonesian people will be able to understand how to have a proper democracy in a republic. This understanding will arise gradually along with the continuing process of political education.

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