

# Redesigning a Parliamentary Election System for Strengthening the Presidential System in Indonesia

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**Submission date:** 13-Jan-2022 11:31AM (UTC+0800)

**Submission ID:** 1740930405

**File name:** Redesigning\_a\_Parliamentary.pdf (206.19K)

**Word count:** 5091

**Character count:** 28296



# Redesigning a Parliamentary Election System for Strengthening the Presidential System in Indonesia

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<sup>3</sup>Election is one of the constitutional mandates expressly presented in Article 22E Paragraph (1) of the 1945 Constitution of the State of the Republic of Indonesia. However, the Constitution does not provide further guidance on the mechanism of the election. Therefore, it is necessary to search philosophically for what exactly the election system is in Indonesia. An alternative system is needed to support improving the democratic movement in Indonesia. The system must be able to create a minimum majority party in parliament to support presidential policies and also improve the accountability of the members of parliament and accommodate heterogeneous groups.

**Key words:** *Election, Presidential System.*

## Introduction

<sup>9</sup>Indonesia undertook the largest single day exercise of democracy the world has ever seen on April 17, 2019. The country's 193 million voters attend over 800,000 voting locations, run by over 5.5 million election committee staffers, to elect 40,000 legislative representatives from over 250,000 candidates (post, 2019). The election process generally runs smoothly for big and complicated elections across the world. However, government must evaluate the election system especially for the legislative election because Indonesia with its multiparty system uses open proportional representation.

The presidential system in Indonesia, which combines a multiparty system in some ways, causes problems related to government stability. The presidential system can be viewed in the context of pragmatism since the president has to compromise with political party intervention to introduce the president policies. The formation of the cabinet, which was originally a prerogative of the president, in this compromise the presidential system needs to involve the input of other political parties. The implication of this accommodation pattern can cause a



coalition that supports the government, yet which can be a fragile coalition because political parties in a multiparty system do not share the same ideological pattern. Therefore, the composition of the political party's coalition tends to change often.

Amendments to the 1945 Constitution (Indonesian constitution) tried to improve the stability of government running the democracy in the multiparty system. The constitution enhanced the independence of the executive legislation in several ways. The way to strengthen the president's position is changing the mechanism for the presidential election. The Presidential election is conducted by direct election by the people. The previous president and vice presidential elections were carried out by the MPR (People's Consultative Assembly) as the highest state institution. Using direct elections increases public legitimation for the process of electing the president. As a consequence, the president can't be impeached by parliament unless based on legal reasons in the constitution.

### The Election System According to the 1945 Constitution of the Republic of Indonesia

The fundamental changes to the Indonesian election were due to change the 1945 Indonesian Constitution. Article 1 paragraph (2) of the 1945 Constitution before amendment stated: "Sovereignty is in the hands of the people, and is carried out entirely by the People's Consultative Assembly." Then this amended article became: "Sovereignty is in the hands of the people and is implemented according to this Constitution." The People's Consultative Assembly (MPR), before the amended constitution was the highest state institution, which had the power to implement sovereignty of the people, as a result, the President and vice president were elected by The People's Consultative Assembly (MPR). After the Indonesian Constitution amendment, The People's Consultative Assembly (MPR) lost the authority to elect the President and vice President. Therefore, the amendment of article 1 paragraph (2) of the 1945 Constitution changed the concept of sovereignty, and placed the highest sovereignty in the Republic of Indonesia in the hands of the people and the implementation of the sovereignty must be based on the constitution (Mulyosudarmo, 2004). As a manifestation of the idea of popular sovereignty in a democracy, the system must guarantee that the people are fully involved in planning, organising, implementing, and supervising and evaluating the enactment of power functions. The full involvement of the people must be organised according to the Constitution, not through the highest state institutions such as the People's Consultative Assembly (MPR).

Indonesia as a democratic country grants every citizen the ability to contribute their views on what should be done by the government. Citizens are also granted the right to elect the representatives who will make the laws. This is in line with André Blais who states: "In a democracy, every citizen should have the right to express his or her views about what the government should do, should have the right to vote and to have a say about the selection of



lawmakers, and should have the right to run as a candidate in elections if he or she so wishes” (Lawrence LeDuc, 2010). The changing concept of sovereignty in the 1945 Constitution is connected with how the people give a mandate to state institutions. The President and Vice President is directly elected by the people, no longer elected by the People's Consultative Assembly (MPR). The amendment of Indonesia constitution also change the way of the legislative elections such as the House of Representatives (DPR) and the Regional Representative Council (DPD). All members of the DPR and DPD are elected through general elections. No member of the DPR and DPD is appointed by President.

The constitutional basis for conducting elections in Indonesia is regulated in Article 22E paragraph (1) which states: “General elections shall be conducted in a direct, general, free, secret, honest, and fair manner once every five years”. Paragraph (2) states: “General elections shall be conducted to elect the members of the DPR (the House of Representatives), DPD (Regional Representative Council), the President and Vice-President, and the Regional People's Representative Council (DPRD). Furthermore, as a comparison, it can be seen in the Universal Declaration on Democracy adopted by the Inter-Parliamentary Union that elections are a key element in carrying out democracy.

The key element in the exercise of democracy is the holding of free and fair elections at regular intervals enabling the people's will to be expressed. These election must be held on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency that stimulate political competition. To the end, civil and political rights are essential, and more particularly among them, the rights to vote and to be elected, the rights to freedom of expression and assembly, access to information and the right to organise political parties and carry out political activities. Party organisation, activities, finances, funding and ethics must be properly regulated in an impartial manner in order to ensure the integrity of the democratic processes. ((IPU), 1997)

According to the declaration, elections held to perform democracy must fulfil several principles, namely free, fair, regular, general, equal, and secret. In addition, the election process must respect the right to vote and be elected, freedom of expression and assembly, access to information, and freedom of association. These principles have been implemented in the election process in Indonesia. However, the election system causes problems related to the stability of government. The election system could not create a government that is fully supported by the majority of members in parliament. As a consequence, the government has to compromise in making policy with the parliament. Indonesia is a presidential system combining with multiparty. Scott Mainwaring explained that the combination of a multiparty system and the presidential system is difficult and creates instability in the government (Mainwaring, 1993). Presidential system with multiparty system can cause failure between



the executive and the legislature due to the difficulty of building coalitions between parties in the combination system, thus it can be destructive for democratic stability. José Antonio Cheibub also admitted that such a deadlock in the presidential system was caused by the possibility that the president and legislative members who controlled the majority in parliament came from different parties. In such a situation, the presidential system does not have the constitutional mechanisms to resolve deadlocks such as dissolving parliamentarians and immediately run elections to form a new parliament (Cheibub).

The amendment of 1945 Constitution are focused on how to design government stability and improving the quality of democracy. The 1945 Constitution are based on the concept of separation and distribution of powers as a balancing mechanism to the state institutions. Mark P. Jones's research, as quoted by Djayadi Hanan, can be considered to represent the general findings about strengthening presidential systems. In one of his research publications, Jones, in 1995, stated, "... all evidence demonstrates that the functioning of presidential systems is greatly enhanced when the president is provided with a majority or near majority in the legislature" (Hanan n.d.). In other words, strengthening the presidential system is strongly associated with the availability of adequate political support in the legislature for a president. Adequate support is interpreted operationally as majority support (more than 50 percent) or almost a majority (close to 50) percent. If a president has less support than this threshold, then it is difficult for a president to carry out the agenda of his administration. The next result is a lack of functioning or presidential system, or worse, which can lead to the failure of government.

### Redesign Parliamentary Election System

There are two electoral systems, namely proportional representation and majoritarian (district). Proportional representation focus on balanced representation based on the number of national votes, while majoritarian divides representatives based on the electoral district. The other system try to combine the proportional representation and majoritarian system becomes a combining system. Proportional electoral system distributes seats among political parties, which are participating in the election based on the proportion of national votes, namely the proportion of national party votes, as a basis for the distribution of seats in the people's representative institution.

The proportional electoral system tends to increase the number of political parties which causes a multiparty system. As noted, the polarisation in multiparty system often triggers instability of the government. It happens due to difficulty of uniting several interests. Indonesia's government created policies to control the number of parties effectively. The policy are the electoral threshold and parliamentary threshold. The electoral threshold requires that the minimum votes or seats in parliament must be complied with by the political



parties if they want to run in the next election. While the parliamentary threshold is the minimum requirement that must be complied for political parties to sit in parliament after running in an election, in addition, the government controls the number of new political party in elections by a regulated minimum distribution of official political parties at the provincial and city levels.

Majoritarian systems are electoral systems which tends to control the number of parties effectively. This happens because a country is divided into several districts. One district only for one parliament candidate elected. The elected Member of Parliament in a district is a candidate who gets the most votes. This means that the winner of the first majority vote represents his district, while the votes for the second, third, and other candidates are simply wasted without being able to be calculated. As a result, the majoritarian electoral system could lead to high disproportionality. However, the election system forces parties to affiliate for winning elections in districts. Even though the majoritarian system may cause disproportionality, the election system drive strong emotions between the parliament candidate and the constituent. Variations electoral systems in countries were developed from the polarisation two electoral systems, namely proportional representative and majority (district) as explained above. The implementation of the electoral system is based on interests and compatibility with the conditions. The choice of electoral system depends on the conditions of the country, and it also depends on the choice and the direction of political reform. The electoral system is more concentrated on political representation or effective government.

**The election system in Indonesia** (Aris, 2018)

Year	Law	Number of Political Parties	Election System
1955	Law Number 7 year 1953	29 Political Parties	Proportional system
1971	Law Number 15 year 1969	10 Political Parties	Proportional system
1977	Law Number 4 year 1975	3 Political Parties	Proportional system
1982	Law Number 2 year 1980	3 Political Parties	Proportional system
1987	Law Number 1 year 1985	3 Political Parties	Proportional system
1992	Law Number 1 year 1985	3 Political Parties	Proportional system
1997	Law Number 1 year 1985	3 Political Parties	Proportional system
1999	Law Number year 1999	48 Political Parties	Proportional system
2004	Law Number 12 year 2003	24 Political Parties	Proportional system
2009	Law Number 10 year 2008 and Law Number 42 year 2008	38 Political Parties	Opened proportional system
2014	Law Number 8 year 2012 and Law Number 15 year 2011	12 Political Parties	Opened proportional system
2019	Law Number UU 7 year 2017	16 Political Parties + 4 local political parties (Aceh)	Opened proportional system

The Indonesian parliamentary election system from 1955 to 2019 uses the proportional electoral system. The election with a proportional system seems to be considered the most suitable for Indonesia, although in practice it is still considered to cause many problems. These problems include the low quality of elected legislators and unaccountable legislators. A proportional multiparty system causes difficulty to create a majority member parliament to support president policy. The main reason for using the proportional system in Indonesian is related to the high level of representation. The system calculates all citizens vote and provide opportunities for all groups in society (including minorities) to have representation in parliament. The proportional electoral system is not intended to limit the number of parties in parliament, however, the goodness of this system is limited by Indonesian election law. The election law regulates the electoral threshold and parliamentary threshold, which is connected to the minimum requirement votes from political parties. Thus, the reason for using a proportional system to provide opportunities for all parties cannot be applied. In Law Number 7 Year 2017, the parliamentary threshold is set at 4% and applies nationally to all members of the parliament (DPR).



The adoption of a majoritarian electoral system in which "the winner take all" needs to be considered as an alternative election system. The use of majoritarian system is believed to be able to naturally encourage political party simplification and increase the accountability of elected candidates. However, the implementation of a majoritarian (district) system may cause inconvenience because Indonesia is a big countries with very heterogeneous groups and must be pay attention to minority groups.

There are two main characteristics that distinguish the majoritarian system from other systems. Firstly, the majoritarian system is directly associated with the existence of an electoral district, although a district is usually not identical with a division of administrative territories. An electoral district is usually related to the number of voters in a region. As a consequence, an electoral district may include one or more administrative regions. Secondly, another main character of the majoritarian system is the focus of the elections system not on political parties, but on individuals who represent or are nominated by the political parties in a district. Individual candidate who are nominated by parties must be a candidate who is domiciled in the district. In other words, party members who are not domiciled in the district must not represent the people in the district. The district system requires a relatively familiar situation between voters and their elected representatives. In fact, often the community is not only familiar with the candidates but also with their families. The close ties between voters and the people they elect make it easier for the people to express their aspirations and hold their representatives to account for them in the future.

The majoritarian system can work well if supporting by a community that has reached a certain stage of maturity. First, the level of rationality determines the ability of the people to make choices for candidates in their district. With a high level of rationality, people can choose between party programmes offered by each candidate. Second is the level of political awareness. Voters who have a high level of political awareness will be able to choose ideological ties from the programmes proposed to them. In other words, candidates are chosen not because of ideological similarities but because of the programmes, also, with high political awareness the community can assess the party behaviour represented by a candidate. One weakness is always associated with the majoritarian system, the system pays only slight attention to the balance of representation by a group. The system may not represent minority group in society because the winner takes all as represented in the district. However, such a view actually reflects the disregard for the meaning of representation, which stems from differences in point of view, namely between qualitative and quantitative points of view. Theoretically, a quantitative point of view always emphasises the number of votes or representatives obtained. This point of view can be linked to the vision of political elites who tend to focus on "balance" or more precisely the "gaining" of political position in elections. This view stems from the presence of unrepresented or "lost" votes in the district system, because candidates from parties do not get seats in representative institutions. On the other





hand, a qualitative point of view looks more at the problem from a non-elite perspective, the emphasis is not on who gets the seat and not on the number of votes wasted because they are not counted. What the voters are concerned about is not the candidates who are fighting for votes, but what is done by the candidates and their parties after governing the representative institutions. The quality is known by the voters, because they "know" the candidates in their district. Theoretically it can be said that voters will choose candidates they know, both in terms of their ability to represent them and the morality of the candidates, in other words only candidates who are willing and able to bring the aspirations of the people will get the attention of the voters. People's representatives who later turned out to be unable to convey the aspirations of voters, or break the promises they had made during the campaign period, would be "convicted" by voters in the next general election. Thus, in the district system candidates cannot arbitrarily discard promises, because their reputation will be at stake in the next election.

The majoritarian system can boost the performance of representative institutions (parliament), thereby increasing the role of these institutions in the political system. There are two factors to support these performances. First, the majoritarian system tends to tighten the selection of the representatives candidate, which suggests competition among representatives from the same district will also be tight and, as a consequence they must perform well in a representative institution. They also need to convince the voters that they deserve to be elected because only the best representatives will get a "ticket" to be able to participate in the next "selection process". Second, the district system implies that people's representatives are accountable to the voters in their electoral district. Therefore, they will always feel that they are being "stalked" continuously by their voters, so they must do much for their district. The existence of such accountability makes members of representative institutions "afraid" of the people's response. With members fearing the people, representative institutions will also be more responsible towards their people. There is no doubt that such a parliament will be more functional, so that its role in the political system is more positive.

As with other systems, even within the majoritarian system, political party still has a large and very decisive role in the appearance of its candidates in the electoral districts. The role was focused through the party program and the determination of candidates for each district. Political party programs must be "sold" by the candidates in their respective districts. The candidates must not deviate from the party program. If this line is broken by candidates, the party can certainly impose sanctions on the candidate concerned. These sanctions are related, among others, to the determination of candidates to be placed by the party in a district. Only candidates who are legally recognized by the party can fight on behalf of the party in all electoral districts (Syamsuddin, 2002). Although the individual colors appear so strong in the district, the party's influence on its candidates remains large, but that does not mean that the party can just blacken the fate of its representatives who sit in the representative institutions.



Because the party respects the relationship that exists between its members and the mass of voters in their respective districts. In this case, what needs attention is that members who are popular in their districts are valuable assets for the party.

The majoritarian system can improve the quality of political parties. The one-on-one "battles" as they are known in the district system, caused political parties to implement strict selection of their candidates. Candidates who are promoted to the arena should really be superior seeds, who are thought to be able to rival their opponents. To deal with the stringent selection, the party must show the quality factor in the recruitment process. This positively has led to the emergence of a cadre system within the party, a very valuable contribution to the maintenance of the political system. However, it is inevitable that the strict selection also creates intense competition within the organisation. Such competition also provides a great benefit for the development of the party, if the competitors are able to "know themselves", and want to recognise the superiority of opponents who are from other political parties.

An interesting point that is related the majoritarian system and strengthening national stability is that the majoritarian (district) system will result in close relations between the people's representatives and their constituents, while on the other hand encouraging a high sense of responsibility by the members of the representative institution to the people. The close relationship between the electorate and the people they choose allows early detection of problems that arise in the electorate, allowing them to try to discuss issues responsibly as well. Such steps open more doors for problem solving, so that they do not have the opportunity to appear as a threat to national stability. In this system the territory of a country is completely divided into a number of districts or constituencies where usually the basis of its division is the population.

In the district system there are usually two levels of elections, namely the primaries or primary elections carried out within the party concerned, and the second stage, called general elections, is competition between parties. Preliminary elections are held to choose candidates from the party especially if there are many candidates. The basic system in the district is the winner takes all, meaning that if in a district there are two or more candidates, a candidate who wins 50 percent of votes plus one (simple majority) then he will win the seat in the district. In this system the most highlighted is the candidate, while the party is only a facilitator. The most decisive factors for the candidate is related to how he looks, his vision and programme, his background, his moral character, and so forth. If he has an incapacity, it will be exploited by political opponents to attack and humiliate him.

We realise that no system is perfect and truly representative, a proportional system guarantees the existence of small parties, and ensures that all votes are not wasted. The weakness of the relationship between the people and their representatives is less familiar, because people do



not know for sure. On the contrary, with the majoritarian system, there is a tendency to benefit main parties more, because what applies in the election is a simple majority. However, Indonesia needs to change the election system especially to strengthening the presidential system and to improve the quality of Members of Parliament.

The new election system must improve the relationship between the people and their representatives, because they directly choose who is a candidate, and the people continue to control their representatives to voice their aspirations. The party can no longer arbitrarily call its representatives, because it will face the masses of voters. Therefore, in terms of the ability to implement the principle of popular sovereignty, the district system is clearly more capable than the proportional system. This system is also better able to create an effective and responsible government, even though the main reason why the district system is less suitable for Indonesia because the level of education and political awareness of the people is still considered low, this reason is not always true. As Syed Ahmad Hussein, professor of Political Science, Universities Saints Malaysia confirmed, the level of education and political awareness of the people has no correlation with the election system chosen (Mahendra, 2002). Thus, the Majoritarian system in Indonesia could be implemented by dividing a city or kabupaten (district) as a basis for the distribution of electoral districts.



**Number of (District)/ City in Indonesia**

No	Province	Kabupaten (District)/ City	Voters
1	Aceh	23	3523774
2	Sumatera Utara	33	9785753
3	Sumatera Barat	19	3718003
4	Riau	12	3863197
5	Jambi	11	2475655
6	Sumatera Selatan	17	5877575
7	Bengkulu	10	1399108
8	Lampung	15	6074137
9	Kepulauan Bangka Belitung	7	932569
10	Kepulauan Riau	7	1229424
11	Dki Jakarta	6	7761598
12	Jawa Barat	27	33270845
13	Jawa Tengah	35	33270845
14	Daerah Istimewa Yogyakarta	5	2731874
15	Jawa Timur	38	30912994
16	Banten	8	8112477
17	Bali	9	3130288
18	Nusa Tenggara Barat	10	3667253
19	Nusa Tenggara Timur	22	3391616
20	Kalimantan Barat	14	3687159
21	Kalimantan Tengah	14	1753224
22	Kalimantan Selatan	13	2869166
23	Kalimantan Timur	10	2480741
24	Sulawesi Utara	15	1907841
25	Sulawesi Tengah	13	1952810
26	Sulawesi Selatan	24	6159375
27	Sulawesi Tenggara	17	1723539
28	Gorontalo	6	812801
29	Sulawesi Barat	6	865244
30	Maluku	11	1266034
31	Maluku Utara	10	803983
32	Maluku Utara	29	3541017
33	Papua Barat	13	742245
34	Kalimantan Utara	5	450108
<b>Total</b>		514	190770329



Based on the table above Indonesia consist of 514 Kabupaten/cities, which can be used as basis distribution of district system for election of the Member of Parliament. Thus, Indonesia will consist of 514 districts represented by at least one Member of Parliament. Furthermore, some districts have more voters compared to others such as Jakarta, Surabaya, Medan, Bekasi, Bandung, Makasar, Depok, Semarang and others. These districts get additional parliament candidates from the districts based on the numbers of voters.

The changing of the election system from the proportional system to the majoritarian (district) system may get challenging from the political parties because our political elite is not ready to use the new system. Our electoral tradition does not prepare political organisations to anticipate changes that occur in society, and this situation reflects the existence of a large gap between political organisations and the people. Another problem is that our electoral tradition over the years has placed too much emphasis on the role of "national" figures. Our national figures may not be rooted in sources of support in the regions because they stand out based on their personal or group abilities.

### **Conclusion**

Election rules for parliamentary elections in Indonesia from period to period have always changed. The implementation of presidentialism in Indonesia using a multiparty system can cause government problems because the multiparty system has the potential for political parties <sup>5</sup> intervene in the government policy. As a consequence, a new election system which <sup>19</sup> is able to simplify the number of political parties is needed. Political reform began with an amendment to the 1945 Constitution by the People's Consultative Assembly (M<sup>12</sup>PR), which specifically highlighted the electoral system that is regulated in Chapter VIIB of the 1945 Constitution of the Republic of Indonesia and the choice of the electoral system to be fully used as the legislator's authority. Using a majoritarian (district) system in Indonesian elections is very possible to be implemented with the aim of improving the quality of people's representatives and the relationship between the people's representatives and voters in their respective districts.



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