

**BUKTI KORESPONDEN ARTIKEL JURNAL  
AKREDITASI SINTA 2**

Judul Artikel : Opportunities and Challenges in the Implementation of Plurality Majority  
System (District) Electoral System for Strengthening the Indonesian Presidential  
Jurnal : Yuridika, Vol 36, No 3 Tahun 2022  
Penulis : M. Syaiful Aris

<b>No</b>	<b>Perihal</b>	<b>Tanggal</b>
1.	Bukti Submit artikel	18 Juli 2022
2.	Bukti Konfirmasi Review I	5 Agustus 2022
3.	Bukti Konfirmasi Review II	8 September 2022
4.	Bukti Revisi dan resubmit	26 Oktober 2022
5.	Bukti accepted dan Publis	21 Desember 2022

Dapat Kami Infokan, Yuridika Vol 36, No 3 2022, harusnya terbit bulan September mengalami kendala administrasi dan proses Proofread sehingga dapat terbit bulan Desember 2022

**1. BUKTI SUBMIT /  
KONFIRMASI SUBMIT  
ARTIKEL  
( 18 JULI 2022)**



mohammad syaiful aris &lt;syaiful@fh.unair.ac.id&gt;

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**[YDK] Submission Acknowledgement**

1 message

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**Dr. Faizal Kurniawan, S.H., M.H., LL.M.** <jurnal@ppjpi.unair.ac.id>  
To: Mohammad Syaiful Aris <syaiful@fh.unair.ac.id>

Mon, Jul 18, 2022 at 11:41 AM

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Dr. Faizal Kurniawan, S.H., M.H., LL.M.

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mohammad syaiful aris <syaiful@fh.unair.ac.id>

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## Opportunities and Challenges in the Implementation of Plurality - Majority (District) Electoral System for Strengthening the Indonesian Presidential System

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### Abstract

Presidential government system has its own disadvantages, one of them is the possibility a minority president presence in this system, namely a president who is not supported by a parliamentary majority, even though the President has a strong mandate from public, but with a minority position, the government's agenda which carried out by the president could be hampered by parliament or the legislature, therefore it is needed a coalition government. The combination of a presidential system with a multi-party system is difficult to implement because whoever the president is elected will be encountered with a certain condition that it is impossible to support him in parliament without forming a coalition. In order to respond the problem in strengthening the presidential system in Indonesia, the author offers a majority general election system or district system (first Past the Post) as an effort to create an effective and responsible government. This is a legal study which used two approaches, namely statutory approach and conceptual approach. Based on the results of study, it can be concluded that the majority system was more appropriate for creating an effective and responsible government because it could encourage the simplification of political parties and the responsibilities of people's representatives to the voters in each district.

**Commented [A2]:** abstract in brief

**Keywords:** Election; District; Presidential System.

### Introduction

The regulation of general elections in Indonesia is dynamic, there were changes towards the implementing rule prior the general election. This aims to improve the quality in the implementation of democracy. However, there were problems related to the process and results of the general election, including: First, a democratic system that glorifies people's sovereignty does not always generate people's representatives who act in accordance with people's aspirations. Second, governance tends to be unstable and more preoccupied with power agendas. Third, the execution of democracy is not directly proportional to the improvement of people's welfare. The system and the implementation of general election are the main mechanisms of democracy, so it is reasonable if the general election as an aspect

that needs to be evaluated gradually and continuously.<sup>1</sup> General elections should not only be a periodic ritual and formality event for certain authority to ruling continuously while the people who should be sovereign are only as audiences.<sup>2</sup> Elections are an integral part of democracies and key component of democracy. Elections allow citizens to choose their leaders.<sup>3</sup> Elections are designed to select by whom, and how, citizens are governed and so facilitate smooth transitions between leaders.<sup>4</sup> Legitimacy of a democracy depends on those on who lose elections accepting the legitimacy of the result.<sup>5</sup> Holding an election that is considered free and fair requires addressing a number of factors.<sup>6</sup>

Legislative electoral systems can be classified into three main families – majoritarian, proportional, and mixed – based on their electoral formula.<sup>7</sup> A general argument in the literature on electoral systems is that compared to majoritarian systems, proportional representation systems benefit underrepresented groups.<sup>8</sup> Since the first general election was held in 1955 until 2019 in Indonesia, it has used a proportional general election system with various variants of system. The proportional system is still considered the most suitable for Indonesian conditions, although in practice this system also raises several unresolved problems. These problems are related to the quality and accountability of legislative members. Generally, it can be understood that a proportional system combined with a multiparty system will result in a minority party in parliament. The distribution of the seats' number in parliament cause difficulties for a majority power to support policies of the elected President.<sup>9</sup>

<sup>1</sup> Janedri M. Gaffar, *Politik Hukum Pemilu* (Konpress 2012). [69].

<sup>2</sup> Fritz Edward Siregar, *Menuju Peradilan Pemilu* (Themis Publishing 2019). [2].

<sup>3</sup> Sankar Mukhopadhyay, Elections have (health) consequences: Depression, anxiety, and the 2020 presidential election, *Economics and Human Biology*, (2022) 47. [101191].

<sup>4</sup> Antoine Cazals, Florian L'eon, Perception of political instability in election periods: Evidence from African firms, *Journal of Comparative Economics*, <https://doi.org/10.1016/j.jce.2022.09.003>

<sup>5</sup> Cassidy Reller, Anthony Anderson, Thad Kousser, Are elite cues necessary to drive the "Winner Effect" on trust in elections? *Electoral Studies*, (2022) 80. [102541].

<sup>6</sup> Richard W. Frank, \* and Ferran Martínez i Coma, How election dynamics shape perceptions of electoral integrity, *Electoral Studies*, (2017) 48. [153-165].

<sup>7</sup> Nils-Christian Bormann and Matt Golder, Democratic Electoral Systems around the world, 1946–2020, *Electoral Studies*, (2022) 78, August.

<sup>8</sup> Kostanca Dhima, Sona N. Golder, Laura B. Stephenson, and Karine Van der Straeten, Permissive electoral systems and descriptive representation, *Electoral Studies*, (2021) 73. [102381].

<sup>9</sup> Moch. Nurhasim, *Fisibilitas Sistem Pemilu Campuran: Upaya Memperkuat Sistem Presidensial Di Indonesia* (Lembaga Ilmu Pengetahuan Indonesia 2014). [150].

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**Table**  
**General Election System in Indonesia**  
**(1955- 2019)<sup>10</sup>**

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Category	Legal Basis	Party	Number of Political Parties	Electoral System
1955	UU 7/1953	Multi party	29 political parties	Proportional System
1971	UU 15/1969	Multi party	10 political parties	Proportional system with list system
1977	UU 4/1975	Simple multi party	3 political parties	Proportional system with list system
1982	UU 2/1980	Simple multi party	3 political parties	Proportional system with list system
1987	UU 1/1985	Simple multi party	3 political parties	Proportional system with list system
1992	UU 1/1985	Simple multi party	3 political parties	Proportional system with list system
1997	UU 1/1985	Simple multi party	3 political parties	Proportional system with list system
1999	UU 3/1999	Multi party	48 political parties	Proportional system with list system
2004	UU 12/2003	Multi party	24 political parties	Open proportional system
2009	UU 10/2008 and UU 42/2008	Multi party	38 political parties	Open proportional system
2014	UU 8/2012 dan UU 15/2011	Multi party	12 political parties	Open proportional system
2019	UU 7/2017	Multi party	16 political parties & 4 local parties	Open proportional system

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All this time, the implementation of proportional system in general elections in Indonesia is considered has several advantages related to a high level of representation, no votes are wasted in the implementation of vote counting, and provide opportunities for all groups of society, especially the minority groups to send their representatives in parliament.

The idea of implementing a majority (district) election system in which “the winner takes all” is theoretically believed to lead to the formation of simple political parties. This

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<sup>10</sup> Mohammad Syaiful Aris, 'Penataan Sistem Pemilihan Umum Yang Berkeadilan Untuk Penguatan Sistem Presidensial Di Indonesia' (2018) 33 Yuridika Fakultas Hukum Universitas Airlangga.

system has a chance to increase the accountability of elected representatives. On the other side, it is worried if the majoritarian/plurality (district) system is implemented in Indonesia, it has potential to reduce the level of representation of community groups because conditions in Indonesia are highly heterogeneous, especially the representation of minority groups.

The presidential system in Indonesia is related to the condition of party system that adheres to a multi-party system which tends to encourage problems in government administration. The problem related to the relationship between presidential government systems and multi-party systems, some scientists consider that the two concepts between presidential systems are not compatible with multi-party systems because their natures are contradictory. Juan Linz presumed that the parliamentary system of government is more stable than the presidential system of government in terms of parliamentary support for the executive: "Indeed, the vast majority of the stable democracies in the world today are parliamentary regimes, where executive power is generated by legislative majorities and depends on such majorities for survival."<sup>11</sup>

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In general, the concept of a presidential government system has contradiction issue if it is to be juxtaposed with democracy, especially the position opposing each other between the President as the head of executive and the parliament or legislature. This conflicting position causes difficulties in establishing a democratic system in their relations. Mainwaring & Shugart explained the potential competence between the executive and the legislature because each of them believe that they have a claim to legitimacy that comes directly from people. It will arise serious problems when both are legitimate as people's representative institutions have different policies and could not be reconciled: "In presidential systems, the president and assembly have competing claims to legitimacy. Both powers are popularly elected, and the origin and survival of each is independent from those the president pursues, a dramatic conflict between the assembly and the executive can erupt."<sup>12</sup>

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Regarding the multi-party system, the presidential government system has disadvantage, namely the possibility of emergence a minority president, namely a president who is not supported by a parliamentary majority, even though the President has a strong mandate from the people, but with a minority position, the government's agenda carried out by the president can be hampered by the parliament or the legislature so that a governing coalition is needed. Jose Antonio Cheibub explained the difficulty of combining a

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<sup>11</sup> Juan J. Linz, 'The Perils of Presidentialism' *Journal of Democracy* (1990) 1, [51].

<sup>12</sup> Scott Mainwaring and Matthew Sugart, 'Juan Linz, Presidentialism and Democracy: A Critical Appraisal' (1993) 200.[2].

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presidential system with a multi-party system in terms of obstacles to building coalitions. In order to ensure the stability of the presidential system, it is necessary to obtain a majority vote in parliament for the political parties supporting the President. It is proved that political competition under the party system is impossible and the President-elect was forced to form a coalition.<sup>13</sup> Based on this explanation, it is important to note that the combination of a presidential government system with a multi-party system is difficult to implement because whoever the president is elected will encounter with certain condition, in which it is impossible to have a majority support in parliament without coalition.

### **Strengthening the Indonesian Presidential System**

The party system in a presidential system is an interesting issue because the members of legislature and president are directly elected by people. If majority of legislature members determine political options which contrary with president, the presidential system is often trapped in a divided government between the legislative and executive powers.<sup>14</sup> The president also needs a coalition if the party which supporting the president is not the majority party in the representative institution. This effort is needed for president to obtain support from the majority of legislature.<sup>15</sup>

The desire to strengthen the presidential system is reflected in the amendment to the Political Party Law. The General Elucidation of Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties emphasizes, to strengthen and create an effective presidential system, there are at least four things that need to be carried out, namely: first, to condition the formation of a simple multiparty system, second, encourage the creation of democratic and accountable party institutionalization, third, condition the formation of democratic and accountable party leadership, and fourth encourage strengthening the base and structure of parties at the community level. The idea to encourage a simple multi-party system by conducting changes in the rules of political parties have not been fully realized because there are still many new parties standing up

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<sup>13</sup> Jose Antonio Cheibub, *Presidential, Parliamentarism and Democracy* (Cambridge University Press 2007).[8-9].

<sup>14</sup> Mustafa Lutfi and M. Iwan Satriawan., *Risalah Hukum Partai Politik Di Indonesia* (UB Press 2016).[47].

<sup>15</sup> Khairul Fahmi, *Pemilihan Umum Dalam Transisi Demokrasi: Kompilasi Catatan Atas Dinamika Pemilu Dan Pilkada Di Era Reformasi* (Rajawali Pers 2016).[1].

before the general election and there is a possibility for these new parties to contest and get seats in parliament.

During this time, simplification in political parties which has not been implemented using changes in the general election system, the proportional general election system in theory tends to encourage the emergence of multi parties because the choice of the general election system is closely related to the development of political parties in a country, as mentioned by Arend Lijphart:

*The comparative study of democracies has shown that the type of electoral system is significantly related to the development of a country's party system. Countries that use the plurality method of election are likely to have two-party systems, one-party governments, and executives that are dominant in relation to their legislature.*<sup>16</sup>

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Submission of Presidential Candidates and Vice-Presidential Candidates are only possible conducted by a party or a combination of parties. Moreover, in the Law that regulates issue related to election of the President and Vice President, in nationally a minimum limit is set for the acquisition of seats in the DPR to nominate a Presidential Candidate and a Vice Presidential Candidate. In addition, parties are considered as political machines that can provide in mobilizing support so that every Presidential Candidates and Vice-Presidential Candidates believe that support from party coalitions are needed not only to win the presidential and vice presidential election rounds, but also in the administration of government. However, behind the simplicity of building coalitions, there is also the potential for disunity and coalition change by the movement of parties from one pole of the coalition parties to another. The distribution of votes is relative equal in a multi-party system causes the effectiveness of the number of parties increase with a relatively strong autonomy, so that the movement of one party can change the coalition map.

Does this affect to the strengthening of the presidential system in Indonesia? The stability of government in a presidential system can be observed from two perspectives, namely the stability of the term of office and the stability of the policy. Observing the structuring of the Government system after the amendment to the 1945 Constitution, in several ways trying to carry out presidential purification through the direct election of the President and Vice President, as well as a permanent term of office, except in the event of impeachment due to violation of the law as regulated in Article 7A of the 1945 Constitution. This has implications on the level of independence of the President in dealing with the DPR.

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<sup>16</sup> Arend Lijphart, 'Constitutional Choices For New Democracies' (1991) *Journal of Democracy* 2.[72-84].

Based on this, reviewed from the stability of the term of office, constitutionally it is shown that the stability of the Government is much more stable, than before the amendment to the 1945 Constitution, without being affected by any type of party system.<sup>17</sup>

The stability of government is different when observed from policy stability perspective, because after the amendment of the 1945 Constitution Article 20A paragraph (1) the DPR has a legislative function, a budget function, and a supervisory function that can have an impact on the implementation of executive power by the President. Based on the functions mentioned in paragraph (2), the DPR has the right of interpellation, the right of inquiry, and the right to express an opinion.<sup>18</sup>

Provisions in the Constitution as well as in laws that require the approval or consideration from the DPR, concerning the execution of authority by the President. Such as legislative power as referred to in Article 20 paragraph (2) which requires joint discussion of each draft law for mutual approval. Then, Article 22, concerning matters of compelling urgency, gives the President the right to stipulate a Government Regulation in Lieu of Law which in paragraph (2) requires the approval of the DPR at the next trial. Other things that require DPR approval are declarations of war, making peace, and agreements with other countries as regulated in Article 11 of the 1945 Constitution. In addition, various Laws for Filling Strategic Positions require DPR approval such as filling in the position of Governor of Bank Indonesia, appointment of Head of State Indonesian National Police, appointment of TNI Commander and several other positions. In addition, there are several powers of the President that need to consider the DPR, such as the matter of appointing ambassadors as regulated in Article 13 of the 1945 Constitution.<sup>19</sup>

The implementation of government is based on various laws and regulations which stipulate that laws are made with the mutual consent of the DPR and the President (Article 20 paragraph (2) of the 1945 Constitution). The series of constructions in the pattern of authority relations between the DPR and the President after the amendment to the 1945 Constitution shows that the stability of Government, especially policy stability is determined by harmonious relationship between the DPR and the President, which is built from a congeniality of desire between both. It is unavoidable that in order to achieve congeniality of

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<sup>17</sup> Mohammad Syaiful Aris, *Pemilu Dan Sistem Presidensiil Indonesia: Konsep Dan Desain Pemilihan Umum Alternatif Untuk Penguatan Sistem Presidensiil* (Setara Pers 2022).[48].

<sup>18</sup> *ibid.*

<sup>19</sup> *ibid.*[48-49].

desire between the President and the DPR in the midst of a multi-party system, a coalition becomes a necessity for a President to gain support from the DPR to expedite various Government policies. If this coalition fails, the Government has the potential to become deadlocked and has a high risk of disrupting the stability of the Government, especially policy stability.<sup>20</sup>

### **Opportunities for Using a Non-Proportional System in Legislative Elections**

According to Harun Husein, the general election needs to pay attention on five missions of the general election, namely first, to increase the degree of representation (proportionality); secondly strengthening representative institutions while realizing a simple multiparty system, third strengthening the presidential system, fourth increasing political participation, fifth increasing women's representation.<sup>21</sup> So far, the relationship between the people's representatives and people they represent can be said to be a pseudo-relationship because it is only carried out at the time of the general election. So, it is undeniable to say that before being elected as a member of the council, candidates for legislative members actively visit the community. After being elected to the council, most of those who came were public.<sup>22</sup> To realize a qualified general elections, namely elections that are more democratic, honest and fair, which can generate people's representatives who are willing to work hard, by prioritizing the interests of people over personal and group interests, it is not enough just to improve the functions of planning, implementing, supervision and evaluation as well as improving the professionalism and quality of general election organizers, but must improve the general election system, so as to provide opportunities for the public to use their right to vote directly, publicly, freely and confidentially.<sup>23</sup>

Broadly speaking, the general election system is divided into two systems, namely the proportional system and the plurality-majority (district) system. The proportional system is often also called the multi-member constituency system, while the district system is called the single-member constituency system. In a plurality-majority system (district), one small area (election district) elects one representative based on plurality. Whereas in a proportional system, one large region elects several representatives whose number is determined based on

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<sup>20</sup> Firdaus, *Constitutional Engineering* (Yrama Widya 2015).[389-391].

<sup>21</sup> Harun Husein, *Pemilu Indonesia: Fakta, Angka, Analisis Dan Studi Banding* (Perludem 2014).[408].

<sup>22</sup> Lucky Sandra Amalia, *Evaluasi Pemilu Legislatif 2014: Analisis, Proses Dan Hasil* (Pustaka Pelajar 2016).[11].

<sup>23</sup> Rozali Abdullah, *Mewujudkan Pemilu Yang Berkualitas (Pemilu Legislatif)* (Rajawali Pers 2009).[147].

consideration of the population. Between both of these systems there is a mixed general election system that combines the proportional system and the majority system (district). This system also allows to be used as an alternative to the general election system in Indonesia.

This majoritarian formula in Indonesia is known as the district system. Some of the terms commonly used to describe this system are the plurality-majority system, single-member constituency, the first past the post. It is called as a plurality-majority system because a plurality-majority formula is usually used to determine the winner in this system. It is called a single-member constituency because each district only has one representative in the people's representative institution. While others are called it as the first past the post because the candidate who has the most votes is entitled to represent his area or district in a people's representative.<sup>24</sup>

Two main characteristics distinguish the plurality-majority (district) system from other systems; First, in a plurality-majority system, elections are directly linked to the existence of an electoral district. These electoral districts are known as "districts" although the separation of a district is not always based on the separation of administrative areas. An electoral district is an area whose borders are drawn in such a way that in accordance with general election, one of the conditions that must be fulfill is the number of voters who domicile is proportional to the number in other districts. Therefore, it is often found that an electoral district includes one or more administrative districts. In general, it is also not a problem if parts of the same administrative area are combined with other administrative regions into one district. The second main feature is the main focus of elections in a plurality-majority system is not political organizations, but individuals who represent or are nominated by that organization in a district. Person who may be nominated by parties in a district are politicians who are domiciled in that district. In other words, party members who are not domiciled in the district may not represent the people in that district.<sup>25</sup>

The plurality-majority (district) system requires a relatively familiar situation between the voters and their elected representatives. In fact, voters often know not only their choices

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<sup>24</sup> Muhammd Asfar, 'Distrik Prefensial: Alternatif Sistem Pemilu Di Masa Depan' (2003) *Jurnal PSPK Penguatan Kendali Rakyat* 5.[40].

<sup>25</sup> Nazaruddin Syamsuddin, 'Sistem-Sistem Pemilihan Umum Suatu Himpunan Pemikiran: Makna Sistem Distrik Dan Perwakilan'. In Abdul Bari Azed (ed), 'Sistem-Sistem Pemilihan Umum: Suatu Himpunan Pemikiran' (Fakultas Hukum Universitas Indonesia 2000).[48].

but also their families. The existence of close ties between voters and the people they choose makes it easier for the people to express their aspirations and demand accountability from their representatives in the future. In addition, by knowing the candidate they choose, the mass of voters can directly determine the quality and integrity of the candidate they choose. In the district system, it is difficult for political organizations to hide the condition of their candidates from people, because voters will choose a candidate that they believe is good and trustworthy.

The implementation of the plurality-majority (district) system can be carried out properly. According to Nazaruddin Syamsudin, it is needed a community condition that allows the operation of system. This condition is related to people who have reached a certain stage of maturity. The level of maturity in this community can be determined by using two measurements. First, the level of rationality, determines the people's ability to determine choices against candidates who compete with each other to get votes in their district. With a high level of rationality, the public can choose among the party programs offered by each candidate. Second, the level of political awareness. Voters who have a high level of political awareness will be able to choose ideological bond from the program proposed to them. In other words, candidates are chosen not because has similar ideology but because of the programs they offer, also with high political awareness the public can judge the behavior of the party represented by a candidate. Despite these conditions, the operationalization of the plurality-majority (district) system is highly dependent on the political life of the community, which is similar with other electoral systems, the implementation of the district system is also very dependent on how democracy is implemented.<sup>26</sup>In general, democracy places people in a high priority in the state administration system, although at the level of implementation there are differences in its execution.<sup>27</sup>

One of the weaknesses that have always been debated in the plurality-majority (district) system is a lack of attention to the balance of representation based on category. Since there is an assumption that the priority in the district system is that after being elected and sitting in a representative institution, the members of the elected party have become "people's representatives" not representatives of a group or party anymore. This is indeed one of the factors that often called by experts to as the advantages of the proportional system

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<sup>26</sup> Nazaruddin Syamsuddin (n 19).[49].

<sup>27</sup> Mohammad Syaiful Aris, *Hukum Pemilu: Filosofi Dan Prinsip Pemilihan Umum Dalam UUD NRI 1945* (Setara Pers 2021).[3].



over the district system. However, this assumption actually reflects the neglect of the meaning of representation, which comes from the difference in point of view, namely between qualitative and quantitative points of view. Theoretically, the quantitative point of view always emphasizes the number of votes or representatives obtained. This point of view can be related to the vision of the political elite which tends to focus on the "balance" or more precisely the "gain" of political power in elections. This view is based on the presence of unrepresented or "lost" votes in the district system, because party candidates do not get seats in representative institutions.<sup>28</sup>

On the other aspect, a qualitative point of view looks at the problem from a non-elite point of view, the emphasis is not on who gets the seats and not on the number of votes that are wasted because they are not counted. What is important to the voting community is not the group of candidates competing for votes, but what the candidates and their parties do after taking control of the seats in the representative institutions. This 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 the ability to represent them and the morality of the candidates, in other words, only candidates who are willing and able to convey the aspirations of the people who will get the attention of the voters. Qualitative understanding relies more on the meaning of representation. This understanding does not focus on who the people's representatives are but more importantly what the quality of their representatives is. People's representatives who are apparently unable to convey the aspirations of the voters, or break the promises they have made during the campaign, will be punished by the voting community in the next general election. Thus, in a plurality-majority (district) system, candidates cannot arbitrarily sell promises, because their reputation will be at stake in the next election.<sup>29</sup>

One thing that almost forgotten is the implementation of the plurality-majority (district) system can actually boost the appearance of representative institutions which have had a negative image in society because this system has the potential to increase the role of the legislature in the state administration system. There are at least 2 (two) factors driving the improvement of the quality of parliamentarians with this system. First, the district system tends to tighten the selection of people's representatives because the quality of the candidates

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<sup>28</sup> *ibid.*[50].

<sup>29</sup> *ibid.*[51].

will determine whether or not the public will be elected. This tight selection causes competition among representatives from the same district to be fierce. For legislators, the capital needed to pass the selection process is how they appear in the representative institutions after the general election is over. Individually, each member of the institution must prove themselves that they deserve to be elected in the previous election. Then they also need to convince the electorate that they still deserve to be re-elected. Because, it is only the best representatives who have the potential to be elected in the next election. If the district of a political party perceives that it does not have qualified candidates, then the political party will try to recruit new candidates who are better than the previous candidates.<sup>30</sup>

Second, the plurality-majority (district) system implies that people's representatives must be accountable to the electorate in their electoral district. Therefore, they will always feel that they are constantly being noticed by their electorate, so they must do more for their district. Due to a feeling of continuously noticed by people, the representative institutions will also be more accountable to the people. Thus indirectly, the people's representative council will be more functional, so their role in the government system and society will have more impact.<sup>31</sup>

The plurality-majority (district) system still demands the active role of political parties as other systems. In this system, political parties still have a high and decisive role towards the performance of their candidates in the electoral districts. This role is delivered through party programs and the determination of candidates for each district. Political parties as program organizer that will be struggled in the general election and their programs must be able to attract voters in each district. Legislative candidates must follow the programs arranged by political parties. Legislative candidates who violate political party program policies may be subject to sanctions related to the determination of candidates to be placed by parties in a district.<sup>32</sup>

Even though in a plurality-majority system, individual characteristics could appear with steadily in the district, the influence of political parties on the candidates remains high, but this does not mean that parties can determine the fate of their representatives sitting in representative institutions at will. Political parties must respect the ties that exist between their members and the electorate in their respective districts. It is important that members

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<sup>30</sup> *ibid.*[51-52].

<sup>31</sup> *ibid.*[52].

<sup>32</sup> Nazaruddin Syamsuddin (n 19). In Abdul Bari Azed (ed) (n 19).

who are popular in their district are very valuable assets for political parties. In addition to this, the application of a plurality-majority system also provides benefits to political organizations. First, political parties can see in real the quality of competitors in a district. In the district system, all candidates or representatives are generally fixed and cannot be moved, because their electoral districts depend on their respective domiciles. Thus, who will compete for seats and where, the competing parties will already know in advance so that they can formulate strategies in advance.<sup>33</sup>

Second, the district system can improve the quality of political organization. The one-on-one competition that is known in the district, causes political parties to apply strict selection of their candidates. Candidates who are assigned in each district must be superior candidates, who are expected to be able to compete with other candidates. To face tough competition, parties must show quality factors in their recruitment process. Positively, this encourages the emergence of a cadre system within political parties to produce future leader candidates.<sup>34</sup>

One of the challenges in implementing a plurality-majority system is unpreparedness political party administrators to use this system, which caused by the general election tradition that has developed so far. Our electoral tradition does not prepare political organizations to anticipate changes in society. Furthermore, it has placed too much emphasis on the role of "national" figures, which in general, these national figures are not come from the source of supports in the regions. The process of cadre in political parties is important in a majority plurality system because political parties must be able to create enough and evenly distributed cadre of candidate leaders to prevent over-representation in certain areas and under-representation in other places.<sup>35</sup>

Some people presume that the plurality-majority (district) general election system could disrupt national stability because of the potential for conflict or even disintegration. The author observes from another point of view that the plurality-majority (district) system will result in a close relationship between the people's representatives and their voters, on the other hand it encourages a high sense of responsibility for members of representative institutions to the people. The close relationship between voters and the people they choose,

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<sup>33</sup> Abdul Bari Azed (ed) (n 19).

<sup>34</sup> *ibid.*

<sup>35</sup> *ibid.*[56-57].

allows early detection of problems that arise in voters, enabling them to try to discuss issues responsibly as well. These actions could open the possibility for problem solving, so that it does not appear as a threat to national stability.<sup>36</sup>

It is realized that there is no one perfect and truly representative general election system, the proportional system is generally seen as more guaranteeing the existence of small parties and ensuring that all votes are not wasted. The weakness is a poor relationship between people and their representatives, because people do not know them. This system tends to shift the principle of people's sovereignty to become party sovereignty, the party that determines the candidate and the party has the right to recall him at any time, members of the DPR are more impressed as party representatives than people's representatives.<sup>37</sup> On the other hand, in a plurality-majority (district) system, in general, there is a tendency to favor big parties, because what prevails in the election is a simple majority where the one who gets the most votes wins. So in this system there are people's voices that are lost and wasted, but the strength of this system is that the relationship between the people and their representatives becomes closer, because they directly choose who becomes the candidate and the people continuously control their representatives to voice their aspirations. The party can no longer arbitrarily recall its representatives. So in terms of the ability to implement the principle of people's sovereignty, the plurality-majority (district) system is clearly more capable than the proportional system in realizing the will of the people. This system is also more capable of creating an effective and accountable government because it will encourage the simplification of political parties and the responsibility of the people's representatives to the voters in each district. The argument that is always raised for the main rejection of why the plurality-majority (district) system is not suitable for Indonesia is that the level of education and political awareness of the community is still considered low. However, this reason is not always true, as stated by Syed Ahmad Hussein, professor of Political Science at the University Sains Malaysia as quoted by Yusril Ihza Mahendra that: "the level of education and political awareness of the people does not have correlation with the electoral system that has been chosen."<sup>38</sup>

One of the missions from the general election is simplicity and not complicated. Elections can be carried out by voters in general without difficulty.<sup>39</sup> This plurality-majority

<sup>36</sup> *ibid.*[56].

<sup>37</sup> Yusril Ihza Mahendra, 'Sistem-Sistem Pemilihan Umum Suatu Himpunan Pemikiran; Pemilu Sistem Distrik: Pengalaman Malaysia'. In Abdul Bari Azed (n 19).[65].

<sup>38</sup> Abdul Bari Azed (n 19).[66].

<sup>39</sup> Pipit R. Kartawidjaja, *Catatan Atas Pemilu Legislatif 2004 (Inside 2004)*.[81].

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(district) system is a simple system for voters because it only elects one candidate for legislative member in each electoral district. However, based on regional jurisprudence and resolutions of the United Nations General Assembly, it is realized that no single electoral system or method is one hundred percent suitable for all nations and peoples. The selected system must provide wide opportunities for people to express their aspiration through genuine and periodic general elections, which are carried out on the basis of fair suffrage and ensure the secrecy of voting.<sup>40</sup> The choice of the electoral formula also depends on the political arrangement that want to be achieved. If the legitimacy of the people's representatives is high and the accountability of the people's representatives to the constituents becomes the desired arrangement, then the majority election formula should be used as long as the desired party system is a simple pluralism party system.<sup>41</sup>

### Indonesian Alternative Election System Design

Indonesia does not have stable election regulations. Both in terms of the electoral system (electoral laws), as well as from the aspect of the electoral process. The general election in the new order from 1977-1997 used a proportional general election system with a variant of a binding candidate list, and political parties played a major role in determining the names of candidates and elected candidates. The 1999 general election, which was a post-New Order general election, used a proportional election system with a closed list variant. Starting from the 2004 general election, the proportional election system was used with an open list of candidates variants.<sup>42</sup>

The presidential government system will be effective and stable if it is in combination with the type of majority democracy, because this method could help the president to execute his policies because it is supported by the majority party in parliament. The presidential government system will not be effective when combined with a proportional election system with an opened list variant.<sup>43</sup>

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<sup>40</sup> Guy S. Goodwin-Gill, 'Pemilu Jurdil: Pengalaman Dan Standar Internasional' (PIRAC and The Asia Foundation 1999).[34-35].

<sup>41</sup> Ramlan Surbakti, *Perekayasa Sistem Pemilihan Umum: Untuk Pembangunan Tata Politik Demokratis* (Kemitraan 2008).[23].

<sup>42</sup> Agus Riwanto, *Hukum Partai Politik Dan Hukum Pemilu Di Indonesia* (Thafa Media 2016).[3].

<sup>43</sup> Agus Riwanto, *Desain Sistem Pemerintahan Anti Korupsi: Konsep Pencegahan Korupsi Politik Dalam Sistem Pemerintahan, Partai Politik Dan Pemilu* (Setara Press 2018).[65].

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The legislative general election system in the 1945 Constitution of the Republic of Indonesia is not regulated in detail as the election of the President and Vice President, thus it is completely an open legal policy from the legislators. The author is of the view that the proportional general election system so far has not been able to strengthen the presidential system in Indonesia, so it is necessary to use a general election system that can encourage the formation of a majority party in parliament, encourage simplification of the number of political parties in Indonesia and increase the accountability of people's representatives.

The Research Team for the General Election System from the Indonesian Institute of Sciences (LIPI) in 1998 stated that a district system that was refined and adapted to the objective conditions of the Indonesian people remained an ideal choice. Especially if the general election is related to the geographical condition of Indonesia as an archipelagic country, the requirement for empowerment the DPR/MPR and political accountability disclosure, the requirement for equity and the development deployment. Relating the application of the district system, Titik Triwulan Tutik argued that, if the district system had been implemented in the 1955 general election, it would most likely create a reliable government that capable to governing effectively and the fragmentation of political power in the DPR would be reduced.<sup>44</sup>

Based on this reason, the author described the mechanism in implementing the plurality-majority (district) general election system in Indonesia using the apparatus or elements of the general election system from Dieter Nohlen as quoted by Pipit R and M Faishal.<sup>45</sup>The elements of general election system that will be implemented consist of five main parts, namely: Distribution of electoral districts, types of the contestant's nomination, voting steps, counting steps and general election organizers.

First, the separation of electoral districts. Electoral districts or abbreviated as electoral districts is a government administration area or a combination of government administration areas or part of a government administration area that created as a regional/area unit based on population to determine seat allocation as the basis for nominating candidates and determining the elected candidates for members of the DPR. Provincial DPRD and District/City DPRD.<sup>46</sup> Thus, the size of the electoral district is based on the number of

<sup>44</sup> Titik Triwulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945* (3, Kencana 2015).[363].

<sup>45</sup> Pipit R. Kartawidjaja and dan M. Faishal Aminuddin., *Demokrasi Electoral (Bagian I) Perbandingan Sistem Dan Metode Dalam Kepartaian Dan Pemilu* (Sindikasi Indonesia 2014).[119].

<sup>46</sup> Gotfridus Goris Seran, *Kamus Pemilu Populer: Kosa Kata Umum, Pengalaman Indonesia Dan Negara Lain* (Graha Ilmu 2013).[157].

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members of the representative institutions will be elected in one electoral district or in other words the size of the electoral district is the number of seat allocations in one electoral district.<sup>47</sup>

The method of determining electoral districts can be done in several ways, namely: based on administrative boundaries, population or the mixture of them. There are 3 principles underlying the allocation of seats to an electoral district, namely: (1) The principle of equality of representation between citizens, namely the allocation of seats to an electoral district is determined based on the principle of equality of representation among citizens, one person-one vote-one value (one person). -one vote-one value); (2) The principle of equality between regions/areas, the allocation of seats to electoral districts is determined based on the principle of equality of representation between regions/areas. Each region/area gets the same seat allocation, regardless of the population; (3) The mixed principle (equality between citizens and between regions) is a combination or mixture of these two principles, namely the allocation of seats by taking into account both equality of representation among citizens and equality of representation (or balance) between regions/areas.<sup>48</sup>

Afterwards, to determine the size or weight of an electoral district, namely the number of seats/mandates provided for one electoral district, not the area of a region as a determinant. The size/weight of the electoral districts is divided into two types, namely homogeneous (equivalent, equal) and heterogeneous (different, diverse). In homogeneous quantities, the similarity in the quantities/weight of the electoral districts in one country is divided into electoral districts with the same distribution of seats. Meanwhile, the quantities model uses a heterogeneous model to apply the quantities or weight inequality of electoral districts in one country.<sup>49</sup> The number of seats in the electoral district can be determined by the number of uninominal (singular) or plurinomial (plural). If using uninominal, there is only one seat contested in one electoral district. Meanwhile, if using plurinomial (plural), there is more than one seat, then decide whether to use a small, medium or large electoral district.

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<sup>47</sup> Pipit R. Kartawidjaja, *Alokasi Kursi: Kadar Keterwakilan Penduduk Dan Pemilih* (ELSAM 2003).[19].

<sup>48</sup> Achmad Baidowi, *Di Balik Penyusunan UU Pemilu: Proses Negosiasi Dan Konfigurasi Antar Fraksi* (SUKA-Press 2018).[80].

<sup>49</sup> Pipit R. Kartawidjaja dan Mulyana W. Kusumah, *Sistem Pemilu Dalam Konstitusi* (KIPP Eropa 2002). [162].

Second, the type of contestants nomination, the nomination of people's representatives is a submission and self-presentation to enter the general election arena after fulfilling all the requirements. Nomination concerns the relationship between the voters and the people's representatives and the relationship between the people's representatives and the parties which participate in the general election. The type of nomination is divided into three models, namely Closed/Fixed List system, Open List system and Free List system. First, the Closed/Fixed List System is characterized by the fact that voters only need to vote for one party. The composition of legislative candidates in the list system cannot be changed and creates dependence between the people's representatives and political parties because political parties determine the planning of candidacy. Second, the Open List Stelsel has the character that voters are welcome to vote for candidates who are deemed worthy to represent a political party. Political parties participating in the general election only propose the names of legislative candidates from their parties. Third, the Free List Stelsel stipulates that voters can vote for more than one representative of the people. One list contains sequential names of various political parties and voters write a list of these names based on their choice.<sup>50</sup>

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Third, the voting technique, there are several models of voting, namely single voting, preference voting, multi-vote voting, limited multi-vote voting, alternative voting, accumulation voting and splitting voting. Fourth, the counting technique, the mechanism for counting votes in general elections is divided into two types, namely majority and proportional. Counting using the majority method, the candidate who gets a relative or simple majority, not an absolute majority is the winner. Meanwhile, there are two main types of counting methods using the proportional mechanism, namely: First, the Quota Method, namely the calculation based on the largest remaining votes (largest remainders). Divisor Number (BP) the quota method is not fixed, depending on the number of residents or voters or the number of votes. Second, the Divisor Method, which is a calculation method based on the highest average. The Divisor Number (BP) is a fixed divisor method that does not depend on the number of residents/voters/votes. Fifth, General election organizers (time/simultaneously), General election administration is related to time, simultaneously and frequency.

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Based on the five devices or elements of the general election system above, the author conveyed the idea of implementing a plurality-majority general election system as follows:

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No	Element/Device	Option	Description
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<sup>50</sup> *ibid.*[155-158].



1	Electoral Division	District	
	a. Scope	State administrative area (district/city) and the number of voters	550 districts: 514 districts/cities + 36 areas with the highest population (highest average) with additional district assignments using the Sainte Lague method
	b. Size/Weight (Number of Seats)	Uninominal (singular)	1 district: 1 seat
2	Contestants' Nomination Type	Open list system	voters able to choose the desired candidate
3	Voting Step	Single voting	one voter gets one vote
4	Counting step	Simple Absolute Majority	a candidate with a simple majority does not have to be an absolute majority (50% +1) elected to the district
5	General Elections	Simultaneous	held simultaneously with the presidential election

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Before conducting the general election, both in the proportional system and in the majority system (better known as the district system) it is necessary to determine the number of seats/mandates in one electoral district. Therefore, the calculation method for determining the acquisition of seats in an electoral district is an interesting matter to observe.<sup>51</sup> The determination of the electoral district is based on the population in the area concerned. In order to obtain a good separation of electoral districts, it is needed to consider the equality of the value of each seat being contested with a fair proportion of the population. An electoral district can be defined as a "competition area" for all general election contestants to gain votes. Thus, it is expected that every people's representative who sits in parliament has an electoral base in which the regional constituents are represented.<sup>52</sup>

Determination in the separation of district according to the author for the application of the plurality-majority general election system that will be applied in Indonesia uses a mixed principle, namely equality between citizens and between regions. The first stage emphasizes the principle of representation between countries or regions because Indonesia is a broad unitary state with a diverse population so that the representation of each state administrative area, namely a district or city, must receive attention. Each district or city gets at least one

<sup>51</sup> Pipit R. Kartawidjaya, *Matematika Pemilu* (Inside 2004).[1].

<sup>52</sup> Pipit R. Kartawidjaya and Sidik Pramono., *Akal-Akalan Daerah Pemilihan* (Perludem 2007).[5].

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representative which is determined through a simple majority calculation, i.e., the candidate who wins from the other candidates does not need to have an absolute majority (50% +1) elected to represent the district. The second [stage needs](#) to pay attention to the principle of equality in representation between citizens, one person-one vote-one value. This principle is realized by considering the representation of vote holders in each district so that districts or cities with a large number of voters can be divided into several electoral districts.

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The election in Indonesia is divided into several electoral districts according to the number of seats that are assigned to the parliament. The determination of electoral district boundaries should ideally be based on the number of residents, in addition to fulfilling the one man one vote principle. If the determination of district boundaries based on population is deemed unfair for residents with a small population, it can be based on administrative areas, thus all districts/cities are allotted one electoral district. Districts/cities with a large population are calculated to obtain additional allocations for electoral districts in accordance with the proportion of excess population and available remaining seats. Districts/Cities that receive more than one district are divided into several electoral districts according to the quotas obtained by considering the administrative area (sub-districts) and the population in each sub-district to determine district boundaries.<sup>53</sup>

Determination of the number of seats in the parliament (DPR RI) becomes a determinant in the distribution of the number of districts in Indonesia and the author offered the weight or amount of the number of seats in each district using a uninominal (single) model, in which each district only chose one representative by considering the simplification of the election process, especially at the voting and vote counting stage. The author determined the limit on the number of seats in the DPR RI, namely 550 seats so that in Indonesia there was 550 electoral districts, this number was still open to be added or reduced depending on the consideration of the need for representation in parliament. The determination of the 550 districts was divided based on the representation of the administrative area and the representation of voters as follows:

Number of seats (District)	Regional representation (District/City)	Voter representation
550	514 Districts/ Cities	36 Districts total voters

<sup>53</sup> Muhammad Asfar, 'Model-Model Sistem Pemilihan Di Indonesia, Pusat Studi Demokrasi [and HAM](#) Bekerjasama Dengan Partnership for Governance Reform In Indonesia' (2002).[186-187].

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In the determination of regional representation, it is regulated that each district or city is represented at least by one people's representative so that the district or city is determined to be one electoral district. For the addition of electoral districts, the authors determined 36 seats in the district/city area that has the highest number of voters in Indonesia. Determination of additions based on the order of total voters in each district/city. The mechanism was the total voters in all districts/cities was registered and sorted, then determined using the divisor method, namely the calculation method based on the highest average number. In this determination, the author adopted the method of determining additional districts using the Sainte Lague model of seat division, namely the number of voters in the district/city divided by the divisor number (BP), namely 1, 3, 5, and so on, then filtered the highest number of 36 districts/cities to get additional districts in the general election.

### Conclusion

The presidential government system in Indonesia needs to be strengthened by encouraging the formation of majority democracy through changes in general election system from an open proportional electoral system to a plurality-majority (district) general election system to facilitate the president to implement policies with support from majority party in parliament.

The implementation of the plurality-majority (district) system could be started from the action of DPR and the Government in determining the number of seats in the DPR RI as the basis for determining the number of districts. The author proposes 550 electoral districts, and this number is still open to be increased or decreased according to the need of representation in parliament.

Each district and city is represented by at least one representative as an electoral district. Therefore, there are 514 districts based on the number of districts and cities. Then added 36 seats from district/city with the highest number of voters in Indonesia. The number of addition is determined by the order of total voters in each district/city (highest average) added to several electoral districts so that the district/city area is divided into several districts.

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**3. BUKTI REVIEW II /  
KONFIRMASI  
REVIEWARTIKEL  
( 8 SEPTEMBER 2022)**



mohammad syaiful aris <syaiful@fh.unair.ac.id>

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## [YDK] New notification from Yuridika

1 message

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**Hilda Yunita Sabrie** <hilda\_sabrie@yahoo.co.id>

Thu, Sep 8, 2022 at 9:11 AM

Reply-To: "Dr. Faizal Kurniawan, S.H., M.H., LL.M." <yuridika@fh.unair.ac.id>

To: Mohammad Syaiful Aris <syaiful@fh.unair.ac.id>

You have a new notification from Yuridika:

You have been added to a discussion titled "Revision Required" regarding the submission "Opportunities and Challenges in the Implementation of Plurality - Majority (District) Electoral System for Strengthening the Indonesian Presidential System".

Link: <https://e-journal.unair.ac.id/YDK/authorDashboard/submission/37604>

Dr. Faizal Kurniawan, S.H., M.H., LL.M.

Regard, Jurnal Yuridika

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<http://e-journal.unair.ac.id/index.php/YDK>

# Opportunities and Challenges in the Implementation of Plurality - Majority (District) Electoral System for Strengthening the Indonesian Presidential System

**Commented [CH1]:** This article is very good, but there must be improvements, including:  
1. Add scientific journals according to the subject of this paper  
2. In the analysis, it is necessary to describe examples of case studies  
3. Closing is still too risky, it needs more elaboration

## Abstract

Presidential government system has its own disadvantages, one of them is the possibility a minority president presence in this system, namely a president who is not supported by a parliamentary majority, even though the President has a strong mandate from public, but with a minority position, the government's agenda which carried out by the president could be hampered by parliament or the legislature, therefore it is needed a coalition government. The combination of a presidential system with a multi-party system is difficult to implement because whoever the president is elected will be encountered with a certain condition that it is impossible to support him in parliament without forming a coalition. In order to respond the problem in strengthening the presidential system in Indonesia, the author offers a majority general election system or district system (first Past the Post) as an effort to create an effective and responsible government. This is a legal study which used two approaches, namely statutory approach and conceptual approach. Based on the results of study, it can be concluded that the majority system was more appropriate for creating an effective and responsible government because it could encourage the simplification of political parties and the responsibilities of people's representatives to the voters in each district.

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**Keywords:** Election; District; Presidential System.

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## Introduction

The regulation of general elections in Indonesia is dynamic, there were changes towards the implementing rule prior the general election. This aims to improve the quality in the implementation of democracy. However, there were problems related to the process and results of the general election, including: First, a democratic system that glorifies people's sovereignty does not always generate people's representatives who act in accordance with people's aspirations. Second, governance tends to be unstable and more preoccupied with power agendas. Third, the execution of democracy is not directly proportional to the improvement of people's welfare. The system and the implementation of general election are the main mechanisms of democracy, so it is reasonable if the general election as an aspect

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that needs to be evaluated gradually and continuously. <sup>1</sup>General elections should not only be a periodic ritual and formality event for certain authority to ruling continuously while the people who should be sovereign are only as audiences. <sup>2</sup>

Since the first general election was held in 1955 until 2019 in Indonesia, it has used a proportional general election system with various variants of system. The proportional system is still considered the most suitable for Indonesian conditions, although in practice this system also raises several unresolved problems. These problems are related to the quality and accountability of legislative members. Generally, it can be understood that a proportional system combined with a multiparty system will result in a minority party in parliament. The distribution of the seats' number in parliament cause difficulties for a majority power to support policies of the elected President. <sup>3</sup>

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**Table**  
**General Election System in Indonesia**  
**(1955- 2019)<sup>4</sup>**

Category	Legal Basis	Party	Number of Political Parties	Electoral System
1955	UU 7/1953	Multi party	29 political parties	Proportional System
1971	UU 15/1969	Multi party	10 political parties	Proportional system with list system
1977	UU 4/1975	Simple multi party	3 political parties	Proportional system with list system
1982	UU 2/1980	Simple multi party	3 political parties	Proportional system with list system
1987	UU 1/1985	Simple multi party	3 political parties	Proportional system with list system
1992	UU 1/1985	Simple multi party	3 political parties	Proportional system with list system
1997	UU 1/1985	Simple multi party	3 political parties	Proportional system with list system
1999	UU 3/1999	multi party	48 political parties	Proportional system with list system
2004	UU 12/2003	multi party	24 political parties	Open proportional system

<sup>1</sup> Janedri M. Gaffar, *Politik Hukum Pemilu* (Konpress 2012).[69].

<sup>2</sup> Fritz Edward Siregar, *Menuju Peradilan Pemilu* (Themis Publishing 2019).[2].

<sup>3</sup> Moch. Nurhasim, *Fisibilitas Sistem Pemilu Campuran: Upaya Memperkuat Sistem Presidensial Di Indonesia* (Lembaga Ilmu Pengetahuan Indonesia 2014).[150].

<sup>4</sup> Mohammad Syaiful Aris, 'Penataan Sistem Pemilihan Umum Yang Berkeadilan Untuk Penguatan Sistem Presidensial Di Indonesia' (2018) 33 *Yuridika* Fakultas Hukum Universitas Airlangga.

2009	UU 10/2008 dan UU 42/2008	multi party	38 political parties	Open system	proportional
2014	UU 8/2012 dan UU 15/2011	multi party	12 political parties	Open system	proportional
2019	UU 7/2017	multi party	16 political parties & 4 Papol lokal	Open system	proportional

All this time, the implementation of proportional system in general elections in Indonesia is considered has several advantages related to a high level of representation, no votes are wasted in the implementation of vote counting, and provide opportunities for all groups of society, especially the minority groups to send their representatives in parliament.

The idea of implementing a majority (district) election system in which "the winner takes all" is theoretically believed could lead to the formation of simple political parties. This system has a chance to increase the accountability of elected representatives. On the other side, it is worried if the majoritarian/plurality (district) system is implemented in Indonesia, it has potential to reduce the level of representation of community groups because conditions in Indonesia are highly heterogeneous, especially the representation of minority groups.

The presidential system in Indonesia is related to the condition of party system that adheres to a multi-party system which tends to encourage problems in government administration. The problem related to the relationship between presidential government systems and multi-party systems, some scientists consider that the two concepts between presidential systems are not compatible with multi-party systems because their natures are contradictory. Juan Linz presumed that the parliamentary system of government is more stable than the presidential system of government in terms of parliamentary support for the executive: "Indeed, the vast majority of the stable democracies in the world today are parliamentary regimes, where executive power is generated by legislative majorities and depends on such majorities for survival".<sup>5</sup>

In general, the concept of a presidential government system has contradiction issue if it is to be juxtaposed with democracy, especially the position opposing each other between the President as the head of executive and the parliament or legislature. This conflicting position causes difficulties in establishing a democratic system in their relations. Mainwaring &

<sup>5</sup> Juan J. Linz, 'The Perils of Presidentialism' (1990) 1 Journal of Democracy.[51].

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Shugart explained the potential competence between the executive and the legislature because each of them believe that they have a claim to legitimacy that comes directly from people. It will arise serious problems when both are legitimate as people's representative institutions have different policies and could not be reconciled: "In presidential systems, the president and assembly have competing claims to legitimacy. Both powers are popularly elected, and the origin and survival of each is independent from those the president pursues, a dramatic conflict between the assembly and the executive can erupt".<sup>6</sup>

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Regarding the multi-party system, the presidential government system has disadvantage, namely the possibility of emergence a minority president, namely a president who is not supported by a parliamentary majority, even though the President has a strong mandate from the people, but with a minority position, the government's agenda carried out by the president can be hampered by the parliament or the legislature so that a governing coalition is needed. Jose Antonio Cheibub explained the difficulty of combining a presidential system with a multi-party system in terms of obstacles to building coalitions. In order to ensure the stability of the presidential system, it is necessary to obtain a majority vote in parliament for the political parties supporting the President. It is proved that political competition under the party system is impossible and the President-elect was forced to form a coalition.<sup>7</sup> Based on this explanation, it is important to note that the combination of a presidential government system with a multi-party system is difficult to implement because whoever the president is elected will encounter with certain condition, in which it is impossible to have a majority support in parliament without coalition.

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### Strengthening the Indonesian Presidential System

The party system in a presidential system is an interesting issue because the members of legislature and president are directly elected by people. If majority of legislature members determine political options which contrary with president, the presidential system is often trapped in a divided government between the legislative and executive powers.<sup>8</sup> The president also needs a coalition if the party which supporting the president is not the majority

<sup>6</sup> Scott Mainwaring and Matthew Sugart., 'Juan Linz, Presidentialism and Democracy: A Critical Appraisal' (1993) 200.[2].

<sup>7</sup> Jose Antonio Cheibub, *Presidential, Parliamentarism and Democracy* (Cambridge University Press 2007),[8-9].

<sup>8</sup> Mustafa Lutfi and M Iwan Satriawan., *Risalah Hukum Partai Politik Di Indonesia* (UB Press 2016).[47].

party in the representative institution. This effort is needed for president to obtain support from the majority of legislature.<sup>9</sup>

The desire to strengthen the presidential system is reflected in the amendment to the Political Party Law. The General Elucidation of Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties emphasizes, to strengthen and create an effective presidential system, there are at least four things that need to be carried out, namely: first, to condition the formation of a simple multiparty system, second, encourage the creation of democratic and accountable party institutionalization, third, condition the formation of democratic and accountable party leadership, and fourth encourage strengthening the base and structure of parties at the community level. The idea to encourage a simple multi-party system by conducting changes in the rules of political parties have not been fully realized because there are still many new parties standing up before the general election and there is a possibility for these new parties to contest and get seats in parliament.

During this time, simplification in political parties which has not been implemented using changes in the general election system, the proportional general election system in theory tends to encourage the emergence of multi parties because the choice of the general election system is closely related to the development of political parties in a country, as mentioned by Arend Lijphart:

*"The comparative study of democracies has shown that the type of electoral system is significantly related to the development of a country's party system. Countries that use the plurality method of election are likely to have two-party systems, one-party governments, and executives that are dominant in relation to their legislature".<sup>10</sup>*

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Submission of Presidential Candidates and Vice-Presidential Candidates are only possible conducted by a party or a combination of parties. Moreover, in the Law that regulates issue related to election of the President and Vice President, in nationally a minimum limit is set for the acquisition of seats in the DPR to nominate a Presidential Candidate and a Vice Presidential Candidate. In addition, parties are considered as political machines that can provide in mobilizing support so that every Presidential Candidates and

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<sup>9</sup> Khairul Fahmi, *Pemilihan Umum Dalam Transisi Demokrasi: Kompilasi Catatan Atas Dinamika Pemilu Dan Pilkada Di Era Reformasi* (Rajawali Pers 2016).[1].

<sup>10</sup> Arend Lijphart, 'Constitutional Choices For New Democracies' (1991) 2 *Journal of Democracy*. [72]. In Larry Diamond and Marc F. Plattner., *Electoral Systems and Democracy* (The Johns Hopkins University Press 2006).[74].

Vice-Presidential Candidates believe that support from party coalitions are needed not only to win the presidential and vice presidential election rounds, but also in the administration of government. However, behind the simplicity of building coalitions, there is also the potential for disunity and coalition change by the movement of parties from one pole of the coalition parties to another. The distribution of votes is relative equal in a multi-party system causes the effectiveness of the number of parties increase with a relatively strong autonomy, so that the movement of one party can change the coalition map.

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Does this affect to the strengthening of the presidential system in Indonesia? The stability of government in a presidential system can be observed from two perspectives, namely the stability of the term of office and the stability of the policy. Observing the structuring of the Government system after the amendment to the 1945 Constitution, in several ways trying to carry out presidential purification through the direct election of the President and Vice President, as well as a permanent term of office, except in the event of impeachment due to violation of the law as regulated in Article 7A of the 1945 Constitution. This has implications on the level of independence of the President in dealing with the DPR. Based on this, reviewed from the stability of the term of office, constitutionally it is shows that the stability of the Government is much more stable, than before the amendment to the 1945 Constitution, without being affected by any type of party system.<sup>11</sup>

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The stability of government is different when observed from policy stability perspective, because after the amendment of the 1945 Constitution Article 20A paragraph (1) the DPR has a legislative function, a budget function, and a supervisory function that can have an impact on the implementation of executive power by the President. Based on the functions mentioned in paragraph (2), the DPR has the right of interpellation, the right of inquiry, and the right to express an opinion.<sup>12</sup>

Provisions in the Constitution as well as in laws that require the approval or consideration from the DPR, concerning the execution of authority by the President. Such as legislative power as referred to in Article 20 paragraph (2) which requires joint discussion of each draft law for mutual approval. Then Article 22 concerning matters of compelling urgency, gives the President the right to stipulate a Government Regulation in Lieu of Law which in paragraph (2) requires the approval of the DPR at the next trial. Other things that require DPR approval are declarations of war, making peace, and agreements with other

<sup>11</sup> Mohammad Syaiful Aris, *Pemilu Dan Sistem Presidensiil Indonesia: Konsep Dan Desain Pemilihan Umum Alternatif Untuk Penguatan Sistem Presidensiil* (Setara Pers 2022).[48].

<sup>12</sup> *ibid.*

countries as regulated in Article 11 of the 1945 Constitution. In addition, various Laws for Filling Strategic Positions require DPR approval such as filling in the position of Governor of Bank Indonesia, appointment of Head of State Indonesian National Police, appointment of TNI Commander and several other positions. In addition, there are several powers of the President that need to consider the DPR, such as the matter of appointing ambassadors as regulated in Article 13 of the 1945 Constitution.<sup>13</sup>

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The implementation of government is based on various laws and regulations which stipulate that laws are made with the mutual consent of the DPR and the President (Article 20 paragraph (2) of the 1945 Constitution). The series of construction in the pattern of authority relations between the DPR and the President after the amendment to the 1945 Constitution, shows that the stability of Government, especially policy stability is determined by harmonious relationship between the DPR and the President, which is built from a congeniality of desire between both. It is unavoidable that in order to achieve congeniality of desire between the President and the DPR in the midst of a multi-party system, a coalition becomes a necessity for a President to gain support from the DPR to expedite various Government policies. If this coalition fails, the Government has the potential to become deadlocked and has a high risk of disrupting the stability of the Government, especially policy stability.<sup>14</sup>

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### Opportunities for Using a Non-Proportional System in Legislative Elections

According to Harun Husein, the general election needs to pay attention on five missions of the general election, namely first, to increase the degree of representation (proportionality); secondly strengthening representative institutions while realizing a simple multiparty system, third strengthening the presidential system, fourth increasing political participation, fifth increasing women's representation.<sup>15</sup> So far, the relationship between the people's representatives and people they represent can be said to be a pseudo-relationship because it is only carried out at the time of the general election. So, it is undeniable to say that before being elected as a member of the council, candidates for legislative members actively visit the community. After being elected to the council, most of those who came

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<sup>13</sup> *ibid.*[48-49].

<sup>14</sup> Firdaus, *Constitutional Engineering* (Yrama Widya 2015).[389-391].

<sup>15</sup> Harun Husein, *Pemilu Indonesia: Fakta, Angka, Analisis Dan Studi Banding* (Perludem 2014).[408].

were public.<sup>16</sup> To realize a qualified general elections, namely elections that are more democratic, honest and fair, which can generate people's representatives who are willing to work hard, by prioritizing the interests of people over personal and group interests, it is not enough just to improve the functions of planning, implementing, supervision and evaluation as well as improving the professionalism and quality of general election organizers, but must improve the general election system, so as to provide opportunities for the public to use their right to vote directly, publicly, freely and confidentially.<sup>17</sup>

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Broadly speaking, the general election system is divided into two systems, namely the proportional system and the plurality-majority (district) system. The proportional system is often also called the multi-member constituency system, while the district system is called the single-member constituency system. In a plurality-majority system (district), one small area (election district) elects one representative based on plurality. Whereas in a proportional system, one large region elects several representatives whose number is determined based on consideration of the population. Between both of these systems there is a mixed general election system that combines the proportional system and the majority system (district). This system also allows to be used as an alternative to the general election system in Indonesia.

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This majoritarian formula in Indonesia is known as the district system. Some of the terms commonly used to describe this system are the plurality-majority system, single-member constituency, the first past the post. It is called as a plurality-majority system because a plurality-majority formula is usually used to determine the winner in this system. It is called a single-member constituency because each district only has one representative in the people's representative institution. While others are called it as the first past the post because the candidate who has the most votes is entitled to represent his area or district in a people's representative.<sup>18</sup>

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Two main characteristics distinguish the plurality-majority (district) system from other systems; First, in a plurality-majority system, elections are directly linked to the existence of an electoral district. These electoral districts are known as "districts" although the separation of a district is not always based on the separation of administrative areas. An electoral

<sup>16</sup> Lucky Sandra Amalia, *Evaluasi Pemilu Legislatif 2014: Analisis, Proses Dan Hasil* (Pustaka Pelajar 2016).[11].

<sup>17</sup> Rozali Abdullah, *Mewujudkan Pemilu Yang Berkualitas (Pemilu Legislatif)* (Rajawali Pers 2009).[147].

<sup>18</sup> Muhammd Asfar, 'Distrik Prefensial: Alternatif Sistem Pemilu Di Masa Depan' (2003) 5 Jurnal PSPK Penguatan Kendali Rakyat.[40].

district is an area whose borders are drawn in such a way that in accordance with general election, one of the conditions that must be fulfilled is the number of voters whose domicile is proportional to the number in other districts. Therefore, it is often found that an electoral district includes one or more administrative districts. In general, it is also not a problem if parts of the same administrative area are combined with other administrative regions into one district. The second main feature is the main focus of elections in a plurality-majority system is not political organizations, but individuals who represent or are nominated by that organization in a district. Persons who may be nominated by parties in a district are politicians who are domiciled in that district. In other words, party members who are not domiciled in the district may not represent the people in that district.<sup>19</sup>

The plurality-majority (district) system requires a relatively familiar situation between the voters and their elected representatives. In fact, voters often know not only their choices but also their families. The existence of close ties between voters and the people they choose makes it easier for the people to express their aspirations and demand accountability from their representatives in the future. In addition, by knowing the candidate they choose, the mass of voters can directly determine the quality and integrity of the candidate they choose. In the district system, it is difficult for political organizations to hide the condition of their candidates from people, because voters will choose a candidate that they believe is good and trustworthy.

The implementation of the plurality-majority (district) system can be carried out properly. According to Nazaruddin Syamsudin, it is needed a community condition that allows the operation of system. This condition is related to people who have reached a certain stage of maturity. The level of maturity in this community can be determined by using two measurements. First, the level of rationality, determines the people's ability to determine choices against candidates who compete with each other to get votes in their district. With a high level of rationality, the public can choose among the party programs offered by each candidate. Second, the level of political awareness. Voters who have a high level of political awareness will be able to choose ideological bond from the program proposed to them. In other words, candidates are chosen not because has similar ideology but

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<sup>19</sup> Nazaruddin Syamsuddin, 'Sistem-Sistem Pemilihan Umum Suatu Himpunan Pemikiran: Makna Sistem Distrik Dan Perwakilan'. In Abdul Bari Azed (ed), 'Sistem-Sistem Pemilihan Umum: Suatu Himpunan Pemikiran' (Fakultas Hukum Universitas Indonesia 2000).[48].

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because of the programs they offer, also with high political awareness the public can judge the behavior of the party represented by a candidate. Despite these conditions, the operationalization of the plurality-majority (district) system is highly dependent on the political life of the community, which is similar with other electoral systems, the implementation of the district system is also very dependent on how democracy is implemented. <sup>20</sup>In general, democracy places people in a high priority in the state administration system, although at the level of implementation there are differences in its execution. <sup>21</sup>

One of the weaknesses that has always been debated in the plurality-majority (district) system is a lack of attention to the balance of representation based on category. Since there is an assumption that the priority in the district system is that after being elected and sitting in a representative institution, the members of the elected party have become "people's representatives" not representatives of a group or party anymore. This is indeed one of the factors that often called by experts to as the advantages of the proportional system over the district system. However, this assumption actually reflects the neglect of the meaning of representation, which comes from the difference in point of view, namely between qualitative and quantitative points of view. Theoretically, the quantitative point of view always emphasizes the number of votes or representatives obtained. This point of view can be related to the vision of the political elite which tends to focus on the "balance" or more precisely the "gain" of political power in elections. This view is based on the presence of unrepresented or "lost" votes in the district system, because party candidates do not get seats in representative institutions. <sup>22</sup>

On the other aspect, a qualitative point of view looks at the problem from a non-elite point of view, the emphasis is not on who gets the seats and not on the number of votes that are wasted because they are not counted. What is important to the voting community is not the group of candidates competing for votes, but what the candidates and their parties do after taking control of the seats in the representative institutions. This 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 the ability to represent them and the morality of the candidates, in other words, only candidates who are willing and able to convey the aspirations of the people who will get the attention of the voters. Qualitative

<sup>20</sup> Nazaruddin Syamsuddin (n 19).[49].

<sup>21</sup> Mohammad Syaiful Aris, *Hukum Pemilu: Filosofi Dan Prinsip Pemilihan Umum Dalam UUD NRI 1945* (Setara Pers 2021).[3].

<sup>22</sup> *ibid.*[50].

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understanding relies more on the meaning of representation. This understanding does not focus on who the people's representatives are but more importantly what the quality of their representatives is. People's representatives who are apparently unable to convey the aspirations of the voters, or break the promises they have made during the campaign, will be punished by the voting community in the next general election. Thus, in a plurality-majority (district) system, candidates cannot arbitrarily sell promises, because their reputation will be at stake in the next election.<sup>23</sup>

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One thing that almost forgotten is the implementation of the plurality-majority (district) system can actually boost the appearance of representative institutions which have had a negative image in society because this system has the potential to increase the role of the legislature in the state administration system. There are at least 2 (two) factors driving the improvement of the quality of parliamentarians with this system. First, the district system tends to tighten the selection of people's representatives because the quality of the candidates will determine whether or not the public will be elected. This tight selection causes competition among representatives from the same district to be fierce. For legislators, the capital needed to pass the selection process is how they appear in the representative institutions after the general election is over. Individually, each member of the institution must prove themselves that they deserve to be elected in the previous election. Then they also need to convince the electorate that they still deserve to be re-elected. Because, it is only the best representatives who have the potential to be elected in the next election. If the district of a political party perceives that it does not have qualified candidates, then the political party will try to recruit new candidates who are better than the previous candidates.<sup>24</sup>

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Second, the plurality-majority (district) system implies that people's representatives must be accountable to the electorate in their electoral district. Therefore, they will always feel that they are constantly being noticed by their electorate, so they must do more for their district. Due to a feeling of continuously noticed by people, the representative institutions will also be more accountable to the people. Thus indirectly, the people's representative

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<sup>23</sup> *ibid.*[51].

<sup>24</sup> *ibid.*[51-52].



council will be more functional, so their role in the government system and society will have more impact.<sup>25</sup>

The plurality-majority (district) system still demands the active role of political parties as other systems. In this system, political parties still have a high and decisive role towards the performance of their candidates in the electoral districts. This role is delivered through party programs and the determination of candidates for each district. Political parties as program organizer that will be struggled in the general election and their programs must be able to attract voters in each district. Legislative candidates must follow the programs arranged by political parties. Legislative candidates who violate political party program policies may be subject to sanctions related to the determination of candidates to be placed by parties in a district.<sup>26</sup>

Even though in a plurality-majority system, individual characteristics could appear with steadily in the district, the influence of political parties on the candidates remains high, but this does not mean that parties can determine the fate of their representatives sitting in representative institutions at will. Political parties must respect the ties that exist between their members and the electorate in their respective districts. It is important that members who are popular in their district are very valuable assets for political parties. In addition to this, the application of a plurality-majority system also provides benefits to political organizations. First, political parties can see in real the quality of competitors in a district. In the district system, all candidates or representatives are generally fixed and cannot be moved, because their electoral districts depend on their respective domiciles. Thus, who will compete for seats and where, the competing parties will already know in advance so that they can formulate strategies in advance.<sup>27</sup>

Second, the district system can improve the quality of political organization. The one-on-one competition that is known in the district, causes political parties to apply strict selection of their candidates. Candidates who are assigned in each district must be superior candidates, who are expected to be able to compete with other candidates. To face tough competition, parties must show quality factors in their recruitment process. Positively, this encourages the emergence of a cadre system within political parties to produce future leader candidates.<sup>28</sup>

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<sup>25</sup> *ibid.*[52].

<sup>26</sup> Nazaruddin Syamsuddin (n 19). In Abdul Bari Azed (ed) (n 19).

<sup>27</sup> Abdul Bari Azed (ed) (n 19).

<sup>28</sup> *ibid.*

One of the challenges in implementing a plurality-majority system is unpreparedness political party administrators to use this system, which caused by the general election tradition that has developed so far. Our electoral tradition does not prepare political organizations to anticipate changes in society. Furthermore, it has placed too much emphasis on the role of "national" figures, which in general, these national figures are not come from the source of supports in the regions. The process of cadre in political parties is important in a majority plurality system because political parties must be able to create enough and evenly distributed cadre of candidate leaders to prevent over-representation in certain areas and under-representation in other places.<sup>29</sup>

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Some people presume that the plurality-majority (district) general election system could disrupting national stability because of the potential for conflict or even disintegration. The author observes from another point of view that the plurality-majority (district) system will result in a close relationship between the people's representatives and their voters, on the other hand it encourages a high sense of responsibility for members of representative institutions to the people. The close relationship between voters and the people they choose, allows early detection of problems that arise in voters, enabling them to try to discuss issues responsibly as well. These actions could open the possibility for problem solving, so that it does not appear as a threat to national stability.<sup>30</sup>

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It is realized that there is no one perfect and truly representative general election system, the proportional system is generally seen as more guaranteeing the existence of small parties and ensuring that all votes are not wasted. The weakness is a poor relationship between people and their representatives, because people do not know them. This system tends to shift the principle of people's sovereignty to become party sovereignty, the party that determines the candidate and the party has the right to recall him at any time, members of the DPR are more impressed as party representatives than people's representatives.<sup>31</sup> On the other hand, in a plurality-majority (district) system, in general, there is a tendency to favor big parties, because what prevails in the election is a simple majority where the one who gets the most votes wins. So in this system there are people's voices that are lost and wasted, but the strength of this system is that the relationship between the people and their

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<sup>29</sup> *ibid.*[56-57].

<sup>30</sup> *ibid.*[56].

<sup>31</sup> Yusril Ihza Mahendra, 'Sistem-Sistem Pemilihan Umum Suatu Himpunan Pemikiran; Pemilu Sistem Distrik: Pengalaman Malaysia'. In Abdul Bari Azed (n 19).[65].

representatives becomes closer, because they directly choose who becomes the candidate and the people continuously control their representatives to voice their aspirations. The party can no longer arbitrarily recall its representatives. So in terms of the ability to implement the principle of people's sovereignty, the plurality-majority (district) system is clearly more capable than the proportional system in realizing the will of the people. This system is also more capable of creating an effective and accountable government because it will encourage the simplification of political parties and the responsibility of the people's representatives to the voters in each district. The argument that is always raised for the main rejection of why the plurality-majority (district) system is not suitable for Indonesia is that the level of education and political awareness of the community is still considered low. However, this reason is not always true, as stated by Syed Ahmad Hussein, professor of Political Science at the University Sains Malaysia as quoted by Yusril Ihza Mahendra that: "the level of education and political awareness of the people does not have correlation with the electoral system that has been chosen".<sup>32</sup>

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One of the missions from the general election is simplicity and not complicated. Elections can be carried out by voters in general without difficulty.<sup>33</sup> This plurality-majority (district) system is a simple system for voters because it only elects one candidate for legislative member in each electoral district. However, based on regional jurisprudence and resolutions of the United Nations General Assembly, it is realized that no single electoral system or method is one hundred percent suitable for all nations and peoples. The selected system must provide wide opportunities for people to express their aspiration through genuine and periodic general elections, which are carried out on the basis of fair suffrage and ensure the secrecy of voting.<sup>34</sup> The choice of the electoral formula also depends on the political arrangement that want to be achieved. If the legitimacy of the people's representatives is high and the accountability of the people's representatives to the constituents becomes the desired arrangement, then the majority election formula should be used as long as the desired party system is a simple pluralism party system.<sup>35</sup>

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### Indonesian Alternative Election System Design

<sup>32</sup> Abdul Bari Azed (n 19).[66].

<sup>33</sup> Pipit R Kartawidjaja, *Catatan Atas Pemilu Legislatif 2004* (Inside 2004).[81].

<sup>34</sup> Guy S. Goodwin-Gill, 'Pemilu Jurdil: Pengalaman Dan Standar Internasional' (PIRAC dan The Asia Foundation 1999).[34-35].

<sup>35</sup> Ramlan Surbakti, *Perekayasa Sistem Pemilihan Umum: Untuk Pembangunan Tata Politik Demokratis* (Kemitraan 2008).[23].

Indonesia does not have stable election regulations. Both in terms of the electoral system (electoral laws), as well as from the aspect of the electoral process. The general election in the new order from 1977-1997 used a proportional general election system with a variant of a binding candidate list, and political parties played a major role in determining the names of candidates and elected candidates. The 1999 general election, which was a post-New Order general election, used a proportional election system with a closed list variant. Starting from the 2004 general election, the proportional election system was used with an open list of candidates variants.<sup>36</sup>

The presidential government system will be effective and stable if it is in combination with the type of majority democracy, because this method could help the president to execute his policies because it is supported by the majority party in parliament. The presidential government system will not be effective when combined with a proportional election system with an opened list variant.<sup>37</sup>

The legislative general election system in the 1945 Constitution of the Republic of Indonesia is not regulated in detail as the election of the President and Vice President, thus it is completely an open legal policy from the legislators. The author is of the view that the proportional general election system so far has not been able to strengthen the presidential system in Indonesia, so it is necessary to use a general election system that can encourage the formation of a majority party in parliament, encourage simplification of the number of political parties in Indonesia and increase the accountability of people's representatives.

The Research Team for the General Election System from the Indonesian Institute of Sciences (LIPI) in 1998 stated that a district system that was refined and adapted to the objective conditions of the Indonesian people remained an ideal choice. Especially if the general election is related to the geographical condition of Indonesia as an archipelagic country, the requirement for empowerment the DPR/MPR and political accountability disclosure, the requirement for equity and the development deployment. Relating the application of the district system, Titik Triwulan Tutik argued that if the district system had been implemented in the 1955 general election, it would most likely create a reliable

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<sup>36</sup> Agus Riwanto, *Hukum Partai Politik Dan Hukum Pemilu Di Indonesia* (Thafa Media 2016).[3].

<sup>37</sup> Agus Riwanto, *Desain Sistem Pemerintahan Anti Korupsi: Konsep Pencegahan Korupsi Politik Dalam Sistem Pemerintahan, Partai Politik Dan Pemilu* (Setara Press 2018).[65].

government that capable to governing effectively and the fragmentation of political power in the DPR would be reduced.<sup>38</sup>

Based on this reason, the author described the mechanism in implementing the plurality-majority (district) general election system in Indonesia using the apparatus or elements of the general election system from Dieter Nohlen as quoted by Pipit R and M Faishal.<sup>39</sup>The element of general election system that will be implemented consist of 5 (five) main parts, namely: Distribution of electoral districts, types of the contestant's nomination, voting steps, counting steps and general election organizers.

First, the separation of electoral districts. Electoral districts or abbreviated as electoral districts is a government administration area or a combination of government administration areas or part of a government administration area that created as a regional/area unit based on population to determine seat allocation as the basis for nominating candidates and determining the elected candidates for members of the DPR. Provincial DPRD and District/City DPRD.<sup>40</sup> Thus, the size of the electoral district is based on the number of members of the representative institutions will be elected in one electoral district or in other words the size of the electoral district is the number of seat allocations in one electoral district.<sup>41</sup>

The method of determining electoral districts can be done in several ways, namely: based on administrative boundaries, population or the mixture of them. There are 3 principles underlying the allocation of seats to an electoral district, namely: (1) The principle of equality of representation between citizens, namely the allocation of seats to an electoral district is determined based on the principle of equality of representation among citizens, one person-one vote-one value (one person). -one vote-one value); (2) The principle of equality between regions/areas, the allocation of seats to electoral districts is determined based on the principle of equality of representation between regions/areas. Each region/area gets the same seat allocation, regardless of the population; (3) The mixed principle (equality between citizens and between regions) is a combination or mixture of these two principles, namely

<sup>38</sup> Titik Triwulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945* (3., Kencana 2015).[363].

<sup>39</sup> Pipit R. Kartawidjaja and dan M. Faishal Aminuddin., *Demokrasi Electoral (Bagian I) Perbandingan Sistem Dan Metode Dalam Kepartaian Dan Pemilu* (Sindikasi Indonesia 2014).[119].

<sup>40</sup> Gotfridus Goris Seran, *Kamus Pemilu Populer: Kosa Kata Umum, Pengalaman Indonesia Dan Negara Lain* (Graha Ilmu 2013).[157].

<sup>41</sup> Pipit R. Kartawidjaja, *Alokasi Kursi: Kadar Keterwakilan Penduduk Dan Pemilih* (ELSAM 2003).[19].

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the allocation of seats by taking into account both equality of representation among citizens and equality of representation (or balance) between regions/areas.<sup>42</sup>

Afterwards, to determine the size or weight of an electoral district, namely the number of seats/mandates provided for one electoral district, not the area of a region as a determinant. The size/weight of the electoral districts is divided into two types, namely homogeneous (equivalent, equal) and heterogeneous (different, diverse). In homogeneous quantities, the similarity in the quantities/weight of the electoral districts in one country is divided into electoral districts with the same distribution of seats. Meanwhile, the quantities model uses a heterogeneous model to apply the quantities or weight inequality of electoral districts in one country.<sup>43</sup> The number of seats in the electoral district can be determined by the number of uninominal (singular) or plurinomial (plural). If using uninominal, there is only one seat contested in one electoral district. Meanwhile, if using plurinomial (plural), there is more than one seat, then decide whether to use a small, medium or large electoral district.

Second, the type of contestants nomination, the nomination of people's representatives is a submission and self-presentation to enter the general election arena after fulfilling all the requirements. Nomination concerns the relationship between the voters and the people's representatives and the relationship between the people's representatives and the parties which participate in the general election. The type of nomination is divided into 3 (three) models, namely Closed/Fixed List system, Open List system and Free List system. First, the Closed/Fixed List System is characterized by the fact that voters only need to vote for one party. The composition of legislative candidates in the list system cannot be changed and creates dependence between the people's representatives and political parties because political parties determine the planning of candidacy. Second, the Open List Stelsel has the character that voters are welcome to vote for candidates who are deemed worthy to represent a political party. Political parties participating in the general election only propose the names of legislative candidates from their parties. Third, the Free List Stelsel stipulates that voters

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<sup>42</sup> Achmad Baidowi, *Di Balik Penyusunan UU Pemilu: Proses Negosiasi Dan Konfigurasi Antar Fraksi* (SUKA-Press 2018).[80].

<sup>43</sup> Pipit R. Kartawidjaja dan Mulyana W. Kusumah, *Sistem Pemilu Dalam Konstitusi* (KIPP Eropa 2002). [162].

can vote for more than one representative of the people. One list contains sequential names of various political parties and voters write a list of these names based on their choice.<sup>44</sup>

Third, the voting technique, there are several models of voting, namely single voting, preference voting, multi-vote voting, limited multi-vote voting, alternative voting, accumulation voting and splitting voting. Fourth, the counting technique, the mechanism for counting votes in general elections is divided into two types, namely majority and proportional. Counting using the majority method, the candidate who gets a relative or simple majority, not an absolute majority is the winner. Meanwhile, there are two main types of counting methods using the proportional mechanism, namely: First, the Quota Method, namely the calculation based on the largest remaining votes (largest remainders). Divisor Number (BP) the quota method is not fixed, depending on the number of residents or voters or the number of votes. Second, the Divisor Method, which is a calculation method based on the highest average. The Divisor Number (BP) is a fixed divisor method that does not depend on the number of residents/voters/votes. Fifth, General election organizers (time/simultaneously), General election administration is related to time, simultaneously and frequency.

Based on the 5 (five) devices or elements of the general election system above, the author conveyed the idea of implementing a plurality-majority general election system as follows:

No	Element/Device	Option	Description
1	Electoral District Division		
	a. Scope	state administrative area (district/city) and the number of voters	550 districts: 514 districts/cities + 36 areas with the highest population (highest average) with additional district assignments using the Sainte Lague method
	b. Size/Weight (Number of Seats)	uninominal (singular)	1 district: 1 seat
2	Contestants' Nomination Type	open list system	voters able to choose the desired candidate
3	Voting Step	single voting	one voter gets one vote
4	Counting step	Simple Absolute Majority	a candidate with a simple majority does not have to be an absolute majority (50% +1) elected to the district
5	General Elections	Simultaneous	held simultaneously with the presidential election

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<sup>44</sup> *ibid.*[155-158].

Before conducting the general election, both in the proportional system and in the majority system (better known as the district system) it is necessary to determine the number of seats/mandates in one electoral district. Therefore, the calculation method for determining the acquisition of seats in an electoral district is an interesting matter to observe.<sup>45</sup> The determination of the electoral district is based on the population in the area concerned. In order to obtain a good separation of electoral districts, it is needed to consider the equality of the value of each seat being contested with a fair proportion of the population. An electoral district can be defined as a “competition area” for all general election contestants to gain votes. Thus, it is expected that every people’s representative who sits in parliament has an electoral base in which the regional constituents are represented.<sup>46</sup>

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Determination in the separation of district according to the author for the application of the plurality-majority general election system that will be applied in Indonesia uses a mixed principle, namely equality between citizens and between regions. The first stage emphasizes the principle of representation between countries or regions because Indonesia is a broad unitary state with a diverse population so that the representation of each state administrative area, namely a district or city, must receive attention. Each district or city gets at least one representative which is determined through a simple majority calculation, i.e., the candidate who wins from the other candidates does not need to have an absolute majority (50% +1) elected to represent the district. The second stage need to pay attention to the principle of equality in representation between citizens, one person-one vote-one value. This principle is realized by considering the representation of vote holders in each district so that districts or cities with a large number of voters can be divided into several electoral districts.

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The election in Indonesia is divided into several electoral districts according to the number of seats that are assigned to the parliament. The determination of electoral district boundaries should ideally be based on the number of residents, in addition to fulfilling the one man one vote principle. If the determination of district boundaries based on population is deemed unfair for residents with a small population, it can be based on administrative areas, thus all districts/cities are allotted one electoral district. Districts/cities with a large population are calculated to obtain additional allocations for electoral districts in accordance

<sup>45</sup> Pipit R Kartawidjaya, *Matematika Pemilu* (Inside 2004).[1].

<sup>46</sup> Pipit R Kartawidjaya and dan Sidik Pramono., *Akal-Akalan Daerah Pemilihan* (Perludem 2007).[5].



with the proportion of excess population and available remaining seats. Districts/Cities that receive more than one district are divided into several electoral districts according to the quotas obtained by considering the administrative area (sub-districts) and the population in each sub-district to determine district boundaries.<sup>47</sup>

Determination of the number of seats in the parliament (DPR RI) becomes a determinant in the distribution of the number of districts in Indonesia and the author offered the weight or amount of the number of seats in each district using a uninominal (single) model, in which each district only chose one representative by considering the simplification of the election process, especially at the voting and vote counting stage. The author determined the limit on the number of seats in the DPR RI, namely 550 seats so that in Indonesia there was 550 electoral districts, this number was still open to be added or reduced depending on the consideration of the need for representation in parliament. The determination of the 550 districts was divided based on the representation of the administrative area and the representation of voters as follows:

Number of seats (District)	Regional representation (District/City)	Voter representation
550	514 Districts/ Cities	36 Districts total voters

In the determination of regional representation, it is regulated that each district or city is represented at least by one people's representative so that the district or city is determined to be one electoral district. For the addition of electoral districts, the authors determined 36 seats in the district/city area that has the highest number of voters in Indonesia. Determination of additions based on the order of total voters in each district/city. The mechanism was the total voters in all districts/cities was registered and sorted, then determined using the divisor method, namely the calculation method based on the highest average number. In this determination, the author adopted the method of determining additional districts using the Sainte Lague model of seat division, namely the number of voters in the district/city divided by the divisor number (BP), namely 1, 3, 5, and so on, then filtered the highest number of 36 districts/cities to get additional districts in the general election.

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<sup>47</sup> Muhammad Asfar, 'Model-Model Sistem Pemilihan Di Indonesia, Pusat Studi Demokrasi Dan HAM Bekerjasama Dengan Partnership for Governance Reform In Indonesia' (2002).[186-187].

## Conclusion

The presidential government system in Indonesia needs to be strengthened by encouraging the formation of majority democracy through changes in general election system from an open proportional electoral system to a plurality-majority (district) general election system to facilitate the president to implement policies with support from majority party in parliament.

The implementation of the plurality-majority (district) system could be started from the action of DPR and the Government in determining the number of seats in the DPR RI as the basis for determining the number of districts. The author proposes 550 electoral districts, and this number is still open to be increased or decreased according to the need of representation in parliament.

Each district and city is represented by at least one representative as an electoral district. Therefore, there are 514 districts based on the number of districts and cities. Then added 36 seats from district/city with the highest number of voters in Indonesia. The number of addition is determined by the order of total voters in each district/city (highest average) added to several electoral districts so that the district/city area is divided into several districts.

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**4. BUKTI REVISI DAN  
RESUBMIT ARTIKEL  
( 26 OKTOBER 2022)**



mohammad syaiful aris <syaiful@fh.unair.ac.id>

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## [YDK] Editor Decision

1 message

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**Hilda Yunita Sabrie** <hilda\_sabrie@yahoo.co.id>  
To: Mohammad Syaiful Aris <syaiful@fh.unair.ac.id>

Wed, Oct 26, 2022 at 8:07 AM

Mohammad Syaiful Aris:

We have reached a decision regarding your submission to Yuridika, "Opportunities and Challenges in the Implementation of Plurality - Majority (District) Electoral System for Strengthening the Indonesian Presidential System".

Our decision is: Revisions Required

Regard, Jurnal Yuridika

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<http://e-journal.unair.ac.id/index.php/YDK>



mohammad syaiful aris <syaiful@fh.unair.ac.id>

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## [YDK] New notification from Yuridika

1 message

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**Hilda Yunita Sabrie** <hilda\_sabrie@yahoo.co.id>

Wed, Oct 26, 2022 at 8:10 AM

Reply-To: "Dr. Faizal Kurniawan, S.H., M.H., LL.M." <yuridika@fh.unair.ac.id>

To: Mohammad Syaiful Aris <syaiful@fh.unair.ac.id>

You have a new notification from Yuridika:

You have been added to a discussion titled "Revision Required" regarding the submission "Opportunities and Challenges in the Implementation of Plurality - Majority (District) Electoral System for Strengthening the Indonesian Presidential System".

Link: <https://e-journal.unair.ac.id/YDK/authorDashboard/submission/37604>

Dr. Faizal Kurniawan, S.H., M.H., LL.M.

Regard, Jurnal Yuridika

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<http://e-journal.unair.ac.id/index.php/YDK>

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**5. BUKTI ACCEPTED &  
PUBLIS  
( 21 DESEMBER 2022)**



mohammad syaiful aris &lt;syaiful@fh.unair.ac.id&gt;

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**Yuridika Journal Editor Decision**

1 message

**Yuridika Yuridika** <yuridika@fh.unair.ac.id>

Wed, Dec 21, 2022 at 12:01 PM

To: mohammad syaiful aris &lt;syaiful@fh.unair.ac.id&gt;, mohammad syaiful aris &lt;mohammad-s-a@fh.unair.ac.id&gt;

Dear Mohammad Syaiful Aris

We have reached a decision regarding your submission to the Jurnal Yuridika, "Opportunities and Challenges in the Implementation of Plurality - Majority (District) Electoral System for Strengthening the Indonesian Presidential System".

Our decision is to: **Accepted and Published on Volume 37 Number 3 September Issue 2022**

Article Accessed URL : <https://e-journal.unair.ac.id/YDK/article/view/37604>

Along with this, we also include a Letter of Acceptance for your article  
Thank you for your contribution and congratulations on your publication.

-

**Salam,**  
**Redaksi YURIDIKA.**



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164K



Number : 83/YRDK/2022  
Appendix : -  
Subject : Author Announcement

20 December 2022

Dear, Mohammad Syaiful Aris

Thank you for your article manuscript submission to our journal. We are here to gladly inform you that your article manuscript with the title “Opportunities and Challenges in the Implementation of Plurality - Majority (District) Electoral System for Strengthening the Indonesian Presidential System” has been published in our journal. The details are as follows.

Journal Title : Yuridika  
p-ISSN : 0215-840X  
e-ISSN : 2528-3103  
Article Title : Opportunities and Challenges in the Implementation of Plurality - Majority (District) Electoral System for Strengthening the Indonesian Presidential System  
Published in : Volume 37 Number 3 September 2022  
Online URL : <https://e-journal.unair.ac.id/YDK/article/view/37604>  
DOI : <https://doi.org/10.20473/ydk.v37i3.37604>

We are looking forward to your next article manuscript submission.

Best Regards,

Yuridika Editorial Boards