

## Implementation of Electoral System in Indonesia: Open Proportional and Closed Proportional Systems Discourse

*Fajar Muharram<sup>1</sup>*

*Universitas Muhammadiyah Sidoarjo*

### ABSTRACT

Elections are an essential momentum for people to make choices for their people's representatives. The law has explained the function of elections, namely the election of members of the DPR, Provincial DPRD, and Regency / City DPRD. Democracy requires the involvement of the people in every administration carried out by the state. The people are positioned as important actors in the democratic order because Democracy is essentially based on the logic of equality and the idea that the government needs the consent of the people. On the other hand, there are several differences in perspectives on how the ruling elites understand and interpret the open proportional system and the closed proportional system and what system is appropriate and feasible to apply to the 2024 election. This research explains how the impact of implementing the electoral system used, with the discourse being discussed at the level of the political elite in Indonesia.

**KEY WORDS AND EXPRESSIONS:** Open Proportional system, Close Proportional system, electoral system.

### INTRODUCTION

After the 1998 reform, Indonesia entered a period where democratic values began to be applied in various lines. One of them is in the realm of statehood, as evidenced by the step to amend the 1945 Constitution, up to four changes in one government period (1999-2004). This could not have been done in the past, although Indonesia has long adhered to the principle of Democracy, but in the past, it stopped at the conceptual level without any practice and effort to enforce it. One of the proofs that show that Indonesia adheres to Democracy is the holding of direct elections, which are completely free without any intervention from any party. The spirit to run elections in accordance with democratic principles can be seen from the overhaul of various regulations that allow fraud. One of them is the enactment of a multi-party system. That way, the people are given the widest freedom to express their thoughts in order to build a better Indonesia. Like developed democratic countries, they have mostly implemented a system of direct elections, especially in electing the head of state. Because that way, the elected head of state is the embodiment of the aspirations of most people.

Democracy is a system that is coveted by almost every political person. There is hardly a single regime in the world, whether capitalist or communist, developed or developing, east or west, north or south, that refuses to impose, explicitly or implicitly, the word 'democracy' on its political system. Democracy is a universal term, but there is no one democratic system that applies to all nations or all

<https://cejsr.academicjournal.io>

nations. The terms may be the same, but the content and way of manifestation can vary from one country to another. Literally, Democracy is the government of, by, and for the people (Sartori, 1962: 5). Democracy is a form of government in which the rights to make political decisions are used directly by every citizen actualized through the procedure of majority government, commonly known as direct Democracy.

One of the characteristics of a country referred to as a democratic country is how much the state involves citizens in the process of conducting general elections (elections). In a democratic state, people's political participation is very important in this dynamic. Thus, if it is associated with the democratization process of a country, the trust factor in a government will make legitimacy increase. Elections are actually born from the concept of Democracy, which refers to the ideas of John Locke and Rousseau, where freedom, justice, and equality for individuals are guaranteed. In the realm of Democracy, there are participatory values and sovereignty that must be upheld and exercised by every citizen and instrument of the state, which, if we borrow Locke's term, is referred to as the Trias Politica, namely the Executive, legislative, and judicial. In addition, people have the openness of public space to play an active role and be part of this democratic process, although, in substance, their participation still tends to be procedural and momentum. Elections are a democratic process in Indonesia that is carried out every five years in accordance with Indonesian legislation. Elections are an important momentum for people to make choices for their people's representatives. The law has explained the function of elections, namely the election of members of the DPR, Provincial DPRD, and Regency / City DPRD. Under the law, elections must be held in an open proportional system. Elections are held and participated by political parties that have been verified by the General Elections Commission (KPU). The parties participating in the elections are an important milestone in the country's democratic system. The results of the internalization of the Party became a mirror of the picture of the economic and political system of the country.

Indonesia is a country that has sovereignty in the hands of the people, where the highest power is in the hands of the people. Elections are one example of the exercise of popular sovereignty. The provisions regarding general elections themselves are regulated in the Constitution of the Republic of Indonesia Year 1945 in Article 22 E, paragraphs (1) to (6). The verse explains that; (1) General elections shall be held directly, generally, freely, secretly, honestly, and fairly every five years, (2) General elections shall be held to elect members of the People's Representative Council, Regional Representative Council, President and Vice President and Regional People's Representative Council, (3) Participants in general elections to elect members of the People's Representative Council and members of the Regional People's Representative Council are political parties, (4) Participants in the

<https://cejsr.academicjournal.io>

general election to elect members of the Regional Representative Council are individuals, (5) General elections shall be held by a national, permanent, and independent election commission, (6) Further provisions on elections shall be regulated by law.

The electoral system is a manifestation of representative Democracy, simply interpreted as the distribution of people's sovereignty. Asshidique explained that there are four objectives of holding elections, namely (1) to enable orderly and peaceful elections for government leadership; (2) to enable the change of officials who will represent the interests of the people in the representative body; (3) to implement the principle of popular sovereignty; (4) to implement the principle of human rights of citizens. There are various kinds of electoral systems that have been carried out in Indonesia, one of which is the proportional system. There are two kinds of proportional systems that have been applied in Indonesia, namely open proportional systems and closed proportional systems. Indonesian elections have been held 12 times. Namely, the first election was held in 1955; after that, it was held successively in 1971, 1977, 1982, 1987, 1992, and 1997. After the end of the era of President Soeharto, elections were held again in 1999, 2004, 2009, 2014, and finally in 2019. From 1971 to 1999, the electoral system used a closed proportional system.

The electoral system then underwent slight changes after the reform, namely in 2004 with a semi-open proportional system. The open proportional system was only then actually applied in the 2009 elections, starting with the Constitutional Court decision Number: 22-24 / PUU-VI / 2008. The open proportional system is currently regulated on the basis of election law in Government Regulation in Lieu of Law Number 1 of 2022 amending Law Number 7 of 2017 concerning Elections, in Article 168 paragraph (2), which contains: "Elections to elect members of the DPR, provincial DPRD, and district/city DPRD are carried out with open sister proportional." The 2019 elections, with an open proportional system, caused tight competition among candidates in one election. To win the election battle, legislative candidates (candidates) compete with each other in one Party and or with candidates from other parties. This competition resulted in candidates competing strategies, tactics, and winning methods with each other. These strategies and tactics are balanced with the cost of political costs that can be said to be expensive. In addition, to win the election battle, candidates from the House of Representatives of the Republic of Indonesia, Provincial DPRD, and District/City DPRD need to consolidate as a stage of the winning strategy.

There are several different perspectives on how the ruling elites (read: politicians) understand and interpret open proportional systems and closed proportional systems. The PDI-P faction is one of the parties in Parliament that wants the 2024 election to use a closed proportional system, while the

<https://cejsr.academicjournal.io>

other faction wants the 2024 election to use an open proportional system. This view has become an interesting issue for academics and the election activist community in Indonesia.

## METHOD

The method in this study uses qualitative methods with a literature study approach, where the position of researchers when researching natural objects is in an important position (Sugiyono, 2005). This research explains how the impact of implementing the electoral system used, with the discourse being discussed at the level of political elites in Indonesia. Saryono (2010) added that qualitative methods explain, describe and describe aspects influenced by the social environment that cannot be reached by quantitative methods. So that the emphasis on meaning, reasoning, and definition of situations in daily activities becomes the focus of this qualitative approach. Literature studies are used in this study in data collection, so this research sourced from secondary data such as books, scientific journals, and other papers is the first thing to do for this study. Researchers collect reading references, both books and magazines, that have a relationship with the problem to be studied (Danial & Warsiah, 2009). The data obtained is then analyzed and added with other research relevant to this study to assist in presenting the results of the study. Data analysis was carried out by looking at the implementation and impact of regulations governing open proportional systems and closed proportional systems as electoral systems.

## RESEARCH RESULTS AND ANALYSIS

### 1. Advantages and Disadvantages of Closed Proportional Systems

The general elections have been held since 1955 in Indonesia using a proportional system. The proportional electoral system is an electoral system in which the seats available in Parliament are distributed to political parties participating in the election according to the balance of votes obtained in the election concerned. Basically, both open and closed proportional system models have been applied in the electoral system in Indonesia. Where the closed proportional system was used for the 1999 and 2004 elections, while the open proportional system was used for the 2009, 2014, and 2019 elections (Pakaya et al., 2022: 176). From the first election in 1955 until the final election of the New Order in 1997, the electoral system used was a proportional election system with a closed list variant, namely the role of political parties in strong elections to place candidates and determine candidates based on sequence numbers. Meanwhile, in the first election of the Reformation era in 1999, it still adopted the New Order legacy election system, only changing the variant of determining elected candidates by introducing the stabber's accord model, which is an agreement between political parties

<https://cejsr.academicjournal.io>

if there are remaining votes to be given to candidates from political parties with a certain sequence number based on the agreement of the political party leaders.

The 2004 election still used a closed proportional election system as in the 1999 election by setting a variant of the seat determination model based on the acquisition of political parties in the constituency (Dapil) and the determination of selected candidates based on the Number of Voter Divisors (BPP). If there is a candidate who can meet 100% BPP, then that candidate is automatically assigned to be an elected candidate; if not a candidate who can meet BPP, then the selected candidate is determined based on the list of sequence numbers specified by the political Party in the ballot. If there are still remaining seats, it is distributed to the political Party that gets the largest remaining votes (large remainders) in a row until all seats are divided out in the constituency (Dapil).

The advantage of a closed proportional system is that this system is considered capable of minimizing money politics; the spectrum can reduce the cost of elections, which tend to be expensive. The advantage of closed proportionality is that people simply choose the Party and Party that will send its best cadres to Parliament because the Party knows very well who the cadres who have the capacity, integrity, and structural and cultural narrative (Budiono, 2017: 34). Another advantage of a closed proportional system are that it makes it easier for the state to technically conduct elections, starting from the working hours of the organizers can be reduced so that the implementation of elections in accordance with human rights is still fulfilled, and does not cost too much. The closed proportional system is considered to further ensure the strengthening of political party organizations and the holding of political education among grassroots (communities), especially in the seconds before the campaign; political parties will select candidates based on the quality and capacity of political party cadres. In addition, how the efficiency of the election budget for procuring ballots can be categorized as an advantage of a closed proportional system.

Closed proportional systems also have disadvantages. Among other things, locking meetings of larger public participation channels, and distancing access to relations between voters and people's representatives, so that often after the election become a series of accumulated public disappointment. Another weakness is that political communication does not work, and the chances of candidates being elected become more unfair, and there is also a crisis of legislative candidates that cannot be avoided because predicting who will be elected, it results in few who are interested and/or serious about becoming candidates. Also included as the weak side of closed proportional is that the plenipotentiary Party determines who sits in parliamentary seats after the Party's votes are converted to the number of seats.

## **2. Impact of Implementation of Closed Proportional System as an Electoral System**

<https://cejsr.academicjournal.io>

The implementation of a closed proportional system not only has advantages and disadvantages but there are also positive impacts arising from the running of the system. The impact in question is that people in general elections only choose party logos; in other words, they will not be fussed with various faces and names of legislative candidates that confuse the public, can suppress the high number of political money at the constituent level, the efficiency of the time for holding elections at the Polling Station (TPS), the Party as a political organization is able to maximize the pattern of political education for its cadres to the level below, the efficiency of procuring ballots.

In addition, the negative impact that can be caused by a closed proportional system is how the Party is plenipotentiary; the Party determines who will sit in parliamentary seats after the Party's votes are converted into the number of seats, there are political money transactions among the elite (internal Party) to determine the sequence number of candidates for legislative members, the emergence of dynasties and petty kings represented by political party leaders who play a very important role. It is important in making every decision, and the oligarchy of power is getting stronger entrenched in the body of political parties so that democratic ideals will fade.

### **3. Advantages and Disadvantages of Open Proportional Systems**

The open proportional system in general elections (Pemilu), as stipulated in Law Number 7 of 2017 concerning General Elections (Election Law), has a good degree of representation because voters are free to choose their representatives who will sit in the legislature directly and can continue to control the people they choose. The advantages of this system make the community able to see and select candidates who appear to be chosen by the community so that the impact of the community will be more selective and rational in choosing supported candidates. The hope of the open list proportional system is that voters no longer choose cats in sacks because voters know their identity as well as track record so that when elected later, between voters and elected representatives, an accountable political relationship is established (Hilmawan, 2018: 104). In addition, there is a closeness that can be built by legislative candidates with the constituents below so that looking at the problem can be more objective.

The advantage of open proportionality is that who will sit in Parliament depends entirely on the people, not the Party. An open proportional system guarantees and ensures that the voice of the people determines who will sit in Parliament. The authoritative allocation of values from the Party is again visible. In the open proportional system option, voting is designed to run the same as in previous elections. Voting rights holders can freely vote for political parties and candidates for their legislation. The determination of candidates who win seats in legislative institutions is determined by the number of votes obtained during voting (Budiono, 2017: 34). The weaknesses of this closed proportional system include expensive campaign costs, the integrity of candidates and voters at stake with the rise

<https://cejsr.academicjournal.io>

of money politics, political polarization, identity politics, and costs incurred by the state are quite a lot. With this system, it is only possible for candidates who have large capital who can be competitive in elections and even if they are not party cadres who are close to their Party, as long as they have the capital to fight in elections. In 2014 elections with an open proportional system estimated much greater campaign costs compared to elections in 2009; namely, in 2009, it was assumed to be around 3.3 billion, and in 2014, it rose to 4.5 billion, and only capable people could compete with that much capital. The Center for Political Studies of the University of Indonesia (PUSKAPOL UI) noted that more than half of the candidates who contested in the 2014 election (58.86%) were businessmen or professionals. In 2019, the campaign costs of the candidates were calculated to reach tens of billions for the campaign equipment budget and others with the aim of winning the hearts of the people (Muhtadi, 2019: 55-74).

Other weaknesses in this system are in one Party, competition between parties, and competition of candidates between constituencies in winning seats in Parliament are limited, which allows for political money efforts from each candidate to win the sympathy of the people. In reality, an open-list proportional system based on the most votes gave birth to an unhealthy model of competition between candidates and only aimed to get as many votes as possible from voters by relying on money and popularity. That is why electoral fraud with this system is more dominated by money politics in various variants, such as cash giving, food distribution, to improving public infrastructure by candidates to win the sympathy of constituents ahead of the election (Riwanto, 2015: 91). As a result; this electoral system is the most expensive election in the history of elections in Indonesia when compared to the closed proportional election system. The weakness of the open proportional electoral system is also weakening the Party's control over candidates and hampering the Party's ideological cadres. In an open proportional system, the high political costs required to run as legislative candidates in elections also have an impact on the increasing cases of corruption that occur in Indonesia (Pakaya et al., 2022: 177-179).

#### **4. Impact of Implementation of Open Proportional System as an Electoral System**

The open proportional system, which initially aimed to eliminate the distance between voters and candidates for people's representatives, turned out to create a distance between voters and candidates for people's representatives, which weakened the position of political parties. Political parties are no longer focused on pursuing their basic functions as a means of channeling education and correct political participation. Political parties no longer focus on pursuing the function of channeling, education, and correct political participation. Political parties no longer try to improve the quality of their programs that reflect party ideology but only to find the focus of candidates who can become

<https://cejsr.academicjournal.io>

magnets to win the most votes. Herein lies the structural weakening of political parties. The Party no longer focuses on nurturing young cadres seriously for the long-term benefit of the Party's ideology but instead focuses on finding shortcuts by hunting down popular cadres with financial means to fund the Party's needs. The electability of the majority vote carried by the open proportional system directly has changed the field of electoral play that should be a battleground for ideas or ideas programs into a battle of famous and financially capable people because these famous and financially capable cadres have become the magnet of the Party to win the most votes. In an open proportional system, the people are fully sovereign. However, the reality of the condition of people who are still hungry and poor tends to choose representatives of capital owners and money by ignoring political Datsun, morality, let alone capacity. As a result, the open proportional system actually gave birth to representatives of the people who were still learning and untested, and some were not the best cadres of the Party, so representatives who failed to guard the gatekeepers of morals and responsibility were elected. Instead of fighting for the people, the supervisory function is not optimal. In addition, the consequences of open proportionality are the occurrence of unhealthy competition (destructive politics) between candidates in one Party and contestation among internal candidates of one Party and not with other parties.

#### **5. Elections as Part of Actualizing Peoples's Sovereignty**

The basic idea of the theory of popular sovereignty is very simple it is the people who should be the ultimate source of power in one country that others do not. The people rule independently of themselves. Hatta said people's sovereignty meant people's government. Government is carried out by leaders trusted by the people. This idea of popular sovereignty was born as a reaction to the theory of king sovereignty, which mostly resulted in monopolies and power lapses that eventually led to tyranny and misery of the people. Robert A. Dahl, in *Seeing Democracy*, emphasizes more aspects of political freedom. Dahl said there are at least five criteria or standards so that the process of governance can be said to be democratic. The five criteria include, first, effective participation. Before a policy is adopted by the state, all people must have an effective opportunity to express their views. Second, the equality of sound. Every citizen must have an equal and effective opportunity to vote, and all votes must be counted equally. Third, bright understanding. In this regard, every citizen should be given the opportunity to study relevant alternative policies. Fourth, agenda monitoring. Various state policies are always open to change if the people want to. Fifth, adult scoping. In this case, all or at least most adults who are permanent residents should have the full citizenship rights indicated by the previous four criteria.

Dahl's criteria for Democracy may remain within the framework of freedom and equality. The first and third criteria can be included in the family of freedom. This means that every citizen must be given



<https://cejsr.academicjournal.io>

the freedom to be involved in making and making decisions. At the same time, the second criterion is included in the family of equal rights/equality. At the same time, the fifth criterion is a cluster of political rights that must be guaranteed and protected by the state in the context of freedom and equality. Social and economic rights are included in one of Dahl's five democratic criteria. There are at least four principles of popular sovereignty, namely: freedom, equality, majority vote, and accountability. The first two principles are more the essence of popular sovereignty (called the essential principle), and the second two principles are the procedure for the exercise of popular sovereignty (called the procedural principle).

Indonesia is a democracy with people's sovereignty. The term sovereignty is commonly understood as sovereignty or majesty, adopted from English, French, German, and Dutch, which have been heavily influenced by Latin. All of these terms point to the same root meaning, namely, the supreme power in a state. However, the root of the word sovereignty itself is an adaptation of Arabic which comes from the root word sovereignty or dilation, which in the classical sense means a change or circulation. Democracy itself, according to Aristotle, suggests that Democracy is freedom, or the principle of Democracy is freedom, because only through freedom can every citizen share power in his country. Aristotle also said that if a person lives without freedom in choosing his way of life, then it is the same as a slave. While Harris Soche explained that Democracy is a form of people's government; therefore, the power of government attached to the people is also a human right for the people to defend, regulate and protect themselves from any coercion in a body that is handed over to rule. According to Giovanni Sartori (1994): Elections are an electoral system that allows the people to elect their representatives freely and secretly in a fair and open manner.

The implementation of the democratic Party through general elections organized by the Republic of Indonesia has an impact on the development of life progress and community involvement in organizing General Elections (Pemilu), showing the stronger democratic order in a country. Democracy requires the involvement of the people in every administration carried out by the state. The people are positioned as important actors in the democratic order because Democracy is essentially based on the logic of equality and the idea that the government needs the consent of the governed. Community involvement is a basic element of Democracy. For this reason, the holding of elections as a means of implementing Democracy, of course, must not be separated from the involvement of the community. Community involvement in holding General Elections (Pemilu) shows the stronger democratic order in a country. Democracy requires the involvement of the people in every administration carried out by the state. The people are positioned as important actors in the democratic order because Democracy is essentially based on the logic of equality and the idea that the government needs the consent of the

<https://cejsr.academicjournal.io>

governed. Community involvement is a basic element of Democracy. For this reason, the holding of elections as a means of implementing Democracy, of course, must not be separated from the involvement of the community.

## CONCLUSION

Both open and closed proportional systems have several advantages and disadvantages, but if the closed proportional system is actually implemented in the 2024 elections, then there are several things that will happen, such as the strengthening of political party oligarchy because the power within the Party has the right to determine who and what policies should be breathed in the government in this country and the constituents at the bottom will see a vacuum and empty in the election because they only vote for the logo parties without knowing who they voted for.

The implementation of an open proportional system is also not completely an absolute system. Because if this is still applied to the 2024 election, there will be a repeat of facts like the previous election, such as the high election costs incurred by legislative candidates to win the fight, the weakening of the function of political parties as political organizations in a country, and many produce representatives of the people who do not know the function of legislation.

Therefore, there needs to be an in-depth study from several parties, such as academics, practitioners, politicians, organizers, and Democracy & election activists, about what professional system is feasible to apply in the 2024 election. So that polemics between political parties at the elite level do not continue to be a discourse that confuses people at the lower level.

In other words, the sovereignty of the people in the implementation of elections is not curtailed so that the people in electing their representatives can be freely and secretly in a fair and open way.

**REFERENCES**

- Asshidique, Jimmly. 2011. *Pengantar Ilmu Hukum Tata Negara*. Edisi I Cet. Ketiga. Jakarta: Rajawali Pers
- Antari, Putu Eva Ditayani. 2018. *Interpretasi Demokrasi Dalam Sistem Mekanis Terbuka Pemilihan Umum Di Indonesia*. Jurnal Panorama Hukum 3, no. 1: 87– 104.
- Budiono. 2017. *Menggagas Sistem Pemilihan Umum Sesuai Dengan Sistem Demokrasi Indonesia*. Jurnal Ilmiah Dunia Hukum, Vol.13 No.1
- Dahl, Robert A. 2001. *Perihal Demokrasi Menjelajahi Teori dan Praktik Demokrasi Secara Singkat*. Jakarta: Yayasan Obor Indonesia
- Danial, & Warsiah. 2009. *Metode Penulisan Karya Ilmiah*. Bandung: Alfabeta
- Hidayat, R. 2020. *Sistem Pemilu Proporsional Terbuka Disebut Gagal Penuhi Lima Tujuan*. hukumonline.com.
- Kharisma aulia, agus riwanto. 2019. *Tentang Sistem Pemilu Proporsional Terbuka Terbatas Pada Pemilu Legislatif 2019*. Res Publica 3, no. 1: 91–101
- Makarim, Muhammad Revan dan Hahmi, Khairul. 2022. *Permasalahan dan Dampak dari Implementasi Sistem Pemilu Proporsional Terbuka terhadap Sistem Politik*. Journal of Sosial and Policy Issue - vol. 2 no. 2.
- Marijan, Kacung. 2012. *Sistem Politik Indonesia; Konsolidasi Demokrasi Pasca Orde Baru*. Jakarta: Kencana
- Muhtadi, Burhanuddin. 2019. *Politik Uang Dan New Normal Dalam Pemilu Paska-Orde Baru*. Jurnal Antikorupsi INTEGRITAS 5, no. 1: 55–74
- Nurtjahjo, Hendra. 2006. *Filsafat Demokrasi*. Jakarta: Bumi Aksara
- Pratiwi, Diah Ayu. 2018. *Sistem Pemilu Proporsional Daftar Terbuka Di Indonesia: Melahirkan Korupsi Politik?*. Jurnal Trias Politika 2, no. 1: 13.
- Ramdani, Muhamad Doni, dan Fahmi Arisandi. 2014. *Pengaruh Penggunaan Sistem Pemilihan Umum Dewan Perwakilan Rakyat Proporsional Daftar Terbuka*. Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional 3, no. 1 101.
- Santoso, Kholid O. (Ed.). 2009. *Mencari Demokrasi Gagasan dan Pemikiran*, Bandung: Segi Arsy
- Saryono. 2010. *Metodologi penelitian kualitatif*. Bandung: Alfabeta
- Sugiyono. 2005. *Memahami Penelitian Kualitatif*. Bandung: Alfabeta
- Simarmata, Markus H. 2017. *Mencari Solusi Terhadap Keraguan Sistem Pemilihan Umum Yang Tepat Di Indonesia*. Jurnal Legislasi Indonesia, no. Vol 14, No 3: Jurnal Legislasi Indonesia: 285-299

<https://cejsr.academicjournal.io>

Warganegara, Arizka. 2019. *Evaluasi Pilkada Serentak 2015 Dan Pemilu 2019: Sebuah Catatan Singkat*.

Wacana Publik 13, no. 01: hal. 1–6.