



**TECHNIUM**  
**SOCIAL SCIENCES JOURNAL**

**Vol. 20, 2021**

**A new decade  
for social changes**

[www.techniumscience.com](http://www.techniumscience.com)

ISSN 2668-7798



9 772668 779000

## General election based on the principle of Luber-Jurdil and its development in Indonesia

**Fernando Silalahi<sup>1</sup>, Manotar Tampubolon<sup>2</sup>**

<sup>1 2</sup> Senior lecturer, Faculty of Law, Universitas Kristen Indonesia, Jakarta, Indonesia

[justitie234@gmail.com](mailto:justitie234@gmail.com)

**Abstract.** This qualitative study analyses the implementation of Indonesia's General Election (PEMILU), based on the principles of it being Direct, Public, Free, Confidential, Honest and Fair (LUBER-JURDIL), post-reformation, and its development in Indonesia from the perspective of Dahl's Theory of Power. For General Elections in Indonesia, the principle of LUBER JURDIL has been implemented; however, BAWASLU is indecisive, enabling elements to try to undermine the electoral process. Violations occurred during the campaign because of weak law enforcement and community mobilisation in the name of religion. This is damaging the purpose of the election, which delegation of political representation. As one of the largest democracies in the world, Indonesia must be able to live up to being the best country for implementing democracy, by upholding the principle of LUBER JURDIL. This study uses the concept of democracy to assess the problems of mechanism and the implementation of the principle of LUBER JURDIL in previous and upcoming Indonesian elections. By improving the implementation of democratic elections, changes the leadership and national development, the people's expectations for the realization of Indonesia as Indonesia a Welfare State.

**Keywords.** General Election, Indonesia, Violation, democracy

### Background

The historical development of state administration in Indonesia has involved a period of difficulties for the Indonesian government system and there have been some changes in this system (Syafriadi, 2017). This is to say that the system of government is inconsistent in the way in which changes are implemented as mandated by the 1945 Constitution. Governance according to the 1945 Constitution, as practised in Indonesia, provides a more democratic system of government, in which citizens participate either directly, or indirectly through their representatives in formulation and law-making processes. Democracy relates to the creation of social, economic and cultural conditions that allow the free, active and equitable practice of political freedom (Suyastri, 2020). A democratic system is an alternative to dictatorship or tyranny. It provides opportunities for the people to control their leaders and overthrow and replace them without the need for revolution (Santoso, 2015: 74).

Implementation of general election in the 1945 Constitution has made Indonesia one of the most democratic countries in the world, after the United States and India (Rozi, 2019). Evidence of this has been seen in every general election in Indonesia. Many international monitoring teams and foreign experts want to see, firsthand, how Indonesia's general election, from the actors and processes that may deepen democracy (Tornquist, 2000). The Unitary State

of the Republic of Indonesia is a country with a democratic system of government where “by the people and for the people” is a manifestation of the democratic system in Indonesia (Sarip, 2018)..

According to Rousseau, democracy relates to the stages and processes that a country should go through in order to achieve prosperity. This suggests that democracy for a country requires a process of education for the purpose of developing a better constitutional system (Rousseau, 2007). In Indonesia, the embodiment of a democratic political system is the holding of General Elections (PEMILU). Strong (1963) described democracy as a system of government in which people from the community take part in parliamentary politics, based on a representative system that guarantees that the Government is ultimately accountable for all its actions to the majority of the people’s representatives including the President, the People's Representative Council (DPR), the Regional Representative Council (DPD) and the Regional People's Representative Council (DPRD).

Based on the foregoing information, the study examines below questions:

1. What is the mechanism for implementing General Elections in post-reform Indonesia?
2. How is the LUBER JURDIL principle applied in General Elections in post-reform Indonesia?
3. How does the law, and politics, relate to the principle of LUBER JURDIL in the upcoming General Election?

### **Literature Review**

An empirical model of democracy that dominates world democratic politics comes from Dahl’s polyarchal and procedural democracy (Bailey & Braybrooke, 2003). Because of the model’s empirical element, both polyarchal and procedural theories dominate the literature and discourse on democracy throughout the world. Dahl's pluralist view strongly emphasises power distribution among various interest groups. No single group can claim to be the most representative of the people's voice; it needs for widespread of citizen participation (Parvin, 2018). Dahl (1989) provides five reference criteria that are an absolute requirement when assessing whether a system is entirely democratic:

1. Effective participation

Citizens must have adequate and equal opportunities to form their preference and place questions on the public agenda and express reasons for one outcome over the other.

1. Voting equality at the decisive stage

Each citizen must be assured his or her judgments will be counted as equal in weights to the judgments of others.

2. Enlightened understanding

Citizens must enjoy ample and equal opportunities for discovering and affirming what choice would best serve their interests.

3. Control of the agenda

Demos or people must have the opportunity to decide what political matters actually are and what should be brought up for deliberation.

4. Inclusiveness

Equality must extend to all citizens within the state. Everyone has legitimate stake within the political process.

For Dahl, democracy is government in which there is neither tyranny of the majority nor majority rule to the exclusion of minorities. Dahl emphasised that democracy should provide space for minority power. Competition between different groups can occur and competition might not belong to the majority group.

Another concept of democracy denotes by Lijphart (1998) with the following pillars: Freedom to form and join an organisation, freedom of expression, the right to vote, eligibility for public office, the right of political leaders to compete for support and votes, free and fair elections, and institutions for ensuring that Government policies depend on votes and other expressions of preference. However, this criterion is difficult to achieve when enemies of democracy, for example: disinformation (McKay & Tenove, 2020), violence (Schedler, 2020), populism (Weyland, 2020) and reciprocal politics (Schedler & Teveno, 2020; Piroalli, 2021) still occur. in a democratic country.

### **General Election (Election)**

General Election is the embodiment of democracy, which play an essential role in determining the continuity of a country's progress (Cheema, 2007). According to Huntington (1995), the Election, in its implementation, has five objectives:

1. The implementation of the manifestation of people's sovereignty, assuming that the democracy places sovereignty in the hands of the people. Although the people, who are sovereign, cannot rule directly, they can determine their representatives through General Elections. The representatives of the people will decide who will hold the reins of government.
2. Being the means of building and forming political representation. Through General Elections, the people can elect representatives who are trusted to articulate their aspirations and interests. The higher the quality of the General Election, the better the quality of people's representatives who can be elected to the people's representative institutions.
3. To be a method for implementing a change of leader constitutionally. General Elections can confirm the incumbent Government or bring about governmental reforms. Through General Elections, the people can trust an aspirational Government to lead again, and vice versa; if the people do not believe in the Government, it will end and be replaced with a new Government that is supported by the people.
4. To be a system that enables political leaders to gain legitimacy. Voting at an Election provides a mandate, from the people, to the elected leaders to run the 'wheels of government'. An elected political leader is one who has obtained political legitimacy (legitimacy) from the people.
5. To be a system of public political participation to actively determine the direction of public policy. Through the General Election mechanism, the public can directly determine public policies through their support for contestants who are considered to have aspirations that are sympathetic to the interests of the people. Contestants who win an Election because the public supports them should fulfill all their promises when they come to power.

### **Methodology**

To explain about analysis of the electoral system in implementation of LUBER-JURDIL in Indonesian general elections, authors using descriptive method qualitative. With this method the authors trying to describe, analyze, and construct meaning about the phenomenon that reflects on implementation of the LUBERJURDIL principles in general election system in the current Indonesian political context.

Descriptive-analytical research provides a detailed description of the administration of the General Election system by examining the problems that exist at present and by drawing upon research which seeks to identify policies that are appropriate for the General Election system. The current research describes various problems and issues relating to the holding of General Elections. Democratisation is a means to achieve democracy. Although Elections are not the same as democracy, they are both a concept and a natural form of democracy. To fill political positions in the People's Representative Assembly (DPR), Regional Representative Assembly (DPD) and Regional People's Representative Assembly (DPRD), and to elect a President and Vice President, down to the Village Head to represent the community, is an election implementation mechanism (General Election).

### **The History of General Elections in Indonesia**

Legally, the Indonesian State regulates Elections, based on statutory regulations. Regulations and laws that control the holding of Elections normatively are a means of exercising people's sovereignty in a democratic country. The following is a list of laws and regulations, ordered by election year:

#### **Law Number 7 of 1953**

Law Number 7 of 1953, concerning the Election of Constituent Members of the House of Representatives, is the first law regarding General Elections in Indonesia. This law provides no definition or limitation on the meaning of a General Election. In the section considering the law, it states that, for the election of members of the Constituent Assembly and House of Representatives, it is necessary to enact statutes and regulations. There is no definition of what is a reference for the meaning of general elections.

#### **Law Number 15 of 1969**

Law Number 15, from 1969, concerning General Election of Members of the Consultative Body / People's Representative Council 21, is the preparatory law for the first Elections during the New Order era, which took place in 1971. This law is also not specific about General Elections. However, this law is much better than the previous law; its consideration explicitly emphasises: " that in order to exercise the people's sovereignty on the basis of the people who are led by the wisdom of inner wisdom deliberation / representation and to bring about justice social law for all Indonesian people needs to be drafted General Election for members of the People's Consultative Assembly, The People's Representative Council and the Regional People's Representative Council, which are in accordance with the ideals and principles of democracy in the Five Principles".

#### **Law Number 4 of 1975**

Law Number 4 of 1975 is an amendment from Law Number 15 of 1969 concerning the General Election of Members of the Consultative Body / People's Representative Council. In this law, there are no significant changes, including in the definition of General Elections. In a General Election, the aim is "to increase the people's awareness as much as possible, especially in the exercise of their voting rights".

#### **Law Number 2 of 1980**

Law Number 2 of 1980, concerns amendments to Law Number 15 of 1969 on the General Election of members of the Consultative Body / People's Representative Council, as amended by Law Number 4 of 1975. This law did not introduce significant changes, although

there were additions related to its consideration. This law is a second amendment, so it does not contain the definition of a General Election. This law still refers to Law Number 15 of 1969.

#### **Law Number 1 of 1985**

Law Number 1 of 1985 concerns amendments to Law Number 15 of 1969 on the General Election of Members of the Deliberative Council / People's Representative Council, as amended by Law Number 2 of 1980. The law introduced significant changes and contained a definition of a General Election in Article 1. The provision reads: "General Election is a means of implementing the principle of people's sovereignty based on Pancasila in the Republic of Indonesia". Amendments in this law include Article 1, Article 2 and Article 3 of the Decree of the Indonesian People's Consultative Assembly Number: III / MPR / 1983 concerning General Elections. Article 1, 2 and 3 of the Decree of the People's Consultative Assembly are contained in the preamble, the body and the elucidation of the General Election Law. Referring to the provisions mentioned above, this law stipulates the necessary arrangements for the holding of General Elections; therefore, to further support implementation, it must realize people's sovereignty and the people's participation in the administration of state governance. With the start of the Reformation era, the law in this Election is also a milestone in the history of the most democratic and open elections, which had not previously occurred in the New Order era.

#### **Law Number 12 of 2003**

Law Number 12 of 2003, concerning the General Election for Members of the People's Representative Council, Regional Representative Council and Regional People's Representative Council, is a perfect law in the electoral process. This Law identifies the people's sovereignty as being key for General Elections. The people's authority must be exercised through the election mechanism, to run the Government, as the 1945 Constitution of the Republic of Indonesia mandates the people's participation. Law Number 12 of 2003 provides a definition of a General Election as: "a means of exercising people's sovereignty in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia."

#### **Law Number 10 of 2008**

Law Number 10 of 2008, concerning General Elections for Members of the People's Representative Council, Regional Representative Council and Regional People's Representative Council 24, is the law for implementing General Elections to be held in 2009. The definition of General Elections remains the same as that of the previous statute.

#### **Law Number 42 of 2008**

Law Number 42 of 2008, the definition of the General Election for the President and Vice President, is largely the same as in Law Number 23 of 2003, but there are differences in detail. For example: Candidate Pairs are proposed by Political Parties or Combination of Political Parties participating in the election who meet the requirements for obtaining seats at least 20% (twenty percent) of the number of seats in the House of Representatives or obtaining 25% (twenty five percent) of the national valid votes in the Election for DPR members. People's Representatives, prior to the implementation of the Presidential and Vice-Presidential Election.

#### **Law Number 8 of 2012**

Like the previous law, Law Number 8 of 2012 concerns the General Election of members of the People's Representative Council, Regional Representative Council and

Regional People's Representative Council 26, and uses the same approach and limitations in defining the meaning of a General Election.

### **Law Number 7 of 2017**

Law Number 7 of 2017, concerning General Elections is the same regarding the definition of General Elections, and is merely an extension. While the previous law on the purpose of General Elections focused on the people's sovereignty, in terms of the principles of Elections being direct, public, free, confidential and fair, in Law Number 7 of 2017 the definition of General Elections states the position that is chosen. Article 1 point 1 reads: "General Elections, means of people's sovereignty to elect members of the People's Representative Council, members of the Regional Representative Council, the President and the Vice President, and to elect members of the House of Representatives. Regions, which are implemented directly, publicly, freely, secretly, honestly, and relatively in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia."

### **The 2004 General Election**

General Elections (Elections) in Indonesia were initially only to elect members of representative institutions, namely the DPR, Provincial DPRD and Regency / City DPRD. However, after the Fourth Amendment of the 1945 Constitution, in 2002, there was the implementation of an Election for the President and Deputy, which were previously elected through the People's Consultative Assembly (MPR). Election to these positions was finally carried out directly, by the people, through a General Election, so that the Presidential and Vice-Presidential Elections were included as part of the General Election (Election) and the election of Legislative Members. The General Election of 2004 was the most complex one there had been, because, in addition to the General Election of legislative members and the Election of the President and Vice President, there was also an Election of members of the Regional Representative Council (DPD). The legislative elections of 2004, after the selection process, involved only 24 political parties. All of these parties competed for seats in the DPR, Provincial DPRD and Regency / Municipal DPRD. The number of seats available in the DPR is 550.

In this Election, Golkar was declared the party with the most votes. Golkar received 21.58 percent of the votes, or 128 seats, in the DPR. Second place was occupied by PDI Perjuangan, with 19.82 percent of the votes, or 109 seats. PKB followed, with 10.57 percent of the votes, or 52 seats. The PPP received 8.15 percent of the votes, or 58 seats, and the Democrats had 7.45 percent, or 55 seats. Voting for the 2004 Presidential Election took place on July 5, involving five pairs of presidential and vice presidential candidates, namely Wiranto - Salahuddin Wahid, Megawati Soekarnoputri - Hasyim Muzadi, Amien Rais - Siswono Yudo Husodo, Susilo Bambang Yudhoyono - Jusuf Kalla and Hamzah Haz - Agum Gumelar. The General Election for the presidential Candidates - Cawapres - required two rounds of voting, because no pair of presidential and vice presidential candidates obtained more than 50 percent of the votes. In the second round of presidential and vice presidential voting, there were only two candidate pairs, namely Susilo Bambang Yudhoyono - Jusuf Kalla and Megawati Soekarnoputri - Hasyim Muzadi, with the former pair receiving 60.6 percent of the votes, ahead of their rivals' 39.3 percent. So, the General Election for the President and Vice President, as a part of the electoral system, was held for the first time at the General Election (PEMILU) of 2004, and it was through this General Election (Election) that the first President of Indonesia, Susilo Bambang Yudhoyono, was directly elected by the people. Since 2004, the General

Election (Election) for the President and Vice President has been held once every five years, for a term of five years.

### **The 2009 Election**

Voting in the legislative elections was held on April 9, involving 38 parties, competing for 560 seats in the Parliament, with the addition of six Acehese local parties. The Democrat Party, led by Susilo Bambang Yudhoyono as the General Chairman and the incumbent President, was declared the winner. The Democratic Party received 20.8 percent of the national vote, and 150 seats in the DPR; in second place was the Golkar party, with 14.4 percent, or 107 seats, and in third was the PDI-P, with 14.03 percent of the vote, or 95 seats. Next in the poll was the Prosperous Justice Party, with 7.88 percent, or 57 seats, PAN, with six percent, or 43 seats, and PPP, with 5.32 percent, or 37 seats. The election was contended by three pairs of presidential and vice presidential candidates, namely Megawati Soekarnoputri - Prabowo Subianto, Jusuf Kalla - Wiranto and Susilo Bambang Yudhoyono - Boediono. The cawapres presidential election required just a single round, because the SBY - Boediono pairing gained 60.8 percent of the votes.

### **The 2014 Election**

Voting for candidates for legislative and DPD members, in the 2014 General Election, was held on April 9. Twelve political parties participated, with the addition of three Aceh local parties that took part in the election for members of the Provincial DPRD and Regency / Municipal DPRDs throughout Aceh Province. In the 2014 General Election, the PDI-P party received the most votes, gaining 18.95 percent of the national vote. This meant that the party was entitled to as many as 109 seats in Parliament. Golkar finished in second place, with 14.7 percent of the vote, or 91 seats in the Parliament, with the Gerindra Party in third, with 11.8 percent of the vote, or 73 seats in Parliament. The Democratic Party, which was elected to power in the 2004 and 2009 elections only received 10 percent of the votes, or 61 seats in the Parliament in 2014, due to negative sentiments towards its cadres were arrested by Corruption Eradication Commission (KPK). After the Constitutional Court (MK) decided to reject the judicial review of Article 222 of Law Number 7 of 2017, concerning General Elections, this MK decision required a presidential threshold of 20% of DPR seats or 25% of valid national votes. As no political party controlled 20% of the seats in the DPR or 25% of the valid national votes, a number of parties formed a coalition to nominate candidate pairs for President and Vice President.

Several political parties, led by the Indonesian Democratic Party of Struggle (PDIP), collaborated with the Nasdem Party, National Awakening Party, Hanura Party and PKPI, on May 19, 2014, declaring Jokowi-Kalla pair at Joang 45 Menteng Building, Central Jakarta. Meanwhile, the Gerindra Party, in coalition with Golkar, PAN, PPP, PKS, PBB and the Democratic Party, nominated presidential candidate Prabowo Subianto and vice presidential candidate Hatta Rajasa. The 2014 presidential and vice presidential Elections were held on July 9, 2014, to elect the President and Vice President for the 2014-2019 term. This was the third time that there had been the direct election of the President and Vice President. However, the incumbent President, Susilo Bambang Yudhoyono, was unable to participate in the contest, because, based on Article 7 of the 1945 Constitution, ("The President and Vice President hold office for a five-year term, after which they can be re-elected to the same position for only one term of office"), the presidential office can only be held for two terms.

The presidential candidate pairing of Jokowi - Yusuf Kalla invited controversy, because, previously, Yusuf Kalla had said in an interview that, if Jokowi became President,

the country could be destroyed (Harahap, 2014). These words of the Vice President, Yusuf Kalla, become a tool for Prabowo - Hatta Rajasa supporters to discredit their opponents. However, there are no real friends and no real opponents in politics, as everything revolves around self-interests. The words of Yusuf Kalla were only applicable if he were not the vice president accompanying Jokowi. During the 2014 presidential Election, all the past mistakes of the presidential and vice presidential candidates were exposed by their political opponents, both in the mainstream media and through their supporters.

The political problems relating to Prabowo's past were resolved by a number of his sympathizers suing the Central Jakarta District Court regarding human rights violations during the 1998 reform period. There were also reports regarding the duplicity of the leadership of the HKTI (Himpunan Kerukunan Tani Indonesia), chaired by Prabowo Subianto and Usman Sapa Odang. A volunteer organisation named TARIK (Advocacy and Information Team for Public Openness) reported Prabowo to Bawaslu, because, in the form issued by the General Election Commission (KPU) in the BB-4PPWB model letter D or a form used for updating voter data (Art. 6 Law No. 34 Year 2009). As a result, TARIK volunteers reported Bawaslu to DKPP, on the grounds that they felt cheated by the curriculum vitae of presidential candidate Prabowo Subianto.

Supporters of Prabowo - Hatta Rajasa claimed that Jokowi was not fulfilling his duties as the Governor of Jakarta, and that, if he were unable to show leadership in Jakarta then he would not be a good candidate for President. There was also much friction in the community, with many reports regarding election violations (Kemitraan, 2021). The 2014 Election with some election violations seems to ignore the principle of LUBER JURDIL. Banners discrediting certain candidate pairs turned the campaign period into a scenario in which rivals could vilify one another. Inevitably, lives were threatened in several parts of the country.

The implementation of the 2014 Presidential Election felt more 'festive', compared with previous elections, because reactions from the community were very responsive and very expressive. During the campaign, the district head (Bupati) did not hesitate to side with one of the presidential candidate pairs. As a result, friction within the community often occurs because of the absence of any secrecy regarding people's choice of candidates. Much rivalry grew between the supporters of different candidates, which is heating the campaign period.

Nevertheless, the 2014 Election was implemented well. The General Election Commission (KPU), the body mandated by the State stated that the presidential and vice presidential candidate pair Jokowi - Jusuf Kalla won the 2014 Presidential Election, receiving 53.15 percent of the votes, ahead of Prabowo Subianto - Hatta Rajasa, who received 46.85 percent (KPU, 2014).

### **The 2019 Election**

The Elections held in 2019 differed from previous Elections. In 2004, 2009 and 2014, voting for members of the legislature took place before the Presidential Elections, whereas, in 2019, the two sets of Elections were held on the same day.

This was the result of a decision made by the Constitutional Court No. 14 / PUU-XI / 2013, which granted an application for a judicial review of Law Number 42 of 2008, concerning the Election of President and Vice President, submitted by the Coalition of People for simultaneous elections and the academic, Effendi Gazali. The articles tested were Article 3 paragraph 5, Article 9, Article 12 paragraph 1 and section 2, Article 14 paragraph 2, Article 112 (concerning the Presidential Election against Article 4 paragraph 1), Article 6A paragraph 2, Article 22E paragraphs 1 and 2, Article 27 paragraph 1, Article 28D paragraph 1, Article 28H paragraph 1 and Article 33 paragraph 4 UUD 1945.

After the Constitutional Court's decision, the simultaneous Election of the President and Vice President and the Election of legislative members and members of the Regional Representative Council took place on the same day. This was a milestone in the history of the Republic of Indonesia. For the 2019 Election, the people voted using five ballot papers, relating to the Presidential Election, DPR RI membership and candidates for DPRD I, DPRD II and DPD RI.

The Constitutional Court thought that simultaneous elections would be more efficient in terms of time and cost. However, the 2019 Election budget was IDR 24.8 trillion, an increase compared to the 2014 Election budget of IDR 24.1 trillion. This represented a budget increase of nearly 700 trillion rupiahs. Based on data from the Ministry of the Cabinet Secretariat of the Republic of Indonesia, implementing the 2019 Election reached 25.59 trillion rupiahs, an increase of almost 61 percent compared with the General Election of 2014. According to the Constitutional Court, a further aim of conducting simultaneous polls was to reduce friction within the community. In the 2019 Election, there were two pairs of presidential and vice presidential candidates, namely Jokowi - Maruf Amin and Prabowo Subianto - Sandiaga Uno. The amount of friction in the community was greater during the 2019 Election than in 2014.

In 2019 there were massive demonstrations in the larger cities of Indonesia, and certain roads were blocked by demonstrators demanding that BAWASLU reject the 2019 Election results. The situation was worse than during the previous election, in 2014. The 2019 election divided the electorate into two factions, which resulted in riots. Such friction in society occurs because of the role of survey institutions that certain presidential and vice presidential candidates. This is because the survey institutions are financed by the presidential candidate and their political parties, so that they are not independent.

### **The Principle of LUBER JURDIL in Post-Reform General Elections in Indonesia**

The Indonesian electoral system includes several types of Election, from national polls to the Presidential Election, to legislative elections and the head regional election. These events have been run by an independent institution, namely the KPU, or the General Election Commission, and the Regional General Election Commission (KPUD), who select members of the Central KPU based on a 'fit and proper' test by the DPR. So that the implementation of Elections is independent, officials from other countries cannot intervene.

Based on the history of democracy in Indonesia, which basically concerns Elections in Indonesia, the principle of 'overflow' has existed since the New Order era. During the New Order election period (July 5, 1971, May 2, 1977, May 4, 1982, April 23, 1987, June 9, 1992 and May 29, 1997), the LUBER principle was adopted. In the Reform era, the principle of JURDIL means 'honest and fair', and the principle of 'LUBER JURDIL' implies that Elections held are based on the law. In the Indonesian constitutional system, the holding of polls adheres to LUBER JURDIL, which implies that they are Direct, General, Free, Secret, Honest and Fair.

#### **Direct**

General Elections determine the election of candidates for legislative positions and the positions of President and Vice President, by the people. This is achieved through the implementation of a mechanism for directly electing candidates according to their thoughts and conscience of voters. For example: a sick person can have his / her vote cast by a third party, under the supervision of the committee to ensure that the ballot paper is not misused or used fraudulently (Farisa, 2019).

### **General**

The principle of an Election being 'General' relates to all Indonesian citizens fulfilling the provisions contained in legislation taking part in a General Election, without exception. Without discrimination, all people, regardless of ethnicity, race or religion, may participate in Elections. General principles apply to anyone, regardless of gender, profession or social situation. Elections are the right of citizens who comply with certain provisions; for example, voters must be at least 17 years old, or be married and physically and mentally healthy.

### **Free**

Elections should also adhere to the principle of freedom, with people being able to vote freely, without coercion. By law, any individual has the right to elect whoever he / she chooses, according to his / her conscience, with no pressure or threat from any party, including the Election organisers. The principle of freedom in connection with Elections applies to all Indonesian citizens who live in the territory of the Republic of Indonesia, as well as Indonesian citizens who live abroad. General Elections can be held in other countries (i.e. abroad) if all required procedures have been implemented by a given country's Government, with the involvement of representatives of the Indonesian embassy, and voters should not be subject to any threat or coercion.

### **Secret**

Elections should also adhere to the principle of secrecy. Voters may not notify others of their voting intentions, even the Election organisers, so that conditions remain safe, with no instigation of unrest, abuse, hatred or scorn as a result of differences in choice. Election organisers are also not permitted to divulge voters' choices. They may not ask voters about their voting intentions and they may not attempt to influence them. It is this principle that enhances the quality of genuine Elections.

### **Honest**

General Elections must be implemented honestly and transparently. When vote counting begins, the Election organising committee is obliged to invite the public to monitor and observe the counting process. Vote counting must be made transparent by involving the public to monitor the voting result.

Indonesian Election Portal (2019) found that money politics and vote manipulation or vote mark-up are the most dominant cases during the 2019 general election. Almost all regions have indicated that the principle of LUBER JURDIL has been eroded, that there is no longer any honesty and freedom of choice, and that there is even intimidation of voters. The latter commonly occurs at voting booths (TPS), where direct voters select a given candidate.

Such incidents indicate that a fundamental principle agreed upon, to safeguard people's welfare and democratic rights, has been violated. Some have even considered the Election to be no more than a joke or a political game played by the ruling elite or a specific group of people, because everyone had known who would become members of the legislature before the Election was held. Because of this, people think that elections are a political joke, and this is because of the absence of the LUBER JURDIL principle. Elections are no longer a mechanism of democracy and a process for ensuring the transfer of power according to the principle of LUBER JURDIL.

In recent elections, the increasingly election violations being shown by sympathisers and members of political parties, including regional heads (governors, mayors), who have openly declared their allegiances (Badan Pengawasan Pemilu, 2019). All of this is done in the

name of democracy and freedom of choice, so that it no longer considers the LUBER JURDIL principle. The quality of the implementation of a General Election can be measured according to the extent to which democratic principles have been upheld. This can be seen from the recruitment of candidates for legislative positions and of presidential and vice presidential candidates.

Where is the principle of LUBER JURDIL, as mandated by the 1945 Constitution under Article 22E? (1) General elections are held directly, publicly, freely, secretly and honestly, every five years. (2) General Elections have been held to elect members of the People's Representative Council, Regional Representative Council and Regional People's Representative Council, as well as to elect a President and Vice President. (3) Participants standing for election to the People's Representative Council and the Regional People's Representative Council are political parties. (4) Participants standing for the Regional Representative Council are individuals. Based on the 1945 Constitution of the Republic of Indonesia, as stated in Article 22E paragraph 1, it appears that the community has abandoned the LUBER JURDIL principle.

It is hoped candidates and campaign teams can avoid using campaign methods that violate the law and democratic ethics. In order to maintain a peaceful and conducive atmosphere are key to the successful implementation of General Elections, avoidance of election violations is a must. However, an agreement is not enough; there must be a stronger commitment. This commitment should involve individuals at all levels, from the elite down to lower-ranking officials and even extend to supporters. Such a commitment should not be merely symbolic, or a lie to garner support, even though elite politicians allow the spread of fake news in order to gain votes unfairly.

### **The LUBER JURDIL Principles in future General Elections**

A large country, Indonesia adheres to a democratic system. Both the legislature and the executive are elected, through an electoral process, directly by the people. Because appointing a people's representative must involve such an electoral process, the six principles described previously should be observed. Also, election process must adhere to a country's legal framework for elections (IDEA, 2002), which means that Elections should be direct, general, free, secret, honest and fair.

In terms of the 2019 Election, there is despondency in relation to the principle of LUBER JURDIL. It might even be said that this principle was absent during campaign until election stages. This is because the 2019 election was is a simultaneous election and is the worst in the history of Indonesian elections (Fadil, 2019). In this Election, the narratives of anti-establishment identity politics were powerful due to the concept of populism. Unfortunately, anti-establishment identity politics is always associated with religious identity, which populist politicians always use to imply that the Government is oppressing groups that are opposed to it. Some populist politicians deliberately arouse emotions among their voters with narratives to corner political opponents.

To build a better democracy, politicians must focus on healthy political language that prioritises unity and reconciliation and encourages supporters and voters to prioritise rationality in choosing a leader or representative, instead of building and creating emotionality for the benefit of their group. Political elites prioritise good national interests in conveying their political narrative, for a more advanced, just and prosperous Indonesia.

When General Elections approach, identity politics causes hoaxes to be adopted as a campaign strategy. Social cohesion will fail and the proponents will be hostile to each other and the foundations of the country will be at stake, for Indonesia's integrity and sustainability.

As the third-largest democracy globally, in this study, the author wants to compare democracy in Indonesia with other major democracies in the world. To achieve this, a comparison is made, here, between the General Election system in Indonesia and that of the United States. There are two electoral mechanisms in the United States, namely Primary Elections and General Elections. Primary Elections occur before the General Election, to determine the candidates from the parties who will run in the General Election. The candidates who win the 'primaries' then represent their party in the polls. Then, the question is whether the General Election in the United States is the same as in Indonesia. In various surveys of the most democratic countries throughout the world, the Government is still the barometer of democracy and fair Elections. Indonesia the third-largest democracy in the world, after India and the United States. There is an assumption that the Indonesian Presidential Election is more democratic than the US Presidential Election due to several considerations such as the system and time required to be much more efficient (Pramudya, 2021), but this is not entirely true because negative campaigns that attack and bring down potential opponents are still permitted by law in USA (Limantara, 2018).

In this system, the elected President is not appointed based on the people's votes at the polling stations, but on the electoral votes system spread across the 51 states of the United States. Each state has a different number of electoral votes. Representation is determined by the number of Senate and DPR seats allocated by each state. A good example of Presidential Election in the United States is the contest between Donald Trump and Hillary Clinton, in 2016. In that General Election, Donald Trump became President after gaining 62 votes - 9 million votes worth 306 Electoral Council seats. Donald Trump's vote was less than that of Hillary Clinton, who received 65.8 million votes. But it is Donald Trump who became the 45th President of the United States, in 2016. Why did this happen? Because Clinton's vote only produced 232 seats in the Electoral Council, compared to Donald Trump's 306.

These data suggest that the presidential and vice presidential elections in Indonesia are more democratic than those of the United States. In a General Election in Indonesia, all Indonesian people eligible to vote according to the law can exercise their right to elect the President and Vice President of their choice, directly. Compare this with the United States' Electoral Council and electoral college system. Even the *New York Times* said that the election in Indonesia was "the world's largest direct presidential election" and the "the largest direct presidential election in the world." However, it is disappointing that, recently, Elections in Indonesia have been compromised by not adhering to the principle of LUBER JURDIL, resulting in friction, which has led to casualties, because of dissatisfaction with the results of a General Election.

This has also happened because of the mobilisation of constituents, arousing emotionality, hoax news and narratives that have produced hatred among voters. A contributor to friction in society is that many survey institutions are not credible, in that they produce surveys based on orders from sponsors, and not based on empirical research. According to the General Election Commission Regulation of the Republic of Indonesia, Number 10 of 2018, which is the legal basis for survey institutions to carry out counts based on Article 28 paragraph 1, Surveys or Polls and Quick Counts of Election Results should be carried out by institutions registered with the KPU. Meanwhile, paragraph 2 states that survey institutes that have been registered with the KPU, as referred to in paragraph 1, are legal entities in Indonesia, and their sources of funds do not come from foreign financing. In Article 28 paragraph 3, it is stipulated that survey institutions are required to register with the KPU by submitting documents such as a schedule and location plan, deed of establishment, management structure, etc. Therefore, with the KPU Regulation in place, the survey institution must be independent and impartial.

In the future, it is hoped that BAWASLU, as an institution assigned by the State to oversee the implementation of Elections, must have the courage to give a harsh warning to candidates, certainly candidates who commit election violations in ways that are contrary to the prevailing laws and regulations.

### **Conclusion**

Implementing General Elections in Indonesia is democratic, compared to other countries in Southeast Asia and globally. This is based on research results from survey institutions that describe Indonesia as the third-largest democracy globally. The large number of foreign survey institutions that monitor all the stages of Elections through to implementation provide evidence of this. The survey institutions want to learn about the implementation of General Elections that can be held peacefully. In the General Election system in Indonesia, the principle of LUBER JURDIL has been implemented. However, BAWASLU is indecisive, so that there are elements who try to undermine the electoral process. Violations have occurred from campaign until voting stage because of weak law enforcement.

As one of the largest democracies in the world, Indonesia must be able to maintain the title of the best organised democracy, by upholding the principle of LUBER JURDIL. Through democratic elections, changes of leadership and national development can be improved, and the people's expectations for Indonesia to become a Welfare State can be fulfilled.

### **References**

- [1] Badan Pengawasan Pemilu “BAWASLU”. (2019). Perihal penyelenggaraan Kampanye 2019 [Regarding the implementation of the 2019 Campaign]. Jakarta: Badan Pengawasan Pemilu.
- [2] Bailey, M. & Braybrooke, D. (2003). Robert A. Dahl’s Philosophy of Democracy, Exhibited in His Essay, *Annual Reviews of Political Science*,6(1): 99-118. doi: 10.1146/annurev.polisci.6.121901.085839
- [3] Cheema, G. Shabbir. (2007). *Linking Governments and Citizens through Democratic Governance*, in *Public Administration and Democratic Governance, Governments Serving Citizens*, Vienna: United Nations, pp. 29-51
- [4] Fadil, I. (2019). Pemilu Serentak 2019, Pemilu Terburuk Sepanjang Sejarah? [Concurrent Elections 2019, the Worst Election in History?]. *Merdeka*, December 3 <https://www.merdeka.com/politik/pemilu-serentak-2019-pemilu-terburuk-sepanjang-sejarah-kaleidoskop-2019.html>
- [5] Farisa, F.C. (2019). Pemilih yang Sakit Boleh Mencoblos Surat Suara di Rumah [Voters Who Are Sick Are Allowed to Check Ballots at Home]. *Kompas*, April 9. <https://nasional.kompas.com/read/2019/04/09/16532191/pemilih-yang-sakit-boleh-mencoblos-surat-suara-di-rumah>
- [6] Harahap, L. (2014). 5 Pembelaan JK setelah sebut negara hancur jika Jokowi capres [5 JK's defense after calling the country destroyed if Jokowi was a presidential candidate]. *Merdeka*, May 27. <https://www.merdeka.com/politik/5-pembelaan-jk-setelah-sebut-negara-hancur-jika-jokowi-capres.html>
- [7] Indonesian Election Portal. (2019). 348 Pelanggaran Pidana di Pemilu 2019, Kebanyakan Diganjar Sanksi Ringan [348 Criminal Violations in the 2019 Election, Mostly Received Light Sanctions]. Indonesian Election Portal. <https://rumahpemilu.org/348-pelanggaran-pidana-di-pemilu-2019-kebanyakan-diganjar-sanksi-ringan/>

- [8] International Institute for Democracy and Electoral Assistance “International IDEA”. (2002). International Electoral Standards Guidelines for reviewing the legal framework of elections. <https://www.idea.int/sites/default/files/publications/international-electoral-standards-guidelines-for-reviewing-the-legal-framework-of-elections.pdf>
- [9] Kemitraan. (2011). *Penanganan Pelanggaran Pemilu [Handling Election Violations]*. 1st ed. Jakarta: Kemitraan bagi Pembaruan Tata Pemerintahan. <https://media.neliti.com/media/publications/45206-ID-penanganan-pelanggaran-pemilu.pdf>
- [10] Komisi Pemilihan Umum “KPU”. (2014). Rekapitulasi PILPRES 2014 [PILPRES 2014 recapitulation]. [https://kpu.go.id/koleksigambar/PPWP\\_-\\_Nasional\\_Rekapitulasi\\_2014\\_-\\_New\\_-\\_Final\\_2014\\_07\\_22.pdf](https://kpu.go.id/koleksigambar/PPWP_-_Nasional_Rekapitulasi_2014_-_New_-_Final_2014_07_22.pdf)
- [11] Limantara, P. (2018). 5 Fakta Perbedaan Pemilu di Indonesia dan Amerika Serikat [5 Facts about Election Differences in Indonesia and the United States]. *Kumparan*, July 2. <https://kumparan.com/prayoga-limantara/beda-pemilu-di-amerika-27431110790536365/full>
- [12] Lipjhart, A. (1998). *The Problem of Low and Unequal Voter Turnout - and What We Can Do About It*. Political Science Series 45, Institute for Advanced Studies, Vienna, Austria.
- [13] McKay, S., & Tenove, C. (2020). Disinformation as a Threat to Deliberative Democracy. *Political Research Quarterly*. <https://doi.org/10.1177/1065912920938143>
- [14] Parvin, P. (2018). Democracy Without Participation: A New Politics for a Disengaged Era. *Res Publica* 24, 31–52. <https://doi.org/10.1007/s11158-017-9382-1>
- [15] Piromalli E., (2021) “Beyond Ego and Alter: Enlarged Democratic Deliberation”, *Journal of Deliberative Democracy* 17(1). p.19-27. doi: <https://doi.org/10.16997/jdd.972>
- [16] Pramudya, N.A. (2021). Studi Komparasi Efisiensi Sistem Pemilu Serentak 2019 Dengan Sistem Pemilu di Amerika Serikat 2020 [Comparative Study of the Efficiency of the 2019 Concurrent Election System with the Election System in the United States 2020]. *Thesis*. Salatiga: Institut Agama Islam Negeri (IAIN) Salatiga.
- [17] Rozi, Shofwan and Heriwanto, (2019). Demokrasi Barat: Problem dan Implementasi di Dunia [Western Democracy: Problems and Implementation in the World]. *Jurnal Al-Aqidah*, 11(2): 189-206. DOI: 10.15548/ja.v11i2.1422
- [18] Sarip, S. (2018). The Manifestation of Indonesian Democracy; Between Pancasila State of Law and Islamic Nomocracy, *Jurnal Hukum Novelty* 9(2):192-204, DOI: 10.26555/novelty.v9i2.a11517
- [19] Schedler, A. (2020). Democratic Reciprocity. *The Journal of Political Philosophy*. 29(2): 252-278. <https://doi.org/10.1111/jopp.12232>
- [20] Suyastri, C. (2020). Memahami kembali Makna Demokrasi di Era yang Berubah [Re understanding the Meaning of Democracy in a Changing Era]. Universitas Islam Riau, Berita Universitas Islam Riau. [https://uir.ac.id/opini\\_dosen/memahami-kembali-makna-demokrasi-di-era-yang-berubah](https://uir.ac.id/opini_dosen/memahami-kembali-makna-demokrasi-di-era-yang-berubah)
- [21] Syafriadi, (2017). Pelaksanaan Demokrasi Dalam Sistem Ketatanegaraan Indonesia [The Implementation of Democracy in the Indonesian State Administration System]. *UIR Law Review*, 1(1): 25-38. DOI: <https://doi.org/10.25299/ulr.2017.1.01.539>
- [22] Törnquist, O. (2000). Dynamics of Indonesian Democratisation. *Third World Quarterly*, 21(3), 383-423. Retrieved May 9, 2021, from <http://www.jstor.org/stable/3993331>

- [23] Weyland, K. (2020). Populism's Threat to Democracy: Comparative Lessons for the United States. *Perspectives on Politics*, 18(2), 389–406.  
<http://doi.org/10.1017/S1537592719003955>