



JLPH: Journal of Law, Politic and Humanities

E-ISSN: 2962-2816
P-ISSN: 2747-1985<https://dinastires.org/JLPH> ✉ dinasti.info@gmail.com ☎ +62 811 7404 455DOI: <https://doi.org/10.38035/jlph.v6i2>
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Curbing Money Politics: A Closed Proportional System For Indonesia's 2029 Elections

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Abstract: General elections, especially in the case of closed legislative elections, are a balanced representation system in which voters can only vote for political parties as a whole and cannot elect candidates (legislative candidates) who have been prepared directly by political parties, so voters cannot vote directly for the candidates. By law, voters can only vote for political parties participating in elections. The closed electoral system was used to implement elections in Indonesia, beginning with the New Order Election in 1955 and continuing until the 1999 Election. In the upcoming 2029 election year, it will likely use a closed proportional system by adjusting the provisions stipulated in Law Number 7 of 2017. The determination of regions' elections is part of the annex in the Election Law, so this becomes significant because the electoral district is regulated as a mandate in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which requires guarantees of legal certainty regarding matters regulated by law because of the role of the KPU, legislative candidates, political parties, and society. Implementing elections with a closed proportional system aims to prevent the occurrence of money politics because voters only need to choose the image of a political party on the election paper, and it will have a direct impact on each electoral district.

Keyword: Democracy, Closed Proportional System, Money Politics, Electoral District, Effective Rule of Law.

INTRODUCTION

Indonesia is a unitary state based on democracy as formulated in Article 28 of the 1945 Constitution of the Republic of Indonesia (UD NRI 1945), that everyone has the right to associate and assemble and express opinions orally and in writing. The definition of a Political Party according to Article 1 point 1 of Law No. 2 of 2011 on the Amendment to Law No. 2 of 2008 on Political Parties (Law 2/2011) is an organisation that is national in nature and formed by a group of Indonesian citizens voluntarily on the basis of a common will and ideals to fight for and defend the political interests of members, society, nation and state, as well as maintaining the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

Political parties are one of the platforms to organise and express opinions. Through political parties, the Indonesian people can also participate directly in controlling and overseeing government actions. The existence of political parties is very influential in the development of the country. One concrete example is that political parties act as the main actors in electoral activities that have responsibilities in democratic life and constitutionally as a means of community political participation. In fact, state officials, namely the President, DPR, DPRD, and DPRD must be promoted by a political party. Forming a good political party, with the characteristics of a capable, credible, and integrity political party, requires qualified human resources in leading and fostering the political party. Such human resources can only be obtained from political education and regeneration handled by competent parties. In running a multiparty presidential system of government democratically, this system is a product of the plural structure of society, both socially, culturally and economically. In a multiparty system, general elections become the centre for electing legislative candidates from several political parties that contest the general elections every five (5) years.

The idea of popular sovereignty is the highest source of power in a democratic state order. The people are interpreted as the independence of power over themselves in determining the direction of their country. Bung Hatta said that popular sovereignty means the government of the people. As a follow-up to popular sovereignty or democracy, John Stuart Mill revealed that democracy is elected through general elections. Pancasila as the state philosophy agrees with this through the 4th principle which is embodied in the 1945 Constitution of the Republic of Indonesia. The sovereign government is also implemented by leaders trusted by the people through general elections. General elections take place through the structuring of the electoral system which is held every five (5) years using an open proportional system (Open List) during the amendment of the 1945 Constitution of the Republic of Indonesia, but the reality is that open proportional gives birth to many unhealthy things and tends to rely on money and the popularity of the candidates.

Money is necessary but not sufficient for democratic political processes.¹ It is undeniable that money is needed in a political process, for example for regeneration, running party activities, campaigns, and so on. This regeneration process requires a lot of funds. Therefore, there is an urgency to procure funds for political parties from the State Budget (APBN) and the Regional Budget (APBD). The procurement of these funds has been regulated in Article 34 paragraph 3 of the Election Law, that political parties are entitled to obtain financial assistance from the APBN and APBD. This is also reinforced by Article 34 paragraph (1) letter c that one of the financial sources of political parties is the APBN and APBD. However, whether we realise it or not, the plan to implement elections through a closed proportional system has been debated, which actually aims to prevent the contestation of money politics in each electoral district.

The implementation of a closed proportional system is reviewed based on Law Number 7 of 2017 concerning General Elections. Then, the role of Political Parties in a Closed Proportional System as an effort to prevent Money Politics in the Electoral District.

METHOD

The research method used in writing this journal is a normative juridical research method with a statute approach and conceptual approach as a norm or rule in the form of a standard that becomes a benchmark for human behaviour that is considered appropriate. Normative juridical research is a research method which is based on data collection, study of statutory provisions, doctrines, jurisprudence, and also legal norms in society. The statute approach is a research method by examining the existence of positive law or *ius constitutum* and its relationship with the state constitution, while the conceptual approach is a research method that leads to the existence of legal doctrines, principles, expert opinions and all

knowledge contained in the law to be used as a basic guideline in interpreting legal events that occur at this time. For the data search of this writing, the author uses primary data, such as previous research data, both published and unpublished, for example studies.

RESULTS AND DISCUSSION

The Implementation Of A Closed Proportional System Is Reviewed Based On Law Number 7 Of 2017 Concerning General Elections

Indonesia is a democratic country whose electoral system uses a proportional system in which this system determines the winner in the electoral district (Dapil) based on the determination of political parties. There are two systems used during Indonesia's independence, namely the open proportional system and the closed proportional system. Both have different consequences where the open proportional system candidates put their names and photos in the general election, this raises the potential for candidates to commit political corruption by increasing the votes of candidates with financial power and even popularity without being selected and born from the womb of political parties, whereas political parties as organisations that are national in nature and formed by a group of Indonesian citizens voluntarily on the basis of a common will and ideals to fight for and defend the political interests of members, society, nation and state, and maintain the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

Law Number 7 of 2017 is the basis for the first general election regulation in Indonesia that combines the election of DPRD, DPR, president and vice president in 2019, this has caused the cost of organising general elections to be very wasteful and regulated rather than campaigns that are carried out not intensively by requiring people to think about many candidates to be elected. The system used is proportionally open where people vote for names and photos as the selling points of candidates who do not necessarily have the capacity to be able to but with money, financial and popularity can make candidates have many votes. This may have the potential to commit money politics in the elections because the candidates' photos and names are displayed which can facilitate the candidates in approaching and campaigning to the people with their financial and popularity.

Article 3 of Law Number 2 Year 2011 on General Elections states that a political party is a large organisation that is a legal entity. According to the Organ Theory (organ theorie) proposed by Otto von Gierke, a legal entity is something that really exists in legal association that realises its will through the means (organs) available to it (management). A Brinz in the Theory of Purposeful Wealth argues that a legal entity is not the wealth of a person, but the wealth is tied to its purpose. Then, based on the Theory of Collective Property by Planiol and Molengraaf states that the rights and obligations of legal entities are basically also the rights and obligations of members together. Thus, a legal entity is only a juridical constitution which is essentially abstract. Therefore, the goals, functions, rights, and obligations of political parties are transferred from political parties to members of political parties, both coaches, administrators, and ordinary members concerned.

The role of political parties in this case is very urgent once through a closed proportional system as a determinant of the election of candidates through political parties without putting their names and photos so that there is no opportunity for candidates to commit political corruption then with Law No. 7 of 2023 existence as referred to in the division of democracy as a function, system and value will be in line with the philosophy of the values of Pancasila.

The Role of Political Parties in a Closed Proportional System as an effort to prevent Money Politics in the Electoral District

Elections are a manifestation of the democratic system in a country that adheres to democratic principles. The motto of the people for the people and back to the people is felt

when the supreme power is in the hands of the people. One form of democracy is general elections in choosing leaders or representatives of the people who are expected to build and prosper the nation as the ideals of the nation stated in the preamble of the 1945 Constitution, namely advancing the general welfare and intellectualising the life of the nation. However, the existing arrangements and regulations in the general elections that are not selective in the installation of candidates, make the Indonesian state still cultivate and provide opportunities for elected leaders who are not competent in accommodating the aspirations of the people who are not fulfilled their rights as citizens. On that basis, political parties become selective tools in finding competent candidates from their parties so that they are able to uphold and implement the philosophy and values of Pancasila and realise the ideals of the nation as referred to in the Preamble of the 1945 Constitution.

Political parties are one of the platforms to organise and express opinions. Through political parties, the Indonesian people can also participate directly in controlling and overseeing government actions. The existence of political parties is very influential in the development of the country. One concrete example is that political parties act as the main actors in electoral activities that have responsibilities in democratic life and constitutionally as a means of community political participation. In fact, state officials, namely the President, DPR, DPRD, and DPRD must be promoted by a political party. Forming a good political party, with the characteristics of a political party that is capable, credible, and has integrity, requires qualified human resources to lead and foster the political party. Such human resources can only be obtained from political education and regeneration handled by competent parties. In running a multiparty presidential system of government democratically, this system is a product of the plural structure of society, both socially, culturally and economically. In a multiparty system, general elections become the centre for electing legislative candidates from several political parties that contest the general elections every five (5) years. Political parties are also an important means of resolving candidates who will be promoted in general elections to produce leaders who are competent in governing the country and capable of realising the ideals of the country, therefore political parties need to strengthen the political recruitment and regeneration system to avoid instant recruitment based on popularity, in order to avoid the emergence of carbitant legislative candidates.³ Political parties have several constitutional responsibilities, namely: as a means of political participation of Indonesian citizens to realise the national ideals of the Indonesian nation; maintaining and maintaining the integrity of the Unitary State of the Republic of Indonesia; and developing a democratic life based on Pancasila as stated in the Preamble of the 1945 Constitution, as well as Article 11 paragraph (1) letter d of Law Number 7 of 2017 concerning Elections. The implementation of these responsibilities is carried out by upholding the sovereignty of the people in the Unitary State of the Republic of Indonesia, and realising prosperity for all Indonesian people. Therefore, the regulation of political parties as pillars of democracy needs to be continuously organised and refined.

Forming a competent political party requires competent human resources, so that political education and regeneration are needed, which of course requires large financial support. Political education aims to: increase awareness of the rights and obligations of the community in the life of society, nation and state; increase political participation and community initiative in the life of society, nation and state; and increase independence, maturity and build national character in order to maintain national unity and integrity. In addition, political parties function in channelling the political aspirations of their members, therefore funding assistance from the government budgeted in the state budget is very necessary in implementing the objectives and obligations of the establishment of political parties.

As far as general elections in Indonesia since 2009 using an open proportional system where voters choose the names of candidates directly either candidates born from political

parties or candidates who carry themselves because of their popularity or vinacialn. The open proportional system obtains votes from disaggregated electoral districts so that candidates can build an approach to the people of the electoral districts to be easier with their constituents, this can be easier for candidates to obtain many votes through their personal wealth, commonly referred to as dawn attacks.

The weak democratic system with an open proportional system can easily open space for candidates to be able to carry out money politics because basically the open proportional system chooses the name of the candidate instead of choosing the party that carries the candidate as a form of selection of candidates to be carried, but so far it is unfortunate only because of popularity, money and charisma without measuring the quality that can be sold to voters. Thus, the leaders promoted from the open proportional system are unable to present and realise the ideals of the nation. Therefore, to realise a system that is in accordance with the philosophy of Pancasila, a closed proportional system can be used, where in essence the election of candidates is based on what is carried by the party that has been selected and is felt to have the ability to regulate a region. A closed proportional system can be applied by voters who can only vote for parties that prepare candidates to represent their parties.

This closed proportional system is a counter to the open proportional system that spends a lot of funds in nominations, campaigns and soon, relatively this system damages the cadre that many candidates enter the party for the sake of carbitan cadre which can cause the quality of political parties to be low, so because not only the reputation of the party but the campaign system and the determination of campaign themes may not reflect the party's clothes and candidates can determine their own themes in campaigning. For this reason, this closed proportional system is the answer that strengthens the value of the quality of a leader born from the womb of the nation's ideological struggle.

CONCLUSION

Based on the previous explanation, the general election that occurs as a form of determining legislative candidates to be elected through two systems, namely the closed proportional system and the open proportional system. Both have advantages and disadvantages of each system which are also the same as the embodiment of the basis of democracy while still paying attention to every citizen's rights as referred to in Article 28 of the 1945 Constitution of the Republic of Indonesia. But of course the comparison has an answer to minimise the defects of both. The closed proportional system is considered capable of covering the practice of money politics which is the womb of failure in finding qualified leaders, because basically the closed proportional system voters can only choose political parties that carry candidates who are already in the cadre. This minimises the occurrence of money politics because candidates do not go down directly and approach the target objects of the campaign.

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