

Review Article

Indonesian General Elections in the Perspective of Pancasila

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Abstract: The highest sovereignty lies in the hands of the people and is carried out based on the Constitution". Likewise, Article 1 paragraph (3) which reads: "The State of Indonesia is a State of Law". Previously known as a state based on law (rechtsstaat). This concept is an elaboration of the Rule of Law concept, guided by the continental European legal system. From the perspective of understanding people's sovereignty, the highest sovereignty lies in the hands of the people. The highest power in the hands of the people is limited by the agreement that they themselves determine together which is stated in the rules of law which culminates in the formulation of the constitution as a product of the highest agreement of all the people. The democratic system as stated in Article 1 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, that: "is marked by direct democracy by the people, from the people, and for the people". So the head of state who before the amendment was elected by the MPR RI has changed where he is elected directly by the people through the election of the president and vice president and even regional heads (regional elections). Government for the people means that the power given from and by the people to the government must be exercised for the benefit of the people. Therefore, there needs to be government sensitivity to the needs of the people and to the aspirations of the people which need to be accommodated and then followed up through the issuance of policies or through the implementation of government work programs. This paper uses normative legal research conducted with a statutory and conceptual regulatory approach which will later assess the Indonesian General Election in the Pancasila.

Keywords: Direct Democracy; Indonesian Election; Normative Legal Research; Pancasila Perspective; Rule of Law.

1. Introduction

The State of Indonesia is a state of law as regulated in our constitution which states that Indonesia chooses a system as a state of law, a state of law is a state that stands on the law that guarantees justice to its citizens. And the birth of a concept regarding a state of law is when developing countries at that time used an absolute system or power that made the leader of the state or king as a leader who had authority over dictatorial actions and the king's decree as a law that must be enforced.

The birth of a state of law as an antithesis to a state of power, which later gave rise to the term supremacy of law, in the supremacy of law, the law becomes the commander in a country, not based on power over the will of the king or government.

Pancasila democracy is a concept that means a government where the highest power (or sovereignty) is in the hands of the people or it is often said that democracy is government by the people or majority government. One of the most common definitions of democracy is that democracy is government by the people where the highest power is in the hands of the people and is exercised directly by them or by freely elected representatives.

Indonesia adopts a continental European legal system, as stated in Article 1 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD 1945), namely: "The highest sovereignty lies in the hands of the people and is carried out based on the Constitution". Likewise, Article 1 paragraph (3) reads: "The State of Indonesia is a State of Law". Previously known as a state based on law (rechtsstaat). This concept is an elaboration of the Rule of Law concept.

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The democracy used in Indonesia is Pancasila democracy. And the definition of Pancasila democracy is a democracy whose implementation prioritizes the principle of deliberation and consensus for the common interest (all people) which is based on the personality and philosophy of Indonesian life. The Indonesian nation is a nation whose ideology is contained in Pancasila, therefore every principle contained in Pancasila must be applied in the daily lives of every citizen to support the progress of our country. Pancasila itself was put forward by Ir. Soekarno in the BPUPKI session on June 1, 1945 which finally until now June 1 has been determined as the birth date of Pancasila.

In Indonesia itself, the sovereignty of the Indonesian people based on the provisions of the Constitution (constitutional democracy) is carried out directly and through a representative system. The sovereignty of the people is manifested in three branches of power reflected in the People's Consultative Assembly (MPR) consisting of the People's Representative Council (DPR) and the Regional Representative Council (DPD) as holders of legislative power, the President and Vice President as holders of executive power, and the Supreme Court (MA) and the Constitutional Court (MK) as holders of judicial power.

In Pancasila democracy there are 2 (two) principles that form it, namely : (1) The principle of the people, namely the principle of awareness of love for the people, being one with the fate and ideals of the people, and having a people's soul or in the sense of experiencing the awareness of the same fate and ideals with the people, (2) The principle of deliberation for consensus, namely the principle that pays attention to and appreciates the aspirations of all the people who are numerous and through a deliberation forum in the context of discussion to unite the various opinions that come out and reach a consensus that is carried out with a sense of affection and sacrifice in order to get happiness together.

In reality now, Pancasila democracy in Indonesia has been tarnished by the actions of irresponsible people's representatives, they only care about power and forget what their people are currently experiencing. There are so many poor people in Indonesia, they really need help from the government. Not only that, the aspirations of the Indonesian people for a more advanced and better Indonesia seem to be considered just a breeze.

Based on the background above, the formulation of the problem in this paper is: Indonesian General Election in the Perspective of Pancasila?

Starting from the formulation of the problem above, the objectives of this paper are expected to be able to study and analyze the Indonesian General Election In the Perspective of Pancasila.

The benefits of this research consist of academic, theoretical, and practical benefits, as follows: (1) Academically, this research is expected to have benefits in education both directly and indirectly towards the Indonesian General Election in the Perspective of Pancasila, (2) Theoretically, this research can enrich the literature related to, (3) Practically a: (a) As information material for academics and the public for consideration and input for further research; (b) As input for the Government and the public related to the implementation of the Indonesian General Election in accordance with the Pancasila Perspective.

2. Research Method(S)

Internet searching is a data collection technique through the help of books, journals, theses, dissertations, sources from experts and technology in the form of search tools/engines on the internet where all information from various eras is available in it.

Internet searching makes it very easy to help researchers find a file/data where the speed, completeness and availability of data from various years are available. Searching for data on the internet can be done by searching, browsing, surfing or downloading related to matters related to "Indonesian General Elections in the Pancasila Perspective".

3. Findings And Duscussion

The basis is that democracy is a system of government where power is in the hands of the people, which contains three elements, namely government of the people by the people, and for the people. Government of the people implies that a sovereign government is a government that is recognized and supported by the people. The legitimacy of a government is very important because with this legitimacy, a sovereign government can run its government and programs as a manifestation of the people's mandate given to it.

Democracy in the narrow sense according to Joseph Schumpeter, is a political method and a mechanism for selecting political leaders. Citizens are given the opportunity to choose one of the political leaders who compete to win votes and in the next election, citizens can

replace their previously elected representatives. between leaders The ability to choose between leaders during the election period is called democracy .

According to Robert A. Dahl, democracy is a political system that provides opportunities for ordinary people to make decisions in general and emphasizes the responsiveness of the government to the preferences of its citizens who are politically equal as the basic nature of democracy. Meanwhile, according to Abraham Lincoln, democracy is a form of government where the highest political power (supreme political authority) and sovereignty are in the hands of the people who have the right to govern .

This understanding of democracy has been universally understood where democracy is no longer understood in terms of its substance alone by providing what are the rights of the people, but also seen in terms of its procedures, namely how the mechanism for conveying these rights. Thus, democracy does not mean that the people themselves must convey their rights, but can also delegate them to other parties through a certain mechanism. Therefore, it is reasonable if democracy is then interpreted as government by the people, either directly or through representatives.

One of the pillars of democracy is the principle of *trias politica* which divides the three political powers of the state (executive, judiciary and legislative) to be realized in three types of state institutions that are mutually independent and are in an equal rank to each other. The independence and equality of these three types of state institutions are needed so that these three state institutions can supervise and control each other based on the principle of checks and balances.

3.1 Definition of Democracy

The term democracy emerged in Greek civilization around the Common Era (BCE). Democracy or *demokratia* in the 5th century BC is an expression consisting of the word *demos*, a synonym for the word populous, meaning people, and *kratia*, meaning government or authority. Therefore, democracy can be interpreted as government by the people .

The definition of democracy can be seen from a review of language (etymology) and terms (terminology). Etymologically, "democracy" comes from two words from Ancient Greek, namely *demos*, meaning people, and *cratos* or *cratein*, meaning government, so it can be concluded as government by the people. Democracy is a form or mechanism of a country's government system as an effort to realize the sovereignty of the people (citizen power) over the country to be run by the government of the country. Democracy when viewed from a terminological perspective, as stated by several experts, for example :

Joseph A. Schmeter, that democracy is an institutional plan to achieve political decisions where individuals gain the power to decide how to compete for the people's vote.

Sidney Hook, that democracy is a form of government in which important government decisions are directly or indirectly based on the majority agreement freely given by the adult people.

Phillipe C. Schmitter and Terry Lynn Karl who stated that democracy is a system of government in which the government is held accountable for their actions in the public domain by citizens who act indirectly through competition and cooperation with their elected representatives.

Henry B. Mayo, that democracy is a political system that shows that general policies are determined on the basis of the majority by representatives who are effectively supervised by the people in periodic elections based on the principle of political equality and held in an atmosphere of guaranteed political freedom.

Given the importance of democracy, there need to be factors to uphold democracy itself, There are four main factors, namely :

- Legal state (*rechtsstaat* and rule of law) The concept of *rechtsstaat* is the protection of Human Rights (HAM), the separation and division of powers in state institutions, government based on regulations, and the existence of administrative justice. The concept of the rule of law is the supremacy of legal rules, equality before the law, and the guarantee of human rights protection. Based on the two views above, a basic concept of a state of law can be drawn, namely the guarantee of protection of human rights, the supremacy of law in the administration of government, the separation and division of state powers, and the existence of a free and independent judicial institution.
- Civil society Civil society is characterized by an open society, free from the influence of state power and pressure, a society that is critical and actively participates, and an

egalitarian society. A society like this is a very significant element in building democracy. The democracy that is formed can then be considered as the result of the dynamics of society that requires participation. In addition, democracy is a view of society in relation to the expression of will, differences of opinion, diversity and consensus.

- Infrastructure The political infrastructure in question consists of political parties (partai), movement groups, and interest groups or pressure groups. Political parties are a political institutional structure whose members have the same orientation, values, and ideals, namely gaining political power and seizing political positions in realizing their policies. Movement groups are better known as community organizations, which are groups of people who gather in one organizational container that is oriented towards empowering its citizens. Interest or pressure groups are groups of people in an organizational container that is based on certain professional and scientific criteria.
- Free and responsible press The press that can carry out its function as an objective information disseminator carries out constructive social control, channels people's aspirations and expands communication and community participation. In this case, it is necessary to develop positive interactions between the press, government, and society. In the general election system in Indonesia, the election of the president and vice president was first held, while members of the DPR, DPD, and DPRD were held in stages; now it is held simultaneously or at the same time. This is implemented because it is considered more efficient to hold the election of the president and vice president, as well as voters.

Democracy Concept Democracy etymologically comes from the word "demos" which means people or residents of a place, and "crates" which means power or sovereignty. So "demos-crates" or democracy is a state of a country where in its government system, sovereignty is in the hands of the people, the highest power is in the joint decision of the people (Syafie, 2001: 129).

Another opinion, according to Woodrow Wilson in Nurtjahjo (2006: 72), democracy will eliminate the tyrannical institutions that existed in the past, and offer in it the power of imperative (thirst), popular thinking (general/audience), and concrete institutions of a popular representation, and they promise to simplify politics into a single form by replacing all other institutions and governing powers with a democratic representation.

Meanwhile, Nurtjahjo (2006: 72) argues that democracy is the people who rule and are governed at the same time. Nurtjahjo also views the principle of democracy must be based on freedom, equality, and the sovereignty of the majority (people's) vote. In general, democracy requires equality or equality of rights in carrying out political roles in the context of the State.

The equality of political rights is essentially in the quantity of humanity (autonomous subject) as a free individual. Democracy cannot be understood partially (piecemeal), through its substantial principles alone or its procedural framework alone (partial). Democracy is a substantive existence and at the same time its procedure that is present as a rational political order (Nurtjahjo, 2006: 27).

In the 1945 Constitution, the meaning of democracy can be seen in the phrase "sovereignty is in the hands of the people and is implemented according to the Constitution". This phrase clearly embodies that the people have the highest power, as a manifestation of the idea of people's sovereignty in a democratic system, it must be guaranteed that the people are fully involved in planning, organizing, implementing, and supervising and assessing the implementation of the functions of power.

Therefore, in a democratic system, elections are a means or manifestation of people's sovereignty, where the people directly hand over their sovereignty to their representatives through the election. Because all state institutions or public offices are essentially offices that obtain legitimacy from the sovereign people, not only must the duties and authorities of the office be carried out according to the Constitution, but they must also be accounted for to the people through the principles of accountability, transparency, and participatory work methods (Asshiddiqie, 2007: 295).

Henry B. Mayo in Nurtjahjo (2006: 73) said that there are at least nine values that underlie democracy, namely:

- Resolving disputes peacefully and voluntarily.
- Ensuring the implementation of peaceful change in a changing society.

- Organizing regular changes in leaders.
- Limiting the use of violence to a minimum.
- The existence of diversity (plural).
- Achieving justice.
- The best in advancing science.
- Freedom.
- The existence of values produced by the weaknesses of other systems.

From the several opinions above, it can be concluded that democracy is a form of people's government where the power of the people is very decisive. The people are the ones who have the real power. The power of the people is entrusted to a handful of people, namely the rulers, to carry out what the people want and later of course are responsible to the people as the owners of power from the people and exercise power on mandate (granting authority from the people). Without a mandate from the people, power has no legitimacy (is illegitimate).

In a democratic country, the real holder of power is the people and then the people hand over that power to the ruler through general elections (elections). The ruler exercises his power based on the will of the people as the main thing and democracy.

3.2 Direct Democracy

Direct democracy according to Assiddiqie (2010: 56) means that the sovereignty of the people can be carried out directly where the people exercise the highest power they have.

Direct distribution of sovereignty (direct democracy) is carried out through legislative elections, presidential elections, regional head elections, both governors and regents/mayors and in addition, the implementation of a referendum to express approval or rejection of plans to change certain articles in the Constitution (Assiddiqie, 2010: 59).

Meanwhile, according to Syarbaini (2010: 135), direct democracy, in direct democracy the people are involved in the decision-making process to implement government policies. Indirect Democracy According to Assiddiqie (2010: 56), in today's modern era with the complexity of problems that.

4. Conclusion and Recommendation

"That the stages of the 2024 Election have been stipulated in KPU Regulation Number 3 of 2022 concerning the stages and schedule for the implementation of the 2024 general election known as PKPU Number 3 of 2022 which started from June 14, 2022 to October 20, 2024 and the Election was held simultaneously on February 14, 2024.

These stages took place over a fairly long period of time, namely 28 months or 2 years 4 months. Based on the description above, it can be concluded that the Presidential election system in Indonesia based on Article 6A paragraph (1) of the 1945 Constitution is no longer the authority of the MPR-RI to elect the President and Vice President and has shifted to a new provision that the authority to elect the President and Vice President is the right of the Indonesian people.

The 1945 Constitution (UUD 1945) Article 1 paragraph (1): "Indonesia is a Unitary State in the form of a Republic". As a Republic, the government power in Indonesia is led by a President. This is regulated in the 1945 Constitution, Article 4 Paragraph (1), where the President of the Republic of Indonesia holds governmental power according to the Constitution.

Meanwhile, the mechanism for electing the President as an executive official is regulated in more detail in Article 6A of the 1945 Constitution, which is described in the following five paragraphs, namely: (1) The President and Vice President are elected in one pair directly by the people. The Presidential and Vice Presidential candidate pairs are proposed by political parties or a coalition of political parties participating in the general election before the general election is held, (2) The Presidential and Vice Presidential candidate pairs who receive more than fifty percent of the total votes in the general election with at least twenty percent of the votes in each province spread across more than half of the provinces in Indonesia, are inaugurated as President and Vice President, (3) In the event that no Presidential and Vice Presidential candidate pair is elected, the two candidate pairs who receive the first and second most votes in the general election are elected directly by the people and the pair who receive the most votes are inaugurated as President and Vice President, (4) The procedures for

implementing the Presidential and Vice Presidential election are further regulated by law (1945 Constitution).

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