

**THE DYNAMICS OF LEGISLATIVE ELECTION IN INDONESIA****Sunarso Sunarso\*, Suharno Suharno**

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**DOI: 10.5281/zenodo.3994499****KEYWORDS:** dynamics, elections, legislative, Indonesia**ABSTRACT**

This research aims to describe the dynamics of the legislative elections in Indonesia in 1955, 1971, 1977, 1982, 1987, 1992, 1997, 1999, 2004, 2009, 2014, and 2019. This type of research was library research by using a qualitative approach. This study utilized cross-checks as the data validity checking technique. The data analysis techniques in this study used qualitative descriptive analysis. In interpreting data, this study was based on the concepts, theories, and critical analysis. The results of this study are as follows: (1) The 1955 elections were aimed at electing members of the DPR, and the members of the Constituent Assembly. The legal basis for this election was the 1950 Constitution and Law No. 7 of 1953 concerning General Elections. It is confirmed by numerous parties as one of the most democratic elections in the history of Indonesian state administration; (2) New Order era elections were held periodically for six times (1971, 1977, 1982, 1987, 1992, and 1997). It applied a proportional election system that was adjusted to the objectives and political format of the New Order. The New Order elections were only followed by three political parties and Golkar as the ruling party continually won. As a result, President Soeharto's political position became extraordinarily strong, the role of military politics was highly dominant, and the taming political radicalism can be done through the concept of a floating mass; (3) The 1999 election was still in the format of the constitutional system according to the 1945 Constitution that had not been amended. Thus, it was only to elect DPR and DPRD members, and they were also still familiar with the Republic of Indonesia Armed Forces (ABRI) member appointment system; (4) After the amendment to the 1945 Constitution, the legislative and presidential elections have been held four times, i.e., the 2004, 2009, 2014 and 2019 elections. Although the results of the legislative elections in the 2004, 2009, 2014 and 2019 elections did not produce an absolute majority in parliament (DPR and DPRD), but these issues did not disturb the stability of government, both national and local. It happened because the president and vice-president, as well as regional heads and deputy regional heads, were elected directly by the people, so it did not depend on the configuration of political power in parliament.

**INTRODUCTION**

General elections are the most important institutions in every democratic country, especially for countries in the form of a republic, e.g., Indonesia. The regulation functions to fulfill three main principles of democracy, i.e., the sovereignty of the people, the legitimacy of government, and the periodical government shifting. These three principles aim to guarantee and uphold the ideals of independence, prevent the entrenchment of certain interests in government, or the replacement of popular sovereignty into the sovereignty of the authorities. If most or all socio-political groups in society are represented in representative institutions both at the central and regional levels, surely the principle of popular sovereignty will be fulfilled. Furthermore, if the election mechanism of people's representatives in the representative institutions runs as it should, which is direct, general, free, secret, honest, and fair, the resulting government also has strong legitimacy.

General elections are a means of embodying the popular sovereignty as well as the application of democratic principles in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. In a democratic system, elections are a contestation event to elect representatives of the people who sit in the People's Representative Council (*Dewan Perwakilan Rakyat* or *DPR*), Regional Representative Council (*Dewan Perwakilan Daerah* or *DPD*), and Regional People's Representative Council (*Dewan Perwakilan Rakyat Daerah* or *DPRD*). Also, the President and Vice-President. Elections in Indonesia have been held 12 times since the Republic of Indonesia was established. The first election was held in Indonesia in 1955. These are the following sequence of elections in Indonesia: the General Elections of 1955, 1971, 1977, 1982, 1987, 1992, 1999, 2004, 2009, 2009, 2014 and 2019 (Majalah Konstitusi No. 145, March 2019).



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General elections are a tangible manifestation of the implementation of democracy. Therefore, it is common in countries that applied democracy; of course, they must conduct periodic elections to elect public officials both in the legislative and executive branches. In Indonesia, one of the significant changes as a result of the changes in the 1945 Constitution concerns the procedures for filling positions in the legislative and executive institutions. Filling out positions both in the central and regional government areas must be completed by way of election, not by appointment or inheritance, surely assuming it will be more democratic, in line with the principle of popular sovereignty. We expect that the implementation of democratic and civilized elections will convey to representatives of the people, regional representatives, and leaders who are trustworthy, understand and have a great sensitivity to the aspirations of the people.

Therefore, the electoral system as a benchmark for the running of the democratization process should be included in the constitution as a guideline for administering honest, fair, direct, general, free, and secret. Numerous new ideas were born after the amendment to the 1945 Constitution, including the adoption of a presidential and vice-presidential election system. This provision is intended so that the elected president has strong legitimacy because it is supported by the people. Article 22E (5) of the 1945 Constitution states, "The general elections shall be organized by a general election commission of a national, permanent, and independent character" (Republic of Indonesia Constitution, 1945).

### LITERATURE REVIEW

#### Democracy and Elections

General elections are a concrete manifestation of procedural democracy. Although democracy is not the same as elections, general elections are one of the most crucial aspects of democracy that must also be held democratically. In Indonesia, one of the significant changes as a result of changes in the 1945 Constitution (1999-2002) is that the way to fill positions in the legislative and executive institutions, both at the national and local levels, must be completed by way of election. In line with the principle of popular sovereignty as in Article one paragraph two of the 1945 Constitution, it is mentioned that "Sovereignty" is in the hands of the people and is implemented according to this Constitution". Indonesia also adheres to the form of republican government (Article 1 paragraph 1 of the 1945 Constitution), and elections are the most important institution for the fulfillment of three basic principles of democracy in government in the form of a republic. The three principles are popular sovereignty, government legitimacy, and periodical government shifting (Republic of Indonesia Constitution, 1945).

The measure that a general election is democratic or not must meet three conditions. The first is whether or not there are recognition and protection of human rights. The second is building public trust in elections that result in a legitimate government. The third is that there is fair competition between participants in the general election. Through the amendment of the 1945 Constitution, Indonesia has laid the foundations of democratic governance through a constitution that mandates periodic general elections that are democratic that is to adopt the principle of direct, general, free, secret, honest, and fair and is organized by a national election commission, permanent, and independent. As a democratic state based on law and as a democratic rule of law, of course, democratic elections must also provide legal mechanisms to resolve the possibility of election violations and disputes regarding election results to remain legitimate.

#### A Brief General Election Study in Indonesia

Some Articles of the 1945 Constitution of the Republic of Indonesia that contain the provisions regarding Elections are as follows. (a) Article 2 paragraph (1): "The MPR shall consist of the members of the DPR and the members of the DPD who have been elected through general elections, and shall be regulated further by law. (2) The MPR shall convene in a session at least once every five years in the capital of the state." (b) Article 6A paragraph (1): "The President and Vice-President shall be elected as a pair directly by the people". (c) Article 6A paragraph (5): "The procedure for the holding of the election of the President and Vice-President shall be further regulated by law". (d) Article 18 paragraph (3): "The provincial, regency and municipal governments have Regional Representative Council elected through General Elections". (e) Article 18 paragraph (4): "The authorities of the provinces, regencies, and municipalities shall include for each Regional People's House of Representatives (DPRD) whose members shall be elected through general elections. (f) Article 19 paragraph (1): "The People's Legislative Assembly Members (DPR) shall be elected through a general election. (g) Article 22C



paragraph (1): "The members of the Regional Representative Council (DPD) shall be elected from every province through a general election.

Furthermore, the 1945 Constitution regulates in a separate chapter on General Elections, i.e., Chapter VIIB, Article 22E as follows. (1) General elections shall be conducted in a direct, general, free, secret, honest, and fair manner once every five years. (2) General elections shall be conducted to elect the members of the DPR, DPD, the President and Vice-President, and DPRD. (3) The participants in the general election for the election of the members of the DPR and the members of the DPRD are political parties. (4) The participants in the general election for the members of the DPD are individuals. (5) The general elections shall be organized by a general election commission of a national, permanent, and independent character. (6) Further provisions regarding general elections shall be regulated by law.

The laws relating to elections are as follows. (a) Law No. 22 of 2007 concerning Election Organizers (2007 LNRI or State Gazette of the Republic Indonesia No. 59, the Supplement to the State Gazette of the Republic of Indonesia or TLNRI No. 4721), which contains arrangements regarding the General Election Commissions (*Komisi Pemilihan Umum* or KPU) as the election organizer. (b) Law No. 2 of 2008 concerning Political Parties LNRI Year 2008 No. 2, and TLNRI No. 4801, hereinafter referred to as Law on Political Parties 2008. (c) Law No. 10 of 2008 concerning General Elections of Members of the DPR, DPD, and DPRD. (d) Law No 42 of 2008 concerning General Elections of President and Vice-President (e) Law No. 12 of 2008 concerning the Second Amendment of Law No. 32 of 2004 concerning Regional Government (f) Law No. 27 of 2009 concerning the People's Consultative Assembly, People's Representative Council, Regional Representative Council, and Regional People's Representative Council.

### Research Methods

This type of research was a literature study using a qualitative approach. A literature study was completed by inventorying, examining, or examining written materials in the form of reference books, related legislation, journals, magazines, newspapers, and other written materials related to the problem under study. Data that had been collected was first verified. In this study, the technique of checking the validity of the data was taken through inter-document confirmation (Burhan Bungin, 2003: 95).

## RESULTS AND DISCUSSION

### Old Order Election (1955 Election)

The 1955 election was held on the 29<sup>th</sup> of September 1955 to elect members of the DPR, and the election of 15<sup>th</sup> of December 1955 to elect members of the Constituent Assembly. The legal basis for this election was the 1950 Constitution and Law No. 7 of 1953 concerning General Elections. The general election was in the context of a parliamentary cabinet statutory system with a multiparty system. The 1955 elections took place with a proportional system combined with a list system. The elections were participated by 30 political parties, 100 organizations/associations, and individuals. They elected 257 DPR members, and 28 Election participants obtained seats in the DPR. The composition of the top four results of the DPR Elections is as follows. PNI has 57 seats (22.32%), Masyumi Party has 55 seats (20.92%), NU Party has 45 seats (18.41%), and PKI has 39 seats or 16.38% (Sejarah Pemilu Indonesia, 2019. Second Series of Buku Pintar Pemilu 2019).

*Table 1. The Big Four Results of the 1955 DPR Election*

No	Party	Percentage	Seats
1	PNI	22,32	57
2	Masyumi	20,92	55
3	NU	18,41	45
4	PKI	16,38	39

Source: [www.kpu.go.id](http://www.kpu.go.id)

Election of constituent members can fill 514 seats out of 520 available seats (six seats in West Irian rasion without an election). Thirty-three election participants obtained seats in the Constituent Assembly with the composition of the big four as follows. PNI has 119 seats (23.97%), Masyumi has 112 seats (20.58%), NU has 91 seats



(18.47%), and PKI has 80 seats or 16.47% (Sejarah Pemilu Indonesia, 2019. Second Series of Buku Pintar Pemilu 2019).

**Table 2. The Four Great Results of the 1955 Constituent Election**

No	Party	Percentage	Seats
1	PNI	23,97	119
2	Masyumi	20,58	112
3	NU	18,47	91
4	PKI	16,47	80

Source: [www.kpu.go.id](http://www.kpu.go.id)

Thus, both in elections to elect DPR members and to elect Constituent Assembly members, there were no political parties that obtain an absolute majority. The purpose of the election that was originally intended to produce a representative parliament, the stability of the government, and be able to produce a new constitution to replace the 1950 Constitution was unsuccessful. Finally, it led to a state crisis that led to the birth of the Presidential Decree on July 5<sup>th</sup>, 1959. Through the Decree, the Constituent Assembly and the Parliament resulting from the 1955 Election were dissolved by President Soekarno.

The 1955 election failed to produce a stable government, simplified the party system, and also failed to produce a new constitution that was formed democratically to replace the 1950 Constitution. However, by numerous groups including observers from abroad, the 1955 election was considered as one of the most democratic elections in the history of Indonesian state administration, relatively had few violations, conflicts, and protests.

#### **The New Order General Election (1966-1998)**

Examining the New Order General Election (1966-1998) cannot be separated from the political format established by the New Order when Suharto was in power. The New Order Initially desired to build a political and administrative system with a commitment to implement the Pancasila and the 1945 Constitution purely and consistently. The characteristics of the New Order political format are as follows. First, President Soeharto's had a strongly dominant political position as a central figure in Indonesian political life for more than three decades. Second, the structuring of state institutions was based on the 1945 Constitution format, but it was not given a maximum role because of executive dominance. Third, the structuring of political infrastructure was in the field of parties in the form of policies to simplify political parties. It was through Law No. 3 of 1975 that was later amended by Law No. 3 of 1985 concerning Political Parties and Golkar, which eventually triggered the hegemonic party system. Fourth, the highly dominant role of military politics so that through the concept of ABRI's dual function, they dominated political life and government. Fifth, it was the taming political radicalism through the process of mass depoliticization, for example, the adoption of the concept of floating mass.

In the New Order political format as mentioned above, elections had been held periodically for six times (1971, 1977, 1982, 1987, 1992, and 1997). The elections used a proportional election system, which, according to LIPI research (1977 is not a purely proportional system but instead was adjusted to the objectives and political format of the New Order. The results of the New Order elections can be described as follows. First, the 1971 Election: 1) Golkar has 238 seats (62.82%), 2) NU has 58 seats (18.68%), 3) Parmusi has 24 seats (6.96%), and 4) PNI has 20 seats or 5, 36% (Sejarah Pemilu Indonesia, 2019. Second Series of Buku Pintar Pemilu 2019).

**Table 3. The top four results of the 1971 election**

No	Party	Percentage	Seats
1	Golkar	62,82	238
2	NU	18,68	58
3	Parmusi	6,96	24
4	PNI	5,36	20

Source: [www.kpu.go.id](http://www.kpu.go.id)



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Second, the 1977 Election: 1) Golkar has 232 seats (62.11%), 2) PPP has 99 seats (29.28%), and 3) PDI has 29 seats (8.80%).

**Table 4. 1977 Election Results**

No	Party	Vote	Percentage	Seats
1	Golkar	39.750.096	62,11	232
2	PPP	18.743.491	29,29	99
3	PDI	5.504.757	8,60	29
Total		63.998.344	100,00	360

Source: [www.kpu.go.id](http://www.kpu.go.id)

Third, 1982 Election: 1) Golkar has 242 (64.34%), 2) PPP has 94 seats (27.78%), 3) PDI has 24 seats (7.88%).

**Table 5. 1982 Election Results**

No	Party	Vote	Percentage	Seats
1	Golkar	48.334.724	64,34	242
2	PPP	20.871.880	27,78	94
3	PDI	5.919.702	7,88	24
Total		75.126.306	100,00	364

Source: [www.kpu.go.id](http://www.kpu.go.id)

Fourth, 1987 Elections: 1) Golkar has 299 seats (73.16%), 2) PPP has 61 seats (15.97%), and 3) PDI has 40 seats (10.87%).

**Table 6. Election Results 1987**

No	Party	Vote	Percentage	Seats
1	Golkar	62.783.680	73,16	299
2	PPP	13.701.428	15,97	61
3	PDI	9.384.708	10,87	40
Total		85.869.816	100,00	400

Source: [www.kpu.go.id](http://www.kpu.go.id)

Fifth, 1992 Elections: 1) Golkar obtains 282 seats (68.10%), 2) PPP obtains 62 seats (17.01%), and 3) PDI obtains 56 seats (14.89%).

**Table 7. Results of the 1992 Elections**

No	Party	Vote	Percentage	Seats
1	Golkar	66.599.331	68,10	282
2	PPP	16.624.647	17,01	62
3	PDI	14.565.556	14,89	56
Total		97.789.544	100,00	400

Source: [www.kpu.go.id](http://www.kpu.go.id)

Sixth, 1997 Elections: 1) Golkar obtains 325 seats (74.51%), 2) PPP obtains 89 seats (22.43%), and 3) PDI obtains 11 seats (3.06%).

**Table 8. 1997 Election Results**

No	Party	Vote	Percentage	Seats
1	Golkar	84.187.907	74,51	325
2	PPP	25.340.028	22,43	89
3	PDI	3.463.225	3,06	11
Total		112.991.150	100,00	425



Viewing from the three principles of democratic principles, namely popular sovereignty, the legitimacy of government, and the periodical government shifting, the New Order era elections almost only maintained the status quo. The result was indeed a strong and stable government for three decades and significant economic development. However, it turned out to be fragile in its political and social-economic fundamentals. Finally, there was a state crisis in 1998 that triggered a reform movement that forced President Soeharto to resign from his position.

The meaning and implementation of democracy towards the 1945 Constitution also experienced developments based on the political situation and the interests of the authorities at that time. Since the Presidential Decree on July 5<sup>th</sup>, 1959, until its fall, the democracy implemented was President Soekarno's guided democracy. At that time, of course, the election of the president and vice-president existed, but vice-president did not exist. The implementation of the 1945 Constitution by establishing Suharto as president in the 1967 Provisional People's Consultative Assembly (MPRS) session still raises questions about legitimacy based on statutory regulations. Because the MPRS that convened in 1967 was not an election result (Surbakti, R et al., 2011).

From the 1971 elections to 1998, it reflected the model of representative democracy in the presidential and vice-presidential elections. The basic problem at that time was not the representative democracy applied but in the process of how people's representation was formed in the MPR. The presidential and vice-presidential elections are indeed conducted by the MPR as a result of the general election. However, the limitation of regulating the political system by limiting political parties participating in the General Election and strict government political policies only results in procedural democracy. It was procedurally democratic since it was based on constitutional legality. It was substantively less democratic since it reduced the aspirations of the people, including in the election of the president and vice president (Ismanto et al. 2004).

### **The Reform Era General Election**

After the amendment to the 1945 Constitution, the legislative and presidential elections had been held four times, i.e., the 2004, 2009, 2014 and 2019 elections. Although the results of the legislative elections in the 2004, 2009, 2014 and 2019 elections did not produce an absolute majority in parliament (DPR and DPRD), but it did not disturb the stability of government, both national and local. It happened because the president and vice-president and regional heads and deputy regional heads were elected directly by the people, so it did not depend on the configuration of political power in parliament. Elections in the era of the enactment of the 1945 Constitution of the Republic of Indonesia after the changes were also marked by the application of the electoral threshold system.

### **The 1999 General Election**

The first post-New Order elections, namely the Reformation Transition era in 1999, were marked by a spirit of democratization and upholding human rights. The 1999 election was also marked by the euphoria of freedom and rejection of all things that smelled of the New Order. Hence, it seemed irrational and emotional. The 1999 election was still in the format of the constitutional system according to the 1945 Constitution that had not been changed. Thus, only to elect DPR and DPRD members, they were also still familiar with the ABRI member appointment system. The election used a proportional electoral system that was followed by 48 political parties. This election did not produce a winner with an absolute majority like the previous election. PDIP as the winner of the General Election, only won 30% of the vote (Sejarah Pemilu Indonesia, 2019. Second Series of Buku Pintar Pemilu 2019).

The results of the 1999 elections (the top five) are as follows. 1) PDIP obtains 153 seats (33.74%), 2) Golkar obtains 120 seats (22.44%), 3) PKB obtains 51 seats (12.61%), 4) PPP obtains 58 seats (10.71%), and 5) PAN obtains 34 seats (7.12%). Despite its shortcomings, the 1999 Election was considered the best election after 1955. The 1999 Election has been improved, both in the electoral laws and in the electoral process, so that in terms of the three criteria for popular sovereignty, government legitimacy, and periodical government shifting have been fulfilled. However, because the 1999 General Elections did not produce a majority vote in the MPR that was authorized to elect the President, then the constitutional crisis arose again in 2001. The crisis resulted in the fall



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of President KH. Abdurrahman Wahid's government (Sejarah Pemilu Indonesia, 2019. Second Series of Buku Pintar Pemilu 2019).

*Table 9. The Top Five Winners of the 1999 Elections*

No	Party's name	DPR's Vote	Seats
1	PDIP	35.689.073	153
2	Golkar	23.741.749	120
3	PPP	11.329.905	58
4	PKB	13.336.982	51
5	PAN	7.528.956	34

Source: [www.kpu.go.id](http://www.kpu.go.id)

The election of the president and vice-president at the beginning of the reform through the MPR as the result of the 1999 General Elections indicated that democratic dynamics were more advanced than the New Order. Even though the procedure in the trial in the MPR was the same as the New Order period, substantively, the MPR results of the general election formed reflected the dynamics of democracy because it came from political parties freely formed by the public. At the same time, the discourse to elect the president and vice president directly became stronger. The MPR, as a result of the 1999 General Elections, finally created changes to the 1945 Constitution by stipulating that the president and vice president be directly elected by the people through general elections.

The direct presidential election, according to Saldi Isra, was based on several very basic reasons. First, the president who is elected through direct elections will obtain a more real mandate and support from the people as a form of the social contract between the voter and the chosen figure. Second, direct presidential elections will automatically avoid political intrigues in the electoral system with a representative system. Political intrigue will easily occur in a multiparty system. Mainly if the election does not produce a majority winning party, then political bargaining becomes inevitable. Third, direct presidential elections will provide broad opportunities for the people to make choices directly without representing to others. The tendency in the representative system is the occurrence of deviations between the aspirations of the people and their representatives. It is further exacerbated by the dominant influence of political parties that have changed the function of people's representatives to become political party representatives. Fourth, the direct election can create a balance between various forces in the administration of the state, especially in creating a mechanism of checks and balances between the president and the representative institutions because they are both elected by the people ([www.saldiisra.web.id](http://www.saldiisra.web.id)).

### 2004 Election

During the 2004 legislative elections, there was a parliamentary threshold (minimum share of the primary vote which a candidate or political party requires to achieve before they become entitled to any representation in a legislature). The legislative election to elect DPR and DPRD members in 2004 was attended by 24 political parties. The results of the top five parties in the 2004 DPR Legislative Elections are presented below. The 2004 Legislative Elections (voting 550 DPR seats: 1) Golkar Party 128 seats (21.58%), PDIP 109 seats (18.53%), 3) PKB 52 seats (10.57%) 4) PPP 58 seats (8, 45%), and 5) Democratic Party 57 seats (7.45%).

*Table 10. Top Five Results of the 2004 Legislative Election*

No	Party	Votes	Percentage
1	Golkar Party	24,480,757	21.58
2	PDIP	21,026,629	18.53
3	PKB	11,989,564	10.57
4	PPP	9,248,764	8.15
5	Democratic Party	8,455,225	7.45

Source: [www.kpu.go.id](http://www.kpu.go.id)

Based on the three criteria of democratic principles, namely popular sovereignty, government legitimacy, and periodical government shifting, the 2004 legislative elections have fulfilled these criteria. Moreover, the



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constitution has provided a constitutional mechanism for resolving disputes over election results (PHPU) in the Constitutional Court.

The case in Indonesia, it was assumed that it succeeded in gaining democracy after the collapse of the 1998 New Order government; apparently, it was not followed by strengthening the democratic consolidation. As a result, this nation has lost its direction and orientation to determine its future. The issue of legitimacy, which is one indicator of the success of democratic consolidation, has not yet been firmly instilled. It is also evidenced by several regime changes after the fall of the New Order. The future government may suffer the same case if Indonesia does not speed up towards strengthening democracy (Bakti, 2011: 34). *Reformasi* (reform) in Indonesia has been progressing for 22 years. However, people's understanding of the real meaning of democracy is very narrow and only limited to the election process. The process of democracy is broader and must be understood by its people. From a historical-comparative perspective, the process of democracy in various countries does not always run precisely. Some of these countries do not immediately move swiftly to accomplish what has been achieved by countries with well-established democracy. It also applied to Indonesia, which experienced a strong process of democracy following the fall of the New Order government on May 21, 1998.

Procedurally, Indonesia has a smooth runaway to start and carry out the process of democracy. Tools for democracy institutional that allow the availability of political and civil rights, for instance, are relatively accessible to create in a short time. Likewise, tools for institutional that allow the power spread to establish a mechanism of checks and balances. Based on the indicators of the freedom to form political parties and free and fair elections, one can consider that Indonesia has become one of the largest democratic countries (Marijan, 2012: 334).

Nevertheless, democracy in Indonesia yet to face serious problems, and it needs understanding, especially in dealing with democratic contestation. The implementation of democracy in Indonesia experiences various problems. First, money politics, following the spread of democracy in developing countries, money politics turns out to be a key element of electoral mobilization in many third-wave democracies. Based on Andrews and Inman's study of voter behavior in the seven most democratic African countries, according to Freedom House, found 'buying and selling' votes. By utilizing *Afrobarometer* phase 3 survey data in 2005, they found that Ghana is the most vulnerable country to experience money politics and buying and selling votes, with approximately 42% of its citizens claiming to be offered money or gifts during elections. Then, how about money politics in Indonesia is (Edmund Burke, 2014).

Second, corruption. The corrupt practices by regional heads and members of DPR and DPRD eventually have caused severe obstacles and produced an ideal election and democracy. Transparency International ranks 180 countries and assesses countries with the greatest potential for corruption and has no potential for corruption. The indicator is presented with a 0 to 100 score. The higher the score obtained, the bigger the possibility that the country is free from corrupt practices. Indonesia is ranked 96<sup>th</sup> according to the data, which implies that the level of corruption in Indonesia is very high (Fadjar, A. Mukthie, 2013).

Third, the phenomenon of political dowry. The issue of political dowry is one of the causes that prompt the nomination process requires a long time. Many parties take injury time to register to the KPU, which implies a tug of war of dowries allocated and even the cancelation of candidates at the last minute. It has become an important momentum to see that there are serious problems in the election mechanism that triggers strong political tug of war that eventually can lead to corrupt practices. Indeed, this political dowry responds and indicates that the implementation of elections in the democratic system in Indonesia is very expensive. Political parties need to collect fees from candidates for campaign logistical and winning. Therefore, this is our shared responsibility to create low-cost election and to avoid fantastic political costs. If the election cost can be reduced and minimized, the phenomenon of political dowry will be increasingly decreased in Indonesia's democracy (Fadjar, A. Mukthie, 2013).

### 2009 Election

As a result of the amendment to the 1945 Constitution, the president, and vice president are elected directly by citizens. The election implementation law was prepared before the election was held. President and vice president



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election in 2004 was carried out based on Law No. 23 of 2003 concerning the General Election of President and Vice President. President and vice president election in 2009 was based on Law no. 42 of 2008 concerning General Election of President and Vice President. Generally, the laws are based on the first consideration, and the direct election is a means of implementing popular sovereignty to produce a democratic state government based on Pancasila and the 1945 Constitution. Second, the presidential election held democratically and civilized through wide public's participation based on the principle of a direct, public, free, secret, honest, and fair way to elect the president and vice president is important to be adjusted to the development of democracy and the society dynamic in the life of the nation and state.

The president and vice president are directly elected by the people in a general election every five years. The President of Indonesia has various authorities in the state government that are attached as a form of holding the checks and balances mechanism in a democratic political system. Indonesia adheres to a multiparty system as regulated in the Law concerning Political Parties and the Law concerning General Election. To this date, many political parties have succeeded in enrolling their representatives in the DPR or, otherwise, fail to gain seats in the DPR. It shows the high interests of the people that are reflected in political organizations of political parties to gain power, especially in the DPR.

In the 2014 DPR, DPD and DPRD elections, each political party participating in the election had to meet the seat minimum acquisition threshold in the DPR with 3.5% of the national vote to participate in the DPR and DPRD seats according to the provision of Law No. 8 of 2012 concerning the Election of Members of DPR, DPD, and DPRD. Initially, if these figures were not obtained, the political parties would not be able to participate in the next election. However, the Constitutional Court determined that the acquisition threshold for the DPR seats only applies nationally. It implies that political parties that cannot meet the seat minimum acquisition threshold of 3.5% in DPR can still obtain seats in the provincial DPRD and the regency/city DPRD. The next stage is the presidential and vice-presidential elections, which are agreed to be held after the legislative elections if the provisions are not constituted to agenda for change in the upcoming presidential election. The requirement to become president and vice president candidate is to be nominated primarily by a political party or a combination of political parties. Law No. 42 of 2008 concerning General Elections of President and Vice President requires that political parties or a combination of political parties must meet 25% of seats in the DPR (or 20% of the national vote). It denotes that the presidential candidate pair is highly dependent on the political party that proposes (History of the Indonesian Election, 2019: 2019 Election Second Series Guide Book).

In practice, the public election of the president and vice president may generate problems because the elected president and vice president are not according to the results of the general election to elect the DPR and DPD.

In the 2009 election, there were presidential threshold provisions, which is the threshold of supporting parties proposing a pair of candidates for president and vice president. The 2009 election was attended by 38 political parties and six local political parties specifically for Aceh Province. Election over 560 DPR seats with the following results. (1) Democratic Party 150 seats (26.75%); (2) Golkar Party 107 seats (19.1%); (3) PDIP 87 Seats (15.5%); (4) PKS 58 seats (10.36%); (5) PAN 43 Seats or 7.8% (History of the Indonesian Election, 2019: 2019 Election Second Series Guide Book).

**Table 11. The Top Five Results of the 2009 Elections**

No	Party	Seats	Percentage
1	Democratic Party	150	26.75
2	Golkar Party	107	19.1
3	PDIP	87	15.5
4	PKS	58	10.36
5	PAN	43	7.8

Source: www.kpu.go.id

**2014 Election**

In the 2014 DPR, DPD and DPRD elections, every political party participating in the election must require 3.5% seat limit in the DPR to participate in the DPR and DPRD seats per Law No. 8 of 2012 concerning the Election of Members of DPR, DPD, and DPRD. Initially, if these figures were not obtained, the political parties would not be able to participate in the next general election. However, the Constitutional Court determined that the minimum acquisition threshold for the DPR seats only applies nationally. It signifies that political parties that cannot meet minimum seat threshold of 3.5% still obtain seats in the provincial DPRD and the regency/city DPRD.

*Table 12. The Top Five Results of the 2014 Election*

No	Party	Seats	Percentage
1	PDIP	109	18.95
2	Golkar Party	91	14.75
3	Gerindra Party	73	11.81
4	Democratic Party	61	10.19
5	PAN	49	7.59

Source: www.kpu.go.id

This achievement deserves appreciation. First, the Indonesian people already understand and appreciate the meaning of democracy, remarkable progress in the context of democratization. Second, the General Election Commission (KPU) deserved praise for being able to lead the implementation of a national scale work during transition, limited time and funds, and within new institutions and arrangements. Nevertheless, various deficiencies existed in the Commission. Third, services that should not be forgotten are government services under the leadership of President Megawati Soekarnoputri, who did not create significant obstacles as she was willing to accept the results of the election as well as President SBY. Based on this achievement, the 2004 and 2009 Presidential Elections are a political breakthrough that gives important meaning to the realization of popular sovereignty in Indonesia, which had been under authoritarian leadership for 40 years. Nevertheless, the problem after all the successes accomplished is to maintain the successes of the 2004, 2009 and 2014 presidential elections and improve the quality to achieve the democracy institutionalization in Indonesia.

**2019 Election**

The 12<sup>th</sup> election was held on 17 April 2019. The 2019 concurrent elections wrote a new historical record in the Election system in Indonesia. The 2019 election was the opportunity and challenge for Indonesian people. It was the first presidential election held concurrently with legislative elections. The 2019 concurrent elections had been held smoothly, and the 2019 concurrent elections can be a reference to the Election system in Indonesia. In the 2019 concurrent elections, the Indonesian political stage was still controlled by political elites. The political stage was still dominated by figures such as Jokowi, Prabowo, SBY, Megawati, Jusuf Kalla, Wiranto, and several other veteran politicians. They still controlled the political stage ahead of the 2019 presidential election, causing a blockage over the political generation to take over national leadership. Seeing the political reality, the process of regeneration of leadership could not be maximized by political parties. Many political parties participating in the General Election had not been able to shift the dominance of national politicians who were still controlled by veteran politicians.

The fact that the political stage is still dominated by veteran politicians, Indonesia requires a new and fresh figure who can solve various national problems. Additionally, the ranking performed by several survey institutions and mass media has circulated on mere popularity and electability aspect, which are not necessarily able to produce quality leaders who are desired by Indonesian people. Survey institutions and the mass media should be able to design and stimulate to emerge fresh, energetic, and broad-vision alternative leaders, especially to bring up young politicians as part of the regeneration of national leadership.

The 2019 concurrent election is a new history for elections in Indonesia. Constitutional Court, with verdict Number 14/PUU-XI/2013, plays an essential role in changing the direction of history. The Constitutional Court decided that starting from the 2019 election, the election of representative members and the president and vice-president will be held concurrently which is later known as "five boxes" election, meaning that there are five



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ballots selected by voters and put into five boxes; DPR, DPD, Provincial DPRD, Regency/City DPRD, and President/Vice President.

In the practice of election in various countries, concurrent elections are common. Generally, concurrent elections are held to elect several democratic institutions at the same time. It may include elections for office in the executive and legislative seats, which include national, regional, and local elections. The commonly practiced is a combination of executive and legislative elections. In Latin American countries, for instance, the practice of elections combines national and regional or local elections. In the United States, the election is not only for electing presidents, members of congresses and senates at the central level, but also at the same time electing governors and legislators at the states (Editorial magazine of constitutional Number 145, March 2019: 3).

Some experts title the 2019 concurrent election as the most complex elections in the world, especially as experimental election as it was held for the first time. The complexity includes regulations, systems, institutions, and political behavior of election participants and voters. The 2019 concurrent election is very different from previous elections. Besides the simultaneous voting time, there were tougher thresholds, both the parliamentary threshold and the presidential/vice-presidential nomination threshold.

The participation of several new political parties in the General Election also created its challenges in democracy. Nevertheless, contestation and political competence became very rigid. As a result, the potential for election violations was increasingly common. For example, the potential of massive practices of money politics or transactional politics.

**Table 13. The Top Five Results of the 2019 Election**

No	Party	Votes	Percentage
1	PDIP	27,053,961	19.33
2	Gerindra Party	17,594,839	12.57
3	Golkar Party	17,229,789	12.31
4	PKB	13,570,097	9.69
5	Nasdem Party	12,661,792	9.05

Source: [www.kpu.go.id](http://www.kpu.go.id)

The option of the electoral system is one of the most important institutional decisions for every democracy. In most cases, the option of a particular electoral system has a profound influence on the future of political life in a certain country. The presidential elections in 2014 and 2019 still competed with two candidates, namely Jokowi and Prabowo, as if there were no alternatives to the national leadership regeneration. It happens because the election design did not accommodate open political interests. There are several offers for the design of elections, so various political interests and elections become more dynamic for leadership regeneration.

First, an independent presidential candidate is a solution to the crisis over the leadership generation in this country. It is partly due to the electoral system being unable to bring up the regeneration of strong national leadership. Therefore, independent candidates become a necessity to solve the leadership problem. Independent candidates can be seen as catalysts amid community disappointment with the oligarchic, feudal, and transactional image of political parties. With the open opportunity of independent presidential candidates, the transfer of leadership generation will be open and increasingly dynamic in presidential elections. Not only just limited to two candidates, but also bring up a new figure that can be considered as an alternative and even a solution for the national leadership. Many people have qualified political competence but are blocked by the design of a closed and oligarchic electoral system that buries the nation's best generation who should participate in a democracy.

Second. Presidential threshold design. Election system design that still adheres to the presidential threshold requirements becomes a blockage over the generation of national leadership. The provision regarding the presidential threshold is regulated in Article 222 of Law no. 7 of 2017 concerning General Elections. Every political party or a combination of political parties that propose the president and vice president candidates must have 20 percent of the seats in the DPR or 25 percent of the valid national votes in the previous election. If the



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presidential threshold provisions are abolished, and each party participating in the General Election can propose its respective candidates, then more presidential candidates will compete alongside Jokowi and Prabowo in the 2019 presidential election. Supposedly, the concurrent election of legislative and presidential can abolish the 20 percent requirement of the DPR seats or 25 percent of valid national votes in elections. These requirements refer to the 2014 Legislative Election, whereas we currently prepared for the 2019 Elections. Various political reasons are used by major parties to prevent, minimize, and close the contestation in the 2019 Presidential Election. Meanwhile, the substance of democracy is contestation. If the contestation is blocked due to the electoral system that does not accommodate alternative contestants, meaning that it degrades democracy and people's political rights to vote or be elected.

After the 2019 general election, Indonesia needs a generation of national leadership. Amid blockages in the design of the Electoral system, which does not accommodate the alternative generations, this nation faces various challenges of democracy, which remain the same. Reform that has been happening for more than 21 years has not yet progressed from the democratic transition. With a fairly long democratic process, Indonesia should move on to consolidate democracy and institutionalize elections. It means that democracy is not only a matter of procedural competition but also produces transformative leadership and makes radical changes for the welfare of the Indonesian people. The political regeneration cannot wait for a figure who suddenly appears in the middle of the political audience, but over must go through a layered design as a form of practice of the regeneration process by political parties. Therefore, to support the substance of democracy, political literacy is needed and the generation of the post-2019 General Election as a collective desire to improve the quality of Indonesia's democracy in the present and the future. The time has come, political regeneration is supported in the structure and culture of Indonesian politics so that democracy creates and produces creative, innovative, and transformative alternative leadership.

The political and legal dynamics in Indonesia present a new face in the election practices. A new era in the implementation of the General Elections occurred in 2019. Before the 2019 Elections, the Legislative Elections were separated from the Presidential Elections. Legislative elections were held first and a few months later general election for President and Vice President. The history has changed, the 2019 elections were the milestone of the concurrent election implementation. Legislative and presidential elections were held simultaneously.

The 2019 election of the president and vice president were attended by two pairs of candidates, namely the President and Vice President Candidate Number 01 Joko Widodo-Ma'ruf Amin (Jokowi-Ma'ruf) and Number 02 Pair Prabowo Subianto-Sandiaga Salahuddin Uno (Prabowo-Sandi). Twenty political parties were participating in the 2019 general election, consisting of 16 national parties and four local parties in Aceh. While the individual candidates for the DPD participants in the 2019 Election were 807 candidates from 34 regions competing for 136 seats in DPD.

The 2019 concurrent election was held smoothly, safely, and peacefully. The development of constitutional democracy and constitutional civilization had evolved in this country. It is reflected in disputes settlement over the 2019 election results, parties that were dissatisfied with the election results propose a lawsuit to the constitutional court and not making riots on the streets. A constitutional mechanism is a civilized way to resolve disputes. The transition phase to constitutional democracy has revealed its existence. In the era of constitutional democracy, every dispute is settled amicably based on statutory provisions. Disputes over election results must be resolved fairly and with civilization.

The 2019 election is a national election held concurrently for the first time, namely the legislative and presidential elections. It generates the contestation and dynamic because of its concurrency. The 2019 election is known as an election with five ballot boxes. The difference of the 2019 election and the previous elections is the matter of the parliamentary threshold provision, which was 3.5% in 2014, but in the 2019 election, it changed to 4%. The percentage increase will affect the issue of contestation between participants of the 2019 Election. In 2014, parties obtaining 3.5% provision were ten parties in parliament. Currently, 16 political parties contested and competed to be able to qualify to meet the 4% threshold. There are only nine parties that pass. A further difference is that open proportional provision is still used in the 2019 electoral system. It signifies that the contestation of legislative



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candidates in one political party will be dynamic. Candidates must compete with fellow candidates from the same political party.

### CONCLUSION

The 1955 elections aimed to elect members of the DPR, members of the Constituent Assembly. The legal basis for this election is the 1950 Constitution and Law No. 7 of 1953 concerning General Elections. It is perceived by many as one of the most democratic elections in the history of Indonesian administration.

The elections during the New Order were held periodically for six times (1971, 1977, 1982, 1987, 1992 and 1997). Using a proportional electoral system that was adjusted to the objectives and political format of the New Order. The New Order elections were only followed by three political parties and the Golkar Party as the ruling party always came out victorious. As a result, President Soeharto's political position became very strong, the role of military politics dominant, defending political radicalism through the concept of a floating mass. The 1999 election was still in the format of the constitutional system according to the 1945 Constitution, which had not been shifted. Thus, it only elected DPR and DPRD members, and it was still familiar with the ABRI member appointment system.

After the amendment of the 1945 Constitution, the legislative and presidential elections have been held four times; 2004, 2009, 2014, and 2019. Although the results of the legislative elections in the 2004, 2009, 2014 and 2019 elections did not create an absolute majority in parliament (DPR and DPRD), but it did not hamper the stability of government, nationally and locally. It occurred since the president and vice president, regional heads and deputy regional heads were elected directly by the public, so it did not depend on the configuration of political power in parliament.

Democracy nowadays is coloring the life and civilization of humans. Among the existing systems, democracy is the best system for national life. Effective and high legitimacy government systems can only grow and develop in a democracy. Popular sovereignty in a democratic system positions the people in the central. The people are the highest holders of sovereignty in this nation. The political system and state power change alongside the demands of reform. The fresh air of democracy and Indonesian constitutionalism began to blow after the amendment of the 1945 Constitution. Parliamentary supremacy shifted towards constitutional supremacy. The popular sovereignty did not longer depend on the MPR, and the sovereignty is returned entirely in the hands of the people. People and legal sovereigns must run simultaneously. Democracy without law can lead to anarchy, whereas law without democracy causes discrimination. People and legal sovereignty cannot be separated. The political dynamics of the country have triggered the implementation of concurrent elections. The concurrent election was held in 2019. The 2019 election was the first milestone in the election of DPR, DPD, DPRD members, and the presidential and vice-presidential as those were held simultaneously. The 2019 general elections were held simultaneously in almost all regions of Indonesia on April 17, 2019. The 2019 concurrent elections were different from the 2014 elections and the previous elections. One fundamental difference is in terms of implementation. In the 2014 elections, the election of members of the DPR, DPD, and DPRD was held separately with the presidential and vice-presidential elections.

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