

# Legal Protection for Legislative Candidat Members Based Onlaw No. 7 of 2023 Concerning General Elections at The KPU of Deli Serdang District

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## *Abstract*

*The objectives of this research are for knowing how to implement Law No. 7 of 2017, To find out the efforts that have been made to recruit legislative candidates in accordance with Law No. 7 of 2017, To find out whether the considerations of Law No. 7 of 2017 are appropriate for prospective legislative candidate. This research is a qualitative research with a descriptive-qualitative approach. In this study, after the researcher collects data in the form of interview results, documentation, and observations, the data will then be analyzed in more depth so as to form a scientific-natural conclusion that can be accepted by various groups, especially in this case the Deli Serdang Police itself as the object of research in this thesis and community leaders .*

**Keywords:** legal, civil law, digital

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## INTRODUCTION

Elections are an important instrument for determining the people to choose their leaders. The law has explained the function of elections, namely the election of members of the DPR, Provincial DPRD and Regency/City DPRD. In a democratic country, elections are considered a benchmark of democracy itself. Budiardjo explained that the results of the elections held openly with freedom of opinion and freedom of association are considered as participation and aspirations of the community. The general election that just took place on February 14, 2024 was held simultaneously throughout Indonesia. In that election, there were two elections, namely the Presidential and Legislative elections which were held at one time. In the most complicated general election and has many items and the more candidates are elected is the legislative election because it elects the People's Representative Council from the Regency to the national level and elects the Regional Representative Council at one time. Political contestation in the legislative election always brings together candidates with diverse backgrounds (Anugrah, 2017)

A political party is an organized group whose members have the same orientation, values and ideals. The goal of this group is to gain political power and seize political positions. The media for political parties to compete to gain political positions is through the General Election (PEMILU) held by the General Election Commission (KPU), and to win the election, political parties must gain support from the community. Of course, it is a tough task for a political party how the party can be accepted and supported by the community as its constituents so that its cadres can become authority holders in the government environment in order to realize the vision and mission of the political party. This problem is very crucial, because this is the first step in how the party must instill its image as a political organization in the minds of the

community. Overall, political parties need strategic planning in conducting relations with the community (Kholidah, 2020). This planning concerns the political products that will be brought, the image that will be presented, the campaign programs that will be carried out and the mass mobilization strategy.

Planning needs to be done so that resource allocation (eg human, financial, infrastructure) can be done efficiently. In addition, planning is needed for every party program and activity to have the same movement and direction. Planning also links one activity to another. Thus, there will be synergy and consistency between the work programs that will be produced by a political party. Furthermore, planning will provide a special image and message regarding all activities carried out (Repi, 2019)

Legislative elections are a means of channeling the right to be elected and/or to elect to determine leaders directly according to democratic principles, once every five years. The right to elect and/or be elected owned by the people is expressly stated in the 1945 Constitution, so that this right is in fact a constitutional right that must be facilitated by the state. Legislative elections are an event for a democratic party and a national event, and are also a collective national cooperation and a shared responsibility to make it a success. In an effort to realize a quality general election, of course, one of them is determined by professional election organizers who have integrity, capability and accountability

Therefore, the organizers of the 2014 general election have focused on efforts to improve the quality of preparation, raise public participation and have guaranteed the implementation of the general election democratically. The commitment of professional general election organizers will close the space for general election participants who want to cheat.

It is important for Political Parties and supporting elements to design and prepare a winning strategy plan for the legislative member voter contest. The selection of the strategy is certainly aimed at four things, namely first to find out the percentage chance of winning before the election is held. Second, to find out who the strong political opponents are in their electoral districts, third, to find out how much financial resources must be prepared by legislative candidates in Deli Serdang Regency.

Fourth, the goal is certainly initial information towards the final result, which is winning the legislative election. Therefore, basic knowledge and understanding about sharing strategies and ways to go through the entire election process and stages is something that must be understood and known by every legislative candidate.

In order for the 2024 election to be successful, media is certainly needed as a means of campaigning for information about the election. As we know, the media, especially the mass media, is the easiest means for political parties to introduce legislative and gubernatorial candidates to the public.

Based on the political category, teenagers are included in the new voters, they are a group that is using their right to vote for the first time. With that right to vote, teenagers aged 17 years will have the same civic responsibility as other adults. New voters who are mostly high school students and students who have just entered the age of voting do not yet have a broad political reach to determine where they should vote

Beginner voters are voters who have great potential in gaining votes in the election. The behavior of beginner voters has characteristics that are usually still unstable and apathetic, their political knowledge is lacking, they tend to follow peer groups and they are just learning politics especially in general elections. The spaces where they learn politics are usually not far from the spaces that are considered to provide a sense of comfort in themselves.

The political knowledge of novice voters is actually not much different from other groups of voters. Voter behavior is still closely related to sociological and psychological factors in making political choices when viewed from the study of voting behaviors. However, what

distinguishes novice voters from other groups is the issue of political experience in facing elections.

The preferences used as a basis for making a choice tend to be unstable or easily change according to the information or preferences surrounding them.

A very important factor is how new voters do not make their political choices based solely on popularity. New voters tend to sympathize with celebrity candidates or legislative candidates compared to non-celebrity candidates/legislative candidates. Therefore, all components or people who have authority are required to provide (political) literacy to new voters so that they become critical and rational voters. This means that in making their choice, it is not because of popularity, ethnic similarity and emotional closeness, but because of track record, vision and mission, credibility and bureaucratic experience. These efforts are part of political empowerment for citizens, especially the behavior of new voters and because they see the potential for significant new voter votes in the 2024 Election (Sujito, 2022).

Based on the description, the existence of new voters is often targeted by political parties to gain votes. These new voters are generally not yet informed and do not have adequate political education. With this assumption, political parties try to influence the political choices of new voters through various efforts. Many political parties compete to promote their candidates to be elected (Annison, 2011).

Media is one way that can convey information widely and comprehensively. New voters who are exposed to information every day before the election will certainly gain political knowledge, especially about the election, from various sources of information in the media. Continuous exposure to information certainly makes new voters feel confused by the amount of information they get. This is certainly related to how new voters respond to, filter the information and make a decision to determine their choice (Mahpudin, 2023).

Public Information Disclosure states that information is information, statements, ideas, and signs that contain values, meanings, and messages, both data, facts and explanations that can be seen, heard, and read which are presented in the development of information and communication technology electronically or non-electronically. Thus, the understanding of political information refers to this definition by emphasizing political content.

The participation of the media in shaping public opinion is an effort to awaken the attitudes and actions of the audience regarding a political issue and/or political actors. In this framework, the media conveys political discussions to the audience. The form of political discussions in the media includes political texts or news in which there are choices of political symbols and political facts. Because of this ability, the mass media is often used as a propaganda tool in political communication (Repi, 2019).

In the current democratic life in Indonesia which adheres to Pancasila democracy with a combination of parliamentary and presidential systems, it provides a new spirit and spirit to the journey of implementing democracy in Indonesia. Different from the previous era, since the old order which used a guided democracy system with a slight tendency towards an authoritarian pattern of government rulers.

even though during the New Order era, Pancasila democracy was still constrained by the power of the status quo to maintain the power of the rulers.

In its development, the implementation of democracy in Indonesia has received a breath of fresh air after entering the reform era in the last fifteen years, this can be proven by the existence of constitutional improvements both through amendments to the 1945 Constitution or revisions to laws relating to the implementation of democracy. History has recorded that the party system during the New Order era, the parties participating in the election were very slim, namely there were only three election parties including Golkar, PDI, and PPP. After entering the reform era, the tap of democracy began to be opened as wide as possible so that political parties

participating in the election increased drastically to reach approximately forty-five political parties (1999) (Danang, 2013)

Along with its development, the election law continues to be updated by making revisions, one of the results of the revision is about the candidacy (2004 election). Where in this election using a full competition system within a particular party.

In the 2009 election system until the next election, there was a paradigm shift from the previous election, if seen in the previous election a certain party had a very important role in winning and placing its legislators in a parliament. However, in the 2009 election until the 2014 election that was just held, the role of legislative candidates was very large in winning themselves as members of the legislature and also determining the electability of the party (the party's electability) in an election.

So based on the development of democracy, the researcher intends to explore further how the paradigm shift process of the election occurs, which is based on how a prospective legislator implements a winning strategy in an election. In addition, through this study the researcher also tries to measure the quality of the election held in order to realize a more democratic national and state life. This study aims to: 1. To find out the strategies used by legislative candidates in winning legislative elections, 2. What strategies are used by legislative candidates in winning legislative elections. While the expected outputs in this study are as follows: 1. The right and good strategy in winning the election 2. Winning according to the rules.

According to Samuel P, Huntington said that the political party system can be said to be democratic if it makes joint decisions that are capable in the party system will be selected through elections with a fair (honest, just) system and candidates are free to compete to get votes and all residents who have ID cards have the right to vote. General elections are a means and infrastructure in the implementation of people's sovereignty based on representative democracy. The community is not directly involved in the decision-making process but is represented to voters through the election (Tim Redaksi LP3 ES, 2003)

Healthy competition is an unavoidable event in a democratic condition. Political competition applies at several levels. First, political competition occurs in fighting for functions and positions in the party. This competition occurs in the ideological corridor, patterns and processes of the political party concerned. Then the second, competition that occurs to gain public sympathy and support. This competition is associated with competition in the General Election campaign. In gaining power, political parties or candidates deserve to win the general election by gaining the most votes among other candidates.

Political parties have the possibility that political parties have traditional masses is not a guarantee that the traditional masses will not move and migrate to other political parties. Public demands for political party performance are increasing along with the increasing number of choices. Each contestant must be able to show that they are the most capable of solving the problems of the nation and state. The higher the enthusiasm of political parties to emerge, the higher the competition.

The recruitment pattern of political party cadres uses a democratic system within the party. However, in its implementation, recruitment carried out by political parties in Indonesia currently tends to be "traditional". Because some political parties do not yet have a clear recruitment pattern and still rely on individual power and strength. And still based on the interests of certain individuals, so the recruitment pattern tends to be oligarchic (Samuel P, 2004)

Based on a study conducted by Peer to Peer in collaboration with the Netherlands Institute for Multiparty Democracy, it shows that recruitment patterns still follow the lines determined by primordial factors such as religion, regional relations, regional similarities, as well as factors of loyalty and closeness. with the party's core leadership. The party's recruitment pattern will

be a reflection of democracy. Especially for the recruitment of women in political parties. In the reform era, gender equality can actually provide change and convenience, but in its implementation it is still far

Women's representation will also affect political parties that can participate in the election, as stated in Law Number 7 of 2017 concerning General Elections Article 173 paragraph 2(e)4, "include at least 30% (thirty percent) of women's representation in the management of political parties at the central level". This provision clearly shows that in order to qualify to participate in the election, political parties must meet the requirement of 30% female representation in the central party management. In politics, there is an affirmative action policy for underrepresented groups.

Affirmative action policies are needed to encourage women's representation in legislative institutions, which until now are still quantitatively minimal. Affirmative action policies can be used to increase women's representation in the legislature by; placing women on the list of legislative candidates as potential candidates, providing special training, funding support, and publication assistance to these female candidates.

## **METHOD**

This research is a qualitative research with a descriptive-qualitative approach. In this study, after the researcher collects data in the form of interview results, documentation, and observations, the data will then be analyzed in more depth so as to form a scientific-natural conclusion that can be accepted by various groups, especially in this case the Padang Sidempuan Police itself as the object of research in this thesis and community leaders (Village Head/Village Secretary).

The research conducted by the researcher uses the field research type. Field research is an activity carried out where the data used by the researcher is obtained by collecting information obtained from the field/where the locus is located. The difference in field research compared to other research methods is the emergence of interaction between the researcher and the thing to be studied where good interaction and adaptation are needed so that the data needed by the researcher is obtained.

The research location is the place where the research will be conducted. Determining the research location must be relevant to the research title to be studied. The things that a researcher might face if they make a mistake in determining the research location are:

1. Difficulty in finding the required data;
2. The unconduciveness of the research location resulted in the incompleteness of the required data;
3. Lack of supporting facilities impacts the validity of the data found;
4. The invalidity of respondents regarding the research objects studied.<sup>55</sup>

In order to avoid the above, the researcher has determined the research location that is in accordance with the research object. The research location chosen is in Deli Serdang Regency

Research time is the time required by the researcher to conduct research. The research time required by the researcher to collect information/data required for the research is 3 (three) months from the time the research permit is issued until the completion of the research results

Data collection techniques are a process in a research and are an important part. Data collection techniques must be in accordance with the research objectives that have been previously determined.

In research Currently, the data collection techniques used by researchers in obtaining the required data are as follows



An interview is a conversation between two or more people that takes place between a source and an interviewer with the aim of collecting data in the form of information. Therefore, the interview technique is one way of collecting data, for example for certain research.

Referring to the KBBI (Big Indonesian Dictionary), an interview is a question and answer session with someone (an official, etc.) to ask for information or opinions about something, published in a newspaper, broadcast on the radio, or shown on television

The data collection technique is carried out by examining various kinds of documents that are useful for analysis. Through this method, various documents will be collected that are directly or indirectly related to the data that is the focus of the study which will then be interpreted and analyzed to become study data.

At this stage, the researcher conducts information search by collecting various data sources that have a direct relationship to the problem to be studied. In this study there are 2 (two) data sources, namely primary data (main data) and secondary data (supporting data).

According to Husein Umar (2013:42) primary data is: "Primary data is data obtained from the first source, either from individuals or individuals, such as the results of interviews or the results of filling out questionnaires that are usually carried out by researchers."

According to Husein Umar (2013:42) secondary data is: "Secondary data is primary data that has been further processed and presented either by the primary data collector or by other parties, for example in the form of tables or diagrams" secondary is a source of research data obtained by researchers indirectly through intermediary media. Secondary data can be obtained through various sources such as books, websites, or documents. Data processing techniques are ways to process data so that the data has meaning to answer problems and is useful for testing research question hypotheses. The use of data collection techniques should be in accordance with the data to be collected and the collection instruments used.

The instruments that can be used by researchers in collecting data can be in the form of questionnaires, interview guides, or observation guidelines. In data processing, the author made several efforts, namely:

1. Editing(Editing) is an effort made by the author to conduct a thorough examination of all the data that has been obtained in this case the completeness, clarity and suitability of meaning and relevance to other data.
2. Analyzing(Analysis) is an effort made by the author in order to construct each edited data where the data is the result of observations, field notes to construct a conclusion.
3. Conclusion(Conclusion) is an effort made by the author in order to draw one or more conclusions that can be used as an answer to each problem that arises (the purpose of the research).

## **RESULT & DISCUSSION**

Historically, elections in Indonesia have been held in thirteen stages, including the 1955 Election during the Old Order, the 1971 Election, the 1977 Election, the 1982 Election, the 1987 Election, the 1992 Election, and the 1997 Election during the New Order. Then, during the Reformation era, there were the 1999 Election, the 2004 Election, the 2009 Election, and the 2014 Election. The next election in the Reformation era is the 2019 Election and the last one in 2024.<sup>58</sup>

Since 1950, various government cabinets have often promised to hold national elections, but in reality the government has often postponed the implementation on the grounds of facing priorities that are considered more urgent than the general election. In addition, the movement against the general election launched by a number of parties and groups of parliamentarians also hampered the process of holding the general election. The implementation of the 1955 general election was basically an implementation of the Government Declaration dated

November 1, 1945, signed by Mohammad Hatta which stated that the general election, must be accelerated in order to prove that the ideals based on the principle of democracy truly become a guide in people's lives. However, in reality, the general election could not be held since the end of 1945. The event that became the driving force for the holding of the 1955 election was the Event of October 17, 1952 where there was a demonstration in front of the State Palace and the destruction of the parliament building by demonstrators. This action was carried out with the aim of urging the dissolution of parliament, which ultimately had a positive impact in accelerating the 1955 general election, the Wilopo Cabinet succeeded in designing regulations that became the legal basis for the general election, namely the General Election Law No. 7 of 1953 along with its implementing regulations, namely PP No. 9/1954. This law is an implementation of democracy in accordance with the Provisional Constitution of 1950, which recognizes that the power of the ruler comes from the will of the people.

This will was realized through regular and transparent elections, with universal suffrage, secret ballot, and guarantee of freedom of speech. The Wilopo Cabinet ended and was replaced by Ali Sastroamidjojo. However, before the election was held, a political crisis hit the Ali Sastroamidjojo cabinet which caused it to fall. The Ali Sastroamidjojo Cabinet was replaced by the Burhanuddin Harahap Cabinet from Masyumi (Chairulsyah, 2024)

New elections were successfully held under the Burhanuddin Harahap government. After the legal basis was enacted, the next step was to enter the campaign period by political parties to win public support. In the end, Islamic parties competed closely with nationalist parties, as well as the communist party. The 1955 general election had the main purpose of electing members of the DPR who would play a role in the government and forming a constituent assembly tasked with drafting a permanent constitution to perfect the laws that were still temporary.

The Indonesian Election System in 1955 implemented the concept of proportional representation, where each electoral district received a number of seats based on its population according to Law 7 of 1953. The territory of Indonesia was divided into 16 electoral districts, but the implementation of elections in the 16th district, namely West Irian, was hampered because at that time the region was still under Dutch control. The 1955 election became a monumental democratic event with the participation of more than 30 political parties, mass organizations, and individual candidates. A total of 257 seats in the DPR and 514 seats in the Constituent Assembly. The party that won the 1955 election was the PNI (Indonesian National Party).

In 1967, General Soeharto was appointed by the MPRS as Acting President, replacing Soekarno. However, he did not immediately hold a general election to seek legitimacy of power during the transition period. Although the MPRS Decree XI of 1966 stated that a general election should be held in 1968, changes were made through the 1967 MPR SI on the initiative of General Suharto, who wanted new elections to be held in 1971.

The second general election after Indonesia's independence was finally held on July 5, 1971. The Soeharto era had similarities with the Soekarno era, where during this period the rules regarding political parties had not been officially regulated. The General Election Institution (LPU) was established through Presidential Decree Number 3 of 1970. The LPU was led by the Minister of Home Affairs and its members consisted of the Leadership Council, Advisory Council, LPU General Secretariat, and the Supply and Transportation Division. The *Dwitunggal* system was applied in the legislative election that year, which combined the election of DPR members with MPR members. This election involved three legislative institutions, namely the DPR, DPRD, and MPR. The representative system applied in the system was a balanced representation system with a binding list system in accordance with Law No. 15 of 1969. This means that the strength of organizational representatives in the DPR

and DPRD is in line with the support of voters given to the organization participating in the election or political party.<sup>60</sup> The third general election was held in 1977, implementing a closed proportional system. In that year, the election system reduced the number of participating parties to three, namely PPP, PDI, and Golkar. This agreement occurred between the government and the DPR, marked by the issuance of Law Number 3 of 1957 about Political Parties and Golkar.

In 1982, general elections were held simultaneously using the same system and objectives as in 1977. The elections were held to elect members of the DPR with a different composition, where only 365 members of the DPR were elected directly by the people, while 96 people were appointed directly by the President. The reference for this election is contained in Law Number 2 of 1980. The next general election, namely in 1987, used a proportional system with party-list variations. A total of 400 people were elected directly, while 100 people were appointed by President Soeharto.

The election remained consistent with the previous period, especially the 1997 election which still used a proportional system with a party-list variant. This condition was marked by undemocracy, where the election was considered full of intrigue and political designs of the rulers, with only three parties (Golkar, PPP, PDI) acting as contestants. Significant changes occurred after the 1998 political reform, which influenced the 1999 election which was accelerated. Although held simultaneously on June 7, 1999, the election involved 48 political parties, marking an initial step towards a more inclusive general election framework. In addition, the election also adopted a representative proportional system with the method of obtaining the most votes, different from the previous election system which used the Closed method. In the 1999 election, voters had the option to choose political parties directly, without having to choose legislative candidates individually. (Ade., 2019)

Legislative candidates are appointed by political parties to occupy seats in parliament. In this system, the number of parliamentary seats obtained by each political party is based on the percentage of votes obtained by the party in the election. This system aims to create fairer representation for the various political parties operating in Indonesia.

According to Law Number 10 of 2008 concerning General Elections, the 2009 Indonesian elections implemented a proportional system with an open list system (Open List PR). This decision was taken after the Constitutional Court decided to use an open list system in its decision Number 22-24/PPU-VI/2008. However, the decision changed a year later, when the Constitutional Court granted a lawsuit related to the use of “most votes” as a criterion for allocating seats to parties that won seats. This decision caused the election system in Indonesia to truly enter the category of an open list proportional system (Open-List PR). The impact of this decision is the determination of who will represent the people of Indonesia through a proportional election system.

In the 2014 legislative election held in April using an open proportional system. While the presidential election was held in July 2014 using a majority run-off system. Furthermore, the development of elections in Indonesia reached its peak in 2019. Because in that year it was a history for Indonesia to hold general elections that were held simultaneously.

Where the people are required to elect the President, Vice President, DPR, DPRD, and DPD.<sup>7</sup> Different from 2014 which was done separately. This year the election system still uses the open list proportional system (Open List PR). The change occurred because the government wanted the operational costs of politics in the election to not be high. Where this was determined by the Constitutional Court through a judicial review by issuing decision Number 14/PUU-XI/2013. With the participation of 20 political parties, although in the end only 16 managed to pass the verification, the election reflected the evolution of the election system and the dynamics of political parties amidst political and social changes in this country.



Then in the context of the general election to elect the President and Vice President, it only started in 2004 and was carried out directly every five years. The elected President can only be re-elected for one subsequent term. This presidential election system uses the Majority Run Off/Double Ballot system. This system is still used for general elections to elect the President until now. In the 2004 election, the presidential threshold concept was first applied as a requirement to become President and Vice President, which was formulated in Law No. 23 of 2003 concerning the Election of the President and Vice President, where presidential and vice presidential candidate pairs can only be proposed by political parties and coalitions. Then in the next presidential election, the same system was still used, namely the majority run-off/double ballot, but the presidential concept (Adibah, 2018)

The threshold continues to change in subsequent elections.

The system for the 2024 legislative and presidential elections has not changed much from the previous year, namely by holding elections simultaneously. What is different from the previous year is that in counting votes using the e-voting or e-recapitulation system, this has been done by the Philippines and South Korea. This change occurred because the implementation in the previous year claimed many lives. Then, there was a change related to the age limit for the President which was controversial in the general election in Indonesia this year.

According to Law Number 7 of 2017 concerning General Elections (hereinafter referred to as the Election Law), general elections are a means of people's sovereignty to elect members of the People's Representative Council, members of the Regional Representative Council, the President and Vice President, and to elect members of the Regional People's Representative Council, which are carried out directly, generally, freely, secretly, honestly, and fairly in the Unitary State of the Republic of Indonesia based on the Pancasila and the Constitution of the Republic of Indonesia. General elections are indeed usually always associated with people's sovereignty (Afrizal., 2019)

Indonesian country adhere to the concept of democratic people's sovereignty. This is stated in the body of the Constitution of the Republic of Indonesia, Indonesia 1945 Article 1 paragraph (2) which states that sovereignty is in the hands of the people and is implemented according to the Constitution. The highest power is actually in the hands of the people, power comes from the people, by the people and for the people, even power is held together with the people which is a manifestation of the embodiment of the sovereignty of the people. The implementation of general elections since the fourth amendment to the 1945 Constitution, elections in Indonesia are no longer limited to electing members of the DPR and DPRD but also to elect the DPD, President and Vice President along with general elections that are institutional or individual candidates for people's representatives, the institutions in question are usually called political parties, namely organizations that are deliberately formed for political purposes, political communication and so on, therefore political parties are closely related to general election activities, it can even be said that political parties are important pillars in the representative democracy system that periodically holds election activities (Syukriah dan Sutri Helfianti, 2023)

The implementation of sovereignty for the people is by determining a certain state policy whose implementation is carried out at any time according to its procedures. Throughout the world, every country must have a political system, Indonesia is a country that has one of the political systems. The political system that exists in every country is the "soul", which if there is no life of the political system.

The variables in the election are quite diverse, generally the ones that are often used are electoral formula, ballot structure, district magnitude, the implementation used is also different.

Therefore, for a long time, both academics and practitioners have always made differences about which election system is the best for a country to choose the right one (Sinarsih, 2020)

In principle, general elections are a means of realizing people's sovereignty, but in its implementation, general elections have several types of general election systems. The types of general election systems in general are (Budiardjo, 2008)

- a. Single Member Constituency namely, one region whose election elects one representative or is usually called a district system.
- b. Multi-member Constituency namely, a region whose election elects several representatives, which is usually called a balanced representation system or proportional system.

The district electoral system is an electoral system in which a number of geographical areas of a country are divided into a number of electoral districts so that the number of seats obtained in parliament is equal to the number of districts. In each district there is only one representative who will sit in the parliamentary seat and the representative is proposed by a political party or election participant. Representatives who can occupy parliamentary seats in one district

namely the representative who gets the most votes in the district. Therefore this system is known as a "single member constituency".

a. Advantages of the district system

- 1) The existence of this district system triggers political parties to nominate people who can be recognized in the district so that the relationship between representatives and constituents is very close. The election of a representative in the district is assessed from the personality and personality factors so that it is expected to be able to fight for the interests of its citizens in the district and the electability of political parties is also raised;
- 2) This system will be able to unite or integrate political parties, this is because there is only one seat in one district, thus encouraging political parties to form a coalition in choosing popular and qualified candidates;
- 3) There is a simplification of political parties, this is because many political parties form coalitions as a result of this district system so that it can encourage party simplification and prevent the birth of new political parties;
- 4) The organization implementing the election uses this simpler system, because it does not require many people to join the election committee, so the costs required are relatively low. cheaper and vote counting is done faster, because there is no need to count the remaining wasted votes.

b. Disadvantages of the district system

- 1) There will be a possibility of wasted votes;
- 2) Lack of attention is paid to the existence of small parties to have representation because it will be difficult if these minority groups are in different districts.

Meanwhile, in a proportional electoral system, the country's territory is one electoral district. However, the country's territory is divided into electoral districts (such as one province into one electoral district). This is because the country's vast area and large population. The number of seats to be contested depends on the number of residents in the electoral district or the number of voters in the electoral district which will later be divided by a divisor that is worth one seat. Therefore, this system is called a multi-member constituency.

For more than seven decades, Indonesia has used two variants of proportional representation, namely open and closed lists. We have used closed lists in the 1955 Election, the New Order Election, and the 1999 Election. Then, after the Amendment to the 1945

Constitution, we also used open lists, namely in the 2004, 2009, 2014, and 2019 Legislative Elections (Pileg)

There are many methods in the election system, the two largest groups in the election system are the district system and the proportional system. For the context of a plural society, the proportional system is more widely used, especially considering that the basis of representation is determined by the number of voters or determined proportionally. This is what then encouraged Indonesia to implement a proportional system in the implementation of elections in Indonesia. This basis of representation has even been thought of and practiced during the New Order (Orba) government with the presence of group representatives (Andreas Daniel Adi Vibhisana, 2003)

The proportional representation system (balanced representation) or also known as the proportional representation system or multi-member representation offers several seats to be contested in an electoral district. In this system, an administrative unit, the number of votes obtained by each party determines the number of seats in parliament. This means that the ratio of votes obtained between political parties is the same as the ratio of seats obtained in parliament.

The Constitutional Court (MK) emphasized that the Indonesian constitution never regulated the type of legislative election system (pileg). Article 22E paragraph (3) of the 1945 Constitution which states "participants in the general election to elect members of the DPR and DPRD are political parties", is considered not to necessarily mean that a closed candidate list proportional legislative election system is desired, where voters only choose political parties on the ballot paper. After tracing the original intent and systematic interpretation of this article, the Court concluded that although the constitution does not regulate the type of election system, the open candidate list proportional system is closer to the constitution. In an open proportional system, voters can directly elect the desired candidate, voters can also choose a party, seat allocation will be based on proportional votes and based on the most votes for candidates.

In contrast to the open proportional system, in a closed proportional system, voters will vote for parties and not candidates, in this system the serial number becomes important for the potential electability of candidates, and in this system the party has more control than voters.

In both systems, the most important thing is how to ensure that the distribution of seats in the legislature reflects the proportion of votes obtained by each political party. The biggest difference lies in the degree of independence of voters to be able to determine the candidate elected from the order of candidates determined by the political party. The open proportional system clearly has advantages in the aspect that voters can provide direct support and exercise control over the elected candidate. This encourages competition within the party and allows for more diversity in the background of the elected candidates.

On the other hand, a closed proportional system gives control to parties to conduct candidate selection according to the wishes of the political party. This will certainly help the party's solidity and discipline.

The closed proportional system is also easier to implement because voters only choose party symbols. Therefore, the closeness between political parties and voters is the main key to implementing a closed proportional system. The important thing to note is that the selection of the election system is determined by the objectives of the priorities to be achieved. If the main priority is to strengthen the party system, then the choice of a closed proportional system is a rational choice. If the aspect of democratization is the main aspect, then the open proportional system is a key aspect that needs to be considered.

The closed proportional system is not a holy revelation from the spotless sky. In fact, through this system, money politics practices are perpetuated. Every election of legislative candidate numbers becomes an arena for money politics practices within the party. In addition,

the emergence of "little kings" represented by political party leaders. As "kings" in their palaces (political parties), these elites play a very dominant role, especially in determining the legislative candidates who must be supported by the people. Oligarchic power is increasingly rooted within political parties, and democratic ideals are fading.

In 2014, the election with an open proportional system was estimated to have campaign costs much greater than the 2009 election, namely in 2009 the assumption was around 3.3 billion and in 2014 it rose to 4.5 billion and only capable people can compete with such large capital. The Center for Political Studies, University of Indonesia (PUSKAPOL UI) noted that more than half of the legislative candidates competing in the 2014 Election (58.86%) were businessmen or professionals. In 2019, the campaign costs of the legislative candidates were estimated to reach tens of billions for campaign equipment and other budgets with the aim of winning the hearts of the people (Muhtadi, 2019)

The open proportional system, which was initially aimed at eliminating the gap between voters and candidates for people's representatives, has in fact created a gap between voters and candidates for people's representatives which has weakened the position of political parties, including:

- a. Political parties are no longer focused on pursuing their basic function as a means of channeling education and proper political participation.
- b. Political parties are no longer focused on pursuing their function as a channel for proper political education and participation.
- c. Political parties no longer seek to improve the quality of their programs that reflect the party's ideology but only to seek the focus of candidates who can be a magnet to gain the most votes. This is where the weakening of political parties occurs structurally.
- d. The party is no longer focused on seriously developing young cadres for the long-term interests of the party's ideology but rather focuses on seeking shortcuts by hunting for popular cadres with financial capabilities to fund the party's needs.

The election of the most votes carried by the direct open proportional system has changed the playing field of the election which should be a battleground for programs, ideas or concepts into a battleground for famous and financially capable people because these famous and financially capable cadres become magnets for the party in order to gain the most votes.

The debate regarding the implementation of the open and closed proportional system in the 2024 election is basically also based on real problems in the practice of elections in Indonesia. Although the open proportional system has been established in recent years, the issue of the quality of political representation has not been immediately answered, there are still many laws that have been issued and have received negative reactions from the public. On the other hand, there are still many money politics practices that are a problem in the open proportional system, as well as candidates who are influential local figures who remain a priority in the election.<sup>74</sup>

There are at least five factors that have an impact on the quality of political representation in the implementation of open or closed proportional systems, namely:

- a. Freedom of voters and political representation, proponents of the open proportional system argue that the space to be able to directly elect candidates will provide a greater possibility for candidates to maintain accountability and be more responsive to their voters. The open proportional system also opens up space for candidates who are not favored by party elites to be elected.

- b. Party solidity and discipline, for supporters of the closed proportional system, the system will provide a guarantee of party solidity and discipline, considering that the party will have strong control over the candidates. The elected candidate is considered to have a strong mandate from the party so that he will be solid in fighting for the party's agenda. This is not

found in the open proportional system, where the space for members to not be solid in following the party's will is open.

c. The complexity of the election and voter education, some critics of the open proportional system stated the problem of voter complexity. After all, the 2019 simultaneous elections were complicated elections because voters were asked to elect the executive and legislative from the national to regional levels at one time. The level of education of the majority of voters is an aspect that is taken into account, especially in the open proportional system which presents many names of legislative members (Cresswell, 2014)

d. Elite influence party, for critics of the closed proportional system, this system is considered to be biased towards the interests of party elites, including in determining the order of legislative candidate numbers. However, for supporters of the closed proportional system, this system will allow parties to avoid fragmentation of political parties. Especially considering that the open proportional system opens up space for elected legislative members to prioritize their agendas over the party's agenda. Fifth, transparency and accountability, supporters of the open proportional system emphasize the sovereignty of voters over the candidates they will choose, so that legislative candidates will try to maintain their accountability to voters. On the other hand, the closed proportional system is considered not transparent and biased towards the interests of party elites.

Factors This basically refers to the quality of political parties in Indonesia. The results of a national survey by the Populi Center in February 2023 showed that on a scale of 1 to 10 with a scale of 1 indicating very distrust and a scale of 10 indicating very trust, the level of trust in political parties was at 54.1 percent with an accumulation of a scale of 6 to 10 (Populi Center, 02/13/2023).<sup>76</sup> So far, political parties have not democratized the candidacy process, while political party candidacy is an important key to seeing whether the sovereignty of the people can be protected, whether using an open proportional system or a closed proportional system

Political parties face several serious problems related to party democratization, starting from the vulnerability of internal democratization, factions within political parties, campaign funds originating from corrupt practices, unclear ideological platforms, and weak political party roots (rooting party). These problems are attempted to be overcome by one of the ways, namely by regulating campaign financing by regulating funding from the government to political parties. The main agenda is to reduce the potential for excessive influence from political party elites.

The many factors that influence the implementation of the open proportional system in Indonesia which are used as clear parameters or measurements and have the same standards to understand the problem of implementing the open proportional system, according to Yanuar Prihatin there are at least five parameters that can be used as a reference.

#### a. Historical Reasons

The closed proportional system was once used in the 1955 Election, and reached its peak throughout the elections during the New Order. The early 1999 reform elections also used this closed system.

Why then was the closed proportional system replaced with an open proportional system? It's simple. This means that the closed proportional system contains many shortcomings and weaknesses, which were eventually corrected through the open proportional system.

These weaknesses are very clear in several fundamental aspects, among others, party sovereignty reduces the sovereignty of the people, the relationship between legislative members and voters is wide apart, voters do not have the opportunity to determine the representatives they want, political party cadres tend to be rooted upwards rather than downwards, democracy becomes elitist because it is dominated by a handful of oligarchs, and



so on. If we return to a closed system, it is the same as reviving all the weaknesses and shortcomings in the election system.

b. People's Sovereignty

The essence of elections is to uphold the principle of popular sovereignty. Where is this principle more likely to grow and develop: in a closed system or an open system? In a closed system, party sovereignty is much stronger. The party has full control over who will be made a member of the legislature. There is no room for voters to interfere in this matter. Whoever the representative is, voters must accept, whether they like it or not, whether they know it or not, whether they are good or bad.

In an open proportional system, there is a balance between the rights of the party and the rights of the people. The party proposes the names of the candidates, and the people are given the freedom to choose which candidate they trust to represent them. In such conditions, the party is “forced” to put forward the best names that have a great chance of being liked and trusted by the people. In a closed system, the will of the people is not the main consideration, because the party symbol is more important.

c. Maturation of Political Culture

A strong, stable and mature democracy is characterized by a political culture that values competition, differences of opinion and choice, genuine tolerance, not fake, rationality in attitudes and choices, open political communication, autonomous community participation, and equality in individual vertical mobility based on competence and self-quality. Such a political culture is more likely to grow in an open, not a closed, election system. The maturation of the behavior and political culture of society and the elite will be more easily formed in an open, fair, honest and just competition system. Leaders and the masses are “forced” to communicate, interact and even cooperate with each other for the purposes of common welfare. Elites who avoid this process will quickly be abandoned by their followers. In this context, we are imagining a model of political behavior of society and elites that are mutually compatible to accelerate progress in various things needed by society.

d. Equality of Opportunity and Chance for Vertical Mobility of Individuals

The open era and the era of competition as the main characteristics of modern civilization. Every individual human being has the basic right to grow, have a career and actualize themselves in various fields that they like and are interested in, without coercion. Opportunities in the world of politics should also be open careers for every citizen. They should not be limited by exclusivity, administrative restrictions, gender, ethnicity, religion and region. Political parties that do not immediately adapt to this trend will gradually be abandoned by the best people. Such equality will find its place in an open, not a closed, proportional system. This is not a matter of ignoring the need for privileges for party administrators and cadres to become members of the legislature. The main emphasis is on internal party regulations that are more adaptive in accepting the best individuals to pursue careers in political and government positions, and on the other hand, the opportunities for administrators and cadres remain strong. There must be a solution in the internal mechanisms of each party. There is no need to argue.

e. Constitution

The electoral system is a dynamic variable that follows developments in the field. Therefore, changes to the electoral system should be the domain of the law makers, namely the government and the DPR. If the electoral system is confronted with the constitution, then the electoral system has been understood as a rigid, constant variable that cannot be changed, except through amendments.

constitution.

The problem is, the Constitutional Court (MK) has made a decision that has the connotation of pushing for an open proportional election system, namely ahead of the 2009 Election. If the Constitutional Court then pushes back towards a closed proportional system, then what are the parameters? It is impossible, the constitution has two different views and attitudes towards the same issue. It feels strange. A contest of strength? If the Constitutional Court finally decides to grant the lawsuit to abolish the open proportional system in the 2024 Election, then what are the parameters? Maybe this is not really a matter of the constitution and the five aspects above, but a matter of a contest of strength between dominant interest groups. If this is a matter of a contest of strength, the decision on the election system is ultimately no longer a matter of rationality and common sense. But a matter of interests, hegemony and perhaps even oligarchy and conspiracy.

Background The choice of an electoral system is thus the same as the choice itself. It is essentially a political process, not a matter to which independent technical experts can provide a single “right answer”. Indeed, considerations of political advantage are almost always a factor in the choice of an electoral system—sometimes even the only consideration—and the menu of electoral system options available is often, in reality, a relatively limited one. However, calculations of short-term political interest can also often obscure the longer-term consequences of a particular electoral system and the interests of the wider political system.

Regarding the factors that are the reasons for still using the open proportional system for the 2024 election, among others, are due to historical reasons, people's sovereignty, political maturity, equality of opportunity and chance and the constitution. However, if you want to use the general election system, it must be prepared in advance with thorough preparation, not impromptu, because the election is near, it is impossible for the open proportional system to be changed and the Constitutional Court has also emphasized the implementation of the open proportional system in 2024. Change takes time, if you want to change it, it must be done with full consideration, don't wait a few years later to be considered no longer appropriate so that it must be changed again, because sometimes there are changes that are adjusted to the needs of the ruling group. Many factors cause the use of an open election system so that a legislative candidate (caleg) passes to the DPR. One of the absolute requirements is to win a majority of votes, in addition to several things that need to be considered to guarantee someone's election in the 2024 election.

Implementation of the election general with an open proportional system has been clearly regulated in the Election Law, this provides legal certainty for the implementation of the 2024 Election. Clarity that can provide legal certainty in the implementation of elections is in line with the theory of legal certainty initiated by Gustav Radbruch.

Gustav Radbruch put forward 4 (four) basic things related to the meaning of legal certainty, namely:

1. First, that the law is positive, meaning that positive law is legislation.
2. Second, that the law is based on facts, meaning it is based on reality.
3. Third, that facts must be formulated in a clear manner so as to avoid errors in interpretation, in addition to being easy to implement.
4. Fourth, positive law must not be easily changed.

Elections with an open proportional system have been implemented after the amendment of the 1945 Constitution with various regulations that have been born one after another starting from Law Number 12 of 2003 concerning General Elections to Law Number 7 of 2017 concerning General Elections. This was done in order to accommodate the election process in accordance with the understanding of people's sovereignty adopted in Indonesia. This provision guarantees that the public has the right to provide input both verbally and in writing in the

preparation or discussion of draft laws and draft regional regulations. This public participation is a concept that has developed in the modern political system.<sup>82</sup>

The provision of public space or the existence of a mechanism to realize participation is an absolute demand as an effort to democratize since the mid-20th century. The public has become increasingly aware of their political rights. Thus, the process of forming laws and regulations is not merely the absolute domain of the bureaucracy and parliament. Participation can be interpreted as the active involvement of the public, both individually and in groups, in determining public policies or regulations. Public involvement is actually in line with the institution of the DPR, namely as an institution that represents the aspirations of the people. Both the DPR and the Government (President) are elected directly by the people. Therefore, the discussion of the draft Law must be carried out by involving the public.<sup>83</sup>

The application for judicial review of Law Number 7 of 2017 has been clarified that the Constitutional Court (MK) rejected the application for judicial review of Law Number 7 of 2017 concerning General Elections (Election Law), on Thursday, 6/15/2023 in the Plenary Courtroom of the Constitutional Court. A flashback on the changes in the election system that according to the Constitutional Court, the proportional election system with an open list is closer to the election system desired by the 1945 Constitution. However, because conceptually and practically, whatever election system is chosen by the legislators, both the proportional system with an open list or a closed list, even the district system, still has its own advantages and disadvantages. Therefore, As an option, the legislators remain open to the possibility of adapting it to the dynamics and needs of holding elections.<sup>84</sup>

In this case, if improvements are to be made to the current system, the legislators must submit a request for judicial review of Law Number.

7 of 2017, the 2024 election system remains proportional and open, taking into account several things, including, not making changes too often, changes are made in order to perfect the election system, changes must be made early before the election implementation stages begin and must still maintain balance and connectivity between the role of political parties as stated in Article 22E paragraph (3) of the 1945 Constitution and the principle of people's sovereignty as stated in Article 1 paragraph (2) of the 1945 Constitution, involving all groups who have an interest in the implementation of elections by implementing the principle of meaningful public participation or what is usually called (meaningful participation).

It is very unfortunate that the design of the implementation of an open general election system is apparently close to the practice of money politics and identity politics. The weakness of legal firmness and supervision causes money politics to occur frequently, thus giving rise to politicians who tarnish democracy

#### 1. Money Politics

Money politics is an intentional act of giving or promising money or other materials to someone so that they do not use their right to vote or choose a particular election participant, or use their right to vote in a certain way so that their ballot becomes invalid or intentionally receiving or giving campaign funds from or to parties prohibited by law or intentionally providing false information in the election campaign fund report. Money politics is also the exchange of money with the intention of determining someone's position, policies to be issued and political decisions in the name of the people's interests but in fact only for personal, group or political party interests.<sup>85</sup>

Many election participants engage in money politics, ironically this practice has never been touched by law enforcement. As a result, many people consider money politics to be commonplace. This is proven by the results of a poll by Litbag Harian Kompas which found that most of the public did not reject the activities of distributing money carried out by

legislative candidates or political parties. As a result of the increasingly permissive tendency of society, money politics has flourished. The public considers that money politics is a compensation fee from the contestants because during the election

they do not go to their fields or rice fields. Even money politics is also considered as an opportunity to get fortune, because for them whoever is elected will not be meaningful for themselves and their group.

Article 532 Paragraph (1) to Paragraph (3) of the Election Law mentions the crime of money politics, this violation of money politics can be committed during the campaign, the quiet period, and when the general election is held, more precisely on the voting day. It also mentions the criminal penalties for perpetrators of money politics, namely the perpetrator can be imprisoned with a maximum sentence of 4 years, and a fine of Rp. 48,000,000 (forty-eight million rupiah). However, this legal provision does not make candidates afraid to do this money politics. If money politics continues to be a culture, then the world of politics in Indonesia will be destroyed, as well as democracy only as a bridge for elites who do not achieve to occupy power in government<sup>86</sup>

Money politics or bribery can be said as a culture that always flows during the general election period, only a few people act honestly during the election. The law explaining the sanctions for bribery seems to be ignored by the candidates, they try to get what they want and justify any means so that they can win a government-based competition.

Political contests in democratic countries in various parts of the world certainly require costs. The purpose of these costs is mostly used as an instrument to market themselves as candidates for executive and legislative officials. By promoting themselves during the campaign period, each candidate tries to compete for power. It's just that in practice, some candidate candidates use shortcuts in gaining votes to win electoral contests. Money politics here is the shortcut, by "buying" votes with money or other objects. Even though this method does not necessarily provide a definite victory for the candidate who owns the capital.

In the areasThe outskirts are very massive in the practice of money politics. Aspinall also added that the cause of the spread of money politics stems from the formation of patronage and clientelism, where patronage clientelism is an instant way to gain loyalty by exchanging money or materials that are considered more effective in social life.

money politics is still widespread in Indonesia. This is not only caused by the candidates, organizers and the existing political system, but also because of the permissive attitude of the social community towards this money politics behavior. If we look at the most fundamental problem regarding the "tolerant" attitude of society on this issue, it is welfare which is still far below average. This unequal welfare is the cause of the growth of money politics behavior. Exchange of interests is carried out between candidate candidates and the community.

Candidates provide temporary valuables or materials in exchange for public votes. The public gets something that is a primary need, be it money or other valuables by exchanging their votes to elect a particular candidate. If prosperity has been evenly distributed among the public, then the behavior of money politics can actually be eliminated. Because the upholding of democratic principles will be successful if all levels of society are not in a state of hunger and live in prosperity. Therefore, not many people think about the serious impact of the implementation of an open proportional election system which in fact has brought systematic and very serious chaos to the political system in Indonesia.

Identity politics is a political action that brings ethnic, racial, and religious sentiments to gain support from the community. In essence, identity is a good thing, because it is attached to oneself, such as attached to a city, village or other things that are our originality. However, identity can be a tool to divide the nation, when that identity becomes politics or the politicization of identity carried out by the political elite.<sup>87</sup> Where identity is used as a basis

for gaining power and becomes a basis for mobilizing politics to achieve a certain goal that may be contrary to existing laws and regulations.

Where identity is used as a basis for gaining power and becomes the basis for mobilizing politics to achieve a certain goal that may conflict with existing laws and regulations. The characteristics of this identity politics are very easy to see, such as in the symbols of ethnicity or religion used during the campaign or the programs offered that favor one ethnicity, race or religion. Identity politics can occur due to several factors, namely tight competition between candidates, polarization of ethnicity and religion of candidate pairs, and polarization of ethnicity and religion of voters.<sup>88</sup> According to general election regulations, there is no prohibition on identity politics, because basically identity is inherent in human nature. However, the dominance of identity politics that is too high can be dangerous and threaten the unity of the nation and state, this is because the issue of division that arises during the campaign can potentially continue, even though the campaign has ended. Indonesia is a country rich in diversity, it is undeniable that there is a sense of injustice and equality of rights that arises in every group or class, whether ethnicity, race, or religion. This is what gives rise to identity politics in the world of politics.

Indonesia. With the existence of identity politics, it further emphasizes the differences in diversity in Indonesia. If this causes conflict between groups or classes, it will create instability in the country. In Indonesia itself, the similarity of identity is a basis for carrying out identity politics, so it is not surprising that it gives rise to political conflicts between majority and minority groups. One example is by utilizing the similarity of religion, which we all know that Indonesia has religious diversity, this issue is very sensitive if it is raised, and the threat is directed at minority religions, so that it ends in conflict between religious groups.

The general election process that should be a forum for people's aspirations is actually misused with identity politics. Political identity is considered a vehicle to gain people's votes and also maintain its power, it is very unfortunate that the government has not succeeded in organizing a just and wise government. In addition, the mass media worsens the situation with its public opinion which sometimes does not match the reality. In fact, it cannot be denied that not a few people in Indonesia have also implemented an attitude of tolerance in diversity, but irresponsible individuals take advantage of the situation, thus dividing society.

The public must be wise in accepting issues of identity politics, which must look at the background of the underlying things, because many parties misuse identity politics to arouse their nature.

fanaticism of each individual or group which of course can trigger SARA conflicts and cause divisions in the nation and state. In this era of globalization, political issues can spread quickly to the public through mass media, which often can worsen the situation. The spread of news or issues of identity politics that are very fast has a bad impact, namely causing new problems regarding news that cannot be proven true (hoax).

The problems in organizing elections with an open proportional system when analyzed using the theory of the legal system do not yet fulfill the elements of a good legal system. Thoughts and forces outside the law make the legal system stop and move. These three elements, continued Lawrence Milton Friedman, can be used to describe anything that is run by the legal system.<sup>89</sup>

1. The legal structure is all existing legal institutions and their apparatus. The legal structure in the implementation of elections is still unable to enforce the law against money politics practices.

2. Legal substance is the entire legal rules, legal norms, and legal principles, both written and unwritten, including court decisions. The legal substance regarding the implementation of elections is still unclear, not discussed explicitly such as identity politics. Legislation does not



provide detailed definition and does not include identity politics as an election violation or crime.

3. Legal culture is the opinions, beliefs, convictions, habits, ways of thinking, and ways of acting, both from law enforcers and from the community, about the law and various phenomena related to the law. Legal culture in the implementation of elections is increasingly a public trust issue towards candidates because some elected leaders do not carry out and break their promises during the campaign. The practice of money politics has become commonplace in society, some people are happy to accept money from prospective leaders.

The debate on open versus closed proportional electoral systems has significant implications for Indonesian democracy. In this context, it is important to conduct a thorough comparative analysis to evaluate the advantages and disadvantages of both electoral systems.<sup>90</sup> Open and closed proportional electoral systems in Indonesia are based on several relevant criteria, namely political representation, community participation, political stability, fairness, and accountability. This analysis will evaluate the advantages and disadvantages of each election system illustrates the implications of the comparison results:

#### 1. Political Representation

Political representation in the context of elections refers to the extent to which voters' voices are reflected in the determination of elected representatives. Good political representation is when each voter's voice has a proportional influence on the determination of political representation.

Voters in an open proportional electoral system have the freedom to choose candidates or political parties directly. Voters' votes are given directly to the chosen candidate or political party without a fixed list of candidates. In this context, an open proportional electoral system has advantages in political representation because each voter's vote has a direct impact on determining political representation.

Voters can directly elect candidates they consider most representative of their aspirations and interests. Thus, political representation becomes more accurate and better reflected according to voters' preferences. In addition, the open proportional electoral system also allows independent candidates to compete in general elections, thus providing more room for political variation and pluralism.

On the other hand, in a closed proportional representation system, voters can only vote for political parties, while the political parties that win seats will determine the candidates who will occupy those seats.

## CONCLUSION

The objectives of this research are for knowing how to implement Law No. 7 of 2017, To find out the efforts that have been made to recruit legislative candidates in accordance with Law No. 7 of 2017, To find out whether the considerations of Law No. 7 of 2017 are appropriate for prospective legislative candidate. This research is a qualitative research with a descriptive-qualitative approach. In this study, after the researcher collects data in the form of interview results, documentation, and observations, the data will then be analyzed in more depth so as to form a scientific-natural conclusion that can be accepted by various groups, especially in this case the Deli Serdang Police itself as the object of research in this thesis and community leaders.

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