

A COMPARATIVE ANALYSIS OF DEMOCRATIC SYSTEMS: INDONESIA AND ENGLAND.

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ABSTRACT

The democratic system basically realises balance and justice for the entire community or people without any discrimination. One of its implementations is the process in general elections conducted every five years to elect executives and legislatures. There is something wrong with the implementation of this democratic system from the process and even the rules used, this research wants to discuss the constitutional system in the democratic process that is wrong or just the way the process is taken. This research is expected to be an evaluation of the Indonesian State towards the electoral system used. Normative juridical research by analysing a regulation that is directly related to legal issues. The result of this research is that Indonesia can adopt the party system and election system from the United Kingdom because it uses a two-party party system that only has two parties, namely the winner and the opposition and a district election system that only nominates one candidate from one party for one region.

A. INTRODUCTION

The state system is inherently linked to the prevailing mindset, assessments, and established patterns within a society. Strategies present within society directly reflect state administration, elucidating methods to uphold the dignity of a sovereign nation. Indonesia's state foundation is enshrined in the 1945 Constitution, which serves as the primary legal source ideally applied in the organization of the state. The framework of life constructed upon the fundamental principles of state sovereignty and constitutionalism represents a viable approach to state governance.¹

The constitutional framework of the Republic of Indonesia has undergone significant transformations throughout its evolution. These changes have occurred in various state institutions, the relationships between these institutions, the establishment of new state bodies, and the dissolution of existing entities. Notably, following the amendments to the 1945 Constitution, the Supreme Advisory Council (Dewan Pertimbangan Agung, DPA) was dissolved. In contrast, several new institutions were established, including the Constitutional Court (Mahkamah Konstitusi, MK), which is responsible for exercising judicial authority; the Judicial Commission (Komisi Yudisial, KY), tasked with upholding the integrity of justices of the Supreme Court; and the Regional Representative Council (Dewan Perwakilan Daerah, DPD), which oversees the implementation of laws pertaining to regional autonomy, the formation, merging, and expansion of regions, the relationship between central and regional

¹ Beni Ahmad Saebani, *Hukum Tata Negara : Refleksi Kehidupan Ketatanegaraan Di Negara Republik Indonesia* (Bandung: Pustaka Setia, 2018).

governments, the management of natural resources and other economic assets, the implementation of the State Budget (APBN), taxation, education, and religious matters.²

The discourse surrounding the Indonesian constitutional framework prominently features the process of general elections. Historical accounts indicate that the system of general elections has been in practice since the times of the Roman Empire and ancient Greece, where citizens began exercising their political rights in a form of democracy. However, the implementation of this electoral process in antiquity significantly differs from contemporary practices. During the Roman era, citizens gathered to deliberate and collectively decide upon candidates for election as their representatives. As a democratic nation, Indonesia possesses its own distinct history concerning the realization of popular sovereignty through general elections. Following its declaration of independence on August 17, 1945, Indonesia embarked on the establishment of a new national governance system. Nevertheless, the country did not immediately conduct general elections. It was only after an extended period post-independence that the Indonesian populace successfully held its inaugural general election on September 29, 1955.³

The legal basis governing the conduct of general elections is established in Article 22E, paragraph (2) of the 1945 Constitution, which stipulates that general elections are to be held for the purpose of electing members of the People's Representative Council (DPR), the Regional Representative Council (DPD), the President, the Vice President, and the Regional People's Representative Council (DPRD).⁴ Moreover, Law Number 7 of 2017 regarding General Elections governs the organization and conduct of elections, addresses electoral violations, and stipulates criminal offenses related to elections.⁵ The principle commonly employed in Indonesia for the implementation of General Elections is referred to as the "LUBER JURDIL" principle, which signifies that the elections must be Direct, General, Free, Honest, and Fair.

The process of this general election serves as a manifestation of a democratic system. Fundamentally, democracy is defined as a system in which the populace possesses the highest authority and rights in all decision-making processes that pertain to their interests. It is acknowledged within democratic theory that power is derived from the people, exercised by the people, and intended for the people. The principle of People's Sovereignty encapsulates the understanding of the people's status as the ultimate holders of power within a nation.⁶ The

² Sri Warjiati, "Sistem Ketatanegaraan Indonesia Pasca Amandemen UUD 1945," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 2, no. 2 (2012): 185–207.

³ Giovanni Cornelia, "Implementasi Prinsip Demokrasi Dalam Hukum Tata Negara: Tinjauan Terhadap Sistem Pemilihan Umum Di Indonesia," *Jurnal Kewarganegaraan* 8, no. 1 (2024): 3–5.

⁴ "Undang-Undang 1945".

⁵ "Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum".

⁶ Harmily Kusnardi, Muhammad; Ibrahim, *Pengantar Hukum Tata Negara Indonesia* (Jakarta: Pusat Studi Tata Negara, 1988)hlm44-67.

individuals responsible for shaping governmental processes will do so in alignment with the objectives that the nation and its government aim to achieve. However, in practice, the full realization of popular sovereignty remains unattainable. In a country with a significantly large population and within the context of a modern era characterized by complex and dynamic living conditions, the exercise of popular sovereignty cannot be conducted in a purely unmediated manner.

As a representative institution of the populace, it is imperative that it effectively determines the trajectory of government policy in alignment with the aspirations of the citizenry. However, it has become evident that the responsibilities of the people's representatives have deviated from this objective; they often prioritize personal interests and self-enrichment over the mandate to serve the public. This suggests inherent flaws within the implementation of the democratic system, encompassing both the processes and the regulations employed. This study seeks to explore the following questions: How is the democratic system implemented in Indonesia? What aspects of the general election system in Indonesia require reform? Which country's general election system may be deemed suitable for adoption in Indonesia?

B. RESEARCH METHODS

This research constitutes a form of normative legal research, which involves the analysis of regulations directly pertinent to legal issues. The data for this study are derived from various literature sources, including books, statutes, and journal articles, utilized to extract relevant information and factual findings. Subsequently, a descriptive analysis is conducted based on the collected data and information. The final stage involves the analytical assessment of the data and information to facilitate problem-solving concerning the research question.

C. RESULTS AND DISCUSSION

The Implementation of Democracy in Indonesia.

Aristotle posited that the term "Democracy" is derived from the Greek words "demos," meaning "people," and "kratein," meaning "to rule" or "to have power." Therefore, linguistically, democracy can be interpreted as a system of governance wherein power resides with the people. This system prioritizes the interests of the populace, signifying that the people hold the ultimate authority. From the perspective of social philosophy, a democratic government fundamentally seeks to achieve balance and justice for all individuals, devoid of discrimination. This principle aligns with the concept of virtue and the inherent good nature espoused by the

renowned philosophers Plato and Aristotle. The ideas articulated by these eminent thinkers essentially fostered the notions of balance and harmony within a societal framework.⁷ According to Joseph A. Schmitter, democracy constitutes an institutional framework designed to facilitate political decisions, wherein each individual possesses the authority to advocate for the rights of the populace. Furthermore, Philippe C. Schmitter and Terry Lynn Karl articulate that democracy represents a governmental system in which the authorities are accountable for their actions concerning the public sphere, operating indirectly through mechanisms of competition and collaboration with their duly elected representatives.⁸

One of the fundamental processes of democracy is the general election, which constitutes a critical component of the foundation for the realization of democratic governance. This general election serves as a mechanism for prioritizing the will of the people through the direct election of their representatives, thereby facilitating the establishment of popular sovereignty as a basis for political decision-making. General elections provide a platform for the populace to assess the performance of the government and confer legitimacy upon the candidates chosen by the electorate. Several justifications underscore the significance of general elections as the primary basis for establishing and fortifying a democratic system within a nation. The following exposition delineates the foundational principles of democracy that serve as the cornerstone of the general election process.⁹ :

1. The concept of sovereignty vested in the people.

This principle asserts that political power is derived from the populace and is exercised for the benefit of the populace. The realization of this sovereignty of the people is manifested through general elections, whereby every citizen possesses the right to elect representatives of the people and the right to be elected as such, with the expectation that these representatives advocate for the rights of their constituents.

2. Equal Rights

The principle articulated herein asserts that all citizens are regarded as equal, possessing identical rights. This equality pertains specifically to the right to both vote and be elected within the framework of the political process, particularly during general elections.

3. Free and Secret General Elections

⁷ Agus Dedi, "Implementasi Prinsip- Prinsip Demokrasi," *Jurnal Moderat* 7, no. 1 (2021): 1–9.

⁸ Arliman Laurensius, "Mewujudkan Penegakan Hukum Yang Baik Untuk Mewujudkan Indonesia Sebagai Negara Hukum," *Jurnal Ilmu Hukum Doctrinal* 2, no. 2 (2017): 23.

⁹ Cornelia, "Implementasi Prinsip Demokrasi Dalam Hukum Tata Negara: Tinjauan Terhadap Sistem Pemilihan Umum Di Indonesia."

This principle is essential in general elections, ensuring that the democratic process is conducted freely, allowing individuals to make choices in accordance with their conscience, while preserving the confidentiality of the electoral process.

4. Accountability and Transparency

The principle articulated herein is a fundamental tenet in the organization of general elections, stipulating that the accountability of the election organizers encompasses all processes involved in the electoral event. Concurrently, the principle of transparency mandates that the general election must be conducted in an open manner, accessible to the public.

An analysis of the implementation of democracy in Indonesia necessitates an immediate examination of the observable phenomena in the field. The policies that emerge will indicate whether the principles of democracy are being properly executed in accordance with their stipulated requirements or whether they exist merely as written tenets. General elections are deemed a significant democratic event, as they directly involve the populace, thereby enabling individuals to exercise their right to express their opinions in alignment with their aspirations and expectations concerning political and governmental affairs. General elections serve as a crucial mechanism that facilitates the lawful transition of power among individuals or specific political groups, executed without recourse to violence or unconstitutional measures. Consequently, the electoral victories attained are genuinely reflective of the majority's will, thereby reaffirming the commitment to democratic governance and the principles of representation.¹⁰

The primary function of general elections is to establish legitimacy for the ruling authority and to legitimize the government, serving as a mechanism for political representation of the populace. The regular implementation of general elections is essential to prevent the emergence of political dynasties, thereby fostering a healthy democratic environment and encouraging public engagement in the political process through education. Furthermore, the following objectives of general elections should also be noted:

1. Popular sovereignty is manifested in Indonesia as a democratic state, wherein the authority resides with the populace. To fulfill the aspirations of the people, general elections are conducted to select their representatives.
2. The political representation enacted by the citizens is accomplished through the mechanism of general elections.

¹⁰ Wibowo Arif Prasetyo, Wardhana Eka Wisnu, and T Heru Nurgiansah, "Pemilihan Umum Di Indonesia Dalam Perspektif Pancasila," *Jurnal Kewarganegaraan* 6, no. 2 (2022): 3217–25.

3. General elections serve as a mechanism for the selection of leaders or representatives of the people.
4. General elections function as a means for political leaders to acquire legitimate authority in relation to the electoral outcomes.
5. General elections provide a channel for political participation by incorporating the voices of the populace, which will influence future political policies.

Enhancement of the General Election System in Indonesia

In the implementation of a democratic system, the process is conducted through direct, fair, free, and secret general elections. The determination of candidates eligible for election by the community must also be executed with openness and transparency. Political parties are entitled to accept any individual who registers, and independent candidates, without party affiliation, similarly have the opportunity to self-nominate. The criteria for becoming candidates for executive or legislative positions must be clearly defined and accessible to all parties, ensuring no discrimination or hindrances. Within a democratic framework, various party systems are employed across different countries worldwide, as outlined below.¹¹ :

1. Single Party System

A single party system is characterized by the dominance of a single political party within a nation. In countries that adopt this system, only one party wields power over various sectors, including the military and government, and typically exerts control over all aspects of citizens' lives. This system is predominantly found in communist states, where the ruling party serves as a mechanism for the government to regulate society and sustain its authority, as it is the only significant party present. Such a system is often implemented in nations with diverse cultural and social backgrounds, as there are concerns that excessive political discord may impede developmental progress. Examples of countries that utilize this system include those in Eastern Europe, the People's Republic of China, and others..

2. Two-Party System

This system posits the existence of two dominant political parties within a nation, with additional parties present but playing a less significant role. The two-party system distinctly categorizes parties into a ruling party, which emerges victorious in general elections, and an opposition party, which does not. Typically, the winning party assumes governance responsibilities, while the losing party takes on the role of the

¹¹ Dody Nur Andriyan, *Hukum Tata Negara Dan Sistem Politik : Kombinasi Presidensial Dengan Multipartai Di Indonesia* (Yogyakarta: Pustaka Utama, 2016).

opposition. The opposition's function in this system extends beyond merely criticizing the incumbent government; it also involves scrutinizing and providing alternative perspectives on government policies and decisions that are aimed at serving the majority's interests. Thus, the opposition fulfills its role as a counterbalance to governmental policies.

Examples of countries utilizing this system include the United Kingdom, the United States, and the Philippines, among others.

3. Multiparty System

The multiparty system characterizes a nation's development marked by significant diversity in ethnicity, race, religion, and societal structures. It encapsulates the cultural and political pluralism that contrasts with a two-party system. In a multiparty system, no single party possesses sufficient strength to establish a government independently; thus, the formation of a government necessitates coalitions with other parties. This system involves the presence of multiple dominant parties. The resultant cabinet typically follows a parliamentary system, wherein the parliament generally holds a stronger authority than the executive branch. This dynamic allows the parliament to dismiss the cabinet through a vote of no confidence. Consequently, the multiparty system is often associated with a tendency to create a less stable government. Examples of Countries: Indonesia, Malaysia, the Netherlands, France, Sweden, among others.

In a democratic nation, one of the key mechanisms employed to facilitate its functioning is the general election, conducted every five years. These elections encompass the selection of the President, Vice President, Governor, Deputy Governor, Regent, Deputy Regent, members of the Regional Representative Council (DPR), and the Regional Representative Council (DPD). Each election cycle presents numerous candidates aspiring to participate in both executive and legislative positions. However, concerning the legislative elections, significant improvements are necessary, as the abundance of candidates can complicate the decision-making process for politically uninformed citizens, hindering their ability to select representatives capable of advancing the nation's development.

The occurrence is attributed to the implementation of an open proportional system in Indonesia's legislative elections, which enables voters to select their preferred candidates from among those presented by political parties within a designated electoral district. Under this system, legislative candidates are elected based on the highest number of votes received from the electorate.¹² The current democratic process, particularly the open proportional system, requires reform. This system incentivizes legislative candidates to employ various strategies to

¹² Januari Sihotang, *Pemilu Dalam Transisi Demokrasi Di Indonesia* (Yogyakarta: Deepublish, 2018).

garner the highest number of votes. A prevalent issue within Indonesian society is the practice of money politics, which undermines the integrity of the electoral process. Consequently, the candidate with the most votes, regardless of their understanding of policymaking or political party dynamics, may secure a legislative position, including individuals whose primary qualification is their financial resources, rather than their capability or commitment to effective governance.

One method to mitigate the occurrence of money politics and to ensure the election of individuals who possess a comprehensive understanding of policies, politics, public aspirations, and all responsibilities pertinent to legislative members is to implement a closed proportional electoral system. This system exclusively elects political parties, with the allocation of legislative seats being determined by the party elites.¹³ This opinion encompasses various advantages and disadvantages. One key rationale for adopting a closed proportional system is that political parties are compelled to elevate qualified cadres to positions as legislative representatives. These cadres must possess a deep understanding of policy formulation, political processes, and the ability to effectively represent community aspirations. Such a system can also mitigate the prevalence of integrity compromises, particularly the common practice of political corruption through financial inducements, known as money politics, in Indonesia. This entrenched culture, which must be eradicated, poses a significant threat to the future generations of the nation.

Furthermore, this issue is intricately linked to the party system in Indonesia, characterized by a multi-party system where no single party dominates. As a result, parties must form coalitions to establish a government. This reliance on coalition-building can lead to political instability, as it necessitates reconciling the diverse interests of each party. A multi-party system may also lead to the absence of a viable opposition within the government, which is detrimental to effective governance, as a robust government thrives on constructive criticism and recommendations. The lack of an opposition limits the public's capacity to influence policy-making. Therefore, improvements are essential to foster good governance..

The Electoral System of the United Kingdom

The United Kingdom employs a general election system to select members of its legislature. This system is further reinforced by the two-party framework and the use of a district or single-member constituency election model. Under this model, the nation is divided into electoral districts or areas, corresponding to the number of available parliamentary seats. Each district elects a single representative from among the candidates nominated by the

¹³ Sihotang.

respective political parties. Consequently, this system is referred to as a single-member constituency. The party that prevails—the elected candidate—is determined by securing the highest number of votes (a majority) within the district.¹⁴ The necessity for Indonesia to adapt its electoral system to resemble that of England arises from the limitations of the current district election system, which yields a restricted pool of candidates, primarily those nominated by political parties. This district system aligns with the closed proportional representation method previously utilized in Indonesia prior to the reform era. Consequently, it is feasible for the Indonesian populace to reinstate this system, as they have successfully implemented it in the past. This approach would be particularly beneficial if applied to legislative elections.

The district election system employed in the United Kingdom presents both advantages and disadvantages in its application. Firstly, the quality of legislative candidates is enhanced due to party recommendations. Secondly, this system allows political parties to form coalitions, as only one candidate is elected per district. Lastly, it contributes to a reduction in the number of political parties participating in the general election.¹⁵ The implementation of a district system in Indonesia would inherently filter out unqualified candidates and potentially diminish the number of political parties. Currently, Indonesia has a substantial number of political parties, and it is important to note that Indonesia operates under a multi-party system, which contrasts with the system in England.

The shortcomings of the district system are as follows: first, there exists a likelihood of wasted votes; second, smaller political parties encounter significant challenges in their development, as they often do not secure parliamentary seats and thus remain a minority; and third, there is a limited representation of public opinion within the government. In the United Kingdom, the district system employed in general elections typically results in a singular political party attaining power. This electoral framework is known as "first past the post," wherein the candidate receiving the most votes in each electoral district is awarded a single seat in parliament. Typically, the victorious party in this electoral system assumes the role of the governing party for the duration of that governmental term, thus undertaking the responsibility of forming the government. Conversely, smaller parties that serve as opposition parties are those that did not prevail in the general election; their primary function is to oversee the government, ensuring that the ruling party acts with due diligence. In theoretical terms, opposition parties are excluded from the policy-making process.¹⁶

¹⁴ Ariawan Gunadi and Ibra Fulezni Amri, "Komparasi Sistem Pemerintahan & Konstitusi Inggris, Republik Rakyat China (Rrc) Dan Indonesia," *Jurnal Serina Sosial Humaniora* 1, no. 1 (2023): 41–49.

¹⁵ Nur Fadla and Ziada Siregar, "Studi Komparatif Sistem Pemilihan Umum Di Indonesia Dan Inggris Pada Negara Demokrasi," *Jimhum* 2 (2022): 1–12.

¹⁶ Fadla and Siregar.

A political system that can be adopted in Indonesia from the United Kingdom is a two-party system, as it fosters checks and balances within the government, thereby enhancing its efficiency. In this system, the opposition party, which loses the general election, plays a critical role in overseeing government actions. Conversely, Indonesia's current multi-party system allows for the formation of coalitions among all parties within the government, which can lead to a potential absence of a robust opposition. This situation may result in a bias within the government, as policies enacted without sufficient opposition scrutiny may serve the interests of specific parties.

D. CONCLUSION

The execution of democracy in Indonesia is characterized by the general election, which is regarded as a significant democratic event. This process enables the direct involvement of the populace, allowing them to exercise their right to voice their opinions in alignment with their aspirations and expectations concerning political and state affairs. However, the current electoral system in Indonesia, namely the open proportional representation system, requires enhancement, as it fails to foster an effective government and instead perpetuates detrimental practices such as money politics. In contrast, the electoral system utilized in the United Kingdom employs a single candidate from one party for each district or region. This approach could be adopted in Indonesia, as it has the potential to yield qualified candidates and mitigate the prevalence of money politics in future elections.

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