

# SOCIOLOGICAL AND LEGAL CONSIDERATIONS OF POLITICAL COMPETITION THROUGH DEMOCRATIC ELECTIONS

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## ABSTRACT

*Political competition through General Elections is very interesting, because the resistance of political parties becomes very dynamic. This is if we look at the history of elections in 1955 consisting of 80 political parties while in 2014 it became 12 political parties, if seen quantity was far less than the political parties in 1955 but the competition was very hard to maintain a democratic election. The general objective of this study is to find and discuss the challenges of implementing political competition in the democratic general election process and find the right formula for the integrity of the Unitary State of the Republic of Indonesia. The benefits of research at the practical level include contributing ideas to practitioners and bureaucrats to understand the importance of awareness of politics and constitution through elections, as well as interpreting democracy within the framework of the Republic of Indonesia so as to guarantee the implementation of popular sovereignty in democratic elections. The approach used is normative with qualitative analysis and the application of legislation. Secondary legal materials are laws and other laws and regulations related to political parties, elections and democracy.*

**Keywords:** Political Competition, General Election, Democracy.

## INTRODUCTION

The sovereignty adopted by Indonesia based on the 1945 Constitution of the Republic of Indonesia (the 1945 Constitution) is people's sovereignty as well as legal sovereignty as referred to in Article 1 paragraph (2) of the 1945 Constitution which states "*Sovereignty is in the hands of the people and carried out according to the Constitution*". This provision is an affirmation of the adoption of constitutional supremacy, which means the highest authority, the sovereignty that is in the hands of the people must be carried out by and in a manner as stipulated by the constitution. As the highest law, the constitution must be carried out by all state administrators and all societies without exception. This provision is different from the 1945 Constitution before the amendment which confirmed that the People's Consultative Assembly (MPR) was the executor of the people's sovereignty completely.

The implementation of elections may vary, but the essence remains the same for all democratic societies. In this case General Election is an essential part of democracy. Elections are the actual actualization of democracy in the practice of the state, because it is the main means for the people to declare their sovereignty over the state and government. In this case the general

election is considered as a tool of democracy, and positions the general election in its function as a vehicle for forming government representatives. After the amendment to the 1945 Constitution, sovereignty was carried out in the form of state administration. The power is carried out in accordance with the authority of state institutions regulated by the 1945 Constitution. In addition to state institutions, the sovereignty of state administration is also carried out by the people themselves through election. Govov Sartori in Afifi (2005) states that elections are the most important mechanism in realizing political competition and producing a government that has the legitimacy of the people. Political instruments are important things in elections because they can change and even make actions that are impossible, because elections are held by organizers guarded by systems and regulations. The electoral system through democracy which is also claimed to be a democratic system until now is still a debate. Democratic elections are of course there are several parameters that are used starting from the establishment of legal instruments, the EMB, determining the right to elect and vote, voting, voting, even to election monitoring institutions and law enforcement. This all becomes important when in a country an election will be held, more importantly when elections will be claimed as democratic elections (Asshiddiqie, 1994). In Article 22 E Paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that: Elections are carried out directly, publicly, freely and confidentially, while in point (b) of Law No.22 of 2012 concerning Election of DPR Members, Provincial DPRD DPRD, and the Regency/City DPRD which states that the General Election must guarantee that the people's voice is directly, publicly, freely, confidentially, honestly and fairly. In the regional head election law, one of them is to elect regional heads and deputy regional heads, as governors/deputy governors who will govern the province, regents/deputy regents who will govern the regency and mayors/deputy mayors who will rule in the city. It is hoped that the elected regional heads will be in accordance with the common will of the people based on the mission, vision, program and the quality and integrity of the candidates. Later, the results of regional head elections are very important for the implementation of regional autonomy, because the elected regional head is the main driver of the success of the realization of regional government implementation. In this paper the focus of the problem is how to guard political competition through democratic elections. Democratic elections is not only from the aspect of voting but can be seen from various aspects such as the right to vote and be elected, registered voter and voter registration, peaceful campaigns, to election monitoring and the most important is the regulatory aspect. The assumption is that if elections are a means to realize citizens' political participation and political parties can be realized in a neutral, open and accountable manner, they will be able to guard political competition in the implementation of democratic elections so as to build public trust as part of the life of the nation.

## DISCUSSION

One of the main functions of the General Elections in democratic countries is to determine national leadership in a constitutional manner. The National Leadership referred to here also concerns collective leadership (legislature) reflected in the people's representatives and executive leadership reflected by the President (Budiardjo, 2009). Therefore, in any form and

type of government system, Elections occupy a very strategic position in order to carry out these objectives. Joseph Schumpeter: the close understanding between elections and democracy, seen from a number of definitions of democracy itself, Joseph Schumpeter, states that the implementation of free and periodic elections is the main criterion for classification of whether a political system in a country is a democratic country. one form of popular sovereignty in the political process. The history of elections in Indonesia which began in 1955 which was followed by 80 political parties became the beginning of learning to organize democratic elections even though there were many political parties but 88% of 43 million voters voted illegally while 12.34% were invalid and 12 were followed by 12 political parties but it has been proven to fade that those who did not use their voting rights amounted to 30.42%. (Gunawan, 2015). In the implementation of elections in Indonesia, there are four (4) main objectives, namely; first, to elect people's representatives and regional representatives, secondly, to form a democratic and strong government, third, obtain popular support, fourth, realize national goals as mandated by the 1945 Constitution of the Republic of Indonesia (Cheminant & Parrish, 2011). it is seen how crucial the existence of the people is as the holder of sovereignty that has become the "spirit" of democracy itself. In terms of its implementation, elections can be said to be aspirational and democratic if they fulfill several requirements:

1. First, elections must be competitive, in the sense that election participants must be free and autonomous.
2. Second, elections are held regularly, in the sense that elections must be held regularly with a clear time interval.
3. Third, elections must be inclusive, meaning that all community groups must have equal opportunities to participate in elections. No group has been treated discriminatively in the election process.
4. Fourth, voters must be given the freedom to consider and discuss alternative choices in a free atmosphere, not under pressure, and access to broad information.
5. Fifth, the organizers of the General Election are impartial and independent.

Since it was first implemented in 1955 until now, the implementation of the Election has never been lonely from criticism. There are intrigues, various violations, and various problems in the implementation of elections that always color them. In its implementation, involvement and involvement of the people as holders of sovereignty experienced ups and downs and significantly influenced the political climate of the authorities (Sardini, 2011). The enthusiasm of the Indonesian people to take part in the election as a means of implementing people's sovereignty is not flat and without problems. The application of the principle of popular sovereignty in the laws and regulations on elections and their implementation in the field is very dynamic, many factors influence according to the dynamics of the development of the life of the state. Some challenges in implementing popular sovereignty in the electoral process along with the proposed reconstruction can be illustrated in Table 1.

<b>Table 1</b> <b>ANALYSIS OF THE CHALLENGES OF THE UPCOMING ELECTIONS</b>	
<b>Challenge</b>	<b>Reconstructions</b>
Election implementation is not in accordance with its function then political parties work also not according to function and there is a tendency to maintain the political power.	Harmonization of laws and regulations related to the conduct of elections Commitment of state administrators and election organizers. Regulates the family power into the laws governing the General Election
The level of compliance of election participants (voter citizens) against the legal framework	Form a conscious behavior of a polite and democratic political culture through peaceful media peaceful elections, legal counseling through the constitutionally conscious with theme of corruption eradication.

In the implementation of elections in a country, the role of the organizing institution cannot be ignored, especially after the public's distrust of the administration of the previous election. So that the aspects of independence and independence are central issues in the electoral administration institutions in the future. There are fundamental questions in this case first: which institutions have the authority to hold elections and who will be responsible; second: that who will oversee the election and the institutional administration system according to our constitution. In Indonesia it is regulated in Law No. 15 of 2011 concerning Election Organizers, if referring to the law, the administrative system in the implementation of elections is related institutions namely General Election Commission, Election Supervisory Body and Honorary Board of Election Organizers Republic of Indonesia General as a form of check and balances. The three state institutions are independent and independent, have independent authority and are separate from the executive. Escorting electoral competition through elections is not easy (Legowo, 2009).

One of the influential components was the KPU, for example in the 1999 elections which they called legal flaws because KPU members from political parties did not want to sign the minutes and certification of the results of the vote count. The refusal emerged with the pretext of many violations in the implementation of the elections, especially the stages of the vote counting. This seems to be a conflict of interest because KPU members from political parties do not get a significant vote in the election. So that it is realized or not that the electoral institution is very strategic in maintaining an honest and fair election process. we will meet again. hope. The parameters of democratic elections can be measured from something basic first, namely governance in the administration of elections. In Indonesia the KPU and Bawaslu are institutions that have a strategic and important role in upholding electoral democracy, in addition to the regulations produced by legislators in the Council building which sometimes cannot be denied the political trends in power when it will determine the direction of policy even though this will not be justified This is the fact of the formation of regulations in Indonesia. Elections are likened to being a big celebration of the nation, each win and lose must guard each other's hearts more for those who win because this can lead to prolonged social conflict, and will divide the nation. What is expected from this election is that the results can be legitimized by the people into

democratic elections for the sake of upholding the sovereignty of the people. Family-centred local power becomes the trend of the future elections so that this becomes a challenge for Political Parties which will become an election challenge in the future. Arrangements regarding this matter are needed. Furthermore, the superintendent of elections held by the Bawaslu constitutes the formation of the state cannot be alone in carrying out its oversight function. In practice the involvement of the community in maintaining honest and fair elections is very necessary as a monitor. These two things have the same enthusiasm in maintaining and supervising the electoral process. The difference between election supervisors has a broader task and has the authority to resolve violations while election monitors only work as election monitoring monitors as a form of community participation, and if you find a violation it must be reported to the election supervisor.

## CONCLUSION

Regulations regarding elections that are in accordance with the principles of popular sovereignty are required in the 1945 Constitution of the Republic of Indonesia. In addition, a mechanism is also needed to maintain and oversee political parties so that in nominating a representative they place people who are credible and trusted by the people those who can fight for the people's voice are not fighting for family-centred local power. At the same time, this mechanism is also in the context of overseeing a legislative member to always act in the corridor desired by the people as a representative of the people. Community involvement is an election monitor and optimizes the role of election organizers and other components, namely Bawaslu and the Honorary Board.

Increased public awareness in guarding political competition through elections by holding legal counseling involving all elements from community leaders, religious leaders, the press, intellectual as well as involving community participations.

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