

Legal Review Of Simultaneous Elections From The Perspective Of The 1945 Basic Act

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Abstract. The 1945 Constitution of the Republic of Indonesia as the constitution of the Territory of Indonesia has gone through a few revisions. In the last correction to the 1945 Constitution, the perusing of Article 1 section (2) of the 1945 Constitution changed to "Sway is in the possession of individuals and executed by the Constitution. People's Sovereignty can be implemented in real life in the form of direct general elections and is carried out by all Indonesian people without exception and the shadow of any party. The established command that the local head political race process should be completed in a vote based, straightforward, genuine, and fair way and did straightforwardly, openly, unreservedly, secretly, truly, and reasonably which is summed up in the 1945 Constitution of the Republic of Indonesia and made sense of in the 1945 Constitution of the Republic of Indonesia, Regulation no 7 of 2017 Concerning General Decisions. This kind of examination is regularizing research. The methodology utilized is a legal methodology (rule approach) and a reasonable methodology (calculated approach). The source of data used is secondary data. Data analysis was achieved in a qualitative descriptive manner.

Keywords: Legal Review; Simultaneous Local Elections; 1945 Constitution

1. Background

Decisions are basically a method accessible to individuals to practice their power and our majority rule establishments. Races as a cycle that gives an open door to individuals to choose individuals to possess specific political positions both in the regulative part of force and the presidential part of force. In the part of authoritative power, individuals' delegates sit in Individuals' Agent Board (DPR) and the Territorial Agent Chamber (DPD), and there is additionally the Local Nation's Agent Gathering (DPRD), both at the common and area levels and city. In the part of chief power, the pioneers who are straightforwardly chosen by individuals are the President, VP, Lead representative, Appointee Lead representative, Officials, Delegate Officials, City chairman, and Agent Chairman [1].

Concerning territorial head decisions (lead representatives, locale heads, and city chairmen), there has been a long political excursion set apart by a back-and-forth between the interests of the political world class and the desire of people in general, the interests of the focal government and provincial government, and whether the appointment of provincial heads is remembered for a political decision system or nearby government. Likewise, are the local heads chose straight by individuals or through the DPRD? The discussion over territorial head races

is discussed, taking into account that the 1945 Constitution of the Republic of Indonesia doesn't control it. Article 22 E of the 1945 Constitution of the Republic of Indonesia just manages the appointment of Individuals' Delegate Chamber (DPR), the Provincial Agent Board (DPD), the President and VP, and the Local Nation's Delegate Committee (DPRD), which are chosen through immediate, general, public political decision standards, free, secret, legit, and fair. Decisions are held by a public, long-lasting, and free political race commission, called the KPU [2].

In a cutting edge popularity based framework, the lawfulness and authenticity of government are powerful factors. From one viewpoint, an administration should be framed in light of sacred and legitimate arrangements with the goal that having legality can be said. Then again, the public authority should likewise be genuine, as in as well as being lawful, it should likewise be relied upon. It implies that each equitable government that professes to come from individuals is expected to be by the consequences of general decisions the mainstay of a vote based framework. In this manner, general races (decisions) are a flat out necessity for a vote based country, specifically to carry out individuals' power. The Indonesian state is legitimate as expressed in the arrangements of Article 1 passage (3) of the 1945 Constitution of the Republic of Indonesia. Indonesia capabilities as a device to keep up with the respectability of the Republic of Indonesia. The 1945 Constitution of the Republic of Indonesia as the constitution of the Territory of Indonesia has gone through a few revisions. In the last correction to the 1945 Constitution, the perusing of Article 1 passage (2) of the 1945 Constitution changed to "Power is in the possession of individuals and carried out as per the Constitution [3]. This change in sovereignty is accompanied by changes in the way the people give mandates to the administrators of state power. The rule of individuals' power after the revision to the 1945 Constitution has a component for executing it, to be specific through Broad Races or what is usually truncated as decisions. By and large, decisions are brought into the world from originations and huge thoughts regarding a majority rules system which means alluding to John Locke and Rousseau, in particular the assurance of opportunity, equity, and equity for people in all specializations. In a majority rules system, there are participatory qualities and power which are maintained and should be completed by residents and state instruments [4].

Indonesia has a plan to hold General Decisions for Local Heads (Pilkada) in September 2020. Notwithstanding, through Unofficial law rather than Regulation (Perpu), Number 2 of 2020 concerning the Third Alteration to Regulation Number 1 of 2015 concerning Expectation of Unofficial law rather than Regulation Number 1 Of every 2014 with respect to the Appointment of Lead representatives, Officials, and City chairmen to Become Regulation, the Public authority of Indonesia chose to reschedule the local decisions to December 9, 2020. This decision naturally caused debate in the community. Direct Regional Head Elections (PILKADA) is thus a political process that is not only a political mechanism for filling democratic positions (through elections); but also a real implementation of regional autonomy or political decentralization. Both were reactions to the New Order Regime's model of holding elections that were undemocratic and centralized in power[5].

The immediate appointment of provincial heads has turned into another improvement in understanding "chosen equitably" as specified in article 18 section (4) of the 1945 Constitution of the Republic of Indonesia, thusly if Regulation No. 32 of 2004 gives wide space to the appointment of provincial heads straight by individuals. It alludes to Article 18 Section (4) of the 1945 Constitution of the Republic of Indonesia. According to a humanistic viewpoint, there is prevalent difficulty that is lively and unstable during the change time which requests democratization and straightforwardness in both focal and territorial government. One indication of this democratization is the immediate appointment of local heads. In this manner

it is trusted that the territorial heads who will be chosen are genuinely delegate. Individuals' desires are better obliged by the immediate appointment of local heads. In any case, such a framework actually makes issues, to be specific when the contender for Local Head and Representative Provincial Head host to go through political gatherings [6]. Article 59 paragraph (1) of Law number 32 of 2004 states "Participants in the Election of Regional Heads and Deputy Regional Heads are pairs of candidates proposed in pairs by a political party or coalition of political parties".

Almost all regions in Indonesia since the enactment of Law Number 32 of 2004 concerning Regional Government, have now held regional head elections both in the province and in the districts/cities by the law's mandate. The regulation of regional head elections is a sign that this has become a national consensus. However, this consensus is not without academic debate. The discussion spins around the word 'majority rule' in Article 18 section (4) of the 1945 Constitution, which opens up various understandings, then, at that point, Regulation Number 32 of 2004 concerning Territorial Government Article 56 states that Local Heads and Delegate Provincial Heads are chosen in one sets of applicants which are done equitably founded on the standards of immediate, public, free, secret, legit and fair [4].

2. Methodology

This kind of exploration is regularizing research. The methodology utilized is a legal methodology (resolution approach) and a calculated methodology (reasonable methodology). The wellspring of information utilized is auxiliary information. Information examination was done in an elucidating subjective [7]. Concluding is carried out using the deductive method, namely completing from general to specific, especially those related to the research topic, namely the Legal Review of Simultaneous Local Elections in the Perspective of the 1945 Constitution. Subjective information examination is done in the event that the exact information got is as an assortment of words and not in that frame of mind of a progression of numbers and can't be sorted out into classifications information can be gathered in different ways (perception interviews, report cases, and tape accounts). It typically handled first prior to being utilized in subjective exploration including the consequences of interview records, information decrease, examination, information understanding, and triangulation[8].

3. Results And Discussion

3.1. Simultaneous Local Election Legal Review in the Perspective of the 1945 Constitution

Perhaps of the most fundamental necessity in a popularity based nation is the presence of a legitimate and fair broad political decision framework, as well as a free coordinator. Consequently a legit and fair political decision can be accomplished assuming there are lawful instruments set up to control and do races and provincial head decisions while safeguarding overseers, applicants, electors, spectators, and residents overall from dread, terrorizing, savagery, pay off, misrepresentation and different other deceitful practices that will influence the result of the political race. Legit and fair races require political decision regulations and guidelines alongside authorities with trustworthiness in the assignment of authorizing these political decision regulations and guidelines [9].

Races for local heads and delegate provincial heads are essentially a result of a change in territorial independence in which a legitimate survey is proposed in regards to the appointment of territorial heads as per legal guidelines, both as per regulations and carrying out guidelines. In light of Article 56 of Regulation Number 32 of 2004 noticed that territorial heads and agent provincial heads are chosen in one applicant pair is completed equitably founded on the standards of immediate, public, free, classified, legitimate, and fair. Article 1 of Unofficial law Number 6 of 2005 states what is implied by:

- a. Elections for territorial heads and representative local heads, hereinafter alluded to as decisions, are a method for executing individuals' power in areas as well as rules/urban communities in light of Pancasila and the 1945 Constitution of the Republic of Indonesia to choose provincial heads and delegate territorial heads.
- b. Regional Heads and Delegate Provincial Heads are Lead representatives and Agent Lead representatives for Territories, Officials and Appointee Officials for Regimes, as well as City chairmen and Delegate Chairmen

Regulation number 22 of 1999 was held onto agreeing changes in the field of regulation. The idea of territorial independence is exceptionally noticeable with this new regulation. Provincial independence as wide as potential gives expect local advancement. Opportunity to neighborhood legislatures is more open to creating districts and advancing individuals' welfare[10]. Notwithstanding, its overabundances were rarely expected, on the grounds that the most stretched out conceivable independence brought about the introduction of little rulers in the areas, and the development of new struggles among regions and towns, which even led to flat contentions between networks. Then again, the focal government keeps on putting limitations on provincial heads despite the fact that territorial independence has been running. In specific matters, for instance in the field of international strategy, protection, and security, equity, financial and monetary and religion stay the focal space. Moreover, territorial state run administrations are given the power to propel their particular districts.

The immediate appointment of Local Heads has turned into another improvement in understanding "chosen fairly" as specified in Article 18 section (4) of the 1945 Constitution of the Republic of Indonesia. individuals. This alludes to Article 18 section (4) of the 1945 Constitution of the Republic of Indonesia. According to a humanistic point of view, there is prevailing burden that is energetic and unpredictable during the change time which requests democratization and straightforwardness in government, both focal and provincial. One appearance of this democratization is the immediate appointment of local heads. Accordingly the territorial heads who are chosen are really delegate [11]. Individuals' goals are better obliged by the immediate appointment of local heads. Be that as it may, such a framework actually makes issues, specifically when the contender for Provincial Head and Representative Local Head host to go through political gatherings. Article 59 passage (1) of Regulation number 32 of 2004 states "Hopefuls in the Appointment of Territorial Heads and Delegate Local Heads are sets of up-and-comers proposed two by two by an ideological group or alliance of ideological groups.

The development of democracy in the country shows that in society, the enthusiasm for politics through political parties is quite high although there are still visible threats to freedom of expression and participation as well as the widespread practice of money politics, especially in the election of political elite leaders. Meanwhile, on the government side, there appears to be a fairly high consensus to continue to improve and empower important democratic institutions at all levels, although they still face obstacles in the form of lax values of compliance with laws and regulations and weak traditions in democracy.[6].

3.2. The Importance of Implementing Simultaneous Local Elections in the Perspective of the 1945 Constitution

According to a philosophical point of view, the rise of direct neighborhood decisions is a continuation of the powerful urge to work on the nature of a majority rules government in the districts that are being started. The immediate appointment of local heads is supposed to create pioneers who are trustworthy and upheld by the local area. Normatively, in light of vote based measures, direct races offer many advantages for the development, extending, and extension of neighborhood a majority rules system. Initial, a direct equitable framework through direct neighborhood decisions will open up adequate space for public cooperation in the majority rule process and decide political administration at the nearby level contrasted with a delegate vote based framework which places more ability to decide competitor enrollment in the possession of a couple of individuals in the Territorial Nation's Delegate Gathering (DPRD); furthermore, as far as political rivalry, direct political decision considers more noteworthy inclinations for contending competitors and permits every contender to contend in a more open space than the closedness that frequently happens in delegate a vote based system; third, the immediate political decision framework will give potential open doors to residents to all the more likely complete their political freedoms without being decreased by the interests of the political first class; fourth, direct neighborhood races increment the desire for getting an optimistic, capable and genuine pioneer figure. Because through direct regional elections, the elected regional head will be more citizen-oriented than the few elites in the DPRD[2]. Hence, territorial races have a few advantages, connected with working on the nature of nearby government obligations to its residents which will eventually carry local heads nearer to the local area; fifth, provincial heads who are chosen through territorial decisions will have high political authenticity so an overall influence will be implicit the districts, between the provincial head and the DPRD.

There are a few significant contemplations for holding direct territorial races for the improvement of a majority rules system in Indonesia, specifically: First, direct provincial decisions are the response to the requests of individuals' desires, in light of the fact that the appointment of the President and VP, the DPR, DPD, DPRD, and, surprisingly, the town head has so far been done straightforwardly; Second, direct local elections are a manifestation of the constitution. The command of Article 18 section (4) of the 1945 Constitution of the Republic of Indonesia affirms that Lead representatives, Officials, and Chairmen, separately as heads of common, regime, and city territorial states are equitably chosen; third, direct neighborhood decisions for the purpose of learning a majority rules government or legislative issues for the local area; fourth, direct nearby races as a way to reinforce provincial independence. One of the achievements of provincial independence not entirely set in stone by nearby pioneers; and fifth, direct local elections are an important tool for the national leadership regeneration process. In the case of searches, seizures, and arrests, the police or authorized personnel shall be accompanied by an assignment order, search warrant, confiscation order, or arrest warrant [1]. The most common way of analyzing opiates violations alludes to the criminal procedural regulation managed in the Criminal Method Code. Assessment at trials is managed in Article 203 to Article 232. The reason for the denounced being analyzed and investigated in court is to demonstrate whether the activities or violations perpetrated can be represented and to force fitting crook sanctions on the individual who carried out the wrongdoing [12].

Various opinions state the advantages of implementing direct regional elections, namely: To start with, direct races are expected to break the party government that colors the example of arranging ideological groups in the DPRD. The interests of political parties and even the interests of party elites are often manipulated as the collective interests of society. Thus, direct local elections are needed to break party distortions if regional heads are elected by the DPRD;

secondly, the regional head who is elected will have a strong mandate and legitimacy because it is supported by the voice of the people who vote directly; third, direct local elections allow for a participatory process by involving a wider constituency community, not just involving a handful of people in an oligarchic manner in DPRD[13]. Thus, direct participation is a manifestation of people's sovereignty. According to Law no. 22 of 1999, regional elections were carried out using an indirect democratic system where regional heads and deputy regional heads were elected by the DPRD. Recruitment of regional heads is entirely under the authority of the DPRD. The central government only determines and appoints regional heads based on the results of elections conducted by the DPRD.

4. Conclusion

1. Direct territorial decisions are guaranteed to open space for individuals' political cooperation to acknowledge sway in deciding local pioneers. The ideal goal of direct regional elections includes electing a trusted regional head who has the ability, personality, and good morals.
2. Direct neighborhood races are one of the endeavors to make a vote based government. In people's supremacy, regional elections are directly a manifestation of restoring the rights of the people in electing leaders in the regions.
3. The development of local elections in Indonesia has been quite dynamic since Indonesia's independence until now. The legal dynamics of regional head elections change with the development of societal demands and the influence of the political climate at each period. Changes in the regional head election system in Indonesia are marked by the enactment of several laws and regulations regarding regional government.

5. Suggestion

1. It is necessary to conduct a more in-depth study of various articles related to Regional Head Elections so that articles that have the potential to cause multiple interpretations can be corrected. The articles that need to be reviewed include those related to Article 18 paragraph (4) of the 1945 Constitution stipulates that "Governors, Regents, and Mayors respectively as Heads of Regional Governments of provinces and cities are democratically elected". This definition of democracy needs to be clarified in the Regional Head Election Law in the future. The meaning of "democracy" can be done more flexibly.
2. Cultural efforts are needed for the formation of citizens who have democratic awareness. This is the first step towards the right path of democracy. The formation of citizens who have democratic civilization and civilized democracy is most likely to be carried out effectively only through citizenship education.
3. Direct local elections inevitably place public aspirations as the starting point in the development and growth of democracy, which is born from the realities below. The reality of the undercurrents is often seen as a form of embodiment of real public aspirations, which are considered parameters of the development and growth of democracy.

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