

INDONESIA'S SIMULTANEOUS ELECTORAL SYSTEM UNDER HUMAN RIHTS AND DEMOCRACY: CHALLENGES AND OPPORTUNITIES

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**INDONESIA'S SIMULTANEOUS ELECTORAL SYSTEM UNDER HUMAN RIGHTS
AND DEMOCRACY: CHALLENGES AND OPPORTUNITIES**

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ABSTRACT

The 2024 simultaneous elections mark a significant milestone as they combine the selection of the President, Vice President, Legislative Members, and Regional Heads for enhanced effectiveness and efficiency. However, this innovative approach also presents a host of challenges. This article employs a normative legal research methodology, utilizing both statutory and conceptual frameworks. Data collection involved a comprehensive literature review of relevant laws and regulations pertaining to elections. The findings of this study reveal that the democratic process of simultaneous elections is far from flawless. Instances of power abuse by the DPR and prevalent money politics practices continue to persist. Such misconduct occurs among participants, organizers, and voters, ultimately undermining the intended goals of enhancing democracy and upholding human rights values through the implementation of simultaneous elections.

Keywords: Democracy; Simultaneous Elections; Human Rights; Indonesia

INTRODUCTION

The inception of the simultaneous general election system followed the landmark ruling of Constitutional Court (MK) No. 14/PUU-XI/2013, signifying a pivotal moment in democratic development. This decision paved the way for a comprehensive overhaul of the general election process, enabling the concurrent selection of the President, Vice President, House of Representatives (DPR), Regional Representatives Council (DPD), Provincial People's Representative Council (DPRD), and Regency/City officials starting from 2019 and onwards.¹

Indonesia is poised to witness a pivotal and historic year of general elections and regional head elections, marking a momentous occasion for the nation. Scheduled for February 14, 2024, the general elections will encompass the selection of the President, Vice President,

¹ Budiman NPD Sinaga, "Inkonsistensi Kedaulatan Rakyat Dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Kanun: Jurnal Ilmu Hukum* 15, no. 1 (2013): 27–38.

members of the House of Representatives (DPR) RI, the Regional Representatives Council (DPD) RI, as well as the Provincial and Regency/City Regional Representatives Council (DPRD). Subsequently, on November 27, 2024, the regional head elections (pilkada) will take place, allowing for the election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors across Indonesia. This dual electoral process represents a significant milestone as it marks the first instance of such comprehensive elections being held in Indonesia within the same year.²

Simultaneous elections ensure that presidential, legislative, and regional elections are democratic. According to Article 43 of the Human Rights Law, every citizen has the right to vote and be elected in general elections conducted fairly and transparently. The Indonesian Constitution also emphasizes that sovereignty lies with the people, who have the responsibility to democratically elect leaders and representatives to govern and serve society at all levels.³ The introduction of simultaneous elections is anticipated to invigorate human rights and democracy by unlocking new possibilities. Additionally, these elections are poised to enhance efficiency and effectiveness. Combining general and regional head elections can lead to budget savings. Simultaneous elections also streamline the process, saving time and energy that was previously expended inefficiently.⁴

However, upon evaluation, it is evident that the implementation of simultaneous elections is still imperfect, giving rise to various issues that have sparked debates within society. For instance, concerns persist regarding the quality of the selection process, leading to public dissatisfaction and reports of alleged violations of the election organizer's code of ethics. The 2018 performance report of the Honorary Board of Election Organizers of the Republic of Indonesia (DKPP RI) highlighted that 34% of the 157 complaints received were related to the recruitment of KPU officials during the 2019 Election. In 2020, DKPP RI received 415 complaints involving 698 regional-level election organizers, with 334 complainants from the regency/city KPU and 229 complainants from the regency/city Bawaslu.⁵

The evaluation study conducted by Puskapol UI in 2018-2019 and 2021-2022 highlighted significant issues with the recruitment processes of KPU and Bawaslu. These included problems with recruitment politics and a lack of commitment to achieving a minimum of 30% female representation. These issues prompt a closer examination of the challenges arising from

² Sinaga.

³ Jimmly Asshiddiqie, *Menegakan Etika Penyelenggara Pemilu* (Jakarta: Raja Grafindo Persada, 2013).

⁴ Sulaiman Sulaiman, "No Title Anti-Corruption Ideology In Higher Education In Indonesia," *Student Journal of International Law* 1, no. 1 (2021): 1–12, <https://jim.usk.ac.id/SJIL/article/view/18080>.

⁵ Jauhar Nasrullah, "Interpretation Of The Position Of The Corruption Eradication Commission As An Executive Agency," *Kanun: Jurnal Ilmu Hukum* 25, no. 1 (2023): 53–77, <https://jurnal.usk.ac.id/kanun/article/download/32739/19282>.

simultaneous elections and their impact on democracy quality. The focus here is on the legal aspects of election organization problems.⁶

RESEARCH METHOD

This study employs a normative legal research approach, focusing on statutes and concepts to analyze election-related issues and human rights laws. The research examines Indonesia's simultaneous election system and falls under the category of normative juridical research, utilizing both secondary and primary data sources. Primary data is gathered directly from the research object, specifically concerning the organization of simultaneous elections in Indonesia. Secondary data, obtained through a literature review of legal materials, includes primary, secondary, and tertiary legal sources. The author utilizes literature studies to collect secondary data, reviewing laws, regulations, and literature relevant to the research topics.⁷

RESEARCH OUTCOME AND DISCUSSION

1) Simultaneous Elections in Indonesia

Simultaneous elections were intended to simplify the implementation process and save costs. However, in practice, they do not lead to budget efficiency. In fact, simultaneous elections end up costing more. Data shows that the 2019 simultaneous election budget of 25.59 trillion exceeded that of the 2014 elections and presidential elections, which totalled 15.62 trillion. Several issues emerged during the 2019 Simultaneous Elections, leading many to believe that this approach is challenging to execute. Preparation involves not only budget considerations but also security and other factors.⁸

According to Ni'matul Huda, preparing for simultaneous elections is a challenging task that requires capable, professional, credible, and honest organizers. If the organizers lack professionalism and integrity, the election process may become chaotic, and the results may not be accepted by the community. Similarly, if the candidates, including Presidential and Vice Presidential candidates, as well as candidates for regional heads, are not trustworthy, lack credibility, have a poor track record, and rely solely on their financial resources, the election

⁶ Mushaddiq Amir, "Keserentakan Pemilu 2024 Yang Paling Ideal Berdasarkan Putusan Mahkamah Konstitusi Republik Indonesia," *Al-Ishlah: Jurnal Ilmiah Hukum* 23, no. 2 (2020): 115–31, <https://doi.org/10.56087/aijih.v23i2.41>.

⁷ Nasrullah, "Interpretation Of The Position Of The Corruption Eradication Commission As An Executive Agency."

⁸ Dimas Waraditya Nugraha, "Anggaran Pemilu Dari Masa Ke Masa: Pengeluaran Atau Investasi Negara?," *kompas.id*, 2023, <https://www.kompas.id/baca/ekonomi/2023/12/14/anggaran-pemilu-dari-masa-ke-masa-pengeluaran-atau-investasi-negara>.

loses its significance and becomes a waste of resources. In such cases, democracy becomes a platform for the wealthy, devoid of moral values, where misleading campaign promises deceive the people.⁹

There are various issues in the simultaneous elections system. One key problem is the integrity of the election organizers, which is closely linked to ethics. Strong integrity is built on high ethical standards. According to Law Number 7/2017 on General Elections, the Election Organizer comprises the General Election Commission (KPU), the Election Supervisory Agency (Bawaslu), and the Election Organizer Honorary Council (DKPP). These institutions work together to organize elections for selecting members of the House of Representatives, Regional Representatives Council, President, Vice President, and directly elected members of the Regional Representatives Council.¹⁰

Law Number 7 of 2017 on General Elections stated that the KPU is a national, permanent, and independent agency responsible for organizing elections. The Election Supervisory Agency oversees elections nationwide, while the DKPP handles violations of the Election Organizer's code of ethics. Article 3 highlights that election organizers must adhere to principles such as independence, honesty, fairness, legality, orderliness, transparency, proportionality, professionalism, accountability, effectiveness, and efficiency when conducting elections.¹¹

Election organizers in Indonesia wield significant power and control over budgets, making them susceptible to corruption. Data from the Government Goods/Services Procurement Policy Agency (LKPP) reveals 44 corruption cases related to the procurement of goods and services by KPU/KPUD members from 2014 to 2022. Corruption risks include conflicts of interest, extortion, bribery, and fraud among election organizers. Additionally, elections are at risk of money politics, where candidates offer financial incentives to organizers and supervisors.¹² There is a significant challenge with the integrity of election organizers. According to Jimly Asshiddiqie, we are currently facing a crisis in moral and ethical values, particularly in the political sphere. The distinction between personal ethics and public ethics has become blurred, leading to increased deviations. This norm chaos persists in the

⁹ Suparto, "Interview With Prof. Ni'matul Huda."

¹⁰ Nasrullah, "Interpretation Of The Position Of The Corruption Eradication Commission As An Executive Agency."

¹¹ Amir, "Keserentakan Pemilu 2024 Yang Paling Ideal Berdasarkan Putusan Mahkamah Konstitusi Republik Indonesia."

¹² Pusat Edukasi Anti Korupsi, "Kerawanan Korupsi Oleh Penyelenggara Pemilu, Ini Jenis-Jenisnya," KPK, 2023, <https://aclc.kpk.go.id/aksi-informasi/Eksplorasi/20230213-kerawanan-korupsi-oleh-penyelenggara-pemilu-ini-jenis-jenisnya>.

management of the state, creating a challenging environment in the era of globalization. It is crucial to adopt a responsive attitude to address these issues effectively.¹³

Muhammad Anwar Tanjung et al argue that elections must be understood as a hope of every citizen towards their leaders through the election process. These expectations are in the form of hopes for welfare, education, income and regional progress, and other rights that can only be achieved if these expectations are conveyed by the candidates they choose based on their conscience in the election process. However, it is cruel and injustice to deprive the people of their rights because of a weak electoral process. The ability to analyze the problems of conducting elections is necessary to close the election problems that always arise in the five-year period. Muhammad Anwar Tanjung and his colleagues suggest that elections represent the hopes of citizens for better leadership. People expect improvements in welfare, education, income, regional development, and other rights through the election of candidates who align with their values. It is unfair to deny people their rights due to flaws in the electoral process. Understanding and addressing election issues is crucial to resolving recurring problems every five years.¹⁴

The second issue is that the implementation of the election is carried out simultaneously, resulting in the campaign of ⁶the Presidential and Vice Presidential Candidates will be very dominant in building public opinion so that the campaign of Candidates for Regional Heads is less noticed.¹⁵ As we know, campaigns in elections are one of the important instruments for election participants to win. Every election participant can certainly conduct a campaign to introduce their vision and mission to voters. Through the campaign, election participants convince and try to attract voters so that they vote for the ⁸person concerned. Therefore, in the general provisions of Law Number 7 of 2017 concerning General elections, it is stated that the Election Campaign is an activity of election participants or parties appointed by election participants to convince voters by offering the vision, mission, program and / or self-image of Election Participants.

Campaigns can also be said to be political education because it is a mechanism to introduce, provide political awareness and understanding to voters. It is expected that voters have political understanding and awareness. The goal is to make voters recognize candidates for President and Vice President and candidates for Regional Heads and candidates for people's representatives who will sit as legislative members. Voters will no longer make the wrong

¹³ Jimly Asshiddiqie, *Menegakan Etika Penyelenggara Pemilu* (Jakarta: RajaGrafindo Persada, 2013).

¹⁴ Muhammad Anwar Tanjung, Derita Prapti Rahayu, and Ade Putri Tami, "Model Pemilihan Serentak Di Indonesia," *Jurnal Yudisial* 14, no. 3 (2022): 313, <https://doi.org/10.29123/jy.v14i3.431>.

¹⁵ Suparto, "Interview With Prof. Ni'matul Huda."

choice because they know their representatives first. If the campaign is not implemented optimally, what will happen is that democracy is hijacked by financiers and the rulers are people who may not have the capacity to lead. The country, the people and the region will be destroyed due to a formal and insubstantial democratic party.

The third issue concerns political participation, which plays a crucial role in determining a country's democratic quality. Democracy relies on citizens engaging in political activities for it to function effectively. This concept is known as the Activist Rationality theory. The more citizens actively participate in politics, the better the country's democracy becomes. Political participation is also essential for upholding human rights values and ensuring a democratic state that prioritizes these values during election processes.¹⁶

During the simultaneous elections in Indonesia, there was an increase in political participation. However, it's important to consider not just the quantity of participation, but also the quality of independent voters who are not swayed by political promises. According to Mushaddiq Amir, while the voter turnout has risen in past elections, there remains an imbalance between votes cast in the presidential and legislative elections. With a multitude of candidates to choose from, many people either vote without much thought or choose to abstain from voting in legislative elections. The abundance of choices on the ballot makes it challenging for voters to make rational decisions. The number of invalid votes has also increased, from 10% in the 2014 legislative elections to 11% in the 2019 elections. The simultaneous election model aims to simplify the voting process for voters and ensure that they make informed decisions to elect qualified candidates.¹⁷

The form of community involvement in general elections is a means for the community to determine the figure and direction of the leadership of the country or region in a certain period.¹⁸ In the electoral process the people have the power to determine the people who will lead in a particular country and region. The state is more than just government, it encompasses a continuous administrative, legal, bureaucratic and coercive system that seeks not only to manage the state apparatus but also to structure the relationship between civil and government, and to structure the fundamental relationships within political society and civil society.¹⁹

On the other hand, when looking at the context of Indonesia, whose society is very plural and rich in culture, it will certainly be very different in responding to the policies set by the

¹⁶ Tanjung, Rahayu, and Tami, "Model Pemilihan Serentak Di Indonesia."

¹⁷ Tanjung, Rahayu, and Tami.

¹⁸ Tanjung, Rahayu, and Tami.

¹⁹ Hasyim Asy'ari, *Demokratisasi Dan Pemberdayaan Civil Society Di Indonesia 1971-1996* (Jakarta: Pensil 324, 2010).

government, especially in terms of this simultaneous election. There are some people who already think modern and there are also people who still think traditionally. So that this greatly affects community participation in choosing a candidate figure. In other words, community political participation is not only due to an entrenched theory or a government policy but community participation can also be built from a political culture that is subjective emotional ties and there are even some communities that build political participation that still tends to be due to a religion. More than that, political participation can also be influenced by the building of the electoral system, as said by Yana Suryana from the results of his research shows that if the simultaneous model election system is made improvements towards a better direction it can increase public participation. So, to increase public participation in the upcoming general elections, the electoral system should be improved for the better.²⁰

For the author, it is very important how to realize simultaneous elections that are democratic and have integrity and are guided by the principles of elections, namely elections carried out democratically based on the principles of Direct, General, Free, Secret, Honest and Fair. Democracy is meaningless if it is not accompanied by high integrity. Therefore, the participation of the community, election participants, universities, especially the mass media, can provide an equal portion in presenting information about elections. Not only limited to the election of the President and Vice President, but also the election of Regional Heads and Deputy Regional Heads and the election of legislative members.

2) Simultaneous Elections for the Quality of Human Rights and Democracy

Before delving into the topic of simultaneous elections, it is important to touch upon the concept of the rule of law, as democracy, human rights, and the rule of law are closely connected. The rule of law has historical significance, with two key concepts being the German "rechtsstaat" and the British rule of law. The principles of the rule of law, as outlined by H.D. Van Wijk and Willem Konijnenbelt and cited by Ridwan HR, are essential to understanding this concept.²¹

- a. Government by law. The government only has powers that are expressly granted by the Constitution or other laws;
- b. Fundamental rights. There are very fundamental human rights that must be respected by the government;

²⁰ Yana Suryana, "Pengaruh Pelaksanaan Pemilu Serentak Terhadap Budaya Politik," *Supremasi Hukum: Jurnal Penelitian Hukum* 29, no. 1 (2020): 13–28, <https://doi.org/10.33369/jsh.29.1.13-28>.

²¹ Ridwan HR, *Hukum Administrasi Negara* (Jakarta: Raja Grafindo Persada, 2006).

- c. Distribution of power. Government authority should not be centralized in one institution, but should be divided among different organs in order to supervise each other, which is intended to maintain a balance;
- d. Judicial oversight. The exercise of governmental power must be assessed in its legal aspects by independent judges.

The characteristics of the state of law (*rechtsstaat*) are:²²

- a. The existence of a constitution or constitutions that contain written provisions on the relationship between the ruler and the people;
- b. There is a distribution of power;
- c. The rights of freedom of the people are recognized and protected.

While the concept of the rule of law, as stated by A.V. Dicey quoted by Muntoha as follows:²³

- a. Supremacy of law means that the highest authority in the rule of law (sovereignty of law);
- b. Equality in legal standing for everyone, meaning that there is no special law. All have the same value and position before the law;
- c. The constitution is not the source, but a consequence of the individual rights formulated and affirmed by the judiciary.

Meanwhile, Azhary argues that the main elements of the rule of law are:²⁴

- a. The existence of legal certainty: a) the principle of legality, b) laws that regulate the actions of the authorities in such a way that citizens can know what to expect, c) laws should not apply retroactively, d) human rights are guaranteed by law, e) courts that are free from the influence of other powers;
- b. The principle of equality: a) authorized actions are regulated by law in a material sense, b) there is a separation of powers;
- c. Principles of democracy: a) the right to vote and be elected for citizens, b) regulations for authorized bodies are set by parliament, c) parliament oversees government actions;
- d. The principle of government for the people: a) human rights are guaranteed by the fundamental law, b) government is effective and efficient.

The essence of a constitutional state is the protection of human rights. On that basis, the existence of a constitution in a country is a *conditio sine qua non*. Within minimal limits, the

²² Ni'matul Huda, *Hukum Tata Negara Indonesia* (Jakarta: Rajawali Press, 2013).

²³ Muntoha, *No Titlea Negara Hukum Indonesia Pasca Perubahan UUD 1945* (Yogyakarta: Kaukaba, 2013).

²⁴ Mustofa Lutfi, *Hukum Sengketa Pemilukada Di Indonesia: Gagasan Perluasan Konstitusional Mahkamah Konstitusi* (Yogyakarta: UII Press, 2010).

rule of law is identical to a constitutional state or a state that makes the constitution the rules of the game of state, government and community life.²⁵

There is a clear correlation between the rule of law, which is based on the constitution and laws and regulations, and popular sovereignty, which is exercised through a democratic system. In a democratic system, the administration of the state must be based on the participation and interests of the people. The implementation of the rule of law must be supported by a democratic system. The relationship between the rule of law and democracy is inseparable. Democracy without legal arrangements will lose its direction, while law without democracy will lose its meaning.²⁶

Basically, the concept of democracy was born from the Greek tradition of thinking about the relationship between state and law, which was practiced between the 6th century BC and the 4th century AD. The term democracy comes from a fragment of the Greek word "demos" which means "people" and the word "kratos or cratein" which means "government", so the word democracy means a government by the people. In essence, what is meant by democracy is a system of government in a country where all citizens have good rights, obligations, positions and powers in running their lives and in participating in state power, where the people have the right to participate in running the country or overseeing the course of state power, either in person or through representatives who have been elected fairly and honestly with a government that is run solely for the benefit of the people, so that the system of government in the country comes from the people, is run by the people, and for the benefit of the people.²⁷

A government is said to be democratic if in its governance mechanism it implements the principles of democracy. The basic principles of democracy are: equality, freedom, and pluralism. Meanwhile, in the view of Robert A. Dahl quoted by A. Ubaidillah et al, there are five principles that must exist in a democratic system, namely: control over government decisions, honest elections, the right to vote and be elected, freedom of access to information, and freedom of association.²⁸

Democracy is characterized by three prerequisites: competition for and retention of power, public participation, and the guarantee of civil and political rights. In this regard, the electoral system is one of the important institutional instruments in a democracy to realize these

²⁵ HR, *Hukum Administrasi Negara*.

²⁶ HR.

²⁷ Munir Fuadi, *Konsep Negara Demokrasi* (Bandung: PT. Refika Aditama, 2010).

²⁸ Muhammad Arskal Salim et al., *Pendidikan Kewarganegaraan (Civic Education): Demokrasi, Hak Asasi Manusia Dan Masyarakat Madani* (Jakarta: Tim ICC UIN Syarif Hidayatullah, 2006).

three prerequisites. Through this system, competition, participation, and the guarantee of political rights can be seen.²⁹

One aspect that is used as a basis in measuring the extent to which democracy is running is general elections. Until now, general elections are believed by many people in the world to be one of the important instruments in the process of changing the government. As stated by Miriam Budiardjo, one of the requirements of a democratic government is the existence of free elections.³⁰

The latest idea of democracy is to make democracy a tool to limit political power, because if political power is not limited, it will only give birth to an authoritarian system of government. Therefore, the term constitutional democracy was born, which is a government based on a constitutional foundation.² This model emphasizes that government is not based on power but on law. Elections are an important aspect of democracy that is used in the process of changing political power periodically and continuously by involving broad public political participation. So as to be able to give birth to a change of political power based on democratic procedures and popular approval.³¹

Democracy is understood as sovereignty in the hands of the people, which is systematized into the state ideology, namely Pancasila, which places people's sovereignty as a pillar that must uphold human values in accordance with human dignity and dignity. The principles of Pancasila democracy are summarized in the fourth principle. Pancasila, can be seen as consisting of the first principle as the basic principle, the second principle as the first principle, the third principle as the vehicle, the fourth principle as the method, and the fifth principle as the goal. William M. Reisinger as cited by Agus Riwanto makes variables about democracy, one of which is the competition model in the pursuit of power through elections allowing fair mass participation.³²

So it can be said that the consequences of a democratic government through a democratic election mechanism for both the central government and local governments are that the central government and local governments are obliged to provide democratic channels in the form of public facilities for social interaction that will be used by citizens to express their opinions freely and safely. And also the central government and local governments must be more transparent and accountable in carrying out their governance duties.

²⁹ Kacung Marijan, *Sistem Politik Indonesia: Konsolidasi Demokrasi Pasca Orde Baru* (Jakarta: Prenadamedia Group, 2010).

³⁰ Miriam Bidoarjo, *Dasar-Dasar Ilmu Politik* (Jakarta: Gramedia Pustaka Utama, 2004).

³¹ Agus Riwanto, *Hukum Partai Politik Dan Hukum Pemilu Di Indonesia* (Yogyakarta: Thafa Media, 2016).

³² Irvan Mawardi, *Dinamika Sengketa Hukum Administrasi Di Pemilukada* (Yogyakarta: Rangkang Education Yogyakarta & PuKAP-Indonesia, 2014).

The holding of simultaneous elections is considered to be able to improve democracy that prioritizes human rights values. As signaled by Hans Kelsen quoted by Irvan Mawardi, in a democratic state, state organs are needed as a representation of citizens in carrying out government functions. To fill the organs of the state is done by democratic nomination, namely through general elections.³³ In order to avoid human rights violations, the state must uphold the principles of human rights. One alternative that can be applied is the political framework of citizenship, namely the structure and format of politics must be based on the basic rights of citizens, especially the rights of speech, assembly and organization. Citizenship politics also fights for other basic rights, including economic, social and cultural rights that emphasize the independence and participation of citizens, so that all forms of discrimination are not justified.

Furthermore, according to Ria Casmi Arrsa, the idea of simultaneous general elections if reviewed through the original intent method and the science of historical interpretation (historical) then its position has a constitutional juridical validity basis as an effort to shift the era of democratic transition towards the consolidation of democracy which emphasizes efforts to minimize the bad practices of the transactional direct democracy system, corrupt in the dynamics of the constitutional political system in Indonesia.³⁴ However, Jimly Asshiddiqie emphasized that democratic elections must be balanced with high integrity. Furthermore, ideally the quality of democracy in Indonesia must also be balanced with civilization. The level of civilization can be seen from education, welfare, experience and ethics.

The democratic mechanism in the implementation of simultaneous elections is far from perfect. It is unfortunate that abuse of authority by the DPR still occurs frequently. The practice of money politics is still widespread. Money is used as a tool to win candidates by any means. The practice occurs between participants and organizers or participants and voters. Citing survey results from the Indonesian Survey Institute (LSI) in 2019, as many as 48% of people think that money politics is a common thing. This is a big challenge for all stakeholders in the country, how to make clear regulations as one of the conditions for democratic elections. Of course, it involves how to take action and sanctions for perpetrators of money politics. Even now, the practice of money politics has begun to penetrate into the election organizers. DKPP has imposed sanctions of Permanent Dismissal on KPU Members of West Southeast Maluku

³³ Mawardi.

³⁴ Ria Casmi Arrsa, "Pemilu Serentak Dan Masa Depan Konsolidasi Demokrasi," *Jurnal Konstitusi* 11, no. 3 (2016): 515.

Regency who were proven to have received money and promised votes for Legislative Candidates.³⁵

According to Ibrahim Z. Fahmy Badoh and Abdullah Dahlan quoted by Hamdan Zulfa stated that in a political competition, money is recognized as playing an important role that can affect the final outcome of the competition, although if you only rely on money alone, of course it will not be enough to win the election. Money strengthens political influence for those who have it or those who have the authority to distribute it.³⁶ Hamdan Zulfa further emphasized that political activities, especially election campaigns, do require a lot of money and resources. The high cost of election campaigns also makes a politician and political party must have a lot of funds in order to win the election. It is not uncommon for politicians and political party members to obtain campaign funds illegally, for example through corruption. The issue of electoral corruption covers many aspects, including the use of public resources including the state budget for elections, abuse of office facilities, money politics, and bribery in determining candidates. the motivation of certain interests who expect benefits and protection of their interests in the future. Ultimately, this electoral corruption will cause elected candidates to commit political corruption, which is carried out continuously as a cycle.³⁷

The implementation of elections in Indonesia so far has also been characterized by various practices that violate human rights. According to Pramono Ubaid Tanthowi, in general, there are five families of human rights violations along with the political years. First, violations in the form of active actions to discriminate, ignore, or reduce citizens' enjoyment of human rights. Second, in the form of persecution, politicization, or criminalization ahead of elections to build an image in the eyes of voters, and increase the electability of candidates or political parties. Third, in political years in the form of acts of violence by state apparatus that occur due to efforts to accelerate national strategic projects because the end of the term of office of the President and Cabinet is approaching. Fourth, in the form of acts of restraint on freedom of opinion and expression, under the pretext of defamation, unpleasant actions, or the use of the ITE Law.³⁸

This condition is detrimental to the quality of human rights values and democracy itself. The existence of direct and simultaneous elections is expected to make the government more

³⁵ Ratna Dewi, "Politik Uang Tantangan Besar Pemilu 2024," dkpp.go.id, 2024, <https://dkpp.go.id/ratna-dewi-politik-uang-tantangan-besar-pemilu-2024/>.

³⁶ Didik Supriyatno and Lia Wulandari, "Transparansi Dan Akuntabilitas Pengelolaan Dana Kampanye," *Jurnal Pemilu Dan Demokrasi* 5 (2013): 85-129.

³⁷ Supriyatno and Wulandari.

³⁸ Latuhardy, "Komnas HAM Siap Minimalisasi Pelanggaran HAM Dalam Pemilu," Komnas HAM, 2023, <https://www.komnasham.go.id/index.php/news/2023/11/30/2457/komnas-ham-siap-minimalisasi-pelanggaran-ham-dalam-pemilu.html>.

democratic and uphold human rights values. However, on the other hand, fraud is increasingly widespread. The round of corruption is not only in the Central Government, it extends to the Regional Government level. So it can be interpreted that the simultaneous elections can help the formation and improvement of democracy but have not yet reached the quality of democracy that upholds human rights values. Achmad Edi Subiyanto argued that the implementation of good and quality elections will increase the degree of healthy competition, participation, and representation that is stronger and more accountable.³⁹

Furthermore, Jenedjri M. Gaffar views that the ongoing democratic process is still widely seen as limited to the level of rules and mechanisms, but has not fully realized a truly aspirational government and opened up space for broad popular participation. Therefore, the democracy that has been successfully realized is often referred to as mechanical democracy, not yet achieving substantive democracy.⁴⁰

Human rights and democracy begin with recognizing that everyone has the right to participate in government and contribute to sound policies. If individuals remain self-centered and believe they are superior, democracy will merely be a formality, and human rights will remain a distant dream. The hope is that the upcoming simultaneous election can serve as a model for a government that genuinely values human rights and democracy, promoting a civilized and high-quality democratic system. It is important to acknowledge that this transformation will not happen overnight and will require sustained effort over time.

CONCLUSION

The challenges associated with the implementation of simultaneous elections encompass several key issues. Firstly, concerns arise regarding the integrity of election organizers. Secondly, the unbalanced composition of campaign efforts tends to prioritize Presidential and Vice Presidential candidates, overshadowing the campaigns of Legislative and Regional Head candidates. Thirdly, political participation poses a significant challenge. These issues have adverse implications on the quality of human rights and democracy in Indonesia. While simultaneous elections have the potential to enhance democracy and uphold human rights values, they have yet to achieve the desired level of democratic quality. Evidence suggests the persistence of unethical practices such as money politics, power abuse, and a lack

³⁹ Achmad Edi Subiyanto, "Pemilihan Umum Serentak Yang Berintegritas Sebagai Pembaruan Demokrasi Indonesia," *Jurnal Konstitusi* 17, no. 2 (2020): 355, <https://doi.org/10.31078/jk1726>.

⁴⁰ Jenedjri M Gaffar, *Demokrasi Konstitusional: Praktek Ketatanegaraan Indonesia Setelah Perubahan* (Jakarta: Konstitusi Press, 2012).

of democratic awareness within the community. Moving forward, there is a need to strive towards realizing a substantive democratic mechanism that truly upholds human rights values in the years to come.

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