

## **CONSTITUTIONALITY AND IDEOLOGY IN THE ELECTORAL SYSTEM: PANCASILA'S MORAL INTERPRETATION ON THE PROPORTIONAL REPRESENTATION SYSTEM**

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**Abstrak.** *This study aims to examine and analyze the constitutionality of the electoral system to the relevance of the filosofische grondslag and staatsfundamentalnorm of Pancasila and to investigate the constitutional ideological degree of the electoral system in Indonesia. This study uses normative legal research with a statute, historical, and comparative approaches. The collection of legal materials is carried out using a literature study technique. The collected legal material is then qualitatively analyzed to describe the problem and answer study purposes. The results show that the constitutionality of the PR system in Indonesian state governance is an effort to create an inclusive and democratic government. However, since the Reform Era and the post-amendment of the 1945 Constitution, the moral values of Pancasila are embedded in the preamble of the 1945 Constitution as filosofische grondslag and staatsfundamentalnorm, its implementation has not been realized in every subject matter. Additionally, Pancasila should be the standard measure of the ideological degree of the electoral system in Indonesia. Therefore, it is recommended that the Government and the House of Representatives prioritize implementing Pancasila's moral values in the electoral system by amending the 1945 Constitution and Law Number 7 of 2017. Implementing Pancasila's values must be concretely realized in each main subject regulated in the body of the 1945 Constitution and the norms of Law Number 7 of 2017. Furthermore, systematic evaluations of Indonesia's electoral system should be carried out periodically to ensure alignment between the electoral system and Pancasila as the country's ideological foundation. Thus, the design of the electoral system will become an ideological means for realizing national goals based on Pancasila ideology in the future.*

**Keywords:**  
Constitutionality;  
Electoral System;  
Ideology;  
Pancasila;  
PR System.

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## **INTRODUCTION**

In today's world, democratic practices have become firmly entrenched in the political culture of modern societies and no longer face resistance (Merlan, 2009). Nevertheless, nation-states with strong traditional backgrounds in Governance

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encounter challenges when implementing democratic systems. This situation highlights the issues experienced by these evolving nation-states as the influence of past systems still casts a shadow in the effort to adopt the new system.

For instance, in Asia and Africa, countries like India, Pakistan, Indonesia, Zimbabwe, and Sudan still feel the impact of their deep-rooted traditional governance systems (Nurjaya, 2015; Dukpa et al., 2019; Barber, 2020; Iqbal & Alam, 2020; Prabowo, 2020). On the other hand, in Latin America, countries like Venezuela and Bolivia encounter challenges in adopting democracy due to tendencies to revert to past political traditions (Mainwaring, 2012; Wolff, 2013).

In countries with strong traditional backgrounds, one of the key challenges lies in selecting appropriate systems for the general elections process. Elections are crucial for modern countries, as democracy represents a fundamental characteristic of modern political systems. The primary aims of elections under the rule of law are to produce ideal country leaders and citizens in the order of the nation and state.

As electoral systems operate mechanistically, their rationality is influenced by the national political system of a country. Political calculations often overshadow non-political ones, given their connection to opportunities within state power, which falls within the realm of pure politics. The prevalence of this political serves as the primary reason for scrutiny directed toward selecting electoral systems (Muzakkir et al., 2021).

On the other hand, determining electoral systems varies among countries due to factors such as ideological characteristics, socio-political conditions, national culture, demographics, and the history of a nation's Governance. Each factor plays a role in shaping the choice of the system model used. Despite this, elections often exhibit undemocratic aspects that necessitate periodic evaluations from one period to the next. Generally, there are two models of electoral systems for determining people's representatives: plurality/majority system and proportional representation (PR) system.

Since the establishment of Indonesia as a modern nation, the long history of elections has involved three modern political phases: the Old Order, the New Order, and the Reform Order. Although not yet a century old, the Indonesian electoral system faces various challenges in its refinement, especially in upholding democratic values. National elections have been held 12 times from 1955 to 2019, with each phase reflecting the social and political situation of the time. The national electoral system consistently leans towards a PR system in the state governance context, even though the organizing institutions have changed following constitutional amendments. In addition, there are two electoral systems based on the lists of political party participants: the open-list and closed-list systems. Each system variant has ideological implications in political practice.

The closed-list system is considered the implementation of guided democracy. The closed-list system was applied during the Sukarno era (Old Order) and Suharto era (New Order). The centralistic character of the political system before the reform era significantly influenced the electoral model implemented, which was deemed insufficient in fulfilling democratic values. In contrast, the open-list system represents liberal democracy. The open-list system was applied during the reform era. The open-list system was used when the social-political atmosphere demanded a more inclusive political system without restrictions on the right to determine national leadership, especially in the legislative branch of power. Establishing the open-list system is considered a correction to the previous system. Political centralism was reduced through decentralization and the implementation of the autonomy principle for the sovereign people's representatives.

On the other hand, there are several fundamental aspects concerning Indonesia's electoral system. *First*, to what extent can the electoral system be interpreted as an ideological state governance interpretation, considering that the Indonesian constitution places Pancasila values as the *philosophische grondslag*<sup>1</sup> or the nation's worldview and *staatsfundamentalnorm*<sup>2</sup> or the state's fundamental norm? Understanding the relationship between the core values that form the basis of the state's ideology to the electoral system structure is crucial to reveal the substance side of the constitutionality of the ideological implications of the electoral system. *Second*, the PR system model, both open-list and closed-list, must be examined to determine whether it reflects democracy that aligns with the values of Pancasila's *philosophische grondslag* and *staatsfundamentalnorm*. *Third*, evaluating the extent to which the principle of PR system balance serves as a measure in determining an electoral system that aligns with the characteristics of Pancasila's *philosophische grondslag* and *staatsfundamentalnorm*.

Currently, the political power of parties in the legislative branch of power is divided into two support axes as the fifth election of the reform era approaches in 2024. In a virtual discussion, Saan Mustofa in [Hidayat \(2020\)](#) revealed that two major parties, the PDIP and Golkar, prefer a closed-list system. Meanwhile, factions from PKB, Nasdem, PKS, and Demokrat parties still prefer an open-list system. On the other hand, factions from PAN and Gerindra have not yet determined their stance regarding the two electoral system options.

Based on the description above, this study aims to examine and analyze the constitutionality of the electoral system to the relevance of the *philosophische grondslag* and *staatsfundamentalnorm* of Pancasila and to investigate the constitutional ideological degree of the electoral system in Indonesia.

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<sup>1</sup>The term mentioned by [Soekarno \(1986\)](#) which means the fundamentally, philosophy, deepest thoughts, soul, and deepest passion to establish an eternal and everlasting Independent Indonesia.

<sup>2</sup>The term used by [Nawiasky \(1948\)](#) in formulating the theory of *stufenbau der rechtsordnung*.

## METHOD

This study uses normative legal research with a statute, historical, and comparative approaches (Qamar & Rezah, 2020). The legal materials used in this study include legislation, books and scientific law articles, and online materials discussing constitutionality and ideology in the electoral system. The collection of legal materials is carried out using a literature study technique. The collected legal material is then qualitatively analyzed to describe the problem and answer study purposes (Sampara & Husen, 2016).

## RESULTS AND DISCUSSION

### A. Constitutionality of the Proportional Representation System in Indonesian State Governance

As a mechanism for determining government leaders by involving citizens, elections emerged alongside the formation of modern states with a constitution as their operational foundation (Gadjong, 2022). In this context, the constitution holds a supreme position. Its values, norms, and principles serve as the ideal legal framework (*recht idee*) for juridical regulations as the legal form of state governance policies. Therefore, establishing an electoral system is integral to a nation's constitutionality, which must be organized harmoniously from the supreme legal dimension to the technical policy level.

Election regulations can be viewed from two perspectives, namely constitutional law and election law (Riewanto, 2019). However, there is a tendency for a diametrical separation between the electoral law regime and the constitutional law regime, causing election regulations to be often misaligned with the fundamental values of the constitution. The electoral law regime primarily focuses on political and administrative democratic mechanisms to realize popular sovereignty in the leadership dimension. According to Gerken (2010), the electoral law regime is a path toward equality that does not move directly from civil inclusion to full integration but requires an intermediate stage: political empowerment.

Political institutions determine the rules of the democratic, and the electoral system is often considered the most vulnerable to manipulation (Bachmid, 2020). In the context of Indonesia's state governance system, both historically and currently, the implementation of the electoral system is a primary domain of a modern, law-based state (*rechtsstaat*) (Almalibari et al., 2021). This condition reaffirms that traditional governance systems and models have been abandoned, and the state is entirely grounded on a constitution with a democratic political system. Therefore, election regulations should be placed within the framework of constitutional law studies, as Srinivasan (1997) states that a constitution is a constitutional law. It lays down the organization and functions of the Government of the state. The Government can use only those powers that the constitution

grants to it. This statement can mean that the election law regime is integral to the state governance system within a comprehensive, non-partial system. Election regulations represent a continuation process at a lower level than the constitution.

From a theoretical perspective, relating the electoral system to the position of citizens as voters yields two types of systems: mechanical and organic. The mechanical system assigns voting rights to each individual. In contrast, the organic system groups individuals based on criteria such as genealogy, social strata, or institutional organizations, granting voting rights to these groups.

At the most basic level, electoral systems ensure the conversion of political party votes into seat allocation. Electoral systems can be categorized into plurality/majority systems and PR systems. The plurality/majority system in elections determines the winner based on the most votes a candidate or political party obtains (Sergienko & Chupryna, 2019). This system is commonly applied in district-based elections and has several variations: First Past the Post (FPTP), Block Vote (BV), Party Block Vote (PBV), Alternative Vote (AV), and Two Round System (TRS). In contrast, the PR system in elections allocates parliamentary seats to political parties based on the percentage of votes obtained by the party in the general election. This system aims to create a more fair and accurate representation of voter preferences in parliament, ensuring that political party seat allocation is proportional to their vote share. The PR system has several variations: List Proportional Representation (List PR) and Single Transferable Vote (STV) (Reynolds et al., 2016).

On the other hand, electoral systems can be categorized based on the political party candidate list, consisting of closed-list and open-list systems. The closed-list system in elections is one in which voters only choose a political party, and the party itself determines the order of candidates entering parliament (Kryemadhi & Luzi-Lleshi, 2014). Voters cannot influence the candidate order in a closed-list system. In contrast, the open-list system in elections is one in which voters can choose individual candidates from the list provided by the political party.

Furthermore, vote totals in the PR system are converted into parliamentary seats. Several methods are used to convert vote totals into parliamentary seats in the PR system, such as quota methods (e.g., hare quota method) and divisor methods (e.g., *sainte-laguë* method). The hare quota or voter divisor converts vote totals into political party representation seats by dividing the total valid votes for all participating political parties by the total seat quota in the constituency. The hare quota method is generally accompanied by the distribution of remaining seats to participating political parties based on the order of the most significant remaining votes in the constituency. In contrast, the *sainte-laguë* is a method for converting vote totals into political party representation seats by dividing the total votes of each participating political party by odd sequential numbers (1, 3,

5, 7, and so on) and then ranking them according to the number of seats in the constituency (Surbakti et al., 2011).

Reflecting on the electoral system in Indonesia’s state governance history, it is hypothetically viewed as the implementation of the moral values of the constitution (Pancasila ideology). The electoral system before the amendment of the 1945 Constitution utilized the PR system. In practice, the closed-list PR system was used, in which voters chose a political party’s symbol. Each party created a list of candidates, with the party leaders determining their eligibility. Following the amendment of the 1945 Constitution, the electoral system still used the PR system but adopted an open-list model: the open-list PR system. This system was used from the 2004 to 2019 elections, with direct elections for the executive and legislative branches of power. Furthermore, voters cast a vote for the candidate’s and/or the political party’s symbol for the legislative branch of power elections. The progression of the PR system in Indonesia’s legislative branch of power elections can be observed in the table below.

**Table 1. Application of the PR System in Indonesia’s Legislative Branch of Power Elections**

<b>Period</b>	<b>List PR System</b>	<b>Vote Conversion Method</b>	<b>Legal Basis of Law</b>	<b>Description</b>
1955	Closed-List For Organizations	-	Law Number 7 of 1953	27 Organizations and 1 Independent, with a total of 257 the DPR members
1971	Closed-List	Hare Quota for 360 the DPR members	Law Number 15 of 1969	7 Political Parties and 1 Group, with a total of 460 the DPR members
1977	Closed-List	Hare Quota	Law Number 4 of 1975	2 Political Parties and 1 Group, with a total of 360 the DPR members
1982	Closed-List	Hare Quota	Law Number 2 of 1980	
1987	Closed-List	Hare Quota	Law Number 1 of 1985	2 Political Parties and 1 Group, with a total of 400 the DPR members
1992	Closed-List	Hare Quota	Law Number 1 of 1985	
1997	Closed-List	Hare Quota	Law Number 1 of 1985	2 Political Parties and 1 Group, with a total of 425 the DPR members
1999	Closed-List	Hare Quota	Law Number 3 of 1999	20 Political Parties, with a total of 462 the DPR members
2004	Open-List	Hare Quota	Law Number 12 of 2003	16 Political Parties, with a total of 550 the DPR members
2009	Open-List	Hare Quota	Law Number 10 of 2008	9 Political Parties based on a 2.5% parliamentary threshold, with a total of 560 the DPR members
2014	Open-List	Hare Quota	Law Number 8 of 2012	10 Political Parties based on a 3.5% parliamentary threshold, with a total of 560 the DPR members
2019	Open-List	Sainte-Laguë	Law Number 7 of 2017	9 Political Parties based on a 4% parliamentary threshold, with a total of 575 the DPR members

In addition to changing the list model of the PR system from closed-list to open-list, there has also been a change in the vote conversion method from hare quota to *sainte-laguë*. The *sainte-laguë* method was first implemented in the 2019 election. The changes in the list model and vote conversion method within Indonesia's PR system reflect the social, political, and pragmatic thinking dynamics of the parties involved in the electoral system over time. Similarly, the legal basis for implementing the electoral system has evolved each election period. Generally, these legal changes are related to the mechanistic, procedural, and/or technical aspects that are crucial elements within the electoral system.

Furthermore, from the first era of modern elections to the most recent election period in the Indonesian state governance system, there have often been challenges to electoral system regulations in the form of judicial review. The electoral system is frequently reviewed in Constitutional Court hearings. This phenomenon indicates that the legal electoral regime is not systematically harmonious or in sync with [the 1945 Constitution](#). The Study conducted by [Pardede \(2014\)](#) shows that electoral regulations have consistently changed since the reform era. These changes result from evaluations of the electoral system's implementation in previous periods. Changes to the electoral system's regulations are often related to regulations for election administration and political parties, commonly referred to as the political law amendment package. Weaknesses in the regulations lead to various interpretations. The Constitutional Court's decision to annul or cancel the closed-list system in favor of an open-list system demonstrates imperfections in the electoral system.

From the discussion above, it can be understood that the constitutionality of the PR system in the Indonesian state governance is considered an effort to create an inclusive, democratic government that adheres to constitutional principles. Despite various changes and challenges, the PR system remains the foundation of Indonesia's democracy. Continuous evaluation and improvement are crucial to ensure the electoral system remains aligned with [the 1945 Constitution](#) and the people's interests.

## **B. Relevance of the *Philosophische Grondslag* and *Staatsfundamentalnorm* of Pancasila to the Electoral System**

The 1998 reform movement strengthened and clarified the democratization spirit within the state governance system. Enthusiasm for a modern country based on democratic values has grown stronger since the collapse of the New Order regime 24 years ago. Legal, political, and social resources have been maximized to accelerate the realization of more tangible democratic values within society. This affirmation occurred through four amendments to [the 1945 Constitution](#) in a short period between 1999 and 2002. Since then, fundamental changes have occurred in the Indonesian state governance system, including state institutions, structures,

and mechanisms of inter-agency relations. In addition, over time, cultural and political-social system changes have occurred at all levels of society.

The electoral system is the primary foundation for realizing democratic political values, with the people holding sovereignty (Yusdiyanto, 2016). Elections provide a platform for directly manifesting people's sovereignty, making the electoral system urgent in political democracy. One of the most significant changes in the electoral system implementation is the direct involvement of citizens in presidential elections, something not found in the political practices of the two previous regimes (Old Order and New Order). The presidential system holds a special place in the new constitution (the result of amendments to the 1945 Constitution in the reform era), where citizens directly elect the president and vice president, no longer mandatory from the People's Consultative Assembly/Majelis Perwakilan Rakyat (MPR) as in the pre-amendment 1945 Constitution.

So far, the system contained in a series of regulations regarding elections embodies democracy in which the people are the holders of sovereignty. Fortunately, the reform euphoria did not prompt amendments to the state's foundation. The People's Consultative Assembly agreed that Pancasila is the basis of the state in the 1945 Constitution and is non-negotiable. Amendments to the 1945 Constitution are only allowed within the scope of its constitutive norms.

Regarding the electoral system, which often becomes the subject of evaluation and lawsuits in the branches of executive, legislative, and judicial power, a crucial question arises about the relevance of the PR list system (open-list/closed-list) to the Pancasila as the state ideology, which position as the *philosophische grondslag* and *staatsfundamentalnorm*.

The majority of minds argue that the PR system in Indonesia reflects the democratic values embodied in the fourth principle of Pancasila, which is people's sovereignty led by the wisdom of deliberation/representation. The people's sovereignty in the fourth principle indicates popular sovereignty. In the Preamble of the 1945 Constitution, popular sovereignty is explicitly mentioned:

*"... then the independence of Indonesia is formulated into a Constitution of the Republic of Indonesia which is built in a structure of the Republic of Indonesia with the popular sovereignty ..."*

Although "democracy" is not explicitly mentioned in the 1945 Constitution, it has become common sense that people's sovereignty and popular sovereignty are synonymous with democracy. Therefore, Indonesia is constitutionally a democratic state, in line with the classic definition of modern democracy proposed by Lincoln, which is a government of the people, by the people, and to the people.

On the other hand, all constitutions that have been in effect in Indonesia, starting from the 1945 Constitution, the 1949 Constitution, to the 1950 Provisional Constitution, and back to the 1945 Constitution, adhere to the principle of Pancasila

democracy, which has two meanings, namely formal and material. Pancasila democracy in a formal sense was initially understood as the implementation of indirect democracy, while Pancasila democracy in a material sense was understood as a worldview or national philosophy.

However, since the Reform Era and post-amendment of [the 1945 Constitution](#), the concept of Pancasila democracy has blurred. Previously, Pancasila democracy was based on the principle of representation, with the MPR as the representative of popular sovereignty. Now, the MPR no longer elects and mandates the president and vice president; instead, the presidential election is conducted directly by the people, in line with the pure presidential system adopted in the post-amendment [1945 Constitution](#).

This change has impacted the relevance of the fourth principle of Pancasila as the basis for national elections. The mechanism of popular sovereignty in the MPR, which previously followed the principles of deliberation and consensus, no longer applies. Instead, the post-amendment electoral system relies more on Article 1 section (2), Article 6A section (1), and Article 22E section (1) of [the 1945 Constitution](#), where popular sovereignty is reflected in the mechanism of direct elections by citizens, including the election of representatives in the legislative branch.

In the current reality, democracy as an ideal manifestation of Pancasila's moral values, especially the moral value of the fourth principle, loses its driving force, even though the national electoral system generally does not contradict the norms of [the 1945 Constitution](#). From a moral-constitutive perspective, the electoral system appears detached from the value of Pancasila's fourth principle, with popular sovereignty tied to an election mechanism that relies entirely on citizens' individual rights and freedoms as the holders of popular sovereignty. This change can be illustrated in the table below.

**Table 2. Position of the Moral-Constitutive Foundation of the Electoral System**

Period	Anatomy of the 1945 Constitution		Democracy Characteristics
	Preamble	Main Body	
<b>Pre-Amendment</b>	Fourth Paragraph: People's sovereignty led by the wisdom of deliberation/representation.	-	Pancasila
<b>Post-Amendment</b>	-	Article 1 section (2): Sovereignty is in the hands of the people and is implemented according to this Constitution.  Article 22E section (1): General elections are conducted in a direct, public, free, secret, honest, and fair manner once every five years.	Freedom of citizens as individuals

On the other hand, [the MPR Research Body \(2018\)](#) stated that Indonesian democracy, guided by Pancasila values, is a consequence and commitment to consistently implementing Pancasila and [the 1945 Constitution](#) in politics and governance. Good democracy requires understanding and appreciating the philosophical values of Pancasila, where Indonesian democracy is essentially the practice of Pancasila through a political system that emphasizes popular sovereignty and rejects the manipulation of people's power. Moreover, Indonesian democracy focuses on deliberative consensus, prioritizing common interests over individual ones.

However, the moral values of Pancasila, enshrined in the preamble of [the 1945 Constitution](#) as *philosophische grondslag* and *staatsfundamentalnorm*, have not been realized as a value in each main subject regulated in the body of the post-amendment [1945 Constitution](#), especially in the context of the electoral system. Supposedly, the five moral values of Pancasila become the basis of popular sovereignty, which should be reflected in the national electoral system and model.

The five fundamental values of popular sovereignty in the Republic of Indonesia are interconnected, forming a comprehensive unity of values. In the integralist view of Pancasila values, introduced by Soepomo in [Yamin \(1959\)](#) in the early emergence of Pancasila, Pancasila is considered a complete and holistic unity that cannot be understood or interpreted separately. [Kaelan \(2013\)](#) further states that Pancasila as a philosophical system is an organic unity whose principles are interconnected and qualify each other. Therefore, Pancasila is a system with closely related parts or principles, forming a comprehensive structure.

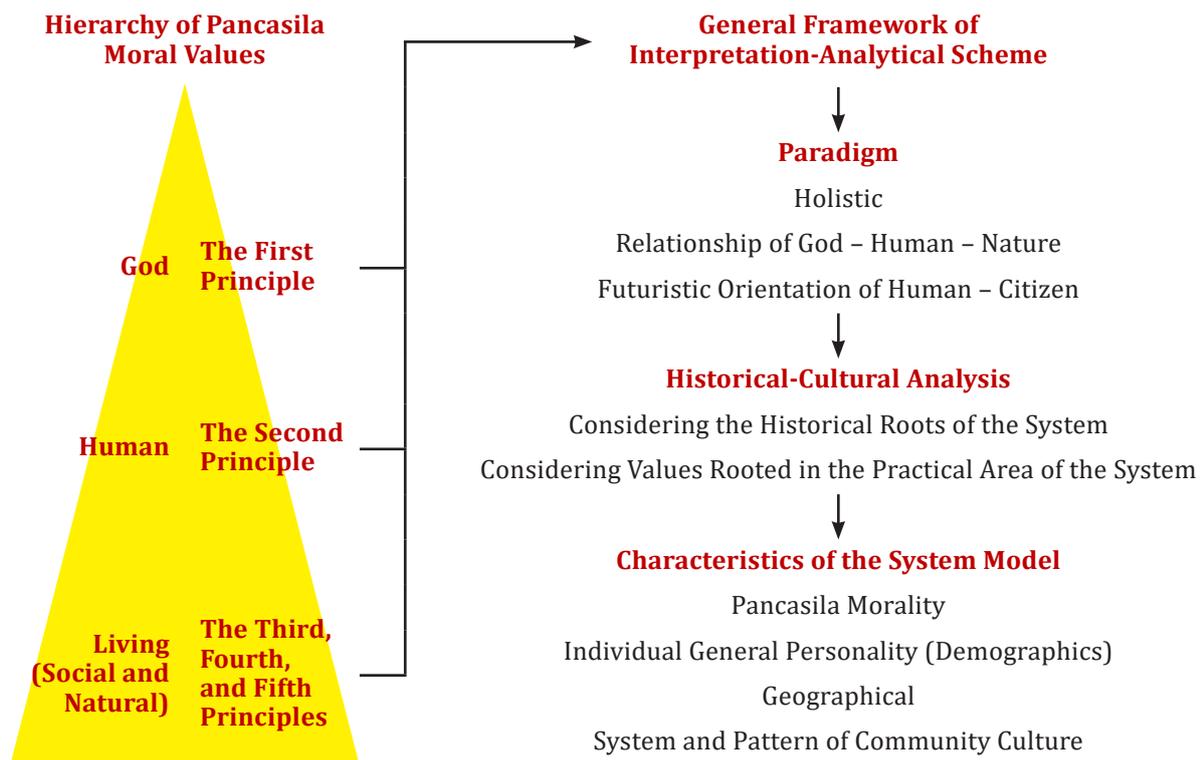
Based on the two perspectives mentioned above, Pancasila's moral values, as the foundation of the state, should serve as the basis for every substantive regulation in the body of [the 1945 Constitution](#) without any major components being detached from Pancasila's moral essence. Consequently, Pancasila's status as *philosophische grondslag* and *staatsfundamentalnorm* must be evident in every norm formulation within the body of [the 1945 Constitution](#). For instance, in the context of elections as a regulatory subject in [the 1945 Constitution](#), the moral values of people's sovereignty, wisdom, and deliberation/representation should be systematically, mechanically, or model-based translated into a general-normative category. Therefore, the body of [the 1945 Constitution](#) embodies the rationalization, objectification, or moral-logical representation of Pancasila as *philosophische grondslag* and *staatsfundamentalnorm*.

Furthermore, the election system/model as a regulatory subject should not be considered an open legal policy. If the emphasis on open legal policy persists, it will create and expand the opportunity to disregard *philosophische grondslag* and

*staatsfundamentalnorm*. As seen in post-amendment election phenomena, several analyses indicate the declining relevance of Pancasila democracy in the post-New Order era due to the euphoria of individual rights, the growing influence of public opinion through information and communication technologies, and the increasing power of mass decision-making in government. Qualitatively, this condition has deteriorated the quality of Pancasila-based democracy, despite its quantitative superiority due to reflecting formal democracy through the freedom of people participation.

On the other hand, the body of [the 1945 Constitution](#) is a direct normative embodiment of Pancasila's moral values, essential to safeguard constitutional ideological morality. Furthermore, the implementing law, such as the [Law Number 7 of 2017](#), should only serve as a further regulation of the Pancasila-based moral election system design within the body of [the 1945 Constitution](#). This approach aims to prevent value leakage that may infiltrate the election system, initially considered an open legal policy, but eventually revealing the infiltration of individualistic or materialistic morality from confident lawmakers due to the situational euphoria when popular sovereignty is viewed solely quantitatively.

The following is an interpretation-analytical scheme to consider when constructing the grand design framework for a national electoral system. *First*, ensure that Pancasila's moral values serve as the *philosophische grondslag* and *staatsfundamentalnorm* in the normative formula in the body of [the 1945 Constitution](#) (amending [the 1945 Constitution](#)), consequently impacting the law format (amending [Law Number 7 of 2017](#)). *Second*, construct a comprehensive interpretation of Pancasila's moral values by considering the hierarchy of Pancasila's values as the basis for the electoral system's grand design. *Third*, prioritize a futuristic orientation in developing the system's objectives and determining the technical model for implementing the electoral system, taking into account the fundamental issues of contemporary human civilization related to the implications of modern science epistemology, which tend to create uncertainty due to the problems they generate in various fields of life, especially in the social, political, and legal field. *Fourth*, comprehensively explore a system model that reflects the historical and cultural values of the nation at a national level and the cultural values that align with the spiritual patterns and characteristics of the nation's society while disregarding empirical facts from the phenomenal modern civilization that may blur the historical and cultural roots of the national community. This interpretation-analytical scheme can be viewed in the image below.



**Figure 1. Interpretation-Analytical Scheme**

The interpretation-analytical scheme emphasizes the importance of Pancasila morals in all normative objects related to the electoral system within [the 1945 Constitution](#) and the legislation under it. The purpose and function of the electoral system as a mechanism and procedure for selecting government leadership in the executive branch and people’s representatives in the legislative branch contain three main objects. *First*, socialization and the method of voting. *Second*, constituency and parliamentary representation quota in each constituency. *Third*, the vote conversion formula for political parties to obtain the parliamentary seat. These three primary objectives must align with the ideal objectives of the electoral system. The ultimate goal of the electoral system is leadership, which is selected through systemic and procedural processes so that the elected representatives are considered to meet the Pancasila moral qualifications. On the other hand, this scheme is still general but includes basic principles that can be materialized to realize Pancasila’s morals in the electoral system. By implementing this scheme, it can be assessed that it will reduce doubts and ambiguities in implementing Pancasila democracy and decrease judicial lawsuits against electoral regulations that often undergo judicial review.

[Kirkpatrick \(1984\)](#) states that all modern democratic countries hold elections, but not all are democratic. Democracy goes beyond symbolism and encompasses competitive, periodic, inclusive, and definitive (determining leadership) aspects. The terminology used by Kirkpatrick refers to democratic

practices based on specific social, cultural, and moral value systems. This category cannot be universalized because democracy, when associated with specific value principles such as Pancasila morals, will have different patterns compared to the systems applied in other countries. Therefore, constructing an electoral system based on the competitive moral ideology adopted by a nation or state is one of the determining factors in its democratic pattern.

### **C. Measuring the Degree of Constitutional Ideology of the Electoral System**

In the modern era, the term ideology is synonymous with the moral relationship between citizens and the state, where ideology represents a systematic belief encapsulated in the constitution that governs the mutual behavior of citizens and the state. This foundation guides government policies in managing citizens toward the ideal objectives contained in the ideology. Consequently, government policies, such as elections, reflect the value system formalized in the constitution. In the case of the Pancasila ideology, its value structure crystallizes the values within society throughout national history, with its existential plurality.

However, how do we answer whether the nationally implemented electoral system directly relates to its constitutional ideological value system? By doing so, we can determine the ideological degree of the national electoral system design. This question is crucial, considering that the construction of the electoral system is a manifestation of governance that, in a regulatory sense (*das sollen*), embodies the moral and state governance norms in reality (*das sein*). The concern of misalignment between *das sollen* (Pancasila ideology) and *das sein* (implementation) may arise if policies concerning the electoral system design solely rely on vote quantification, constituency, and mathematical formulas for determining contestants' victories without considering the ideological elements in the system's construction for qualitative enrichment.

According to [the ACE Electoral Knowledge Network \(2019\)](#), at the primary level, an electoral system translates votes cast in an election into outcomes – positions or seats – won by parties and candidates. The key variables include the electoral formula used (whether it is a plurality/majority, proportional, mixed, or another system), the ballot structure (whether voters choose candidates or parties and whether they make a single choice or express a series of preferences), and the district magnitude (not the number of voters residing in the district, but the number of legislative representatives elected by the district). This definition of the electoral system does not allow for moral/ideological factors as a system variable. It is entirely mechanistic, procedural, and mathematical, focusing on quantifying voting rights to be converted into legislative and executive 'power holders.'

On the one hand, a question arises as to whether the PR system implemented throughout Indonesia's electoral history reflects, embodies, or represents the

Pancasila ideology. Considering the existence of post-colonial nations, which generally adopt modern state governance systems that replicate those of other modern countries, these systems undoubtedly possess unique characteristics based on their origin countries' history and national morals. These new nations often argue that they adopt the system while incorporating national and local content. However, in many practices, the system adopted from other modern nations or countries is directly applied, potentially obscuring ideological values in the implementing country. For example, a socialist country adopting a liberal electoral system represents an ideological contradiction that disrupts the ideological dynamics that should be built based on the moral values of the ideology within the country's constitution.

In addition, we can pose several fundamental questions to know the symbolization, character, content, or reflection of the Pancasila ideology within the PR system. First, to what extent does the PR system produce human resources with leadership in the executive and legislative branches that genuinely possess a high level of spirituality (moral/ideological requirement of belief in the One Supreme God - First Principle), display good human decency (moral/ideological requirement of just and civilized humanity - Second Principle), deeply understand the sense of unity in the diverse nation's reality (moral/ideological requirement of unity - Third Principle), exhibit wise leadership qualities for the entire nation and prioritize deliberative consensus decision-making (moral/ideological requirement of people's sovereignty, wisdom, and deliberation/representation - Fourth Principle), and demonstrate a high sensitivity to justice in leadership (moral/ideological requirement of social justice - Fifth Principle)? Second, to what extent does the electoral system design reflect popular sovereignty as a manifestation of God's sovereignty (moral/ideological requirement of belief in the One Supreme God - First Principle)? Third, do the system's mechanisms and procedures for quantifying voting rights, constituency, and mathematical formulas for determining contest winners align with Pancasila ideology standards? Fourth, do the system's implementers possess strong characteristics and personalities as the primary practitioners of Pancasila's morals and ideology?

To refine these questions, we need to examine more specifically the elements or main objects of the prevailing PR system and evaluate whether these objects or elements genuinely reflect or represent Pancasila's ideology. Schematically, the questions or evaluations concerning the PR system and its degree of constitutional ideology can be observed in the following table.

**Table 3. PR System Assessment Scheme Matrix and the Degree of Pancasila Constitutional Ideology**

<b>System Basic Objects</b>	<b>Embodiments/ Components</b>	<b>Alignment of the Pancasila Ideology</b>
<b>Objectives</b>	Human resources with leadership in the executive and legislative branches	High level of spirituality (moral/ideological requirement of belief in the One Supreme God - First Principle)
		Good human decency (moral/ideological requirement of just and civilized humanity - Second Principle)
		Deeply understand the sense of unity in the diverse nation's reality (moral/ideological requirement of unity - Third Principle)
		Leadership qualities for the entire nation and prioritize deliberative consensus decision-making (moral/ideological requirement of people's sovereignty, wisdom, and deliberation/representation - Fourth Principle)
		High sensitivity to justice in leadership (moral/ideological requirement of social justice - Fifth Principle)
<b>System Design</b>	-	The electoral system design reflect popular sovereignty as a manifestation of God's sovereignty (moral/ideological requirement of belief in the One Supreme God - First Principle)
<b>Mechanism or System Procedure</b>	Rights of voting	Aligned with Pancasila ideology standards
	Rights of constituency	
	Rights of mathematical formulas determining contest winners	
<b>Human Resources for Implementing the System</b>		Possess strong characteristics and personalities as the primary practitioners of Pancasila's morals and ideology

We can gain a deeper understanding of its alignment by examining [Heywood \(2014\)](#) formulation of the electoral function from two perspectives, namely Bottom Up and Top Down. The first perspective views elections as a political means to hold leaders accountable for producing public policies that reflect the people's interests. Therefore, the national electoral system must effectively recruit ideologically-driven leaders for the executive and legislative branches, who will be given responsibility as a result of the recruitment process through the electoral system. Meanwhile, the second perspective emphasizes elections as a tool for political elites to control the public through legitimacy, representation, and political education. In this regard, the national electoral system serves as an instrument for legitimizing executive and legislative power and providing political education to the public. Consequently, the electoral design should be a specific constitutional ideological construct, ensuring that both the grantors of legitimacy (voters) and the recipients of legitimacy (elected leaders) share ideological similarities. In this context, the electoral system must be seen as an ideological tool to achieve ideological objectives.

## CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it is concluded that the constitutionality of the PR system in Indonesian state governance is an effort to create an inclusive, democratic government based on constitutional principles. However, since the Reform Era and the post-amendment of [the 1945 Constitution](#), the concept of Pancasila democracy has become blurred. Democracy, as a manifestation of Pancasila's moral values, loses its driving force. Furthermore, although the moral values of Pancasila are embedded in the preamble of [the 1945 Constitution](#) as *philosophische grondslag* and *staatsfundamentalnorm*, its implementation has not been realized in every subject matter regulated in the body of [the 1945 Constitution](#). Even though the national electoral system generally not contradicting the norms of [the 1945 Constitution](#). Additionally, [Law Number 7 of 2017](#) ideally should serve as a further regulation of the Pancasila-based moral election system design within the body of [the 1945 Constitution](#). In this context, Pancasila should be the standard measure of the ideological degree of the electoral system in Indonesia. Based on the description of these conclusions, it is recommended that the Government and the House of Representatives prioritize implementing Pancasila's moral values in the electoral system by amending [the 1945 Constitution](#) and [Law Number 7 of 2017](#). In this regard, it is crucial to ensure that the implementation of Pancasila's values as *philosophische grondslag* and *staatsfundamentalnorm* is concretely realized in each main subject regulated in the body of [the 1945 Constitution](#) and the norms of [Law Number 7 of 2017](#). Additionally, political education and socialization efforts regarding Pancasila democracy are vital for strengthening the understanding and driving force of Pancasila's values within the government. Furthermore, systematic evaluations of Indonesia's electoral system should be carried out periodically to ensure alignment between the electoral system and Pancasila as the country's ideological foundation. Thus, the design of the electoral system will become an ideological means for realizing national goals based on Pancasila ideology in the future.

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