

Electoral Law and Representative Democracy in Indonesia

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ABSTRACT

This study analyzes the effectiveness of electoral law regulations in supporting representative democracy and examines the urgency of continuously assessing such regulations to strengthen the protection of citizens' political rights. The research employs a normative juridical method using statutory, conceptual, and analytical approaches. Primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 on General Elections as amended by Law Number 7 of 2023, and Law Number 2 of 2011 on Political Parties. The analysis is supported by academic literature published over the last five years. The findings indicate that electoral law regulations play a significant role in ensuring legal certainty, protecting political rights, strengthening the political representation system, and enhancing the legitimacy of representative institutions within a democratic framework. Furthermore, the study reveals that continuous examination of electoral regulations is essential to maintain democratic integrity, improve the quality of political representation, support the institutionalization of political parties, and ensure that legal frameworks remain responsive to democratic developments. Therefore, strengthening electoral law constitutes an integral component of efforts to establish a more accountable, inclusive, and rule-of-law-based representative democracy.

Keywords: *Electoral Law, Political Representation, Political Rights, Popular Sovereignty, Representative Democracy.*

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1. | INTRODUCTION

Indonesia affirms itself as a democratic state of law as reflected in Article 1 paragraph (2) and Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In the construction of the constitution, general elections have a strategic position as a constitutional instrument to realize the sovereignty of the people as well as to form representative institutions that obtain political legitimacy from the people. Elections are not only understood as a mechanism for periodic change of power, but also as a means to ensure that the will of the people can be translated into the decision-making process through a representative democratic system. Therefore, the existence of election regulations is an important element that determines the quality of the relationship between the people and representative institutions in the modern democratic system (Triwahyuningsih, 2019).

Representative democracy develops on the assumption that all citizens cannot be directly involved in every public decision-making process, so a representative mechanism is needed that is established through free, fair, and periodic elections. In this context, election law functions as a normative instrument that regulates procedures, rights, obligations, and mechanisms for conducting elections to ensure the effective implementation of democratic principles. The success of representative democracy is not only determined by the holding of elections, but also by the quality of regulations that are able to ensure political representation, accountability, equality of political rights, and the integrity of the electoral process (Mutawalli & Paidi, 2023).

Normatively, the regulations regarding elections in Indonesia are outlined in Law Number 7 of 2017 concerning General Elections as amended through Law Number 7 of 2023. The regulation regulates various aspects of the implementation of elections, ranging from the principles of elections, election participants, election organizers, to the mechanism for the formation of representative institutions. In addition, the existence of Law Number 2 of 2011 concerning Political Parties also has an important role in forming a political representation system because political parties are the main means of recruitment and articulation of public interests in a representative democratic system. Thus, the effectiveness of representative democracy cannot be separated from the quality of the legal arrangements that govern the electoral process and political institutions as a whole (Kristiyanto et al., 2023).

The development of democracy studies shows that the success of elections is not always directly proportional to the quality of political representation produced. Various studies highlight that democracy can stagnate and even regress if the electoral process is only seen as a formal procedure without being balanced with strengthening the substance of representation and accountability of representative institutions. In this context, electoral law not only functions as an administrative instrument, but also as an instrument that determines the quality of democracy and the legitimacy of the government formed through elections (Warburton & Aspinall, 2019). This

understanding shows that the relationship between electoral law and representative democracy is a fundamental relationship in the modern constitutional system.

On the other hand, a number of studies also emphasized the importance of strengthening election integrity as the main requirement for the creation of effective political representation. Election integrity is related to the ability of regulations to ensure legal certainty, protection of citizens' political rights, transparency of implementation, and accountability of all actors involved in the electoral process (Handayani, 2020). The quality of election regulations is a factor that determines the extent to which elections are able to produce representative institutions that are responsive to the aspirations of the community. Therefore, the discussion of the effectiveness of election law is not only relevant from the perspective of constitutional law, but also from the perspective of strengthening representative democracy (Faiz et al., 2023).

In addition to functioning as an instrument of democracy, election law also plays a role in maintaining a balance between the principle of the state of law and the principle of people's sovereignty. Good regulations are able to create legal certainty while providing equal political participation space for all citizens. On the contrary, weaknesses in the legal arrangement have the potential to affect the quality of political representation and the effectiveness of the function of representative institutions in carrying out their constitutional mandate (Jukari et al., 2023). Therefore, an analysis of the relationship between electoral law and representative democracy is important to understand the extent to which applicable regulations are able to support the goals of constitutional democracy.

This study becomes increasingly relevant because elections are the main instrument that connects the people with representative institutions in a democratic system. A comprehensive understanding of the effectiveness of electoral regulations is needed to assess their contribution to the quality of political representation, while a discussion of the urgency of such regulations is needed to strengthen the function of law as an instrument of democracy and the protection of citizens' political rights (Aspinall & Berenschot, 2019; Mietzner, 2020; Tambunan, 2023).

Based on this description, this study asked two research questions. RQ1: How effective is election law regulation in supporting the realization of representative democracy in Indonesia? RQ2: Why does the regulation of election law have an urgency to continue to be studied in an effort to strengthen representative democracy and the protection of citizens' political rights?

2. | RESEARCH METHOD

This research uses a normative juridical research method that focuses on the study of legal norms, legal principles, doctrines, and laws and regulations related to election law and representative democracy in Indonesia. The normative juridical approach was chosen because this study does not aim to examine empirical facts or certain social

phenomena, but rather to analyze the legal construction that governs the holding of general elections and their relevance in realizing the principles of representative democracy. Through this approach, law is understood as a system of norms that functions to regulate the relationship between the state, political institutions, and citizens in order to ensure the implementation of people's sovereignty in accordance with the principles of the state of law.

This research uses several approaches, namely the statute approach, the conceptual approach, and the analytical approach. The legislative approach is carried out by examining various legal provisions that are the basis for the implementation of elections and representative democracy, especially the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning General Elections as amended through Law Number 7 of 2023, and Law Number 2 of 2011 concerning Political Parties. The three regulations were chosen because they are directly related to the regulation of people's sovereignty, the system of political representation, and the mechanism for the formation of democratic institutions through general elections.

Furthermore, a conceptual approach is used to analyze various concepts that develop in the literature regarding representative democracy, political representation, democratic legitimacy, electoral integrity, and a democratic state of law. This approach is important to understand the theoretical relationship between election regulation and the quality of representative systems formed through the electoral process. Meanwhile, an analytical approach is used to examine the effectiveness of electoral law regulations in supporting the realization of representative democracy and explain the urgency of the existence of these regulations in maintaining the quality of constitutional democracy.

The legal materials used in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations relevant to the object of research. Secondary legal materials consist of scientific articles, academic journals, books, and scientific publications published in the 2019–2023 period that discuss electoral law, representative democracy, political representation, and the development of contemporary democracy (Warburton & Aspinall, 2019; Kristiyanto et al., 2023). The tertiary legal materials are in the form of legal dictionaries, legal encyclopedias, and other supporting sources that are used to strengthen the conceptual understanding of the object of study. All legal materials are analyzed qualitatively through legal interpretation techniques and juridical reasoning in order to gain a systematic understanding of the relationship between electoral law and the strengthening of representative democracy in Indonesia.

3. | RESULTS AND DISCUSSION

The Effectiveness of Election Law Regulations in Supporting Representative Democracy

Representative democracy essentially places elections as the main mechanism for transforming people's sovereignty into the institutional structure of the state. From the perspective of a democratic legal state, the effectiveness of election regulations is not only measured by the regular holding of elections, but also by its ability to ensure the formation of legitimate, accountable, and responsive political representation to the interests of the community. The provisions of Article 1 paragraph (2) and Article 22E of the 1945 Constitution of the Republic of Indonesia affirm that the sovereignty of the people is exercised through constitutional mechanisms, one of which is through general elections. Therefore, the existence of Law Number 7 of 2017 concerning General Elections and the accompanying changes becomes a legal instrument that determines the quality of the representative democracy produced.

From a normative perspective, election regulations have provided a relatively comprehensive legal framework in ensuring the implementation of democratic principles. The regulation of the principles of direct, public, free, confidential, honesty, and fair indicates that there are legal remedies to ensure that every citizen has an equal opportunity in exercising his or her political rights. The existence of this principle is an important foundation in representative democracy because the legitimacy of representative institutions depends on the quality of the electoral process (Triwahyuningsih, 2019). Thus, the electoral law functions as an instrument that guarantees the relationship between the people as sovereign holders and representative institutions as the implementers of the democratic mandate.

The effectiveness of regulations can also be seen from their ability to provide legal certainty in all stages of elections. Legal certainty is needed to maintain the consistency of the implementation of political rights while preventing abuse of authority in the electoral process. Clear regulations allow all election participants and organizers to carry out their respective functions according to the predetermined legal corridor. In this context, election integrity is one of the main indicators of regulatory success because integrity is directly related to the level of public trust in the election results produced (Handayani, 2020).

In addition to regulating the voting mechanism, the effectiveness of election law is also related to its ability to form an inclusive system of political representation. Representative democracy not only requires legitimate electoral procedures, but also requires ensuring that different groups in society have equal opportunities to participate in the political process. Therefore, regulations that accommodate the principles of political representation and participation have an important contribution to improving the quality of democracy. Studies on political representation show that electoral law has

a significant role in expanding citizens' access to the decision-making process through representative institutions (Muharam et al., 2023; Sapitri et al., 2024).

On the other hand, the effectiveness of election regulations is also influenced by its relationship with the party system. Law Number 2 of 2011 concerning Political Parties places political parties as a means of political recruitment and a link between the community and state institutions. In a representative democracy, political parties function to articulate public interests and channel them into the policy-making process. Therefore, the quality of political representation is greatly influenced by the ability of regulation to encourage the democratic and sustainable institutionalization of political parties. Research by Kristiyanto et al. (2023) shows that the institutional resilience of political parties is closely related to the stability of electoral democracy and the effectiveness of the representation system.

Furthermore, the effectiveness of election law can also be analyzed through its ability to maintain the legitimacy of representative institutions. Elections that are held based on clear and consistent rules will result in a higher level of public acceptance of the institutions that are formed. Legitimacy is an important element in democracy because it determines the level of public trust in the political process and the government that is running. In this context, electoral law functions not only as a set of procedural rules, but also as an instrument of political legitimacy that strengthens the relationship between the people and the people's representatives (Faiz et al., 2023).

Nevertheless, the effectiveness of regulations cannot be separated from the dynamics of democracy that continue to develop. A number of studies have shown that the quality of representative democracy is not enough only to be guaranteed by the existence of formal rules, but also requires strengthening the substance of democracy through accountability, transparency, and responsiveness of political institutions to people's aspirations (Warburton & Aspinall, 2019). In this context, election regulations serve as a basic instrument that creates space for the development of healthy democratic practices. The existence of laws that comprehensively regulate the electoral process also plays a role in preventing the dominance of certain interests that can reduce the quality of political representation (Tambunan, 2023).

Thus, the effectiveness of election law regulations in supporting representative democracy can be seen from its ability to ensure legal certainty, protect citizens' political rights, strengthen the representation system, support the institutionalization of political parties, and increase the legitimacy of representative institutions. Electoral regulations that are in line with the principles of the rule of law and constitutional democracy are ultimately the main foundation for the realization of a representative democracy that is sustainable and responsive to the interests of the people (Aspinall & Berenschot, 2019; Mutawalli & Paidi, 2023; Jukari et al., 2023).

The Urgency of the Study of Election Law Regulations in Strengthening Representative Democracy

The study of election law regulations has a high urgency in the democratic constitutional system because election law is the main instrument that connects the principle of people's sovereignty with the mechanism of government administration. In a democratic state of law, elections are not only seen as a constitutional procedure for electing the people's representatives, but also as a means to ensure the protection of citizens' political rights. Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia emphasizes that sovereignty is in the hands of the people, while Article 22E stipulates that elections are held directly, publicly, freely, secretly, honestly, and fairly. This provision shows that the success of representative democracy depends heavily on the quality of regulations that govern the electoral process as a whole.

The urgency of the study of electoral law is increasingly important because democracy is a system that continues to develop following social, political, and institutional dynamics. Regulations that are considered adequate in one period are not necessarily able to answer the needs of democracy in the next period. Therefore, evaluation and assessment of electoral law are needed to ensure that the applicable legal norms remain relevant in ensuring the implementation of the principles of constitutional democracy. According to Warburton and Aspinall (2019), the development of modern democracy shows that challenges to the quality of democracy do not always arise from the absence of elections, but can come from the declining quality of political representation produced by the electoral process itself.

In the context of representative democracy, the protection of citizens' political rights is one of the main reasons why election regulations need to be continuously reviewed. The right to vote and the right to be elected are constitutional rights that are the foundation of public participation in government. Therefore, every legal provision related to the election process must be able to provide guarantees of equality, justice, and equal access for all citizens. A review of election regulations is needed to ensure that existing arrangements do not create obstacles to the exercise of these political rights. Handayani (2020) emphasized that legal certainty at each stage of the election has an important role in protecting the constitutional rights of citizens and maintaining the legitimacy of election results.

In addition to the protection of political rights, the urgency of the study of electoral law is also related to the need to strengthen the quality of political representation. Representative democracy not only aims to produce people's representatives through electoral procedures, but also ensures that these representatives are able to carry out their representation functions effectively. In this case, election law serves as an instrument that determines how the representation process is formed, maintained, and accounted for to the community. Research on political representation shows that the quality of democracy is greatly influenced by the ability of the legal system to create

an inclusive and accountable representation mechanism (Muharam et al., 2023; Sapitri et al., 2024).

The study of election regulations is also important in order to maintain the integrity of democracy from various potential irregularities that can reduce the quality of political representation. A democracy that is only oriented to formal procedures risks producing weak relations between the people's representatives and constituents. Therefore, strengthening regulations is a sustainable need so that the democratic system does not lose its substance as a means of channeling the people's aspirations. The Tambunan study (2023) shows that the quality of the legislative process and political representation can be influenced by various factors that have the potential to shift the orientation of democracy from the public interest to the interests of certain groups. This condition shows the importance of continuous evaluation of the regulations that govern the electoral process.

Another urgency lies in the position of political parties as the main actors in representative democracy. Law Number 2 of 2011 concerning Political Parties provides a strategic role to political parties in the process of recruitment, regeneration, and political representation. Therefore, the study of electoral law cannot be separated from the discussion of the effectiveness of the party system in carrying out its democratic function. Kristiyanto et al. (2023) explain that the institutionalization of strong political parties contributes to the resilience of electoral democracy and the improvement of the quality of political representation. Thus, the evaluation of election regulations also serves to ensure that the relationship between the electoral system and the party system continues to run in a balanced manner.

In addition, the study of election regulations has a strategic value in strengthening the legitimacy of representative institutions formed through elections. Political legitimacy is an important element in democracy because it determines the level of public acceptance of decisions and policies produced by state institutions. Faiz et al. (2023) emphasized that strengthening representative institutions requires the support of a legal framework that is able to ensure accountability and effectiveness of representative functions. In the same perspective, Brown (2018) emphasizes that democratic legitimacy is born from a strong relationship between the process of representation and people's sovereignty that is realized through fair and transparent electoral mechanisms.

Thus, the urgency of the study of election law regulations lies in its role in protecting citizens' political rights, strengthening the quality of political representation, improving democratic integrity, supporting the institutionalization of political parties, and strengthening the legitimacy of representative institutions. A continuous study of election regulations is needed to ensure that the legal system is always able to adapt to democratic developments and continue to carry out its function as the main instrument in realizing representative democracy based on the principles of the rule of law (Triwahyuningsih, 2019; Mutawalli & Paidi, 2023; Jukari et al., 2023).

4. | CONCLUSION

The results of the study show that election law regulation has a very important role in supporting the realization of representative democracy in Indonesia. The effectiveness of these regulations is reflected in its ability to provide a legal basis that guarantees the implementation of democratic principles, provide legal certainty at every stage of elections, protect citizens' political rights, and form a representation mechanism that has constitutional legitimacy. The existence of the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023, and Law Number 2 of 2011 concerning Political Parties shows that the legal system has provided a normative framework that supports the process of forming representative institutions through democratic mechanisms. Thus, the electoral law not only functions as a procedural instrument for the implementation of elections, but also as a means to maintain the relationship between the people's sovereignty and the system of political representation.

In addition, this study found that election law regulations have a high urgency to continue to be studied and evaluated in order to strengthen representative democracy. The dynamics of democracy that continue to develop require the strengthening of regulations in order to ensure the protection of citizens' political rights, improve the quality of political representation, strengthen the integrity of the electoral process, and maintain the legitimacy of representative institutions. An ongoing review of electoral regulations is needed to ensure that the legal system can adapt to the needs of modern democracies without neglecting the principles of the rule of law. Therefore, the strengthening of electoral laws must be seen as an integral part of efforts to realize a representative democracy that is more accountable, inclusive, and oriented towards the interests of the people as the highest sovereign holder in the constitutional system.

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The authors declare that there is no conflict of interest.

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Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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