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## The Impact of the Open Proportional System Decision on Democracy and Political Stability in the 2024 General Election

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### Abstract

*The open proportional electoral system implemented in Indonesia since the 2009 general election aims to improve political representation and strengthen democracy by giving voters more freedom to directly select legislative candidates. However, despite its good intentions, the system presents various challenges in practice, including high political costs, rampant money politics, and weak party control over legislative candidates. The main issue in this research is how the effectiveness of the open proportional system in achieving the goal of fair and stable political representation in Indonesia. This research uses a normative juridical approach to analyse the Constitutional Court's decisions related to the electoral system, as well as comparing with other electoral systems. The author argues that although an open proportional system can increase voter freedom, its negative impacts are greater, especially in terms of high political costs and money politics practices that undermine the integrity of elections. In addition, this system causes divisions within political parties, as legislative candidates focus more on personal votes rather than the collective interests of the party. The findings of this study suggest that although an open proportional system is more democratic in theory, its implementation in Indonesia tends to exacerbate political inequality and reduce political stability. Therefore, a mixed proportional system is suggested as a more effective solution to improve political representation and reduce the negative impacts.*

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## INTRODUCTION

The implementation of an open proportional system simultaneously with the presidential and vice-presidential elections in 2019 has had multidimensional implications for the organisation of general elections. This includes technical aspects of implementation ranging from administrative requirements, procedures, to the need for human resources, materials, and other institutional support (Tabo et al., 2022).

The 2019 general election that has passed and will occur again in 2024 must consider various laws, one of which is contained in Article 21 of the Universal Declaration of Human Rights. The Universal Declaration of Human Rights states that the right to life (right to life) is the highest right (highest human right) that every human being has from birth, so the General Election Commission (KPU), which is assigned by the 1945 Constitution as the election organiser, is responsible for protecting the people's right to vote and the right to life of even the ranks of polling station security. The right to life is a very important subject in the 2019 general election. While working as organisers for 16 to 24 hours, nearly 527 people died from exhaustion. In addition, a budget of approximately 722,912,000,000 has been utilised for open proportional elections (Muhammad, 2020).

The open proportional system that demands high political costs makes legislative candidates feel the need to return their investment after occupying a parliamentary seat. This pressure to make profits as quickly as possible has fuelled the rise of corrupt practices. Instead of being representatives of the people who fight for the public interest, legislative members are more busy enriching themselves and their groups, so the quality and dignity of the people's representative institutions decline drastically.

The huge political costs of an open proportional system, both for political parties and the state, have triggered discussions about changing the electoral system. A closed proportional system is considered a more efficient solution because it can reduce campaign costs, limit the practice of money politics, and encourage political parties to be more selective in choosing legislative candidates based on their ideology and quality.

Although the open proportional system was designed to improve broader political representation, its implementation has generated controversy related to high political costs and the potential for legislative quality to deteriorate. In the 2024 general election, this system will be put to the test again, with major implications for the quality of representation and political stability in Indonesia.

On Thursday, 15 June 2023, Chief Justice of the Constitutional Court Anwar Usman, along with seven other constitutional judges, read out Decision Number 114/PUU-XX/2022, which stated 'The verdict, in the provision, rejects the petitioners' request for provision. In the main petition, reject the petitioners' petition in its entirety.' The Constitutional Court rejected the petition to review Law Number 7 Year 2017 on General Elections (Utami Argawati, 2023).

The open proportional system applied in the 2019 general election is a significant change after the application of the closed proportional system used in the previous general election. This change aims to broaden voter participation and increase transparency in the selection of legislative candidates. However, the change also presents new challenges in terms of political cost management and election quality.

While previous research has mostly addressed the technical and cost aspects of elections, little has been done on the socio-political impacts and political stability that an open proportional system can bring. This research seeks to fill this gap by examining the relationship between open proportional systems and the quality of political representation in Indonesia, and its effect on political stability in the 2024 general election.

The petition to review the Election Law was filed by several applicants, namely Riyanto, Nono Marijono, Ibnu Rachman Jaya, Yuwono Pintadi, Demas Brian Wicaksono, and Fahrurrozi. They filed a judicial review regarding several articles in Law Number 7/2017 on General Elections, namely Article 168 paragraph (2), Article 342 paragraph (2), Article 353 paragraph (1) letter b, Article 386 paragraph (2) letter b, Article 420 letter c and letter d, Article 422, and Article 426 paragraph (3). This petition was filed on the basis of a claim that these provisions are contrary to the 1945 Constitution (Utami Argawati, 2023).

However, the Constitutional Court has decided to reject the petition filed in relation to the open proportional system. Thus, the constitutional provisions governing the open proportional system in the general elections of members of the DPR and DPRD remain in effect, so the 2024 general elections will be held using the system (Utami Argawati, 2023).

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This research aims to examine in depth the judicial review of the electoral system submitted to the Constitutional Court, focusing on three main aspects. Firstly, this research aims to find out the background of the judicial review petition regarding the electoral system submitted to the Constitutional Court. Secondly, this study aims to explore the judges' considerations in deciding the judicial review case on the electoral system, as well as understanding the legal basis used in the decision-making process. Thirdly, this research will also explore the social and political impact of the Constitutional Court's decision on the electoral system applicable in the 2024 general election, including its implications for the quality of political representation and political stability in Indonesia. As such, this research is expected to provide a more comprehensive understanding of the dynamics of Indonesia's electoral system and the influence of the Constitutional Court's decision on the ongoing democratic process.

## RESEARCH METHODOLOGY

This research adopts the normative juridical method, which focuses on analyzing relevant legal doctrines and principles. The data used in this research includes decisions of the Constitutional Court related to the general election system, as well as primary legal materials such as Law No. 7/2017 on General Elections. In addition, secondary legal materials such as legal literature and legal theories that underlie the analysis are also used. The data collection technique applied was a desk study, by analyzing legal texts and court decisions. In this analysis, concepts such as 'good faith' and 'legal facts' were used to evaluate the applicant's arguments in the judicial review petition and to understand the legal basis in the Constitutional Court's decision. Good faith is used to assess the intention and purpose of the petition, while the concept of legal fact helps explain the reasoning behind the decisions made by the Court. With this approach, the research aims to provide a deeper understanding of the application of legal principles in the context of Indonesia's electoral system (Hadari Nawawi, 1991).

## RESULTS AND DISCUSSION

### 1. Application for Judicial Review of the General Election System in the Constitutional Court

The open proportional electoral system implemented in Indonesia in the 2019 general election and planned for the 2024 general election has generated various debates regarding its effectiveness and impact on the quality of democracy. Recently, the open proportional electoral system that will be used in the 2024 general election has come under public scrutiny. A number of parties, including political party cadres and citizens, have filed a lawsuit to the Constitutional Court to amend the provisions in Law No. 7/2017 on General Elections. The lawsuit is registered under case number 114/PUU-XX/2022 (Maulidi & Ishaq, 2023)

While open proportional systems aim to strengthen political representation by giving voters greater freedom in selecting legislative candidates, the reality is that they incur high political costs and enable money politics practices that undermine the integrity of elections. The gap between the theory and practice of this system becomes apparent when the open proportional system not only favours popular legislative candidates, but also deteriorates the

quality of politics through inter-candidate competition that leads to identity politics and pragmatism. For this reason, it is important to evaluate the effectiveness of this system by comparing it with other systems, such as a closed proportional system, which allows greater control of political parties and can reduce the risk of money politics. The author argues that while an open proportional system is closer to the principle of popular sovereignty, reforms need to be made by combining open and closed systems to create a balance between public accountability and party control in future elections.

The petitioners in this case are Demas Brian Wicaksono, who is a PDI-P official, Yuwono Pintadi from the Nasdem Party, and four other members, namely Fahrurrozi, Ibnu Rachman Jaya, Riyanto and Nono Marjono. The applicant filed a petition for judicial review of the Election Law arguing that several articles in the law contradict provisions in the 1945 Constitution such as Article 168 paragraph (2), Article 342 paragraph (2), Article 353 paragraph (1) letter b, Article 386 paragraph (2) letter b, Article 420 letter c and letter d, Article 422, Article 424 paragraph (2), and Article 426 paragraph (3) (Maulidi & Ishaq, 2023).

The petitioners assume that the regulations mentioned in the article, which relate to the majority vote-based proportional electoral system, have been hijacked by pragmatic candidates who have no ideological or structural ties to political parties and no experience in managing political parties or social organisations. As a result, when a legislative candidate is elected as a member of the DPR or DPRD, the member seems to represent himself or herself rather than the political party.

Indonesia's open proportional system is designed to improve political representation by giving voters the freedom to choose legislative candidates directly, rather than based on party numbers. Ideally, this system allows voters to choose their representatives more in line with personal preferences, creating a closer relationship between voters and representatives. The hope of this system is to create representation that is more accurate and responsive to the needs of the community, and to increase political participation by strengthening the role of individuals in selecting candidates. However, the implementation of this system in the field shows some discrepancies between expectations and reality.

In practice, the open proportional system in Indonesia has caused various problems, which are far from its original purpose. One of the main discrepancies is the high political costs required for legislative candidate campaigns. Candidates have to spend huge sums of money to win individual votes, which often fuels money politics and other illegal transactions. This goes against the spirit of democracy which seeks to uphold electoral integrity and avoid the negative influence of capital in the electoral process. As a result, while the system aims to create more democratic elections, it creates inequality between wealthy and less financially capable candidates, undermining the principle of equality in elections.

Another disparity lies in the phenomenon of very sharp inter-candidate competition, which often leads to internal conflicts within political parties. This system incentivises legislative candidates to pursue as many personal votes as possible, without considering loyalty to party ideology or policy. This causes individuals to prioritise personal interests over the collective interests of the party, which in turn can weaken political party structures and lead to internal disharmony. This change leads to individualism in politics, where elected legislative

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candidates more often serve outside influences and donors rather than the party that endorsed them, reducing the political stability that party institutions are supposed to maintain.

When compared to other electoral systems, such as closed proportional systems or mixed systems, the shortcomings of open proportional systems become more apparent. In a closed proportional system, voters only vote for political parties, not individuals, which gives parties more control in determining who will occupy legislative seats. On the plus side, this system allows political parties to select more qualified and loyal candidates, and encourages stronger political regeneration. With tighter control from the party, a closed system can reduce the potential for money politics and minimise unhealthy conflicts between candidates. However, the disadvantage of this system is the limited freedom of voters to choose the legislative candidates they deem most appropriate, which can reduce voter turnout and the quality of individual representation.

A mixed proportional system, which combines elements of open and closed proportionality, may be a more effective solution to overcome the weaknesses of each system. In a mixed system, some seats are filled through open lists, which allow voters to select individuals according to their preferences, while other seats are filled based on closed lists, which give parties more control over the selection of legislative candidates. This system can create a balance between the freedom of individuals to choose their preferred candidates and the strengthened role of parties in ensuring the quality and integrity of legislative candidates. As such, a mixed system can provide fairer political representation, reduce campaign costs, and mitigate the risk of money politics, while maintaining political stability and accountability.

Therefore, party authorities should determine who is eligible to become a member of parliament after going through political education, regeneration, and the development of party ideology. In addition, the applicant claimed that the articles had led to individualism of politicians, which in turn led to conflict and cannibalism within the political parties concerned. As such, these open proportions are deemed to result in political liberalism or free competition by giving individuals an overall victory in elections. Although there is competition between political parties in the electoral area. This is because, as stated in Article 22E paragraph (3) of the 1945 Constitution, the participants in the election are political parties and not individuals.

One of the main problems arising from the implementation of an open proportional system in Indonesia is the high political costs incurred by legislative candidates to gain seats in parliament. Data from the 2019 general election shows that campaign costs can reach billions of rupiah, depending on the region and the popularity of the candidate (Solihah, 2018). Studies by Badoh & Dahlan show that these high costs are largely used to buy votes, which fuels the practice of money politics. This phenomenon not only hampers the democratization process but also exacerbates inequalities in political access, with wealthier candidates having a greater chance of winning legislative seats (Badoh & Dahlan, 2010). In this context, Sutisna's 'political finance' theory, which explains how high campaign costs can create a candidate's dependence on large donors, is highly relevant to understanding this dynamic (I. N. Sutisna & SH, 2024).

In addition, the high cost of politics also affects the quality of democracy itself. In the theory of political accountability, developed by Przeworski, it is stated that a transparent and inexpensive electoral system allows voters to assess and account for the performance of their representatives more effectively (A. Sutisna, 2017). However, in an open proportional system

that relies on large funds for campaigns, legislative candidates often focus more on fundraising efforts rather than paying attention to people's aspirations. This leads to a phenomenon known as money politics, where legislative elections are based not only on the quality of candidates but also on their financial ability to fund campaigns. Data from various surveys show that almost 40% of voters in some regions in Indonesia consider money politics to be a major factor in elections.

The gap between the theory and practice of an open proportional system is also reflected in the competition between legislative candidates, which is increasingly sharp and damaging the stability of political parties. The partisan theory proposed by Duverger argues that an electoral system that gives a lot of power to individuals can weaken the structure of political parties, because legislative candidates prefer to pursue personal votes rather than priorities party interests (Haryanti, 2022). The study by Aspinall and Berenschot supports this, showing that Indonesia's open proportional system creates unhealthy competition between candidates within a party, which in turn leads to internal conflict and division within the party. This phenomenon is exacerbated when legislative candidates focus more on their personal and group interests, rather than on broader party policies or visions (Winarno & others, 2016).

Case studies of the 2014 and 2019 general elections also show that open proportional systems often create a situation where elected legislative candidates are closer to their voters personally, but more vulnerable to money politics. For example, in the 2019 general election, political parties with large campaign funds, such as the Indonesian Democratic Party of Struggle (PDI-P) and Gerindra Party, were better able to win many seats compared to parties with limited resources. This data supports the argument that open proportional systems do not necessarily create clean and accountable elections, as expected in modern democratic theory that prioritizes transparency and equitable participation (Muhtadi, 2018).

To overcome this problem, several theories and practical solutions propose system changes, such as mixed-member proportional systems that combine open and closed elements. The theory of mixed-member proportional representation introduced by Lijphart suggests that mixed systems allow political parties to maintain control over the candidate selection process, while giving voters more freedom in choosing the legislative candidates they deem worthy. Data from countries with this system, such as Germany and New Zealand, show that mixed systems can reduce reliance on high campaign costs and money politics, while increasing political representation and party stability. Therefore, the implementation of a mixed system in Indonesia could be an important step towards improving the gap between expectations and reality in the electoral system (Harefa & Fatolosa Hulu, 2020).

The petitioners are aggrieved that the articles regulate the system of determining elected candidates based on the majority vote. These articles have caused complex problems such as the problem of high costs. The Applicant claims that the open proportional system produces an unhealthy model of competition between candidates in elections because it encourages candidates to commit fraud, including giving money to the election organising committee. According to the Applicant, if the articles were removed, the practice of money politics would be reduced and elections would be cleaner, fairer and more honest (Maulidi & Ishaq, 2023).

In addition, the open proportional electoral system, which elects candidates based on the most votes, is very expensive and costs a lot of money from the state budget. For example,

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the cost of printing ballot papers for the election of members of the House of Representatives, Provincial DPRD, and Regency/City DPRD (Maulidi & Ishaq, 2023). In addition, the petitioners asked the Court to determine that the phrase 'open' contained in Article 168 paragraph (2) of the Election Law has no binding legal force and is contrary to the 1945 Constitution (Syamsuadi, 2023).

Indonesia itself has a dark history of closed-list Proportional Election systems, and it is one of the main variations of the Proportional Election system where voters cannot choose the legislative candidates who will represent the community because the system does not allow them to do so. Therefore, voters only vote for political parties, not candidates (Al-Fatih, 2022). The year 1999 was a milestone for Indonesia's electoral system. Prior to that year, political parties absolutely determined who became members of the legislature based on the order in the list of candidates. This system ended with the beginning of the reform era (Budiarti & dkk, 2021).

The Indonesian Democratic Party of Struggle (PDIP) won 153 seats with about one-third of the vote. In total, 48 political parties contested 462 seats in the DPR. According to Khairul Fahmi, a constitutional law expert, the electoral system focussed on legislators representing the interests of the political party elite rather than the people elected during the New Order. In 2004, legislators decided to replace the closed proportional system with an open-list proportional system. Elections began to go through a transition process in 2004 with a semi-closed system (Putri et al., 2023).

The 2009 general election started an open proportional system. Candidates were incentivised to pursue personal votes for the first time. In the election, 38 political parties competed for 560 seats. The Democratic Party won 148 seats and 20.8% of the vote. The Constitutional Court stated that the open-list proportional system 'gives the people the freedom' to choose their representatives in parliament (Maulidi & Ishaq, 2023).

The open proportional system has several weaknesses and causes the political system to become unstable. With the implementation of an electoral system that potentially allows money politics and other fraud, not only can the electoral process be tainted, but the resulting elite will also lose integrity. The failure of the open proportional system to improve the structure of political parties has caused systematic damage to Indonesian politics. The institutionalisation of political parties means that there is no control over candidates within their own parties, so candidates are forced or voluntarily to form relationships with investors outside the party. When these relationships occur between party candidates and investors, clientelism and money politics occur. Clientelism is a form of corruption that usually takes the form of transactions, so this behaviour is often two-way (Makarim & Fahmi, 2022).

The implementation of an open proportional system has encouraged unhealthy competition among legislative candidates, where popularity is the main factor determining victory. As a result, many candidates are more focused on gaining public sympathy through any means, including the use of money. This not only breeds money politics, but also produces unqualified legislators who are unable to perform their duties properly. Ultimately, this system has undermined the political and governance system in Indonesia (Makarim & Fahmi, 2022).

Indonesia's open proportional electoral system weakens the institutionalisation of political parties, which is at the root of many problems in the political system. This condition

is exacerbated by high political and campaign costs. According to Ward Berenschot, current democratic practices also cause systematic environmental damage. Candidates have to build social networks outside of political parties to cope with high campaign costs, including forming success teams that cost a lot of money (Al-Hamdi, 2022).

The main factors influencing the high cost of campaigns include political dowries, vote-buying, and the hiring of witnesses at polling stations. The high need for campaign funds forces legislative candidates to establish relationships with financiers, creating a mutually beneficial relationship that leads to the practice of money politics and undermines the integrity of the political system (Haboddin, 2016). This relationship often leads to conflicts of interest that strengthen the oligarchic system, where politicians prioritise the interests of financiers over the people. As a result, the practice of 'dawn raids' continues, and elected politicians are often caught in corruption to fulfil the wishes of financiers (Aspinall & Berenschot, 2019). This phenomenon also has an impact on environmental degradation, as seen in Central Kalimantan post-2014 regional elections, where an uncontrolled increase in plantation licenses created poor environmental governance. A Gecko Project and Mongabay investigation uncovered allegations of corruption by former Seruyan Regent Darwan Ali, who allegedly granted land licenses to his family in return for campaign financial support, to the detriment of communities that depend on the land for their livelihoods (Makarim & Fahmi, 2022).

After analysing the open proportional system in Indonesia, the author argues that although this system aims to increase people's representation and political participation, its negative impacts are more dominant. The high cost of politics, rampant money politics, and internal party conflicts are the main obstacles that hinder the effectiveness of this system. The practice of money politics, which includes vote-buying and 'dawn raids', undermines the principles of fair and transparent democracy. In addition, the individualism that grows under this system makes legislative candidates focus more on personal popularity rather than party loyalty, which leads to the weakening of the stability and function of political parties. As a result, the open proportional system not only reduces the quality of elections, but also strengthens oligarchy and corruption that undermine the integrity of democracy in Indonesia.

As a solution, the authors recommend electoral system reform through the adoption of a mixed-member proportional representation system that combines direct elections with a stronger role for political parties. This system is expected to reduce reliance on personal campaign expenses, reduce money politics, and strengthen party control over legislative candidates. The author also proposes increasing the transparency of campaign funding through the provision of public funds and strict supervision by independent institutions, such as Bawaslu, to ensure elections are fair and free from corruption. In addition, political parties need to strengthen regeneration mechanisms and selection of legislative candidates to ensure that elected candidates have integrity and commitment to the interests of the people. These steps aim to create elections that are clean, fair and reflect the will of the people, while strengthening the quality of democracy and political stability in Indonesia.

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## 2. Judges' Considerations in Deciding Material Test Cases Regarding the Election System in the Constitutional Court

On 15 June 2023, the Constitutional Court (MK) decided to maintain an open proportional electoral system for the 2024 General Election, rejecting the petition of several party cadres and legislative candidates who wanted a change to a closed proportional system or party vote. This decision is considered more in line with the constitution, which mandates that sovereignty rests with the people. According to the Constitutional Court, an open proportional system gives more freedom to voters in making their choices, which is in accordance with the basic principles of democracy in Indonesia. The hearing involved nine constitutional judges and a number of members of the House of Representatives who supported the ruling (Makarim & Fahmi, 2022; Salampessy et al., 2023).

On 14 November 2023, six applicants filed a judicial review petition against Law No. 7/2017 on Elections to the Constitutional Court. They requested a change in the electoral system from open proportional to closed proportional, arguing that the current system favoured popular legislative candidates without considering their quality and integrity. They also criticised the open proportional system for causing high-cost politics, increasing the potential for corruption, and confusing voters, which resulted in many invalid votes. However, the Constitutional Court rejected these arguments, stating that this system still takes into account the role of political parties as the main participants in elections, in accordance with the 1945 Constitution (Jajilah, 2023; Sholahuddin et al., 2023).

In the legal view expressed by the Deputy Chairman of the Constitutional Court, Saldi Isra, political parties continue to play a central role in the legislative nomination process, including in determining candidate numbers and monitoring the performance of legislative members. Political parties have the authority to evaluate and replace legislative members who are not loyal or do not carry out party policies, through the mechanism of Interim Change (PAW) or recall. Thus, although the open proportional system provides freedom for voters to choose legislative candidates, the important role of political parties in ensuring the loyalty and quality of legislative members is maintained. This strengthens the stability and sustainability of political policies in Indonesia (Maulidi & Ishaq, 2023; Putra, 2017).

Conceptually, the open proportional electoral system is closer to the spirit of popular sovereignty enshrined in the 1945 Constitution, as it gives voters the freedom to choose legislative candidates directly (Fauzia & Esfandiari, 2024; Muhtamar & Bachmid, 2022; Mulyono, 2023). However, the implementation of this system in Indonesia presents various practical problems that need to be considered, such as high political costs, rampant money politics, and internal conflicts within political parties (Mustika & Rodiyah, 2023). The choice of an appropriate electoral system is a dynamic that depends on the context and needs of the election. Therefore, in an effort to improve the electoral system, changes should be made carefully and not too frequently, and should involve the active participation of all stakeholders. System changes also need to consider the balance between the role of political parties and the principle of popular sovereignty, and be carried out well before the electoral stage begins to avoid the potential for major negative impacts.

In the Constitutional Court's (MK) decision on the open proportional system, several judges argued that this system is in accordance with the spirit of the constitution, which

emphasises popular sovereignty, because it provides space for voters to choose legislative candidates directly. This system is seen as strengthening democracy and more accurate political representation (Grimmelikhuijsen & Meijer, 2022; Mærøe et al., 2021; Willis et al., 2022). However, there have also been criticisms of the system, particularly in relation to the prevalence of money politics and high campaign costs, which have the potential to undermine the principles of fairness and transparency in elections. Some scholars, such as Aspinall and Berenschot, argue that open proportional systems exacerbate these problems by providing strong incentives for legislative candidates to rely on large funds to win votes, which in turn creates inequality in political access.

The impact of implementing an open proportional system in the 2024 elections could affect political stability in Indonesia, especially in terms of competition between legislative candidates and political parties' control over their members (Maulana et al., 2024; Mulyadi & Megawati, 2023; Purnama & Manitra, 2023; Qolbu & Wulandari, 2024). While this system encourages fiercer competition, political parties that cannot control their legislative candidates risk losing internal cohesion and stability. This tension can exacerbate political instability, as legislative candidates focus more on self-interest than party loyalty. In addition, the system can exacerbate socio-economic inequality in politics, as well-funded individuals are more likely to be elected, while candidates from less well-off communities find it difficult to compete. This can lead to political domination by financially-resourced elites, while the voices of smaller groups of people tend to be overlooked, reducing the effectiveness of political representation in parliament.

The Constitutional Court's (MK) ruling in favour of an open proportional system presents significant challenges for Indonesian democracy, despite the system's potential to increase voter freedom and transparency. The system allows voters to directly elect legislative candidates, which can strengthen the relationship between representatives and their constituents and encourage healthy competition between candidates. However, it also carries the risk of money politics that undermines electoral quality and exacerbates social and political inequality, especially due to the high cost of politics that can be exploited by wealthy candidates. In this context, while the principle of popular sovereignty is an argument in favour of this system, the negative impact on political stability and weakened party control are major concerns. Therefore, shifting to a mixed proportional system that combines open and closed elements may be a more effective solution in addressing these challenges and improving the quality of democracy.

A closed proportional system, which gives greater control to political parties, has advantages in terms of monitoring legislators and reducing money politics. Political parties can ensure that their elected candidates are of better quality and competence, and reduce smear campaigns and reliance on external financial support. However, the system also has drawbacks, such as limited opportunities for voters to directly elect legislative candidates, which can reduce the closeness between representatives and constituents. In addition, the risk of nepotism in the selection of legislative candidates and oligarchic power within political parties may arise, especially if the candidate recruitment system is not transparent. The Constitutional Court's decision to maintain an open proportional system also points to the need for evaluation and improvement of the electoral system, by considering a change to a limited proportional system,

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to reduce internal conflicts and maintain a healthier and more stable democratic quality. Sistem proporsional terbuka terbatas menggabungkan elemen-elemen dari sistem proporsional terbuka dan tertutup untuk mencapai keseimbangan antara kontrol partai politik dan demokratisasi dari bawah ke atas. Pada tingkat nasional, sistem ini memberikan kontrol yang lebih besar kepada partai politik terhadap anggotanya, sementara pada tingkat provinsi dan kabupaten/kota, sistem proporsional terbuka lebih dapat mendorong demokratisasi. Hal ini dikarenakan anggota legislatif di tingkat provinsi dan kabupaten/kota lebih dekat dengan pemilih dan lebih mampu memenuhi aspirasi publik. Dengan demikian, sistem campuran ini memperkuat hubungan antara wakil rakyat dan konstituen, yang pada gilirannya dapat meningkatkan kualitas representasi politik.

The limited open proportional system also provides benefits in strengthening regional autonomy by optimising the functions of the Regional Representatives Council (DPRD) at the provincial and district/city levels. The central government does not need to deal with all problems directly, as many problems can be resolved by local governments. As such, the system supports the strengthening of regional autonomy, which has been an important issue in Indonesia's decentralised governance. Through this system, regents, mayors and governors can respond more quickly to problems that occur in their areas without having to wait for decisions from the centre.

From the perspective of party ideology, a limited open proportional system can ameliorate disputes between political parties that are often not obvious in their stances in parliament. By giving greater control to political party members at the national level, the system allows differences in party stances to become more visible, particularly in lawmaking. This can increase transparency and allow the public to more easily control the debates and policies produced by the DPR RI. With more centralised control, political debates in parliament become more structured and can be monitored more effectively.

In addition, this system opens up opportunities for politicians to build their political careers at the regional level. Elected DPRD members who receive positive reviews from the public have a greater chance of advancing to executive positions. This creates stronger interaction between voters and legislators, increases accountability, and allows the public to play a greater role in monitoring the performance of their representatives. The implementation of open proportional systems at the provincial and district/city levels also facilitates inclusiveness and strengthens the representation of local interests, while maintaining political division in the central parliament.

### **3. The Social and Political Impact of the Constitutional Court's Decision on the Electoral System in the 2024 General Election**

The open proportional system has great potential to strengthen the existence of political parties, especially in improving internal democracy, strengthening institutions, and encouraging the implementation of party functions. This system provides an opportunity for party cadres to maintain strong bargaining power over party elites or leaders, especially if they succeed in building good relationships with constituents. Cadres who have strong support from the electorate will have a more secure position and are not easily moved from their constituencies, which can prevent a decline in the party's seat gains in the area. In addition, this

system creates an opportunity to build better internal democracy, where the leader's power is balanced by his or her ability to build a support base, which in turn allows cadres to make wider contributions to the party without worry.

Charles Simabura, a constitutional law expert, argues that the Indonesian constitution does not provide specific provisions regarding the electoral system that should be applied, which is in line with the Constitutional Court's decision Number 47/PUU-XVII/2019. In this case, the design of the electoral system becomes the authority of the legislature, which must be implemented in accordance with the mandate of the 1945 Constitution (Lestari, 2023). The electoral system is therefore the basis of the entire electoral administration, and any electoral-related move, especially in the legal framework, must start with the selection of the right system, as this decision will affect other legal arrangements. This is emphasised by Charles who states that the selection of an electoral system has a direct impact on the existing legal structure (Surbakti et al., 2011)

Both electoral systems, open and closed proportional, aim to ensure that the representation of political parties in the legislature is proportional to the votes obtained. The main difference lies in the degree of freedom voters have in selecting legislative candidates. An open proportional system gives voters more freedom in choosing candidates, which encourages internal party competition and increases the diversity of legislative members' backgrounds. However, if strengthening the party system is a priority, a closed proportional system is more effective as it allows for stronger party control over the candidates selected. The debate over the choice of this system in the 2024 elections is fuelled by unresolved issues, such as the quality of political representation, the practice of money politics, and the dominance of local figures in politics. This shows that the current electoral system design has not been able to overcome the complexity of political problems in Indonesia.

Some of the factors that affect the quality of political representation in these two systems include voter freedom, party solidity, voter education levels, the influence of party elites, and transparency and accountability. The open proportional system offers more freedom for voters, allowing them to choose candidates who are more accountable and responsive to constituents, including candidates outside the support of party elites. However, they also present challenges related to party consolidation and discipline, and the level of voter education affects their understanding of the complex electoral process. In contrast, closed proportional systems are favourable in terms of party consolidation and reduced risk of internal party conflict, although they can reinforce the dominance of party elites. The quality of internal party democratisation is key in both systems, as more transparent and accountable candidate selection mechanisms will affect the quality of political representation and strengthen popular sovereignty.

Political parties in Indonesia face a number of serious challenges in realising internal democratisation, such as internal conflicts, the practice of money politics in campaign funding, ideological vagueness, and weak party roots in the community. One effort to address these issues is to reform the political party financing system, through the allocation of state funds, to reduce the dominance of party elites in decision-making and increase accountability. This reform is expected to strengthen the internal democratisation of political parties and increase transparency and integrity in the political process.

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The 2024 General Election needs to focus on democratisation and strengthening political representation in parliament, taking into account the socio-political conditions of society and the internal problems of political parties. The choice between an open or closed proportional system should be based on these two elements. The implementation of this system should also consider aspects of in-depth public control, including strengthening the role of voters, the interaction mechanism between voters and elected candidates, and the level of public trust in the organisation of elections. Therefore, a mixed proportional system can be a viable alternative to maintain public control and encourage democratisation within political parties, in order to create more transparent and representative elections.

## CONCLUSION AND SUGGESTION

While the open proportional system has a positive goal of improving political representation and strengthening popular sovereignty, its implementation in Indonesia has had significant negative impacts. High political costs, money politics, and internal party conflicts are some of the main problems that reduce the effectiveness of this system. Therefore, to improve the quality of democracy and political stability, Indonesia's electoral system needs to be improved. The author recommends the implementation of a mixed proportional system, which combines elements of both open and closed systems, to strengthen political parties 'control over legislative candidates, reduce the practice of money politics, and increase candidates' accountability to parties and voters. In addition, institutional reform of political parties, including stricter regeneration mechanisms and transparency in campaign financing, is also needed to ensure cleaner, fairer and more representative elections. These changes are expected to create more democratic and efficient elections, and reduce political inequality in the future.

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