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Strengthening Democracy in Indonesia: Comparison between Representative and Direct Presidential Election Policies

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Abstract

The direct presidential election policy was implemented in Indonesia for the first time in 2004 as a result of the third amendment to the constitution in 2001, and it continued in the next presidential elections. This kind of election has replaced the old representative presidential election policy. However, since the implementation in 2004, there have been many criticisms from several parties. These parties consider this to have negative impacts, such as black campaigns, hoaxes, hate speeches, and social gaps in society. Therefore, they propose to return the mechanism to the old policy. This article aims to analyze and compare the two presidential election policies and strive for an optimal presidential election policy to improve the quality of democracy in Indonesia. To present the results, we have reviewed secondary data mainly from the literature (journal, book, and act) and conducted in-depth interviews with scholars in the field. The main finding is that the direct presidential election policy is proven to improve the quality of democracy by fulfilling the three main aspects of the Indonesia Democracy Index (IDI). Nevertheless, to make it better, some improvements are needed as follows: reforming political parties, implementing the convention system, removing the presidential threshold, providing an independent channel to become a candidate, strengthening the responsibility and integrity of state officials in law enforcement, and regulating all negative impacts in binding regulations.

Keywords: Representative Presidential Election Policy, Direct Presidential Election Policy, Democracy.

Abstrak

Kebijakan pemilihan presiden secara langsung telah diimplementasikan di Indonesia pertama kali pada 2004 sebagai konsekuensi dari diamandemennya konstitusi ketiga kali pada 2001. Pemilihan presiden secara langsung tersebut berlanjut hingga gelaran berikutnya. Kebijakan ini menggantikan mekanisme pemilihan presiden sebelumnya, yakni pemilihan presiden

secara tidak langsung oleh MPR RI. Seiring berjalannya waktu, kebijakan pemilihan presiden secara langsung mendapat sorotan dan kritik dari banyak pihak. Pihak-pihak tersebut menyoroti banyaknya dampak negatif dalam pelaksanaan, seperti kampanye hitam yang bertebaran, hoaks, ujaran kebencian, dan polarisasi di masyarakat. Oleh karenanya, mereka mengusulkan agar mekanisme pemilihan presiden dikembalikan ke mekanisme lama. Tujuan dari penelitian ini adalah untuk menganalisa dan membandingkan dua jenis kebijakan pemilihan presiden dan mencari kebijakan yang paling optimal dalam rangka meningkatkan kualitas demokrasi di Indonesia. Metode pengumpulan data dilakukan dengan mengumpulkan data sekunder melalui studi kepustakaan (jurnal, buku, dan undang-undang), serta menyelenggarakan wawancara secara mendalam kepada berbagai narasumber yang kompeten di bidangnya. Temuan utama dari penelitian ini adalah kebijakan pemilihan presiden secara langsung merupakan kebijakan yang paling optimal dalam meningkatkan kualitas demokrasi dengan memenuhi tiga aspek utama dalam Indeks Demokrasi Indonesia (IDI). Namun demikian, beberapa perbaikan yang harus tetap dijalankan, antara lain: reformasi partai politik, melaksanakan sistem konvensi dalam penjurian, menghapus ambang batas pencalonan, menyediakan mekanisme calon independen, memperkuat tanggung jawab dan integritas para penegak hukum, serta menetapkan regulasi yang berkekuatan hukum dalam mereduksi segala dampak negatif.

Kata Kunci: Kebijakan Pemilihan Presiden Secara Representatif, Kebijakan Pemilihan Presiden Secara Langsung, Demokrasi.

INTRODUCTION

The general election is one of the instruments of democracy, but it is not a single instrument. Other instruments must support it to encourage communication and cooperation as well. However, the general election is still the main instrument for the democratic process. It is believed to be a tool to urge and force policymakers to pay attention to the aspirations of society as well as to set up a state that has a democratic political system (Powell, 2000).

According to the Indonesian Constitution, the general election is a mandatory instrument for exercising people's sovereignty. The constitution gives strong directions for regulating the principles of holding a general election (Soerya, 2013). The general election is also a mechanism for selecting and delegating people's sovereignty to trusted people or parties. The discourse of the general election cannot be separated from the concept of democracy (Surbakti, 1992).

The presidential election is a kind of general election. It is intended for the principles of democracy that guarantee personal freedom and equality, particularly in terms of political rights. In this context, the presidential election can be categorized as a kind of formal democratic process as an implementation of that guarantee. It is not only seen as a democratic celebration but also as an instrument to deepen democracy at the national level (Zuhro, 2019).

Indonesia has held several presidential elections. In the era of President Soeharto, the second president of the Republic of Indonesia, for instance, general elections were conducted

by the People's Consultative Assembly. This kind of policy is referred to as the representative presidential election policy. Nevertheless, after the third amendment to the constitution in 2001, the election policy changed to the direct presidential election policy that places people as direct voters (Agustino, 2002).

This change has also affected the role of the People's Consultative Assembly, in which the People's Consultative Assembly only has the authority to inaugurate the president and vice president, as well as to change and enact laws (Indarja, 2018). The shift in the policy of the presidential election, which is voted directly by the people, makes the president and vice president no longer accountable to the People's Consultative Assembly. They are directly responsible to the people as direct voters. However, this policy still limits the president's authority in terms of implementing restrictions on power in the principle of a state (Wheare, 1975).

The amendment to the constitution itself is a natural process in the democratic era and is possible to implement because it is formally stated in article 37 of Indonesia's constitution (Rantau, 2019). The shift in the presidential election policy mainly happened in the third amendment of the constitution, which occurred in 2001. As a feasibility study before the shifting process, there was a survey conducted by the Agency for Collecting General Opinion and the General Secretary of the House of Representatives and the People's Consultative Assembly, held from July 7th until 29th, 2000. Referring to the survey result, the respondents were divided into two groups: those who agreed with the direct presidential election policy and those who did not agree.

Regarding this discourse, some scholars commented and gave their opinion on the importance of policies or mechanisms for the direct presidential election. At least there are two reasons why direct presidential election policy becomes important. First, the direct mechanism will open up more opportunities for candidates who match the needs and aspirations of the people to be present. Second, it will be very beneficial to keep and support the stability of the government in order that it is not easily impeached in the parliament (Mahfud MD, 2007).

The direct presidential election also has fundamental significance to democracy. With this kind of policy, there will be an equilibrium between legitimacy and the mechanism of checks and balances and between the executive and legislative. The elected president will be responsible to the people as direct voters. Therefore, there will be political stability as a result of having control and legitimacy (Tamrin, 2013). Another strength or benefit that this mechanism may provide is the capacity of this system to manipulate distortions of democracy. It also enables us to avoid money politics in elections (Wahyuningsih, 2001).

This argument follows the universal principles of the presidential system, in which the executive party in the state must be responsible to the people. Moreover, in the presidential system, supremacy rests in the hands of the constitution, not in the parliament as in the parliamentary system (Asshiddiqie, 2007). After being legalized through the third amendment to the constitution that took place at the annual session of the People's Consultative Assembly on November, 9th 2001, the direct presidential election policy has been regularly

implemented in several elections, such as those in 2004, 2009, 2014, and the most recent one in 2019.

The previous studies compared representative and direct presidential election policies and concluded that the direct presidential election policy is better than the representative presidential election policy in terms of democracy. Nevertheless, it has many things to be improved. Although the direct presidential election puts greater authority on the people and strengthens the presidential system, there are some criticisms of the implementation of this policy (Ardipandanto, 2015). First, there was a social gap in society, particularly between the supporters and sympathizers of the candidates. For example, in the 2019 presidential election, there were popular terms at that time, "Cebong," referring to Joko Widodo's supporters, and "Kampret," for Prabowo Subianto's supporters. Second, many black campaigns were directed at each candidate as political dynamics ahead of the election. The election-winning body of Prabowo Subianto and Sandiaga Salahuddin Uno, for instance, reported at least 1,200 fraudulent practices committed by Joko Widodo and K.H. Ma'ruf Amin's supporters (Zuhro, 2019).

Due to many indicators that weakened the quality of democracy, especially based on the last two presidential elections, there have been recommendations from several parties to return the electoral mechanism to the previous policy, conducted by the People's Consultative Assembly. Pengurus Besar Nahdatul Ulama (PBNU), as the biggest religious civil society, for instance, suggested to set back the election to the previous policy. This happened when they were visited by some leaders of the People's Consultative Assembly on November 27, 2019. On that occasion, the meeting participants conveyed their suggestions to return the mechanism to the old policy. In their opinion, the direct presidential election is more detrimental than benefitting the nation (Merdeka.com, 2019).

Looking at these criticisms and even recommendations, it is important to analyze and find the most optimal presidential election policy, whether it is the representative or direct presidential election policy. The quality of democracy can serve as a guide for analyzing both presidential election policies. To measure the quality of democracy, the Indonesia Democracy Index (IDI), which is released by the Central Bureau of Statistics of the Republic of Indonesia, can be applied as a tool of analysis and comparison. It is composed by using a statistical method. The IDI consists of three main aspects: civil liberties, political rights, and democratic institutions. Each aspect consists of its specific variables (BPS RI, 2019). The novelty of this research is in the way of the researcher to decide which better mechanism is by using IDI as an official tool of Indonesia's government to map out the implementation and quality of democracy in Indonesia. Consequently, the result of this research will be technically useful for academic and practical recommendations for the government of Indonesia.

This article aims to study the implementation of representative and direct presidential election policies in Indonesia and determine the optimal election policy for improving the quality of democracy. The article will discuss the direct presidential election policy as the optimal presidential election policy to improve democracy in Indonesia. Next, the article will analyze the steps to strengthen the implementation of the direct presidential election policy for

a better democracy. By doing so, it is hoped that the discussion will generate beneficial recommendations to the stakeholders, especially for the People's Consultative Assembly for the 2019 - 2024 period that has already set up the changing election policy as their main agenda through the fifth amendment to the constitution.

RESEARCH METHOD

This study uses a qualitative research method, in which the qualitative research method is defined as a study that can be used to understand a situation, a phenomenon, and an event, by not focusing on a statistical, numerical, or mathematical research approach (Potter, 2013). Data were collected through the desk research method by collecting secondary data in several qualified scientific journals, books, official regulations, and in-depth interviews with scholars in the field, such as Prof. Dr. Lili Romli, M.Si. (BRIN), LTG. (Ret). Agus Widjojo (Lemhannas RI), Mr. Yunarto Wijaya (Charta Politika Indonesia), Mrs. Titi Anggraini (Perludem), and Mrs. Bivitri Susanti (PSHK Indonesia). Data were analyzed using the triangulation process. The informants in this study were the group of civil societies concerned about the presidential election and/or democracy, and the group of competent experts in the field of presidential election and democracy.

RESULT AND DISCUSSION

Many deficiencies in the implementation and administration of the direct presidential election, particularly the direct presidential elections held in 2014 and 2019, have caused some parties to return the presidential election policy to the old policy. For those parties, the direct presidential election policy has caused high-cost politics, political party oligarchy in determining candidates for the election, polarization in society, strengthening of political identity, the proliferation of hoaxes and hate speeches on social media, a lot of black campaigns produced by each of the candidates' supporters, and many others.

One party that recommended returning the presidential election policy from direct policy to representative policy was PBNU. It was followed by the Nation Awakening Party, as its ideological political party. They argued that implementing a representative presidential election policy could minimize high-cost politics and polarization in society because the president and vice president are elected by the People's Consultative Assembly members directly through a legislative election. It could also avoid "the dual legitimacy problem" that has been an issue in the presidential system (Kompas.com, 2019).

Responding to this aspiration, the 2019 - 2024 People's Consultative Assembly has already attached it as the main agenda, as well as the possibility of reviving the use of the State Guidance, called GBHN, like in the previous era. The two agendas are interconnected with one another. The expectation of using GBHN, like in the President Soeharto era, emerged as a response to the different national development policies stated and conducted by the president and his cabinet. There is a presumption that a change of president will impact changes in national development policies. Consequently, the development is not sustainable because it is influenced by who currently leads the state and the government. In short, the agenda to use GBHN is like a criticism of the direct presidential election policy (Universitas Diponegoro, 2020).

Responding to this issue, it is very important to analyze carefully the implementation of the two presidential election policies. One of the ways to compare them is by using a democracy-based approach. In the Indonesian context, the government of Indonesia already has a tool to measure the quality of democracy by using the Indonesia Democracy Index, called IDI, which analyzes the three main aspects, namely civil liberties, political rights, and democratic institutions. Therefore, the use of IDI will be an appropriate medium to compare the implementation and impacts of the two presidential election policies to find the most optimal policy contributing to the strengthening of democracy in Indonesia.

The first aspect is civil liberties. This aspect consists of several variables: freedom of association, freedom of speech, freedom of belief, and freedom from discrimination. In the era of President Soeharto, the president and vice president were determined and chosen by the People's Consultative Assembly. The practices of representative presidential election policy could be seen in the elections held in 1971, 1977, 1982, 1987, 1992, 1997, and 1999. Those practices happened under the mandates of the constitution. When analyzed through the aspect of civil liberties, these practices are not democratic processes, Yunarto Wijaya said in the interview.

Although the power to elect the president and vice president was in the hand of the People's Consultative Assembly, the structure and composition of the People's Consultative Assembly were dominated and determined by the president through his political machines, namely GOLKAR and the Republic of Indonesia Armed Forces. Consequently, before the People's Consultative Assembly conducted the presidential election, the people had already known who would be the president. President Soeharto would be elected again in the election; therefore, the election done by the People's Consultative Assembly was just like a ceremonial event, Bivitri Susanti explained in the interview.

What happened in President Soeharto's era was incompatible with the principles of democracy, especially in terms of civil liberties. There was no freedom of association and freedom from discrimination because of the limitation of the existence of political parties. The government only recognized three political parties, PPP, PDI, and GOLKAR, as the government's political machines. The government always intervened and determined the elites who were posted as the boards of PPP and PDI. Therefore, there was no democratic life in that era. Furthermore, this affected the composition of the People's Consultative Assembly, which was dominated by government elements, especially those associated with President Soeharto, Titi Anggraini explained in the interview.

The composition of the Regional Representatives and Group Representatives that compiled the People's Consultative Assembly was also filled by President Soeharto's political machine, namely the Republic of Indonesia Armed Forces. There was no freedom of speech either. People who criticized President Soeharto and his regulations would be processed and "ordered" in the name of Pancasila, Agus Widjojo said in the interview. Principally, this generated violations against the principles of freedom of speech and freedom from discrimination.

The violations against the aspects of civil liberties in the implementation of the representative presidential election were stated in the constitution before the amendments that

first happened in 1999. There was a guarantee for freedom of association and freedom of speech in article 28 of the constitution before the first amendment, "*freedom of association, freedom of speech, and others are stated by regulation*". Nevertheless, this guarantee contradicts article 6, paragraphs 2 of the constitution prior to the first amendment, in which the president and vice president are elected by the People's Consultative Assembly. It means the people did not have a formal and legitimate channel to realize the freedom to elect the president and vice president who could fulfill their aspirations.

This is different from the practices of direct presidential election policy, which were implemented in the elections of 2004, 2009, 2014, and 2019. Through the amendments to the constitution, a guarantee for civil liberties which was contained in article 28 of the amended constitution was compatible with the presidential election policy regulated in article 6A paragraphs 1-5 of the amended constitution, in which president and vice president were elected by the people directly in the direct presidential election and advanced by political parties or a coalition of political parties. In the post-reform era, respect towards the principles of democracy, especially the aspect of civil liberties, is not only shown constitutionally but also technically in several ways.

There is no limitation to the number of political parties wishing to participate in the election. As long as a political party or coalition can meet the requirements, they can advance their candidates to participate in the direct presidential election. A large number of political parties in the 2004 general election, as the first direct presidential election in the post-reform era that freedom of association and freedom of speech owned by the people could be channelized properly without restrictions and government intervention as happened in the past. Moreover, it also affects the checks and balances mechanism, in which the president's political machine cannot dominate parliament like GOLKAR in the past (Hanan, 2016).

The second aspect is political rights. This aspect contains several variables, namely the right to vote and be voted in general elections, public participation in the decision-making process, free and fair general election processes, and the effective role of the legislative bodies, in this case, the national legislative bodies, namely the House of Representatives and the People's Consultative Assembly (BPS RI, 2019). The implementation of representative presidential election policy in the past is related to political rights. In the era of President Soeharto, the legislative election was conducted through a direct election, in which the candidates for legislative members were chosen by the people directly. This is different from the presidential election, in which the president and vice president are elected by the People's Consultative Agency (Indarja, 2018).

There are also many problems related to the variables of the free and fair general election process and also the effective role of the legislative bodies. These problems were shown in the 1971 election, for example, the first legislative election in the era of President Soeharto. The 1971 legislative election can be categorized as a not-free and unfair election for some reasons. Although it was participated by many political parties, there was a silencing of the votes for other political parties to increase the votes for GOLKAR as the government's political machine. Moreover, GOLKAR campaigned on an issue that the political parties

opposing GOLKAR were against the government. Therefore, there would be no job opportunities and services for GOLKAR's opponents (Indarja, 2018).

The structure of the General Election Committee was occupied by government officials, especially those from the Ministry of Domestic Affairs. On the voting day, the polling stations and ballot boxes were heavily guarded by policemen and soldiers to keep the government's political interest. As a result, GOLKAR, as a new political party participating in the 1971 election obtained the most votes with nearly 62.82 percent of the total votes and won 236 seats. The fraudulence and violations in the implementation of the legislative election were the way for GOLKAR's victory (Indarja, 2018).

The majority of votes for GOLKAR in parliament affected at least two things, the role of the House of Representatives and the role of the People's Consultative Assembly. Given the fact that parliament has three main functions, namely, budgeting, controlling, and regulating legislation, because of being dominated by GOLKAR, the function of controlling or conducting checks and balances could not be effective in that era. What happened was "executive heavy" and the existence of parliament just as a medium to legalize the government's decisions. In such a condition, it was very difficult to facilitate public participation in the decision-making process. People who were critical to the government would be "ordered". The parliament just served as "a stamp" for the government's policies, Agus Widjojo said in the interview.

The domination of GOLKAR also affected the role of the People's Consultative Assembly, whose authority is to opt for president and vice president. As a consequence, President Soeharto was elected in six presidential elections that the People's Consultative Assembly conducted, Bivitri Susanti said in the interview. Looking at this fact, the function of the general election for elite circulation could not run well. There were violations against the people's right to be elected in general elections because President Soeharto was always elected again in his candidacy. In short, the implementation of the representative presidential election in the past did not follow and respect the aspect of political rights.

Furthermore, the analysis results indicate that the implementation of a direct presidential election is related to political rights. Lili Romli, in the interview, said that looking at the implementation of the direct presidential election policy from 2004 until 2019, although there were still some deficiencies in its implementation, this kind of election policy met and fulfilled the principles of democracy. Particularly in the aspect of political rights. First, both legislative and presidential elections were carried out directly through direct elections, in which the people acted as direct voters. It means that the people can fill their right to vote for candidates who are compatible with their expectations. Second, the parliament was able to exercise its function of checking and balancing the government through the controlling function. This can happen because of the absence of an authoritarian government's political machine like GOLKAR and the Republic of Indonesia Armed Forces like in the past. The political reform has given rise to an abundance of political parties as the political infrastructure to fight in the general election. This condition and the political reform has also contributed to the emergence of civil societies that consistently keep democracy. Third, direct

presidential elections in the post-reform era have enabled the emergence of alternative candidates like Susilo Bambang Yudhoyono and Joko Widodo.

Bivitri Susanti, in the interview said that, the candidacies are no longer followed by only one candidate like what happened in the past. Everybody can be advanced and participate in the presidential election as long as he or she has met the requirements stated in the constitution and the Act of Presidential Election. It means that the people's right to be elected in the general election can be channelized well through direct presidential election policy. These facts are the reasons for the participation of wider community in the government decision-making process, and also for the effectiveness of the role of the legislative body.

The third aspect is democratic institutions. This aspect consists of several variables, namely the role of political parties, the role of the government's bureaucracy, and also the independent judiciary (BPS RI, 2019). In the era of President Soeharto, the number of political parties was limited. This happened because the management of political parties was in the hand of the president. Moreover, the government implemented a policy that simplified the number of political parties. All existing political parties in that era were grouped into three. The first was a group of political parties the platform of which was based on religious matters or spiritual development. The second group consisted of political parties whose ideology was based on nationalism. The third was a group political parties whose platform was based on working activities (Aspinall, 2010).

Referring to this grouping policy, several political parties like the Catholic Party and Parkindo refused to be grouped into a religious political party. They preferred to join the second group. As a consequence of this policy, there have been only three major political parties in the new order era namely PPP as the representative of a religious group, PDI as the representative of nationalist power, and GOLKAR as the representative of the working group as well as the political machine of the government. The purpose of the government to simplify the number of political parties was to establish political stability and avoid national segregation and disintegration (Indarja, 2018).

Bivitri Susanti, in the interview, said that the limitation of the political groups in the new order era was not a good sign for democracy when there was a vested interest of the ruling government. The government simplified the number of political parties for control reasons. By grouping and simplifying political parties into only three political parties, it was easy to map out their political activities and whether it was dangerous to the government's interest or not. It worsened when one of the limited political parties was a political machine of the government. There were several impacts as a result of limited political parties. First, there was the weakening of the legislative function, particularly in controlling the government, because it was dominated by GOLKAR. Second, the people at that time only had limited channels of aspiration.

Bivitri Susanti, in the interview, said that public participation was not accommodated optimally either. This is the reason why in the era of President Soeharto there were many dissatisfactions from several regions and parties. Besides, political parties like PPP and PDI were easily intervened by the government when their activities were considered against the

government's interest. This situation led to another consequence: the two political parties were not optimal in exercising their functions, such as providing political education for people and conducting political recruitment, socialization, and communication.

Bivitri Susanti, in the interview, said that looking at the representative presidential election policy in that era, the limited number of political parties affected the capacity and the independence of the People's Consultative Assembly in conducting presidential elections. The structure and composition of the People's Consultative Assembly were dominated by GOLKAR. The other political parties, PPP and PDI, were easily intervened to support the government's interest to re-elect President Soeharto for the next presidency. If they refused, they would be "ordered" by President Soeharto.

Agus Widjojo, in the interview, explained that the government also strengthened its interest in parliament by determining the structure and composition of the Regional Representatives and Representative Groups, which were dominated by the elements of the Republic of Indonesia Armed Forces, which was another government's political machine.

These situations caused the presidential election conducted by the People's Consultative Assembly to be filled with the interests of the ruling government. The representative presidential election was just a medium for President Soeharto to perpetuate his position.

Agus Widjojo, in the interview, added what happened in the parliament at that time was the same as the situation in the bureaucracy and the judicative body. In the new order era, civil servants were members of the Indonesian Civil Service Corps called KORPRI. This corps was raised as a means of winning the presidency. When the general election was conducted, the corps were instructed to give their votes for GOLKAR as the official government's political party. The Indonesian Civil Service Corps that was established on November 29th 1971, basically aimed to be a medium to gather all civil servants and employees of state-owned and regional-owned enterprises into one organization (Kompas.com, 2019).

It was aimed to strengthen political and social stability. Besides, the establishment was aimed to empower all civil servants to be contribute to national development. However, the initial goals were no longer in line with the implementation over time. This was caused by the existence of the Government Regulation Number 20/1976 regarding the Membership of Civil Servants in Political Parties or GOLKAR. This regulation explicitly made the corps a medium to win GOLKAR in every legislative election, at both national and regional levels (Aspinnal, 2010).

This empirical fact was exacerbated when civil servants at the Ministry of Home Affairs were assigned to be the officials of the General Election Committee with two consequences. First, it was like a perverted function of the civil servant. Second, the existence of the General Election Committee was no longer independent in conducting free and fair general elections. The situation was different after the political reform in 1998, followed by amendments to the constitution. The result of the third amendment to the constitution in 2001 has mandated the post-reform government to conduct a direct presidential election. This kind

of presidential election policy has caused significant changes in the development of political parties (Indarja, 2018).

There were a lot of political parties with various platforms arising after President Soeharto's regime collapsed. They had not only a chance to participate in the legislative election but also an opportunity to propose candidates for the president and vice president. Twenty-four political parties followed the general election in 2004; then 38 political parties in the 2009 election; 12 political parties in the 2014 election; and 14 national political parties in the 2019 election. Furthermore, the increasing number of political parties has provided many options for the people to elect the president and vice president to meet their expectations (Tempo.co, 2004).

Yunarto Wijaya, in the interview, said that the direct presidential election policy had given benefits to the strengthening of the election organizing institutions, namely the General Election Committee and the General Election Supervisory Board. The two institutions' existence was a response to the expectations of the people who wanted to have a clean general election process. The General Election Committee, for instance, was established in 1999 as a response to public pressure that demanded a more democratic institution. This happened because the governance and other existing institutions were the product of the 1997 general election, which the people no longer trusted.

In addition, Yunarto Wijaya, in the interview, said that the General Election Committee had done its assignments and responsibilities independently without government interference. This was different from the practices in the past, in which the committee was fully controlled by the government's political machine. One of the shreds of evidence to show the professionalism of this current committee is the recruitment process that might not be followed by members of political parties as regulated in Act Number 4/2000 regarding the General Election Committee.

The existence of the General Election Supervisory Board has strengthened the role of the General Election Committee. When the committee focuses on preparing and implementing the election, the agency focuses on watching all violations in the election. Act Number 22/2007 regarding the General Election Organizing Institution is the source of legitimacy for the agency's existence. Referring to this act, some parts of the formation of the General Election Supervisory Board are the authority of the General Election Committee. However, based on the decision of the Constitutional Court in response to the judicial review proposed by the General Election Supervisory Board, the recruitment of election supervisors is fully in the hands of the institution (Kompas.com, 2020).

The dynamics of the direct presidential election have also triggered the rise of civil societies concerned about guarding the presidential election process, such as the Association for General Election and Democracy (PERLUDEM), many Survey Agencies, and many others, Titi Anggraini said in the interview. The third amendment to the constitution of 2001 has also given birth to the Constitutional Court of the Republic of Indonesia, a function of which is to resolve election disputes, including potential disputes that may happen during the presidential election (Indarja, 2018).

Although there are many superiorities and advantages in the inherent concept of the direct presidential election, compared to the representative presidential election policy, there are still some deficiencies in the implementation of the direct presidential election. Looking at the practices of 2004-2019, there were a lot of social gaps and polarization in society, hoaxes and hate speeches, black campaigns generated by supporters of the candidates, money politics, the use of identity politics, and the strengthening of the political party oligarchy.

Some aspects have contributed to the weak implementation of the presidential election, particularly in the last two presidential elections. First, post-reform political parties have problems examining their function as a pillar of democracy, particularly the function of political recruitment and education. The political parties in the post-reform era tend to experience quantity overflow. Nevertheless, it is not followed by an improvement in quality. Another aspect that contributes to the massive polarization and social gaps in society is the problems in the procedures for both the presidential system as a governmental system and the presidential election itself. The presidential system, which is adhered to by Indonesia, is not compatible with the multiparty system (Hanan, 2016).

The concept of the multiparty system creates a phenomenon called “minor executive, major legislative.” It is possible to create an elected president who is not supported by a majority in parliament as a consequence of the direct presidential election. There is also dual legitimacy because both the president and parliament assume that they are more legitimate than the other because they are elected directly by the people in direct legislative and the presidential elections (Romli, *Problematik dan Penguatan Sistem Presidensial*, 2018). Incompatibility between the presidential system and the multiparty system also causes the necessity for the presidential threshold, which is a requirement for political parties or coalitions of political parties to promote their candidates for the president and vice president.

Lili Romli, in the interview, explained that the existence of a presidential threshold as the requirement has significant impacts. The first is the pressure from a coalition of political parties to promote the president and vice-presidential candidate. Second, it limits the number of presidential and vice-presidential candidates who want to participate in direct presidential elections. Third, this mechanism makes the process dependent on the legislative election result. Fourth, the people as direct voters only have limited choices. Fifth, the limited options in the presidential election will get the political parties and the people involved in the deficiencies in direct presidential elections, namely polarization and social gaps.

Several steps can be taken on an ongoing basis to pursue better implementation of the direct presidential election policy in the future. First, it is important to reform political parties. Political party reform can be done by both the state and the political parties themselves. From the state side, political party reform can be conducted by revising Act No. 2/2008 concerning Political Parties. The existence of this regulation still enables political parties to become corrupt institutions. Important things that have to be included in the revision of the regulation are on party financial reporting, regulations regarding the use of money, and transparency in the use of money. Although funding for political parties has been regulated in the existing regulations, political party financial reporting, provisions on the use of money, and

transparency in the use of money have not been included yet, as explained by Bivitri Susanti in the interview.

Bivitri Susanti, in the interview, shared her opinion that in order for the revision of the regulation to be more effective, it has to be in line with the revision of other regulations, namely Act No. 17/2014. It concerns the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional House of Representatives. There have been many attempts to revise that regulation because it is related to the interests of political parties. However, there has been no attempt to revise the regulations about political parties, which are the main source of the problem. Another way to reform political parties from the state side is by expanding the authority of the state to encourage political parties to be more accountable and transparent in their operational activities.

Besides being conducted from the state side, reforms must be initiated by the political parties themselves. It needs awareness of political party elites to start reforming political parties so that they can meet the mandate of political reform and the function of political parties as a pillar of democracy. Political party reforms can be conducted structurally and culturally. The structural aspect of political party reform can be conducted by recruiting professional cadres and candidates in general elections and even open selection to fulfill functionary positions. So far, the recruitment process has been based on factors such as kinship, class, electability, and the financial ability of candidates. Accordingly, more important factors, such as competence, capacity, and even integrity, have never been considered, Bivitri Susanti said in the interview.

Second, even though the people are direct voters in the presidential election, political parties still have a bigger right to determine who will run for the candidacy in the presidential election. To avoid *fait-accompli* which political parties usually practice, the political parties must be asked to implement a convention mechanism in selecting the best candidates for the president and vice president. This will contribute to reducing money politics practices. Moreover, candidates will be more legitimate because they receive support from the people in the process of the convention mechanism. In the convention mechanism, the participants are required to have excellent skills and competencies, especially the vision and missions to be promoted to the people as their program, as explained by Lili Romli in the interview.

Third, it is urgent to remove the presidential threshold requirement in advancing candidates for president and vice president. This removal can be done through a judicial review process towards existing regulations in the Constitutional Court. The existence of a presidential threshold is not compatible with the presidential system. It just strengthens the oligarchy and control of political parties to candidates for the president and vice president. The presidential threshold also kills off the opportunities of small political parties to advance alternative candidates. The removal of the presidential threshold will contribute to an increase in the number of candidates. Therefore, people will have various alternative candidates in the election, as explained by Titi Anggraini in the interview.

Fourth, in regional head elections, such as those for mayors and regents, it is possible for individuals to participate in a presidential election through an independent channel. The

independent channel means that the candidate is not promoted by a political party or a coalition of political parties. This mechanism can potentially be applied in presidential elections by implementing the fifth amendment to the constitution. It will open the opportunity to have more alternative candidates in presidential elections. It will contribute to breaking the oligarchy of political parties in advancing candidates. However, in order for this independent channel mechanism to be effective, an amendment to the constitution is required, as explained by Bivitri Susanti in the interview.

Fifth, according to Lili Romli's opinion in the interview, the idea of conducting a better direct presidential election must be in line with persistent law enforcement. State apparatus and general election administrators must be responsible and consistent in enforcing the law and taking action against law violations in general elections, both in administration and election crimes. To be prosecuted, all forms of hate speech, hoaxes, black campaigns, and all campaign practices using identity politics must be regulated and attached to the act concerning the general election. This can be done through revisions to existing regulations governing the general election process.

CONCLUSION

Using the IDI as a tool of analysis and comparison, the direct presidential election policy is proven to be the optimal presidential election policy to improve the quality of democracy. This policy is proven to be the optimal presidential election policy to support the development of civil liberties, political rights, and democratic institutions. The deficiencies in the implementation of direct presidential election policy, such as many black campaigns, hoaxes, hate speeches, and social gaps in society, do not mean that we have to return to the old policy.

However, it is true that the direct presidential election policy still needs some improvements for better implementation, such as reforming political parties, implementing the convention system, removing the presidential threshold, providing an independent channel to become a candidate, strengthening the responsibility and integrity of state officials in law enforcement, and regulating all negative impacts in binding regulations.

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