



Legal Analysis of the Implementation of Law Number 7 of 2023 to Improve the Effectiveness of General Elections

Aris Kuswanto; Fifiana Wisnaeni

Master of Law, Faculty of Law, Diponegoro University, Indonesia

E-mail: aristorotoro@gmail.com

<http://dx.doi.org/10.47814/ijssrr.v7i2.1999>

Abstract

Indonesia, as a democratic country, faces a number of challenges in electoral surveillance, such as interference and manipulation of voice, electoral issues, and a lack of coordination among supervisors. Therefore, an extensive analysis of the legal certainty of the elections in Indonesia and the implementation of law number 7 in 2023 On the establishment of government regulation number 1 in 2022 of a change to constitution number 7 in 2017 for elections to act as the basis of electoral law to increase public effectiveness and trust in the election process. The method of research used in this study is normative jurisdiction or literature study. And for the discussion discussed in this research how legal certainty about elections in Indonesia and how implementation is Act number 7 in 2023 on the regulation of replacement government Act number 1 in 2022 on changes to the law Number 7 in 2017 About elections being the law as one of the basis of election law.

Keywords: *Juridical Analysis; The Bill of Elections; Legal Capacitation*

Introduction

Democracy is a common concept in modern countries, based on the principles of people's sovereignty and the fulfillment of their citizens' political rights. One tangible way to realize democracy is through the arrangement of elections as a means to provide legality and legitimacy to the succession of governments. According to Shamsudin Haris, elections are a form of public political education, conducted directly, openly, and involved mass participation. The aim is to increase political understanding and public awareness of democracy¹.

Elections are the very foundation of a country's democratic system. The transparent, honest, fair, and open election process is crucial to ensuring that people have full trust that the state is aware of their rights in determining their representatives in the legislative and executive institutions. When elections are clean, they not only confirm the principles of democracy but also create a strong foundation for political stability and public trust. The open election process also enables broader participation from various

¹ Syamsudin Haris, (2014), *Partai, Pemilu, dan Parlemen Era Reformasi*, Jakarta: Yayasan Pustaka Obor Indonesia, hlm. 10.

community groups, envisage political representation, and strengthening the legitimacy of the elected government².

Efforts to ensure the integrity of elections must be a top priority for any country that follows the principles of democracy, as this is an essential foothold to government based on the will of people. To ensure the smooth running of the election process, strict supervision from both internal and external is vital. In Indonesia, the institutions that have the responsibility to oversee elections are the election commission and the election governing body. The importance of understanding the legal implications for the monitoring of elections in Indonesia is noteworthy, since existing legal regulations will set the performance and authority of the election commission and the election governing body for the general elections. Elections are an integral part of the democratic process that has to be done through transparency and fair.

However, the process is susceptible to abuses and manipulation attempts that could harm people's sufficiency. Therefore, effective oversight is needed to ensure public integrity and trust in the election process. In the election control, there are a number of legal issues that require attention. This includes regulation regarding supervision, dispute procedures, involving involving involving involving the overseers. All these aspects have a direct effect on the effectiveness of public surveillance and voting rights protection³.

Indonesia, as a democratic country, also faces numerous challenges in electoral surveillance, such as interference and manipulation of voice, election results issues, and a lack of coordination among supervisors. Therefore, an in-depth analysis of the legal certainty of elections in Indonesia and the implementation of the law number 7 in 2023 on the implementation of government regulation substituting legislation. Act number 1 in 2022 on changes over The rule number 7 in 2017 of elections became the law basis for election law to increase public effectiveness and trust in the election process. With a strong and comprehensive legal framework for election control, it is hoped that the electoral process in Indonesia can be implemented with integrity, justice and transparency. It is hoped that this can strengthen and increase people's trust in democracy and government as a whole.

Formulation of the Problem

- 1) what is the legal certainty about elections in Indonesia?
- 2) how implementing statute number 7 in 2023 About the regulation of a replacement government The number 1 in 2022 law on a change to act number 7 in 2017 about elections became a law act as one of the basics of election law?

Research methods

The kind of research that's applied is normative legal research. Abdulkadir muhammad explains that normatized law studies are studies that examine law norms in various aspects, except implementation of the law norms that are being studied. This normative-law study is also often referred to as literature studies because it USES only secondary data sources, such as regulatory regulations or associated

² Putu Eva Ditayani Antari, "INTERPRETASI DEMOKRASI DALAM SISTEM MEKANIS TERBUKA PEMILIHAN UMUM DI INDONESIA" Jurnal Panorama Hukum, Vol. 3 No. Juli 2018

³ Soerjono Soekanto, (1986), Pengantar Penelitian Hukum, Jakarta: UI- Press, hlm. 51.

literature in the selected field of research. In research of this type of law, it is often defined as what is written in the legislation or law as a code or norm upon which human behavior is considered acceptable⁴.

The study will itself be a normative-law study because it analyzes the proposed election system in Indonesia based on various theories, concepts, and doctrines related to the legal certainty of elections in Indonesia and the implementation of law number 7 in 2023 On the establishment of a government regulation substituting law number 1 in 2022 on a change to the rule number 7 in 2017 of elections to the law.

Discussion

1) Legal Certainty About Elections in Indonesia

Certainty of the law is defined as normal clarity and thus can serve as a guide to the society under this rule. Such understanding of certainty could be argued that there was clarity and firmness to the legality of the law in society. Election law is a regulation that details our democratic elections and gives us legal certainty. What could be categorized as democratic election standards would claim that honest and fair election proceedings could be achieved if a legal framework regulated all the phases of the election. It should also be able to protect all those involved in the elections, including organizers, participants, candidates, voters, observers, and citizens in general, from the threats of fear, intimidation, violence, bribes, fraud, and other forms of cheating that might influence election results.

Elections, therefore, require a set of laws about elections and the host agencies in charge of enforcing those rules. The legal certainty of elections in Indonesia is governed by the various laws, regulations, and decisions of the society. Some of the things that reinforce certainty of the law in the context of elections in Indonesia include the constitution of 1945. The 1945 constitution is the supreme legal foundation in Indonesia. The chapters relating to the elections are arranged in section 22E that read public elections are held in person, general, free, secret, honest, and fair every five years, elections are held to select members of the people's representative council, the regional representative council, the President and vice President and the local people's representative council, The electoral candidate for member of the local representative council is individual, elections are held by a national, fixed, and independent election commission and further provision of elections are regulated by law⁵.

Next up is the election law, The number 7 in 2023 rule of the establishment of a government regulation number 1 in 2022 on a change to rule number 7 in 2017 act of elections became a law became a key guideline in Indonesia's electoral arrangements. These laws govern the processes, stages, requirements, and election mechanisms in the national, provincial, and urban levels. This law was amended by: government regulation number 1 in 2022 on changes to constitution number 1 in 2022 on changes to the 2017 general election and repeater: law no. 8 in 2012 on the electoral member of the council of representatives, council of deputies, and citizens' council council number 15 in 2011 on the 2008 elections of bill number 42 in 2008⁶.

The regulation of the election commission as the governing body of elections, in turn, has regulations that dictate technical elections, including election stages, candidacy procedures, determination, and announcements. The election commission is the national, fixed, and independent election election agency that is in charge of the elections. The provincial election commission and the

⁴ Amiruddin dan H. Zainal Asikin, *Pengantar Metode Penelitian Hukum*, Jakarta:PT. Raja Grafindo Persada, 2006,hal. 118.

⁵ Undang-Undang Dasar 1945 <https://www.dpr.go.id/jdih/uu1945>

⁶ Komisi Pemilihan Umum (KPU), [https://portal.kesbangpol.bandung.go.id/komisi-pemilihan-umum-kpu/#:~:text=Komisi%20Pemilihan%20Umum%20\(KPU\)%20adalah,wilayah%20Negara%20Kesatuan%20Republik%20Indonesia](https://portal.kesbangpol.bandung.go.id/komisi-pemilihan-umum-kpu/#:~:text=Komisi%20Pemilihan%20Umum%20(KPU)%20adalah,wilayah%20Negara%20Kesatuan%20Republik%20Indonesia)

county/city election commission are the organizers of elections in the provinces and districts. The domain of the election commission covers the entire territory of the united republic of Indonesia. The election commission performs its duties on a continuous basis and in conducting elections, it is free of any influence with regard to the performance of its duties and authority. One regulation of the electoral commission is the 10th year 2018 general election commission regulation on which the regulation should guide the electoral registration and registration of the electoral in Indonesia⁷.

Then there was the regulation of the election board of overseers that suggested that the body of the electoral overseer was in charge of supervising elections and handling electoral violations. The rules of the governing body of general elections govern the ordinance of electoral supervision and the actions that can be taken against violation. And then there's zoning rules. On the regional level, there are rules governing technical aspects concerning the election arrangements in the district/city and provincial level. One of the regulatory body of the electoral body is the rule of the number 8 year 2023 of the regency of members of the council of representatives, the provincial people's council of representatives, and the citizens' council of district/town representatives, the bawaslu regulation regulates the candidacy of candidates for the general elections of the people's council, the provincial council of representatives, And members of the county/city representatives' council by establishing a term limitation used in its Settings. Election governing body, The provincial election election board of overseers, and the county/city election regency bodies are in accordance with the authorization of each to perform the candidacy stages of the members of the vicarious council, the provincial people's council, and the citizens' regency council by the electoral political party.

Further ruling was the constitutional court, the constitutional court ruling also affected the certainty of the law regarding the elections. The constitutional court played a role in settling election issues and issuing a ruling on the terms associated with the election process. One constitutional court ruling regarding the electoral system is that the 2024 electoral court has decided the electoral system, that is, the 2024 elections keep an open proportionate system. Since the constitutional court is a judiciary that has been authorized to test the constitution of 1945, its rulings are final and binding, and its properties consistent with the erga omnes principle, the constitutional court ruling on the election system is final and binding.

Moreover, legal certainty in the registry and voter registration of elections must also be continued to provide legal protection to all the community so that they can express their constitutional rights in the elections. Therefore, society's active participation in the process of enrolling and registration of important voter data is necessary to ensure the accuracy and validity of the voter data. The roles of relevant governments and institutions, such as the general election commission and the directorate general of population and civil registration, are essential to the transparent, accountable, and responsible process of electoral registration and registration of voters. Mass media and community swadaya institutions also have a significant role in spreading information and socializing about electoral registration and registration to increase community participation in elections. It is also important to provide an understanding of the rights and obligations of voters in elections, and the legal consequences for breaching in the election process. Voter registration and registration thus play a key role in maintaining the integrity, accuracy, and validity of the democratic and just voting process⁸.

⁷ Haris Budiman "Penyuluhan Hukum tentang Kepastian Hukum dan Perlindungan Hak Pilih dalam Pemutakhiran Data dan Penyusunan Daftar Pemilih Pemilihan Umum 2024" Jurnal Pengabdian Masyarakat, e-ISSN 2598-2052 Vol. 06 Nomor 01.2023.112-119

⁸ "MPR : Putusan MK Telah Menjaga Stabilitas Persiapan Pemilu" , <https://www.mpr.go.id/berita/MPR-: Putusan-MK-Telah-Menjaga-Stabilitas-Persiapan-Pemilu#:~:text=>

2) The Implementation of Statute Number 7 in 2023 a Substitution of Law Number 1 in 2022 on a Change to Act Number 7 in 2017 of Elections Became the Law Base of Election Law

Implementation is a phase where policies are implemented and the results are realized. Implementation process also aims to provide tools or tools to create things and produce worthwhile results for others. Implementation may be viewed as measures taken by authorities or interests, whether governments or the private sector, with a view to achieving a set goal or target. This involves a series of actions taken to carry out or embody programs designed to accomplish a planned purpose, since basically, every plan has a goal or target that it wants to achieve⁹.

Based on statements made by the head of the *bawaslu* *pidie jaya*, the writer concludes that the holding of elections that are expected to be clean from harmful practices can be minimized by following the rules. Thus, the potential for public distrust of election organizers, especially the *bawaslu*, will be reduced. It is hoped that it will help to realize the goal of choosing fair and competent leaders and representatives of the people, as well as promote public welfare in public space. In time, allegations against public officials, especially those involved in the elections, will be suppressed. The implementation of rule number 7 in 2023 of the establishment of rule number 1 in 2022 on changing the rule number 7 in 2017 act of elections to a law, which is a law governing the elections process in Indonesia, has involved various measures and activities to ensure that elections go according to the terms set in the law.

Following are a few key points regarding law number 7 in 2023 on the establishment of a government regulation number in 2022 on a change to the rule number 7 of elections:

- Elections: the rule of number 7 in 2017, which has been changed through rule rule rule number 1 in 2022, and is then reestablished as rule number 7 in 2023. The regulation underscores the importance of the election commission's role in controlling the fair and transparent democratic process of elections. Additionally, these regulations highlight the duties of investigators and public prosecutors in handling election crimes, as well as defining electoral disputes, especially for prospective members of the local representative council, as outlined in the various chapters relating to election ordinances and handling election violations.
- Political party registration and candidates: the law stipulates requirements and procedures for the registration of the political party and candidates in the elections. This includes the requirements for the amount of support needed to nominate a political party and candidates. The political party registration procedure and candidates are also regulated under act number 7 of 2023, especially under section 173. Read section 173 of bill number 7 in 2023 "the political party in elections is an established political party/pass the verification by the election commission. The political party could become the electoral participant after meeting the requirements: having a legal entity in accordance with the law on the political party; Had stewardship throughout the province; Has a management of 75% (seventy-five percent) number of districts/cities in the provinces; Has management in 50% (fifty percent) amount of district/city in question; Included at least 30% (thirty percent) of women's adherence to a central political party administration; Having at least 1,000 (thousand) persons or 1/1,000 (one thousandth) of the population on the administration of the political party as referred to the letter c proved by member card possession; Holding regular administrative offices at the central level of the province and district/city till the final stage of elections; Presenting the political party's emblem and picture marks to the election commission; And turned in the account number of the election campaign in the name of the political party to the election commission.

⁹ Gatara, A. Sahid Ilmu Politik Memahami dan Menerapkan, (Cet. I; Bandung: Pustaka Setia, 2008), hlm. 22.

- Voting: the law regulates voting processes, including the creation of voting booths and voting blocking procedures by voters. The chapters relating to the voting process are arranged in the law, as in chapter 179, chapter 186, and chapter 243.
- Vote count and election results: the bill also regulates the voting count and the election results by the election commission. Included in this is a procedure for handling disputes over election results. Election results by the election commission, explained in chapters 276 and 568 a
- Voter participation: the 2023 rule of no. 7 also seeks to increase voter participation and ensure an inclusive and transparent election process. Chapters that set out measures to increase voting participation and ensure a fair election process are found in the law, such as section 173 that regulates requirements into the political party of the electorate, and article 179 that stipulates a political party decision by the election commission, including the establishment and announcement of the political party Numbers of the electorate.
- Electoral supervision: the law stipulates the role of the body of the electoral monitoring in all its stages, to make sure the elections are fair and square. The role of the election election body and the electoral monitoring process is arranged in article 92a.
- Penalty of violation: penalty for offenses during the election process, whether by the elections participants or the organizers. A penalty for violation of the election process, as arranged in article 280 verses (1) of the election law.

The implementation of statute number 7 in 2023 on the establishment of a government rule for rule number 1 in 2022 on a change to the 2017 rule of public elections is an effort to improve the quality and sustainability of democracy in Indonesia by ensuring that elections are held fairly, transparently, and based on strong democratic principles.

Conclusion

Elections are a crucial foundation in the democratic system of Indonesia, which enables people to have active participation in determining national leadership. The implementation of fair, transparent, and honest elections not only reinforces the principles of democracy but also strengthens the foundations of political stability and public trust in government. The statute of 7 year 2023 and other related regulations provided a strong legal framework for the election arrangement, setting standards that all parties involved should meet, including the election watch commission, the election governing body, the political party, and other electoral parties.

Legal certainty regarding public elections and the application of legislation associated with elections are essential to ensure that all election stages, from voter registration and registration to vote counts and results, are exercised in integrity and in accordance with the principles of justice. Effective surveillance by the bawaslu and active participation of the public and the media in the election process are key to preventing manipulation, infraction, and other unfair practices that might damage the integrity of elections.

Hence, strong law enforcement of election violations, transparency in election processes, and political education for large societies is an important aspect to increasing public trust in the democratic process. These efforts are expected to strengthen democracy in Indonesia, to ensure that elections take place in a conducive atmosphere, and to create leaders and representatives of the people who truly reflect the will and aspirations of the people.

Reference

- “MPR: Putusan MK Telah Menjaga Stabilitas Persiapan Pemilu” ,[https://www.mpr.go.id/berita/MPR-:-Putusan-MK-Telah-Menjaga-Stabilitas-Persiapan-Pemilu#:~:text](https://www.mpr.go.id/berita/MPR-:-Putusan-MK-Telah-Menjaga-Stabilitas-Persiapan-Pemilu#:~:text=)
- “Peraturan Badan Pengawas Pemilihan Umum Nomor 8 Tahun 2023”
<https://peraturan.bpk.go.id/Details/264975/peraturan-bawaslu-no-8-tahun-2023>
- Amiruddin dan H. Zainal Asikin, Pengantar Metode Penelitian Hukum, Jakarta:PT. Raja Grafindo Persada, 2006, hal. 118.
- Gatara, A. Sahid Ilmu Politik Memahami dan Menerapkan, (Cet. I; Bandung: Pustaka Setia, 2008), hlm. 22.
- Haris Budiman “Penyuluhan Hukum tentang Kepastian Hukum dan Perlindungan Hak Pilih dalam Pemutakhiran Data dan Penyusunan Daftar Pemilih Pemilihan Umum 2024” Jurnal Pengabdian Masyarakat, e-ISSN 2598-2052 Vol. 06 Nomor, 01.2023.112-119.
- Komisi Pemilihan Umum(KPU),[https://portal.kesbangpol.bandung.go.id/komisi-pemilihan-umum-kpu/#:~:text=Komisi%20Pemilihan%20Umum%20\(KPU\)%20adalah,wilayah%20Negara%20Kesatuan%20Republik%20Indonesia.](https://portal.kesbangpol.bandung.go.id/komisi-pemilihan-umum-kpu/#:~:text=Komisi%20Pemilihan%20Umum%20(KPU)%20adalah,wilayah%20Negara%20Kesatuan%20Republik%20Indonesia.)
- Putu Eva Ditayani Antari, “Interpretasi Demokrasi Dalam Sistem Mekanis Terbuka Pemilihan Umum Di Indonesia” Jurnal Panorama Hukum, Vol. 3 No. Juli 2018
- Soerjono Soekanto, (1986), Pengantar Penelitian Hukum, Jakarta: UI- Press, hlm. 51.
- Syamsudin Haris, (2014), Partai, Pemilu, dan Parlemen Era Reformasi, Jakarta: Yayasan Pustaka Obor Indonesia, hlm. 10.
- Undang-Undang Dasar 1945 <https://www.dpr.go.id/jdih/uu1945>
- Undang-Undang Nomor 7 Tahun 2023 tentang Pemilihan Umum
<https://peraturan.bpk.go.id/Details/37644/uu-no-7-tahun->

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).