

CHAPTER TWO

LITERATURE REVIEW

A. Democracy

The term, democracy is derived from the Latin “*demos*” meaning people and “*kratos*” or “*kratien*” meaning power. Therefore literally the meaning of democracy is the same as the sovereignty of people.¹ In political practice, democracy is chosen as a political system by more than two-thirds of the world's countries. The reason why democracy has to be elected is because it is the best system.²

Discussing about the election certainly cannot be separated from the cause of the election, namely the actualization of the principles and values of democracy. It means that these two things are identical, because the election is one of the real manifestations of the existence of a democratic system. Furthermore, democracy is also the principle of *trias politica* which divides the three political powers of the state (Executive, Legislative and Judiciary) to be realized in three types of state institutions that are independent of each other and rank in parallel with each other.³

Democracy becomes a necessity which essentially has good effects on the sustainability of a country's government. Soekarno was the first

¹ Dody Nur Andriyan, 2016, *Hukum Tata Negara dan Sistem Politik: Kombinasi Presidensial dengan Multipartai di Indonesia*. p.21.

² Mahfud MD, *Konstitusi dan Hukum dalam Kontroversi Isu*, p.412.

³ Muliansyah A Ways, 2015, *Political, Ilmu politik, Demokrasi, Partai Politik dan Welfare State*, Yogyakarta, Litera Book, p. 26-27

president who said that if we seek democracy, it should not be western democracy, but a life-giving agreement, namely *politic-economische democratie* which can bring social welfare.⁴

Abraham Lincoln states that democracy is a government of the people, by the people, and for the people. Indonesia has embraced many democratic practices or democratic systems, depending on every period of government.⁵

Based on some definitions from the experts above it can be concluded that democracy has meaning and also values and principles that are very important to apply in a country. It is because, the values and principles of good democracy will reflect good governance as well. There are values of a democracy within a country, as follows:

1. to settle disputes peacefully and institutionally.
2. to ensure a peaceful change in a society.
3. to organize a change of leadership on a regular basis.
4. to acknowledge and assume reasonable diversity and
5. to guarantee the establishment of justice.⁶

⁴ Anwar C, 2011, *Teori dan Hukum Konstitusi*, Malang, Intrans Publishing, p. 40.

⁵ King Faisal, 2013, *Sistem Bikameral dalam Spektrum Lembaga Parlemen Indonesia*, UII Press, Yogyakarta. p.10

⁶ Septi Nurwijayanti and Nanik Prasetyoningsih, 2009, *Politik Ketatanegaraan*, Yogyakarta, Lab Hukum Universitas Muhammadiyah Yogyakarta, p.48

B. The History of Democracy

Indonesia is a country with its constitution or a system of government based on democracy or a country with a democratic understanding. It can be seen from the 1945 Constitution in Article 1 paragraph (2), which states that sovereignty is in the hand of the people and is implemented according to this constitution so that there are elections, or the existence or establishment institutions that represent the people's power, whose power is limited by law. Mahfud MD stated that in relation to the division of power into various institutions, it could be said that the existence of power which was distributed according to function, authority and position in one country indicated that the country adhered to the notion of democracy, not a monarchy or dictatorial government.⁷

The development of democracy in Indonesia has undergone many changes and developments from the beginning of the country became independent until now. Democracy develops according to political conditions and the leaders. "The development of democracy in Indonesia has experienced ups and downs in accordance with the development of the political situation and conditions that occur.⁸ There were many events that

⁷ Mahfud MD, 2001, *Dasar dan Struktur Ketatanegaraan Indonesia*, Jakarta, PT Rineka Cipta, P.83

⁸ Farahdiba Rahma Bachtiar, 2014, *Pemilu Indonesia: Kiblat Negara Demokrasi Dari Berbagai Referentasi*, *Jurnal Politik Profetik*, Vol. 3. No. 1

illustrate that democracy in Indonesia is determined and influenced by political situations and conditions. This has been going on since the days of the old order, the new order, and reform until now.⁹

C. Political Party

Etymologically, the word “party” comes from Latin, from the word "partire" which means to divide. The word “new party” was known in political terms in the 17th century.¹⁰ According to Miriam Budiarjo, political parties are an organized group whose members have the same orientation, values, and ideals. The aim of this group is to gain political power and win political positions, usually in a constitutional way to implement their policies.¹¹

According to Law Number 2 of 2011 concerning Political Parties, the definition of a political party is an organization that is national in nature and is formed by a group of Indonesian citizens voluntarily on the basis of a common desire and aspiration to fight for and defend the political interests of members, communities, nations and countries, and maintain the integrity of the Unitary State of the Republic of Indonesia based on *Pancasila* and the 1945 Constitution of the Republic of

⁹ Septi Nurwijayanti dan Nanik Prasetyoningsih, *Op. Cit.* hlm.47

¹⁰ Rika Anggraini, “*Kebijakan Penyederhanaan Partai Politik di Indonesia : Menuju Sistem Multipartai Sederhana dalam Era Pasca Reformasi,*” (Tesis S2 Fakultas Hukum, Universitas Indonesia, 2013), p. 23.

¹¹ Miriam Budiarjo, *Dasar-Dasar Ilmu Politik*, (Jakarta, PT Gramedia, 1989), p. 159.

Indonesia.¹² There are several definitions of political parties provided by experts, including:

- Soltau: "A group of organized citizens acts as a political entity and by utilizing its power to vote, aims to rule the government and implement the policies they make"¹³.
- Carl Fredrich: "A group of people who are organized in a stable manner in order to seize or retain power in government for the leadership of their party and based on that power will provide material and ideal use to its members"¹⁴.
- Ichlasul Amal: "Political party is a group that nominated candidates for public office to be elected by the people so that it can control or influence the actions of government"¹⁵.

Political parties as the most important part of the infrastructure politics, need to be further explored regarding the essence of the main social political organization, its function and role, and the ability of the organization, so that its performance is in accordance with its position, function and role.¹⁶

¹² Law No 8 tahun 2011 on Political Party

¹³ Elly M Setiadi dan Usman Kolip, *Pengantar Sosiologi Politik*, (Jakarta: Penerbit Kencana 2013), p. 277.

¹⁴ Miriam budiardjo, *Op cit*

¹⁵ IchlasulAmal (Editor): *Teori-Teori Mutakhir Partai Politik*: (Yogyakarta PT. Tiara Wacana Yogya. 1996, p.xv

¹⁶ Amin Ibrahim. 2009. *Pokok-pokok Pengantar Ilmu Politik*. Bandung: CV. Mandar Maju. p.147.

Political parties as institutions have a very close relationship with society in controlling power. This relationship is much influenced by the culture of the people who already presents to it. Freedom has always been associated in the discussion of the political party as power controllers. Political parties have always been regarded as one of the attributes of modern democracies, because political parties are indispensable to their presence for sovereign states.¹⁷

Political parties are recognition of freedom of association and expression. However, the existence of a quantitative political party alone cannot be used as a benchmark for the success of democratization in a state, but a political party must be able to perform its function in competing in the general election.¹⁸

D. The Function of Political Parties

In carrying out its role as a political party to complement the democratic system in a country, of course political parties have a strong function in a process of politics. The main function of political parties is to

¹⁷ Arifin Rahman. 2002. *Sistem Politik Indonesia*. Surabaya: SIC. p.91.

¹⁸ Edison Muchlis M.(ed.), *Pelebagaan Partai Politik di Indonesia Pasca Orde Baru*, Jakarta LIPI Press, 2007. p.3.

compete to win elections, to aggregate the interests of the people, and to prepare candidates for leadership who will sit in government.¹⁹ Moreover, Political Party has a main function for people to decide political choices to the political policies that determine the fate of the people.²⁰

According to Gaffar and Amal the roles and functions of political parties are, including the process of verifying political education, as a source of recruitment of the nation's leaders in order to fill a variety of positions in the life of the state, and as an institution that seeks to represent the interest of the community.²¹

Generally, political scientists describe the existence of four functions of political party. The four functions of the political party, according to Miriam Budiardjo are, as follows:²²

1. Political Communication ;
2. Political Socialization ;
3. Political Recruitment ;
4. Conflict Management.

According to Yves Meny and Andrew Knapp, the function of the political party includes the functions of:

¹⁹ Angga Natalia, 2015, Peran Parpol Dalam Mensukseskan Pemilu Serentak di Indonesia, <https://e-journal.unair.ac.id/JD/article/view/14495>

²⁰ Muliansyah A Ways, 2015, *Political, Ilmu Politik, Demokrasi, Partai Politik dan Welfare state*, Yogyakarta, Buku Litera, p.125.

²¹ Munafrizal Manan, 2012. Political Party and Indonesian Democracy towards the 2014 General Election, *Jurnal Politik Indonesia*. Vol. 9 No. 4.

²² Miriam Budiardjo, *Op. Cit*, p. 163-164

1. Mobilization and integration;
2. Voting patterns;
3. Political recruitment tools;
4. Means of elaboration of policy options.

The four functions above are equally related to one another, that is, as a means of political communication. The various interests are summarized by political parties into the ideas, visions and policies of the political parties concerned. Related to the political communication, political parties also play an important role in conducting political socialization. Idea, vision, and strategic policy that are the choices of political parties are promoted to constituents to get feedback in the form of support from the public. Related to this political socialization, the party also plays a very important role in the framework of political education. Also, it participates in an intermediate structure that must play a role in realizing the ideals of the state in the collective consciousness of citizens.²³

The third function of political parties is as the political recruitment advice. The party was formed to be a legitimate instrument in selecting cadres of state leaders at certain stages and positions. The cadres are directly elected by the people, others are elected through indirect way, such as by the DPR or through other indirect way. In this case, the function of political parties in the framework of political recruitment is important.²⁴ In the Yves

²³ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, (Jakarta, Rajawali Pers 2013) p.407

²⁴ *Op, Cit.* p.408.

Meny and Andrew Knapp categories, the conflict management function can be linked to the integration of political parties.²⁵ The party integrates these diverse interests by linking them, to influence the political policies of the state.

E. General Elections

The General Election is a process for issuing the voting power to elect leaders or representatives of the community who will lead the community or lead a country.²⁶ Anyone who gets the most votes will be the chosen or the winner. Elections are a manifestation of democracy which is the embodiment of popular sovereignty in order to produce a democratic state government. There is an election definition according to the Law No.15 of 2011 on the Election that in Article 1 paragraph (1) it is explained that the election is a means of implementing the sovereignty of the people held directly, publicly, freely, secretly, honestly and fairly in the unitary state republic of Indonesia based on *Pancasila* and the 1945 Constitution.²⁷

Arbi Sanit argued that the general election is a political process that uses political rights as raw material to be transformed into state sovereignty, so that the people have the opportunity to fight for their values and interests

²⁵ Rendy Ivaniar, 2013, *Efektifitas Sistem Verifikasi Partai Politik Peserta Pemilu dalam Mewujudkan Sistem Multi Partai Sederhana*, Jurnal Mahasiswa Fakultas Hukum Universitas Diponegoro

²⁶ Masyrofah, 2013, *Arah Perubahan Sistem Pemilu dalam Undang-Undang Politik Pasca Reformasi*, Jurnal Cita Hukum. Vol 1 No. 2.

²⁷ Septi Nurwijayanti dan Nanik Prasetyoningsih. *Op, Cit.* p.61-62.

by using political rights.²⁸ According to Nurman Diah, general election is a means of changing or continuing a government. In a country that adheres to a presidential government system, elections are interpreted to elect a president. For countries that adopt a parliamentary system of government, the election is intended to deliver as many party representatives as possible to parliament so that they can form a government.²⁹ In a country that implements democracy as a principle of governance, election is a medium for the people to declare their sovereignty. Ideally, general election aims to make changes in government power regularly and peacefully in accordance with the mechanism guaranteed by the constitution.³⁰

Another definition of election is that election is event of the people as a form of recognition and the realization of political rights.³¹ As already mentioned above related to the general elections, it means that the existence of an election in Indonesia is very important. Election is the main source for recruitment of politicians with political parties as a means of nominating. In a democratic political system, free and fair elections are a necessity. Therefore, it can be understood if many political scientists use the election as a benchmark of the implementation of democracy in a country.³²

²⁸ Arbi Sanit, *Reformasi Politik*, (Yogyakarta : Pustaka Pelajar, 1998), p. 191.

²⁹ Gozali Sayidam, *Dari Bilik Suara Ke Masa Depan Indonesia*, (Jakarta: PT. Raja Grafindo Persada, 1999), p. 9.

³⁰ Dede Mariana and Caroline Paskarina, *Demokrasi dan Politik Desentralisasi*. (Bandung: Graham Ilmu, 2007), p. 5.

³¹ *Ibid*, p.67-68

³² Nuruddin Hady, 2010. *Teori Konstitusi dan Negara Demokrasi*, Malang, Setara, Press. P.172