

Party Institutional Perspectives on Open Proportional System Flaws

Alfonsus Ryan Widiono¹, Sheng Zhang²

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Abstract: Concerns emerge from the potential implementation of an open proportional system, where parliamentary candidates may wield more influence than the political parties endorsing them. This situation undoubtedly poses a risk of undermining the institutional strength of political parties.

Purpose: The primary objective of this paper is to examine and compare the implementation of general elections, focusing on the election mechanisms employed in both open and closed proportional systems.

Design/Methodology/Approach: The methodology employed in this paper is a legal research method, specifically the normative legal research type. The approach adopted includes both a statute approach and a conceptual approach. The legal materials utilized encompass primary and secondary legal sources.

Findings: The study findings indicate that the use of general elections with an open proportional system is incongruent with the mission and vision of political parties. In this system, the priority is often placed on candidates' popularity rather than their adherence to party ideology, political experience, and organizational skills. Consequently, candidates exert a disproportionate influence on the party's direction, diminishing the party's role as a robust institution. Therefore, the reinstatement of a closed proportional system in Indonesia is deemed essential. This system ensures that elected candidates align with the party's ideology, reinforcing the party's institutional strength. In advocating for a closed

¹ Universitas 17 Agustus 1945 Surabaya | ryanwidiono0@gmail.com

² University of Nottingham Ningbo, China | hixsz3@nottingham.edu.cn

proportional system, the study underscores its cost-effectiveness. This system minimizes the likelihood of candidates engaging in fraudulent activities, as financial incentives to election organizers are reduced. Furthermore, the study emphasizes the importance of voters being well-informed about a political party's proposed path of progress to make informed decisions during elections.

Originality/value: There has been no prior research examining the open proportional system from the perspective of political party institutions. This study is considered pioneering as researchers advocate for the adoption of a closed proportional system to fortify political party institutions, emphasizing the perceived degradation of these institutions. The argument presented suggests that the strength of political parties has diminished, with individual candidates wielding more influence. In contrast to the prevailing trend, the researchers endorse a closed proportional system, positing that the strength of political parties should be the determining factor rather than relying on the strength of individual candidates.

Keywords: open proportional system; political parties; election mechanism

Paper Type: Article-Research

Introduction

The implementation of the electoral mechanism using an open proportional system is regulated by Article 168, paragraph (2) of Law Number 7/2017 on General Elections. In this system, candidates are directly selected by the public and deemed elected if they receive the highest number of votes. Leading up to the 2024 general elections, numerous public figures, including celebrities and singers, actively joined political parties as legislative candidates. However, debates persist regarding the open proportional system's efficacy, with concerns raised about its failure to accurately represent political parties' ideologies in candidate selection. Critics argue that the existing open proportional system violates the constitution, particularly Article 22E, paragraph (3) of the 1945 Constitution of the Republic of

Indonesia. This article designates political parties as election participants responsible for selecting legislative candidates to be promoted. The direct selection of candidates by the public is seen as undermining the mandated role of political parties. Opponents of the open proportional mechanism contend that a closed proportional system provides greater assurances for developing political party institutions and fostering political education within the community. This becomes particularly crucial during political transitions, as political parties can meticulously choose candidates based on their abilities and qualifications, seen as advantageous aspects of a closed proportional system.

In a democratic society like Indonesia, the intertwined relationship between democracy and political parties is viewed through the institutional perspective of political parties (Riqiey, Pramesti, and Sakti 2022). Political parties are recognized as a crucial component for the sustenance of democracy, with the quality of democracy contingent on the effectiveness of political parties in their functioning. The process of institutionalization is also instrumental in establishing political parties (Suryana, Ardiansyah, and Manan 2020; Winarti and Nazaki 2019). Therefore, assessing the institutionalization of political parties becomes imperative to ensure that democracy is accompanied by capable political entities (Randall and Svåsand 2002). The introduction of an open proportional system is posited to have detrimental effects on political parties and their organizational structure. This, in turn, compromises the ability of political parties to maintain strength and commitment to their goals and objectives. Huntington's perspective on the growth of political parties underscores that the crucial factor lies not in the number of parties but rather in the extent of their power and adaptability within the party system in the future (P. Huntington 1968). The abundance of political parties in Indonesia becomes futile if there is a lack of individuals capable of embodying the party's doctrine,

with a tendency to prioritize candidates' popularity for personal gain. Furthermore, the execution of elections involves significant financial expenditure, increasing the likelihood of corruption in its implementation. This occurs as political parties prioritize the success of their legislative candidates, resorting to illicit campaigning or offering bribes to election organizers.

The central issues addressed in this study revolve around the advantages and disadvantages of adopting an open proportional electoral process, particularly its impact on the erosion of political parties' institutional strength. Despite the requirement for legislative candidates to be affiliated with political parties to participate in general elections, the study acknowledges the constitutional guarantee of the right to freely assemble, with political parties serving as a manifestation of this principle. The crucial role of political parties in the state is highlighted, providing a platform for candidates seeking public office to be elected during elections. However, challenges arise in the implementation of an open proportional system. There is a concern that introducing this electoral method may empower parliamentary candidates more than the political parties supporting them. This raises apprehensions about the potential undermining of the institutional strength of political parties, a key focus of the study.

Methods

This study follows the framework of legal research, specifically falling under the purview of normative legal research. In line with Peter Mahmud Marzuki's definition, normative legal research is a systematic approach aimed at identifying legal norms, principles, and doctrines to address specific issues. The legal materials utilized encompass both primary and secondary sources. Primary legal materials, defined by Peter Mahmud Marzuki, hold authority and are considered authoritative, including statutes, rules, official records, minutes related to the

creation of laws and regulations, and judicial rulings (Marzuki 2016). The primary legal documents utilized in this research include the 1945 Constitution of the Republic of Indonesia and Law Number 17 of 2017 regarding General Elections. Secondary legal materials, such as textbooks, legal dictionaries, legal periodicals, and commentaries on court judgments, serve to enhance the analysis and understanding of primary legal documents (Marzuki 2016). The research methodology incorporates both conceptual and statutory approaches, and the legal sources are examined through normative or prescriptive analysis methodologies to derive solutions to the issues posed in this study.

Discussion and Findings

The Open Proportional System's Positive and Negative Impacts on Democracy

In Indonesia, the electoral system operates on a proportional basis (Simarmata 2017). This proportional representation system, also known as a multi-member representation system, allows multiple candidates from various political parties to compete for seats in each electoral district (Makarim and Fahmi 2022). In this system, the allocation of parliamentary seats is determined by the number of votes each political party receives. Therefore, analyzing the vote achievements of political parties involves correlating or comparing these achievements with their attainment of parliamentary seats (Rahayu, Tyesta, and Herawati 2017). The proportional system's implementation is influenced by the electoral district winner, who determines the number of seats secured by the candidate's political party. This calculation involves dividing the valid votes obtained by the political party by the number of voter dividers (BPP). In an open proportional system, the political party lists the names of legislative candidates on the ballot paper, and voters directly elect them (Riwanto 2015).

Proportional electoral systems are designed to ensure that election outcomes more accurately reflect the preferences of the voters. This system recognizes and upholds the political rights of minority groups and provides a platform for political parties to compete in the public arena (Pratiwi 2018). The Open Proportional System is a mechanism established and implemented by the government through Law No. 17/2017 on General Elections. Under this system, individuals can directly vote for candidates presented by political parties (Makarim and Fahmi 2022). This approach enhances the accountability of elected officials to their constituents, allowing for a direct understanding of the specific concerns of residents in a particular electoral district. Proportional representation ensures that parliamentary seats are distributed in proportion to the voter turnout. There are two main types of proportional representation: single transferable votes, determined by ranking, and list-based representation, determined by party lists. In open-list proportional systems, multiple candidates compete for a single parliamentary seat within a constituency (Reynolds, Reilly, and Ellis 2005).

The primary advantage of an open proportional system lies in the fact that candidates elected to legislative bodies, such as the House of Representatives, are determined solely by the voters' preferences rather than being selected by the party (Vibhisana, Nugroho, and Rofiulhaq 2023). This system ensures equal opportunities for individuals to exercise their choices (Sulaiman and Rohaniah 2023), reflecting the preferences of political parties with authoritative principles. The open proportional system provides a voting structure similar to past elections, allowing individuals with voting rights to have control over the selection of political parties and candidates for the legislative branch (Budiono 2017). Implementing an open proportional system ensures that constituents are well-informed when choosing their representatives. Voters have access to information about the

candidates' biographies and past performances, establishing a responsible political relationship between the elected and their constituents once in office (Hilmawan 2019).

In an open proportional system, candidates are either ranked or individually emphasized (Sulaiman and Rohaniah 2023). This creates a competitive environment where candidates from different political parties compete to secure votes. To mitigate the potential for internal party disagreements and unfavorable situations among candidates, it is essential for candidates to prioritize obtaining constituents' votes through personal outreach efforts while minimizing explicit mentions of party affiliations. Candidates with strong leadership qualities, effective partnerships, and extensive social networks can enhance the intimate and devoted relationship between constituents and candidates (Pratiwi 2018). The advantages of an open proportional system can be summarized as follows: encourages competition to secure public support for victory; closes the gap between voters and candidates; empowers constituents to select their preferred candidates; enhances community participation and control aligned with party and parliamentary performance through proportionality; ensures that the number of seats a party holds in parliament is proportionate to the accumulation of votes obtained from constituents; facilitates inclusive representation of every segment of society, including minority communities, in an open proportional system.

However, the open proportional system is not without its shortcomings. Its implementation reveals deficiencies in both content and technological aspects. This mechanism, where the candidate with the highest number of votes prevails, not only diminishes political parties to mere 'event organizers' in the democratic process but also fosters illicit vote-buying transactions among legislative candidates, constituents, and election organizers. When votes assigned to individual candidates take

precedence over those directed towards the political party, and the selection of the winning candidate is determined by the order of votes received by each candidate, the political party not only loses the respect of its supporters but also faces uncertainty in its role as a participant in the election. In constituencies with seat availability ranging from 4 to 9, the likelihood of smaller political parties securing seats increases. A candidate no longer needs to secure a majority of votes or the highest number of BPP (Borda count, Plurality, Plurality with elimination) to be officially declared victorious. To be deemed an elected candidate, one must receive more votes than other candidates from the same party and in the same electoral district. When the candidate's position overshadows the supporting party throughout the campaign, the larger electoral district and being declared an elected candidate based on a higher number of votes create opportunities for vote-buying transactions (Pratiwi 2018).

This opens the possibility that if a candidate is elected to a parliamentary office, they will strive to secure funding to recoup the initial investment. Moreover, this approach diminishes the candidate's allegiance to the political party they are associated with, as evidenced by the frequent occurrences of candidates or politicians switching party affiliations due to insufficient support from the party that endorsed them in previous elections. This trend is conducive to the emergence of inappropriate parliamentary candidates, ultimately leading to the erosion of political parties' influence. Additionally, this electoral method indirectly shifts the campaign's focus to the individual candidate. The reputation of individual party members, specifically the candidates participating in the election, becomes more significant than the reputation of the party as a whole. As expected, this election mechanism is commonly referred to as a candidate-centered proportional electoral system, as each candidate conducts a campaign relatively independent of the endorsing

political party's influence. The utilization of campaign finances is contingent upon the formulation of campaign strategy and tactics, which are influenced by the campaign theme and the candidate's persona (Surbakti 2015).

Party Institutional Frameworks: An Analysis of the Open Proportional System

Vicky Randall and Lars Svasand propose that the theory of political party institutionalization can be comprehended through two key dimensions: internal-external and structural-cultural. By intersecting these dimensions, four distinct dimensions emerge, which can be employed to analyze the process of institutionalizing political parties. The four aspects or dimensions encompassed are (Randall and Svåsand 2002):

1. The systemness dimension is derived from the intersection of internal and structural aspects; this dimension concentrates on the functions of political parties, including political recruitment, political participation, stakeholders, political communication, conflict control, and political control.
2. The dimension of value identity (value infusion) elucidates that a party results from the intersection of internal and cultural aspects; this dimension is intricately tied to the identity of political parties grounded in party ideology. The measurement of value attainment in this dimension pertains to the connection between political parties and specific groups. Here, the reliance of political parties on particular communities or social groups plays a crucial role, where organizations in the party-member relationship are instrumental either based solely on material considerations or party ideology that significantly influences clients.
3. The dimension of party autonomy as a decision-maker (decisional autonomy) arises from the intersection of the

external aspect with the structural. The criterion for evaluating this dimension is the decision-making process undertaken by political parties in relation to their interactions with other parties and entities external to the party. This may involve entrepreneurs, the government, community groups, and so on. The dynamic between the party and external entities can be characterized by interdependence or dominance by one party.

4. The dimension of public image (reification) of a political party emerges from the intersection of external and cultural aspects. This dimension pertains to the visibility and recognition of political parties within the community, highlighting instances where political parties are either not well-known or have limited public awareness.

Let us examine Randall's theory in the context of the open proportional system. In such instances, disparities or deviations arise concerning party institutions. Firstly, there is a loss of the political communication function for political parties, particularly towards external parties and the broader community. This is because the focus of communication to the public is solely on the candidates running in the election. For example, during the campaign period, political parties seem to lose their essence as representatives of the people and instead create a perception in the community that the candidate is the sole advocate for the people. Consequently, the role of political parties as stakeholders becomes ambiguous, leading to candidates assuming an absolute party image.

Secondly, concerning value identity (value infusion), the party's steadfast ideals and ideologies may weaken to the point where its operations no longer align with its core identity. According to the author, there is a lack of clarity regarding a political party's ideology or development direction in Indonesia.

This is because the focus of democracy is always on individual candidates. By utilizing a closed proportional system, it would be evident that a party's vision and mission are presented to the public rather than being based on the personal vision and mission of candidates running in the election. Hence, implementing an open proportional system conceals the party's presence, particularly from constituents not well-versed in political circumstances.

Thirdly, party autonomy as a decision-making entity is hindered because political party considerations cannot solely revolve around party objectives. This is due to the risk of candidates who dissent from party decisions exerting excessive influence over the decision-making process. These candidates possess bargaining power through their constituents or electability, which raises concerns that political parties may be controlled by individual candidates rather than through collective decision-making by the party elite. Furthermore, in terms of public perception (reification), it becomes challenging to gauge the community's awareness and understanding of the contributions, visions, and missions put forth by political parties. This is due to the dominance of candidates affiliated with political parties in highly influential elections, diminishing the visibility and relevance of political parties within the community. Political parties play a crucial role in the governance of a state that follows a representative democracy model. Political parties are considered crucial tools for fostering the advancement of democracy in Indonesia, leading it towards a more favorable trajectory in the future. Nevertheless, there has been a recent decrease in popular confidence in political parties. Despite the diverse responses to the existence of political parties in contemporary times, numerous parties aspire for a remedy to diminishing public confidence through their endeavors to become more proficient, democratic, and connected to the community. The erosion of public confidence

in political parties can be attributed to their inadequate competence in fulfilling their designated responsibilities. Political parties lack the authority to effectively mobilize and advocate for the community's interests or serve as intermediaries between citizens and the government.

A political party can be deemed standardized in terms of value identity if it possesses a robust social foundation comprised of steadfast supporters and community groups. This is because the party's endeavors and backing are not solely rooted in material advantages but also in a shared political orientation and commitment to the party's ideology and principles. It is crucial to emphasize that a political party enjoying comprehensive and steadfast support from a social base would exhibit a distinct and well-defined value identity (Miriam Budiardjo 2009).

Conclusion

The implementation of general elections through an open proportional system has led to a diminution of the presence and influence of political parties in decision-making, strategic planning, and their connection with the community, as the electoral process primarily focuses on individual candidates. Moreover, the open proportional method in Indonesia harbors inherent drawbacks that pose a potential threat to the democratic system. These drawbacks encompass heightened political expenses linked to candidates with substantial financial resources, thereby increasing the likelihood of money-driven politics due to the significant campaign funding involved. Consequently, candidates may be inclined to seek a return on their investment. A critical evaluation of the open proportional system used in general elections is necessary to preserve the role of the party as the driving force behind the implementation of democracy.

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