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Controversies and Unconstitutional Practices of Elections Postponement in Indonesia: State Interest or Political Elite Interest?

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Abstract: The Indonesian political atmosphere has recently been shocked by controversial issues regarding the postponement of the Indonesian elections in 2024 nationally. The reason for postponing the election is due to the unstable economic condition of the country after COVID-19 so that it is considered incapable of holding elections in 2024. This study aims to find out how the postponement of elections is regulated in Indonesia, as well as whether the postponement of elections is a constitutional action or for the interests of groups elite. The results of this study indicate that basically the Indonesian Election Law does not specifically regulate the postponement of elections. The postponement of elections in the provisions of election law in Indonesia only regulates regional election delays. Meanwhile, national election delays are not adequately regulated. Therefore, nationally postponing the election is considered a violation of the Indonesian constitution. In addition, it is seen that the postponement of the election is not an aspiration of the Indonesian people so that it is considered an attempt by the political elite to take political advantage in the 2024 election.

Keywords : Elections Postponement; Indonesian election; Indonesian State Administration System; Political Elite.

Abstrak: Suasana politik Indonesia baru-baru ini dihebohkan dengan isu kontroversial mengenai penundaan pemilu Indonesia pada tahun 2024 secara nasional. Alasan penundaan pemilu tersebut dikarenakan kondisi ekonomi negara yang belum stabil pasca COVID-19 sehingga dianggap belum mampu menyelenggarakan pemilu pada tahun 2024. Penelitian ini bertujuan untuk mengetahui bagaimana penundaan pemilu diatur di Indonesia, serta apakah penundaan pemilu merupakan tindakan konstitusional atau untuk kepentingan elit kelompok. Hasil penelitian ini menunjukkan bahwa pada dasarnya UU Pemilu Indonesia tidak mengatur secara spesifik mengenai penundaan pemilu. Penundaan pemilu dalam ketentuan hukum pemilu di Indonesia hanya mengatur penundaan pemilu di tingkat daerah. Sementara itu, penundaan pemilu secara nasional tidak diatur secara memadai. Oleh karena itu, penundaan pemilu secara nasional dianggap sebagai pelanggaran terhadap konstitusi

Indonesia. Selain itu, penundaan pemilu dipandang bukan merupakan aspirasi masyarakat Indonesia sehingga dianggap sebagai upaya elit politik untuk mengambil keuntungan politik pada pemilu 2024.

Kata kunci: Penundaan Pemilu; Pemilu Indonesia; Sistem Administrasi Negara Indonesia; Elit Politik.

INTRODUCTION

Ahead of the 2024 elections, the political atmosphere in Indonesia is experiencing a number of crucial issues regarding the state's readiness to carry out elections, which has raised the controversial issue of postponing elections. One of the reasons for the postponement of the election is related to the country's post-Covid-19 economic stability¹. The issue of postponing the election has invited a lot of public comments who think that this action is against the law and the constitution². From the government side, President Joko Widodo said that the government would not intervene in the election process³. The Coordinating Minister for Politics, Law and Security (MENKOPOLHUKAM) Mahfud MD said the same thing, that the government will try to fight any action that hinders the holding of elections⁴.

The controversy over postponing the election became a controversial issue when the Central Jakarta District Court issued a Decision ordering the General Elections Commission (KPU) to postpone the election⁵. This decision caused the Judicial Commission to summon judges at the Central Jakarta District Court because it was considered that the decision allegedly violated the court's jurisdiction, because the district court does not have the authority to make decisions to postpone elections. In addition, this is also considered contrary to the code of ethics of judges.

Another phenomenon that also strengthens the allegation of an intention to

¹ Nasional Tempo, "Komisi Yudisial Akan Panggil Hakim PN Jakpus Soal Putusan Penundaan Pemilu," March 2023, <https://nasional.tempo.co/read/1701969/ky-akan-panggil-hakim-pn-jakpus-yang-perintahkan-tunda-pemilu-2024>.

² Sindonews, "Muhammadiyah: Putusan Penundaan Pemilu 2024 Cacat Hukum," March 2023, <https://nasional.sindonews.com/read/1039749/13/muhammadiyah-putusan-penundaan-pemilu-2024-cacat-hukum-1678093414>.

³ Tim Kompas, "Presiden Tak Mau Intervensi Soal Putusan Penundaan Pemilu," March 2023, <https://video.kompas.com/watch/264489/presiden-tak-mau-intervensi-soal-putusan-penundaan-pemilu>.

⁴ Tim Kompas, "Soal Putusan Penundaan Pemilu, Mahfud MD: Kita Akan Lawan Habis-Habisan," March 2023, <https://nasional.kompas.com/read/2023/03/04/13534821/soal-putusan-penundaan-pemilu-mahfud-md-kita-akan-lawan-habis-habisan>; Tim Kompas, "Jokowi Dukung KPU Banding Atas Putusan Penundaan Pemilu Oleh PN Jakpus," March 2023, <https://video.kompas.com/watch/263462/index.html>.

⁵ Nasional Tempo, "Putusan Kontroversial PN Jakpus Soal Penundaan Pemilu 2024," March 2023, [https://fokus.tempo.co/read/1698753/putusan-kontroversial-pn-jakpus-soal-penundaan-pemilu-2024?utm_source=Digital Marketing&utm_medium=Babe](https://fokus.tempo.co/read/1698753/putusan-kontroversial-pn-jakpus-soal-penundaan-pemilu-2024?utm_source=Digital%20Marketing&utm_medium=Babe).

postpone the election is when the Indonesian People's Representative Council (DPR RI) as a legislative body, did not pass Government Regulation in Lieu of Law (PERPPU) Number 1 of 2022. The government's reason for enacting this PERPPU was due to an urgent situation, one of which was the formation of the New Autonomous Region in Papua during the pre-election period. At the same time, Law Number 7 of 2017 (hereinafter referred to as the Election Law) which regulates elections is inadequate in accommodating the participation of the Papuan people in the newly formed autonomous region. Therefore, the determination of PERPPU by the government aims to ensure that the new autonomous region that has been formed can participate in the elections to be held in 2024.

Various opinions state that efforts to delay the election is an act that is contrary to the constitution. On the other hand, the reason for postponing the elections is because Indonesia's economy has not stabilized after the Covid-19 outbreak also meets the criteria set by the Election Law. But one thing is certain, the issue of postponing elections for the people of Indonesia generates suspicion of the government, whether the postponement of elections is caused by the country's unstable condition or because of the interests of a number of political elites. Based on the description above, this study aims to answer the question: How is the regulation regarding postponement of elections in Indonesia, and is the postponement of elections constitutional or for the benefit of elite groups?

METHOD

The is normative legal research using legal, conceptual, and case approaches. The data consist of secondary data in the form of primary, secondary, and tertiary legal materials which were obtained through literature study and analyzed using qualitative analysis with systematic interpretation. Systematic interpretation is the interpretation of laws as part of the legislation system in connection to other laws. In this study, the law is conceptualized as what is written in statutory regulations or as a standard rule or norm for appropriate human behavior.

DISCUSSION

1. Election regulations in Indonesia

1.1 Constitutional Basis of Elections in Indonesia

The holding of elections in Indonesia in the 1945 Constitution of the Republic of Indonesia is regulated in Article 22E paragraph (1) namely "*General elections shall be executed in a direct, public, free, confidential, honest, and just manner⁶ once every five years.*" The basis for the formation of these provisions comes from the four precepts of the *Pancasila* ideology which states that "*Democratic Life guided by wisdom in Deliberation/Representation*". The fourth

⁶ This principle is called the Luber Jurdil principle.

precept of Pancasila gives a signal regarding the existence of an election that must be held in the context of filling state positions ⁷.

The holding of elections in Indonesia is strengthened by the Ruling of the Constitutional Court of the Republic of Indonesia Number 3/PUU-VII/2009, which decides that holding elections is:

- a) Held once every five years;
- b) Implementation of elections based on the principles of direct, general, free, confidential, honest and fair which is termed the principle of Luber Jurdil;
- c) The purpose of holding elections is to elect members of the People's Representative Council (DPR), the Regional Representative Council (DPD), the President and Vice President, and the Regional People's Representative Council (DPRD);
- d) Election contestants are political parties or individuals; and
- e) The election administrator is an independent body.

The existence of provisions in the Indonesian Constitution and Constitutional Court Decisions greatly influence the formation of election regulations. In the Indonesian Election Law, elections are defined as "Means of popular sovereignty to elect members of the People's Representative Council (DPR), the Regional Representative Council (DPD), the President and Vice President, and the Regional People's Representative Council (DPRD) which are carried out directly, generally, free, confidential, honest and fair within the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

However, what is interesting is that election organizers are determined to come from independent bodies, because in the history of elections in Indonesia the implementation of elections has always been intervened by the authorities ⁸. In the Election Law, the election management body is called the General Election Commission (KPU), which is an election management body that is national, permanent and independent in conducting elections. KPU independence does not only mean "independent, free, impartial, or impartial" towards individual or group interests. Independence has meaning as strength, paradigm, ethics, spirit to ensure that an election process and results reflect the interests of the people, nation and state, now and in the future ⁹.

⁷ Ni'matul Huda, *Penataan Demokrasi Dan Pemilu Di Indonesia Pasca Reformasi*, First Edit (Jakarta: Kencana, 2016).

⁸ Rahmat Bijak et al., "Kekosongan Hukum Peraturan Penyelesaian Sengketa Proses Pemilu : Hambatan Pemilu Demokratis Dan Berintegritas Rezim Orde Baru Values Of The Election Process Dispute Regulation : Obstacles To Democratic Elections And Integrity Of The New Order Region," *Japhtn-Hanaphtn-Han* 1, no. 1 (2022): 1–17.

⁹ Suparman Marzuki, "Peran Komisi Pemilihan Umum Dan Pengawas Pemilu Untuk Pemilu Yang Demokratis," *Jurnal Hukum Ius Quia Iustum* 15, no. 3 (2008): 393–412,

The election held to elect members of the People's Representative Council (DPR), Regional Representative Council (DPD), President and Vice President, and the Regional People's Representative Council (DPRD), then raises questions about how elections are held in the regions to elect regional heads. This is a matter of debate because elections are held based on the principle of *Luber Jurdil* (free and fair election), while elections for regional heads based on Articles are carried out democratically. However, this was immediately decided by the Constitutional Court in Decision Number 072-073/PUU-II/2004 which emphasized that the principle of electing regional heads is the same as the principle of elections for electing members of the People's Representative Council (DPR), Regional Representative Council (DPD), President and Vice President, and the Regional People's Representative Council (DPRD). However, elections to elect members of the People's Representative Council (DPR), Regional Representative Council (DPD), President and Vice President, and the Regional People's Representative Council (DPRD), are not elections aimed at electing regional heads.

1.2 Simultaneous Elections in Indonesia

On January 10, 2013, Effendi Gazali, who works as an academic as well as a political observer, submitted a request for judicial review to the Constitutional Court to review Law 42 of 2008 concerning Election of the President and Vice President. This is because during the holding of elections, the election of the President and Vice President is carried out after the election of the central and regional legislative bodies. These separate elections have their own consequences. The separate implementation of Presidential and Legislative Elections is not considered to hinder the development of an effective and efficient democracy, is too costly, and requires more time and effort ¹⁰.

The request for judicial review submitted to the Constitutional Court then gave birth to the Constitutional Court Decision Number 14/PUU-XI/2013 which partially granted the request. According to the Constitutional Court, holding separate elections between the President and Vice President after the Legislative Election is unconstitutional because it is against the spirit of the 1945 Constitution of the Republic of Indonesia. In addition, the Constitutional Court added that simultaneous elections can have several advantages, namely: First, simultaneous elections are expected to save the use of state funds to finance the holding of elections. So that the state budget resulting from these savings can be used to increase the country's ability to achieve other state goals, primarily to promote people's welfare.

Second, simultaneous elections are expected to reduce time wastage and reduce horizontal conflicts or friction in society. Simultaneous elections can also be a means of

<https://doi.org/10.20885/iustum.vol15.iss3.art8>.

¹⁰ Jantapar Sinamora, "Menyongsong Rezim Pemilu Serentak," *Jurnal RechtsVinding* 3, no. 4 (2019): 1–18.

political education for the people, to be able to use their right to vote intelligently, because every citizen can have a stake in building checks and balances in the Indonesian presidential government system¹¹. Thus, simultaneous elections are the implementation of legislative elections and presidential and vice-presidential elections which are held at the same time¹².

The idea of holding simultaneous elections is a momentum for reforming democracy, so that the ongoing democratic transition can lead to consolidation of democracy, so that political stability and state security can be controlled properly¹³. Simultaneous elections also aim to provide a fair electoral system for all Indonesian people¹⁴, and to strengthen the presidential government system with simple multi-party¹⁵.

1.3 Reaction of Political Parties to Simultaneous Elections

One of the objectives of elections in Indonesia is to elect members of the People's Representative Council (DPR), which in Article 168 paragraph (2) of the Election Law, states that elections for members of the DPR are carried out using an open proportional system. The open proportional system aims to allow the people to directly elect legislative candidates as representatives, but this system has the potential to give rise to corruption due to high political costs¹⁶. The existence of money politics towards an open proportional system is influenced by several things, namely, First, the election system and mechanism have not changed since 2014. Second, election competition is based on the popularity of candidates. Third, to increase popularity, expensive costs are required when conducting campaigns for potential candidates¹⁷.

The simultaneous election system which is carried out using an open proportional system seems to be the opposite of the Constitutional Court Ruling. In the Constitutional Court's decision, it was stated that the purpose of holding elections simultaneously was to save costs for holding elections. However, as already mentioned, an open proportional system actually opens up opportunities for corruption due to high political costs. This means

¹¹ (MKRI 2022)

¹² Lutfil Ansori, "Telaah Terhadap Presidential Threshold Dalam Pemilu Serentak 2019," *Jurnal Yuridis* 4, no. 1 (2017): 15, <https://doi.org/10.35586/v4i1.124>.

¹³ Ria Casmi Arrsa, "Pemilu Serentak Dan Masa Depan Konsolidasi Demokrasi," *Jurnal Konstitusi* 11, no. 3 (2014): 169.

¹⁴ Agus Dedi, "Analisis Sistem Pemilihan Umum Serentak," *Jurnal MODERAT* 5, no. 3 (2019): 213–26, <https://jurnal.unigal.ac.id/index.php/moderat/article/view/2676>.

¹⁵ Ratnia Solihah, "Peluang Dan Tantangan Pemilu Serentak 2019 Dalam Perspektif Politik," *Jurnal Ilmiah Ilmu Pemerintahan* 3, no. 1 (2018): 73, <https://doi.org/10.14710/jiip.v3i1.3234>.

¹⁶ Diah Ayu Pratiwi, "Sistem Pemilu Proporsional Daftar Terbuka Di Indonesia: Melahirkan Korupsi Politik?," *Jurnal Trias Politika* 2, no. 1 (2018): 13–28, <https://journal.unrika.ac.id/index.php/jurnaltriaspolitika/article/view/1235>.

¹⁷ Ahmad Sholikin, "Mahalnya Ongkos Politik Dalam Pemilu Serentak Tahun 2019," *Jurnal Transformative* 5, no. 1 (2019): 87–108, <https://doi.org/10.21776/ub.transformative.2019.005.01.6>.

that holding simultaneous elections aimed at saving costs will be difficult, because at the same time, an open proportional system tends to open up opportunities for campaigning for candidates at large costs.

The existence of an open proportional system which tends to be expensive is actually not something that is contrary to the constitution, because the Indonesian constitution basically does not question the amount of budget that must be issued by candidates. The impact that occurs is there is no financial transparency of political parties and candidates in the election contestation. However, usually the financial sources between political parties and legislative candidates are separate things. Political party funds are used to meet seat quotas in electoral districts. Meanwhile, the candidate's campaign funds are to popularize himself and compete with fellow party members¹⁸. The absence of transparency related to finance has the potential to make political parties or election candidates trapped in the interests of donors of funds so that they forget the interests of the people¹⁹.

The controversy caused by the open proportional system made political parties issue discourse so that the open proportional system was changed to a closed proportional system, with the assumption that a closed proportional system could save campaign costs for prospective candidates²⁰. Legislative elections in Indonesia in relation to campaigns and their financing raises 2 interesting symptoms, namely: first, an increase in the amount of campaign financing, and second, a strengthening of the candidate-based campaign orientation. These two symptoms ultimately limit the party's control over agenda issues, programs, and qualifications of candidates, and are limited to the nomination function. The next impact is the party's dependency on campaign financing originating from the contributions of legislative candidates compared to funding sources from political parties. Another problem that is also caused by an open proportional system is that political parties cannot nominate the desired party cadre²¹. The issue of party cadres is quite important because in an open proportional system, many prospective candidates consist of new people who do not understand the party's goals, so that the party's vision and mission cannot be implemented.

¹⁸ Indonesia Corruption Watch, "Keuangan Calon Anggota Legislatif Perlu Diatur," 2007, <https://www.antikorupsi.org/id/article/keuangan-calon-anggota-legislatif-perlu-diatur>.

¹⁹ M. H Simarmata, "Hambatan Transparansi Keuangan Partai Politik Dan Kampanye Pemilihan Umum," *Jurnal Legislasi Indonesia* 15, no. 1 (2018): 21–36.

²⁰ Kontan, "Perbedaan Sistem Pemilu Proporsional Terbuka & Tertutup, Cek Nomor Parpol Pemilu 2024," January 2023, <https://nasional.kontan.co.id/news/perbedaan-sistem-pemilu-proporsional-terbuka-tertutup-cek-nomor-parpol-pemilu-2024>.

²¹ Rifi Rivani Radiansyah, "KONSUMERISME HINGGA HIPER-REALITAS POLITIK DI RUANG PUBLIK BARU ERA CYBERSPACE (Antara Kemunduran Atau Kemajuan Bagi Pembangunan Negara Indonesia Yang Demokratis)," *JURNAL JISI POL* 3, no. 2 (2019): 30–47, <https://ejournal.unibba.ac.id/index.php/jisipol/article/view/116>.

2. Postponement of Elections: State Interests or Political Elite Interests?

2.1 Arrangements for Postponing Elections in Indonesia

The Indonesian Election Law actually does not specifically regulate the postponement of elections. The Election Law only regulates 'Advanced election' and 'Additional Election'. However, it is clear that there will be an Advanced election as well as an Additional Election because the process of the election stages has been delayed. According to the Election Law, advanced election is an election to continue stages that have been stopped and/or stages that have not been implemented. Meanwhile, Additional Election is an election to carry out all stages of the election which cannot be carried out. Thus, the Advanced election is an election that has been partially implemented, but was stopped due to certain circumstances so that the election had to be stopped, then resumed after conditions were declared conducive. While the Additional Election is that all stages of the election cannot be carried out from the appointed time due to certain circumstances, then all stages of the election are carried out after conditions are conducive.

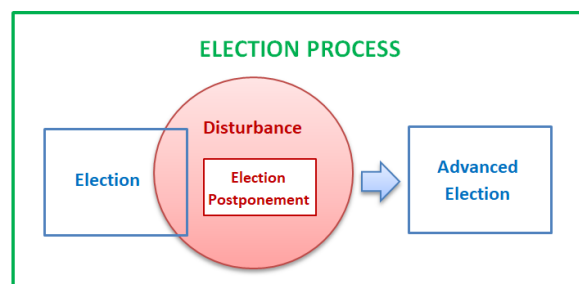


Figure1. Advanced Election

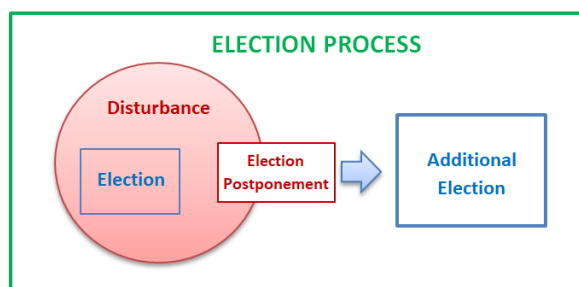


Figure2. Additional Election

The cause of Advanced Election and Additional Election can be done if part or all of Indonesia's territory occurs riots, security disturbances, natural disasters, or other disturbances. If these conditions actually occur, the election can be postponed by stipulating the election postponement. Determinations regarding postponing elections can be made nationally or regionally. Regional election postponement is regulated as follows:

- a. Regency/Municipal KPU on the recommendation of the District Election Committee (PPK) if the postponement of the Election covers one or several sub-districts/villages;
- b. Regency/Municipal KPU on the recommendation of the District Election Committee (PPK) if the postponement of the holding of the Election covers one or several sub-districts;
- c. Provincial KPU on the recommendation of Regency/Municipal KPU if the postponement of Election implementation covers one or several districts/cities; or
- d. The General Election Commission (KPU) on the recommendation of the Provincial KPU if the implementation of Advanced Election or Additional Election covers one or several provinces.

Meanwhile, the postponement of national elections is determined by the President on the recommendation of the KPU, if the follow-up or follow-up elections cannot be held in 40% of the provinces in Indonesia, and 50% of the total number of voters cannot exercise their right to vote.

2.2 Election Postponement Controversy and Its Impact

In the Indonesian constitution Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it is stated that General elections shall be executed in a direct, public, free, confidential, honest, and just manner once every five years. Thus, the implementation of elections in Indonesia must be held periodically every five years. However, in Article 2 of the Election Law, the phrase "once every five years" is not included so that elections may not be held once every 5 years. Or the election can be postponed in the election year.

Several controversies regarding the issue of postponing elections seem not only to question postponing elections due to certain conditions which naturally cause elections to not be held at the appointed time. This can be seen from several phenomena that have occurred recently. Most of the controversial issues that emerged discussed the discourse of postponing the election as a reflection of other interests related to postponing the election. The discourse on postponing elections does not discuss postponing elections regionally, but how the 2024 elections can be postponed nationally. What's more, the material for legal arrangements for postponing elections is still minimal and inadequate. Delaying elections without being based on a law that specifically regulates them will have a significant impact on Indonesian constitution.

2.3 Impact on Political Stability

It is said that the political condition in Indonesia recently has not improved democratically. After the battle between Jokowi and Prabowo since 2014 and in 2019, political resistance from each group remains ahead of the elections in 2024, although Prabowo eventually joins Jokowi in the government cabinet. Disputes in the last two elections created quite a strong political residue, especially among the people. The online media-based political war that was

carried out in the past has had a hyper reality impact on a number of issues which has succeeded in making people so reactive and easy to believe in incorrect information.²² It seems that the postponement of elections will be difficult for Indonesian people to accept, especially from groups of people who are at odds with current government policies which could lead to disintegration.

2.4 Vacancies for State Positions

Indonesian elections are held to elect the President and Vice President, Members of the DPR, Members of the DPD, and Members of the DPRD. This election cycle is always maintained so that the filling of state positions in Indonesia runs continuously with the aim of maintaining the stability of the state government. The election which is held every five years also aims to maintain democratic relations between state officials and citizens. The ideal concept of democracy must comply with the principle of holding elections which are carried out periodically and to produce a rotation of power. If there is a postponement of the election, it has the potential to disrupt the stability of the country, because several state positions become vacant.

2.5 Contrary to the Constitution

The position of the 1945 Constitution of the Republic of Indonesia as the highest law of the Indonesian state regulates crucial matters relating to the implementation of state government. The constitution stipulates that elections must be held every five years so that elections must be held in a specified year. The main problem with postponing elections can also be seen in the absence of provisions for holding elections once every five years in the Election Law, thus opening up opportunities for the holding of elections to be postponed. However, it has been described above that the postponement of elections is due to certain conditions that are regional in nature. As for postponing national elections, they must meet the criteria for continuing elections or that follow-up elections cannot be held in 40% of the provinces in Indonesia, and 50% of the total number of voters cannot exercise their right to vote. But this is quite unlikely to happen. Therefore, postponing elections without a clear basis can be considered as an act of defiance against the constitution.

2.6 The Chaos of the President's Term of Office

One of the crucial issues of postponing the election issue is extending the President's term of office for two years from the predetermined term. In Article 7 of the 1945 Constitution of the Republic of Indonesia, it is stated that "The President and Vice President hold office for five years, and after that they can be re-elected in the same position, only for one term of office." This provision indicates that the President and Vice President can only serve for five years. If

²² Radiansyah.

the elections are postponed, this will disrupt the term of office of the President and Vice President which is planned to be extended for 2 years. The extension of this position will lead to a large concentration of power in the President. Besides that, in the Election Law there are provisions governing the determination of postponement of elections by the President at the suggestion of the KPU. The extension of the President's term of office is very dangerous not only in terms of time, but also vulnerable to public trust.

2.7 Damaging the State Economy

One of the reasons for postponing the elections is because the country's economy is considered unstable to hold elections as a result of the impact of COVID-19. However, postponing the election will have a bigger impact on the country's economy, because election officials have a longer working period than before, which in fact requires a lot of money. In addition, the postponement of elections which has the potential to create political instability can raise doubts for investors who wish to invest in Indonesia, which will have a domino effect on the Indonesian economy.

2.8 Postponement of Elections What interests and Who?

The discourse on postponing the election with a number of reasons stated as explained above, shows that the will to postpone the election did not come from the aspirations of the people. In fact, the postponement of elections is not something that is wrong considering that several realities of postponing elections in Indonesia have been carried out. For example, the postponement of simultaneous regional head elections in 2020 which could not be held due to the COVID-19 outbreak. On that basis, the President issued Perppu No. 2 of 2020 relating to the Election of Governors, Regents and Mayors. There was also an election postponement in 2020 in Boven Digoel Regency, Papua, because the candidate for regent had a track record of having been jailed for corruption cases and causing the Boven Digoel Regency KPU not to print ballots for regional head elections. This reality shows the postponement of regional elections, so that an advanced election or additional election is then held.

However, it is clear that the postponement of the general election which is being discussed by the public is the postponement of the national election which only benefits the political elite for certain reasons. First, the postponement of national elections has something to do with extending the term of office for certain positions unconstitutionally. To launch this plan, two ways will be taken, namely by using a constitutional convention, or by amending the constitution. Second, the postponement of the elections also seems to be related to the unpreparedness of political parties in nominating the candidates for President and Vice President. Since President Jokowi ruled for 2 terms, there is currently no ideal figure who has a way of working and views that are in line with Jokowi. What's more, there are concerns that the development that has been carried out by Jokowi will not be continued by the new

President. Practically, the party elite who have been supporting Jokowi are trying to find someone like that. Meanwhile, from the counter-government group, it is clear that there must be a figure who is promoted with the same popularity or surpasses Jokowi, so it takes a relatively long time. Therefore, postponing the election can provide sufficient time to screen potential candidates.

Regardless of these elitist reasons, postponing elections that are carried out in an unconstitutional way is an act that cannot be justified. The postponement of national elections does not represent the aspirations of the people who want a change in government terms. Opportunities to postpone national elections remain open on condition that the postponement of elections is carried out in accordance with the Indonesian constitutional convention, and is accepted by the majority of the Indonesian people. However, looking at the current reality, it seems that this is very difficult to do because of constitutional obstacles and the strong will of the people who want elections to be held on time.

CONCLUSION

The conclusion of this research shows that the Election Law does not specifically regulate the postponement of elections, or, it can be said that the Election Law does not adequately regulate the postponement of elections. As for the follow-up elections and follow-up elections that are regulated in the Election Law, it regulates the postponing of elections on a regional basis. Therefore, nationally postponing the election is considered unconstitutional and does not reflect the aspirations of the Indonesian people. The issue of postponing the election was actually born from a group of political elites who are currently trapped in difficult political choices so that the option of postponing the election is expected to provide political preferences that are in line with the goals of the political elite.

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