The Interpretation Of Democracy On Indonesian’s Regional Election

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Abstract: In 1960 when China was hit by the Cultural Revolution, Nobody could be said that China will become a big economic power in the world, even surpassing the United States. At the time Chinese fall into chaotic social. Son kills his father, even people who do not follow Mao Zedong would be slain in vile Operate. Even Marshal Peng Teh-Huai the heroman of China Against the USA in the Korean War also beat up severity. China got its renaissance after Mao Zedong's death in 1976. Deng Xiaoping which had been Already three times deported by Mao could bring China as a prayer in World Economics Top power. Because of that, we are sure that the Indonesian reformation seems currently is impossible would come true such as china, so that Pancasila Become Reality and we have democracy Appropriate with the Purposes of the Indonesian. If yesterday the President declared the beginning of the reform of the second hold, it should be done, because it is the Main tools towards the success of the reformation. Hopefully, the Indonesia Leaders Being aware towards the Essential problems of this nation, then increasingly lead the Real straight ON national achievement: A fair and prosperous society based on Pancasila and nation state Republic of Indonesia.

Keywords: Sense of Democracy, General Election, Reformation of Laws

1 INTRODUCTION

For the time, the democracy applied just focused in politic or government system, the term of it apply are; general election or also known as the regional chief election that will take over the government order before, the freedom of expression, and so on. In the developmentally, the terms of democracy also applied in many kinds of social life. Such as; Economic, Education, culture, and another thing related to social life. Hence, the democracy does not just applied in nation-state life, but also in social and life. Democratic life is the life which involves citizen participates for citizen interests. The natural sense of democracy is the participants of all citizens in determining life together, citizens are the subject. The main purpose is to create the prosperous social life. Laws No 22/1999 about the local governments which gave the rule in order every district allowed managing itself is the main opening gate to integrate central and local government synergy. It is related to reformism striving movement in 1998. According to Indonesian people’s consultative council (MPR-2007) these demands are:
1. Amendment of Constitution Republic of Indonesia 1945
2. Wiping out doctrine two-functions military (ABRI)
4. Making on freedom of journalist (peers)
5. Making on social life democracy.

After applied for about 3 years, and after evaluated, these laws do not suitable anymore to the growing local government. Because of it, laws 22/1999 replaced by laws 32/2004 about the local government. Furthermore, the laws had replaced again as the second change of these laws became Laws 9/2015 about the local government.

The process of the replacement above had through the indeed discussion based on the political situation. Regardless people agreement or rejection (pro-contra) and critics toward these constitutions. The applied of these local government constitutions, besides as the juridical time to change the system of local government, it is also inspired to change the system of local election, from assembly Council election to direct electoral vote by citizen itself. This based on the constitution 32/2004 about the local government. The replacement of this regional election system aimed to create democratic principal on the selection regional election. Based on rules of state structure, (Dahlan Thaid, 2004) said “the change of regional election from the representation system to direct election is the significant progress in social state democracy, especially toward Indonesia state structure. It can be known because direct election brings broader citizens opportunity to participate in that demarcations process. In addition, it was said in political subject textbook "it can be said as the democratic political recruitment if qualified: (1) using the right general election process; (2) it is possible to change the authority; (3) the open of the recruitment process; and (4) public accountability” In the section 1 Word 3 constitution about local government, said that "local government is the local chief which functions as the part executor of one local place lead by the governor, regent, or mayor in the region". Moreover, based rule in section 1 word 6 constitutions about local government, determined that, in running local government, the executor was given authorities about local autonomies. The local autonomy authority is the authorities and obligations of one local government to manage and care it government for social interest based on the rules of the Constitution.

2 DISCUSSION

Based on the section 10 paragraph (1) local government constitution determined that: local government runs authority local administration itself, except the region determined by the Constitution to take over by a central government. The meaning of the rule is like the broad policy, defense, safety, inhabitant, region, and national monetary-fiscal. As the section 10 paragraph (2) local government constitutions said that: "in running their administration, local governments had more authorities from central government to manage and care their local administration in this republic of Indonesia" (A Diar,
2009). To reach the pure trust from the society the candidates should be elected through the general direct election. This is the democratic model used in Indonesia. Social support will be born strong government. So, the citizen would have respect and trust. Concerning about the chief of local government, on September 25th until September 26th 2014 the legislative assembly had made plenary session to decide constitution-planning which officially will be the Constitution. One of this constitution-planning is about the regional election. There are three option agenda in this plenary session, they are: a) the term regional election is direct election voted by society; b) the term regional election by regional legislative assembly and c) additional option from faction of democracy party; direct election by citizen with some requirements that should be accepted and used. We may not blame the direct election of local government chief is wrong, because in this term, voters give their vote personally, so no one can see their votes. In another side, the committee should be taking fair and honest based on rules of the Constitution. Every voter has the same treatment, and avoid from any lying fraud. We also may not blame Regional election by the legislative assembly, moreover if hold the 1945 Constitution. Because in 1945 Constitution just determined that regional election holds through the democratic process and the just sign that the direct election (general election) is the election which voted for the packet of a president-vice president and legislative assembly in Parliament. The meaning of words democracy has controversial perception both in politician or academic grade/. It means the regional election which directly voted by the citizen or through legislative assembly also known as the democratic election. The controversial philosophy about the system of democratic regional election or something related to the law of constitution might differ with a literary work although it is also known as writing terms. The literary work may contain some meaning based on its interpretation. But, constitution and law should minimize different interpretation. The constitution and law are like black- white color. Based on the word diction of "hold in democratic" without additional explanation (direct election voted by citizen or election through legislative assembly). Juridical, Red-White coalition which initiated regional election through legislative assembly cannot say as the wrong option because Constitution rules allowed this term. The forbidden means is when the presidential election also runs through legislative assembly. Because the Constitution rules determined presidential election is based on the direct social vote. In another side, election through legislative assembly corresponded the fourth principle of Pancasila; democracy system guided by the inner wisdom in the unanimity arising out of deliberations among representative, the stressed word is Deliberation Among Representative which means is to make up deliberation. However, it is better to make legislative assembly as the citizen voice in the regional head election. Although there were some laws about money politics, we can reject the reality occurred. However, it can be decreased if the law enforcement authorities (Police, Prosecutor, Corruption Eradication Commission) given authorities to find out the identity, investigate, wiretapping, to the legislative assembly which suspected used money politics. Furthermore, according to Ramlan Surbakti (Ramlan, 2008); "when the recruitment process of regional election indicated disability law, moreover there is no rule determined that the decision of election committee is allowed to be used or not? It would bring additional problem concerning on interest of election law enforcement". In another word, we should honestly say about the direct election which is known as the more efficient democratic election and affected to decrease money politics. The direct election involves more society than election through legislative assembly. The means of regional direct election in this research is the regional election which the citizen voted through the regional legislative assembly as well as their voice in regional scope. So there is no guaranty that directs election or not will bear regional chief loving their society. In philosophy, the goal of direct election is to create the emotional relationship between citizen and candidates. So, between citizens and their vice have harmony structural relationships, this electoral term influences toward a development of the Indonesian democratic process" (Ibnu, 2007). Because the citizen directly voted who will be their voice in parliament depending on performance, credibility, capability, moral integrity, and the loyalty toward the citizen as their constituent. Juridical problem, especially occurred after applied of 1945 Constitution had given legal law about the terms of regional election, which is states in section 18 paragraph (4) 1945 constitution, as below:

- a. The nation State Republic of Indonesia is divided into some provinces which have some districts/city. Every province, districts, or cities have regional government as their authorities based on a constitution.
- b. Regional governments of Provinces, districts, or cities have authorities to manage and run their government through autonomy and to help central government program.
- c. Regional governments of Provinces, districts, or cities have the regional legislative assembly which elected through direct election.
- d. Governor, regent, and mayor everyone is the chief of regional government elected democratically.
- e. The regional government runs their autonomy maximally, except the one which determined as the central government program.
- f. The regional government allowed making regional laws or another to run it program.
- g. The terms and rules how to run the regional government are determined in law.

Based on section 18 as explained above, can be said that 1945 Constitution does not clearly determine how the regional election said democratic or not. Hence, it is poor to say regional election through the legislative assembly is not the democratic term, but direct election voted by the citizen as the section 18 paragraph (4) 1945 Constitution explained. Based on law perception, Erfan Helmi (Erfan, 2012) said "there is a theory of the enactment of the law by juridical, enactment of the law by philosophy, enactment of the law by sociologically," philosophy Enactment, first, the law is considered valid if signed by the authorized. If the law formed in-laws, the authorized sign is the president. Second, a binding applicable law is law was ratified legally by the authorized. If the law formed in-laws, the official place to ratify is the official institutions of Indonesia. While the legal official ratifying it is the ministry of law and human right. Third, a juridical applicable law is rule of law can be directly applied or had implementing regulations. Fourth, a philosophical applicable law is creating the law based on the nation philosophy.
Moreover, Erfan Hilmi said that "in the context of Nation State Republic of Indonesia law is considered valid philosophically when it creates through Pancasila values; fifth, law is considered valid sociologically when the law is obeyed by society as the legal awareness". The legislative effort to put off direct regional election system into legislative assembly was thwarted by President Susilo Bambang Yudhoyono through two government regulations in replacement laws (Perppu) on October 2nd, 2014: first, regulation laws 1/2014 about electoral of Governor, Regent, and Mayor. Second, regulation laws 2/2014 about the change in laws 23/2014 about the regional government. Both these regulation laws had return citizen sovereignty to choose their regional chief directly. Laws 22/2014 about the electoral of the governor, regent, and mayor which authorized the terms of the regional election through legislative assembly got rejection almost by all citizens; it is also caused many problems in force, dealing with MK No 18/PUU-VII/2009. Therefore, 1/2014 regulation laws, automatically replaced laws 22/2014 since October 2 2014. However, 1/2014 regulation law does not thwart 2/2014 laws at all, it just changes and replaced section 101 paragraph (1) word D and section 154 paragraph (1) word D which authorized province and district/major legislative assembly to choose the regional chief. This regulation law aimed to provide certain law toward regional election which holds citizen sovereignty and democratic values. Therefore, the citizen involvement in rating democratic process should be active. Citizen as the holder of power in democratic should be realized well. It is the moment where the citizen to be the main power to oversee the democratic process. However, it should be understood that democracy is the Model, not the Goal.

2 The Interpretation of Democracy Based on Section No. 18 paragraph (4) 1945 Constitution

The interpretation text of the law in-laws always connected with the term of situation and condition. It means, it has a close relationship with the term of situation where and when the laws were created and settled. Sometimes, the situation changes because of the claims developed in the society. So, it's often stated that law or laws usually get falling behind. We still remembered about 22/2014 laws created, it is talking about the electoral regulation of Governor, Regency, and Mayor with an indirect mechanism, by Regional Assembly. Those mechanisms get a lot of rejection from citizenry because it is not represented democracy. After 1945 constitutional amendment, one of the stipulations in constitutional after amendment about the Regional Chief Government election was regulated in 1945 constitutional section number 18 paragraph (4). In section number 18, stated that: "Governor, Regency, and Mayor, as the Regional Chief Government, District, and City chose to use democracy ways. From a statement in section number 18, we can conclude that there is no certain measurement to measure democracy in the election of Regional Chief Government. The logical consequences are too early for the citizenry to say that the election of Regional Chief Government by Regional Assembly is not showed democracy ways, or on the other hand, the election of Regional Chief Government that chooses by the citizenry is showed democracy ways. Like stated in section number 18 paragraph (4) 1945 constitutionals. We can take another example like law contraction in law of Regional Government in part of "Representative (academic text page 3,4) stated that Regional Chief Government and members of Legislative Assembly chosen by citizenry , where as 1945 constitutional, People's Consultative Assembly Laws, Legislative Assembly, Regional Representative Council, Regional Assembly (UUMD3), and Laws of Regional Government stated that Regional Assembly has no right to choose regional chief. So, the election voted directly by the citizen". (Budiman H, 2015). In addition, the thing caused created of 2/2014 laws regulation aimed to provide certain law toward regional election which holds citizen sovereignty and democratic values. The means of representative sovereignty is the citizen used their political rights to vote the candidates in freedom, honest, fair, direct, a secret like stated in 68/2015 laws about the regional election which replaced by 10/2016. It is also in legal interpretation, it means to discover the true meaning of the text through the formulation stated by rules of law. Based on the modern theory there is no perfect formulation of one rule, every formulation might have it lack, this theory known as "the limits of the wording" (Mathias, 2008). This theory brings ontologism problem toward law interpretation. That is the formulation limits to interpret the true meaning of a word. While the epistemological problem related to knowledge about meaning and truth. Humans have deep desire to learn knowledge. Because of the limitation in interpreting the meaning of the text, so it needs to take comprehensive interpretation. Both of ontology and epistemology problems influenced axiological of legal interpretation. While, Axiology self-define as the part of the philosophical subject with aims to find out the values program about ethic and aesthetic values (Susanti D, 2015). Axiological problem toward interpretation connected to the interpretation capability to find out the certain of comprehensive interpretation. the admission of regional chief government such as Governor, Regent, and Mayor, then interpreted as the fectional of regional chief government that chosen by the citizenry which ignorance the representative concept that used before the 32/2014 laws about the Regional Chief was created. The measurement to get the meaning of decoration in that verse to the direct election is not without the reason. This thing because the practices of nationality life prisoner citizenry democracy during New Order and another democracy live was served in the Reformation era caused the interpretation of democracy become more flexible and disposed to the original one. The regional election makes possibility to appear the qualified candidates which competed in an implemented openly compared with the opposite. The direct election gives a hope to reverse syndrome in representative democracy started with unfair competition, such as money politics. Direct regional election magnifies hopes to get a leader who aspired, qualified and legitimate. Because of through the direct regional election would bear the chosen regional chief government will have the orientation to the citizenry compared to the Regional Assembly.

3 The Growth of Regional Politics and Decentralization Process

Regional political and it alteration have connected indeed to nationality system in Indonesia, the event in the world. Usually, the growth of regional politic brings significant change. Whereas, Indonesian consists of many kinds of ethics, religions, race, and both reformation and conservation group which bring opposites attitude on regional politic. It was
said that current local politics in this country was influenced by the history of past local politics. The local politics at the time of colonization will definitely different to the local politics after Indonesian got it independent. Local politic in the colonization era is the way about how to get freedom, while, politic after Indonesian got independent, is the way toward nation building to be independent developing country. Here the writer briefly shows in about local politics had occurred in some periods. Especially, about the term of policy by central government toward the local government which said as the centralization and decentralization or known as the Neo-Liberalism concept. In the same case, the writer agrees that the terms of local politic determined the nation building future. Such as in the colonization era, Indonesia got many kinds of in broke trying throughout decentralization local politics. Or the local politics alternation independent, there are; parliamentary democracy, guided democracy, new order, and reformation era. The point of explanation above aimed to give more understanding about the term of government, both used centralization or decentralization has lacks and problems on its implementation. Moreover, Indonesia is a unique country with many kinds of diversity. The possibilities of differences like in social opinion, ideology, and politics much. Either conservatives or reformate group will fight hard to hold their opinion for the political purposes. By the explanation, concluded that centralization and decentralization become two terms big problems in local politics. Each system of them has its advantages and lacks. Hence, there is some requirement should be fulfilled yet before determined the used terms of local politics, they are:

a. Empowering citizen participates in political agenda.
b. Repairing public services be more effective and efficient.
c. Repairing governments work through accountabilities access.
d. Empowering political decisions access regional and marginal society.

It also needs suppression that the correct timelines and requirement, so the Indonesian centralization and decentralization do not bring maximum result yet. In other words, it is because of the dynamics of local politics and economic stability occurred at the time, because both of them have indeed the relation. If looking back to decentralization occurred in colonization era, found decentralization does not bring any advantage to regional life but just focused on the central government which holds by Netherland colonial. That is to say, the regional till have no requirements to use decentralization (decentralization forced). The decentralization term like this had occurred during transition era from colonialism into an independent era, and during transition era from United Republic of Indonesia (RIS) into nation-state republic of Indonesia (NKRI). At the period the regional have no same significances progress. So that, the decentralization process affected development regions develop more, while underdeveloped regions develop less. Otherwise, should explain why the decentralization had been applied nowadays till bring no good result in this country? Even the regional election as the first step to releasing social prosperous become corruption field and abuse of power. However, we cannot name the current decentralization process as the premature centralization. It is needed in depth discussion to understand the correlation between decentralization with the regional politic and economic stability. In addition, as the suggestions from this research, at least there is special treatment toward some regional/district which still has no qualification to run it, as Mari Alcias said above. In the other hand, Papua and Aceh still faced separated movement asking for their independent (referendum). Although they had been given special autonomy to run and build their local government. By this explanation, it does not mean that both two regions are still in premature to use decentralization. It is possible if they (separated actor) fell have no more match to Pancasila values. So that, whatever the term decentralization used will not find the solution. But I’m sure; these all will never come if the central government gives the regional autonomy by true requirement and on the matching time.

4 Conclusion
The explanation above are the terms of suitable democratic in this country, it also becomes a part of Indonesian nation building on all sides. At this time, some people might see it is impossible to release this statement due to the current condition of this nation. Yet, we should trust that many kinds of unpredictable thing had occurred in this word including democracy in Indonesia. In 1960 when RRC facing Cultural Revolution, bravely said that China will bear as the biggest economic power in the world, even will surpass the USA. Whereas at the time RRC is the very disorder nation, many kinds of moral cases occurred, like; son kills his father, many leaders who opposes Mao Zedong would be killed viciously, such as; Marshal Peg The-Huai, and a hero man which faced the USA while Korean War killed viciously in jail. At this condition, there is no one predicts Deng Xiaoping which had deported out three times by Mao Zedong till fight on and strive again after Mao passed away in 1976. Deng Xiaoping had ruled out the Gang of Four which has the main position during the Cultural Revolution. Since 1979 Deng Xiaoping hands over RRC rising to be main economic power around the world. It proves that everything is possible by God wellness. There is no impossible thing in this world, everyone who has strong wellness and believes trying something it will become by the god wellness. So that, we should trust the nation building (Change) which is likely impossible at this time, hence, the values of Pancasila applied well and we have the suitable democratic terms to Indonesian needs. We should correctly apply what the president Susilo Bambang Yudhoyono had been initiated as the second reformation packet. This is the way to reach successful democratic. Hopefully, all the Indonesian chief knowing well toward nation problems and lead the striving process to realize the national goals, fair and prosperous society based the Pancasila and the nation-state republic of Indonesia.

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