

**ACT NUMBER 7 OF 2017 ON GENERAL ELECTION
FOR SECURING FREE, FAIR, AND PEACEFUL GENERAL ELECTION
FOR NATIONAL STABILITY AND PROSPERITY**

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ABSTRACT

Elections were deemed to be far from perfect and myriad shortcomings, while creating stability and peace is the great dream of every country and the elections can give birth to leaders who guarantee it. This is underlying the birth of the Act Number 7 of 2017 on General Election for freedom, justice, and peace in the election. The good exchange of power will achieve a good guarantee national stability and prosperity. Therefore in this essay we can find out how Act Number 7 of 2017 can securing free, fair, and peaceful general election and what excess of Act Number 7 of 2017. Writing methods used in this essay is using normative juridical approach to legislation. In connection with the problems in this paper that the assessment done by analyzing the basis for the establishment of Act Number 7 of 2017. The Act Number 7 of 2017 It might be worthwhile to in achieving In essence, the Constitution Court Decision Number 14/PUU-X/2013. Therefore in 2019, we can achieve the freedom, justice, and peace in general election.

Keywords: Elections, Act, Democracy.

A. INTRODUCTION

Election is a process of peaceful change of power are performed periodically in accordance with the principles outlined by the constitution. The constitution, stated that every citizen is entitled to participate actively in every decision-making process in the state.¹

The election is a very important political activity in the process of power transition in a country that adheres to the principles of democracy. Through Election a government elected directly by the people and given mandate to take care of this nation for the sake of the

common good. Elections are also referred to as a pillar of democracy, because elections such as these will never be found in a monarchy or empire². Through the election a country can get the right leader to increase the prosperity of a nation as well as national stability. Therefore, it is important to safeguard freedom, justice, and peace for the stability of the State Election and prosperity of the State.

As for our country, the state of Indonesia shall be a state based on the rule of law. Furthermore, Indonesia using civil law principles that focus on writing

¹ Thaib Dahlan, Indonesian constitutional, constitutional perspective, the first printing, Total Media, Yogyakarta, 2009, p. 98.

² Jimly Asshiddiqie, Introduction to Constitutional Law Volume II, the Secretariat General and Registrar of the Constitutional Court of the Republic of Indonesia, Jakarta, 2006, p. 175.

regulations. Therefore the process to regulate and reform the general election is done through The Act Number 7 of 2017 on General Election. This act is the current law which regulate specifically general election in Indonesia. This act had been discussed for about 9 months with a number of dynamics during the discussion. It was eventually agreed in a plenary meeting on July 21, 2017 and finally enacted into The Act Number 7 of 2017 on August 16, 2017.

The Act Number 7 of 2017 which originally comes from the act before the promulgation of the General Election is actually also called the Act draft of the Election Book. It has been also included in the List of Priority Legislation 2016, which at number 26 with the title of the Code of Election Act. The idea for this act is to codify or compile a variety of election-related act into a single act.

Furthermore, in accordance with Article 68 paragraph (3) b Act Number 12 of 2011 on the Establishment Regulation Legislation (Act No. 12 of 2011), Due to the Implementation of Election Bill was prepared by the Government, the Parliament set up a list of inventory problems. Therefore, in order for the discussion of this bill, Problem Inventory List (DIM) from each fraction was collected as a discussion which in total amounted to 3053 DIM. As at the end to

facilitate the discussion of the bill pattern is then chosen for the Implementation of Election classification method with crucial issues or cluster method. Of background research that has been stated above, as for the issues to be discussed are:

1. How do The Act Number 7 of 2017 can keep the peace, justice, and peace General Election?
2. What is the excess of Act Number 7 of 2017 that become the crucial points of this act?

B. WRITING METHOD

This writing method using normative juridical approach to legislation. In connection with the problems in this paper that the assessment done by analyzing the basis for the establishment of The Act Number 7 of 2017 as well as the crucial points in accordance with the experience of having experienced by the author as the designer assigned laws Skills Board meeting of Parliament in any discussion of the bill on this General Election. Problems and analysis in this paper is presented in descriptive analytical which provides a clearer picture of the basis for the establishment of The Act Number 7 of 2017 as well as the crucial points.

C. DISCUSSION

1. Basic Concepts Framework

a. Conception of the Establishment Act

Amendment to Article 5, paragraph (1) and Article 20 of the Constitution NRI 1945 (UUD 1945) brought important changes in the state system of Indonesia, particularly in terms of the power to make laws. Milestones of this change is characterized by changes in the power to make laws from the President to the House of Representatives (DPR). In a broader framework, these changes is the excess of the constitutional reform³which occurred in 4 (four) stages by arranging the substance of the Constitution diverse. In the context of the role and functions of Parliament, the changes implications improve the role and responsibilities of Parliament in the field of legislation making, both qualitatively and quantitatively.

In view of CF Strong, the legislature is a governmental authority in charge of law-making, as far as the law requires a power law (statutory force).⁴ Furthermore, Hans Kelsen

added, the legislative function is understood not as the establishment of all the general norm, but only the establishment of a common norm conducted by a special organ, called the legislature.⁵ General norms created legislature called "laws" (statues) as distinguished from general norms created by an organ other than legislative.⁶ The result of the constitutional changes is authorized the Board of Representatives of the Republic of Indonesia as the holder of power of the legislators, have a political function very strategic as the determining agency policy direction of the state administration of the Republic of Indonesia. UUD 1945 constitutional changes made by the Assembly from 1999 to 2002 provides broad implications on the rearrangement of the executive and legislative o relationship and a shift of legislation making power.

In the era before the reform, the establishment of legislation carried out under the direction of the Outlines of State Policy Guidelines (Guidelines). After the reform, the draft laws

³ In 1945 before the change, the common explanation of the State Government System Key Thought II, known as the term "constitutional system" that the government, based on the constitution (basic law), not absolutism (unlimited power).

⁴ CF Strong, *Modern Political Constitution of An Introduction to the Comparative Study of Reviews their History and Existing Form*, (London: Sidwick and Jackson Ltd., 1975), p. 8.

⁵ *Ibid.*

⁶ *Ibid.*, p. 257.

stipulated in the National Legislation Program (Prolegnas). National Legislation Program was formulated in Act No. 12 in 2011. In Act No. 12 of 2011 which consists of 13 chapters and 104 chapters, there are also two (2) appendices that make this law as a 'holy book' in the formation of legislation.

b. Concept of General Election

Elections are a constitutional order as provided in Article 22E paragraph (2) UUD 1945 which states that "*elections are held to elect members of the House of Representatives, Regional Representatives Council, the President and Vice President, and the Regional Representatives Council*". Elections are one of the main pillars of democracy. An important role of general election is to distinguish whether a state is using a democratic system or not. One of the early modern conceptions of democracy proposed by Joseph Schumpeter (sect Schumpeterian) which puts the organization of free elections and periodically as the main criterion for a political system to be called

democratic.⁷ Arend Lijphart states that efforts to establish a democratic state is not easy work. Lijphart states that, "It is not a system of government that fully embodies all democratic ideals, but one that approximates them to a reasonable degree."⁸ For Lijphart whole idea of democratization are imaginative utopian concept (delusion) if applied rigidly, but the will to shape a democratic state that would be realized if placed to the lowest level possible (a reasonable degree). So that proper democratic government is not entirely government run by the people most. The good exchange of power will achieve a good guarantee national stability and prosperity, so we surely needed a good general election for securing the good within it.

General elections are generally used to fill positions in the legislature, the executive, even also for the judiciary, both at central and local levels. Turpin and Tomkins also explained the Election: In a general election is the election of members of Parliament to represent constituencies. In modern times,

⁷ See Joseph Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper, 1947) p. 122. For a similar argument in a more contemporary scientific treasures, see Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: Oklahoma University Press, 1991), p. 636.

⁸ Arend Lijphart, *Democracy in Plural Societies, A Comparative Exploration*, (New Haven and London, USA: Yale University Press, 1977), p. 4.

however, elections have become less about individual electing members of Parliament and more about electing a government.⁹

2. Analysis

a. General Election 2014 Violation

Even though the general election was already carried out to maximum efforts, yet it is difficult to release it from the high number of violations that occur in the general election. As in the implementation of the general election 2014 ago, based on the data to exist in order to types of violations, for example administrative violation non phase of general election there is 2 found guilty of a violation, 4 for violation covered by received report, and then 6 of it had been referred to the electoral commission (KPU), and 6 of it was acted upon by KPU¹⁰. For another example of administrative violation in the phase of general election there is 3384 found guilty of a violation, 338 for violation covered by received report, and then 3722 of it had been referred to the electoral commission (KPU), 3242 of it was acted upon by KPU, and 480 not being acted upon by KPU¹¹.

The amount of violation above showed that is inevitable and therefore we need to find a solution for next general election.

Improvement for the general election is so important to overcome because as we know together that the implementation of general election is a direct order of our constitution that is UUD 1945. We can see it in the article 22E paragraph (1) UUD 1945 that explicitly state that "*General elections shall be conducted in a direct, general, free, secret, honest, and fair manner once every five years*", and this was an ideal that we can achieve with for the general election. Therefore what is the simple indicator to create an ideal general election? Securing free, fair, and peaceful general election is the key indicator for it. The best solution for it as because our country using civil law principles that focus on writing regulations, so we can make a new act for the next general election.

b. The Act Number 7 of 2017 as a Solution to Safeguard The Freedom, Justice, and Peace Election

Stability and peace is the great

⁹ Colin Turpin and Adam Tomkins, *the British Government and the Constitution*, Sixth Edition, (Cambridge: Cambridge University Press, 2007), p. 507.

¹⁰ Harun Husein, *the Indonesian general election, facts, figures, analysis, and educational studies*, (club to general election and democracy: Jakarta, 2014)

¹¹ Ibid.

dream of every State and Elections can give birth to leaders who guarantee it. Elections were deemed to be far from perfect and have a lot of shortcomings. Therefore, it is important to make laws the new election so that can be freedom, justice, and peace in the election. Act Number 7 of 2017 is the solution which is also the codification of laws relating to electora.l This is based on the Constitutional Court Decision Number 14/PUU-X/2013. In essence, the Court Decision Number 14/PUU-X/2013 filed by Effendi Gazali, Ph.D., MPSID, M.Si and read out on Thursday, January 23, 2014 has canceled Article 3 (5), Article 12 paragraph (1) and (2), Article 14 paragraph (2), and Article 112 of Law Number 42 Year 2008 regarding the General Election of President and Vice President.

The emergence of of the Constitutional Court order Number 14/PUU-X/2013 is a momentum for legislators to codify various laws relating to electoral into 1 (one) the text of the legislation. This codification was based on the thinking that currently law related to electoral arrangements are still scattered in a number of laws.

Starting from the Act Number 15 of 2011 on General Election Organizer (Act Number 15 of 2011), the Act Number 8 of 2012 on the General Election of Members of the House of Representatives, Regional Representatives Council, and Regional House of Representatives (Act Number 8 of 2012), and finally Act Number 42 of 2008 regarding the General Election of President and Vice President (Act Number 42 of 2008)¹². These three laws were born in different years and definitely has much differences because the law is always evolving, as an example, The Act Number 42 of 2008 are certainly up with the latest legislation among the three namely Act Number 8 of 2012, so that when the Constitutional Court ordered to unify the two kinds of these elections, for General Election of Members of the House of Representatives, Regional Representatives Council, and Regional House of Representatives (Pileg) and then for General Election of President and Vice President (Pilpres), so it is essential to synchronize the settings of general election act.

The command to do that

¹² See Academic Paper General Election bill submitted by the President through Presidential Letter No. R-66 / Pres / 10/2016 dated October 22, 2016 concerning the Submission of Draft Bill on Penyelenggaraan NA elections.

codification is also implicit in the consideration of the Court in Constitutional Court Decision Number 14/PUU-X/2013 that is exactly in consideration of court numbers [3.20] b The Constitutional Court Number 14/PUU-X/ 2013, which states that: "In addition, with tore Article 3 (5) of Law 42/2008 and other provisions relating to procedures and Presidential Election requirements would require new rules as a legal basis to implement the Presidential Election and General Election of Representative Institutions simultaneously. Pursuant to Article 22E paragraph (6) 1945, further provisions on general elections should be governed by the Act. If the new rules were enforced to be made and completed to organize the presidential and Legislative Organization member election simultaneously in 2014, then by logical reasoning.¹³

c. Crucial Points Points Act Number 7 of 2017 on General Election

Presidential Letter Number R-66/Pres/10/2016 dated October 22, 2016 concerning the Submission of

Draft Bill on General Election implementation sent to the Chairman of the House of Representatives¹⁴. This is the entry point the start command to discuss the bill on the Implementation of the election. House of Representatives later in order to establish laws governing the general election formed a Special Committee on the Implementation of Election Bill (The committee).¹⁵

After examining 543 (five hundred and forty-three) chapters in Bill on Election Penyelenggaraan sent to the House of Representatives, then each faction in the Parliament to make a list of inventory problems (DIM) for each of those chapters. And as stipulated by law conception of the formation of this set in article 68 paragraph (1) letter b Act Number 12 of 2011. Then, out of the total 3055 DIM collected from each of the fractions, then The committee agreed that using cluster or grouping system based on the issues that are considered crucial in the bill,¹⁶ The crucial points that are considered important to discuss the election in

¹³ See Court Consideration numbers [3.20] b The Constitutional Court No. 14 / PUU-X / 2013 85-86 thing.

¹⁴ See Letter of President of the Republic of Indonesia No. R-66 / Pres / 10/2016 dated October 22, 2016 for submission of the Draft Bill on Election Penyelenggaraan which has been sent to the Speaker of the House.

¹⁵ See MD3 Act whereby The committee provided for in Article 156 of Law DPR fittings MD3 is temporary.

¹⁶ Implementation of Resolution committee bill Elections on 24 November 2017.

accordance with the concept itself is as follows: 1. The principle of the election; 2. Member Election System and regional parliaments; 3. The number of Members of Parliament Seats, Seat Allocation and Selection of the Regions and regional parliaments; 4. Requirements Becoming Party Political Party Election; 5. Summary of Sound; 6. Threshold Parliament; 7. Method of Converting Sound to Chair; 8. Election of the President and Vice President; 9. Election; 10. Integrated Law Enforcement Centers; 11. Disputes and Dispute Election Process Election State Administration; 12. Campaign and Political Money; 13. Dispute Management of Political Parties; 14. Dispute Election Results; 15. Implementation of Election Day; 16. Stages of the election; 17. Representation of Women; and 18. Other.¹⁷

Of 18 (eighteen) points are indeed crucial main points covered are revolving around five (5) crucial points that ultimately resolved as it is known in the House of Representatives plenary session by a majority vote feed mechanism (voting). However, outside

of the things the author of a political nature will try to discuss further matters Writer consider important and was an improvement on the previous election law for the sake of the next general election.

1) Merger of Pileg and Pilpres

When the Constitutional Court Decision Number 14/PUU-X/2013 states that the two types of General Elections that the Pilpres and Pileg combined, it is so new. The Court in the decision of the Court stated there are 3 (three) principal main reason that in order to strengthen the presidential system, the interpretation of the norms of Section 22E of the original intent of paragraph (2) UUD 1945, and the efficiency of budget election.¹⁸ Hence also in order to discuss this bill anyway then the House of Representatives Special Committee study visits to Germany and Mexico to get an idea of the simultaneous election anyway.

By adhering to the principle of why the election should be held simultaneously and always aligned with Elections concept itself. As

¹⁷ See related materials Crucial issues per 16-17 February 2017 based on the results of the committee meeting at the Intercontinental Hotel, Jakarta to discuss crucial issues cluster and Implementation Bill DIM elections.

¹⁸ View Constitutional Court Decision No. 14 / PUU-X / 2013 page 78-84.

previously described in the conceptual framework that Elections are one of the main pillars of democracy, then merging both types of elections is also done with caution. Associated with the campaign is the thing that is often a question of many parties when combining both types of these elections. However, because this election is simultaneously the two types of election campaigns is also is simultaneously combined. It is being in tune with the formation of the future coalition of political parties that need to be implemented from the outset. Similarly, when voting on the D-day implementation of the Election itself. then the ballot paper there will be five (5) kertas punched sound directly on the same day.

Challenges in the framework of the merger of the two types of these elections is of the electoral law enforcement, though the discussion of the bill Implementation of this election is not the main focus of this case are discussed, but other ways to do in order to improve the quality of the election results anyway. The way is by doing a good renewal of

the election management with institutional strengthening and reinforcement of authority. This includes also the strengthening ascribed to DKPP it anyway. Indeed merger attempt two (2) types of Elections in a short time this is something that is not easy, however, the mandate of the decision of the Court must be implemented. The remaining time is awaiting the results of the Constitutional Court ruling because there are many things that are tested to the Court's related to the election law. However, this is a necessity, this is better because with the urge for the completion of this election law will sooner legal consequences lawsuit in the Constitutional Court. It is also expected with this acceleration anyway, whatever the outcome later this Constitutional Court ruling can be quickly and does not interfere with the stages of Election 2019.¹⁹

2) Updates for Election

General Election Commission (KPU) and the Election Supervisory Body (Bawaslu) in the election law has recently undergone institutional

¹⁹ See the article by Achmadudin Rajab, Urgency hastening Book Discussion draft Electoral Law, *rechtsvinding Journal*, which was published in

renewal. These reforms necessary for future challenges so great. Like for example in terms of the requirements for changing the age requirement which is up 5 (five) years, both the Commission,²⁰ Provincial KPU, Regency/City as well as Bawaslu, Provincial Election Supervisory Body, and Bawaslu Regency/City. The rise in the minimum age is also required because of the maturity in attitude and horns are needed to face the challenges of the next general election.

The other thing as well as requirement to resign from the management of civil society organizations (CBOs) that are legal entities and not a legal entity if it has been elected to the KPU, provincial KPU, and Regency/City, as evidenced by a statement, as well as Bawaslu,²¹ This is because that the election organizers is expected to be more focused and independent because after the task to find the next leader is a mammoth task and only elected with this tough criteria that can presumably carry out the mandate it.

Terms Restructuring is also in tune with the requirement to work full-time and to some extent overlaps with the requirement of resignation of a political party at least five (5) years. Why is that? because after all it is undeniable that certain organizations which, although put forward the concept of peoplehood even have the potential to bersar the closeness to a particular political party. So expect this condition becomes a real breakthrough neutrality an election organizers, and it petrified anyway DKPP tasks in maintaining the dignity of election management bodies.

Other restrukturisasi Membership Renewal KPU and Bawaslu. Wherein if the KPU and Bawaslu Center is still the 7 (seven) and five (5) members, but for the Provincial KPU and Bawaslu be numbered five (5) or seven (7) people. As for the Regency/City KPU and Bawaslu Regency/City consists of 3 (three) or 5 (five). Determination of the number of members of the Provincial Election Commission and Bawalsu provincial

²⁰ http://rechtsvinding.bphn.go.id/view/view_online.php?id=217, Accessed 24 November 2017.

See for example in Article 21 paragraph (1) letter b Law No. 7 Year 2017.

²¹ See for example in Article 21 paragraph (1) letter k Law 7 Year 2017.

and regency/city KPU and Bawaslu Regency/City is based on the criteria of population, area, and the amount of the government administration. It is, in terms of increasing the number of members, as well as institutional strengthening at the district level for the Election Supervisory Body/Supervisory Committee in the first regency/city became Bawaslu Regency/City. Even for Bawaslu also in Article 351 paragraph (8) of Act Number 7 of 2017 is also given a new mandate to train electoral political party witnesses financed by the state budget. Such things are a way in order to prepare for the general election held simultaneously which began in 2019 later.

Especially for Bawaslu also in Act Number 7 of 2017 is also stipulated that no new authority granted by the legislators. The authority is the authority in the framework of the electoral law enforcement Bawaslu decision and also kewenangan Bawaslu to take legal action if there is regulation organizers (in this case the Commission) that are considered contrary to the laws commanded.

Other things also which is a renewal in Act Number 7 of 2017 is

the organizer of the elections in Aceh. In this election law as stipulated in Article 557, 562, and 571 letter d of Act Number 7 of 2017 was a breakthrough. This breakthrough is in order to settle 'tangle' that have so far where one implication for example there are 2 (two) inspectors in there (Panwaslih) that formed by Aceh provincial parliament (DPR Aceh) and there is also Bawaslu Aceh province that being created by Bawaslu RI.

3) Strengthening the Role of DKPP

Strengthening the Honor Council Election (DKPP) in Act Number 7 of 2017 is indeed different from what is in the KPU and Bawaslu. If for example Bawaslu reinforced with the authority to issue its verdict Bawaslu or by permanent status of election supervisory in the level of regency/city from the previous Supervisory Committee of Regency/City becomes Bawaslu Regency/City, then DKPP not so ways to strengthen it. In contrast, for example with Bawaslu, DKPP since the beginning is an institution which perform the function of a mixture

(mix-function)²² the regulatory function, administrative and punitive function. DKPP as a new institution of this kind is in accordance with what was said by Prof. Dr. Asshiddiqie in his book Development and Consolidation of the State Institute of Post-Reformation. DKPP carry out administrative functions, as well as the nature of regulatory rulemaking overall binding code of conduct that election organizers and their staffs. DKPP will also have the function of punishment for DKPP could impose sanctions on the organizers of the election in violation of the Election Code.²³

As proposed by the author in the previous paper, that there needs to be encouragement for DKPP for the future. This is necessary in addition in order to deal simultaneously in the 2019 general election, but also in order to address the Constitutional Court ruling Number 31/PUU-X/2013. As a result of the discussion of the Bill on the Implementation of this election has

been discussed several things related to the enforcement of conduct which strengthens the role of the next DKPP which is as follows:

a) Institutional strengthening

Election 2019 Election future is special, because this is the first time the event Pileg and Pilpres rolled into one. For that also the reform momentum in the election organizers through the Constitutional Court Decision Number 14/PUU-X/2013 is so important. Taking into account the number of inputs through hearing (RDP) from a number of stakeholders were given the DKPP institutional strengthening. The institutional strengthening of the first is to strengthen the legal protection inspection team area. Initially, if based on Act Number 15 of 2011, the true is not expressed in the laws that exist in the area the inspection team formed by DKPP to assist the implementation of the tasks DKPP. This is because the

²² Asshiddiqie, Development and Post-Reform Konsolidasi State Institutions, Jakarta: Sekretariat General and Registrar of the Constitutional Court, the 2006 case 339

²³ Achmadudin Rajab, the Power of Judicial Ethics Decision DKPP As in Restorative Justice Framework Post Constitutional Court Decision No. 115 / PHPU.D-XI / 2013 and the Constitutional Court Decision No. 31 / PUU-XI / 2013, Journal of Ethics and Election DKPP, volume 1 No. 2, August 2015, p. 89.

original idea when forming Act Number 15 of 2011 is a national DKPP so in the center only. However because the range is so vast that DKPP overall good election organizers following the KPU and Bawaslu entire staff, then DKPP through DKPP Regulation Number 2 of 2013 on the Inspection Violation of Code of Conduct in the Regional General Election Organizer (DKPP Regulation Number 2 of 2013). Given the important role of DKPP order to maintain the dignity and honor of the election organizers then legislators strengthen DKPP to provide a clear legal basis in Article 164 as well as in Article 459 of Act Number 7 of 2017. Given the important role of DKPP order to maintain the dignity and honor of the election organizers then legislators strengthen DKPP to provide a clear legal basis in Article 164 as well as in Article 459 of Act Number 7 of 2017. Given the important role of DKPP order to maintain the dignity and honor of the election organizers then legislators strengthen DKPP to provide a clear legal basis in Article 164 as well as in Article

459 of Act Number 7 of 2017.

Other institutional strengthening of the supporting system (support system), if based on Act Number 15 of 2011, as was rung in Article 115 states that "In exercising their duties, DKPP assisted by a secretariat attached to the Secretariat General Election Supervisory Body". This is then run for it in DKPP where the support system and the Election Supervisory Body DKPP be one and DKPP also currently one building with Bawaslu. Legislators after collecting a number of input and consideration of the independence DKPP because after DKPP and Bawaslu is two institutions, it is essential to a separation. As a result it is embodied in Article 163 of Act Number 7 of 2017.

b) Strengthening Duties

The role of maintaining the attitude and actions of the organizers is a terrifying task. This role is a true joint role because together that DKPP becoming stronger. Legislators see DKPP performance had been running so well and this would need to be increased, thus

requiring the support of various parties there. Hence also, because DKPP including an integral function of election as mandated by the Constitutional Court ruling Number 11/PUU-VIII/2010,²⁴ The KPU and Bawaslu needs be involved. Thus, it is in Act Number 7 of 2017 KPU and Bawaslu is also involved in verifying the ranks of the KPU and Bawaslu will be dismissed. Ethics enforcement duties so that this becomes a common task but still with DKPP as its leading sector.

c) Strengthening Of Side Products Institute

As mandated by the Constitutional Court decision Number 115/PHPU.D-XI/2013 and Number 31/PUU-X/2013 decision expressly DKPP initially be final and binding according to the mandate of Article 112 paragraph (12) Act number 15 of 2011 and then developing values for redress (restorative justice) as

if he has lost his crown. This certainly affects DKPP itself, because Decision DKPP as an institution product no longer feared by the election organizers for legal certainty can be compared through Administrative Court Justice. This is not in accordance with the spirit of the lawmakers that the presence of the institutions that embody DKPP form *checks and balances* between electoral management bodies.²⁵

Impact of the Decision that, in the Bill on the Implementation of the original election when sent through Presidential Letter No. R-66/Pres/10/2016 dated October 22, 2016 concerning the Submission of Draft Bill on Penyelenggaraan NA and the elections, it can be seen that the product DKPP of the original in the Act number 15 of 2011 his name was ruling DKPP be "Decision DKPP",²⁶ It certainly has different implications for

²⁴ Refer to Constitutional Court Decision No. 11 / PUU-VIII / 2010, Testing Law No. 22 Year 2007 regarding the General Election Organizer of the Constitution of the Republic of Indonesia Year 1945, March 18, 2010, p 111.

²⁵ Achmadudin Rajab, "The Power of Decision DKPP As Judicial Ethics in Restorative Justice Framework Post Constitutional Court Decision No. 115 / PHPU.D-XI / 2013 and the Constitutional Court Decision No. 31 / PUU-X / 2013", Journal of Ethics and Election DKPP, volume 1 No. 2, August 2015, p. 99.

²⁶ See Bill Implementation of General Elections on October 21, 2016 submitted along with the Presidential Letter No. R-66 / Pres / 10/2016 dated October 22, 2016 concerning the Submission of

different decision clear verdict. Legislators especially Parliament clearly see that it obscures the spirit and noble task DKPP itself. Hence also in addressing especially the Constitutional Court decision Number 31 / PUU-X / 2013, then remained DKPP products DKPP and nature sounds Decision dalah final and binding decision, as was rung in Article 458 paragraph (13) of Act Number 7 of 2017. So that the election organizers is compulsory to implement the decision of DKPP.

This is a form of open legal policy of the law, because what is considered bad by certain parties would have been true yet konsitutsi violations. The same thing when referring to the Opinion of the Court that in point [3.17] The Constitutional Court Number 51-52-59/ PUU-VI/2008, then in fact the norm that are open legal policies have felt bad if it is not an infringement by the constitution. Because despite what is judged it is bad and so then the Applicant can see that

what is said does not always mean bad violate the constitution, keduali if the norm is clearly in violation of morality, rationality and intolerable injustice.

Other things that also are is, when forming Act Number 7 of 2017 this addition, the lawmakers, especially the Parliament, represented by Bill Special Committee on the Implementation of Election've come to the Court on December 14, 2016 to consult on a number associated with the electoral verdict of the Constitutional Court, one of which is to ask the Constitutional Court ruling Number 31/PUU-X/2013. As for oral answer from the Court at a time when visited directly by the Special Committee on the Implementation of Election Bill is that is a real case of open legal policy (open legal policy of the legislators). Thus is steadily that the product of the proceedings DKPP in Act Number 7 of 2017 is still named Decision DKPP to the nature of the final and binding decision.

D. CONCLUSION

In order to realize stability and peace which is the great dream of every State will be established Act Number 7 of 2017 also is the Constitutional Court order Number 14/ PUU-X/2013. In essence, the Court Decision Number 14/PUU-X/2013 filed by Effendi Gazali, Ph.D., MPSID, M.Si and read out on Thursday, January 23, 2014 has canceled Article 3 (5), Article 12 paragraph (1) and (2), Article 14 paragraph (2), and Article 112 of Law Number 42 Year 2008 regarding the General Election of President and Vice President. With canceled a number of articles that the implementation of the General Election of President and Vice-President (Pilpres) as well as the General Election of DPR, DPD and DPRD (Pileg) were originally separate and then implementation.

Based on DIM of each fraction determine crucial points Implementation election bill in total amounted to 18 (eighteen) crucial issues. From a number of crucial points that some are considerably between points is the progress of the Act Number. 7 Year 2017's. In particular, these things that the incorporation of the Presidential Election

and Pileg itself, and the renewal of the election organizers, and not forget to also strengthening DKPP. Related to the first point that is on the incorporation of the presidential and Pileg, in truth it is the first time this has happened. Merger based on the decision of the Constitutional Court Number 14/PUU-X/2013 is based on three (3) things that in order to strengthen the presidential system, the interpretation of the norms of Section 22E of the original intent of paragraph (2) UUD 1945, and the efficiency of the election budget. Second, related to the renewal of the election organizers, there are many things to be addressed both in terms of peryaratan, institutional, and also authority. Finally, related to the strengthening DKPP, the legislators understand how great and noble task of DKPP in maintaining the dignity of the election organizers. Hence also in order to address Constitutional Court decision Number 31/PUU-X/2013 and in order to face the 2019 general election, the support system is strengthened. Inspection team also provided grounding regions clearly set out in legislation. And of paramount importance, the product is still called the ruling institution that has the power DKPP final and binding.

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Academic Paper General Election bill submitted by the President through Presidential Letter No. R-66/Pres/10/2016 dated October 22, 2016 concerning the Submission of Draft Bill on Penyelenggaraan NA elections.

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Letter of the President of the Republic of Indonesia No. R-66/Pres/10/2016 dated October 22, 2016 for submission of the Draft Bill on Election Penyelenggaraan which has been sent to the Speaker of the House.

Related Materials Crucial issues per 16-17 February 2017 based on the results of the committee meeting at the Intercontinental Hotel, Jakarta to discuss crucial issues cluster and Implementation Bill DIM elections.

Report of the Chairman of the Special Committee in the DPR Plenary Session on July 20, 2017.

List Inventarasi Issues Draft Law on the Implementation of the election.