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Pancasila Democracy Between Normative Concepts and Political Practice

Cucu Supyan Cahyana¹, Ahmad, Gamal Abdul Nasir², Franky Aryadi³, Rijal Ibnu Sani⁴

¹²³⁴Universitas Muhammadiyah Tangerang
Jalan Perintis Kemerdekaan 1/33 Cikokol Tangerang Banten 15118

Correspondence Email :ahmad.law17@gmail.com

ABSTRACT Pancasila Democracy constitutes Indonesia's distinctive political system, rooted in the noble values of Pancasila and the 1945 Constitution. Normatively, Pancasila Democracy positions the people as the ultimate holders of sovereignty, implemented through moral principles, social justice, and deliberation to achieve consensus. However, in political practice, the implementation of Pancasila Democracy has frequently deviated from its foundational values. This article aims to analyze the gap between the normative concept of Pancasila Democracy and the realities of political practice in Indonesia across different periods, while also offering reflections and strategic measures to restore its original meaning. The study employs a library research method with a normative and descriptive-analytical approach. The findings indicate that Pancasila Democracy continues to face serious challenges, including the prevalence of transactional politics, weak political ethics, and low levels of morally grounded political participation. Therefore, revitalizing Pancasila values within national political life is an urgent necessity to achieve a democratic system that is just, ethical, and civilized.

KEYWORDS Pancasila Democracy, popular sovereignty, political ethics, political practice, social justice

INTRODUCTION

Freedom is one of the fundamental elements of democracy. However, throughout history, freedom has not always been fully experienced by human beings, even though it is an inherent right of every individual (In'amuzzahidin, 2015). Freedom provides broad space in various dimensions of life, including political, economic, and social spheres. These dimensions can be properly directed and maintained through effective communication between individuals. In expressing opinions and structured thinking, no individual or institution should obstruct intellectual freedom. As J.W. Johnson states, a state that claims to be democratic must offer significant protection for freedom of expression, including through the mass media (Johnson, 2001).

Indonesia adheres to a democratic system of government, in which sovereignty lies in the hands of the people, with the ultimate goal of achieving public welfare and justice. Indonesia is not alone in implementing a democratic system; many countries adopt democracy as a manifestation of constitutional governance and responsible citizenship. Democracy carries various meanings, one of which is the right of citizens

to elect political leaders through general elections (Pemilu) and regional head elections (Pilkada) (Nugroho, 2012).

To democratically select representatives, general elections are held. Indonesia's first general election took place in 1955. It was conducted in two stages: on September 29, 1955, to elect members of the House of Representatives (DPR), and on December 15, 1955, to elect members of the Constituent Assembly. Indonesia's first election was conducted peacefully, honestly, fairly, and in a highly democratic manner (2005).

General elections and regional head elections are democratic events held every five years. During each electoral cycle, political parties nominate candidates to compete, promoting their respective visions, missions, and ideological commitments (Chaniago, 2016). The constitutional framework sets requirements for candidates who wish to participate in elections. Article 18 of the 1945 Constitution regulates the democratic election of regional heads governors, regents, and mayors which is further elaborated in Law No. 10 of 2016.

A significant ruling by the Constitutional Court Decision No. 60/PUU-XXII/2024 has brought substantial changes to Indonesia's political dynamics. This ruling revised the nomination threshold for regional head elections. Previously, political parties were required to obtain at least 20% of seats in the Regional House of Representatives (DPRD) or 25% of valid votes. The decision lowered this requirement to between 6.5% and 10%, depending on the population size listed in the Permanent Voter List (DPT).

Before this decision, political parties without sufficient DPRD representation were effectively prevented from nominating candidates. This condition created unequal treatment, contrary to Law No. 2 of 2011 on Political Parties, which guarantees equal and fair treatment by the state (Kardeli, 2018). The previous threshold limited political freedom and restricted participation, as regulated in Law No. 7 of 2017 on General Elections.

Therefore, this study examines citizens' political freedom in participating in regional head elections after Constitutional Court Decision No. 60/PUU-XXII/2024, particularly regarding the nomination threshold under Law No. 10 of 2016.

RESEARCH METHOD

This research applies a normative juridical method, focusing on legal norms contained in statutory regulations and judicial decisions (Herdiansyah, 2015). The study employs a conceptual approach using secondary data derived from Constitutional Court decisions, statutory regulations, and relevant academic literature. Data collection was conducted through library research.

RESULT AND DISCUSSION

The Implementation of Citizens' Political Freedom in Regional Head Elections

Elections function as a mechanism to select representatives who will govern. They determine individuals who will occupy political positions, ranging from the presidency and legislative seats to local leadership positions. Elections also serve as persuasive instruments through rhetoric, public relations, mass communication, lobbying, and other forms of political engagement.

Conceptually, elections represent the embodiment of popular sovereignty. Through elections, citizens grant legitimacy to those who hold governmental authority by delegating part of their sovereignty to legislative and executive representatives. G.J. Wolhoff defines elections within a democratic framework as governance from, by, and for the people (Jurdi, 2018).

Political participation is a fundamental pillar of democratic culture. McClosky defines political participation as voluntary activities by which citizens take part in selecting rulers and influencing public policy. Participation is not only a right but also a voluntary civic responsibility.

Political freedom is constitutionally guaranteed under Article 28E(3) and Article 28D(3) of the 1945 Constitution, which affirm freedom of association, assembly, expression, and equal opportunity in government. Political participation includes voting behavior, campaign involvement, party membership, lobbying, organizational engagement, direct communication with officials, and in extreme circumstances, acts of violence (Rohmah, 2019).

Political rights aim to protect individuals from potential abuses of governmental power. Article 43 of Law No. 39 of 1999 on Human Rights guarantees citizens the right to vote and to be elected in free, fair, and democratic elections.

The constitutional foundation for elections is found in Article 22E of the 1945 Constitution, while regional head elections are governed by Article 18(4), which mandates that governors, regents, and mayors be elected democratically. The Constitutional Court has clarified that although regional elections are administratively distinct from general elections, they are substantively democratic (Decision No. 072-073/PUU-II/2005).

Implications of Constitutional Court Decision No. 60/PUU-XXII/2024

Decision No. 60/PUU-XXII/2024 reviewed the constitutionality of Article 40(3) of Law No. 10 of 2016. Previously, political parties were required to hold DPRD seats to nominate candidates, even if they had obtained sufficient valid votes. This requirement created legal uncertainty and restricted constitutional rights.

The Court declared the provision conditionally unconstitutional and reformulated the nomination threshold based on population size. Political parties are now required to obtain between 6.5% and 10% of valid votes, depending on regional population levels.

This reform significantly expands opportunities for smaller and emerging political parties to nominate candidates, thereby strengthening political

inclusiveness and reducing the possibility of single-candidate elections. It also aligns with earlier Constitutional Court reasoning (Decision No. 004/PUU-III/2005), which interpreted the word “or” in nomination provisions as providing alternative pathways.

For instance, in Jakarta Province, which has more than eight million registered voters, the required threshold is 7.5%. The Indonesian Democratic Party of Struggle (PDIP), despite holding no DPRD seats in Jakarta, secured 14.01% of valid votes exceeding the new threshold thus enabling it to nominate candidates under the revised rule. The decision enhances electoral fairness, reduces oligarchic dominance, and strengthens democratic competition at the local level.

CONCLUSION

Constitutional Court Decision No. 60/PUU-XXII/2024 represents a significant milestone in strengthening citizens’ political freedom, particularly for political party members seeking to contest regional head elections. The ruling affirms that every citizen has the right to be elected without discriminatory barriers.

By lowering the nomination threshold, the Court has reinforced the principle of popular sovereignty, ensuring that citizens possess not only the right to vote but also the right to be elected. This reform broadens political participation, enhances inclusivity, and creates greater opportunities for leadership that reflects the people’s aspirations. Ultimately, this decision marks a positive step toward strengthening democratic consolidation and improving the quality of local democracy in Indonesia.

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