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### RESEARCH ARTICLE

## INDONESIAN PRESIDENTIAL ELECTION SYSTEM RECONSTRUCTION BASED ON JUSTICE VALUE

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### Abstract

In its development, technological advances in the current electoral system have made many significant changes in the implementation of indonesia's democratic state as one of the countries that adheres to the democratic system. However, the implementation of the current election is still far from the mandate of pancasila democracy because of the large political costs in the liberal democratic system resulting in problems of corruption. Based on this the authors made a study of the reconstruction of the voting system manually on a presidential election based on justice with the main issue of the weaknesses of the presidential election system held in indonesia today and how the reconstruction of the presidential election system based on justice values. The study was done using the constructivism paradigm and the type of research is a qualitative study with a socio-legal approach. Research shows that the weaknesses of the current presidential election system are: (a) the complexity of the administration of presidential elections, (b) the high budget of the presidential election, (c) the polarization of the interests of political parties in presidential elections, (d) many kpu officers have died, (e ) the state worker (asn) is not neutral. Therefore a legal reconstruction is needed in the provisions of article 22e of the 1945 constitution of the republic of indonesia and article 1 paragraph (1) of law no. 22 of 2007 which clearly states that: (a) direct presidential elections; (b) general in nature; (c) free; (d) confidential; (e) be honest; and (f) fair, it needs to be changed so that it becomes a representative election conducted by each member of the regional representative council, the regional people's representative council, the people's representative council of the republic of indonesia, and the people's consultative assembly. Where the presidential candidates who have the most votes in the election representative will be the president. Although it is representative, it is also necessary to involve the community, namely through the supervision of the presidential election process which is carried out at each stage of the election which can be carried out with information and communication technology media. As for every phase of the election, which starts with the selection of presidential candidates, must be able to be informed to the public through social media that is easily accessible to the public,

both related to the figure's information, achievements, education, to the future vision and mission owned by the existing Presidential candidates. Then in the stages of the election process the information that needs to be announced is about the technical process of the election process or the Presidential Election in the MPR and lastly, is the existing vote counting process.

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## Introduction:-

The Nation of Indonesia is a democratic country, where the its government is formed because of the will of the people and aims to meet the interests of the people themselves. Democracy is a process, meaning that a republic will not stop in one form of government as long as the people of that country have a changing will. But in reality, the process of the Presidential Election that has been running so far there are still many Indonesian people who do not use their voting rights. This problem must be addressed immediately with an effective, efficient and attractive Presidential Election system so that the Indonesian people use their right to vote and not only become a white group in the election.

The election model in Indonesia has its own characteristics compared to other democracies. As a country with a tiered government structure, Indonesian elections are held at almost all levels of the power structure at the executive and legislative levels. Starting from the presidential election as head of state, DPR, DPD, DPRD to the village head. Based on the administrative system, regional government in Indonesia is divided into 34 provinces consisting of 508 Regency (rural) and cities (urban), 6,994 districts, and 81,253 Sub-Districts (urban) and village (rural).

In its development, technological advances in the current electoral system have made many significant changes in the implementation of Indonesia's democratic state as one of the countries that adheres to the democratic system. However, the current election is still far from the mandate of Pancasila democracy.

Globalization which is essentially an economic globalization or the process of integrating the national economy into the world economic system in its development has created open access to information. The era of information disclosure has resulted in the flow of information can move freely across national borders, in this case including the crossing of western ideologies or developed countries to third world countries. This in its development resulted in the intrusion of western ideology into third world countries which brought modern Western-style understanding of democracy. Such dynamics are shown in political developments in Indonesia. The era of information disclosure in the 1990s was one of the factors driving the collapse of the authoritarian New Order regime. The collapse of the New Order regime has resulted in a shift in the democratic democratic system to a modern liberal democratic system in Indonesia.

In its development, technological advances in the current electoral system have made many significant changes in the implementation of Indonesia's democratic state as one of the countries that adheres to the democratic system. However, the current election is still far from the mandate of Pancasila democracy.

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Liberal democracy is basically a democracy that is more focused on the dominance of the fulfillment of individual economic interests, so that liberal democracy and economic globalization are interrelated. This clearly contradicts Pancasila, which upholds common interests through consensus and does not focus on voting systems or one-man, one-vote systems. This shift in the democratic system resulted in high political costs in Indonesia. According to the

Minister of Home Affairs of the Republic of Indonesia, a candidate for regional head needs a fee of 20 to 100 billion rupiah to win the Regional Election or Regional Election.

This situation resulted in corporate domination and intervention in the country's political system. This domination and intervention ultimately creates conditions where the political elite has a tendency to prioritize corporate interests compared to the interests of the people. This resulted in the birth of a political oligarchy in the Indonesian political system which was controlled and at the same time only benefited political and corporate elites.

The large political costs in a liberal democratic system also lead to problems of corruption. Imam Prasodjo in a news entitled "Expensive Political Costs and Customs as a Reason for Politicians to Corrupt" stated that the high political costs are often the basic reason of every state official for corruption. Indonesia Corruption Watch (ICW) stated that "within a period of 6 months from 1 January to 30 June 2017, Indonesia Corruption Watch (ICW) recorded 226 cases of corruption. The case with the number of 587 suspects cost the state Rp 1.83 trillion and Rp 118.1 billion in bribes." The issue of corporate domination and intervention in national politics and the problem of corruption caused by the liberal democratic system indirectly results in poverty and inequality in Indonesia. This situation can lead to public distrust of the government which can then lead to disruption of Indonesia's current political stability. Based on the various explanations above, it is clear that the current liberal democratic system results in the vulnerability of a country to become a corporatocracy that bases its governance and democratization with the interests of the capitalists and for that reason results in marginality towards the existing society.

From the description above, the author then conduct a further research on the Reconstruction of the Voting System manually in a Presidential Election based on justice Value where the issues discussed are :

1. What are the weaknesses of the current Presidential election system in Indonesia?
2. How is the reconstruction of the Indonesian Presidential election system based on the value of justice?

### **Method of Research:-**

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge. Paradigm also looked at the science of social as an analysis of systematic against Socially Meaningful Action through observation directly and in detail to the problem analyzed.

The research in writing this dissertation is a qualitative research . Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach ( approach ) the research is to use the approach of Socio-Legal , which is based on the norms of law and the theory of the existing legal enforceability of a sociological viewpoint as interpretation or interpretation .

### **As for the source of research used in this study are :**

1. Primary Data, is data obtained from information and information from respondents directly obtained through interviews and literature studies.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study , researchers used data collection techniques, namely literature study, interviews and documentation. In this study, the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data. Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied and make conclusions.

### **Research Result and Discussion:-**

#### **Weaknesses Of The Current Presidential Election System In Indonesia:**

Before discussing some of the weaknesses of the current Presidential election system, it is necessary to first discuss the theories of Chambliss and Seidman regarding the implementation of law. This theory states that whatever actions will be taken by the stakeholders, implementing agencies and legislators are always within the scope of the complexity of social, cultural, economic and political forces and so forth. All social forces always work in every

effort to function the applicable regulations, implement sanctions, and in all the activities of the implementing institutions. Finally, the role carried out by legal institutions and institutions is the result of the work of various factors.

**Lawrence M. Friedman stated that the law consists of as follows :**

1. The structural component is the institution created by the legal system with various functions in order to support the operation of the system. This component is possible to see how the legal system provides services for the cultivation of legal materials on a regular basis.
2. Substantive component, i.e. as the output of the legal system, in the form of regulations, decisions used both by regulators and regulated.
3. The culture component, which consists of values, attitudes, perceptions, custom, ways of doing, ways of thinking, opinions that affect the workings of law by Lawrence M. Friedman, is called legal culture. It is this legal culture that functions as a bridge that connects the rule of law with the legal behavior of all citizens.

Based on the explanation above, it can be mapped some weaknesses of the current presidential election system. As for the various issues related to elections in Indonesia, the outline begins with a shift in the concept of democracy in the 1945 Constitution after the fourth amendment, as well as various confusion in the provisions of Law Number 7 of 2017 concerning Presidential Elections. Before the birth of the reform period in Indonesia, the Presidential Election as stated in the 1945 Constitution was still guided democracy. The guided democracy model resulted in the emergence of various demands for democratization in the reform era, including demands in the electoral sector. After the reforms and amendments to the 1945 Constitution the fourth election system became a direct election system. This is in accordance with Article 22E number 1 of the 1945 Constitution. The article states that "Presidential Elections shall be held directly, freely, confidentially, honestly, and fairly every five years." In addition the existence of a direct electoral system in its development has various kinds of weaknesses. This is similar to various election weaknesses based on western democracy. This is in line with the view of the United Development Party which was represented by Romahurmuziy who stated that the direct election system had various weaknesses, namely:

1. Due to the high cost of politics, only large-capitalized candidates, most of whom can be declared eligible for election;
2. During the nine years of direct election, 292 or 60% of regional heads have legal problems. While the representative or indirect election system has been running for sixty years, and during that time the problems experienced by regional heads were not as numerous as during the direct election period;
3. Direct elections are prone to result in political nepotism;
4. Direct elections are prone to money politics;
5. Direct elections are prone to political reciprocation;
6. Direct local elections often lead to horizontal conflicts.

The various problems that arise as a result of direct elections will ultimately lead to various problems in the regulatory sector at the Formell Gesetz level up to the Verordnung En Autonome Satzung level or the implementing regulations of Formell Gesetz.

In addition to the problems present in the 1945 Constitution, problems in the electoral sector also arise in the Law Number 7 Year 2017 Regarding elections, more clearly there is Article 167 number 6 of Law Number 7 of 2017. Article 167 number 6 of Law Number 7 of 2017 states that "the stage of holding an election shall begin no later than 20 months before polling day." This clearly has an impact on the issue of the length of the holding of elections in Indonesia.

The problems contained in Article 167 number 6 are further complicated by the provisions in Article 167 number 4 of Law Number 7 of 2017 which states that "the stages of election administration include: (a) program and budget planning and preparation of regulations for the implementation of elections; (b) updating voter data and preparing voter lists; (c) registration and verification of election participants; (d) determination of election participants, and; (e) determination of the number of seats and determination of electoral districts; (f) nominating the president and vice president, as well as members of the DPR, DPD, provincial DPRD and district / city DPRD; (g) election campaign period; (h) calm period; (i) voting and counting of votes; (j) determination of election results, and; (k) oaths / promises of the president and vice president, as well as members of the DPR, DPD, provincial DPRD, and regency / city DPRD, "as well as the provisions in Article 3 of the Presidential Election Commission Regulation

Number 7 of 2017. Various problems have arisen with there is an electoral system in 2019 that uses a simultaneous electoral system as stated in Article 167 number 3 of Law Number 7 of 2017.

Based on the Appendix to the Presidential Election Commission Regulation Number 7 of 2017 Regarding Stages, Programs, and Schedule of the Presidential Election in 2019, various issues as described above can be further elaborated. From the data on the timing of the election in the Appendix of Law Number 7 of 2017 it is clear that the process of updating voter data and preparing voter lists in the 2019 elections takes about 8 (eight) months. Furthermore, at the stage of registration and verification of participant elections, it will take around 7.5 (seven and a half) months. Then the last stage of the nomination of president and vice president, as well as members of the DPR, DPD, provincial DPRD, and regency / city DPRD takes approximately 7.5 (seven and a half) months. The data obtained from the Appendix to the Presidential Election Commission Regulation Number 7 of 2017 Concerning the Stages, Programs, and Schedule of the 2019 Presidential Election clearly shows that holding elections in Indonesia in 2019 requires a long time.

This happens due to various problems that occur in the administration sector. This is only shown by Article 348 number 1 of Law Number 7 of 2017 which implies that voter administration data in elections is still based on data held by the Ministry of Home Affairs, in its development the data cannot be said to be authentic data. That is because not all residents who are born, die, and move to other areas are reported accurately, and there are various population administration problems in various regions.

In addition to the issue of voter administration data, issues regarding the requirements to become candidates for President and Vice President, as well as candidates for DPR, Provincial and Regency / City DPRD, as well as DPD as regulated in Article 169 to Article 183 of Law Number 7 of 2017 are too complicated. The various problems in the end result in the cost of holding elections being expensive. This has been exacerbated by the increase in the number of seats for DPR members from 560 to 575, meaning that according to Article 186 of Law Number 7 of 2017 the number of seats for DPR members has increased by 15 seats. This clearly adds to the workload and costs in the electoral sector in 2019. This can be seen with the increase in campaign funds in 2019 which reached twelve point two trillion Rupiah, the amount is clearly very high.

This can be seen in Article 7 number 1, number 2, number 3 of the Presidential Election Commission Regulation Number 5 of 2017 states that:

1. Campaign Funds originating from Political Parties or Combined Political Parties as referred to in Article 5 paragraph (2), the maximum value is Rp750,000,000.00 (seven hundred fifty million rupiah) for each Political Party during the Campaign period.
2. Campaign Funds originating from donations from other parties as referred to in Article 5 paragraph (3) letter a, shall be no more than Rp. 75,000,000.00 (seventy-five million rupiah) during the Campaign period.
3. Campaign Funds originating from contributions of other parties, groups or private legal entities as referred to in Article 5 paragraph (3) letter b and letter c, the maximum value of Rp750,000,000.00 (seven hundred and fifty million rupiah) during the Campaign period .

Based on the various explanations above, it is clear that the election which is a manifestation of democratization in Indonesia is not easy in its implementation. This is in line with the view of the Minister of Home Affairs of the Republic of Indonesia which states that a prospective regional head requires a fee of 20 to 100 billion rupiah to win the Regional Election or Regional Election. Furthermore Almas Sjrafina as a member of the ICW (Indonesia Corruption Watch) political corruption division, stated that the high political costs were due to the financing of several sectors, namely (1) Costs for making billboards; (2) political dowry costs; (3) Operational costs during the campaign and election; (4) Costs for suing election results through the Constitutional Court.

The dominance of corporations in domestic politics in Indonesia through donations of campaign funds for prospective national leaders, has resulted in the politics of reciprocity between the elected authorities and corporations who have contributed stealth funds to him. This resulted in the running of government in Indonesia no longer based on state objectives and the interests of society but rather on the economic benefits of the corporation.

**Then with the multi-party system and the party's coalition of votes in the current Presidential Election system, namely the Presidential Threshold, the weaknesses of the Presidential Threshold are:**

1. There is no basis for the number of legislative election results that can be used as a basis for prerequisites for presidential nomination, because the election is carried out simultaneously.
2. Provisions on the threshold of presidential nomination are contrary to Article 6A Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which guarantees the right of each political party participating in the election to propose a pair of presidential candidates. Politically, the terms of the presidential nomination threshold will also be seen as limiting the opportunity for parties or other citizens to advance to become presidential candidate pairs.
3. A weak reinforcement presidential system with a degree of support to the presidential coalition, the coalition does not guarantee survival. In fact, in the middle of the government journey, political parties can join in the middle of the road or can attract support.
4. The existence of a seat support system through political parties in the Presidential Threshold system will only form a political reciprocity between the supporting political parties and the elected President.

Basically the Presidential Threshold is a development of the Presidential system and the Multi-Party system. This clearly will result in a polarization of interests both at the political party level with the President and between the President and the Parliament which is filled by the parties favoring the elected President. Juan J. Linz and Arturo Valenzuela stated that the combination of the Presidential and Multi-Party has a high risk, this is due to the polarization of interests between the President and the parliament which are two different branches of state power so that there will be double legitimacy in the course of the existing government. This worsened with the failure of the formation of political parties that are truly democratic and also clean so that it will lead to a tradition of money politics and corruption in the current election, especially in the Presidential Election.

### **Reconstruction Of The Indonesian Presidential Election System Based On The Value Of Justice**

Basically democracy in Indonesia does not adhere to western democracy, this is clearly expressed by Sukarno's speech which states:

"... the principle of welfare, that is the principle that there will be no poverty in the independent Indonesia. Don't you think that if there is a People's Representative Body, we will naturally achieve this prosperity. European and American countries have Representative Bodies, parliamentary democracy. But in Europe the capitalists are rampant. Aren't capitalists raging all over the Western continent? In the case of a representative body. None other than what is called democracy in the West is just "politieke democratie" alone, solely there is no "sociale rechtsvaardigheid", - not social justice. If we seek democracy, it should not be Western democracy, but life-giving consultations, namely "politiek-economische democratie" that can bring social welfare! "

In line with the above view, according to Yudi Latif based on Soekarno's various speeches related to Pancasila, the value of mutual cooperation is the basis of all precepts in Pancasila. Furthermore, Yudi Latif linked the values of the mutual assistance with the values contained in the five precepts contained in Pancasila. Namely as follows:

#### **Divine Principle**

The principle of God that must be based on mutual cooperation means the value of God who is also cultured, roomy and tolerant. So that the diversity of belief and trust will be a religion can walk with harmony without mutual attack and isolating between the circles with the other. The principle is in line with the principle of a fifth of the concept of Pancasila Sukarno, who was named by Sukarno as the Belief in the one and only God.

#### **Principles of Internationalism**

The principle of internationalism that spirit of mutual assistance by Yudi Latif, namely the principle of internationalism that is humane and Just. So that the principle of internationalism that there will always brought peace and appreciation of the Rights of the Rights of Man. This principle is in accordance with the second principle of Sukarno's Pancasila, which was named by Sukarno as principle of Internationalism and Humanity.

#### **Nationality Principles**

The principle of nationality which embodies the value of mutual assistance by Yudi Latif is a nationality that is able to realize the unity of the various differences in Indonesia or in other words able to realize Bhineka Tunggal Ika. This view is in accordance with the Precept of Internationalism or Humanity.

### **Principles of Democracy**

The principle of democracy which embodies the mutual assistance by Yudi Latif is a democracy that is based on deliberation to reach a consensus. Not democratic Western prioritizes the interests of the majority or mayokrasi and the interests of the elite ruling-financiers or minokrasi. This principle is in accordance with the principles of consensus or democracy in the Soekarno's Pancasila concept.

### **The Principle of Welfare**

The principle of welfare that is based on values of mutual assistance by Yudi Latif ie welfare which is realized through the development of participation and emancipation in the sectors of the economy with the basis of the spirit of economy. So that the welfare of the intended not welfare that is based on the understanding of individualism, capitalism and etatism. This principle is in accordance with the Fourth precept in Soekarno's Pancasila concept.

Based on various explanations available, the western democratic system which prioritizes the one-man system, one-vote is not entirely in accordance with the concept of democracy in this country both in terms of religion and ideology. So that the presidential election system should be returned to the representative system as practiced by European countries, where the presidential candidates are truly selected according to their capabilities and quality through the People's Consultative Assembly or MPR. For this reason, the provisions referred to in Article 22E of the 1945 Constitution of the Republic of Indonesia and Article 1 Paragraph (1) of Law No. 22 of 2007, which states that: (a) Direct Presidential Elections; (b) general in nature; (c) free; (d) confidential; (e) be honest; and (f) fair, it needs to be changed so that it becomes a representative election conducted by each member of the Regional Representative Council, the Regional People's Representative Council, the People's Representative Council of the Republic of Indonesia, and the People's Consultative Assembly. Where the Presidential candidates who have the most votes in the ELECTION representative will be the President. Although it is representative, it is also necessary to involve the community, namely through the supervision of the Presidential election process which is carried out at each stage of the Election which can be carried out with information and communication technology media.

As for every phase of the ELECTION, which starts with the selection of Presidential candidates, must be able to be informed to the public through social media that is easily accessible to the public, both related to the figure's information, achievements, education, to the future vision and mission owned by the existing Presidential candidates. Then in the stages of the ELECTION process the information that needs to be announced is about the technical process of the ELECTION process or the Presidential Election in the MPR where the voting is no longer manual but with an e-voting system that can be directly witnessed by the people live and online through public social media. Then the last is the existing vote counting process. In order to realize the various ideas above, it is necessary to do reconstruction by changing the provisions of Article 22E of the 1945 Constitution of the Republic of Indonesia and Article 1 Paragraph (1) of Law No. 22 of 2007 which clearly states that: (a) Direct Presidential Elections; (b) general in nature; (c) free; (d) confidential; (e) be honest; and (f) fair, it needs to be changed so that it becomes a representative election conducted by each member of the Regional Representative Council, the Regional People's Representative Council, the People's Representative Council of the Republic of Indonesia, and the People's Consultative Assembly. Where the Presidential candidates who have the most votes in the ELECTION representative will be the President. Although it is representative, it is also necessary to involve the community, namely through the supervision of the Presidential election process which is carried out at each stage of the Election which can be carried out with information and communication technology media. As for every phase of the ELECTION, which starts with the selection of Presidential candidates, must be able to be informed to the public through social media that is easily accessible to the public, both related to the figure's information, achievements, education, to the future vision and mission owned by the existing Presidential candidates. Then in the stages of the ELECTION process the information that needs to be announced is about the technical process of the ELECTION process or the Presidential Election in the MPR and lastly is the existing vote counting process.

### **Conclusion:-**

The weaknesses of the current Indonesian presidential election system are: (a) The complexity of the administration of presidential elections, (b) the height of the presidential election budget, (c) the polarization of the interests of political parties in presidential elections, (d) many KPU officers have died, (e) ASN is not neutral.

The implementation of the Reconstruction of a just presidential election is by changing the provisions of Article 22E of the 1945 Constitution of the Republic of Indonesia and Article 1 Paragraph (1) of Law No. 22 of 2007 which clearly states that: (a) Direct Presidential Elections; (b) general in nature; (c) free; (d) confidential; (e) be honest; and

(f) fair, it needs to be changed so that it becomes a representative election conducted by each member of the Regional Representative Council, the Regional People's Representative Council, the People's Representative Council of the Republic of Indonesia, and the People's Consultative Assembly. Where the Presidential candidates who have the most votes in the ELECTION representative will be the President. Although it is representative, it is also necessary to involve the community, namely through the supervision of the Presidential election process which is carried out at each stage of the Election which can be carried out with information and communication technology media. As for every phase of the ELECTION, which starts with the selection of Presidential candidates, must be able to be informed to the public through social media that is easily accessible to the public, both related to the figure's information, achievements, education, to the future vision and mission owned by the existing Presidential candidates. Then in the stages of the ELECTION process the information that needs to be announced is about the technical process of the ELECTION process or the Presidential Election in the MPR. Then the last is the existing vote counting process.

### References:-

1. Al-fatih, sholahuddin. (2019). Akibat hukum regulasi tentang threshold dalam pemilihan umum legislatif dan pemilihan presiden. Jurnal yudisial. 12. 17. 10.29123/jy.v12i1.258.
2. Alrasid, harun. (2002). Pemilihan presiden 2000 di amerika serikat. Jurnal hukum & pembangunan. 32. 1. 10.21143/jhp.vol32.no1.1323.
3. Anggoro, teddy. (2017). Pemilihan presiden langsung dan calon independen dalam pemilihan presiden dan pemilihan kepala daerah. Jurnal hukum & pembangunan. 35. 254. 10.21143/jhp.vol35.no2.1465.
4. Bambang cipto,(2019), ambruknya kredibilitas demokrasi, pustaka pelajar, jogjakarta, p.28-29
5. Fachri fahrudin, (2016), expensive political costs and customs as a reason for politicians to corrupt, kompas.com, kompas on september 19, 2016.
6. Faisal,(2010), menerobos positivisme hukum, rangkang education, yogyakarta.
7. Indarja, indarja. (2018). Perkembangan pemilihan presiden dan wakil presiden di indonesia. Masalah-masalah hukum. 47. 63. 10.14710/mmh.47.1.2018.63-70.
8. Indonesia corruption watch, (2018), in 6 months there were 226 cases of corruption which harmed the country totaling 1.86 trillion, accessed via news.detik.com on january 12, 2018.
9. Johnny ibrahim,(2005), teori dan metodologi penelitian hukum normatif, bayumedia, surabaya.
10. L. Moleong,(2002), metode penelitian kualitatif, pt remaja rosdakarya, bandung.
11. Pincus, d. (2000). Lawrence friedman and the trouble with "reality". Journal of the american psychoanalytic association. 48. 593-8. 10.1177/00030651990480020201.
12. Taufan, sonny & pujiyanto, risang. (2019). Direct election of president and vice president in pancasila perspective. Jurnal cita hukum. 7. 417-430. 10.15408/jch.v7i3.13720.
13. Yudi latif,(2011), negara paripurna, historistas, rasionalitas, dan aktualitas pancasila, pt. Gramedia pustaka utama, jakarta, p.7.