



# The Problems of Political Parties and Elections Draw the Character of Pancasila Legislative Members

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**Abstract.** Political parties have been regarded as the pillars of democracy. It means that political parties are the pillars or backs of democracy. Thus, political parties are present as instruments capable of scanning all kinds of people's aspirations to be later championed into public policies by the state. However, in reality, political parties are often familiar with the disease of forgetting, namely forgetting their orientation as a buffer for democracy, as an instrument for channeling people's aspirations. If one observes the status and existence of post-reform political parties, they have not been able to reflect themselves as a political organization that has the duty and obligation to fight for the interests of the people and the state. Today's political parties have not been able to form themselves into parties that are indeed the mouthpiece of the people's aspirations. More importantly, political parties have not been able to become solid and mature parties. Direct legislative elections currently result in large costs that must be incurred by legislative candidates, so that only candidates who have excess finances can nominate themselves as legislative candidates, this causes the quality of candidates to be less qualified because what candidates need is only in terms of finance, not knowledge, ability, and integrity. The approach in this research was based on a normative juridical approach. The data were collected through a literature review. This research was descriptive analysis research. The results The election implementation has not been able to realize legislative members with Pancasila character because the aspects that are initiated in the process of nominating legislative members in the general election for legislative members do not reflect social justice, the selection of legislative candidates from political parties are currently not clear in standards, many candidates for legislative members impromptu which only has popularity and financial power without the support of knowledge, competence in terms of legislative duties and functions. The huge money politics in the legislative general election process results when an elected member candidate thinks of returning the capital they spent, of course, it will result in corrupt practices after they are elected. The number of violations or electoral crimes for which there is no clear resolution, should every election violation or crime disqualify the candidate for legislative members. to realize legislative members with Pancasila character through increasing the integrity of legislative members, political parties in determining candidates for legislative members, go through very strict stages of selections starting from track records and ethics. In addition, political parties do

not burden legislative members with their interests of political parties. The costs of legislative candidates in general elections are financed by the state, so those legislative candidates are not burdened with very high costs so and after being elected they are not burdened with the costs already incurred.

**Keywords:** Political parties · general elections · Pancasila character · the legislature

## 1 Introduction

The journey of reform for twenty-three years has left the same problem as the New Order era, namely transparency in general elections. Law No. 7 of 2017 concerning General Elections which has been abbreviated as the Election Law, in the perspective of Dignified Justice is seen as a manifestation and development and renewal of law or the development of the nation's soul (Volkgeist) related to elections in Indonesia and from time to time. The Election Law, for now, can be seen as the pinnacle of meaning for a dignified electoral system.

Dignified Elections, not as goals and elections or democracy as the idea of Dignified Justice, namely justice that humanizes humans. Dignified Justice views Pancasila as the highest basic postulate, namely as the source and all sources of juridical inspiration to make political ethics (democracy).

Law No. 7 of 2017 concerning General Elections in Indonesia, which is prioritized as a juridical reference ("soul mate") and Pancasila; therefore in the spirit of Pancasila, as long as the law applies. Dignified Justice postulates that all applicable laws and regulations are the soul of the nation (Volkgeist) and are the most concrete manifestation of the soul of the nation.

Every representative, theoretically, of course, sees himself as a representative of its citizens. Ethical issues are not only addressed to the KPU as an election organizer. Political parties as election participants also play a major role in maintaining the integrity of the election through their ethical behavior. Political parties are expected not to do anything, including actions that violate ethics, to qualify as eligible participants.

On the external dimension, political parties must also try as hard as possible able to provide education to the wider community so that each person gets views, orientations, and values and the community in which he is located. Especially in the context of a very plural country, the important role of political parties is to educate to help increase national identity and foster national integration. Thus, the integrity of the Indonesian nation is always maintained even though there are differences in political choices.

As an important instrument in a democratic country, political parties are certainly the most appropriate place to produce quality leaders. To produce good candidate leaders, each political party has a recruitment mechanism, namely to recruit the nation's best cadres who will be able to fill public positions in the future. In this case, political parties do so with the function of political recruitment, which is a process of recruiting new party members or inviting people who are considered talented to participate in the political process. Political recruitment can guarantee the continuity and sustainability of

the party. The results of this selection will then become a bargaining chip in any political contestation.

The recruitment function is often referred to as the most basic function of political parties because in this function political parties actively seek, research, and design candidates who will compete in elections. Recruitment design then becomes an important aspect that must be considered by political parties in the screening system. The more selective the party's screening system, the better the members and cadres produced. In the selection process, each party has a different mechanism that is adapted to the ideology adopted by each party. However, even though the mechanism is different, the goal is still the same, namely to find qualified members and candidates to obtain satisfactory results in every contest.

Political parties must be able to be present not only for the sake of power but also as a forum to accommodate all demands and interests of the community towards the government. For this reason, political parties must always be willing to act as articulators and aggregators of public interest. As articulators, political parties anticipate every interest of their supporting community groups to be fought for in a public policy. In this articulation function, political parties are expected to voice the interests of the community through the choice of positions on various political issues and by expressing the views of their supporters in the government process. In this function, political parties run through political campaigns to direct the direction of politicians' actions to represent the interests of their supporters.

The most common form of articulation in all political systems is the submission of individual and group requests to members of the board or executive so that these interests can be taken into account. In the process, political parties tend to be passive because they are waiting for public demands through party politicians who are sitting in public positions such as members of the council or executive. In addition, in the articulation of the interests of political parties, they demand more specific interests, namely the interests of their supporters.

Meanwhile, as an aggregation of political parties, they are active because the political parties themselves will be active to combine and select the demands of interests and various social groups and select demands of interests and various social groups into alternative policies or government programs. In addition, in the function of aggregation, political parties carry out demands and interests that are more general, namely for social interests. However, in carrying out the function of articulation and aggregation, the essence is the same, namely fighting for the interests of the community to be considered in public policy. Regarding political parties as articulators and aggregators of public interest, they are following the provisions of the law on political parties, namely as absorbers, collectors, and distributors of people's political aspirations in formulating and determining state policies.

The existence of the function of articulation and aggregation of interests in political parties at the same time guarantees the creation of security in society because with these two functions conflict of interest can undoubtedly be minimized. No wonder some opinions that classify articulation and aggregation as part and a series of processes to control conflict. Between democracy, political parties, and elections are nothing but a unified whole in manifesting the will of the people in the state. At the end of this book, we

would like to make two important notes regarding political parties and elections, namely: first, the problems and reforms of political parties. Second, problems and reforming political parties in elections.

Political parties have been regarded as the pillars of democracy. It means that political parties are the pillars or backs of democracy. Thus, political parties are present as instruments capable of scanning all kinds of people's aspirations to be later championed into public policies by the state. However, in reality, political parties are often familiar with the disease of forgetting, namely forgetting their orientation as a buffer for democracy, as an instrument for channeling people's aspirations. If one observes the status and existence of post-reform political parties, they have not been able to reflect themselves as a political organization that has the duty and obligation to fight for the interests of the people and the state.

Today's political parties have not been able to form themselves into parties that are indeed the mouthpiece of the people's aspirations. More importantly, political parties have not been able to become solid and mature parties. There are two reasons behind the current inability of political parties to become solid and mature parties: first, the founders of political parties are trapped in short-term pragmatic interests. This kind of pragmatism is also reflected in the making of the Political Party Law and the Election Law which causes political parties to always stutter in every election. This has caused new political parties to prioritize regulatory formalities rather than preparing themselves thoroughly for the long term. Second, actors in political parties are not actors who want to build the political party machine into a stable machine to carry the wheels of political parties in the context of strengthening democracy. As a result, members of political parties sitting in parliament only think of ways to occupy legislative seats [1].

Internal conflicts of political parties often color the journey of political parties in Indonesia, so it is not surprising that there are often reports of dualism in the leadership of political parties [2]. The level of financial autonomy of political parties is relatively low because until now political parties are still financed by the APBN/APBD [3].

No standard of morality is institutionalized and institutionalized by political parties. Second, there is relatively no internal democracy so some political parties are managed according to the tastes of the general chairman. This is usually reflected in closed and oligarchic political decision-making. Third, the standard regeneration system has not yet been established in the sense that it is inclusive, periodic, tiered, and sustainable as well as in an open and democratic recruitment system. Fourth, there is no good and accountable financial governance system. As a result, there is a potential for dependence on the supply of illicit funds and cadres who occupy strategic positions [4].

Of course, the circle of oligarchs in political parties must be immediately broken so that democracy can be preserved from the start and within the body of political parties which are nothing but the buffers of democracy. Oligarchy is indeed an internal problem for political parties, but these internal problems will certainly greatly affect the quality of candidate leaders that will be promoted by political parties. In addition, with the breakup of the oligarchic circle, the orientation of future leaders and political parties will be more ideological, namely for the interests of the nation and state. The right way is a transparent and fair democratic mechanism in every succession or change of political party leadership. The aim is that in every succession, the main consideration is the ability

and quality of party cadres to become party leaders, not the balance of material power. Likewise, concerning the leadership candidates promoted by the party, what is seen is not material strength or popularity but quality.

For political parties to fix themselves. Improving the internal problems of political parties is very important because the situation and internal conditions of political parties have a direct impact on the behavior of political parties in organizing elections. If political parties are still shackled by internal problems, then it is not surprising that every election always brings up “weird” phenomena. Called “weird” because the phenomenon that arises is not supposed to exist. Below, it is discussed related the problems of political parties in the election and how efforts are made to improve these problems.

There are at least two phenomena that are periodic in every election, namely: the phenomenon of impromptu legislative candidates and the practice of money politics or money politics. In the course of post-reform elections, the ways and efforts of political parties to gain votes in election contestations are increasingly creative and perhaps innovative. How not, every election always appears with new faces who are completely new to the world of politics [5].

The presence of new faces in politics in particular is the only instrument that is constitutionally recognized as a “vehicle” in elections. It is common knowledge that in every election the political parties participating in the election always nominate people who have the popularity to gain votes rather than quality ones to advance the nation and state. During elections, political parties tend to use “shortcuts” to nominate artists and businessmen as legislative contestants with the consideration that the popularity of artists and large capital and entrepreneurs can gain maximum votes in elections so that their parties are saved from the threshold as stipulated in the Act [6].

The problems related to political parties in the above election show that political parties need constructive reforms and fundamental reforms. The phenomenon of impromptu legislative candidates and money politics in elections should not be tolerated as normal and natural phenomena. A bad phenomenon like this will set a bad precedent as well. The logical consequence is that we will be required to be permissive to conditions that hinder the progress and maturation of political parties in elections. The existence of political parties in elections will determine the future of the nation and state. Direct legislative elections currently result in large costs that must be incurred by legislative candidates, so that only candidates who have excess finances can nominate themselves as legislative candidates, this causes the quality of candidates to be less qualified because what candidates need is only in terms of finance, not knowledge, ability, and integrity. The large amount of funds spent by potential candidates when they are elected is thought to return the funds that have been spent and corruption can occur.

## 2 Research Method

This research was conducted using the holistic study-oriented juridical-normative approach, in which the science of law receives assistance from related disciplines. Analysis of the research object was conducted through legal analysis.

### 3 Findings and Discussion

The effectiveness of the law can be reviewed with the theory of the legal system proposed by Lawrence M Friedman. Lawrence M Friedman divides the legal system into three parts, namely: (1) Legal Structure, (2) Legal Substance, and (3) Legal Culture. The first theory regarding legal structure, Lawrence M Friedman, states that a structural system determines whether or not the law can be implemented properly [7].

The second theory from Lawrence M Friedman states that the substance of the law determines whether or not a law can be implemented. The substance also means that the product is produced by people who are in the legal system which includes the decisions they make, and the new rules they make. In addition, the legal substance includes living law, not only the rules contained in law books, and the law that lives in society can be used as a reference in building a just law.

Political parties in terms of recruiting candidates for members of the DPR must go through a process of care, training and political education for the candidates is not instant. Candidates must go through the selection stage from the party level after passing the party selection and then submitted to the state for administrative verification of requirements a feasibility test is carried out through knowledge, ethics, and national insight.

Pancasila as a principle in political parties makes everyone, groups, and political parties mutually claim that they are the most "Pancasila" and others are not. Things like this harm not only those outside who are accused of not being Pancasila but the Indonesian state as a whole is also harmed. Because parties outside and within the two groups claim each other, they think that the ideology of the Indonesian State is so weak that it is not easy to accuse each other. Even more and it is easy to be infiltrated other political needs. It can be seen after the 2019 election, that vertical and horizontal conflicts are undeniable.

Recruitment of political party members. Political parties that do not use Pancasila as the basis of political parties, such as Islam, do not mean that the party only accepts cadres who are Muslim. It can be said that all political parties based on Islam open the door to all citizens who want to join without distinguishing the religion of each cadre. Similar to other political parties, such as political parties based on Pancasila, they also do not place restrictions on cadres in these political parties. This means that the different principles used by the two political parties do not have a direct impact on the cadre. Second, is the work program of political parties. When viewed from the work program of political parties based on Islam or those based on Pancasila and others, there are no significant differences in the work program. Political parties can give certain characteristics to their political parties through the work program of each political party. This means that without differences in principles, the purpose of a political party can be seen from the work program to be carried out. In addition, with the principle of equality, the goals of the state can be carried out by all political parties simultaneously without distinguishing between personal goals or party goals. As for the work program by following the specifics or personal achievements of the party, it can be added as certain characteristics without neglecting Pancasila as the main goal, as mandated by the Political Party Law.

After the ratification of Pancasila as part and the Preamble of the 1945 Constitution which was placed in the fourth paragraph, this was evidence that the long debate about

“sects” had ended at that time. That it is as if history repeats itself if Pancasila is used as the sole principle of political parties, later on, is a separate form of trauma from some circles. This is the duty of the state so that the political configuration should not dominate law enforcement. By making all political parties based on Pancasila, the needs of the state have been completed. This is because each political party no longer has a different interpretation, so the values of Pancasila can be described in the work program of each political party.

Pancasila is an ideology in the context of the nation and state which is understood by all political parties. But in reality, Pancasila is only used as a “sticker” even if it is only used as a formal condition for the establishment of a political party. The conditions for establishing a political party should not be met but should have primordial and ideological values that must be achieved together.

### 1. Election Arrangements

Problems with Law No. 7 of 2017 concerning Elections Article 182 (2) letter j The least educated is a higher education graduate or the equivalent. The minimum educational background requirements for presidential, vice-presidential, and legislative candidates for DPR, DPD, and DPRD must be higher education. based on Law 7/2017, the educational background is only high school level or equivalent. The first is election participation. So far, Law No. 7 of the 2017 Elections has not touched the criteria for party health from the financial side as election participants. The Election Law only emphasizes the number of party management up to the regional level. “For example, the health of the party in terms of funding, then the expenditure side is not touched. Meanwhile, we all know that until now we have not found any financially sound party. Second, regarding recruitment candidates for legislative members, Law No. 7 of 2017 Elections does not regulate the recruitment of candidates for legislative members from party cadres. As a result, many candidates for legislative members switch parties to smooth their political careers. Third, is the problem of money politics. Law No. 7 of the 2017 General Election used so far has not been able to decide the problem of money politics.

Political parties conducting the selection of candidates for legislative candidates tend to look for figures who have strong social capital and/or strong financial capital. Figures who have strong social capital are assumed to have a strong appeal to gain voters’ votes. This is seen as making it easier for political parties to secure seats. Meanwhile, figures with strong financial capital even though they do not have strong social capital are expected to be able to bear the costs of programs prepared by political parties, which usually work with expert consultants. Based on a trusted survey, professional election-winning consultants can perform engineering techniques to manipulate people’s consciousness so that their clients can win the election. Candidate figures in any capacity can be imaged as if they are capable and worthy of being elected. Political parties and their candidates can be imaged as if they are defenders of the people’s interests beyond what they do. Perhaps this is the most polite form and a derivative of Machiavelli’s theory which teaches about ends justifying means. In fact, with large funding support, the election-winning program can use vulgar methods such as vote buying.

None of the political parties participating in the general election dared to imagine failing to penetrate the parliamentary threshold which was set at 4 percent in Law Number

7 of 2017 concerning General Elections. Therefore, the assistance of consultants to win elections for political parties and their candidates is a necessity. Election-winning consultants have generally experienced professionals and trusted academics. Election-winning consultants can design measurable programs to ensure the acquisition of seats for political parties. In general, election-winning consultants work on a contract basis with their clients. The contract value varies based on the rational calculation of the positioning of political parties and their candidates in each electoral district.

If the target of obtaining seats becomes a must and the cost factor is placed as the main variable, then the election will become an arena of competition that will be won by the owner of the most powerful financial capital. Election-winning consultants can design winning programs with near-perfect success rates when the cost is not a constraint. Advocates of democracy may worry that elections are a battleground for the power of money. Not when the people go through a holy procession giving mandates to trusted state administrators. The parties most responsible for the chaotic elections are political parties. According to the law, the participants in the election are political parties. Candidates for presidential and vice presidential candidates as well as candidates for DPR-RI and DPRD are the only candidates for state administrators proposed by political parties. Therefore, political parties are “mothers of state administrators.

Since the Reformation era, this nation has set a new path in the administration of a state that is loyal to the path of democracy. It is in the corridor of democracy that we want to build an advanced and prosperous nation based on Pancasila. Through democratization, state sovereignty is realized as the highest right of the people through honest, fair, and open elections. In all types of elections, the participants are political parties. Thus, the people’s freedom in giving mandates to elected state officials is limited by the choice of candidates proposed by political parties. Except for the election of DPD members and several candidate pairs for individual regional heads. Therefore, the leaders of political parties are national figures who have a noble task for their nation and state. They are required to have an enlightened awareness to reform political parties so that they can carry out their political functions correctly [8].

The neglect of political parties in carrying out their political functions correctly is what causes political life to be tick-swimming. As the law of nature applies, when political functions do not work, their role is replaced by other functions. The democracy that is running in Indonesia today is a democracy that is too dominated by the power of money. Democracies experience abnormalities (anomaly democracy) because economic functions are too dominant to replace political functions. When the democratic process does not run according to its nature, there will be turbulence that, if it cannot be controlled, will enter the face of a crisis. Turbulence in our democracy is happening right in front of our eyes, where almost every day the public is treated to news of OTT (hand arrest operations) corruption cases of state officials at the regional to central levels. Nowadays there is a meme in the community that says that almost all state officials today are sitting on chairs that are burning, it’s just a matter of time before they burn those who sit on them. From election to election in this Reformation era, the political costs incurred by political participants, both institutionally and individually, are increasingly expensive.

The consideration of everyone entering the arena of political competition in the general election or post-conflict local election is always a cliché because it is based on

financial support, not based on the drive to struggle that demands dedication to an ideal. When money becomes the most important factor to win contestations in elections, the result is state officials who tend to hunt for rent. This nation can fall into a failed nation because it allows high-cost politics to continue and is getting out of control.

On the other hand, if political support is synonymous with money, the power of the state as a result of democratic elections is ultimately only filled by rich people or leaders who are controlled by sponsors. The political policies produced by such a system may not be able to fully serve the interests of the people. There is always a vicious cycle process: political positions are achieved based on the power of money, so political positions must generate money. A country can't pursue rapid progress if the bearers of power cannot dedicate their power based on the interests of their nation and state.

Legally and formally, democracy in Indonesia is going well. The holding of four elections in the reform era all went safely and smoothly. There is no destructive horizontal conflict as happened in countries that have just received democratic freedom after overthrowing the previous authoritarian regime, such as in the Philippines, Egypt, Iran, Turkey, Thailand, and several other countries. And on this side, Indonesia deserves a thumbs up. No matter how hard the ideological to pragmatic conflicts in the political dynamics of society can be carried out in the corridors of democracy. Differences in views among political leaders are limited to discourse in free mass media coverage and do not cause serious conflicts at the grassroots level. Much praise goes to the nation with the fourth largest population in the world for its success in holding free elections in a safe environment. In the fifth general election (2019), the Indonesian people held the first simultaneous general election by choosing pairs of presidential-vice-presidential candidates and people's representatives simultaneously. The holding of the election with this new system is a separate touchstone for the Indonesian people.

Chronologically, it can be explained that the domination of money in politics does not occur on purpose or by any party. The rise of money politics is a condition *sine qua non* that occurs naturally. The prohibition of money politics is very clearly stated in all political laws that are always updated and elections to elections, although there are weaknesses in law enforcement. In the first general election in the Reformation era (Election 1999), free elections were held in a closed system based on the interpretation of the 1945 Constitution of the Republic of Indonesia which stipulates that the participants in the election are political parties. Indonesian citizens who have the right to vote that exercise their right to vote by voting for the image of a political party. The people's representatives who pass to parliament are based on the serial number of nominations determined by the political parties participating in the election that won seats.

After the nation succeeded in carrying out the first democratic party in the Reformation era and the people felt true freedom, there was a strong urge to improve the quality of the next general election. The closed system has received a lot of criticism because the party is considered to have usurped the people's essential rights as the holder of the highest sovereignty. In, it is said that in a closed system, people are like choosing a cat in a sack. The closed system is also accused of fostering party oligarchs/ because the election of people's representatives is more due to their closeness to the party authorities, not their proximity to the people.

Based on the input from academics and public pressure, the DPR and the government agreed to make changes to the election law. The law introduces a new mechanism for determining the elected candidates for each party participating in the election and changes the way of voting. Based on this law, voters can choose the party and/or candidate proposed by the party and the election of the candidates to become members of the DPR or DPRD is based on the majority of votes obtained by the candidates and political parties that gain seats. This system is considered closer to the constitutional order which states that the sovereignty of the state is in the hands of the people.

Furthermore, public pressure on the DPR and the government is getting stronger so that the next general election (Election 2024) can produce people's representatives by following the will of the people who voted for them. Law Number 7 of 2017 concerning General Elections for Members of the People's Representative Council, Regional Representatives Council, and Regional People's Representative Council which is the basis for the implementation of the 2019 Election, after going through tough discussions in the DPR and after a judicial review at the Constitutional Court, in the end only introduce one norm for counting the most votes (ignoring the serial number determined by the party) to determine the elected representatives of the people in each electoral district. Since the introduction of the open system with the most votes in elections, individual competition between candidates has become increasingly fierce. At first, the competition between candidates took place normatively within the corridors of democracy.

The candidates socialize themselves by peddling ideas, visions, programs, and political promises to gain popular support. Then came the new creations of the candidates to win the competition. This includes providing souvenirs and/or necessities to constituents. The provision of necessities which were originally purely as a form of social solidarity to the poor or as "souvenirs" merely fulfilled the appropriateness of Eastern culture in visiting, when proven effective in gaining votes, became a new model for the candidates in approaching constituents. Furthermore, the "gifts" approach became the main approach for candidates to their voters, rather than a program to disseminate concepts and ideas of candidates to demonstrate their quality and competence in political tasks. This shift has unwittingly led to greater competition for the use of money in political competition and ultimately eliminates the whole real political spirit.

The use of money in the general election then took place in a vulgar manner, no longer in the form of necessities or souvenirs, but in vote-buying transactions. This motive spreads not only among people with low socioeconomic class but also in the middle and upper classes with an increasing nominal value of money. Not many realize that the domination of money in politics that is increasingly entrenched and tends to increase will not leave a winner. If the voter's vote becomes a trade commodity, while the need for the voter's vote is always a contest in the five-year elections, according to market law, the price to be paid has no upper limit depending on the ability of the money being competed. In the 2019 election, there are indications that capital owners can no longer wait to entrust their interests to competing political forces. Some of them are directly involved in the game by forming political parties as eligible participants.

Increasingly expensive political costs make political parties controlled by the rich or figures who are supported by strong capital owners. State officials resulting from a costly political process are easily tempted to pursue rent-seeking for political gain. This

will affect the quality of political decisions taken. As a result, many political decisions are not in favor of the interests of the people. State officials who obtain positions through the people's choice (appointees), do not feel they have a moral responsibility to defend the interests of the people because they won the election by buying votes (vote buying).

The essence of the 4th precept of Pancasila is a democracy, where what is meant by democracy here is democracy in a general sense, namely the government of, by, and for the people where in simple terms, democracy involves all General Elections in the Democratic System. Who are members of the government or those outside the government because the role of the people is prioritized?

The perspective of the 4th Pancasila precept is to prioritize the selection of quality individuals who personally reflect a wise soul in the concept of religion, namely *ulul albab* humans, namely perfect humans who are able, willing, and know how to humanize humans. Unsuccessful general election Because it is almost certain that if the results of the general election are elected, people are not good in the sense that only because of the strength of capital and polarity, it is almost certain that the elected leaders and representatives of the people do not reflect the people who animate the people's values. Wise, full of wisdom and prioritizes deliberation in decision making and seeks constructive dialogue in decision making, and is based on benefit in every idea that is decided.

General elections are a means to realize an ideal democracy by following the principles and principles of Pancasila democracy which animates the values of wisdom and wisdom in making decisions to solve problems that are not solely based on the majority vote. But also a unanimous vote that was decided with a great reflection by the representatives of the people who are perfect human beings who are the chosen people among millions of other humans.

In the context of talking about the legal system, of course, what is meant by the legal culture of this society is the legal awareness of the legal subjects of a community as a whole. Strengthening legal culture in implementing just legislative elections based on Pancasila can be done through.

## 2. Improving the Function of Legislative Candidate Recruitment

Pancasila which is a source of values, a moral and ethical basis for the state and state implementing officials is used as a tool of political legitimacy. All actions and policies in the name of Pancasila, these actions and policies are very contrary to Pancasila. As an important instrument in a democratic country, political parties are certainly the most appropriate place to produce quality leaders. To produce good candidate leaders, each political party has a recruitment mechanism, namely to recruit the nation's best cadres who will be able to fill public positions in the future. In this case, political parties do so with the function of political recruitment, which is a process of recruiting new party members or inviting people who are considered talented to participate in the political process. Political recruitment can guarantee the continuity and sustainability of the party. The results of this selection will then become a bargaining chip in any political contestation.

The recruitment function is often referred to as the most basic function of political parties because in this function political parties actively seek, research, and design candidates who will compete in elections. Recruitment design then becomes an important

aspect that must be considered by political parties in the screening system. The qualifications of who will be selected, who is selecting, in which arena the candidates are selected, and who decides the nominations as well as the degree of democratization and decentralization are key questions in candidate selection design.

The more selective the party's screening system, the better the members and cadres produced. In the selection process, each party has a different mechanism that is adapted to the ideology adopted by each party. However, even though the mechanism is different, the goal is still the same, namely to find qualified members and candidates to obtain satisfactory results in every contest. In essence, political recruitment plays an important role in the political system of a country, because this process determines the people who will carry out their functions in state institutions. In this context, political parties have the responsibility to find the right leadership figures and by following the aspirations of the people. So, the system of recruiting prospective leaders carried out by a political coast also determines the leadership quality of a country.

Political parties must be able to be present not only for the sake of power/but also as a forum to accommodate all demands and interests of the community towards the government. For this reason, political parties must always be willing to act as articulators and aggregators of public interest. As articulators, political parties anticipate every interest of their supporting community groups to be fought for public policy. In this articulation function, political parties are expected to voice the interests of the community through the choice of positions on various political issues and by expressing the views of their supporters in the government process. In this function, political parties run it through political campaigns to direct the direction of politicians' actions to represent the interests of their supporters [9].

Oligarchy which comes from the Greek *oligos* (several) and, (to lead) is defined as a form of government or power exercised by several people. This term originally referred to a form of government led by a minority. According to the results of research conducted by an American political researcher, it was found that the practice of oligarchy in Indonesia in the context of democracy, elections, and post-Soeharto political parties is influenced by the strength of capital. Every process of implementing democracy such as elections, winning, and losing contestants is determined by the capital of the contestants and the people behind the contestants. So, a kind of circle of power; so that those who are promoted to become contestants are usually determined by the people in the circle.

In addition, it was also found that bureaucratic positions were very influential in elections [10]. Thus, it can be seen from a democratic understanding that the practice of oligarchy as a kind of organizational identity for political parties in Indonesia today is destroying democracy itself. It is said that, because political parties are principally the pillars and fighters for democracy, so when internally political parties practice such an oligarchy, it means that political parties do not support democratization in the country.

Democracy can be preserved from the start and within the body of political parties which are nothing but the buffers of democracy. Oligarchy is indeed an internal problem for political parties, but these internal problems will certainly greatly affect the quality of candidate leaders that will be promoted by political parties. In addition, with the breakup of the oligarchic circle, the orientation of future leaders and political parties will be more ideological, namely for the interests of the nation and state. The right way

is a transparent and fair democratic mechanism in every succession or change of political party leadership. The aim is that in every succession, the main consideration is the ability and quality of party cadres to become party leaders, not the balance of material power. Likewise, concerning the leadership candidates promoted by the party, what is seen is not material strength or popularity but quality.

Financial stability is one of the conditions for parties to be able to carry out their roles and functions, but without financial stability, political parties cannot work properly. According to the Political Party Law, as in Article 34 of Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties, it has been determined that the financial sources of political parties are: member fees, legal donations according to the law (personal and corporate assistance) and financial assistance and APBN/APBD. The three elements that become the financial sources of political parties are explained that financial assistance from the APBN/APBD aims to carry out political education for members of political parties and the community.

To strengthen the financial independence of political parties, political parties must be able to maximize membership fees and assistance from the community, both personally and corporately. Interpreting state financial assistance to political parties should not be inconsequential, namely: indeed political parties receive financial assistance from the APBN/APBD, but it must be remembered that political parties are not permanent state institutions that oblige the state to pay for it. In addition, if political parties continue to depend on state financial assistance, the use of the state budget will also “swell” and of course can hinder the needs of state priorities such as the development of physical infrastructure and the development of human resources [11].

Concerning the tempest of corruption, until now it seems that political parties do not have the intention to eliminate these entrenched acts of corruption. This can be seen from the commitment of the political party in the general election which is still nominating candidates who have stumbled upon corruption. There, there are still those who have been named as suspects but still dare to become candidates for the election.

### 3. Preparing Quality Cadre

The phenomenon of impromptu legislative candidates is the most concrete reality of the poor performance of political parties. The appearance of impromptu legislative candidates shows that political parties are not carrying out their roles and functions as political educators for their members. Financial assistance and APBN/APBD aim to support political education for members of political parties so that they have broad insight into politics and state life. Political education in question, of course, aims to form members of political parties with quality and integrity by following the criteria of ideal leaders. That way, every candidate promoted by political parties in the election contestation is the chosen people.

The process of training members of political parties to be of good quality is not impromptu but in stages and continuously. So, the series of processes to produce qualified cadre members does take a long time. However, even though it takes a long time, the results will certainly be by following the expectations and desires of the community. Meanwhile, the phenomenon of impromptu legislative candidates who are usually from outside the party, such as agreeing to the social assumption that members of political

parties in Indonesia are not capable, do not have quality let alone integrity. Regarding the phenomenon of impromptu legislative candidates, a symbiosis-mutualism or mutual benefit between political parties and legislative candidates, namely that political parties benefit in gaining votes thanks to popularity or capital and the candidates.

Meanwhile, impromptu candidates need political parties as vehicles to be able to perpetuate their desperate path to power. The parties who are most disadvantaged by the presence of impromptu legislative candidates are members and cadres of the political parties who, although possessing qualified qualities, are not materially well established and do not has popularity. If you look closely, there are two reasons why political parties often feature impromptu candidates in each election contestant, namely: first, to gain a sense of security because material capital and or popularity make it easier for voters to choose them. Second, the short-term pragmatic interest of political parties is to keep the lobs within the electoral threshold.

On the financial arrangements of political parties either through Law no. 2/2008 and Law no. 2/2011 instead of Law no. 31/2002, individual contributors were expanded to become non-member individuals and individual members. Similar to business entity donors, the number of donations from individual contributors who are not a member is also limited. However, the individual contributions of members are left open so that they can donate as much as the political party needs. This results in the strong influence of money owners who are members of political parties.

In addition to the unlimited number of donations originating from individual contributors, and members of political parties, Law no. 2/2008 and Law no. 2/2011 also does not limit the spending of political parties. As a result, throughout the year, political parties can hold various activities aimed at maintaining their existence of political parties in the eyes of the public. The source of financing for these activities, apart from members or cadres of fund owners, also comes from the illegal hunting of funds by political party cadres who sit in the legislature and executive.

Pancasila as the basis of the state, normatively and practically must be the foundation or basis for the operation of the Indonesian legal system. The position of Pancasila has the consequence that all state activities, including the administration of government, must be based on Pancasila both materially and ethically. Pancasila is the equivalent or reflection of the soul and legal ideals of the Indonesian nation which is the basic norm of in-state activities. Therefore, Pancasila is the source of all sources of Indonesian law, both written and unwritten [12].

## 4 Conclusion

The election implementation has not been able to realize legislative members with Pancasila character because the aspects that are initiated in the process of nominating legislative members in the general election for legislative members do not reflect social justice, and the selection of legislative candidates from political parties is currently not clear in standards, many candidates for legislative members impromptu which only has popularity and financial power without the support of knowledge, competence in terms of legislative duties and functions. The huge money politics in the legislative general election process results when an elected member candidate thinks of returning the capital they spent, of course, it will result in corrupt practices after they are elected. The

number of violations or electoral crimes for which there is no clear resolution, should every election violation or crime disqualify the candidate for legislative members. To realize legislative members with Pancasila character through increasing the integrity of legislative members, political parties in determining candidates for legislative members, go through very strict stages of selection starting from track records and ethics. In addition, political parties do not burden legislative members with their interests of political parties. The costs of legislative candidates in general elections are financed by the state, so those legislative candidates are not burdened with very high costs, and after being elected they are not burdened with the costs already incurred.

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2. For example, the dualism of the PDI at the beginning of the Reformation, namely PDI Suryadi and PDI Megawati which later became the PDI-P, and the dualism of Golkar in 2014 between the Golkar National Conference in Riau and Golkar National Conference in Bali or dualism in PPP which was later won by the Romahurmuzyi or Romy camp.
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6. It was recorded that in 2014 there were 60 antis candidates and 9 parties, namely: PAN (12 people), PKB (13), Gerindra (9 people), Golkar, PDI' and Democrats (4 people), Nasdem (5 people), PPP (6 people) and Hanura (3 people). In the 2019 election, there was an increase to 71 people, namely: Nasdem (27 people), PDIP (13 people), PKB (7 people), Berkarya Party (5 people), PAN, Golkar, and Democrats each (4 people), Gender and Penindomasing -each (3 people) and PSI (1 person). See <http://tribunnews.com/news> accessed on 17 October 2021.
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