

Abstrak

Sistem proporsional terbuka dalam pemilihan umum anggota legislatif di Indonesia mengandung nilai individualisme yang tidak sejalan dengan nilai demokrasi Pancasila yaitu musyawarah mufakat dengan semangat kekeluargaan. Penelitian ini bertujuan untuk mengkaji dan menganalisis pengaturan sistem proporsional dalam pemilihan umum anggota legislatif di Indonesia, sistem proporsional dalam pemilihan umum anggota legislatif di Indonesia berdasarkan demokrasi Pancasila dan formulasi ideal sistem proporsional dalam pemilihan umum anggota legislatif berdasarkan demokrasi Pancasila di Indonesia ke depan. Tipe penelitian ini yaitu yuridis normatif, menggunakan pendekatan konseptual, perundang-undangan, historis, perbandingan, dan kasus. Bahan hukum yang digunakan yaitu primer dan sekunder. Analisis bahan hukum menggunakan analisis normatif dengan cara deskripsi, interpretasi, evaluasi dan sistematisasi. Hasil penelitian ditemukan bahwa sistem proporsional dalam pemilihan umum anggota legislatif di Indonesia tahun 1955 menggunakan sistem proporsional terbuka diatur dalam Undang-Undang Nomor 7 Tahun 1953; Tahun 1971 sampai 1997 menggunakan sistem proporsional tertutup diatur dalam Pasal 23 ayat (1) Undang-Undang Nomor 15 Tahun 1969; Tahun 1999 menggunakan sistem proporsional tertutup diatur dalam Pasal 1 ayat (7) Undang-Undang Nomor 3 Tahun 1999; Tahun 2004 menggunakan sistem proporsional terbuka diatur dalam Pasal 82 ayat (2) Undang-Undang Nomor 4 Tahun 2000; Tahun 2009 menggunakan sistem proporsional terbuka diatur dalam Pasal 5 ayat (1) Undang-Undang Nomor 10 Tahun 2008; Tahun 2014 menggunakan sistem proporsional terbuka diatur dalam Pasal 5 ayat (1) Undang-Undang Nomor 8 Tahun 2012; Tahun 2019 dan 2024 menggunakan sistem proporsional terbuka diatur dalam 168 ayat 2 Undang-Undang Nomor 7 Tahun 2017. Sistem proporsional terbuka dalam pemilihan umum anggota legislatif di Indonesia belum sesuai dengan demokrasi Pancasila, karena tidak mencerminkan nilai-nilai demokrasi Pancasila yaitu musyawarah mufakat dengan semangat kekeluargaan. Formulasi ideal pemilihan umum anggota legislatif di Indonesia ke depan yang sesuai dengan demokrasi Pancasila yaitu sistem proporsional terbuka dalam pemilihan umum anggota legislatif dirubah menjadi sistem proporsional tertutup; sistem rekrutmen calon anggota legislatif oleh partai politik; sistem kaderisasi berjenjang oleh partai politik; dibuka ruang konsultasi masyarakat melalui uji publik terhadap calon.

Kata Kunci :

Formulasi, pemilihan umum anggota legislatif, sistem proporsional, demokrasi Pancasila

**PROPORTIONAL SYSTEM FORMULATION IN THE GENERAL
ELECTION OF LEGISLATIVE MEMBERS TO REALISE
PANCASILA DEMOCRACY IN INDONESIA**

Abstract

The open proportional system in the general election of legislative members in Indonesia contains the value of individualism which is not in line with the democratic values of Pancasila, namely deliberation and consensus with a family spirit. This research aims to review and analyse the proportional system arrangement in the general election of legislative members in Indonesia, the proportional system in the general election of legislative members in Indonesia based on Pancasila democracy and the ideal formulation of proportional system in the general election of legislative members based on Pancasila democracy in Indonesia in the future. This type of research is normative juridical, using conceptual, statutory, historical, comparative, and case approaches. The legal materials used are primary and secondary. Analysis of legal materials using normative analysis by means of description, interpretation, evaluation and systematisation. The results of the research found that the proportional system in the general election of legislative members in Indonesia in 1955 used an open proportional system regulated in Law Number 7 of 1953; 1971 to 1997 used a closed proportional system regulated in Article 23 paragraph (1) of Law Number 15 of 1969; 1999 used a closed proportional system regulated in Article 1 paragraph (7) of Law Number 3 of 1999; Year 2004 using an open proportional system regulated in Article 82 paragraph (2) of Law Number 4 Year 2000; Year 2009 using an open proportional system regulated in Article 5 paragraph (1) of Law Number 10 Year 2008; Year 2014 using an open proportional system regulated in Article 5 paragraph (1) of Law Number 8 Year 2012; Year 2019 and 2024 using an open proportional system regulated in Article 5 paragraph (1) of Law Number 8 Year 2012 using an open proportional system is regulated in 168 paragraph 2 of Law Number 7 of 2017. The open proportional system in the general election of legislative members in Indonesia is not in accordance with Pancasila democracy, because it does not reflect the values of Pancasila democracy, namely deliberation to reach consensus with a family spirit. The ideal formulation of the general election of legislative members in Indonesia in the future in accordance with Pancasila democracy is an open proportional system in the general election of legislative members changed to a closed proportional system; recruitment system of legislative candidates by political parties; tiered regeneration system by political parties; open space for public consultation through public testing of candidates.

Keywords:

Formulation, general election of legislative members, proportional system, Pancasila democracy.