

Strengthening the Institution's Sovereignty as the Implementation of Pancasila Democracy

Fajar Sugianto Erny Herlin Setyorini
Law Faculty of University of 17 Agustus 1945 Surabaya

Sendy Krina Puspitasari
Fajar Law Firms

Abstract

As a system, democracy has been an alternative in certain types of activities of the state. Historically, democracy was born in the ancient Greece rotating state of the city which became the main feature in its democracy. It then grew becoming the main characteristic of the form of government by the people since generally democracy means people (demos) and government (kratos) although in much earlier time the meaning of demos did not include the people in it. In Indonesia, the conception of democracy as a means of people and government is stated in Article 1 paragraph (2) of the Constitution of the Republic of Indonesia Year 1945 which broadly differ from the original conception of democracy in Greece. Indonesia democratic system is the embodiment of Pancasila therefore it is also known as Pancasila democracy. To show its development, Pancasila democracy had been implemented in national election every five years, but yet, it does not increase the wuality of the elected public officials. Having this said, we need to answer whether national election is the proper method in the implementation of Pancasila democracy? Since the result of the national election from the last twenty years since reformation does not show significant changes between the quality of public officials and the Pancasila democracy.

Keywords: Pancasila, democracy, national election.

A. BACKGROUND

The initial concept of democracy can be examined further in the ancient Greek civilization about patterned policy. Polis is an autonomous city-state and the hallmark of ancient Greek civilization. Democracy appears in the policy of Athens as one of many policies in Greece are often regarded as a scientific center.¹Prevailing system of government in Athens policy is based on the majority vote in the ballot. Any problems concerning the lives relating to the public interest be resolved by voting. The system unfortunately then buried with the ancient Greek civilization began to recede.²Greece lost its charm as the center of the world civilization. Not long after the collapse of the ancient Greek civilization into the future European heavy and democracy panjang. His breath regained along with the birth of a new era in Europe. Reinesance a rediscovery, the birth of a new, re-excavation of Greek heritage. During this period a number of ancient Greek philosopher's work first gained serious attention in continental Europe. Similarly, the Greek democracy was becomes an inspiration for so many philosophers and thinkers. Focused on the Greek heritage and their struggle with the reality of the times in which they live further developing democracies we know the big names such as John Locke, Rossoe and Montesquieu. They made an enormous contribution to the development of democratic theory that was later widely adopted modern state.³

Thought about democracy and its applications are increasingly finding about that more perfect form in European countries in the late 19th century to the early 20th century, however on the other hand we must not forget that European land elsewhere in the colony and the colony would be indicate with the different face.⁴The development of democracy in Europe occasionally did not want to sharing the colonies. Despite trying hard to monopolize its achievements in terms of democracy in fact, thinking about democracy leaked. In the Indonesian case, we will see that the leak was primarily driven by a group of Indonesian students with exceptional difficulty and have access to continuing education in Europe.

The student group they are much acquainted with the ideas of the great noble and spectacular. Furthermore , they are also bear witness to the state of life that is much better, more democratic. The experience is in stark contrast to what happened in the land of their birth. Whereas the European nations that actually now in land of their birth. One concrete example is what is experienced by Moh. Hatta. Knowing from experience what a difference between the state of life in a free country and the colonized country.

Moh. Hatta in the Netherlands although as of the colonies still have the right to defend themselves in court.

¹Wasino, Democracy: Past, Present and Tomorrow, Discussion Paper presented at the discussion "Democracy Faces of Indonesia", Semarang 30 to 31 March 2009.

² Fuad Hasan, Chapter Introduction to Plato, Apologia: The Crypts Speech Socrates Plato, Crescent Star, Jakarta, 1986, p. 29.

³ Simon Peter L. Tjahjadi, Intellectual Adventure, Canisius, Yogyakarta, 2014, p. 271.

⁴ Werthreim WF, Indonesian Society in Transition: Social Change Study, translations by Misbah Zulfa Ellizabeth, Tiara Discourse, Yogyakarta, 1999, p. 51-52.

The famous defense untitled pretty bold, "Indonesia Vrij".¹Hatta in the generation of the idea of democracy continues to permeate the movement for independence. The idea of democracy 'was stolen from the land invaders "establish the Indonesia struggles with real conditions and concepts typical of Indonesia. We will witness the struggle continued in independent Indonesia despite having hit often steep and winding.

Factually, the idea of democracy originated from Western countries, especially Britain, America and France. The roots of Western democratic ideology are liberalism, Ali Mudhafir, Liberalism is a philosophy that maintains the flow of individual liberty against the powers that want to apply implicitly. This freedom includes the fields of religion, economics and politics. Liberalism became the highest morality for common progress, namely the freedom of the individual in the life of state. Which gave birth to nationalism and democracy in political life, giving birth to the slogan Laisser capitalist order Faire, laissez passer le monde va de lui meme (free production, free trade, harmony of natural law would hold the world) in economic, and religious freedom with less secularism.²

Against this understanding of Western democracy, Moh. Hatta said that this individual freedom will lead to injustice in society, because sovereignty is only centered on the owners of capital.³Zulkifli further criticism quoted Suleman as saying as follows:

Thus, the Western democracies born of the French Revolution brought no freedom for real people, but raises the power of capitalism, because it is a political democracy alone is not enough to achieve real democracy is the sovereignty of the people. It must be some economic sovereignty, taking basic, that all who know livelihood income people should apply under the dependents of people a lot as well.⁴

From the quote above it can be concluded that only Western democracy gives sovereignty to the financiers, Hatta added that capitalist democracy is what must be rejected and not suitable for Indonesia. By contrast, modern democracy based on religious nationalism is a form of democracy aspired Then the Indonesian nation is the forerunner of the birth of Pancasila Democracy. However, since the reform era democratic system is embodied in a direct general election as defined in Section 22E of the Constitution of the Republic of Indonesia Year 1945. Thus, each filling political office is the people who should decide who the right leader to fill the institutional leaders countries or regions.

Since the implementation of the democratic system implemented through direct elections, there was no improvement in the quality results of the elections in selecting heads of state institutions. In fact, it can be said that the progress of modern democratic system as applied in the west are not in tandem with the increasing quality of the leaders elected through general election. Therefore, born leaders who do not have personal capacity to lead the country or regional institutions so that the management of the government run recklessly without good order. On that basis, then the question arises as to overcome the basic problem that: is the election is an appropriate method in the implementation of Pancasila Democracy?

B. DISCUSSION

Referring to the Constitution of 1945 in the old manuscript (1945), Indonesia is a unitary state of the Republic of Indonesia (Republic of Indonesia) that is familial. Homeland nature "family" that meet the elements of the establishment of a state has become a passion and ideals that emerged in the debates trial Investigation Agency Efforts Preparation of Indonesian Independence (BPUPKI) and meetings of the Preparatory Committee for Indonesian Independence (PPKI) at 28 in May - August 22, 1945. in the minutes of the meeting showed that the Founding Fathers do not seem to be stuck in the system of government is presidential or parliamentary. The founders of the nation would conclude that Indonesia needs to adopt a governance system that is based on the authentic way of life of the nation.

The vision of this family country have roots from the perspective of human nature that underlies Indonesia understand kinship as described above. On the basis of the above understanding, the state was proclaimed on August 17, 1945 is not formed organically from individuals as taught by thinkers individualist, but according to Notonegoro, state is formed on the basis of the nature of man as an individual and social being.⁵Therefore, after the human Indonesian in addition to have an individual right, the community itself is also inherent rights (collectivity), namely the rights granted to individuals in connection with her role in society. So, as a nation, the Indonesian individual rights attached to the rights of Indonesian citizens. Hence the individual rights of the nation of Indonesia is listed in the 1945 Constitution, Chapter X, titled "Citizen".

Furthermore, from the birth of the concept of thought "State Kinship" mentioned above, as principal first

¹ Moh. Hatta, Bukittinggi-Rotterdam For My Country By Betawi: An Autobiography, Kompas, Jakarta, 2011, p. 290.

² Ali Mudhofir Dictionary In the Flow Theory and Philosophy, Liberty, Bandung, 2008, p. 48.

³ Moh. Hatta, Nationality and Democracy, Publisher LP3ES, Jakarta, 1998, p. 14.

⁴ Zulkifli Suleman, Democracy for Indonesia: Political Thought Bung Hatta, Publisher Kompas, Jakarta, 2010, p. 12-13.

⁵ Kaelan MS, liberalization of the Pancasila state ideology, Paradigm, Yogyakarta, 2015, p. 42.

thought in the explanation of the 1945 Constitution stated that the preamble is received stream united country, a country that protects and covers the whole of his entire nation. So the country overcome all groups understand, beyond all understanding individuals.

In the third subject matter of the opening of the explanation, it is also stated that the Republic of Indonesia is a country whose sovereignty of the people. Thus, conceptually, the notion of "State Kinship" here means not family "authorities" rather large family of Indonesia. In this regard, Abdul Kadir was quoted as saying by Soeprapto Great narrated that the concept of the State Kinship has six (6) characteristics of the first, between the state and the people stranded by the relation interdependent. Giving each intergroup interaction in the society gave birth to the country. Conversely, countries with a-symmetric relation controls which guarantee the organizing knowledge exchange interaction. Second, members of the public views the country as himself who are naturally related interdependent. In contrast, the state saw its citizens as a source of genetic himself. Third, between the people and the country there is no difference of interests. Fourth, the sovereign is the whole people, not individuals. Fifth, human freedom is the freedom relational. Sixth, the decision will apply to all the people, naturally through the process of deliberation.¹

In the Republic of Indonesia that is familial as described above, the founders envisioned further states that sovereignty of the people. To that end, there is model of democracy based on Pancasila which is defined as a system of democracy led by the wisdom of wisdom in deliberation-representation. In this regard, the three main ideas contained in the preamble of the 1945 Constitution states that the state based on the sovereignty of the people and deliberative democracy-representative. Thus, the Pancasila Democracy System contains two basic principles, namely First, the principle of democracy which means that the economic governance arrangements and everything should be decided jointly by the people. This means that all decisions relating to the constitutional policy should be decided by all the people is not a decision by an individual or group. The next principle, the deliberations of representation and consensus. In this regard, Sukarno in a speech in front of the Assembly BPUPKI, June 1, 1945 to convey the rhetorical question, "Then what is the basis that all three?" Then he replied himself: "Basic that is the basis of consensus, consultative basis. State of Indonesia is not a country for one person, not one state for one faction despite the rich. But we establish the State 'all for all', 'one for all, all for one'. "We believe that a prerequisite for strong Indonesian state is deliberative, representative. Furthermore, in the speech he also said "If we judge democracy, should not western democracy, but the deliberations of life, namely Politiek Economische democratie that can bring social welfare." In fact, Sukarno said that the democracy we do not follow the model of "mayorokrasi" and "minorokrasi ". In a sense, democracy in Indonesia aim to achieve "win-win solution", in order to take care of national unity. Instead, win-lost potential solution which the winner takes all who cause divisions. In this regard, further Moh. Hatta said "In short, how to govern the country, how to prepare a people's economy, everything has to be decided by the people with the consensus. In short the people's good fortune aka king over themselves. No longer a person or group of people clever or small group who decides the fate of the people and the nation, but the people themselves. This is the meaning of popular sovereignty! This is a basic democratic or populist broadest sense luasnya. Inilah rakyat. Tidak sovereignty only in political terms but also in social and economic side there is democracy. "²

Of the two major ideas of the two founders of this country confirmed that Indonesian democracy based on Pancasila as proposed by Latif contains the basic principles of democracy, deliberation and consensus through a representative (wisdom). Democracy, deliberation and consensus that is the basic principle of Pancasila democracy. The third basic principle of democracy had to be carried out together. This means that Pancasila democracy is not enough if only promote democratic elements without regard to the element of deliberation in representation and consensus, and vice versa. Because, ideal deliberation in representation and consensus will emit the will to bring the country with a spirit of brotherhood. Meanwhile, the consensus reflects the ideals of ethical orientation of the Indonesian nation. Thus, in a democratic state Pancasila all decisions should be made jointly by all the people through deliberation to reach a consensus. Three of the above principles in a unified whole and complete an Indonesian Populist Doctrine is the essence of political democratic system in accordance with Indonesian human nature and understanding of kinship.³

Second, Pancasila democracy has dimensions of political democracy, economic democracy and social democracy. System of economic and political democracy has been formulated by the founders of the state as mandated by the 1945 Constitution According to Soekarno and Moh. Hatta, the organization of political democracy must be implemented mainly together with economic democracy, so the social welfare really materialized. Thus, the system of Pancasila democracy like two faces of one coin. The views Moh. Hatta and Sukarno are very precise, because democracy contains two basic elements of freedom and equality. Pancasila

¹ Soeprapto, Pancasila: Meaning and formulation, Pengkajiian and Development Institute Life Stateless (LPPKB), Jakarta, 2013, p. 38.

² Moh. Hatta, Indonesia Towards Freedom Speech 1932.

³ Latif, State Plenary: Historicity, rationality and actuality of the Pancasila, Gramedia, Jakarta, 2011, p. 84.

democracy therefore not have been possible without the freedom once equality. This shows, that the realization of freedom and equality simultaneously be a fundamental prerequisite realization of Pancasila democracy. In this regard, Latif saw with jelly that in the preamble of the 1945 Constitution, the inclusion of a fourth precepts and five precepts linked with the conjunction "and". This may imply that the fourth principle (populist) and the five precepts (the justice / equality) is a series that can not be separated.¹

With the foundation of the basic principles of Pancasila democracy as described above, then the Indonesian political democracy contains two basic principles as follows. First, there is the full sovereignty of the people and carried out by the People's Consultative Assembly (MPR) as the embodiment of all the people of Indonesia. Membership of the Assembly is composed of members of parliament, the regional delegates and group representatives. MPR is the locus of sovereignty in power and the highest state officials. As the holders of power and the highest state officials, the Assembly itself into a "holder" of executive and legislative power. While the House of Representatives (DPR) is part of the MPR which serves as the legislature and the President are chosen and appointed by the Assembly is mandatorily carry out the executive functions of the Assembly. The key task of the Assembly is to establish the Basic Law and the Outline of State Policy (Guidelines) as well as other provisions deemed necessary. In addition, other fundamental duty is to lift the President and Vice President. Therefore, the President bertunduk and accountable to the Assembly. President, not "neben" but "untergeordnet" to the Assembly. The President does not have its own politics, but must implement the state policy defined and ordered by the Assembly. From what we have mentioned above we can conclude that the system adopted by the Pancasila democracy is not a bicameral or unicameral trikameral. A democratic system that does not adhere to the teachings of Trias Politica who postulated the separation of powers: the legislative, executive, and judicial powers. During the Indonesia's Independence Preparation Board meetings, Supomo, Maramis, Soekarno and Moh. Hatta filed philosophical considerations and the results of empirical studies to support their belief that Trias Politica Montesquieu style power-sharing system is not best suited to carry out the people's sovereignty.² Furthermore, the drafters of the Constitution also states that the Trias Politica has expired, and so we devised a constitutional system itself.³ Pancasila Democracy is a democratic system based on the delegation of authority (delegation of power) of the Assembly as the highest state authority to Parliament as holder of legislative power and the executive power of the President as the holder. This system was chosen by the founder of the country because they were considered more in line with the basic principles of Pancasila democracy as described above.

Second, General elections are held periodically and regularly with the participants of the political parties to elect representatives in national and local, as a member of the House of Representatives (DPR) and the Regional Representatives Council (DPRD). The General Election held direct, general, free, confidential, and fair. Furthermore, the Parliament and the Council will elect leaders of state institutions, both at central and regional levels, through deliberation. So in this second principle, the election of leaders of state institutions in the center and in the regions held indirectly in order to reach the state agency leader election results through deliberation.

The conception of consensus itself, according to the view of human nature Pancasila, as described earlier. The conception of consensus derived from equations soul and spirit in carrying out the work together, both successes and failures. In other words, the conception of consensus can be interpreted as the result of the power of consensus, so it is also called wisdom.⁴ Through this selection process as the embodiment of the sovereignty of all the people becomes a necessity, and not just the sovereignty of individual base or class.

The majority vote as stipulated in Article 6A paragraph (3) of the Constitution of the Republic of Indonesia Year 1945 relation to the arbitration, is a model of voting of the implementation of the conception of consensus. Majority voting in mathematical logic means absolute victory, that an election victory should at least get 50 percent plus one voice with the voice up 100 percent. In the political context, according to Jimmly Asshiddiqie, the model is referred to as the support of an absolute majority.⁵ The democratic system like this that actually reflects the typical Indonesian democracy meant Sukarno, Moh. Hatta, and explanation preamble 1945. On this basis, the consensus implies existence of a deal, although the results can be "oval" or "round". A majority vote of 50 percent plus one is oval and 100 percent consensus is unanimous consensus. With the majority voting mechanism model of our founding fathers framers of the 1945 Constitution created a "public space" to reach an agreement without the occurrence of a political deadlock. In addition to getting the country's leaders are supported by the majority of the people who are important to the effectiveness of his leadership. Thus, the model of majority voting mechanism in accordance with the conception of consensus.

From the definition and basic principles, we can see the key differences between democratic Indonesia

¹ *Ibid.* p. 86.

² Sofian Effendi, *State Government System Kinship*, Speech Anniversary Wangsa Manggala eighteenth University, Yogyakarta, 2004.

³ RMAB Kusuma, *System of Government "Founding versus Presidensial System Reform Order"*, Canisius, Yogyakarta, 2001, p. 33.

⁴ Latif, *Op. Cit.*, p. 92.

⁵ Asshiddiqie, *the Constitution and constitutionalism*, PSHTN-FHUI, Depok, 2004, p. 64.

based on Pancasila with other democratic system. Because of differences in earlier systems, the founders called it the "own system". According Sofian Effendi, Indonesian political scientists use different terminology to call the system typical Indonesia. Ismail Suny call Quasi Presidential System. Wahyono Padmo named the Mandatory system and Tahir Azhary named MPR System. In the classification Verney, a system containing characteristics presidential and parliamentary system called semi-presidential system.¹ According to Arend Lijphart, the system is called as the democratic system of consensus (Consensus democracy). The democratic system was initiated by the founders of this country by Sukarno called the system of "guided democracy". That is, the democratic system that is guided by Pancasila as the "star light". Thus, everything will be a sovereign decision of the people (MPR) should not deviate from Pancasila as "light star" of his. In this connection Soeharto in his address in 1979 using the terminology "Pancasila Democracy" in accordance with MPR Decree No. XXXVII / 1968, the system means the livelihood of the state and society based on sovereignty of the people imbued with noble values of Pancasila.²

Further basic thoughts Pancasila democratic system under the Act of 1945, are listed in the Preamble explanation is as follows. First, Indonesia is a state based on law (Rechtsstaat). Indonesian state based on law (Rechtsstaat), not based on power alone (Machsstaat). Second, the government based on the constitution (basic law), not absolutism (power is not limitless). Third, the supreme state power in the hands of the MPR (Die gesamte Staatsgewalt liegt bei der allein Assembly). Popular sovereignty is held by an entity called the People's Consultative Assembly (MPR), as the embodiment of all the people of Indonesia (Vertretungs organ des Willens des Staatsvilkes). The Assembly establishes the Constitution and establish the Broad State Guidelines (Guidelines). This Assembly selects and appoints the Head of State (President) and Deputy Head of State (Vice-President). MPR is what holds the highest authority, being the President shall pursue the state policy as the outlines of which have been set by the Assembly. President appointed by the Assembly, bertunduk and accountable to the Assembly. He is "mandatorily" from the Assembly. He is obliged to execute the decisions of the Assembly. The President did not "neben" but "untergeordnet" to the MPR. Selection and appointment of the President by the Assembly and is not done directly by the people through elections is in accordance with Pancasila Democracy. Direct election does involve all the people in accordance with one of the fundamental characteristics of Pancasila democracy. However, this is not done through a process of deliberation that characterize other subject of Pancasila democracy. Despite, for example, the direct election of the President, a Presidential candidate who gained the support of an absolute majority, (more than 50 percent plus one) which means it meets the requirements of consensus, it is still not in accordance with Pancasila democracy. Therefore, the election did not go through the process of deliberation. Apart from that, the President elected directly by the people, can not be the mandatory of the Assembly, so that the president does not untergeordnet accordance with Pancasila democracy. Therefore, the President should be elected by the Assembly. Fourth, the President is the supreme organizer of the state government under the MPR. Under the Assembly, the President is the highest government organizers. In governing the country, power and responsibility in the hands of the President (concentration of power and responsibility upon the President). *Fifth*, the President is not accountable to the House of Representatives. In addition to the President is Parliament. The President must be approved by Parliament to make laws (Gezetsgebung) and to establish the budget revenue and expenditure (Staatsbegroting). Therefore, the President should work together with the Parliament, and the President is not accountable to Parliament. Sixth, the minister is the assistant of the President. Minister of state are not accountable to Parliament. President to appoint and dismiss ministers of state. Ministers are not accountable to Parliament. Her position does not depend on the Council, but it depends on the president. They are assistants to the President. Seventh, power head of state is not limitless. Although the head of state is not accountable to the President, he was not a "dictator", which means that power is not limitless. The above has been confirmed that he is accountable to the Assembly. Except that he should take note of the sound of the Parliament. Eighth, the position of the Parliament is powerful. The Council can not be dissolved by the President (as opposed to the parliamentary system). In addition, members of Parliament are also members of the Assembly. Therefore, Parliament can always keep an eye on the actions of the President and that the Parliament considers that the President violated the Constitution, the State Policy or other MPR, the Assembly may be asked to hold the special session in order to hold the President. Ninth, the ministers are not employees of the usual high. Although the position of minister of state depend on the President, they are not the usual high officials. Therefore, the ministers which mainly run the powers of government (executive pouvoir) in practice. However, the Assembly as an institution of the people's sovereignty as intended by the founders of the country must have a new composition which was originally filled DPD as a regional representative, was replaced by figures whose integrity and credibility is recognized by the good folk of religious leaders, academics and so on. Thus, the election will create state leaders who have the capacity and capability to build state as chosen by the people who

¹ Sofian Effendi, *Op. Cit.*

² *Ibid.*

has a strong and mature consideration. Unlike the direct election that educational and social backgrounds vary, but counted the same. Furthermore, in order to avoid offense of bribery and other compromises, then all the people in charge and law enforcement as a responder in case of violation or crime. Because, will more easily keep an eye on members of the Assembly who are fewer in number than all the people who obviously oversee more numerous than the law enforcement itself. As for the general elections, enough to hold elections to elect members of the DPR, DPD and DPRD. Lastly, from a sociological review their election by the Assembly or the Council on the regional level will reduce social conflicts in society due to their differences in the selection of the general election. It will be a civilized country would become homeland ideals will be realized with the family as well as national and state life in harmony and work together with himself will grow in elements of Indonesian society.

C. CONCLUSION

Based on the description above discussion, it was concluded that the implementation of Pancasila democracy in Indonesia is conducted by reinforcing the institution ie MPR sovereignty of the central government and parliament in local government. Therefore, the essence of democracy in the perspective of Pancasila is choosing the heads of state institutions or regions through deliberation conducted by representative institutions. It thus set forth in the four precepts of Pancasila. The existence of such electoral system, at least will improve the quality of democracy in producing leaders who have the capacity and capability, as chosen by the people - people who have a strong and mature consideration.

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