



## Pseudo-Democracy in Indonesia: Literature Review

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### **Abstract**

This research aims to find out the Implementation of the Democratic System in Indonesia Based on the Basic Law of the Republic of Indonesia year 1945 and Law No. 39 of 1999 on Human Rights, where the application of the democratic system in the value of "pseudo" because it does not work well, this can be seen various national policies that do not see the human rights. The method used is normative juridical. The research showed that: The implementation of the democratic system in Indonesia has not worked well. The policies carried out by the political elites in Indonesia are carried out unilaterally without thinking about the rights of Indonesian citizens. The law enforcement system has not been running optimally. Political education is still very low in corruption cases, which is quite high, difficulty in expressing opinions in public.

**Keywords:** *Law Enforcement; Human Rights; Implementation of Democratic Systems*

### **Introduction**

Indonesia is a state of the law; Indonesia is said to be a democracy by Article 1 paragraph (2); sovereignty is in the hands of the people and carried out according to the basic law (Wartoyo & Tungga, 2019). Democracy is essentially the government of the people (from the word *demos*=people and *cratia*=government) (Sealey, 1973). Substantively the reference is the principle of people's sovereignty. It is the people who are sovereign, not the rulers. Democracy was born in ancient Greece around the fifth century BC when the Athenian police (city-state) practised it with only about 20-40 thousand people. Because the relatively small population allows the implementation of direct democracy, Its existence is a periodic people's assembly (ecclesia) where police citizens can be seen directly and openly as participants. At that time, Athens wanted to realize democracy according to its ideal meaning; it was the people who governed themselves, made their own rules, and managed the needs of living together on their own, including choosing leaders without being represented by a group of people who claimed to be representatives of the people (Bouricius, 2020).

Democracy as the basis of state life generally understands that at the last level, the people provide provisions in the main issues concerning life, including assessing the state government's wisdom; therefore, the policy determines the life of the people; thus, a democratic state (Pesurnay, 2018). It is a state held by the people's will, or if reviewed from an organizational point of view, it means a state of

disorganization carried out by the people themselves or by the people's consent because sovereignty is on the people's ladder (Chekera & Nmehielle, 2013).

Although in general, the notion of democracy can be said to contain no contradiction because it puts the position of the people in a very important position and is influential in deciding on implementing the wheels of government in a country (Sisk, 2001). The application of this democracy is also a form of creating respect and upholding human rights as it has been normed in Law No. 39 of 1999 concerning Human Rights (Tibaka & Rosdian, 2018).

Nevertheless, in its recent statement, the implementation of the democratic system in Indonesia received much criticism from several citizens against the Ruler who arbitrarily acted through policies unilaterally (Pesurnay, 2018). This can be seen from several news, both print media and online media, one of which is with the Title: **HEADLINE:** Report card 2 Years Jokowi-Ma'ruf Amin government, democracy and law so highlight? Related to the background and issues that make the Author interested in writing and researching with the Title: Pseudo Democracy di Indonesia.

### **Research Methods**

The research method used in this study is normative juridical by basing its analysis on applicable regulations. The research data used is secondary legal data consisting of primary legal materials, namely laws and regulations, among others; The Constitution of the Republic of Indonesia 1945 and Law No. 39 of 1999 on human rights. This research also uses secondary legal materials, namely literature related to research problems. The legal data is obtained through literature studies which are further analyzed descriptively analytically to answer research problems.

### **Discussion**

The terminology of democracy was born from translating the words "*demos*" and "*cratein*" derived from the Greek language. *Demos* means people, "*cratein*" means government. So literally, democracy can be interpreted as the government of the people. The government is desired by the people, pursued by and for the benefit of the people. Democracy wants the government to be carried out based on the majority's will because it is essentially the people who are the holders of power in a country (Darusman, 2018).

Prof. Miriam Budiardjo stated that: we know the term democracy. There is a so-called constitutional democracy, parliamentary democracy, and others, all of which means the term democracy that comes from the origin of the word, namely the people in power or government by the people (the Greek word *demos* means people, *Kratos* or *kratein* means power or power) (Budiardjo, 2008).

The evolution of democracy presents models according to the context of their respective epochs. For example, ancient democracy after ancient Greece, liberal democracy in medieval times and then modern democracy in the period entered the end of the XIX century and towards the beginning of the XX century (Wedin & Wilén, 2020).

The theory of supporting the idea of democracy starts from the theory of social contract, then develops with the theory of people's sovereignty (*democratie souveriniteit*) and continues with the theory of democratic law (*democratie rechstaat*) (Corrias, 2016).

What is displayed in the evolution and period of the episode of democracy, there is a core that cannot be ignored, namely that the people as human beings of the state must be respected for their rights by the state and the government.

Human rights and democracy are conceptions of humanity and social relations born from the history of human civilization throughout the world. Human rights and democracy can be interpreted as the result of human struggle to maintain and achieve humanity because until now, only the conception of human rights and democracy is proven to be the most recognized and guarantee the humanity. So it can be said that the relationship of human rights with democracy is cohesion urgent because both put the values and interests of the people as human beings who must be respected and considered in the order of life of the state, government and society (Rosana, 2016).

Democracy wants government power by and for the people with the people's models of choice; this will only be incarnated if human beings' human rights as *people* of a country give and appreciate. Democracy can thrive if human rights are respected, whereas human rights will be respected if democracy is practised.

The main characteristics of a democratic political system are:

- a. First, there is broad and autonomous political participation; democracy first requires and requires discretion autonomously for individuals and groups. Without the expansion of autonomous political participation, democracy will cease as mere political jargon. Therefore, the first element in a democratic political system is broad and autonomous political participation.
- b. Second, the realization of a healthy and fair political competition. In the context of liberal democracy, all political forces (political parties) or socio-social forces (interest groups and pressure groups) are recognized for their right to life and given the freedom to compete fairly as the mouthpiece of society, whether in elections or other socio-political competitions.
- c. Third, a succession or circulation of power is periodic, managed, and maintained clean and transparent - especially through the election process.
- d. Fourth, the effective monitoring, control, and supervision of power (executive, legislative, judicial, bureaucratic, and military) effectively and the realization of checks and balances mechanisms in state institutions.
- e. Fifth, the existence of grammar, values, norms agreed (together) in society, state, and nation.

Since Indonesia's independence on 17 August in 1945, the law depicts that Indonesia is a democracy; in its leadership mechanism, the president must be responsible to the People's Consultative Assembly, where the People's Consultative Assembly is a body elected by the people (R, 2017). So hierarchically, the people who are the holders of state leadership through the election mechanism are elected. Indonesia had experienced a brief democratic period in 1956 when, for the first time, it held free elections in Indonesia until then-President Sukarno declared democracy led as an election of the system of government. After experiencing the Pancasila democracy period, Indonesia entered into a reform period by successfully conducting several elections, where democracy was re-established in 1998 when Soeharto's government was overthrown (Saleh, 2008).

Based on a survey of the Institute of Economic and Social Research, Education, and Information (LP3ES) on 38 selected participants, overall, 25 problems mark the decline of democracy in Indonesia. Can be seen in the table below:

**Table 1.** Types of Cases and Setbacks of Democracy in Indonesia Based on Research Results

a.	Money Politics in Elections (100%),
b.	Stalled Cautionization of Political Parties (94.7%),
c.	Populism and Identity Politics (86.8%),
d.	Loss of Opposition (92.1%),
e.	Political Corruption (100%),
f.	False News and Hate Speech (97.4%),
g.	Low Political Literacy (92.1%),
h.	Weak Civil Society (89.5%),
i.	Low Election Quality (100%),
j.	Partisan Media (89.5%),
k.	Low Media Literacy (92.1%),
l.	Low Effectiveness of Government (94.7%),
m.	Low Political Participation (100%),
n.	The Threat of Free Speech (94.7%),
o.	The Threat of Freedom of Association (94.7%),
p.	Immunity to Human Rights Violators (86.8%),
q.	Economic Inequality (94.7%),
r.	Discrimination Against Minorities (97.4%),
s.	Tolerance or Suggestions for Violence (94.6%),
t.	Cyber-Terror Against Critical Groups (92.1%),
u.	Critical Group Criminalization (92.1%).

*Source: Institute for Economic and Social Research, Education, and Information (LP3ES)*

In addition to the table above, there are also several other cases related to the decline of democracy in Indonesia. The other ten appeared in focused discussions, including dynastic politics, political oligarchy, media oligarchy and State civil apparatus neutrality.

- a. Dynastic politics: dynastic politics is one of the serious problems of democracy expressed by the discussion participants and became the forum's agreement. Specifically, the area that is considered to be the locus of dynastic politics is in Banten, which is inaugurated by the family of Ratu Atut and Solo, which is associated with the advancement of Kaesang president Jokowi's son in the election. He is very likely to be the sole candidate.
- b. Political oligarchy: the buildup of power and wealth in the hands of a handful of elites is one thing seen as another democratic problem. This rich and powerful elite uses it to buy votes in elections so that those who are elected are not necessarily a reflection of the popular vote.
- c. Media oligarchy: the control of the mass media by a handful of people, some of whom are politicians, is seen as another problem that undermines the function of the media as the guardian dog of democracy.
- d. Neutrality: there is a dilemma among ASNs because although they are legally required to be neutral in practice are often required to support the incumbent.
- e. There is no financial transparency of political parties, especially during elections.

- f. Political oligarchy: the buildup of power and wealth in the hands of a handful of elites is one thing seen as another democratic problem. This rich and powerful elite uses it to buy votes in elections so that those who are elected are not necessarily a reflection of the popular vote, including oligarchs at the local level.
- g. Media oligarchy: the control of the mass media by a handful of people, some of whom are politicians, is seen as another problem that undermines the function of the media as the guardian dog of democracy.
- h. Neutrality: there is a dilemma among state civil apparatus because although they are legally required to be neutral in practice are often required to support the incumbent.
- i. Buzzers and cyber troops: the perpetrators of manipulation of public opinion for political purposes. They did not state that they were paid for the spread of that opinion.
- j. There is a weakness in protecting personal data, and there are cases of hacking of personal data experienced by them due to political activism. Therefore, the journey of establishing democracy in Indonesia is quite long; the journey of democracy is not entirely going well; this can be seen from the several things above, found by the Institute for Economic and Social Research, Education, and Information (LP3ES).

## Conclusion

Based on the background and discussion above, the Author concluded that: The implementation of the democratic system in Indonesia is still pseudo-this because the policies carried out by political elites in Indonesia are carried out unilaterally without thinking about the rights of Indonesian citizens, the law enforcement system has not run optimally. Political education is still very low in corruption cases, which is quite high, difficulty in expressing opinions in public. Based on the above conclusions, the Author provides

The implementation of System Democracy needs to be more serious in its implementation by looking at the rights of citizens, (2) Government Policy Needs to be without unilaterally by coordinating with citizens (3) law enforcement needs to be established against citizens and governments who violate (4) Political Education in Indonesia needs to be applied as well as possible to every citizen in Indonesia.

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