

# Designing Open-list Proportional Representation System in Indonesia's Legislative Election during the Global Pandemic Era

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## ABSTRACT

This article evaluates the application of Open-list Proportional Representation (Open-list PR) system in Indonesia's legislative election, and, in turn, proposes the modified design to be applied in further legislative elections, mainly in the global pandemic era. Methodologically, it is qualitative research by applying the multiple case approach. Thus, this research relies on the field data collected from the Focus Group Discussion (FGD) and in-depth interviews with the Electoral Management Bodies (EMBs), political parties, and scientists in the higher education institutions or Non-Government Organizations (NGOs). They are spreading in five provinces and seven cities/regencies across Indonesia. The finding reveals that Open-list PR has prospective compatibility with the framework of embedded democracy. It is supported by evidence that positive trends of Open-list PR are more over negative trends. Nevertheless, this system needs to address these negative trends: electoral malpractices; electoral violations; money politics; the absence of the candidate's competence, integrity, ideology; and the influential role of financial owners. A proposed design is set up, i.e., the limitation of the EMBs period, the deterrent punishment for perpetrators, the legal certainty for whistleblowers, the application of merit system of candidacy mechanism nominated by political parties, the restriction and supervision of the campaign financing, the need of the independent EMBs. In the recent pandemic situation, the design of a single ballot paper is a breakthrough. It is effective, able to minimize the risk of COVID-19 transmission, and prospective to reduce invalid ballot papers. Scheduling the voters' attendance at the polling station is also a need.

**Keywords:** *Open-list Proportional Representation (Open-list PR), Legislative Election, Indonesia, Global Pandemic.*

## 1. INTRODUCTION

The third wave of democratization in the world commenced in 1974, when the authoritarian regime of Portugal was effectively defeated by military elites. Since the tragedy of "the 25 coup", various states of the world have altered from dictatorial to

democratic. The impact of democracy in the death of the dictatorship regime has created free and fair elections where society can vote political leaders to earn stability in all aspects of life. In the basic concept, democratization consists of a threefold level: the death of a dictatorial regime, the installation of a democratic system, and the consolidation of a democratic system [1]. Moreover,

people have numerous channels to articulate their interests not only to influence policies, but also to check the exercise of state power continuously [2]. Similarly, the democratic system goes to invent desirable goals: evading tyranny, protecting fundamental rights, guaranteeing general freedom, allowing self-determination, presenting moral independence, advocating human development and peace-seeking, struggling for political equivalence, and realizing welfare [3].

The democratic consolidation is necessary because it ensures popular representation, stability, and good governance which developing countries so desperately want. It is similar to climbing a steep ladder where the risk of falling is as great as the prospect of achieving the wanted peak. In various cases, the positive growth of a consolidated democracy is counterbalanced by situations which render the new democracies increasingly unstable and defective. Scientists agree that unconsolidated democracy is typified by poor democratic institutions, the domination of patrimonialism in social relations, weak law enforcement, the lack of power distribution, the application of violence in political contest, the instrumentalization of ethno-religious sentiments by political elites, and so forth [4]. Therefore, the impact of the democratic transition does not only present so-called “embedded democracy”, but also provides two other prospects: the decline of democracy (comprising disintegration and dictatorial regime) and the democratic stagnation, i.e. defective democracy [4], [5].

The term “embedded democracy” is aimed to explain the consolidation of democracy. Stable constitutional democracies are implanted in two ways. Internally, the specific interdependence/independence of the five indicators of a democracy secures its normative and functional existence. Externally, these five indicators are embedded in spheres of enabling situations for democracy which protect it from outer as well as inner shocks and destabilising tendencies. On the contrary, if one of the five indicators of the embedded democracy are impaired, it tends to be characterized as a defective democracy. Hence, some influential factors which affect defective democracy are established: the path of modernisation, the level of modernisation, economic trends, social capital and civil society, state and nation building, the type of dictatorial predecessor regime, transitional ways, political institutions, and the global context [6], [7].

Hadiwinata and Schuck (2007b: pp.18-19) hypothesize that Indonesia is oscillating between a defective and a consolidated democracy. Some growths denote positive signs, while others designate stagnation. Furthermore, [8]–[13] provides some positive and negative facts of Indonesian democratization. There are seven positive things: 1) a lot of political parties are emerging with distinctive types; 2) five free and fair election cycles are established; 3) the amendment of the 1945 Constitution was taking place; 4) women in public spaces are empowered; 5) police-military representatives in the legislature and state control over societal organisations were removed; 6) freedom of association and press is supported; and 7) the power distribution is instituted. In the meantime, the weaknesses are: 1) the lack of basic human needs in various regions; 2) corruption and bribery of officials is rampant; 3) patrimonial ties and nepotism encroaching on democratic institutions are still robust; 4) religious and tribal tolerance amongst society is still disrespected; 5) the economy is stagnant; 6) human rights enforcement for marginal people is useless; 7) extreme-radical religious groups, separatist movements, and terrorist deeds are rising.

In the post-Suharto era, Indonesia adopted two different kinds of electoral systems. From 1999 to 2004, it applied the Closed-list Proportional Representation (Closed-list PR) system. Between 2009 and 2019, it utilized the Open-list Proportional Representation (Open-list PR). However, this paper focuses on evaluating the latter. A lot of countries around the world apply Open-list PR because they assume it is compatible with the values of democracy and civic engagement. A study conducted by [14] demonstrates that Open-list PR causes the electability of a lot of women candidates. [15]–[17] argue that this system affects to the increasing number of voter turnout in Brazil and Bolivia including public trust in Bolivia although [18], [19] reveal that corruption deeds and the fragmentation in internal and intraparty took place in Brazil.

The application of Open-list PR in Indonesia is caused by the fact that the implementation of Closed-list PR in 1999 and 2004 has harmful implications for Indonesian democracy. Closed-list PR is assumed as an indirect democracy because voters cannot vote for the candidate directly. Political parties are still dominant and powerful under the Closed-list PR. Voters have no direct authority to decide the candidate based on their preferences. Nevertheless, the application of Open-list PR for three cycles of election (2009, 2014, 2019) also caused the high cost

of democracy and money politics. Most studies prove that money politics is part of the political culture in any levels of contestation in Indonesia, mainly since 2004 until the present [20]. Even one in three voters are trapped in the vote buying practice [21]. Under Open-list PR, political parties have no ability to control the usage of campaign budgets, which are conducted directly by legislative candidates including the practice of vote buying [22]. Politicians have a lot of advantages in maximizing a chance to win the contest despite causing various anxieties, cheatings, and frauds [23][24].

A research conducted by Minan [25] demonstrates that the implication of Open-list PR is the transformation of electoral competition from party-centered politics to candidate-centered politics. Legislative candidates have a dominant contribution in providing campaign budgets rather than political parties. The impact is that, according to [26], the party's ideology and programs are waning and blurred. Moreover, because the candidates already spent a lot of financial capital in the electoral process, they are afraid to fail. Therefore, such a situation triggers them to campaign cruelly by behaving vote buying to make sure that they are successful in the electoral contest [27][28]. The finding of [19] in Hong Kong, China, indicates that the application of the proportional representation system affects the capital-intensive and professional oriented campaign. It is supported by [29] where the professional campaign strategy has been taking place in Indonesian elections. The patronage relation is no longer between political parties and voters but between candidates and voters [30], [31]. In addition, the application of Open-list PR also affects the various violations conducted by legislative candidates and the Electoral Management Bodies (EMBs) which cause electoral malpractices and electoral frauds for their personal profits [32]. There are 76 empirical cases found between April and December 2019 related to ethical code violations committed by the EMBs [33].

Therefore, this study argues that a comprehensive evaluation to the application of Open-list PR in Indonesia is a must. It is aimed to figure out the strength, weaknesses, opportunity, and threats of the system, and, in turn, to propose an alternative design of the legislative election, mainly among the global pandemic situations. No one knows the end of this pandemic. Hence, the electoral system should be redesigned based on current empirical situations.

## **2. RESEARCH METHOD**

This study adopted qualitative method [34]–[38] by applying the multiple case study approach [39][40]. The case study can be defined as the intensive investigation which describe one or more cases for particular aims within a tied case or multiple cases through in-depth data collection by gathering various sources [39]–[42].

To collect data, this study employed documentary, focus group discussion (FGD), and in-depth interview [35], [36], [38], [40], [43], [44]. FGD and in-depth interviews were carried out with 150 respondents in total, spread into four different institutions: the Election Commission (KPU), the Election Supervisory Body (Bawaslu), political parties, and academicians or Non-Government Organizations (NGOs) activists. It took roughly four months between March and June 2021. In the meantime, the documentary was conducted before, during, and after the field research. Supporting data from credible online news and relevant sources would also be employed in this article. After data had been collected, the last step was analysis into a fourfold step: reducing data, displaying data, drawing and verification, and conclusion [41], [45].

Regarding the research location, it happened in five provinces and seven regencies and cities across the country. The selection of these locations was decided based on a sevenfold consideration: a lot of cases on electoral fraud, the rampant money politics, a lot of cases on the death of the Electoral Management Bodies (EMBs), capital of the state, special autonomy regions, and the electorate base in the 2019 election. Based on such considerations, this research selected six distinctive provinces: Aceh, Jakarta, West Java, East Java, South Sulawesi, and Papua. Meanwhile, Banda Aceh City, Central Jakarta City, Bandung City, Indramayu Regency, Surabaya City, Bangkalan Regency, Makassar City, Barru Regency, and Jayapura City were selected as regencial and municipal representatives.

## **3. FINDINGS AND DISCUSSION**

There were three steps which will be discussed in this paper. First, providing a SWOT analysis on the application of Open-list PR. Second, examining the relevance of Open-list PR with the framework of embedded democracy. Third, proposing an alternative design of the legislative election system in Indonesia under the global pandemic situation.

### **3.1 A SWOT Analysis of the Application of Open-List PR in Indonesia**

SWOT is a normal method usually utilized to evaluate policies, programs, and activities in government institutions, business sectors, even non-profit organizations. Conceptually speaking, SWOT consists of four interrelated indicators: strengths, weaknesses, opportunities, and threats. It is applied to analyze the application of Open-list PR in Indonesia. In terms of strengths, the system has two main advantages. First is an open competition among candidates and political parties. It can be seen in these facts: 1) voters can know the candidates by tracing their personal track records; 2) it is part of the transparency of elected candidates; 3) it supports the realization of transparency and accountability inside political parties; 4) it can increase the accountability of electoral process; 5) a citizen has the same rights to nominate and win his/herself as the elected candidate; 6) the elected candidate is not determined by the sequence number but the popular vote; 7) the powerful domination of political parties can be eliminated; 8) it is friendly to small and new parties; 9) financial burden is not centralized into political parties but can be distributed into legislative candidates.

Second is the increasing participation of voter turnout and the creation of closeness between voters and candidates. Some proofs can be presented here: 1) the competitive rivalry among candidates can increase the number of voters participation because voters can vote the candidate directly; 2) voters can admit the candidate without seeing the party background; 3) the system supports KPU to introduce the contesting candidates fairly to society; 4) it is more accommodative and appreciating voters' vote; 5) the dynamics of the internal party tends to be changeable which can stimulate the party institutionalization.

Regarding weaknesses, the system has three main disadvantages. First is that the system affects the EMBs' vast burden, mainly in providing capable human resources. Specific explanations are here; 1) the EMBs have huge burdens before, during, and after the election, mainly the EMBs' officers at the polling stations (TPS) during the day D of election (voting process and vote count) and recapitulation process; 2) the system tends to focus on the administrative and technical issues rather than substantial affairs such as voter education; 3) the system requires capable officers but it is not

supported by any trainings and coaching while the EMBs tend to focus on technical preparations; 4) violations are increasing in various patterns; 5) the system needs a lot of budget for technical and administrative issues, and, in turn, the budget is inefficient.

Second is emerging money politics practices and increasing invalid ballots. Money politics is caused by open competition, and, in turn, society claims that it is part of the normal culture in the election. Society can cooperate with the candidates to do this reciprocal business. Besides, the candidates are afraid that if they do not do it this way, they will not be elected. It is also important to be noted here that the bribery to the EMBs, mainly at the grassroots levels can take place because of their weak integrity, including low salary. Furthermore, a lot of listed candidates affect the confused voters and the increasing invalid ballots. Lastly, high campaign budgets are coming from candidates not parties. It causes candidate-centered politics not party-centered politics.

Third is the weak loyalty to the party and ineffective party caderization. It can be seen in some evidence: 1) the weak loyalty is caused by Open-list PR where it is closer to candidate-centered politics rather than party-centered politics. The impact is that a politician can move from one party to another party; 2) the financial capital is more influential in winning the elected candidate rather than personal capacity; 3) the rise of the party personalization is caused by the weak institutionalization of the party; 4) the fragmentation takes place not merely among political parties but also among candidates inside the party. Consequently, candidates inside the party tends to have a disharmonious relationship; 5) the internal conflict among candidates inside the party which fighting over for votes in the similar constituency can cause the decreasing vote of the party; 6) political education inside the party is not working effectively because the candidate victory is frequently not stimulated by the political skills but financial capital.

About opportunities, Open-list PR has at least two possible opportunities. First is the application of electoral inclusiveness. It can be known in some possibilities: 1) women candidates have a big chance and equal with others to nominate themselves and to be elected as the legislators; 2) diffable and disable candidates have a similar occasion to be elected; 3) millennial candidates have a large probability to nominate themselves and to be elected without having oligarchic backgrounds; 4) society has a

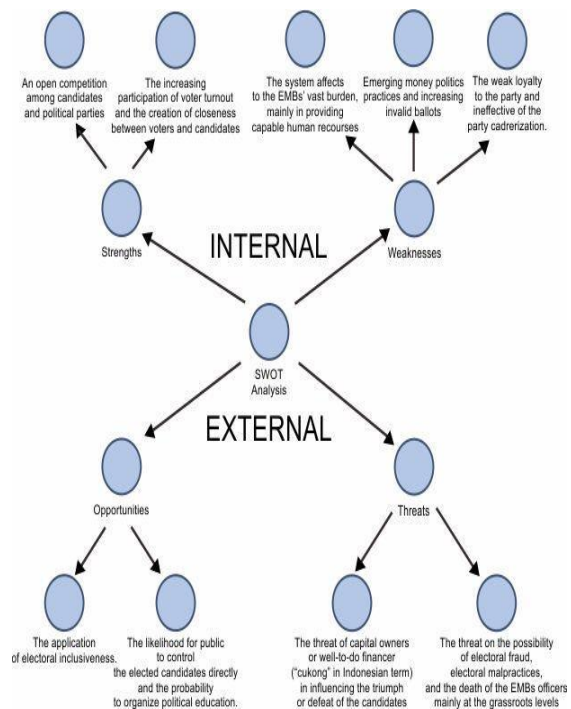
freedom to recommend capable candidates to be the legislative candidate. It stimulates political parties to be more inclusive; 5) ordinary people has the right to nominate themselves without having oligarchic backings and the possibility to be elected; 6) this system is friendly to small parties to obtain the parliamentary seats by nominating popular candidates, whether at the national or local contestations.

Second is the likelihood for the public to control the elected candidates directly and the probability to organize political education. Some indicators can be explored here: 1) voters have a chance to control the elected candidates because they vote those candidates directly; 2) there is a good prospect to minimize nepotism deeds in the election if society realizes that they can operate a function as the participatory supervision; 3) having many options to maintain the political education for society because of a wide euphoria of the open competition; 4) this system enables society to be closer with the candidates intensively because they can interact directly each other during the electoral campaign process; 5) this system seems to guarantee a robust legitimation for the elected candidates because voters vote for the candidate directly without the intermediary of political parties.

Concerning threats, this system has two hazardous threats. First is the threat of capital owners or well-to-do financiers (cukong in Indonesian) in influencing the triumph or losing of the candidates. It, indeed, affects the waning of the party's ideology and the weak leadership of the elected candidates. Through Open-list PR, the cukong has a big chance to take their role in financing the electoral campaign of the expected candidate. If such a candidate succeeded to be the elected as the legislator, he/she is more accommodative with the cukong interests and, in turn, he/she fights for the interests in the legislation processes. It is called politik balas budi or reciprocal politics among them. Moreover, since Open-list PR allows all people have the right to nominate themselves as long as appointed by the political party, the caderization inside the party eventually is not significant anymore. The party needs the vote-getter to increase the party vote while the candidate fully finances him/her campaign process. It is likely to threaten the party ideology. It is also fundamental to be underlined here that Open-list PR has another threatening risk, i.e., the emergence of the elected candidates with poor competencies even contradicted with the constitution.

Second is the threat of the possibility of electoral fraud, electoral malpractices, and the death of the EMBs officers mainly at the grassroots levels. The electoral fraud and malpractices indeed took place at the grassroots. An effort to manipulate the vote recapitulation and vote buying practices can be conducted between the cukong, the EMBs officers mainly at the grassroots, and the candidates. It is likely to trigger the emergence of electoral conflict and dispute. Thus, it can jeopardize the consolidated democracy. Afterward, it is also possible to bring out other threats such as hoax, slander, and tribal-religious based insults among candidates and society. It is also critical to be stressed here on the dead threat of the EMBs officers affected by their immense burdens in organizing various duties during the election process such as voters validation process, the preparation of all electoral logistics, voters' complaints and critiques, and a lot of ballots affecting to the duty complexity of the EMBs officers. Thus, the EMBs officers' psychology is threatened.

**Picture 1. SWOT Analysis of the Application of Open-list PR in Indonesia's Legislative Election**



Picture 1 summarizes the SWOT analysis toward the application of Open-list PR in Indonesian legislative elections in post-Suharto 1998. In the context of quantitative calculation, internally, weaknesses are more than strengths while,

externally, opportunities and threats are equal. All in all, Open-list PR has positive and negative impacts internally and externally.

### ***3.2 The Compatibility between Open-list PR and Embedded Democracy***

There is a fivefold indicator of embedded democracy. Firstly, the electoral regime has some sub-indicators: elected officials, inclusive suffrage, the right to candidacy, and free and fair organised elections. Secondly, political liberties have two sub-indicators: freedom of press and freedom of association. Thirdly, civil rights denote the state or private agents which have to protect individual liberties from violations of rights and guarantee equality before the law. Fourthly, the division of powers and horizontal accountability is established through legislative, executive and judiciary branches. Fifthly, effective power to govern indicates that the elected officials have a capability to maintain the effective government. If the first and second indicators are part of the dimension of vertical legitimacy and control, the third and fourth indicators imply the dimension of liberal constitutionalism and the rule of law. In the meantime, the last indicator is the dimension of effective agenda-control (Merkel, 2004: 36-42; 2007: 34-40). Among those five regimes, this study focuses on applying four indicators of the electoral regime to assess the application of Open-list PR.

#### ***3.2.1 Elected Candidates***

Discussing the elected officials is discussing the political legitimization of the elected candidates after the competition is done. The legitimization can be proven by three indicators, namely an official declaration issued by the authoritative institution, the absence of electoral dispute from other contestants and related parties, and the high number of voter turnout.

In the context of the application of Open-list PR, there is a fourfold consideration that this system supports positively to the elected candidate aspect. First, this system stimulates the vigorous legitimization of the elected candidates. Second, this system encourages voters' freedom to vote for the candidate based on their preferences. Voters can influence the electability of the candidate directly without the intervention of political parties. Third, this system can increase the voter turnout as the impact of the second consideration. It, indeed, reinforces such a legitimization. Fourth, this system

facilitates the public to demand the elected candidate's accountability directly. Thus, the elected candidate basically is responsible to the people, not the political party.

Nevertheless, there are four other indications which prove that Open-list PR is not compatible with the elected candidate aspect. First, the candidate's ideology is blurred and frequently not compatible with the party platform. It has a robust relation with the candidate recruitment mechanism inside the party, whether based on merit system or patronage system. Second, the candidate capacity is weak. It is as an impact that Open-list PR allows any people to nominate themselves. Besides, the victory is decided based on quantity, not quality. Third, the triumph of an elected candidate is influenced by the financial ownership and vote buying practices. Fourth, the cukong frequently has a big role in financing the candidates and influencing their victory. Thus, the elected candidates are more friendly to the cukong by fighting in any ways.

#### ***3.2.2 Inclusive Suffrage***

Inclusiveness is an inseparable part of the election to ensure electoral integrity. The basic principle of inclusiveness is involving other related stakeholders in the decision-making process and providing a lot of alternative candidates to be voted. In addition to that, the inclusive suffrage can be understood as the provision of the equal right for all citizens to vote without the distinction of religion, tribes, gender, age, physical condition, and geographic. The further meaning of the inclusive suffrage is that voters have multiple options of the candidate so that voters have various options to vote for the best candidate.

In this indicator, no negative aspects are found. Conversely, three positive aspects can be explored here to confirm the compatibility between Open-list PR and embedded democracy. First, this system provides a space for diffable and other minority groups to nominate themselves in the electoral stage. Second, women candidates have an equal position with others and a great chance to be elected because the candidate electability is not determined by the sequence number but the popular vote. Third, all citizens who have met the requirements can nominate themselves and have the equal right to vote for the candidate based on their preferences. By considering these facts, Open-list PR is compatible with the inclusive suffrage.

### 3.2.3 The Right to Candidacy

The right to candidacy is having the equal privilege to nominate in the electoral stage. In terms of Open-list PR, it provides a positive prospect for all citizens who have met the legal requirements to nominate themselves as the legislative candidate. The elected candidate is determined fully by the popular vote he/she can collect. It makes the candidate work hard in influencing society to vote intentionally for him/her. Nonetheless, this system still has a negative impact, i.e., the requirement of equal rights is not supported by having a good competence and a great integrity of the candidate.

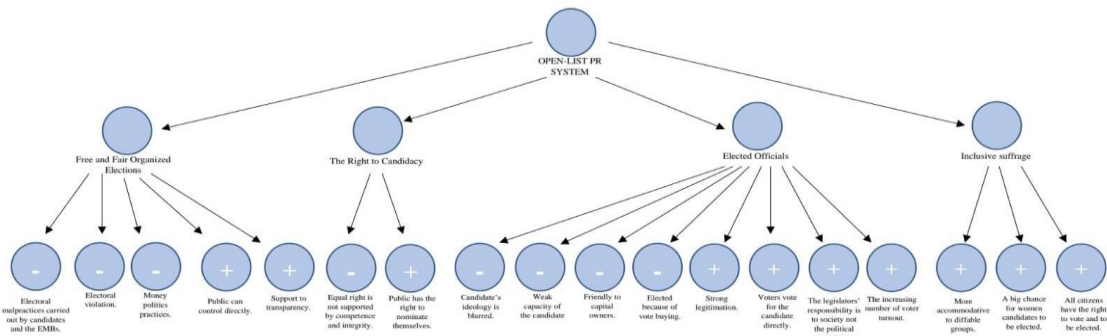
### 3.2.4 Free and Fair Organized Elections

The framework of free and fair organized elections is compatible with the Indonesian Constitution (UUD 1945) as stated in Article 22E Paragraph 1, i.e., “the general election is organized directly, general, free, confidential, fair, and equal in each five times”. More specifically, it indicates that voters can vote for the candidate directly based on their preferences. General denotes that all citizens who meet the legal requirement can take their political rights. Free signifies that voters can decide their candidate without any interventions. Confidential means the privacy of voters’ vote is

report their campaign budget report to the EMBs, and, in turn, the report will be uploaded in the EMBs’ websites. Similarly, the EMBs should release the budget report which can be accessed by the public.

In the meantime, this system has at least three negative implications. First is the emergence of electoral malpractices carried out by candidates and the EMBs. The bribery deed by the legislative candidate to one of the KPU commissioners in the 2019 election regarding the setting of vote for the national parliamentary seat is tangible that it ruins the free and fair values. The similar case also took place at the grassroots where the neutrality of the EMBs officers is still questioned. Second is that the electoral violations are found. Between April and December 2019, DKPP decided 76 cases with ethical code violation carried out by the EMBs (DKPP RI, 2019). Brich (2011) classifies those cases as a manipulation of the voting act. Thus, it harms the free and fair values and indicates the EMBs’ unprofessionalism. Third, the high cost of election ultimately affects the loss of honesty of interrelated parties. The upshot, candidates commit money politics or vote buying practices in various modus, where the cukong take a big role in supporting this way.

Picture 2. The Compatibility of Open-list PR and Embedded Democracy’s Electoral Indicators



guaranteed. Fair is that all EMBs should behave fairly which is in line with the regulation. Equal represents an equivalent treatment for voters and the electoral participants.

Open-list PR has two positive impacts with free and fair elections. First is that Open-list PR allows the public to control all process of election steps directly. Society can protest frankly to the EMBs, candidates, and political parties without any intimidations. Second, this system ensures the implementation of transparency of all related parties. Society can access it through websites. For instance, all political parties including their candidates should

Picture 2 demonstrates that Open-list PR is compatible fully merely with inclusive suffrage. In three other indicators, it has both positive and negative impacts. In the elected officials, it has four positive and negative impacts, respectively. In the right to candidacy, it has one positive and negative aspect, respectively. In the meantime, negative impacts are more than positive impacts in the free and fair organized elections. It denotes a serious attention which should be addressed to reach the embedded democracy. By applying four indicators of the embedded democracy’s electoral regime, it can be compared that Open-list PR has 10 positive trends



and eight negative trends. In other words, Open-list PR has a compatible prospect in reaching embedded democracy. However, this system should address eight negative trends: 1) electoral malpractices carried out by the candidates and the EMBs; 2) electoral violation mainly committed by the EMBs officers at the grassroots; 3) money politics practices; 4) the equal right is not supported by having competence and integrity; 5) candidate's ideology is blurred; 6) weak capacity of the candidate; 7) friendly to capital owners (cukong); 8) the candidate is elected because of vote buying.

### 3.3 A Proposed Design of Indonesia's Legislative Election in the Global Pandemic Era

Considering the compatible prospect of Open-list PR in Indonesia, this study still proposes this system for the following Indonesian legislative elections. However, in dealing with eight negative trends of the application of Open-list PR, this study attempts to design the legislative election system which is friendly to the pandemic era. Nobody knows the end of this pandemic, so a welcoming design to this pandemic situation is needed. Whilst improving ten positive trends, eight other negative trends are addressed here.

- a. To address the electoral malpractices behaved by the candidates and the EMBs and the electoral violation mainly carried out by the EMBs officers at the grassroots, this study proposes to design the limitation of the period for commissioner with maximum two consecutive periods. If they still violate the applied regulation, the deterrent punishment should be executed to the perpetrators.
- b. To eliminate the practices of money politics or vote buying, the regulation should cover the whole aspect of this deed. Act No 7/2017 on Election restricts that the perpetrators of money politics are merely candidates and the listed names in the Bawaslu database. It is not applied for people outside that category. The regulation also does not regulate specifically the protection of whistleblowers of money politics, including the protection for their family. Society in general does not take any risks in reporting vote buying practices even if they know it obviously with tangible proofs. Thus, the regulation should accommodate this issue.

- c. Regarding the equal right is not supported by having competence and integrity, the candidate's ideology is blurred, and the weak capacity of the candidate, it is part of the political party's responsibility in recruiting the legislative candidates based on the merit system. Political parties should have a political will to prioritize the internal cadres rather than new challengers and recruit prospective candidates by considering their educational background. Act on political parties should be evaluated immediately.
- d. In terms of that Open-list PR is more friendly to the cukong and the candidate is elected because of vote buying, the EMBs should restrict the campaign financing and ask the candidates to report it regularly to the EMBs. However, the EMBs do not supervise this issue seriously. We need powerful and independent EMBs to ensure that they still have great integrity.

Figure 3 The Wordcloud of the Result of Focus Group Discussion (FGD) with Respondents



Source: The FGD Transcript was processed by the NVivo 12+ Platform

Picture 3 strengthens previous findings that although Open-list PR has positive trends such as the increasing participation of voter turnout, capital ownership and money politics are still leading to impair the embedded democracy. Nonetheless, positive trends are supported by other words like transparency, openness, accountability, efficiency, free, fair, and quality. Meanwhile, negative words are still found like high cost, discrimination, conflict, and nepotism. Thus, “two sides of the same coin” are already presented.

Furthermore, to address the pandemic situation where society lives with health and safety protocols, the simultaneous election with the application Open-list PR system has a big risk in the COVID-19 transmission among society. The 2019 simultaneous election demonstrates that a voter needs a lot of time to vote for five different ballot papers. Excluding the presidential-vice presidential ballot paper, all ballot papers are large



and consisting of a lot of legislative and senate candidates. It can be seen in Yogyakarta as an example. For the national legislative election, if each party proposes eight candidates (based on the district magnitude) and there are 16 political parties, the result is 128 candidates in the ballot paper. For educated voters, it is not difficult to find their expected candidate. However, most cases reveal that ordinary voters need a lot of time to find their preferred candidate. It is indeed a problem for elderly voters, illiterate voters, diffable voters, and other voters who have difficulties with their eyesight to vote in the large ballot paper with various candidates. It is just one ballot paper. There are two other legislative election ballot papers and one senate election ballot paper. If the EMBs already conducted a voting simulation by spending roughly five minutes for those five different ballot papers, that is a simulation for educated and well-informed voters. They never simulate it technically with voters with special conditions, such as elderly voters, illiterate voters, and diffable voters.

Considering such a situation, this study proposes to re-design the ballot paper to be a simple paper. Currently, some NGO activists have an idea to make a single ballot paper for those five different elections. This idea does not violate the regulation. There are some advantages if the EMBs employ such a ballot paper. First is effective for voters because they need merely once to open the ballot paper, and, in turn, they can focus on voting in five different systems. Second is effective for the EMBs, primarily at the grassroots. It can reduce their burdens, including the risk of death as happened in 2019. Third is minimizing the risk of COVID-19 transmission because it can streamline the time for voters at the polling station. Fourth is easing the EMBs officers at the polling station to calculate the vote because they only open one ballot box and one ballot paper. In fact, opening five ballot papers can take a lot of time. Thus, it is efficient in addressing technical and administrative issues. Five is to minimize invalid ballot papers because voters can focus merely to vote in one ballot paper. Sometimes, such an invalidity is caused by the error of voters intentionally in opening the ballot paper.

It is also crucial to highlight here that to reduce such a virus transmission, scheduling the voters' attendance to the polling station is a necessity. Although the KPU Regulation (PKPU) No. 6/2020

already regulated it, evidence in the 2020 Simultaneous Regional Election (Pilkada Serentak) demonstrated that a lot of polling stations did not adhere to it. Various polling stations still allow voters to attend at the spot at any time. Furthermore, the crowd takes place in the morning. Some voters need to go to work and cannot leave it despite it being Election Day.

#### **4. CONCLUSION**

By applying a SWOT analysis, Open-list PR has "two sides of the same coin", namely positive and negative trends. Internally, the weaknesses are more than strengths while, externally, the opportunities and threats are equal. Further analysis is an effort to assess the compatibility of Open-list PR and the embedded democracy framework by using a fourfold indicator: elected candidates, inclusive suffrage, the right to candidacy, and free and fair organized elections. It can be known that Open-list PR has a full compatibility only with the inclusive suffrage. It has both positive and negative sides in three other indicators. Overall, it can be compared that Open-list PR has 10 positive trends and eight negative trends. Merely in the free and fair organized elections, negative trends are more than positive trends. It signifies a critical evaluation which should be governed to achieve the embedded democracy. Nonetheless, Open-list PR has a compatible prospect with the embedded democracy framework.

To support the embedded democracy, Open-list PR have to address at least these eight negative trends: 1) electoral malpractices behaved by the candidates and the EMBs; 2) electoral violation, primarily conducted by the EMBs officers; 3) money politics practices; 4) the equal right is not supported by the candidate's competence and integrity; 5) the blurred ideology of the candidate; 6) the weak competency of the candidate; 7) friendly to the cukong; 8) the candidate is elected due to vote buying practices. Thus, this study proposes some electoral designs, namely the limitation of the period for commissioners with the maximum of two consecutive periods; the deterrent punishment for perpetrators of the election violation; the specific regulation which govern the protection of whistleblower of money politics, including their family; the detailed regulation on the legislative candidate mechanism by the application of the merit system and the prioritization of internal cadres rather than new challengers. Act on political parties should be

evaluated; the restriction and supervision of the campaign financing for each candidate, comprising the candidates' obligation to report it to the EMBs repeatedly; the need to have the powerful and independent EMBs to ensure the institutional integrity.

In the context of the current pandemic situation and to reduce the potency of COVID-19 transmission, this study proposes the design of a single ballot paper for those five different elections. NGO activists also encourage this idea because of its effectiveness and efficiency not only for voters but also for the EMBs officers, primarily at the grassroots. It can also minimize the risk of COVID-19 transmission due to the abridged time for voters at the polling station. In addition to that, it can reduce the number of invalid ballot papers. To reduce the risk of such a virus transmission, it is a must to schedule the voters' attendance at the polling station. The EMBs should guarantee that all polling stations adhere to this regulation.

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