

# The Role of Government Politics and Law in Building Public Participation in Elections

**Appe Hutauruk**

Universitas Mpu Tantular, Indonesia

Email: [appehturuk@gmail.com](mailto:appehturuk@gmail.com)

---

## KEYWORDS

*Government, Politics, Law,  
Elections, Public Participation*

## ABSTRACT

The use of voting rights in a general election is the subjective right of citizens (people) who have qualified to vote, but from the aspect of the interests of the state and nation, it can be considered that the use of voting rights / voting rights of citizens in general elections, in essence is a form of responsibility to participate in the administration of government. However, at the current level of reality there is a tendency for people to experience "frustration" and "political lethargy" to exercise their sovereignty through the mechanism of elections. This fact is due to the fact that people feel that their aspirations cannot be accommodated after the general election and presidential election. In addition, there is the influence of pressure groups (especially groups that want the disintegration of the nation and the Unitary State of the Republic of Indonesia) so that people better abstain and become "white groups". Therefore, a directed and effective government legal policy is needed to increase legal awareness of citizens participating in exercising their active voting rights in general elections and presidential elections.

---

## INTRODUCTION

In the practice of national and state life in Indonesia, general elections are one form of activity at the conceptual level that Indonesia is a democratic country based on law (Manan & SH, 2018). The essence of elections is the exercise of people's sovereignty which then represents that sovereignty to state organizing organs (and regions as part of the state), such as; President and Vice President, House of Representatives, Regional Representative Council, and Regional People's Representative Council (Haluana'a et al., 2020). However, in reality there are still many citizens (people) who actually as holders of important roles (role occupants), do not use their voting rights / voting rights in every election.

As a framework of thinking to understand that there is a correlation between the political role of government law and public participation in general elections, it is necessary to express the opinion of (Budiardjo, 2003) who stated, "One important aspect of the political system is political culture which reflects subjective factors. Political culture is the entirety of political views, such as norms, patterns of orientation towards politics and views of life in general. Political culture prioritizes the psychological dimension of a political system, namely attitudes, belief systems, symbols owned by individuals and operating throughout society, and their expectations (Munir Fuady & MH, 2016). A person's political activity, for example, is determined not only by his desired goals, but also by his political expectations and by his views on the political situation."

In essence, the holding of General Elections in Indonesia is a criticism of the realization of people's sovereignty in the context of political participation in the administration of state government. Explicitly the provisions of article 1 paragraph (2) of the 1945 Constitution state, "Sovereignty is in the hands of the people and is exercised according to the Constitution". The

use of voting rights (active) by every Indonesian citizen to elect members of the People's Representative Council (DPR), Regional Representative Council (DPD), President and Vice President, and Regional People's Representative Council (DPRD) is the embodiment of citizens' political rights, as stipulated in article 28 of the 1945 Constitution which reads, "Freedom of association and assembly, expressing thoughts orally and in writing and so on is stipulated by law". Freedom or freedom of expression of thought or expression of opinion is a fundamental pillar of democratic government, and is considered a fundamental principle in elections (Kodiyat, 2019).

Pancasila democracy adopted in Indonesia essentially includes the main principles of constitutional democracy based on the rule of law. The holding of free elections to accommodate the political rights of the people, is one of the main requirements of democratic government in the rule of law and is proof that Pancasila democracy is a constitutional democracy (Nurgiansah, 2021). Therefore, to build the role of public participation in holding general elections, legal politics that reception the values of Pancasila must be able to answer all phenomena (symptoms) including confusion of opinions and perceptions that develop in society, especially in political situations and conditions that are experiencing shock due to the influence of economic pressures and due to the trauma of political promises, because it can be packaged into a commodity by "rotten politicians", "intolerant groups", and "radical groups" who want the status quo so that many people choose to enter the White Group (GOLPUT) group by not exercising their voting rights (Priandi & Roisah, 2019).

Although the use of voting rights in a general election is a subjective right of citizens (people) who have qualified to vote, but from the aspect of state and nation interests, it can be considered that the use of voting rights of citizens in general elections and presidential elections, is essentially a form of responsibility to implement Pancasila democracy which is linear with constitutional democracy and forms actively participate in the administration of government (Hermawan, 2020). Through the general election process, the people (citizens) delegate their sovereignty to the Government (in a broad sense or in a narrow sense) to manage the organization of the Unitary State of the Republic of Indonesia (NKRI) as a people's association to realize general welfare or create happiness / good for the people (*bonum publicum*, common good, common well) (Darwis, 2021).

Therefore, the legal politics of the Government must also be able to change the paradigm that the participation of every citizen who has qualified to vote in general elections, is not merely considered a right that has the understanding that it can be exercised or not implemented (Kusmanto, 2014). However, it is the "responsibility of defending the state" of the people or citizens as holders of sovereignty to defend the sovereignty of the nation and state through the use of active voting rights in general elections (elections) including presidential elections (Arniti, 2020). Such arguments are relevant to the provisions of Article 1 paragraph (2) of the 1945 Constitution, which reads "Sovereignty is in the hands of the people and is exercised according to law", as well as the provisions of Article 22 E paragraph (1) of the 1945 Constitution, which reads "General elections are held directly, generally, freely, secretly, honestly, and fairly every five years".

Every election in Indonesia (both during the Old Order, New Order, and Post-Reformation Order) is basically an implementation of citizen participation (society) as a manifestation of democratic values based on law. In the Explanation of the Constitution of the Republic of Indonesia, it is very clearly stated that; 1) The Indonesian state is based on law (*Rechtsstaat*), not based on mere power (*machtsstaat*), and 2) Government is based on a constitutional system (basic law), not absolutism (unlimited power). The 1945 Constitution as the basic law (*grundnorm*) of the Indonesian state, in article 1 paragraph (2) states that "Sovereignty is in the hands of the people and is exercised according to law". Elections as a means of exercising people's sovereignty are specifically mentioned in article 22 E paragraph (1) of the 1945 Constitution, which reads: "General elections are held directly, generally, freely, secretly, honestly, and fairly every five years". Furthermore, the implementation of these fundamental provisions is reflected through organic laws as implementing regulations that are accommodated

in laws and regulations regarding the holding of general elections and presidential elections. The provisions regarding elections as a means of exercising people's sovereignty mentioned in the 1945 Constitution and the aforementioned laws and regulations are in accordance with the idea of constitutionalism put forward by Carl. J. Friedrich as follows: "Government is a set of activities organized and operated on behalf of the people but subject to a series of restraints which attempt to ensure that the power which is needed for such governance is not abused by those who are called upon to do the governing" (Susanto, 2013).

The holding of elections is a means for the community (citizens) to express the sovereignty they have to do; 1) peaceful change in a changing society, and 2) orderly succession of rulers. Because the implementation of elections is very important in a democratic country based on law like Indonesia, people's political participation also has a very significant meaning in determining the existence and hegemony of the sustainability of the Republic of Indonesia. However, in reality there are still many Indonesian people who do not have awareness and are not even willing / unwilling to participate to exercise their right to vote in every election including the presidential election held in Indonesia (Putri, 2016).

It can be argued that the political participation of the community to participate in elections is related to the legal awareness of the community itself. The legal awareness of the community is linked to the responsibility towards the nation and state of Indonesia, so public participation in elections as a means to organize regular leadership changes is in accordance with the legal principle which states "the law requires peace (het recht wil den vrede)". Thus, suffrage/voting rights are not only considered as subjective rights of citizens (society) but are the responsibility of citizens towards the state. With such understanding, there will be a high public legal awareness to participate in general elections. Such assumptions should be used as the basis for the government's legal politics to build public participation in elections as described above. This postulate is in accordance with the opinion of (Liando, 2017) who stated, "high legal awareness causes citizens to comply with applicable legal provisions. Conversely, if legal awareness is very low, then the degree of compliance with the law is also not high. Thus, the opinion relates to the functioning of law in society or the effectiveness of legal provisions in its implementation. In other words, legal awareness concerns the issue of whether certain legal provisions are really functional or not in society".

Public participation in elections is considered politically as the responsibility of citizens to the state based on the principle that between the state and citizens there is a constitutional legal relationship. Therefore, in the context of elections, between the state and citizens can negotiate rights so that citizens / communities exercise their voting rights in elections as a form of responsibility to the state. The negotiation of these rights is carried out through socialization by the government (representing the interests of the state) on the one hand with citizens on the other. The negotiation is one of the efforts to optimally implement the government's legal political role, which is expected to solve the problem of public participation in order to be willing to exercise their right to vote in general elections, which is actually a right that has been owned and attached to citizens who have met certain conditions. This is in accordance with Munir Fuady's opinion which states, "rights negotiations aim to resolve problems arising in connection with the exercise of previously existing rights".

The policy or legal political role of the government plays an important role so that the people as holders of voting rights as well as holders of state sovereignty can exercise their rights in elections. In accordance with the government's legal politics, people's political participation is also highly expected to exercise their voting rights or voting rights in the implementation of general elections in Indonesia. Thus, it can be concluded that related to the implementation of general elections in Indonesia, the role of government legal politics has not optimally influenced public participation in general elections.

As a reference for the social community approach, it needs to be stated that related to building public participation in general elections, the government needs to play its legal political role, including:

1. Organizing general election education to the community as an effort to civil educate about the importance of the responsibility of the people / community to exercise the right to vote / voting rights in every general election.
2. Gather the influence of community leaders and religious leaders, non-governmental organizations and other community organizations as a propaganda mouthpiece to provide doctrine to the public regarding the purpose of elections in the life of the nation and state.
3. The government and its ranks to the lowest level and other state organs must continuously carry out their functions and / or roles to socialize the purpose of elections in the life of the nation and state to increase the encouragement or motivation of the community (citizens) in each general election.
4. Application of learning methods for the implementation of general elections as subject matter at the Senior High School level, with the hope that in the long term it can increase public awareness to participate in general elections.

The government must take seriously the social phenomenon that the lethargy of people's enthusiasm to participate in democratic activities such as general elections and presidential elections because there is an impression that Indonesia today, the reform movement does not have a clear concept of the mission of prospering the people, it can even be said that the vision and mission of reform are not in accordance with the construction aspired by the "moral movement" in Its revival in mid-1998, whether the reform was just developing the power structure that was in power or really had a vision and mission according to the expectations of the struggle of the "Change Movement", namely to carry out reforms in the order of life of the nation and state from what was previously considered to show many deviations from paradigmatic corridors to be returned to the corridors "The noble ideals of the founding fathers of the nation are to realize a just and prosperous society with equal dignity and dignity of everyone before the law and government in accordance with the concept of Constitutional Democracy.

Therefore, it is hoped that through legal politics built by the government, the Indonesian people should not be carried away by the turbulence and political frenzy that becomes a propaganda tool for certain interest groups that manipulate the conflict between "people's sovereignty" and "people's welfare". All levels of Indonesian society must always try to position themselves as a unifier and mouthpiece of truth to carefully respond to situations of turmoil and frenzy so as not to be contaminated with fake news (hoaxes), while trying to focus on attention so that "the essence of fighting for the goals of the nation" returns to paradigms that have been agreed nationally, as a starting point for solutions to prevent and anticipate disintegration of the nation, by consciously and responsibly exercising its right to vote in elections and presidential elections.

## **METHOD**

This research uses a research approach, namely normative juridical law research. In this framework, several technical approaches used by the author in conducting research are the statutory approach and conceptual approach. Basically, in normative legal research, the case approach aims to study the fundamental provisions contained in the 1945 Constitution as a grund norm and other organic regulations as derivatives governing the holding of general elections and presidential elections.

The statute approach is an approach in examining a problem by examining and reviewing laws and regulations at the normative level that correlates with the issue of public awareness to carry out responsibilities as citizens in the general election process. This is related to the basic of thinking that in principle the approach to laws and regulations is used specifically in the analysis of Constitutional Law instruments, of course, in this paper research is regulation as a manifestation of the Government's political will regarding the conception and direction of "building public participation in general elections".

## **RESULTS AND DISCUSSION**

As a reference for the social community approach, it needs to be stated that related to building public participation in general elections, the government needs to play its legal political role, including:

1. Organizing general election education to the community as a *civil education* effort regarding the importance of the responsibility of the people / community to exercise the right to vote / voting rights in every general election.
2. Gather the influence of community leaders and religious leaders, non-governmental organizations and other community organizations as a propaganda mouthpiece to provide doctrine to the public about the purpose of elections in the life of the nation and state.
3. The government and its ranks to the lowest level and other state organs must continuously carry out their functions and / or roles to socialize the purpose of elections in the life of the nation and state to increase the encouragement or motivation of the public (citizens) in every general election.

The application of the learning method of implementing general elections as subject matter at the Senior High School level, with the hope that in the long term it can increase public awareness to participate in general elections.

## CONCLUSION

In the context of building community participation, legal politics that receptions the values of Pancasila must be able to answer all phenomena (symptoms) including the confusion of opinions and perceptions that develop in society, especially in political situations and conditions that are experiencing shock due to the influence of economic pressures and due to the trauma of political promises, because it can be packaged into commodities by "rotten politicians", "intolerant groups", and "radical groups" who want the status quo so that many people choose to enter the White Group (GOLPUT) group by not exercising their voting rights. The government's legal politics must also be able to change the paradigm that the participation of every citizen who has qualified to vote in general elections, is not merely considered a right that has the understanding that it can be exercised or not implemented. However, it is the "responsibility of defending the state" of the people or citizens as holders of sovereignty to defend the sovereignty of the nation and state through the use of active voting rights in general elections including presidential elections.

## REFERENCES

- Arniti, N. K. (2020). Partisipasi Politik Masyarakat Dalam Pemilihan Umum Legislatif Di Kota Denpasar. *Jurnal Ilmiah Dinamika Sosial*, 4(2), 329–348.
- Budiardjo, M. (2003). *Dasar-dasar ilmu politik*. Gramedia pustaka utama.
- Darwis, M. (2021). Peran Sosial Media dalam Budaya Politik. *Jurnal Sipatokkong Bpsdm Sulse*, 2(1), 93–103.
- Haluana'a, F. J., Nasution, I., & Batubara, B. M. (2020). Analisis Tingkat Partisipasi Masyarakat Dalam Pemilihan Kepala Desa Orahili Kecamatan Pulau-Pulau Batu Kabupaten Nias Selatan. *Jurnal Ilmu Pemerintahan, Administrasi Publik, Dan Ilmu Komunikasi (JIPIKOM)*, 2(1), 46–52.
- Hermawan, I. C. (2020). Implementasi Pendidikan Politik Pada Partai Politik di Indonesia. *Jurnal Pendidikan Politik, Hukum Dan Kewarganegaraan*, 10(1).
- Kodiyat, B. A. (2019). Fungsi Partai Politik Dalam Meningkatkan Partisipasi Pemilih Pada Pemilihan Umum Kepala Daerah Di Kota Medan. *EduTech: Jurnal Ilmu Pendidikan Dan Ilmu Sosial*, 5(1).
- Kusmanto, H. (2014). Partisipasi Masyarakat dalam Demokrasi Politik. *JPPUMA: Jurnal Ilmu Pemerintahan Dan Sosial Politik UMA (Journal of Governance and Political Social UMA)*, 2(1), 78–90.
- Liando, D. M. (2017). PEMILU DAN PARTISIPASI POLITIK MASYARAKAT (Studi Pada Pemilihan Anggota Legislatif Dan Pemilihan Presiden Dan Calon Wakil Presiden Di Kabupaten Minahasa

- Tahun 2014). *Jurnal LPPM Bidang EkoSosBudKum (Ekonomi, Sosial, Budaya, Dan Hukum)*, 3(2), 14–28.
- Manan, H. A., & SH, S. (2018). *Aspek-aspek pengubah hukum*. Prenada Media.
- Munir Fuady, S. H., & MH, L. L. M. (2016). *Hak asasi tersangka pidana*. Prenada Media.
- Nurgiansah, T. H. (2021). Partisipasi Politik Masyarakat Sleman di Masa Pandemi Covid-19 dalam Konteks Pendidikan Kewarganegaraan. *Jurnal Civic Hukum*, 6(1).
- Priandi, R., & Roisah, K. (2019). Upaya meningkatkan partisipasi politik perempuan dalam pemilihan umum di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 1(1), 106–116.
- Putri, M. P. (2016). Peran Komisi Pemilihan Umum Dalam Sosialisasi Pemilu sebagai upaya Untuk Meningkatkan Partisipasi Politik Masyarakat Pada Pemilu Presiden 2014 di Kalimantan Timur. *Jurnal Ilmu Komunikasi*, 30.
- Susanto, E. H. (2013). Dinamika komunikasi politik dalam pemilihan umum. *Jurnal Kajian Komunikasi*, 1(2), 163–172.

---

**Copyright holder:**

Appe Hutaeruk (2023)

**First publication right:**

Journal of Social Science

**This article is licensed under:**

