Jurnal Penelitian Hukum De Jure
Volume 23, Number 3, September 2023
P-ISSN: 1410-5632, E-ISSN: 2579-8561
Accredited No: 10/E/KPT/2019
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PERIODIC PRINCIPLES IN GENERAL ELECTIONS: ORIENTATION AND IMPLICATIONS IN INDONESIA

Muhammad Mutawalli[1], Zulhilmi Paidi[2]
[1]Sekolah Tinggi Agama Islam Negeri Majene, Sulawesi Barat
[2]Universiti Utara Malaysia
Corresponding Author. Email: mutawallimuhammad22@gmail.com

Submitted: 07-07-2023; Accepted: 26-09-2023
DOI: http://dx.doi.org/10.30641/dejure.2023.V23.357-374

ABSTRACT

The general election is one part of the practice of democracy in Indonesia. In this case, the general election is a manifestation of people's sovereignty. In general, the principles of elections include the principles of direct, general, free, confidential, honest, and fair. This study seeks to explore the legal construction related to the periodic principle of general elections which must be held periodically every five years to become a separate principle in elections. The issue of periodization in general elections really needs to be emphasized as one of the principles in general elections as the main basis for creating a cycle of replacement and filling of public positions in the state administration system. This research is a normative legal research with statutory and conceptual approaches. The results of the study confirm that the orientation of legal construction on the periodic principle has actually been expressly stated in the 1945 Constitution of the Republic of Indonesia and is based on a systematic interpretation. In this case, the orientation of the periodic aspect is part of the general election principle which is obligatory and must be implemented. This implies that the principles of general elections include the principles of direct, general, free, confidential, honest, and fair, and must be held periodically for five years. In this case, the periodic principle becomes very important to be recognized and explicitly stated in the general election law as a new principle in the technical implementation of general elections. this has implications for the implementation of elections that are inconsistent and tend to change in each implementation. Whereas in holding general elections, the periodic principle will uniformize the holding of elections simultaneously, both national elections and elections at the regional level by setting forth and affirming in the general election law that periodization is a technical principle in holding general elections in Indonesia.

Keywords: Democracy, General Election, Periodic Principle.

1. INTRODUCTION

General Elections are one of the manifestations of a democracy. True democracy emphasizes the credo that "the people are in power" in a country.[1] The power of the people in a country certainly requires certain parties who are elected to represent the people in running their government.[2] In this case, a democratic country may not demand that the people themselves run their government.[3] The people choose leaders and their representatives to run the wheels of government so that the goals of the country can be fulfilled.[4] General

1 Bobi Aswandi and Kholis Roisah, "Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (Ham)," *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (2019): 128, https://doi.org/10.14710/jphi.v1i1.128-145.

2 Rehia K Isabella Barus et al., "Politics and Political Participation of 'Grass-Roots' in General Election 2019, Bandar Selamat Regency, Medan, Indonesia," *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences* 2, no. 1 (2019).

3 Muhammad Mutawalli, *Dinamika Partai Politik Indonesia: Problematika Penarikan Dukungan Calon Kepala Daerah* (Banyumas: Wawasan Ilmu, 2023).

4 Nazaruddin Lathif, "Teori Hukum Sebagai Sarana Alat Untuk Memperbaharui Atau Merekayasa Masyarakat," *Pakuan Law Review* 3, no. 1 (2017).

elections in this case become an effort and means for the people to elect leaders and their representatives. General elections in this case become an "identity" for a democratic country.[5] In a democratic country, general elections are like a heart, if elections cannot run in a conducive, effective, and substantive manner, then the heart of democracy is actually flawed and torn apart so that the essence of a democratic country has the potential to only become jargon and rhetoric.[6] In this case, the holding of substantive general elections is the main prerequisite of a democratic country. This is also a form of manifesting people's sovereignty in general elections.

The Indonesian Constitution, namely the 1945 Constitution of the Republic of Indonesia, has actually regulated general elections in Article 22E of the 1945 Constitution of the Republic of Indonesia. Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia even clearly and unequivocally states the existence of principles in the holding of general elections.[7] The principles in the general election become the basic framework of reference as well as guiding values in the implementation of the general election.[8] Furthermore, these general election principles can also be a testator value as well as an appraiser for the practice of organizing general elections.[9] This means that the holding of elections must be based on and fulfill the substance of the general election principles. Failure to fulfill the principles of general elections is a form of castration and reduction of the meaning of democracy.

Even so, even though it has been expressly and clearly stated in Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the principles of general elections remain a separate legal problem. This is especially related to the periodization of general elections which must be held every five years which is often debated, whether or not this is the principle of general elections. If lexically, the general election principles as in Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia include the principles, of "direct, public, free, secret, and honest and fair".[10] This kind of understanding clearly reduces the periodization aspect of general elections which must be held every five years to not be part of the legal principle and has implications for permissible deviations from the periodization of general elections which must be held every five years. In fact, when referring comprehensively, the view regarding the periodization of general elections that must be held every five years is an integral part of the principles of general elections as they are commonly understood.[11]

The phrase "obligation to hold general elections every five years" gives rise to differences in perceptions regarding the consistency and meaning of the once every five years. The construction of article 22E paragraph 1 of the 1945 Constitution of the Republic of Indonesia only emphasizes the scheduling of the fifth year since the previous general election was held, so that the timeliness of the five years is subject to multiple interpretations. The meaning of once every five years does not indicate a specific holding time, so the exact time when the general election will be held seems to change. This gives rise to inconsistent constitutional practices, even though the implementation of each provision contained in the constitution is not only based on aspects of its implementation but consistency in concrete implementation must be fulfilled. So from this description, there is a legal vacuum (vacuum of norms) which is a debate regarding the interpretation of article 22E paragraph 1 paragraph 1 of the 1945 Constitution of the Republic of Indonesia. Responding to this debate, this article at least attempts to position general election periodization as one of the technical principles in organizing general

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5 R Siti Zuhro, "Demokrasi Dan Pemilu Presiden 2019," *Jurnal Penelitian Politik* 16, no. 1 (2019): 69–81.

6 Rifa Yanas, "Analisis Framing Pemberitaan Debat Kandidat Calon Presiden Tahun 2019 Di Koran Harian Padang Ekspres," *Jurnal Dakwah Dan Komunikasi* 5, no. 1 (2020): 1–28.

7 Novendri M Nggilu, "Menggagas Sanksi Atas Tindakan Constitution Disobedience Terhadap Putusan Mahkamah Konstitusi," *Jurnal Konstitusi* 16, no. 1 (2019): 43–60.

8 Mohammad Syaiful Aris, "Penataan Sistem Pemilihan Umum Yang Berkeadilan Untuk Penguatan Sistem Presidensiil Di Indonesia," *Yuridika* 33, no. 2 (2018): 290–315.

9 Rahman Yasin, "Political Ethics in Indonesian Election: The Role of Election Human Resources Council (DKPP) to Fulfill Election Integrity," *Jurnal Etika Dan Pemilu* 5, no. 1 (2019): 50–61.

10 Galih Gumilar Ahmad Sanusi, "Peran Ma'ruf Amin Dalam Meraih Suara Masyarakat Muslim Pada Pemilihan Presiden 2019," *Lentera* 3, no. 1 (2019): 65–81.

11 Steven Rogers, "Coattails, Raincoats, and Congressional Election Outcomes," *PS: Political Science & Politics* 52, no. 2 (2019): 251–55.

elections as one of the new principles in general elections. Then the next effort is to build initial construction regarding the implementation of ideal election periodization to be implemented in Indonesia.

The principle of general elections includes principles that are considered important in the holding of democratic general elections. These principles reflect fundamental values in democracy and are intended to ensure the integrity, legitimacy, and participation of the public in the electoral process. In the context of the general election periodization which is held every five years, several arguments emerge as a source of debate. Here are some of the arguments that need to be analyzed.

a. Political Stability: This argument argues that a five-year period provides important political stability for countries, as it allows governments to carry out their policy programs more consistently and minimizes disruption from the electoral process. In this case, the periodization of general elections is considered an important principle to maintain political stability.
b. Democratic Participation: On the other hand, there is an opinion that the periodization of general elections every five years can hinder democratic participation. This argument argues that such long periods of time can result in a feeling of public dissatisfaction with the performance of the incumbent government and limit the ability of voters to change policy directions quickly if necessary.
c. Political Elitism: Some views suggest that a five-year period can lead to problems of political elitism. This argument states that long time intervals give excessive political power to officials in power or established political parties, and in turn reduce the power and control of the public in the electoral mechanism.
d. Social and Economic Development: Another view holds that the five-year period does not always correspond to a country's social and economic development. Political situations, social trends, or economic issues can change dramatically within five years. This argument encourages the notion that the general election periodization must be more flexible to accommodate these developments.

Therefore, this study seeks to carry out a construction or effort to build as well as understand the legal principles of general elections in-depth, including orienting that the periodic aspects of general elections which must be held every five years are part of the general election principle. This study also aims to answer two problem formulations, namely: first, (i) What is the orientation of the periodic principle of general elections in the 1945 Constitution of the Republic of Indonesia? (ii) What are the implications of the periodic principle in general elections in Indonesia? And (iii) what is the formulation of the ideal periodization of holding general elections in Indonesia?.

Research on general election principles has been carried out by, among others: Wilma Silalahi (2020) concerning *The Constitutionality of Postponing the Implementation of the 2020 Simultaneous Elections* which focuses on the existence of a general election periodization of once every five years if it is associated with a postponement of general elections for certain reasons, such as an infectious disease pandemic.[12] In addition, research on the principle of general elections was conducted by Mahpudin and Fransisca Mega Lestari (2021) concerning *Simultaneous Elections in the Middle of the COVID-19 Pandemic: Practices of Politicizing Budgets and Social Assistance by Incumbent Candidates*, one of which focuses on simultaneous general elections is actually part of the principle general election which in outline is the embodiment of the principles of effectiveness and efficiency in general elections.[13] Furthermore, research conducted by Sri Asriana, Rosmini, and Ine Ventyrina (2022) concerning the Separation of Simultaneous Elections at the National and Regional Levels focuses on the application of the principle of fairness in general elections, including efforts to effectively and efficiently separate the holding of simultaneous elections at the national and regional levels.[14] Based on the three previous studies, this research is original because it focuses on exploring the periodic

12 Wilma Silalahi, "Konstitusionalitas Penundaan Pelaksanaan Pemilihan Serentak 2020," *Electoral Governance Jurnal Tata Kelola Pemilu Indonesia* 2, no. 1 (2020): 42.

13 Fransisca Mega Lestari Mahpudin, "Pemilihan Serentak Di Tengah Pandemi COVID-19: Praktik Politisasi Anggaran Dan Bantuan Sosial Oleh Calon Petahanan," *Electoral Governance Jurnal Tata Kelola Pemilu Indonesia* 2, no. 2 (2021): 165.

14 Ine Ventyrina Sri Asriana, Rosmini, "Pemisahan Penyelenggaraan Pemilu Serentak Tingkat Nasional Dan Daerah," *Risalah Hukum* 18, no. 1 (2022): 25.

principle which is actually a legal principle even though it is not explicitly stated in Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This research is a discussion that is different from the three previous studies above. Referring to previous research, this paper is an initial writing made by the author by building findings related to the need to recognize the periodic principle as one of the important principles in general elections which must be included in the general election law.

Based on the existing descriptions and realities, it is important to describe and make efforts to answer the question of how actually the orientation of the periodic principle of general elections is contained in the 1945 Constitution of the Republic of Indonesia? Then what are the implications of applying the periodic principle in holding general elections in Indonesia which are mandated in the state constitution?

2. METHOD

This research is normative legal research. Normative legal research is legal research that has an orientation toward the integration of legal principles, theories, concepts, and doctrines with statutory regulations.[15] In this research, approaches were used including legal, conceptual, philosophical, comparative study, and futuristic approaches. This research uses primary legal materials, including the 1945 Constitution of the Republic of Indonesia and the Law Number 7 of 2023 concerning the Establishment of Government Regulations in Lieu of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law. Secondary legal material includes all types of research that discusses the principle of elections. The non-legal material in this research is various non-legal studies on elections, especially socio-political studies on election law. Analysis of legal materials is carried out by collecting existing legal materials (inventory), then carrying out legal analysis by prioritizing legal concepts and doctrines adapted to the formulation of the problem being discussed, and the results of the analysis then confirm the existence of a legal solution (recipe) that answers the legal issues being discussed.[16]

3. FINDINGS AND DISCUSSION

3.1 Orientation of the Periodic Principle of General Elections in the 1945 Constitution of the Republic of Indonesia

General elections are one of the manifestations of people's sovereignty which aims to elect the best and most representative leaders and representatives of the people in running the state government.[17] In this case, people's sovereignty occupies an important aspect in the holding of general elections. This means that general elections will materialize as substantive general elections if the value of people's sovereignty is guaranteed in various general election processes.[18] In a simple view, democracy as a means to promote self-government is an effort and orientation to strengthen leaders and representative institutions that are populist and in accordance with the will of the people.[19] Therefore, it can be concluded that the general election aims to create a populist administration of government in accordance with the will of the people.

Mark P. Jones in his view said that, "All evidence indicating the functioning of presidential systems is greatly enhanced when the president is provided with a majority or near majority in the legislature."[20] So in this case, strengthening the presidential system is closely related to the availability of adequate political support in the legislature for a president. Simultaneous general elections are considered to be able to strengthen the

15 Peter Mahmud Marzuki, *Penelitian Hukum*, 13th ed. (Jakarta: Kencana, 2017).

16 Irwansyah, *Penelitian Hukum: Pilihan Metode Dan Praktik Penulisan Artikel*, 3rd ed. (Yogyakarta: Mira Buana Media, 2020).

17 Hufron Maulana Hasan, Aang Khunaifi, Sri Setyadji, "Penyelesaian Sengketa Proses Pemilihan Umum Di Indonesia," *Jurnal Media Hukum Dan Peradilan* 6, no. 1 (2020): 6.

18 Stephen Dawson, "Electoral Fraud and the Paradox of Political Competition," *Journal of Elections, Public Opinion and Parties*, 2020, 1–20.

19 Christopher Linebarger and Idean Salehyan, "Electoral Integrity and Election-Related Conflict," *Democracy and Security* 16, no. 3 (2020): 260–80.

20 Abdul Basid Fuadi, "Politik Hukum Pengaturan Keserentakan Pemilu," *Jurnal Konstitusi* 18, no. 3 (2021): 702–23.

presidential system because they can make the party system simpler or if there are still many of them they are still in the moderate category.[21] With the change in the election schedule, the question arises whether the shift does not conflict with the provisions of Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states "General elections are held once ..... every five years."[22] In this regard, of course, it is necessary to refer to the formulation of provisions for amending the 1945 Constitution, in his view, Syamsuddin Haris argued that there were at least two different attitudes and principles related to the general election schedule in the discussion of the Constitution, including, first, that the faction proposed that general elections be held every five once a year. Second, the faction in the proposed holding of general elections every five years does not rule out the possibility of holding general elections at an unspecified time every five years.[23]

General elections are also understood as a political market between political parties and people who have the right to vote.[24] This is because there is a social contract between political parties and people who have the right to vote in the general election process. The social contract here must be understood as a relationship that is mutually beneficial.[25] In this case, political parties need the public as voters to gain votes in parliament or become state leaders. Society as voters need political parties as the embodiment of values, ideology, and policies that are expected to be in accordance with the will of the majority of society. This mutualistic relationship emphasizes the function of general elections as a means and bridge between the people as voters and political parties.[26]

The central position of general elections in a democratic country has made Samuel Huntington emphasize that the minimum prerequisite for a democratic country is periodic, participatory, and substantive general elections.[27] Samuel Huntington's opinion is at least interpreted in two aspects, namely: *first*, a democratic state in Samuel Huntington's view is not only based on holding general elections. This means that elections cannot make a country a democratic country. Even so, as a basic prerequisite for democracy, general elections can be a "mirror" of whether a country can be said to be democratic or not.[28] *Second*, Samuel Huntington also emphasized that general elections as a minimum prerequisite for democracy must also be carried out in a participatory and substantive manner, which means that general elections can become the "gateway" of a democratic state. This means, that when the general election is participatory and substantive and in accordance with the will of the people, it can be said that the essence of a democratic country has been formed and the general election becomes the initial "mirror" in assessing the essence of a democratic country.[29]

The importance of general elections in a democratic country is vital because it is one of the efforts to demonstrate the practice of a democracy in a country. In Indonesia, the essence of democracy is actually intertwined with the idea of a rule-of law-state.[30] Democracy and the rule of law, commonly known as nomocracy, are two interrelated currencies. Democracy can be guaranteed if upheld together with the principle of nomocracy. Likewise, aspects of nomocracy or rule of law can run optimally if implemented in accordance with the characteristics of a democratic state. This shows that democracy and nomocracy are the identity of the Indonesian constitution so the values of democracy and nomocracy must become the basic spirit in the

21 Fuadi.
22 Ibid.
23 Syamsuddin Haris et al., *Pemilu Nasional Serentak* (Yogyakarta: Pusaka Pelajar, 2016).
24 Fahmi Nurdiansyah, "Marketing Politik DPP Partai Gerindra Pada Pemilu Legislatif 2014," *Politika: Jurnal Ilmu Politik* 9, no. 1 (2018): 60–70.
25 Agus Riwanto, "Model Pengintegrasian Penegakan Hukum Pilkada Serentak Guna Mewujudkan Keadilan Substantif (Evaluasi Penegakan Hukum Pilkada Serentak 2015-2020)," *Jurnal Adhyasta Pemilu* 3, no. 1 (2020): 61–81.
26 Fuqoha Fuqoha, "Pengisian Jabatan Presiden Dan Presidential Threshold Dalam Demokrasi Konstitusional Di Indonesia," *Ajudikasi: Jurnal Ilmu Hukum* 1, no. 2 (2017).
27 Agil Oktaryal and Proborini Hastuti, "Desain Penegakan Hukum Korupsi Partai Politik Di Indonesia," *Integritas: Jurnal Antikorupsi* 7, no. 1 (2021): 1–22.
28 Sa'diyah El Adawiyah et al., "Strategi Komunikasi Politik Perempuan Dalam Meraih Kepemimpinan Daerah," Metacommunication: Journal of Communication Studies 4, no. 1 (2019): 95, https://doi.org/10.20527/mc.v4i1.6356.
29 Mohammad Jamin, Mulyanto, and Sahid Teguh Widodo, "Reformulation of a Legal Policy Affirming Recognition of Indigenous Community Units," International Journal of Innovation, Creativity and Change 11, no. 8 (2020): 473–90.
30 Aswandi and Roisah, "Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (Ham)."

administration of the nation and state.[31]

The specific orientation of the character of democracy and nomocracy in Indonesia actually fulfills its relevance after the 1998 reform phenomenon.[32] One of the orientations of reform ideas is the strengthening of people's sovereignty. Sovereignty of the people is echoed as an effort to restore the people's spirit as the highest authority in Indonesia. In this case, one of the spirits of the 1998 reform was the embodiment of the idea of people's sovereignty through direct general elections by the people, especially in the election of the President and Vice President.[33] With this view, the nature of democracy that wants to be implemented through general elections also requires guarantees of certainty and protection from legal aspects (nomocracy). Law through its various manifestations is needed to maintain democratic values so that it is fair and can protect the essence of the people's voice.

General elections in this case must guarantee the values of democracy and nomocracy simultaneously and in tandem. General elections are flawed if one of them is the existence of democratic and nomocratic values that have not been maximized in regulating and protecting general elections. One of the legal guarantees for general elections is the regulation in the Indonesian constitution, namely the 1945 Constitution of the Republic of Indonesia. Article 22E of the 1945 Constitution of the Republic of Indonesia which is the product of the third amendment to the 1945 Constitution of the Republic of Indonesia is actually a product of the development of the idea of general elections as demands for reform. In this case, the arrangement for general elections in Article 22E of the 1945 Constitution of the Republic of Indonesia is an attempt to emphasize legal certainty in holding general elections.

General elections as regulated in Article 22E of the 1945 Constitution of the Republic of Indonesia specifically also emphasize the principles of general elections. In the study of legal science, legal principles are the heart of legal science. This means that the rules and legal practices in general elections must follow the principles of general elections. Even so, it can be understood that legal principles are legal principles that have a philosophical dimension so they require legal rules to be applied in practice.[34] Regarding the use of legal principles, at least it can be seen that legal principles have three functions, namely:[35] *First*, the legal principle functions as a principle that guides legal rules. This emphasizes that the rule of law in general elections, especially the general election law and its derivative regulations, must refer to and be based on general election law principles. Second, the legal principle functions as a tester of legal rules and practices. In this context, general election principles can be a touchstone if there are rules in general elections that are inconsistent with or not in line with general election principles. Third, legal principles become one of the efforts to search for and explore philosophical values for a rule of law. In this case, the principles of general elections have a philosophical content to explore the values and nature of general elections which are embodied in laws and regulations derived from general elections.

Related to this description, in the context of human civilization, law has long been a means of realizing justice in society. However, the concept of justice in law is still a complex debate. According to Gustav Radbruch, justice is an absolute goal of law that must take precedence. Radbruch argues that law must be based on the principle of justice and that justice itself is a universal moral value. He argued that "true justice should be the basis of all laws".[36] Radbruch also emphasized that justice should not be sacrificed for the sake of strong laws or political interests, in this case, Radbruch stated that "justice according to conscience must be placed above all else, even above the law itself".[37]

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31 Dicky Eko Prasetio and Hananto Widodo, "Ius Constituendum Pengujian Formil Dalam Perubahan Konstitusi," *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 1 (2022): 1–12.

32 Hananto Widodo, Dicky Eko Prasetio, and Fradhana Putra Disantara, "Relasi Kekuasaan Antar Presiden Dan Wakil Presiden Dalam Sistem Ketatanegaraan Republik Indonesia," *Pandecta Research Law Journal* 15, no. 1 (2020): 13–25.

33 Widodo, Prasetio, and Disantara.

34 Nurfaqih Irfani, "Asas Lex Superior, Lex Specialis, Dan Lex Posterior: Pemaknaan, Problematika, Dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum," *Jurnal Legislasi Indonesia* 17, no. 3 (2020): 305–25.

35 Dewa Gede Atmadja, "Asas - Asas Hukum Dalam Sistem Hukum," *Kertha Wicaksana* 12, no. 2 (2018): 145–55.

36 G Radbruch, *Hukum Dan Keadilan* (Jerman: XYZ, 1946), p. 32.

37 Radbruch.

In the context of general elections, justice has an important role in ensuring a fair and equitable process for all citizens. Fair general elections are closely related to the principles of justice which involve equal participation, equal voting rights, and fair treatment of all voters. According to Gustav Radbruch, justice is the main goal of law that must be prioritized in society. His view emphasizes that law must be based on universal justice values and must not be sacrificed for the sake of strong political or legal interests. In the context of general elections, justice plays an important role in ensuring a fair and equitable process for all citizens.

Based on the three functions of the legal principles above, it can be understood that the principles of general elections are central to the selection of laws. This is because aspects of the regulation and implementation of general elections must be based on and can be tested by general election principles. Firmly and clearly, Article 22E of the 1945 Constitution of the Republic of Indonesia emphasizes the existence of six principles in general elections, namely: the principles of direct, general, free, confidential, honest, and fair. However, there is one principle that is actually implicitly stated in Article 22E of the 1945 Constitution of the Republic of Indonesia, namely the periodic principle in holding general elections as implied in the sentence, "...once every five years". The word "…..every five years" in Article 22E of the 1945 Constitution of the Republic of Indonesia actually implies the existence of a seventh principle in general elections, namely the periodic principle. The periodic principle in general elections can be interpreted as that general elections in Indonesia must be held regularly every five years.[38] This once-every-five-years provision becomes absolute, which means it cannot be violated or determined unilaterally by the general election organizers. Therefore, the affirmation of the existence of the seventh principle in general elections, namely the periodic principle, actually seeks to emphasize the timing of the holding of general elections which is strictly determined by the constitution and is not left to the general election management body.

There are several views that general elections as an implementation of empirical democracy cannot guarantee that the implementation of democracy in a country runs substantively. One of the main characteristics of a democratic country as mentioned above is the implementation of elections to rotate power. However, holding general election does not guarantee that a country is called a democratic country. This is because elections are no more than a means and their implementation depends on their users. Even though it is implemented every five years, in practice in several countries, elections are seen only as a process that is nothing more than a periodic mechanism to provide legitimacy for holders of state power. Such elections are general elections that have lost the spirit of democracy.[39] So in order to achieve the goal of holding democratic elections, elections must be carried out according to certain principles. These principles are binding for all parties involved in elections, be they organizers, participants, voters to the government. By having concrete and clear objectives, we hope that the implementation of the General Election will be carried out democratically and substantially. However, in this case, it should be understood that demands in the modern democratic system regarding the holding of general elections are not merely a ritual mechanism for leadership succession. More than that, general elections are expected to be the actualization and manifestation of people's sovereignty and involve all aspects of the involvement of government organs for the realization of general elections in accordance with the spirit of constitutional democracy.[40]

The existence of an affirmation of the periodic principle in the implementation of general elections actually seeks to prevent abuse and manipulation of power over the holding of general elections. This can be understood from the rumors circulating that there is a postponement of holding the general election to the extension of the term of office of the President and Vice President which raises concerns about the timely holding of the general election.[41] This actually requires guarantees of legal certainty and efforts to explore the essence of the periodic principle as the seventh principle in general elections. Based on the description

38 Hananto Widodo and Dicky Eko Prasetio, "Penataan Penataan Kewenangan KPU Dan Bawaslu Dalam Melakukan Pengawasan Dan Menangani Sengketa Proses Pemilu," *Perspektif Hukum* 21, no. 2 (2021): 200–221.

39 Janedri M Gaffar, *Politik Hukum Pemilu* (Jakarta: Konstitusi Press (Konpress), 2012), p. 45.

40 Muhammad Syafei and Muhammad Rafi Darajati, "Design of General Election in Indonesia," *Law Reform* 16, no. 1 (2020): 97–111, https://doi.org/10.14710/lr.v16i1.30308.

41 Fradhana Putra Disantara, Bayu Dwi Anggono, and A'An Efendi, "Mendudukkan Norma Etika: Perspektif Teori Keadilan Bermartabat Terhadap Relasi Etika Dan Hukum," *Rechtsidee* 10, no. 2 (2022): 1–13, https://doi.org/10.21070/jihr.v10i0.773.

above, the orientation of the periodic principle of general elections in the 1945 Constitution of the Republic of Indonesia has actually been implicitly stated in Article 22E of the 1945 Constitution of the Republic of Indonesia, especially in the sentence "...once every five years". The periodic general election principle actually emphasizes that general elections must be held temporarily every five years as a constitutional guarantee for the right to vote and to be elected as a guarantee for citizens' constitutional rights.

The principle of general elections includes principles that are considered important in the holding of democratic general elections. These principles reflect fundamental values in democracy and are intended to ensure the integrity, legitimacy, and participation of the public in the general electoral process. In the context of the general election periodization which is held every five years, several arguments emerge as a source of debate. The following are some of the arguments to consider, including the following:

1. Political Stability: This argument argues that a five-year period provides important political stability for countries, as it allows governments to carry out their policy programs more consistently and minimizes disruption from the general election . In this case, the periodization of general elections is considered an important principle to maintain political stability.
2. Democratic Participation: On the other hand, there is an opinion that the periodization of general elections every five years can hinder democratic participation. This argument argues that such long periods of time may result in a feeling of public dissatisfaction with the performance of the government in power and limit the ability of voters to change policy directions quickly if necessary.
3. Political Elitism: Some views suggest that a five-year period can lead to problems of political elitism. This argument states that long time intervals give excessive political power to officials in power or established political parties, and in turn reduce the power and control of the public in the general election.
4. Social and Economic Development: Another view states that the five-year period does not always suit the social and economic development of a country. Political situations, social trends, or economic issues can change dramatically within five years. This argument encourages the notion that the general election periodization must be more flexible to accommodate these developments.

The simultaneous general election model is regulated in the Law Number 7 of 2023 concerning the Establishment of Government Regulations in Lieu of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law The background is the Constitutional Court Decision Number. 14/PUU-XI/2013 dated January 23 2014 which stated that the presidential election and the election of members of representative institutions that are not simultaneous is not in line with constitutional principle that requires efficiency in administration governance and the right of citizens to vote intelligently. In connection with this, Law Number 1 of 2015 concerning Stipulation of Regulations Government in Lieu of Law Number 1 of 2014 Concerning Elections Governors, Regents, and Mayors Become Laws, and amended three times (Regional Head Election Law) will still apply in the 2024 Election. Article 201 paragraph (8) of the Regional Head Election Law states that "Voting simultaneously nationally in the election of Governor and Deputy Governor, Regent, and Deputy Regent, as well as Mayor and Deputy Mayor in all regions of the Unitary State Republic of Indonesia will be implemented in November 2024." That is, it will happen at the intersection of the stages between the general election and the regional head election in 2024, where while the election stages are running, at some point the election stages will also begin election stages.

The existing legal vacuum, it creates its own polemic in the consistency of the implementation and holding of general elections in Indonesia. With the inconsistency of the implementation of elections both at the national and regional levels, this has an impact on the rotation and rotation of filling public positions which currently prioritizes aspects of filling positions that are temporary and undemocratic only to avoid a power vacuum. If examined further, with the recognition of the periodic principle in the general election law, Indonesia is consistently able to hold general elections every five years with the determination of the same date and month without any future time changes. Then with the consistency of the implementation of the general election time to avoid filling patterns of temporary positions which are considered undemocratic and do not originate from the will of the people or people's sovereignty. Therefore, the principle of periodic general elections aims to guarantee legal certainty for the period of holding general elections as well as being

the seventh principle in general elections. This at the same time provides a legal construction that the general election principles are seven, namely the direct, general, free, secret, honest and fair, and periodic principles.

3.2 Comparison of the Application of the Periodic Principle in General Elections in Several Countries

General elections are one of the fundamental mechanisms in democratic systems in various countries. General elections are one of the fundamental mechanisms in a democratic system, in which citizens elect their leaders for a certain period through a secret, public, free, and honest voting process. The periodization principle, which regulates the time period between general elections, is one of the important elements in determining political stability and government legitimacy. The purpose of the periodization principle is to prevent prolonged concentration of power, to provide opportunities for citizens to elect new leaders, and to ensure the continuation of democracy in the country. Comparison of the application of the general election periodization principle in various countries illustrates the differences in the approaches and policies applied.[42] Some countries adopt a system of general elections over a long period, such as the United States which has a presidential term of four years. On the other hand, several other countries adopt systems with shorter periods, for example, Germany which holds general elections every four years, or England which holds general elections every five years.

Differences in Approaches and Policies in Applying the Periodization Principle of General Elections can be seen in various countries, including the following, France applies the principle of election periodization by using a separate presidential and parliamentary election system. Presidential elections and parliamentary elections are held in different years and have different periods. This is intended to avoid conflicts of interest between the executive and legislative branches and to provide better political stability.[43] In applying the principle of election periodization in the United States, there is a difference between national elections and local elections. National elections, including those for the president and members of Congress, are held periodically. Local elections, such as those for governor and city councilors, are regulated by each state and can be held at different times.[44] In this case, the United States practices partial general election periodization by not uniformizing the implementation of national general elections and general elections at the state level. This is interesting because theoretically, the implementation of general elections does not have to be uniform in the implementation of national general elections and regional general elections. From a hypothetical construction, the periodization of general elections can be differentiated between the periodization of national general elections and the periodization of general elections at the regional level (local elections). However, it should be understood that the periodization of general elections in a country is strongly influenced by the legal system, form of government, and legal culture that develops in a country.

In Germany, the principle of periodization of elections is applied using a unified electoral system. In this case, elections to the federal parliament (Bundestag) as well as elections to the state parliament (Landtag) are held at the same time every four years. The main objective of this approach is to increase voter turnout and ensure a balance of political power at the national and regional levels.[45] In this case, in contrast to the periodization of general elections in the United States, Germany, in organizing general elections, places the principle of periodization rather than on the periodization aspect which is based on the division of the national general election regime and general elections at the regional level like in the United States, Germany places more of a periodization principle the general election in the aspect of uniformity of time and duration of the

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42 Dupont, M, "Presidential vs Parliamentary Elections: A Comparative Study". French Journal of Political Science, Vol. 25(1), (2018): 45-63.

43 Tavares, J., "Electoral Systems in Paris: A Comparative Analysis". Journal of French Politics, Vol. 19(2), (2017): 87-106.

44 Johnson, R. (2016). The American Election System: A Comparative Perspective. Journal of American Studies, Vol. 10(3), hal. 201-218, and Smith, A. (2019). The Impact of Local Elections on National Politics. American Political Science Review, Vol. 115(4), hal. 564-581.

45 Müller, H. (2015). Comparative Analysis of Electoral Systems in Germany. German Politics, Vol. 17(2), hal. 112-132, and Schmidt, T. (2017). The Impact of Concurrent Elections on Party Politics in Germany. Journal of Comparative Politics, Vol. 29(3), hal. 231-248.

next general election shall be held in four years. This shows that the periodization of general elections is basically different in each country depending on the legal culture and legal system in force. However, Germany gave a relatively short time to hold general elections simultaneously.

The interesting thing to observe is the reason behind the differences in the application of the periodization principle. Most countries that have long election periods argue that a longer period of time can provide political stability and enable leaders to implement long-term programs. John Anderson explained that the United States has long terms in office to allow the president to undertake programs that may take longer to achieve significant results.[46] On the other hand, countries with elections that have a shorter term have the argument that a shorter time period provides an opportunity for citizens to be actively involved in the political process and provide feedback to the government on the policies being implemented. Michael Schulz in his research shows that general elections that are often held in Germany can increase people's active participation in the political process and encourage healthy public discussion.[47]

Indonesia, which has experienced changes in its government system and complex political experiences in the last half-century, has a periodization policy that is different from many other countries. Indonesia, which adheres to a presidential system, has an election for the president, vice president, and members of the legislature every five years. This allows for longer-term political stability and allows the government to run overall programs in the long term. Even so, there has been no agreement on the periodization policy in Indonesia, some have proposed that the presidential and vice presidential elections be held simultaneously with the legislative elections every five years. Didik Supriyanto and Hamdi Muluk are of the view that in the presidential system adopted by Indonesia, the presidential election should be held simultaneously with the legislative election. This is because if the presidential election is held after the legislative election then it is contrary to the presidential system which is supposed to strengthen the position of the president.[48]

The reasons put forward are optimizing public participation and encouraging political parties to be more responsible for the public programs they run. Comparison with several other countries, such as the United States, which has a period of presidential elections once every four years, or the Philippines, which holds presidential and legislative elections every six years, is one of the references in comparing the policy of the periodization principle in Indonesia. However, the political context and the uniqueness of each country also need to be considered in determining the periodization policy.

In Edward Aspinall's book, there is a note that Indonesia's experience in general elections and the periodization principle has undergone various changes, depending on the social and political conditions that were being faced at that time.[49] The five-year time period was chosen to support long-term development and political stability, meanwhile, the policy is still being evaluated and updated in line with the development of democracy in Indonesia. However, there are also concerns regarding corruption and money politics which could undermine the quality of general elections in Indonesia. Several studies, including a journal study entitled "Indonesia's Decentralization and its Effects on Corruption and Public Sector Efficiency" written by Ade Mardiyati and Komarudin, state that setting the periodization principle needs to adapt to democratic reforms in Indonesia, including handling corruption and money politics practices.[50]

Comparison of the application of the general election periodization principle in various countries shows the different approaches and policies adopted depending on the political context and the needs of the country. The application of the periodization principle in Indonesia is still being evaluated and updated but with due regard to the ideal conditions of a country that are in accordance with the development of democracy and the quality of general elections in Indonesia. However, this comparison cannot be made without considering

46 J Anderson, *Democracy and Stability: The Case of the United States* (Oxford: Oxford University Press, 2009).

47 M Schulz, "Democracy and Elections: The Case of Germany," *Journal of Comparative Politics* 42, no. 3 (2015): 345–67.

48 Mahkamah Konstitusi Republik Indonesia, "Ahli Pemohon: Pemilu Serentak Sesuai Konstitusi dan Lebih Efektif", diakses pada 1 Agustus 2023 pada halaman website https://www.mkri.id/index.php?page=web.Berita&id=8217.

49 E Aspinall, *Democracy and Elections: The Case of Indonesia* (Oxford: Oxford University Press, 2019).

50 A Mardiyati and Komarudin, "Indonesia's Decentralization and Its Effects on Corruption and Public Sector Efficiency," *Journal of Indonesia Governance* 1, no. 1 (2016): 94–112.

the political and cultural context of the countries concerned. Every country has its uniqueness and different challenges, which need to be considered in determining the right general election period. Differences in power-sharing systems, political stability, and economic conditions also play a role in determining the policy of the periodization principle. A comparison of the application of the general election periodization principle in various countries shows that the various approaches and policies adopted depend on the political context and the needs of the country. Although there is no one perfect and suitable approach for all countries, understanding the arguments and approaches applied by countries that have been successful in applying the periodization principle can be an inspiration in developing a better general election system in Indonesia.

From the description above, the author tries to offer ideas regarding the periodization of holding general elections in Indonesia in a partially limitative manner. Futuristically, the partial limitative periodization of general elections means that national general elections, in this case, the general elections for president and vice president, are still held once every five years, but legislative general elections are held every three years. This idea aims to create a pattern of state institutional effectiveness from a constitutional perspective. Within five years, the President is considered obliged to implement legislative products in the form of national strategic programs and national programs in accordance with statutory regulations, while legislative members are obliged to form and publish the aspirations of the community in the form of laws as legislative products within three years. Philosophically, the author believes that three years is sufficient time to produce good legislative products, even though issuing laws requires a relatively long process, but the author focuses more on aspects of institutional effectiveness in a relatively short time. This also avoids the practice of politicizing money based on the interests of legislative products that occur in the legislative space. Then from the aspect of criminal acts of corruption, shorter periodization of legislative elections is able to cut the duration of the interests of members of the legislative council which deviate and always have the potential to occur in the people's representative institutions which have become entrenched.

Furthermore, separately, general elections at the regional level, especially regional head elections, can be held at the same time as the presidential and vice presidential elections. it is not without reason. The author is of the view that philosophically, regional heads are an extension of the central government (president/executive) so the harmonization of central and regional policies must be carried out in harmony over a period of five years. This is different from the election of members of the regional people's representative council. Even though the Regional People's representative council in its position in the Indonesian constitutional system is part of the regional government, the principle of its authority is that it is a regional legislative institution, so like general legislative elections, the election of members of regional people's representatives must be carried out simultaneously with the periodization of legislative general elections at the central level. So the polarization of filling positions using limited partial periodization is able to create a cycle of periodic change of power with proportional institutional effectiveness. Then, from the existing pattern, the money politics and culture of corruption that occurs at the regional government level place few limits on this practice. This also has an impact on the money politics of nominating legislative members in the regions which tends to reduce the practice of costs and fees between legislative candidates, political parties, and the public.

3.3 Implications of the Periodic Principle in General Elections in Indonesia

The principle of periodization in general elections has several implications. Substantially, the periodization of general elections has implications for concrete constitutional practices, where the implementation of general elections must be carried out consistently by applying the same date, month, and year starting from the previous general election. Meanwhile, from a structural aspect, the principle of periodization is very decisive and can be a benchmark in determining the next definitive government structure, so that the practice of filling positions through appointments and designations that do not go through democratic mechanisms does not occur for a long time. The practice of appointing regional heads has violated the principles of democracy and the sustainability of the pillars of the state, namely that sovereignty is in the hands of the people. Then the implications in terms of legal culture, the application of the principle of general election periodization provides a clear and unequivocal cycle of sustainable democracy and healthy democracy for society. So it will build a paradigm for society that the essence of holding a general election is the process of filling positions in accordance with the principles of constitutional democracy, which also means that general elections are not an

agenda that only has an aspect of the interests of the authorities and political parties but rather the interests of the people and the state.

The principles of general election as previously explained actually need to be constructed into seven principles which include direct, general, free, confidential, honest, fair, and periodic principles.[51] The seven legal principles are cumulative, which means that the seven principles must be implemented in laws and regulations in general election practices. This means, that not fulfilling one principle in general elections is a denial of the mandate of the people's voice.[52] This is based on the view that the people's voice is sacred and must be safeguarded in the general election processes, procedures, and legal remedies.[53] Therefore, various efforts have been made in particular to maintain the continuity of the implementation of general election principles, one of which is the application and enforcement of ethical norms for general election organizers. Ethical norms in holding general elections are actually based on the principle of "honest and fair" which functions to complement the implementation of general election legal norms.[54]

Affirmation of legal principles in legal elections, one of which is implemented through upholding ethical norms, is actually an attempt to optimally implement general election legal principles.[55] In general, the construction that there are seven principles in general elections with the addition of the periodic principle actually finds relevance when it is associated with several exigencies, including: *First*, affirming the existence of seven principles in general elections is actually important to socialize to the public. This is because in general the principles of limited general elections are understood to consist of six principles as in Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The addition of the periodic principle in general elections makes the general election principle seven and becomes additional socialization material for the general public as well as general election organizers. *Second*, the affirmation of the periodic principle is an attempt to reinforce the fixed-term holding of general elections as a constitutional right of citizens. This means, that if there is an attempt by the general election organizers to delay the implementation of the general election according to the specified time limit, namely once every five years, then the general election organizers can be said to have violated the constitutional rights of citizens.

Third, the affirmation of the periodic principle and making the general election principle to be seven is actually an important thing for judges in adjudicating election fraud or disputes.[56] This is particularly the case for judges if at one time it is possible to extend the time for holding a law general election that exceeds the five-year time limit or is accelerated below five yearsisequally unconstitutional. The understanding regarding the periodic principle in general elections is actually based on three considerations, namely philosophical, sociological, and juridical considerations. In terms of philosophical considerations, the implementation of general elections within a period of five years is actually a form of "circulation" of power in an orderly, orderly, and fair manner. In this case, referring to the fourth precept of Pancasila, namely the populist precept, the "elite circulation" of power through general elections should be based on popular ideals which place wisdom as a value that needs to be upheld.[57] The essence of the value of wisdom-wisdom is an effort to carry out the process of political succession through regular and substantive general elections while still guaranteeing the values and rights of human beings and the rights of citizens.[58]

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51 Amalia Salabi, "Ramlan Surbakti: Evaluasi Pemilu 2019" (rumahpemilu.org, 2020).

52 Rahman Asri, Gusmia Arianti, and Alma Mandjusri, "Pengaruh Online Personal Branding Tokoh Politik Terhadap Minat Pemilih Pemula," *Communiverse* 5, no. 1 (2019): 58–69.

53 Richard Murphy, *The Joy of Tax*, 1st ed. (London: Bantam Press, 2015).

54 Maharani Nurdin, "Eksistensi Dewan Kehormatan Penyelenggara Pemilu (DKPP) Dalam Penegakan Etika Penyelenggara Pemilu," *Veritas* 5, no. 2 (2019): 1–17.

55 Any Ismayawati, "Pancasila Sebagai Dasar Pembangunan Hukum Di Indonesia," *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 8, no. 1 (2018): 53–74.

56 Choky Ramadhan, "Konvergensi Civil Law Dan Common Law Di Indonesia Dalam Penemuan Dan Pembentukan Hukum," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 30, no. 2 (2018): 213–29.

57 Budiono Kusumohamidjojo, *Teori Hukum: Dilema Antara Hukum Dan Kekuasaan*, 1st ed. (Bandung: Yrama Widya, 2016).

58 Shidarta Shidarta, "Bernard Arief Sidharta: Dari Pengembanan Hukum Teoretis Ke Pembentukan Ilmu Hukum Nasional Indonesia," *Undang: Jurnal Hukum* 3, no. 2 (2020): 441–76.

In the sociological aspect, general elections are held every five years and become a separate phenomenon and euphoria for the people in welcoming the democratic party. This includes also being a means for the public to see, determine, as well as evaluate various political parties that are truly pro-people and carry out their vision and mission in a consistent manner towards the value of people's sovereignty.[59] In addition, sociologically, with general elections held regularly every five years, political parties can optimally carry out their various functions such as the function of political education in society, the function of absorbing aspirations in society, and the function of integrating conflicts in society. This certainly makes the community and political parties more prepared and more optimal in preparing for general election performances as a means of channeling choices as well as a means of selecting state administrators according to the conscience of the people.[60] From a juridical perspective, even though the periodic principle in general elections is not stated explicitly as a general election principle, it has actually been implicitly represented in Article 22E of the 1945 Constitution of the Republic of Indonesia, especially through the words "...once every five years". Based on a systematic interpretation, the words "…..once every five years" in Article 22E of the 1945 Constitution of the Republic of Indonesia must be read as a unified principle in Article 22E of the 1945 Constitution of the Republic of Indonesia. This means that in Article 22E of the 1945 Constitution of the Republic of Indonesia, there are six principles of explicit elections. or explicitly as well as one general election principle implicitly, namely the periodic principle. Of course, the position of the periodic principle cannot be separated from the other six general election principles.

The periodic principle, even though it is not explicitly stated in legal science, can actually be explored through reasoning and legal discovery (*rechtsvinding*). This is in line with Paul Scholten's view that the law is indeed sometimes unclear (vague) because it requires efforts to make a legal discovery.[61] One of the important legal remedies is to emphasize the periodic principle which was originally "implied" to become a principle that should be made "express" or given further confirmation.[62] In this case, efforts to affirm the periodic principle as a general election principle can be carried out by: *First*, revising the Law Number 7 of 2023 concerning the Establishment of Government Regulations in Lieu of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law by placing the periodic principle as the seventh principle in general elections. The revision of the Law Number 7 of 2023 concerning the Establishment of Government Regulations in Lieu of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law also needs to provide an explanation regarding the periodic nature of general elections, including that general elections are held every five years. This means that over or under five years is not permitted and is an unconstitutional action. *Second*, the affirmation of the periodic principle of general elections can be carried out by outreach to general election organizers. This is intended so that general election organizers can be timely in planning, managing, implementing, and evaluating the implementation of general elections. Apart from that, socialization also needs to be conveyed to the general public and given space to supervise and even take legal action if there is an attempt to delay or accelerate the implementation of general elections that iscontrary to the periodic principle.

Third, the affirmation of the periodic principle in the general election is important for the court to be used as a touchstone in assessing whether the implementation of the general election is appropriate or not based on the periodic principle. Therefore, in the future, the role of the court is needed as a guardian of the periodic principle against efforts to accelerate or postpone general elections. According to the writer's opinion, this would be more optimal if this authority was handed over to the Constitutional Court, especially those with constitutional complaint authority. *Fourth*, one of the implications of the periodic principle is the affirmation of the timeliness of holding general elections that are certain. This actually requires special arrangements

59 Miftah Thoha, *Birokrasi Politik Dan Pemilihan Umum Di Indonesia* (Jakarta: Kencana, 2014).

60 Lili Romli, "Koalisi Dan Konflik Internal Partai Politik Pada Era Reformasi Coalition and Internal Party Conflicts of Reform Era in Indonesia," *Politica* 8, no. 2 (2017): 95–118.

61 Muwahid, "Metode Penemuan Hukum (Rechtsvinding) Oleh Hakim Dalam Upaya Mewujudkan Hukum Yang Responsif," *AL-HUKAMA The Indonesian Journal of Islamic Family Law* Volume 07, (2017).

62 Robert Pranata, Erlyn Indarti, and Tri Laksmi Indraswari, "Penemuan Hukum Dan Paradigma: Suatu Telaah Filsafat Hukum Tentang Proses Peradilan Pidana Di Pengadilan Negeri Kota Semarang," *Diponegoro Law Journal* 5, no. 4 (2017): 1–20.

regarding emergency general elections, namely general elections that are carried out sooner (less than five years) or later/delay constitutional general elections (more than five years) by including reasons that can be justified by law. It is important that this is regulated specifically in the general election article in the 1945 Constitution of the Republic of Indonesia and the state emergency article. This is to regulate that efforts to speed up or postpone general elections as an "emergency way" are actually allowed, which in this case means that exceptions to the periodic principle are allowed as long as there is an emergency condition based on the applicable law.

Based on the description above, the implications of the periodic principle in general elections in Indonesia can be carried out by affirming the general election law, outreach to election organizers and the general public, and forward arrangements regarding the role of the courts in testing the accuracy of the periodic principle of legal elections, and regulating the existence of emergency general elections in the form of efforts to accelerate or postpone general elections on the basis of a state emergency.

4. CONCLUSION

The orientation of the periodic principle of general elections in the 1945 Constitution of the Republic of Indonesia has actually been implicitly stated in Article 22E of the 1945 Constitution of the Republic of Indonesia, specifically in the sentence "...once every five years". The periodic general election principle actually emphasizes that general elections must be held temporarily every five years as a constitutional guarantee for the right to vote and to be elected as a guarantee for citizens' constitutional rights. Therefore, the principle of periodic general elections aims to guarantee legal certainty for the period of holding general elections as well as being the seventh principle in general elections. This at the same time provides a legal construction that the general election principles are seven, namely the direct, general, free, secret, honest and fair, and periodic principles. In addition, by consistently applying the periodization principle of holding general elections, Indonesia can avoid the practice of filling positions that are temporary and not through a democratic mechanism. It should be emphasized that the only democratic mechanism for filling a public position is through democratic elections so that the practice of filling temporary positions to fill the power vacuum can be avoided.

As a suggestion in this paper, the government needs to immediately recognize the periodic principle as a technical principle in holding general elections in Indonesia through regulation and affirmation in the general election law. So in our opinion, ideally, general elections for President and Vice President will still be held every 5 (five) years, and legislative elections will be held every 3 (three) years. Then the government, in this case the executive together with the parliament, conducted outreach to general election organizers and the general public regarding the recognition of the periodization principle which has basically been included in the law but has not yet been confirmed as an additional principle. Future arrangements regarding the role of the court are also very necessary to test the accuracy of the implementation of the periodic principle of general elections, as well as to regulate the existence of emergency general elections if possible so that general elections can be accelerated or postponed on the basis of a state emergency.

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