

Legitimacy Steps Delaying the A2024 Election Implementation

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ABSTRACT

The legitimacy of the postponement of the 2024 General Election can be implemented, even if it is against the state constitution, including Amendments to the 1945 Constitution, Presidential Decrees, and constitutional conventions. The last way to postpone the election is by creating a constitutional convention. Changes are not made to the text of the Constitution, the Constitution. 45, but it is carried out in the practice of state administration, and it is challenging to create a constitutional convention on postponing elections. Moreover, ordinary people will readily perceive it as a 'deviation' from the 1945 Constitution.

INTRODUCTION

The Chairman proposed to postpone the election of the PKB, Muhaimin Iskandar, or Cak Imin. The proposal was also supported by the Chairman of the PAN PAN, Zulkifli Hasan; of course, it drew criticism from the Indonesian people. Jakarta - Deputy V Chief of Presidential Staff of the Republic of Indonesia Jaleswari Pramodhawardani Various proposals regarding extending the president's term of office and postponing the 2024 General Election invite polemics. The Presidential Staff Office (KSP) confirmed President Joko Widodo (Jokowi) had rejected the proposal. This was conveyed by Deputy V Chief of Presidential Staff Jaleswari Pramodhawardani. He explained that all parties are actually allowed to express their opinion regarding this matter. Even so, Jaleswari said Jokowi still had the same view. According to him, Jokowi will refer to the applicable laws and regulations. Map of 7 Coalition Political Parties on the Pros and Cons of Jokowi's Extension of Office "Anyone is welcome to have an opinion. However, the president still has the same attitude regarding the position of 3 (three) terms and the postponement of the election. The president always refers to the constitution and applicable laws (Pramodhawardani: 27/2/2022). Meanwhile, the Chairman of the Golkar Party, Airlangga Hartarto, received the aspirations of the farming community during his working visit to Siak Regency, Pekanbaru. The farmers in Libo Jaya Village expressed their desire to continue President Jokowi's government.

Recently, the National Mandate Party Chairman, Zulkifli Hasan (Zulhas), agreed that the 2024 General Election would be postponed. Zulhas reasoned that the government needed to deal with various sectors affected during the pandemic situation. He said that the current average economic growth is still at 3-3.5%. Jakarta - Director of Indonesian Political Parameters Adi Prayitno, assesses that there is a big force behind the proposed postponement of the election. Adi called those who asked for the postponement of the election as twin brothers of people who have an interest in supporting the three term presidential office. "The postponement of the 2024 election is the twin brother of a person who has an interest in the presidential office for three terms, (Prayitno: 25/2/2022). Based on detikcom records (25/2/2022), at least three political parties in Jokowi's coalition have talked about extending the presidential term. PKB chairman Muhaimin Iskandar (Cak Imin) and PAN chairman Zulkifli Hasan (Zulhas) firmly agreed that the 2024 election was postponed, while Golkar General Chair Airlangga Hartarto was still in the dark.

THEORETICAL REVIEW

Formulation of the Problem

Based on the above background, the formulation of the problem in this paper is: Is there a Legitimacy Kick to Postpone the 2024 Election?

Research Purposes

Departing from the formulation of the problem above, the purpose of this study is expected to be able to examine and analyze the Legitimacy Kick for Postponing the 2024 Election.

Benefits of Research

The benefits of this research consist of academic, theoretical, and practical benefits, as follows: Academically, this research is helpful regarding the Legitimacy Steps to Postpone the 2024 Election. Theoretically, this research can enrich the literature on the study of Legitimacy Kicks for Postponing the 2024 Election.

METHODOLOGY

Data Collection Technique

Internet searching is a technique of collecting data through the help of technology in the form of tools/search engines on the internet where all information from various eras is available. Internet searching is straightforward to help researchers find a file/data where the speed, completeness, and availability of data from different years are available. Searching for data on the internet can be done by searching, browsing, surfing, or downloading.

Types of Data and Data Collection Techniques

Secondary data is obtained from a second source other than field data, such as literature from books, magazines, the internet, and results of previous research. Secondary data is used as a complement to primary data. Secondary data in this study is in the form of data researchers found on the internet or in books.

Data Collection Technique

This research was obtained from various sources, including journals, books, news and websites, media reviews, and other relevant sources.

RESULTS AND DISCUSSIONS

Based on detik.com records (25/2/2022), at least three political parties in Jokowi's coalition have discussed extending the presidential term. PKB chairman Muhaimin Iskandar (Cak Imin) and PAN chairman Zulkifli Hasan (Zulhas), and Golkar General Chair Airlangga Hartarto firmly agreed that the 2024 election was postponed for the following reasons: Postponing the 2024 General Election is contrary to the practical values of the 1945 Constitution; article 22E explains that the general election is to elect members of the People's Representative Council (DPR RI), Regional Representatives Council (DPD), president and vice president, and Regional People's Representative Council (DPRD).) what's wrong with the party's general chairman who rolled out the election postponement?

The Practical Value of Article 22E of the 1945 Constitution

Jakarta - Article 22E of the 1945 Constitution of the Republic of Indonesia (NRI)(24/09/2021) is one of the foundations for general elections or elections. Do you know the form of practical value from Article 22E of the 1945 Constitution of the Republic of Indonesia has six paragraphs, as quoted from the official website of the DPR RI? Article 22E NRI 1945 reads as follows:

1. General elections are held in a direct, general, free, secret, honest, and fair manner once every five years.
2. General elections are held to elect members of the People's Representative Council, Regional Representative Council, President, Vice President, and Regional People's Representative Council.
3. Participants in the general election to elect members of the People's Representative Council and members of the Regional People's Representative Council are political parties.
4. Participants in the general election to elect members of the Regional Representative Council are individuals.
5. General elections are held by a general election commission that is national, permanent, and independent.
6. Further provisions on general elections shall be regulated by law.

Kicks to Legitimize the Postponement of the 2024 General Election

Jakarta, CNN Indonesia Constitutional law expert and Chairman of the Crescent Star Party (PBB), Yusril Ihza Mahendra (27/02/2022), explained three ways to postpone the 2024 General Election valid or gain legitimacy. The discourse of postponing the 2024 General Election has recently become a hot topic of discussion. This time it came from PKB chairman Muhaimin Iskandar or Cak Imin and PAN chairman Zulkifli Hasan. Cak Imin proposed the postponement of the 2024 General Election on the grounds of the Covid-19 pandemic, and Investment Minister Bahlil Lahadalia made a similar proposal. He said the business world wanted an extension of President Joko Widodo's term in the name of post-pandemic recovery.

Amendment to the 1945 Constitution

First, Yusril stated that the government could take the way of amending the 1945 Constitution to postpone the election. This method is the most robust basis for giving legitimacy to the postponement of the election (Mahendra: 27/2/2022). However, this method risks the consequences of temporarily extending the terms of office of the President, Vice President, MPR, DPR, DPD, and DPRD. The procedure for changing the constitution has been regulated in Article 37 of the 45 Constitution. Then, there are Articles 24 to 32, Law Number 17 of 2014, concerning the MPR, DPR, DPD, and DPRD as amended. According to him, amendments to the 1945 Constitution can be done by adding a new article related to the general election. Article 22E of the 1945 Constitution may add new points. Namely, Article 22 E paragraph (7) which contains the following norms: If the general election once every five years, as referred to in Article 22E paragraph (1), cannot be carried out due to war, rebellion, security disturbances that have a broad impact, natural disasters, and epidemics that are difficult to overcome. The MPR has the authority to postpone the implementation of the General Election. Up to a specific time limit. Article 22 E paragraph (8) of the 1945 Constitution can also add the following phrase. All state positions whose filling is carried out through general elections as regulated in this constitution temporarily remain in their positions as temporary officials until the general election is held. With the addition of 2

paragraphs in Article 22E of the 1945 Constitution, there is no term extension of the President's term of office, MPR, DPR, DPD, and DPRD. The members of state institutions such as the MPR, DPR, and DPD changed their status to temporary members before being replaced with members of the election results.

Presidential Decree

Yusril said President Jokowi could issue a decree to postpone the 2024 election. The second way, the president can issue a decree as a revolutionary measure to postpone the election. According to Yusril, the decree could be taken by the president to postpone the election and at the same time extend the term of office of all officials, which according to the 1945 Constitution must be filled with elections. For him, the decree is a legal revolution whose validity must be seen post-factum. A revolution that is successful and has the support of the majority of the people can create valid laws. But on the contrary, the revolution that failed, led to the act of legal revolution as illegal and against the law. Yusril then questioned whether President Joko Widodo had the guts to issue a decree. He suspects that Jokowi will not do so because the political risks are too big. As a revolutionary act, it is far from mature. The TNI and POLRI will also not necessarily support it, even though the decision is the decision of the President as the supreme commander. Such a move would be a boomerang for President Jokowi himself.

Constitutional Conventions

The last way to postpone the election is to create a constitutional convention. Yusril said that changes were not made to the text of the constitution, the 1945 Constitution, but were carried out in the practice of state administration. He detailed that Article 22E of the 1945 Constitution stipulates that elections are held every five years to elect the DPR, DPD, President and Vice President and DPRD. Article 7 of the 1945 Constitution stipulates that the term of office of the President and Vice President is five years. After that, they can be re-elected for one more term. The two articles above do not need to be changed, but in practice, elections are held for example once every seven years. However, Yusril assessed that the constitutional convention on postponing the election was difficult to create. Moreover, ordinary people will easily perceive it as a 'deviation' of the 1945 Constitution. "President Jokowi is certainly not in a position to be able to create a constitutional convention as initiated by Sjahrir and implemented by Vice President Mohammad Hatta in 1945.

CONCLUSIONS AND RECOMMENDATIONS

There are 3 (three) Legitimacy Steps to Delay the Implementation of the 2024 Election so that the election can be postponed, even though it is against the state constitution, including:

1. Amendment to the 1945 Constitution

This method is the most substantial basis for giving legitimacy to the postponement of the election. However, this method risks causing the consequences of a temporary extension of the president's term of office, Vice President, MPR, DPR, DPD, and DPRD.

2. Presidential Decree

The president can issue a decree to postpone the 2024 election. The second way, the president can issue a decree as an extreme measure to postpone the election. According to the 1945 Constitution, the president can take the order to delay the holding of elections and, simultaneously, extend all officials' terms of office.

3. Constitutional Conventions

The last way to postpone the election is to create a constitutional convention; changes are not made to the constitution's text, the 1945 Constitution, but are carried out in state administration, and constitutional conventions on postponing elections are challenging. Moreover, ordinary people will readily perceive it as a 'deviation' from the 1945 Constitution.

FURTHER STUDY

However, this method risks the consequences of temporarily extending the terms of office of the President, Vice President, MPR, DPR, DPD, and DPRD. The procedure for changing the constitution has been regulated in Article 37 of the 45 Constitution. Then, there are Articles 24 to 32, Law Number 17 of 2014, concerning the MPR, DPR, DPD, and DPRD as amended. According to him, amendments to the 1945 Constitution can be done by adding a new article related to the general election. Article 22E of the 1945 Constitution may add new points.

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