

# **PENINGKATAN KESADARAN HUKUM PELAJAR MTS MUHAMMADIYAH TOMBO- TOMBOLO TERHADAP PENYEBARAN HOAKS DI MEDIA SOSIAL**

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Hoax or fake news is actually a false information but being constructed as the truth in reality. One of the reason there's a hoax it's because to piqued the interest of the reader. Hoax that generate hate, fear and dispute are the thing that we have to fought together. That is why there's a need for legal awareness about the danger of hoax especially on social media. The proposing team PkMD (now LPkM) have a partnership with MTs Muhammadiyah Tombo-tombolo students about hoax on social media, the less amount of law socialization about the impact of hoax spreading and how to prevent it. Also the emotional behavior of teenager or students that hard to control making hoax easily to spread without checking the fact first. Counseling method that being used are by socialization about the danger of hoax for people, the rule of law that controlling about the hoax spreads also advices to fight hoax. Implementation of the managing method are by self prepare so that we become wiser on social media, strengthening of Pancasila moral values, participate support the government from their effort to fighting hoax by actively attracting society to be more selective of choosing the news from the legit source. By this activity we wish the partner have the ability to gave an understanding of legal awareness about hoax spreading on social media also will actively helping the society by voicing about the importance of fighting hoax.

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## **Periodization of General Elections: Ideas and Refinements in Indonesia**

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### **ABSTRACT**

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, public, free, confidential, honest and fair. This research seeks to explore legal constructions related to the periodic principle of general elections which must be held periodically every five years, which is a separate principle in general elections. This research is normative legal research with a statutory and conceptual approach. The results of the study confirm that to achieve

and ensure that general elections are held a justice process and proportionally, the orientation of legal construction on the periodic principle has actually been explicitly stated in the 1945 Constitution of the Republic of Indonesia and is based on a systematic interpretation. In this case, in terms of periodic aspect orientation, it is part of the general election principle that is obligatory and must be implemented. This has the implication 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 principle of periodicity occupies an important position in the holding of general elections.

**Keywords:** Democracy; General Election; Periodic Principle;

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## INTRODUCTION

Elections are one of the manifestations of a democracy. True democracy emphasizes the credo that "the people are in power" in a country. The power of the people in a country certainly requires certain parties who are elected to represent the people in running their government [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. The people choose leaders and their representatives to run the wheels of government so that the goals of the country can be fulfilled [3](#).

General elections in this case become an effort and means for the people to elect leaders and their representatives (Mutawalli, 2023). General elections in this case become an identity for a democratic country [4](#) [5](#). In a democratic country, 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 for a democratic country. This is also a form of manifesting people's sovereignty in general elections. The successful holding of elections and the institutionalization of a democratic system requires the nation's ability to manage politics and government according to the mandate of the nation's founders. Even though political rights and civil liberties are guaranteed by the constitution and people's political participation is getting wider, at the empirical level elections are still not able to deliver the Indonesian people to be truly sovereign [4](#). Looking at the Pancasila Legal Philosophy, the post-amendment Indonesian Constitution cannot conflict with the Pancasila values contained in the fourth precept, namely democracy led by wisdom in deliberations/representation. So that the law can function as a means of social engineering [7](#). That the enactment of the Constitution should be interpreted as the basis for the birth of regulations aimed at creating and implementing an orderly and orderly engineering in society. However, it needs to be understood that the validity of a law must be based on the essence and extensification of Pancasila as a morality that must be contained and lived in every regulation that is enforced.

The implementation of empirical democracy does not directly guarantee the substantive implementation of democracy. The main feature of a democratic country as mentioned above is the implementation of elections to carry out the circulation of power. However, holding elections does not guarantee that a country is called a democratic country. This is because elections are only interpreted as mere means, their implementation depends on their users. General elections in several countries are even limited to the implementation of periodic mechanisms to provide legitimacy for holders of state power. Elections like these are general elections that are not democratic [8](#).

Gustave Radbruch, in his thesis which talks about the ideals of law (*idea des recht*) which are embodied in three basic values (*Grundwerten*), namely justice, benefit and legal certainty. The reality is that the three basic values are not always in a harmonious relationship with each other, but are opposite each other, contradicting each other [9](#). In connection with this, in the context of elections, the purpose of law that provides justice is when the election process is able to produce people's representatives and a democratic government, based on Pancasila and the Constitution of the Republic of Indonesia, in order to realize national goals, so that the regulation of election processions may not conflict with the rule of law which also functions as legal principles. Because justice is the main goal of law, election arrangements must also contain the values of justice and avoid tyranny.

In the aspect of expediency, elections are a procession of recruiting prospective national leaders who will fill legislative and executive positions, which are good, so that in this case, legally elected leaders are able to guide the public to implement the opening values of the Constitution of the Republic of Indonesia. The philosophical values of the *Preamble* to the Constitution will become dreams and ideals as universal norms for every Indonesian citizen wherever they are. This is because as explained in the preamble of Law number 7 of 2017 in consideration of letter a, namely people's representatives and democratic government based on Pancasila and the Constitution of the Republic of Indonesia. In connection with the description above, then through the consistent and concrete application of electoral principles it will provide legal certainty for every citizen, both prospective leaders and the people as subjects of sovereignty which has always been the ideal of popular sovereignty. This principle is also binding as a whole for citizens which is then compiled and implemented through statutory regulations. So that in the implementation of the election process, it can be carried out properly by prioritizing binding legal certainty. One aspect of law is certainty, meaning that the law wishes to create a certain relationship between individuals in society, very important thing about this certainty is where the law comes from and the certainty of the source of law becomes very important when the law becomes a formal institution [10](#).

In arranging and regulating the implementation of elections, the source of law that must be used as the basis is the Constitution of the Republic of Indonesia as *Grundnorm* according to the theory of *Stufenbau Des Recht* by Hans Kelsen and Pancasila contained in the *Preamble* to the Constitution of the Republic of Indonesia as *Staatsfondamentalnorm*, according to Hans Nawiasky's *Die Stufenordnung* Theory. Thus, from legal sources, election law originates from the Constitution of the Republic of Indonesia and Pancasila, whereas in the context of sources of law and order, the election law must originate from and not conflict with the Constitution of the Republic of Indonesia and the Constitution of the Republic of Indonesia must originate from and not conflict with Pancasila, because Pancasila is *Staatsfondamentalnorm*, as well as the highest legal hierarchy which is the foundation of all laws, both the Constitution and laws in Indonesia according to Hans Nawiasky's *Die Stufenordnung* Theory [11](#).

The Indonesian Constitution, namely the Constitution of the Republic of Indonesia, has actually regulated general elections in 22E of the Constitution of the Republic of Indonesia. Article 22E paragraph (1) of the Constitution of the Republic of Indonesia even clearly and unequivocally states the existence of principles in holding general elections [12](#). The principles in the general election become the basic framework of reference as well as guiding values in the implementation of the general election [13](#). Furthermore, these general election principles can also be a testator value as well as an appraiser for the practice of organizing general elections [14](#). 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.

The existing election law principles, namely direct, general, free, secret, honest and fair, can still become election principles, if they do not conflict with the legal principles based on the source of the rule of law above them, namely the Constitution of the Republic of Indonesia and Pancasila. If it turns out to be contradictory, the source of law under it must be defeated [15](#). This is the essence of

the legal principle *lex superior derogat legi inferiori*. However, the principles mentioned above seem to miss one additional principle, namely the periodic principle of holding elections. Even so, even though it has been expressly and clearly stated in Article 22E paragraph (1) of the Constitution of the Republic of Indonesia, regarding the principles of general elections remains 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, is this a general election principle or not? If lexically, the general election principles as in Article 22E paragraph (1) of the Constitution of the Republic of Indonesia include the principles, direct, public, free, secret, and honest and fair [16](#). 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 [17](#). 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, there are several arguments that 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 electoral process. In this case, the periodization of general elections is considered as 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 reduces the power and control of the public in the electoral mechanism.
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 general election discourse recently emerged when the issue of extending the presidential term of office to three terms was sought. This then has a big impact on the implementation of general elections, which explains that general elections are held every five years. However, the interpretation is that holding general elections mandated by statutory regulations is not in its capacity as a concrete general election principle, so this becomes a very risky thing when holding general elections can be held at any time as long as they are not interpreted as held every 5 (five) once a year. Referring to Article 22E paragraph (1) of the Constitution of the Republic of Indonesia, it includes the principles, direct, general, free, confidential, and honest and fair. Meanwhile, the principle of periodization of implementation is not included as a principle for elections as in practice they are held every fifth year after the general election is held. The impact of postponing the general election also greatly affects the political configuration of the Indonesian state because, with the delay, there will be so many changes in positions from the executive power room to the people's representative council (legislation) that will hamper the turnaround and the process of constitutional democracy will not work. If you look at this delay in constitutional construction, it certainly does not have constitutional force in its implementation, but if it is considered a

constitutional custom (convention), then theoretically it can be done. Therefore, the importance of organizing and implementing the principle of general election periodization in a concrete manner is absolutely mandatory, because holding general election periodization will confirm the position and certainty of the implementation of Indonesian constitutional politics.

The principle is the spirit of the implementation of the election itself. The principle also determines how well the quality of the Election is carried out, and the extent to which the Integrity of the Election Organizer is at stake. Election principles are indeed not guarantees and cannot guarantee that the implementation of elections can be carried out properly, but election principles are also absolutely necessary to be fulfilled in principle in the implementation of elections, and by applying election principles that are enshrined in the constitution automatically become an indicator of evaluation of the implementation Is the election running fairly and democratically?

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 the problem formulations, the problem is: What is the orientation of the periodic principle of general elections in the Constitution of the Republic of Indonesia and What are the implications of the periodic principle in general elections in Indonesia? This study also aims to answer the problem formulations, the problem is: What is the orientation of the periodic principle of general elections in the Constitution of the Republic of Indonesia and What is the ideal form of implementing the periodic principle in general elections in Indonesia?

Research on the principles of general elections has been carried out, including by: Wilma [18](#) concerning the Constitutionality of the Postponement of the Implementation of the 2020 Simultaneous Elections which focuses on the existence of a general election period of every five years if it is associated with a postponement of general elections for certain reasons, such as a disease pandemic infectious. In addition, research on the principle of general elections was conducted by [19](#) 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. Furthermore, research conducted by [20](#) concerning the Separation of the Implementation of Simultaneous Elections at the National and Regional Levels which focuses on the application of the principle of fairness in general elections includes effective and efficient efforts to separate the holding of simultaneous elections at the national and regional levels. Based on the three previous studies, this research is original research because it focuses on exploring the periodic principle which is actually a legal principle even though it is not explicitly stated in Article 22E paragraph (1) of the Constitution of the Republic of Indonesia. This is a different discussion from the three previous studies on.

## **METHOD**

This normative legal research is legal research that has an orientation towards coherence between legal principles, theories, concepts, and doctrines with statutory regulations [21](#). This study uses primary legal materials including: the Constitution of the Republic of Indonesia and the General Election Law. Secondary legal material includes all types of research that discusses the principles of general elections. The non-legal materials in this research are various non-legal studies on general elections, especially social and political studies regarding legal elections. 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 confirming the presence of legal solutions (prescriptions) that answer the legal issues being discussed [22](#).

## **ANALYSIS AND DISCUSSION**



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 [23](#). 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 [24](#). 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 [25](#). Therefore, it can be concluded that the general election aims to create a populist administration of government and in accordance with the will of the people.

General elections are also understood as a political market between political parties and people who have the right to vote [26](#). 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 mutual or mutually beneficial [27](#). 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 [28](#).

The central position of 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 [29](#). 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 [30](#). 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, 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 [31](#).

The importance of elections in a democratic country is vital because it is one of the efforts to demonstrate the practice of a democratic state in a country. In Indonesia, the essence of democracy is actually intertwined and intertwined with the idea of a rule of law state [32](#). Democracy and 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 that the values of democracy and nomocracy must become the basic spirit in the administration of the nation and state [33](#).

The specific orientation of the character of democracy and nomocracy in Indonesia actually fulfills its relevance after the 1998 reform phenomenon [34](#). 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 elections by the people, especially in the election of the President and Vice President [34](#). 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 Constitution of the Republic of Indonesia. Article 22E of the Constitution of the Republic of Indonesia which is the product of the third amendment to the 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 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 Constitution of the Republic of Indonesia specifically also emphasizes 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 that they require legal rules to be applied in practice [35](#). Regarding the use of legal principles, at least it can be seen that legal principles have three functions, namely [36](#): 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 principal 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.

Based on Article 22E of the Indonesian Constitution, it is stated that "once every five years", this can be interpreted to mean that the holding of general elections in one holding must be carried out within a period of five years from the last holding. This non-recognition of the principle of the implementation period then gives rise to different interpretations from various parties. The first interpretation means that elections must be held every five years. However, the second interpretation states that the meaning of every five years can be applied retroactively when the date and month of each general election always changes. Lastly, there is an interpretation which suggests that the principle of periodization can also be interpreted based on the time a position is filled, meaning that the meaning of five years must be extended to the end and definitive date of a newly appointed official.

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". Radbruch also stressed that justice should not be sacrificed for the sake of strong law or political interests, in this case Radbruch stated that "justice that is in accordance with conscience must be placed above all else, even above the law itself" [37](#). 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 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 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 Constitution of the Republic of Indonesia actually implies the existence of a seventh principle in general elections, namely the periodic principle [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.

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 [39](#). 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 above, the orientation of the periodic principle of general elections in the constitution of the Republic of Indonesia has actually been implicitly stated in Article 22E of the 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. 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 principle is seven.

General elections are one of the fundamental mechanisms in democratic systems in various countries [40](#). General elections are one of the fundamental mechanisms in a democratic system, in which citizens choose 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 choose new leaders, and to ensure the continuation of democracy in the country [41](#). Comparison of the application of the general election periodization principle in various countries illustrates the differences in the approaches and policies applied. There are some countries that adopt a system of general elections with 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 [42](#).

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 longer periods of time 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 [43](#). 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 [44](#).



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 is no agreement on the policy of the periodization principle in Indonesia, there are those who propose that presidential and vice-presidential elections be held simultaneously with legislative elections every five years. 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 the book by Edward Aspinall, there is a note that Indonesia's experience in general elections and the principle of periodization have undergone various changes, depending on the social and political conditions that were being faced at that time [45](#) [46](#). 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, stated that setting the periodization principle needs to be in accordance with democratic reforms in Indonesia, including the handling of corruption and the practice of money politics [47](#).

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 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.

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 [48](#). 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, not fulfilling one principle in general elections is a denial of the mandate of the people's voice [49](#). 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 [50](#). 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 [51](#).

In relation to the description above, Jimly Asshiddiqie is of the view that there are several reasons for holding elections regularly, namely [52](#): (1) changes in people's attitudes and opinions as

aspirations in electing leaders and their representatives in parliament; (2) the conditions and aspects of people's lives also change according to the conditions and situations, depending on the environment that influences them. That is, there are several factors that can change their aspirations, namely due to dynamics in the local or domestic environment, or the international world, both due to internal and external factors in the community itself; (3) increasing population growth can also affect people's aspirations; and (4) the need for regular elections for a better governance rhythm.

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 [53](#). 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 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.

*Third*, the affirmation of the periodic principle and making the general election principle to be seven is actually an important matter for judges in adjudicating election fraud or disputes [54](#). This is particularly the case for judges if at one time it is possible to extend the time for holding a law election that exceeds the five-year time limit or is accelerated below five years which are equally 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 principle of democracy, 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 [55](#). 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 [56](#).

In the sociological aspect, general elections which are held every five years are a phenomenon and people's euphoria in welcoming the democratic party. This includes also being a means for the public to see, determine, as well as assess 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 [57](#). 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 [58](#). From a juridical perspective, even though the periodic principle in general elections is not explicitly stated as a general election principle, it has actually been implicitly represented in Article 22E of the 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 constitution of the Republic of Indonesia must be read as a unified principle in Article 22E of the constitution of the Republic of Indonesia. This means that in Article 22E of the 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. So, 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 59 60. 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 61. In this case, efforts to affirm the periodic principle as a general election principle can be carried out by: First, revising the General Election Law by placing the periodic principle as the seventh principle in general elections. The revision of the General Election 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.

*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 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 constitution of the Republic of Indonesia and in 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. It is important that this is regulated specifically in the general election article in the constitution of the Republic of Indonesia and in 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. It is important that this is regulated specifically in the general election article in the constitution of the Republic of Indonesia and in 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, future arrangements regarding the role of the court to test the accuracy of the periodic law election principle, and regulating the existence of emergency general elections, namely in the form of efforts to accelerate or postpone general elections on the basis of a state emergency. An additional implication is that elections are the initial and final doors for the presence of a leader with his leadership, which in juridical terms is a leader who is able to guarantee and realize the goals of the state and is able to produce people's representatives and a constitutional and democratic government as an embodiment of the essence of a proportional constitutional system effective and efficient. In addition to the important arrangement of elections, the urgency of further concern is the arrangement and recognition of the periodic principle of the stipulation on the periodization of the holding of elections, that the consistency of holding elections should be regulated in law and recognizing the periodic principle as an additional principle that must be held every five years in every term position in one leadership period. This is solely to perfect the implementation of elections in a legitimate manner that the consistency of holding

elections should be regulated in law and recognize the periodic principle as an additional principle that must be held every five years in each term of office in one leadership period. This is solely to perfect the implementation of elections in a legitimate manner that the consistency of holding elections should be regulated in law and recognize the periodic principle as an additional principle that must be held every five years in each term of office in one leadership period. This is solely to perfect the implementation of elections in a legitimate manner.

The implementation of good and quality elections will increase the degree of fair, participatory competition and stronger and more accountable representation. In practice, elections for members of the Indonesian House of People's Representatives (DPR), Indonesian Leadership of Political Party at Provincial/Regional Level (DPD) and Indonesian Assembly at Provincial/Regional (DPRD) as well as the election for the president and vice president are carried out in different ways and in stages.

## 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, confidential, honest and fair, and periodic principles. 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, future arrangements regarding the role of the courts to test 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. The principle of general elections has been mandated in the 1945 Constitution of the Republic of Indonesia as contained in Article 22E of the 1945 Constitution of the Republic of Indonesia, that elections are held "... once every five years". The principle of general election periodization aims to strengthen and legitimize the structure of the continuity of Indonesian constitutional politics and must be held and determined by the community every five years. This means that the principle of periodization does not only apply as a principle, but will automatically apply as a constitutional culture which has an impact on Indonesian state administration, which means that the configuration and change of government will always change or at least have the potential to change every five years. Apart from being a practical principle and also a cultural principle in state administration, the periodization of general elections also prevents Indonesia from unconstitutional practices which fundamentally have the potential to violate constitutional ethics. Because the implementation of the 1945 Constitution is not limited to the meaning of phrases, but far from that it is a practical philosophical level that must be conveyed and felt by all Indonesian citizens as the embodiment of constitutional democracy. This will also provide a concrete mechanism for achieving a fair justice process.

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