

CHAPTER II

LITERATURE REVIEW

A. Democracy

When talking about democracy, the people commonly refer to general election system. The word democracy, actually, is not merely related to the election. Below are some definitions of democracy, according to Paul Broker:

Democracy has a lot of meanings, among other regarding to the rule of man, the rule assembly, the rule of the party, a general rule, the dictatorship of the proletariat, the political participation of the maximum, the competition of the elite in their vote, multiparty pluralism, social politics, equality, political freedom and civil, a free society, free market economy and others.¹

and David Beetham and Kevin Boyle define;

Democracy is part of the treasury in making decisions collectively.²

Miriam Budiharjo said there are six terms of democratic governance: one of which is the existence of free elections. Jimly Asshidiqie also stated that one of the main characteristics of the rule of law is a state that is democratic and the limitation of power.³ In the theory of popular sovereignty, the voice of the people is the supreme

¹Muslim Mufti, Didah Durrotun Naafisah, 2013, *Teori-Teori Demokrasi*, Bandung: Pustaka Setia. P. 21

²*Ibid* p. 21-22

³Agus Riwanto, *Hukum Partai Politik dan Hukum Pemilu di Indonesia*, 2016, Yogyakarta: Thafa Media P. 32

law "*solus populi supreme lex*" or the voice of the people is the voice of god "*vox populi vox dei*"⁴

Theoretically the democratic model is divided into four (4) levels, as popularized by Boron:⁵

a. Electoral Democracy

At this level, democracy is characterized by regular elections and competition between parties.

b. Political Democracy

This level is less advanced than the first level in the establishment of political regime to some degree; It is able to appear as effective political representation, implementing a pure power-sharing, improving the mechanism for people's participation degree, strengthening the legislature, creating special committees to control the executive branch, guaranteeing the people's right to access information, developing the public financing of the public campaign, the creation of institutions that could minimize the role of lobby groups and vested interests.

c. Social Democracy

This level is a combination of attached elements to the previous level of democracy; the essence in this level of democratic system

⁴ I Dewa GA, 2012, *Ilmu Negara*, Malang, Setara Press, p. 87

⁵ *Ibid.* p. 32-33

has been referred to the scope of the rights of citizens, welfare and improvement of living standard.

d. Economic Democracy

At this level, competition or political fight is not solely to politics itself, but to win the control over economic resources that are limited. Thus, those who control the economy, then he/she will control the politics; this sense obviously flipped argument of liberal democracy that the political territory is separated from the economy.

B. Political System in Islam

Election of head of state or government system was influenced by the political system itself. Islam has a political system that is different from other political systems. Understanding political Islam itself is the most political activity of Muslims who make Islam as a reference value and basis of solidarity groups.⁶ Substantially political Islam is the Islamic attitude towards authority and state that create the attitude, behaviour and political culture oriented to the values of Islam.⁷

Head of state and head of government is a component within a country. In the Islamic State, state is founded on certain principles

⁶Jubair Situmorang, *Model Pemikiran dan Penelitian Politik Islam*, 2014, Bandung: CV Pustaka Setia P.37

⁷*Ibid* p.37

established by the Quran and hadith.⁸ The main difference between the system in Islam and secular is that the Islamic state governed by the laws of God as revealed in the Quran, while the secular system governed by the laws of man-made.⁹

Islam teaches sovereignty by *Shari'a*, not by human hands. The consequences of this view are: First, the control of power is by the sharia not by human law. All the problems are returned to Islamic rules. Second, everyone has the same position in Islamic rules. Third, obedience to authority is related to the provisions of Islamic rules but he/she is not absolute obedience. People are only required to be obedient to the ruler as long as the ruler implementing Shari'a. Fourth, all parties shall return the matter to the Islamic rules in the event of a dispute between rulers and the people.¹⁰ The above information reaffirm that the Islamic religion, politics and power are inseparable. Imam Al-Ghazali said that religion and the king are like twin--- religion is a foundation and a king or ruler is guardian.¹¹

Natsir said that the Islamic religion cannot be separated from the state. In handling and organizing socio political problems of the people, among the principles to be followed and respected is the principle of Shura. To develop the system and adjust the mechanism of Shura, according to Nasir all depend on *ijtihad* of the Muslims. Shura

⁸*Ibid* p.41

⁹*Ibid* p.43

¹⁰*Ibid* p. 44-45

¹¹Munawir Sjadzali, *Islam dan Tata Negara*, 2008, Jakarta: UI-Press. p. 76

according to Abu Ali al-Tabarsi is a deliberation to search of truth while Ibn al-Arabi gave explanation on the Shura as deliberations to seek advice in the search for truth or certainty. It can be concluded that the Shura is the talk of the various parties in order to know the various ideas to reach an agreement or formulation.¹² So, from the above elaboration, it can be concluded that basically political principles in Islam are governed by the Quran, Hadith and *Ijma*. The decision-making in Islam is based on the Shura system.

C. Governance System

Having the ruler position has relationship with system of governance in one country and the system of governance is divided into three (3) parts: a parliamentary system, presidential system and mixed system.¹³

a. Presidential System

The characteristics of presidential system are as follow:

- 1) Head of state became the chief executive of government;
- 2) The government is not responsible to parliament; parliament and government are parallel, so both cannot bring down each other;
- 3) Ministers are appointed and responsible to the president;
- 4) The executive and legislative are equally strong; and

¹² *Ibid* p.296

¹³Marthin Simangunsong, *Sistem Pemerintahan Presidensial di Indonesia dan Amerika Serikat*, 2007, Medan: Lembaga Penelitian UniversitasHKBP Nommensen Medan. P. 11

5) The term of office is certain.¹⁴

Meanwhile, according to CF. Strong and Alan R. Ball the elements of presidential types of government are as mentioned below:

- 1) The president is head of state and head of government;
- 2) The president is elected not by the legislature, but directly by total of electorate;
- 3) The president isn't part of the legislature, and cannot be removed from his office by legislature except through rare legal impeachment; and
- 4) The president cannot dissolve the legislature and call a general election. Usually the president and legislature are elected for fixed terms.¹⁵

b. Parliamentary System

According to Moh. Mahfud MD in the parliamentary system of government, the principles adopted are:

- 1) The head of state is not in the position as head of government because he is a national symbol;
- 2) The government is carried out by a cabinet led by a prime minister;
- 3) The cabinet is responsible to parliament;

¹⁴Septi Nuwijayanti, Iwan Satriawan, *Hukum Tata Negara*, 2009, Yogyakarta: Fakultas Hukum Universitas Muhammadiyah Yogyakarta Divisi Publikasi dan Penerbitan LP3M UMY. P. 37

¹⁵*Ibid.* p. 37-38

- 4) Position of cabinet is lower and dependent on parliament; and
- 5) Cabinet can ask the head of state to dissolve parliament with a very good reason.¹⁶

Meanwhile, according CF. Strong, in a parliamentary system of government, there are five characteristics. They are:

- 1) Member of legislature;
- 2) The same political views, and chosen from the party possessing a majority in the House of Commons;
- 3) Prosecuting a concerted policy;
- 4) Under a common responsibility to be signified by collective resignation in the event of parliamentary censure; and
- 5) Acknowledging a common subordination to one chief minister.¹⁷

c. Mix System

Sri Soemantri said that in addition to those two systems of government, there are some possibilities to enforce or use another system; there are two possibilities, namely:

First, the system of government in which the parliament is more dominant than the presidential. Second, the system of governance

¹⁶*Ibid p. 41*

¹⁷*Ibid p. 42*

in which the presidential system is more dominant than parliamentary system.¹⁸

D. Election System

Basically the election system is divided into two (2) types: general election and non-electoral election systems.

a. General Election System

The voting system is considered to be the best system compared to other voting systems.¹⁹ Basically in this system a political participation is admitted. Miriam Budiardjo stated that political participation is the activity of a person or group of people to participate actively in political life, such as selecting the leadership of the state either directly or indirectly, and influencing government policy.²⁰ The existence of elections provides balance with the political superstructure because through this mechanism the people can determine the course of government by choosing the desired leader in a free and secret ballot.²¹ In the general election in fact there is a difference between the electoral system and the electoral process. Electoral system is how the election was run, and

¹⁸ *Ibid p. 43*

¹⁹ Agus Riwanto, *Hukum Partai Politik dan Hukum Pemilu Di Indonesia*, 2016, Yogyakarta: Thafa Media. P. 47

²⁰ Miriam Budiardjo, *Dasar-dasar Ilmu Poltik*, 2013, Jakarta: Prima Grafika. P. 367

²¹ Amirudin, 2006, *Pilkada Langsung Problem dan Prospek*, Yogyakarta, Pustaka Pelajar, p. 1

that meant the electoral process is a mechanism that is run in the election, such as the mechanisms for determining a candidate and mechanism of campaign, etc.²²

According to Miriam Budiardjo, theoretically electoral system which is used around the world is divided into two classifications, namely:

The first is single-constituency members. This system is the oldest electoral system and is based on the geographical similarity of the representative. Therefore, the country is divided into several districts and a number of parliaments in accordance with the number of districts.²³ The second is multi-constituency members. This system refers to the number of seats obtained by a political party or group that is in accordance with the number of votes obtained. The number of parliamentarians is determined on the basis of the balance.²⁴

b. Non-general Election System

This system is a closed system or provides opportunities to the participation to select their leader directly. The example of this system is a revolution, a coup, or a kingdom. This system is considered as a bad one because this model does not involve public

²²Agus Riwanto, *Hukum Partai Politik dan Hukum Pemilu Di Indonesia*, 2016, Yogyakarta: Thafa Media. P. 50

²³*Ibid* p.50

²⁴*Ibid* p. 51

participation and agreement.²⁵ The results of the seizure of power by non-election will only realize the formal representation models which are not generated by direct contact between the people and ruler; therefore the people cannot hold responsibility if the representative has a bad performance.

²⁵ *Ibid* p. 47