



From open to closed list: Strengthening legislative performance through electoral system change

John Kenedy Azis

Faculty of Law, Universitas Trisakti Jakarta, Indonesia

Abstract

The structuring of an ideal legislative electoral system in Indonesia needs to be carried out immediately. One of the key issues to address is the simplification of political parties in terms of electoral participation. Although efforts have been made repeatedly, they have yet to produce optimal results. Legislative elections are a major pillar of Indonesia's democratic system. However, the dynamics of its implementation still face various challenges, ranging from the complexity of the electoral system, the large number of participating political parties, to the low accountability of elected representatives. This article aims to analyze the characteristics of an ideal legislative election system for Indonesia by considering aspects of representation, government effectiveness, and the quality of legislative institution performance. Through a normative approach and comparative studies of electoral systems in various democratic countries, this article recommends the implementation of a closed proportional system with a rational parliamentary threshold and simplification of political parties as a strategic step towards a more stable, efficient, and quality electoral system. Reforming the electoral system is not only important to strengthen political legitimacy, but also to encourage the realization of a professional legislative institution that is responsive to the needs of the community.

Keywords: Electoral system, legislative, political reform

Introduction

Elections in Indonesia are normatively regulated in Article 22E of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Elections are held directly, generally, freely, secretly, honestly, and fairly every 5 (five) years. Elections are held to elect legislative members. Election participants to elect legislative members are political parties. Elections are held by a national, permanent, and independent general election commission^[1]. The electoral system is a system used by a country to determine the procedures for organizing and determining the results of elections. There are two general election systems in Indonesia, namely the open proportional election system and the closed proportional election system. According to BAWASLU, the open proportional election system itself is a system where voters vote or tick the political party and the candidate concerned, so that they can directly choose the legislative candidate they want to sit as a member of the council. In addition, the open proportional election system allows voters to participate in the process of determining the order of the party candidates chosen. This is different from the closed proportional election system, where voters can only vote or tick the political party. Through this system, the individual who will sit in the parliamentary seat will be determined by the elected political party. (Helfianti 2023)^[4] Legislative elections serve as a fundamental mechanism in the consolidation of representative democracy in Indonesia. Since the fall of the New Order regime and the beginning of the Reformasi era in 1998, Indonesia has implemented a proportional representation (PR) electoral system with an open-list format for its legislative elections. While this system was initially adopted to ensure a more inclusive and democratic electoral process, over time it has revealed several systemic weaknesses. These include excessive political fragmentation, vote buying, the personalization of campaigns, and a decline in party discipline and accountability among elected legislators. (Jurdi, Teteng, and Lukita, n.d.-a)^[5]

Elections are very important to maintain the sovereignty of the people and democracy of the Indonesian state. A good election must pay attention to the system and the consequences of the system used. Indonesia is one of the countries that applies a proportional electoral system. The proportional system used by Indonesia since 1955 has two forms, namely a closed proportional system and an open proportional system. Indonesia currently uses an open proportional system after previously using a closed proportional system in 1998. However, in 2019 the open proportional system caused losses for Indonesia, ranging from money politics, a large budget spent by the government, to the loss of 527 lives of election organizers. The open-list system allows voters to directly choose individual candidates, which theoretically enhances voter autonomy and candidate accountability. However, in practice, it has led to unintended consequences such as intra-party competition, increased campaign costs, and the prioritization of personal popularity over policy substance. These dynamics have hindered the development of programmatic political parties and contributed to the underperformance of legislative bodies, both at the national and regional levels. The Indonesian House of Representatives (DPR) and regional legislative councils (DPRD) are frequently criticized for low legislative productivity, weak oversight functions, and susceptibility to corruption and elite capture. Amid growing concerns about the quality and effectiveness of legislative institutions, there is a renewed urgency to evaluate and redesign the electoral system to better serve democratic governance. Scholars and political reform advocates have increasingly proposed the adoption of a closed-list proportional representation system. Such a model could reduce intra-party competition, strengthen party cohesion, and enhance legislative accountability by shifting the focus from individual personalities to collective party platforms and ideologies. (Shesara Naswa, Priyo Utomo, and Dwi Tara, n.d.)^[9].

This article aims to explore the characteristics of an ideal legislative electoral system for Indonesia by examining theoretical frameworks, empirical studies, and comparative experiences from other democratic nations. Specifically, it investigates how a transition from an open-list to a closed-list proportional system, combined with strategic party simplification mechanisms (e.g., electoral thresholds), can potentially improve legislative performance, political stability, and democratic responsiveness. By doing so, the study contributes to the broader discourse on electoral system reform and democratic institutional design in emerging democracies.

Material

An electoral system refers to the method by which votes are translated into seats in a legislature or used to elect executive officials. Its primary purpose is to ensure fair representation of the people's political preferences, support democratic governance, and enhance political accountability. Globally, there are three major types of electoral systems: the majoritarian/plurality system, the proportional representation system, and mixed systems. The majoritarian system, such as that used in the United Kingdom and the United States, typically allocates one seat per electoral district, with the candidate receiving the most votes declared the winner. In contrast, the proportional representation (PR) system, adopted in countries like the Netherlands, Brazil, and Indonesia since reform, allocates seats based on the proportion of votes received by each party. Mixed systems, such as those in Germany and Japan, combine elements of both majoritarian and proportional systems.

Indonesia has experienced various changes in its electoral system throughout its history. The first general election in 1955 used a limited open-list proportional system, where voters selected parties, and candidates were assigned seats

based on internal party ranking. During the New Order era (1971–1997), Indonesia adopted a closed-list proportional system, in which voters only voted for political parties, and the party leadership determined the ranking of candidates. After the fall of the New Order, the 1999 election retained this closed-list system, but was met with criticism due to the dominance of party elites. Significant change occurred in the 2004 election, with Indonesia shifting to an open-list proportional system. Voters could now vote directly for individual candidates, and those with the highest votes won seats. Since 2009, Indonesia has implemented a fully open-list proportional representation system, where only the number of votes received by individual candidates determines who is elected. This system is currently used for the national House of Representatives (DPR), as well as provincial and district legislatures (DPRD), under Law No. 7 of 2017 on General Elections.

The open-list proportional system has several advantages. It enhances voter choice and participation, promotes direct accountability, and motivates candidates to work actively in their constituencies. However, it also has drawbacks. It can lead to internal competition within parties, increase campaign costs, and encourage vote buying and personalistic politics. In recent years, Indonesia has faced ongoing debates regarding the suitability of the open-list system. Critics argue that it undermines party cohesion and fosters transactional politics. In contrast, proponents believe it empowers voters and strengthens democracy. The Constitutional Court has upheld the system, emphasizing the importance of voter sovereignty. In conclusion, Indonesia's electoral system has evolved significantly, moving from a centralized, party-controlled model to a more open and voter-centered approach. While the current system offers greater transparency and representation, challenges remain in improving the quality of legislative candidates and safeguarding the integrity of elections.

The Development of the Electoral System in Indonesia

| Period | Electoral System | Main Features | Remarks |
|--------------|--------------------------------|---|-------------------------------------|
| 1955 | Limited Open-List Proportional | Multi-member constituencies; voters voted for parties | First general election in Indonesia |
| 1971-1997 | Closed-List Proportional | Voters selected parties only; candidate order determined by the party | Used during the New Order era |
| 1999 | Closed-List Proportional | Early reform period; maintained the previous model | Criticized for party dominance |
| 2004-2009 | Open-List Proportional | Voters directly chose candidates; the most-voted candidate wins | Considered more democratic |
| 2014-Present | Fully Open-List Proportional | Only individual candidate votes determine seat allocation | Still in effect today |

The study of electoral systems has been central to political science, particularly in understanding how electoral rules shape political behaviour, party systems, and governance outcomes. Proportional representation (PR) systems are generally praised for their inclusiveness and ability to reflect diverse societal interests. However, variations within PR, such as open-list versus closed-list, introduce significant differences in candidate selection, party discipline, and voter behaviour. In the Indonesian context, several scholars have examined the implications of the open-list PR system since its implementation in 2004. Ufen (2008) and Aspinall (2014) point out that the system has led to hyper-personalization in electoral contests, which undermines political institutionalization. Simultaneously, studies by

Mietzner (2011) and Tomsa (2013) emphasize the role of political finance and vote buying in exacerbating corruption under the current system. Despite repeated efforts to reform party institutionalization through legal thresholds and party law amendments, the political landscape remains fragmented and volatile. (Agus Yudi Luliana *et al.* 2024) ^[3]. Internationally, closed-list PR systems are used in many parliamentary democracies (e.g., Spain, Portugal, South Africa), where political parties play a central role in candidate selection and legislative cohesion. These systems often exhibit stronger party platforms, more coherent policy-making, and greater legislative discipline. This article builds on these insights to assess whether such a system could address Indonesia's electoral and legislative shortcomings. (Pahlevi, n.d.) ^[7]

This article adopts the principal-agent theory, where voters (principals) delegate authority to legislators (agents). The degree of accountability in this relationship is influenced by electoral system design: open-list systems increase individual accountability but reduce party coherence, whereas closed-list systems enhance collective accountability and party discipline. (Agus Yudi Luliana *et al.* 2024) ^[3].

By integrating these two theoretical perspectives, the article critically evaluates how electoral system design in Indonesia can be optimized to produce a legislative institution that is not only representative, but also capable, disciplined, and responsive.

Methodology

This research employs a qualitative normative approach, combining doctrinal legal analysis with comparative institutional study. Primary data sources include Indonesia's constitutional provisions, electoral laws (e.g., Law No. 7/2017 on General Elections), and decisions from the Constitutional Court related to electoral systems. Secondary sources include academic literature, policy reports, and electoral data published by the General Elections Commission (KPU), BAWASLU, and other relevant institutions.

The comparative aspect draws on the experiences of countries that have implemented closed-list proportional systems, such as Spain, the Netherlands, and South Africa. These cases are analysed to identify common patterns, strengths, and limitations of such systems in fostering legislative accountability and effectiveness. The research also critically reviews existing scholarly critiques of Indonesia's open-list system and evaluates previous reform efforts, particularly those related to political party simplification and parliamentary thresholds. Data are analysed using content analysis and normative interpretation, focusing on legal coherence, institutional design, and democratic outcomes. This approach allows the study to assess not only the theoretical desirability but also the practical feasibility of reforming Indonesia's legislative electoral system.

Analysis and Discussion

Indonesia's adoption of the open-list PR system aimed to increase voter empowerment by allowing direct selection of legislative candidates. However, this has generated several negative externalities: intense intra-party rivalry, fragmentation of party messaging, and excessive campaign expenditures. It has also weakened party control over their members, contributing to legislative inefficiency and policy inconsistency. (Jurdi, Teteng, and Lukita, n.d.-b) ^[5] The large number of political parties in parliament has made coalition-building unstable and legislative decision-making cumbersome. Despite the introduction of an electoral threshold (currently 4%), the party system remains fragmented. This fragmentation undermines the quality of debate, slows legislative processes, and encourages transactional politics.

In countries with closed-list PR systems, such as Spain or South Africa, political parties maintain stronger control over candidate selection and discipline, which contributes to more programmatic competition and cohesive legislative behaviour. Voters vote for parties rather than individual candidates, encouraging parties to prioritize platforms and

ideology over personality politics. Transitioning to a closed-list PR system in Indonesia would require substantial legal and political reform. This includes revising the General Election Law and possibly amending relevant Constitutional Court decisions. Such reforms must be accompanied by mechanisms for enhancing internal party democracy to prevent elite capture. Furthermore, raising the electoral threshold to a more effective level (e.g., 5–7%) may incentivize party consolidation and reduce legislative fragmentation.

Article 168 paragraph (2) of Law Number 7 of 2017 concerning General Elections states that the Election to elect members of the DPR, provincial DPRD, and district/city DPRD is carried out with an open proportional system. In an open proportional system, each party may nominate more than one candidate so that competition between fellow party members is fairer, in addition to candidates also competing with candidates outside the party. However, the problems that give rise to pros and cons regarding the implementation of the general election system. Eight political party factions (PARPOL) in the Indonesian House of Representatives agreed to reject the 2024 Election system using closed proportional. (Agus Yudi Luliana *et al.* 2024) ^[3].

Currently, the open proportional system is being tested in the Constitutional Court (Judicial Review), to be replaced with a closed proportional system in the legislative elections. However, this is a debate because the closed proportional system is considered a system that shows a decline because this system is a legacy of the New Order if the Constitutional Court approves it as the 2024 election system. (Rantau 2019) ^[8].

Elections are basic rights (HAM), basic obligations (KAM), and basic responsibilities (TAM) of citizens and the state. The relationship between citizens and the state, reciprocally, will manifest in three sides, namely rights, obligations, and responsibilities. Categorized as rights, meaning that every citizen has the right to determine a choice among the many that must be chosen. When you have determined one to choose, then choosing that one is an obligation as well as a personal responsibility of citizens for their country, namely determining those who will run the government based on the will of the voters ^[2].

1. Electoral Systems in Comparative Perspective

In closed-list PR systems, parties present a ranked list of candidates, and voters select a party rather than individual candidates. Legislative seats are allocated to candidates based on their position on the list as determined by party elites. In contrast, open-list PR allows voters to choose individual candidates, and those with the highest personal vote tallies are elected, regardless of their initial list position. Globally, the choice between these systems involves trade-offs between party control and voter influence, elite cohesion and grassroots accountability, and ideological clarity and personalistic politics. These trade-offs are particularly significant in fragmented multiparty democracies such as Indonesia.

2. Legislative Dynamics in Indonesia's Open-List System

a. Intra-party Competition and Fragmentation

Under the open-list system, DPR candidates from the same party compete directly for personal votes within multi-member constituencies (*daerah pemilihan*). This has

intensified rivalries within parties, leading to disunity, lack of coordinated campaign strategies, and weakened ideological messaging. Instead of working collectively to promote the party platform, candidates often prioritize their personal brand and local networks.

b. Escalating Campaign Costs and Vote Buying

Candidates are required to mobilize their own resources to campaign effectively, as party funds are limited and typically concentrated at the national level. This environment fosters clientelist behaviour and political patronage, especially in rural and peri-urban areas. Empirical studies have shown that campaign expenditures in Indonesia often far exceed legal limits, with significant portions allocated to vote buying, social donations, and informal “facilitation” payments.

c. Accountability Trade-offs

While open-list systems theoretically enhance accountability by enabling voters to select specific individuals, in practice, this link remains weak. Voters may choose candidates based on charisma, name recognition, or short-term material incentives rather than policy positions or legislative performance. Moreover, once elected, DPR members are not formally tied to a specific constituency, which undermines the potential for sustained, issue-based accountability.

d. Institutional Party Weakness

Indonesia’s party system is characterized by high levels of volatility, fluid coalitions, and weak ideological differentiation. The open-list system further erodes party institutionalization by reducing the incentive for loyalty and cohesion. Party leaders find it increasingly difficult to discipline legislators, particularly those with significant independent electoral mandates. This contributes to fragmented legislative behavior and coalition instability in the DPR.

3. Risks and Realities of the Closed-List System

a. Re-centralization of Power

Reintroducing a closed-list system would centralize candidate selection and ranking within party leadership.

This may reduce the destructive competition among candidates and restore strategic coherence in campaigns. However, it also risks entrenching party oligarchies, marginalizing grassroots voices, and facilitating nepotism or financial favouritism in list compilation.

b. Weak Voter Engagement

In a context like Indonesia, where voters are accustomed to candidate-based voting since 2009, a return to closed-list voting may be perceived as a democratic regression. Voter motivation may decline if individual choice is removed from the ballot, leading to lower turnout or reduced political efficacy, especially among younger and urban voters.

c. Internal Party Reform Challenges

Closed-list systems are often justified by the need to strengthen party discipline and ideological consistency. However, unless accompanied by significant internal party democratization (e.g., transparent primaries, inclusive list formation processes), such a system may simply reproduce elite control without addressing accountability or corruption issues.

4. Policy Options and Institutional Alternatives

a. Mixed Electoral Models

A potential compromise is the adoption of a mixed-member proportional (MMP) system, which combines single-member district voting (for personal accountability) with party-list PR (for ideological and proportional representation). This model is used effectively in countries such as Germany and New Zealand. In Indonesia, such a model could allocate half of DPR seats through open districts and the other half through closed party lists, balancing voter choice and party institutionalization.

b. Strengthening Electoral Regulations

Regardless of the system adopted, regulatory reforms are crucial. These include stricter campaign finance rules, better enforcement against vote-buying, transparency in party candidate selection, and civic education initiatives to shift voter preferences from transactional to programmatic politics.

Comparison of Advantages and Disadvantages of Closed Proportional Systems Advantages

| Advantages | Disadvantages |
|---|---|
| Able to minimize the existence of political money, where the spectrum can reduce expensive election costs. Where this can be seen based on the size of the paper letter. If the election system uses a closed proportional system where only the political party image is selected with the assumption that there are 16 political parties participating in the election, then the size of the paper used for the DPR, Provincial DPRD and Regency/City elections can be reduced to approximately 600%. | It does not guarantee the absence or reduction of money politics in the internal sphere, because even if the legislative candidates (Caleg) cannot buy people's votes, the legislative candidates can still buy their legislative serial numbers to fill legislative seats. |

Conclusion

Indonesia’s current open-list proportional representation system, while democratic in spirit, has resulted in unintended consequences that hinder the effectiveness and accountability of its legislative bodies. This study finds that a transition to a closed-list proportional electoral system, accompanied by party simplification efforts and higher electoral thresholds, offers a more coherent institutional framework for strengthening legislative quality. To realize this vision, the following recommendations are proposed, Legislative reform to reintroduce closed-list ballot structures

that strengthen party accountability, Strengthening internal party democracy to ensure transparency and merit-based candidate selection within political parties, Increasing the parliamentary threshold to promote party consolidation and reduce excessive fragmentation, Civic education campaigns to inform voters about the value of programmatic politics and collective representation. Reforming the electoral system is not a panacea, but it is a critical step toward creating a legislative institution that is more stable, professional, and responsive to the democratic aspirations of the Indonesian people.

Indonesia's experience with both closed and open-list PR systems reveals deep structural challenges in achieving accountable, representative, and efficient democratic governance. The open-list system has democratized candidacy and enhanced voter participation but has also led to intra-party rivalry, high campaign costs, and weakened party coherence. Conversely, closed-list systems promise strategic unity but are vulnerable to elite domination and weak democratic responsiveness. Rather than reverting wholesale to either model, Indonesia should consider a carefully designed mixed electoral system. Such a reform must be accompanied by improvements in party democratization, campaign finance transparency, and civic education to realize the democratic ideals of representation, accountability, and inclusiveness.

References

1. Miriam Budiarjo. Basics of Political Science. Jakarta: Gramedia, 2016, 461.
2. Rusli Kustiawan Iskandar. General Elections as the Implementation of People's Sovereignty in Indonesia. Doctoral Program (S3) in Law Postgraduate Program Faculty of Law Islamic University of Indonesia Yogyakarta, 2016, 259.
3. Luliana AY, Kadek KWAD, Widiantari KSD, Kayla PPRA. Sistem Pemilihan Umum Di Indonesia: Perbandingan Antara Sistem Pemilihan Umum Proporsional Terbuka Dan Sistem Pemilihan Umum Proporsional Tertutup. *Journal Name*, 2024, 4(1).
4. Helfianti S. Sistem Pemilihan Umum Proporsional Terbuka Dalam Ketatanegaran Republik Indonesia. *SALAM Jurnal Sosial Dan Budaya Syar-i*, 2023;10(5):1685–1696.
5. Jurdi S, Teteng B, Lukita FH. Analisis Terhadap Sistem Pemilu Indonesia: Dari Proporsional Tertutup Ke Proporsional Terbuka. *Journal Name*, 6(2), 145–161.
6. Jurdi S, Teteng B, Lukita FH. Analisis Terhadap Sistem Pemilu Indonesia: Dari Proporsional Tertutup Ke Proporsional Terbuka. *Journal Name*, 6(2), 145–161.
7. Pahlevi I. Dinamika Sistem Pemilu Masa Transisi Di Indonesia. *Journal Name*.
8. Rantau MI. Penguatan Sistem Presidensial Di Indonesia: Analisis Terhadap Undang Undang No 7 Tahun 2017 Tentang Pemilihan Umum. *Jurnal Penelitian Dan Karya Ilmiah*, 2019;19(2):181–193.
9. Naswa SA, Utomo AP, Tara ED. Prosiding Seminar Nasional Dies Natalis Universitas Muria Kudus Ke-43 Implementasi Sustainable Development Goals Dalam Kajian Disiplin Ilmu. *Journal Name*, 2023, 2(1).