



## RESEARCH ARTICLE

## Protection of Political Rights from a Human Rights Perspective

Hisma Kahman<sup>1</sup>, Muhammad Kamal<sup>2</sup>, Mulyati Pawennei<sup>3</sup> & Askari Razak<sup>4</sup><sup>1</sup>Law Doctoral Student, Indonesian Muslim University, Indonesia<sup>2,3,4</sup>Law Faculty Lecturer, Indonesian Muslim University, Indonesia**ARTICLE INFO****ABSTRACT**

Received: Aug 17, 2024

Accepted: Oct 28, 2024

**Keywords**Protection  
Political Rights  
Human rights**\*Corresponding Author**

adhie.djanggih@gmail.com

The research aims to analyze the nature of political rights protection from a human rights perspective. This type of research is Research can generally be classified into two types, namely empirical sociological (field) research. The research results show that the essence of political rights protection from a human rights perspective is the fulfilment of the political rights of each individual in real terms as part of human rights. The essence of political rights must be fulfilled and protected by states as regulated in statutory regulations. The implementation of guarantees for the protection of political rights from a human rights perspective in Indonesia has experienced significant developments since the reform era. However, various challenges such as discrimination, money politics, political violence and violations of freedom of expression still need to be overcome. The role of the government, electoral institutions and civil society is very important to ensure that political rights are protected and fulfilled for all citizens without discrimination.

**INTRODUCTION**

Phenomenon found in reality One of the main problems that always arises in the implementation of elections and elections is the elimination of citizens' right to vote. One of the causes of the deprivation of citizens' right to vote is the lack of outreach and education about how people can easily and simply exercise their right to vote in elections and elections.<sup>[1]</sup> Apart from the lack of socialization and education of both organizers and political parties to citizens in the democratic party, there are also many areas where the DPT is not recorded accurately, such as invalid Population Identification Numbers (NIK). How could there be a more practical rule to allow citizens to exercise their right to vote, but by doing so it would make citizens want to come to the polling stations? The public tends to be apathetic towards the implementation of elections and become indifferent due to the lack of socialization and education for them.<sup>[2]</sup> All political parties participating in the election, including candidates who have been designated as election participants, should be able to massively and effectively comply with the provisions of the laws and regulations to carry out outreach and education so that all mistakes are not then placed solely on the organizers. The tendency of political elites and practical candidates to not want to know about the importance of citizen participation in exercising their right to vote is still problematic in the implementation of elections and regional elections. This fact can also give rise to pragmatism and an indifferent attitude among citizens towards elections and regional elections themselves.<sup>[3]</sup>

The 2024 simultaneous elections should be understood as an implementation process that is not just procedural but also substantive. Simultaneous elections which are carried out substantially contain the meaning of free elections, namely that citizens who have fulfilled the voting requirements are free to exercise their right to vote independently without intimidation; elections are held openly, the election principles are transparent, accountable, credible, participatory and have integrity; the principle of fairness, fairness in the sense that voters and election participants are treated equally fairly by the organizers; honest principle, all stakeholders involved must act and behave by

prioritizing truth values. One of the fundamental things in elections is how to exercise people's sovereignty responsibly by providing protection and enforcement of citizens' constitutional rights in elections and voting.<sup>[4]</sup>

Article 1 paragraph (2), Article 2 paragraph (1), Article 6A paragraph (1), Article 19 paragraph (1) and Article 22C paragraph (1) of the 1945 Constitution state how citizens have the right to exercise political preferences at every moment. election. In a broad sense, the provisions of the articles in question regulate people's freedom to exercise their right to vote and be elected democratically. Basic rights for every individual as a citizen of the nation in social life must be guaranteed legal certainty. The formulation of these articles has a strong philosophical basis<sup>[5]</sup>.

The basic idea of a democratic rule of law in the practice of holding elections is that legal norms are formulated in the constitution. In drafting a written constitution, the basic values and norms that exist in society and the practice of state administration also influence the formulation of a Constitutional norm. Therefore, the spiritual atmosphere (*spirit background*) which is the philosophical, sociological, political and historical background for the juridical formulation of a Constitutional provision needs to be understood carefully to best understand the provisions contained in the articles of the Constitution.<sup>[6]</sup>

In the practice of amending the Election Law, for example, discussing the provisions on citizens' rights as guaranteed in Article 1 paragraph (2), Article 2 paragraph (1), Article 6A paragraph (1), Article 19 paragraph (1) and Article 22C paragraph (1) The 1945 Constitution regarding the right to vote and basic rights, for example, is not at all in line with the spirit of the constitution which guarantees that the people exercise their right to vote and be elected properly. The debate on the norms that are intended to be included in the formulation of the Election Law in a broad sense is almost said to be not in harmony with the constitutional norms in the 1945 Constitution as in Article 27 paragraphs (1) and (2), Article 28, Article 28D paragraph (3) and Article 28E paragraph (3) it is said that: The state must fulfil the human rights of every citizen, especially in government involvement to elect and be elected through a general election mechanism which includes: (i) elections for members of the DPR, DPD; presidential election; election of members of the Provincial DPRD; election of Regency/City DPRD members; and the election of regional heads and deputy regional heads. So paradigm *constitutionality of the right to vote* And *basic right* in implementing elections as a means of upholding people's sovereignty, the essence of the concept of enforcing and protecting the basic political rights of citizens' constitutionality must be developed so that the implementation of elections and regional elections can reduce violations of the norms of basic political rights of citizens.<sup>[7]</sup>

The most basic reason for the emergence of every person's rights is that all humans were created by God Almighty and endowed with reason and conscience which give them the ability to differentiate between good and bad, which will guide and direct their attitudes and behavior in living their lives. With reason and conscience, humans have the freedom to decide their behaviour or actions. J.J. Rousseau argued that humans are born free and equal in their rights, while law is an expression of the general will (of the people).<sup>[8]</sup>

After the reform, the regulation of each person's rights has been outlined in the amendments to the 1945 Constitution of the Republic of Indonesia (UUD 1945). Such arrangements are to provide guarantees to the community that these rights must be fulfilled and must be protected by the state. Satjipto Rahardjo stated that rights are the power to protect everyone's interests given by law. This view confirms that rights are something that every person has and must fulfill, including political rights. According to Andrew Heywood, Politics is the activity of a nation which aims to create, maintain and amend the general rules that govern its life, which means it cannot be separated from symptoms of conflict and cooperation (*politics is the activity through they live and as such is inextricably linked to the phenomenon of conflict and cooperation*).

According to Article 43 paragraph (1) of Law Number 39 of 1999 concerning Human Rights, it is emphasized that every citizen has the right to be elected and vote in general elections based on equal rights through direct, general, free, secret, honest and fair voting by with statutory regulations. The distribution of political rights is realized, among other things, through general elections (Pemilu). General elections are a means of channelling citizens' political rights, being elected and electing,

participating in political organizations, or directly participating in election campaign activities. Every citizen has their political rights by statutory regulations.

Political rights are given to citizens who have fulfilled certain conditions. This is stated, among other things, in Article 56 paragraph (1) of Law of the Republic of Indonesia Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Establishment of Government Regulations instead of Law Number 1 of 2014 concerning the Election of Governors, Regent, and the Mayor into law which states, Indonesian citizens who are 17 (seventeen) years old on voting day or are/have been married, have the right to vote.

2024 is a political year, where the public will be faced with exercising their political rights, namely casting their votes in the election of DPRD members in the South Sulawesi region which will take place in February 2024. People's intelligence is highly demanded in order to give their voting rights based on their own desires by looking at the figures. who are taking part in the democratic event.<sup>[9]</sup>

The community is the determinant of the progress of a region because if they make the wrong choice, then for five years the leadership of the community will not be satisfied with the performance of their leader. The public is expected to exercise their political rights by electing leaders based on the vision and mission carried out by the competing candidates to be implemented in the future when given a mandate by the people. Currently, according to researchers' observations, people tend to exercise their political rights because they are driven by other factors, for example having money. This was seen when researchers spontaneously asked students while studying, would you accept if you were given money in the next regional head election, without thinking twice, almost all students gave a surprising answer, namely accepting the money if given.<sup>[10]</sup>

## RESEARCH METHODS

Research can generally be classified into two types, namely empirical sociological (field) research, namely research carried out with an approach to the legal reality in society. This research is based on the existence of symptoms in the form of a gap between expectations (*the solen*) with the statement (*that be*) in the legal field. and normative research, namely research carried out with an approach to legal norms or substance, legal principles, legal theory, legal postulates and legal comparisons. In this research, the author uses normative juridical legal research with a qualitative approach.

## DISCUSSION

The right to vote and be elected in general elections is a fundamental human right and is one of the main pillars of a democratic system. This right allows individuals to participate in the political process, both as voters and as candidates for public office. The following is an in-depth explanation of this right, with a focus on the Indonesian context:

### a. Legal and Regulatory Basis

#### 1) Constitution:

- The 1945 Constitution of the Republic of Indonesia (1945 Constitution): Article 28D paragraph (3) of the 1945 Constitution states that every citizen has the right to vote and be elected in general elections. Article 22E regulates general elections and provides the legal basis for holding direct, general, free, secret, honest and fair general elections.

#### 2) Laws and Regulations:

- Law Number 7 of 2017 concerning General Elections: Regulates various aspects of general elections in Indonesia, including the right to vote and be elected, election mechanisms, and campaign procedures.
- General Election Commission (KPU) Regulations: The KPU issues technical regulations regarding the implementation of general elections, including requirements and procedures for candidates and voters.

#### 3) International Instruments:

- International Covenant on Civil and Political Rights (ICCPR): Article 25 of the Covenant recognizes the right of every citizen to participate in public governance and to vote and be elected in general elections.

#### b. Voting Rights (Active Rights)

##### 1) Definition and Implementation:

- Voting Rights: The right to vote in general elections to elect candidates for public office or approve policies. This includes presidential, legislative and regional head elections.
- Voter Registration: Citizens must be registered as voters in the final voter list (DPT) to be able to exercise their voting rights. The KPU is responsible for ensuring that voter registration is carried out accurately and inclusively.

##### 2) Selector Criteria:

- Citizenship: Only Indonesian citizens have the right to vote.
- Age: Citizens must be at least 17 years old or married at the time of election.
- Mental Health: The voter must not be in a state of mental impairment that could affect his or her ability to vote consciously.

##### 3) Process and Difficulties:

- Accessibility: Ensuring that all citizens have equal access to vote, including those in remote areas or with physical limitations.
- Security and Confidentiality: Ensure that elections are conducted freely and secretly, without any pressure or intimidation of voters.

#### c. Elected Rights (Passive Rights)

##### 1) Definition and Implementation:

- Right to be Elected: The right to nominate and be elected in general elections as a candidate for public office. This includes positions such as president, legislative members, and regional heads.
- Nomination: Candidates must meet certain requirements set by law, such as minimum age, citizenship, and often support from a political party or community support.
- 2) Candidate Criteria:
- Age and Citizenship: Candidates must meet the minimum age limit and must be Indonesian citizens.
- Health and Integrity: Candidates must have adequate physical and mental health as well as moral integrity, and not be involved in any criminal offence that could hinder their candidacy.

##### 3) Process and Difficulties:

- Access to Nomination: The nomination process can face various challenges, including stringent requirements, high campaign costs, and necessary political support.
- Campaigns and Media: Candidates must have a fair opportunity to campaign and gain public support. Unequal access to media and resources can affect a candidate's chances.

#### d. Challenges and Problems in Implementation

##### 1) Access and Participation Limitations:

- Limited Access: In some areas, especially remote areas, access to vote can be a problem. Difficulty in accessing polling stations (TPS) and election information often becomes an obstacle.
- Lack of Participation: There is a trend of low voter turnout in some elections, which can be influenced by apathy, distrust of the system, or difficulties in the electoral process.

##### 2) Election Integrity:

- Corruption and Fraud: Cases of corruption and election fraud, such as money politics and vote manipulation, can damage the fairness and integrity of elections.
- Monitoring: The importance of independent monitoring to ensure that the election process runs transparently and in accordance with democratic principles.

### 3) Campaign and Media:

- **Media Access:** Unequal access to mass media can affect candidates' ability to disseminate their messages and reach voters.
- **Campaign Money:** High campaign costs can be prohibitive for candidates from economically disadvantaged backgrounds.

### e. Steps to Improve Implementation

#### 1) Improved Access:

- **Provision of Facilities:** Provide adequate facilities at polling stations to ensure accessibility for all voters, including people with disabilities.
- **Voter Education:** Increase education and awareness regarding voter rights and the election process.

#### 2) Election Process Reform:

- **Oversight and Transparency:** Increase oversight and transparency in the election process to prevent fraud and ensure election integrity.
- **Campaign Regulations:** Regulate campaign costs and media access to provide a fairer opportunity for all candidates.

#### 3) Increased Participation:

- **Participation Initiatives:** Encourage political participation through campaigns that educate the public about the importance of voting rights and their role in the democratic process.
- **System Improvements:** Improve registration and election systems to reduce barriers and increase efficiency.

According to the author's analysis based on factual data in the field which states that:

*"The right to vote and be elected in general elections is a crucial human right in a democratic system. In Indonesia, despite a strong legal basis, the implementation of this right faces various challenges that affect access, participation and electoral integrity. Efforts to increase access, improve electoral processes, and promote active participation are essential to ensure that this right can be enjoyed fairly and effectively by all citizens."*

In essence, there are 2 (two) views on this guiding article. First, the opinion says that because it will or must still be regulated by law, in the 1945 Constitution, the 4th Amendment, Article 22E, has stipulated that elections in Indonesia must be general, free, secret, honest and fair elections. (luber-jurdil) which is carried out every five years. Meanwhile, Article 43 Paragraph (1) of Law No. 39 of 1999 concerning Human Rights also confirms the same thing, stating, "Every citizen has the right to be elected and vote based on equal rights through direct, general, free, secret voting, , honest and fair by statutory provisions, "in international standards for upholding human rights, the implementation of elections is a means to realize:

1. The right to participate in government (*right to take part in government*);
2. The right to vote and be elected (*right to vote and to be elected*); And
3. The right to equal access to public services (*right to equal access to public service*).

In Indonesia, the human rights of citizens to participate in government are specifically regulated in the 1945 Constitution, 4th Amendment, Article 28D Paragraph (3) which states, "Every citizen has the right to equal opportunities in government." Provisions regarding the right to participate in government are also regulated in Articles 43 and 44 of Law Number 39 of 1999 concerning Temporary Human Rights in the International Covenant on Civil and Political Rights (*International Covenant on Civil and Political Rights/ICCPR 1966*).

Article 25 states, "Every citizen has the right and opportunity, without distinction as intended in Article 2 and without unreasonable restrictions, to:

- a. Participate in government administration, either directly or through freely chosen representatives;

- b. Vote and be elected in honest periodic general elections, with universal and equal suffrage, and carried out by secret ballot which guarantees the freedom of voters to express their wishes; And
- c. Gain access, based on generally equal conditions, to government services in their country. Universal human rights principles state that the state is obliged to guarantee the right to vote (*right to vote*) and the right to be elected (*right to be elected*), because every country is required to issue legal regulations and other necessary measures to ensure that every citizen without discrimination based on anything has an effective opportunity to enjoy this right to achieve legal certainty, justice and benefit.

#### 1. The state's obligation to protect the right to vote

The emergence of the desire to impose juridical restrictions on power is, basically, due to power politics which tends to be corrupt. It is feared that this will alienate the function and role of the state in the lives of individuals and society. On this basis, there is a great desire to limit power in a juridical-normative manner to avoid authoritarian rulers. This is where the Constitution becomes important for people's lives. The Constitution is used as the embodiment of the highest law that must be obeyed by the state and government officials, by the proposition of government by laws, not by men (government based on law, not based on people).

The state's obligations in respecting human rights can be divided into two, namely Immediate Obligations and Progressive Obligations. The state's Direct Obligations regarding Human Rights are often realized in the form of a juridical process, while Progressive Obligations are obligations that can be abandoned if supporting resources are lacking.

The State's Obligation to Respect (Respect) Human Rights and the Obligation to Protect (Protection) Human Rights are seen as Direct Obligations. There are also legal obligations that are directly related to the fulfilment of human rights. The first generation, the development of civil and political rights (such as the right to life, personal freedom and security, equality before the law, the right to a good name, the right to be free from restrictions on movement and domicile, the right to freedom of thought, belief and religion, freedom of speech, right to information, right to vote and be elected, right to referendum, etc.) There are at least several provisions in the 1945 Constitution which can be used as a constitutional basis for guaranteeing political rights, for example, article 22 of the Constitution and articles 27, 28 which regulate the rights of citizens country to choose (*right to vote*). Several provisions in question include, Article 27 paragraph (1) of the 1945 Constitution which states that all citizens have the same position under the law and government and are obliged to uphold the law and government without exception.

Then there is also Article 28D paragraph (1) that:

*"Everyone has the right to fair recognition, guarantee, protection and legal certainty and equal treatment before the law".*

Of course, what is no less important is the provision of Article 28 D paragraph (3) which states that every citizen has the right to equal opportunities in government.

Several provisions in the constitution are sufficient to show how the state protects its citizens and the state guarantees and protects the constitutional rights of citizens, especially those related to political rights in providing voting rights in every implementation of direct democracy. However, in further implementation, all provisions in the constitution are not always interpreted comprehensively by regulators at lower levels. UU no. 7 of 2017 is a law that regulates the general restoration of protection in this law. In practice, there are still many things that are difficult to implement because problems such as population data and population administration in Indonesia are still problematic, even though the law is a law that includes a form of further regulation of the implementation of general elections, as mandated by the 1945 Constitution. As in Indonesia, which is regulated in Article 33 of the 1945 Constitution, the state's obligations are not limited to these two obligations, because International Law and the International Community see it as mandatory for the state to apply the concept of Due Diligence in protecting human rights.

The State is required to meet certain standards based on reason and custom in its efforts to fulfil obligations related to the Basic Law of the legal protection of human rights in Indonesia contained in the Preamble to the 1945 Constitution, paragraph IV, Chapter XA of the 1945 Constitution (Articles 28A to Article 28J), Law Number 39 of 1999 concerning Human Rights, as well as Law Number 26 of 2000 concerning Human Rights Courts<sup>3</sup> Article 28 I paragraph (4) of the 1945 Constitution expressly states that the protection, promotion, enforcement and fulfilment of human rights is the responsibility of the state, especially the government as a guarantor of the protection of human rights. This is also explained in Law Number 39 of 1999 concerning Human Rights Article 71 which states: "The government is obliged and responsible to respect, protect, uphold and promote human rights as regulated in this law, other statutory regulations, and international law regarding human rights accepted by the Republic of Indonesia".

Based on the law, it is clear that the government has the responsibility to respect, protect, uphold and promote human rights. Universally, the state bears the primary responsibility for promoting and protecting human rights. Such a responsibility cannot be reduced for political, economic or cultural reasons. Meanwhile, in everyday reality, many violations of human rights are committed by the state through its organs or apparatus, both civil and military, who abuse their power (*abuse of power*). Human rights are a nature that is inherent in every human being since he was born into the world. Naturally, humans have the right to freedom. A democratic state is a tool of society that is authorized by society to exercise power, which aims to protect the rights of citizens and a welfare state makes citizens' rights the basis for making policies. A democratic welfare state has the following duties and responsibilities:

1. Upholding the right to independence and equality for every citizen before the law;
2. Create and implement national legal rules that are fair and do not discriminate against citizens;
3. Defend, and protect citizens from various forms of threats and dangers;
4. Promote the social welfare of its citizens;
5. Smarten the nation's life;
6. Participate in all efforts to maintain world order based on eternal peace and social justice.

In essence, a responsible State is a State that respects and upholds the rights of its citizens, protects its citizens from various threats of danger, publishes the rights of its citizens transparently, and always strives for the welfare of its citizens. The rights possessed by citizens are an obligation for a State to protect them. Roosevelt stated that in living in society and in a state, humans have four freedoms (*The Four Freedoms*), that is:

1. Freedom to speak and express opinions (*Freedom of Speech*);
2. Religious freedom (*Freedom of Religion*),
3. Freedom from fear (*Freedom from Fear*),
4. Freedom from destitution (*Freedom from Want*)

The UN Declaration briefly explains a set of basic human rights which are very full of juridical rights, such as the right to life, the right not to be a slave, the right not to be tortured or detained, the right to be equal before the law, the right to the presumption of innocence, and so on. Other rights are also contained in the declaration, such as the rights to nationality, property and thought; The right to adhere to a religion and obtain an education, work and cultural life. The Covenant on Civil and Political Rights (ICCPR) places the responsibility on state parties to make every effort to protect both legal guarantees and policies by the Covenant. In addition, the Covenant also requires states to take remedial action (*remedy*) for victims of violations of the rights provided for in the Covenant. Article 2 paragraph (3) of the Covenant states that states parties must ensure that every person whose rights or freedoms recognized in this Covenant are violated, will obtain effective remedies, even if the violation is committed by persons acting in an official capacity, and guarantee that every person who claims such remedies must have their rights determined by the competent judicial, administrative or

legislative institutions, or by other authorized institutions regulated by the legal system of that State, and to develop all possible judicial remedies.

The 1945 Constitution clearly states that the protection, promotion, enforcement and fulfilment of human rights is the responsibility of the state, especially the government (Article 28I paragraph 4), Law no. 39 of 1999 also states the same thing, namely that the Government has an obligation and responsibility to respect, protect, uphold and promote human rights as regulated in various laws and international laws regarding human rights accepted by the Republic of Indonesia. UU no. 39 of 1999 provides a guarantee that every person has the right to use all national legal remedies and international forums for all violations of human rights guaranteed by Indonesian law and international law regarding human rights which have been accepted by the Republic of Indonesia, with such obligations, the State, In particular, the Government is responsible and ensures the protection, promotion, enforcement and fulfilment of human rights. These efforts include, for example, ensuring that state institutions in carrying out their obligations, taking or making policies must be based on human rights values, taking actions to fulfil human rights, and also establishing special institutions to ensure the enforcement of human rights, for example, the National Human Rights Commission, the National Commission on Violence Against Women. , Indonesian National Commission for Child Protection, etc. Local government also has functions.

A note that needs to be remembered about the obligations and permissibility of countries signing (state parties) to the ICCPR. The obligations of State parties in Article 2 paragraph (1) of the ICCPR stipulate that "Each state party strives to respect and guarantee all the rights of individuals residing in its territory and subject to its jurisdiction as recognized in the Covenant without any distinction whatsoever, such as race, colour, sex, language, religion, political or other opinions, national origin or social background, wealth, birth or other status." The ICCPR allows countries party to the ICCPR to reduce obligations in fulfilling these rights. Although this freedom is prone to abuse by the state, deviation is possible if it is proportional to the threat faced and is not discriminatory, namely:

- 1. Maintaining public security/morality, and**
- 2. Respect the rights/freedom of others.**

According to the 1945 Constitution, guarantees are provided in Article 27 paragraph (1) and Article 28 D paragraph (3) and implicitly in Article 1 paragraph (2). This human right was born from the understanding of popular sovereignty, namely government characterized by sovereignty in the hands of the people. The government must open up opportunities for the people to participate in implementing people's government, which is termed democracy, namely state government that originates from, by and for the people, including the right to vote for citizens, the right to nominate and the right to be nominated, the right to vote and the right to be elected. In holding general Elections, it is one of the very fundamental rights in the life of the state and democracy and at the same time proof of the sovereignty of the people and their existence in the government of a State.

## **2. Constitutional Rights of Citizens**

The 2024 simultaneous general election has an ideal picture of a democratic government in the modern era. Elections in the practice of modern democratic countries have always been a parameter to measure whether the government system is democratic or not in a country. Elections are a strong political dimension to gain legitimacy of popular sovereignty over elite power. Political legitimacy is a necessary thing because with strong political legitimacy, the government can be trusted to carry out the development programs that have been prepared. According to Robert A. Dahl, polyarchic (large-scale) democracy has two dimensions of political participation (citizens) which are both interdependent, as well as contestation (elites). According to William Liddle, in a democratic government system, elections are often seen as a link between the principle of popular sovereignty and government practices by several political elites. Every citizen who is considered an adult and meets the requirements according to the law can elect their representatives in parliament, including government leaders. The assurance that the election results reflect the will of the people is provided by a set of guarantees contained in the laws and regulations relating to elections.

In practice, elections have become an arena for unhealthy power rivalry so that they have not been able to produce leaders who have political virtues who act responsibly, prioritizing the interests of



society above personal, group or political party interests. The core objective of holding elections is to exercise people's sovereignty. The will of the people is freely active based on the constitution to exercise the right to vote and be elected. Sovereignty according to the concept of constitutional law, namely sovereignty in the internal aspects that are its object.

Juan Jose Linz provides an understanding of the characteristics of a democratic government system. According to him, one of the characteristics of a democratic government is a climate of freedom, a government that can guarantee that elections are held honestly and fairly. New elections can be said to be democratic if the rights of citizens are fulfilled properly, without pressure, intimidation, or any efforts to obstruct or interfere with the people's political rights not being fulfilled, democratic government guarantees that competition for election contestants can run inclusively for the sake of creating an accountable government.

The function and role of the constitutionality of the Constitutional Court in upholding political rights by protecting citizens' voting rights in elections has improved and is a significant advancement of the constitutional democratic government system in the modern era. The Constitutional Court has constitutionally reduced the role of political parties which for decades have implemented an oligarchic system at the internal level. Political party oligarchy can be seen from the centralization of policies, including the centralization of exclusive leadership cadre models. Central policy becomes so dominant that it often closes down the possibility of the emergence of quality leaders. Natural selection does not receive serious attention, especially when it concerns powerful interests.

However, the practice of dominating central policy and oligarchic internal power, especially in each election period (nomination of legislative candidates, regional head candidates and leadership candidates at certain levels, can be carried out in a fairly fair process when the Constitutional Court issues a decision regarding the right to obtain the most votes and exercise voting rights. by showing a Resident Identity Card (KTP) and KK (Family Card) as a substitute for ballot papers for people who are not registered in the DPT No. 85/PUU-X/2012 regarding the review of Article 69 paragraph (1) of Law No. 12 2008 concerning the Second Amendment to Law No. 32 of 2004 concerning Regional Government which regulates the right to vote as long as they are registered with the DPT, DPS, DPSHP, final DPSHP and DP4, the resident concerned can show their identity in the form of KTP and/or KK to the election officer at their place of domicile based on KTP. This transformative decision not only restores citizens' political rights to exercise their right to vote, but technically, the decision also provides technical norms for the regular exercise of their right to vote. The Constitutional Court's decision is more relevant to the constitutional rights of citizens, namely decision no. 001-017/PUU-I/2003 and decision no. 102/PUU-VII/2009 which provides guidelines for usage mechanisms *right to vote and the right to be a candidate* as a right guaranteed by the Constitution.

The Constitutional Court's decision, which was phenomenal and far from what the public expected, was a matter of dynastic politics. The Constitutional Court issued Decision No. 33/PUU-XIII/2015 regarding judicial review of Article 7 letter (r) of Law no. 8 of 2015 concerning Amendments to Law no. 1 of 2015 concerning the Election of Governors, Regents and Mayors is contrary to Article 28 (j) paragraph (2) of the 1945 Constitution so that the political rights of every family that has power relations with officials are not permitted to nominate themselves, which is contrary to constitutional rights. The Constitutional Court, on the other hand, strengthens the understanding of equal opportunities for citizens as long as they follow existing procedures and mechanisms to be more firm and clear.

## CONCLUSION

Political rights (*political rights*) are the right to participate in government, vote be elected in general elections, and so on. Political rights are part of the human rights category *derogate* (part of human rights that can be reduced). In general elections, every citizen has the right to political participation, especially the right to vote because political participation is the essence of democracy. In Indonesian positive law, political rights are reflected in various regulations, starting from the 1945 Constitution of the Republic of Indonesia, Law Number 39 of 1999 concerning Human Rights, to various international conventions that have been ratified and which have been passed into law. This shows that Indonesia as a democratic country has attempted to protect the political human rights of its citizens.

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