

A Comparison of Legislative Election Systems in Indonesia and Malaysia

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ABSTRACT

The article aimed to analyze the comparison of electoral systems in Indonesia and Malaysia due to relevant differences and similarities. In Malaysia, the legislative election system was implemented to elect members of the People Council using a district platform. Meanwhile, Indonesia used an Open Proportional system to elect members of the National and Regional Representative Councils. A total of three aspects were also compared between both countries through a legal research and comparative approach, namely Government, Election, and Party Systems. Data collection was subsequently carried out through empirical studies, including interviews and literature reviews. The results showed that differences in government systems, state forms, and administration were observed between Indonesia and Malaysia, where proportional and district electoral platforms were implemented, respectively. Despite the differences, the two countries still had various similarities, such as the implementation of a multiparty system using different party coalition platforms. Variations were also observed in the implementation of voting rights by soldiers and convicts within both countries.

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1. Introduction

The differences between Indonesia and Malaysia can be observed through the structure of the state, governance, and the governmental systems they employ. The governance system is a crucial determinant for the sustainability of a state existence, and this holds true for countries with ties to the Malay community, including Indonesia and Malaysia. Indonesia operates as a unitary republic, with the President holding a dual role as the head of state and head of government. In contrast, Malaysia adopts a constitutional monarchy system, where the *Yang di-Pertuan Agong* serves as the Head of State, while the Prime Minister leads as the head of

government.¹

Both are democratic nations in Southeast Asia and implement the General Election system to elect representatives to the parliament, each with its dynamics and uniqueness. Malaysia uses a district system in elections, while Indonesia implements two systems simultaneously – the proportional and district systems – to elect legislative candidates at both the national and regional levels. In addition to Legislative Elections, Indonesia also conducts direct elections for the President and Vice President (Article 6A paragraph (1) of the 1945 Constitution of the Republic of Indonesia),² while in Malaysia, the Head of State is chosen by the Conference of Rulers (Article 32 paragraph (3) of the Federal Constitution of Malaysia),³ and The Prime Minister is elected by the *Yang di-Pertuan Agong* (Article 43 paragraph (2) letter (a) of the Federal Constitution of Malaysia).⁴

The article focuses on the comparison of legislative General Election systems, excluding the aspects of choosing the Head of State and Head of Government. A previous study by Sunarso compared five aspects, including legal foundations, organizing institutions, implementation, party functions, and public participation in elections.⁵ The article concluded that Malaysia's elections were less satisfactory compared to those in Indonesia. However, the study did not investigate changes in the political context of Malaysia, especially after the downfall of the United Malays National Organization (UMNO) party in the 14th General Election in 2018.⁶ This situation parallels the loss of dominance by the *Golongan Karya (Golkar)* Party during the Reform period in 1998 in Indonesia.⁷

The article also explores changes in the political situation, particularly in Malaysia, including the political deadlock in the 15th General Election in 2022 that prompted the King's intervention in appointing the Prime Minister of Malaysia.⁸ The political dynamics in both countries serve as crucial contexts in the article, but the focus is on comparing fundamental aspects of the constitutional systems, such as governance, party systems, and election systems in Indonesia and Malaysia.

2. Research Method

The research methodology employed in this study is legal research, with data sources comprising both primary and secondary data. Primary data were obtained through interviews

¹ Nafi Mubarak, 'Sistem Pemerintahan di Negara-Negara Rumpun Melayu', *Sosio Yustisia: Jurnal Hukum Dan Perubahan Sosial*, 1.1 (2021). <https://doi.org/10.15642/sosyus.v1i1.66>.

² Dian Fitri Sabrina and Rosa Ristawati, 'The Implementation of Good Governance in The Presidential Election in Indonesia', *Yuridika*, 36.2 (2021). <https://doi.org/10.20473/ydk.v36i2.21096>.

³ Mubarak.

⁴ Junaidi Awang Besar, 'General Election-15: There Is No Political Party That Won a Simple Majority of 112 Parliamentary Seats to Form The Malaysian Federal Government', *International Journal of Law, Government and Communication*, 8.31 (2023), 97–121. <https://doi.org/10.35631/IJLGC.831008>.

⁵ Sunarso Sunarso and others, 'Elections as a Means of Citizens Political Education: A Comparative Study between Indonesia and Malaysia', *Jurnal Cakrawala Pendidikan*, 41.1 (2022). <https://doi.org/10.21831/cp.v41i1.44305>.

⁶ Muhammad Nadziruddin Embi and Mohamad Hafis Amat Simin, 'UMNO dan Penaungan Politik dalam Kalangan Belia di Malaysia', *Jurnal Dunia Pendidikan*, 2022. <https://doi.org/10.55057/jdpd.2022.4.1.42>.

⁷ Agun Gunandjar Sudarsa and others, 'Governance of the Functions Representation and Recruitment of the Golkar Party in Actualize Good Governance in the Reform Era', *Politik Indonesia: Indonesian Political Science Review*, 7.3 (2022). <https://doi.org/10.15294/ipsr.v7i3.40779>.

⁸ Victor Pogadaev, 'Anwar Ibrahim, the New Prime Minister of Malaysia', *Asia and Africa Today*, 2, 2023, 42 <<https://doi.org/10.31857/S032150750024408-0>>.

with experts in Constitutional Law from the International Islamic University Malaysia, while secondary data, or in legal research terminology, legal materials, were gathered through a literature review related to governance and democracy. The methodological approach involved conceptual, juridical, and comparative approaches focused on three main issues: governance systems, electoral systems, and party systems in both countries. Qualitative data analysis was utilized in the article.

3. Result and Discussion

The literature and field analyses revealed that several fundamental differences exist in the Malaysian and Indonesian electoral systems, where the district and proportional platforms are implemented, respectively. However, before evaluating the distinctions in electoral platforms, the government systems of both countries were thoroughly analyzed.

3.1. Differences in Indonesian and Malaysian Government Systems

The two countries, Indonesia and Malaysia, possess distinct government systems, with Indonesia employing a presidential platform and Malaysia adopting a parliamentary system. Malaysia is a federation of thirteen (13) states and three (3) federal territories. Among the states in Malaysia are *Johor Darul Takzim*, *Kedah Darul Aman*, *Kelantan Darul Naim*, *Melaka Bandaraya Bersejarah*, *Negeri Sembilan Darul Khusus*, *Pahang Darul Makmur*, *Perak Darul Ridzuan*, *Perlis Indera Kayangan*, *Pulau Pinang*, *Sabah Negeri Di Bawah Bayu*, *Sarawak Bumi Kenyalang*, *Selangor Darul Ehsan*, and *Terengganu Darul Iman*.⁹

The federation is a form of governance that divides the country into several collaborating states, forming a unitary state. Malaysia adopts a parliamentary system of government closely modeled after the "Westminster parliamentary" system, inherited from the period of British colonial rule.¹⁰ The state and government heads were often led separately (dual executive) by the *Yang di-Pertuan Agong* and the prime minister, respectively. This explained that the *Yang di-Pertuan Agong* was elected through the conference of rulers, portraying a rotational process than a direct election (Article 32 paragraph (3) of the Federal Constitution of Malaysia).¹¹ The *Yang di-Pertuan Agong* shall first appoint as Prime Minister to preside over the Cabinet a member of the House of Representatives who in his judgment is likely to command the confidence of the majority of the members of that House. The candidate were also proposed by the political party winning the election, which commanded the majority of seats in the Malaysian Parliament.¹² After the completion of vote counting by the Election Commission (SPR), the victorious Political Party approaches the *Yang di-Pertuan Agong* to formally request the appointment of their Prime Ministerial candidate as the Prime Minister (Interview Results with Prof. Farid Sufian Shuaib, expert in Constitutional Law from the Faculty of Law of the International Islamic University Malaysia, on August 12 2023 in Kuala Lumpur).

⁹ Mubarak.

¹⁰ Budi Hermawan Bangun, 'Perbandingan Sistem dan Mekanisme HAM Negara-Negara Anggota Asean: Tinjauan Konstitusi dan Kelembagaan', *Jurnal HAM*, 10.1 (2019). <https://doi.org/10.30641/ham.2019.10.99-113>.

¹¹ Walid Jumblatt Abdullah, 'The Mahathir Effect in Malaysia's 2018 Election: The Role of Credible Personalities in Regime Transitions', *Democratization*, 26.3 (2019), 521-36. <https://doi.org/10.1080/13510347.2018.1552943>.

¹² Romzi Ationg Ationg and others, 'Menyingkap Polemik Peralihan Kuasa Secara Luar Biasa Mengikut Perspektif Demokrasi Berparlimen', *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, 5.11 (2020). <https://doi.org/10.47405/mjssh.v5i11.552>.

The fledgling opposition coalition of the nation also inspired public confidence in competent governance, as public dissatisfaction with the ruling party was increasing due to the patronage hindering responsible policy implementation. However, regime change was not observed, as general elections were sufficiently free regarding the ability of the opposition to gain and maintain control of the state government. Power was also not lost by UMNO, leading to several important influential factors, namely coalition politics, collaborative institutional structures, and political behavior.¹³ This is different from the activities in Indonesia, where a presidential government system was implemented. From the description, a Republic focused on a government implementing a single executive system led by a President, which served as the State and Federal Head.¹⁴ The President was also elected directly by the people through elections in pairs with the Vice President.¹⁵ This proved that both the Presidential and Vice Presidential Candidates were independently proposed by Political Parties or a coalition before the General Election commencement.¹⁶ In leading the government, the President was commonly assisted by cabinet ministers directly appointed regarding the presidential considerations or suggestions from the supporting Party.¹⁷ Furthermore, the President term of office was five years, with the reelection option for one additional tenure. The President also upheld direct accountability to the people,¹⁸ with Indonesia following a unitary structure and a governance level divided into the central and regional governments. In this context, the regional government contained Provinces, Regencies, and Cities, which were led by the Governor, Regent, and Mayor, respectively.¹⁹ A total of 38 provinces were also significantly observed and located in Indonesia.²⁰

3.2. Election Systems in Indonesia and Malaysia

In Indonesia, two types of elections were observed, namely Legislative and Presidential, while only one electoral activity (Legislative) was implemented in Malaysia. These differences explained that the Indonesian legislative elections were implemented to elect candidates for members of the People Representative Council (DPR), Regional Representative Council (DPD), Regional Representative Council (DPRD), Provincial Regional People Representative Council, and Regency/City Regional People Representative Council (DPRD *Kabupaten/Kota*).

¹³ Edmund Terence Gomez, 'Resisting the Fall: The Single Dominant Party, Policies and Elections in Malaysia', *Journal of Contemporary Asia*, 46.4 (2016), 570-90. <https://doi.org/10.1080/00472336.2016.1192214>.

¹⁴ Eva Kurnia Farhan and others, 'The General Election Supervisory Agency's Policy in Conflict Resolution (Case Study: 2019 Legislative Election in North Musi Rawas District)', *Jurnal Studi Pemerintahan*, 14.3 (2023), 367-79. <https://doi.org/10.18196/jsp.v14i3.333>.

¹⁵ Sabrina and Ristawati.

¹⁶ Titon Kurnia, 'Presidential Candidacy Threshold and Presidentialism Affirmation in Indonesia', *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)*, 7.3 (2021). <https://doi.org/10.22304/pjih.v7n3.a4>.

¹⁷ Ridwan Ridwan, 'Eksistensi dan Urgensi Peraturan Menteri dalam Penyelenggaraan Pemerintahan Sistem Presidensial', *Jurnal Konstitusi*, 18.4 (2022). <https://doi.org/10.31078/jk1845>.

¹⁸ Yuniar Riza Hakiki, 'Kontekstualisasi Prinsip Kekuasaan sebagai Amanah dalam Pertanggungjawaban Presiden dan Wakil Presiden Republik Indonesia', *As-Siyasi: Journal of Constitutional Law*, 2.1 (2022). <https://doi.org/10.24042/as-siyasi.v2i1.11813>.

¹⁹ I. Made Pradana Adiputra, Sidharta Utama, and Hilda Rossieta, 'Transparency of Local Government in Indonesia', *Asian Journal of Accounting Research*, 3.1 (2018). <https://doi.org/10.1108/AJAR-07-2018-0019>.

²⁰ Winardi Winardi, 'The Impact of the Formation of Three New Provinces on Papua's Economic Performance', *Bestuurskunde: Journal of Governmental Studies*, 3.1 (2023). <https://doi.org/10.53013/bestuurskunde.3.1.43-55>.

Meanwhile, Malaysian elections are used to elect members of Parliament, namely the lower house of parliament which has 222 members. The legislative election system in Indonesia operated on an open proportional platform with a "based on majority vote" formula. According to Sarah and Suatmiati, the proportional system potentially violated the constitutional rights of citizens and political parties, prioritizing the exclusion or ignorance of voters from minority groups and women.²¹ In this case, the reformation of the electoral system for the Indonesian DPR (People Consultative Assembly) was highly required, by adopting the MMP (Mixed Member Proportional) platform similar to the frameworks in Germany and New Zealand.²² Furthermore, the State Council was the representative body (senate) comprising 70 senators, where 26 were elected by the legislative assembly and equivalent to 2 delegates each from 13 states. The remaining 44 senators were appointed by the *Yang di-Pertuan Agong*, including 40 Prime Minister-based delegates and 4 Federal District Representatives from Kuala Lumpur (2), Putrajaya (1), and Labuan (1).²³

Elections are held to elect members of the Malaysian parliament, totaling 222 Members of Parliament (MP). The electoral system is chosen from single-member electoral districts formed based on population, through general elections using a system of electing one representative. General elections were also conducted every five years or when parliament was dissolved by the *Yang di-Pertuan Agong* through the advice of the Prime Minister. Furthermore, the election system implemented a district system, showing that electoral districts focused on geographic units than population. Each electoral district (constituency) was subsequently represented by one member of the People Council (People Council Expert). The candidates for People Council Members were also selected by each political party in respective voting regions. In this case, the candidates obtaining the most votes were elected as People Council Members, following a principle of "winner takes all" (Interview Results with Prof. Farid Sufian Shuaib, expert in Constitutional Law from the Faculty of Law of the International Islamic University Malaysia, on August 12 2023 in Kuala Lumpur). However, the candidates with the fewest votes automatically lost the election without relevant considerations.²⁴

In Malaysia, the mechanism for counting election votes was easily carried out through a district system, with the winner commonly announced quickly. This proved that the successful political party with the most seats in each electoral district was capable of controlling the national parliament.²⁵ The parties successful in placing representatives in at least 50%+1 of the parliamentary seats also won the elections. The selection process was subsequently a system prioritizing "first-past-the-post",²⁶ showing that the party or coalition with 112 seats formed the government. In this context, the party with the highest number of votes was obligated to nominate and present a relevant Prime Minister candidate to the *Yang di-Pertuan Agong* for

²¹ Siti Sarah and Sri Suatmiati, 'General Election System in Indonesia Based on Law of The Republic of Indonesia No. 7 of 2017', *Jurnal Sosial Teknologi*, 2.9 (2022), 800-804. <https://doi.org/10.36418/jurnalsostech.v2i9.412>.

²² Sarah and Suatmiati.

²³ Ren Ming Fong, 'Reforming the Dewan Negara: Its Evolution and Options for Reform', *Journal of the Malaysian Parliament*, 2 (2022). <https://doi.org/10.54313/journalmp.v2i.55>.

²⁴ Elvin Ong, 'What Are We Voting for? Opposition Alliance Joint Campaigns in Electoral Autocracies', *Party Politics*, 28.5 (2022), 954-67. <https://doi.org/10.1177/13540688211032367>.

²⁵ Mohamad Fairuz Mat Ali and Mohammad Agus Yusoff, 'Malaysian Electoral System Reform and the Challenges of Its Implementation After the 14th General Election', *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, 7.1 (2022), 299-312. <https://doi.org/10.47405/mjssh.v7i1.1258>.

²⁶ Ahmad Kamal Ariffin Mohd Rus, Mohamad Khairul Anuar Mohd Rosli, and Siti Norul Aqillah Johar, 'Pilihan Raya di Persekutuan Tanah Melayu, 1948-1959 dan Pengenalan First Past the Post', *Akademika*, 91.3 (2022), 63-77. <https://doi.org/10.17576/akad-2021-9103-06>.

official appointment. However, a cabinet was not established when no party or coalition secured the threshold of 112 parliamentary seats. This rule was considered a potential limitation in cabinet formation, as observed during the 15th General Election (PRU-15) in 2022, where no party or coalition won a majority of parliamentary seats (Table 1).

Table 1. Results of the 15th General Election (PRU-15) Malaysia

No	Political Parties	Acquisition of Seats
1	<i>Pakatan Harapan (PH)</i>	82
2	<i>Perikatan Nasional (PN)</i>	74
3	National Front Coalition (BN)	30
4	Sarawak Party Association (GPS)	23
5	Sabah People's Association (GRS)	6
6	Sabah Heritage Party (<i>WARISAN</i>)	3
7	Malaysian National Party (PBM)	1
8	Community Democratic Welfare Party (KDM)	1
9	Independent (Independent Candidate)	2
	Amount	222

Since the 2009 Election, local Political Parties were observed in Aceh, portraying the governmental accommodation for the aspirations of the Acehnese people previously affiliated with the separatist movement Free Aceh Movement (GAM). This proved that the presence of local parties in Aceh prioritized the transformation of the GAM weapon-based struggle into political labor. Several Aceh parties were also considered the metamorphoses of the GAM organization.²⁷ In addition, Indonesian political parties were very dynamic and legislative candidate death before the election.²⁸ In this case, the King of Malaysia was constitutionally authorized to resolve the political impasse, as stipulated in Article 43 paragraph (2) letter a of the Malaysian Federal Constitution on the Cabinet states, "the *Yang di-Pertuan Agong* shall first appoint as Prime Minister (Prime Minister) to preside over the Cabinet a member of the House of Representatives who in his judgment is likely to command the confidence of the majority of the members of that House".²⁹

Therefore, the *Yang di-Pertuan Agong* appointed Anwar Ibrahim from the *Pakatan Harapan* Party to be the 10th Prime Minister of Malaysia after implementing the regulation and meeting with the Malay Kings.³⁰ The regulation in question is Article 40 paragraph (1A) and paragraph (2) of the Federal Constitution of Malaysia which reads, (1A) In the exercise of his functions under this Constitution or federal law, where the *Yang di-Pertuan Agong* is to act in accordance with advice, on advice, or after considering advice, the *Yang di-Pertuan Agong* shall accept and

²⁷ Zulfan Zulfan, Siti Ikramatoun, and Aminah Aminah, 'Aceh Local Political Party: The Rise, Victory, and Decline', *Multidisciplinary Science Journal*, 5 (2023). <https://doi.org/10.31893/multiscience.2023018>.

²⁸ Junaidi Awang Besar, 'Pilihan Raya Umum Malaysia Ke-15: Pola Sokongan Pengundi Berdasarkan Faktor Kewilayahan', *E-Bangi Journal of Social Science and Humanities*, 20.1 (2023). <https://doi.org/10.17576/ebangi.2023.2001.14>.

²⁹ Yordan Gunawan, 'Arbitration Award of ICSID on the Investment Disputes of Churchill Mining PLC v. Republic of Indonesia', *Hasanuddin Law Review*, 3.1 (2017), 14–26. <https://doi.org/10.20956/halrev.v3i1.948>.

³⁰ Pogadaev.

act in accordance with such advice. (2) The *Yang di-Pertuan Agong* may act in his discretion in the performance of the following functions, that is to say: (a) the appointment of a Prime Minister; (b) the withholding of consent to a request for the dissolution of Parliament; (c) the requisition of a meeting of the Conference of Rulers concerned solely with the privileges, position, honors and dignities of Their Royal Highnesses, and any action at such a meeting, and in any other case mentioned in this Constitution.

This was not consistent with the activities in Indonesia, where three election systems were observed, namely legislative, presidential/vice presidential, and regional. Since the 2019 General Election, voting activities were continuously performed simultaneously. This proved that the Legislative and Presidential Elections were conducted at the same time.³¹ Meanwhile, the Regional Head Polls were separately performed due to being excluded from the General Election, as stipulated in Article 22E paragraph 2 of the 1945 Constitution of the Republic of Indonesia. The article stated that General Elections were conducted to elect members of the People, Regional, President/Vice President, and Local Population Representative Councils.³² In Indonesia, legislative general elections were performed to elect members of the DPR (People Representative Council), DPD (Regional Representative Council), Provincial DPRD (Provincial Regional People Representative Council), and Regency DPRD (Regency/City Regional People Representative Council). This explained that the DPR was a legislative institution authorized to establish laws, while the DPD was specifically a regional representative of provinces across the country, a kind of senator in a union state system such as Malaysia. The representative institutions also had several functions, such as supervision, people political aspirations channeling, law establishment as a foundation for all parties, and income/expenditure budget formulation to finance relevant implementations.³³ Meanwhile, Provincial and Regency/City DPRD were regional legislative institutions located in the Province and Urban Areas, a kind of State Representative Council (DUN) in Malaysia. From the descriptions, two systems were observed for the election of legislative members in Indonesia, accompanied by the implementation of an open proportional platform to elect participants of the DPR, as well as Provincial and Regency/City DPRD. The election of DPD members also applied a multi-member district system, with the proportional platform considered an electoral framework focusing on population-based polling districts.³⁴ This proved that the votes obtained by political parties in the election were converted into seats. The district system was also an electoral system focusing on geographical areas, with the Indonesian platform observed at the provincial level.³⁵

The proportional system was open, proving that the list of candidate's names for DPR RI and DPRD members was technically presented on the ballot paper. This technical presentation allowed voters to select the picture of the political party and the name of the legislative

³¹ Yordan Gunawan and Yovi Cajapa Endyka, 'The Protection of Small and Medium Enterprises in Yogyakarta: The Challenges of ASEAN Economic Community', *Pertanika J. Soc. Sci. & Hum*, 25 (2017), 199-206.

³² Muhammad Syafei and Muhammad Rafi Darajati, 'Design of General Election in Indonesia', *Law Reform: Jurnal Pembaharuan Hukum*, 16.1 (2020). <https://doi.org/10.14710/lr.v16i1.30308>.

³³ Achmad Edi Subiyanto, 'Pemilihan Umum Serentak yang Berintegritas sebagai Pembaruan Demokrasi Indonesia', *Jurnal Konstitusi*, 17.2 (2020). <https://doi.org/10.31078/jk1726>.

³⁴ Soeleman Djaiz Baranyanan, Nilam Firmandayu, and Ravi Danendra, 'The Compliance of Regional Autonomy with State Administrative Court Decisions', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 2.1 (2024), 35-52. <https://doi.org/10.53955/jsderi.v2i1.25>.

³⁵ Muhammad Mutawalli and others, 'Legislative Elections: An Overview of Closed Proportional System', *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 8.2 (2023), 93-103. <https://doi.org/10.22373/petita.v8i2.200>.

candidate listed on the ballot paper. Candidates for legislative members were also nominated regarding the majority of votes in respective electoral districts, corresponding to the available parliamentary seats. Compared to the multi-member district system, DPD candidate members having the first to fourth most votes in each province were elected as participants of the DPD RI representing respective regions.³⁶ Therefore, the electoral systems in Indonesia and Malaysia have many fundamental differences. In this case, Indonesia implemented two election systems at once, namely proportional and district, while Malaysia only adopted one district framework.³⁷ The Proportional System was implemented in selecting candidates for DPR RI and DPRD members in Indonesia, while the multi-representative District framework selected representatives for DPD RI delegates.³⁸ In Malaysia, the District System was utilized to elect candidates of parliament. In addition, the application of the Indonesian proportional system was adapted to a unitary state, as well as the large and uneven population. This adaptation was because the majority of the population resided on the island of Java.³⁹

In theory, both the proportional system and the district system have their respective advantages and disadvantages.⁴⁰ The proportional system is considered representative as the number of party seats in parliament corresponds to the number of people's votes in general elections, and it is also viewed as more democratic and egalitarian without distortion. However, the weaknesses of the proportional system include a lack of encouragement for parties to integrate or collaborate, a tendency to reinforce differences, facilitation of party fragmentation, and the granting of a strong position to party leadership through the candidate list system.⁴¹

On the other hand, the advantages of the district system lie in its promotion of political party integration by requiring only one seat in each electoral district.⁴² This system can control party fragmentation, naturally lead to party simplification, and establish closer relationships between elected representatives and constituents. For larger parties, the district system is advantageous as it allows them to gain votes from other voters through the distortion effect, thus securing a majority position in parliament more easily without the need to form coalitions with other parties. The district system is also considered simple and easy to maintain.⁴³

³⁶ Sugianto Sugianto, Sudarsono Sudarsono, and Aan Eko Widiarto, 'Legal Implications of Regulating the Authority of The Regional Representative Council of the Republic of Indonesia (DPD RI) in Supervising Draft Regional Regulations and Regional Regulations', *International Journal of Social Science Research and Review*, 4.4 (2021). <https://doi.org/10.47814/ijssrr.v4i4.117>.

³⁷ Sunarso and others.

³⁸ Asrinaldi, Mohammad Agus Yusoff, and dan Zamzami Abdul Karim, 'Oligarchy in the Jokowi Government and Its Influence on the Implementation of Legislative Function in Indonesia', *Asian Journal of Comparative Politics*, 7.2 (2022), 189–203. <https://doi.org/10.1177/2057891121995564>.

³⁹ Yordan Gunawan, M. Fabian Akbar, and Eva Ferrer Corral, 'WTO Trade War Resolution for Japan's Chemical Export Restrictions to South Korea', *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 9.3 (2017), 408–31. <https://doi.org/10.22304/pjih.v9n3.a6>.

⁴⁰ Zuly Qodir, Haedar Nashir, and Robert W. Hefner, 'Muhammadiyah Making Indonesia's Islamic Moderation Based on Maqāsid Shari'ah', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 23.1 (2023), 77–92. <https://doi.org/10.18326/IJTIHAD.V23I1.77-92>.

⁴¹ Joseph JB Perangin; Fifiana Wisnaeni Angin, 'The Idea of Implementing a District Election System as an Alternative for Simplifying Political Parties in Indonesia', *De Lega Lata: Jurnal Ilmu Hukum*, 7.2 (2022). <https://doi.org/10.30596/dll.v7i2.10230>.

⁴² Kardiansyah Afkar Zainal Arifin Mochtar, 'President's Power, Transition, and Good Governance', *Bestuur*, 10.1 (2022), 68–83. <https://doi.org/10.20961/bestuur.v10i1.59098>.

⁴³ Angin.

However, the weaknesses of the district system include a lack of consideration for the interests of small parties and minority groups, especially if they are scattered across various districts. The system is deemed less representative because a party losing its candidate in a district loses the votes that supported it, and there is a possibility that elected representatives may prioritize the interests of their district and constituents over national interests.⁴⁴

The implementation of the proportional system in Indonesia is considered appropriate, given the vast geographical area and the imbalance in population density among different regions. This is crucial to achieve a balance between the number of votes and the seats obtained by political parties in parliament.⁴⁵ To address potential weaknesses of the proportional system, variations are introduced with an Open Candidate List and the most votes serving as the determinant for the election of legislative candidates. With this model, it is expected to reduce the dominance of party leaders in determining elected candidates, as it is determined directly by the people through elections, not based on numerical order.⁴⁶

Additionally, the application of the Presidential Threshold in presidential nominations is seen as a measure to encourage political party coalitions and reduce political fragmentation in parliament, although there is also the potential for the formation of cartel coalitions if too many parties join.⁴⁷ The implementation of the district system in Malaysia is also deemed appropriate as it aligns with the federal or union form of the country, prioritizing regional representation. Weaknesses of the district system have been anticipated with the existence of political parties representing various ethnicities, such as the Malay, Chinese, Indian ethnicities,⁴⁸ as well as parties based on state and Islamic principles.⁴⁹

Based on voting age, several differences were observed within the limits in both countries. This explained that the minimum voting age limits were 17 and 18 years in Indonesia and Malaysia, respectively.⁵⁰ The 18-year limit was also implemented during the 15th General Election (PRU-15), increasing the number of young voters.⁵¹ Another difference can be seen in the voting rights of the armed forces in the two countries, where the Indonesian National Army (TNI) does not have the right to vote, while Malaysian soldiers can exercise their right to vote in elections.⁵²

This explained that the Malaysian soldiers were privileged to vote before the election due to relevant security management to be performed during the polling process. Several

⁴⁴ Angin.

⁴⁵ Ahmad Siboy, 'The Integration of the Authority of Judicial Institutions in Solving General Election Problems in Indonesia', *Legality: Jurnal Ilmiah Hukum*, 29.2 SE-Journal's Articles (2021), 237-55. <https://doi.org/10.22219/ljih.v29i2.15608>.

⁴⁶ Yordan Gunawan and others, 'Does the Protection of Minority Groups in Xinjiang Fail?', *Sriwijaya Law Review*, 4.2 (2020), 205-20. <https://doi.org/10.28946/slrev.Vol4.Iss2.432.pp205-220>.

⁴⁷ Asrinaldi, Yusoff, and Karim.

⁴⁸ Andreas Ufen, 'Malaysian Politics and Government', in *Political Science*, 2023. <https://doi.org/10.1093/obo/9780199756223-0359>.

⁴⁹ Syamruddin Nasution and Abd. Ghofur, 'Politik Islam di Malaysia; Studi tentang Partai Al-Islam Se-Malaysia (PAS) di Kelantan', *An-Nida'*, 43.2 (2019). <https://doi.org/10.24014/an-nida.v43i2.12321>.

⁵⁰ Mohammad Hazyar Arumbinang, Yordan Gunawan, and Andi Agus Salim, 'Prohibition of Child Recruitment as Soldiers: An International Regulatory Discourse', *Jurnal Media Hukum*, 30.1 (2023), 21-32. <https://doi.org/10.18196/jmh.v30i1.19322>.

⁵¹ Mohd Mahadee Ismail, Zatul Himmah Adnan, and Mohd Sobhi Ishak, 'Kecenderungan Pengundi Baharu dalam Pilihan Raya Umum Ke-15', *Malaysian Journal of History, Politics & Strategic Studies*, 50.2 (2023). <https://doi.org/10.17576/jebat.2023.5002.08>.

⁵² Khairul Fahmi, 'Pergeseran Pembatasan Hak Pilih dalam Regulasi Pemilu dan Pilkada', *Jurnal Konstitusi*, 14.4 (2018). <https://doi.org/10.31078/jk1443>.

differences were also observed in voting rights for convicts, as Indonesian prisoners were included in the election procedures, except those sentenced to additional crimes. Meanwhile, all Malaysian prisoners were not allowed to vote during elections due to being considered morally defective.⁵³

3.3. The Party Systems in Indonesia and Malaysia

According to Maurice Duverger, party systems were classified into three types, namely single, dual, and multi-parties.⁵⁴ These systems were similar in Indonesia and Malaysia, with a multiparty platform often implemented. The majority of Political Parties in both countries were also founded to contest General Elections, without declining the possibility of having other functions. Furthermore, Kristina Weissenbach divided the roles and functions of political parties into three different domains, namely (1) general election tasks, 2) organizational operations, and 3) government responsibilities.⁵⁵ In the New Order and 1999 Reformation Periods, the number of political parties in Indonesia was three and >3, respectively. Table 2 shows the dynamics of the political parties in Indonesian elections.

Table 2. Development of Political Parties in Indonesia

No	Implementation of Elections	National Political Party	Local Political Parties in Aceh	Number of Political Parties Participating in the Election
1	1999	48	-	48
2	2004	24	-	24
3	2009	38	6	44
4	2014	12	3	15
5	2019	16	4	20
6	2024	18	6	24

Since the 2009 Election, local Political Parties were observed in Aceh, portraying the governmental accommodation for the aspirations of the Acehnese people previously affiliated with the separatist movement Free Aceh Movement (GAM). This proved that the presence of local parties in Aceh prioritized the transformation of the GAM weapon-based struggle into political labor. Several Aceh parties were also considered the metamorphoses of the GAM organization.⁵⁶ In addition, Indonesian political parties were very dynamic and unstable at every 5-year democratic party. The large number of political parties also represented the expression of a very different citizenry freedom.⁵⁷

⁵³ Marcus Mietzner, 'Populist Anti-Scientism, Religious Polarisation, and Institutionalised Corruption: How Indonesia's Democratic Decline Shaped Its COVID-19 Response', *Journal of Current Southeast Asian Affairs*, 39.2 (2020). <https://doi.org/10.1177/1868103420935561>.

⁵⁴ Vasily Kuznetsov, 'Algeria: Political Participation During the Transformation of Political Regime after 2019', *Novaya i Novejshaya Istoriya*, 67.1 (2023). <https://doi.org/10.31857/S013038640021357-0>.

⁵⁵ Syafei and Darajati.

⁵⁶ Zulfan Zulfan, Siti Ikramatoun, and Aminah Aminah, 'Aceh Local Political Party: The Rise, Victory, and Decline', *Multidisciplinary Science Journal*, 5 (2023). <https://doi.org/10.31893/multiscience.2023018>.

⁵⁷ Ramlan Siregar, Zulkarnain, and Safrizal Rambe, 'The Journey of Political Parties in Indonesia in the State System', *British Journal of Philosophy, Sociology and History*, 2.1 (2022). <https://doi.org/10.32996/bjps.2022.2.1.3>.

Table 3. Political Parties Contesting the 2024 Election

No	Political Parties	Types of Political Parties
1.	<i>Partai Kebangkitan Bangsa (PKB)</i>	National Party
2.	<i>Partai Gerakan Indonesia Raya (GERINDRA)</i>	National Party
3.	<i>Partai Demokrasi Indonesia Perjuangan (PDIP)</i>	National Party
4.	<i>Partai Golkar</i>	National Party
5.	<i>Partai Nasional Demokrat (NASDEM)</i>	National Party
6.	<i>Partai Buruh</i>	National Party
7.	<i>Partai Gelombang Rakyat Indonesia (GELORA)</i>	National Party
8.	<i>Partai Keadilan Sejahtera (PKS)</i>	National Party
9.	<i>Partai Kebangkitan Nusantara (PKN)</i>	National Party
10.	<i>Partai Hati Nurani Rakyat (HANURA)</i>	National Party
11.	<i>Partai Gerakan Perubahan Indonesia (GARUDA)</i>	National Party
12.	<i>Partai Amanat Nasional (PAN)</i>	National Party
13.	<i>Partai Bulan Bintang (PBB)</i>	National Party
14.	<i>Partai Demokrat</i>	National Party
15.	<i>Partai Solidaritas Indonesia (PSI)</i>	National Party
16.	<i>Partai Persatuan Indonesia (PERINDO)</i>	National Party
17.	<i>Partai Persatuan Pembangunan (PPP)</i>	National Party
18.	<i>Partai Nangroe Aceh</i>	Local Party
19.	<i>Partai Generasi Atjeh Beusaboh Tha'at and Taqwa</i>	Local Party
20.	<i>Partai Darul Aceh</i>	Local Party
21.	<i>Partai Aceh</i>	Local Party
22.	<i>Partai Adil Sejahtera Aceh</i>	Local Party
23.	<i>Partai Solidaritas Independen Rakyat Aceh</i>	Local Party
24.	<i>Partai Ummat</i>	National Party

Based on Table 3, the Political Parties participating in the 2024 Electoral Processes were determined through General Election Commission Decision Number 518 of 2022 on Determination of Political Parties Contending in the General Election for Members of the People's Representative Council and Regional People's Representative Council and Aceh Local Political Parties Contending in the General Election for Members of the Aceh People's Representative Council and Regency/Municipal People's Representative Council in 2024, following the stages of registration, as well as administrative and factual verifications.⁵⁸ Malaysia also adhered to a multiparty system, due to various independent and collective participants in the voting activities, especially during the 15th General Election (PRU) in 2022.

⁵⁸ Mustafa Mustafa and Reizki Maharani, 'Evaluasi Pendaftaran, Verifikasi, dan Penetapan Partai Politik Peserta Pemilihan Umum 2024', *Resolusi: Jurnal Sosial Politik*, 6.1 (2023). <https://doi.org/10.32699/resolusi.v6i1.4327>.

Table 4. List of Parties and Party Coalitions in Malaysia

No	Political Parties	Political Party Coalition
1	Democratic Action Party (DAP)	<i>Pakatan Harapan</i> (PH)
2	People's Power Party (PKR)	
3	National Trust Party (Amanah)	
4	United Progressive Kinabalu Organization (UPKO)	
5	Malaysian Democratic Association (MUDA)	
6	Malaysian Islamic Party (PAS)	<i>Perikatan Nasional</i> (PN)
7	United Earth Party of Malaysia (BERSATU)	
8	United Malay National Organization (UMNO)	
9	Malaysian Chinese Association (MCA)	National Front (BN)
10	Malaysian Indian Congress (MIC)	
11	Sabah People's United Party (PBRS)	
12	United <i>Bumiputera Pesaka</i> Party (PBB)	
13	Sarawak People's Party (PRS)	
14	Progressive Democratic Party (PDP)	
15	Sarawak United People's Party (SUPP)	
16	Bersatu Sabah	Sarawak Party Association (GPS)
17	United Sabah Party (PBS)	
18	Solidarity Party	Sabah People's Association (GRS)
19	Heritage Party (WARISAN)	
20	Malaysian National Party (PBM)	
21	Community Democratic Welfare Party (KDM)	

Although Indonesia and Malaysia had similar party systems, differences were still observed, especially in the tradition of coalitions or combinations between political parties. This showed that the coalitions in Malaysia were stable,⁵⁹ relatively permanent, and not easily changed during elections. Meanwhile, the coalitions in Indonesia were fluid and incidental, due to random changes regarding political calculations at the electoral politics moment.⁶⁰ Only a few parties had solid democratic consolidation in the country, as the factions affected and unaffected by corruption cases had good resilience and low constitutional performance, respectively.⁶¹ Furthermore, the measurement of democracy quality was the effective

⁵⁹ Sebastian Dettman and Edmund Terence Gomez, 'Political Financing Reform: Politics, Policies and Patronage in Malaysia', *Journal of Contemporary Asia*, 50.1 (2020). <https://doi.org/10.1080/00472336.2019.1571218>.

⁶⁰ Muhamad Haris Aulawi and others, 'Governing Indonesia's Plan to Halt Bauxite Ore Exports: Is Indonesia Ready to Fight Lawsuit at the WTO?', *Bestuur*, 11.1 (2023), 26-42. <https://doi.org/10.20961/bestuur.v11i1.69178>.

⁶¹ Dyah Mely Anawati and Ridho Al-Hamdi, 'Soliditas Partai dan Stabilitas Perolehan Suara: Konsolidasi Partai Keadilan Sejahtera pada Pemilihan Umum Legislatif 2014', *JISPO Jurnal Ilmu Sosial Dan Ilmu Politik*, 10.1 (2020). <https://doi.org/10.15575/jispo.v10i1.4636>.

mechanism for selecting legislative candidates,⁶² with coalition maps often transformed during voting activities, especially the Presidential and Regional Head Elections. This was because the established coalitions prioritized the pragmatic interests of winning the Presidential and Regional Head Elections, not the same ideology/vision and mission of political parties. Changing the coalition map also risked the reduction of democratic impact on government performance.⁶³

4. Conclusion

In conclusion, there are fundamental differences in the electoral systems between Indonesia and Malaysia. Indonesia implements a Proportional Representation System and a Multi-District System, whereas Malaysia only adopts a District System for the election of Parliament members. The Proportional Representation System in Indonesia is used to select members of the Indonesian House of Representatives (DPR RI) and Regional Representative Council (DPRD), while the multi-district system is used to select members of the Regional Representative Council. In Malaysia, the District System is used for the election of parliament members. Parliamentary elections in Malaysia affect the appointment of the Prime Minister by the *Yang di-Pertuan Agong*. The political party that wins the elections and controls the majority of seats in Parliament has the right to nominate a Prime Minister to the *Yang di-Pertuan Agong* for appointment. This is different from Indonesia, where the President is directly elected by the people, so the victory of a party in legislative elections does not affect the President's election. Therefore, in Indonesia, it is possible for an elected President not to be supported by a majority of seats in parliament. The application of the proportional system in Indonesia is also adjusted to the unitary state and the uneven population distribution. The application of the district system in Malaysia is also appropriate because it supports the federal system adopted by Malaysia. Moreover, both countries share similarities in the implementation of a multi-party system.

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⁶² Lukas Rudolph and Thomas Däubler, 'Holding Individual Representatives Accountable: The Role of Electoral Systems', *The Journal of Politics*, 78.3 (2016). <https://doi.org/10.1086/685378>.

⁶³ Heike Klüver and Jae Jae Spoon, 'Challenges to Multiparty Governments: How Governing in Coalitions Affects Coalition Parties' Responsiveness to Voters', *Party Politics*, 23.6 (2017). <https://doi.org/10.1177/1354068815627399>.

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