The Politicization Of Identity Undermines Indonesian Democracy
(Case Study: Jakarta Regional Elections In 2017)

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Abstract

The implementation of elections that abuse identity politics by spreading hate speech, hoaxes, slander, and defamation carried out by election participants, their campaign teams, and among the people of each candidate's supporters, began to rampant massively, especially in the election of candidates for the Governor of DKI Jakarta 2017, thus making the implementation of elections in Indonesia polluted, with the emergence of friction between the people of DKI Jakarta and the people throughout Indonesia because he supports a candidate pair who is not the same identity as him. If something like this is allowed and repeated, it can give an open space for division and pitting against the people of Indonesia. The politicization of identity is in the form of politicizing religious and ethnic symbols as a political tool. This study examines three problems, namely first, how to politicize identity from a legal perspective, second, how to enforce the law of identity politicization, and third, how to implement democracy without politicizing identity. The approach methods used in this study are the Legislative Approach, the Case Approach, and the Sociological Jurisprudence Approach. This study utilizes primary and secondary data which are then analyzed qualitatively to interpret the legislation that is the juridical basis for the implementation of elections, especially regional elections in Indonesia. The findings of this research are expected to benefit the implementation of elections in Indonesia in the future, in order to avoid the use of Identity Politics in every campaign period, as well as recommendations to the Government, especially the President of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia and the House of Representatives of the Republic of Indonesia as authorized officials and have the right to take the initiative in making and changing laws. to include phrases and criminal sanctions related to identity politics expressly in articles related to General Elections.

Keywords: election, regional election, identity politicization, democracy.

Introduction

Indonesia is a country of law based on Pancasila and the Constitution of the Republic of Indonesia in 1945. This is confirmed as stated in the 1945 Constitution of the Republic of

Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia) Article 1 paragraph 3, which states that "The State of Indonesia is a State of". As a legal state, Indonesia also adheres to the principle of being a democratic legal state, as stated in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which reads: "Sovereignty is in the hands of the People and is carried out according to the Constitution." Therefore, as a democratic legal state, Indonesia holds direct, free, secret, honest, and fair elections every five years to choose representatives in both the executive and legislative bodies, at both the national and regional levels.

The implementation of elections in Indonesia has been regulated in Law No. 7 of 2017 along with its amendments as stipulated in Law No. 7 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law No. 1 of 2022 concerning Amendments to Law No. 7 of 2017 concerning General Elections into Law.

Political participation, which is a form of embodiment of people's sovereignty, is a very fundamental thing in the democratic process. Every citizen and community group in the democratic process gets the space to participate in politics as a form of their participation in influencing the process of making and implementing public policies and participating in determining the leader of a government. However, the space obtained is politicized by groups on the basis of identity in society. This has the opportunity to weaken the values of democracy itself and lead to divisions that cause political instability.

Politicization is the process of acquiring political capital by a group, institution, or activity directed to achieve interests in achieving or maintaining power. Meanwhile, what is meant by identity is in accordance with the prevailing understanding in political science and sociology, namely social categories in which people placed in a category are assumed to have the same 'identity'. Identity is then used to achieve certain interests of the group concerned. Identity politicization means that identity is politicized through extreme approaches and interpretations, which aim to gain support from people who feel "the same", whether racial, ethnic, religious, or other adhesive elements. As a result, when the identities that appear contradict each other and the state cannot overcome them, it will cause conflicts in society.

Ethnicity and religion are part of identity that are often instrumented or politicized by a group of people for their own sake. As Huntington asserts, primordial identities are indeed a major factor in friction between civilizations. In Indonesia, a country that places religious affairs as part of state affairs, religion is often a source of strength in exerting pressure on different groups.

The political process in Indonesia has been marred by cases of religious identity politics that undermine democratic reasoning. The implementation of elections that misuse identity politics by spreading hate speech, hoaxes, slander, and defamation by election participants, their campaign teams, and among supporters of each candidate, has become increasingly rampant, especially in the 2017 Jakarta gubernatorial election. This has tainted the conduct of elections in Indonesia, causing friction among the people of Jakarta and citizens across Indonesia who support candidates with different identities. An example of the case experienced by the late Grandma Hindun binti W. Raisman in Setia Budi, South Jakarta who was refused to be prayed

by the musholla because she supported a pair of candidates with different identities, is a very phenomenal election event. If something like this is allowed and repeated, it can give an open space for division and pitting against the people of Indonesia.

The development of identity politicization in election competition in Indonesia deserves attention, because the practice of identity politicization has the potential to lead to the opposite impact to the goals of democracy. Therefore, it is important to regulate identity politics in the implementation of election campaigns in the future, especially in the laws and regulations on elections, in order to regulate and specifically contain the meaning of the phrase identity politics and its criminal sanctions. In Law Number 7 of 2017 concerning General Elections (Election Law), there is also no detailed explanation of the meaning of identity politics.

Meanwhile, Law Number 1 of 2023 concerning the Criminal Code (Criminal Code Law) only contains provisions for criminal acts on the basis of racial and ethnic discrimination, but does not clearly define and regulate criminal sanctions for those who politicize identities in election campaigns. In addition, in Law Number 10 of 2016 Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law (Pilkada Law), it is only said that the prohibition of "insulting" SARA does not detail the insulting word.

Based on the above, the author is interested in writing with the following research questions: firstly, how is identity politicization viewed from a legal perspective; secondly, how is the enforcement of the law regarding identity politicization; and thirdly, what is the ideal concept of implementing democracy without identity politicization.

Methods

The research method used in this writing is a research method with an empirical approach, which will then be analyzed by qualitative and quantitative data analysis. The specification of this research is descriptive analysis, namely in the form of depiction, review, and analysis of facts in the field as well as legal provisions that apply comprehensively and systematically related to identity politicization. This research approach uses a statute approach, a case approach, and a Sociological Jurisprudence approach. The data collection technique used in this study is library research or known as document study and interviews with competent people who are relevant to this study. The data sources used are primary data sources and secondary data sources. Secondary data in this study are sourced from primary legal materials, secondary legal materials, and tertiary legal materials

Politicization of Identity from a Legal Perspective

Indonesia is a nation composed of various ethnicities, religions, races, and cultures. With a large population and diverse cultural, religious, and ethnic backgrounds, this nation often faces a situation where unity is at stake. The solution lies in finding a common ground that can serve as a foundation to unite the many people and their interests. Hence, our national motto was born:

"Bhinneka Tunggal Ika," which means "Unity in Diversity." As time passes, Indonesia's unity faces many threats, both external and internal.

Identity politicization is characterized by the use of identity sentiments (race, ethnicity, religion, nationalism, ethnicity, color, and/or a combination of these identities) to seize and defend political-economic power from elites (political and business). Its political-economic agenda is in no way aimed at liberating the oppressed in society and as such, identity politicization has always been based on the group whose identity is the majority.

Identity politicization is inseparable from the weak institutionalization of political parties in Indonesia, thus encouraging politicians to collaborate with civil society actors to reproduce identity issues for the sake of elections. One of the factors that weaken the institutionalization of political parties, namely the personalization of political parties by their leader figures who are connected to a network of mass bases that often represent a certain identity. This makes the politicization of identity increasingly facilitated in various election events.

The phenomenon of identity politicization is experienced by every country, in Indonesia identity politicization is related to issues of ethnicity, religion, ideology and local interests represented in general by the elite based on their respective interests. The phenomenon of politicization of identity based on religion and ethnicity is getting stronger ahead of elections in Indonesia. The camps supporting the candidates form axes to fight each other through identities attached to the candidate's personal character which is then passed on to the supporting components.

Identity politicization gained momentum in the 2017 Jakarta gubernatorial election. The fight for the DKI 1 seat was then filled with religious sentiments since Basuki Tjahaja Purnama, or Ahok, was accused of blasphemy against Islam while giving an official speech in the Thousand Islands in September 2016. After the video clip of the speech was widely spread on social media, various Islamic groups held protests both in Jakarta and in other regions. The action, which was attended by hundreds of thousands to millions of participants, was named as the Defending Islam Action which was carried out three times, namely on October 17, 2016, November 4, 2016, and December 2, 2016. They demanded that the government have legal proceedings against Ahok on blasphemy charges enforced. They include the Islamic Defenders Front (FPI), the Muslim Ummah Forum (FUI), Hizb ut-Tahrir Indonesia (HTI), the National Movement for Fatwa Defenders of the Indonesian Ulama Council (PNPF-MUI), and dozens of other Islamic organizations.

The same thing is done by the Hindu nationalist-extremist group of India (Hindutva) who claim that Hinduism as the majority religion is superior, high, and appropriate to manage political power compared to other religions. In the 2014 elections, Narendra Modi adopted a Hindu strategy and promised the people to establish Hindu places of worship. Therefore, the religious nationalist party (Bharatiya Janata Party) is very popular among the Indian community. Although secularism has become the ideology of modern India, the reality is that politics in India, especially in elections and regional elections, is still colored by ethnoreligious identity. In addition, in the United States, the issue of race has become deeply rooted and plays an important role in attracting voters, due to the nature of elections in the United States that are voluntary in

person or by mail. Since 2010, 25 states have enacted increasingly difficult voting rules, such as voters must register with photo identification and must pay fines for felony, which makes it increasingly difficult for citizens with low incomes and less educated, especially African Americans, Native Americans, and Latinos to participate.

It can be seen that there are many demonstrations taking place regarding the issue of racism that is so deep-rooted, especially coupled with police brutality against black people, learning from the presidency of Donald Trump in 2017, who strongly upheld white supremacy. This can be seen from Trump's control of Covid-19, where people of color are more moral than white people, showing the disparity in health facilities in the United States.

At the same time, while basing their claims on the identity of the majority in society, the supporters of this identity politicization always make minority groups/identities a threat to their economic-political interests. This is what observers often refer to as the "minority mentality." With such a character, the politicization of identity is not at all progressive, let alone revolutionary, but conservative and reactionary.

Enforcement of Identity Politicization

Identity politics will only divide society because it is prone to conflicts due to issues of ethnicity, religion, race, and inter-group (SARA). Identity politics will group society into two parts and bring down opponents with things related to identity, with their respective initials, as an effective and highly emotional strategy to get the most votes. This model of identity politics can trigger latent conflicts and dangers among society, if allowed to persist and not intervene with positive narratives. Relations between religious communities will be divided which ultimately threatens the stability of the Unitary State of the Republic of Indonesia (NKRI). Identity politics in the name of religious issues, usually prioritizes political interests that are peppered with various verses and religious symbols. To his listeners, it felt like a heavenly smell, so that those affected did not feel any danger to them. This model of political approach, slowly or quickly, will injure and compartmentalize society, which ultimately damages the order of people's lives.

The historical portrait of political conflicts on the basis of identity is a valuable lesson for the journey of the Indonesian nation that national unity and unity can be divided when identity politics cannot be managed effectively, channelized and even prevented. There are several dangers of misusing identity politics for the unity and unity of the nation and the continuity of the Unitary State of the Republic of Indonesia (NKRI) as a Pancasila state, including the following:

Threatening the Integrity of the Unitary State of the Republic of Indonesia (NKRI)

Currently, the threat to the integrity of the nation is increasingly worrying because identity politics that prioritizes religious identity is becoming more and more thickened. Not only identity politics, in fact, currently there are groups that are starting to question the nation's ideology. Of

course, this is a very big threat to the integrity of the nation. It is very ironic, why in the 2017 Regional Elections there were parties who questioned the state ideology. Even though there used to be none, even until the New Order era and several direct elections in the reform era until the 2014 elections, no one questioned the nation's ideology, understanding the dangers of identity politics in society. It needs to be given because the issue of ethnicity, religion, race, and inter-group (SARA) concerns the emotions of the masses who some do not even know the real facts, such as examples of violations of social norms and examples of Pancasila values.

Causing Sheep Fighting/Divisions

In fact, politics in the name of identity will be able to bring the impact of sheep fighting between one party and another. Moreover, if it is related to identity, whether religious or personal, this will be felt more sensitive. Because identity politics is actually cruel and sharp because it can plunge them into the abyss of hostility which will ultimately bring various impacts that can threaten the unity and unity of the nation.

The Threat of Pluralism

Pluralism (English: pluralism), consists of two words plural which means diversity and isme which means understanding, which means understanding diversity. The definition of pluralism is often misinterpreted as a diversity of ideas that ultimately triggers ambiguity. Pluralism can also mean a willingness to accept diversity (plurality), that is, to live tolerantly in a society that has different ethnicities, groups, religions, customs, and views on life. Pluralism implies actions that lead to the recognition of freedom of religion, freedom of thought, or freedom to seek information, so that to achieve pluralism it is necessary to have the maturity of the personality of a person and/or a group of people.

Causing Polarization and Pragmentation of Political Power

The polarization of indigenous and non-indigenous issues also cannot be considered a thing of the past. Our memory is still fresh considering the riots that cost unspeakable lives in the days leading up to the collapse of the regime in Indonesia. Non-indigenous issues were trumpeted to attack those who were white and narrow-eyed, an identity that is now often referred to as 'aseng'. In fact, if the community cares about literacy and is given proportional information, they will find traces of indigenous people that are not only owned by one tribe or race. The rows of national freedom fighters were born from different identities. If we continue to insist on indigenous sentiments, then according to history, we will return to the era of homo erectus a million years ago as punishment for minor human rights violations.

Bringing Disputes/Conflicts

Disputes about religion and divine claims will certainly never be resolved. In fact, even a person who claims to be an atheist cannot in essence deny the existence of the Divine Substance.

In fact, if this clash of primordial identities is allowed to continue, then our democracy is no different from a wilderness, the strong will pounce on the weak, and the many will be in power.

Soerjono Soekanto said that the five elements of law enforcement (Law enforcement) meaning that to implement law enforcement in Indonesia is greatly influenced by five factors, namely: 1) Law, 2) mentality of law enforcement officials, 3) community behavior, 4) facilities, and 5) culture. In these five factors, there is an interplay between one factor and another. The existence of legal norms formulated in laws, for example as law in books, is very determined by its prospects in society in terms of law in action or law in the construction of reality by the mentality of law enforcement officials. The performance of law enforcement officials will determine the prospects for law enforcement.

The existence of a clear and firm legal umbrella, especially related to the prohibition of identity politics content in the Regional Head Election, is one of the keys to providing a strong foundation for the KPU and Bawaslu in exercising their authority. The General Election Commission (KPU) as the organizer of elections in Indonesia needs to make more specific regulatory arrangements regarding campaign materials. This is important to do as a control of excessive negative impacts related to identity politics. The way that must be done is at least to strengthen regulations regarding the substance of campaign materials, what is allowed and what should not be clearly depicted in the KPU regulations. In addition, the law must strictly regulate sanctions for election participants and campaigns that use the issue of primordialism as their campaign jargon.

In addition, the rule of law must be supported by a democratic system, because there is a clear correlation between the state of law that rests on a constitution based on people's sovereignty which is run through a democratic system. The essence of the democratic system is the participation of the people or citizens. However, democracy without legal regulation will lose its form and direction, while law without democracy will lose its meaning.

Ideal Concept of Implementing Democracy without Identity Politicisation

Democracy as a system has been used as an alternative in various social and state activities in several countries. As admitted by Moh. Mahfud MD, there are two reasons for choosing democracy as a social and state system. First, almost all countries in the world have made democracy a fundamental principle. Second, democracy as the essential principle of statehood has provided direction for the role of society to organize the State as its highest organization. Therefore, it is necessary to have the correct knowledge and understanding of democracy in the community.

Basically, democracy in Indonesia itself is dynamic with many diverse problems, so it is not uncommon to be the cause of division between groups. Because of the differences in diversity in Indonesia, it is recorded as one of the main factors for the occurrence of conflicts, such as conflicts between religions, between ethnicities, and between tribes. These problems are becoming more and more vibrant, not only a problem of one identity but encompassing all

identities. The vibrancy of this conflict between identities can often be found as part of the democratization process, which can also be said to be "wild democracy".

Identity politics tends to be more about ideological issues, religion and the interests of Indonesians themselves. It could be that the existence of this identity politics has made several conflicts that almost threaten the unity and unity of the Indonesian nation itself. It is appropriate for the Indonesian nation to strengthen the strength of a solid democracy so that it is not easy to shake the current Pancasila ideology.

The position of democracy in identity politics in Indonesia itself has not been directed as expected by all people. The existence of the problem of the Regional Elections or the replacement of political elite players today makes it difficult to stay on the procedure for political shifts during democracy. Actually, the purpose of community democracy as a form of social welfare is still limited. These limitations that become a scapegoat for problems arising from certain individuals or groups that discriminate on the identity of a certain group can also demean each other to different groups or not have the same goal with them.

Identity politics has a considerable opportunity for equality and also imbalance where the process leads to democracy in a country. Indonesia itself makes identity politics divided into dominating groups, including Muslim communities and nationalist communities. It is the responsibility of all people to maintain this stability, if the government does not take part in this management, there may be an imbalance for the state and even almost destroy the Indonesian state. It is no longer the interest of political games, but how between the community, the government and politicians can stabilize this identity politics, because there is a difference that makes the democratic system unable to run according to what is expected to be a role model for society.

The role of the community itself in democracy is very useful in realizing the election of leaders. In addition, the community also has the right to be a supervisor of the election of leaders or heads of state later. Democracy is a place of competition against politics. Although later people will be given freedom in politics or choose the leader of their country.

Likewise with the role and function of the government. Government support is not only for election funds but also the responsibility of maintaining regional conduciveness. The government really needs to touch the community directly through education and political mentality. So that when the contest ends, everyone returns to their respective origins, namely becoming citizens who continue to uphold unity and unity as well as harmony among others.

Likewise, the duties and functions of the Indonesian National Army (TNI) / Indonesian National Police (Polri), as the front line of maintaining national security and resilience as well as the integrity of the Unitary State of the Republic of Indonesia (NKRI), the agency is expected to always maintain neutrality and not take sides with one of the contestants.

No less important is the role of the mass media. The presence of the media at every election momentum is expected to always support the work of the organizers, facilitating equal rights for candidates and election participants. More importantly, it always brings peace, harmony of voters without causing controversy, which leads to a sheep fight between one contestant and another.

With the dignified election writing and content, it is hoped that the public can be more educated in understanding politics, rational in making political choices and always protect each other in social relations even though they have different choices. Thus, the issue of identity politicization can be smaller and more able to minimize its existence.

Conclusion

The strengthening of identity politicization in elections in Indonesia is inseparable from the pattern of using identity by parties and political elites in gathering vote support in the previous era. The weak institutionalization of the party also encourages parties and political elites to collaborate with elites in the realm of civil society who have voting nodes. This method is seen as more effective in gathering vote support, rather than having to carry out intensive political socialization which is not necessarily understood by most people.

In order to overcome the phenomenon of identity politicization that occurs in democratic life in Indonesia, there are several things that need to be done, including:

It is necessary to regulate a clear and firm legal umbrella, especially related to the prohibition of identity politicization content in the Presidential Election, Legislative Election and Regional Head Election in Indonesia, so that identity politicization is no longer used in every election implementation. This is one of the keys to providing a strong foundation for the General Election Commission (KPU) and the Election Supervisory Agency (BAWASLU) in exercising their authority.

There needs to be awareness from candidates and campaign teams not to use identity politics as a tool to gain power. How to raise this awareness is to improve the ability to communicate politically, socialize and provide political education, to party cadres who will be nominated by political parties.

Support from the government, especially in terms of education and socialization, is necessary to educate voters and the public. For example, this can be achieved through strengthening the curriculum and conducting extensive socialization efforts on democracy and elections. Similarly, the Indonesian National Army (TNI) and the Indonesian National Police (Polri) have the duty to safeguard national security and the integrity of the Republic of Indonesia. Therefore, these institutions are expected to maintain neutrality and not favor any particular contestant.

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