



Comparison of Election Law in Indonesia, England, The United States, and Malaysia

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Abstract: A General election is a forum or medium for the people to express their sovereignty. Ideally, the general election aims to regularly and peacefully effect changes in government power in accordance with the mechanism guaranteed and determined by the constitution. This study aims to examine how differences in the General Election Systems of Indonesia, the United Kingdom, and the United States affect aspects of government systems, election frequencies, political participation, and party systems. Second, identify the strengths and weaknesses of the election process in Indonesia, Britain, and the United States. Based on the study's results, the electoral system in Indonesia follows the principle of direct representative democracy. In contrast, in the UK, the general election adopts the parliamentary system with the first-past-the-post principle. In the United States, the electoral system combines representative democracy and Electoral College principles to elect the president, while in Malaysia, it uses the FPTP system. In addition, there are advantages and disadvantages to elections in these three countries: for example, in Indonesia, elections directly confer strong legitimacy and increase people's political participation, but they are vulnerable to money politics. These four countries use different approaches to their democratic systems, even though their goals remain aligned: to provide people with opportunities to vote for their leaders and representatives.

Keywords: Election System, Comparison of Election Law, Party System

Introduction

Elections are a democratic process in which every citizen has the right to elect their representatives in the legislative body, as well as executive leaders, such as the president or prime minister, in a country. Each country has a distinct electoral system that reflects its political, social, and cultural structures.

In many countries, elections are an integral part of a democratic system that provides opportunities for the people to determine the direction of policy and government. However, the implementation of elections can differ significantly depending on the form of government adopted, whether it is a Republic, a constitutional monarchy, or a one-party state.

For example, in the United States, the presidential election is held every four years using the electoral college system, in which citizens choose electors who then elect the president. In the United Kingdom, a parliamentary system is used, in which the people elect parliamentary members, and the prime minister is chosen from the party that gains the most seats in parliament. Meanwhile, in Indonesia, general elections for the legislature and the president were held directly. The legislative election uses an open proportional system, while the presidential election uses a two-round system.

The history of elections began in ancient Greece, which was among the first places where the concept of democracy was introduced, although the form was very different from modern elections. Over time, in various European countries, elections began to develop alongside the emergence of a constitutional monarchy and political revolutions in the 18th century. In Britain, the election was first held in the 13th century, although at that time, the voting rights were still limited to a handful of circles.

The rapid development began after the French Revolution in 1789, when a more inclusive republican system of government was introduced. One important indicator for assessing the success of election implementation is political participation, which is realised through voting rights granted to people who meet the requirements. It can be said that the higher the community's participation in the election, the better the country's democracy indicators. Conversely, a low level of participation is generally considered.

In various countries, elections serve as the primary means of realising the principle of democracy, namely the sovereignty of the people. In a democratic system, elections grant citizens the right to elect their representatives in government and to determine the policies to be implemented. In addition, elections also reflect the level of political freedom and the quality of democracy in a country. Countries that hold free and fair elections usually exhibit higher levels of democracy, including freedom of speech, freedom of the press, and an independent justice system.

However, in some countries, elections are not always conducted well or fairly. In countries that implement authoritarian or semi-authoritarian systems, such as China and

Russia, elections are often seen as a means of legitimising leaders already in power, rather than as a true democratic process. The electoral process in these countries is often overshadowed by fraud, restrictions on opposition political parties, and strict media control.

In this study, some of the main questions that will be discussed include how the General Election Systems (Elections) in Indonesia, Britain, the United States, and Malaysia differ in terms of the government system, election frequency, political participation, and party systems. The second question is what the advantages and disadvantages of elections are in Indonesia, Britain, the United States, and Malaysia. Based on the problems above, this study aims to explain and compare the legal system of the General Election (Election) in Indonesia, Britain, the United States, and Malaysia. In addition, this research will also answer questions about the advantages and disadvantages of elections in Indonesia, Britain, the United States, and Malaysia.

Method

The research method in this article is qualitative, aiming to understand social phenomena and behaviour through descriptive, in-depth data collection. The approach used is a normative juridical one, a legal research approach that refers to the laws and regulations in force. This approach is carried out by examining theories, concepts, and legal principles.

The comparison method used in this article is functional. Functional methods seek legal aspects that can be compared across two or more legal systems. In other words, this method seeks to identify the legal elements that serve the same function in a jurisdiction, although they may differ in normative formulations or in their application.

Results & Discussion

1. Comparison of elections in Indonesia, England, the United States and Malaysia

1.1. Elections System

a. Indonesia

Elections in Indonesia are clearly understood and strictly regulated by the law. In accordance with Law No. 7 of 2017 concerning General Elections, elections are defined as a means for the people to express their sovereignty. Through elections, the community can elect members of the House of Representatives (DPR), members of the Regional Representative Council (DPD), the President and Vice President, as well as members of the Regional Representative Council (DPRD). The implementation of elections must be

carried out directly, generally, freely, confidentially, honestly, and fairly, based on Pancasila and the 1945 Constitution.¹

b. England

General election is an important moment for people in the UK to elect MPs (MP) members. Each representative elected from each electoral district will represent the area and its citizens in the House of Commons for a term of up to five years.

c. United States

General elections (elections) in the United States are held every two years in November, especially on Tuesday, which follows the first Monday of that month. Only in certain years are elections held to elect members of the House of Representatives (DPR) and several members of the Senate. Meanwhile, the election for the position of President of the United States takes place every four years.

d. Malaysia

Malaysia is a parliamentary democracy and constitutional monarchy, where the king has a ceremonial role, even though he still has certain powers in implementing policies. The general election is held every five years unless the Prime Minister calls an early election.²

1.2. Government System

a. Indonesia

Indonesia adheres to a presidential system in which the people directly elect the president and the executive branch exercises power separately from the legislative branch. In addition, Indonesia uses direct democracy, in which voters can elect the president and members of the legislature.

b. England

The British adopted a constitutional monarchy system, with parliament consisting of two chambers: the House of Commons and the House of Lords. The Prime Minister was chosen by parliament, not directly by the people. Elections in the UK focus primarily on electing members of Parliament, with the prime minister coming from the party that wins the most seats in the House of Commons.

c. United States

The United States implemented a federal presidential system. In this system, the president was elected through the Electoral College, not directly by the people.

¹ Nugroho, Rahmat Muhajir; Asmorojati, Anom Wahyu; Setyaningrum, Wita; Shuaib, Farid Sufian. *A Comparison of Legislative Election Systems in Indonesia and Malaysia Jurnal Media Hukum*, 2023.

² Hamzah, Wan Arfan, *A First Look at The Malaysia Legal System*, Malaysia: Oxford Fajar Sdn.Bhd. Selangor Darul Ehsan, 2009.

Legislative and executive elections are held separately, so the president and members of Congress are elected in different races.

d. Malaysia

Malaysia has a federal parliamentary system with a constitutional monarchy. In this country, the king (who is the Agong) serves as head of state and is chosen by rotation among nine Malay kings every five years. The Prime Minister, who is the head of government, was appointed by those who were in the Agong and generally came from political parties that won the election and had a majority in the People's Council (Parliament).

1.3. Election Frequency

a. Indonesia

Presidential and legislative elections are held every five years. The presidential election is held directly, while the legislative election elects members of the DPR, DPD, and DPRD.

b. England

General Elections for electing House of Commons members are held every five years, even though the Prime Minister has the right to request an early election if needed.

Elections of Local Councils and Elections of Regional Parliamentary Members (House of Lords Council) do not have a permanent schedule and can occur more often.³

c. United States

The presidential election is held every four years, and Elections for members of the House of Representatives are carried out every two years. In comparison, the Senate election is carried out every six years, with one-third of the Senate members elected every two years.

d. Malaysia

General elections in Malaysia include elections for the legislative states and local governments in several states. The main objective of this election is to elect members of the People's Council (Low Council) and the State Council (High Council). Elections for the People's Council take place every five years. However, they may be held earlier if the Prime Minister dissolves the People's Council and asks the Agong to appoint a new Prime Minister to expedite the election.

1.4. Political Participation

a. Indonesia

³ Ramadhani, Salmaa Al Zahra; Taufiqi, Muhammad Muammar.(2022). "A Comparative Analysis of Democratic Systems: Indonesia and England Klausula." *Jurnal Hukum Tata Negara, Hukum Administrasi, Pidana Dan Perdata*, Vol. 3, No. 2.

In Indonesia, every citizen aged 17 years and over is required to vote in elections, and the level of political participation is generally quite high, in accordance with Law Number 7 of 2017 concerning General Elections.

b. England

In the UK, the right to vote is granted to all citizens aged 18 and over, but the level of political participation is usually lower than in Indonesia.

c. United States

In the United States, the right to vote is also open to citizens aged 18 years and over. However, the level of political participation is often lower, with voter turnout varying across states.

d. Malaysia

Voting rights: Malaysian citizens aged 21 and over have the right to vote in elections.

Involvement in elections: Although voting rights are universal, voter participation in Malaysia tends to vary.

1.5. Party System

a. Indonesia:

First, Indonesia's Party System features a rich and diverse multiparty system, with more than ten political parties actively participating in general elections. Among these major parties, PDI-P, Golkar, Gerindra, and PKB are often involved in tight competition in legislative and presidential elections.

Second, in the presidential election, a coalition of parties is often needed, given that no party can win on its own.

b. England

In the UK, two main parties dominate the political system: the Conservative Party and the Labour Party. In addition, there are small parties such as the Liberal Democratic Party and the Green Party.

The FPTP (First Past The Post) selection system tends to strengthen the dominance of these two major parties in politics. However, small parties still have the opportunity to get seats in parliament if they get enough support in certain districts.

c. United States

Party System: In the United States political system, two major parties dominate: the Democratic Party and the Republican Party. Although there are several small parties, the two major parties are almost always the dominant forces in presidential and legislative elections.⁴

⁴ Shah, Dian A. H. *Constitutional Democracy and Electoral Commissions: A Reflection from Asia Asian Journal of Comparative Law*, 2023.

The Electoral College system also plays a role in strengthening the dominance of the two major parties. In the presidential and congressional elections, the two parties often compete very tightly.

d. Malaysia

Main Political Parties: In Malaysia, there are several dominant political parties, including the National Barisan (BN), Pakatan Harapan (PH), and National Engagement (PN), as well as several state-level parties.

Party Coalition: Politics in Malaysia is often marked by the formation of party coalitions. This coalition was formed to secure a majority in the People's Council, since no party holds absolute power.

Ethnic Politics: Most political parties in Malaysia focus on ethnic politics and group identity. For example, UMNO (United Malays National Organisation) represents the Malay community, and DAP (Democratic Action Party) tends to represent the Chinese community.

Table 1. Comparison Table

Aspect	Indonesia	England	USA	Malaysia
Government System	Presidential republic	Parliamentary Constitutional Monarchy	Presidential republic with a federal system	Parliamentary Constitutional Monarchy
Party System	Multi-party with the dominance of several major parties	Two Main Parties (Conservative Party and Labor)	Two Main Parties (Democratic Party and Republican Party), several small parties	Two main coalitions, but there are also small parties
Election Frequency	Every 5 years (president and legislative)	Every 5 years (House of Commons)	Every 2 years (House of Representatives and Senate); 4 years (President)	Every 5 years
Political Participation	The level of participation is relatively high, with active voters	The level of participation varies, lower than Indonesia	The level of participation varies, quite high in the presidential election	Quite high (generally above 80%)

Type of Election System	Direct representative democracy	Parliamentary system	Democracy Representative with Electoral College	The majority of the district system for the People's Council and is proportional to the State Council
Presidential Election	Directly by the people, two rounds if needed	There is no presidential election (symbolic monarchy)	Directly by the people through Electoral College	There is no presidential election
Legislative Selection System	Proportional (DPR	First-Past-the-post (House of Commons)	District one member for House of Representatives (Direct) and State for Senate (Direct)	Mixture system
Presidential Election System	Two rounds if there are no majority votes	There is no presidential election	Electoral College determines winner after the people's votes are counted	There is no direct election, Prime Minister was elected based on the majority of seats in the People's Council
Election of head of Government				Not elected directly by the people. Prime Minister was elected by

		members of the People's Council (Parliament) after the Legislative Election
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2. The advantages and disadvantages of general elections in Indonesia, England, the United States, and Malaysia

2.1. Elections in Indonesia

Excess

- 1) Democratic and participatory election system: In Indonesia, elections provide opportunities for the people to elect their leaders and representatives directly, including the president and members of the legislature.⁵
- 2) Increasing Representation: Through the application of open proportional systems, Elections in Indonesia allow various political parties to get seats in the legislature, thus providing opportunities for small parties to be represented.
- 3) High political participation: the simultaneous implementation of presidential, legislative, and regional head elections can encourage people to be more active in political life.

Lack

- 1) Money Politics: In Indonesia, elections are often influenced by money politics and fraud, such as vote-buying, which can undermine the integrity of the election.
- 2) Complete Election System: The use of open proportional systems, which allow voters to choose among candidates for legislative seats, often confuses voters when making choices, which in turn can affect the accuracy of votes.
- 3) High costs: Elections at various levels, such as the President, the Legislature, and the Regional Heads, result in high campaign costs. This has the potential to create inequality in political influence between large parties and small parties.
- 4) Identity politics: Elections are sometimes exploited to play identity politics, which can worsen social polarisation.

2.2. Elections in England

Elections in the UK have various advantages and disadvantages. One advantage is the existence of an established democratic system, in which the electoral process is

⁵ Hasto Kristiyanto, *Institutionalization and Party Resilience in Indonesian Electoral Democracy*, <https://www.sciencedirect.com/science/article/pii/S2405844023101277> accessed April 29 2025.

transparent and regulated by clear laws. In addition, elections in the UK generally run smoothly, and participation tends to remain stable. The selection system used, namely First-Past-The-Post (FPTP), is considered simple because the candidate who receives the most votes is immediately declared the winner.⁶

However, this system also has several deficiencies, particularly in overall voice representation. Often, votes cast for small parties or independent candidates are not counted fairly, and voters in regions where one party dominates can feel that their voices are in vain. In addition, issues such as Gerrymandering - or engineering the boundaries of the electoral area, also became a special concern. Nevertheless, elections in the UK remain an example of a fairly stable democratic practice worldwide.

3. Elections in the USA

Elections in the United States have various advantages and disadvantages that reflect the complexity of its political system. One advantage is the federal system, which provides opportunities for citizens to choose their representatives at various levels of government, from local to national. The selection process is generally open and competitive, providing space for various political views to emerge. In addition, the presidential election, held every four years, demonstrates a commitment to the principles of democracy.

However, this system is also inseparable from weaknesses. One of them is the use of the Electoral College in the presidential election, which can cause a candidate to win despite losing in popular votes. In addition, the high campaign costs, the potential influence of interest groups, and the low voter participation are in the critical spotlight compared to other democratic countries. Not to forget, differences in election rules across states can create access inequalities and increase administrative complexity in the voting process.

4. Elections in Malaysia

Excess:

- 1) Malaysia implements a first-cast-the-post (FPTP) system, where each district selects one legislative member. This system is quite simple and easy for voters to understand.
- 2) Although there has been a change in government, the electoral system in Malaysia has succeeded in providing a relatively long period of political stability. This can

⁶ UK Engage, *What Are The Advantages And Disadvantages of Using The First Past The Post Voting System?*, <https://uk-engage.org/2013/06/what-are-the-advantages-and-disadvantages-of-using-the-first-past-the-post-voting-system-2/> accessed April 15 2025

occur thanks to the existence of large coalitions such as the National Row (BN), which has dominated for a fairly long period of time.

- 3) With the existence of a one-Member District system (Single-Member District), each electoral district has a direct representative chosen by the local community. This not only increases direct representation between voters and their representatives, but also makes it easier for the community to convey local aspirations to legislative members.
- 4) In a coalition system, although many parties work together, they usually reach an agreement on joint policies. The aim is to maintain unity in government and reduce the potential for political divisions that can hamper its effective operation.

Lack:

- 1) Malaysia is implementing the First-Past-The-Post (FPTP) electoral system, in which the candidate who wins the most votes in a district is declared the winner. Although this system seems simple, it often produces inequality in representation.
- 2) In the framework of the FPTP system, small parties and independent candidates often face severe challenges to obtain seats, even though they managed to get a significant percentage of votes.
- 3) Parties or candidates with abundant financial resources tend to dominate the campaign arena. They can disseminate political messages to more voters, allowing them to have a greater impact on election results.
- 4) The influence of media that is leaning on certain parties can harm voters who are trying to make decisions based on more fair and balanced information.
- 5) In Malaysia, members of the State Council (Senate) are not directly elected by the people, but are appointed by the government or by regional legislatures.⁷

Conclusion

Elections are a crucial aspect of political dynamics in many countries worldwide. The implementation of elections, both those that took place successfully and those that faced various challenges, was strongly influenced by the political system adopted, the nation's history, and social and economic interactions.

Elections in Indonesia, Britain, the United States, and Malaysia share the same goal: to elect leaders and representatives of the people. However, each country implements a different election system. In Indonesia, legislative elections use an open proportional system, while the presidential election is carried out directly, providing opportunities for various political parties to compete. In contrast, the British implemented a First-Past-The-Post (FPTP) system, which was more beneficial to large

⁷ Martin Petlach, *Why there has been no general election in Malaysia yet?*, <https://www.iir.cz/why-there-has-been-no-general-election-in-malaysia-yet> accessed May 7 2025.

parties and tended to produce a majority government, with the election of district-based parliament members. In the United States, the presidential election uses a plurality system and an electoral college.

Meanwhile, parliament members were chosen through a district system similar to those implemented in the UK. In Malaysia, the First Past the Post (FPTP) system is also implemented; however, there are dominant coalitions, such as the National Barisan (BN) and Pakatan Harapan (PH). This often makes small parties face challenges in winning seats.

Each election system has advantages that support the sustainability of democracy, such as community participation and government legitimacy. However, each system also contains deficiencies that can undermine the quality of democracy, such as injustice in representation, the practice of money politics, and extreme polarisation. In Indonesia and Britain, the main focus lies in the legislative and executive systems that allow direct representation. Nevertheless, the two countries also face challenges, including inequality in various aspects. Meanwhile, the United States, despite having a relatively stable system, is inseparable from problems related to the Electoral College and low voter participation, which shows that there is no completely perfect system.

In Malaysia, small parties and independent candidates often face difficulties in winning seats despite receiving a significant percentage of the vote. Therefore, these four countries need to work to hold more inclusive, just, and representative general elections to improve the quality of democracy.

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