

Behind Discourse on the Extension of the President's Term of Office and Postponement of Elections Year 2024

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ABSTRACT

Since the beginning of the 2024 simultaneous General Election (Election) stage, even before that, there have been sideways issues regarding the implementation of the election, among which the most dominant is the issue or discourse about extending the term of office of the president and postponing the 2024 election. These two discourses have become polemic in the midst of Indonesian society because some of them support it and others clearly reject it for the main reason, namely the constitutional mandate must be the basis for organizing the state. the government as the ruler is then strengthened by an analysis of academic theory according to the study of scientist C. Wright Mills an American sociologist who wrote *The Power Elite* in 1956 in which he gave rise to an understanding of elite theory. An understanding of the election law can realize that the legal loophole for extending the term of office of the president has been closed so that this discourse is not appropriate to continue to be put forward because it violates the constitution, as well as delaying elections which are considered to violate the constitution. As for the decision of the Central Jakarta District Court (PN), it is considered that the decision is categorized as flawed in the constitutional law rules as explained by several legal experts. In conclusion, the emergence of discourses as mentioned above is nothing but an attempt by interested parties, in this case, the ruling elites who are in the current government circle to remain in their seats of office. To prevent this, it is mandatory for the community to understand and adhere to constitutional rules in carrying out the life of the nation and state.

1. Introduction

Since the beginning of the election stage, even before that, there have been sideways issues regarding the implementation of the 2024 elections, among which the most dominant is the issue or discourse about extending the term of office of the president and postponing the 2024 elections. Various things influenced the emergence of this discourse, related to the extension of the period The president's office, which was previously only two terms with a five-year term of office for each period, is planned to be increased to 3 periods with the assumption that the current president's leadership, namely Joko Widodo, is considered successful in having a positive impact on the progress of the Indonesian nation, coupled with uncondusive global development conditions. the current presidential leadership needs to be continued in order to maintain consistent national stability as well as the discourse on postponing the 2024 elections was raised with the assumption that the Covid-19 pandemic situation still needs more attention so that the focus on revitalizing the life of the nation needs to be prioritized over paying attention to democratic parties.

These two discourses became polemic among Indonesian society because some supported them and others clearly rejected them for the main reason, namely that the constitutional mandate must be the basis for administering the state, meaning that as a rule of law, the Indonesian state must comply with the existing legal instruments. Of course the legal basis of the constitution is clearly stronger than other reasons so that the current government and the DPR-MPR agree to carry out the 2024 elections according to the mandate of the law.

Understanding of this legal agreement seems to have succeeded in closing the two discourses as described above, but the 2024 election decree was shaken again by a legal case faced by the General Elections Commission (KPU) at the end of 2022 where one of the parties that failed in the election participant selection process was the just and prosperous people's party (Prima) who filed a lawsuit against the KPU through the Bawaslu institution and the constitutional court to the lawsuit through the central Jakarta district court (PN). Surprisingly the Central Jakarta District Court granted the prima party's lawsuit and punished the defendant the KPU institution not to carry out the remaining stages of the 2024 General Election since this decision was pronounced and carry out the general election stages from the beginning for approximately 2 years 4 months 7 days.

Of course, the KPU filed an appeal against this decision, but the main focus in this case is that the imminent implementation of the 2024 elections is again under pressure from delays, after the two previous discourses that were outside of formal law, this time, the pressure came from the formal law against the KPU institution as the organizer of the election. This phenomenon continues to grow causing various pro and con views to emerge from many parties, for legal experts this decision is clearly not in accordance with procedures because the Central Jakarta District Court is considered to have exceeded its authority by issuing a decision in favor of the prima party's lawsuit but on the other hand there is a statement from the state palace to respect the decision of the Jakarta District Court center, on the other hand political practitioners and observers also have diverse views on the decision of the central Jakarta District Court.

From various hypotheses and pro and con views in society, there is controversy about this case that is interesting for the author to discuss in this article, namely the alleged interference of the ruling elite who have an interest in maintaining the current status quo of power. At first glance, the basis for this allegation is that it is none other than due to the discourse on extending the presidential term and postponing the elections raised by the current ruling elite, one of which is the coordinating minister for maritime affairs and investment, namely Luhut Binsar Pandjaitan (LBP) with "big data" which he presented and the alleged interests of other elites around President Jokowi to continue to be in the circle of power.

This situation is according to the study of scientist C. Wright Mills is an American sociologist who wrote *The Power Elite* in 1956 where he brought up an understanding of elite theory, namely a concept in political and sociological studies which argues that power is held by a small group of people who are referred to as elites¹. This elite group has control over the economic, political, and cultural resources in society. This theory also assumes that power in society is concentrated in groups that have great economic and political influence. According to this theory, the elite will carry out various strategies to maintain their power. One strategy is to manipulate the mass media so that the news broadcast is in accordance with the interests of the elite. In addition, the elite will also control education and influence public opinion to maintain their position and influence in society. In the political context, elite theory assumes that political decisions are not taken democratically but are taken by elite groups who have certain interests. This elite group is also considered capable of influencing government policies, manipulating elections, and controlling political institutions.

¹ AI Mawardi, "Charles Wright Mills Dan Teori Power Elite: Membaca Konteks Dan Pemetaan Teori Sosiologi Politik Tentang Kelas Elite Kekuasaan," *Dalam Jurnal Sosiologi Pendidikan Humanis*, no. Query date: 2023-03-20 15:13:49 (2019), <https://core.ac.uk/download/pdf/287321883.pdf>.

In this article, the author emphasizes the subject matter of the phenomena that have arisen related to the discourse on postponing the election, which culminated in the decision of the Central Jakarta District Court to postpone the election. The question is whether the assumption is true that there are indeed ruling powers participating in the series of election postponement phenomena. This paper is intended to understand the influence of the ruling elite who have an interest in maintaining the status quo because the 2024 election is the end of the current government which has lasted two periods so that efforts have emerged to extend its term of office.

2. Method

The approach used in writing this article is a qualitative descriptive analysis method. According to Wayan Ardhana, qualitative research is very focused and directed at understanding (understanding) what is presented in the form of reasoning in the world of meaning, actors can be frames or patterns of specific ideas, certain basic thoughts, certain ethics, certain issues or values. -cultural values². Therefore, the author considers this method suitable for the subject matter discussed, namely the existence of a certain purpose behind the discourse on extending the presidential term of office and postponing the 2024 elections. For data technology reasons, the descriptive analysis method is used to explain the data and information obtained and emphasize attention to real phenomena or problems through data collection, compilation, processing, and concluding. All results will be attempted to describe an objective empirical situation regarding the phenomenon or problem being studied.

The data collection technique used is a literature study, about theoretical studies and various references that cannot be separated from scientific literature³. Literature research references related to this article are the author's efforts to search for, collect, and research written materials in the form of books, magazine articles, online and conventional news, as well as public institution websites related to the discourse on postponing the election. The study material for this article consists of statements and attitudes of government elites as well as opinions of legal experts, especially regarding the Prima party phenomenon. Data is collected and analyzed by the author and then compared with relevant theories for analysis.

3. Discussion And Results

3.1 Discussion

3.1.1 Implementation of post-reform presidential elections

Post-reform There has never been any doubt about the mandate of the law regarding the implementation of elections once every five years since it was first held in 2004, especially in the presidential and vice-presidential elections, the first president of the Indonesian state through direct elections namely Susilo Bambang Yudhoyono and his deputy served five years in the period first and in the 2009 election he was re-elected for the second period which ended in 2014, not the slightest discourse on extending the term of office or postponing the election appeared to the public surface as well as in the 2019 election which was again followed by joko widodo as a presidential official where he was previously elected in the 2014 election year, neither of these discourses appeared. Only now is nearing the end of President Jokowi 's second term of office widodo emerged the discourse on extending the term of office of the president and the discourse on postponing the 2024 elections. This phenomenon clearly raises public questions, why did this discourse appear?

² W Ardhana, "Konsep Penelitian Pengembangan Dalam Bidang Pendidikan Dan Pembelajaran," *Malang: Universitas Negeri Malang*, no. Query date: 2023-05-24 15:06:05 (2002).

³ GS Persada, "Metode Penelitian Pendidikan (Pendekatan Kualitatif, Kuantitatif, Dan R an D)," no. Query date: 2023-05-24 15:13:24 (2015).

3.1.2 The Emergence of Discourse on the Extension of the President's Term of Office

The legal basis regarding the presidential term limit of only two periods is contained in Article 7 paragraph (2) of Law Number 7 of 1978 concerning the General Election of the President and Vice President, which has been amended by Law Number 8 of 1988 concerning the General Election of the President and Deputy President. Article 7 paragraph (2) states that "the President and Vice President carry out their duties for five years, starting from their inauguration, and can only be elected for that position for two consecutive terms."

However, this constitution began to be shaken by parties supporting President Joko Widodo on the grounds that President Joko's leadership Widodo is considered to have succeeded in bringing change to the nation for the better, even the best, along with the reason that the Covid 19 pandemic has not yet been resolved, requiring the continuation of the handling program by the government in power. Of course, much of this support does not dare to openly voice it in official forums, but this discourse became clearer when village heads joined the Association of Indonesian Village Governments (Apdesi) at the official National Gathering (Silatnas) event on March 29, 2022. The incident This happened when the Coordinating Minister for Maritime Affairs and Investment (Menko Marves) Luhut Binsar Pandjaitan held a question and answer session with village heads and village officials throughout Indonesia at the 2022 Apdesi National Gathering at Istora Senayan, Jakarta, Tuesday (29/3/2022). The Association of Indonesian Village Governments (Apdesi) said it would declare support for President Joko Widodo to serve for three terms. This was conveyed by the General Chairperson of the DPP Apdesi Surtawijaya met by the media after the 2022 Apdesi National Gathering ⁴.

Apdesi's blatant stance in this official forum clearly shows that there are efforts by interest groups who want an extension of the presidential term even though the law clearly does not allow it. This blatant discourse is becoming increasingly controversial because of the response from state officials who allow this disobedience to the rules. Chief Expert Staff of the Presidential Staff Office (KSP) Ali Mochtar Ngabalin did not question the village heads who called for President Joko Widodo's term of office to be extended to 3 terms. According to him, it is the right of every citizen to propose the discourse. "Yes, that's okay, they have the right to scream. It's okay, just let them scream, it's normal," said Ngabalin when contacted, Wednesday 30 March 2022 ⁵. Separately, the Minister of Investment/Head of the Investment Coordinating Board (BKPM) Bahlil Lahadalia said that no one could prohibit him from expressing his opinion, including in relation to postponing the election. "This is parliament, a democratic institution, what people want to say is okay, including postponing the election. Don't ban it," Bahlil said at the Senayan Parliament Complex, Jakarta, Wednesday 30 March 2022 ⁶.

This situation confirms that there are indeed efforts to break the rules from interest groups that are allowed by several state officials to continue Jokowi's leadership as president. President Joko Widodo himself has actually publicly stated several times that he obeys the constitution, but still the talk of increasing the presidential term is still being heard in the public sphere. Former Lebak Regent Mulyadi Jayabaya claimed that there were parties he called kyai who wanted the term of office of President Joko Widodo (Jokowi) to be extended by 3 years. He claimed that this aspiration came from the kiai and ulema in Banten. He claimed that this aspiration arose because Lebak had toll roads during the Jokowi era and Lebak's economy was growing. The claim from Mulyadi was conveyed directly before Luhut Binsar Pandjaitan (coordinating minister for maritime affairs) at a friendly event in Lebak, Thursday (31/3/2022). Luhut then responded by calling what Mulyadi said was an

⁴ Nugraheny Dian, "APDESI Bakal Deklarasi Dukung Jokowi 3 Periode Setelah Lebaran Artikel Ini Telah Tayang Di Kompas.Com Dengan Judul 'APDESI Bakal Deklarasi Dukung Jokowi 3 Periode Setelah Lebaran'," *Kompas.Com*, March 29, 2022.

⁵ Tim detik.com, "Ngabalin Soal Apdesi Dukung Jokowi 3 Periode: Itu Hak, Masak Tak Boleh?," *Detik.Com*, March 31, 2022.

⁶ Firda Anggrainy, "Menteri Bahlil Kembali Bicara Usul Penundaan Pemilu Demi Investasi," *Detik.Com*, March 30, 2022.

aspiration, "Yes, that's an aspiration, there's nothing wrong," said Luhut ⁷. In 2021, a number of volunteers officially established a national secretariat or National [Secretariat Jokowi-Prabowo 2024](#) on Jalan Tegal Parang, Mampang Prapatan, South Jakarta, Saturday 20 June 2021. They will officially declare themselves in the next 4 or 5 months. Meanwhile, Secretary General of Jakpro 2024 Timothy Ivan Triyono revealed that his party strongly supports Jokowi to continue his leadership for one more period. According to him, it would be dangerous if the development that Jokowi had been carrying out so far stopped because the leadership had changed ⁸.

So many voices in official public forums, especially in the form of general comments about the desire to extend the president's term of office, seem to have been muffled either by direct statements by President Joko Widodo as well as many other parties, especially legal experts who objected on the basis of the state constitution. But this phenomenon shows the fact that there are indeed interest groups that want to maintain the status quo of President Joko Widodo's power. Even though Widodo clearly violates the country's constitution, the attitudes and statements of these elites show conformity with the elite theory put forward by many experts, including scientist C. Wright Mills. According to this theory, elite groups have control over economic, political, and cultural resources in society, elites will carry out various strategies to maintain their power. One strategy is to manipulate the mass media so that the news broadcast is in accordance with the interests of the elite. In addition, the elite will also control education and influence public opinion to maintain their position and influence in society. In the political context, elite theory assumes that political decisions are not taken democratically but are taken by elite groups who have certain interests. This elite group is also considered capable of influencing government policies, manipulating elections, and controlling political institutions.

3.1.3 Emergence of Discourse of Postponing the 2024 Election

As with the discourse on extending the presidential term, let alone for up to three terms, the discourse on postponing elections is also a matter that violates the constitution. The mandate of the election law to be implemented every five years and strengthened by the KPU which officially issued a decree regarding the day and date of voting for the 2024 Simultaneous Elections. The decision letter number 21 of 2022 was signed by KPU chairman Ilham Saputra, Monday 31 January 2022 ⁹. So legally, the implementation of the 2024 elections is legal and formal.

Even so, the discourse on postponing the elections is still being voiced by certain interest groups. The idea of postponing the 2024 elections which was captured by the media started in January 2022. This was first revealed by the Minister of Investment, Bahlil Lahaladia. He raised the issue of postponing the 2024 elections during [a working meeting with Commission VI of the DPR, 31 January 2022](#). The former chairman of the Indonesian Young Entrepreneurs Association (HIPMI) cites a survey in which President Joko Widodo's satisfaction rate was 70%, and combines this with expectations from entrepreneurs. "I am traveling around Indonesia, be it big businessmen, small businessmen, domestic or foreign, because they need stability," said Minister Bahlil. "Advancing elections and postponing elections in this nation is not something that is illegal," he added, citing the acceleration of elections in 1999 due to the crisis, and the old order period ¹⁰.

⁷ Reza Darmawan, "Mantan Bupati Lebak Sebut Ulama Dan Kiai Dukung Jokowi 3 Periode, Ini Tanggapan Luhut Editor : Reza Kurnia Darmawan," *Kompas.Com*, January 4, 2022, <https://regional.kompas.com/read/2022/04/01/070700878/mantan-bupati-lebak-sebut-ulama-dan-kiai-dukung-jokowi-3-periode-ini?page=all>.

⁸ *istimewa* jurnalis, "Relawan Satu Indonesia Konsolidasi Dan Sosialisasi Jokowi 3 Periode Di Sulawesi Utara," *Okezone.Com*, July 24, 2022, <https://foto.okezone.com/view/2022/07/24/1/84134/relawan-satu-indonesia-konsolidasi-dan-sosialisasi-jokowi-3-periode-di-sulawesi-utara>.

⁹ Antara, "KPU Tetapkan Hari Pemungutan Suara Pemilu 14 Februari 2024," January 2, 2022, <https://apps.detik.com/detik/>.

¹⁰ Tim BBC Indonesia, "Penundaan Pemilu 2024: Seruan Kalangan Elit Politik, Apakah Mungkin Terealisasi?," January 3, 2022, <https://www.bbc.com/indonesia/indonesia-60561290>.

that the 2024 elections be postponed. According to him, the postponement of the 2024 elections will give more certainty to business actors who are optimistic this year and have an extraordinary positive trend. "Therefore, I see that in 2024 the election is planned to be held in February. Don't let the good economic prospects be disrupted because of the election," said the Deputy Speaker of the DPR ¹¹.

Furthermore, there is "big data" from the Coordinating Minister for Maritime Affairs and Investment (Menko Marives) Luhut Binsar Pandjaitan (LBP) The Coordinating Minister for Maritime Affairs Luhut Binsar Pandjaitan claims that his party has big data containing public aspirations on social media for the 2024 Election. Luhut claims this big data, recorded 110 million votes of netizens who wanted the holding of the General Election to be postponed. Big data itself is assumed to be a container or storage media that offers unlimited space, as well as the ability to accommodate and process various types of data very quickly. Quoted from System Knowledge Ministry of Education and Culture ICT Management, big data is the solution for data growth which continues to increase in this digital era. "Because like this, we have big data, I want to see, we have big data, from that big data, approximately 110 million grabs. Yes, 110 million, all kinds of things, Facebook, all kinds of things, because people use Twitter, approximately 110 million people," said Luhut, quoted from detikNew, Friday 18 March 2022 ¹².

As for the discourse on postponing the election from the statements of the elites as described above, it turned out that they were not strong enough to shake up the legal decision regarding the holding of simultaneous elections in 2024. Even so, the impact of the open attitude of these elite officials was considered to be very influential on public views and caused controversy that threatened stability. nation's social politics.

Jakarta District Court (PN) which sentenced the defendant the KPU institution not to carry out the remaining stages of the 2024 General Election since this decision was pronounced and to carry out the general election stages from the beginning for approximately 2 years 4 months 7 days. On the grounds that the prima party's claim that did not pass as a participant in the 2024 election legally meets the requirements

3.1.4 Glimpse of the course of the lawsuit by the Prima party against the KPU

Starting on October 14 2022, the KPU announced the list of parties that have successfully passed administrative verification. The Adil Makmur People's Party (Prima) is one of the parties that did not qualify and because they did not accept this decision, on October 17 2022, this party challenged the KPU's decision to Bawaslu. As a result, Bawaslu accepted the lawsuit and ordered the KPU to re-verify data collection for one week in November 2022 and on November 18, the KPU announced again the results of the administrative verification and again the Prima party failed to fulfill the administrative requirements. The Prima Party again did not accept this decision and again reported the KPU's decision to Bawaslu, but this time Bawaslu rejected the report on the grounds that it had already been processed.

It doesn't stop there, the Prima party is again pursuing legal steps by taking this case to the state administrative court (PTUN) on November 30, 2022 with the hope that the PTUN can order the KPU to pass the Prima party at the administrative verification stage until it passes it as one of the parties participating in the 2024 election However, on December 8, 2022, the Administrative Court rejected the Prima party's lawsuit because the Prima party's lawsuit was election administration in nature, which was not the authority of the Administrative Court to process it.

¹¹ Fitria Farisa, "Manuver Cak Imin Yang Bikin Gaduh: Usul Pemilu Ditunda Hingga Enggan Diganggu 'Reshuffle,'" March 28, 2022, <https://nasional.kompas.com/read/2022/03/28/15255451/manuver-cak-imin-yang-bikin-gaduh-usul-pemilu-ditunda-hingga-enggan-diganggu>.

¹² Pijar Anugerah, "Penundaan Pemilu 2024 Dengan Big Data Luhut: Walau Tidak Diatur Dalam UU, Bisakah Big Data Jadi Alasan Menunda Pemilu?," March 18, 2022, <https://www.bbc.com/indonesia/indonesia-60779921>.

December 8, the Prima party filed a lawsuit against the law (PMH) to the Central Jakarta district court (PN) with the KPU as the defendant and asked the Central Jakarta District Court to determine the PMH against the KPU and stop the ongoing 2024 election stages and must start all stages of the election again from the beginning again.

December 14 2022 officially announced the list of parties entitled to take part in the 2024 elections, of course there is no Prima party on the list. The Prima Party again took legal action against the Administrative Court on December 26, 2022 on the basis of the KPU's official decision (no longer administrative in nature like the first lawsuit) but was still rejected by the Administrative Court.

It seems that the Prima party no longer exists in the atmosphere of the 2024 election by the public, it turns out that the public was shocked by the decision of the central Jakarta District Court on March 2, 2023 which granted the PMH lawsuit by the Prima party against the KPU and the central Jakarta PN decided to punish the KPU to stop the ongoing 2024 election stages and ordered to repeat the election stages from the beginning for a period of 2 years 4 months 7 days after the decision was made. This means that in this decision the elections were postponed until July 2025.

3.2. Results

Response to the Discourse of Extending the President's Term of Office and Postponing the 2024 Election

1. Response to the Discourse on the Extension of the President's Term of Office

Clearly the legal basis regarding the presidential term limit of only two periods is contained in Article 7 paragraph (2) of Law Number 7 of 1978 concerning the General Election of the President and Vice President, which has been amended by Law Number 8 of 1988 concerning the General Election of the President and Vice President. Article 7 paragraph (2) states that "the President and Vice President carry out their duties for five years, starting from their inauguration, and can only be elected for that position for two consecutive terms."

From this law, it cannot be denied that the legal loophole to extend the presidential term of office has been closed, so it is not appropriate for this discourse to continue to be put forward because it violates the constitution.

2. Responses to Discourse of Postponing the 2024 Election

It is also clear that Law number 7 of 2017 article 167 paragraph one states that elections are held every 5 (five) years and further strengthened by KPU decree number 21 of 2022 concerning the day and date of voting for the 2024 Simultaneous Elections. Establish legal certainty that the next election must be held on 14 February 2024 for elections at the national level ¹³.

The factors that can delay the holding of elections based on Law number 7 of 2017:

Article 431 Paragraph (1) reads, "In the event that in part or all of the territory of the Unitary State of the Republic of Indonesia there are riots, security disturbances, natural disasters, or other disturbances which result in part of the stages of holding elections being unable to be carried out, a follow-up election shall be held".

Article 432 Paragraph (2) states, "In the event that in part or all of the Territory of the Unitary State of the Republic of Indonesia there are riots, security disturbances, natural disasters, or other disturbances which result in all stages of holding elections being unable to be carried out, follow-up elections shall be held".

Article 443 Paragraph (3) states, "In the event that the General Election as referred to in Article 431 Paragraph (1) and Article 432 Paragraph (2) cannot be held in 40% (forty percent) of the provinces and 50% (fifty percent) of the the number of registered voters nationally

¹³ Antara, "KPU Tetapkan Hari Pemungutan Suara Pemilu 14 Februari 2024."

cannot exercise their right to vote, the determination of follow-up elections and follow-up elections is carried out by the President on the recommendation of the KPU". Of the four main factors that made it possible to postpone the election, namely:

1. riot;
2. security disturbance;
3. natural disasters; or
4. other disturbances that result in the implemanship of all stages of the election administration.

it is understood that none of the factors can be determined with certainty as the legal basis for postponing the 2024 elections.

Unlike the legal factors being faced by the KPU, it is considered that the decision of the Central Jakarta District Court is categorized as flawed in constitutional law rules as explained by several constitutional law experts, including Constitutional Law expert Yusril Ihza Mahendra. In the case of a lawsuit against the law by the Prima Party, according to Yusril, if the panel of judges wants to grant the lawsuit, the decision will only be binding on the Prima Party as the plaintiff and the KPU as the defendant, not binding on other parties, both candidates and those who have been declared election participants. If the panel of judges is of the opinion that Prima's lawsuit has legal grounds, according to Yusril, the KPU should be punished to re-verify Prima without disturbing other parties and disrupting the election process. The lawsuit, he continued, was actually more of an election administration dispute, not an act against the law. Administrative dispute resolution should be at the Bawaslu and the State Administrative Court ¹⁴.

Another constitutional law expert, Khairul Fahmi, was met in room master of science courses Andalas University politics in a manner directly also mentions that when studied with If it were not for the low quality of understanding of the judges of the court, then there must have been political forces pressing for such a decision to be made. From the explanations of the two constitutional law experts, it can be understood that the decision of the Central Jakarta District Court which sentenced the KPU to postpone the 2024 election stage was highly politically charged, not formal law.

4. Conclusion

Based on the description of the discussion in this paper, it is understandable that the discourse on extending the presidential term, adding the presidential term to three terms as well as the discourse on postponing the simultaneous elections in 2024 are matters that violate the state constitution and must be disqualified for the sake of legal certainty. The efforts to postpone the election through the law suit route by the prima party are also considered inappropriate as an excuse for postponing the 2024 election by the organizing body (KPU).

Therefore, it can be concluded that the emergence of the discourses as mentioned above is nothing but an attempt by interested parties, in this case, the ruling elite who are in the current government circle, to remain in their seats of office. Indeed, President Joko widodo himself has agreed to the constitutional rules and claimed that this discourse is the aspiration of the people and for the common good, but the attitudes and statements of other elites who are serving around the current president have shown clearly that this regime is eager to continue its work in government

It is undeniable that one of the roles of elections is a means of democracy to constitutionally replace the leaders and apparatus of the country's government, so the status of the positions of the elites in the current government can end in 2024. The reality of the 2024 democratic party is suspected to be very unfavorable for the elites Therefore, even though it is clear that the highest legal rules of the

¹⁴ Widhoroso Widhoroso, "Yusril: Majelis Hakim PN Jakarta Pusat Keliru Putuskan Tunda Pemilu," February 3, 2023, <https://mediaindonesia.com/politik-dan-hukum/562519/yusril-majelis-hakim-pn-jakarta-pusat-keliru-putuskan-tunda-pemilu>.

country, namely the constitution, have limited the enjoyment of power, especially from a material perspective, it is clear that the elites want to continue to extend his tenure in various ways as elite theory has revealed

The discourse on extending the term of office of the president and postponing the election which is an effort by the elites to maintain their positions is definitely contrary to the constitution, therefore as the main element of a rule of law it is mandatory for the people to understand and adhere to constitutional rules in carrying out the life of the nation and state, including the elites. which exists. For this reason, serious preventive measures are needed by citizens, especially for experts and legal practitioners, so that they can stem any attempt to violate the constitution, in this case extending the term of office of the president and delaying elections, both through formal legal procedural steps and also through social enlightenment to the whole community. oppose threats to laws and regulations so that the realization of Indonesia as a democratic country based on law in the interests of the people and not in the interests of a group of elites can truly materialize

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Reference

Books with an editor:

Ardhana, W. "Konsep Penelitian Pengembangan Dalam Bidang Pendidikan Dan Pembelajaran." *Malang: Universitas Negeri Malang*, no. Query date: 2023-05-24 15:06:05 (2002).

Persada, GS. "Metode Penelitian Pendidikan (Pendekatan Kualitatif, Kuantitatif, Dan R an D)," no. Query date: 2023-05-24 15:13:24 (2015).

Journal articles:

Mawardi, AI. "Charles Wright Mills Dan Teori Power Elite: Membaca Konteks Dan Pemetaan Teori Sosiologi Politik Tentang Kelas Elite Kekuasaan." *Dalam Jurnal Sosiologi Pendidikan Humanis*, no. Query date: 2023-03-20 15:13:49 (2019).
<https://core.ac.uk/download/pdf/287321883.pdf>.

World Wide Web:

Anggrainy, Firda. "Menteri Bahlil Kembali Bicara Usul Penundaan Pemilu Demi Investasi." *Detik.Com*, March 30, 2022.

Antara. "KPU Tetapkan Hari Pemungutan Suara Pemilu 14 Februari 2024," January 2, 2022.
<https://apps.detik.com/detik/>.

Anugerah, Pijar. "Penundaan Pemilu 2024 Dengan Big Data Luhut: Walau Tidak Diatur Dalam UU, Bisakah Big Data Jadi Alasan Menunda Pemilu?," March 18, 2022.
<https://www.bbc.com/indonesia/indonesia-60779921>.

Darmawan, Reza. "Mantan Bupati Lebak Sebut Ulama Dan Kiai Dukung Jokowi 3 Periode, Ini Tanggapan Luhut Editor : Reza Kurnia Darmawan." *Kompas.Com*, January 4, 2022.
<https://regional.kompas.com/read/2022/04/01/070700878/mantan-bupati-lebak-sebut-ulama-dan-kiai-dukung-jokowi-3-periode-ini?page=all>.

- dian, nugraheny. "APDESI Bakal Deklarasi Dukung Jokowi 3 Periode Setelah Lebara Artikel Ini Telah Tayang Di Kompas.Com Dengan Judul 'APDESI Bakal Deklarasi Dukung Jokowi 3 Periode Setelah Lebaran'," *Kompas.Com*, March 29, 2022.
- Farisa, Fitria. "Manuver Cak Imin Yang Bikin Gaduh: Usul Pemilu Ditunda Hingga Enggan Diganggu 'Reshuffle,'" March 28, 2022. <https://nasional.kompas.com/read/2022/03/28/15255451/manuver-cak-imin-yang-bikin-gaduh-usul-pemilu-ditunda-hingga-enggan-diganggu>.
- jurnalis, istimewa. "Relawan Satu Indonesia Konsolidasi Dan Sosialisasi Jokowi 3 Periode Di Sulawesi Utara." *Okezone.Com*, July 24, 2022. <https://foto.okezone.com/view/2022/07/24/1/84134/relawan-satu-indonesia-konsolidasi-dan-sosialisasi-jokowi-3-periode-di-sulawesi-utara>.
- Tim BBC Indonesia. "Penundaan Pemilu 2024: Seruan Kalangan Elit Politik, Apakah Mungkin Terealisasi?," January 3, 2022. <https://www.bbc.com/indonesia/indonesia-60561290>.
- tim detik.com. "Ngabaln Soal Apdesi Dukung Jokowi 3 Periode: Itu Hak, Masak Tak Boleh?" *Detik.Com*, March 31, 2022.
- Widhoroso, Widhoroso. "Yusril: Majelis Hakim PN Jakarta Pusat Keliru Putuskan Tunda Pemilu," February 3, 2023. <https://mediaindonesia.com/politik-dan-hukum/562519/yusril-majelis-hakim-pn-jakarta-pusat-keliru-putuskan-tunda-pemilu>.