

A Comparative Study of Open Proportional System in 2019 and 2024 Election in Indonesia: A Case Study in Klaten Regency

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Abstract

This study aims to compare the implementation of the open proportional system election in the 2019 Election compared to the 2024 Election including policy changes and voter trends in the open proportional system and to analyze the Constitutional Court Decision Number 114/PUU-XX/2022, which confirms the use of an open proportional system in the 2024 General Election, affecting youth participation in running as legislative members. The research method used is a juridical-sociological approach, implemented in Klaten Regency, and described descriptively. Primary data were obtained through interviews with the Klaten Regency KPU and several youth who were running as legislative members, while secondary data were obtained through a review of relevant literature, including related books and laws. The results of the study show a significant increase in youth participation as legislative candidates. Factors contributing to this increase include the Constitutional Court Decision Number 114/PUU-XX/2022 itself, the use of social media, and the environment around the youth.

Keywords: General Election, Open Proportional System.

General Election is a means to elect people's representatives for members of the DPR, provincial DPRD, district/city DPRD, individuals for the General Election of DPD members, and candidate pairs for President and Vice President. The Open Proportional System in the General Election is a proportional representation system that allows voters to participate in the process of determining the order of party candidates to be elected. Law Number 7 of 2017 concerning General Elections is the legal basis for the implementation of the

2019 and 2024 General Elections. The Constitutional Court Decision Number 114/PUU-XX/2022 which did not grant the request to change the Proportional System did not change Law Number 7 of 2017 concerning elections. The changes to the Election Law only added the number of seats in the DPR RI, and the new provincial area in Papua. This is stated in Law Number 7 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law (Perppu) No. 1 of 2022 concerning

Amendments to Law Number 7 of 2017 concerning General Elections to Become Law.

This study limits only matters relating to the implementation of Law Number 7 of 2017 concerning General Elections which has been updated through Law Number 7 of 2023 concerning the stipulation of Government Regulation in Lieu of Law (Perppu) No. 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections with the research location in Klaten Regency, Central Java Province.

Based on this, this study aims to answer the formulation of the problem regarding how the process of organizing general elections with an open proportional system in the 2019 general election compared to the 2024 general election in Klaten Regency. By looking at several aspects, including the impact of the Constitutional Court decision number 114/PUU-XX/2022 which decided to continue using the open proportional system in the 2024 election in the legislative member nomination process.

RESEARCH METHODOLOGY

The method applied in this study is a juridical-sociological study. The juridical approach relies on literature analysis and secondary data to explore the understanding of law in the context of society. Meanwhile, the sociological approach is used to understand social phenomena in relation to the application of law in people's lives. This study is categorized as descriptive, which aims to provide a qualitative description of humans, social phenomena, and other circumstances in detail and systematically. This descriptive method aims to describe social events chronologically and systematically, as well as to explain the correlation with relevant laws.

The data used consists of primary data and secondary data. Primary data was obtained through interviews with related parties, especially the Klaten Regency KPU as the implementer of the General Election. Interviews

were conducted directly or via telephone communication. Meanwhile, secondary data comes from primary and secondary legal materials. Primary legal materials include laws and other normative regulations, while secondary legal materials include legal literature such as books, journals, and theories compiled by legal experts.

The research process involves determining interview subjects, compiling a list of questions, and intensive communication with interview subjects. In addition, the author also expanded primary data sources by interviewing youth organizations to obtain variations and validation of the answers obtained. The interview data was then processed by outlining and describing the interview results and connecting one data with another to form a comprehensive description of the research results.

RESULTS AND DISCUSSION

A. Constitutional Court Decision Number 114/PUU-XX/2022 Concerning the 2024 General Election System

On November 1, 2022, there was a submission of a judicial review application to the Constitutional Court which was received by the Clerk's Office of the Constitutional Court. Then it went through the recording and bookkeeping process until it was finally accepted by the Court on December 6, 2022. The judicial review application concerns the process of holding the 2024 general election. The applicant believes that there are several articles in Law Number 7 of 2017 concerning General Elections that are contrary to the 1945 Constitution. So it is necessary to file a judicial review so that several basic things that are being fought for, such as human rights, can be fulfilled. The articles that according to the applicant are contrary to the 1945 Constitution and hinder the public interest in enlivening the democratic party include; Article 168 paragraph (2), Article 342 paragraph (2), Article 353 paragraph (1) letter b, Article 386 paragraph (2) letter b, Article 420 letters c

and d, Article 422, Article 426 paragraph (3) of Law Number 7 of 2017 concerning General Elections. These articles are provisions that regulate the general election mechanism. Article 168 paragraph (2) states that the implementation of general elections is carried out with an open proportional system.

In other articles, although the main discussion is different, according to the applicant, these articles are a complete unit. Where Article 168 paragraph (2) states the use of an open proportional system. Then in Article 342 paragraph (2), Article 353 paragraph (1) letter b and Article 386 paragraph (2) letter b regulate provisions regarding ballot papers, where the implication of the open proportional system is that the ballot papers become larger and contain many candidate names. Article 420 letters c and d, Article 422 and Article 426 paragraph (3) regulate provisions regarding the acquisition of votes and determination of the number of seats. These provisions are considered detrimental by the applicant because they discredit the role of political parties as political tools and vehicles. That the phrase open proportional system, there are candidate names on the ballot paper, and candidates elected based on the most votes are more to show the strength of individuals in the general election process. The applicant views that the influence of individuals and populism alone have many negative impacts on society and the unity of the state. The tendency for polarization and division that threatens unity and unity in society with the mobilization of the masses by someone is quite wide open. This can happen because someone has a desire to be popular and gain the support of the masses. On the other hand, the applicant also views that as a leader and representative of the people who represents the party, they should have qualifications and ideological maturity. Becoming a cadre of the nation cannot be done instantly. Thus, the central role of the party is very influential. Ideological, political, national and democratic education should be the main provision for prospective leaders. This can be

achieved through the role of the party and gradual party education. The applicant also mentioned the use of a fairly large allocation of general election funds. Where one of the fundamental reasons is the use of an open proportional system which results in the need for larger ballots and more in number. A closed proportional system is considered more cost-effective because it does not require as many ballots as when using an open proportional system.

That then according to the Applicants, the provisions of Article 168 paragraph (2), Article 342 paragraph (2), Article 353 paragraph (1) letter b, Article 386 paragraph (2) letter b, Article 420 letters c and d, Article 422, and Article 426 paragraph (3) of Law 7/2017 are in conflict with the provisions of Article 1 paragraph (1), Article 18 paragraph (3), Article 19 paragraph (1), Article 22E paragraph (3), and Article 28D paragraph (1) of the 1945 Constitution, and the implementation of elections with an open proportional system gives rise to several problems, namely causing complexity in the implementation of elections, waste of state budget, the occurrence of money politics and encouraging criminal acts of corruption, weakening the institutionalization of political parties, and causing multidimensional problems. Meanwhile, Article 22E paragraph (3) of the 1945 Constitution regulates the construction of Political Parties as determinants in the election of members of the DPR and DPRD, thus the 1945 Constitution requires a closed proportional system, because it represents the Pancasila ideology which wants a collective system in elections in Indonesia.

By considering the submission of the application by the applicant and considering the judicial power, where the decision of the Constitutional Court is a final decision and there is no further attempt to submit changes, the Constitutional Court judges carefully conducted a test while still based on legal, sociological and philosophical foundations. That based on the statements of experts and several parties and the

considerations of the Constitutional Court judges, the decision was rejected by the applicant to change the proportional system in the 2024 general election from an open proportional system to a closed proportional system. The decision was followed by legal, sociological and philosophical foundations.

Several things were described and given the basis for why the Constitutional Court judges rejected the a quo application, including; The applicant misinterpreted the central role of political parties. That political parties are important instruments in democracy but do not then reduce the sovereignty of the people in the state and have the right to participate in the process of electing legislative members and the president and vice president. The narrative that states that there will be a dwarfing of political parties due to the use of an open proportional system is an illogical narrative. Prospective legislative members, both the People's Representative Council and the Regional People's Representative Council, are cadres who administratively receive a mandate from the relevant party. So of course in the process of registering prospective legislative members, political parties play a very important role as selectors. So later the cadres who become prospective legislative members are cadres of the nation and state who have gone through a political education process in a particular party.

The applicant also made a statement that the open proportional system contradicts and violates Article 22E paragraph 3 in conjunction with Article 18 paragraph 3 and Article 19 paragraph 1 of the 1945 Constitution. Where Article 22e paragraph 3 explains that election participants are political parties, and Article 18 paragraph 3 and Article 19 paragraph 1 explain that regional governments and legislative members are elected through general elections. The judge considered that there was no violation by the open proportional system against Article

22e paragraph 3 in conjunction with Article 18 paragraph 3 and Article 19 paragraph 1 of the 1945 Constitution. That indeed political parties are a forum or organization to fight for the community. The problem of political parties is that election participants are a necessity in the mandate of the constitution but do not then reduce the sovereignty of the people and the rights of the community in democracy. That related to the applicant's statement regarding the general election with an open proportional system is a waste of costs or state budget is an incorrect statement. The simultaneous general election budget is a budget that has been formulated with various considerations and needs that will be faced in the field. The consequences of holding simultaneous general elections with an open proportional system are things that have been carefully considered. So that efforts to maximize the results of simultaneous general elections are something that must always be attempted. An open proportional system tends to bring conditions where people have an equal opportunity to become legislative candidates. Human rights where every citizen has an equal opportunity are felt to be more accommodated with an open proportional system. Because the election process is not confined to internal parties but rather to the sovereignty of the people to choose, it brings a fair competitive atmosphere to legislative candidates. Although each has the opportunity to commit fraud in the form of money politics, it does not mean that the implementation of a closed proportional system provides a guarantee to avoid money politics fraud. Of course, this fraud can be overcome with political education and democracy for the community.

B. Differences in the Implementation of the 2019 Proportional System Election and the 2024 Election

Election Instruments	2019 Election	2024 Election
Administrative Verification Process for Election Participants	The registration process through to verification is carried out by the Provincial, Regency/City KPU	The registration process to verification is carried out directly by the Indonesian KPU (the provincial KPU only acts as the implementer)
Tension of competition between supporters	Increased because the candidates running in this election are not in government	Tends to decrease because the candidates running in the election were/are in government
Year of Election and Regional Election	Simultaneous elections Only to elect the President, DPR, DPD Province and Regency / City The regional head election event will only take place one year later	Simultaneous elections to elect the President, DPR, DPD Province and Regency/City and Regional Elections The General Elections and Regional Elections are held in the same year by the KPU to emphasize the intensity of competition between political parties.
The intensity of competition between political parties	Regional head candidates can be nominated independently and also through political parties.	Regional head candidates can be nominated through political parties on the condition that they must have at least 20% of the seats in the provincial and district/city DPRD.
Presidential and Vice Presidential Candidate Profiles	Not all presidential and vice presidential candidate pairs come from government positions	Presidential and vice presidential candidates come from government positions
Nomination of regional head candidates	Regional Head Candidates can be nominated through political parties or as independent candidates.	Independent candidates are eliminated and political parties must have at least 20% of seats in the DPRD to nominate a candidate.

Comparison of votes obtained by several political parties in the 2024 Election and the 2019 Election:

Names of Party	2024 Election	2019 Election
PDI Perjuangan (PDIP)	25.387.279 votes (16,72 %)	27.503.961 votes (19,33 %)
Golkar	23.208.654 votes (15,29 %)	17.229.789 votes (12,31 %)
Gerindra	20.071.708 votes (13,22 %)	17.596.839 votes (12,57 %)
PKB	16.115.655 votes (10,62 %)	13.570.970 votes (9,69 %)
Nasdem	14.660.516 votes (9,66 %)	12.661.792 votes (9,05 %)
PKS	12.781.353 votes (8,42 %)	11.493.663 votes (8,21 %)
Demokrat	11.283.160 votes (7,43 %)	10.876.057 votes (7,77 %)
PAN	10.984.003 votes (7,24 %)	9.572.623 votes (6,84 %)
PPP	5.878.777 votes (3,87 %)	6.323.147 votes (4,52 %)
PSI	4.260.169 votes (2,806 %)	2.650.361 votes (1,85 %)

C. Implementation of Constitutional Court Decision Number 114/PUU-XX/2022 concerning the Open Proportional System for the 2024 General Election for Legislative Candidates

The Constitutional Court Decision Number 114/PUU-XX/2022 which directly rejected the application to replace the proportional system from open to closed is an affirmation that the 2024 general election contest will be held again with the public being able to choose who will be their representatives. This momentum is a great

opportunity for the younger generation with experience and education as well as technological skills to be able to play a role in carrying the aspirations of the community in national development.

The percentage of legislative candidates in the Klaten Regency DPRD is quite even. Both from men and women. This is an interesting finding. This means that gender equality is increasingly prioritized. On the other hand, there is also a rule that the minimum representation of women is 30%. Candidates, especially women, are

confident in running as legislative members, of course, are strongly influenced by the Constitutional Court Decision Number 114/PUU-XX/2022 concerning the open proportional system. This provides the spirit to advance as legislative candidates.

Apart from the Constitutional Court's decision, the encouragement and motivation of legislative candidates in the Klaten Regency DPRD lies in the vision, mission and ideas they bring. That ideas and vision and mission must remain the main bargaining power for prospective legislative members. So that the public can choose intelligently. Several other things are also supporting factors for prospective legislative members. Among them are they are organizational activists. Where previously they had experience leading at a certain level and a certain period of an organization. This has a significant influence on the brave mentality of prospective legislative members. Especially women who have often also been general chairmen in youth organizations or similar. Biological factors where one or both parents have also been or are currently prospective legislative members also have a significant influence. The paradigm and motivation to enter the world of politics become stronger when they get moral and material support from one or both parents.

The participation of legislative candidates in becoming legislative candidates is also motivated by their backgrounds, which are activists in Community Organizations (Ormas), Youth Organizations (OKP) and Student Movement Organizations. Community Organizations (Ormas) such as Muhammadiyah, Aisyiyah and Nahdlatul Ulama, and their Youth Organizations (OKP) such as the Muhammadiyah Student Association (IPM), Muhammadiyah Youth (PM) Nasyiatul Aisyiyah (NA), Nahdlatul Ulama Student Association (IPNU), GP Ansor and also student movement organizations such as the Muhammadiyah Student Association (IMM), the Islamic Student Association (HMI) and the Indonesian National

Student Movement (GMNI) encourage their cadres to participate and become representatives of the organization. So that when they are elected, they can bring aspirations from their organization to be processed and processed into a policy.

D. Implementation of General Elections in Klaten Regency in 2019 and 2024.

The General Elections in 2019 and 2024 have similarities in the systems used. Both use an open proportional system. The similarities in the systems used in 2024 and 2019 make them not that different in the implementation process.

In the context of the field, the proportional system used in the 2019 and 2024 general elections greatly benefits prospective legislative members who have just entered the world of politics. Because, when a new entrant wants to participate in the nomination of legislative members, and the system used is a closed proportional system, then it is very likely that the person will get a lower serial number which is not prioritized by the party when the proportional system used is a closed proportional system. Different from the open proportional system.

The 2019 General Election in Klaten Regency, especially in the election of legislative candidates or the Klaten Regency Regional People's Representative Council, there were several unique things that the author found. In general, the legislative seats available in the Klaten Regency Regional People's Representative Council are 50 seats. This is based on the population of Klaten Regency which is 1,260,506 people. The data was taken from the Central Statistics Agency of Klaten Regency. Based on KPU provisions, if the population is above 1 million people, then the seats for the Regional People's Representative Council are 50 seats. In general, Klaten Regency is divided into 5 Electoral Districts (Dapil). Klaten Electoral District 1 consists of the sub-districts; Kalikotes, Kebonarum, South Klaten, Central Klaten, North Klaten, Ngawen, and Wedi. Klaten Electoral District 2 consists of the

sub-districts; Gantiwarno, Jogonalan, Karangnongko, Kemalang, Manisrenggo, and Prambanan. Klaten Electoral District 3 consists of the sub-districts; Jatinom, Karanganom, Polanharjo and Tulung. Klaten Electoral District 4 consists of; Ceper, Delanggu, Juwiring, and Wonosari, and Klaten Electoral District 5 consists of; Bayat, Cawas, Karangdowo, Pedan, and Trucuk.

The author found that there were 53 Legislative Candidates (Caleg) with a background in community, youth and social activism in Klaten Regency spread across 5 Electoral Districts (Dapil) of Klaten Regency. The 53 Legislative Candidates (Caleg) came from different parties. Among them were 5 from Demokrat; 7 from Gerindra; 3 from Golkar, 10 from Nasdem; 3 from PAN; 6 from PDIP; 2 from Perindo; 11 from PKB; 2 from PKS; 1 from PSI and 3 from Ummat.

CONCLUSIONS AND SUGGESTIONS

Based on the description above that the author has presented regarding the comparative study of the Open Proportional System for the implementation of the Open Proportional System Election in the 2019 Election compared to the 2024 Election, especially regarding the Constitutional Court Decision Number 114/PUU-XX/2022 concerning the Open Proportional System in the General Election for Legislative Members, the following:

1. That the 2019 General Election (Pemilu) and the 2024 General Election were held using an open proportional system, which has been stated in Law Number 7 of 2017. On the way, there was a judicial review application to the Constitutional Court to change the proportional system to a closed one, but with a study in the Constitutional Court, it confirmed that it rejected the application to replace the proportional system based on Decision Number 114/PUU-XX/2022, so that it indirectly confirmed that the 2024 general election would

still use an open proportional system, giving a significant impact.

2. The very significant differences in the implementation of the open proportional system Election in the 2019 Election compared to the 2024 Election are:

a. The administrative verification process for the 2024 Election Participants is directly carried out by the Central KPU while the provincial KPU only acts as an implementer

b. The tension of competition between supporters in 2024 tends to decrease because the candidates who are running are in government

c. The implementation year for the 2024 Election and Regional Elections will be one

d. The intensity of competition between political parties is different where in 2024 there is a minimum requirement of 20% of the vote for political parties to nominate their candidates

e. The nomination of Regional Head Candidates must go through political parties, not through independent channels

3. Although the open proportional system has been regulated in Law Number 7 of 2017 concerning General Elections, due to the phenomenon of Judicial review with results still using the open proportional system, it makes it attractive and attracts the attention of young people who want to run for office. Young legislative candidates in the Klaten Regency DPRD have idealistic motivations. Among them, they want to continue the aspirations of the community, become pioneers, implementers and perfecters of the struggle and utilize their experience as activists and also parents who are also running as legislators.

4. That the 2024 Legislative Election in the Klaten Regency DPRD has seen an increase in young legislative candidates. Young legislative candidates in the Klaten Regency DPRD have idealistic motivations. Among them, they want to continue the aspirations of the community, become pioneers, implementers and perfecters of the struggle and utilize their experience as activists and also parents who are also running as legislators. Based on the data, it

shows that in 2019 there were 20 young legislative candidates in the Klaten Regency DPRD, this will increase to 53 young people in 2024.

5. That Community Organizations (Ormas), Youth Organizations (OKP) and Student Movement Organizations. Community Organizations (Ormas) such as Muhammadiyah, Aisyiyah and Nahdlatul Ulama, and their Youth Organizations (OKP) such as the

Muhammadiyah Student Association (IPM), Muhammadiyah Youth (PM) Nasyiatul Aisyiyah (NA), Nahdlatul Ulama Student Association (IPNU), GP Ansor and also student movement organizations such as the Muhammadiyah Student Association (IMM), the Islamic Student Association (HMI) and the Indonesian National Student Movement (GMNI) also provide encouragement to their young cadres to participate as legislative candidates

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