

Performance of the Election Supervisory Agency in the Implementation of the 2020 Surakarta City Election

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ABSTRACT : This research departs from the indications of violations found in regional head elections, such as campaigns that are not in accordance with the rules of the General Election Commission (KPU) and the State Civil Apparatus (ASN) who favor one pair of candidates and vote counting, illegal voter registration, intimidation against voters who are contrary to the spirit of the Election Law or not in accordance with democratic principles. In this case, the performance of the Election Supervisory Body (Bawaslu) of Surakarta City in carrying out its duties and authorities. This research is descriptive with a qualitative approach, namely the researcher tries to describe and reveal all phenomena, symptoms, events as they are in the form of descriptions. The prevention carried out by Bawaslu also involves the general public in the form of participatory supervision. However, if there is a violation during the campaign, Bawaslu can only reprimand it. Because the rules in the General Election Commission Regulation (PKPU) regarding prohibitions that must be avoided. Law Number 32 of 2004 which states that regional heads and deputy regional heads are elected in one pair of candidates which is carried out democratically based on the principles of direct, general, free, confidential, honest and fair.

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INTRODUCTION

The direct election of regional heads and deputy regional heads by the people is a series of homeland political events (Suwardi, 2020). The definition of regional head rests on the definition given juridically in relation to Article 18 paragraph (4) of the 1945 Constitution which states that governors, regents, mayors are each as heads of democratically elected provincial, district and city governments (Harahap, 2017).

In Article 89 of Law Number 7 of 2017 concerning General Elections, in the implementation of the election of regional heads and deputy regional heads it is supervised by a body called Bawaslu (Election Supervisory Body). Banwaslu was formed in stages and structured starting from the Provincial Bawaslu, Regency/City Bawaslu, General Election Supervisors (Panwaslu) at the District Level and Field Election Supervisors. Provincial Bawaslu is the body that oversees the implementation of elections in the province, while Regency/Municipal Bawaslu is the election supervisory body in the regency and city areas and the sub-district Bawaslu is the body established by the Regency or City Bawaslu to oversee the implementation of elections in the sub-districts. The Election Supervisory Body is in charge of supervising and receiving reports on anything that occurs in the form of violations during the regional head election and reviewing it within the time as determined by law. Elections that are conducted honestly and democratically will give birth to leaders who are clean and will run the government honestly.

The Election Supervisory Body forwards reports and violations found during the implementation of regional head elections to the General Elections Commission (KPU) and forwards findings and reports containing criminal elements to investigators through the Integrated Law Enforcement Center (Gakkumdu). The Supervisory Board for the Election of Regional Heads and Deputy Regional Heads resolves violations in accordance with predetermined stages (Kristiyanto, 2017).

In article 93 of Law Number 7 of 2017 concerning General Elections, that the Election Supervisory Body has its own duties, authorities and obligations. The Election Supervisory Body (Bawaslu) at the provincial and district or city levels is permanent, while the Election Supervisory Body (Bawaslu) at the sub-district, kelurahan or village level and the polling station supervisors (TPS) are ad hoc.

One measure of the success of the performance of the Election Supervisory Body is the implementation of the rules of the game that have been carried out well by each stakeholder. On the other hand, if the rules of the game are not carried out with the standards that have been set, it will become one of the inhibiting factors for the Election Supervisory Body in carrying out its powers,

duties and obligations. The task of Bawaslu in this case is to regulate the readiness for holding general elections, the authority of the Panwaslu in receiving reports of violations of the implementation of the provisions of laws and regulations regarding general elections. Meanwhile, Bawaslu's obligation is not to be discriminatory in carrying out its duties and authorities. Based on the above background, the purpose of this research is how the performance of the Election Supervisory Body (Bawasku) in the implementation of the Surakarta City elections in 2020.

THEORETICAL REVIEW

Definition of Election of Regional Head and Deputy Regional Head

The definition of Election of Regional Heads and Deputy Regional Heads is based on Article 1 paragraph (1) Government Regulation of the Republic of Indonesia Number 6 of 2005 concerning Election, Ratification, Appointment and Dismissal of Regional Heads and Deputy Regional Heads in conjunction with Government Regulation Number 49 of 2008 concerning Amendments to PP Number 6 Year 2005 is: "a means of implementing people's sovereignty in the Province and/or Regency/City based on Pancasila and the 1945 Constitution to elect Regional Heads and Deputy Regional Heads" (Santoso, 2019).

The election of the regional head is a political recruitment, namely the selection of the people against the figures who run for regional heads, both governors/deputy governors and regents/deputy regents or mayors/deputy mayors". In political life in the regions, the Pilkada is one of the activities whose value is equivalent to the election of members of the Regional People's Representative Council (DPRD). This equivalent is indicated by an equal position between the regional head and the DPRD.

Article 56 (1) of Law Number 32 of 2004 concerning Regional Government states that regional heads and deputy regional heads are elected in one pair of candidates which is carried out democratically based on the principles of direct, general, free, confidential, honest and fair. (2) The pairs of candidates as referred to in paragraph (1) are proposed by a political party or coalition of political parties. The provisions of Article 56 paragraph (2) were declared to have no binding legal force after a candidate for Regional Head from the Province of West Nusa Tenggara named Lalu Ranggalawe submitted a review of Law Number 32 of 2004 concerning Regional Government, especially related to provisions that only open opportunities for political parties or coalitions. Political parties in the nomination of regional heads and deputy regional heads. After the Constitutional Court's decision that granted individual candidates, the Government on April 28 ratified Law Number 12 of 2008 concerning the second

amendment to Law Number 32 of 2004 concerning Regional Government (Marwan HSB, 2018).

The choice of the direct election system is a correction to the previous pilkada using a representative system by the DPRD, as stated in Law Number 22 of 1999 concerning Regional Government and Government Regulation Number 151 of 2002 concerning Procedures for Election, Ratification and Dismissal of Regional Heads and Deputy Regional Heads. The use of the direct election system shows the development of regional democratic format arrangements that have developed within the framework of political liberalization, in response to demands for changes in the political system and format during the reformation period. The direct election of regional heads and deputy regional heads by the people is a political process in the regions towards a more democratic and responsible political life. Therefore, to ensure the implementation of the election of regional heads and deputy regional heads that are qualified, meet the degree of healthy, participatory competition, they can be held accountable.

Article 58 of Law Number 12 of 2008 concerning the second amendment to Law Number 32 of 2004 concerning Regional Government states that candidates for regional heads and deputy regional heads are citizens of the Republic of Indonesia who meet the following requirements:

1. Fear God Almighty;
2. Loyal to Pancasila as the State Foundation, the 1945 Constitution, the ideals of the Proclamation of 17 August 1945 and to the Unitary State of the Republic of Indonesia and the Government;
3. Educated at least high school or equivalent;
4. Be at least 30 years old
5. Physically and mentally healthy based on the results of a thorough medical examination from a team of doctors
6. Never been sentenced to imprisonment based on a court decision that has obtained permanent legal force due to committing a criminal act which is punishable by imprisonment for a maximum of 5 years or more;
7. Not being revoked their right to vote based on a court decision that has permanent legal force;
8. Know the area and be known by the people in the area;
9. Submit a list of personal assets and are willing to be announced;
10. Not currently having debt obligations individually and/or as a legal entity which is their responsibility which is detrimental to state finances;
11. Not being declared bankrupt based on a court decision that has permanent legal force;

12. Never commit a disgraceful act
13. Have a Taxpayer Identification Number (NPWP) or those who do not have an NPWP are required to have proof of tax payment;
14. Submit a complete curriculum vitae that includes, among others, educational and work history as well as biological family, husband or wife;
15. Have never served as regional head or deputy regional head for 2 (two) terms of office in the same position;
16. Not in the status of regional head officials
17. Resign from registration for regional heads and/or deputy regional heads who are still in their positions and there is Article 59 of Law Number 12 of 2008 concerning the second amendment to Law Number 32 of 2004 concerning Regional Government.

Direct Pilkada as Part of the Democratic Process

Electoral reform or reform of the electoral system has been taking place since 1999, with the most democratic and fair elections being held in the last fifty years. The election has indeed resulted in the birth of a new ideal leadership, although in general it is still far from ideal. Elections that require the people to vote for political parties are one of the biggest obstacles in seeking to improve the accountability of the national leadership. Representatives from parties holding the presidency and other political positions are unable to obtain justification and legitimacy as representatives of the people. Because in fact they are elected by the party. So it is often said that political officials are more party representatives than people's representatives. Are the indirect and direct electoral systems the main reason for the poor quality of representation in Indonesia? Perhaps in general-theoretically it can be said that the electoral system is the same, as long as the interests and aspirations of the people are prioritized and paid attention to by political officials (Suyatno, 2016).

Direct election of regional heads is a necessity to correct the occurrence of irregularities in the implementation of regional autonomy shown by elites at the local level. The assumption that regional autonomy will further improve the quality of public services, in many cases turns out to be an empty promise that has not been proven true. What is seen is the rampant behavior of local elites from both the government and DPRD who show the spirit of making personal gains by ignoring the views and criticisms of the wider community. One of the reasons for this situation is the regional head election conducted by the Regional People's Representative Council (DPRD).

METHODOLOGY

This research is descriptive with a qualitative approach, namely the researcher tries to describe and reveal all phenomena, symptoms, events as they are in the form of statements (Arifin, 2019). Qualitative research is research that is descriptive and tends to use analysis (Hasudungan, 2021). Process and meaning are highlighted in qualitative research. The theoretical basis is used as a guide so that the research focus is in accordance with the facts on the ground (Nababan et al., 2022). In qualitative research the steps/stages are broadly divided into three parts, namely; 1) Preparation/pre-field stage, 2) Field work stage, and 3) Data analysis stage. And in qualitative research methods, data is usually collected using several qualitative data collection techniques, namely; 1) interview, 2) observation, 3) documentation, and 4) focused discussion (Focus Group Discussion) (Hasudungan et al., 2020). This study aims to provide a clear, complete, and thorough description by collecting, compiling, clarifying, analyzing and interpreting the data obtained to solve problems regarding the performance of the election supervisory committee in supervising the implementation of the Surakarta local elections.

RESULTS AND DISCUSSION

History of Regional Head Elections (Pilkada) in Indonesia

Prior to 2005, regional heads and deputy regional heads were elected by the Regional People's Representative Council (DPRD). Since the enactment of Law no. 32 of 2004 concerning Regional Government, regional heads are elected directly by the people through the Election of Regional Heads and Deputy Regional Heads or can be abbreviated as Pilkada. The first Pilkada was held in Kutai Kartanegara Regency, East Kalimantan in June 2005.

This election was first held in June 2005. Since the enactment of Law no. 22 of 2007 concerning General Election Organizers, this pilkada is included in the electoral regime, so that it is officially named as the General Election of Regional Heads and Deputy Regional Heads or abbreviated as Pemilukada. The first regional head election held based on this law was the 2007 DKI Jakarta Pilkada.

The General Election for Regional Heads and Deputy Regional Heads or commonly referred to as Pilkada or Pemilukada is a general election to choose pairs of candidates for Regional Heads proposed by political parties (Parpol) or a combination of political parties and individuals (Zulfajri et al., 2020). Pilkada (Regional Head Election) is an election conducted directly by residents of the local administrative area who have met the requirements. In Indonesia, currently the election of regional heads can be carried out directly by residents of the local administrative area who have met the requirements. Regional head elections can also be carried out in a package together with deputy regional heads (Romli,

2018). The regional heads and deputy regional heads in question include the following:

1. Governor and deputy governor for the province.
2. Regent and deputy regent for the district.
3. Mayor and deputy mayor for the city.

Elections in Indonesia

Pilkada is held by the Provincial General Election Commission (KPU) and Regency/Municipal KPU with supervision from the Provincial General Elections Supervisory Body (Bawaslu) and Regency/City Bawaslu. Specifically in Aceh, the Pilkada is held by the Independent Election Commission (KIP) under the supervision of the Election Supervisory Committee (Panwaslih).

Pilkada Participants

Based on Law no. 32 of 2004, election participants are pairs of candidates proposed by political parties or coalitions of political parties. This provision was amended by Law no. 12 of 2008 which states that election participants can also come from pairs of individual candidates who are supported by a number of people. This law follows up on the decision of the Constitutional Court (MK) which annulled several articles concerning election participants in Law no. 32 of 2004.

Pilkada Legal Basis

In addition, pilkada can also be interpreted as the election of governors and the election of regents or mayors which are a means of implementing people's sovereignty in provinces and regencies or cities to elect governors and regents or mayors based on Pancasila and the 1945 Constitution of the Republic of Indonesia. The Law that regulates the Legal Basis for the Implementation of Elections is as follows:

1. Constitution no. 32 concerning Regional Government.
2. Constitution no. 32 concerning Regional Government Explanation.
3. Government Regulation (PP) No. 17 concerning Amendments to Government Regulation no. 6 of 2005 concerning the election, ratification of the appointment, and dismissal of regional heads and deputy regional heads.
4. Government Regulation in Lieu of Law No. 3 concerning PERPU NO. 3 OF 2005.

Pilkada participants are pairs of candidates proposed by political parties or coalitions of political parties, this is based on Law no. 32 of 2004. This provision

was later amended by Law no. 12 of 2008 which states that the election participants can also come from pairs of individual candidates who are supported by a number of people. This law follows up on a decision of the Constitutional Court (MK) which annulled several articles concerning the Pilkada participants in Law no. 32 of 2004.

In 2011, a new law was issued regarding the holding of general elections, namely Law no. 15 of 2011. In this law, the terms that have been used are the Election of Governors, Regents, and Mayors. The Republic of Indonesia is a state of law, where the law is used as a guide or guide in carrying out the life of the nation and state. General elections are a logical consequence of a democratic state, and democracy is a safe way to maintain control over the state (Ristyawati, 2020).

It can be concluded that whatever actions are carried out by everyone, whether they are citizens or state government officials, must be based on applicable law, whether written or unwritten. So that in carrying out the life of the nation and state there is no violation of Human Rights (HAM) which are protected by law. The size of a democratic election is marked by the integrity of the electoral process and the integrity of the election results (Ratnia et al, 2016).

The election of the Mayor and Deputy Mayor of Surakarta in 2020 is also included in the right of every citizen to carry it out, where the political rights of citizens include the right to vote and the right to be elected. The guarantee of the right to be elected is implied in the 1945 Constitution starting from article 27 paragraph 1 and 2 article 28, article 28D paragraph 3, article 28E paragraph 3, while the right to vote is also regulated in article 1 paragraph 2, article 2 paragraph 1, article 6A paragraph 1, article 19 paragraph 1 and article 22C paragraph 1 of the 1945 Constitution. For the basis of holding the election of the Mayor and Deputy Mayor of Surakarta, it is the embodiment of article 18 paragraph 4 of the 1945 Constitution, which reads: Governor, Regent and Mayor each as the Head of the Province, Regency and City is democratically elected.

The election of regional heads is one of the instruments to fulfill political decentralization where it is possible to transfer the locus of power from the center to the regions. Regional head elections as well as national elections are a means to elect and replace government in a peaceful and orderly manner. Through regional head elections, the people will directly elect their leaders in the regions as well as provide legitimacy to those who are entitled and able to govern. Through the election of regional heads, the embodiment of popular sovereignty can be enforced.

Indonesia is a country that adheres to people's sovereignty, this means that sovereignty is in the hands of the people and is implemented according to the Constitution of the Republic of Indonesia. Sovereignty in the hands of the

people is proof that Indonesia is a democratic country. Regional heads and deputy regional heads are democratically elected regional heads of government. The democratic election in question is an election carried out by the people directly, the requirements and procedures are in the laws and regulations (Wardhani et al., 2020).

This is in line with Article 56 of Law Number 32 of 2004 which states that regional heads and deputy regional heads are elected in one pair of candidates which is carried out democratically based on direct, general, free, confidential, honest and fair principles. The 2020 Pilkada must be carried out directly, publicly, freely, confidentially, honestly and fairly. Likewise with the Surakarta City Bawaslu which was formed by the Central Java Province Bawaslu. The Surakarta City Bawaslu has the task of carrying out supervision over the implementation of the 2020 Surakarta Mayor and Deputy Mayor Elections. Public participation in administration must reflect people's opinions and needs that must be met by the government (Suwardi, 2020).

During the calm period, election supervisors are not getting calmer but instead get a more difficult task because supervisors must ensure that the implementation of democracy runs cleanly without money politics. This stage is usually vulnerable to money politics due to a pandemic that makes the community's economy weak (Siregar et al, 2021).

The Surakarta City Bawaslu in carrying out its duties and authorities will be able to run well as a whole thanks to the cooperation, consolidation and coordination of both internal City Bawaslu, District Election Supervisory Committee (Panwascam), Village election supervisors and TPS supervisors. In addition, good external cooperation with the KPU, Regional Government, Police, Community Leaders, Religious Leaders, and other stakeholders also supports the success of the Surakarta City Bawaslu in carrying out 2020 supervision.

Participation of all election and democracy stakeholders, supported by a strong civil society. Deliberations on disputes over the election of the parties during the process may or may not reach an agreement. The results of the agreement of the parties are obtained from deliberation and consensus and must not conflict with the laws and regulations (Harahap, 2017).

CONCLUSIONS

The election of regional heads is carried out directly by residents of the local administrative area who meet the requirements. The election of regional heads is carried out in a package together with the deputy regional heads. Pilkada (Regional Head Election) is an election conducted directly by residents of the local administrative area who have met the requirements. Pilkada or regional head elections are held by the Provincial General Election Commission (KPU) and

Regency/City KPU and supervised by the Provincial Election Supervisory Committee (Panwaslu) and Regency/City General Election Supervisors (Panwaslu). High public participation as a subject in the implementation of sovereign elections in Surakarta City can be one of the justifications for being a city that has a mature level of maturity in democracy. To compensate for the high level of public participation in Surakarta City, the Surakarta City Bawaslu should as much as possible play an active role as a facilitator and spearhead of the supervision of the Regional Head Election (Pilkada) in Surakarta City.

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