

Analysis of Problems in the Implementation of Elections in Districts or Villages

Rasji¹ Viane Patricia² Sanny Nuyessy Putri³

Faculty of Law, Universitas Tarumanagara, West Jakarta, Province of DKI Jakarta, Indonesia^{1,2,3}

Email: rasji@fh.untar.ac.id¹ viane.205210133@stu.untar.ac.id²

sanny.205210119@stu.untar.ac.id³

Abstract

General elections, hereinafter referred to as elections, have the means of popular sovereignty to elect members of the People's Representative Council, members of the Regional Representatives Council, President and Vice President, and to elect members of the Regional People's Representative Council which are carried out directly, publicly, freely, confidentially, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Any choice is very prone to various violations and even fraud. Indicators that show the reasons for this problem are not only in the organizers, but also in the behavior of competitors. The intended Indonesian citizens are the original Indonesian people/nation and people of other nations who are legalized by law as citizens. Any choice is very vulnerable to various violations and even cheating. One of the violations that we often face is the abuse of the right to vote. General elections are considered to be the earliest stage of various series of democratic constitutional life. Law Number 7 of the 2017 Election clarifies various criminal provisions against violations and/or fraud in the administration of elections. So that elections are the driving force behind the mechanism of the Indonesian political system. Until now, elections are still considered as an important state event. This is because elections involve all the people directly.

Keywords: General Election, Act, Democratic, Politics



This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/).

INTRODUCTION

The Unitary State of the Republic of Indonesia is a country that adheres to a constitutional democracy, where sovereignty is in the hands of the people but enforced after the rule of law. Democracy and the rule of law side by side should not precede each other. This concept is based on the entry into force of Article 1(1). (2) The 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia). The concept of direct, universal, free, secret and public honest and fair election of representatives every five years in accordance with Article 22E, Paragraph 1 of the 1945 Constitution. However, in practice, such elections can only be carried out. Correct. As a form of rule of law, Indonesia uses an election system for electing its head of government.

General elections, which are abbreviated as elections, are very closely related to political issues and changes in leaders. According to General Election, hereinafter referred to as election, is a means of people's sovereignty to elect members of the People's Legislative Council, members of the Regional Representatives Council, President and Vice President, and to elect members of the Regional People's Representative Council, which is carried out directly, publicly, freely, confidentially, honestly, and fair in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Therefore, elections are the driving force behind the mechanisms of the Indonesian political system. For now, elections are considered an important state event. Because elections directly affect everyone. Elections also allow people to express their will in politics or within the state system. Elections are a

mechanism for the peaceful transfer of political power. The legitimacy of the power of certain people or political parties cannot be won by force. However, the victory occurred because the majority of the people's votes were won through honest elections. Law Number 7 of 2017 concerning General Elections states, Election Organizers are institutions that organize elections consisting of the General Election Commission, the Election Supervisory Body, and the Election Organizer Ethics Council as a single unit of the Election Administration function to elect members of the Representatives Council. The stages of holding an election are a series of election activities starting from voter registration, registration of election participants, determination of election participants, determination of the number of seats, candidacy for members of the DPR, DPD, Provincial DPRD and Regency/City DPRD, campaign, voting and counting of votes up to the determination of election results. Elections are one of the most important factors in maintaining people's sovereignty because it makes the people the main holder of the main sovereignty. Indonesia has held five parliamentary elections and four presidential elections after the reforms which began in 1999, 2004, 2009, 2014 and 2019.

RESEARCH METHODS

In studying the problems of holding elections in districts or villages, the research method used is legal research with the type of normative juridical research by conducting searches of regulations and literature related to the problems studied. Where we try to examine legal issues by focusing on the application of positive law and legal principles. The approach used is the statutory approach (statue approach) and the conceptual approach (conceptual approach). The statutory approach will be used to review all regulations related to the problem and become the basis for analysis to provide legal solutions. This type of normative juridical research with a statutory and conceptual approach used in this study is intended to obtain information regarding electoral issues in the district or village.

RESEARCH RESULTS AND DISCUSSION

Problems that arise in elections from the side of political parties

Indonesia is the most dynamic country in Southeast Asia in terms of electoral system changes. Since the 1999 election, the first election after an authoritarian era, until the 2019 election, Indonesia has changed the electoral system at least three times. The closed proportional representation system was used in the 1999 election. The 2004 election used a semi-open proportional representation system. Election 2009-2019 with open proportional representation. This dynamic does not occur in other Southeast Asian countries. In general, all countries still use the electoral system inherited from the former colonial countries. For example, Malaysia until recently used a plural system inherited from England. The Philippines continues to use a "mixed system" because it has long been a Spanish colony. East Timor which is separated from Indonesia uses a proportional system. Changes in Indonesia's electoral system face a new context at the 2024 election stage. A member of the Indonesian Democratic Party of Struggle submitted a judicial review of the election law to the Constitutional Court. The article to be tested is about an open proportional representation system that is changed to a closed proportional representation system. If the Constitutional Court allows it, voting in elections using the name of an election candidate will change to choosing the image or name of the party. In other words, the way of voting from the 2009 election to the 2019 election will change like the 1999 election.

The Constitutional Court should not make black and white decisions. Fundamentally, the problem with the Indonesian electoral system is not maintaining open proportionality or returning to closed proportionality. In addition, every electoral system has its drawbacks, which

must be addressed as a consequence. It is important that the Constitutional Court and legislators include comprehensive and systematic aspects, so that the orders issued are not simply open/closed. Indonesia has a fundamental problem with the electoral system. First, the election resulted in an extreme multiparty parliament. Second, political parties are of poor quality and are not trusted by the public. These two fundamental problems persist because 2022 is not used as a momentum to improve the legal framework for elections and political parties. In fact, the 2019 election was systematically a very bad choice, so complicated that it claimed hundreds of lives.

The public's poor evaluation of these political parties is in accordance with the level of entrenchment of political parties. Based on the results of a survey by Saiful Mujani Research and Consulting (SMRC) and Political Indicators, the value of party identification (Party-ID) in Indonesia continued to drop significantly from the 1999 election to the 2019 election. During the early post-Reform elections, around 86% of respondents said they were affiliated with with a particular political party. This percentage fell by about half in the next election. Election 2004 at 55%. Election 2009 at 21%. The 2014 election was at number 11. Until the 2019 election, it was only at 7%. The most systemic reason for keeping political parties away from the masses is the legal framework. Since the Reformation, the law on political parties has been revised four times. We can compare the changes from Law 2/1999, Law 31/2002, Law 2/2008, and Law 2/2011. From the initial revision in 2002 to 2011, the requirements for the formation of political parties became more stringent.

Law No. 2/2011 has the most stringent requirements because political parties must have permanent management and offices in 100% of provinces, 75% of districts/cities, and 50% of sub-districts. This 100:75:50 condition is then applied as part of the requirements for political parties to participate in elections, including Law 7/2017 which is used in the 2024 election. Condition 100:75:50 has the consequence of requiring very expensive financial capital. Political party reform must emphasize two things. First, what legal provisions must be changed in the law on political parties and elections. Second, through the authority of which state institution this change must be made. There are at least two provisions that must be changed in the law on political parties and elections. First, facilitating the formation of political parties, for example returning the conditions in 1999. Second, changing the very heavy, complex and discriminatory verification of political parties participating in elections to only one requirement, namely transparent and accountable political party financial reports.

Cheating in elections in the Regency or Village

General Election or what is commonly referred to as Election is the process of choosing someone to fill a certain political position. These positions vary, starting from the position of President/Executive, People's Representative/Legislative at various levels of government. In every election, all Indonesian citizens who are inside or outside Indonesia are encouraged to exercise their right to vote, both to elect candidates for members of the Legislature as well as the President and Vice President. In Law Number 7 of 2017 concerning General Elections, the Indonesian citizens referred to are the native Indonesian people/nation and people of other nations who are legalized by law as citizens. Any choice is very vulnerable to various violations and even cheating. Indicators that show the reasons for this problem are not only in the organizers, but also in the behavior of competitors. One of the violations that we often face is the abuse of the right to vote. From the existence of monetary policy to the revocation of rights that are getting worse day by day. There are at least five actions that will result in a person being revoked or deprived of his rights and subject to criminal charges. TPS-level election organizers who do not provide C6 forms or invitations to the public to exercise their right to vote with the intention of being impartial or because of their unprofessional activities resulting in the

revocation of the right to vote in question. Second, in the case of updating voter information when eligible voters are not in the provisional voter pool, take care of that. However, because the voter registration system is often not updated, their names are still not listed on the DPT and they lose their right to vote.

Law Number 7 of the 2017 General Election clarifies various criminal provisions against violations and/or fraud in the conduct of elections. Orders resulting from loss of a person's right to vote by election organizers are regulated in Article 510 of the Election Law Number 7 of 2017, which stipulates that anyone who deliberately causes another person to lose their right to vote is subject to imprisonment. a maximum of 2 (two) years and a maximum fine of Rp. 24 million. And Article 531 which states that anyone who deliberately uses violence to prevent someone from voting, makes noise or tries to prevent voting, is threatened with imprisonment for a maximum of 4 (four) years and a fine of up to Rp. 48 million. The fraud that occurs can only be stopped by political actors who have the will to improve the quality of elections. On the other hand, if the actors involved in the election process do not show a willingness to support the integrity of the election administration, "chaos" before, during and after the election is very likely to occur. Political actors participating in election campaigns must refrain from reckless actions that could make matters worse. The proposed lukewarm atmosphere undermines the principle of fair play only if there is nothing to cool things off. In cases of fraud, operators can take legal action by reporting it and then take action according to official procedures instead of lying about violations.

Problems with the implementation of election regulations show that the capacity of state institutions to handle guarantees for people's suffrage is not yet optimal. Regardless of right or wrong, all parties involved in the election must assess the remaining violations. First, violations can be reported to the KPU to show the professionalism of the election organizers. This means that the KPU can eradicate this fraud problem by proving its actions and if necessary reporting its implementation to the public. To achieve this, the KPU can work together with other institutions, especially NGOs dealing with democracy and election violations, to be ready to provide expert opinions and contributions. Indeed, in a democratic country, the essence of elections is to encourage and protect the participation of all levels of society, starting with ensuring their freedom to choose. Therefore, state institutions and election organizers, both KPU and Bawaslu, are asked to be more active in identifying and controlling obstacles to people's right to vote. Voters should not take fraud for granted. In this case, the effort to control is the highest task of voters every time they receive information that is spread on the social media timeline.

The problems that will be faced include the KPPS's workload, logistics distribution, validation of voter data, money politics, and the spread of hoaxes or hate speech during the campaign period. which will become potential and problematic in the implementation of the upcoming election, including election preparation technical issues, voter participation issues, transparency issues, accountable election governance issues, and campaign period issues. There are strategic issues in the implementation of the upcoming elections which consist of regulatory issues, organizers, participants, voters, logistics to issues from the implementation stage. So how can the 2024 Election take place and run according to the existing rules by paying attention to several things, namely there must be a guarantee that the constitutional rights of the people are maintained and accommodated in the holding of the Election. There needs to be awareness and joint responsibility for the implementation of elections because looking back at the burden of political education and political outreach so far they have not been carried out together. So far those who do this are only a burden on the organizers. Though it is also the responsibility of political parties and government.

CONCLUSION

Based on the description above, it can be seen that there are still many problems that arise internally by holding simultaneous elections in 2019. Therefore the DPR RI through the implementation of statutory regulations can initiate controls related to election laws. What materials should the DPR RI consider reviewing or adding to the election law, among others: to improve the quality of election logistics distribution, updating the DPT in a timely manner, growing KPPS membership and utilizing IT. The summary process of vote counting. General elections are considered to be the earliest stage of various series of democratic constitutional life. So that elections are the driving force behind the mechanism of the Indonesian political system. Until now, elections are still considered as an important state event. This is because elections involve all the people directly. Through elections, people can also convey their wishes in politics or the state system. The need for improvements to the election justice system, which includes legal politics in drafting the design of the election law enforcement system. The system is directed at optimizing administrative corrections to the consequences arising from acts of election law violations in order to restore the rights of election participants and the public and restore the integrity of the election process and results.

BIBLIOGRAPHY

- Aryojati Ardipandanto, Permasalahan Penyelenggaraan Pemilu Serentak Tahun 2019, Jurnal Pusat Penelitian Badan Keahlian DPR RI, Vol 9 no 11, 2019
- Indonesia, Undang-Undang Negara Republik Indonesia 1945.
- Indonesia, Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum (Lembaran Negara Republik Indonesia Tahun 2017 Nomor 182, Tambahan Lembaran Negara Republik Indonesia Nomor 6109).
- Komisi Pemilihan Umum, Sejarah Lembaga Penyelenggaraan Pemilu Pertama di Indonesia, Kalimantan tengah. Komisi Pemilihan Umum
- Komisi Pemilihan Umum. Sejarah Pemilihan Umum. Jakarta, Komisi Pemilihan Umum.
- Muhammad Nur Ramadhan, Evaluasi Penegakan Hukum Pidana Pemilu Dalam Penyelenggaraan Pemilu 2019, Jurnal Adhyasta Pemilu, Vol. 2 No. 2 2019
- Rizka Noor Hashela, Menyikapi Integritas Penyalahgunaan Hak Pilih Dalam Pemilu, Artikel Hukum, 2020
- Steidy Rundengan, Problematika Pemilu Serentak 2024 dan Rekonstruksi Regulasi, Minahasa Selatan