



Governance of Simultaneous Regional Head Elections in Realizing Electoral Integrity

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Abstract

In principle, governance in the implementation of regional elections is fundamental in the context of realizing electoral democracy with integrity. Regional election governance concerns regional election institutions as the main aspect, apart from other aspects, namely the regional election system and regional election process, regional election management and regional election law enforcement system. Pilkada governance will of course also be related to electoral integrity, more concerned with the need to present Pilkada organizers who have commitment and consistency to hold quality and democratic Pilkada. In this way, regional elections can encourage the realization of a simplified party system and an effective government system. Of course, this cannot be separated from the principles of regional elections which are generous and fair, which are carried out by voters, participants and regional election organizers.

Keywords: *Regional Election; Governance; Electoral Integrity*

Introduction

In participating in political contestation over regional head elections, clear governance cannot be separated. This aims to determine the direction of the regional elections in accordance with the provisions of the laws and regulations governing regional elections and local elections. The political contestation in Indonesia is attended by all provinces and districts/cities. The number of districts in Indonesia currently is 416 districts from 34 provinces. Meanwhile, the number of cities throughout Indonesia reached 98 cities. In total there are 514 districts and cities in Indonesia (<https://dataindonesia.id/>, 2023).

Governance in holding regional head elections (Pilkada) is fundamental in realizing electoral democracy with integrity (Powell JR, G. Bingham, 2000). Pilkada governance concerns the Pilkada institution as the main aspect, apart from other aspects, namely the Pilkada system and the Pilkada process, Pilkada management and the Pilkada law enforcement system. Indonesia has long experience in designing constitutional regional election governance so far.

Regional election governance is closely related to the functions, duties and authority of the regional election organizers, in this case the General Election Commission (KPU), as a national, permanent and independent institution. The independence of regional election organizers is the main

principle so that regional elections have legitimacy and credibility. The constitutional mandate states that regional elections are held by a national, permanent and independent general election commission (Gaffar, Abdul, 2006). This mandate must be translated into a more operational level of knowledge and skills so that the KPU can be more effective and responsive in serving the constitutional rights of citizens.

The KPU is required to have high integrity, understanding and professionalism so that it is able to interact in complex and dynamic regional election events. The knowledge, awareness, skills, breakthroughs and innovations of organizers in the field of regional elections and democracy need to continue to be strengthened in order to strengthen electoral governance which is increasingly capable so that it can give rise to better regional election administration in the future (Wall, Alan et al. 2016). Thus, in an effort to be able to serve the constitutional rights of citizens with integrity and professionalism, regional election organizers need to be equipped with a comprehensive understanding and technical skills of regional elections.

Regional election governance is "a cycle rooted in policy design, through administrative mechanisms and principles of internal justice in regional elections, with the possibility that this cycle will end in a regional system of human rights revision." There are several points from the definition offered (Surbakti, Ramlan. 2016). First, because regional elections are a cycle, a stage in regional election governance can return to the previous stage or even to the very last stage. Second, there is a review/study process at each stage. Third, if all stages end, there will probably be a revision of the design and regional election institutions as an initial stage.

The regional election governance cycle involves the quantity and character of regional election rules. Apart from that, the regional election governance cycle also involves instructions from the government and all stakeholder actors, namely regional election organizing institutions and political actors who are policy makers and also regional election participants (Benoit, Kenneth. 2007). In other words, regional election governance involves a continuous cycle of behavior of stakeholder actors at different stages in an electoral process. In this context, regional election governance is not only administrative, but also very political.

With this in mind, there are several interesting things to note about regional election governance: first, the definition of regional election governance has a clear intersection with the regional election cycle and stages discussed by the scientists above. Regional election governance of course also considers a series of activities that are part of the regional election cycle area in a country. Second, understanding regional election governance as part of a cycle and stages that are separated from each other also needs to be seen with a comprehensive approach because one point and another point are inseparable. Third, the choice of dimensions and focus in regional election governance is important to further elaborate on the context that applies in the selected country.

In certain dimensions or focuses, there are differences in form or function possessed by certain countries, but there are similarities that are also usually present and shared by them. This makes regional election governance in realizing electoral integrity very necessary in ensuring the implementation of Luberjurdil regional elections.

Method

The method in this research uses normative juridical and empirical juridical research. Normative juridical research based on documents, statutory regulations, judge's decisions, and so on related to the research problem. Empirical juridical research because the object studied is in the field and the function of empirical research is to analyze law which is seen as patterned social behavior in people's lives which always interact and relate in social aspects (Bambang Sugoono, 2003). Therefore, this research is hereinafter referred to as sociological legal research (Soerjono Soekanto, 2010). This research aims to

describe the reality in accordance with the phenomenon in detail and completely, as well as collecting data from natural settings by utilizing research as a key instrument to explore the problems to be researched related to regional election governance in realizing electoral integrity.

Discussion

Integrity is a mindset and character that is in accordance with applicable norms and regulations which is produced through a long process. The regional election integrity approach, both broadly and narrowly, must at least contain components of universal voting rights including free, competitive and fair. This concept of integrity emerged to answer two problems, namely political violence in regional elections and administrative violations committed by regional election organizers (Blais, André and Louis Massicotte. 2002).

Violence in the implementation of regional elections certainly cannot be separated from the pressure from various parties to obtain special treatment for regional election participants, so that this can lead to administrative violations. This will of course also result in regional election governance that is not in accordance with the provisions of existing laws and regulations and will cause various problems and give rise to conflicts in the regional elections.

Conceptualization related to regional election integrity can be differentiated into 3 things, namely process based approach, concept based approach or a combination of the two (LeDuc, Lawrence, Richard G. Niemi and Pippa Norris. 2010). The concept based approach defines regional election integrity as an effort to realize the ideal standards of democracy, while the process based approach defines regional election integrity through the regional election stages, both before, during and after the implementation of the regional elections. According to Mozaffar and Schedler in Rahmatunnisa, process based approach is another term for regional election governance.

The dimensions that can explain regional election governance are, first, the values, principles and principles of regional elections. This will be related to the values that must be upheld by regional election organizers and participants, with principles that do not violate the laws and regulations. invitations and implementing existing regional election principles (Rizkiyansyah & Ferry Kurnia. 2017).

This means that the implementation of regional elections cannot be separated from the awareness of various parties in declaring the values, principles and principles in making regional elections a political contestation that has a positive meaning. In principle, the success of a regional election is based on the awareness of the election violators and participants and cannot be separated from the role of the community as owners of legal voting rights.

Second, regional election system: this is related to the regional election system that has been and is being used in Indonesia. The regional election system must uphold liberality and fairness because in a political contestation this is the main thing that must be done. In principle, honesty and justice in politics cannot be eliminated because they contain values that are protected by statutory provisions (Surbakti, Ramlan, Didik Supriyanto, and Hasyim Asy'ari. 2011).

Third, regional election organizing institutions: this is related to the profile of the regional election organizing institutions. Fourth Stage of regional elections; This is related to the cycle, stages and schedule of national general elections. Fifth, electoral management: this is related to regional election administration, planning, budgeting and information systems and sixth, electoral justice: this is related to mechanisms to ensure regional election fairness and dispute/dispute aspects, both for regional election participants and for voters (Taagepera, Rein. 1998).

Throughout the journey of this democratic regional election, the infrastructure for this regional election has also been running well even though it has been accompanied by various changes that have occurred. In existing developments, regional election governance in Indonesia has also encouraged changes in voter behavior and political actors to become more open and participative in all their political activities. However, it must be acknowledged that the implementation of regional elections to date is still far from perfect.

The political interests of regional election participants in influencing the stages of regional elections are still felt by regional election organizers. Apart from that, we still often hear about various violations or manipulations involving regional election participants, voters and organizers. However, at the very least, the implementation of the complicated and complex regional elections in Indonesia is still much better because up to now there has been no serious political and social conflict (James, Toby S., et al. 2019). For this reason, regional election organizers in Indonesia have challenges that need to be realized from the start of office that the integrity and independence of everyone who works in this institution is very important.

Pilkada with integrity means that the ongoing regional elections have followed international standards or norms in the context of free and fair elections. This fair and free concept reflects substantive regional elections and genuine elections which reflect the free will of voters. There are several matters involving violations of regional election law, regional election administration malpractice or violations of normative values within the framework of liberal democracy. The eight universal regional election norms are (Spinelli, Antonio. 2011):

- 1) Periodic regional elections.
- 2) Universal suffrage.
- 3) The principle of one person, one vote.
- 4) The right to nominate and compete in regional elections.
- 5) The right of legal voters to be able to use their vote.
- 6) Confidential voicing rights.
- 7) Genuine regional elections.
- 8) Regional elections are an expression of the will of the people.

These eight universal regional election norms actually direct us to be able to categorize the process of holding regional elections in a country whether it is going wrong or whether there is fraud, malpractice, or things that degrade the people's right to vote in voicing their political rights. These universal norms become standards for determining how free regional elections are in a country, namely free from violence, coercion, threats, fraud, discrimination, vote manipulation, and even administrative practices that can hamper voters' freedom and rights. Local and national political conflict situations, conflicts and the form of political regimes are things that can threaten the implementation of universal Pilkada norms.

Genuine election is the heart of regional elections with integrity which includes four main aspects, namely accountability, transparency, accuracy and ethical behavior (Autheman, Violaine. 2004). These four aspects must live and develop in every Pilkada cycle carried out by credible Pilkada organizers. The spirit of Pilkada with integrity can be said to be related to the aim of producing Pilkada that can be accepted by Pilkada participants, voters or the people as well as the international community. Therefore, the key to producing regional elections that have legitimacy must start from regional election organizers who are credible, accountable, transparent, accurate and ethical in upholding universal regional election norms.

If you look at the current situation regarding the implementation of regional elections in Indonesia and in other countries, political violence and coercion by the rulers as well as the fraud that

occurs cannot be controlled. This requires an effort to frame and restructure regional election governance that can provide a positive perspective from the public regarding the current chaotic nature of regional elections. So this becomes a big lever for violations and participants must collaborate with the community to resolve the problems that occur in the regional elections.

Based on these issues, regional election governance has at least four important things that need to be considered in regional elections with integrity, namely (Pratama, Heroik M., et al. 2018):

Firstly, Ethical Behavior: describes a set of principles that guide behavior or actions that must be demonstrated by Pilkada organizers, Pilkada participants and Pilkada observers in public regarding their response to the norms that form the basis for holding Pilkada. This behavior can be measured from the consistency of the various parties above in recognizing, agreeing and implementing the principles of propriety demonstrated through the behavior of organizers to produce democratic regional elections.

Second, Honesty (Fairness): implies a consistent behavioral attitude towards Pilkada norms, especially for Pilkada organizers to carry out all stages of Pilkada in accordance with democratic Pilkada norms, namely transparency, equality/equality, fairness, accountability and legal certainty.

Third, Impartiality: Pilkada integrity is closely related to the attitudes and actions of Pilkada organizers who do not take sides with anyone who is part of the Pilkada competition. Based on this idea, the scope of impartiality includes 3 aspects (Surbakti, Ramlan and Nugroho, Kris. 2015):

- a) Neutral or not showing attitudes and actions that lead to partiality towards regional election participants at all stages of the regional elections;
- b) Neutral or not showing partiality in dealing with disputes over the Pilkada process and Pilkada results;
- c) Neutral or does not show partiality regarding the creation of Pilkada regulations/policies and the implementation of Pilkada regulations/policies so that they benefit Pilkada participants or certain parties.

Fourth, Openness and Responsibility (Transparency, Accountability), namely the stages of the Pilkada will take place with integrity if all stages of the Pilkada are based on the principles of openness and responsibility internally and externally regarding the management of administrative management, budgets and aspects of decision making carried out by the Pilkada organizers.

Thus, it can be interpreted that in substance the electoral integrity parameters are similar to the ACE Project formulation, with additional differences in the accuracy aspect. Accurate means accuracy in presenting data related to regional elections, such as data on registered voters. The accuracy of voter data becomes the legitimacy of the organizers in the eyes of the public because the more precise or accurate the voter data is, the greater the number of voters who are considered valid voters (eligible). From several formulations related to regional elections with integrity and their parameters, a general principle can be drawn that electoral integrity is more concerned with the need to present regional election organizers who have commitment and consistency to hold quality and democratic regional elections.

In the context of regional elections in Indonesia, the norms of regional elections with integrity as discussed above have been implemented in the principles of regional elections in Article 2 of the Regional Election Law, namely direct, public, free, secret, honest and fair. This means that efforts to realize regional elections with integrity that are consistent with the substance of universal regional election norms have become part of the implementation of regional elections in Indonesia. Therefore, Pilkada organizers, Pilkada participants, voters and stakeholders are normatively and ethically bound to implement Pilkada with integrity.

In principle, regional elections with integrity will be divided into narrow and broad meanings. Pilkada with integrity in the narrow sense refers to the commitment and responsibility of organizers to support Pilkada that is free from Pilkada violations (Pilkada malpractice). Meanwhile, Pilkada with integrity in the broadest sense refers to all parties, including voters, participants and Pilkada organizers, working together in Pilkada which runs according to the principles of democratic Pilkada in all stages/cycles of Pilkada, including pre-Pilkada, Pilkada and post-Pilkada. Having regional elections with integrity will guarantee the protection of the constitutional rights of three parties, namely voters, regional election participants and regional election organizers.

Pilkada with integrity is related to the duties and authority of Pilkada organizers to ensure that Pilkada takes place democratically at all stages or cycles of Pilkada. The reference for producing democratic regional elections as well as regional elections with integrity is the Election Law. The implementation of democratic general elections at all stages will not only guarantee procedural aspects that the Pilkada runs in accordance with democratic norms, but also in substance, the Pilkada provides legal certainty for voters, Pilkada participants and Pilkada organizers. Moreover, when related to the issue of voters' political rights, these political rights include basic rights such as the right to be registered as voters and regional election participants, the right to have access to information related to the general election process, the right to have equal opportunities at all stages of the general election, the right to freedom and security and the right to receive equal legal treatment at all stages of the regional elections.

Thus, it can be interpreted that in the regional election governance stage, the main thing that can be done is to emphasize honesty and fairness in carrying out political contestation. Regional elections with integrity cannot be carried out if honesty and fairness cannot be implemented and instilled in the organizers, participants and voters. If this is not embedded then the consequence is that the regional elections that are held will not be free in accordance with the mandate of democracy.

The commitment to carry out regional elections freely and fairly has at least four reasons (Lijphart, Arendt. 1995), firstly ensuring that the regional elections have legitimacy. Pilkada must have legal certainty, participant contestation, independent organizers and community involvement and participation. Second, the principle of regional elections is overflowing and fair as an effort to prevent regional election conflicts. The conflicts that occurred in a number of countries as described in the previous section were caused by the implementation of regional elections which were considered not honest and fair. Third, the principle of liberal and fair regional elections is intended so that the results of the regional election process produce quality leaders or politicians. It is hoped that the financing of the Pilkada is very large and the competition consumes a lot of energy, which will have an impact on the interests of the community. So far, election results have not been considered to have contributed significantly to the development and welfare of society. Fourth, regional elections which are carried out in an efficient and fair manner will influence international recognition of the Indonesian nation.

Regional elections with integrity and democracy will be realized if the principles of regional elections can be implemented well. This principle must be reflected in every drafting of laws or other regulations regarding elections, it must be a guide for each regional election stakeholder such as political parties, candidates, voters, organizers, government, media or anyone related to the regional election process.

In order to realize an open and fair regional election, there are several things that must be done. First, the election laws and regulations must also ensure that the regional election process must be based on justice. Justice includes equal treatment of participants, organizers, voters or other components of society who are involved in the Pilkada process. The principle of fairness also covers the actions of election actors who are given the authority to adjudicate election cases.

Second, political parties are an important part so that elections can run smoothly and fairly. So political party institutions need to be improved. Law Number 2 of 2008 concerning Political Parties

explains that one of the duties of political parties is to prepare potential leaders through recruitment, cadre formation and selection processes. Likewise, the Election Law states that legislative candidates are registered by political parties as election participants. The responsibility of political parties to realize the principles of elections is very large.

Third, the principles of overflow and fair regional elections all contain elements of community involvement. People will vote directly if they know that the essence of elections is as a means of popular sovereignty. As the owners of the vote, the people are the ones who ultimately determine who they vote for and cannot be represented by anyone. Then, with that right, he will consciously register himself as a voter.

Fourth, Article 22 E paragraph (5) of the 1945 Constitution states that "general elections are held by a National, permanent and independent General Election Commission". The nature of independence, both structurally, institutionally and individually, of each organizer is intended so that in carrying out their duties or making certain decisions they cannot be intervened nor can they depend on other parties to act. This is an inseparable part of the regional elections in every province and district/city in Indonesia.

Conclusions

Based on the description above, it can be concluded that regional elections have become one of the main characteristics of the post-reform Indonesian political system. Therefore, Pilkada must not just be a procedural democratic routine. However, it is important that the substantial values and principles of holding democratic regional elections can be realized in every behavior of regional election organizers as well as in the technicalities of the stages of holding regional elections. In this way, regional elections can encourage the realization of a simplified party system and an effective government system. In implementing regional elections, it cannot be separated from governance which is used as a guideline in implementing regional elections which will uphold regional elections with electoral integrity. Regional election governance certainly cannot be separated from the concepts of Luber and Jurdil which must be instilled in voters, participants and regional election organizers.

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