

## Realizing a General Election With Integrity Through The Role of Supervision Against Technical Operator

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### Abstract

*This writing is motivated by the existence of doubts about the credibility and integrity of the General Election Commission (KPU) as the commissioner of technical organizers of the General Election. To answer these doubts, the researchers conducted research by prioritizing the authority of Bawaslu as mandated by Act No. 7 of 2017 concerning General Elections. The authority of the General Elections Supervisory Body (Bawaslu) is expected to be able to prevent and overcome alleged violations by the KPU in order to realize the results of the General Election with integrity. The analysis used in analyzing the above problems is by using the theory of supervision and the theory of popular sovereignty. The data that has been obtained were analyzed qualitatively and then presented descriptively.*

*Keywords: General Election; Supervision; Integrity.*

### 1. Introduction

Some definitions of sovereignty according to experts can also be concluded that the highest power in a country is in the hands of the people. Sovereignty of the people is something that absolutely belongs to the whole community. Elections as a democratic tool to realize the sovereignty of the people themselves, meaning that the direction of a country's goals is determined absolutely by the people and for the people. Therefore, in realizing the people's sovereignty rights, it is through the implementation of general elections with integrity. To realize this, the role of supervision in the implementation of the General Election needs to be increased to maintain the integrity of the General Election itself.

The theory of popular sovereignty himself stated that the highest power in a country is in the hands of the people.<sup>1</sup> People's sovereignty is an absolute right for the people to determine their lives. In a democracy, general elections are a reliable means to facilitate the will of the people. The will of the people or sovereignty is an obligation for the state to guarantee the rights of the people in determining life in the nation and state.

In realizing people's sovereignty, it is done by prioritizing democracy. Etymologically, the origin of the word democracy comes from Latin, namely *demos* which means people and *kratos* which means government. It can mean democracy

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<sup>1</sup> P.N.H Simanjuntak. *Pendidikan Kewarganegaraan*. Grasindo. p. 151

means the government of the people.<sup>2</sup> Then the words *demos and kratos* are sociologically combined into a single word, democracy and in Indonesian spelling it is called democracy. Experts define democracy through almost the same opinion. In general, the meaning of democracy can be concluded as a voice or opinion from the people to the people so that democracy can be interpreted by the people according to the people's view which has a broad meaning which is expressed through the voice of the people against the government or other state institutions.

Democracy itself is divided into 2 types, namely: Direct or pure democracy and indirect democracy or representative democracy<sup>3</sup>. Direct Democracy is a form of government where as citizens who act based on majority procedures, the people directly participate in making political decisions in the country and indirect democracy is a form of government in which the role of the people in making political decisions in the country is carried out by people who have been elected by the people themselves as their representatives through general elections. Even to guard democracy, innovations are needed that can be used for the common good, such as: Volunteer democracy is a social movement aimed at increasing voter participation and quality in exercising their right to vote<sup>4</sup>

In other words, the power to make decisions is delegated or represented to people who have been elected through general elections.

General Elections in Indonesia are one of the ways in a democratic system to fulfill the human rights of citizens in the political field and is implemented to realize people's sovereignty. The nature of exercising sovereignty is regulated in Article 1 paragraph 2 of the 1945 Constitution of the Republic of Indonesia which reads that sovereignty is in the hands of the people and is implemented according to the Constitution. It is very clear that in Indonesia the highest sovereignty is in the hands of the people. Furthermore, in holding General Elections, it is regulated in the Indonesian constitution in Article 22 E paragraphs 1 to 6 of the 1945 Constitution of the Republic of Indonesia.<sup>5</sup>

Constitution Number 7 of 2017 concerning General Elections regulates all components involved in the implementation of General Elections in Indonesia including the organizers which consists of three components, namely KPU, *Bawaslu* and the Honorary Council for General Election Organizers.<sup>6</sup>

For this reason, it is more important to maintain the integrity of the General Election in order to guarantee the sovereignty of the people. Because the biggest potential for violations is in the technical organizer of the General Election, namely the KPU, the supervision of the KPU must be maximal

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<sup>2</sup>Abdy Yuhana, 2013, *Sistem Ketatanegaraan Indonesia Pasca Perubahan UUD 1945*, Fokusmedia, Bandung, p. 34

<sup>3</sup><https://www.kompas.com/skola/read/2020/01/28/160000969/different-democracy-direct-and-indirect>

<sup>4</sup>Joko Susilo, Siti Rodhiyah Dwi Istiana, *The Role of The Semarang Regency Regional Election Commission in Increasing Public Political Participation in The 2019 Simultaneous Elections*. p. 537

<sup>5</sup> Constitution of 1945 the Republic of Indonesia

<sup>6</sup> Act No. 7 of 2017 concerning General Elections.

General elections are held to realize the goals of democracy, namely government from, by and for the people. To achieve this goal, the implementation of the General Election must reflect democratic values.<sup>7</sup>

## 2. Research methods

The approach method used in this research is normative juridical. While the research specification is qualitative, that is, research with descriptive analysis. The data used in the form of secondary data, which consists of primary legal materials and secondary legal materials. Methods of data collection using literature study. Data analysis used qualitative analysis methods.

## 3. Results and Discussion

From various theories and opinions of experts related to people's sovereignty, the Indonesian people suggest that the General Election to determine the policies of the Indonesian nation in the next few years must be carried out in a good way in order to produce quality decisions. General Elections to elect representatives and other public officials.<sup>8</sup> The results of the General Election can be said to be of high quality if all the components involved in the implementation of the General Election carry out their respective duties and roles in accordance with the mandate of the law.

From the process of holding the General Election, various interests, both personal and group, want to be fulfilled according to their wishes. It is these problems that in the history of General Elections in Indonesia often arise frauds in the implementation of General Elections. People's sovereignty will be tarnished if fraud in the General Election still occurs. Learning from the experience of holding previous General Elections, the opportunity to commit fraud or make mistakes in organizing General Elections is greatest in technically holding General Elections, although it is possible that other elements and other organizers are also involved.

The great authority mandated to the General Election Organizing Commission in carrying out the technical implementation of the General Election is very vulnerable to fraud and errors that are not in accordance with the principles of organizing the General Election.

From the authority and responsibility mandated by law, of course there are many gaps for the KPU<sup>9</sup> to make mistakes, whether intentional or unintentional. Thus maintaining the dignity of the General Election is very important considering the results of the General Election are a reflection of the sovereignty of the people. One example is that the KPU is tasked with planning programs and budgets and setting schedules. This task when described is very broad and there are many activities that will be carried out by the KPU. This also results in more opportunities for errors that may occur. Not to mention the KPU which has the authority to issue technical rules for the implementation of General Elections, in the form of KPU Regulations or often abbreviated as PKPU.

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<sup>7</sup> Gaffar, Janedjri M, *Demokrasi Dan Pemilihan Umum Di Indonesia*, Konstitusi Pers Jakarta 2013

<sup>8</sup> Asshiddiqie 2012, *Hukum Tata Negara & Pilar-Pilar Demokrasi*, Sinar Grafika, Jakarta, p. 200

<sup>9</sup> Op.cit. chapter 12

The authority to make PKPU which regulates the technical implementation of the stages of organizing the General Election must be supervised so that the established rules do not deviate from the 1945 Constitution and the Law on General Elections. It must be noted that the dignity of holding the General Election is to maintain the sovereignty of the people, so the KPU in making regulations must not deviate from the ideals of the people.

For this reason, supervision is carried out through the authority of *Bawaslu*<sup>10</sup> become a tool to prevent or take action in the event of an error made by the KPU or the participants of the General Election. *Bawaslu*'s strategic position in terms of supervision is the hope of all parties so that the implementation of quality General Elections is carried out.

*Bawaslu* as one of the organizers of the General Election has a structure down to the lower level, starting with the RI *Bawaslu*, Provincial *Bawaslu*, Regency/City *Bawaslu*, District Supervisory Committee, Village General Election Supervisor and Polling Place Supervisor.<sup>11</sup>

The structure that reaches to the polling station, participatory supervisors are still being formed, and other volunteers formed according to the law, making the quality of supervision more accountable.

In line with the purpose of the General Election, namely to elect government leaders, both executive and legislative, as well as to form a democratic, strong government and gain popular support in order to realize national goals in accordance with Pancasila and the 1945 Constitution of the Republic of Indonesia in the Unitary State of the Republic of Indonesia. Republic of Indonesia. In its implementation, the General Election has a purpose:<sup>12</sup> namely General Elections as an application of popular sovereignty, General Elections as a means of forming political representatives, General Elections as a means of replacing leaders, General Elections as a means of legitimizing political leaders, General Elections as a means of public political participation.

Through the General Election process, all groups try to compete to gain trust from the public for mandates in both the executive and legislative branches. Sovereignty owned by the community is mandated through their representatives by means of the General Election process which is regulated in accordance with the legislation. KPU as a technical regulator in facilitating the community to make their choices has a very strategic role and is prone to deviations from people's aspirations. The KPU has great authority<sup>13</sup> must be balanced with the conduct of a qualified KPU in order to produce an accountable general election process.

The history of General Elections in Indonesia records that from the General Election to the next General Election is always colored by changes that further improve the quality of the General Election itself.

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<sup>10</sup> Ibid chapter 93

<sup>11</sup> Ibid chapter 91

<sup>12</sup> <https://kpu-dcilacapkab.go.id/berita/detil/470>, M. Muhni (member of KPU Divisi Sosdiklih, Parmas and SDM)

<sup>13</sup> Op.cit, chapter 12

In Indonesia itself is currently building a healthy political atmosphere by carrying out general elections with integrity. The implementation of General Elections without the presence of strong structural and functional supervision has the potential to cause the loss of the rights and wills of citizens. Such as the rampant money politics, black campaigns, and other alleged violations in the General Elections have the potential to not only eliminate the rights and wills of the people, but more importantly the loss of people's sovereignty to determine the future of the nation and state.

Elections that do not have integrity result in a lack of people's trust and are vulnerable to disputes and lawsuits over the results of the General Election. In addition, the holding of a high-cost General Election party as well as a large amount of energy and thought will only produce leaders whose legality and legitimacy are in doubt.

General elections have become a tool to realize the sovereignty of the people in various countries, both in countries that have advanced democracy and countries that are still in the process of transitioning to democracy. However, the implementation of general elections in various countries still shows various violations and fraud. In this case, the concept of integrity in the general election becomes important because to achieve the objectives in the general election, there is the potential to take various ways to achieve political goals. The historical record of the birth of *Bawaslu* is expected to encourage and strengthen community supervision by providing reinforcement in the form of regulations, authorities, human resources, budgets, and facilities and infrastructure.

However, it is our collective responsibility to play an active role in realizing a General Election with integrity. This responsibility does not only lie with the organizers of the General Election, such as the KPU, *Bawaslu*, and the Honorary Council for the General Election Organizer.<sup>14</sup> to realize quality and integrity General Elections, but it is the responsibility of all components of the nation and state.

From the various problems above, the point is to uphold the sovereignty of the people. What else can be done besides the success of the General Election itself? It is the role of *Bawaslu* in supervising the stages and preventing violations of the General Election, representing the hopes of all Indonesian people in realizing an honest and fair general election. The strategic function of *Bawaslu* can avoid potential General Election violations that arise by implementing prevention strategies. *Bawaslu* is also expected to be able to take firm, effective action, and become a fair general election judge.

In accordance with the provisions of *Bawaslu*, the provincial/district/city *Bawaslu* has the authority to receive, examine, review, and decide on violations of the General Election administration.<sup>15</sup> But on the other hand, existing regulations have not been able to fully realize this authority. One of the problems is the neater forms of violations, as well as unhealthy general election competitions such as the use of black campaigns, and getting around general election rules that have the potential to cause general election violations by colliding with regulations that are not owned by *Bawaslu*.

One example of how *Bawaslu* plays a major role in preventing alleged violations is to maximize the behavior of KPU commissioners so that during the general election

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<sup>14</sup> Ibid, Second Book of *Penyelenggara Pemilihan Umum*

<sup>15</sup> Ibid article 461 paragraph (1)

administration period they do not communicate with general election participants outside the context that has been scheduled. For example, KPU commissioners meet with political party figures participating in the General Election outside the institution so that it has the potential to create a conspiracy. From this small matter, *Bawaslu* has to take precautions because the potential for alleged conspiracy to commit fraud is open.

Other *Bawaslu* authorities aim to be able to reduce the number of fraudulent or alleged violations committed by anyone in the case of General Elections. The function and role of *Bawaslu* is present as a solution to the various demands and doubts of the public regarding the quality of the General Election which has so far been considered not optimal. The supervision and prosecution of various general election violations committed by anyone, including the organizers of the general election, absolutely must be able to be overcome by *Bawaslu*.

In addition to the steps taken by *Bawaslu* as above, another step that *Bawaslu* needs to take in the future is to maximize community participation in participatory supervision. *Bawaslu* must be able to cooperate with all parties to supervise and enforce the General Election law firmly and fairly. The role of *Bawaslu* as a permanent General Elections supervisory agency and officers under the General Elections Supervisory Committee (*Panwaslu*) both at the district or city, Regency and General Election Supervisors (PPL) at the ad hoc (temporary) village level in handling alleged criminal acts of General Election violations are: entrance to the electoral law enforcement system involving the police and the judiciary. In this position,

#### 4. Closing

Whereas in the implementation of the General Election, strict supervision is needed to maintain the sovereignty of the people. One thing is that the credibility of the organizers of the General Election can be accounted for, so the integrity of the results of organizing the General Elections can also be accounted for. If the implementation of the General Election with less supervision, the potential for fraud is very high. Thus, what the people want with their sovereignty cannot be realized so that the results of the General Election do not reflect the will of the people. It is also appropriate if the supervision by *Bawaslu* involves the participation of all elements of the state according to the existing constitution.

Based on these conclusions, it is recommended that first, supervision of the technical implementation of General Elections is always improved considering the very high potential and vulnerability to fraud, secondly strengthening the role of the supervisory agency in this case *Bawaslu* to exercise its authority so that in the future the role of *Bawaslu* is wider in guarding people's sovereignty through general elections, thirdly in overcoming the existing obstacles is by synchronizing the regulations under the authority of *Bawaslu* with integrated regulations. Then in the future, supervision of the implementation of General Elections can be developed by involving all components of society through participatory supervision.

## 5. References

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