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## Independence of Election Commission of Regional Head and Deputy Head of Regional Election in Indonesia

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### ABSTRACT

This study aimed to evaluate the implementation of the deputy head local elections of Gowa districts based on the principle of independence. The research is descriptive qualitative with case study approach of Gowa regional head elections in 2010. Techniques of collecting data through observation, interviews, personal experience, and focus group discussion (FGD).

The results showed that: Democratization Commission Gowa in terms of independence as organizers of the election has not been implemented properly. Unindependence of Gowa Election Commission is found in aspects: The intervention of government power / political elite in the formation of election commission; political connections, the power of persona, and political tactics are still used in the formation of the Commission team selection and appointment of the Secretary of the Gowa Commission. At the level of PPK and PPS, local government intervention becomes stronger with the dependence PPK and PPS in the use of facilities such as office buildings and facilities therein, in the filing of candidacy at the PPK, PPS, and KPPS, local governments create conditions that limit the role of particular individuals .

**Keywords:** independence, electoral administration, political connections, personal power, and political tactics

### INTRODUCTION

Local elections in Indonesia, the first held after the adoption of Law No. 32 of 2004 on Regional Government in late September 2004. Arrangements regarding the local elections that must be selected for each pairwise through direct election by the people in each of these areas, provided for in Article 24 of Law No. 32 of 2004. As the implementation of the legislation, then in June 2005 was recorded as the first history of the implementation of local elections of the region directly. Recorded 13 provinces and 225 districts/cities that implement local elections in 2005 and Kutai Kertanegara recorded in history as the first local elections in Indonesia on June 1, 2005.

The second period of the election of regional head and deputy regional head directly held in 2010. In that period, the Law No. 22 Year 2007 regarding Election regulations passed by reference package Law politics. Ratification Law No. 22 of 2007, is to make local elections as part of the general election. This is what makes the term local elections and deputy head of the region elections (pilkada) turned into a regional head and deputy regional head election (pemilukada).

Although the elections and the General Election has entered the second implementation period, equivalent to ten years, but it turns out the General Election in the implementation phase, a number of issues remain to be discovered. If problems Election 2010 inventoried, then the stage is problematic in general is a problem updating of voter data that raises questions of voters list (DPT), the nomination stage, the stage of the procurement and distribution logistics, voting and counting stages, as well as the



establishment phase and the inauguration of the elected candidate. Another problem is the tendency rampant after election posremaining demands of the various candidates that have to be processed by the Court. In South Sulawesi, 10 districts of the 23 districts that implement the General Election in June of 2010, all should face trial because of the lawsuit in the Court.

Apart from having to face the results of the election dispute lawsuit in the Court and the Administrative Court, the commissioners must also face the KPU Gowa Honorary Council (DK) as a result of the report of the alleged violations of the Code. Based on data obtained from the South Sulawesi Election Commission (KPU Sulsel), on hearing the Election Code violations to the Gowa Commission, alleged violations primarily on three chapters. First, the Commissioner of Gowa allegedly violated Article 10, paragraph 4 of Law 22 of 2007 on the Election. Second, the alleged violation of Article 60 of Law 12 of 2008 on the Second Amendment to the Law No. 32 of 2004 on Regional Government. The third is the alleged violation of Commission Regulation No. 68 of 2009 on Guidelines Technical Procedures for Election Nomination Regional Head and Deputy Head. The third chapter of the Commission led to the dismissal of all Gowa KPU commissioner Gowa, so do Replacement Air Time (PAW) in 2010. Conclusion of the DKhearing that the commissioners of Gowa has acted in favor of one candidate. Although the commissioners dismissed and concluded that there is a procedure that deviate in the nomination stage, however, the Commission can not annul or cancel the results of the plenary of the stage.

If you look at all three of the alleged infringing, then the offense is related to several principles, one of which is the principle of independence. The third principle as proposed by Baxter (1997: 1-3) proposed three prerequisites to meet the criteria for an effective and democratic elections, which independence, impartiality, and competence of election.

Based on the background of the research problem, the research problem is democratization and effectiveness of the performance of the Commission on Elections Gowa Regional Head and Deputy Head of the Year 2010. The research questions were posed: How much independence principle applied by the Regional Election Commission (Election Commission) in the elections of regional heads and deputy heads of Gowa regency in 2010?

This study aims to: Test the principle of independence adopted by the Regional Election Commission in the elections of regional heads and deputy heads of Gowa regency in 2010 as the implementation of a policy mandate.

## **LITERATURE REVIEW**

Associated with the implementation of the elections as a form of democracy, as is the focus of this research, it is interesting to first formulate the ideas and concepts about the general election. Elections as a form of democracy at the level of ideas and concepts of this study, interesting aspects to be explored in the election organizer / democratic election (KPU / Election Commission), aspects of democracy and governance, and electoral democracy as a form of state organization.

### **A. General Election Commission: Institution of General Election**

Hierarchically, as organizers Election Commission has the characteristics of leadership and organizational culture of its own. It is becoming something of interest to be used as a scientific study. Leadership in policy occurs when individuals or groups focusing on issues or problems and raised it to the public agenda, encouraging the creation of collaborative actions and centralized by the stakeholders to address these issues, and carry out actions in the ongoing implementation.



House (2004: 22) defines leadership as the ability to influence, motivate, and provide opportunities for others to engage in organizational success. House (2004: 60) also mentions that leadership is different in every country with an emphasis on the orientation of individual versus group orientation, particularism versus universalism, the orientation of the display / results orientation versus nurture leadership values.

Chance (2002: 20) clearly states that the organizational climate is defined as the characteristics of the overall environment in a formal environment and is composed of four (4) dimensions, ie dimensions of ecology, environment / atmosphere, organization, and culture. Commission and staff hierarchies have specific organizational climate. In addition to the specific institution, the Commission also has a specific policy dimensions because nearly every election, which is used to change the regulation. Among the changes related to the electoral system.

Organizers regarding effective and democratic elections, Baxter (1997: 1-13) proposes three prerequisites to meet the criteria of effective and democratic elections, which independence, impartiality, and competence of election. Explore three fundamental characteristics of democratic elections and effectively according to Baxter (1997: 1-13), the idea is as follows:

- a. Independence: namely freedom of election to be free to act and to act in the interests of the voters and not based on the interests of a particular party or candidate.
- b. Impartiality: similar to the independence, impartiality characteristics also aims to foster confidence in the election organizers. In general, election organizers should consist of individuals who uphold the principles of impartiality so that they can be fair and give the balance/equality.
- c. Competence: an agency that is independent and impartial organizer will not be meaningful if there are voters who are not registered, the passing of the candidate / candidates who are not qualified, not the implementation of technical training election, voting or shifting of the schedule.

## **B. Democracy and Governance**

The concept of democracy has been progressing since the empirical definition of Schumpeter put forward. Various studies on democracy in political science and sociology tend to vote from different viewpoints. Schumpeter (in Huntington, 1991: 6) says lack classical democratic theory that always connects the people's will and the source and aiming for the common good. Schumpeter then proposed "another theory of democracy" or "democratic method", the meaning of democracy in terms of institutional procedures to achieve political decisions in which individuals acquire the power to make decisions through competitive struggle in order to gain support in the form of the popular vote. Democracy at the level of the method does not involve the element of emotion again, but more emphasis on common sense.

Democracy does not have a definite decline in the size of the measurement because it requires consensus both in the public and academic though. For example, according to Kekic (2007: 2-3), the United States government that has the primary agenda of promoting democracy in foreign policy apparently not yet have an agreement on the meaning of democracy. Constellation described Kekic (2007: 3-4) can be observed in many domains and in different fields. Public administration is one realm in which, measurements of potential democratic substance (often) creates a crucial incident in the determinants of public policy implementation. By Found (1999: 19), that sort of thing calls the issue is not simply how to obtain resources or designing and scheduling policies in order to achieve goals, but requires a deep understanding of the overall policy so that the program can be implemented.

## **METHODOLOGY**

Based on the characteristics of the research approach used in this study is a qualitative explanatory. This study uses a case study approach. The research location is in Gowa district, with the





object organizer of Election 2010 which is Gowa Election Commission. With the research object of Gowa Commission, it was determined that the location of the data focused on the KPU Gowa, both elements of the commissioners and the secretariat of the Commission Gowa the period 2008-2013.

Associated with electoral performance, the subject of this study is that an election management body. Such institution, the Commission Gowa and work force structure that existed at the lower level, Institutions, namely:

- a. General Elections Commission (KPU) Gowa, which is the organizer of the election of 2010. This agency is responsible for organizing, planning, managing, implementing, and evaluating the implementation of the 2010 election in Gowa district.
- b. Election Committee (PPK), the organizers at the district level which helps in expediting the implementation of the Commission Gowa Gowa election 2010.
- c. Voting Committee (PPS), which is the organizer of the election in the village or sub-district level in charge of implementing the election under the rules set by the Commission.
- d. Voting Process group (KPPS), which is responsible for carrying out voting and counting at polling stations (TPS).

Researcher used several data collection techniques are: observation, personal experience, interviews, documentation, and FGD.

## RESULTS AND DISCUSSION

Beilharz (2002: 78) writes about Derrida with his reconstruction idea that asserts that there is no text that can be understood completely without involving significance. That there is always something that is neglected, an aspect or dimension of the text has been reduced or overlooked. This idea reminds us that we should remain open and responsive to the 'other things' (otherness). The data in this study come from the texts proposed by the informants and FGD participants, is also supported by a number of election documents

Focus independence as organizers Election Commission Gowa Gowa district in 2010, consists of four indicators, namely: 1) interference-free from the powers of government/political elite in its formation; 2) Do not get involved with political / partisan; 3) has a structure that Tiered/exist at every level, and 4) Membership is open to diversity of background jobs (Civil Servants, academics, and other types of work). The fourth indicator is seen at the level of implementation Gowa Selection Commission, Election Commission and the Election Commission Secretariat Gowa, PPK, PPS, and KPPS.

### 1. Free from Government Interference Power/Political Elites in the formation of Election Organizers

The findings and discussion of government interference power/political elite in Gowa district formation election organizers in 2010 showed the persistence of the powers of government intervention and political elites in the formation of selection committee, the Commission, PPK, PPS, and KPPS suggests that aspects of the formation of the election organizers Gowa years 2010 has not fully independent.

On the formation of the team selection has not been entirely free of government interference elite and the political elite still occur due to the personal power and by the ruling elite and political connections action tendencies (political connection). Similarly to the formation of the Commission Gowa also not free from the interference of the government elite and the political elite still occur due to the personal power by the ruling elite and political connections action tendencies (political connection) in the determination of the 10 candidates for the KPU Gowa and determination 5 KPU



members Gowa 2008-2013. While the formation of PPK, PPS, and KPPS not free from interference by the local government authority, namely Head, Village Chief / Chief of the village with a trend similar pattern to that of the formation of the Commission Gowa.

Associated with the formation of the providers at the provincial and district / city, then the establishment of the Commission for the period 2008-2013 Gowa referring to Act 22 of 2007. As a technical manual establishment of district / city KPU is the reference used PKPU 13 of 2007 on Guidelines for Selection and Designation of Provincial Election Commissioner and the Election Commission District city set on December 17, 2007. PKPU is an implementation of Article 125 and Article 128 of Law No. 22 Year 2007 on General Election. In order to obtain a description of the formation of the election organizers, it first needs to be described on the formation of the Commission Gowa team selection.

This study found that the formation of the team selection:

- dominated by academics. The composition of the selection team consisting of 4 academics and 1 public figures.
- formed does not meet the elements of representation. Found that none of the selection team of professional representation and no women representation.
- proposed by the Parliament and Provincial KPU is not procedural. Filing by Parliament Gowa not decided by Parliament plenary session. While the submission by the Commission is not decided by a plenary South Sulawesi Election Commission.

The discussion of the formation of the Commission Gowa team selection that has not completely free from the interference of the government elite and the political elite still occur due to the personal power by the ruling elite and political connections action tendencies (political connection) is shown by the conclusions of facts can be traced through findings are presented below.

## **2. Not Engage with the Political Parties / nonpartisan**

If you look at the Law No. 22 of 2007 on Article 11 regarding the requirements to become a candidate member of the KPU, Provincial, or Regency / City, clearly in point (i) listed was never a member of a political party stated in an affidavit that a legitimate or at least within a period of 5 (five) years is no longer a member of a political party as evidenced by a certificate from the concerned political party officials.

Decisiveness of the election organizers to clear intervention and dependencies of the political parties, also stated in the requirements for the determination of the selection team. Article 12 paragraph (3), for example, mentions that Team Selection Commission consist of 5 (five) members from academia, professionals, and people who have integrity and do not become members of political parties within a period of 5 (five) years.

Of information obtained from informants, investigators personal experience, and documentation tracking data found that there is no marker of the selection committee and election organizers, 2010 in Gowa who are members of political parties. It was also found that it has made efforts to crawl through the track record (track record) in the selection of filing, so that individuals can be detected earlier partisan.

From interviews, document searches, and personal experience researcher, found that the data-related regulations and requirements for implementing the election organizers and the election is sufficient to restrict the entry of members of political parties. This of course can be a first step in upholding the independence of the organizers and executors election and the election. However, these



regulations will better meet the independence principle if accompanied with clear sanctions for each offense category.

### **3. Has a tiered structure**

One of the things mentioned in the third amendment of the 1945 Constitution in Section VIIB of the General Election, stated in Article 22E that: Elections are held directly, public, free, confidential, honest, and fair once every five years; elections are conducted to elect members of the legislature ; conducted by the election commission institute a national, permanent, and independent, as well as there are regulations that govern devices.

Article 22E of the quote clearly establish the Commission as a national election organizer, permanent, independent and in charge of organizing the elections. Electoral task is then to increase the adoption of Act 22 of 2007 which states that the election is meant to include the selection of regional head and deputy regional head, so the election for governor/vice governor; regent / vice regent, and mayor / deputy mayor are also fully became duties and responsibilities of the national, fixed, and independent. Thus, the national of KPU requires a tiered structure at every level and region.

### **4. Membership is open to Diversity Employment Background**

In Act No. 22 of 2007, requirements to become a member of the KPU, Provincial and district / city KPU accommodate all elements of society (including civil servants). Exclusion or limitation of membership is only applied to members of political parties. For members of political parties who are interested to participate in the selection, emphasis was given a minimum of 5 years is no longer active as a member of a political party.

Membership of the deepening of the phenomenon in 2010 election organizers in Gowa district, it was found that: the principle of affirmative action that gives way to openness of the role of women has been well implemented; functional participation is more dominant occurs in the membership of the election organizers in Gowa.

Thus, from the findings and discussion of the application of the principle of independence for the election organizers Gowa in 2010, an indicator that has been implemented properly is a prerequisite not get involved with political parties or partisan; tiered and timely establishment of PPK, PPS, and KPPS, as well as openness to diversity of background behind the work, as well as efforts to meet the 30% representation of women. However, the implementation of the principle of independence is reduced because there is still the presence of the personal power and political connections in the formation of election organizers who started from the formation of the team selection and the determination of the Commission secretary Gowa.

## **CONCLUSIONS AND RECOMMENDATIONS**

Application of the principle of independence of the election administration Gowa district in 2010 has not been implemented properly. Unindependence of election organizers were found in the form of political connections; Authorization persona (personal power), and the tactics of power (power tactic). Within aspects:

- a. The intervention of the powers of government / political elites in the formation of electoral administration in the form of acts of political connections and use the personal power. Intervention in the form of county government intervention in setting up the Commission selection panel Gowa period 2003-2008; role of district and village chiefs / headman in submitting the names of the PPK, PPS, and KPPS.



- b. Freedom from political parties (non-partisan) has been applied in the determination of the selection team to the determination of membership KPU Gowa, PPK, PPS, and KPPS. Data not found involvement of the election organizers Gowa 2010 as a member of a political party. Data found PPS involvement in the campaign was the winning team one candidate, so that the Commission Gowa make stops for PPS membership meant.
- c. In structured and tiered, the Commission established the PPK in Gowa district and PPS in the village / village. Formation PPK, PPS, and KPPS more directed at forming alliances coalitions and local government. In the election regulations, explicitly set the PPK and PPS obligation to coordinate with the Commission Gowa. But in practice, PPK and PPS often emphasizes coordination with district and village chiefs / headman. At the level of PPK and PPS, local government intervention becomes stronger with the dependence PPK and PPS in the use of facilities such as office buildings and facilities in it.
- d. Membership is open to election management background and work of the community, except for the individuals involved as members of political parties. But in the filing of candidacy at the PPK, PPS, and KPPS, local governments create conditions that limit the role of particular individuals.

Based on the discussion and formulation of conclusions noted earlier, the authors suggest some of the following:

1. Elections-related regulations should be designed through a thorough evaluation. Supervision necessary to complete the preparation of the Commission rules that do not happen anymore inconsistency and disharmony in the preamble.
2. KPU selection team formation mechanism at the district / city should no longer use the mechanism for the determination by the Commission that is one level above it and regent / mayor as ongoing since 2003-2010. Should be considered for team selection by the mechanism of the formation of the Commission to open the selection mechanism (open recruitment) that the process is also carried out by the Commission which is one level above it.
3. Secretary of the district / city KPU should be filling his position is not determined by the regent / mayor, so as to avoid interference and the use of excessive authority of the local government. On the other hand, the determination of the mechanism of the Secretary of district / city KPU by regents / mayors also can create the impression of a person whose indebtedness was elected secretary. Another effect is the one secretary will see that his boss is the governor / regent / mayor and not the Election Commission of provincial / district / city, so it can happen refusal or disobedience to the results of the plenary district / city KPU by the Secretary of district / city KPU.

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