

IMPLEMENTATION OF THE DEMOCRATIC SYSTEM OF ELECTING LASNGSUN REGIONAL HEADS OF REGENTS AND DEPUTY REGENTS IN BIMA REGENCY

Junaidin

Magister Hukum Universitas Islam Jakarta, Indonesia

Otom Mustomi *¹

Magister Hukum Universitas Islam Jakarta, Indonesia

otommustomi@gmail.com

ABSTRACT

The implementation of the Democratic System of Direct Election of Regional Heads of Regents and Vice Regents in Bima Regency in this writing consists of variables. *Purpose of Writing*, To find out the implementation of the local democratic system in the process of direct election of the Regent and Vice Regent of Bima. To find out and analyze the influence of candidates from political party cadres who carry the votes for the Bima Regency Regent election. To find out the influence of prospective spouses from Public Figures who are not from political cadres carried by the party on the election of the Regent of Bima Regency. *Research Method* is using qualitative research methods that are normative, *the results of Democratic Research* are ideas or views of life that prioritize equal rights and obligations and equal treatment for all citizens without exception are truly noble ideals. In some basic needs and needs, all human beings are "equal and equal". This principle contains two meanings, namely similarity and conformity. Similarity is defined as equal taste and equal. While conformity is defined as proportional, that every member of the community is given rights according to their abilities. This principle asserts that every individual is free (not under pressure from others). In principle, this notion of freedom contains three aspects, namely, *self direction*, *self discipline* and *self control*. *Conclusion*. Implementation of Direct Election of Regional Heads and Deputy Regional Heads by the People In the current process of directly electing Regional Heads and Deputy Regional Heads, it is a representative of people's trust in the Regional Government in channeling people's aspirations, therefore to determine the figure of the leader should have the characteristics of having the courage to take a policy to make changes in accordance with existing rules in the economic field, legal, socio-cultural and political.

Keywords: Democracy of Regional Head Elections

¹ Correspondence author

Introduction

The electoral system today has changed in accordance with the demands of democratic reform which is the demand of the purpose of the reform direction including making improvements in all areas of political, economic, socio-cultural, and security defense. The main direction and objective of reform is to overcome and eliminate by gradually and continuously critical all areas of life, and to look forward to a better condition for the destroyed constitutional system of the Republic of Indonesia, towards a new Indonesia (Pandji Setijo, 2006).

In a democratic constitutional system for the Indonesian nation marked by amendments to the 1945 Constitution by the MPR through the Ad Hoc Committee I of the MPR-RI and the establishment of packages of laws in the political field and laws on regional government. In order to realize a democratic government in accordance with the development of society and the demands of reform, it is necessary to have wider public participation. One form of democratic government is stated in article 18 paragraph 4 of the 1945 Constitution which has been amended that the Governor, Regent and Mayor respectively as the Head of provincial, regency and city local governments are democratically elected. The Pancasila Democratic System was originally based on MPRS Tap No. XIV/1966 on simplifying parties, so that there were only the United Development Party, the Indonesian Democratic Party and the Working Group (without being called parties). Similarly, in TAP MPR No. VI/1973 the State Government Administration System is affirmed not based on the principle of separation of power of Trias Politika Montesque, but the principle of Division of power) (Pandji Setijo, 2006).

District Election Commission Decree No.87.A/HK 04.1.kpt/5206/KPU. Kab/VIII/2028 concerning the Establishment of the Permanent Voter List (DPT) at the District Level in the 2019 General Election Then this system was consolidated with the Law in the Political Sector, namely concerning General Voters with Law No. 7 of 1980, Law on Pancasila Democracy Law No. 1 of 1985; Law on Political Parties and Golkar with Law No. 2 of 1985 concerning Susduk MPR/DPR with Law No. 3 of 1985 concerning Referendum with Law No. 8 of 1985. Law No. 22 Thun 2014 concerning the Election of Governors, Regents and Mayors.

In the implementation, procedures and mechanisms for directly electing regional heads and deputy regional heads by the people are regulated in Law No. 22 of 2007 concerning General Election Organizers where the Regional General Election Commission is given special authority to hold elections for regional heads and deputy regional heads in provincial areas as well as in regencies and cities. Therefore, the district KPU has an obligation to treat candidate spouses fairly and equally. In general, it can be said that a

political party is an organized group whose members share the same orientation, values and ideals (M. Topan, 1999).

The group's goal is to gain political power and seize political position (usually) by constitutional means to exercise their policies. Harmony between legal developments and the development of community needs is a condition to ensure legal involvement, justice and certainty. The existence of legal certainty in the life of the nation and *bemegara* is aimed at preventing or at least to minimize the occurrence of conflicts of interest in daily life in society. The occurrence of conflicts of interest is influenced by various factors, one of which is the lack of public awareness to carry out their rights and obligations and the ineffectiveness of law enforcers to implement and enforce the law in accordance with applicable laws and regulations, another factor is the imbalance (disharmony) between applicable regulations and the development of the times.

The pair of candidates for Regent and Vice Regent proposed by a Political party or a combination of Political parties must be based on Government Regulation No. 6 of 2006 concerning Procedures for Nominating for the Election of Regional Heads and Deputy Regional Heads of Districts. A Political Party or Combination of Political Parties that proposes only 1 (one) pair of Regent and Vice Regent candidates must meet the requirements for obtaining votes in the DPRD member election of at least 15% (fifteen percent) of the total DPRD seats or 15% (fifteen percent) of the accumulated valid votes from the DPRD member election (M. Topan, 1999). The current candidates for regional heads have developed in accordance with the demands for reform so that candidates carried by political parties also not only come from their own party cadres but there is a tendency to take candidates from public figures known to the public who are already known.

Library Review

In Miriam Budiardjo's opinion (Fundamentals of Political Science, 1991): Democracy made in Indonesia, namely Democracy based on *pancasila*, is still in the stage of development and regarding its characteristics and characteristics there are various interpretations and views, but what is undeniable is that some points of constitutional democracy are quite clearly implied in the 1945 constitution. In Ateng Syafrudin's opinion (Ateng Syafrudin, 1985): Regional Heads are appointed by the President for *Dati I* and by the Minister of Home Affairs for *Dati II* from a minimum of two candidates selected by the DPRD. In determining one of these candidates, the president and interior minister are not bound by their respective support and DPRD vote ratings. This means that the one who gets the most votes does not have to be appointed, because at the end of its

determination it is the prerogative of the president (which for Level II regional heads is carried out by the minister of home affairs)

In Moh's opinion. Mahfud MD (1998): The position and function of regional heads, how they are appointed, and the system of control or power relations between the center and the regions, decentralization according to Law No. 5 of 1974 is still centralized because the center can determine dominantly either directly or through regional heads as his hands in the administration of government in the regions. According to Bagir Manan (1990), the principle of autonomy based on Law No. 22 of 1945, is the central desire to provide broad autonomy to regions and the emphasis of regional autonomy is placed in villages.

There are three ways of handing over as much business as possible from the center to the regions, namely: (Mahfud MD, 1998) *First, the determination of the data on the Establishment Law of each region in accordance with the provisions of article 23 paragraph (2). Second, Providing opportunities for regions to regulate and manage government affairs on their own initiative as their household affairs as long as they do not conflict with the prohibitions contained in article 28, Third, Assignment to assist (medebewind)* In the opinion of Hendry B. Mayo (1960): A democratic political system is one in which public policy is determined on the basis of the majority by representatives who are effectively supervised by the people in periodic elections based on the principle of political equality and held in an atmosphere of guaranteed political freedom" Since small parties cannot develop in a "state of complete defeat", the district system encourages the integration of small parties into large parties (Vo Key, Politics, 1952). Thus, the district system tends to encourage the emergence of two major parties. So in a balanced representation system there are no obstacles for small parties, on the contrary there is ease of winning seats in representative institutions (F.A. Hermens, 1941; Cj. Freidrich, 1950)

Research Methods

In connection with the problems that have been formulated previously and associated with the theory of the household system / regional autonomy in the framework of decentralization, this research method uses the Normative Juridical method, namely by referring to legal norms contained in laws and court decisions and legal norms that exist in society (Sri Mamudji, et al., 2005). In addition, the author also uses qualitative research methods, first the author takes the following steps: This research is included in the type of empirical research, namely research on law in its implementation Research in this itself when associated with the theme / concept is normative in the process, principles, and procedures used. However, basically this

research is not entirely normative considering the cases to be discussed in this writing occur in the actual scope (Sri Mamudji, et al., 2005). This research is analytical descriptive, by describing the applicable laws and regulations and associated with legal theories, in its implementation technology related to the problems to be examined through this method will also describe and describe the facts that actually occur as a reflection of the implementation of laws and regulations and legal principles associated with legal theories and technology its implementation in the election of regents and candidates for regent Primary Data, namely data obtained (Sri Mamudji, et al., 2005) directly from the source At the Regional General Election Commission (KPUD) kabupaten Election Supervisory Committee (Panwaslu) Skunder Data, namely data obtained from official documents, books related to the issues discussed in this, research results in the form of reports, laws and regulations which are divided into: Namely binding legal materials such as: Amendments to the Constitution of the Republic of Indonesia of 1945, Law No. 32 of 2004 LN Number 125 of 2004, TLN Number 44 concerning Regional Government, TLN No. 4437, Law No. 33 of 2004 concerning Financial Balance of the Central Government and Local Government LN Number 126 of 2004, TLN Number 4438, Law No. 12 of 2003 concerning General Elections in 2004, Law No. 23 of 2003 concerning the General Election of the President and Vice President, Law No. 22 of 2003 concerning the Composition and Position of the MPR, DPR and DPRD, Most recently Law No. 22 of 2007 concerning General Election Organizer. Skunder Legal Material That is what provides an explanation of primary legal materials such as literature literature, magazines, newspapers / daily news, law journals both nationally and internationally accredited, seminar papers and so on related to the problems to be discussed in this writing. Tertiary Legal Material Namely legal material that provides guidance on primary legal materials and skunder such as: dictionaries, legal kams, and the like that relate to the issue to be discussed.

Library Research Method (Library Rescarch), In this literature research method is carried out is to study and read books, magazines, other print media and related laws and regulations as well as other reading materials related to this research, in order to obtain a theoretical foundation as a basis for conducting this writing research. Field Research Method *This* research method is research carried out by collecting data directly from competent parties, for that an interview method was carried out with related parties such as officials, District Election Commission employees, NTB Provincial Government officials. Qualitative research in data collection can be classified into two ways, namely interactive methods and non-interactive or documentary methods, so that in this study it is very likely to use more than one or many research strategies to obtain adequate data.

Discussion

Duties and authorities of the District KPU in organizing elections for Regional Head and Deputy Regional Head

Analysis of chapter IV The administration of government in the regions is a manifestation of the territory of the state. For this reason, all aspects concerning and developing character, will represent the implementation of government nationally. The role and position of the Regional Government is very strategic, and very decisive nationally, so that the new paradikma of Regional-based government has more implications for shifting the duties and functions of the Central Government more towards carrying out the function of directing and delegating most activities in the Regions by giving full trust and responsibility to the Regions, so that the old perceptions that are often heard regarding sectoral egoism will be erased.

Provinces that are domiciled as Autonomous Regions and at the same time as Administrative Regions will exercise the authority of the Central Government delegated to the Governor. The Province as an Autonomous Region, is not a Region of Regency or City Regions. Provincial Autonomous Regions with regencies and cities do not have a hierarchical relationship. The point is that the Provincial Autonomous Region, does not oversee the Autonomous Regions of Regencies and Municipalities, but in practice the relationship of coordination, cooperation, and/or partnership as fellow Autonomous Regions. In the position as an administrative region.

The Governor as the Deputy Government conducts guidance and supervision relations for the Regency and City Regions. Along with the increasingly democratic administration has presented challenges to all components in the Regions to manage Regional households, and be able to respond to their duties and roles. This great role must be supported by a strong commitment from the apparatus, socio-political forces, and all components of the Region so that it can synergize for the steady success of development in the Region.

Implementation of the 2020 Bima Regency Regent and Vice Regent Elections

Elections for the Head and Deputy Regional Head of Bima Regency as a means of implementing regional people's sovereignty in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. with the legal basis for the implementation of the election of the head and deputy regional head of Bima Regency: (Sri Mamudji, et al., 2005) Law, Constitution of 1945 article 18 (4) The Governor, Regent and Mayor respectively as the Head of Local Government of the Province, Regency and City are democratically elected. Law of the Republic of Indonesia Number 10 of 2016 concerning Holding Elections for the Election of Governors, Regents

and Mayors, Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, (State Gazette of the Republic of Indonesia of 2014 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437);

The process of holding the 2020-2025 Bima Regency Regional Head and Deputy Regional Head Elections is carried out through the preparation period and implementation stage (Sri Mamudji, et al., 2005). The preparation period for the election of Regional Heads and Deputy Regional Heads includes: Preparation and determination of juklak/juknis organized by the Bima Regency KPU, Inventory and preparation of logistical needs, Making socialization props designs, Forming Working Groups, Teams and Committees, Registration and Determination of Monitors, Formation and Inauguration of the District Levy Committee by announcing KDP candidates and registering candidate participants. Conduct administrative selection, written tests and interviews, determine and inaugurate and form secretariats, Formation and inauguration in the form of announcement and registration, conduct administrative selection, written tests and interviews as well as determine and inauguration, Technical guidance for financial managers, launching and handing over juklakrukris to the DPRD, Conducting KPUD work meetings with and, Creating a media center and preparing ballot boxes. The implementation of the election of Regional Heads and Deputy Regional Heads includes: PPKPPKPPSPPKPPS (Sri Mamudji, et al., 2005) At this stage of implementation carry out socialization, the administrative process of procurement of goods and services, registration and determination of voters by appointing registration officers and determining voters. Submission of DP4 from the local government to the KPUD, Distribution of DP4 from the KPUD to KDP and PPS, updating and validating DP4, Preparation and determination of the provisional voter list (DPS), conducting DPS announcement, notification of registration in DPS to voters, improvement of DPS, registration and recording of additional new voter lists, provision and determination of new / additional voters by officers, announcement of corrected / additional voter lists, preparation of the permanent voter list (DPT) and the number of polling stations. Determination of DPT and number of polling stations, DPT announcement, preparation of voter recapitulation and polling stations at the village/kelurahan and sub-district levels, submission of DPT and recapitulation of the number of registered voters to the KPUD, doubling of DPT, Preparation and determination of recapitulation of the number of registered voters of registered voters and polling stations at the district level. Bima, conveying the number of registered voters to the Regional Government of the Provincial KPU and KPU carried out by the KPUD, handing over voter cards to voters and submitting DPT to field election supervisors and witnesses of candidate pairs. Implemented by PPSPPS.

In the voter data collection after correction was carried out on the Provisional Voter List (DPS) to be determined as voters in the election of the Regional Head of the Deputy Regional Head of Bima Regency based on the Permanent Voter List (OPT) in Bima Regency as many as 362,005 voters. The General Elections Commission (KPU) of Bima Regency, determined 363,005 voters who will vote in the upcoming DPR, DPD, DPRD and Presidential and Vice Presidential Elections on April 17, 2019. This number is a determination of improvements, as a follow-up to the recommendations of the General Election Supervisory Board (Bawaslu) of the Republic of Indonesia. This number is reduced from the DPT of Bima Regency which was previously set at 363,114. As is well known, the recommendation to postpone the determination of DPT issued by Bawaslu RI, following the discovery of various problems in the voter list. The most prominent variable, the large number of double voters who participated was determined. In addition, Bawaslu also found other unqualified voters, such as, death, change of domicile, TNI-Polri and ghost voters. The Chairman of the Bima Regency Bawaslu, the Bima Regency Bawaslu carries out inherent supervision of the determination process carried out by the Bima Regency KPU, in the local KPU hall. At the plenary meeting on the determination of the Revised Permanent Voter List (DPHP), Bawaslu did not give too many notes to the KPU, because before the plenary meeting took place, Bawaslu and the KPU had synchronized voter data.

For two consecutive days, we synchronized by combining the results of our scrutiny of DPT. The TMS and foreign data that we submitted were not just submitted, but we conducted factual tests in the field," he said. It was explained that 405 ineligible voters (TMS) were previously Bawaslu's findings consisting of several variables, such as 89 double voters, 183 deaths, 6 TNI/Polri people, 33 people moving domicile and 6 unknown people. "For TMS voters, a strikeout has been carried out. In this DPT improvement, there are also 317 new voters, all of whom have been accommodated in the DPT. Regarding overseas voters as many as 2668 voters, strikeouts are not recommended. We only ask that the KPU mark," explained the man called Ebit.

Determination of candidates for Regional Head and Deputy Regional Head The implementation of the registration stage, the determination of candidate pairs is almost no significant violations, from the potential that has been formulated as above, no reports of violations / findings from the community have been found. One of the findings of violations related to the requirements for candidates for Regent / Vice Regent who completed it took a while to enter the election stage was the submission of the wealth list of each candidate, although finally submitted, but had become a polemic in some circles.

Registration and determination of candidates for Regional Head and Deputy Regional Head of Bima Regency Based on Bima Regency General Election Commission

Regulation Number 6 of 2020 concerning Procedures for Candidacy for the Election of Regional Head and Deputy Regional Head of Bima Regency are as follows: The pair of candidates for Bima Regent and Vice Regent is proposed by a Political Party or a Combination of Political Parties. Political Parties or Combinations of Political Parties that propose the Pair of Bima Regent and Vice Regent Candidates must meet the requirements for obtaining votes in the Bima Regency DPRD member election at least 15% (five betas percent) of the total DPRD seats or 15% (fifteen percent) of the accumulated valid votes from the election of Bima Regency DPRD members In the case of Political Parties or Political Party Combinations in proposing pairs of candidates for Regent and Vice Regent of Bimausing provision for obtaining at least 15% (fifteen percent) of the number of Bima Regency DPRD seats, if the quotient of the number of Bima Regency DPRD seats produces a fractional number above 1/2 (one half) then rounded up and if the fractional number is below 1/2 (one half) then rounded down.

Table 1
Spouse of candidates for Regional Head and Deputy Regional Head
Bima Regency 2020-2025

	Spouse No. 1	Spouse No. 2	Spouse No. 3
Calon Bupati	<u>Beautiful Dhamayanti Princess</u>	Syafruddin HM. Only	Irfan
Candidate for Vice Regent	Dahlan M. Noer	Fighting Mahyudi	Herman Alfa Edison
Carried by Party	Golkar, Gerindra, PPP, Democrat, PKB, PBB	Nasdem, LORD	PKS, Hanura, PDIP

Source: KPUD Bima Regency, 2021

Political Parties or Combined Political Parties can only propose 1 (one) pair of candidates for Regional Head and Deputy Regional Head of Bima Regency. Candidates for Regional Head and Deputy Regional Head of Bima Regency who have been proposed in one pair by a Political Party or a Combination of Public Parties, may not be nominated again by another Political Party or Combination of Political Parties. Political Parties or Combinations of Political Parties before determining candidate pairs must open the widest possible opportunity for individual candidates who are eligible to be screened as candidate talents.

In the implementation of the campaign candidates for Regent and Vice Regent must be guided by the Decree of the General Election Commission of Bima Regency No. 272 / KEP.045-KPU / 2007 concerning the Schedule and Place of the General Election of Regional Heads and Deputy Regional Heads of Bima Regency for 14 calendar days consisting of the South Zone.

Campaign implementation at campaign locations based on zones can only campaign as many as 2 location points, while implementation at campaign locations based on blocks, candidates can only campaign as many as 1 location point in each sub-district area. The campaign implementation apart from the first and second days was divided into three rounds.

The identity of the campaign team/campaigner must be registered with the Bima Regency KPU, using the form provided by the Bima Regency KPU along with the time of registration of candidate spouses. campaigns can be formed at the district level and the sub-district level. A very striking problem and must be noted in the Bima Regency Regional Election is that many voters who actually have the right to vote cannot vote because they are not recorded in the voter list. PP number 06/2005 has actually regulated that PPS compiles, establishes and announces temporary voter lists (DPS), PPS compiles, establishes and announces additional voter lists and PPS compiles, establishes and announces permanent voter lists (DPT), based on data collected by Panwas there are two reasons voters are not registered in DPT. Supervisory data collected by the Bima Regency Election Pamwas in the implementation of voting and vote counting conducted by KPPS in the form of data findings and reports from the community. The presented fill-in format for filling in the form of violations during the voting period and vote counting.

Implementation of voting and counting of votes for the Regional Head and Deputy Regional Head Elections of Bima Regency. Based on Law No. 23 of 2014 Article 107 paragraph (1), the spouse of the candidate for regional head and deputy regional head who obtained more than 50% of the number of valid votes is determined as the pair of elected candidates. Thus, the spouse who gets more than 50% of the votes is determined as the candidate for the elected Regional Head and Deputy Regional Head. Findings and reports of the community on the stages of determining the pairs of candidates for regional head and deputy elected regional heads, ratification and inauguration (taking oaths and promises).

Conclusion

Based on the description and discussion as stated in the chapters mentioned above, the author in this paper concludes several conclusions as follows: Voting The election of the pair of Regional Head and Deputy Regional Head, based on Law No. 7 of 2017

concerning the Implementation of General Elections, through direct elections is a form of local democracy to obtain a legitimate Regional Government, This is the initial process towards the realization of popular sovereignty in order to lead a democratic life in accordance with the demands of the reform. Voting rights in the direct election process will strengthen the legitimacy of the pair of candidates for Regional Head and Deputy Regional Head elected, so that in the course of their term of service they are not easily brought down by political interests in the Region. Democracy is an idea or view of life that prioritizes equal rights and obligations and equal treatment for all citizens without exception is truly a noble ideal. In some basic needs and needs, all human beings are "equal and equal".

This principle contains two meanings, namely similarity and conformity. Similarity is defined as equal taste and equal. Implementation of Direct Election of Regional Heads and Deputy Regional Heads by the People In the current process of directly electing Regional Heads and Deputy Regional Heads, it is a representative of people's trust in the Regional Government in channeling people's aspirations, therefore to determine the figure of the leader should have the characteristics of having the courage to take a policy to make changes in accordance with existing rules in the economic field, legal, socio-cultural and political. Then the character of the two candidates must be smart, meaning that in carrying out policies have a good strategy so as not to cause suffering to the people, while the criteria of the three candidates must be honest and transparent in carrying out policies so that the government gets legitimacy from the people.

Bibliography

- Ateng Syafrudin, *Pasang Surut Otonomi Daerah*, Binacipta, 1985,
- Bagir Manan, *Hubungan antara Pusat dan Daerah berdasarkan azas desentralisasi menurut UUD 1945*, Disertasi Doktor dalam Hukum Tata Negara Fak. Pascasarjan Universitas Padjajaran, Bandung, 1990
- Dasar-Dasar Ilmu Politik, PT. Gramedia Pustaka Utama; Jakarta 1991,
- F.A. Hermens, *Democracy or Anarchy, A study of Proportional Representation*, The Review of Politics, Notre Dame, 1941 Hal. 15-19; Cj. Freidrich, *Constitutional Government and Democracy*, Ginn & Go Boston. 1950
- Hendry B: *Mayo An Introduction to Democratic Meory* (New York: Oxford University Press, 1960
- M. Topan, *Demokrasi Pancasila Analisis Konsetuan Aplikatif*, (Jakarta: Sinar Grafika, 1999
- Moh: Mahfud MD; *Potitik Hukum Di Indonesia*; LP3ES, Jakarta; 1999
- Pandji Setijo, *Pendidikan Pancasila Perpektif Sejarah Perjuangan Bangsa*, Gramedia Widiasarana Indonesia, Jakarta, 2006
- Sri Mamudji, dkk. *Metode Penelitian dan Penulisan Hukum*, (Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2015)

Undang-Undang No. 32 Tahun 2004 Pasal 69 ayat 3 Prenada Media Jakarta, 2005,
UU No. 22 Tahun 2007 Pasal 10 ayat 3 KPU Kabupaten Bima, 2017
Vo Key, Politics, Parties; and Pressure Groups, Thomas Y. Crowell Co, New York, Third
Edition, 1999