

Article Title

The Provincial General Election Commission and Public Participation: A Study of Legislation

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ABSTRACT

This study aims to determine the role of the Provincial KPU in increasing public participation in the 2024 elections of the Governor and Vice-Governor. Penelitian ini menggunakan penelitian hukum normatif dengan pendekatan perundang-undangan. This study uses normative legal research with a statute approach. The collection of legal materials is carried out using a literature study technique. The collected legal material is then qualitatively analyzed to describe the problem and answer study purposes. The results of the study show that public participation is a form of popular sovereignty fundamental to the democratic process. Meanwhile, the role, position, and authority of the Provincial KPU will significantly determine the increase in public participation in the 2024 elections of the Governor and Vice-Governor. Therefore, it is recommended that the Provincial KPU adhere to the provisions of the applicable legislation. Thus, it will increase public trust and participation in the success of the 2024 elections of the Governor and Vice-Governor. On the other hand, increased public participation also has an impact on political development and better democratic practices in the future.

Keywords: Governor Election; Participation; Provincial KPU; Public.

INTRODUCTION

The end of the New Order regime in 1998 and the beginning of the so-called reformation era marked a new spirit and strong determination to realize democratic political life and reform in other fields (Djumadin, 2022). This condition simultaneously emphasizes that democracy for the Indonesian people is no longer a concept that needs to be studied scientifically in a limited scope but has become a practical concept that is useful in the life of the nation and state (Amalia & Dewi, 2018).

President-elect B. J. Habibie has a heavy duty to lead Indonesia in a transitional period. Steps, policies, and legislation leading to democratization were also executed. For example, guaranteeing press freedom, eradicating corruption, stopping the appointment of officials through nepotism, reshuffling the cabinet, and the most exciting thing is opening the broadest possible political regulatory faucet for politicians to establish political parties (Martiningsih, 2018). So that 48 political parties followed the implementation of the people's democratic party in 1999 (Efriza, 2019).

Furthermore, the passing of the reform period was marked by the transition from an authoritarian government to a democratic system (Bachmid, 2020). Several characteristics of democratic life began to emerge, such as many political parties, decentralization policies, freedom of speech, and other forms of democratic life. The Government's most extraordinary breakthrough since the beginning of the democratic government system was the holding of elections in which the people could freely give their voting rights to candidates who would lead the State. This freedom was actualized in the 2004 general election, as based on Article 22E section (1) and section (2) of the 1945 Constitution regulates that:

“(1) General elections are conducted in a direct, public, free, secret, honest, and fair manner once every five years. (2) General elections are conducted to elect the members of the House of Representatives, the Regional Representative Council, the President and Vice-President, and the Regional House of Representatives.”

Muslih et al. (2021) said that the 2004 election received recognition from the international world because it was the most democratic election during the holding of elections in Indonesia. In addition, this electoral system also encourages the holding of direct regional head elections in all Provincial and Regency/Municipal areas in Indonesia.

Apart from that, freedom within the people’s democratic party also contains human rights, as based on Article 28C section (2) of [the 1945 Constitution](#) regulates that *“every person has the right to improve themselves in striving for their rights collectively to develop their society, nation and state.”* Article 28D section (3) of [the 1945 Constitution](#) regulates that *“every citizen has the right to obtain equal opportunity in government.”* Article 28E section (3) of [the 1945 Constitution](#) regulates that *“every person has the right to freedom of association, assembly, and expression.”* As well as Article 28J section (1) of [the 1945 Constitution](#) regulates that *“every person shall respect human rights of others in the order of life of the society, nation, and state.”*

The power and authority that comes through elections is power and authority that is present from below according to the people’s will (Rizqi, 2018). Therefore, every people’s representative at the national or regional level must exercise power and authority based on the people’s will. On the other hand, elections at the national level cover the election of the President and Vice-President, members of the House of Representatives/*Dewan Perwakilan Rakyat* (DPR), and members of the Regional Representative Council/*Dewan Perwakilan Daerah* (DPD). At the same time, elections at the regional level cover the elections of Governor and Vice-Governor, Mayor and Vice-Mayor, Regent and Vice-Regent, members of the Provincial House of Representatives/*Dewan Perwakilan Rakyat Daerah* (Provincial DPRD), members of the Municipal House of Representatives/*Dewan Perwakilan Rakyat Daerah* (Municipal DPRD), and members of the Regency House of Representatives/*Dewan Perwakilan Rakyat Daerah* (Regency DPRD).

From the description of [the 1945 Constitution's](#) order above, it can be understood that elections are a means of implementing people’s sovereignty which is held on the principles of direct/*langsung*, public/*umum*, free/*bebas*, secret/*rahasia*, honest/*jujur*, and fair/*adil (luber jurdil)* within the Unitary State of the Republic of Indonesia. Elections are also a means of democracy to form a system of state power with people’s sovereignty and representative deliberations outlined in [the 1945 Constitution](#). To achieve the success of an election, the Government establishes the

General Election Commission/Komisi Pemilihan Umum (KPU) as an institution that is national, permanent, and independent. In this case, Article 22E section (5) of [the 1945 Constitution](#) regulates that “*the general elections are organized by a general election commission which is national, permanent, and independent.*” Furthermore, the KPU has a vital role because it organizes elections from the national to the regional level. More specifically, the KPU must accommodate the people’s democratic party starting from the level of the polling place. Meanwhile, for the success of the 2024 elections, the KPU must comply with [Law No. 7 of 2017](#), amended by [Government Regulation in Lieu of Law No. 1 of 2022](#), as well as [Government Regulation in Lieu of Law No. 1 of 2014](#), which is enacted with [Law No. 1 of 2015](#), which has been amended more than once ([Law No. 8 of 2015](#) for the first amendment; [Law No. 10 of 2016](#) for the second amendment; [Government Regulation in Lieu of Law No. 2 of 2020](#) for the third amendment which is enacted with [Law No. 6 of 2020](#)).

[Kominfo \(2022\)](#) released news that in the same year, there will be two election processes for 2024: 14 February 2024 and 27 November 2024. The election on 14 February 2024 includes the election of the President and Vice-President, as well as members of the DPR, DPD, Provincial DPRD, and Regency/Municipal DPRD. Meanwhile, the election on 27 November 2024 includes the election of Governor and Vice-Governor, Mayors and Vice-Mayors, and Regents and Vice-Regents. Regional-level KPU, especially Provincial KPU, will undoubtedly work extra for the success of the Election of the General as well as Governor and Vice-Governor of 2024.

On the other hand, the direct election of the regional head is a step forward for local democratization in Indonesia ([Husen et al., 2022](#)). In this case, the regional head election provides an opportunity for candidates for regional heads to compete fairly and honestly. In addition, the implementation of direct election of regional heads seeks to produce regional heads who are better quality, have high political acceptability, and have an essential degree of legitimacy because regional heads are elected by receiving a direct mandate from their people. Direct election of regional heads will also produce a more effective and efficient regional head. Huntington further said that democracy is said to be democratic if the holders of sovereignty directly elect the decision-makers through elections based on the principles of *luber jurdil*. This condition is reflected in a series of formed legislation and amendments to legislation that is considered to hamper Indonesia’s democratization process.

The Provincial KPU, in order to succeed in the 2024 simultaneous elections, of course, must understand, implement, and apply the principles of *luber jurdil*. In addition, the Provincial KPU, in the success of the election of Governor and Vice-Governor, is also regulated in [Law No. 23 of 2014](#), which has been amended more than once ([Government Regulation in Lieu of Law No. 2 of 2014](#) for the first amendment which is enacted with [Law No. 2 of 2015](#); [Law No. 9 of 2015](#) for the second amendment).

Based on the description above, this study aims to determine the role of the Provincial KPU in increasing public participation in the 2024 elections of the Governor and Vice-Governor.

METHOD

This study uses normative legal research with a statute approach (Qamar & Rezah, 2020). The legal materials used in this study include legislation, books and scientific law articles, and online materials discussing the role of the Provincial KPU in the 2024 elections of the Governor and Vice-Governor. The collection of legal materials is carried out using a literature study technique. The collected legal material is then qualitatively analyzed to describe the problem and answer study purposes (Sampara & Husen, 2016).

RESULTS AND DISCUSSION

The roles of the Provincial KPU and the 2024 simultaneous Regional Head Elections have been regulated in detail in the legislation. In this case, Article 1 point 9 of Law No. 7 of 2017 explains that *“the Provincial General Election Commission, hereinafter referred to as the Provincial KPU, is the Election Organizer in the Province.”* Article 1 point 8 of Law No. 8 of 2015 explains that:

“Provincial KPU is the general election organizer, as referred to in the law, which regulates general election organizers who are given the duty to organize the Election of the Governor and Vice-Governor based on the provisions regulated in this Law”

Furthermore, Article 1 point 1 of Law No. 8 of 2015 explains that:

“Elections of Governor and Vice-Governor, Regent and Vice-Regent, and Mayor and Vice-Major, hereinafter referred to as Elections, are the implementation of people’s sovereignty in the provincial and regency/municipal areas to elect Governor and Vice-Governor, Regent and Vice-Regent, as well as Mayor and Vice-Major directly and democratically.”

On the other hand, Kominfo (2022) released news that the Work Meeting and Hearing Meeting held at the Nusantara Building on 24 January 2022 resulted in several agreements, one of which was that the elections of the Governor and Vice-Governor were held on Wednesday, 27 November 2024. This agreement was also based on Article 201 section (8) of Law No. 10 of 2016, which regulates that:

“National simultaneous voting in the Elections of Governor and Vice-Governor, Regent and Vice-Regent, and Mayor and Vice-Major throughout the territory of the Unitary State of the Republic of Indonesia will be held on November 2024.”

From the description above, the Provincial KPU must prepare early so that the 2024 elections of the Governor and Vice-Governor will run as they should. In this case, Article 11 point c of [Law No. 8 of 2015](#) regulates that:

“The duties and authorities of the Provincial KPU in the Election of the Governor and Vice-Governor include: compiling and enacting the work procedures of the Provincial KPU, Regency/Municipal KPU, PPK, PPS, and KPPS in the Election of the Governor and Vice-Governor with due observance of the guidelines from the KPU.”

Furthermore, Article 11 point b and point c of [Law No. 8 of 2015](#) regulates that:

“In implementing the Election of the Governor and Vice-Governor, the Provincial KPU is required to: treat the Election of the Governor and Vice-Governor participants fairly and equally; convey all information on the holding of the Election of the Governor and Vice-Governor to the public.”

As an election organizer trusted by the public, the Provincial KPU must make every effort to carry out its mandate in the success of the 2024 elections of the Governor and Vice-Governor ([Kelibay et al., 2022](#)). In addition, in carrying out its role, the Provincial KPU must comply with the provisions of the applicable legislation ([Husnulwati, 2021](#)). On the other hand, the election of the Governor and Vice-Governor plays an essential role in ensuring that the rotation of leadership in the Province runs democratically. Furthermore, the election also ensures that the Government’s agenda can run effectively and accelerate development and prosperity. This situation also requires the role of the Provincial KPU in launching election activities so they can be carried out correctly.

At the same time, the implementation of legislation related to the Governor’s and Vice-Governor’s elections aims to realize people’s sovereignty and show that democracy is in the hands of the people. So that the people have the right to freedom to decide whom they will choose as Governor and Vice-Governor to regulate the running of Government in the Province. Meanwhile, the Governor and Vice-Governor who were elected are inseparable from the trust and have represented the wishes and interests of the people.

Meanwhile, the quality of elections can be assessed by the ability of the Governor and Vice-Governor elected to realize their political promises and the ability to manage the resources in the Province ([Mubarq, 2020](#)). Therefore, these qualities become more evident if the Governor and Vice-Governor’s election occurs in a participatory manner: at the process, substance, and accountability levels. The democratic process is of the people, by the people, and for the people. Public participation is the principal strategic focus to promote democracy and substantive election of the Governor and Vice-Governor.

In addition, the election of the Governor and Vice-Governor directly signifies a change in local democratization. *First*, the election of the Governor and Vice-Governor will produce a Provincial Government that has direct legitimacy from the people. Thus, the Provincial Government has public accountability not to be arbitrary and abuse its powers. *Second*, the elected Governor and Vice-Governor will make regional regulations to bring progress to their people. *Third*, the Governor's and Vice-Governor's elections will support local democratization. Thus, the future of people's lives in the Province will be bright due to the opening of public space through public participation.

The election of the Governor and Vice-Governor will also run more effectively if the Provincial KPU carries out various activities that reach and involve the entire community. Huntington and Nelson divide participation into autonomous participation and mobilization participation. Autonomous participation is a type of participation that is expected of each individual in the social aggregate. In this case, community involvement (providing input on ideas and concepts about something to the Government), establishing mass organizations, becoming pressure groups for the Government, and giving their rights at the time of regional head elections. Meanwhile, mobilization participation is participation that prioritizes community support for the implementation of programs that the Government has made.

At the same time, public participation in the election of the Governor and Vice-Governor must be oriented toward increasing community welfare and empowerment (Pahrudin & Firdaus, 2020). Because in elections, people are required to choose candidates for Governor and Vice-Governor by referring to the program of activities offered by these candidates when they campaign. On the other hand, public participation is also related to public policy theory based on classical democratic thinking. In this case, John Locke and John Stuart Mill emphasized that the participation and role of citizens very much influence public policy. Thus, the success of the election of the Governor and Vice-Governor is in line with the high level of public participation.

When referring to the description above, it can be understood that public participation in elections is a significant prerequisite to building a democratic nation-state (Muzakkir et al., 2021). In this case, public participation is an essential part of the life of a country. Public participation is also a factor that determines the level of democracy that develops in the country (Sa'ban & Sadat, 2019). In contrast, if there are deviations and various frauds perpetrated by certain groups to get the most votes in an election, a democratic Government is just a dream that does not materialize, and even chaos will occur everywhere.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion above, it can be concluded that public participation is a form of popular sovereignty fundamental to the democratic process. Meanwhile, the role, position, and authority of the Provincial KPU will significantly determine the increase in public participation in the 2024 elections of the Governor and Vice-Governor. Based on the description of the conclusions, it is recommended that the Provincial KPU adhere to the provisions of the applicable legislation. Thus, it will increase public trust and participation in the success of the 2024 elections of the Governor and Vice-Governor. On the other hand, increased public participation also has an impact on political development and better democratic practices in the future.

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