Duties of the Malang District General Election Supervisory agency in enforcing the 2019 Electoral Law

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ABSTRACT

Indonesia adheres to a democratic government system, from the people by the people and back to the people. Democracy is inseparable from General Elections, where the people can freely support candidates who they think are capable of managing and carrying out the duties of the State. According to Law Number 7 of 2017 concerning General Elections, general election supervision is carried out by the General Election Supervisory Agency. Prevention by the Election Supervisory Agency so that violations do not occur is also expected to be a factor in holding a clean, honest and fair general election. This study aims to identify and describe the duties of the General Election Supervisory Agency of Malang Regency in Enforcing the Law of the 2019 local leaders election, as well as the driving and inhibiting factors concerning the theory of public policy implementation and the concept of the role of the Election Supervisory Agency. This research uses a descriptive qualitative approach. Data from observations, interviews and documentation are analyzed through condensation, presentation and drawing conclusions or verification. The study results show that implementing regional elections in Malang Regency still leaves irregularities in finding general election violations, both those found directly by the election supervisory agency and reports from various elements of society. In reports and findings, there are general election violations from civil servants, village heads and the community generally in the form of money politics violations direct campaigns from village heads and civil servants. In this way, the local leaders election in Malang Regency in 2019 still leaves a little homework to maximize supervision further.

Keywords: General Election, Democracy, Supervisory Agency.

1. INTRODUCTION

Indonesia adheres to a democratic system of government, from the people by the people and back to the people. Democracy is inseparable from General Elections, where the people can freely support candidates who they think are capable of managing and carrying out the duties of the State. The general election is a means of people's sovereignty carried out directly, publicly, freely, confidentially, honestly and fairly within the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. According to Law Number 15 Years Concerning General Election Organizers, The general election supervisory function is carried out by the General Election Supervisory Agency. Prevention by the Election Supervisory Agency so that violations do not occur is also expected to be a factor in holding a clean, honest and fair general election. Election supervisory agencies have an essential role as entry points for cases carried out by candidate pairs, success teams, and the general election organizers.

The presence of the general election supervisory body is intended to improve the quality of general elections, including at the district/city regional level down to the bottom, and also to reduce the number of fraud that occurs during the general election. However, suppose we reflect on the implementation, which always finds problems and constantly changes the existing system. In that case, the general election in Indonesia has not achieved the desired Process.

Over time, with new laws and regulations regarding the implementation of general elections, namely Law Number 7 of 2017, there has been a strengthening of the authority of the Election Supervisory Agency in carrying out its duties and functions as a general election supervisory institution. One of the reinforcements is that the election supervisory agency's findings are no longer recommendations but have become decisions. The election supervisory agency now has the authority to decide on administrative violations so that the general election supervisor's findings are not only recommendations but are rulings/decisions that must be implemented by the parties in general implementation. Election, members of the Regency/City Election Supervisory Agency carry out supervision over the possibility of intentional or negligent actions by members of the Regency/City General Election Commission, secretariat and secretariat employees of the Regency/City General Election Commission committing…
criminal acts of General Election or administrative violations which result in disruption of the General Election Campaign. Ongoing, intentionally or negligently, the campaign organizer, campaign participants and campaign officers commit a criminal act of general election or an administrative violation that disrupts the ongoing general election campaign.

Since the issuance of Law Number 1 of 2015 concerning the Election of Governors, regents and mayors, this matter has begun to be handled by the Malang Regency Election Supervisory Agency and its staff. Matters handled include alleged violations of the Code of Ethics for General Election Organizers, alleged violations of General Election Administration, alleged violations of the General Election Criminal Act and other laws. These three violations can be described based on their relationship to the articles in Constitution No. 7 of 2017. Among other things, violations of the Code of Ethics for General Election Organizers are violations of the ethics of General Election Organizers, which are guided by oaths and promises before carrying out their duties as General Election Organizers. General Election Administrative Violations are violations which include procedures, procedures and mechanisms. Relating to the administration of the General Election, the General Election Crime is a violation and crime against the provisions of the General Election crime as regulated in Law Number 7 of 2017.

During the democratic party's 2019 regional head election, the Malang Regency Election Supervisory Agency processed 359 violations during four months of carrying out the duties of the state civil apparatus overseeing all stages of the 2019 General election. Administrative violations occurred, such as not sending campaign notifications and carrying out banner installation activities in restricted areas. local leaders election violation data in Malang district recorded 17 reports of alleged violations and 13 findings of alleged violations, the involvement of state civil apparatus totalling five people so that the number of recommendations for forwarding was 10 people. Considering that the general election will be held in 2024 and is one of the essential processes in creating a good democracy, it is necessary to learn from the previous general election.

The purpose of this study is to identify and describe the implementation of the duties of the election supervisory agency in law enforcement for the 2019 general election, as well as to identify and describe the supporting and inhibiting factors for implementing the duties of the election supervisory agency in law enforcement for the 2019 general election in Malang Regency. The benefits of this research are that it is hoped that it can provide more concrete information and develop concepts regarding the implementation of the role of the election supervisory agency in law enforcement for the 2019 local elections in Malang Regency based on Law No. 7 of 2017 concerning General Elections. It can be used as valuable input, especially in efforts to review, develop and evaluate the implementation of the duties of the election supervisory agency in upholding local leaders election law, as well as a new reference source that can be used as a reference in subsequent scientific research, as a basis for thinking in order to develop further research concepts, improve scientific quality, especially the implementation of the duties of the election supervisory agency in law enforcement for the 2019 local leaders election in Malang Regency based on law No. 7 of 2017 concerning General Elections in Malang Regency.

2. LITERATURE REVIEWS

2.1 Theory of Public Policy Implementation

According to Meter and Horn, quoted by Sadhana (2012: 174), implementing public policy is "an action built into the efforts of public institutions to realize targets agreed upon within the institution itself. The efforts in question have been designed within the legal time corridors to make significant and small leaps that significantly influence society's progress." Nugroho (2008: 432) states that implementing public policy is procedural for realizing legal objectives. Policy implementation has two corridors, namely implementation that is carried out directly in the form of a program and passing through the derivation policy formulation process. According to Purwanto (2012: 21), public policy implementation is the rotation of a policy to distribute the results of a policy (to deliver policy output) which is constitutionally targeted at groups. (target group) as a commitment to realizing policy objectives. Based on this opinion, it can be concluded that the implementation of the public policy in question is a process that involves various elements and resources, including people, funds and organizational capabilities, both by the government and the private sector (individuals or groups), to achieve the goals that have been set. Previously by policymakers. According to Abidin (2006), policy is a process of exchanging ideas between interests or institutions that are legally agreed upon by the government, which has value strength based on public interest and all classes of society down to the bottom. Public policy is the result that comes from the interaction of policy actors both directly and indirectly in understanding problems that occur in society and formulating solutions to overcome problems (Sadhana, 2012, p. 58). Based on the opinions expressed by several experts, it can be concluded that public policy is all things implemented or not implemented by policy actors aiming to overcome problems in society or the public, which generally are stated in a legal, democratic and transparent manner in a document.

2.2 Concept Of General Election Supervisory Agency

The election supervisory agency is the party that drafts the general election oversight procedures to oversee and supervise general election activities at every level. In addition, the election supervisory agency has duties structured by statutory provisions,
namely to prevent and take action against all violations. The duties of the election Supervisory agency carried out in the context of preventing general election violations and preventing disputes over the general election process are identifying and mapping potential vulnerabilities and general election violations; coordinating, supervising, guiding, monitoring, and evaluating the general election implementation, coordinating with relevant government agencies and increasing public participation in monitoring general elections (Prasetyo, 2017). The existence of a supervisory institution for general elections is a characteristic of Indonesia. Countries with experience holding democratic general elections do not have supervisory institutions. General elections are supervised in other countries by the General Election Commission (KPU), the event organizer and supervisor of general elections.

According to Handoko, the concept of supervision is an effort made by leaders to ensure that the activities carried out by their subordinates are in accordance with the plans that have been set. Meanwhile, according to Robbins and Coulter, supervision is the process of monitoring organizational activities to ensure whether activities are what was planned and as a process of correcting any deviations that arise. Supervision consists of several things, including monitoring and updating, namely efforts to realize and produce an appropriate voter list. Apart from that, there is also monitoring of campaign props. Campaign props are all objects or other forms containing the vision, mission, program and other information installed for the general election campaign, which aims to invite people to vote for general election participants and prospective members. Campaign props are not placed in places of worship, hospitals or health services, government buildings, educational institutions (buildings and schools), protocol roads, freeways, public facilities and infrastructure, parks and trees. Furthermore, there is supervision of campaign finances, campaigns in the mass media, and money politics because although they are two different things, they cannot be separated. When doing politics, people need money, and with money, people can do politics. The term money politics in English is money politics. This refers to using money to influence certain decisions, whether in general elections or other matters related to important decisions. Furthermore, black campaigns are supervised, which are believed to be effective methods for bringing down and destroying opponents. Finally, there is also supervision on the day of voting and counting.

3. RESEARCH METHODS

3.1 Types and Focus of Research

This research uses qualitative research methods. According to Suyanto (2010: 166), qualitative research uses descriptive data designed using spoken and written words. Based on the above understanding, the author hopes to provide an overview of the role and function of leadership in enforcing regional election laws at the Election Supervisory Agency in Malang Regency, supported by written data collected by the Election Supervisory Agency and direct interviews with relevant stakeholders. This research focuses on the duties of the General Election Supervisory Body in enforcing the 2019 Regional Election law in Malang Regency based on Law No. 7 of 2017 concerning General Elections.

3.2 Research Informant

Research informants are people who are used to provide information about the situation and conditions of the research background. There were four informants for this research. In this research, the technique for determining informants uses the Purposive Sampling technique, namely the process of determining informants selected randomly according to the research supporting criteria. Purposive Sampling involves selecting sample informants from a randomly arranged population without looking at their status in that population. (Sugiyono, 2011:63-64).

3.3 Data Collection Methods

The methods used to obtain the data needed in this research are interviews and documentation. In this study, the documentation was carried out to collect written reports in the form of data relating to the performance of the Malang City Bawslu. To complete this research, several references are used as documentation sources, including books, newspapers, magazines, social media, and photographs related to the performance of election supervisory agencies and related interests.

3.5 Data analysis technique

Qualitative data analysis, according to Bogdan and Biklen (Miles and Huberman, 2014: 14), is an effort that is organized appropriately using organizing data, sorting data into units that are arranged synthetically, looking for and finding patterns, finding what is essential and what is to be learned. Moreover, decide what to tell others. The data was analyzed using several steps according to the theory of Miles, Huberman and Saldana (2014), namely analyzing the data in three steps: condensing the data, presenting the data, and drawing conclusions or verification. Data condensation refers to selecting, narrowing, simplifying, summarizing, and transforming data.
4. RESEARCH RESULTS

4.1 Implementation Of Policies Regarding The Duties Of Election Supervisory Agencies In Law Enforcement For The 2019 Regional Elections In Malang Regency

Based on the results of interviews conducted by researchers, it was concluded that the holding of the General Election for Malang Regency in 2020 resulted in many findings of alleged violations of the General Election, both by village officials and the state civil apparatus, alleged violations of the General Election Crime and alleged Violations of the Law. Other. In these findings, a village head carried out a campaign against a candidate for regent. There are findings of funding activities for the Wali Pilgrimage carried out by one of the regent's pairs. There are also findings from the Election Supervisory Agency of Malang Regency regarding the involvement of one of the state civil apparatus or the Bululawang sub-district head regarding the neutralization of the state civil apparatus. To handle the issue of state civil apparatus involved in regional general election politics, action will be taken by the election supervisory agency if violations will be followed up with the State Civil Service Agency for further sanctions. The findings of alleged violations of the general election are closely related to the Implementation of Public Policy. Rian Nugroho (2003) said that policy implementation is a way for a policy to achieve its goals, further explaining that it is nothing more and nothing less. If violations are still found, the policy is not as expected or has yet to achieve its objectives. Findings of alleged violations of the general election constitutionally will include stages to review and reveal the truth of a violation. The Election Supervisory Agency, as a constituent that handles issues of general election violations, has procedures for handling alleged violations of the General Election; namely, the Election Supervisory Agency will record every alleged finding. For general election violations in Malang Regency, the Election Supervisory Agency conducted a plenary session regarding these findings. From the results of the plenary session, if the violation is actual, it will be followed up to the next stage.

The regional elections in Malang Regency still found significant and minor violations, so implementing the general election for regional heads still shows non-compliance with applicable regulations, unawareness, indifference and injustice. There are also findings of alleged administrative violations done by an irresponsible person, who entered the person's name as a PPS while those involved had never registered as a PPS. The Election Supervisory Agency makes full efforts to complete every finding as a full power in general election kada reform in a better direction than the existing data on findings of alleged violations of the 2020 general election kada in Malang Regency 13 with their respective types of violations. This figure is categorized as an organized finding in implementing the 202 Malang Regency regional general election.

4.2 Report on Alleged local leaders election Violations

Based on the interviews conducted by researchers, it was concluded that alleged violations of the general election in Malang Regency continued to occur. 2020, there were many reports of alleged violations of the general election, based on data from around 17 reports received, which were suspected of committing violations of the general election in the Regency. Unfortunately, from the various reports, there are administrative violations, violations of the Code of Ethics Criminal Code and other legal violations. The results of the policy implementation found a report of a general election Money Politics violation committed by one of the residents by distributing 20 thousand in 35 envelopes to support one of the regent candidates. There were also reports of an invitation to elect one of the regent candidate pairs in exchange for 600,000 posted on social media. Another report that came from the public was an alleged violation of the neutralization of the state civil apparatus in which one of the governing bureaucrats was involved in campaigning for one of the candidates. Of the various alleged violations, some were declared not violations. Some were declared violations.

Money politics often occurs in general election events not only in Malang Regency but also in other areas. The Community Report is an integrated part of the election supervisory agency in order to create a better general election implementation, the participation of the people of Malang Regency in reporting any alleged violations of the general election to the election supervisory agency. To support the better implementation of regional election general elections, the election supervisory agency builds cooperation with elements of the community/Ormas to support the implementation of regional election general elections. In carrying out the oversight function, the Election Supervisory Agency for Malang Regency, the Election Supervisory Agency, is likely to minimize the potential for money politics or the involvement of the state civil apparatus in political times. Leo Agustino, in his book Basics of Public Policy (2008: 139), says that implementation is a dynamic process, where the implementation of the policy carries out an activity or activity so that in the end, it will get a result that is by the goals or objectives of the policy itself. Departing from the findings of local leaders election violations, the law confirms that the election supervisory agency has duties. According to Article 97 of Law No. 7 of 2017, among others, set standards for the governance of general election supervision for general election supervisors at every level, prevent and take action against general election violations and general election process disputes, prevent the practice of money politics, and evaluate general election supervision in the province.

Based on the results of interviews conducted by researchers, it was concluded that the handling of reports and findings of alleged violations of the general election was carried out in accordance with applicable laws and regulations. Agustino, in his
book Basics of Public Policy (2008: 139), says that implementation is a dynamic process where policy implementers carry out an activity or activities so that, in the end, they will get a result that is by the goal or target of the policy itself. The opinion above shows that the policy is an activity to get results. Implementing the general election is a process to obtain the objectives of the general election. During the implementation, irregularities/violations of the general election were still found. Public reports regarding alleged violations of the general election continue to occur. Based on various reports and findings, the Malang Regency election supervisory agency strives to resolve it as well as possible. Every finding and report will be submitted to an internal plenary to ascertain whether there is a violation, from the plenary results as a step to enter the next stage in handling general violations. Election in Malang Regency, from the results of the plenary, there were administrative violations, violations of the Code of Ethics and violations of the Criminal Procedure Code. Administrative violations occurred in one of the voting committees, which did not carry out factual verification of supporters of the individual candidates for Regent and Deputy Regent. Another issue is the alleged neutralization of the state civil apparatus carried out by one of the state civil apparatus, the head of the Achievement Division of the Malang Regency Youth and Sports Service, which was declared a violation of the neutralization of the state civil apparatus. Suppose violations occur by the provisions of the rules. In that case, the Malang Regency Election Supervisory Agency will conduct legal procedures up to the investigation stage or decision at the police or prosecutor's office. In the handling stage, findings and reports of alleged violations of general election regional elections in Malang Regency have passed the plenary stage from those carried out at the internal election supervisory agency to be followed up to the investigation stage to be continued to the decision stage.

Based on the results of interviews conducted by researchers, it was concluded that the follow-up action against general election violations was carried out in accordance with applicable statutory provisions. Implementation of public policy as an effort to investigate findings and reports of alleged violations of the general election as findings of violations of the code of ethics with further legal action providing written warning sanctions and guidance from the Malang Regency general election commission, reports or other findings are violations of law which are one of the civil states apparatus campaigned for her husband as a candidate for deputy regent and was found guilty. Follow-up action from the report and findings will become a referral to the relevant institution and a decision. The issue of violations of neutralization of the state civil apparatus for final decisions is handled directly by BKN to be given sanctions by applicable laws and regulations. Cases carried out by the state civil apparatus are handled directly by institutions related to the state civil apparatus.

Based on the results of interviews conducted by researchers, it was concluded that the strategy carried out by the Malang Regency Election Supervisory Agency optimizes social media supervision and field supervision because there are still many findings of alleged violations both in the media and in the field. The importance of comprehensive oversight in the natural world and the world mass. In communication through the mass media, the mass media and humans have a relationship of interdependence and mutual need because each has mutual interests and needs the other. This relates to policy implementation as stated by Chief JO Udoji (1981), who said that policy implementation is essential and even far more critical than policy making. Policies are just dreams or good plans that are neatly stored in the archives if they are not implemented. So, it is essential to pay more attention to implementing oversight plans. The Malang Regency election supervisory agency strives to improve discussions or cadre schools for NGOs or students to become essential to the following regional general election event. In supporting the continuation of supervision of the General election for regional heads, it is essential to increase capacity, internal improvement, and collaboration with other integrity institutions.

4.3 Supporting and Inhibiting Factors for Malang Regency General Election Supervisors to Suppress Violations in the 2019 Regional Elections

In terms of supporting factors, based on the results of interviews conducted by researchers, it was concluded that the involvement of security forces is centrally important in maintaining, supervising and protecting the entire implementation of the general election in Malang Regency. From the involvement of security forces to becoming working partners of the Election Supervisory Agency so that they can carry out their duties well. In supporting the general election, the security forces are the implementers of the policies set by the government, in this case, the Election Supervisory Agency of Malang Regency. Apart from security forces, there are also non-governmental organizations. Based on the results of interviews conducted by researchers, it was concluded that the involvement of non-governmental organizations in holding the 2020 general election in Malang district is very necessary to support supervision both in the field and in the media. The involvement of these non-governmental organizations as observers of the general election aims to ensure or minimize the existence of parties or individuals who commit general election violations. The involvement of non-governmental organizations certainly has conditions that must be fulfilled in implementing the General Election for Regional Elections to maintain the rule of law. The involvement of non-governmental organizations supports the Malang Regency Election Supervisory Agency to hold a just General Election for Regional Elections.

Furthermore, regarding inhibiting factors, based on the results of interviews conducted by researchers, it was concluded that every time a general election is held, the real sector budget must be paid attention to because the supporting budget is in holding
the General Election in Malang Regency. The budget needed for the general election at Malang Regency's election supervisory agency aligns with needs. However, it still needs to be optimal, meaning that if you want to hold a more optimal general election, it must also be supported by a large budget. The 2020 Malang Regency general election regional budget calculation reached 85 billion for all stages up to the implementation of the regional election. Another inhibiting factor is transportation. Based on the results of interviews conducted by researchers, it was concluded that transportation was the inhibiting factor in the implementation of the general election. All activities for the General Election in Malang Regency require adequate transportation access. It is not running optimally, starting from delivering logistics to remote villages and not running optimally having to apply for transportation loans to the police to support general election activities.

5. CONCLUSIONS AND SUGGESTIONS

5.1 Conclusion

From the results of this study, it was concluded that if the findings of Alleged General Election Violations in the implementation of the Malang Regency General Election, there were many alleged general election violations, both Administrative violations, Violations of the Code of Ethics and Law Violations. There were also findings of violations that were not considered violations. Realistically, there is still an enormous potential for general election violations. Follow-up on the handling of the general election, from various decisions on general election violations in Malang Regency, it is ensured that several decisions were stated as violations by the village head, which were forwarded to the Regent of Malang Regency, and there were violations of state civil apparatus neutralization. The Strategy Implemented by the General Election Supervisory Agency for Malang Regency to Suppress Violations in the 2020 General Election, for the strategy of the Election Supervisory Agency itself remains consistent in increasing supervision in the media and the field, and the Election Supervisory Agency continues to take steps to socialize and educate the public through cadre schools. Alternatively, text guidance to equip a generation that cares about general elections with integrity. The driving factors for this are the security forces and non-governmental organizations. Meanwhile, the inhibiting factors are budget and transportation.

5.2 Suggestions

Suggestions that can be conveyed to the Malang Regency Election supervisory agency are that the Election supervisory agency must strengthen the capacity of human resources so that they can monitor or supervise potential general election violations, open general election complaint posts which aim to make it easier for the public to report alleged violations general election, creating an application for complaints of general election violations, so that it makes it easier for the public to initiate and accelerate the election supervisory agency in completing each public report, provides strict sanctions to anyone who commits a general election budget, and emphasizes that everyone who is proven to have committed a general election violation, will subject to a fine of 1,000,000.

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