Supervision of Bawaslu Pemalang Regency in the 2020 Regional Head Election

Ntika Nur Mutiarasari¹, Ratna Herawati²
⁠¹Master of Law, Faculty of Law, Universitas Diponegoro
⁠²Faculty of Law, Universitas Diponegoro
*ntikanurm@gmail.com

ABSTRACT

One of the ongoing democratic activities in 2020 is the Election for the Governor and Deputy Governor, the Regent and Deputy Regent, as well as the Mayor and Deputy Mayor simultaneously in 2020. The success of holding regional elections in Indonesia is largely determined by the performance of the election organizers, one of which is the Election Supervisors a supervisory agency that oversees the process of implementing the Pilkada stages. Pilkada supervision during a pandemic is a big challenge for the ranks of Election Supervisors in Indonesia so it is interesting to study this topic. This research focuses on the supervisory policies issued by the Bawaslu RI during the Covid-19 pandemic and is then linked to the supervision carried out by the Pemalang Regency Bawaslu during the 2020 Pilkada. This legal research used a normative juridical approach and was descriptive analytical in nature which was analysed qualitatively. The results of the study show that there are obstacles and strategies in the supervision of election during the pandemic, but Bawaslu RI and its staff including Bawaslu Pemalang in the supervision of the 2020 Pilkada also carry out with more prevention, socialization to the public through online, maximizing social media owned by the District Bawaslu, coordination between agencies / stakeholders. The Election supervision is also carried out by health protocols in handling Covid-19 in their daily activities in carrying out their duties and authorities.

Keywords: Election; Supervision; Covid-19.

ABSTRAK


Kata Kunci: Pilkada Serentak; Pengawasan; Covid-19.
A. INTRODUCTION

Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that the Unitary State of the Republic of Indonesia is divided into provincial and the provincial areas are divided into districts and cities, each of which has a regional government which is regulated by law. In filling the positions of regional heads and deputy regional heads, it is necessary to hold regional head elections (Pilkada) as regulated in Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia which states that the Governor, Regent and Mayor respectively as heads of provincial and city/ regency regional governments are democratically elected. The existence of local government is needed so that people are closer and easier to participate in government decision-making process (Gaffar, 2013).

The success of holding Pilkada in Indonesia is largely determined by the performance of Pilkada organizers, in this case the Regional General Election Commission (KPUD) as the organizer and the Election Supervisory Committee as the supervisory agency that oversees the process of the stages of Pilkada implementation (Sulaeman, & Ilham, 2015). The existence of Election Supervisors is important in determining the success of Regional Head Elections (Sianturi, & Wisnaeni, 2016). In addition, the Election Supervisors play an essential role that Pilkada can run well and have quality (Sandi, & Suprayitno, 2020). The existence of Election Supervisors also improves and maximizes the quality of upholding the sovereignty and voting rights of the people (Seac, & Sirajuddin, 2017).

Election Supervisors are in the “gateway” position to resolve various violation / dispute reports. (Santoso, & Supriyanto, 2004). Opportunities for violations are very open committed by election organizers, election participants, campaign teams, the government, voters, and the public (Setiadi, Fikri & Riviyusnita, 2020). The existence of election supervisors is important to avoid delegitimizing the election process and results and to anticipate the development of various violations (Rinaldo, 2016). The challenges faced by election supervisors are quite serious considering many violations that can hinder the achievement of direct, general, free, secret, honest, and fair election objectives (Santoso, & Supriyanto, 2004). The direct and simultaneous regional elections still have many problems (Yandra, 2017). Therefore, the supervision by the General Election Supervisory Body (Bawaslu) can run optimally when it involves civil society in strengthening its supervisory capacity as well as encouraging the expansion of surveillance area (Michael, 2018).

Direct election is considered capable of representing the needs of the community related to the closeness of the community and leaders resulted from the legitimacy of the community (Maslul, 2020) and functions as a means of political legitimacy for the government in power (Zoelva, 2013).

The implementation of simultaneous regional head elections (Pilkada) does not only fulfill the objectives of concurrent candidacy, campaign
dynamics and inauguration, but it is also in line with regional dynamics (Arifulloh, 2015). One of the efforts made to improve the quality of regional head elections is by implementing the Simultaneous Pilka system (Perdana, Alfaris, & Iftitah, 2020). The 2020 Pilka is held by 270 regions in Indonesia, one of which is Pemalang Regency. The Pilka that took place in 2020 was different from previous pilkadas, considering that the elections in 2020 were carried out with health protocols to avoid the threat of the Covid-19 virus. Given that the pilka needs to be held even though it is still in the pandemic of Covid-19, the roles of the election supervisions becomes increasingly difficult and challenging because supervisions are getting more limited.

Democracy in general means the government of, by, and for the people or has the same meaning as the people who rule in a country. Then, the term democracy is often associated with general election activities to elect people’s representatives and leaders in government (Aulia, 2016). The theory of democracy is used to study the implementation of the simultaneous regional elections in 2020, which was delayed due to the pandemic of Covid-19. For Indonesia, elections are one of the benchmarks for the progress of democratization, so elections must be held based on democratic principles (Solihah, & Witianti, 2017).

The Government’s policy that all people carry out social and physical distancing in the implementation of the 2020 Pilka and its supervision and the implementation of the Pilka which was also postponed are the challenges for the 2020 Pilka organizers so that democracy can still be realized, but the safety and health of Pilka organizers and the public are well-managed.

The conditions during the Covid-19 pandemic require Indonesia to take anticipatory and wise measures in running the government. The policies taken are also different from the policies under normal conditions in general. One of the democratic events currently running in 2020 is the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors in 2020. The supervision of Pilka during the pandemic is a big challenge for the ranks of Election Supervisors in Indonesia, and this is interesting to study.

The research on how supervision by the General Election Supervisory Body in the implementation of the 2020 Pilka during the Covid-19 pandemic and in particular the Pemalang Regency General Election Supervisory Body (Bawaslu) in conducting the supervision of the 2020 Pilka in Pemalang Regency is interesting to study as the knowledge on the implementation of election supervision in a state where the Covid-19 pandemic is currently happening in Indonesia. The purpose of this study was to determine the election supervision policy in the 2020 Pilka during the Covid-19 pandemic and to determine the supervision carried out by the Pemalang Regency Bawaslu in the 2020 Pilka during the Covid-19 pandemic.

This research focused on examining the supervisory policies issued by Indonesian Bawaslu during the the Covid-19 pandemic and then linked to
the supervision carried out by the Bawaslu of Pemalang Regency in the 2020 Pilkada. Then, this research is different from previous studies such as the Phenomenon of the Supervision of the Regional Head Elections in Central Kalimantan. The Covid-19 pandemic by Jhon Retei Alfri Sandi and Suprayitno (Sandi, & Suprayitno, 2020). In contrast to the research entitled Institutional Strengthening of the Election Supervisory Committee in Resolving Regional Head Election Violations (A Case Study on the Resolution of Administrative, Criminal and Code of Conduct Violations for the Election of Semarang Mayor and Deputy Mayor in 2015) by Budi Evantri Sianturi and Fifiana Wisnaeni (Sianturi, & Wisnaeni, 2016). Then, the study entitled Technical Guidance on the Role of Supervision in Dispute Resolution at the 2020 Mayor and Deputy Mayor Election in Metro City by Ahmad Syarifudin (Syarifudin, 2020) is in contrast to the study entitled Bawaslu’s Authority in the 2020 Pilkada after the Constitutional Court Decision Number 48 / PUU-XVII / 2019 by M. Taufan Perdana, Moh. Alfaris, and Anik Iftitah (Perdana, Alfaris, & Iftitah, 2020). Then this study differs from the international journal by Toby S. James and Sead Alihodzic entitled When Is It Democratic to Postpone an Election? Elections During Natural Disasters, Covid-19, and Emergency Situations (James, & Alihodzic, 2020), and Pandemic Democracy: Elections and Covid-19 by Todd Landman and Luca Di Gennaro Splendore (Landman, & Splendore, 2020).

B. RESEARCH METHOD

This legal research used a normative juridical approach and was descriptive analytical in nature by examining legal norms in the legal regulations related to the duties and authorities of the General Election Supervisory Body (Bawaslu). It was then associated with the duties and powers of the Pemalang Regency General Election Supervisory Body in handling the violations of the Regent and Deputy Regent election of Pemalang in 2020. The data were collected using a library research method and analyzed qualitatively.

C. RESULT AND DISCUSSION


One of the characteristics of a democratic country is the holding of general elections which play a role in changing patterns of periodic political change. For example, it is the one in Indonesia where general elections are held so that the citizens can exercise their voting rights (Solihah, Bainus, & Rosyidin, 2018). However, in 2020, the simultaneous regional head elections were delayed due to the Covid-19 pandemic. There is a study that questions on the presence of the relationship between democracy and electoral integrity (James, & Alihodzic, 2020) which in this case due to the postponement of the 2020 Pilkada.

Elections with low integrity are the elections that violate certain norms. However, it needs to be emphasized regarding the positive aspects of an election with integrity that there are norms that need to be met (Rahmatunnisa, 2017). When it is related to
the postponement of the 2020 Pilkada, according to the author’s opinion, this does not violate the definition of election with integrity because the postponement is carried out for the safety of public health in the midst of the Covid-19 pandemic. Pilkada organizers have also made policies to be able to hold Pilkada by prioritizing public safety and health.

Supervision is one of the aspects that determine the results of each Pilkada held so that democracy is on the right track and in harmony with the rules (Syarifudin, 2020). In the context of monitoring the 2020 Pilkada, the Bawaslu had issued various policies so that the supervision of the 2020 Pilkada during the Covid-19 Pandemic can run optimally and safely. The followings are some related to supervisory policies: a. The Bawaslu is collaborating with the General Election Commission of the Republic of Indonesia, the Ministry of Communication and Information of the Republic of Indonesia in the framework of coordination to manage and supervise internet content so that internet media can be used positively in the implementation of the 2020 simultaneous regional elections (in the Memorandum of Understanding for Action of the General Election Supervisory Body of the Republic of Indonesia, the General Election Commission of the Republic of Indonesia, Ministry of Communication and Information of the Republic of Indonesia Number: 0310 / K.Bawaslu / HM /02.00 / VIII / 2020, Number: 23 / PR.07-NK / 01 / KPU / VIII / 2020, Number: 581 / MoU / M.KOMINFO / HK.04.02 / 8/2020 concerning Supervision of Internet Content in the Implementation of the Elections for Governors and Deputy Governors, Regents and Deputy Regents and / or Mayors and Deputy Mayors in 2020); b. In the context of monitoring the neutrality of ASN (Civil Servant) in the 2020 Pilkada, a cooperation agreement was made between the General Election Supervisory Body and the State Civil Service Commission number: 0155 / K.BAWASLU / HM / 02.00 / VI / 2020, Number: 4 / PKS / KASN / 6/2020 concerning Supervision of the Neutrality of State Civil Servants in the Simultaneous Election of Governors and Deputy Governors, Regents and Deputy Regents and / or Mayors and Deputy Mayors in 2020; c. The implementation of the 2020 Pilkada must be adjusted to the handling of Corona Virus Disease 2019 (Covid-19) so that the Regulation of the Election Supervisory Body of the Republic of Indonesia Number 4 of 2020 concerning Supervision, Handling of Violations, and Dispute Resolution for the Continuous Simultaneous Election of Governors and Deputy Governors, Regents and Deputy Regents and Mayor and Deputy Mayor was issued in the Non-Natural Disaster Conditions of Corona Virus Disease 2019 (Covid-19). There is the term Continuous Election in the Non-Natural Disaster Conditions of Corona Virus Disease 2019 (Covid-19), hereinafter referred to as Continuous Simultaneous Election, which is “the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors which are held in some Electoral areas, most regions, or all regions where the Non-Natural Disaster Conditions of Corona Virus Disease 2019 (Covid-19) occurs with the effect that in a part of the stages of holding the Simultaneous
Election can not be carried out normally.”; d. Based on the Circular of the General Election Supervisory Body of the Republic of Indonesia Number: 0712 / K.Bawaslu / KP.10.00 / III / 2020 concerning the Inauguration of the Village / Kelurahan General Election Supervisory Committee in the Efforts to Prevent the Spread of Covid-19, the inauguration of the Village / Kelurahan General Election Supervisory Committee Elections for the Governor and Deputy Governor, the Regent and Deputy Regent are held in their respective sub-districts and not allowed to be held in the regencies / cities; e. The Circular of the General Election Supervisory Body of the Republic of Indonesia Number 0207 / K.BAWASLU / TU.00.01 / VI / 2020 concerning the Standardization of Personal Protective Equipment (PPE) for the Health Protocol of Covid-19 in Bawaslu, Provincial Bawaslu, Regency / City Bawaslu, Sub-District Panwaslu, Kelurahan / Village Panwaslu and Supervisors of Polling Stations (PTPS) in the Supervision of Elections for Governors and Deputy Governors, Regents and Deputy Regents, and mayors and deputy mayors in 2020. All Pilkada Supervisors in 2020 shall comply with the health protocol of Covid-19 and every election supervisory office must provide: masks, temperature measuring devices, face shields, access to hand washing facilities with hand washing soap, disposable plastic gloves, hand sanitizers, and immune-boosting vitamins. In every stage of the election as well as during the handling of violations and dispute resolution of election results, election supervisors must use personal protective equipment in the form of masks, hand washing soap / hand sanitizer, disposable plastic gloves, face shields, and carry out the rapid test. The personal protective equipment in the form of a cloth mask must be of a neutral color (black / gray); f. The Circular of the General Election Supervisory Body of the Republic of Indonesia Number 0254 / K.BAWASLU / PM.06.00 / III / 2020 concerning Handling of Violations after Postponement of Election Stages for Governors and Deputy Governors, Regents and Deputy Regents, Mayors and Deputy Mayors in 2020 and in the Prevention Efforts of the Spread of Covid-19; g. The Circular Letter of the General Election Supervisory Body of the Republic of Indonesia Number 0252 / K.BAWASLU / PM.00.00 / 3/2020 concerning Supervision of the Postponement of Election Stages for Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors in 2020 in the Efforts to Prevent the Spread of Covid-19. Regarding the implementation of the duties and authorities of the 2020 Pilkada Supervisors in the national emergency period for the spread of Covid-19, the Provincial and Regency / City Bawaslus will map the development situation of Covid-19 in their respective regions and coordinate with the relevant Regional Governments. Bawaslu carries out supervision with the efforts to improve supervision and coordination among election supervisors using information technology. Meanwhile, the Sub-district Panwaslu, the Sub-district Panwaslu Secretariat, and the Kelurahan / Village Panwaslu Secretariat, who have been inaugurated postpone all activities starting March 31, 2020; h. The Circular of the General Election Supervisory Body of the Republic of Indonesia
Concerning Adjustment of Work Systems during the Adaptation Period for New Habits Towards a Productive and Safe Society of Corona Virus Disease 2019 (Covid-19) in the Bawaslu Environment, Provincial Bawaslu/ Panwaslih, and Regency/ City Bawaslu / Panwaslih. The work system for all levels of Bawaslu is adjusted to the level of new normal by implementing health protocols in activities.

2. The 2020 Pilkada Supervision by Bawaslu Pemalang

Article 102 of Law Number 7 of 2017 states that in preventing Election violations and preventing Election process disputes as referred to in Article 101 letter Regency/ City Bawaslu is tasked with: a. identifying and mapping potential Election violations in regencies / cities; b. coordinating, supervising, guiding, monitoring, and evaluating the Elections in regencies / cities; c. coordinating with relevant government agencies and regional governments; and; d. increasing public participation in election supervisions in regencies / cities.

In article 103 of Law Number 7 of 2017, the Regency/ City Bawaslu has the authority to: a. receive and follow up the reports relating to suspected violations of the implementation of laws and regulations concerning elections; b. examine and study Election violations in regency / city areas and recommend the results of the examination and study to the parties regulated in this Law; c. receive, examine, mediate or adjudicate, and decide on the dispute of election process disputes in regencies / cities; d. recommend to the relevant agencies regarding the results of supervision in regency / city areas on the neutrality of all parties prohibited from participating in campaign activities as regulated in this Law; e. take temporary control of the duties, powers, and obligations of the Sub-district Panwaslu after obtaining the consideration of the Provincial Bawaslu when the Sub-District Panwaslu is temporarily absent due to being subject to sanctions or other consequences in accordance with the provisions of laws and regulations; f. request the information needed from relevant parties in the context of preventing and prosecuting Election violations and election process disputes in regency / city areas; g. establish the Sub-District Panwaslu and appointing and dismissing Sub-District Panwaslu members by taking into account the input of Provincial Bawaslu; and h. exercise other powers in accordance with the provisions of laws and regulations.

In order to maintain security and health during the Covid-19 pandemic, Bawaslu has also implemented the health protocol of Covid-19. The Election Supervisory strategy carried out by Pemalang Bawaslu is to do more prevention, socialization to the public online, maximizing social media owned by Sub-District Bawaslu, coordination between election agencies / stakeholders.

The number of election supervisors in Pemalang Regency in the 2020 Pilkada is as follows:

<table>
<thead>
<tr>
<th>Election Supervisor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regency Supervisor</td>
<td>5</td>
</tr>
</tbody>
</table>
The measures of Bawaslu Pemalang in the 2020 Pilkada are as follows: a. recruiting and reactivating the ad hoc agencies of sub-district Panwas and PKD; b. providing technical guidance to ad hoc bodies and forming working groups according to the stages; c. activating the Gakkumdu (the Integrated Law Enforcement) Center; d. Revising the budget in accordance with the health protocol for handling Covid-19.

In the implementation of Pilkada in Pemalang Regency, there are 7 (seven) polling stations that have been checked and re-examined. The stages of matching and researching the 2020 Pilkada voter lists with the A.KWK form had problems. This was based on the findings of PKD in several villages in 5 sub-districts of Pemalang Regency. In carrying out the supervision of the verification stages, Bawaslu has determined the focal point of supervision, including ensuring that the voter data updating officer (PPDP) actually goes directly to the voter’s house and ensures that all people who have fulfilled the requirements are registered voters in the voter list and the people who no longer meet the requirements conditions as voters are certainly not registered as voters. Based on the results of the supervision, there were several findings that the polling station verification has the potential to violate the voter list checking procedure, including: first, at the TPS in Kauman Village; second, at the TPS in Pecangkan Village, Comal Sub-District; third, the TPS in Simpur Village, Belik Sub-District; fourth, the TPS in Sima Village, Moga Sub-District; fifth, the TPS in the villages in Watukumpul Sub-District; and sixth, the TPS in Ampelgading Sub-District.

The issue of voter lists from election to election or pilkada to pilkada has always been a classic problem and never ended. The problems that often arise at the 2020 Pilkada voter list verification stage include: 1. there was an officer for updating voter data (PPDP) who did not carry out checks and research according to the procedures and regulations or; 2. It could also be conducted by other PPDP personnel who were not listed in the KPU decree. Other than that; 3. there was an officer updating / PPDP who did not cross out the voters who did not meet the requirements and not record the voters who met the requirements to be registered in the voter list (form A. KWK); 4. Apart from the problems that occurred in the field, updating the voter lists also occurred in the system owned by the General Election Commission (KPU), namely the Voter Data Information System (Sidalih); 5. Based on the data on the results of the supervision carried out by the election supervisor / PKD in the 2020 Pilka, when PPDP carried out the matching and research with the door to door census, several voters who did not meet the requirements had already been crossed out. However, at the time of determining the provisional voter data (DPS), the data reappeared for improvement.

In general, there are two types of violations that may occur at the research stage, administrative
and criminal violations. For administrative violations, Pemalang Regency Bawaslu sought to immediately provide suggestions for improvements right away at the research site. Until the end of the research project, Pemalang Regency Bawaslu through the sub-district panwas had provided suggestions and improvements to the PPK. This was reinforced by a letter from Pemalang Bawaslu regarding the suggestions and improvements to the research at several polling stations. However, when it is not heeded, the Pemalang Regency Bawaslu will provide a written recommendation for improvement, and when it is still ignored, it will be processed legally using administrative law.

The implementation of the standard health protocols for handling Covid-19 is also the supervision focus of the Pemalang Regency Bawaslu and the violations on the handling of the Covid-19 health protocol by PPDP and PPS are categorized as administrative violations or violations of Coklit's (matching and examining) mechanisms, ways, and procedures.

As a result of monitoring and supervision of the voter list verification in several polling stations above, the suggestion and improvement that must be made by PPDP is to re-check all voters / RTs. Regarding the findings on the violations of verification process, PKD strictly supervised the re-checking even though the time given was only one or two days. Due to the mistakes made by PPDP, Pemalang KPU had tried to coordinate by asking for permission to check the re-election list to be carried out on several voters or RTs who were considered to be wrong procedures.

However, Pemalang Regency Bawaslu still asks for re-checking for all TPS where there were procedural violations as the mistakes in each TPS mentioned above.

The Bawaslu of Pemalang had ensured that the verification was carried out properly and correctly in terms of procedures and regulations. Second, they also ensured that voter rights were protected and those who were entitled to vote were included in the voter list and who did not meet the voter requirements will be excluded/removed from the voter list for the 2020 Pilkada. The slogan of Bawaslu is: with people to monitor election, with Bawaslu to uphold election justice.

The obstacles in handling violations of the 2020 Pilkada in Pemalang Regency are: a. When there is Covid-19 or a red zone in an area, supervisors must be more careful not to become the source of the transmission cluster of Covid-19 a (there are two supervisors who are not willing to do rapid test and to choose to withdraw from PKD for the reason of fear); b. There were still many people who had not implemented the health protocol of Covid-19, so the supervisors were more frequent to remind the public (fellow pilkada organizers, election participants, and the community) in addition to monitoring and preventing for the sake of mutual health and safety.

D. CONCLUSION
The Indonesian Bawaslu in the context of monitoring the 2020 Pilkada had issued various policies so that the supervision of the 2020 Pilkada during the Covid-
The Election Supervisory strategies carried out by Pemalang Bawaslu are more prevention, socialization to the public online, maximizing social media owned by Sub-District Bawaslu, and coordination between election agencies / stakeholders. In the implementation of Pilkada in Pemalang Regency, there are 7 (seven) TPS which had been re-checked. The obstacles in Handling Election Violations in 2020 in Pemalang Regency, are: some supervisors who were not willing to take rapid test and to choose to resign for the reason of fear and many people who have not implemented the health protocol of Covid-19 so that the supervisors were more frequent to remind the public in addition to monitoring. and prevention for mutual health and safety. Pemalang Bawaslu has attempted to carry out supervision with supervisory policies in accordance with the health protocol for handling Covid-19. The efforts made by Pemalang Bawaslu are equipping all election supervisors with personal protective equipment in the form of masks, hand sanitizers, face masks, and vitamins, and each secretariat is given a thermogon measuring body temperature as well as always remembering the implementation of the health protocol Covid-19 for election organizers, election participants, and the public.

REFERENCES

JOURNALS


**BOOKS**


**LAWS**

Regulation of the Election Supervisory Body of the Republic of Indonesia Number 4 of 2020 concerning Supervision, Handling of Violations, and Dispute Resolution for the Continuous Simultaneous Election of Governors and Deputy Governors, Regents...
and Deputy Regents and Mayor and Deputy Mayor was issued in the Non-Natural Disaster Conditions of Corona Virus Disease 2019 (Covid-19).

Law No. 7 of 2017 Concerning General Election