DESIGNING DIRECT REGIONAL HEAD ELECTIONS BY THE GENERAL ELECTION COMMISSION AMIDST THE COVID-19 PANDEMIC

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Abstract

This study aims to understand the challenges faced in the implementation of direct regional elections by the General Election Commission amid the COVID-19 pandemic in Indonesia in 2020. The research method used is empirical juridical with a field research approach. Data were obtained through interviews with election coordinators and document analysis related to the implementation of elections. The results showed that the implementation of local elections in Indonesia in 2020 faced challenges due to disruptions caused by the COVID-19 pandemic, such as ensuring compliance with health protocols, poor internet quality, violations related to the procurement of Personal Protective Equipment (PPE), public concerns about the spread of COVID-19, disruption of the election process due to delays in resources and infrastructure, and candidate partners (paslon) who often ignore health protocols during their campaigns. Overcoming these challenges requires effective coordination and communication among election coordinators, strict implementation of health protocols, adjustments to schedules, stages, programs, and budgets, and increased community participation. The government also needs to pay attention to the availability of sufficient funds to ensure the smooth implementation of the election.

Keywords: *Covid-19 Pandemic, Direct Pilkada System, General Election Commission*

1. INTRODUCTION

Law Number 2 of 2020 on the Third Amendment to Law Number 1 of 2015 on the Stipulation of Perpu Number 1 of 2014 on the Election of Governors, Regents, and Mayors has postponed the implementation of regional election voting from September to December 2020. This is because the elections must still be held even in the conditions of the Covid-19 pandemic. In KPU Regulation Number 6 of 2020 concerning the Implementation of the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors Simultaneously in Conditions of Non-Natural Corona Virus Disease 2019 (Covid-19) Disaster, the KPU has ensured that all nine stages of the 2020 Election will be carried out by implementing strict health protocols. The nine stages include the formation and work procedures of PPK, PPS, KPPS, and PPDP; updating data and preparing voter lists; nomination; campaign implementation; campaign reports and funds; voting and counting; recapitulation of vote count results and determination of election results; socialization, voter education, and community participation; and securing election equipment.

Designing direct regional elections by the General Election Commission amid the COVID-19 pandemic has presented several challenges. The implementation of local elections in Indonesia in 2020 faced challenges due to disruptions caused by the pandemic, including economic and community order (Kusadarini et al., 2023). The Medan City elections also faced challenges in ensuring a smooth democratic process

while implementing health protocols (Auzan, 2022). However, the COVID-19 pandemic has not significantly affected democracy in Indonesia, as elections are direct, open, public, secret, honest and fair (Wisnaeni & Nugroho, 2023). Alternative patterns for filling the positions of regional heads during the pandemic were explored, including the appointment of acting or temporary executives, indirect elections, and the use of electronic voting systems (Pirmansyah et al., 2022). Simultaneous regional elections in Indonesia were held in December 2020, with the implementation of health protocols (Musyafa'ah et al., 2022). Even so, the government continues to implement Pilkada strictly and pay attention to health protocols at every stage, such as at registration, organizer meetings, limited meetings of teams and candidate pairs. The issuance of Government Regulation in Lieu of Law (Perppu) Number 2 of 2020 concerning the Third Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law on May 4, 2020 by the President of the Republic of Indonesia is the basis for holding simultaneous elections in 2020.

The organizers of the Regent and Vice Regent Elections have experienced many unprecedented events as a result of the Covid-19 pandemic. These circumstances necessitated a re-evaluation of the approach to the election process, as the prevailing conditions were very different from previous elections. The Election Commission faced several challenges when engaging directly with communities. After visiting individual residences to gather information, the Commission experienced significant difficulties due to fears of residents contracting Covid-19. The Covid-19 pandemic had a major impact on voter turnout. The level of community engagement before and after the onset of Covid-19 has been greatly affected. In 2015, public participation exceeded 92%, while in 2020, the figure reduced to only 89%. While this figure remains relatively high, there has been a noticeable decline in citizen engagement in the electoral process during the Covid-19 pandemic.

The Legal Basis for the General Election Commission's Regulations is Law Number 1 of 2015, which relates to the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents, and Mayors, and has undergone many changes. The latest amendment was made through Law Number 6 of 2020, which relates to the Stipulation of Government Regulation Number 2 of 2020 concerning the Third Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors. In addition, the work order of the General Election Commission, Provincial General Election Commission, and Regency / City General Election Commission is regulated by PKPU Number 8 of 2019 (BN RI 2019 Number 320), which has been amended by PKPU Number 3 of 2020 (BN RI 2020 Number 201). Furthermore, the implementation of the elections for Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor in the midst of the Covid-19 non-natural disaster is regulated by PKPU 6 of 2020 (BN RI 2020 Number 716), which has also been amended by PKPU Number 10 of 2020 (BN RI 2020 Number 981). The government's insistence on pursuing the agenda of democratic political parties during the pandemic, despite the various hardships faced by the people and the ongoing battle against the Covid-19 outbreak, gives the impression that the government lacks empathy and humanity. It is worrying that the government has taken unilateral steps that seem to prioritize other things over the safety of the people.

2. RESEARCH METODS

This research uses empirical juridical methodology, which is commonly known as field research. The purpose of this approach is to investigate the practical application of legal provisions in society (Arikunto, 2006). The main focus is to understand actual events related to regional head elections (Pilkada) in the midst of a pandemic. Empirical juridical research is a form of legal research that examines the enactment or implementation of normative legal provisions in action on certain legal events that occur in society (Muhammad, 2004)In simpler terms, this research is research conducted on the real situation that occurs in society with the aim of understanding and finding the facts and data needed. After the necessary data is collected, the research continues with problem identification, which ultimately leads to problem solving (Waluyo, 2002).

3. RESULT AND DISCUSSION

In response to the non-catastrophic events of the Corona-19 virus, President Jokowi quickly issued Government Regulation in Lieu of Law Number 2 of 2020 which postponed the Governor, Regent, and Mayor Elections until December 2020. This decision triggered the issuance of General Election Commission Regulation (PKPU) Number 5 of 2020 which is the Third Amendment to General Election Commission Regulation (PKPU) Number 15 of 2019 concerning Stages of Programs and Schedules for the Implementation of Elections for Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors. In addition, Circular Letter Number 20 of 2020 concerning the Implementation of Simultaneous Elections of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors in 2020 under conditions of non-natural disasters, Corona Virus Disease 2019 (Covid-19). These guidelines prioritize health and safety standards by complying with health protocols, implementing measures to prevent the spread of the Corona virus, and establishing methodologies for conducting elections during the pandemic.

President Jokowi has taken important steps in dealing with non-catastrophic events caused by the Corona-19 virus. One of the steps taken was to issue Government Regulation in Lieu of Law Number 2 of 2020. This regulation aims to postpone the Governor, Regent, and Mayor Elections until December 2020. This decision was taken to ensure public safety and health in the face of this pandemic. In addition, this decision also encourages the issuance of General Elections. This aims to give people the opportunity to elect leaders who are considered most capable of overcoming the current crisis. These elections are expected to provide legitimacy to the elected leaders and strengthen democracy in Indonesia.

Furthermore, Commission Regulation Number 5 of 2020 has also been issued. This regulation is t he Third Amendment to General Election Commission Regulation Number 15 of 2019. This regulation explains the Stages of the Program and Schedule for the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors. With this regulation, it is hoped that the election process can run smoothly and orderly. Circular Letter Number 20 of 2020 has also been issued. This circular letter regulates the Implementation of the 2020 Simultaneous Elections of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors under conditions of non-natural disasters, namely Corona Virus Disease 2019

(COVID-19). The circular emphasizes the importance of health and safety standards in organizing elections.

The coordinators of the 2020 regional elections face a unique challenge. In the midst of the Covid-19 pandemic, they have to work with hope and serious concerns in dealing with the spread of this virus. The current political situation encourages us to unite and fight earnestly to break the chain of transmission of this virus. In addition, this political situation also reminds us to collectively hope that Indonesia has the ability to overcome this pandemic quickly. This is a hopeful political choice and should be recognized as such.

There are four key areas that need attention: increasing public participation, maintaining strict health protocols, improving the voting system, and providing comprehensive assistance to voters. The implementation of strict health protocols is crucial to ensure that the election does not compromise the safety and health of voters exercising their right to vote.

The KPU and Bawaslu have designed a program that involves various partners in the 2020 Pilkada. These partners include universities, media, government agencies, private organizations, CSOs (Civil Society Organizations), NGOs (Non-Governmental Organizations), persons with disabilities, religious leaders, community leaders, and women leaders. In this network, virtual communication has proven effective in disseminating information and educating voters. However, during the Covid-19 pandemic, family and community forums have also become very important networks for voter education and socialization.

Regional Head Elections (Pilkada) are an example of the popular sovereignty system adopted by the Indonesian government, which embodies a government of the people, by the people, and for the people. The rationale underlying the implementation of regional head elections (Pilkada) is to elect leaders who are able to protect, nurture, and manage the people to achieve a just and prosperous Indonesian society (Nuna & Moonti, 2019). Elections in Indonesia are a constitutional obligation that allows Indonesians to exercise their right to vote every five years. This election not only includes the election of the president and vice president, but also includes regional head elections at the provincial and district / city levels, in accordance with Article 5 of the General Election Commission (KPU) Regulation Number 6 of 2020 which states that the holding of simultaneous elections during the Covid-19 pandemic must prioritize the safety and health of organizers, participants and voters. This includes the implementation of rapid tests for all members of the KPU RI, regional KPU, PPK, PPS, and PPDP, as well as the use of personal protective equipment such as masks. In addition, hygiene measures, including the availability of hand sanitizers, regular cleaning and sanitation, internal body temperature monitoring, and maintaining a physical distance of one meter, are also enforced. These standards are adjusted according to the number of participants, with stricter measures implemented as the number of participants increases.

In the 2020 General Election that took place amid the Covid-19 pandemic, there are five important factors that must be considered so that the direct election process is safe, harmonious, healthy, legally sure, and profitable. These factors include decision validity, voter attendance (citizens/community), election participants (political parties/individuals), election organizers (KPU and Bawaslu), and budget readiness (Marisa et al., 2020).

Regulations that allow the postponement of simultaneous regional elections, which can be a legitimate justification for the postponement under the Bill in Lieu of Government Regulation (PERPPU), must be enacted immediately. The KPU must make the necessary adjustments, particularly on matters relating to the working hours of the Sub-District Election Committee (KDP) and the Voting Committee (PPS), the registration of candidate pairs, the finalization of the PTUN/MA decision, and the campaign. All these aspects must be harmonized, especially in terms of schedules, stages, programs, and budgets.

Despite the Covid-19 pandemic, Parti Demokrat has made a commitment to follow health protocols for both general and regional elections. However, the participation of various political parties in democratic parties remains limited, given the willingness of potential partners to comply with and implement health protocols in their activities (Hilman et al., 2020).

For election coordinators or organizers overseeing in-person elections, a key challenge lies in ensuring consistent adherence to health protocols by election officials throughout the electoral process. Effective coordination and communication among election coordinators can be hampered by poor internet quality, violations related to the procurement of Personal Protective Equipment (PPE), community concerns about the spread of Covid-19 leading to decreased voter turnout at polling stations, and disruption of the election process due to delays in resources and infrastructure. In addition, candidate partners (paslon) often ignore health protocols during their campaigns (Hamdani & Fauzia, 2021).

Article 71 paragraph (1) of the General Election Commission Regulation (P-KPU) Number 6 of 2020 states that the number of participants at the polling station must meet the limit set by the polling station, ensuring a distance of one meter and compliance with health protocols as a measure to prevent the spread of the Covid-19 virus. Before entering the polling station, KPPS members are expected to measure the internal body temperature of voters using tools to minimize direct contact.

A major challenge in organizing elections lies in the availability of funds. Insufficient funds can lead to cuts in reserve funds, which can jeopardize the quality of work. Extraordinary funds, without budget reductions, need to be made available by the state (Habibi et al., 2023). Inaccuracies in the spending plan can be attributed to the diversion of funds to address the Covid-19 situation. The planned utilization of the reserve fund has become a significant issue in the election, particularly on 9 December 2020, despite coordination between the Minister of Finance and the Minister of Home Affairs regarding changes to the election fund budget (Darmastuti, 2020).

4. CONCLUSSION

The results of the analysis can be concluded that the implementation of direct regional elections by the General Election Commission in the midst of the COVID-19 pandemic requires serious attention in ensuring the safety, health, and compliance with health protocols for all parties involved in the election process. Challenges faced in the implementation of Indonesia's 2020 regional elections due to disruptions caused by the COVID-19 pandemic include ensuring consistent adherence to health protocols by election officials, poor internet quality, violations related to the procurement of Personal Protective Equipment (PPE), public concerns about the spread of COVID-19, disruption

to the election process due to delays in resources and infrastructure, and candidate partners (paslon) who often ignore health protocols during their campaigns.

Overcoming these challenges requires effective coordination and communication among election coordinators, strict implementation of health protocols, adjustments to schedules, stages, programs, and budgets, and increased community participation. It is also necessary to improve the voting system and provide comprehensive assistance to voters. The government also needs to pay attention to the availability of sufficient funds to ensure the smooth implementation of the election.

As a suggestion, the government and all parties involved in the implementation of regional head elections must prioritize public safety and health in every stage of the election. In addition, it is necessary to conduct more intensive education and socialization to the public about the importance of implementing health protocols during the implementation of elections. The government also needs to pay attention to the availability of sufficient funds to ensure the smooth implementation of elections

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