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**CODE OF ETHICS: QUALITY OF ELECTION MANAGEMENT TO
REGIONAL ELECTIONS IN SIMILAR ELECTIONS IN
INDONESIA**

***KODE ETIK : KUALITAS PENYELENGGARAAN PEMILIHAN
KEPADA DAERAH DALAM PEMILIHAN UMUM SERENTAK DI
INDONESIA***

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ABSTRACT

The urgency of the implementation of General Elections in a Democratic State in Indonesia is to function for the sustainability of the government system so that it requires an active role from all elements of the Indonesian nation, to realize a General Election that is truly carried out in a structured, systematic and responsible manner with consistent and trustworthy escort or supervision. That's why things that happen related to the code of ethics for the organizers of the General Election, at the time of the General Election simultaneously and must be properly regulated by the organizers of the democratic party. The research method used in this article is normative legal research or commonly referred to as doctrinal law research that focuses on written regulations (law in book). The findings in this article show that in the future simultaneous general elections in the State of Indonesia, which consists of islands with different ethnicities, cultures, different human resources. One thing is realized that democracy does not guarantee equality of conditions, democracy only guarantees equality of opportunity. This equality is what we must apply so that all people have the same rights and obligations in obtaining the things that are mandated in the administration of state life.

**Keywords : General Election Simultaneous; Code of Ethics,
Organizing General Elections; Democracy.**

ABSTRAK

Urgensinya pelaksanaan Pemilihan Umum dalam Negara Demokrasi di Indonesia berfungsi untuk keberlangsungan Sistem pemerintahan sehingga mengharuskan peran aktif dari seluruh elemen bangsa Indonesia, untuk mewujudkan Pemilihan Umum yang benar-benar dilaksanakan secara terstruktur, sistematis dan bertanggungjawab disertai pengawalan atau pengawasan yang konsisten dan dapat di percaya. Itu sebabnya hal-hal yang terjadi yang berkaitan dengan kode etik penyelenggara Pemilihan Umum, pada saat Pemilihan Umum serentak dan harus benar-benar diatur dengan baik oleh para penyelenggara pesta demokrasi. Metode penelitian yang digunakan dalam artikel ini adalah penelitian hukum normatif atau biasa disebut dengan penelitian hukum doktrial yang berfokus pada peraturan yang tertulis (law in book). Hasil temuan dalam artikel ini melihat bahwa dalam Pemilihan Umum serentak kedepan di Negara Indonesia yang terdiri dari kepulauan dengan perbedaan suku, budaya, Sumber daya manusia yang berbeda. Satu hal yang di sadari Demokrasi tidak menjamin kesamaan kondisi, demokrasi hanya menjamin kesamaan kesempatan. Kesamaan inilah yang harus kita berlakukan agar semua orang mendapat kesamaan hak dan kewajiban dalam mendapatkan hal-hal yang diamanatkan dalam penyelenggaraan kehidupan bernegara.

Kata Kunci : Pemilihan Umum, Serentak, Kode Etik, Penyelenggaraan Pemilihan Umum, Domokrasi.

I. INTRODUCTION

The level of democratic construction through the people's party which is held in Indonesia every five years, or what is currently called the "General Election" continues to develop. The dynamic development that is always looking for the right formula for the success of the democratic party which is really expected to reach the ideal stage with the state and territory of the Unitary State of the Republic of Indonesia.¹

In the history of General Elections and Regional Head Elections or the recruitment of regional heads since Indonesia's independence, Indonesia has issued quite a number of regulations governing the Election of Regional Heads and various models or systems for organizing General Elections have been regulated. The development of the Democratic Party through General Elections which is 76 years of independence is not a short age for us to continue to think more mature and wise to see and learn better to improve and continuously reconstruct the implementation of the General Election so that it will be better in the next stage. The fundamental question is whether the construction model implemented in the last model was carried out in 2019, if it is considered a failure, which model or construction is considered ideal?.

¹ Subiyanto, A. E. (2020). Pemilihan Umum Serentak yang Berintegritas sebagai Pembaruan Demokrasi Indonesia. *Jurnal Konstitusi*, 17(2), 355. <https://doi.org/10.31078/jk1726>

The development of democracy in the approaching twilight is one of the proofs that our nation never gives up on improving the legal and political life order, and always reconstructs the model of holding the General Election.² for the future that efficiency, fairness, conducive to the future it is important. Because after all, this is a strategic step in the context of laying the foundational framework and at the same time as an effort to fulfill the prerequisites required in order to enter the conditions expected in the Democratic Party with the requirements of meaning, equality of opportunity and justice. “As stated by Moh. Kusnardi and Harmaily Ibrahim in understanding people's sovereignty (democracy), it is the people who are considered as the owners of the highest power holders in a country”.³

Simultaneous general elections are part of democracy and are not the ultimate goal of democracy, the ultimate goal or achievement is the goal of the State as mandated in the fourth paragraph or organizing regions to achieve the expected goals of the State, and in the end it is the people who get the welfare. So that one of the bridges to prosperity is that general elections and regional head elections are held simultaneously, and the rule of law for democratic parties which is mandated in the future in the rule of law in Law Number 8 of 2015 concerning amendments to Law Number 1 of 2015 concerning the establishment of a replacement government regulation. Law Number 1 of 2014 concerning the election of Governors, Regents, and Mayors to become Laws. Article 201.

Article 201 paragraph (1) explains that: The simultaneous voting in the Election of Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayor and Deputy Mayor whose term of office ends in 2015 and from January to June 2016 shall be held on the date and same month in December 2015.

This means that the Regional Head Election or at that time it was called the Regional Head General Election simultaneously was carried out first in 2015 even in Article 201 concretely, namely in 2017, 2018, 2020, 2022, 2023 to 2027. is a long journey of the mechanism for holding the General Election of Regional Heads simultaneously which requires long-term refinements to obtain equal opportunities, although there is very little hope of guaranteeing equality of conditions. We have agreed that Indonesia is a state based on law (Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia) and as a consequence is to prioritize democracy as one of the concepts of the state and law. This is one of the struggles of a government system that puts all the people in charge and puts forward ideas/views of life that prioritizes equality of rights and obligations as well as equal treatment for all citizens.

For this reason, looking at the legal basis of Article 201 paragraph (1) to paragraph 7 which concretely outlines the legal basis for the year of implementation, the idea for an evaluation of 2015 or 2019 and reformulation of the code of ethics enforcement system for general election organizers, is urgently needed for future improvements and minimizing problems or potential conflicts in the simultaneous Regional Head Elections.

² Paendong, O. S. (2021). Model Pemilihan Umum Serentak Nasional Pasca Pelaksanaan Pemilihan Umum 2019. *Jurist-Diction*, 4(2), 711. <https://doi.org/10.20473/jd.v4i2.25786>

³ Asshiddiqie, J. (2009). Pengantar Ilmu Hukum Tata Negara. Raja Grafindo: Jakarta.

Reflection on the quality of holding the General Election for Regional Heads simultaneously, for example in 2015 and 2019 is needed for better improvement steps, such as when we drive a car, we need to look in the rearview mirror so that it usually goes well or humans have to stop for a moment and think again about the actions that have been taken. made to enter a new step. So that one of the urgency is to look at the problems of simultaneous general elections at the level of How is the typology of violations of the code of ethics for holding simultaneous general elections.

II. METHOD

The research method used in this article is normative legal research or commonly referred to as doctrinal law research that focuses on written regulations (law in book). Meanwhile, the approach that will be used is the statutory approach and the case approach.⁴

III. ANALYSIS AND DISCUSSION

a. Typology of Violation of the Code of Ethics for the Implementation of the 2015 Simultaneous Regional Head Elections

Simultaneous Regional Head Elections held in 2015, “This is the first time in Indonesia, even in the world there are 296 regions consisting of 9 Provinces, 36 Cities and 224 Regencies which simultaneously elect regional heads. This means that around 53 percent of the total 537 provinces and regencies/cities in Indonesia will carry out the first batch of simultaneous regional head elections.”⁵

If it is seen that there are approximately 296 locations of the Regional Head General Election map, although history records that there were 6 regions that were postponed by the General Election Commission due to various conditions, namely the Province of Central Kalimantan, the Fak-Fak area, Manado City, Raja Ampat, it is still seen from the number of this participation. is an achievement in itself when carried out simultaneously. However, in its implementation there are still many potential conflicts and fraud that must be addressed, so that the reflection of the implementation of the quality of the simultaneous general election from the various shortcomings that occur is the focus of the author who is categorized into two major groups, namely during the implementation of the regional head general election and after the simultaneous regional head election.

b. During the Regional Head General Election

1) The Practice of Money Politics

The practice of money politics is still widely encountered at the time of the simultaneous Regional Head General Election. One of them was found by the General Elections Supervisory Agency in Lampung. They found trucks of

⁴ Rideng, I. W. (2013). Metode Penelitian Hukum Normatif. *Kertha Widya*, 1(1), 136–149.

⁵ Budi Setiyanto, Tujuh gelombang pilkada serentak 2015 hingga 2027, Retrieved from <https://www.antaraneews.com/berita/480618/tujuh-gelombang-pilkada-serentak-2015-hingga-2027>

sugar ready to go”.⁶ Not to mention, according to the Deputy Secretary General of the Independent Committee for Monitoring the Indonesian General Elections Gerindra Sandino, money politics has occurred in various regions. Sragen, Klaten, Sukoharjo, Solaraya, Semarang and then North Maluku "In Boyolali Regency, many copies of C6 were found which were distributed to voters along with an amount of 15-30 thousand dollars". Then in the operation to arrest the perpetrators of money politics on D-1 by a Success Team in Klaten Regency, Dukuh Pulon, Malangan Village, Tulung District. Meanwhile in Semarang, the arrest operation took place in Pedurungan Kidul Village.”

2) Political Cost of Regional Head General Election

The allocation of this budget is carried out by the Government and the pair of Regional Head Candidates. The government must issue/allocate the budget for the Regional General Election Monitoring Committee, the Provincial/Regency/City Election Supervisory Body and the Regional Head Election Security, while the candidate pairs include costs; the cost of buying a boat, the cost of collecting Identity Cards (for independent candidates), the cost of stability surveys and political consultants, the costs of open and closed campaigns, the costs of witnesses at the Voting Center, the cost of making billboards and banners, campaign costs for t-shirts, jackets, campaign shirts, campaign attribute costs, advertising costs, successful team operational costs, assistance package costs, regional head election dispute costs and others.

3) Campaign Attributes⁷

The campaign attributes are used as a forum for socializing and introducing candidate pairs to the voting public, but it becomes a very excessive thing and even increases to many times from the previous day when entering election day. So it is necessary to study the effectiveness of campaign attributes and the beauty of the city.

c. The Phenomenon of Single Candidates and Former Regional Head Candidates

The decision of the Constitutional Court stating that a single candidate pair will participate in the 2015 Regional Head Election simultaneously. It is deemed necessary to respond proportionally. The Constitutional Court granted the petition for judicial review of a single candidate in Law Number 8 of 2015 concerning the Election of Governors, Regents and Mayors, as a consequence, the Constitutional Court allowed regions with a single candidate to carry out simultaneous Regional Head Elections for the first period in December 2015.⁸

Regarding the decision of the Constitutional Court which allows the Election of Regional Heads with a single candidate, however, it is a constitutional decision that must be respected. So that the wise step taken by

⁶ Reza Ghunada, Politik Gula dalam Pilkada Lampung, Retrieved from <https://www.tribunnews.com/regional/2014/05/01/politik-gula-dalam-pilkada-lampung>

⁷ Balmas, M., & Sheaffer, T. (2010). Candidate image in election campaigns: Attribute agenda setting, affective priming, and voting intentions. *International Journal of Public Opinion Research*, 22(2), 204–228. <https://doi.org/10.1093/ijpor/edq009>

⁸ Suharso, B. (2016). Pemilihan Umum Kepala Daerah Periode 2015 / 2020 (Studi Politik Hukum Calon Tunggal). *Varia Justicia*, 12(1), 204–221.

the General Elections Commission to execute the decision is to continue holding the Regional Head General Election by opening the stage of verifying the file for a single candidate pair. Regions where there is only a single candidate in the simultaneous general election are recorded in Blitar, East Java, East Nusa Tenggara, Tasikmalaya and West Java. "Then in accordance with the General Election Commission Regulation Number 9 of 2015 registration has been opened again, but no one has registered again and there is still only one pair of candidates". Likewise, ex-convicts who come forward in the Regional Head General Election require strict laws to regulate this matter.⁹

The Judicial System for the General Election of Regional Heads is important to regulate justice if the Regional Head General Election is not carried out properly. In the year before the 2015 simultaneous general elections were held, the Constitutional Court had abolished the authority to handle disputes over the Regional Head Elections, but due to the unavailability of the judiciary to avoid a legal vacuum, the Regional Head General Election judiciary remains the burden of the Constitutional Court.

IV. CONCLUSION

Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia states that: Governors, Regents and Mayors respectively as heads of provincial, regency, and municipal government are elected democratically. This legal basis underlies the urgency of the implementation of the General Election or the General Election of Regional Heads in a Democratic State such as in Indonesia to determine the continuity of the next government wheel so that it requires an active role from all elements of the Indonesian Nation. So that the realization of regional head elections must really be carried out in a structured, systematic and responsible manner accompanied by consistent and trustworthy escort or supervision. That is why things that happen at the same time as the General Election for Regional Heads and after the General Elections for Regional Heads simultaneously must be properly regulated by the organizers of the democratic party. Even though in the future simultaneous general elections in the State of Indonesia, which consists of islands with different ethnicities, cultures, and human resources, it is appropriate if according to Irving Kristol Democracy does not guarantee equality of conditions, democracy only guarantees equality of opportunity. This equality is what we must apply so that all people have the same rights and obligations in obtaining the things that are mandated in the administration of state life.

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