

PHENOMENON JOLT SUED POST ELECTION UNISION IN INDONESIA IN YEAR 2017

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Abstract: Indonesia local elections as a national political agenda towards democracy substances have significance impact for the future of Indonesia's political system. The phenomenon of post-election contested sued in 2017 Unision has been raising the issue for the creation of substance democratic political that currently going. The loser can not be heartened, and does not understand that in any competition or race, there is always a win, but there must also be losers. If all win or all loser it's not a competition. When they are ready to follow a competition, then must be prepar to win, but also to be ready to lose. Some couples of candidates have prepared to win and forget to be ready to lose. It is attitude that makes the high courtlawsuit submitted to the Constitution. Therefore, it is necessary to improve the attitude, both from participants and organizers of the elections in order to work professionally so will reduce fonomena contested higher to the Constitutional Court, if fair election has been implemented in Indonesia.

INTRODUCTION

After the reform has caused some political consequences of such systems reforms through amendments to the 1945 Constitution, which is followed by the derivation of the form of laws and regulations in order to rebuild the political rights of the people who had experience of depoliticization, as well as local elections direct the newly held precisely dated February 15, 2017 and is one way to build local politics. However, after the implementation of the stages of the vote count by the Commission, there is still a stage set by law to candidates who feel of elections has not run well, it can submit a claim to the Constitutional Court (MK). Based on the Court regulation No. 3 of 2016, for registration of the new dispute can be carried out by the applicant after the organizers that in this case the Commission, announced the voting results. Request dispute can only be filed by a pair of candidates and election observers registered and have accreditation from the Commission who litigate disputes the results of the election. In the court rules also restrict a lawsuit related to the difference in sound results, but this limit could not stem the applicant attempts to seek justice. Tens of this petition also contain indications of fraud reasons in election structured, systematic and massive. Such as mass mobilization, money politics to support one party to the two pairs of candidates.

When observed to the election day in year 2015, followed by the 269 area and there are about 150 lawsuits filed to dispute the outcome of the Court and in total there are five lawsuits dispute that eventually followed. It is not yet take into account

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other issues such as administration, campaigning, voter participation and political and social impact as a result of the conflict elections. And the simultaneous election in 2017 was held 101 regions namely in 7 provinces, 76 districts and 18 cities. The seven provinces including Aceh, Bangka Belitung, Jakarta, Banten, Gorontalo, West Sulawesi, and West Papua. The fact of the 101 regions that implement direct election of the Constitutional Court (MK) has received 33 cases of dispute petition Regional Head Election in 2017 Unison lawsuit opened for registration. The phenomenon jolt-sued by a pair of candidates that is the author's attention, what's happening so porcentage right as the number of lawsuits that submit to the Constitutional Court so great.

Importance of Election in Directly

O'Neil said "all politics is local", which means that democracy will awaken a strong and growing at the national level where democracy was already grown and developed at the local level. Thus, building a democratic system is not only at the national levels which are not more than building a pseudo democracy. Direct local elections is one of the efforts to build democracy after nationwide local politics that we have done at the time of parliamentary elections, parliament, council and election of the president and vice president directly some time ago. In general, there are several points why the local elections to be very important that also the substantive purpose (value). First, political participation in local elections directly from the system representative democracy as we profess that the local elections conducted through the institution of Parliament, local elections directly by the people in the region is a direct form of community participation in the use of political choices. Second, political legitimacy, the political participation of society necessarily the result of the election will have legitimate of society as it has got the support of a majority of the public so they can create political stability. Conflicts each other down from Parliament which have occurred can not be done arbitrarily because the head of the region selected by the people directly. Third, avoid money politics, although it can not be guaranteed one hundred percent of that money politics can be eliminated in a direct election but at least the process of bribery is usually done in Parliament did not take place and the community in amounts so many could not possibly be influenced to choose only by bribing. Fourth, political competition local interface, the local competition is expected healthy competition that will produce a leader who has a good quality that comes from the area even very likely then be able to compare at the national level and most importantly, local competition leaves dropping leader of the center during this happened.

Various substantive purpose above could certainly not be achieved without the establishment of a system that is able to deliver up to completion stage-by-stage implementation of direct elections of regional heads. Lord Acton said, "Power tends

to corrupt, absolute power corrupts absolutely”, which means that power tends to corrupt or damaged, therefore the General Election Commission (KPU) as one of the organizers of the local elections to be completely controlled and supervised, so it takes supervision can work proportionally and more importantly, aggressive and bold in carrying out its duties and responsibilities in order that power be abused. In accordance with predictions, even though we do not want, that the stage of counting is one phase of conflict prone. This happened in several regions in Indonesia that have conducted the elections. There are several reasons that arise after the implementation of the elections, the losers are usually the reasons for their mass mobilization on behalf of citizens who can not use their right to vote and the Electoral Commission demanding to responsible for re-election. As a state transition to a democratic state that is being modern course of various sides in shortages that must be evaluated, but of course the evaluation should remain within the legal framework and the legislation in force. The number of conflicts in some regions carry out the elections are also due to political competition space is smaller compared with the national political competition as the election we have ever carried out, so that the political elite could easily mobilize the masses as political pressure to achieve the purpose. In addition to the political sphere (scope politics) is small, the conflict in voting may also occur because of the attitude of the political elite are not ready to accept defeat and recognize the benefits of its rivals.

In America for example, after the counting of votes, the losing candidate immediately conceded defeat and recognize the victory of his rival candidates. This shows the attitude of a good statement that it is the people who want the best leader to serve the people. We do not want the election dispute into sharp conflict into open conflicts especially difficult to control. Addressing the existing problems of post counting of voter, there are only two ways to proposed. First, encourage all parties not to use methods of thuggery and violence in conducting political pressure, political pressure by using such methods will only cause a backlash from those who feel pressured and do political pressure behind because he felt should maintain the political establishment that has been obtained and of course the situation will be more complicated. Second, advise those who feel aggrieved to anything that happens in the electoral process to take legal action in resolving the problems. Legislation has set about violations and penalty on the elections. Legal action is the best way to secure a decision that we want and it should be for the parties to the dispute must comply with the legal decision.

Insecurity in Stages of Election

According to Susan Hyde, et al (2008) in Election Fraud: Detecting and deterring Electoral Manipulation, called a key issue in the election was to identify and prevent the occurrence of the phenomenon of electoral fraud, election manipulation, or vote

rigging an election fraud that occurs due to the interventions of illegally the process of election administration. This action affects the counting of votes can affect the outcome of the election, either increase the voting results, reduce or both on specific candidates. Although technically the “electoral fraud” includes an illegal act that violates the law, but the legal action is morally unacceptable, does not reflect the spirit of the electoral rules, and contrary to democratic principles included in the category of “electoral fraud”.

Hyde identifies electoral fraud or election frauds include:

1. The voter manipulation (demographic manipulation, removal of the right to vote, broke the opposition support)
2. Intimidation
3. Buying and selling voice of voters
4. Misleading information
5. Manipulation of ballot papers
6. Double vote
7. Manipulation in the recapitulation
8. The use of false voters
9. Destructive ballots
10. Piracy in the information technology systems of voting
11. Piracy suffrage
12. Manipulation of the results of recapitulation

Categories formulated Hyde election fraud is relevant in explaining the actual problems in the elections in Indonesia, from the stage of preparation of the technical rules of the elections until the voting. Referring to the law of the Republic of Indonesia Number 10 Year 2016 regarding the election of Governors, Regents and Mayors, set the terms of violations in the elections is both criminal election handled by Gakkumdu, namely the National Police, the Attorney General, and Election Supervision Commission, administrative violations are handled commission, code violations ethics handled and processed disputed vote count results in the Constitutional Court. According to staff of Election Supervision Commission, the potential political problems in the election include money, black campaign, bullying, use of government facilities, the engagement of children when the campaign opens, mobilization of civil servants, the use of educational and religious facilities for campaign and campaigns beyond the schedule. A number of issues at each election, as stated by the Minister of the Interior in the meeting of the technical working with the Police among others.

First, the voters list is still always a problem and common issue, but not once did the instruments of law to enforcement ever decide penalties against those responsible.

Second, the potential data synchronously in 2017 election voters who do not have an electronic identity card (e-ID). This condition occurs in some areas, such as in the city of Cimahi, Tasikmalaya, Salatiga, and Kota Batu. This will disrupt the process of establishing the voters list.

Third, not achieving the optimization of the role and functions of the election supervisory body. However, in a case concerning the dispute settlement mechanism of the electoral administration is already visible, especially in the last election of 2015 simultaneously.

Fourth, the growing questions about the issue of independence, integrity, and credibility of the election organizers. While this does not represent the entire problem of the organizers or election officials.

Fifth, community participation or voter after the election to become a counterweight to the results of the election of state officials (elected officials), except at the time of arrival of the season campaign and on the day of the election or the voting day.

Sixth, community involvement in electoral processes is still visible on one side merely present at a polling station on the voting day.

Seventh, the only political party present at any time or ahead of the election, but empty in the remaining time until after the election is held again. In fact, Law No. 2 of 2011 on political parties obliges parties to conduct political education.

Eighth, the province has its own local characteristics in Indonesia, the problems non-electoral become a burden for the electoral process and the election organizer.

Ninth, the ineffectiveness of law enforcement criminal election with a variety of problems in both of technical and non-technical factors.

Tenth, crucial issues, most actual is the emergence of the religious issue like a case of alleged blasphemy by one candidate for Governor of Jakarta, such as money politics, black campaign, abuse of power, the political neutrality of the bureaucracy and the mobilization of civil state apparatus is still a threat to the integrity of the election.

Eleventh, with the power to implement the security support for the optimization of the simultaneous election in 2017, there are still some areas that have not signed the NPHD for securing the elections simultaneously in 2017.

Lastly, referring to the related election experience in the field, need to be made more detailed rules. Not only for the organizers of the election, but also regulatory and enforcement mechanisms against the participants in the form of election code of conduct. It should be understood that each stage of direct local elections has vulnerable points that can be taken precautionary measures (preventive) before the conflict ready a tapered width and even uncontrollable.

First, at the stage of prospective, at this stage as has happened in some areas, conflict arose because the Election Commission does not pass any of the candidates.

Second, the campaign stage, at this stage is the most vulnerable region. Campaigns should remain in the framework of the vision and mission of each candidate and was not even on the black campaign that will provoke violence between groups of supporters of the candidate. Candidates ought to be an example to build a peaceful and polite political rather than build and transmit emotions are bad to the mass and the public.

Third, at the stage of voting and vote counting, the last national election gave a lesson to us that it is possible manipulation of the vote count results, and for those who are not satisfied and feel aggrieved would react at this stage. At this stage the Election Supervisory Committee's performance will be at stake for monitoring performance and election committee witnesses in addition to the optimization of each candidate.

Fourth, during the announcement of the results in the calculation of the voters, many people can not appreciate the victory of others and admit defeat himself as self-examination in the future.

All vulnerabilities at different stages of the above fact will not cause conflicts tapered let alone the conflict between mass (clash) when political actors, in this case the political elite started to build political power in ways that polite, ethical and not shoot the rights in others because in the end that will suffer from the conflict in many people, as well as because the elections are an entry point for societal need to changes and improvement of regional leadership. In this state election, political elite could be a source of political conflict and can also minimize conflict. Because of the build issues and public opinion carried out by the elite, if the issue is to educate and not divide the community, the conflict will be inevitable, but on the contrary, if the political elite put aside politics mannered and priority to desire to rule using all means they will take advantage of mass groups as political pressure. Furthermore, undue political elections in many areas in Indonesia, do not act as a show proficiency, *menjelek-jelekakan* others so that the vision and mission that is supposed to hold on society in choosing its leaders only become meaningless garbage.

Various conflicts that have been and will appear clearly based on the difference in interest (interests) were taken of each candidate. This conflict must be managed so that the public interest is not compromised. Sources of conflict in every election in each region can be due to a conflict that was built before the election was held, meaning that the conflicting parties do have a history always different interests between groups with one another. The victory in the elections is considered as a symbol of victory of one group that has been fighting. If that is the case then a feeling of revenge and not happy dominating interests instead of common interest. In addition, a very able to stimulate the emergence of conflict amongst the people

is the local political competition is not as healthy as using political money, in ways beyond decency and arrogant attitude. Arrogant attitude usually indicated by approaches thuggery to scare the other groups. The attitude of this thuggery will be followed by a feeling that the group is the strongest, most powerful, and selfish and any problems will be solved by means of thuggery not by the actions of rational but emotional. Another case of conflict could occur in implements selected elections are because of conflict in political mobilization in the name of ethnicity, religion, region or race. Conflicts because of ethnicity and religion will potentially occur in areas of tension between in ethnic with higher condition in, other than that the conflict in the name of the area will appear on the areas with the number of natives and newcomers balanced, while the conflict in the name of race appear in the regions former sultanates and kingdoms in the past where political relations in the name of social class is still quite high.

Unoptimal Performance in Election Supervisory Committee

The new democratic procedures actually talked basis of legitimacy, while the next step on the substance of democracy, for example talk in expediency process and democracy for the people, in the context of simultaneous election just took place, especially in terms of development and promote the area. As stated by AnisMatta (2014), democracy is not simply a mechanistic system, but also a way to solve the problem, the tools to navigate life, which we think is appropriate for the builders of the nation. So in perspective of Riyas Rashid (2010) establish a democratic culture means digging deeper into the substance of the true values of democracy while maintaining an open attitude to criticize and correct it. No one system is perfect; there is a system that seems right to resolve the issue within a specified period. Revision once corrections to the practice of democracy will increasingly performance to be perfect, including in the electoral process and regional autonomy that has become the choice of Indonesian politics after the reform. Concurrent local elections that conduct twice in this stage is carried out simultaneously on February 15, 2017 this year. In a note Amran (2016), there are 101 autonomous areas in conducting elections that spend the budget of around IDR5,252,870,982,383. The budget allocated to the organizer or the Commission IDR 4,235,298,808,688 supervisors or Election Supervisory Commission IDR 955,046,847,085 and Security Services IDR 63,231,326,610.

Regions conducting simultaneous election that is 7 provinces (Aceh, Jakarta, Banten, Bangka Belitung, West Sulawesi, Gorontalo, and West Papua) and 76 regency and 18 cities. Scattered in 29 provinces with the largest numbers in Aceh as many as 20 city / regency, Papua, as many as 11 cities / districts. Meanwhile, Bali, South Sumatra, South Sulawesi, Bengkulu and East Java each 1 district.

The elections simultaneously is actually the best momentum to enrich nationalities covered a variety of positive ideas in all elements of the base area, in addition to choosing the best leaders are capable of embracing the will of the people and stimulate people to a lower level in order to take part in the development process by the time from immediate environment. If that happens, then the realization of what was mentioned by JW Gardner (1988) that the important role the leader is creating a “state of mind” or the psychological situation in society by way bearing and articulating goals that drive people from their own interests to the common interest higher.

In the Act No. 32 of 2004 on Regional Government has been outlined that the local election supervisory committee consisting of representatives from the Police, Universities, the press and public figures. Sure, this meant that the Election Supervisory Committee to work with the response because it is the people who come from strategic groups. Administratively, this agency has a task;

1. Establish election supervisory commission in districts and sub-districts area.
2. Oversee all phases of exercising elections.
3. Response report election violations.
4. Resolving disputes.
5. Pass on the findings and reports that can not be resolved to the relevant authorities.
6. Set the supervisory committee for coordination at all levels.

In general, there are some parts which must be supervised by the election supervisory committee, namely the implementing agencies in this context is the Election Commission, candidates including supporting political party, and keep an monitoring on how the political rights of voters can be assured. The rights of these voters as stated in the law 32 of 2004 includes the right to be free to attend the campaign, right to the vision, mission and programs in writing of the candidate, the right to campaign were polite, orderly, educative, the right to access information about the elections through mass media, the right to open information about the results of the audit of campaign funds three days after the election commission received it from a public accountant, the right to a day off on the day of the election, the right to obtain information about the campaign team, the right to obtain information on the results of audits of campaign finance and the right to obtain information on election results, other than that the public also has the right to be free from money politics and the right to be free from fraud and misuse of public facilities by public officials.

Election to the supervisory committee should prepare strategic steps in anticipation of the vulnerable points such as, firstly is the executive overseeing the elections the election commission officers to not manipulate the results of a

calculation. Experience in the past election voting that there are many irregularities in the vote count should be a lesson for us and anticipated. Second is to make a clue systematic and practical so that the supervisory committee at the lower levels can act quickly if met violations on the election day, the third reinforce the rules and sanctions regarding violations of the mobilization of supporters, fourth, reinforce the rule that prohibits the use of government facilities / state to campaign purposes. Then the last and currently rampant is to oversee that the content of the campaign is not slander / character assassination or negative campaigning. Turns open disgrace and reject people and another candidate without being accompanied by strong arguments and evidence that has become a habit in every political succession; it should be avoided in an effort to build political efforts mannered.

CONCLUSION

Inn order to defeat in pair, should be heartened that in any competition or race, there is always a win, but there must also be losers. If all win or all lose it's not a competition. When ready to follow a competition but must also be prepared to win, but also to be ready to lose. Some couples have more candidates prepare to win and forget to be ready to lose. Ready to lose much more important than ready to win. Ready to win or be prepared to lose a part of sportsmanship. People who are not ready to win or lose, is not yet able to say casual. The defeat made us (especially a couples of candidate or team) can be reflect what caused the defeat. Reflection should be done internally to the participants and not towards other people, people who are always blaming other people, can not say sportsmanship. Pairs of candidates should be able to extract meaning from every event of victory or defeat. The defeat should be a motivation to be excited, to be better than ever. The attitude of the elite, especially the pairs of candidates must prioritize politeness, politicking in a healthy, cultivate the attitude of accepting defeat, the maturation of politics that every competition will be there to win it. Therefore, in order to avoid mutual suspicion and feeling cheated, then the implementation of the election by the organizers to be really fair that organizers should workings optimally, the monitoring function should also be run firm, thus reducing fonomena contested in defeat to the Constitutional Court, because has been the implementation of fair local elections.

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