



Analysis of Legal Political Dynamics in the Regulation of Simultaneous Regional Elections in Indonesia: Between Effectiveness and Local Democracy

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Abstract This paper describes the dynamics of legal politics in the regulation of Simultaneous Regional Elections in Indonesia with a focus on the effectiveness of implementation and its impact on local democracy. Simultaneous Regional Elections, which began in 2015, are the government's efforts to improve the efficiency of regional head elections while strengthening the democratic system. However, its implementation faces various challenges, such as regulatory complexity, potential political conflict, and impacts on the quality of representation at the local level. This study uses a juridical-normative approach with a qualitative analysis method to evaluate the laws and regulations governing Simultaneous Regional Elections, including Law Number 10 of 2016 and its implementing policies. Data were obtained through literature studies, legal documents, and interviews with relevant stakeholders. The results of the study show that, although Simultaneous Regional Elections bring benefits in the form of budget efficiency and strengthening political stability, this policy also poses a number of challenges. Among them are the gap in local government capacity, strengthening political oligarchy, and decreasing the quality of community participation at the local level. In addition, the implementation of Simultaneous Regional Elections tends to sacrifice regional autonomy in the context of local democracy, given the homogenization of election times that do not always match regional needs. This study recommends the need for a revision of regulations that are more adaptive to local needs, increasing public political education, and strengthening the capacity of election organizers to ensure that Simultaneous Regional Elections can run effectively without sacrificing the principles of local democracy.

Keywords : Simultaneous Regional Elections, Legal Politics, Effectiveness, Local Democracy, and Regional Autonomy.

1. INTRODUCTION.

Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that sovereignty lies in the hands of the people and its implementation is based on the Constitution. This provision is the basis that Indonesia adheres to the principle of people's sovereignty (democracy), where power comes from the people, is managed by the people, and is aimed at the interests of the people. In practice, power should be exercised by actively involving the people.

As a country that prioritizes the concept of people's sovereignty, the people are the owners of the highest power in the country. All forms of power come from the people, are exercised by the people, and are intended for the welfare of the people. In fact, ideally, the implementation of power is carried out by involving the people in the decision-making process. The separation of powers into three institutions, namely the legislative, executive, and judiciary, aims to carry out government functions while still serving the people as the holders of the highest sovereignty in the country.

In general, the concept of a state of law in the perspective of *rechtsstaat* refers to a state governed by the law of reason. This concept emphasizes the values of freedom, equality, and respect for individual rights within the framework of a legal order determined by law. Meanwhile, according to AV Dicey, (1939) a state of law (rule of law) has the main characteristics of the supremacy of law, equality before the law, and the application of the principle of legality (due process of law).

Elections are a crucial element in determining the future of a country. When elections are held well, a country can move forward in strengthening democracy and creating peace. Conversely, if elections fail or are full of problems, it can threaten the stability of democracy and bring the country to a critical condition. Therefore, elections are often considered the core of democracy.

In Indonesia, the implementation of elections as a real manifestation of the democratic system is inseparable from the potential for various violations, including in the election of the President and Vice President. For this reason, the existence of an independent institution is needed that can ensure that the election process runs according to the rules. One of the institutions that plays a role in overseeing the course of the President and Vice Presidential elections is the Election Supervisory Committee (Bawaslu).

The General Election Commission (KPU) is currently the fourth institution tasked with organizing elections, after starting with the first democratic election in 1955. Elections, in addition to being a manifestation of the people's sovereignty, must be implemented based on the principles of direct, general, free, secret, honest, and fair. Therefore, every stage in the election process must be carried out in accordance with the rules of law that have been clearly and firmly established (due process of law).

The Election Supervisory Body (Bawaslu) has the task of supervising the implementation of elections throughout Indonesia. To carry out this function, Bawaslu forms election supervisory committees at the provincial, district, and city levels.

As an independent institution, Bawaslu Binjai City plays an important role in supporting the smooth running and success of the 2019 legislative elections. One of the main challenges faced in supervising the 2019 legislative elections is the less than optimal implementation of Bawaslu's authority at each stage of the election. For example, at the campaign supervision stage, there are still obstacles that reduce the effectiveness of the supervision carried out.

On the other hand, strengthening the institutions and authority of election supervisors is something that cannot be avoided to realize democratic elections. In other words, strengthening the institutions and authority of election supervisors actually means strengthening democracy itself.

In theory and practice, there are still various obstacles that hinder the substance and quality of democracy. The existence of the Election Supervisory Body (Bawaslu) in West Java aims to support the realization of substantive democracy, which is reflected through elections or elections with integrity. This is done through efforts to prevent, supervise, and especially handle violations in the election or election process.

2. THEORETICAL BASIS.

Dynamics of Legal Politics.

Research on the dynamics of legal politics in the regulation of Simultaneous Regional Elections in Indonesia is based on several relevant main theories, namely:

1. Theory of the Legal State (Rechtsstaat and Rule of Law).
2. Theory of Democracy
3. Theory of Separation of Powers
4. Political Theory of Law
5. Theory of Legal Effectiveness
6. Local Democracy Theory

In the concept of rechtsstaat, a state of law is defined as a state that is run based on rational legal rules, prioritizing freedom, equality, and protection of individual rights within the framework of the legal order. This is relevant to the implementation of the Simultaneous Regional Elections which must follow laws and regulations consistently (due process of law) in order to ensure the fairness and validity of the election results.

Meanwhile, the rule of law proposed by AV Dicey emphasizes the supremacy of law, equality before the law, and the principle of legality. The Simultaneous Regional Elections reflect the implementation of these principles in the context of Indonesia's democratic system.

The theory of democracy that underlies the Simultaneous Regional Elections is the principle of people's sovereignty, where the people hold the highest power in the country. Elections, including the Simultaneous Regional Elections, are the main mechanism for realizing participatory and representative democracy. In the context of local democracy, the Simultaneous

Regional Elections aim to create effective, transparent, and accountable regional governments, while maintaining regional autonomy.

The concept of separation of powers formulated by Montesquieu states that state power must be divided into three main functions: legislative, executive, and judiciary. In the context of the Simultaneous Regional Elections, this separation of powers ensures that there is a division of roles between the government, legislative institutions, and supervisory institutions such as the Election Supervisory Body (Bawaslu) to ensure the implementation of the Regional Elections in accordance with the law and free from conflicts of interest.

Political legal theory explains how law is formed, implemented, and influenced by political dynamics. In the context of Simultaneous Regional Elections, election regulations reflect political compromises at the national and local levels, which include aspects of efficiency, justice, and support for strengthening local democracy. The dynamics of political law can be seen from changes in Pilkada regulations that continue to develop to adapt to practical challenges and community needs.

This theory focuses on how a rule of law can run effectively in society. The effectiveness of the law in the Simultaneous Regional Elections depends on the extent to which election rules are complied with, supervision is carried out properly, and sanctions for violations are applied firmly.

Local democracy emphasizes the importance of community participation in decision-making at the regional level. Simultaneous regional elections are expected to accommodate local community aspirations while strengthening the role of local governments in maintaining a balance between national and local interests.

Through this theoretical framework, the study examines the extent to which the regulation of Simultaneous Regional Elections in Indonesia is able to balance the effectiveness of election implementation with strengthening local democracy.

Legal Review.

According to Hans Kelsen, law is a series of rules that form a system regarding human behavior. Law does not stand as a single rule, but rather is a collection of rules that are interrelated in one unit. Therefore, law must be understood systematically, and cannot be understood by simply looking at one rule separately.

Legal studies are the analysis of norms that view law as a rule that determines actions that are permitted or prohibited. Normative legal studies are prescriptive, meaning they aim to

determine what is right and what is wrong. Some forms of normative studies of law include Positive Criminal Law and Positive Constitutional Law.

According to Syamsudin Haris, the closed proportional system implemented in the election is a legacy of the New Order era. This system is also considered to strengthen the oligarchy among political party elites in the nomination process. As a result, the nomination mechanism to the determination of candidates within political parties is vulnerable to manipulation. This process often involves very high costs, especially to occupy strategic numbers that have great potential to be elected, such as numbers 1 to 3 on the ballot list.

Election Administration Violations.

According to Andi Hamzah.¹⁴ states that violations are often referred to as statutory crimes, meaning they are viewed as crimes because they are stated in the law . Andi Hamzah further explains that regarding the type of crime, there is no fundamental difference between crimes and violations.

Jimly Asshiddiqie (2021) stated that there are 4 (four) objectives of the election, namely to enable the transfer of government leadership in an orderly and peaceful manner, to enable the change of officials who will represent the interests of the people in representative institutions, to implement the principle of popular sovereignty, and to implement the principle of citizens' basic rights.

When compared to the opinion of Kusnardi and Harmaily (1983), Jimly Asshiddiqie (2021) describes the transition of government into a transition of state officials and a transition of members of the people's representative institution or what is termed people's representatives. So it can be interpreted that the implementation of elections in a democratic country is a mandatory mechanism to ensure the formation of a new democratic government that has direct legitimacy from the people as the holder of the highest power. In addition, elections also guarantee that the process of transition of leadership and change of state officials can take place safely and orderly in order to maintain the stability of the country.

Administration is a function that plays a very important role in achieving a smooth business activity, or activities carried out by a company/organization. Therefore, it can be said that administration is also the lifeblood of a company and administration can also show facts and information needed for detailed planning and information/data that includes accurate records, forms and a report that includes administrative tasks.

General Elections, hereinafter referred to as Elections, are a means of implementing people's sovereignty which is carried out directly, generally, freely, secretly, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

Settlement of Administrative Election Violations

Administrative violations of the Election in Law Number 7 of 2017 are not given a definition or scope. Article 460 paragraph (1) states that administrative violations of the Election include violations of the procedures, procedures, or mechanisms related to the administration of the Election in each stage of the Election Implementation. Paragraph (2) of this article confirms that these administrative violations do not include Election crimes and violations of the code of ethics. Examples of these administrative violations include; not meeting the requirements to become an election participant, using government facilities, places of worship and educational institutions for campaigning, not reporting the initial campaign fund account, election observers violating obligations and prohibitions, etc. The stage that is most vulnerable to violations is the campaign stage. Campaigning is an activity in order to convince voters by offering the vision, mission, and programs of the candidate pairs. These candidate pairs can form a campaign team that helps organize the campaign and is responsible for the technical implementation of the campaign.

The forms of administrative violations that often occur include the Temporary Voters List (DPS) not being announced, the Permanent Voters List (DPT) being inaccurate, the inconsistency of the nomination requirements, errors in the installation of campaign equipment, and voter invitation letters not being distributed. This administrative election violation only mentions the violation (namely violation of the procedures, procedures or mechanisms related to the election administration in each stage of the election implementation) and does not mention who the subject of the violation is. The procedures, procedures or mechanisms in each stage of the election implementation are very broad and numerous in this Election Law. So administrative election violations can not only occur to election candidate participants but can also occur to the KPU and Bawaslu.

The resolution of this administrative violation of the Election is that among the administrative sanctions that are considered very serious is the cancellation as a candidate member. Article 463 paragraph 1 of Law Number 7 of 2017 states that in the event of an administrative violation of the Election as referred to in Article 460 that occurs in a structured,

systematic and massive manner, Bawaslu receives, examines, and recommends the administrative violation of the Election within a maximum of 14 (fourteen) working days. The KPU is obliged to follow up on the Bawaslu decision by issuing a KPU decision within a maximum of 3 working days from the issuance of the Bawaslu decision.

Conceptual Basis for Election Implementation.

Elections are a feature of a democratic country. Which power comes from the people, by the people and for the people. According to Law No. 15 of 2011 and amended as Law No. 7 of 2017 concerning election organizers, elections are a means to implement people's sovereignty directly, openly, freely, secretly, honestly and fairly in the reunification of the Republic of Indonesia. Based on the Pancasila Constitution and the Republic of Indonesia in 1945. According to the theory of political parties, the division of state power is divided according to its function: First, determining legislative legal power, enforcing executive/administrative legal power, and demanding judicial power.

The same application is also applied in the election process where according to Law Number 15 of 2011 and has been revised to become Law Number 7 of 2017 concerning General Elections, there is a division of power in organizing elections, namely divided into three (3) institutions that carry out... functions and duties in the election process, starting with the first institution, namely the General Election Commission (KPU) which has the task and responsibility in implementing the election process, followed by the second, namely the General Election Supervisory Body (BAWASLU) which has the task of supervising and taking action against violations that occur in the election and taking preventive measures, then the third is the Election Organizer Honorary Council (DKPP) which takes action against violations of the code of ethics against the two previous institutions, namely Bawaslu and KPU.

The role of election organizers is very important in the implementation of elections. The dynamics of election organizers have been rolling since the 1955 Election until now. From the beginning of the implementation of elections until the New Order era, the organizers could not be separated from political parties and the government. However, after entering the gate of Reformation, election organizers were formed as an independent institution outside the influence of political parties and the government. The amendment to the 1945 Constitution as one of the Reformation projects that had a lot of impact on the emergence of new state institutions that were formed in accordance with the development of the Indonesian state

system. One of the institutions formed after the amendment was the general election commission as the election organizer in Indonesia.

Of course, the amendment is considered based on the idea that the territory of the Unitary State of the Republic of Indonesia is very large, especially with a population that is so large and spread throughout the archipelago and has national complexity, demanding the need for a professional general election organizer and has credibility that can be accounted for. In order to realize a successful election, in this case one that meets the elements of a general election, free, secret, honest, direct, and fair, of course an institution is needed that truly carries out and implements all duties, authorities and functions properly. The objectives of the election organizer are:

- a) A strengthened democratic system in our constitutional system;
- b) Giving birth to general elections with integrity and fairness
- c) There is legal certainty and prevention of duplication in the implementation of elections.
- d) Delivering a successful election.

The election organizing institution has been regulated in the 1945 Constitution after the amendment, it is stated in Article 22E paragraph (5) regarding elections *"that general elections are organized by a general election commission which is national, permanent and independent, several things can be conveyed."* First of all related to the implementation of general elections, it requires quite broad authority in carrying out functions that include implementation, planning, and organization as well as internal-vertical supervision. The second discussion, regarding the terminology of the words "a general election commission", this sentence means an institutional function, not referring to the name of an institution (*nomenclature*). The third discussion, regarding the sentence "national in nature", this sentence emphasizes the scope of authority and duties that cover the entire territory of the Unitary State of the Republic of Indonesia.

Based on the Constitutional Court Decision in the case of Law Number 22 of 2007 concerning Election Organizers, which is stated in the Constitutional Court Decision Number 11/PUU/VIII/2010, it provides considerations the law is that Article 22E paragraph (6) of the 1945 Constitution states that "more stringent provisions Further information regarding general elections is regulated by law. *De facto and de jure* ", Law 22 of 2007 has regulated and formulated "that a general election commission that organizes the general election in question includes, first, the general election organizing institution known as the KPU, Provincial KPU and Regency/City

KPU; and second, the election monitoring institution known as the General Election Supervisory Body, Provincial and Regency/City Panwaslu."

The Constitutional Court's view emphasizes that the existence of an election organizing institution must have three components the main ones are the KPU, Bawaslu, and the Honorary Council.

3. METHOD.

Research on the dynamics of legal politics in the regulation of Simultaneous Regional Elections in Indonesia uses a qualitative research method with a juridical-normative approach. This approach aims to understand and analyze the regulation of Simultaneous Regional Elections from a legal, theoretical, and practical perspective in its implementation, as well as to examine its influence on effectiveness and local democracy.

Where in this paper the Research Approach is carried out, namely:

- Juridical-Normative Approach.

This study focuses on the analysis of laws and regulations governing the Simultaneous Regional Elections, such as Law Number 10 of 2016 concerning Regional Head Elections, as well as other supporting regulations. This approach aims to evaluate the suitability between legal rules and their implementation in the context of local democracy.

- Empirical Approach.

This approach is used to explore real experiences in the implementation of Simultaneous Regional Elections, including challenges, obstacles, and successes in various regions. Empirical data is obtained through interviews with relevant sources, such as election organizers, election supervisors, academics, and the community.

Based on international standards, the legal framework should regulate sanctions for violations of election laws. Many countries create rules on election violations in their election laws. Any criminal provisions created for legal purposes should reflect the purpose of the law. For example: "Any effort to prevent violations, corrupt practices, and illegal practices in elections; and rules on election challenges.

To ensure free and fair elections, protection is needed for voters, for parties participating in the election, and for the people in general from all fear, intimidation, bribery, fraud, and other fraudulent practices that will affect the purity of the election results. If the election is won through fraudulent means (malpractices), it is difficult to say that the leaders or legislators elected in

parliament are representatives of the people and true leaders. In order to protect the purity of the election which is very important for democracy, the lawmakers have made a number of fraudulent acts in the election a criminal offense. Thus, the law on elections, in addition to regulating how elections are carried out, also prohibits a number of acts that can destroy the essence of *free and fair elections* and threaten the perpetrators with punishment.

For example, the murder of a political opponent during a campaign, or a candidate for the House of Representatives who is suspected of committing fraud. Although the incident occurred during the election stages or was related to a particular election contestant, because the crime is not regulated in the Election Law; the act is not classified as an election crime. The act is a general crime regulated in the Criminal Code.

Likewise, other crimes that may be related to elections, but are not regulated in the Election Law. For example, financial irregularities in the procurement of ballot papers are not election crimes, but rather corruption crimes. In short, it can be said that election crimes are seen as something prohibited that is serious in nature and must be resolved in order to achieve the purpose of establishing criminal provisions to protect the democratic process through elections.

Election administration violations are violations of the provisions of the Election Law that are not criminal provisions of elections and other provisions regulated in KPU regulations. Some examples of election administration violations are as follows: installation of campaign equipment, campaign participants, such as posters, flags, pennants, banners, and others are installed carelessly. The law prohibits the installation of campaign equipment in places of worship, educational institutions, government office environments.

KPU regulations prohibit the placement of campaign paraphernalia on main or protocol roads and toll roads or highways. Parades or convoys to and from the locations of general meetings and limited meetings are not notified to the police in advance so that they do not have the opportunity to organize the convoy's journey. In addition, convoy participants often go outside the route determined by the committee. General meeting campaigns are carried out beyond the specified time. Campaigns cross electoral district boundaries. Changes in the type of campaign, in this case the KPU and election participants have determined that certain political parties will conduct limited campaigns in certain places, but in its implementation the limited campaign turns into a general meeting campaign which is ultimately also followed by a parade.

4. ANALYSIS AND RESULTS.

Process for Resolving Violations Occurring During the Election Legislative General .

The occurrence of violations in the implementation of the Legislative elections is inevitable. Violations can occur due to deliberate elements or negligence. Violations of the 2019 Legislative elections can be committed by many parties, it can even be said that everyone has the potential to become a perpetrator of violations of the Presidential and Legislative elections. As an anticipatory effort, Law Number 15 of 2011 concerning General Election Organizers and Law Number 42 of 2008 concerning General Elections regulate it at every stage in the form of obligations and prohibitions with additional threats or sanctions. Potential perpetrators of violations of the presidential and legislative elections include:

1. Election organizers include members of the KPU, Provincial KPU, Regency/City KPU, Bawaslu members, Provincial Banwaslu, Regency/City Banwaslu, Sub-district Panwas, secretariat ranks and other field implementing officers. Election participants include political party administrators, presidential and vice presidential candidates, campaign teams.
2. Certain officials such as civil servants, TNI members, Polri members, BUMN/BUMD administrators, Governor/leader of Bank Indonesia, Village Apparatus, and other bodies whose budgets are sourced from state finances.
3. Professions Print/electronic media, procurement of goods, distributors.
4. Domestic and foreign monitors
5. The Voters, survey/quick count implementers, and the general public are referred to as everyone.

Reporting Mechanism for Settlement of Election Violations is regulated in Chapter XVIII Settlement of Election Violations and Settlement of Disputes over the Results of the Presidential and Vice Presidential Elections of Law Number 42 of 2008 Concerning General Elections. In general, violations are resolved through Bawaslu and Banwaslu according to their levels as institutions that have the authority to supervise each stage of the election implementation.

In the supervision process, Bawaslu can receive reports, conduct studies on reports and findings of alleged violations, and forward the findings and reports to the authorized institutions.

In addition to Bawaslu's findings, violations can be reported by members of the public who have the right to vote, election observers and candidate pairs or candidate pair campaign teams to Bawaslu, Provincial Banwaslu, Regency/City Banwaslu no later than 3 days after the election violation occurs.

The report must be submitted no later than 3 (three) days after the violation occurs. Legislative Election for the election of DPRD members. Bawaslu has 3 days to conduct a review of the report or findings of violations. If Bawaslu considers the report to be incomplete and requires additional information, Bawaslu can request information from the reporter with an extension of 5 days.

Based on the study, Bawaslu can draw conclusions whether the findings and reports constitute violations of the presidential and vice presidential elections or not. In the event that the report or findings are considered violations, Bawaslu distinguishes them into: 1. Administrative and administrative election violations.

2. Violations containing criminal elements

Bawaslu forwards the results of the study to the authorized agency for resolution. The rules regarding the procedures for reporting election violations are regulated in the provisions of Article 190 of Law Number 42 of 2008 concerning General Elections, Legislative Elections, election of DPRD members, which are strengthened in the Regulation of the General Election Supervisory Body Number 11 of 2014 concerning Supervision of General Elections.

Mechanism for resolving administrative violations Election violations of the Legislative Election for the election of DPRD members that are administrative in nature are the authority of the KPU to resolve. The law limits the time for the KPU to resolve such administrative violations within 7 days from the receipt of the alleged violation report and Bawaslu. In accordance with its nature, sanctions for administrative violations should be in the form of administrative sanctions. These sanctions can be in the form of warnings, cancellation of activities, deactivation and dismissal for election implementers of the Legislative Election for the election of DPRD members.

Based on the results of the author's interview with Lailatus Sururiyah, SH, MA who serves as Member/Coordinator of the Legal Division, Violation Handling, and Disputes of the Binjai City Bawaslu at the Binjai City Bawaslu Office, the author obtained data regarding the Mechanism for Handling Election Administration Violations, namely:

- a. The Mechanism for Handling Administrative Violations of the 2019 Election in Binjai City first refers to the provisions of the Regulation of the General Election Supervisory Body (Perbawaslu) Number 7 of 2018 concerning Handling of Findings and Reports of General Election Violations.

- b. Reports of alleged election violations can be submitted by Indonesian citizens, election participants, or election observers. Then the report submitted to the Election Supervisory Body no later than 7 (seven) days since the alleged election violation was discovered.
- c. Then after the report is received by the Election Supervisory Body, the Election Supervisory Body makes an initial review of the report. The initial review is to determine the completeness of the formal requirements and material requirements of the report as regulated in Article 9 of Bawaslu Regulation Number 7 of 2018 concerning Handling of Findings and Reports of General Election Violations.
- d. If the results of the initial review show deficiencies in or do not meet the formal and material requirements of the report, the Election Supervisory Body will notify the Reporter to complete the report no later than 3 (three) days from the date the report is received. Article 11. If the report meets the formal and material requirements of the report, the report is registered.
- e. Furthermore, specifically for alleged violations of Election Administration, the reference in handling violations after registration refers to the provisions of Bawaslu Regulation Number 8 of 2018 concerning the Settlement of General Election Administration Violations, the examination of alleged violations of election administration uses an adjudication hearing including a preliminary hearing, examination hearing, and verdict.
 - 1. The Binjai City Election Supervisory Body received 2 (two) reports of alleged violations of Election Administration. The alleged violations of election administration were submitted by candidates for Binjai City DPRD members who felt disadvantaged by the 2019 general election mechanism. The first main point of the report was the transfer of votes during voting and vote counting. Regarding the report, the Binjai City Bawaslu registered and conducted an adjudication hearing. However, during the preliminary hearing, the Binjai City Bawaslu decided that the report submitted had passed the reporting period, so the report could not be continued in the examination hearing.⁵⁶
 - 2. The second report concerns the existence of a candidate for Binjai City DPRD who is still registered as a member of another party. Regarding this report, the Binjai City Bawaslu conducted an adjudication hearing, preliminary hearing, examination hearing, and verdict. After conducting a series of trials, looking at the evidence, the Binjai City

Bawaslu decided that the report was not legally and convincingly proven to be an administrative election violation.

Bawaslu's Obstacles in Carrying Out Handling Tasks.

Elections can be said to be democratic if they meet several basic prerequisites. Unlike during the New Order regime where elections were often referred to as democracy as if, the elections currently taking place as reform elections must be able to guarantee the upholding of democratic election principles. At least, there are 5 (five) universal parameters in determining the level of democracy or not of the election, namely:

1. Universality

Since democratic values are universal values, democratic elections must also be universally measurable. This means that the concept, system, procedures, tools and implementation of elections must follow the universal democratic rules themselves.

2. Equality

Democratic elections must be able to guarantee equality between each contestant to compete. One important element that will hinder this principle of equality is the imbalance of power and resource strength owned by election contestants. Simply put, between large political parties and small political parties that have just been born, of course there is a wide gap in resources. Therefore, election regulations should be able to minimize the occurrence of *political inequality*.

3. Freedom

In a democratic election, voters must be free to determine their political stance without any pressure, intimidation, or the lure of certain gifts that will influence their choice. If such a thing happens in the implementation of the election, then the perpetrator must be threatened with severe election criminal sanctions.

4. Confidentiality (*Secrecy*)

Whatever political choice is taken by the voter, it should not be known by any party, even by the election committee. Confidentiality as a principle is closely related to a person's freedom to choose.

5. Transparency

Everything related to election activities must be based on the principle of transparency, both the KPU, election participants and Election Supervisors. This transparency is related to two things, namely performance and use of resources. The KPU must be able to convince the public

and election participants that they are an independent institution that will be the implementer of fair and impartial *elections* .

If in terms of handling administrative violation cases, the Election Supervisory Board has increased its power, this is not the case in terms of handling criminal cases. The success of the 2004 Election Supervisory Committee in handling criminal cases is actually inseparable from the presence of police and prosecutors in the Election Supervisory body.

The existence of these two elements facilitates the Election Supervisor in coordinating and accelerating the handling of criminal election cases that have a tight time limit. Law Number 15 of 2011 has removed the elements of the police and prosecutors and the Election Supervisory organs, so that this can affect the acceleration of handling cases.

By considering these weaknesses, the supervisory committee must not only increase its capacity and ability but also be able to act professionally. In addition, another factor that is an obstacle in the implementation of the Election Supervisory function is time constraints. Law Number 15 of 201 is stricter in regulating the forwarding of criminal cases submitted by the Election Supervisory Board to the police. The law strictly provides a time of 3 (three) days or if additional information is needed and the reporter regarding the follow-up is carried out no later than 5 (five) days after the report is received, on the other hand, the law also limits the time for reports of election violations at each stage of the election implementation to be submitted no later than 3 (three) days since the election violation occurred.

The time limit limitation is indeed good for providing legal certainty in handling election crimes, but on the other hand, election supervisors will experience difficulties if witnesses who must be verified live far away, especially in island provinces, and the public will also experience difficulties in reporting election violations to election supervisors, especially those who live in remote areas where transportation is difficult.

Solutions to Improve Bawaslu Performance

Banwaslu is an independent state institution that has the authority to supervise the implementation of general elections. However, there are still many obstacles faced by Banwaslu Makassar City in supervising the implementation of elections. With these obstacles, a solution is needed to improve the performance of the Makassar City Election Supervisory Committee. The solution as stated by members of Banwaslu Binjai City, namely:

1. Regulation

The government must create a grand design for long-term election regulations and strengthen the authority of Banwaslu. Because so far the regulations made by the government are full of political nuances, issued when the election is approaching, and their contents are full of loopholes that can be exploited by someone to commit violations. In addition, the government must also strengthen the authority of Banwaslu in terms of imposing strict sanctions on legislative candidates who violate the rules.

2. Human Resources

The government must be more active in disseminating information about the technical aspects of organizing elections, because the problem so far is that many people still do not understand about elections.

3. Budget and Infrastructure/facilities

Budget and infrastructure include: (1) Budget use must adhere to the principles of effectiveness and efficiency. Funds must be proportional. To improve the competence and professionalism of the Election Supervisory Committee, the government must pay attention to the operational funds of the Makassar City Banwaslu, in this case equivalent to the Makassar City UMP of Rp. 1,900,000. (2) Infrastructure. To support the performance of the Makassar City Banwaslu, Banwaslu must have a permanent secretariat, not like now where facilities are only rented. To improve performance, election supervisory officers must be equipped with audio-visual equipment.

In addition to the above solutions, to create a democratic election is not only the responsibility of the Election Supervisory Committee but also a shared responsibility of all levels of society. Therefore, the Indonesian Election Supervisory Committee created a program called "RELAWAN" (A Million Election Supervisory Volunteers Movement). This program is intended for the community to take part in election supervision.

The recommendation to the government so that the implementation of future general elections can be better and fraud can be minimized is that the government must include political education in the early childhood curriculum to form a culture from an early age so that future generations will no longer be familiar with election fraud.

5. CONCLUSION.

The conclusion in the Simultaneous Regional Elections reflects the dynamics of legal politics in Indonesia which seeks to balance the effectiveness of election implementation with

strengthening local democracy. Despite various challenges, this policy still has great potential to strengthen the democratic system at the regional level if improvements are made continuously, including:

1. Simultaneous Pilkada is one form of implementation of legal politics to create efficiency and effectiveness in the implementation of regional head elections. This policy is designed to align the implementation of elections with democratic principles that prioritize accountability, transparency, and integrity in choosing regional leaders.
2. In terms of effectiveness, the Simultaneous Regional Elections have a positive impact in the form of cost savings for organizing and consolidating the election process at the national and regional levels. However, in practice, various obstacles are still found, such as lack of technical readiness, suboptimal supervision, and vulnerability to political conflict at the local level.
3. Simultaneous Pilkada has a significant influence on local democracy. On the one hand, this policy increases community participation and strengthens the legitimacy of local government. However, on the other hand, overly centralistic arrangements have the potential to ignore local characteristics and dynamics, thereby reducing regional autonomy.
4. One of the main challenges in the implementation of Simultaneous Regional Elections is overcoming the oligarchy of political parties that often dominate the nomination process. This has an impact on the high cost of politics and the occurrence of unhealthy practices, such as money politics and manipulation of nominations.
5. To increase effectiveness and strengthen local democracy, it is necessary to strengthen regulations and institutions, especially those related to the supervision and implementation of the Pilkada. Bawaslu as an election supervisor needs to have stronger and more independent authority to handle violations. In addition, political education for the community is also important to encourage active participation and prevent political corruption practices.

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