

The Role Of The Tni Is To Achieve The Election Of The Regional Head Of The Governor Of Central Java, General, Free, Secret, Honest And Fair

Ahmad Rifai Siregar

Student Magister Of Law University of 17 Agustus 1945 Semarang
University of 17 Agustus 1945 Semarang

* Corresponding author:

Email : danregar45@gmail.com

Abstract.

The TNI is required to be able to carry out its duties and functions in accordance with applicable laws. In this case, the TNI must be able to carry out its role in guarding the Indonesian nation's democratic party so that it can run smoothly and safely. It is undeniable that there are still unscrupulous members of the TNI who commit violations in the Pilkada, resulting in public statements related to the existence of government institutions that are not neutral, thus forming public opinion on the performance of the TNI. The formulation of the problem in the research is (1) What is the role of the TNI in realizing the Election of the Regional Head of the Governor of Central Java which is direct, general, free, confidential, honest and fair? (2) Why does the TNI need to maintain and realize a direct, general, free, secret, honest and fair election for the Regional Head of the Governor of Central Java? (3) What is the ideal concept expected for the TNI to realize the Election of the Regional Head of the Governor of Central Java which is direct, general, free, confidential, honest and fair? The approach used is sociological juridical, which means that this research is studied with laws and regulations and legal norms in accordance with the problems that exist in the field. Based on the results of the study, data were obtained that (1) The role of the TNI in the Regional Head Elections in Indonesia in the field of security was in principle an assistance to the Police. (2) The TNI needs to carry out its role in the Pilkada to protect against threats and disturbances that may arise in the holding of the Pilkada together with the National Police based on the law to carry out the duties of Kantibmas. (3) The TNI must be able to put forward its professionalism as a TNI soldier in accordance with its identity, based on state politics and not taking sides with any group. Therefore, it is necessary to create ideal conditions so that they can be used to increase public trust and increase soldiers' understanding of the neutrality of the TNI.

Keywords: TNI, Neutrality, Pilkada, Jurdil

I. INTRODUCTION

Direct regional head elections can be said to be one of the real forms of implementing regional autonomy because the people can directly elect the leaders they want directly. Direct regional head elections can be considered something ideal and democratic.¹The implementation of direct regional head elections is one indicator of the success of democracy in a country. Two important political instruments become policy, namely, democratic elections and the policy of regional autonomy or decentralization (decentralization). One of the fundamental steps in the decentralization policy is the implementation of local elections in electing regional heads directly (direct elections).²Simultaneous regional head elections are an effort to create local accountability, political equality, and local responsiveness. Democracy at the local level is related to the level of participation and power relations that are built on the basis of implementing the principle of people's sovereignty.³Pilkada was born immediately after the enactment of Law Number 32 of 2004 concerning Regional Government. This is because the previous law was considered to have marginalized the role of the region in determining its regional leader. The enactment of Law Number 32 of 2004 concerning Regional Government entered a new era in Indonesia, this was marked by the expansion of people's political participation in the regions and open competition for regional leadership positions (regional heads and

deputy regional heads). The big event of the Indonesian nation in the political field contains the potential for conflict in society, so it needs to be watched out and anticipated by the TNI and Polri.

The potential threats in the 2018 Pilkada are estimated to be very diverse, starting from the possibility of security disturbances originating from the attraction of interests between political forces, political competition between political elites and struggles between political parties. Mass mobilization and mass mobilization at the grassroots level, carried out by all politicians, political parties, political elites, successful teams, legislative candidates, as well as supporters of candidate pairs in the presidential and legislative elections have the potential to create social conflicts, this is no less important as one of the potential problems that can occur at the election stage in addition to administrative problems. Problems and problems that exist even though they are simple must still be anticipated, especially when faced with conditions of logistics, personnel, and work procedures. Potential problems from outside can be in the form of cyber attacks, hashtags (hashtags) that create an atmosphere of hatred and piracy of information technology (IT) systems. All potential threats of security disturbances must be faced in order to realize national stability. Law Number 15 of 2011 concerning the Implementation of General Elections and Law Number 34 of 2004 concerning the TNI, mandates that TNI soldiers must be able to carry out their main duties properly according to the law and can be neutral. One of the tasks of the TNI is in Military Operations Other Than War (OMSP), which is to assist the Indonesian National Police in the framework of the task of security and public order. In addition, TNI soldiers are required to be neutral in political life and not involve themselves in practical politics. Law Number 34 of 2004 concerning the TNI, Article 2 states that the identity of the TNI is a professional soldier, not practicing politics, following state political policies and so on.

Then in Article 39 of Law Number 34 of 2004 concerning the TNI it is stated that TNI soldiers are prohibited from being involved in being members of political parties, practical political activities, business activities, activities to be elected as members of the legislature in general elections and other political positions. In addition to Law Number 15 of 2011 concerning Elections and Law Number 34 of 2004 concerning the TNI, TNI soldiers are also bound by Law Number 26 of 1997 concerning Military Discipline. Individual soldiers who are found to have violated discipline, especially regarding the neutrality of the TNI in the 2018 Pilkada, the TNI institution will provide sanctions ranging from reprimands to detention according to the type of violation. TAP MPR Number VII/MPR/2000 concerning the Role of the TNI and the Role of the Police, Article 5 paragraph 2 of the Indonesian National Armed Forces is neutral in political life and does not involve itself in practical political activities. However, the case that occurred in Batam was contrary to this provision, where indications of TNI involvement were also seen when members of the TNI visited the homes of residents in several sub-districts in Batam during the Pilkada in Batam City. The criticism of the TNI's behavior has been in the public spotlight and has been criticized by many parties. This issue was even included in the trial of the election fraud lawsuit at the Constitutional Court (MK). Commission I of the DPR RI also requested that the case be thoroughly investigated, but the results of the investigation stopped at the conclusion that the violation was carried out by "unscrupulous" TNI and because of that, Dandim 0316 was removed from his position.

Based on the explanation that there are still TNI personnel who do not maintain their neutrality in the Pilkada, the researchers are interested in conducting research on "The Role of the TNI in Realizing the Direct General Election of the Governor of Central Java, Free of Secrets, Honest and Fair."

Formulation Of The Problem

1. What is the role of the TNI in realizing a direct, general, free, secret, honest and fair election for the Regional Head of the Governor of Central Java?
2. Why does the TNI need to maintain and realize the direct, general, free, confidential, honest and fair election of the Regional Head of the Governor of Central Java?
3. What is the ideal concept that is expected for the TNI to realize the Election of the Regional Head of the Governor of Central Java which is direct, general, free, secret, honest and fair?

II. DISCUSSION

1. The Role of the TNI to Realize the Election of the Regional Head of the Governor of Central Java that is Direct, General, Free, Confidential, Honest and Fair

Need understood that the basic principle of the role and duties of the TNI in relation to the involvement of the TNI in elections has determined the position of the TNI as a neutral party. The TNI's neutrality principle is the implementation of TNI's internal reform and is a mandate from Article 5 paragraph (2) of the MPR/VII/2000 TAP concerning the Role of the TNI and Polri and Article 39 of Law Number 34 of 2004 concerning the TNI. The meaning of TNI neutrality is "Not taking sides, not participating, or not helping one party". Implementation of TNI Neutrality, namely "TNI is neutral in political life and does not involve itself in practical political activities". The main task of the TNI as regulated in Law Number 34 of 2004 concerning the TNI is the operational basis of the TNI to implement the neutrality of the TNI after the reformation in the form of TNI assistance to the government and the Police.⁴ It should be believed together that the TNI as a state institution in maintaining the defense and sovereignty of the state, the TNI will always stand above the national interest, not above the interests of political parties. TNI politics are state politics and national politics. Efforts to increase the professionalism of the TNI need not be doubted because the professionalism of the TNI in instilling the character of neutrality in every TNI member has been started since the first education in the military, as well as in subsequent education and training levels.

TNI professionalism through TNI neutrality in the implementation of the TNI's role in the Pilkada is carried out through the following activities:⁵

- a. Carry out mapping of conflict-prone areas, especially areas that are categorized as red areas that are very conflict-prone.
- b. Maximizing assistance to local governments through optimizing the role of Forkompimda in supporting local governments regarding the administration of election document distribution. Maximizing assistance to the Police related to election security.

2. TNI Need To Maintain And Realize The Election Of The Regional Head Of The Governor Of Central Java That Is Direct, General, Free, Confidential, Honest And Fair

NeutralityThe TNI AD in the implementation of the 2018 Central Java Regional Head Election is a process of implementing democracy in directly choosing leaders. Since its implementation, it has had a significant influence on the strata of social and political life among the people through the euphoria of the freedom to express their aspirations as a form of democratic life according to their respective understandings, without considering the negative excesses that will arise on the environment of other people's lives. There is a lot of good news in print and electronic media that can corner the TNI AD neutrality towards the implementation of the 2018 Central Java Regional Election. The neutrality of the TNI AD is very much needed in the implementation of all stages of the 2018 Central Java Regional Election. The principle of neutrality and impartiality in election security is an absolute demands that must be met.

The Indonesian people depend on the security of the election, especially the TNI and of course hope that the TNI can realize its neutrality. This is a demand, because it would be a great irony if the security figure who should be able to mediate and prevent conflict actually shows partiality to one group. The neutrality of the TNI, Polri, and BIN in the implementation of the General Election and Regional Head Election is absolute. Unit commanders in various regions must be responsible to their members to provide understanding, positive explanations and a sense of security to the community. The Election Supervisory Body (Bawaslu) assesses that there will be a number of challenges in the 2019 Election. One of them is the matter of neutrality between the TNI and Polri. The Central Java Bawaslu member said that there were several notes and for the organizers to anticipate in the 2018 Central Java Election. This issue has been followed up by Bawaslu. For Bawaslu, a number of notes regarding the neutrality of the TNI-Polri in the 2018 Central Java Pilkada are important lessons for the next Central Java Pilkada.

3. Concept Ideal which Expected For the TNI to Realize the Election of the Regional Head of the Governor of Central Java that is Direct, General, Free, Confidential, Honest and Fair

The TNI must be able to put forward its professionalism as a TNI soldier in accordance with its identity, based on state politics and not taking sides with any group. Therefore, it is necessary to have ideal conditions that must be created that can be used to increase public trust and increase soldiers' understanding of the neutrality of the TNI.

a. Increasing public confidence in the neutrality of the TNI. This strategy can be carried out through the public relations function, in the form of sharing information with the public regarding the TNI program in order to show its neutrality in the implementation of the Pilkada.

b. Increasing soldiers' understanding of TNI neutrality.

In ideal conditions to avoid the possibility of soldiers' involvement in the Pilkada, it is necessary to pay attention to the unit commander, as follows:⁶

a. Emphasis on a simple lifestyle by managing the income received to meet daily needs.

b. Supervision and checking of salaries received by soldiers.

c. Supervision and checking of soldiers' activities outside of service hours, in order to prevent indirect involvement of soldiers in Pilkada activities.

III. CONCLUSION AND SUGGESTION

Conclusion

a. The role of the TNI in the Regional Head Elections in Indonesia in the field of security is in principle an assistance to the Police. However, the TNI itself has a policy related to the implementation of the Regional Head Election which must be guided by the neutrality of the TNI, including TNI soldiers who are carrying out security to assist the Police, must be guided by the neutrality of the TNI. The TNI member ignores the neutrality of the TNI, then the consequences of punitive sanctions will be applied to TNI soldiers who violate it.

b. TNI need to carry out their role in the Pilkada to protect from threats and disturbances that may arise in the implementation of the Pilkada, together with the National Police based on the law to carry out the duties of Kamtibmas

c. The TNI must be able to put forward its professionalism as a TNI soldier according to its identity, based on state politics and not taking sides with any group, for that it is necessary to create ideal conditions so that it can be used to increase public trust and increase soldiers' understanding of the neutrality of the TNI.

Suggestion

a. There are no common rules governing the operations of the Indonesian Army and Police in the Pilkada. The above has been explained in relation to the legal basis used by both the TNI and Polri in assistance activities so that the role of the TNI can be clearer in securing the Pilkada.

b. It is necessary to optimize the perception of the implementation of the duties of the TNI and Polri in securing the stages of the General Election in the field. Although the TNI and Polri assistance tasks are often carried out, in reality there are still differences in perceptions between TNI and Polri soldiers in carrying out their duties in the field because TNI combat units have so far been dominant in using combat capabilities in carrying out their duties, while in auxiliary tasks, the police have carried out their duties. This is expected to explain the need for the role of the TNI in guarding the existing Pilkada.

c. A strategy is needed to create ideal conditions in increasing public trust and increasing soldiers' understanding of the neutrality of the TNI in the task of securing the existing Pilkada.

REFERENCES

- [1] great, Kurniawan, 2005, Transformation of Public Service, Yogyakarta: Reform Publisher
 [2] Andrias Harefa, 2004, Awakening the Ethic of Professionalism, Jakarta: Gramedia Pustaka Utama
 [3] Effendy, Muhadjir. 2009. Identity and Profession of the TNI. Malang: UMM Press

- [4] Muhadjir Effendy, 2016, Big Indonesian Dictionary, Jakarta: Balai Pustaka
- [5] Noor M. Aziz, 2009, Final Report on the Legal Assessment of Regional Head Elections, Jakarta: The National Legal Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia.
- [6] Soerjono Soekanto, 1982, Normative Legal Research A Brief Overview, Jakarta: Raja Grafindo
- [7] 2002. Sociology An Introduction. Jakarta: PT Raja Grafindo Persada
- [8] Achmad Arifulloh, 2015, Implementation of Democratic, Peaceful and Dignified Simultaneous Local Elections, *Journal of Legal Reform*, Edition No. 2, Vol 2
- [9] Eko Noer Kristiyanto, 2015, Reconstruction of the Election System for Governor and Regent/Mayor in Indonesia “The Reconstruction of Election System of Governor and Regent/Major in Indonesia, *Journal of Political Research*, Edition No. 2 Vol 12
- [10] Lia Wulandari, 2015, The Long Way of Advocating for Direct Regional Head Elections”, *Journal of Elections and Democracy*, 8th Edition Evaluation of Simultaneous Regional Head Elections.