

The Effectiveness Of The Implementation Of The 2020 Simultaneous Elections In The Time Of The Covid-19 Emergency Pandemic In Kab.Wonosobo

Hany Prihatiningsih

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

*Corresponding author:

Email : prihatiningsihhany@gmail.com

Abstract.

The effectiveness of the 2020 Simultaneous Local Elections in the midst of the COVID-19 pandemic has both positive and negative impacts. The positive impacts include the implementation of the mandate of the applicable regulations, the fulfillment of the constitutional rights of the Pilkada participants and the community, reducing the practice of local government leadership which is led by too many temporary officials, and preventing budget swelling. While the negative impacts include the higher risk of COVID-19 transmission, the potential for fraudulent practices that are increasingly vulnerable, the refusal of the Regional Head Elections has the potential to increase the number of abstentions. Efforts so that the 2020 simultaneous regional elections can be carried out properly include increasing the supervision of health protocols, maintaining integrity in the implementation of regional elections, there must be a commitment for both Pilkada participants and implementers, community discipline, there are 55 countries postponing national or local elections and national referendums. However, there are 21 countries that have not postponed elections, 9 of which have been held in the midst of the COVID-19 pandemic. South Korea became one of the countries that successfully held elections on April 15, 2020 (International Institute for Democracy and Electoral Assistance, 2020). In Indonesia, the scheduling of the simultaneous regional elections to be held in December 2020 is considered unrealistic. Due to the fact, until December 2020, the number of positive cases of COVID-19 continued to increase nationally. Many people are worried that if the local elections are held in December 2020, it will become a new cluster for the spread of COVID-19. there are 21 countries that have not postponed elections, 9 of which have been held in the midst of the COVID-19 pandemic. South Korea became one of the countries that successfully held elections on April 15, 2020 (International Institute for Democracy and Electoral Assistance, 2020). In Indonesia, the scheduling of the simultaneous regional elections to be held in December 2020 is considered unrealistic. Due to the fact, until December 2020, the number of positive cases of COVID-19 continued to increase nationally. Many people are worried that if the regional elections are held in December 2020, it will become a new cluster for the spread of COVID-19.

Keywords: Coronavirus Disease Of 2019, Simultaneous

I. INTRODUCTION

The Corona Virus Disease (COVID-19) outbreak that is happening in all countries in the world is currently increasingly rampant. This case of pneumonia of unknown etiology or Covid-19 was first detected in Wuhan City, Hubei Province, China on December 31, 2019. It has been almost nine months since the Corona virus / COVID-19 case became a national disaster since March 2020. A pandemic like this has also resulted in a crisis of governance and policies for handling pandemics in various countries in the world¹. Indonesia as a state of law in dealing with the COVID-19 pandemic, making efforts to prevent this type of infectious disease must be established in a rule or regulation. Many sectors in human life have been affected by the COVID-19 outbreak. It is not only the public health sector that has had a significant impact, but also many other sectors ranging from education, economy, culture, social, politics, to government. In 2020, Indonesia will indeed carry out a democratic party, namely simultaneous regional head elections / regional elections. However, with the current outbreak and with the increasing number of COVID-19 cases in Indonesia, it is very influential on the political sector in particular. Given the increasingly rampant COVID-19 case, the government issued a policy related to the postponement of the simultaneous regional head elections (pilkada) in 2020.

Indonesia has an agenda to hold the Regional Head General Election (Pilkada) on September 23, 2020. However, through Government Regulation in Lieu of Law (Perpu) Number 2 of 2020 concerning the

Third Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law, The Indonesian government has decided to reschedule the pilkada to 9 December 2020. The decision certainly caused debate in the community. Responding to the postponement of several stages of the regional election during the COVID-19 pandemic can have various impacts in its implementation, both positive and negative. The decision certainly caused debate in the community. Responding to the postponement of several stages of the regional elections during the COVID-19 pandemic can cause various impacts in its implementation, both positive and negative. The decision certainly caused debate in the community. Responding to the postponement of several stages of the regional elections during the COVID-19 pandemic can cause various impacts in its implementation, both positive and negative.

II. RESULT AND DISCUSSION

Indonesia is an independent and sovereign unitary state which has only one central government to regulate all regions. In terms of implementation, the unitary state consists of two types, namely the unitary state with a centralized system and the unitary state with a decentralized system. The two types of unitary states have very basic differences that can show the independence of a region. A unitary state with a centralized system means that all government affairs are held by the Central Government and the regions only carry it out. Meanwhile, a unitary state with a decentralized system shows that the Regional Government has the authority to regulate and manage its region in accordance with the authority delegated to the Regional Government. Every region in Indonesia has a democratically elected Regional Head as regulated in Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia which states "Governor, Regent, and Mayor respectively as heads of provincial, district, and cities are democratically elected". The election of regional heads who are democratically elected is the most important institution for local people. Through Regional Head Elections, local communities can determine their own destiny in relation to their interests in the region.¹ In fact, textually, the phrase "democratically elected" can be interpreted in multiple ways, namely that Regional Heads can be elected directly or indirectly. Historically, Regional Head Elections were elected indirectly through the DPRD based on Law Number 22 of 1999. However, after the enactment of Law Number 32 of 2004 concerning Regional Government, the system of Regional Head Elections changed to being directly elected. This provision is contained in Article 24 paragraph (5) of Law Number 32 of 2004 concerning Regional Government which reads:

The regional head and deputy regional head as referred to in paragraphs (2) and (3) are elected in one pair directly by the people in the area concerned. This year's regional head election is very different from the previous regional elections, because this is the first time regional head elections have been held in the midst of the Covid-19 pandemic. With regard to the Simultaneous Pilkada in 2020 which also coincided with the occurrence of the Covid-19 Pandemic, the Government swiftly and appropriately also thought about and anticipated that this Pilkada must still be held, this Pilkada was also previously postponed, where previously this Pilkada was planned on 23 September 2020 had to be postponed to December 9, 2020. In accordance with a joint decision between the KPU, Bawaslu, the Government and the DPR, The implementation of this simultaneous Regional Head Election will be held in 2020, making the time to prepare and carry out elections with the Covid-19 health protocol very close in time, and it is feared that the quality of the elections and voter representation will not be optimal, coupled with the increasing number of patients affected or infected by the Covid-19 virus, this will certainly increase concerns in the implementation of the Pilkada, because this virus can attack anyone, with the Covid-19 pandemic being less than optimal and it is feared that it will limit the performance of the Pilkada Implementers which can also have an impact on the the election itself. The potential for election fraud during the pandemic is very large, why is that? The incumbent/Incumbent is the party who greatly benefits, because it is suspected of having the potential to easily commit fraud. One of these concerns is manipulating the budget related to the handling of the COVID-19 pandemic at the time of the election to the regions later, and he is also worried about fraud, namely using the APBD budget or other State budgets for campaigns or things that can harm the State, of course.

The crisis conditions in the midst of this pandemic can indeed create a gap for unscrupulous supporters of regional head candidates to kill democracy with bribes. In addition to giving money and basic necessities, the regional head candidate's success team can also create a black campaign. For example, blowing the issue that the family of a rival has been affected by Covid-19, the effect is that the public will feel afraid of the candidate for the regional head who is affected by the slander and then choose another, thus the candidate who cheats will win. The issue of Corona/Covid-19 is indeed terrible and can be used as a weapon to bring down rivals or, to be more precise, bring down one candidate pair with another. This kind of betrayal of democracy, which is feared by many parties including President Joko Widodo, was brought up by him in a limited meeting at the Merdeka Palace. The election during the Covid-19 pandemic is also feared by the declining interest of voters from the community, and this is clearly contrary to the purpose of the election itself because in the implementation of this election, apart from looking for a leader for the community, votes and community participation are needed in the election itself. If the Pilkada is held in the midst of the COVID-19 pandemic, it is likely that the public/election will be reluctant to come to the polling station because of concerns about the Covid-19 virus itself, and fear of fraud in the calculation or vote acquisition. Due to the many concerns of the community which resulted in voters lacking interest in coming to the election venue.

With all the considerations described above, it makes us think that the stages of implementing the simultaneous provincial and city/district elections in 2020 in order to continue to take place/carry out in a democratic and quality manner and to maintain political stability in the country, but must be in accordance with the applicable health protocols. This can be seen from the ongoing situation, where Covid-19 cases continue to increase, the number of sufferers and deaths due to this pandemic continues to grow, but this does not dampen the interest of the voters to continue to participate and help make this Pilkada a success. Covid-19 estimates that do not stop or improve so that it can hamper the running of the government if the Regional Head Election is not immediately held. It's getting closer and closer to the time for the regional head election itself, so the postponement of the election schedule is very small, even though there are still policies and the possibility can be pushed back, but if you consider the possibility and the election time that continues to be close, it is better for this election to be held as soon as possible, because at this time of the pandemic, which is increasingly worrying, he is afraid that it will disrupt the Stability of the Government, if it is postponed again, it will certainly disrupt the democratic process of this nation. Recently, a Working Meeting and Hearing Meeting was held between Commission II of the DPR RI and the Minister of Home Affairs, the Chair of the RI KPU, the Chair of the RI Bawaslu and the Chair of the DKPP RI, at the Parliament Building, Senayan, Jakarta.

The policy to continue holding regional head elections on December 9, 2020 has also been expressed by the Chairman of Commission II of the DPR RI Ahmad Doli Kurnia Tandjung in the conclusion of the Working Meeting and Hearing Meeting. Seeing that the situation that has been and is currently ongoing is still as planned and the current situation still under control, the Indonesian House of Representatives Commission II together with the Minister of Home Affairs, the Chair of the RI KPU, the Chair of the RI Bawaslu and the Chair of the DKPP RI agreed that the 2020 Simultaneous Pilkada will still be held on December 9, 2020 with enforcement of discipline and legal sanctions for violations of the Covid-19 health protocol. Our advice is to avoid a lot of cheating and losses during the pandemic, and also for the sake of government stability, it is better to hold elections in accordance with the applicable Health protocols, community participation is also needed in the success of this simultaneous Pilkada. The government has also emphasized that people must use masks everywhere, it is also expected that hand sanitizers and disinfectants will be provided in certain rooms, the government itself is expected to provide more TPS and add facilities to protect the community from Covid-19, for example the things above to be more effective in the implementation time and also to maintain distance, as well as to expand the area where the voting is carried out, so that the people themselves are not close to each other. However, the effect is that the government must prepare a larger budget, because this year's 2020 regional elections are different from the previous regional elections. According to the provisions of the law, the number of TPS voters is up to 800 voters, if we reduce it by half to 400 per TPS, the consequence is that the number of TPS will increase.

And the consequence will be an additional budget for logistics and other matters related to this Simultaneous Pilkada. Positive Impacts and Negative Impacts Continuing to hold the 2020 Simultaneous Regional Head Elections in the midst of the COVID-19 pandemic General elections / elections are a logical consequence of a democratic country, and democracy is a safe way to maintain control over the rule of law³. Article 1 paragraph (2) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia explain that Indonesia is a democratic legal state. Democratic means sovereignty is in the hands of the people and implemented according to the Constitution. Democracy, the rule of law, and the welfare state are the philosophical basis for holding elections⁴. According to Satjipto Rahardjo, a democratic election is an institution that reproduces a new social contract between the people and the government leaders⁵. Meanwhile, according to Jimly Asshiddiqie, the election is not only a manifestation of democracy and human rights. also aims to fill and carry out the succession of leadership in an orderly manner⁶. In carrying out democratic general elections, it can be carried out directly or indirectly⁷. In 2020, Indonesia will indeed carry out a democratic party, namely with simultaneous regional head elections. Simultaneous Regional Head Election means that regional head elections are carried out directly by residents of the local administrative area who meet the requirements, which are carried out simultaneously in regions in Indonesia.

Elections for regional heads are conducted simultaneously with their deputy regional heads, which include the Governor and Deputy Governor for the province, the Regent and Deputy Regent for the regency, and the Mayor and Deputy Mayor for the city. There are 270 regions in Indonesia that will hold the 2020 Pilkada. This 2020 simultaneous regional election is the fourth batch of simultaneous regional elections conducted for regional heads as a result of the December 2015 elections. There are 270 regions that hold simultaneous regional elections in 2020, the details are 9 provinces, 224 regencies, and 37 cities. The 2020 Simultaneous Pilkada should have been followed by 269 regions, but became 270 because the Makassar City Pilkada was repeated.⁸ In the midst of the current COVID-19 pandemic and the 2020 simultaneous regional elections, which were originally held on 23 September 2020 and were postponed to In December 2020, the state should be able to respond to the situation which is manifested in the form of laws and regulations as a guarantee of the constitutionality of postponing the 2020 Pilkada. The regulation must be able to act to protect the people and ensure welfare in accordance with the state goals stated in the Preamble to the 1945 Constitution of the Republic of Indonesia. Continuing to hold the 2020 Simultaneous Regional Head Elections in the midst of the COVID-19 pandemic with the applicable rules, of course, has positive and negative impacts. The positive impacts include: a. The mandate of the regulations in force will continue to be implemented.

The holding of the Simultaneous Pilkada in 2020 means that the implementation of the mandate contained in Law Number 10 of 2016 Article 201 paragraph 6 can be carried out, which reads "The simultaneous voting of the Governor and Deputy Governor, Regent and Deputy Regent, and the Mayor and Deputy Mayor of the 2015 election results held in September 2020"⁹. because the role and position of regional heads is really needed to synergize and collaborate with the central government to accelerate the handling of COVID-19 and accelerate the post-COVID-19 recovery process. b. The constitutional rights of the Pilkada participants and the community are still fulfilled. One of the implementations of popular sovereignty is the holding of general elections. Considering that in 2020 Indonesia will hold simultaneous regional elections, this simultaneous regional election must continue to be carried out even though it is in the midst of the COVID-19 pandemic outbreak, but of course also continues to apply Health protocols. This simultaneous local election is one of the means of channeling the very principal human rights of citizens, Therefore, in the context of implementing the human rights of citizens, the government should guarantee the implementation of simultaneous regional elections in 2020, moreover, the government should also ensure that the simultaneous regional elections should not be delayed any longer. Matters related to the holding of elections contained in the 1945 Constitution of the Republic of Indonesia, is one of the foundations of all forms of the Indonesian constitution. Because, political momentum such as local elections is an implementation of the constitutional rights of all citizens. Both they are candidates for election participants and anyone who wants to channel their political rights to vote and be elected. c.

Reducing the practice of local government leadership that is too much led by temporary officials. The authority possessed by interim officials or task executors (Plt) is very limited. This does not allow them to take strategic policies. This means that temporary officials cannot have the authority to make rules, which is very important to enforce rules that can solve problems during this COVID-19 pandemic and are also considered less effective because the authority possessed by interim officials is very limited, so it will slow down performance. Regional heads and deputy regional heads are not just symbols of government, but governors, mayors or regents have more powerful authority, for example in the field of bureaucratic organizational management, Human resources or staffing as well as the matter of budget allocation to realize his campaign promises to the people who have voted for him. d. Preventing Budget Swelling Another impact that needs to be reconsidered if the implementation of the 2020 Pilkada is postponed is cost overruns. The swelling costs in question are both from the government and from pairs of candidates for regional heads who have spent a lot of operational costs in carrying out socialization and other preparations for the purposes of the elections. The budget that has been disbursed in 2020 will be wasted because it passes the fiscal year. This positive impact will be realized if the implementation of the 2020 simultaneous regional elections is carried out while still implementing strict and good health protocols. Apart from the positive impact, the holding of the Pilkada also creates concerns so that there is the potential for negative impacts, including: a.

The risk of COVID-19 transmission is getting higher. It is undeniable that the Pilkada continues to hold the potential to create mass crowds, where the potential for transmission is very high. Elections during a pandemic have big risks. As reflected on the first day of registration of candidate pairs on September 4, many candidate pairs in various areas provoked crowds by convoys, most of which did not pay attention to the Covid-19 Health protocol. What's more, now a number of prospective candidates are also infected with the Corona virus. This is certainly very disturbing, especially when the election is approaching. It is feared that the surge in Covid-19 cases could create a crisis that is increasingly troubling all people. This certainly has the potential to create large clusters, especially in areas that were previously still categorized as green zones, it could be that holding elections could potentially make the area a red zone if everyone does not have the awareness to continue implementing the Covid-19 Health protocol. b. The potential for fraudulent practices that are increasingly vulnerable. With the 2020 regional elections held, of course, there will be concerns about the potential for fraudulent practices. For example, there is the potential for money politics that is increasingly rampant in the midst of a pandemic. The weakening economy has impacted many residents who have difficulty making ends meet.

It is feared that voters will choose candidates for regional heads without considering good quality, just because they are lured by money, which is even a small amount. In addition, potential violations on the day of the simultaneous regional elections in 2020 could potentially occur at three stages of the regional elections, namely at the stages of collection, counting and recapitulation. Especially at the recapitulation stage, which is the opening of ballot boxes outside the provisions, voting in the midst of this covid pandemic uses new things in terms of the use of technology and it is feared that there will be misuse in the use of the technology. c. The rejection of the Pilkada has the potential to increase the number of abstentions. The government's decision regarding the implementation of the Pilkada has received protests from several people. It is feared that the simultaneous regional elections in 2020 are predicted to have the potential to create people who do not use their voting rights wisely or commonly referred to as Golput (White Group) for reasons of health and safety of citizens. Becoming abstainer may be the most rational choice considering that public health and safety are being threatened in the midst of the very unsettling COVID-19 outbreak situation. The thing that is feared is that if the government continues to implement its policy of holding simultaneous regional elections, there is a risk that public confidence in the state will decline.

Even so, the COVID-19 pandemic has had a significant impact on several important things at stake in the political agenda of the 2020 Election. At the beginning of this year, just before the outbreak of the virus, it appeared that the election would be dominated by 'conventional' issues, such as economic growth, recent electoral reforms and its relationship with the People's Republic of Korea. When COVID-19 hit, and after seeing the government's slow initial reaction, handling the pandemic emerged as important and in a short time became a decisive election issue.

III. CONCLUSION

Based on this discussion, it can be concluded that the holding of the 2020 Simultaneous Regional Head Elections in the midst of the COVID-19 pandemic has both positive and negative impacts. The positive impacts include the implementation of the mandate of the applicable regulations, the fulfillment of the constitutional rights of the Pilkada participants and the community, reducing the practice of local government leadership which is led by too many temporary officials, and preventing budget swelling. While the negative impacts include the higher risk of COVID-19 transmission, the potential for fraudulent practices that are increasingly vulnerable, the refusal of the Regional Head Elections has the potential to increase the number of abstentions. Efforts so that the 2020 simultaneous regional elections can be carried out properly include increasing supervision of health protocols, maintaining integrity in the implementation of regional elections,

IV. SUGGESTION

All elements in order to continue to improve the supervision of health protocols, continue to uphold integrity in the implementation of regional elections and there must be a commitment to both Pilkada participants and implementers. Pilkada plans should not ignore public health and safety, which are much more important. It is impossible to risk people's health and safety in the name of democracy. Democracy itself is actually for the good and welfare of society. Democracy means government of the people, by the people, and for the people. That is, any policy whatsoever is for the good and benefit of society. The implementation of democracy is important, but the health and safety of the people is also important. The Indonesian Election Supervisory Body has intensively reminded the health protocols for preventing COVID-19 in the 2020 Pilkada. If there are parties involved in the elections and then do not comply with the health protocols, they are ready to receive warnings and sanctions.

REFERENCES

- [1] General Election Commission Regulation, Number 6 of 2020 concerning the Implementation of Elections for Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors Simultaneously Continued in Conditions of Corona Virus Disease 2019 (Covid-19) Non-Natural Disasters.
- [2] Decision of the General Election Commission of Wonosobo Regency, Number 368/PP.09.2-Kpt/3307/KPU-Kab/VIII/2020 concerning Technical Guidelines for the Election of Regents and Deputy Regents of Wonosobo in 2020.
- [3] Asshiddiqie, Jimly, 2014, Introduction to Constitutional Law, Edition 1, Printing 6, Jakarta, Rajawali Pers.
- [4] Dahl, Robert A., 1971, Polyarchy: Opposition and Participation, Yale University Press, New Haven and London.
- [5] W. Mas'udi & Winanti, P. S., 2020, From the Health Crisis to the Governance Crisis. In W. Governance for Handling COVID-19 in Indonesia Preliminary Study, Yogyakarta, Gadjah Mada University Press.
- [6] Akbar, Idil, 2016, Simultaneous Regional Head Elections and the Stretching of Political Dynamics and Local Government in Indonesia, *Journal of Government Science*, Vol.2. No.1 April 2016
- [7] Budhiati Ida, 2013, "Quo Vadis Procedural Democracy and Elections: A Reflection Theoretical" *Journal of Legal Problems*, Vol. 42, (No. 2).
- [8] Endro, Gunardi, 2017, "Investigating the Meaning of Integrity and Its Opposition to Corruption", Bakrie University, Volume 3, Number 1
- [9] Indriani, Agni, 2016, "Voice of East Java KPU", *Journal of Democracy Inspiration*, November 2016.
- [10] Melfa, W, 2013, "Legal Arrangement Towards Ideal Law in Regional Election Arrangements",
- [11] *Journal of the Master of Law Study Program*, Faculty of Law, Diponegoro University Legal Issues, Vol. 42, (No.2).
- [12] Nugraha, Harry S, 2018, "Ideas of Re-Amendment to the 1945 Constitution of the Republic of Indonesia", *Journal of Lex Renaissance*, Vol. 3, (No. 1) Scientific Oration.
- [13] Hidayat, Arief, 2010, "The State is Not Easy (In a Political Perspective and Law)", In the Inaugural Speech of Professor of Law, Semarang, Faculty of Law, University of Diponegoro, Newspaper: "These are 270 Regions that Hold Simultaneous Elections 2020", Detiknews, Sunday 23 June 2019.