

# **The Strategic Management of The Election Supervisory Body (Bawaslu) at The District and City Levels Aimed to Reduce The Number of Violations During The 2020 Simultaneous Regional Elections, Which Took Place During The Covid-19 Pandemic**

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**Abstract:** *The specifics of holding simultaneous regional elections in 2020 within the COVID-19 epidemic, with all the peculiarities and challenges that come with it, necessitate more research. This study aims to compare Bandung Regency, Tasikmalaya Regency, and Pangandaran Regency in 2020 in terms of their methods of conducting simultaneous regional elections, the extent to which they were supervised and handled, and the frequency with which violations or disputes occurred. In this study, the researcher combines normative and empirical methods, using a case study methodology and a legal analysis of laws. This survey found that people were originally against holding simultaneous regional elections in 2020 due to the epidemic. Voter turnout was greater than in the 2015 regional elections, although this became evident as the election progressed. Another factor that led to a rise in COVID-19 clusters was the 2020 simultaneous regional elections. The systems and working tools used for the regional elections during the pandemic need to be modified, as the KPU continues to use outdated methods while being supervised by the Bawaslu. Consequently, there is still a significant tendency of infractions, which is exacerbated by additional violations that pertain to health procedures. Process and result disputes are still resolved. All three of the study's sample districts sought judicial review of the results, although none of them had the authority to do so under the dispute threshold requirements; instead, they placed a premium on achieving substantive justice.*

**Keywords:** *Pandemic; Regional Elections; Simultaneous*

## **Introduction**

The phases of this year's simultaneous regional elections have been hindered by the emergency health situation and conditions of the COVID-19 pandemic, making them unique among the 270 locations around the nation that held them in 2020. Concurrent regional elections are causing some circles to remain worried about the formation of bigger new clusters as the epidemic continues. The reason being, the voting process is rife with opportunities for the virus to spread due to the large number of individuals and crowds involved. Some portions of the regional elections were postponed because of these factors. The concurrent regional elections that were supposed to take place in September 2020 will instead take place in December 2020.

Several related parties, including the government, the House of Representatives, the General Election Commission (KPU), and the Election Supervisory Body (Bawaslu), reached a consensus that the 2020 simultaneous regional elections would take place on December 9, 2020, while still maintaining stringent health protocols. As of July 6, 2020, the General Election Commission (KPU) Regulation No. 6 of 2020 and the Government Regulation in Lieu of Law (Perppu) No. 2 of 2020 pertaining to the Third Amendment to Law (UU) No. 1 of 2015 pertaining to Perppu No. 1 of 2014 regarding the Election of Governors, Regents, and Mayors came into effect, comprising this joint decision. The COVID-19 pandemic has been deemed a health sector force majeure, or emergency, especially in relation to the 2020 simultaneous regional elections, and this has provided the groundwork for the establishment of the Perpu.

Though many remain concerned and opposed to this policy's adoption, the truth persists. What follows is a conclusion drawn from many surveys (Prabowo, 2020): 1) As an indicator, below are the findings of a poll that was administered to 1,200 participants between July 13 and 16, 2020. By telephone consultation, with a 95% confidence interval and a margin of error of 2.9%. Therefore, 63.1% of people who took the survey were in favor of delaying the 2020 Simultaneous Regional Elections. 2) Charta Politica Survey; however, 54.2% of those polled disagree that regional elections should still be held at the same time in 2020.

People are worried about holding the 2020 regional elections at the same time as the pandemic for a number of reasons, most of which have to do with their health, according to a series of surveys. While health issues certainly play a significant role in the pandemic election battle, studies have shown that economic concerns may even decide the outcome of the race.

There are several facets of Indonesian culture that the COVID-19 epidemic has touched, but the economy is among the most important. According to studies published in the first three months of 2020 by the Central Bureau of Statistics, Indonesia's GDP growth has slowed (Rizal & Wedhaswary, 2020). In comparison to 2019's 5.02% increase, this year's GDP only managed 2.97%. Furthermore, there was a dramatic rise in the unemployment rate. As of April 7, 2020, 39,977 businesses in the formal sector chose to furlough or lay off employees, according to statistics from the Ministry of Manpower (Rizal & Wedhaswary, 2020). The following is a breakdown of the 1,010,579 impacted workers: There were 137,489 layoffs from 22,753 enterprises and 873,090 furloughs from 17,224 companies.

At the same time, 189,452 employees and 34,453 businesses in the informal economy are impacted. The numbers of economic paralysis caused by the epidemic are startling, and they are only going to become worse as time goes on. As a result, the government was compelled to implement a program that offers social support to those impacted by the epidemic. Despite the fact that several internal and external challenges need to be overcome in carrying it out.

Holding elections at the same time as the pandemic scenario makes them more vulnerable to fraud by participants, organizers, and voters, according to researchers. This, in turn, will impair the quality of the elections. The aforementioned degree of danger is likely to materialize more often throughout the election, particularly during the campaign and the relatively calm time preceding the voting and tallying of ballots.

Essentially, electioneering serves as a platform for politicians to educate the voting public about their platforms, objectives, and goals; it is a stage of socialization and political education. At every level of the Indonesian election campaign, the distribution of "election angpao," along with other campaign materials and props, is firmly rooted in the culture. Given the economic stagnation that Indonesian society is presently experiencing, as described in the introduction, the practice of money politics, which is classified as an election crime, is extremely probable to take place.

Given the elevated risk of fraud during the COVID-19 epidemic, the Election Supervisory Body (Bawaslu), a state agency charged with overseeing the conduct of elections, is obligated to exert extra effort. Because the low quality of the election would be greatly affected when Bawaslu's job of preventing or managing election irregularities is not fully executed. With this goal and context in mind, this study sets out to investigate and quantify the efficacy of the COVID-19 pandemic Election Supervisory Body's (Bawaslu) duties and responsibilities in monitoring the 2020 Simultaneous Regional Elections' adherence to two supervisory mechanisms: proactive measures to head off problems before they happen and reactive measures to deal with violations that do occur.

The core principles that distinguish or possess distinctive traits in the execution of general elections are the subject of this research. This uniqueness is explained by two points: First, the simultaneous regional elections in 2020, which took place during a health emergency, were a struggle for human rights. On one hand, there was the interest in protecting people from the COVID-19 pandemic. On the other hand, citizens had the right to vote and be elected, as it is a state-guaranteed right. The heated and protracted dispute between these two points of view delayed the 2020 simultaneous regional elections. Second, all regions saw increases in voter turnout for the 2020 simultaneous regional elections, according to the researcher's preliminary data. Voter turnout will be lower than prior elections, according to the notion of a health emergency. This reality contradicts this argument. Third, the media paid little attention to the spread of COVID-19 following 2020's concurrent regional elections. The local elections took place at the same time that the COVID-19 pandemic was sweeping through Indonesia, and because democracy relies on big public gatherings—which might lead to the formation of new clusters—it is quite likely that this happened.

In light of the above, the researcher is keen to learn more about the specifics of holding simultaneous regional elections in 2020 within the COVID-19 epidemic, a topic with its own set of

challenges that calls for more investigation. This study aims to compare Bandung Regency, Tasikmalaya Regency, and Pangandaran Regency in 2020 in terms of their methods of conducting simultaneous regional elections, the extent to which they were supervised and handled, and the frequency with which violations or disputes occurred.

### **Methods**

A case study approach and a legislative analysis are utilized in this work. Taking into account phenomena, context, and time, case study research delves into or investigates an issue pertaining to an individual, group, institution, social movement, or event. In terms of time, this indicates that the issue or occurrence is momentary; it might not persist in the future. Consequently, the relevance of this case study research to the here and now is high. The researchers also consulted relevant legal literature or conducted a literature review to back up their claims.

Normative legal research necessitates a literature review, which entails reading and analyzing published legal materials from a variety of sources. Legal documents that are not available to the general public but may be known to certain individuals or organizations are the focus of document analysis. Archival studies, on the other hand, are concerned with the study of documents documenting previous events (including legal actions) that are preserved for reference and have historical importance (Muhammad, 2004).

Researchers adopt a mixed-methods strategy based on normative and empirical principles. Consequently, a wide variety of research methods are employed to get all-encompassing and thorough study outcomes. Case study methodology, legal literature review, and other methods that are appropriate for the research's execution are among the potential approaches to this study. A research method that combines normative and empirical approaches was used to conduct the investigation. In particular, evidence gathering that does not rely just on reviews of relevant literature, analyses of books on the subject and its derivatives, or examinations of how various legal viewpoints pertain to the subject under investigation. However, in this case, the researcher requires public testing and direct data collection (field research) from relevant parties, such as Bawaslu, KPU, election participants, voters, and several other parties deemed competent. The researcher will first collect the facts and data that will make up the research results. Then, using the two methodologies utilized in this study, they will sort the data and uncover the common thread. After that, they will process and analyze the data more thoroughly.

### **Results and Discussion**

#### **Implementation Decision**

The purpose of collecting data on implementation decisions is to measure the public's willingness to support regional elections during the pandemic, which is particularly important in relation to people's sovereignty and the trade-off with public safety. Based on this, the following data was obtained:

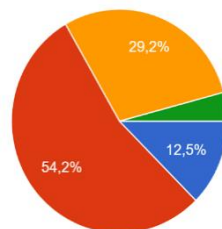


Diagram 1. Decision on the Implementation of Regional Head Elections

Description:

Strongly Agree (Blue): 12.5%

Agree (Red): 54.2%

Disagree (Orange): 29.2%

Strongly Disagree (Green): 12.5%

The data above shows that the majority of respondents regarding the decision to hold local elections during the pandemic chose to agree, with a percentage of 54.2. This choice was followed by the option of disagreeing, with 29.2%, and the option of strongly agreeing, which ranked third with 12.5%. The remaining respondents stated that they disagreed.

Analysis of the options provided by respondents tends to induce a sense of dilemma, which can be seen from the high number of "agree" and "disagree" responses from the respondents. Researchers view this as a form of uncertainty because two equally important interests are at stake: popular sovereignty and public safety. The implementation of regional elections as a relay of leadership or leadership regeneration in the regions is crucial, but there are other interests at stake, namely the safety of the people involved in the regional election process amidst the threat of the Covid-19 virus. This means that the implementation scheme for simultaneous regional elections during the pandemic needs to consider relevant formulations, with the aim that both interests can be accommodated without any concerns when having to choose between them.

### Impact of the Covid-19 Pandemic

The COVID-19 epidemic has far-reaching consequences in many domains, including but not limited to the economy, society, culture, politics, and so on, as mentioned before. Since members of the community play a significant role as voters, community life has a direct bearing on the pace of the regional elections. Thus, it will unavoidably affect the local election procedure in a major way. Regarding the specifics, they are listed below:

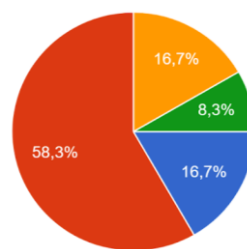


Diagram 2. Impact of the Pandemic on Local Elections

Description:

Strongly Agree (Blue): 16.7%

Agree (Red): 58.3%

Disagree (Orange): 16.7%

Strongly Disagree (Green): 8.3%

The results show that 58.3% of people who took the survey agreed, followed by 16.7% who said they somewhat or strongly agreed, and 8.3% who said they disagreed. When asked how the epidemic affected the holding of regional elections, the most common answer was that it did. The relevant factors stem from the interdependencies between communal life and the election of the regional leader. Among the many things impacted by the epidemic, the economy was among the most hit. The underlying premise is that when people's economic situations are solid and stable, it may show in their local elections. On the other hand, economic hardship and uncertainty undermine the integrity of municipal elections. This is due to the fact that local election fraud, such as money politics, is more likely to occur when people are economically struggling.

In the course of regional elections, many different kinds of claims of violations—including those involving administrative codes, ethical codes, criminal codes, and others—are likely to surface. Selling one's influence or the electorate falling under this category is also included. This is because the concepts of "majority" and "minority" have been central to the election indicators up until now. No doubt, the candidates and their campaign staffs will use all sorts of strategies to get the greatest possible number of votes and claim victory in the election. One of the several possible readings of these endeavors is as a form of money politics.

Some individuals think that the "reckless" momentum shown by candidates in an election is the same as the aim of the election because of the basic dilemma of money politics. This is a common occurrence from election to election, regardless of the community's economic state. When an election takes place amid a pandemic, money plays a significant role. Considering the community's economic situation during the 2020 simultaneous regional elections, which were greatly impacted by the pandemic, it is logical to expect it to be more frequent than other periods. Although there is a potential for fraud in the execution of regional head elections due to monetary politics, there are several other forms of election fraud that are common.

Given that the pandemic with a high rate of COVID-19 spread resumed in 2020 and that simultaneous regional elections were decided upon, it is imperative that the KPU and Bawaslu, in their roles as supervisors and organizers of the elections, adhere to all state decisions. This will ensure that officials are prepared to conduct the elections regardless of the circumstances (Interviews with the Chair and Members of the Bandung Regency, Tasikmalaya Regency, and Pangandaran Regency KPU/Bawaslu, n.d.).

### **Increase in Covid-19 Clusters**

At every point, the election process—from campaigning to voting to the counting of votes—is comparable to other events that draw huge crowds. At the same time, the transmission of the COVID-19 virus is reaching a crescendo, which will coincide with the simultaneous regional elections in 2020. Since then, the government's COVID-19 task group has been keeping a careful eye on the virus's spread. The government also instituted policies like the Community Activity Restrictions Enforcement program to limit public meetings and events that draw big audiences in an effort to contain the infection. PPKM gave way to PSBB and other programs, such as Large-Scale Social Restrictions.

On the other hand, in order to keep the leadership succession in the regions intact and to exercise popular sovereignty, the previously postponed 2020 simultaneous regional elections were held again. Thus, it was deemed essential to ascertain the degree of COVID-19 cluster growth in regions that hosted 2020 democratic elections, such as Pangandaran Regency, Bandung Regency, and Tasikmalaya Regency. We categorize the data every two weeks using the pre-election, election implementation, and post-election phases. The following is the information:

Status	27/05/20	25/11/20	09/12/20	23/12/20
Active	41	533	580	567
Healed	20	1.310	2.033	2.775
Deceased	5	24	25	25
Confirmed	66	1.867	2.638	3.367

Table 1. Bandung Regency Covid-19 Cluster

From Phase 1 of the Regional Head Election onwards, the number of confirmed cases of COVID-19 in Bandung Regency grew from 66 to 1,801. Furthermore, there was a documented increase of 771 instances during the second phase of the Regional Head Election, which is two weeks into the voting and counting process. Lastly, the number of confirmed cases reached 3,367 in the two weeks after the Regional Head Election, an increase of 729 cases from the initial count.

Status	27/05/20	25/11/20	09/12/20	23/12/20
Active	1	265	2	0
Healed	0	131	397	399
Deceased	0	3	3	3
Confirmed	1	399	402	402

Table 2. Covid-19 Cluster in Tasikmalaya Regency

There was an uptick in the number of confirmed cases of COVID-19 in Tasikmalaya Regency, from 1 at the beginning to 398 in the second round of the Regional Head Election. Additionally, there was an uptick with three verified instances during the second phase of the Regional Head

Election, which is two weeks into the voting and counting process. Lastly, the number of confirmed cases stayed at 402 in the two weeks after the regional head election.

Status	27/05/20	25/11/20	09/12/20	23/12/20
Active	3	35	3	1
Healed	0	101	136	139
Deceased	0	1	1	1
Confirmed	3	137	140	141

Table 3. Pangandaran Regency Covid-19 Cluster

Covid-19 cluster development in Pangandaran district, meanwhile, is trending upwards as we go through the stages. A total of 144 candidates were nominated, up from a starting point of just 3, in the second round of the Regional Head Election (Pilkada), which verified 137 instances. In addition, there was a verified rise of 140 cases, or an increment of 3, in the second phase of the Pilkada, which marks two weeks into the voting and counting procedure. The number of confirmed cases continued to rise in the two weeks after the Pilkada, reaching 141 in the end.

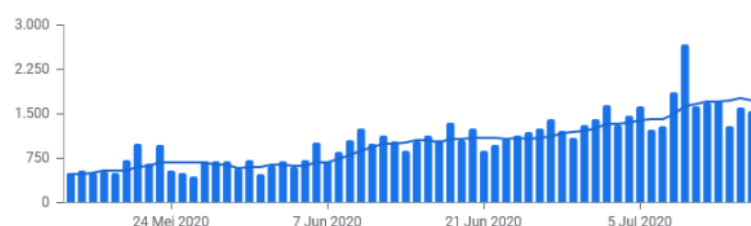
### Raising High-Quality and Quantitative Voter Turnout

One common way to measure how well elections work is by looking at how many people cast ballots. There are two parts to voter involvement, and they are:

- Quantity:** This measure indicates that voters participate in elections either subconsciously or just to satisfy the habit of voting. Voting is an impulsive process that fails to take into account the importance of values like knowing the qualifications of candidates, comprehending their goals and objectives, and weighing the pros and cons of each option. Measuring this level of involvement is typically as simple as determining the percentage of eligible voters who actually cast a ballot and comparing it to the rate from the previous election.
- Quality,** which goes beyond simple numerical representation in elections and has more profound implications. In this kind of high-quality community engagement in elections, the attention is not only on the amount of votes cast but also on the level of knowledge and comprehension among voters as to why they are obligated to cast a ballot. Voters are sure to assess the candidates' leadership qualities, learn about their platforms' goals and objectives, and weigh the pros and cons of each candidate before making a final decision when they take part in this kind of engagement. A comprehensive and detailed investigation is necessary to ascertain the voter turnout rate for this kind, as it is not a simple task.

Given the high stakes involved, the public was understandably concerned about the COVID-19 outbreak's impact on the 2020 simultaneous regional elections. The following graph shows that the COVID-19 case spread was quite high at that time, exceeding 1000 cases per day:

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Graphic 1. COVID-19 Cases in Indonesia, May - July 2020

With the COVID-19 pandemic spreading at such a rapid pace, the fears of those who are against conducting regional elections in 2020 are understandably well-founded. There were 3,512 confirmed cases, 282 confirmed recoveries, and 306 confirmed deaths in Indonesia as of April 10, 2020, for a mortality rate of 9.1%. The huge death toll makes this an alarming time for Indonesian national security, outweighing the potential benefit of delaying the concurrent regional elections.

Low voter turnout in the parallel regional elections added to the pessimism, given the circumstances. It is somewhat remarkable, nonetheless, that voter turnout in the 2020 regional elections was higher in every region than in the 2015 regional elections, according to statistics acquired from the General Election Commission (KPU). Turnout in the 2020 national election was 7.03% higher than in 2015, when it was 69.06%. At the regional level in West Java, voter turnout was 7.25 percent higher than in the 2015 elections.

Furthermore, in 2020, there were simultaneous regional elections across West Java, and voter turnout was higher than in previous non-pandemic regional elections. The following is the information (Lestari & Muttaqien, 2020):

No	Counties/Cities Holding Elections	2015 Election Data	2020 Election Participation Target (%)	2020 Election Participation Data	Explanation (Gap compared to 2015)
1	Bandung Regency	62,90%	77,50%	72,18%	9,28%
2	Cianjur Regency	56,62%	77,50%	67,24%	10,62%
3	Depok City	56,10%	77,50%	62,80%	6,65%
4	Indramayu Regency	58,95%	77,50%	66,19%	7,24%
5	Karawang Regency	66,40%	77,50%	70,03%	3,63%
6	Pangandaran Regency	77,94%	77,50%	83,88%	5,94%
7	Sukabumi Regency	58,92%	77,50%	60,51%	1,59%
8	Tasikmalaya Regency	62,25%	77,50%	73,17%	13,04%
	Average	62,25%	77,50%	69,50%	7,25%

Table 4.Voter Turnout in Local Elections

Based on the table, it can be seen that voter turnout in the 2020 simultaneous regional elections increased alongside the rise of the COVID-19 pandemic in every region of West Java that held elections, compared to voter turnout in the 2015 regional elections.

Voter participation in terms of quantity can be easily determined from the table above, which shows that Tasikmalaya Regency is one of the areas in West Java that held local elections in 2020. It experienced the highest increase in voter participation with a growth rate of 13.04%, reaching 73.17% of voters, a difference of -4.33% from the target voter participation rate of 77.50%. The Tasikmalaya Regency KPU has a special strategy for increasing voter participation in the 2020 Simultaneous Local Elections. These efforts include (Results of Interviews with the Chairman and Members of the Tasikmalaya Regency KPU, n.d.): Promoting the socialization of the local election process thru existing community studies, such as Majelis Taklim; conducting socialization from pesantren to pesantren and other educational facilities; and forming socialization groups to help convey information about the local elections to the wider community.

Furthermore, voter turnout in Bandung Regency showed an increase of 9.2%, reaching 72.18% compared to the voter turnout in 2015, which was only 62.90%, or a difference of -5.32% from the target voter turnout. This voter participation achievement has only been measured in terms of quantity, while a deeper study is needed to understand it qualitatively. Nevertheless, the overall quality of voter participation in the 2020 simultaneous regional elections is considered better than in previous regional elections, one indicator being the more organized and tested voter list, although the number is smaller compared to the 2015 regional election voter list (Results of Interviews with the Chairman and Members of the Bandung Regency KPU, n.d.).

Meanwhile, Pangandaran Regency is the only area in West Java that held simultaneous regional elections in 2020, and it managed to exceed the voter participation target by 6.38%, reaching a participation rate of 83.88%. Compared to the 2015 regional elections, Pangandaran Regency saw an increase of 5.94% from the 2015 regional elections, which only achieved a participation rate of 77.94%. The success in increasing voter participation in the 2020 simultaneous regional elections is inseparable from the synergy built between the KPU and other elements or parties; without this, it would be very unlikely for voter participation to increase and be better than in the 2015 regional elections (Results of Interviews with the Chairman and Members of the Pangandaran Regency KPU, n.d.).

To determine the voter participation rate based on quality type, it can be measured at least by the ratio of the number of voters who exercised their right to vote among transfer and additional voter types. KPU Regulation Number 8 of 2020, which amends KPU Regulation Number 8 of 2018 concerning the Collection and Counting of Votes for the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors, defines the additional voter list, or DPTb for short, as a list of voters who are not registered as voters in the DPT but meet the requirements to exercise their right to vote on the day and date of the election. Meanwhile, the List of Transferred Voters, hereinafter abbreviated as DPPh, is a list containing voters who are already registered in the DPT but exercise their right to vote at another polling station.

From this explanation, it can be understood that for voter lists included in the DPTb or DPPh categories, at least the following factors will apply:

- Not recorded, meaning voters who are not listed in the permanent voter list (DPT) at their polling place, but meet the requirements to be voters as determined by law;
- Initiative, meaning voters who are aware of exercising their right to vote and be elected as part of human rights guaranty by the state to its citizens;
- Urgency, meaning intelligent voters who understand the importance of fulfilling a citizen's right to vote and be elected in an election as part of realizing people's sovereignty for the future of the country or region.

From these indicators, at least we can derive values regarding the quality of voters in their participation, which is based on the awareness of the voting public itself. Voter participation in the additional voter list (DPTb) category was highest in Bandung Regency during the 2020 simultaneous regional elections, with 5,870 voters and a difference of 0, indicating complete use of voting rights for the same voter category. Tasikmalaya Regency was in second place with 583 DPTb voters and a difference of 0, also indicating complete use of voting rights for the same voter category. Pangandaran Regency was in last place with 1,678 DPTb voters and a difference of 97 people who did not use their voting rights in the same voter category. Furthermore, voter participation in the transferred voter list (DPPh) category was highest in Bandung Regency during the 2020 simultaneous regional elections, with 1,098 voters and a difference of 77 people who did not use their voting rights in the same voter category (Recapitulation of Votes for the 2020 Simultaneous Regional Elections at the Bandung District KPU, 2020).

Regarding the comparison of DPTb and DPPh, Tasikmalaya Regency was in second place with 660 DPPh voters and a difference of 13 people who did not exercise their right to vote within the same voter category (Recapitulation of Votes from the 2020 Simultaneous Local Elections at the Tasikmalaya District KPU, 2020). Meanwhile, Pangandaran Regency was in last place with 576 DPPh voters and a difference of 98 people who did not exercise their right to vote within the same voter category (Recapitulation of Votes Data for the 2020 Simultaneous Regional Elections at the Pangandaran District KPU, 2020). More details can be found in the following table:

District	DPTb			DPPh		
	Voters	User	Difference	Voters	User	Difference
Bandung	5.870	5.870	0	1.098	1.021	77
Tasikmalaya	5.863	5.863	0	673	660	13
Pangandaran	1.678	1.581	97	674	576	98

Table 5. DPTb dan DPPh



### Effectiveness of Handling Election Violations

Get information on handling violations that occurred during an election from the District/City Bawaslu's supervision in two places: Reports and Findings. To begin, the report is a suspected infraction that has been gathered through public or non-election supervisory party reports that fulfill the report's formal and substantive criteria, as required by law, and more especially the Bawaslu Regulation on Handling Election Violations.

The reporting party must meet certain formal requirements, such as being entitled to report, not exceeding the reporting time limit, and the Alleged Violation Report being valid. This includes making sure the signature on the form matches the one on the identity card and that the date and time of the report are accurate.

At the same time, the reporter's identification, the reported's name and address, the incident's time and location, any witnesses who may have knowledge of the occurrence, and any proof that is known or may be collected are all considered substantial criteria.

Second, during an election, the supervisors allegedly found infractions, which are the findings. Following the stages and completing the forms specified in the Bawaslu Regulations is the standard approach for dealing with infractions stemming from findings. Bandung, Tasikmalaya, and Pangandaran Regency Bawaslu's statistics on violation handling for the 2020 simultaneous regional elections are as follows:

District	Alleged Violation		Administration	Code of Ethics	Criminal Law	Other Laws	Registration
	Yes	Not					
Bandung	51	2	1	7	13	30	53
Tasikmalaya	12	5	3	2	5	7	17
Pangandaran	21	32	11	1	1	9	53

Table 6. Violation Trend

The most frequent type of violation in Bandung Regency is other legal violations, accounting for 56% of the total alleged violations registered, with the violation being ASN neutrality in elections. This was followed by criminal offenses, which accounted for 24.5% of the total alleged violations registered. Of these, 10 violations did not meet the criteria and 3 were at the investigation stage. Furthermore, violations of the Code of Ethics accounted for 13.2% and administrative violations for 1.8% of the total alleged violations registered. The implementation of the supervision and violation handling functions by the Bandung Regency Bawaslu during the 2020 simultaneous regional elections was as maximal as possible. In addition, during the process of handling process disputes and result disputes, as the relevant party, the Bandung Regency Bawaslu provided information and the Constitutional Court ruled on it, which is legally binding (Results of Interviews with the Chairman and Members of the Bandung Regency BAWaslu, n.d.).

Handling violations in Tasikmalaya Regency: the most frequent type of violation is other legal violations, accounting for 41% of the total alleged violations registered, with ASN neutrality cases being the most prevalent. This is followed by criminal violations, which account for 29.4% of the total alleged violations registered, with 4 cases stopped at the SG stage and 1 case entering the investigation stage (*Results of Interviews with the Chairman and Members of the Tasikmalaya Regency Bawaslu*, n.d.).

Furthermore, administrative violations accounted for 17.4% and ethical code violations for 11.7% of the total alleged violations registered. The Tasikmalaya District Bawaslu has maximized its supervisory and violation handling functions during the 2020 simultaneous regional elections. Similarly, regarding the process of handling election result disputes as a related party, the Tasikmalaya District Bawaslu has also provided information and the Constitutional Court has made a legally binding decision (Interview Results with the Chairman and Members of the Pangandaran District Election Supervisory Agency).

Meanwhile, in Pangandaran Regency, the most frequent type of violation is administrative violations, accounting for 20.7% of the total alleged violations registered. This is followed by other legal violations, which make up 16.9% of the total alleged violations registered, dominated by

cases of ASN and village head neutrality. Next, there are 1.8% ethical code violations and 1.8% criminal violations out of the total alleged violations registered. Similarly, the Pangandaran District Election Supervisory Agency (Bawaslu) has filed an exception as an interested party in the election results dispute lawsuit hearing at the Constitutional Court, which was declared legally valid.

Based on the violation handling data as stated above, there are several interesting facts that caught the attention of the researchers. These facts include: First, the policy of the incumbent; the core issues that are the subject of the report are dominated by problems arising from policies or actions taken by candidate pairs who are incumbents, such as the case of the Bupati's instruction on accelerating the waqf land certification program issued by the Bupati of Tasikmalaya as Candidate number 2, and the policy of distributing BPJS cards and social assistance carried out by the Bupati of Pangandaran as Candidate number 1; and Second, the neutrality of ASN and Village Heads; the alleged violations related to the involvement of ASN and Village Heads in elections that include incumbent candidate pairs are very high. This happens because of the high stakes involved in career gambles within the political vortex during every regional head election, especially if the candidate pairs competing in the election are incumbents who still hold regional head positions.

### Election Process Disputes

When it came to the 2020 simultaneous regional elections, which Bawaslu oversaw, it seemed like two powerful competing factions or candidate pairs were responsible for most process disagreements, whether they were between voters or between voters and election organizers. For instance, in Bandung Regency, the first candidate pair is the incumbent's wife, and the second candidate pair is the third. Similarly, in Tasikmalaya Regency, the second candidate pair is the incumbent, and the third candidate pair is the fourth. Last but not least, there were just two sets of candidates for Pangandaran Regency, and both sets were incumbents.

### Election Result Disputes

Results According to Article 158 of Law No. 10 of 2016, the following particular requirements pertain to districts/cities when discussing the threshold provisions: If the following formula is satisfied, a challenge to the election results can be brought:

$$\frac{\text{The difference in votes between the petitioning candidate pair and the highest number of votes}}{\text{Number of valid votes}} \times \%$$

Also, according to Article 158, the following formula is applicable for determining the threshold percentage depending on the population in the specific district or city:

$$\text{Valid votes} \times \% \text{ threshold (Population of District/City)}$$

Bandung Regency, Tasikmalaya Regency, and Pangandaran Regency were among the districts that were a part of the 2020 simultaneous regional elections that made it to the Constitutional Court to resolve complaints over election results.

Each of the three sets of candidates in the 2020 Bandung Regency simultaneous regional elections was nominated by a different political party or political alliance. These are not the same people running for office again. Out of the first two candidates for Bupati, only one has any relationship to the present Bupati—her husband is the Bupati. The Constitutional Court is now receiving the Bandung Bupati and Vice Bupati election results. Four (4) candidate pairs competed in the 2020 Tasikmalaya Regency simultaneous regional elections; three of those pairs had the backing of political parties or coalitions of political parties. No political party has endorsed any of the other candidates in the race; the third set of candidates is thus considered independent. The

current duo is running for Tasikmalaya Regent as candidate number two. It is now time to submit the Tasikmalaya Regent and Vice Regent election results to the Constitutional Court. Similarly, in the 2020 Pangandaran Regency Regional Head Election, which took place simultaneously, only two pairs of candidates—one each from the incumbent and a political party or coalition—were vying for the position. One candidate stood for Regent of Pangandaran, and the other for Deputy Regent. There was a successful transmission of election results for the Pangandaran Regent and Deputy Regent to the Constitutional Court.

Interesting things happened in the three districts that made up this study's sample when it came to the disagreements over the outcomes of the 2020 simultaneous regional elections. Here are some intriguing facts that were mentioned:

First, the Applicant's Legal Standing: according to the letter the Applicant submitted to the Constitutional Court in their application to file a lawsuit over the 2020 simultaneous regional elections' election results, it was stated that the three districts in question lacked the necessary legal standing to meet the requirements for such disputes. One example is the 2020 Bandung Regent and Vice Regent election, where the first candidate pair's application fell short of the 24.16% mark (which should have been 0.5%), the fourth candidate pair's application in the Tasikmalaya Regent and Vice Regent election fell short of the 0.7% mark (which should have been 0.5%), and the second candidate pair's application in the Pangandaran Regent and Vice Regent election fell short of the 3.74% mark (which should have been 1.5%). Decision No. 14/PHP.BUP XV/2017 Regarding Disputes over the Results of the 2017 Tolikara Regent and Vice Regent Election in Papua Province, which gave priority to substantive justice before re-implementing calculative justice, was the outcome of the lawsuits' reliance on the Constitutional Court's ruling. However, the Constitutional Court rejected the third petition in its ruling.

Second, the position of the petitioner: the petitioner has given legal facts that demonstrate what are known as organized, systematic, and massive (TSM) violations. These data primarily show that incumbent candidate pairs have committed these breaches. Since the pertinent party in the petitioner's submission is not an incumbent, this varies from the legal grounds offered in the Bandung Regency election, which center on infractions pertaining to election offenses, including money politics. In the election results dispute, the petitioners' grounds typically touch on substantive issues; hence, in order for their petition to be approved, the petitioners need to be persuasive and provide solid proof.

As previously indicated, the Constitutional Court rejected the applicants' appeal due to the third factor—their perception—that the reasons for the infringement were legally unjustified. It stands to conclude that the Constitutional Court's decision to prioritize substantive justice over quantitative justice was an effort to appease the petitioners' feeling of justice. To boil it down, the petitioners failed to make a compelling case because the Constitutional Court considered their arguments to be legally unsound. It is worth noting that despite the fact that the threshold for submitting a joint petition to the Constitutional Court is no longer an absolute requirement, none of the numerous candidate pairs that participated in the 2020 simultaneous regional elections—particularly those from Bandung and Tasikmalaya Regencies—did so.

### **Regional Candidates and Current office holders**

Voting in elections, including those for regional heads, is now accessible to all segments of society thanks to the expansion of the electoral space. The rules for regional governors are laid out in detail in Law 23 of 2014 ("Law 23/2014"), which has been revised many times, the most current being Law 9 of 2015. Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors ("Government Regulation 1/2014") governs the election of regional heads. This regulation was established as law by Law Number 1 of 2015 ("Law 1/2015"), amended by Law Number 8 of 2015 ("Law 8/2015"), and then amended a second time by Law Number 10 of 2016 ("Law 10/2016").

For incumbent candidates seeking to be named regional head, Article 7 paragraph (2) of Law 10/2016 lays out the rules, including the following: they must resign from their positions as governor, deputy governor, regent, mayor, or deputy mayor if they are running for office in another region; they must also not be serving as acting governor, regent, or mayor; and they must

not be in any other official capacity. Regional head candidate requirements are generally normative; however, a new problem has arisen due to the provisions governing these candidates, specifically the requirement that incumbents seeking reelection as regional head must resign, with the addition of the phrase "...who are running for office in other regions..." to this requirement. At the same time, according to Article 70, paragraph (3), of Law 10/2016, regional heads who are running for re-election in the same region are only required to take leave during the campaign period. The state cannot pay for this leave, nor can they use any job-related facilities.

Article 70 of Law 10/2016 regulates the regulations pertaining to leave, as follows: (4) On behalf of the President, the Minister of Home Affairs grants leave to the Governor and Deputy Governors. On behalf of the Regents, Deputy Regents, Mayors, and Deputy Mayors, the Governor grants leave on behalf of the Minister. (5) The Governor and Deputy Governor are obligated to notify the Provincial KPU of any approved leave, while the Regents and Deputy Regents, together with the Mayors and Deputy Mayors, are likewise required to notify the District/City KPU.

### **Equality Before The Law**

We must maintain Luber and Jurdil's beliefs as essential values that every election must reflect. Particularly for those taking part in or contesting an election, the aforementioned principles are applicable across the board. The main purpose of implementing this concept is to ensure that the election is conducted in a fair and just manner. Every potential candidate couple should be afforded the same privileges and responsibilities in accordance with the rules and regulations that control this. Encouraging one of the incumbent candidate pairs to run again in the same territory disregards the concept of equality before the law. It is unfair and seems like someone is trying to politicize the law because the necessity to retire as regional head or for incumbents only applies to incumbents who would run again in other regions.

### **Abuse of Power**

In a move that is strongly linked to the 2020 Simultaneous Regional Elections, the Minister of Home Affairs issued Circular Letter (SE) Number: 273/487/SJ on January 21, 2020, as a preventative action against incumbent regulations who want to run again for regional head positions. Herein are the rules that Regional Heads must follow in order to replace officials during the 2020 Simultaneous Regional Elections, as outlined in this circular letter:

Paragraph (1) It is forbidden for state, regional, civil servant, TNI/POLRI, and Lurah authorities to make decisions or take measures that are beneficial or detrimental to one of the candidate pairings. (2) No official may be replaced by a governor, deputy governor, regent, mayor, or deputy mayor within six months prior to the date of candidate pair determination until the end of their tenure, unless the minister gives them written clearance. paragraph (3) From six months prior to the date of candidate pair determination until the elected candidate pair is determined, no official from the executive branch, legislative branch, or local government may use their power, programs, or activities in any way that would disadvantage or help any of the candidate pairs. This prohibition applies both within and outside of their respective regions. paragraph (4) The provisions referred to in paragraphs (1) thru (3) also apply to acting Governors or officials of Regencies/Cities. paragraph (5) In the event that an incumbent Governor or Deputy Governor, Regent or Deputy Regent, and Mayor or Deputy Mayor violates the provisions referred to in paragraphs (2) and (3), the incumbent will be subject to cancelation as a candidate by the Provincial KPU or the Regency/City KPU. paragraph (6) Sanctions as referred to in paragraphs (1) thru (3) for non-incumbents are regulated in accordance with applicable laws and regulations.

Incumbent candidates frequently abuse their authority during elections, which creates the context for the issue discussed in the Circular Letter mentioned above. Because current rules are often vague and ambiguous, fetishism in predicting this problem is quite susceptible. Consequently, there are too many causes and difficulties that make it impossible to finish law enforcement.

However, both the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu) are still seen as having institutional constraints and instability, respectively, and are responsible for overseeing and organizing the technical aspects of the election. At the district or

municipal level, these institutions are semi-permanent (i.e., mobile and replaceable) and operate for a duration of five years. This is an ad hoc, temporary sub-district level. Furthermore, unlike other law enforcement organizations like police officers, membership status in Bawaslu and KPU is not permanent. This means that if the organizers and supervisors are not permanently in place, it will impact the organization. Due to several restrictions in human resources and other supporting resources, Bawaslu and KPU are still not seen as operating at their full capacity in carrying out their responsibilities, functions, and authority.

### ***Fatsoen Politik***

To exercise popular sovereignty, political action must take the form of an election. There can be no fair play in a battle; hence, the race to the top may be a contentious and divisive arena, particularly in times of high political tension.

The political struggle encompasses not just the two people who make up the candidate pairs, but also the teams that comprise those pairings. There is proper cause for the ban on the TNI/Police, ASN, village heads, and other proscribed parties from voting in the election.

Weak law enforcement, however, means that these rules do not instantly clarify things for everyone concerned. Workers from the federal, state, and local governments are all considered civil servants in this instance. A number of them attempt to put their jobs on the line amidst the political upheaval in their location of employment. The goal is to produce a "New Master" who can assess the merit of several career paths within their chosen profession. In addition, current officials can run for reelection as candidates for the same regional head job; all it takes is taking time off during campaign season, which might lead to discipline among their followers who are counting on them to succeed. He was able to achieve his goal because of the influence he had as the regional leader.

### **Conclusion**

Voter turnout was higher than in the 2015 regional elections in the three affected regencies of Bandung, Tasikmalaya, and Pangandaran that were conducted concurrently in 2020 because of the COVID-19 epidemic. Implementing health protocols and the virtual campaign format are the sole differences from elections during non-pandemic times. The dispersion of COVID-19 clusters rose sequentially during the pre-, during-, and post-election stages of the 2020 simultaneous regional elections.

Incumbent candidate pairs competed in the 2020 concurrent regional elections in Tasikmalaya Regency and Pangandaran Regency, while one pair in Bandung Regency had a relationship to the incumbent. Instances of candidate couples who were already in office (regional leaders) abusing their position of power or policy were the most often reported infractions, followed by instances involving ASN and the neutrality of village heads.

People with significant animosity against one another are likely to have disagreements when voting. In the meanwhile, the three districts' election result challenges took substantive justice—i.e., not caring about the PHP threshold or calculative justice—and filed petitions with the Constitutional Court. After reviewing these three petitions, the Constitutional Court ruled that the lower courts' rulings were unlawful.

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