

Addressing challenges in simultaneous implementation of regional head elections during the COVID-19 Pandemic

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Abstract

This study describes and evaluates the implementation of the simultaneous continuation of local elections in 2020 and the challenges faced during the ongoing COVID-19 pandemic in Indonesia. This pandemic has disrupted the economic and societal order, including the governance aspect, which encompasses the electoral process for selecting local leaders to continue the previous simultaneous local elections held in the preceding year. The Indonesian government has decided to proceed with the local elections that were initially postponed. Several other countries worldwide have also chosen to hold general elections, although some countries have opted to delay them. This study adopts an ex post facto research design with a qualitative approach. The research object is implementing the simultaneous continuation of local elections in Bantul Regency, DIY Province, in 2020, with the selection of research subjects conducted purposively. Data collection is carried out through interviews and documentation. This paper highlights various challenges encountered during the implementation of local elections in 2020 while Indonesia was still amid the COVID-19 pandemic.

Keywords: elections head area; implementation ; simultaneously continued; the COVID-19 pandemic

Introduction

The election of governors and vice governors, regents and vice regents, and/or mayors and vice mayors in Indonesia is the implementation of popular sovereignty in the provinces and regencies/cities, aiming to directly and democratically select governors and vice



governors, regents and vice regents, and/or mayors and vice mayors. The elections are held every 5 (five) years simultaneously throughout the territory of the Unitary State of the Republic of Indonesia. They are conducted democratically based on direct, universal, free, secret, honest, and fair voting principles.

In essence, general elections are conducted to directly, universally, freely, secretly, honestly, and fairly represent the voices of the people and must be carried out democratically. However, in practice, these elections have also revealed negative aspects of democratization in Indonesia. Historical evidence shows that leaders and ruling parties have played a significant role in shaping the people's votes in general elections in Indonesia, which have proven to be undemocratic (Liddle & Mujani, 2007).

Implementing elections, including local elections for selecting regional leaders, requires significant financial resources and extra effort. In the elections held in Indonesia in 2019, many members of the general election committee fell ill and even died due to exhaustion from carrying out their duties. Based on circulating data, a total of 554 officers from the Election Station Working Group (KPPS), Election Supervisory Body (Bawaslu), and the police died during the 2019 elections (CNN Indonesia | Tuesday, 07/05/2019 09:29). According to Ufen (2010), after the fall of the New Order under President Suharto, Indonesia witnessed a rapid transition towards a form of electoral democracy. The current Indonesian political system is characterized by freedom, fair elections, and a series of functioning political centers, but substantial governance weaknesses also mark it.

In 2020, when the COVID-19 pandemic engulfed the entire world, the Indonesian government decided to proceed with simultaneous regional elections in several regions of Indonesia (Marisa et al., 2020). This implementation of the elections has brought about changes in the electoral practices that were previously in place. During pre-election campaigns, electoral contestants could directly engage with the public through face-to-face interactions without participant limitations (Marisa et al., 2020; Yahya, 2020). However, due to the COVID-19 pandemic, campaign activities had to be conducted with restrictions and strict adherence to health protocols, as the World Health Organization (WHO) recommended. Initially, the Indonesian government encountered several challenges in managing the impact of the pandemic on society. The government appeared uncertain and hesitant in resolving issues due to limited state finances and faced administrative constraints in addressing the needs of COVID-19-affected citizens, which led to initial difficulties in distributing necessities to the public.

The COVID-19 pandemic not only affected health aspects but also reshaped social, economic, and governance dynamics (Di Gennaro et al., 2020), including the political landscape, which became different from before (Pedersen & Favero, 2020). This political landscape change also occurred in Indonesia. Regarding the simultaneous regional head elections during the COVID-19 pandemic, the Indonesian government rescheduled the implementation timeline. Originally scheduled for Initially 2020, the elections were postponed and held on December 9, 2020. This adjustment was made to ensure that the democratic process could take place without disrupting the functioning of the government in Indonesia (Subekti et al., 2020).

Therefore, it is necessary to examine how the implementation of the local elections 2020 took place in Indonesia while the COVID-19 pandemic was still ongoing, including the challenges encountered during the elections. This research is based on the understanding that implementing local elections during the COVID-19 pandemic differs from pre-pandemic normalcy. This study aims to provide an overview of the implementation of local elections in Indonesia in 2020, including the challenges faced during the COVID-19 pandemic, particularly in the research area.

Electoral activities embody democracy, whose values and principles have been inherited from ancient Greece (Huda, 2007). The term "democracy" implies that power resides with the people within a state. During that time, democracy was directly practiced in city-states known as "polis." Direct democracy was feasible because the issues within the state were relatively simple at that time. However, in a modern legal state, the implementation of democracy is

highly complex and intricate due to the diverse issues within a country. One of the manifestations of democracy is the electoral process, including elections for selecting regional leaders.

As a modern legal state, Indonesia has conducted several democratic general elections since the amendment of the 1945 Constitution, namely in 1999, 2004, 2009, and 2014 (Trihartono & Patriadi, 2016). Before the simultaneous regional head elections in 2020, the general elections were held in 2019, but they were not without problems and conflicts. As noted in other countries, issues often arise at the central and regional levels during general elections. Although eventually, the public can still accept the election results.

In their research, Norris et al. (2013) noted that too many elections have ended in recent years, with the main protagonists disputing the bitter results and conflicts escalating onto the streets. Claims of fraud are often heard, especially among those who lost in closely contested presidential elections. Protests challenging election results have erupted in places such as Caracas, Harare, Kabul, and Kuala Lumpur. Allegations of electoral malpractice occur in countries with a history of voter misconduct. Vote-buying in Mexico, media bias in Russia, or intercommunal violence in Nigeria, for example, have undermined public trust in the integrity of elections. Even well-established democracies are not immune to electoral controversies: After questions were raised about the 2012 elections in the United States, a new bipartisan presidential commission was formed to explore ways to strengthen the administration of elections in the country. So, there is reason to be concerned not only about disputed elections that make headlines and have far-reaching and sometimes deadly consequences. Even in countries where the results of general elections are widely accepted domestically and internationally, the quality of the contests can vary significantly. This indicates that the honesty and credibility of general elections as a means of democracy are still questioned, including in regional head elections.

The implementation of regional head elections in 2020 was subject to the provisions of Government Regulation in Lieu of Law (Peraturan Pemerintah Pengganti Undang-Undang/PERPPU) No. 2 of 2020, which was later enacted into law by the legislative body in Indonesia through Law No. 6 of 2020 regarding the Enactment of PERPPU No. 2 of 2020. This was done considering that the spread of COVID-19 had been declared a pandemic by the World Health Organization (WHO) and was occurring in most countries worldwide, including Indonesia. The COVID-19 pandemic has resulted in numerous fatalities and shown an increasing trend over time, leading to its declaration as a national disaster. Another consideration for the issuance of this PERPPU, which later became a law serving as the legal basis for the 2020 simultaneous regional elections under the COVID-19 pandemic, was the Indonesian government's recognition that extraordinary policies and measures needed to be taken at both the central and regional levels to mitigate the spread of COVID-19 as a national disaster. Consequently, the stages of the gubernatorial and vice-gubernatorial, regency and vice-regency, as well as mayoral and deputy mayoral elections, which were initially scheduled to take place on September 23, 2020, were rescheduled to December 9, 2020, through PERPPU No. 2 of 2020. The government decided to ensure that the elections could still be conducted democratically and with quality while maintaining political stability. The PERPPU stipulates that further provisions regarding the procedures and timing of the subsequent simultaneous elections are regulated in the General Election Commission Regulation (PKPU).

This research evaluates the implementation of the subsequent simultaneous regional elections conducted in Indonesia in 2020 during the COVID-19 pandemic. Considering the vast territory of the Republic of Indonesia, consisting of 34 provinces, each further divided into districts/cities, this study focuses on the Special Region of Yogyakarta (DIY). Furthermore, due to the extensive area of DIY, which includes four districts and one city, one of the districts was selected as the research area. This selection is also motivated by the fact that among the three regions in DIY that conducted simultaneous regional elections, Bantul Regency had the highest voter participation rate compared to the other two areas in DIY. This paper discusses and

evaluates the issues encountered in implementing simultaneous regional head elections in Indonesia, precisely in Bantul Regency, DIY.

Method

This study is an ex-post facto research that focuses on implementing simultaneous regional head elections during the COVID-19 pandemic, precisely in December 2020. Research subjects were selected purposively, and data collection employed interview and documentation techniques (Miles et al., 2018). Interviews were conducted with the relevant parties involved in the organization of simultaneous regional head elections in the research area, namely the General Elections Commission (KPU) of Bantul Regency and the General Election Supervisory Agency (BAWASLU) of Bantul Regency, along with the officials from the Election Organizing Committee (PPS) in one of the sub-districts of Bantul Regency. Despite the COVID-19 pandemic, the interviews were conducted in-person while strictly adhering to health protocols. This activity aimed to gather data on implementing simultaneous regional head elections during the COVID-19 pandemic, including the challenges encountered. In addition to interviews, documentation was also collected regarding the implementation of regional head elections and the relevant legal regulations that served as the basis for the 2020 simultaneous elections.

Result and Discussion

Implementing regional head elections during the COVID-19 pandemic, 2020 posed challenges for election organizers, participants, and voters. Like other regions in Indonesia, the election stages in Bantul Regency were delayed. At that time, there were concerns about the possibility of new clusters emerging if the elections were conducted as scheduled (Ristiyawati, 2020). There were also concerns about potential malpractice due to the lack of strict rules in the election process, as enforcing election rules determine the extent of violations. Even in normal situations, election rules are often violated, let alone during the COVID-19 pandemic (Moch Nurhasim, P2P-LIPI, accessed August 19, 2021).

After the Indonesian government issued Government Regulation in Lieu of Law (PERPPU) No. 2 of 2020, which was subsequently enacted as Law No. 6 of 2020, the Bantul Regency Election Commission resumed the delayed election stages. The implementation of the subsequent simultaneous regional head elections in Bantul Regency took place alongside the national elections in December 2020. This activity was also based on PERPPU No. 2 of 2020, which became Law No. 6 of 2020. According to the provisions of Law No. 6 of 2020, the KPU issued KPU Regulation No. 6 of 2020 regarding the Implementation of the Election of Governors and Deputy Governors, Regents, Deputy Regents, and/or Mayors and Deputy Mayors Simultaneously in the Non-Natural Disaster Condition of COVID-19. This regulation outlined the standard operating procedures for controlling COVID-19, as specified in Articles 5 to 18 of the KPU Regulation. In essence, during every stage of the regional head elections, election organizers and participants, both in the pre-election phase and during and after the election, must adhere to health protocols. The same applied to implementing the elections in the Bantul Regency in 2020.

The subsequent simultaneous regional head elections in Bantul Regency consisted of several stages, including the planning stage, voter data updating stage, and nomination stage for both independent candidates and political party candidates. These stages were followed by the candidate determination stage and a shortened campaign period of approximately 45 days due to the COVID-19 pandemic. After the campaign stage, there were the voting and vote counting stages, followed by the tabulation stages conducted at different levels: first at the polling station, then at the sub-district level, and finally at the district level. In the last stage, the election committee announced the vote results and declared the winning candidate, considering any election disputes. After clarification with the BAWASLU of Bantul Regency, there were no disputes filed regarding the election results in Bantul, allowing the KPU to proceed with the final stage of announcing the elected candidate.

Despite the COVID-19 pandemic, the regional head elections were conducted smoothly. There were no new clusters of COVID-19 transmission throughout the entire process, from

voter registration to the completion of the elections, including vote counting and the declaration of the winning candidate. This region also demonstrated a high voter participation rate in the DIY (Special Region of Yogyakarta), with a participation rate of 81.69%, exceeding the national target of 75% (KPU Bantul, 2021). Higher voter participation was observed in rural areas, while lower participation was noted among communities bordering urban areas. In implementing the regional head elections during the COVID-19 pandemic, the participation rate of voters with disabilities was 45.82%, female voter participation was 84.00%, and male voter participation was 79.27% (KPU Bantul, 2021). The subsequent simultaneous elections were conducted in several stages, including the preparation stage and the implementation stage of the elections.

The organizers of the regional head elections in Bantul Regency have carried out various stages of the elections. In Bantul Regency, implementing the 2020 elections did not encounter issues that led to election disputes brought to the Election Supervisory Board (Bawaslu) or the Electoral Organizer's Honorary Council (DKPP). No disputes were brought to administrative courts or the Constitutional Court concerning the election results. However, challenges were still faced when implementing the simultaneous regional head elections nationwide in 2020. This was due to the COVID-19 pandemic, and the General Election Commission (KPU) issued Decision Letter KPU Number: 179/PL.02-kpt/01/KPU/III/2020, which regulated the postponement of several stages of the 2020 elections. These included the postponement of the inauguration and work period of the Polling Station Committee (PPS), verification of requirements for independent candidate support, the formation of Data Update Officers (PPDP), the conduct of data verification and examination, and voter data updating and compilation. The postponement of several stages of the elections could have positive and negative impacts on the election implementation. The authority to assess the COVID-19 situation lies with other institutions, not the KPU. Additionally, there is a possibility of malpractice in such a situation due to the lack of strict adherence to the rules of the election process, as violations in the election process depend on the enforcement of these rules. Even in normal circumstances, election rules are often violated, let alone during the COVID-19 pandemic (Moch Nurhasim, P2P-LIPI, accessed August 19, 2021).

Based on research, implementing the subsequent simultaneous elections in Bantul Regency, DIY, during the COVID-19 pandemic in 2020 to elect the Regent and Deputy Regent of Bantul went smoothly. In other words, there were no issues that led to a repeat election, as seen in several other regencies in Indonesia due to election disputes brought to the Constitutional Court. Furthermore, there were no constitutional law challenges against regulations related to organizing the regional head elections through the Supreme Court of the Republic of Indonesia. However, there were still challenges related to the election implementation process. These challenges can be identified and evaluated as follows.

Issues in the preparation stage of the 2020 subsequent simultaneous regional head elections arose during the formation of the District Election Committee (PPK), Polling Station Committee (PPS), Voter Data Update Officers (PPDP), and Polling Station Organizer Groups (KPPS). Several problems emerged, including the workload burden in areas with many voters and extensive geographical locations, resulting in fewer PPS registrants in those regions. Additionally, the requirements and document completeness requested felt burdensome for prospective officials, including health requirements related to rapid testing to prevent COVID-19 transmission. People are reluctant to undergo rapid tests because of the negative stigma prevalent in society, where individuals who test reactive or positive for COVID-19 face social sanctions and isolation. Apart from the social impact, individuals who test reactive must undergo isolation for several days, which is economically disadvantageous for them.

Another problem in this stage is the changing technical instructions for updating voter data from the central level, which creates difficulties for ad hoc election organizers at the lower levels, such as PPK, PPS, KPPS, and PPDP. This is because not all of them can quickly and accurately learn and remember all the election terminology and technicalities in the field, which

will hinder their performance. Another problem in this stage is the reappearance of deceased voters in the Potential Voter List (DP4) processing. Issues in this stage are also related to individuals who should not qualify as voters but are still registered in the voter list and the opposite situation where individuals with the right to vote are not registered as eligible voters.

Regarding the implementation stage of the regional head elections, there were no significant issues during the announcement and registration of candidate pairs or the conduct of campaigns. The voting and vote-counting processes also proceeded smoothly. However, problems arose during the procurement and distribution of voting and vote-counting equipment related to health protocols. Among these issues, the providers (contractors) located outside DIY created difficulties in completing the procurement documents as they relied solely on postal delivery. Additionally, the fact that the providers were situated outside the DIY province and spread across East Java, Central Java, and West Java made supervising and checking the production process challenging. The travel restrictions due to the COVID-19 pandemic also limited the ability to visit these locations, leading to priority checks on certain types of voting equipment, including ballot papers.

Issues occurred in the procurement process of Personal Protective Equipment (PPE) online through a consolidated tender mechanism by the General Election Commission (KPU) of Indonesia and the Provincial KPU. The packages prepared by the KPU of Indonesia were then subjected to a consolidated tender according to their authority. One problem in this process was the confirmation of the type of PPE, which only utilized online media (zoom meetings), thereby lacking a detailed examination of the quality of the goods.

Another issue in managing voting equipment and PPE was the need for adequate storage space due to the simultaneous arrival of these items. It should be noted that PPE became a new type of equipment for the 2020 elections, and the types and quantities were significant, requiring extensive storage space. The limited warehouse of the Bantul KPU seemed insufficient to store the PPE that arrived alongside the voting equipment. Consequently, the distribution of PPE to PPK had to be carried out gradually.

Another issue related to the implementation of health protocols in the District Election Committee (PPK) and Voting Station Committee (PPS) is the need for adequate storage space for personal protective equipment (PPE). Storage problems also occur in PPK and PPS. The little secretariat rooms of PPK and PPS need to accommodate various types and quantities of PPE used at the polling stations (TPS). This necessitates a prompt solution to ensure the safety and quality of the PPE. Another problem pertains to the frequent and last-minute changes in regulations. Although the voting and vote-counting stages proceed smoothly, shortcomings still result in obstacles. This disrupts the process of socialization and knowledge transfer to the ad hoc bodies.

Introducing a new Recapitulate Information System (SIREKAP) system also presents problems and challenges for the KPU, particularly the Bantul Regency Election Commission, which are quite significant. Considering that this application has recently been introduced to the district/city-level KPU officials, along with the COVID-19 pandemic, the process of intensive knowledge transfer is hindered. This is due to limitations on face-to-face meetings. Overall, there are difficulties encountered in the SIREKAP WEB application. In all districts in Bantul Regency, the SIREKAP website page cannot be accessed during the plenary session of the recapitulation, both at the district and regency levels.

Another issue arises during the determination and approval of elected candidates, precisely the problem of unclear timing in issuing the Constitutional Case Registration Book (BRPK) by the Constitutional Court as the basis for candidate selection, despite the existence of schedule limitations and technical issues if the BRPK is suddenly issued. This lack of clarity causes anxiety, especially among the parties involved, even though the tension remains at the level of informal communication and does not lead to official complaints or disputes related to the conduct of the election.

When analyzing the issues in the elections during the COVID-19 pandemic, it is evident that the frequent changes in regulations by the central election organizers (KPU RI) complicate implementation by local election apparatuses. Moreover, regulations that are often amended, such as those of the KPU RI, lead to legal uncertainty. Although there were no legal challenges filed in the Bantul Regency against the changing regulations of the KPU RI, they still caused difficulties in implementation on the ground. An example is the regulation regarding the postponement of the 2020 elections.

The postponement of the elections was based on a consultation meeting involving the Ministry of Home Affairs, KPU, Bawaslu, DKPP, and DPR. In that meeting, the idea of enacting a Government Regulation in Lieu of Law (PERPU) to regulate the postponement and conduct of the elections due to the legal implications of the COVID-19 pandemic in Indonesia was raised. As a result of the widespread spread of COVID-19 in Indonesia, the government issued Government Regulation (PP) No. 21 of 2020 on Large-Scale Social Restrictions (PSBB) to Accelerate the Handling of Corona Virus Disease 2019 (COVID-19). This PP is an operational regulation of Law No. 6 of 2018 on Health Quarantine and PERPU No. 1 of 2020 on State Financial Policies and Financial System Stability for Handling the COVID-19 Pandemic. President Jokowi issued the PERPU based on the urgent necessity resulting from the impact of the COVID-19 pandemic. The issuance of PERPU is governed by Article 22, paragraphs (1), (2), and (3) of the 1945 Constitution. PERPU is issued directly by the President and can be implemented immediately, making it similar to Government Regulation (PP) for implementing a law but with the substance and content of the law. Its validity is then determined by approval or rejection in the subsequent DPR session. PERPU can also be seen as a progressive legal instrument where the subjectivity of the President can shape laws based on the dynamics of the COVID-19 phenomenon. Considering the legal efforts undertaken by the government and the considerations outlined in the aforementioned PP and PERPU, the COVID-19 pandemic not only impacts health-related issues but also has a domino effect on various areas, including the economy, society, politics, and the legal aspects of democracy in Indonesia (Mutiarasari & Herawati, 2020; Persada & Wisnaeni, 2020; Wiratraman et al., 2020).

Conclusion

In the implementation of elections during the COVID-19 pandemic, there are different dynamics compared to previous elections. These dynamics apply to the organizers, participants, and voters. This is also the case in Bantul Regency during the simultaneous continuation of the elections based on Law Number 6 of 2020, followed by the issuance of KPU Regulation Number 6 of 2020 on the Implementation of Simultaneous Continuation Elections for Governor and Deputy Governor, Regent, and Deputy Regent, and/or Mayor and Deputy Mayor in the Non-Natural Disaster Condition of Corona Virus Disease 2019 (COVID-19). The dynamics resulting from this KPU regulation require election organizers, participants, and voters to adhere to the provisions stating that in every stage of the local elections, including pre-election activities, during the election, and post-election, they must comply with health protocols.

The issues that arise in implementing simultaneous local elections during the COVID-19 pandemic, particularly in the research area, are primarily related to the performance of health protocol regulations. Another issue is the frequent changes in rules by the central election organizers (KPU RI) regarding the conduct of the elections. This often complicates the implementation on the ground by the local election apparatus. Moreover, the frequent changes and amendments to regulations lead to a lack of legal certainty.

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