

Simultaneous Regional Election Polemics in the Middle of the Covid-19 Pandemic

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Abstract. The purpose of this study is to determine the impact of the simultaneous regional elections in the midst of the Covid-19 pandemic and efforts or solutions to minimize the impact that will occur. The research method uses a normative juridical approach. Then analyzed qualitatively with descriptive analytical method. The conclusion of this study is that in order to maintain the health of democracy, legality and legitimacy of elected regional heads and to protect public health in the implementation of the 2020 Regional Elections in the middle of the Covid-19 Pandemic, it is necessary to anticipate the possible risks posed by all stakeholders. Election organizers must be able to convince the public that the 2020 simultaneous regional elections are safe from potential exposure to the Covid-19 virus. Furthermore, the existence of legal sanctions for violators of health protocols and election administrators are required to maintain their independence, balance, assertiveness, and responsiveness in efforts to mitigate the electoral crisis amid the Covid-19 pandemic.

Keywords: Polemic; Regional Election; Covid-19 Pandemic.

1. Introduction

The Covid-19 pandemic, in addition to threatening people's lives and lives, also disrupts the constitutional agenda, such as the dilemma of the simultaneous regional head elections (*Pilkada*). Making the decision to postpone or determine whether the *Pilkada* will continue is not easy. Whatever decision is chosen, it will cause controversy. Between choosing the safety of society that is increasingly threatened, and the impact of political losses that may not be controlled.

As is known, if under normal circumstances the regional election is scheduled for September 23, 2020. Meanwhile, the registration of candidate pairs and their campaigns is scheduled for 19 to 21 June 2020, and 11 July to 19 September 2020.¹ However, on March 2, 2020, the government announced the findings of two positive cases of Covid-19 patients in Indonesia², and every day the case finding continues to increase. In an effort to break the chain of spreading Covid-19, the President called for maintaining of distance and avoiding activities that involve large numbers of people.³

¹ Guyasiah, Muhammad Aulia Y. (2020). *Reconsidering the Discourse of the Electronic Election in the Middle of the Covid-19 Pandemic*. The Indonesian Institute, Center For Public Policy Research, Jakarta, June 2020 from <https://www.theindonesianinstitute.com/wp-content/uploads/2020/06/Policy-Assessment-TII-2020-Aulia-Menimbang-Kembali-Wacana-Pilkada-Elektronik-di-Tengah-Pandemi-COVID-19-26-Juni-2020.pdf>, accessed on September 30, 2020.

² Taken from <https://www.kompas.com/sains/read/2020/05/11/130600623/diumumkan-awal-maret-ahli-virus-corona-masuk-indonesia-dari-januari> accessed on October 4, 2020.

³ Hasibuan, Rezky Panji Perdana Martua. (2020). *Urgency of Perppu Pilkada During the Covid-19 pandemic*, 'IS: Law & Justice Bulletin, Center for National Constitution and Legislation Studies (POSKOLEGNAS), Faculty of Syariah and Law UIN Syarif Hidayatullah, Jakarta.

On the basis of these public health and safety considerations, the election was decided to be postponed which was followed by the issuance of a Government Regulation in Lieu of Act No. 2 of 2020 concerning Regional Head Elections (*Perppu Pilkada*) as a legacy effort.⁴

Previously, the General Election Commission (KPU) had proposed three options for postponing the 2020 elections: delaying three months until December 9, 2020, postponing six months until March 17, 2021, and postponing a year until September 29, 2021.⁵ However, in the conclusion of the meeting between Commission II of the Indonesian Parliament, the Minister of Home Affairs (Mendagri), and election organizers chose the first option, namely simultaneous regional elections to be held on December 9, 2020. This decision certainly attracted protests and raised suspicions and questions from various groups. This is because the postponement of the regional elections was only moved by three months from the normal schedule. Also see from the increase in the number of positive cases of Covid-19 which has not yet sloped. Thus, the impression of coercion over the issuance of *Perppu 2/2020* is striking.⁶

Although in the *Perppu* there is an article which states that simultaneous regional elections can be postponed if this is not possible, this article is actually considered to be something that is uncertain. Moreover, the *Perppu* also does not regulate budget issues and whether this *Perppu* can also be a legal basis for the KPU to exercise discretion in assessing the Covid-19 pandemic situation in an area can be considered to be disrupting the implementation of regional elections.⁷

The government is unmoved that the democratic process must continue regardless of the consequences because the pandemic cannot be known when it will end as long as it is according to the Covid-19 health protocol. The embedding of the slogan "health protocol" is always quoted in activities to gather large numbers of people. The campaign in the electrical process in Indonesia is synonymous with mass gathering.⁸ Getting together is recommended provided health protocols are followed. Even though the level of public awareness of adhering to health protocols is still low. This can create a new cluster of virus spread. Given the particular morbidity of people who are prone to infection.

Even without the Covid-19 pandemic, normal elections still bring various problems such as low levels of participation or money politics, violations of campaigns and law enforcement. Disputes over voter data, thus eroding the level of public trust.⁹

⁴ *Ibid.*

⁵ Warganegara, Arizka. (2020). *Politics in the Middle of a Pandemic: Considerations for Abolishing the 2020 Regional Election 2020* from <https://theconversation.com/politik-di-tengah-pandemi-pertimbangan-untuk-meniadakan-pilkada-2020-137931>, accessed on September 28, 2020.

⁶ Nurhasim, Moch. (2020). *The Impact of the Covid-19 Pandemic on the 2020 Pilkada*, from <http://www.politik.lipi.go.id/kolom/kolom-2/politik-nasional/1398-dampak-pandemi-covid-19-terhadap-pilkada-2020>, accessed on September 30, 2020.

⁷ *Ibid.*

⁸ Saparuddin. (2020). *The Campaign That Gives Birth to Smart Voters*, from <https://rumahpemilu.org/kampanye-yang-melahirkan-pemilih-cerdas/> accessed on October 4, 2020.

⁹ From <http://sdip.dpr.go.id/search/detail/category/Hasil%20Diskusi/id/58> accessed on September 30, 2020.

Based on the description above, this study aims to determine the impact of the simultaneous regional elections in the midst of the Covid-19 pandemic and efforts or solutions to minimize the impact that will occur.

2. Research methods

The analysis in this paper uses a statutory approach and a conceptual approach, where data is collected through library research which corresponds to the topic being studied, namely simultaneous regional election polemics in the midst of the Covid-pandemic 19.¹⁰ The use of secondary data sources which include articles, documentation, official data from related agencies, laws and regulations and journals that are in accordance with the object of writing. Then, the collected data were analyzed qualitatively with descriptive analytical method.¹¹

3. Result and Discussion

Regional head elections (*Pilkada*) are a means of people's sovereignty to elect regional leaders who have legality and legitimacy. The simultaneous regional elections are the right momentum for the regions to get leaders who are in accordance with the will of the people in a clear and objective manner. However, the agenda, which usually involves large gatherings, increases the number of direct contacts, thus the risk of transmission of disease either directly or indirectly through virus-infected surfaces arises.¹²

Holding regional elections simultaneously during a pandemic is not an easy thing to be in line with democratic standards.¹³ Conducting regional elections in a public health crisis is not impossible, but requires careful planning so as not to worsen an already critical situation.¹⁴ If you wait, it may be too late to mitigate the risks to public health and democratic rights that result from delayed or poorly executed elections.¹⁵

Many people have cultivated optimism for the implementation of regional elections during the Covid-19 pandemic, just by looking at the success stories of South Korea and Poland. Optimism is permissible, but of course it must be accompanied by

¹⁰ Marzuki, Peter Mahmud.(2014). *Legal Research, Revised Edition*. Jakarta: Kencana Prenadamedia Group, 2014. As who writers quotation of Muhammad Aulia Y Guyasiah, 2020, *Reconsidering the Discourse of the Electronic Election in the Middle of the Covid-19 Pandemic*, The Indonesian Institute, Center for Public Policy Research, Jakarta, June 2020.

¹¹ Soekanto, Soerjono. (2015). *Introduction to Legal research, Third edition*. Jakarta: University of Indonesia Press.

¹² Buriil, Fernanda. et al. (2020). *Maintaining Election Health, International Foundation for Electoral Systems*. from <http://perludem.org/2020/06/05/seri-uraian-singkat-covid-19-menjaga-kesehatan-dan-pemilu/ifes-covid-19-briefing-series-safeguarding-health-and-elections-may-2020-eng/>, accessed on September 28, 2020.

¹³ Prayudi and Aryo Wasisto.June.(2020). "*Anticipating the Implications of Simultaneous Regional Election Democracy in 2020*", from https://berkas.dpr.go.id/puslit/files/info_singkat/Info%20Singkat-XII-12-II-P3DI-Juni-2020-2063.pdf, accessed on 24 September 2020.

¹⁴ Buriil, Fernanda. et al, Op.Cit.

¹⁵ Hamzah, Herdiansyah. (2020). *Pilkada vs Pandemic, and Experiences of Other Countries*, from http://www.researchgate.net/publication/343650131_Pilkada_Dan_Pengalaman_Negara_Lain accessed on September 29, 2020.

effective and efficient strategic steps. As an experience, of course the stories of the two countries are valid. However, we must not swallow that experience to be practiced in Indonesia.¹⁶

The challenges that must be realized in the simultaneous regional elections in the midst of the Covid-19 pandemic, namely; First, the 2020 simultaneous regional elections have the potential to create discretion for the incumbent, especially in the distribution of private-label social assistance funds (Public Gift). Elections under the shadow of Covid-19 can change the constellation of issues from conventional to more of a real action plan. The pandemic situation has presented a drastic opportunity for voters to learn defense capabilities.¹⁷

Second, the main strength of democracy is in its ability to correct itself. The Covid-19 crisis is a very clear warning sign; an urgent reminder that the freedoms we celebrate are under threat and we must protect them.¹⁸ In the campaign synonymous with mass gathering. The author's advice is not to vote for prospective leaders who violate health protocols in the election administration process. Through democracy, people and their chosen leader candidates can learn and grow. In these difficult times it is very important to learn and grow.¹⁹

Third, the potential for low voter participation. The implementation of regional elections that tends to be forced and there is a lot of pressure from community groups, such as the two largest religious organizations in Indonesia, namely *Muhammadiyah* and *Nahdlatul Ulama*, which hope that the 2020 regional elections will be postponed simultaneously. Former Vice President Jusuf Kalla also asked for a postponement of the regional elections until the vaccination process was completed. There are even those who openly declared abstention from the 9 December 2020 *Pilkada* as a form of humanitarian solidarity with those who died as a result of Covid-19. This of course will affect the quality of democracy and the legitimacy of elected regional heads.²⁰

Fourth, readiness of election organizers. If properly prepared and implemented, measures can significantly mitigate the risk of virus transmission and reduce public fear of viral infection during the election process. Officers are required to maintain a sterile polling station environment by instructing all officers to wear PPE, checking the temperature of each voter, following strict hygiene rules, sterilizing the polling stations the night before voting and preventing anyone from entering before voting starts,

¹⁶ *Ibid.*

¹⁷ Harley B, and Hardy S. Ainsworth.(2005). *Online Consultation: e-Democracy and e-resistance in the case of the development gateway. Management Communication Quarter, Vo. (1) No. 19, pp 120-145.* As who writers quotation of Aryo Wasisto and Prayudi, June 2020, "Anticipating the Implications of Simultaneous Regional Election Democracy in 2020", from https://berkas.dpr.go.id/puslit/files/info_singkat/Info%20Singkat-XII-12-II-P3DI-Juni-2020-2063.pdf , accessed on September 24, 2020.

¹⁸ From <http://perludem.org/2020/06/25/sebuah-seruan-untuk-membela-demokrasi/> accessed on October 4, 2020.

¹⁹ *Ibid.*

²⁰From <https://www.cnnindonesia.com/nasional/20200922065014-32-549179/pilkada-2020-potensi-rendah-partisipasi-dan-minim-legitimasi>, accessed on October 4, 2020.

cleaning the voting booth at any time, sound stamps and other equipment with disinfectant, and ensuring the polling station has fresh air flow.²¹

4. Closing

4.1. Conclusion

Based on the discussion above, it can be concluded that in order to maintain the health of democracy, legality and legitimacy of elected regional heads and protect public health in the implementation of the 2020 Regional Elections in the middle of the Covid-19 Pandemic, it is necessary to anticipate the possible risks posed by all stakeholders. Election organizers must be able to convince the public that the 2020 simultaneous regional elections are safe from potential exposure to the Covid-19 virus. Furthermore, the existence of legal sanctions for violators of health protocols and election administrators are required to maintain their independence, balance, assertiveness, and responsiveness in efforts to mitigate the electoral crisis amid the Covid-19 pandemic.

4.2. Suggestion

The Suggestion/Recommendations offered are 1) *Pemilukada* is adjusted to the Covid Zone, if the Red Zone, the election should be postponed (*Perppu* article 201A paragraph 3); 2) Ensuring the readiness of KPU and *Bawaslu* in organizing regional elections with integrity; 3) Ensure all stages are in accordance with the Health Protocol; 4) Ensuring that Operators, Monitors, and Health Workers use Standard PPE; 5) Relaxation of working hours for election officials, health and life insurance for election organizers, involvement of health workers in election administration; 6) Anticipating various possible *Pilkada* malpractices in accordance with the 2020 *Pilkada* Vulnerability Index; 7) Ensuring that voter data is accurate because disputes over voter data have eroded the level of public trust in election administrators.

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