

Critical Analysis of the Election of the General Chairperson of the National Sports Committee of Provinces: A Democracy and Transparency Perspective

Akhiro Murio ¹⁾ & Widayati ²⁾

¹⁾General Election Supervisory Agency (Bawaslu) of Padang City, Email: akhiromurio@gmail.com

²⁾Master of Notary Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: widayati@unissula.ac.id

Abstract. *This study aims to examine the regulations governing the Election of the General Chairperson in the National Sports Committee (KONI) Province. This issue is related to the election mechanism for the General Chairperson of the KONI Province from the perspective of democracy and transparency. This article also examines the ideal model for the election of the General Chairperson of the KONI Province from the perspective of democracy and transparency. The research method used in writing this article is a normative legal research type. Based on the results of the study, it can be concluded that the Election of the General Chairperson of the KONI Province according to Law Number 11 of 2022 concerning Sports, found shortcomings in the implementing regulations from the perspective of democracy and transparency. The ideal model for the election of the General Chairperson of the KONI Province from the perspective of democracy and transparency is that at the nomination stage the General Chairperson of the KONI Province must meet administrative requirements and pass a competency test, and at the election stage of the General Chairperson of the National Sports Committee Province, voting must be carried out even if there is only 1 (one) candidate for General Chairperson of the National Sports Committee Province.*

Keywords: *Democracy; Election of General Chairperson; Transparency.*

1. Introduction

The state guarantees the nation's progress and prosperity through the implementation of sports activities, which are a right of the Indonesian people. This is stipulated in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which aims to improve general welfare. The fourth paragraph demonstrates the recognition and

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protection of human rights within the Indonesian state, namely: political, legal, socio-cultural, and economic.¹

Furthermore, Article 28C paragraph (1) of the 1945 Constitution of the Republic of Indonesia emphasizes that every person has the right to develop themselves by fulfilling their basic needs, has the right to receive an education and also to benefit from science and technology, art and culture, in order to improve the quality of their life for the welfare of humanity.² Everyone has the right to basic needs, through education facilitated by the state, so that they are able to have a quality and prosperous life.

The 1945 Constitution of the Republic of Indonesia provides protection for every resident and citizen of Indonesia and through laws can also regulate fair and proper treatment for Indonesian citizens.³ A more specific legal framework is needed to ensure public access to sports is facilitated by the government and local governments, through stakeholders. This can be achieved through legislation established by authorized state bodies, through applicable rules and procedures.⁴

Laws can regulate the relationship between state organs and citizens.⁵ To facilitate the needs of the Indonesian people related to sports activities, a law was created to regulate everything the public needs related to sports. The goal of this regulation is to ensure the public can obtain the maximum benefits they need for all sports activities. This can be achieved through solid and responsible governance that aligns with democratic principles, thereby reducing the potential for political and administrative corruption by implementing budget discipline (good governance).⁶

Organizational management often faces the risk of abuse of authority, particularly regarding funding and decision-making. Democratic governance can prevent corruption through a transparent system of checks and balances, ensuring the organization's operations are carried out in accordance with its objectives. The urgency of democratic governance of the National Sports Committee (KONI) Province is crucial to ensure transparency, accountability, and fairness in sports management. Through democratic governance, corruption prevention efforts can be disseminated using all available outreach methods and information media.⁷

Transparent and participatory governance will ensure that existing resources are allocated effectively for infrastructure and long-term athlete development. Long-term development

¹Widayati. (2016). *The Rule of Law, the Constitution, and the Formation of Legislation*, Unissula Press, Semarang, p. 19

²Ibid, p. 20

³Asshiddiqie, Jimly. (2006). *Introduction to Constitutional Law Volume II*, Secretariat General and Registrar's Office of the Constitutional Court, Jakarta, pp. 134-135

⁴Machmudin, Dudu Duswara. (2017). *Introduction to Legal Science: A Sketch*, PT. Refika Aditama, Bandung, p. 81

⁵Asshiddiqie, Jimly. (2006). *Introduction to Constitutional Law*, Secretariat General and Clerk of the Constitutional Court, Jakarta, p. 116

⁶Sunarso. (2015). *Analyzing Democracy: History, Concept and Implementation in Indonesia*, UNY Press, Yogyakarta, p. 42

⁷Wibowo, Agus., et al. (2022) *Basic Knowledge of Anti-Corruption and Integrity*, Indonesian Science Media, Bandung City-West Java, p. 8.

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projections have greater potential to improve sporting achievements at all levels. More transparent and participatory governance reforms are needed because early athlete development is costly. Proper and sustainable early development will expand the opportunities for future athletes.⁸

The Provincial KONI plays a crucial role in regional sports development. As the organization responsible for the management and development of sports in the region, the Provincial KONI can develop and nurture athlete talent through talent scouting and youth athlete development programs in the region. It can also provide support to clubs through the Parent Sports Organization to improve athlete quality from an early age. Other helpful activities include encouraging the establishment of training centers and sports academies, and engaging parents and donors to support funding.⁹

Good achievements can only be achieved with supporting regulations. Law Number 11 of 2022 Article 38 paragraph (1) clearly states that sports management in the province is carried out by the provincial Regional Government with the assistance of the national sports committee in the province. In paragraph (2) it is stated that the national sports committee in the province as referred to in paragraph (1) is formed by the Parent Organization of the Sports Branch in the province. Furthermore, in paragraph (3) it is explained that the national sports committee in the province as referred to in paragraph (1) is independent and managed professionally by administrators who have sports competencies. Furthermore, in paragraph (4) it is written that the organization of the national sports committee in the province as referred to in paragraph (1) is determined by the relevant Community in accordance with the provisions of laws and regulations.¹⁰ In this case, the researcher pays special attention to paragraph (4) of Article 38 because it explicitly states that the Provincial KONI is organized by administrators elected by the community.

Regarding the election of the Provincial KONI management, this can also be seen in Article 41 of Law Number 11 of 2022. Article 41 states that the management of the national sports committee, the national sports committee in the province, and the national sports committee in the district/city are independent, have competence in the field of sports, and are elected by the community in accordance with the provisions of laws and regulations.¹¹

Regarding Sports Management, Government Regulation Number 46 of 2024 concerning the Implementation of Sports has been issued. Article 77 of Government Regulation Number 46 of 2024 states that national sports committees in provinces are managed by administrators with sports competencies and appointed by the relevant community in accordance with statutory provisions.¹²

⁸Saharullah, Wahyudin, and Nukhrawi Nawir. (2019). *Early Childhood Sports Development* (Revised Edition), UNM Publishing Agency, Makassar, p. 4

⁹Bakhtiar, Syahril. (2015). *Sports Management: Its Application in Developing West Sumatra's Sports Achievements*, UNP Press, Padang City, West Sumatra, pp. 15-16

¹⁰Article 38 of Law Number 11 of 2022 concerning Sports

¹¹Article 41 of Law Number 11 of 2022 concerning Sports

¹²Article 77 of Government Regulation Number 46 of 2024 concerning the Implementation of Sports

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As stated in Article 10 of the Ministerial Regulation, it is stated that the congress or deliberation is the highest decision-making mechanism, and one of them is regarding the election and determination of the elected chairman. It is stated in full that the congress/deliberation or other name as the highest forum of the organization as referred to in paragraph (1) has the authority to make decisions related to: a. the election and determination of the elected chairman who also acts as the formator of the management; b. ratification of changes to the Articles of Association and Bylaws; c. determination of work programs; d. accountability reports of the organization's management in the previous period; e. discussion of current issues according to the dynamics of the organization's needs; f. acceptance, dismissal, and/or rejection of applications as members; g. determination of the annual work program; h. determination of procedures for selecting the chairman; and i. determination of other policies.¹³

Article 10 does not yet regulate the election of a chairperson at the provincial level, but it can serve as a guideline. As stated in Article 12 of Minister of Youth and Sports Regulation No. 14 of 2024, which explains that if participants in a Sports Organization within the Achievement Sports Sector are hierarchical, congresses/conferences, or other terms held at the regional level, are regulated in the organization's Articles of Association and Bylaws.¹⁴

If we refer to the KONI Articles of Association, Article 18, number 1 (one), it is stated that the management of the Provincial KONI is composed by the elected General Chairperson assisted by the elected formators based on the results of the Provincial Sports Conference (Musorprov) and/or the Extraordinary Provincial Sports Conference (Musorprovlub).¹⁵ From Article 18 number 1 (one) it can be understood that the formation of the Provincial KONI is about the election of the General Chairperson of the Provincial KONI, because the General Chairperson will later form the management structure of the Provincial KONI.

The mechanism for electing the General Chairperson of the Provincial KONI is regulated more fully in the Bylaws. Article 45, point 1 (one), of the Articles of Association, explains that the Bylaws further elaborate and constitute the implementing regulations of the Articles of Association. Point 2 (two) explains that matters not or not sufficiently regulated in these Articles of Association may be regulated in the Bylaws. Furthermore, point 3 (three) emphasizes that the provisions of the Bylaws must not conflict with the provisions of the Articles of Association.¹⁶

The mechanism for selecting the Chairman of the Provincial KONI as the highest leader of the organization, the selection of administrators, and the policies implemented are crucial for promoting transparency, accountability, and public involvement in sports management. The election of the Chairman of the Provincial KONI should reflect the principles of inclusive democracy, thus ensuring public participation in a series of democratic election processes. Participatory democracy requires maximum input or participation, and the output issued is

¹³Article 10 of the Regulation of the Minister of Youth and Sports of the Republic of Indonesia Number 14 of 2024 concerning Management Standards for Sports Organizations in the Scope of Achievement Sports

¹⁴Article 12 of the Regulation of the Minister of Youth and Sports of the Republic of Indonesia Number 14 of 2024 concerning Management Standards for Sports Organizations in the Scope of Achievement Sports

¹⁵Article 18 number 1 of the Articles of Association of the Indonesian National Sports Committee

¹⁶Article 45 number 1 of the Articles of Association of the Indonesian National Sports Committee

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not only in the form of policies but also the development of the social and political capacity of each individual, so that there is feedback from policies (output) to input (input).¹⁷

The process of selecting the General Chairperson of the Provincial KONI begins with the verification of prospective chairperson candidates. Administrative requirements aim to increase the potential for obtaining a qualified General Chairperson of the Provincial KONI. All requirements and stages that will be applied to prospective General Chairpersons of the Provincial KONI must be communicated in public spaces so that this election process can be carried out transparently and participatory. Participatory democracy provides benefits including the full realization of human potential and the elimination of public apathy due to feeling more empowered, the creation of private space for the community and the economic disparities faced will be visible and can be addressed through direct control.¹⁸

If more than one prospective chairperson has passed verification and meets the requirements to participate, the election process will proceed in accordance with democratic principles governing elections. Voters can exercise their right to vote for the chairperson they deem capable. After the election process, the chairperson with the most votes will be declared the chairperson-elect.

However, if only one candidate for the Provincial KONI Chairperson passes verification, problems will arise, as one candidate for chairperson does not automatically mean election. Declaring one candidate as chairperson-elect would clearly violate the principles of democratic elections.

The main objective discussed in this article is how the mechanism for selecting the General Chairperson of the Provincial KONI works from the perspective of democracy and transparency and what the ideal model for selecting the General Chairperson of the Provincial KONI is from the perspective of democracy and transparency.

2. Research Methods

The research used in this article is a normative legal research. Normative legal research is research conducted to collect and analyze secondary data. In this normative legal research, only secondary data sources are used. The secondary data used in this study include books, articles from previous research, laws and regulations, and relevant legal theories.

3. Results and Discussion

Legality of the election mechanismThe General Chairperson of the Provincial KONI can be seen in Law Number 11 of 2022 concerning Sports, which is emphasized through Government Regulation Number 46 of 2024 concerning the Implementation of Sports. Furthermore, the detailed mechanism for selecting the General Chairperson of the Provincial KONI can be seen in the Regulation of the Minister of Youth and Sports of the Republic of Indonesia (Permenpora) Number 14 of 2024 concerning the Management

¹⁷Pateman, Carole. (1970). Participation and Democratic Theory, Cambridge University Press, London, p. 43

¹⁸Hamka Hendra Noer, Theoretical Study of Modern Democratic Thought, Journal of Strategic Studies of National Resilience, Vol. 2, No. 1, (2019), p. 11, url: <https://scholarhub.ui.ac.id/cgi/viewcontent.cgi?article=1063&context=jkskn> accessed on April 22, 2025

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Standards of Sports Organizations in the Scope of Achievement Sports and also in the Articles of Association and Bylaws of the National Sports Committee (AD/ART KONI). These laws and regulations are the basis for the mechanism for selecting the General Chairperson of the Provincial KONI.

3.1. Mechanism for the Election of the General Chairperson of the Provincial KONI from the Perspective of Democracy and Transparency.

Election mechanismThe election for the General Chairperson of the Provincial KONI is divided into two stages: the nomination stage and the election stage. The nomination stage is the stage for identifying potential candidates with the capabilities to lead the Provincial National Sports Committee. It is hoped that this nomination stage will identify and screen independent and competent candidates for the General Chairperson of the Provincial KONI. Through this selection and screening process, it is hoped that whoever is elected as the General Chairperson of the Provincial KONI will be an independent and competent leader.

At the nomination stage, there are several requirements that must be met as a prospective candidate for General Chair of the National Sports Committee of the Province. Based on Article 17 paragraph (1) of the Regulation of the Minister of Youth and Sports of the Republic of Indonesia Number 14 of 2024 concerning the Management Standards for Sports Organizations in the Scope of Achievement Sports (Permenpora Number 14 of 2024), it is stated thatThe administrators of Sports Organizations within the scope of Achievement Sports, who hold structural positions as chairman, secretary and treasurer, must meet the following requirements: a. have experience as administrators of Sports Organizations for at least 5 (five) years; b. have competence in the field of organizational management, promotion, and/or relations with the industrial ecosystem; c. have integrity and morality based on track record; and d. not be a suspect in a criminal act; e. not currently holding a position as administrator of another Achievement Sports Organization; f. have no conflict of interest with the management of the Achievement Sports Organization that they lead; and g. have never been sentenced for being proven to have committed a criminal act of corruption.

In Article 17 paragraph (1), it can be seen that there are two (2) forms of requirements that must be met by prospective candidates for the position of General Chair of the National Sports Committee of the Province. This article contains requirements that can be fulfilled administratively through a letter of recommendation/certificate/or statement. Meanwhile, other requirements can be fulfilled through testing conducted by experts.

The requirements that can be fulfilled through a letter of recommendation/letter of information/or a statement are as follows: the requirements in Article 17 paragraph (1) letter a. which states that the prospective chairman candidate must have experience as a Sports Organization administrator for at least 5 (five) years. This requirement can be fulfilled with proof of a certificate from the sports organization where the prospective chairman candidate has been an administrator during the period in question. Legally, the sports organization in question can issue a certificate in accordance with its authority.

Furthermore, the requirements in Article 17 paragraph (1) letter d. state that prospective chairpersons must not have the status of suspect in a criminal act. This requirement can be

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fulfilled by requesting a certificate from the District Court as a state institution that has the authority to issue the certificate in question.

The next requirement is in Article 17 paragraph (1) letter e. which stipulates that the prospective chairperson must not currently hold a position on the management of another Sports Organization within the scope of Achievement Sports. This is an effort to avoid the potential for dual positions in Sports Organizations within the scope of Achievement Sports. This requirement can be fulfilled by making a stamped statement signed in wet paper by the prospective chairperson.

Furthermore, the requirements in Article 17 paragraph (1) letter f. state that prospective chairpersons do not have a conflict of interest with the management of the Sports Organization within the scope of the Achievement Sports that they lead. This requirement can also be fulfilled by making a stamped statement letter signed in wet paper by the prospective chairperson. Through this statement letter, it is hoped that prospective chairpersons will provide a truthful statement because there are consequences that will be received by the party making the statement if they provide false information.

The next requirement is in Article 17 paragraph (1) letter g. which asks prospective chairpersons to provide proof that they have never been sentenced for being proven to have committed a criminal act of corruption. This is an effort to avoid potential negative impacts on the organization due to the status held by prospective chairpersons. This requirement can be proven by providing a certificate from the District Court, which is a state institution that has the authority to issue the certificate in question.

The following are requirements, the results of which can only be obtained through testing conducted by experts to assess the potential of prospective chairpersons. Article 17, paragraph (1), letter b, of Ministerial Regulation Number 14 of 2024 states that prospective chairpersons must possess competencies in organizational management, promotion, and/or relations with the industrial ecosystem. Competence is the authority or power to determine or decide something.¹⁹ This is to see the managerial capabilities of the prospective candidates for General Chair of the Provincial National Sports Committee.

Article 17 paragraph (1) letter c of the Minister of Youth and Sports Regulation Number 14 of 2024 states that prospective chairpersons must possess integrity and morality based on their track records. This requirement is intended to assess the commitment of prospective Chairpersons of the Provincial National Sports Committee. This is also crucial because good managerial skills must be balanced with a commitment to making the Provincial National Sports Committee an organization with good governance.

According to Dwiyanto, there are 10 (ten) principles of good governance, which were developed from the principles of good governance from UNDP (United Nation Development Program), with the following explanation: a. Participation, citizens have the right to express opinions, have a say in the process of formulating public policies, both directly and indirectly; b. Law enforcement, the law applies to everyone, human rights are protected,

¹⁹Department of National Education. (2008). The Great Dictionary of the Indonesian Language (KBBI) Language Center, Fourth Edition, PT Gramedia Pustaka Utama, Jakarta, p. 719

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while still paying attention to the values that live in society; c. Transparency, providing information about the government to the public and ensuring easy access to accurate and adequate information; d. Equality; there is equal opportunity for every member of society to carry out activities; e. Responsiveness; the sensitivity of public institution managers to community aspirations; f. Astuteness; community management must begin with a clear vision, mission and strategy; g. Accountability; the responsibility of policy makers to the community; h. Public oversight; the involvement of community members in controlling government activities, including parliament; i. Effectiveness and efficiency; the implementation of public institution activities by using available resources optimally and responsibly. The indicators include; easy, fast, accurate and cheap service; j. Professionalism; high moral capacity of government employees, including parliament.²⁰

The provisions for prospective candidates for the General Chairperson of the Provincial KONI are determined to become candidates for the General Chairperson of the Provincial KONI through the Provincial Sports Conference (Musorprov) in accordance with the Articles of Association.National Sports Committee (AD KONI). Article 26, number 4 (four) letter (c) of AD KONI states that the Musorprov is tasked with determining the candidate for General Chair of the Provincial National Sports Committee.

Once the nomination process has been completed, the next stage is the election stage. This election stage contains provisions regarding the mechanism for electing the General Chairperson.National Sports Committee of the Province. Article 26, number 3 (three) of the KONI Articles of Association states that participants, voting rights, ratification, decisions, and other matters regarding the Musorprov and its implementation are regulated in the KONI Bylaws (ART KONI). Article 35, number 2 (two) of the KONI Bylaws clearly outlines the mechanism for electing the General Chairperson of the KONI Province.

Article 35 number 2 (two) letter (a) of the KONI Bylaws explains that the Provincial Sports Conference (Musorprov) regulates the Right to Vote and the Number of Delegates. In letter (a) there are six (6) numbers, as in point (i) it is stated that each member is entitled to 1 (one) vote in the Musorprov. The members referred to in point (i) are KONI members as stated in Article 9 number 1 (one) of the KONI Bylaws which explains that KONI members are the parent organization of sports branches, the parent organization of functional sports and the Regency/City KONI.

Point (ii) states that each member has the right to send 3 (three) delegates to attend the Provincial Musorprov. Although each member has the right to send 3 (three) delegates, this does not indicate that each delegate sent has the right to vote, because the right to vote belongs to the member, which will be proven by bringing a letter of mandate. This letter of mandate explains that one of the delegates is the holder of the right to vote for the organization he represents at the Provincial Musorprov.

Article 35, number 2 (two) letter (a) of the KONI Bylaws also explains how members of the KONI Province lose their voting rights. Point (iii) states that any member who is subject to

²⁰Carolina Da Cruz. et al, The Implementation of Good Governance Principles in Admission of Prospective Civil Servants, Journal of Sovereign Law, Volume 5 Issue 1, (2022), p. 43-44

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the organizational sanction of temporary suspension does not have the right to vote or speak. This indicates that temporary suspension revokes the voting rights of members. The National Sports Committee of the Province was sanctioned, but this did not eliminate its right to attend the Musorprov.

Furthermore, Article 35 number 2 (two) letter (a) of the KONI Bylaws in point (iv) states that each invited agency or organization has the right to send 1 (one) person with the status of observer and does not have the right to vote or speak. This article is a form of openness from The Provincial National Sports Committee demonstrates to invited agencies or organizations that the KONI Provincial Chairperson election process is conducted in accordance with democratic and transparent principles. Invitees can directly observe the election mechanism, starting from the process of determining the candidate for Chairperson of the Provincial National Sports Committee, the selection of the candidate for Chairperson of the Provincial KONI, and the determination of the elected Chairperson of the Provincial KONI.

Furthermore, Article 35 number 2 (two) letter (a) also contains provisions regarding Voting Rights obtained by members other than the Provincial KONI. Those who receive this Voting Right are the Provincial KONI administrators whose term of office has ended and the Central KONI. Later, the Provincial KONI and Central KONI will appoint administrators from their organizations. This appointment will be proven by a letter of mandate brought by the administrators appointed by the Provincial KONI or Central KONI. This is clearly stated in points (v) and (vi) of the KONI Bylaws which state that the Exiting Provincial KONI Administrators have 1 (one) vote and the Central KONI has 1 (one) vote.

Furthermore, Article 35 number 2 (two) letter (b) of the KONI Bylaws regulates the location of the Musorprov and notification of the Musorprov. Point (i) states that notification of the Musorprov must be made in writing and sent to each member entitled to participate in the Musorprov, at least 21 (twenty-one) calendar days before the Musorprov is held. This demonstrates that the Musorprov is well prepared. Each member can then prepare themselves to participate in the Musorprov. Disclosure of information regarding the time and location of the Musorprov is not only provided to members, but also to the members. The National Sports Committee of the Province also publicized the results through existing media. This demonstrates that the Musorprov implementation adheres to the principle of transparency. Transparency is the open delivery of information about the management and administration of government in accordance with laws and regulations to all members of the public who have the right to know and are able to access the information openly.²¹ Another definition states that conceptually, transparency is basically related to the organization's openness to allow parties outside the organization to know the internal processes that occur within the organization.²²

²¹Alan Pusida, Joyce J. Rares and Rully Mambo, Transparency of Village Fund Management by the Government in the Implementation of Development in Kuma Selatan Village, Essang Selatan District, Talaud Islands Regency, JAP, Vol VII, No 108, (2021), p. 62, url: ..., accessed on

²²Edah Jubaedah, Implementation of Financial Transparency Policy in Regions, Journal of Administrative Science, Vol VIII, No 3, (2011), p. 289, url: ... accessed on

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Then Article 35 number 2 (two) letter (b) of the KONI Bylaws at point (ii) states that written materials to be discussed and decided upon in the Musorprov must be sent to each and all Musorprov participants who are entitled as referred to in Article 35 (2) point (a), at least 14 (fourteen) calendar days before the Musorprov is held. This reflects the openness of information to members. The Provincial National Sports Committee will participate in the Musorprov activities. The provision of materials to be discussed at the Musorprov also indicates that the Provincial National Sports Committee is open to discussion and feedback from members of the sports community. In a democracy, everyone has equal opportunity to participate in the selection of leaders through free and regular elections and to participate in the creation and implementation of public policy.²³

Furthermore, there are regulations regarding the requirements for the validity of the Musorprov to be held, which is known as a quorum. Article 35 number 2 (two) letter (c) of the KONI ART in point (i) states that the Musorprov quorum is if it is attended by at least 2/3 (two-thirds) of the number of invited members. The potential absence of members It is possible that the National Sports Committee of the Province may be invited to participate in the Musorprov, so that regulations regarding the minimum attendance required for the legitimacy of the implementation of the Musorprov to be recognized by the regulations have been made.

The potential for 2/3 (two-thirds) of the number of members invited to the Musorprov quorum to fail to meet is possible, so it is deemed necessary to create regulations so that the Musorprov that has been prepared can still be implemented. In point (ii) of Article 35 number 2 (two) letter (c) of the KONI ART, it is stated that if the quorum as stated in Article 35 (2) point (c) point (i) above is not met, the Musorprov is postponed for a maximum of 60 (sixty) minutes, to provide an opportunity for delegates who have not yet attended. After the postponement, if it turns out that the quorum has not been met, the Musorprov is declared valid and can continue. Through this regulation, the potential for illegal attempts to thwart the implementation of the Musorprov can be anticipated.

Furthermore, Article 35 number 2 (two) letter (d) of the KONI Bylaws regulates the leadership of the Musorprov. In point (i) it is stated that the Musorprov is led by a leader who is chosen from and by the Musorprov participants, consisting of 5 (five) people, namely a Chairperson, 3 (three) Deputy Chairpersons and a Secretary. The leadership elements also pay attention to the representation of each organization, as in point (ii) it is stated that the Musorprov leadership consists of 3 (three) people representing elements from the provincial management and 2 (two) elements from the Regency/City KONI.

Furthermore, during the Musorprov, the Musorprov Rules of Procedure and Events were ratified, and the Musorprov Leadership was elected, led by the General Chairperson. Provincial National Sports Committee. However, the General Chairperson of the Provincial KONI may also delegate to one of the Provincial National Sports Committee Leaders to lead the activity in question. This regulation can be seen in Article 35 number 2 (two) letter (d) point (iii) of the KONI Bylaws which states that as long as the Musorprov Leader as referred to in Article 35 (2) point (d) point (i) has not been elected, the Musorprov will be temporarily

²³Sunarso. Op. Cit., pp. 23 - 24

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led by the General Chairperson of the Provincial KONI or delegated to one of the Provincial KONI Leaders whose duty is to ratify the Rules of Procedure and Events and elect the Musorprov Leader.

The leadership of the Musorprov will be elected through deliberation and consensus. However, if deliberation and consensus cannot be implemented, then the provisions will be enforced through voting, as regulated in Article 35 number 2 (two) letter (e) point (i) of the KONI ART which states that every decision taken in the Musorprov is made through deliberation to reach consensus. If no consensus is reached, the decision is taken through a vote; and the decision is valid if approved by 50% + 1 of the valid votes. Based on this information, it can be understood that the implementation of the Musorprov has been arranged in such a way as to minimize the potential for failure in the election of the General Chairperson of the Provincial National Sports Committee.

Furthermore, if the Musorprov Leadership has been selected, 3 (three) people from the provincial board and 2 (two) people from the Regency/City KONI, then the prospective candidate for General Chair of the Provincial KONI will be determined as the candidate for General Chair of the Provincial National Sports Committee. After the candidate for General Chair of the Provincial KONI has been determined, the election of the General Chair of the Provincial KONI can be carried out.²⁴This mechanism must be carried out in an orderly and administrative manner to avoid errors in the Musorprov.

Next, the candidate for Chair of the Provincial National Sports Committee (KONI) presents their vision and mission. The candidate delivers this vision and mission in front of all participants in the Musorprov. The vision and mission outline the programs they will implement for the advancement of the Provincial KONI.²⁵This brief campaign is conducted by the candidates for KONI Provincial Chairperson to gain full support from voters. The candidate for KONI Provincial Chairperson who receives the most votes is appointed by the Musorprov Leadership as the elected KONI Provincial Chairperson.

Dividing the Musorprov into several stages is an effort to avoid overlapping information being conveyed in public spaces. By clearly dividing the nomination and election stages, The Provincial National Sports Committee can focus on conveying information to the public. This action enables the Provincial National Sports Committee to guarantee citizens' rights to information on public policy plans, public policy programs, and the public decision-making process, as well as the rationale for such decisions, in accordance with Article 3(a) of Law Number 14 of 2008 concerning Public Information Disclosure.

At the selection stage, The Provincial National Sports Committee also provides ample space for voters as representatives of each organization that has the right to vote. Voters have the right to determine the candidate who will be appointed as General Chair of the Provincial National Sports Committee. The provision in Article 35 number 2 (two) letter (e) point (i) of

²⁴Mario Sofia Nasution, "Ronny Pahlawan Named as the Sole Candidate for General Chairperson of KONI Sumbar", Antara Sumbar, (June 16, 2022), url: <https://sumbar.antaranews.com/berita/511945/ronny-pahlwan-determined-as-single-candidate-for-general-chairman-of-koni-sumbar> accessed date

²⁵Ibid

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the KONI ART, which states that a decision is valid if approved by 50% + 1 of the valid votes, is a guarantee that the election process is carried out democratically.

3.2. Ideal Model for Election of General Chairperson of KONI Province from the Perspective of Democracy and Transparency.

The election of the KONI Provincial Chairperson was conducted with due regard for the principles of democracy and transparency. Transparency and public participation are closely related and mutually supportive. Transparency creates an environment that allows the public to actively participate in decision-making and policies adopted by the KONI Provincial National Sports Committee. Public participation strengthens the principle of transparency by encouraging oversight and accountability for the actions of the Provincial National Sports Committee, which is a partner of the Regional Government. However, several important issues remain that require attention and improvement.

If we refer to the principle of transparency, then at the nomination stage there is 1 (one) deficiency for the prospective candidate for General Chair of the Provincial National Sports Committee. In Article 17 paragraph (1) letter b. and letter c. Permenpora Number 14 of 2024 which states that the Management of Sports Organizations in the scope of Achievement Sports, referred to in this article are the chairman, secretary and treasurer, must meet requirements such as: having competence in the field of organizational management, promotion, and/or relations with the industrial ecosystem and also having integrity and morality based on track record.

The requirements submitted in Article 17 paragraph (1) letter b. and letter c. of the Minister of Youth and Sports Regulation Number 14 of 2024 can only be obtained through testing. The KONI Bylaws should contain an article that regulates testing, which can be in the form of a Fit and Proper test or a public debate, for prospective candidates for the General Chairperson of the Provincial KONI as explained in the election procedures contained in Article 35 number 2 (two) of the KONI Bylaws. The failure to carry out the testing as mandated in Article 17 paragraph (1) letter b. and letter c. of the Minister of Youth and Sports Regulation Number 14 of 2024 indicates that there has been a gap in fulfilling the requirements as a Candidate for General Chairperson of the Provincial National Sports Committee.

The recommended form is a fit and proper test, conducted by experts. These experts can be academics, local government officials, and community leaders in the sports sector. Another form of competency testing for prospective KONI Provincial Chairpersons is a public debate between the candidates.

The use of experts from academics, regional government representatives, and community leaders in the sports sector aims to provide a thorough understanding of the competencies of prospective KONI Provincial Chairpersons. In addition, community participation is represented through experts who serve on the Selection Team for Provincial National Sports Committee. This test is expected to demonstrate the competency of prospective Chairpersons of the Provincial National Sports Committee. Conducted in a transparent and

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accountable manner, it will be able to accommodate the needs of the community through the future Provincial National Sports Committee.

Similarly, public debates are conducted to test the competency of candidates for Chair of the National Sports Committee (KONI) Province. Through these debates, the public learns about the abilities of the candidates for Chair of the KONI Province, and voters have the opportunity to analyze the candidates before voting for one of them.

In the election stage, there is the potential for democratic principles to fail, related to the election principles themselves. If more than one candidate is nominated for the KONI Provincial Chairperson, the election process will proceed democratically, as voters can exercise their voting rights to choose the candidate for KONI Provincial Chairperson they desire. Elections serve as a tool of democracy, transforming the concept of popular sovereignty into a clearer one. Elections are one of the instruments of democracy used to realize democratic governance and a concrete manifestation of democracy, reflecting the process of democratic maturation. As a manifestation of Indonesia's democratic ideology, elections are also part of the process of deepening democracy and efforts to achieve effective governance.²⁶

The election of the candidate for the Chairman of the Provincial KONI (Indonesian National Sports Committee) can adopt Law Number 7 of 2017 concerning General Elections. It is understood that there are principles that form the basis for conducting elections. Article 2 of Law Number 7 of 2017 concerning General Elections states that elections are conducted based on the principles of directness, generality, freedom, confidentiality, honesty, and fairness.

The problem with the violation of the election principles is that the election of the candidate for General Chairperson of the KONI Province produces only one candidate. The results of the verification are determined through the Musorprov. The results of the Musorprov determination are that there is only one candidate for General Chairperson. The Provincial National Sports Committee. The next step taken by the Provincial National Sports Committee through the Provincial Sports Conference (Musorprov) was to appoint the sole candidate for General Chairperson of the Provincial KONI as the General Chairperson of the Provincial National Sports Committee.²⁷

The Provincial Sports Committee (Musorprov), as the highest authority, has overlooked one mechanism in the selection process for the candidate for Chair of the Provincial National Sports Committee. The election is a crucial stage, as it involves the exercise of the right to vote based on the principles of direct, general, free, secret, honest, and fair voting. A political system is considered democratic if the majority of its policy-making decisions are made

²⁶Evy Yuliati and Widayati, Public Services in Election of Regional Chairman, Law Development Journal, Volume 3 Issue 1, (2021), p. 20-21, url:<https://jurnal.unissula.ac.id/index.php/ldj/article/view/14233> accessed April 22, 2025

²⁷Tirto Prima Putra, "Musorprovlub Appoints Hero as Chairman of KONI Sumbar for the 2021–2025 Term of Service", (June 17, 2022), <https://gerakita.com/musorprovklub-tetapkan-pahlawan-menjadi-ketum-koni-sumbar-masa-bakti-2021-2025/>

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through fair, honest, and periodic elections. Candidates are given a free opportunity to compete for the votes of all eligible voters.²⁸

The presence of 1 (one) candidate for the General Chairperson of the Provincial KONI does not automatically make that candidate the elected General Chairperson of the Provincial KONI. A single candidate is proof that only 1 (one) Candidate for General Chairperson of the Provincial KONI meets the administrative requirements and is entitled to participate in the next stage, namely the election stage which is carried out through the Musorprov.

The option to continue holding elections is to uphold the principles of direct, general, free, secret, honest, and fair elections. Voters can vote directly without manipulation, freely make their choice without intervention, and receive fair and equal treatment in exercising their right to vote, with the guarantee of confidentiality.

The rules regarding the implementation of elections with a single candidate can use Regional Head Election Law (Pilkada). Article 109 paragraph (3) of the Pilkada Law states that if there is only 1 (one) pair of Candidates for Governor and Candidate for Deputy Governor participating in the Election who obtain more than 50% (fifty percent) of the valid votes, they are determined as the elected pair of Candidates for Governor and Candidate for Deputy Governor.²⁹Based on this rule, voters as voters with the right to vote can exercise their rights by choosing the candidate for General Chairperson of the Provincial KONI or choosing the empty box.

4. Conclusion

The election of the General Chairperson of the Provincial KONI is stipulated in Article 41 of Law Number 11 of 2022 concerning Sports. The General Chairperson of the Provincial KONI is elected through the Provincial Sports Conference or Extraordinary Provincial Sports Conference, the provisions of which are detailed in the KONI Articles of Association and Bylaws. The election of the General Chairperson of the Provincial KONI is carried out in accordance with the principles of democracy and transparency. However, there are shortcomings from a transparency perspective due to the lack of provisions regarding competency tests for prospective chairpersons and also there are shortcomings from a democratic perspective due to the lack of provisions regarding the implementation of voting when there is only 1 (one) candidate for chairperson of the Provincial National Sports Committee.

²⁸Ahmad Sholikin, Study of Democracy Models: Theory and Paradigm, Journal of Politics and Social Society, Vol 13 No 2, (2021), p.173, url: file:///C:/Users/USER/Downloads/2693-Article%20Text-4457-1-10-20211203.pdf accessed on April 22, 2025

²⁹Article 109 paragraph (3) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors to Become Law

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