

Critical Analysis of The Election of The General Chairman of The National Sports Committee (KONI) of West Sumatra Province : Democracy And Transparency Perspective

Akhiro Murio¹⁾ & Widayati²⁾

¹⁾ Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: akhiromurio.std@unissula.ac.id

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

Abstract. *The election of the General Chairperson of the National Sports Committee (KONI) Province is a provision of Article 41 of Law Number 11 of 2022 concerning Sports which is specifically regulated in the KONI AD/ART. The election of the General Chairperson of the West Sumatra KONI (Indonesian National Sports Committee) was conducted in accordance with the principles of democracy and transparency. The problems the author discusses in this research are: First, how is the mechanism for selecting the General Chairperson of the KONI of West Sumatra Province from a democratic and transparent perspective? Second, what is the ideal model for selecting the General Chairperson of the KONI of West Sumatra Province from a democratic and transparent perspective?. This research is a normative legal study. Data sources in normative legal research only use secondary data, namely primary legal materials, secondary legal materials, and tertiary legal materials. Based on the results of the research and discussion, it can be concluded that, first, Election of the General Chairperson of the KONI of West Sumatra Province according to ULaw Number 11 of 2022 concerning Sports, was found shortcomings in the implementing regulations in perspective democracy and transparency. Second, the ideal model for electing the General Chairperson of the KONI of West Sumatra Province from the perspective of democracy and transparency that at the nomination stage for the General Chairperson of the KONI of West Sumatra Province, the administrative requirements must be met and the competency test must be passed, and at the election stage for the General Chairperson of the KONI of West Sumatra Province, voting must be carried out even if there is only 1 (one) candidate for General Chairperson of the KONI of West Sumatra.*

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

1. Introduction

Laws can regulate the relationship between state organs and citizens.¹To 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).² As is known, Law Number 3 of 2005 concerning the National Sports System is no longer valid following the issuance of Law Number 11 of 2022 concerning Sports. In this regard, the ability of stakeholders is needed to understand the substance of the changes made in the law. The Minister of Youth and Sports of the Republic of Indonesia (Menpora RI), led by Zainudin Amali, stated at the opening of the socialization of Law Number 11 of 2022 concerning Sports that this Law must be socialized comprehensively so that the sports policy or sports policy that has been designed with great effort can be understood by the public and efforts to formulate public policy in the field of sports benefit the community.³

Law Number 11 of 2022 concerning Sports contains 110 (one hundred and ten) articles, some of which consist of several paragraphs. The article relating to provincial sports management is regulated in Article 38, which consists of four (4) paragraphs. Broadly speaking, Article 38 discusses the management of provincial sports by the provincial national sports committee. Therefore, in this case, the provincial national sports committee plays a crucial role in fulfilling its responsibilities for competitive sports and assisting the government in formulating national policies in the management, development, and development of competitive sports within the jurisdiction of the Unitary State of the Republic of Indonesia. Before discussing it further, it is worth clarifying the use of the phrase national sports committee. Constitutional Court Decision Number 19/PUU-XII/2014, specifically on page 138 as quoted from the oral and written statements of Prof. Drs. Toho Cholik Mutohir, MA., Ph.D., explained that in the Extraordinary National Conference held on July 30, 2007, it was agreed that the term national sports committee refers to the parent organization named KONI, which has duties in accordance with the provisions of Article 36 of the National Sports System Law (UU SKN).

¹Jimly Asshiddiqie, (2006), *Pengantar Ilmu Hukum Tata Negara Jilid II*, Jakarta : Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, p. 134 - 135

²Sunarso, (2015), *Membedah Demokrasi: Sejarah, Konsep dan Implementasinya di Indonesia*, Yogyakarta : UNY Press, p.42

³Arindra Meodia, "Menpora buka sosialisasi UU Keolahragaan". *Antara* (Jakarta, 13 June 2022) <http://www.antaraneews.com/berita/2935865/menpora-buka-sosialisasi-uu-keolahragaan>

This Constitutional Court decision is the basis that the term national sports committee refers to KONI, the provincial level is called KONI Province, and the district/city level is known as KONI Regency or KONI City. A democratically managed Provincial KONI (Indonesian National Sports Committee) is more trusted by the public, sponsors, and other stakeholders. This trust is crucial for attracting long-term investment and support, as funding for a Provincial KONI is no longer solely dependent on local government assistance. With a high level of public trust, assistance, whether in the form of independent donors or corporate sponsorship, will be more readily available. Transparent and participatory governance will ensure that existing resources are allocated effectively for infrastructure and long-term athlete development. Long-term development 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.

The mechanism for selecting the Chairman of the KONI (Indonesian Sports Association) of West Sumatra Province as the organization's highest leader, along with the selection of administrators and the implementation of policies, is crucial for promoting transparency, accountability, and public involvement in sports management. On the one hand, the KONI of West Sumatra Province requires a professional leader with the capability to manage and develop sports achievements in West Sumatra. On the other hand, the election of the KONI Chairman of West Sumatra Province should reflect the principles of inclusive democracy, thereby ensuring public participation in a democratic election process. The process of selecting the Chairperson of the KONI (Indonesian National Sports Committee) of West Sumatra Province begins with verification of prospective candidates. Administrative requirements are intended to increase the potential for a qualified Chairperson. After the administrative verification process has been completed, a competency test is also required for prospective candidates, as leadership skills require selective assessment. All requirements and stages applicable to prospective Chairpersons of the KONI (Indonesian National Sports Committee) of West Sumatra Province must be communicated publicly to ensure the selection process is transparent.

2. Research Methods

The approach used in this research is the statutory approach. The statutory approach is an approach that utilizes existing legislation and regulations.⁴For a legislative approach, researchers need to understand the hierarchy and principles within laws and regulations to understand legislative and regulatory products. Legislative and regulatory products are concrete and specific decisions issued by administrative officials.⁵

3. Results and Discussion

3.1. The Mechanism for Selecting the General Chairperson of the KONI of West Sumatra Province from the Perspective of Democracy and Transparency

The legality of the election mechanism for the 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 the election of 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 Standards for Sports Organizations in the Scope of Achievement Sports and also in the Articles of Association and Bylaws of KONI (AD/ART KONI). These laws and regulations are the basis for the election mechanism for the General Chairperson of the West Sumatra Provincial KONI.

The mechanism for selecting the General Chairperson of the West Sumatra Provincial KONI is divided into two stages: the nomination stage and the election stage. The nomination stage is the stage for finding potential candidates who have the ability to lead the West Sumatra Provincial KONI. It is hoped that this nomination stage will be able to identify and filter independent and competent prospective General Chairperson candidates for the West Sumatra Provincial KONI. Through the selection and screening process, it is hoped that whoever is elected as General Chairperson of the West Sumatra Provincial KONI is an independent and competent leader. To carry out the tasks at this nomination stage, the West Sumatra Provincial KONI formed a Selection and Screening Team (TPP) for Candidate General Chairpersons of the West Sumatra KONI.⁶

⁴Johnny Ibrahim, (2013), *Teori dan Metodologi Penelitian Hukum Normatif*, Malang : Bayumedia Publishing. p.301.

⁵Peter Mahmud Marzuki, (2005), *Penelitian Hukum: Edisi Revisi*, Jakarta : Kencana, p.136.

⁶Arief, "Inilah Empat Nama Yang Bakal Jadi TPP Calon Ketua KONI Sumbar", *Rakyat Sumbar.id* (Padang. 25 May 2022), <https://rakyatsumbar.id/inilah-empat-nama-yang-bakal-jadi-tpp-calon-ketua-koni-sumbar/>

At the nomination stage, there are several requirements that must be met as a prospective candidate for General Chair of the KONI of West Sumatra 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 that The 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 types of requirements that must be met by prospective candidates for the General Chair of the KONI of West Sumatra Province. This article contains requirements that can be fulfilled administratively through a letter of recommendation/certificate/or statement. 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 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 whose results can only be obtained through testing carried out by experts to see the potential of prospective chairpersons. In Article 17 paragraph (1) letter b. Minister of Youth and Sports Regulation Number 14 of 2024 states that prospective candidates for chairmanHave competencies in organizational management, promotion, and/or relations with the industrial ecosystem. This is to assess the managerial capabilities of prospective candidates. Chairman of the KONI of West Sumatra Province.

In Article 17 paragraph (1) letter c. Minister of Youth and Sports Regulation Number 14 of 2024 states that prospective candidates for chairmanHave integrity and morality based on their track record. This requirement is to assess the commitment of the prospective candidate. Chairman of the KONI of West Sumatra Province. This is also very important because good managerial skills must also be balanced with a commitment to making the KONI Province an organization that hasgood governance.

Requirements in Article 17 paragraph (1) letter b. and letter c.Ministerial Regulation Number 14 of 2024 can be obtained through testing. However, in this case, the TPP for Candidates for KONI West Sumatra Chairperson did not conduct a test on the competency, integrity, and morality of the prospective candidates.

Regarding the requirements to become a candidate for the General Chairperson of the West Sumatra Province KONI, the TPP Candidate for General Chairperson of the West Sumatra KONI also proposed additional requirements called support requirements. These support requirements are the result of an agreement on a coordination and consultation meeting of West Sumatra KONI members held by the TPP Candidate for General Chairperson of the West Sumatra KONI. The

requirements proposed are that the prospective candidate for General Chairperson of the West Sumatra KONI must obtain support from 30% (thirty percent) of the Provincial Sports Branch Organizations and 30% (thirty percent) of support from the Regency/City KONI in West Sumatra.⁷

This support requires a written statement of support for the prospective General Chairperson of the West Sumatra KONI Province, issued by the Provincial Sports Organization and the Regency/City KONI throughout West Sumatra. This form of support can only be given to one prospective General Chairperson of the West Sumatra KONI Province. The TPP for the Candidate for General Chairperson of the West Sumatra KONI is responsible for verifying and validating the letter of support.⁸

When the TPP Candidate for General Chairperson of KONI West Sumatra has completed its duties at the stage of nominating prospective candidates for General Chairperson of KONI West Sumatra Province, the results of the selection and screening of prospective candidates for General Chairperson of KONI Province will be brought to be determined as Candidates for General Chairperson of KONI West Sumatra Province through the Provincial Sports Conference.⁹

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

Once the nomination process has been completed, the next stage is the election process. The election process contains provisions regarding the election mechanism for the General Chairperson of the Provincial KONI. Article 26, number 3 (three) of the KONI Bylaws states that participants, voting rights, ratification, decisions, and other matters regarding the Musorprov and its implementation are

⁷Arief, "Hanya 17 KONI Kabupaten/Kota Punya Hak Suara Pada Musyorprovlub KONI Sumbar", *Rakyat Sumbar.id*, (Padang, 31 May 2022), <https://rakyatsumbar.id/hanya-17-koni-kabupaten-kota-punya-hak-suara-pada-musorprovlub-koni-sumbar/>

⁸Mario Sofia Nasution, "TPP: Hanya Dua Calon Kembalikan Dokumen Pendaftaran Ketua KONI Sumbar", *Antara Sumbar*, (8 June 2022), (selanjutnya disingkat Mario Sofia Nasution I), <https://sumbar.antaranews.com/berita/510061/tpp-hanya-dua-calon-kembalikan-dokumen-pendaftaran-ketua-koni-sumbar>

⁹Mario Sofia Nasution, "TPP Umumkan Ronny Pahlawan Yang Lolos Verifikasi Bakal Calon Ketua KONI Sumbar", *Antara Sumbar*, (16 June 2022), (selanjutnya disingkat Mario Sofia Nasution II), <https://sumbar.antaranews.com/berita/511917/tpp-umumkan-ronny-pahlwan-yang-lolos-verifikasi-bakal-calon-ketua-koni-sumbar>

regulated in the Bylaws (ART KONI). Article 35, number 2 (two) of the KONI Bylaws clearly outlines the mechanism for electing the General Chairperson of the Provincial KONI.

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 about members of the Provincial KONI who lose their voting rights. Point (iii) states that any member who is subject to organizational sanctions in the form of temporary suspension does not have the right to vote or speak. This shows that temporary suspension revokes the voting rights of sanctioned KONI members, but this does not eliminate their right to attend the Provincial Conference.

Furthermore, Article 35 of the KONI Bylaws, number 2 (two) letter (a) at 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 KONI by showing the invited agencies or organizations that the process of electing the General Chairperson of the West Sumatra Province KONI is carried out in accordance with the principles of democracy and transparency. Invitees can directly see the election mechanism starting from the process of determining the candidate for General Chairperson of the West Sumatra Province KONI, the election of the candidate for General Chairperson of the West Sumatra Province KONI and the determination of the elected General Chairperson of the West Sumatra Province 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 Existing 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 is a regulation regarding the location of the Musorprov and notification of the implementation of the Musorprov. In point (i) it is stated that notification regarding the implementation of the Musorprov is done in writing and sent to each member who is entitled to participate in the Musorprov, at least 21 (twenty one) calendar days before the Musorprov is held. This shows that the implementation of the Musorprov is carried out with well preparation. Each member will then be able to prepare themselves to participate in the Musorprov. The transparency of information regarding the time and place of the Musorprov is not only informed to KONI Provincial members but also published to the public through existing media. In relation to the preparation for the implementation of the Musorprov, the KONI of West Sumatra Province appointed a Steering Committee (SC) and an Organizing Committee (OC) to be able to carry out consolidation and socialization related to the West Sumatra Provincial Sports Conference (Musorprov).¹⁰

Then Article 35 number 2 (two) letter (b) of KONI's Bylaws in point (ii) states that written materials to be discussed and decided in the Musorprov must be sent to each and all entitled Musorprov participants 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 KONI Province members who will participate in the Musorprov activities. Providing materials to be discussed at the Musorprov also indicates that the KONI of West Sumatra Province opens space for discussion or responses from members from the sports community. Participation from the community through its representatives who are administrators of the Regency/City KONI or the Parent Organization of the Provincial Sports Branch is a constructive contribution to the KONI of West Sumatra Province through the Musorprov.

Furthermore, there are regulations regarding the requirements for the validity of the Musorprov to be implemented, known as the quorum. Article 35 number 2 (two) letter (c) of the KONI ART in point (i) states that the Musorprov quorum is if it has been attended by at least 2/3 (two-thirds) of the number of invited members. The potential absence of KONI members of West Sumatra Province who are invited to participate in the Musorprov may occur, so that regulations are

¹⁰Mario Sofia Nasution, "KONI Sumbar Matangkan Persiapan Musorprovlub Pilih Ketua Definitif", *Antara Sumbar*, (4 May 2022), (selanjutnya disingkat Mario Sofia Nasution III), <https://sumbar.antaranews.com/berita/503533/koni-sumbar-matangkan-persiapan-musorprovlub-pilih-ketua-definitif>

made regarding the minimum attendance that must be required for the legitimacy of the implementation of the Musorprov to be recognized by the rules.

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 also ratified, while also electing the Musorprov Leadership led by the General Chairperson of the Provincial KONI. However, the General Chairperson of the Provincial KONI can also delegate to one of the Provincial KONI 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 Leadership as referred to in Article 35 (2) point (d) point (i) has not been elected, for the time being the Musorprov is led by the General Chairperson of the Provincial KONI or delegates to one of the Provincial KONI Leaders whose duty is to ratify the Rules of Procedure and Events and elect the Musorprov Leadership.

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 KONI of West Sumatra Province.

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 Chairperson of the West Sumatra Province KONI will be determined as the candidate for General Chairperson of the West Sumatra Province KONI. After the candidate for General Chairperson of the West Sumatra Province KONI is determined, the election for General Chairperson of the West Sumatra Province KONI can be carried out.¹¹This mechanism must be carried out in an orderly and administrative manner to avoid errors in the Musorprov.

Next, the candidate for Chairman of the West Sumatra Province KONI presented their vision and mission. The candidate presented this vision and mission in front of all participants of the Musorprov. The vision and mission outlined the programs they would implement for the advancement of the West Sumatra Province KONI.¹²This brief campaign was conducted by the candidates for the West Sumatra KONI Chairpersonship to garner full voter support. The candidate for West Sumatra KONI Chairperson with the most votes was declared the elected KONI Chairperson by the Musorprov leadership.

The division of the Musorprov into several stages is an effort to avoid overlapping information that will be conveyed in public spaces. Through a clear division between the nomination and election stages, the KONI of West Sumatra Province can focus on conveying public information. This action enables the KONI of West Sumatra Province to guarantee the right of citizens to know the plans for making public policies, public policy programs, and the public decision-making process, as well as the reasons for making a public decision in accordance with Article 3 letter a. Law Number 14 of 2008 concerning Public Information Disclosure.

At the election stage of the Provincial KONI, voters are also given ample space, in this case the voters are representatives of each organization that has the right to vote. Voters have the right to determine the candidate who will be appointed as the General Chairperson of the West Sumatra Provincial KONI. The provisions in Article 35 number 2 (two) letter (e) point (i) of the KONI ART which states that the decision is valid if approved by 50% + 1 of the valid votes is a guarantee that the election process runs democratically.

¹¹Mario Sofia Nasution, "Ronny Pahlawan Ditetapkan Sebagai Calon Tunggal Ketua Umum KONI Sumbar", *Antara Sumbar*, (16 June 2022), (selanjutnya disingkat Mario Sofia Nasution IV), <https://sumbar.antaranews.com/berita/511945/ronny-pahlwan-ditetapkan-sebagai-calon-tunggal-ketua-umum-koni-sumbar>

¹²*Ibid*

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

The election of the Chairman of the West Sumatra KONI (Indonesian National Sports Committee) 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 policy-making by the Provincial KONI. Public participation strengthens the principle of transparency by encouraging oversight and accountability for the actions of the Provincial KONI, which is a partner of the West Sumatra Provincial 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 General Chairperson of the KONI of West Sumatra Province. In Article 17 paragraph (1) letter b. and letter c. Minister of Youth and Sports Regulation Number 14 of 2024 states that the Management of Sports Organizations within the scope of Achievement Sports, referred to in this article as the chairman, secretary and treasurer, must fulfill 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. Minister of Youth and Sports Regulation Number 14 of 2024 can only be obtained through testing. In the KONI Bylaws, there should be 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 General Chair of the KONI of West Sumatra Province, as explained in the election procedures contained in Article 35 number 2 (two) of the KONI Bylaws. The testing as mandated in Article 17 paragraph (1) letter b. and letter c was not carried out. Minister of Youth and Sports Regulation Number 14 of 2024 shows that there has been a gap in fulfilling the requirements as a Candidate for General Chair of the KONI of West Sumatra Province.

The decision of the West Sumatra Provincial KONI to appoint a Steering Committee (SC) and Organizing Committee (OC) as well as forming a TPP for Candidates for the General Chair of the West Sumatra KONI is the right step to implement the provisions as stipulated in Article 17 of the Minister of Youth and Sports Regulation Number 14 of 2024 concerning the Management Standards for Sports Organizations in the Scope of Achievement Sports. The TPP for Candidates for the General Chair of the West Sumatra KONI should also form a selection committee (Pansel) consisting of experts from academics, representatives from local governments and community leaders in the field of sports.

The TPP for the Candidate for General Chairperson of the West Sumatra KONI should have added one more process related to the prospective candidate for General Chairperson of the West Sumatra KONI Province. It is known that the TPP for the Candidate for General Chairperson of the West Sumatra KONI Province is fully responsible for verifying the files of the prospective candidate for General Chairperson of the West Sumatra KONI Province. The administrative requirements, such as letters of recommendation, statements, letters of information, and letters of support, were checked for authenticity. The TPP for the Candidate for General Chairperson of the West Sumatra KONI then declared that the files of the prospective candidate for General Chairperson of the West Sumatra KONI Province had passed the administrative requirements.

The next step that the TPP for the Candidate for Chairman of the West Sumatra KONI should undertake is to add another process: a competency test for the prospective Chairman of the West Sumatra KONI Province. The recommended form is a fit and proper test, conducted by experts. These experts can come from academics, local government officials, and community leaders in the sports sector. Another form of competency testing for the prospective Chairman of the West Sumatra KONI Province is a public debate between the candidates.

The use of experts from academics, local government representatives, and community leaders in the sports sector aims to obtain in-depth competencies from prospective candidates for the Chairperson of the West Sumatra Province KONI. In addition, community participation is represented through experts who serve on the Selection Team for the West Sumatra Province KONI. Through this testing, it is hoped that the results obtained regarding the competencies of prospective candidates for the Chairperson of the West Sumatra Province KONI, which is carried out transparently and accountably, can accommodate the needs of the community through the future KONI of West Sumatra Province.

Similarly, a public debate is held to test the competency of the candidates for General Chair of the West Sumatra Province KONI. Through this public debate, the public learns about the abilities of the candidates, 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 the election of the General Chairperson of the KONI of West Sumatra Province produces more than one candidate, the election process will proceed democratically, because voters can use their voting rights to choose the General Chairperson of the KONI of West Sumatra Province they desire.

The election of the candidate for Chairman of the KONI of West Sumatra Province can adopt Law Number 7 of 2017 concerning General Elections. It is known 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 for the General Chairperson of the West Sumatra KONI Province produces only one candidate. The results of the verification conducted by the TPP for the General Chairperson Candidates for the West Sumatra KONI are determined through the Musorprov. The Musorprov decision states that there is only one candidate for General Chairperson of the West Sumatra KONI.¹³ Furthermore, the action taken by the KONI of West Sumatra Province through the Musorprov was to appoint the sole candidate for General Chairperson of the KONI of West Sumatra Province as the General Chairperson of the KONI of West Sumatra Province.¹⁴

The Regional Leadership Council (Musorprov), as the highest authority, has overlooked one mechanism in the election process for the Chairperson of the West Sumatra KONI (Indonesian 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. Even if there is only one candidate for Chairperson of the West Sumatra KONI, the election should still be conducted using the single candidate versus empty box method.

The fact that there is only one candidate for the General Chairperson of the KONI Province does not automatically make that candidate the elected General Chairperson of the KONI Province of West Sumatra. A single candidate is the fact that only one candidate for chairman meets the administrative requirements from the verification results carried out by the KONI Province of West Sumatra through the TPP. The candidate for General Chairperson of the KONI Province of West Sumatra 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.

¹³*Ibid.*

¹⁴Tirto Prima Putra, "Musorprovlub Tetapkan Pahlawan Menjadi Ketum KONI Sumbar Masa Bakti 2021–2025", (17 June 2022), <https://gerakita.com/musorprovlub-tetapkan-pahlawan-menjadi-ketum-koni-sumbar-masa-bakti-2021-2025/>

The rules regarding the implementation of elections with a single candidate can use Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors. Article 109 paragraph (3) of Law Number 10 of 2016 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. Based on this rule, voters as voters with the right to vote can exercise their right by choosing the candidate for General Chairperson of the KONI of West Sumatra Province or choosing an empty box.

4. Conclusion

The election of the General Chairperson of the National Sports Committee (KONI) Province is a provision of 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. The election of the General Chairperson of the West Sumatra 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 testing 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 KONI chairperson. The ideal model for the election of the General Chairperson of the West Sumatra Provincial KONI as referred to in Law Number 11 of 2022 concerning Sports, government regulations, ministerial regulations and the KONI's Articles of Association/Bylaws is that, at the nomination stage, prospective candidates for the General Chairperson of the Provincial KONI must not only meet administrative requirements but also pass a competency test through a fit and proper test and/or a public debate. At the election stage, voting will still be held even if only one candidate for General Chairperson of the Provincial KONI is appointed.

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