

How Issue Power Related To Regional Autonomy?

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Abstract

This paper will review the issue of Regional Autonomy, particularly those related to issues of power, democracy and elections at the local level. The tendency of the political practice of using money or money politics in elections, both at the national and local levels, creates dissatisfaction and pessimism towards the development of democracy in Indonesia. After the change of Soeharto's government in May 1998, there was a change in the political landscape in Indonesia. This change of power affects changes in the power structure relationship between the center and the regions. The process of significant change in power after the 1998 reform was implemented through Otda (Regional Autonomy) at the district /city government level since 2001. The next political development is that since 2005, Law No. 32 of 2004 on regional autonomy and direct regional head elections (Pilkada) has been used since 2005. This decentralized political system directly at the same time also brought changes to the life of political parties, especially political party organizations at the local government level. Initially, the granting of authority to regions with the Regional Autonomy Law No. 22 of 1999 was opposed by the department of interior. This can be understood because this department has the greatest interest in determining regional leaders, both the Governor and the Regent / Mayor. Therefore, most of the elite bureaucrats and decision makers support the "half-hearted" decentralization process. Meanwhile, the democratization process provides space for civil society and scholars to participate actively in debates on the "political system" and central-regional relations in Indonesia. The extent to which the constitution and laws open up space for optimal society participation in the policy making process.

Keywords: regional autonomy, power, democracy, election, government

1. INTRODUCTION

Civil society groups together with political party activists are actively involved in the public debates over demands to give power to regional government or the decentralization process. The General Election Commission (KPU) at the central level does not have the authority to hold Regional Head Election (Pilkada). The issue was brought to the Constitutional Court (MK). The issue brought to the Constitutional Court was the amendment to the UUD 45 article 22 E paragraph 5, which states that the election organizer is a general election commission (KPU) that is national, permanent and independent. In the Constitutional Court decision that Regional Head Election (Pilkada) was not an election. However, changes to Law no. 32 of 2004 concerning Regional Autonomy with Law no. 22 of 2007 concerning Election Administrators, states that Regional Head Election (Pilkada) is an Election.

Then the following questions arise, how is decentralization conceptually understood within the democracy framework? How is the contestation of the local power concepts within the framework of the unitary government system and in the federal government system? How do powers differ in the unitary system and in the federal system? Decentralization is a variant in the context of a unitary or unitary state system [1]. The decision to implement Regional Autonomy

(Otda) at the district / city level gave rise to conflict between central and regional relations. The next development is the central desire emergence to reorganize power at the provincial level so that it becomes the political machine of the central power [2]. This is done, so that the central power has representatives in the Provincial government to be able to organize and control the Regency / City more easily [3]. The question is whether the autonomous power given to districts / cities has succeeded in achieving its objectives in public service? If the agenda for implementing decentralization is to bring the government closer to its society in the public service context, how has decentralization brought about changes to public services? Will the electoral democracy process reveal a tendency towards a return to authoritarianism? What is the impact of the decentralized system in regional head elections on the life of political party organizations at the local level? The above questions will be discussed in this paper.

2. Decentralization, Local Democracy and Regional Head Elections

The Indonesian nation has succeeded in holding General Elections (Pemilu) in 1999 which are considered relatively free and fair (free and fair) since the 1955 General Elections (Pemilu). Then the General Elections (Pemilu) in 2004 were democratic, transparent and free and fair. The 2004 elections are considered the most complex elections in the world by the European Union. In the 2004 General Elections (Pemilu), elections for house of representative (DPR), Regional Representative Council (DPD), Provincial DPRD and house of representative (DPRD) Regency / City regional as well as the direct Presidential / Vice Presidential Election (two rounds) were held for the first time in the history of politics in Indonesia. Therefore, there is tremendous enthusiasm to build electoral institutions, political parties and national and regional parliaments [4].

After the implementation of the 1999 elections, in 2001, there were demands for the division of 354 districts / cities in 2001. The number of districts / cities in the 2009 election was 471. Provincial expansion also occurred, from 27 provinces to 33 provinces. The new provinces after the New Order were Bangka Belitung, Riau Islands, Banten, Gorontalo, North Maluku, West Sulawesi and West Papua, as well as the release of East Timor Province from the Republic of Indonesia. The enthusiasm for the formation of a new Regency / City or often in the popular language is called the expansion of the Regency / City is in line with local aspirations, to have the power to be able to govern their own territory [5]. This is an impact of the democratic process, by opening up opportunities for political participation. The initial form of prominent regional demands was the division of districts / cities [6]. This demand for decentralization assumes that local governments can control political power and economic power in their territory [7].

On April 5, 2004, Indonesia succeeded in holding general elections (Pemilu) safely by organizing elections in a professional manner, which should have been used as a foundation in implementing democratic consolidation in Indonesia. The implementation of the 2004 election was held by the KPU (General Election Commission) which was independent for the first time. This is different from the implementation of the 1999 General Election (Pemilu) which was held under the leadership of the government and representatives of parties participating in the elections. In the amendment to the constitution, the election is held by the General Election Commission (KPU) in accordance with Article 22 E paragraph 5. However, local political developments have been different after the 2004 elections. In 2005, regional head elections (Pilkada) were held in accordance with Law no. 32 of 2004. Through this law, the implementation of regional head elections from 2005 to 2007 was not under the leadership of the General Election Commission (KPU), but under the Minister of Home Affairs. In 2007, Law no. 22 of 2007 concerning Election Administrators. Regional head elections (Pilkada) held in June 2007 was under the authority of the KPU.

3. Implementing The Regional Head Elections

The process of implementing the regional head elections (Pilkada) since 2005 which was held was very different from the implementation of the 2004 election, giving rise to various problems. Examples are various problems, such as the Teta Voters Data (DPT) and the implementation of regional elections with "smudged" riot conflicts, including in Tuban and in North Maluku. The

lack of clarity in the leadership of the General Election has made the Central KPU to use its power hierarchically without paying attention to democratic principles, such as in the framework of resolving the North Maluku regional head elections (Pilkada). In the laws and regulations, conflicts regarding the vote acquisition results must be resolved in the Supreme Court through the High Court, however the General Election Commission (KPU) takes over for recounting the votes. Even though at that time the KPU used the General Election Commission (KPU) Decree which stated that if there was a regional head elections (Pilkada) problem, the Provincial and Regency municipal KPUs reported it to the General Election Commission (KPU) for 30 days at the latest. At this time, the decree was signed on November 8, 2007, however on November 19, 2007, the General Election Commission (KPU) had taken over the vote count for the North Maluku Governor Election. In the end, the Minister of Home Affairs decided in accordance with the Supreme Court Decision, which validated the General Election Commission (KPU) decision of North Maluku Province. The procedures, the process of organizing the regional elections and the process of changing the General Election Commission (KPU) at the end of 2007 raised new questions, namely, to what extent is Indonesia in the process of consolidating democracy? In this consolidation process, democratic practices have become the dominant factor in building and operating the political system institutions [8]. Efforts that have been carried out in organizing the Election 2004 as the foundation of electoral democracy in the leadership succession process, then it was changed again and showed that implementation was only formal institutional in nature.

Critically we can see the qualitative analysis approach which shows that non-democratic practices of the Soeharto era have occurred in general election (Pemilu) practices, but in different forms [9]. The changes in the institution system do not necessarily change the behavior of the political actors who are in the institution. In this context, the change from the process of centralization to decentralization is not necessarily followed by the behavior of political actors, both at the national and local levels [10]. If democracy is marked by general elections (Pemilu), all general elections (Pemilu) are not the same. Electoral administration cannot directly be said to have electoral integrity, but it can also occur electoral manipulation [11].

In general election (Pemilu) administration, electoral integrity is a very important part of producing legitimate general elections. This is crucial because electoral manipulation can be performed as described as follows: Techniques include strong government bias in reporting; limits on independent journalism and control of the state media; the unequal and imbalanced distribution of campaign resources and state subsidies for parties; the widespread used of intimidation, coercion, or bribery by security forces at polling stations, and outright fraud or manipulation of the final vote tally and declaration of result.

4. The Decentralized System is Considered to be More Democratic in Indonesia

Apart from the various methods and models above, the practices carried out in the general election (Pemilu) administration are further included: stacking electoral commission, bribing local officials, and intimidating societies at the polling place; kicking out independent electoral observers; rigging voting machines and holding fraudulent vote counts [12]; gerrymandering district boundaries;

Meanwhile, in implementing democratic general elections, those that meet the standards of freedom and honesty must pay attention to the following indicators:

- Hold free elections at reasonable intervals;
- Permits all seats in at least one chamber of the legislature to be elected by popular vote;
- Guarantee universal and equal suffrage;
- Respect the right of the societies to seek office;
- Respect the right to establish political parties, and ensure that the parties can compete on the basis of equal treatment before the law and by the authorities;
- Ensure that political campaigning can be conducted in a free and fair atmosphere without administrative action, violence, intimidation, or fear of retribution against candidates, parties, or voters;
- Ensure unimpeded access to the media on a non-discriminatory basis;

- Ensure that votes are cast by secret ballot and that they are counted and reported honestly, with the results made public in a timely manner; and
- Ensure that candidates who win the necessary votes to be elected are duly installed in office and are permitted to remain in office until their term expires.

The scholars believe that the decentralized system is considered to be more democratic in Indonesia. After the change in the Suharto regime in 1998, various demands emerged to give power to the regions through regional autonomy (Otda), self-determination through a referendum in East Timor and Special Autonomy for NAD and Papua. Various debates about the system of central and regional power relations occur in an atmosphere of building democracy in Indonesia [13]. The clichéd view of democracy and local governance uses the main argument that local government is close to the people. Therefore, local governments are considered to be able to better serve the people directly [14]. The power given to government at the local level will provide opportunities for the people in electing a leader they like, policies that are more oriented towards local interests as well. provide public services [15]. To what extent are these views and arguments used to explain the importance of regional autonomy (Otda)? The current political reality shows that political barriers and practices are different from this initial view [16].

Representative democracy in modern times demands that politicians be responsive to the interests of their constituents. The reason is that politicians will be afraid if they are not re-elected in the next election [17]. This model of the relationship between politicians and constituents makes political accountability possible. At the same time, constituents are also demanded to actively participate in fighting for the interests of their territory. In addition, to gain power is carried out through democratic elections. Likewise, the implementation of regional head elections must be carried out in a competitive, free and honest manner. These arguments and reasons need to be reexamined in political realities and in democracy at the local level. According to John Garing in his study of corruption, he argued about localism, as follows: Decentralized institutions create, or at least reinforce localistic politics: strong MP/constituency bonds, weak political parties and greater policy authority at local levels. Decentralists champion this state of affairs because it institutes closer connections between government units and the societies they are intended to serve [18]. Politicians are apt to be more aware of local conditions and more concerned with local-level results. In so far as demands and interests vary across a country, so should political institutions and public policies. Political Institutions and Corruption 319 Overall, accountability is enhanced when the relationship between government and society is hammered out at the local, 'grassroots' level.

5. The Relationship Between Politicians and Constituents

The main problem in the political reality in Indonesia is that the relationship between politicians and constituents is mostly limited to the general election period. This is different from the relationship model of political parties and constituents in the political system in Australia. Australian societies are required to participate in the general election. Meanwhile, political parties, both the two dominant parties, namely the Liberal / National and the Labor Party, as well as parties with single issues such as the Green Party, are considered very close to constituents. One of the arguments is that all state policies are political party policies. Politicians will get sanctions if their political policies are very contrary to the wishes of their society by not being elected in the next general election. In Indonesia, the actions of politicians are often not understood by constituents or their supporters [19]. At the same time, the voters do not give the opportunity not to re-elect these politicians. In this context it is interesting to argue that in view of political culture and democratic practices in Asia, politicians who are considered corrupt are re-elected.

That corruption is deeply ingrained into electoral politics and even pays electorally reinforces the suspicion that corruption might not be that poisonous in Asia. Some scholars take the high reelection rate of corrupt politicians in Japan as evidence that Japanese societies strike a bargain with their government, accepting corruption in exchange for pork barrel benefits and economic growth.

Furthermore, some of the scholars explained that the re-election of a candidate who was corrupt and had strong financial resources, showed that general elections in Asia were considered very focused on the candidate. Thus, there are no sanctions imposed by society in general elections in Asian countries. This can also happen in the implementation of national elections and regional head elections (Pilkada) in Indonesia [20]. The main reason is economic problems and pragmatic voters. Since personal reputations trump party ones in electoral significance under candidate-centered systems, politicians have incentives to deliver pork (ranging from legitimate legislative particularism to illegal vote buying) to appeal to voters. The resultant elections are money extensive and even marked with scandals and corruption, societies may tolerate and even vote repeatedly for corrupt politicians since they are more capable of "bringing home the bacon."

Relations between representatives of the people, such as members of political parties, House of Representatives (DPR), Regional Representative Council (DPD), Provincial DPRD and Regency / Municipal DPRD as well as the President / Governor and Mayor / Regent with voters are still limited only during the election campaign. Although changes have been made individually by the representatives of the people in carrying out their duties, they have not been institutionalized. In political practice in Australia, each member of Parliament has an office in their respective constituency. Thus, voters know that the channel of their demands to the people's representatives can be through the office. Therefore, changing the model of the electoral system using the Electoral District in the 2004 elections is expected to bring politicians closer to the people they represent. However, since the 2004 elections until now there has not been a successful model of the relationship between representatives of the people and their voters. Even the latest issue that has arisen for various reasons is that the members of parliament are demanding funds for programs in their respective constituencies.

The discussion regarding the issue of decentralization in Indonesia cannot be separated from the views of Ryas Rasyid, who is considered the architect of decentralization from the Ministry of Home Affairs. He argued that decentralization gave powers to Regional House of Representatives (DPRD), both at the provincial and district / city levels. In Law no. 5 of 1974, regional power in determining the election for governors and regents / mayors is under the central government. The Regional House of Representatives (DPRD) selects three candidates and submits them to the center. The final decision rests with the center. The power to determine the Governor is in the hands of the President, while the power to determine the Regent / Mayor rests with the Minister of Home Affairs. Neither the President nor the Minister of Home Affairs has the responsibility to elect the candidate who has the most votes, which has been submitted by the Regional House of Representatives (DPRD). By adopting a framework of thinking "in the national interest", candidates with close ties to the center are then determined to become Governors and Regents / Mayors. Within this framework, local power in determining Governors and Regents / Mayors can be taken over by the center.

Amendments to Law no. 5 of 1974 became Law no. 22 of 1999 gave the power to the Provincial DPRD to elect the Governor and Regency / City DPRD to elect the Regent / Mayor. In the New Order system the argument for national interest was the main argument, while in the post-reform era, the dominant argument put forward was to give local powers and freedom (in this case the local elite) to determine their leaders, namely the Governor and the Regent / Mayor. In this context, it is explicitly or implicitly stated that by having power, regions can determine the "smartest and best" leaders to lead their regions. In political practice, does this argument need to be questioned? A person is chosen not only because of his "intelligence and good" factor. Factors such as the social, political and economic basis determine the election of candidates for Governor, Regent and Mayor. The factors of the interests of local elites also determine the election of candidates. Elections in various regions, such as the election for the Governor of North Maluku by the house of representative(DPRD) of North Maluku Province for the period 2002-2007, were seen to be laden with primordial interests and money politics. Such is the study conducted in the context of writing a dissertation at the Department of Political Science, University of Indonesia, which shows that the issue of money politics is an inseparable issue in regional head elections.

6. CONCLUSION

Another argument put forward in the power change was the emergence of leaders with non-military backgrounds or from civilian circles who became leaders in various regions, both at the governor level and at the district / city level. Thus, the rivalry between civilian and military leaders becomes an important issue in the democratic process in Indonesia. The main strength of the authoritarian regime during the New Order era was the power in the hands of the military, both actors and institutions. Within this framework is military power in a territorial command institution that is parallel to the bureaucracy. In addition, the political role of the military is very dominant in the Indonesian parliament, both in the House of Representatives (DPR) at the central level as well as in the Province and Regency / City level. The Indonesian army (TNI) or Indonesian National Police (Polri) faction gets 10% seats in the parliament. You can imagine the political parties after this reform, to get 10% votes at all levels is not easy. For example, a political party that is considered very aggressive in trying to protect and built its constituents is Prosperous Justice Party (PKS). However, Prosperous Justice Party (PKS) has not yet received 10%, even more so at all levels of the Regional House of Representatives (DPRD), both Provincial and Regency / City. Along with the depoliticization of the military and political reform, the Indonesian National Police (Polri) were separated from the Indonesian army (TNI). In the post-Soeharto elections, the Indonesian army (TNI) or Indonesian National Police (Polri) did not get seats by way of appointment. In comparison, the only political parties that got seats above 10% at the national parliament or House of Representatives (DPR) level were Party of Functional Group (Golkar) and Indonesian Democratic Party Of Struggle (PDIP) in the 1999 and 2004 elections. Meanwhile, in the 2009 elections, Party of Functional Group (Golkar), Indonesian Democratic Party Of Struggle (PDIP) and the Democratic Party. A gain of 10% at the House HaDPRD and Regency / Municipal DPRD levels. Thus, the privileges held by the Indonesian army (TNI) or Indonesian National Police (PoIri) during the New Order government were extraordinary. This position is in maintaining framework the interests of the ruling regime. Authoritarian systems serve the ruling elite rather than serve the people at large.

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