

Implementation of the Review of Individual Candidates in the Election of Mayor in Surakarta City in 2020.

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Info Artikel	Abstract
<p>Masuk:22/12/2021 Revisi:17/01/2022 Diterima:25/02/2022 Terbit:28/05/2022</p> <p>Keywords: Individual Candidate, Democracy, Political Party, Pilwalkkot</p>	<p><i>This study aims to further examine the implementation of individual candidate reviews in the mayoral election in Surakarta City in 2020.</i></p> <p><i>The city of Surakarta implemented direct elections in 2020 which were followed by political parties, in this case PDI Perjuangan (Gibran Rakabuming Raka and the individual Teguh Prakoso).) and individual candidate Bagyo Suparjo who will appear in the direct election according to the decision of the Pilwalkot participants. This study uses a normative legal research method using a statutory approach (Statute Approach) and a case approach (Case Approach). The approach in normative research examines data that is directly taken from a literature review and secondary data that can be studied through document studies is found at the Surakarta City Regional General Election Commission. This is in accordance with the 1945 Constitution and Law no. 10 of 2016. This approach is expected to get an overview of normative studies using descriptive analysis and purposive sampling.</i></p> <p><i>The results of the temporary study showed that the implementation of the individual candidate review in the mayoral election in the city of Surakarta was won by Gibran Rakabuming Raka and Teguh Prakoso who defeated Bagyo Suparjo. The existence of individual candidates in the political and democratic system occurs because Law Number 32 of 2004 concerning Regional Government only limits and facilitates candidates for regional heads who come from political parties only. Individual candidates in the post-conflict local elections in Indonesia are not significant because one of the regulations governing individual candidates is burdensome to individual candidates, even though individual candidates have been regulated in the 1945 Constitution and strengthened by the Constitutional Court Decision Number 5/PUU-V/2007 which is the political right of the people to vote. Chosen as a form of democracy and human rights. Deparpolization is caused by the decline in public confidence in political parties so that people look for other political routes and provide space for people who do not have political vehicles, which are expected to be able to answer the deadlock of political parties so that their political rights can run well.</i></p>

Kata Kunci:
Calon Perseorangan,
Demokrasi, Partai Politik,
Pilwalkot

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Abstrak

Penelitian ini bertujuan untuk mengkaji lebih lanjut mengenai Pelaksanaan Tinjauan Calon Perorangan Dalam Pemilihan wali kota Di Kota Surakarta Tahun 2020.

Kota Surakarta menerapkan pemilihan secara langsung pada tahun 2020 yang diikuti oleh Partai Politik dalam hal ini PDI Perjuangan (Gibran Rakabuming Raka dan perorangan Teguh Prakoso) dan calon perorangan Bagyo Suparjo yang akan tampil dalam pemilihan secara langsung sesuai dengan keputusan peserta Pilwalkot.

Penelitian ini menggunakan metode penelitian hukum normatif dengan menggunakan pendekatan perundang-undangan (Statute Approach) dan pendekatan kasus (Case Approach). Pendekatan dalam penelitian normatif menelaah data yang secara langsung diambil dari telaah pustaka dan data sekunder yang dapat ditelaah melalui studi dokumen terdapat di Komisi Pemilihan Umum Daerah Kota Surakarta. Hal ini sesuai dengan Undang-Undang Dasar 1945 dan Undang-Undang No. 10 Tahun 2016. Pendekatan ini diharapkan mendapatkan gambaran terhadap telaah studi normatif dengan menggunakan analisis diskriptif dan pengambilan sampel secara acak (purposive sampling).

Hasil penelitian sementara bahwa Pelaksanaan Tinjauan Calon Perorangan Dalam Pemilihan wali kota Di Kota Surakarta diperoleh memenangkan Gibran Rakabuming Raka dan Teguh Prakoso yang mengalahkan Bagyo Suparjo. Eksistensi calon perseorangan dalam sistem politik dan demokrasi terjadi karena Undang-Undang Nomor 32 Tahun 2004 Tentang Pemerintahan Daerah hanya membatasi dan memfasilitasi calon kepala daerah yang berasal dari partai politik saja. Calon perseorangan dalam pilkada di Indonesia tidak signifikan karena salah satunya adalah regulasi yang mengatur mengenai calon perseorangan memberatkan calon perseorangan, padahal calon perseorangan telah diatur dalam UUD 1945 serta diperkuat dengan Putusan Mahkamah Konstitusi Nomor 5/PUU- V/2007 yang merupakan hak politik masyarakat untuk dipilih sebagai bentuk dari demokrasi dan Hak Asasi Manusia. Deparpolisasi disebabkan oleh menurunnya kepercayaan masyarakat terhadap partai politik sehingga masyarakat mencari jalur politik lain dan memberikan ruang bagi masyarakat yang tidak mempunyai kendaraan politik, yang diharapkan mampu menjawab kebuntuan partai politik sehingga hak politiknya dapat berjalan dengan baik.

INTRODUCTION

Surakarta City implements direct elections in 2020 which will be participated in by political parties in this case the PDI-P (Gibran Rakabuming Raka and the individual Teguh Prakoso) and individual candidate Bagyo Suparjo who will appear in direct elections according to the decisions of the participants in the mayoral election.

An important indicator that shows the existence of people's sovereignty is the existence of

elections that are carried out democratically. Political parties as political infrastructure have an important role in democracy. The faucet of democracy being opened widely has implications for the establishment of many political parties.¹ Historically, Article 56 Paragraph (2) of Law No. 32 of 2004 concerning Regional Government states that "The pair of candidates as referred to in Paragraph (1) is proposed by a political party or coalition of parties. politics", meaning that regional head candidates to become participants in the Regional Head General Election must be proposed by a political party that has such a dominant role in the Regional Head General Election. The development of political policy is evidenced by the enactment of Law No. 12 of 2008 concerning the Second Amendment to Law No. 32 of 2004 concerning individual candidates in the Regional Head General Election. In the administration of local government, principles of democracy. In this case, it means that the regional head candidate in the post-conflict local election must be elected democratically. This is for a number of countries that implement or claim to be democratic countries. Elections are indeed considered a symbol as well as the main and first benchmark of democracy.² However, the quantity of political parties is not accompanied by the quality of political party cadres, so that this important role is gradually changing. degradation. This process of weakening the role of political parties is often referred to as deparpolization.

Deparpolization can occur because of laws and regulations, judge decisions, public perceptions, or immoral attitudes from political party members.³ This is also confirmed by the government's political policy regarding reforms to changes to the Law on Regional Government, namely Law No. 9 of 2015 concerning Amendments to Regional Government. Law No. 23 of 2014 which also states that candidates for regional heads who do not come from political parties or do not receive support from political parties to participate.

With regard to the above background, therefore the title of this research is "Implementation of Individual Candidate Reviews in the Election of Mayors in the City of Surakarta".

RESEARCH QUESTION

How the review candidate individual in the mayoral election in Surakarta City?

GENERAL OVERVIEW OF INDIVIDUAL CANDIDATES

Candidates or independent in the KBBI means independent, free-spirited, unbound, free.⁴ Independent is free from influence, will, or control from the executive branch.⁵ This means that our existence is independent and does not carry the interests of certain parties. or a particular organization.

The urgency of the need for independent candidacy is treated in view of what the researcher calls the "Degradation of the Role of Political Parties". The condition of political parties which is always facultative depends on the direction of the political arena, making political parties often look unhealthy and forget their core functions, which ultimately makes the performance of the political parties is beyond expectations, regardless of the quality of its cadres or the political party machine itself.⁶ Independent candidates are candidates who advance in political activities without

¹ Miriam Budiardjo, 2010, *Dasar-Dasar Ilmu Politik*. Jakarta : Gramedia Pustaka Umum. Pp. 408

² Titik Triwulan Tutik, 2006, *Pokok-Pokok Hukum Tata Negara*. Jakarta : Prestasi Pustaka. Pp. 11

³ Nur Rohim Yunus, 2017, "Deparpolisasi Sebagai Motif Timbulnya Calon Perseorangan". *Jurnal*. Volume 1. No 6. Februari. Pp. 11

⁴ Departemen Pendidikan Nasional, 2008, *Kamus Besar Bahasa Indonesia*. Jakarta : PT. Gramedia Pustaka Utama. Pp. 532

⁵ Gunawan A. Tauda, 2011, *Komisi Negara Independen*. Yogyakarta ; Genta Press. Pp. 99

⁶ Sigit Pamungkas, 2009, *Perihal Pemilu*. Yogyakarta : Laboratorium Jurusan Ilmu Pemerintahan Fisipol Universitas Gajah Mada. Pp. 32

going through the nomination mechanism of political parties. From the easiest domain, it turns out that the definition of an independent candidate is also not found in any related laws and regulations. In each of these regulations, the phrase "Individual Candidates" is used instead. The emergence of this individual or independent candidate occurs due to several things, including not being held hostage to the affairs of certain political groups, being transparent and accountable, and the tendency of the public not to trust political parties, because several times there have been officials from certain political parties involved in a number of cases. crime thereby increasing public doubt. Therefore, the independent candidate option is choice alternative that is expected able to answer the problems.

RESEARCH METHOD

This research uses normative juridical research. Normative juridical research methods are methods or methods used in legal research conducted by examining existing library materials.⁷ Normative legal research methods can also be referred to as research on legal principles or norms, namely research conducted on legal principles and the level of legal synchronization.⁸

The research approach used in this research is the statute approach and the case approach. The statutory approach is an approach taken by examining all laws and regulations relating to the problems (legal issues) being faced. The approach to legislation in this research is carried out, among others, by studying the consistency or conformity between the Constitution and the Law, or between one law and another. The case approach is an approach that aims to study the application of legal norms or rules in legal practice. This type of approach is usually used regarding cases that have received decisions.⁹ In this thesis research, the case approach is carried out by studying the case so as to get an overview of the impact of normalization in a legal rule, and using the results of the analysis as input for legal explanations.

Techniques In this research data collection technique, researchers used documentation study techniques or literature studies. A study by conducting a review study of books, literature, notes, and reports related to the problem to be answered, then the researcher determines the research topic, and conducts studies related to theories related to the topic

RESULT AND DISCUSSION

At that time the election of regional heads by the DPRD was full of interests. Practices like this will lead to an institutionalized culture of corruption. Elections for regional heads are not based on the ability of a person to lead the region, but on the ability to give money to DPRD members.

In the New Order, the pilkada system tended to be appointed by the President or the Minister of Home Affairs, regional heads only came from the military, bureaucrats, or the Working Group. The Central Government does not provide space for candidates for regional heads from political parties, let alone individuals outside the military, bureaucrats, or the Working Group.¹⁰ Space for individuals to become regional heads is not available because it only limits candidates for regional heads from political parties. Political parties experiencing euphoria dominate the regional head elections by nominating regional heads through their factions in the DPRD to be elected by the DPRD directly, freely, confidentially, with titles, and fairly. Law No. 32 of 2004 does not provide space for

⁷ Soerjono Soekanto dan Sri Mamudji, 2009, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta: PT. Raja Grafindo Persada. Pp. 13-14

⁸ Bambang Sunggono, 1997, *Metodologi Penelitian Hukum*. Jakarta: PT. Raja Grafindo Persada. Pp. 41-42

⁹ Hermawan Warsito, 1993, *Pengantar Metodologi Penelitian*. Jakarta: PT. Gramedia Pustaka Utama. Pp. 69

¹⁰ A. Salman Maggalatung, 2016, *Desain Kelembagaan Negara Pasca Amandemen UUD 1945*. Bekasi: Gramata Publishing. Pp. 7

individual candidates to compete in the pilkada because it still adheres to a limited nomination system that adheres to the paradigm of only political parties that have qualified human resources in leading the government.

There are several factors that led to the birth of provisions regarding independent candidates, namely:¹¹

1. There is a desire from the community to elect regional heads without having to go through political parties. The emergence of political parties in the corridor of political party theory is inseparable from the increasing dynamics of society that require systemic facilities. The manifestation of the effort to provide systemic facilities is the availability of social institutions that can be used as tools for the community in their social interactions, and one of the various social institutions that One of them is a political party. Because Indonesia as a country can basically be analogized as a living organism that experiences growth and development.

2. Election of the Regional Head of DKI Jakarta The Pilkada of DKI Jakarta is one of the factors driving the birth of independent candidates. During the DKI Jakarta Pilkada, there was a demand that independent candidates be allowed to take part in the Pilkada. The reasons why the DKI Jakarta Pilkada is one of the factors driving the birth of an independent are as follows: Efforts to promote independent candidates are increasingly being debated when the candidate registration process has been opened. DKI Jakarta KPU firmly. Stating that the nomination process can only refer to Law Number 32 of 2004 concerning regional government and government regulation Number 6 of 2005 concerning the election, ratification of the appointment, and dismissal of regional heads and deputy regional heads. This Law and Government Regulation requires that candidacy is only possible through a political party or coalition of political parties.

Regarding the individual candidate model, since its inception until now, it is hoped that individual candidates will answer the void of the social role of political parties when dealing with the masses of the people and become an alternative solution to the impasse in the political process because of the internal conflicts of interest of political parties. In addition, this is to obtain candidates for regional heads/deputy regional heads who are free from the influence and pressure of political parties, so that they will emerge as new political institutions that will deal with the two political realities and dilemmas above. Individual candidates will definitely choose a path, in the form of getting support as a condition of candidacy and winning the battle in a short time.¹² Individual candidates need support obtained in many ways. Nominations can be made by a political party, a coalition of political parties, or by a person with individual or group support. Party nominations and support must be obtained through regeneration or exchanges, conventions or conspiracies, including through local parties. Support for individual candidates will be correlated with the conditions for nominations for regional elections by political parties, namely the electoral threshold that is fought for in one election period.

The existence of individual candidates in the direct pilkada provides an opportunity for the emergence of leaders who come from undercurrents of politics. The public is not just a spectator or voter of candidates proposed by political parties, but can act as political actors who actively carry candidates and elect them in the regional head elections or even become candidates for regional heads. Individual candidates can be interpreted as a concrete form of participatory democracy built

¹¹ Koiruddin, 2004, Partai Politik dan Agenda Transisi Demokrasi, Yogyakarta: PustakaPelajar.Pp. 65

¹² Suryo Gilang Romadhon, Op.Cit. Pp. 37

by and within the community.²⁶ This is also in accordance with Article 28D Paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that: "Every citizen has the right to obtain equal opportunities. in the government", and Article 43 paragraph (1) of Law Number 39 of 1999 concerning Human Rights which states that: "Every citizen has the right to be elected and to vote in general elections based on equal rights through direct, general voting. , free, confidential, honest and fair in accordance with the provisions of the legislation".

CONCLUSION

Individual candidates must consider the following:

1. Individual candidates must have the competence to make positive contributions to the improvement of the political system as well as the party system.
2. Individual candidates must be able to affirm political functions such as the function of articulation and aggregation of interests, the function of political communication, and others.
3. Individual candidates must have clear accountability in the democratic system that we are building and do not tend to ignore the interests of the community to simply pursue the ambitions of power, personal and group interests.

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