



The role of the Makassar election supervisory agency in the siyasah syar'iyah perspective (a case study on the 2020 district head election in Makassar City)

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ABSTRACT

The District Head Election is a vehicle for realizing people's sovereignty to produce a democratic government. The government resulting from the election is expected to become a government with strong and trustworthy legitimacy. District Head Elections in Makassar still frequently violate the code of ethics, crime, administration, and the neutrality of the State Civil Apparatus. This study aimed to determine the role of the Election Supervisory Agency (Bawaslu) in the Siyasah Syar'iyah Regional Election Case (a Case Study in the 2020 District Head Elections in Makassar), carry out supervision of the District Head Elections' cases in Makassar, namely forming a Participatory Supervision Cadre School (SKPP); carried out Election Saka, involved participatory media, involved disability groups, and involved women's groups. Even in 2023, a citizen forum is initiated as a form of early detection of violations. Also 2022, it will inform villages of elections and anti-money politics. Then, in 2021, it made islands aware of the surveillance. The control island is at Barang Ca'ddi, and lastly, conducted collaboration with the Muhammadiyah and Nahdatul Ulama (NU) religious groups. Meanwhile, Repressive efforts by the Makassar Election Supervisory Agency, namely taking action on violations starting from receiving reports or findings, conducting studies, and making recommendations or forwarding the results to the authorized institution.

Keywords: Supervision; criminal; siyasah syar'iyah

1. INTRODUCTION

Indonesia, as a country that adheres to a democratic system, upholds the sovereignty of the people; all forms of policies are based on the people, by and for the people. Democracy is inseparable from the general election of District Head Election. Democracy refers to the doctrine of the existence of rights and obligations, namely between citizens and the government. Democracy in Islam is acknowledged as something

universal. According to Jimly Asshiddiqie, apart from being a manifestation of democracy and human rights (HAM), elections also aim to fill and carry out leadership succession in an orderly manner. The implementation of democratic general elections can be carried out directly or indirectly. The longing for people's representatives that society expects those who can bring prosperity in various lines of life and can elevate the nation's dignity in the eyes of the international community.

Of course, in realizing democratic elections and following what is aspired, it is necessary to supervise each stage. This is because, in every election implementation, it is undeniable that election organizers or participants still commit frequent fraud. Money politics dominated the frauds at the central and regional levels, vote inflating, phantom voters, and unscrupulous election organizers who sided with one of the participants. For this reason, the function of monitoring and implementing elections must be improved. Supervision is an activity aimed at guaranteeing the implementation of state administration by state institutions in accordance with applicable law.¹ So, the urgency of an election supervisory Agency's presence is needed to achieve the principle of general elections. Facing this crisis is inversely proportional to the urgent needs of society, such as health and economic recovery.² The 2020 District Head Election Rules, in the midst of this pandemic situation, are contained in General Election Commission Regulation (*PKPU*) Number 6 of 2020 concerning the Implementation of Elections for Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors Simultaneously Continuing in Non-Disaster Conditions -In Coronavirus Disease 2019 (Covid-19). This regulation does not only apply to the electorate but also applies to regional election organizers and participants. This regulation applies in all regions in Indonesia where regional elections are taking place, including Makassar, the capital city of South Sulawesi Province.

This is a very important part because election supervision is not solely on the shoulders of the election supervisory body, in this case, the Bawaslu and all election supervisory ranks, but is also the moral responsibility of all components and elements of society. This is also in accordance with the democratic principle that we adhere to, that democracy is of the people, by the people, and for the people. This is what motivated the author to raise the title "The Role of the Election Supervisory Board (*Bawaslu*) in Handling Violations in the *Siyasah Syar'iyah* Perspectives (Case Study of the 2020 District Head Election in Makassar)." Based on the background of this problem, the main problem in this research is What is the Role of the Election Supervisory Agency (Bawaslu) in Handling District Head Elections Cases from the *Siyasah Syar'iyah* Perspective (Case Study on 2020 District Head Elections in Makassar) and from this main problem sub-problems can be drawn in this study are as follows:

¹Sri Soemantri, et al, Indonesian State Administration in Indonesian Political Life: 30 *The year goes back to the 1945 Constitution*, (Cet.I; Jakarta: Sinar Harapan Library, 1993), h. 285.

²Syahrir Karim, Polarization of Islamic Politics in the Midst of the Covid-19 Pandemic and the 2024 Political Map, *Journal of Senaspolhi Proceedings* 1 no.1 (2021): h. 3

1. What are the Preventive Efforts of the Election Supervisory Body (*Bawaslu*) in supervising the Election of Regional Heads in Makassar?
2. What are the Repressive Efforts of the Election Supervisory Body (*Bawaslu*) in Handling Violations of the Code of Ethics, Election Crimes, election administration, and the neutrality of the State Civil Apparatus in the 2020 District Head Election in Makassar?

2. METHODS

This type of research is field research, classified as qualitative descriptive. The approach in this research is the normative theological approach to the political approach. In this study, the primary data source is the Bawaslu, the Chairperson of the Bawaslu, Head of the Violation Handling Division, Members of the Violation Handling Division, and Members of Gakkumdu (Integrated Law Enforcement Center). Second, Law Number 1 of 2015 concerning the Stipulation of Government Regulations instead of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors. Data collection techniques used in this study are observation, interviews, and documentation. Data processing techniques through qualitative descriptive techniques using data analysis, namely data reduction, data presentation, and drawing conclusions.

3. RESULTS AND DISCUSSION

Overview of Research Locations in the Makassar Election Supervisory Agency

Makassar, formerly known as Ujung Pandang, is the capital city of South Sulawesi Province. Makassar plays a role as a center for trade and service activities, a center for industrial and government activities, a center for goods and passenger transportation services for land, sea, and air transportation, and also as an education center. and health services. The Bawaslu is located at Jalan Letjen Hertasning Number 11, Kassi-Kassi Village, Rappocini District, Makassar City, South Sulawesi Province.

Preventive Efforts of the General Election Supervisory Body (Bawaslu) in the Case of Regional Head Elections

The Election Supervisory Agency (*Bawaslu*) is an election organizer with a large role and authority. *Bawaslu* is not only a supervisor but also examines cases of election violations and elections based on the mandate in the law. Bawaslu was tested for its strategy in overseeing elections with integrity for the nation's progress.

Supervision of the implementation of the election takes place in all phases, including planning, preparation, implementation, and evaluation. All are important parts and important to ensure fair elections. *Bawaslu* is the official body that monitors and enforces election stages, receives complaints, and handles cases of administrative violations, electoral crimes, and the code of ethics. The presence of *Bawaslu* is expected to have an impact on supervision to become more qualified, more effective, and more efficient. *Bawaslu* must supervise at every stage of prevention of dispute violations, take action

against violations, administrative violations, code of ethics, criminal acts, and other legal violations, and finally, the task of the Bawaslu is to resolve disputes. Hence, the task of the role of *Bawaslu* is to summarize the *Bawaslu* tagline, namely, watch, prevent, act.

Preventive efforts carried out by the Makassar Election Supervisory Agency include forming a Participatory Supervision Cadre School (SKPP), Forming an Election Saka, involving participatory media, involving groups with disabilities, and involving women's groups. In 2023, a citizen forum was established as a form of early detection of violations. In 2022, *Bawaslu* formed an election-aware village, an anti-money-politics-aware village; in 2021, it formed an island that is aware of supervision. The monitoring island is located in Barang Ca'ddi, and the last one is working with the Youth Organization (OKP) in collaboration with the Muhammadiyah religious group, Nahdatul Ulama (NU).

Repressive Efforts by the Election Supervisory Body (Bawaslu) in Handling Violations of the Code of Ethics, Crime and Election Administration, and Violations of the Neutrality of the State Civil Apparatus

In fact, in the 2020 District Head Election, there were still many violations of the code of ethics, administrative violations, violations of election crimes, and violations of the neutrality of the State Civil Apparatus. Violations are at every stage. Handling violations is a series of processes carried out by election supervisors, including findings, receipt of reports, clarifications, giving recommendations, and forwarding the results of studies on findings/reports to the authorized agency for follow-up. District Head Election. 's violations consist of administrative violations of the code of ethics. Election crime violations and other legal violations.

1. Violation of the election code of ethics

A violation of the code of ethics is a violation of the behavior of District Head Elections organizers

Some District Head Election violations were handled through findings, and some were obtained through reports. The findings are the results of the supervision of election supervisors, which contain allegations of election violations. Meanwhile, the report is submitted in writing by the complainant to the election supervisor regarding allegations of election violations. The mechanism for handling violations of the code of ethics must, of course, meet formal and material requirements such as the identity of the complainant, name and address/domicile of the reported party, the time for submitting the report does not exceed 7 days from the date the alleged violation is known and found, 3 days for alleged election violations. And finally, the suitability between the signature on the report form and the identity card. The material requirements include the time and place of the alleged violation, description of the alleged violation, and evidence. Now, the mechanism for handling findings until they are registered starts with the monitoring report submitted at the plenary meeting to determine whether there was a violation, which must meet the elements, starting from the originator of the alleged violation being the election

supervisor, the time of finding does not exceed the stipulation limit, the identity of the perpetrator and the existence of an incident We record new events in the register book.

Table 1. Data on Handling Violations of the Election Code of Ethics In the 2020 Mayor and Deputy Mayor Elections

NO	REGISTRATION NUMBER	FOLLOW-UP
1	007/TM/PW/ KOTA/27.01/X/2020 REGISTRATION 001/AD/APKE/BWS/KOTA/MKS/XI/2020	Written warning sanction by the Makassar City Bawaslu
2	022/PL/PW/KOTA/27.01/XI/2020 REGISTRATION 002/AD/APKE/BWS/KOTA/MKS/XI/2020	Written warning sanction by the Makassar City Bawaslu
3	REGISTRATION025/REG/LP/PW/KOTA/27.01/XII/2020	forwarded to KPU Makassar City (waiting for recommendations)

Source: Makassar City Bawaslu in 2023

Table 1 above shows a recap of handling violations of the code of ethics for the 2020 Mayor and Deputy Mayor elections, where three violations of the election organizers' code of ethics were found. Follow up Registration Number 001/AD/APKE/BWS/KOTA/MKS/XI/2020 by giving a written warning sanction by the Makassar City Bawaslu. Follow up Registration Number 002/AD/APKE/BWS/KOTA/MKS/XI/2020 by giving a written warning sanction by the Makassar City Bawaslu. Registration number 025/REG/LP/PW/KOTS/27.01/XII/2020 followed up with forwarded to KPU Makassar City (awaiting recommendations).

2. Administrative Violations

Administrative violations are violations of the procedures, procedures, and mechanisms for organizing. District Head Elections.

Table 2. Election Administration Violations Handling Data In the 2020 Mayor and Deputy Mayor Elections

NO.	NO REGISTRATION	REGISTRATION DATE	FOLLOW-UP
1	01/TM/PW/CAM. TALLO/27.01/IX/2020	24/09/2020	Forwarded to Tallo District PPK, then followed up by PPK

Source: Makassar City Election Supervisory Agency 2023

Based on Table 2 data on the handling of administrative violations for the Mayor and Deputy Mayor elections in 2020 with the registration number 01/TM/PW/CAM.TALLO/27.01/IX/2020 was forwarded to the Tallo District PPK and followed up by PPK.

3. Election Crime Violations

Provisions for election crimes are contained in articles 177 to 198 A of Law Number 10 of 2016 concerning Elections.

Some examples of election crime violations include:

- a. Campaign by insulting a person, religion, ethnicity, race, nation, and certain group;
- b. Inciting, defaming, and pitting political parties, individuals, and community groups against each other in their campaign activities;
- c. Conduct campaigns in places of worship and places of education;
- d. Promising/providing goods or other materials or what we often call money politics and other actions.

Carrying out the handling of election violations, *Bawaslu* does not work alone but with investigators from the police elements of the public prosecutor from the prosecutor's office who are members of *sentragakkumdu* (integrated law enforcement center). One of the mandates in Law Number 10 of 2016 is that in settlement of election, crimes must be resolved in a container called an integrated law enforcement center, which was formed to equalize the understanding and pattern of handling election crimes as well as to realize the effectiveness and optimization of the handling of election crimes. Election crime.

Table 3. Data on the Handling of Electoral Crime Violations In the 2020 Mayor and Deputy Mayor Elections

MAKASSAR	AMOUNT	STOP DISCUSSION I	STOP DISCUSSION II	STOP DISCUSSION III	KET
REPORT	22	4	17	1	SP 3 (STOPPED IN INVESTIGATION)
FINDINGS	14	1	13		
AMOUNT	36	5	30		

Source: Makassar City Election Supervisory Board 2023.

Based on Table 3, it was found that there were 22 reports and 14 findings of violations regarding the choice of report handling mechanism. In the first discussion, 4 reports were stopped. In comparison, 18 reports were followed up in the second discussion. In the results of the second discussion, 17 reports were stopped, and only 1 was followed up to a discussion of the three Sentra Gakkumdu. The discussion results of the three Sentra Gakkumdu were stopped, and at SP3, it was stopped during the investigation because there was insufficient evidence. Meanwhile, there were 14 findings of election criminal acts that entered the Bawaslu, and in the first discussion, there was 1 finding that was stopped, and in the second discussion, there were 13 findings that were stopped.

4. Violation of the Neutrality of the State Civil Apparatus

The state civil apparatus must be neutral to avoid divisions and abuse of office/power. This neutralization principle indicates that every ASN must not have intervention from any form of the political sphere in any form. ASN may not support a candidate's success in the. District Head Elections in any form; for example, at the district/city and provincial levels, there is a lot of ASN mobilization during elections and . District Head Elections.

Table 1.4 Data on Handling Violations of ASN Neutrality (Other Laws) in the 2020 Makassar Mayor and Deputy Mayor Elections

PENALTY	MAKASSAR	
	FINDINGS	REPORT
LIGHT DISCIPLINE	1	
MODERATE DISCIPLINE	8	1
OPEN STATEMENT		
CLOSED STATEMENT	1	
ORAL REMINDER	2	
MORAL SANCTIONS	1	
NOT PROVEN		1
TOTAL	14	2

Source: Makassar City Election Supervisory Board 2023

Based on Table 4 regarding data on handling violations of the neutrality of the State Civil Apparatus in the 2020 Makassar Mayor and Deputy Mayor Elections, there was 1 finding that was given a light disciplinary sanction. These 8 findings were given a moderate disciplinary sanction, and 1 finding was given a closed statement sanction. These 2 findings were given a sanction verbal warning, 1 finding was given a moral sanction, and 1 report was not proven.

The Role of the Election Supervisory Body in Handling. District Head Elections Violations from the Perspective of Siyasaah Syar'iyah (Case Study on Handling 2020 District Head Elections Violations in Makassar City)

Wilayatul hisbah is to order good if it is proven that evil is abandoned and prevent evil if it is proven that many evil deeds are done. As in the Word of Allah swt. in QS al-Imran/3:104

Translated:

"Moreover, let there be a group of people among you who call for virtue, instructing those who are good and forbidding those who are evil; they are the lucky ones."

In fact, in the book of *Fiqh as-Syariah*, there are several priorities for law enforcement, namely covering the *al-qadha* area, institutions or bodies authorized to resolve disputes between people, at present, namely courts or arbitration bodies, *al-mazalim* areas, institutions or bodies authorized to resolve disputes. State administration disputes, as well as disputes between officials (due to abuse of their position) and the people or between nobles and ordinary people. Furthermore, there are *al-hisbah* regional bodies or institutions, namely (warning agencies and supervisory bodies) which have the function of reminding members of the public about the existing rules that must be followed, how to use and comply with the regulations, and actions that must be avoided because they are contrary to the regulations. In *Fiqh Siyasa*, Islam has its views regarding the Election Supervisory Agency (*Bawaslu*); in Islam, it is known as the *al-Hisbah* region, which comes from the word *al-Wilayah* which means power or authority, and *Al-Hisbah* which has the meaning of reward, the test of doing something fully calculation. *Al-Hisbah* has a religious duty with a mission to order people to do good and prevent someone from doing evil deeds and actions.

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¹Ministry of Religion, Al-Qur'an and Its Translation (Bandung: CV. Mikraj Khazanah Ilmu, 2014), p. 63.