p-ISSN: 2723-660 e-ISSN: 2745-5254
Vol. 5, No. 11 November 2024 http://jist.publikasiindonesia.id/

Repeat Voting in the 2018 Cirebon Mayoral Election: Examining the Contributing Factors and the Professionalism of Cirebon's Electoral Commission (KPU)

Dian Fitriyani[1*], Nur Hidayat Sardini[2] , Dewi Erowati[3]
Universitas Diponegoro, Indonesia
Email: dianfitriyani98@students.undip.ac.id[1*] nhsardini@live.undip.ac.id[2]
dewierowati@lecturer.undip.ac.id[3]

*Correspondence

Keywords: Repeat Voting; Cirebon Mayoral Election; Electoral Commission Professionalism

ABSTRACT

Elections are essential democratic processes that require integrity, professionalism, and adherence to electoral laws. However, the 2018 Cirebon Mayoral Election faced allegations of electoral malpractice, leading to a re-voting order by the Constitutional Court. This research analyzes the Re-voting events in the 2018 Cirebon Mayor and Deputy Mayor Elections. There were allegations of fraud committed by election organizers in Cirebon raised by the Bamunas Setiawan and Effendi Edo candidate pairs. However, the existence was denied by the Cirebon City KPU at the case title of the dispute hearing on the results of Pilwakot Cirebon 2018 at the Constitutional Court of the Republic of Indonesia. This research focuses on analyzing qualitative studies with a case study strategy. Data obtained through literature study. This phenomenon is pure negligence in electoral governance by the KPU, which disrupts professionalism in the institution.

Introduction

General elections in Indonesia are a long procession of political contestation, a form of democratic party to regenerate leaders. Elections are an extension of direct democracy in Indonesia that must be upheld because a good democratic climate can be seen through a good election procession in a country (Ahmad, 2018).

The idea of thought by Laswell (1985) states that politics is who gets what, how, and when. (Sardini (2021) and Fitriyani et al. (2024) describe elections as an activity of who chooses whom, in what way, and when is it held. Become an adoption of the study of organizing elections in Indonesia. Of course, this idea must be studied in the world of politics, government, law, and democracy in order to be realized as well as possible.

The idea of who chooses whom, in what way, and when is held under certain conditions utilized in a reverse position (vice versa) or in conditions that benefit some parties. This will increase the challenges and threats of holding elections as transactional activities between organizers and election participants.

Furthermore, to overcome this, at least seven (7) criteria must be upheld to realize democratic elections. Kurniawan (2019) explains as follows: the existence of equality between citizens; there is a guarantee of legal certainty based on the principle of elections (LUBERJURDIL); there is free, fair, and healthy competition between election

contestants; participants from stakeholders who are neutral and clean from corruption and abuse of power in the electoral stages; election organizers who are professional, independent, and impartial; the integrity of the election process from the stages of voting, counting, tabulation, and reporting; and finally, fair and timely resolution of election disputes.

Elections have rules and regulations (rules of the game) that are binding and must be obeyed by all parties, both organizers, participants, and the community. Elections cannot be held without rules/regulations. Regulation is not only important but absolute in elections. Elections are identified with rules, procedures, and standards. Election regulations regulate all aspects, such as preparing voter lists, polling stations (TPS), voting, and voting counting. This legal framework can also establish procedures and mechanisms for handling complaints and disputes arising from code of conduct violations.

The culmination of the long process of democratic elections is at the stage of voting, counting, tabulating, and reporting. If supported by professional, independent, and impartial election organizers, the culmination of this process will form good electoral governance in Indonesia. In addition, the voting agenda for reporting by the organizers is the spearhead of Indonesia's political conditions.

However, in the reverse position (vice versa), the voting, counting, tabulation, and reporting stages of the election are utilized with actions that lack integrity and do not reflect the organization of elections in Indonesia that is professional, independent, and impartial. One of these phenomena occurred in 2018 in the city of Cirebon.

The phenomenon of Cirebon Mayor and Deputy Mayor Election in 2018 was won by candidate number two (2) Nasrudin Azis and Eti Herawati through the Cirebon City General Election Commission Decree Number 100/PL.03.6-Kpt/3274/KPU-Kot/VII/2018. Chronologically, the existence of the decision was rejected by candidate number one (1) Bamunas Setiawan and Effendi Edo. According to Paul on Bamunas-Edo (OKE) and the team, the decision is legally flawed and arises from the negligence of electoral governance by the Cirebon City General Election Commission.

This prompted the Bamunas-Edo candidate to file a lawsuit at the Constitutional Court. Bamunas-Edo's legal team made at least two arguments that made the decision unacceptable. First, there was a difference in votes during the counting, tabulation, and reporting process. Second, there was a malprocedure in the form of improper opening of ballot boxes at 24 polling stations spread across four (4) sub-districts and six (6) villages in Cirebon.

The votes based on the KPU results differed from the manual count conducted by the Bamunas-Edo (EKO) candidate team. The data can be presented as follows:

Table 1. Comparison of the Original Count Results of the Cirebon City KPU with the Manual Count Results of the Bamunas-Edo Paslon Team at the 2018 Cirebon Pilwakot

No.	Name of Candidates for Mayor and Deputy Mayor	Vote Acquisition	Revoke Vote Acquisition in Problematic Boxes	Inflation and Reduction	Proper Acquisition of Sura
		(1)	(2)	(3)	(4)
1	Bamunas Setiawan Boediman and Effendi Edo	78.511	(-) 1.875	(+) 1.021	77.657
2	Nashrudin Azis and Eti Herawati	80.496	(-) 2.640	(+) 221	77.635

Source; Constitutional Court of Indonesia Number 8/PHP.KOT-XVI/2018 (2018)

The table states the results of the vote acquisition by the two pairs of candidates determined by the KPU through the Decree of the Cirebon City General Election Commission Number 100/PL.03.6-Kpt/3274/KPU-Kot/VII/2018. The decision states that the Bamunas-Edo candidate pair has 78,511 votes, and the Nashrudin-Eti candidate pair has 80,496 votes. The calculation through the decree differs from the results of the manual count by the Bamunas-Edo candidate team, with the vote acquisition of candidate number one at 77,657 votes and candidate number two at 77,635.

More profoundly, in their lawsuit at the Constitutional Court, they stated that the Bamunas-Edo candidate team suspected the problem of vote difference to be closely related to the mal procedure of opening ballot boxes at 24 polling stations in Cirebon City. Chronologically, the evidence written by the number one candidate team in the Constitutional Court's decision explained the incident of transporting ballot boxes from 24 polling stations to the village hall, which was not by the SOP, and the unloading was carried out at night. The incident occurred after voting on June 27, 2018, on the pretext that there was alleged manipulation carried out by election organizers, which caused a reduction in the number one candidate pair's votes before being taken and recapitulated to the PPK at the sub-district level. (Artadi & Sanusi, 2021).

These two issues became a lawsuit over the dispute over the results of the 2018 Cirebon Mayor and Deputy Mayor Election between the Bamunas Setiawan Boediman-Effendi Edo candidate pair and the Cirebon City General Election Commission. With the lawsuit, the decision of the Indonesian Constitutional Court Number 8/PHP.KOT-XVI/2018 was issued based on case evidence fulfilled by the applicant. The Constitutional Court's decision resulted in a binding legal ruling for the Cirebon City KPU to conduct a re-vote election at 24 polling stations that indicated mal procedure by the Cirebon KPU.

Re-voting (PSU) is a phenomenon that rarely occurs in Indonesia. The reason is that with good elections, according to the election law in Indonesia and the spirit of democracy, PSU should be avoided. PSU, by the provisions of Article 372 paragraphs (1) and (2) of Law Number 7 Year 2017, can occur if there is a natural disaster and / or a riot that results in the voting results not being used or the vote count not being carried out.

The phenomenon of PSU in Pilwalkot Cirebon 2018, which was motivated by riots that resulted in votes that could not be used or vote counting could not be carried out, became a phenomenon of Ungovernability in government institutions.

Ungovernability, or what is known as a form of incapacity to govern, can occur in government agencies or bodies. Ungovernability occurs because the institution and or government cannot handle the diversity of problems demanded by the community.

Berger's (1979) case study of ungovernability and crisis in the United Kingdom and the United States has at least (3) influencing factors. These factors include First, an overloaded governance system caused by conflicting societal needs can paralyze the state; Second, there is over-governing, which is it ease for the state to intervene in specific problems (thus creating new problems); and Third, incompatibility, which is an inappropriate state presence to address the diverse demands of a politicized population quickly.

In the research, it is necessary to underline the ungovernability events that occurred at the Cirebon City KPU in the PSU Pilwalkot Cirebon 2018 phenomenon in government institutions with the authority to organize elections. Ungovernability in these institutions occurs in government institutions that should have credibility to maintain the spirit of democracy. Ungovernability that occurs in this phenomenon can disrupt democracy due to politicized conditions. In addition, this phenomenon encourages the creation of a government that is not conducive and leads to values that are contrary to upholding good governance in Indonesia.

The PSU that occurred in the 2018 Cirebon Pilwalkot as a legal impact caused as the responsibility of the Cirebon KPU for malprocedures and negligence towards election governance in Cirebon in 2018 became the background and interest of the problem in this study. The argument became the basis for researchers to analyze events occurring at PSU in Cirebon, such as the ungovernability of electoral governance. Moreover, this research will be strengthened by analyzing the election institution and integrity of the 2018 Cirebon Mayor-Deputy Mayor Election.

The purpose and benefits of this research will be developed. The purpose of this research is to analyze the occurrence of chaos that resulted in the implementation of re-voting for the 2018 Cirebon Mayor and Deputy Mayor Election. As for the benefits: This research is expected to enrich the electoral repertoire, especially studies that link elections as a big concept with various problems in the field; this research is expected to provide input to the KPU in organizing elections to be carried out more responsibly, competently, and by applicable laws and regulations.

Methods

The method used in this research is the Qualitative Research Method, which adopts the premise of Creswell (2021). Qualitative methods understood in this study are research that focuses on exploring and understanding the meaning of individual and group phenomena from existing social problems.

Referring to Creswell's writing (2021), this research approach uses a case study strategy, which can be understood as a qualitative strategy that focuses on the study of phenomena, programs, or activities of an individual or group in more depth.

Furthermore, the data used to analyze the problem is obtained through a literature approach sourced from books, journals, print media, electronic media, and related comments.

Results and Discussion

The analysis of Ungovernability in electoral governance in the case of Re-voting in the 2018 Cirebon Pilwakot was conducted by adopting the theory of electoral malpractice and electoral institutions related to electoral governance.

Furthermore, this discussion will be divided into two outlines describing the PSU Pilwalkot Cirebon 2018 process and the Ungovernability of the Cirebon KPU in Voting and Counting.

Re-voting of the 2018 Cirebon Mayor and Deputy Mayor Election

The existence of the PSU in Pilwalkot Cirebon in 2018 became a public spotlight (Lan, 2023). This is because the PSU was caused by electoral mal-practices in the form of mal-procedures with the approach of manipulation of electoral administration or manipulation in voting and counting, which the KPU of Cirebon City intentionally or unintentionally carried out. According to Birch (2020), the Cirebon City KPU has committed at least three (3) points of violation, including Unprofessional election organizers and election management committees; manipulation of voting, in this case counting that is not by the rules of election principles (not transparent); and finally, negligence of duties from vote counting that is not by legal procedures.

The three problems in the case study of the cause of the PSU in Pilwalkot Cirebon 2018 are intertwined, first, in terms of unprofessional election organizers. In this case, the available human resources who became the committee of the voting and counting of votes were not capable of causing assignments in the organization of elections that were not transparent. The connotation is not transparent. The election organizing committee deliberately opens the "open" ballot box without using the SOP and causes legal errors (Awaluddin, 2019).

This is evidenced by the acquisition of chronological data from the Constitutional Court Number 8/PHP decision.KOT-XVI/2018. Candidate number one (1) Bamunas-Edo (OKE), sued the Cirebon City KPU with allegations of fraud committed in the form of illegal and unlawful transportation of ballot boxes and demolition of votes. In the statement and legal testimony by candidate number one in this case stated as the applicant stated that the act of fraud by moving and dismantling ballot boxes by one of the organizing committees for Pilwalkot Cirebon 2018, in this case PPS at the urban village level was carried out in a Structured, Systematic, and Massive (TSM) manner. (Limbong, 2021). Ballot boxes from polling stations were brought to the urban village unlawfully and illegally dismantled at night after voting (June 27, 2018). The ballot boxes were stored in Kelurahan overnight, and the next day (June 28, 2018), they were only sent to the PPK at the Kecamatan level.

The Bamunas-Edo candidate pair has reported this to the District Election Supervisory Committee (Panwascam), and there has been a recommendation for the report to conduct a Re-Voting (PSU). However, the recommendation was rejected by the Cirebon City KPU. Furthermore, there has been fraud committed by the PPS as the organizer by reducing the Petitioner's votes and increasing the votes of other pairs. There is a mismatch of ballot user data on the C1-KWK form model, and there is a mismatch between the Voters present and the number of ballots used.

Candidate number one (1) tried to prove the alleged fraud committed by the KPU by completing several witnesses, supporting data, and videos containing evidence. However, these allegations, despite the existence of some supporting data, in the KPU's statement at the time of the title of the election dispute hearing, stated that what was

suspected and assumed by candidate number one (1) was something that did not match the facts that occurred. In fact, in this case, the respondent or KPU states that the petition of the applicant or candidate pair number one (1) is unclear/obscure (obscure libel).

This is evidenced by the statement of the attorney from the KPU which states that; (Mashabi, 2021)

Paslon Bamunas-Edo (OKE) 's argument that if the ballot box was not immediately sent to the Sub-District Election Committee (PPK) was against the law made it clear that in this case, the legal counsel for the Bamunas-Edo (OKE) candidate team did not properly understand the rules of the vote contact transfer process from the TPS level after the vote count was completed until the box arrived at the Cirebon City KPU.

In addition, the transfer of ballot boxes was also supervised by witnesses from both candidate pairs, PPL, and/or TPS supervisors. All forms of procedures or stages were carried out by the KPU as an election organizer in Cirebon. However, this is not sufficient to provide an argument for the Cirebon KPU's non-transparency in opening ballot boxes illegally and against the law.

The argumentation built by the KPU is based on the negligence and ignorance of the KPPS duties on what attributes must be included or removed from the ballot box. Due to this negligence, the ballot box had to be dismantled to retrieve the C1KWK form/certificate, which then in the KPU's statement, the event had received approval from all parties including witnesses or volunteers or the winning team from candidate pair number 1 so that in accordance with the agreement the ballot box was opened using a key.

The case title revealed the fact that the opening of the ballot box by the KPU did not occur as suspected by the Bamunas-Edo candidate team for TSM fraud committed by the KPU as an election institution in Cirebon. However, on the basis of the rule of law upheld in accordance with applicable laws and regulations, the Constitutional Court stated that the opening of ballot boxes in the case a quo is an action that cannot be justified at all.

By the Constitutional Court, the verdict stipulates that the opening of sealed ballot boxes outside the procedure of the vote counting procession is illegal for any reason (Maheshwari & Maheshwari, 2022). Thus, the Constitutional Court granted the request from the Bamunas-Edo candidate pair to order the KPU to conduct a re-voting of the polling stations where the ballot boxes were opened illegally and against the law. Because this will lead to weak trust in the integrity and neutrality of the election organizing body.

This is what can be analyzed from the cause of the Re-voting in the phenomenon of Pilwalkot Cirebon in 2018. Not on the basis of the opening of the city of votes allegedly as an act of fraud to conduct political transactions between organizers and participants as the assumptions circulating but based on the facts of the case title, and the explanation of expert witnesses and the decision of the Constitutional Court of the Republic of Indonesia stated that the PSU was held on the basis of violations of the KPU's negligence as an election organizing agency to conduct professional and transparent elections in terms of voting and calculation.

This also cannot be ignored, and must be an evaluation of the Cirebon KPU for the implementation of future elections to provide human resources in accordance with the principles of election work on the basis of integrity and professionalism. In addition, the KPU as the central institution for organizing elections is required to approach the communication of election governance policies to each committee involved in order to have qualified knowledge and intelligence in organizing elections.

Furthermore, the next sub-chapter will explain the problems of the principle of professionalism that arise due to the failure of several roles that must be carried out by the Cirebon KPU in Pilwalkot 2018.

Professionalism of Cirebon KPU in Voting and Counting

Institutional elections in Cirebon are accountable for its implementation to the General Election Commission domiciled in the City of Cirebon (Nurbaeti et al., 2024). KPU Cirebon is a general election organizer whose task force is below the West Java Provincial KPU and the Republic of Indonesia KPU level above. Therefore, its duties and responsibilities can not be separated from the general juridical line as the organizer of the election.

Furthermore, it cannot be separated from the case of re-voting in the phenomenon of Pilwakot Cirebon in 2018 causing weak election governance from the Cirebon City KPU. This then underlies the governability that has an influence on the professionalism of the Cirebon City KPU during the 2018 Cirebon Pilwalkot.

First, KPU educators and election observers in Cirebon. This can be proven by the KPU's negligence in approaching communication to its members as election organizers. This statement was strengthened in Puteri's research (2022), which stated that the technical guidance on organizing elections in Cirebon in 2018 was only a formality part of the KPU to conduct socialization at the PPK, PPS, and KPPS levels. This is because the existence of technical guidance does not guarantee the formation of human resources in Cirebon who are able to understand the procession of organizing elections properly.

The existence of inadequate human resources is also supported by the lack of monitoring role of the KPU. KPU as an election organizing body should realize early on the challenges, obstacles, or threats that will occur during the election procession from preparation to reporting. Moreover, with human resources that are not equipped with expert knowledge of organizing elections, the problems that arise will also be greater.

Second, the role of the KPU as an organizer, which in this case is also inseparable from the purpose of the formation of the KPU which is a democratic election organizing body. The existence of the KPU with an organizing role is certainly easily understood by the management of organizing elections in Cirebon. Several processions have been organized from pre-election, D-day voting, and counting of elections, even the implementation of the PSU which is conducive by the Cirebon KPU is a good appreciation. However, there are some notes that should be an evaluation of the KPU, namely the availability of human resources in the organization with adequate experience. Organizing with the availability of human resources as it is and the condition of minimal educators in the practice of organizing elections in Cirebon will disrupt the course of an election organization that has been systematic.

Third, the role of the Cirebon KPU as a collection, counting, and reporting that is integrated into one is the highlight of the Pilwalkot agenda in Cirebon. This procession is an important thing for the Cirebon KPU because it will determine the future of politics and democracy for the city of Cirebon. However, the events that befell the illegal or unlawful opening of the vote city had to occur at the peak of this procession. The existence of arguments based on the influence of mal-administration that occurred at several polling stations in Cirebon necessitated actions against the rule of law of the election process. In the previous role, this is largely the responsibility of the Cirebon KPU as the organizer of elections in Cirebon in 2018. Mitigation actions should be carried out preventively and persuasively.

Preventively, from the problems that occur can be done with careful management planning, the Cirebon KPU must provide its ability to procure human resources, budgets, and existing facilities to support elections with integrity and democracy. Or re-strengthening the role of communicators, educators, and monitors so as to bring good coordination during the procession of voting, counting, tabulating and reporting election results.

Election governance carried out by the Cirebon KPU in the phenomenon of Pilwalkot Cirebon 2018 showed problems in professionalism. This is indicated by the explanations and evidence from the Cirebon KPU that has not been as an electoral management body with the role of implementor or applicator. Pilwakot Cirebon 2018, not a trial or mal-practice event of democratic enforcement actions (Karim, 2020). Sardini (2018) stated that the election process is not only a symbolic thing but the process is a sacred thing and each stage contains meaningful meaning. With events that disrupt professionalism, the Cirebon KPU is obliged to take full responsibility to make improvements to mal-administration issues, improvements to election governance and election institutions in Cirebon to welcome and realize election institutions with integrity and democracy.

Conclusion

Based on the analysis that has been done, a conclusion can be drawn, among others; The dispute over the election results that resulted in the PSU phenomenon in the Cirebon Pilwalkot cannot be separated from the alleged election fraud committed by the election organizers by Paslon Bamunas-Edo as a candidate for Mayor and Deputy Mayor of Cirebon. However, after the Cirebon Election dispute hearing in 2018 at the Constitutional Court, the PSU crisis occurred due to the negligence of election governance from the KPU as the election organizer in Cirebon.

The negligence of the Cirebon KPU's governance in the 2018 elections is part of the negligence of election institutions in the role of educators, monitors, organizing elections, voting, counting, and reporting election results.

Suggestion: There needs to be awareness that must be understood by the Cirebon KPU as an election organizer as a sensitivity to the problems of election governance in Cirebon. There needs to be planning accompanied by more mature program implementation, especially the preparation of elections with integrity and democracy.

.

Bibliography

Ahmad. (2018). Pemilihan Kepala Daerah di Indonesia: (Studi Pemungutan Suara Ulang dalam Putusan Nomor. 120/PHP.BUP-XIV/2016). Jurnal Hukum Republik, 6(1), 1–22. http://jurnal.umt.ac.id/index.php/replik/index

Artadi, I., & Sanusi, S. (2021). Rekontruksi Hukum Hakim Mahkamah Konstitusi dalam Sengketa Pilkada (Studi Kasus Sengketa Pilwalkot Cirebon). Hukum Responsif, 11(2). https://doi.org/10.33603/responsif.v11i2.4516

Awaluddin. (2019). Malapraktik Pemilu di Tempat Pemungutan Suara pada Pemungutan dan Penghitungan Suara Pemilu Serentak 2019. Electoral Governance Jurnal Tata Kelola Pemilu Indonesia, 1(1), 104–120.

Birch, S. (2011). Electoral Malpractice. New York.

Creswell, J. W. (2021). Research Design Pendekatan Metode Kualitatif, Kuantitatif, dan Campuran (A. Fawaid, R. K. Pancasari, H. El Rais, P. Priyanti, & A. Amaryllis, Eds.; 4th Edition). Pustaka Pelajar.

Fitriyani, D., Sardini, N. H., & Erowati, D. (2024). Malapraktik Pemilihan Kepala Daerah dan Wakil Kepala Daerah Kota Cirebon Tahun 2018. Socio-Political Communication and Policy Review, 1(6). https://doi.org/10.61292/shkr.174

Kambono, H., & Marpaung, E. I. (2020). Pengaruh Investasi Asing dan Investasi Dalam Negeri Terhadap Perekonomian Indonesia. Jurnal Akuntansi Maranatha, 12(1), 137–145. https://doi.org/10.28932/jam.v12i1.2282

Karim, A. (2020). Mencegah Electoral Malpractice dalam Penundaan Pilkada 2020. Departemen Politik dan Pemerintahan Universitas Gajah Mada.

Lan, T. J. (2023). Managing Multiculturalism in 21st Century Indonesia amid Ethnic and Religious Diversity. Indonesia at The Crossroads: Transformation and Challenges, 29.

Limbong, J. H. (2021). Penindakan Pelanggaran Terstruktur, Sistematis dan Masif pada Pilkada 2020, Menimbulkan Norma Baru (Studi Kasus: Pemilihan Wali Kota Bandar Lampung 2020). Jurnal Adhyasta Pemilu, 4(2), 36–51.

Maheshwari, V., & Maheshwari, A. (2022). The Power of the Ballot: Travail and Triumph in the Elections. Bloomsbury Publishing.

Mahkamah Konstitusi. (2018). Keputusan Mahkamah Kosntitusi Indonesia Nomor 8/PHP.KOT-XVI/2018.

Mashabi, S. (2021, January 7). Kode Inisiatif: 41 dari 139 Permohonan Sengketa Pilkada 2020 Gunakan Dalil Dugaan Pelanggaran TSM. Kompas.Com. https://nasional.kompas.com/read/2021/01/07/16501781/kode-inisiatif-41-dari-136-permohonan-sengketa-pilkada-2020-gunakan-dalil

Nurbaeti, A., Nariyah, H., & Bharoto, Rd. M. H. (2024). Implementation of the Use of Sirekap Applications in the 2024 General Election at the Cirebon Regency General Election Commission. Indonesian Journal of Advanced Research, 3(7), 1153–1162. https://doi.org/10.55927/ijar.v3i7.10423

Sardini, N. H. (2021). Restorasi Penyelenggaraan Pemilu di Indonesia. Fajar Media Press.