

The Effectiveness of Democratic System's Embodiment in A Direct Regional Election in Aceh.

(Case Study: Governor and Vice Governor Election in Aceh Period 2012-2017)

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Abstract

This research aims to analyze the effectiveness of democratic system and its obstacles during Aceh regional election for governor and vice governor of Aceh in 2012. It employed descriptive-qualitative methodology, which attempted to unfold the real condition comprehensively. The data was collected both from library and also field research. Library resources were articles, books, documents, and also previous related researches, meanwhile field data were in-depth interview and observation. To determine the sampling, this research used purposive sampling technique, in which selected resource people were considered to be trusted and possessed a depth knowledge related to the research. The total number of sample was 36 informants consisted of 15 people from two sub-districts and 1 city, which were West Aceh, Pidie Jaya, and Banda Aceh, 8 informants were from regional election committee, three informants from the candidate of governor and vice governor, two person from Aceh Government and Parliament House of Aceh, three person from political parties joining regional election, and 5 person from Civil Service Organization and observer. The result illustrates that Regional Election for Governor and Vice Governor of Aceh in 2012 was merely success in procedural context, yet not substantially. The inconsistency of legal basis for regional election, the repeated rescheduling of the election agenda, violence, intimidation, money politic and also lack of socialization about the Regional Election were contributing factors to the failure.

KEYWORDS: Effectiveness, Democratic System, Regional Election

Introduction

The direct regional election in Aceh is the embodiment of 1.2.1, 1.2.2 and 1.2.3 points of the reconciliation agreement stated in Memorandum of Understanding between Indonesia Government and Aceh Liberation Movement (GAM). Following the bill No. 11 year 2006 about Aceh Government, therefore, all election including Governor, vice governor, Mayor and vice mayor, regent and vice regent has been executed for two times already.

In the first regional election in 2006, Drh. Irwandi Yusuf, M.Sc and Muhammad Nazar, S.Ag won the run attaining 768.745 votes (38,2%). The elected governor, Drh. Irwandi represented GAM elite while Muhammad Nazar was a former Aceh Referendum prominent figure from *Sentral Informasi Referendum Aceh* (Aceh Referendum Information Center) (Rusdiono Mukri and Mujiyanto, 2009: 356). The second regional election first schedule was in the end of 2011. However, due to many occurring problems, Constitutional Court demanded Independent Election

Commission (KIP) to reschedule the election date four times from December 24th 2011 to April 9th 2012 (Askalani, 2012: 14). For this election, dr. Zaini Abdullah and Muzakkir Manaf (ZIKIR) from Aceh Party won by gathering 1.327.695 voters (55,75%) (Askalani, 2012: 106)

Regarding the 2012 election, there were many speculations that the 2012 election would run well with honesty, and justice. Nonetheless the reality spoke differently as there were many negative findings contributing to disabilities of democratic system in Aceh, one of them was money politic.

Money politic may take form in distributing money for campaign participants during the mass campaign period, the tranquil week and also in the morning of the Election Day (PanWaslu Aceh, 2012). In addition to that, a more concerning issue was intimidation and violence occurring from 2010 until 2013. According to *Sistem Nasional Pemantauan Kekerasan* (National Violence Monitoring System), there were 200 violent cases, which related to Regional Election in Aceh. From the 200 cases, seven were dead, 103 people were injured, and 29 units of building were damaged (www.snpk-indonesia.com, accessed on July 16th 2013). The Election Monitoring Committee also claimed that 37 of it were administration infringement and crime, which was found during campaign period. While there were also 57 cases of violence and intimation occurred near to the voting day (Askhalani, 2012: 82). Additionally, the non-voter number in 2012 was increased comparing to 2006. There were only 2.380.386 voters out of 3.244.729 permanent voters list were licit, while 864.343 or 26.6 percent were counted as non-voters or broken vote. In 2006, the non-voter number was 528.196 (20,06%) from 2.632.935 permanent voters list (KIP Aceh, 2012). Therefore, it is important to execute this research in order to find out the effectiveness of democratic system embodiment and its obstacles within the direct regional election for Governor and Vice Governor of Aceh in 2012.

Democracy Theory as the Basis for Regional Election

Etymologically, the word “democracy” was derived from Greek language namely “demos” which means people or citizen in an area, and “*cratein*” or “*cratos*” meaning “*power*” or “*sovereign*”. Consequently Demos Cratein or Demos Cratos is a condition in which state’s power relies on the people and the highest power is on people’s decision. People is the sovereign, ruled by people (Azyumardi Azra, 2000: 110)

Terminologically, Joseph A. suggests that democracy is an institutional action to reach political decision in which every individual has the right to decide a competitive methodology upon people’s voice. Sidney Hook asserts that democracy is state, which its important policy was derived directly or indirectly from majority covenant delivered freely. Phillippe C. Schmitter and Terry Linn Karl declares that democracy is governmental system, which government must presents its responsible for its action to public or citizen through cooperation or competition with people’s representative. (Azyumardi Azra, 2000: 110-111).

From the above opinion, it is possible to draw two concepts of democracy. First is decentralization. Etymologically decentralization is derived from “de” and “centerum”. “De” means to remove, move away from, or to let go as used in de-colonization, de-bureaucratization, etc. The word “Centerum” means central or to centralize power in the capital of a state, consequently decentralization is a action to move away or fade away, to let go from central (Koesoemahatmadja, 1979: 14). This means that the power to rule is not only from the central government yet is also from lower institutional level either under the same territory or the same functional

institution. The lower institutions are allowed to manage and arrange its own mandatory task as part of central government (Philipus M. Hadjon, 2008; 111)

Decentralization has two perspectives namely administration and also politic. Administratively, decentralization is defined as the transfer of administrative responsibility from central to local government. Politically, decentralization is a transfer of power, from to level to lower level, in a territorial hierarchy, which could be one of government within a state, or office within a large organization (Eko Prasoj, 2006: 32)

Political decentralization is commonly related to democratization, which means people are involved indirectly or directly in every state's policy making through the House of Parliament. Basically democratization suggests the changing process to strengthen the sovereign of people as according to democratic value. Democratization also can be defined as a process to a more democratic action, signed by the ending of authoritarian realm, constructing a democratic realm and the occurrence democratic realm's consolidation (TB. Massa Djafar, 2008: 196).

The second perspective is local democratization. This is an implication of decentralization run by local government as the epitome of democracy system in Indonesia. The main concept is to involve citizen through a consensus process to accomplish together objectives. In Indonesia, local democracy is a subsystem of democracy for local government to develop a mutual relationship with its subject within the territory. Consequently, the governor, the legislative representation and also the citizen will have opportunities to formulate and implement the fittest policies needed by the local citizen (Deden Faturohman, 2005: 2).

Through decentralization, the power of state does not rest only on the central government but also distributed to provinces. This allows local government to possess a stronger power to arrange and to decide its domestic policy as needed. Therefore, the local government has rights to regulate the implementation of regional election because central government bestows its province to select its own local leader directly (Abdul Muluk Lubis, 2009: 6)

This research employs descriptive qualitative approach, which tries to unfold the realities holistically. Qualitative research does not only illustrate the single variables but also to find the correlation among the variables. Besides revealing the facts, this research also analyzes the realities based on the democracy concept and regulation in order to have a comprehensive result. The expected research result would present an objective perspective regarding the realities. Thus, researcher interprets and analyses the gathered data, which later will be rationalized to extract the conclusion (Ali Sayuthi M, 2002).

To gather the informant for this research, purposive sampling was used. The selected informants are those who were trusted and possessed deep knowledge regarding the matters. The total number of sample was 36 informants consisted of 15 people from two sub-districts and 1 city, which were West Aceh, Pidie Jaya, and Banda Aceh, 8 informants from regional election committee, three informants from the candidate of governor and vice governor, two person from Aceh Government and Parliament House of Aceh, three person from political parties joining regional election, and 5 person from Civil Service Organization and observer. The data used was gathered from both library and also field. The library data was derived from books, documents, articles and also relevant research result, while field data was gathered from in-depth interview and observation. Additionally, triangulation data was also used to ensure the reliability of the data. This was done by checking the data

source, the research principles, the applied theory and concept, and also discussing it with research fellow.

The Implementation of Regional Election of 2012 in Aceh.

The Aceh Regional Election in 2012 was the second election event after Aceh Peace and Reconciliation. The event supposed to happen in 2011 Due to the occurrence of many concerning issues, however, the election committee delayed it until April 9th2012. There were five couples that run for the election. Three of the candidate came from independent candidacy. They are Tgk. H. Ahmad Tajuddin and Ir. H. Teuku Suriansyah, M.Si as the first candidate, Drh. Irwandi Yusuf, M.Sc and Dr. Ir. Muhyan Yunan, M.Sc (Hw.Eng) as candidate number two, and Prof. Darni M. Daud, M.A and Dr. Ahmad Fauzi, M.Ag were chosen as candidate number three. Mean while, the other two candidates run as Parties' representative, namely candidate number four; Muhammad Nazar, S.Ag, and Ir. Nova Iriansyah, MT from parties' coalition including Democrat Party, Unity and Development Party (PPP) and SIRA Party and candidate number five; dr. H. Zaini Abdullah and Tgk. Muzakir Manaf from Aceh Party (KIP Aceh, 2012)

From procedural point of view, the Regional Election in 2012 was considered successful, because KIP of Aceh conducted the election phase correctly according to regulation¹. According to Abdullah Saleh, the 2012 Regional Election in Aceh was proceed democratically, because the election committee opened opportunities to various type of candidate including from Independent fraction. Moreover, the regional election became more democratic also because there was no candidate from the current ruling incumbent. Hence citizen's decision to vote would not be influenced by the running program held by the incumbent².

Consequently, the couple that won the election certainly was the citizen's choice as according to democratic value. As compiled by KIP Aceh, following is the recapitulation of regional election result in 2012:

Tabel I.

No.	Candidate's name	Poll	%	Candidacy
1	Tgk Ahmad Tajuddin Ir. Suriansyah, M.Si	79.330	3,33	Independent
2	Drh. Irwandi Yusuf, M.Sc Dr. Muhyan Yunan, M.Sc (Hw-Eng)	694.515	29,18	Independent
3	Prof. Darni M Daud, MA Dr. Ahmad Fauzi, M.Ag	96.767	4,07	Independent
4	Muhammad Nazar, S.Ag Ir. Nova Iriansyah, MT	182.079	7,65	Demokrat Party, PPP, SIRA Party
5	dr. H. Zaini Abdullah Tgk Muzakir Manaf	1.327.695	55,78	Aceh Party

Source : KIP Aceh, 2012

The table shows that candidate number 5 dr. H. Zaini Abdullah and Tgk. Muzakir Manaf gained the most vote, which are 1.327.695 (55,78%). Consequently the

¹ Kamaruddin Andaloh, Chairman of Bureaucracy, *interview*, 22 November 2013 and Salamuddin, Citizen of West Aceh, *interview*, 30 October 2013.

² Abdullah Saleh, Chairman of Legislation Office and Member of Commission A of Aceh House of Parliament, *interview*, 18 November 2013.

Regional Election Committee declared the couple as the elected governor and vice governor through plenum and the Home Minister, Gunawan Fauzi, inaugurated them on 25th June 2012 in Special Plenary Session of the House of Representatives of Aceh for the term 2012-2017 (KIP Aceh, 2012)

Moreover, Acehese political participation in regional election in 2012 displayed higher number comparing to other provinces in Indonesia. Also, opportunities for Acehese to involve directly as governor's candidate in 2012 was opened wider than previous election in 2006, which the governor candidate was merely available for those who came from national political parties and independent candidacy. Meanwhile in 2012, the candidate was not only opened for national political parties and independent candidacy but also for local political parties.

Nonetheless, unfortunately regional election in 2012 had concerning obstacles. The bill no. 11 year 2006 about Aceh Government collided with the bill no. 32 year 2004 about local government. This caused the endorsement of Aceh amercement regarding the regional election had to be postponed for 4 times by KIP as instructed by Constitutional Court. Besides, intimidation, kidnaping, fights and murder before and during the campaign season had destructed the democracy of Regional election.³

Referring to the above explanation, this research has indicated that the implementation of regional election of 2012 had been success procedurally as according to democratic value and all the phase executed as stated in laws. Substantially, however, the election was not yet effective owing to many juristic violations, which potentially destroyed democratic values in Aceh. Democracy will only operate effectively when all democratic values in were applied comprehensively trough all the election process. Because it was not merely about procedural but also certainly was substantial that ensured the democracy developed well in Aceh.

The 2012 Regional Election in Aceh was not yet operated as according to democratic values.

There were still many shortcomings during the regional election in Aceh, such as the indifferent of legal basis and the rescheduling of regional election, intimidation, violence and money politic, which instigated the Aceh regional election substantially foiled according to democratic value. The flaws were:

1. The indifferent of Legal Basis and rescheduling of Regional Election

The article of 256 number 11 year 2006 stated that independent candidate was only allowed to join election after the law no. 11 year 2006 on Aceh Government was approved and only for regional election in 2006. This regulation was certainly absurd, because Aceh Government, which was the initiator of independent candidate's policy in Indonesian democracy system, was allowed to have independent candidate only for one election. Meanwhile in national level, the independent candidate was legal to join in every regional election in Indonesia. This uncertainty about the regional election in 2012 was instigated by the Constitution Court's decision no. 35/PUU-VII/2010 dated December 30th 2010 about the revocation of Article 256 number 11 year 2006 about Aceh Government. The consequence was The KIP had to revoke the article 256 no. 11 year 2006 hence rescheduling regional election date and stages also must be done.⁴

³Regional Election Supervisor, *Interview*, 12 November 2013, Muhammad Alminto, Team Success Seuramoe Irwandi-Muhyar, *Interview via email*, 28 November 2013 and Faisal Ridha, Team Success Muhammad Nazar-Nova Iriansyah, *interview*, 23 November 2013).

⁴Interview with Chairul Fahmi, Executive Director of The Aceh Institute, and Muhammad, Komisioner KIP, *Interview*, 12 November 2013 and 31 October 2013

The KIP revocation, which was based on Aceh regulation no. 7 year 2006, was conducted because Aceh Government and Aceh House of Parliament did not discuss Aceh new regulation for regional election. However, Aceh Party and also Aceh House of Parliament rejected KIP Aceh's action using the law no. 7 year 2006 as the legal basis. They believed that KIP Aceh's action to accommodate Independent candidate was against with Aceh Government Bill. Constitutional Court's decision to repeal article no. 256 of Aceh Government Law was the act of rifling through the rights of Acehnese which has been set in Aceh Law, hence KIP action to accommodate independent candidate was a mistake⁵.

The repeal made by Aceh Party and Aceh House of Parliament caused uncertainty on the law basis. Therefore, KIP Aceh had to reschedule the regional election for four times. The alteration, was not only instigated by arguments of legal basis or regional election's regulation between KIP Aceh, Aceh Government and Aceh House of Parliament, but also because there was an agreement to "cooling down" (pause) instructed by Home Ministry. Additionally, Constitutional Court also demanded KIP to reopen candidate's registration to accommodate all political element in Aceh and reschedule the election date⁶, as explained below:

Tabel 2

KIP Aceh Decision	Election Schedule	Reason of Rescheduling
No. 1 Year 2011	14 November 2011	This timetable was changed owing to a "cooling down" agreement facilitated by Home Minister.
No. 17 year 2011	24 December 2011	This schedule change because of the injunction of Constitutional Court (MK) related to a petition of Khalid to sue KIP Aceh for not allowing him to register as candidate due to the very short time of registration. The injunction ordered KIP Aceh to reopen enrolment for a week.
No. 26 year 2011	16 February 2012	This schedule was changed again because of the interim decision of the Constitutional Court (MK) related to lawsuit against Home Minister KIP Aceh. Home Minister demanding postponement of Aceh Election in respect of the political chaotic. The Constitutional Court (MK) rejected the claim and the interim decision of the

⁵Fachrul Razi, Aceh Party Speaker, *interview via Email*, 28 November 2013.

⁶Munawarsyah, Chairman of KIP Banda Aceh, *Interview*, 18 November 2013, Bahagia Idris, Chairman of KIP Aceh Barat, *Interview*, 31 October 2013, dan Firmansyah, Commissioner of KIP Pidie Jaya, *Interview*, 29 November 2013.

		Constitutional Court (MK) ordered KIP Aceh to reopen the registration period for a week and to implement the Regional Election at the latest on 9 April 2012
No. 31 year 2012	9 April 2012	Election Day Voting

Source: Report of the Aceh Monitoring in 2012 Regional Election

2. Intimidations and Violence

Implementation of Aceh Election in 2012 was expected to be peaceful and executed without intimidation as a pledge of peace by 5 (five) pair Candidates for Governor and Deputy Governor on March 14, 2012 in the courtyard of the Grand Mosque Baiturrahman. The Election Pledge Peace announcement was witnessed also by a number of United Indonesia Cabinet Minister Volume II, Member of Parliament from Aceh and the Acehnese senator. The candidates agreed to create a peaceful Regional Election, free of intimidation and violence

However the implementation of elections in Aceh in 2012 had taken at least more or less were 108 cases of intimidation and violence. Of the 108 cases of intimidation and violence, the majority of cases were related to the election of Governor and Vice Governor of Aceh. The violence occurred in various kinds ranging from small-scale things like the destruction of the props in the form of campaign billboards and posters, sending short messages (SMS) to any threatening actions such as large-scale fights, shootings, kidnappings and car burning of certain campaign team. The security or police had not disclosed most of the violence⁷.

Shooting incidents occurred against Asnawi Abdul Rahman, member of Team Success of pair candidates, Yusuf and Muhyan Yunan in East Aceh. On February 5th, 2012 at 20:30 pm, his house was shot several times by unknown person from the direction of the highway. Witnesses saw the culprit as many as four young men with faces covered with black clothe that came from the north by two motorcycles. This incident caused no casualties, police found three bullet points of AK-47 and a pistol grain projectile.⁸ Intimidation was also happened in the implementation of the Regional Election in 2012, such as intimidation of the organizers, community and inters Success Team of Candidates for Governor and Deputy Governor. Threat occurred in the form of a direct threat or threats by phone or through the sending of short message service (SMS). The threat was not only the case for the individual organizers, community, and Success Team of Candidates but also to the families concerned⁹.

Likewise, the practice of intimidation and violence that occurred during the preparation, the campaign, and on election day of the Regional Election in 2012 was more prominent to the existence of disputes between supporters of Candidates of Irwandi Yusuf and Muhyan Yunan advancing through independent candidates than supporters of dr. Zaini Abdullah and Muzakir Manaf from Aceh Party (PA). This dispute aroused because of the conflict between Irwandi Yusuf associated with the elites of Aceh Party regarding independent candidate existence and the candidacy of Irwandi Yusuf as Governor of Aceh for period 2012-2017.

⁷Chairul Fahmi, Executive Director of The Aceh Institute, *Interview*, 12 November 2013 and Asqalani, Chairman of Bawaslu Aceh, *Interview*, 16 November 2013).

⁸Chairul Fahmi, Executive Director of The Aceh Institute, *Interview*, 12 November 2013.

⁹Rosni Idham, Former Chairman of Panwaslu Aceh Barat, *Interview*, 4 November 2013.

Money Politic

Implementation of Regional Election for Governor and Deputy Governor in 2012 in Aceh was still involving the practice of money politic although the evidence was still difficult to reach. The practice of money politics was mostly done by the incumbent couples (Governor and Deputy Governor are still serving). They used the money politics indirectly. The practice of money politics was conducted in the form of promises of social grants to the community. Based on the study findings, citizen were requested to write proposal by the working group of Governor and vice governor then give it to them to attract funds and social assistance budget from Aceh government. This practice was not revealed directly by the Supervisory Committee and the KIP, but what matters was the budget would be given when regional election was about to begun¹⁰.

The practice of money politics was going on with various motifs, either cash or in-kind of provision of groceries, which was not given directly by the candidates for governor and vice governor or a candidate's campaign team but made by public figures trusted by the candidate and their Success Team. Community leaders, who did the action, admitted that he was only giving alms to his brothers who were less capable and no relation to the Regional Election of Governor and Deputy Governor. Thereby such motif made the practice of money politics was difficult to unfold¹¹.

The practice of money politics was also happening at polling stations (TPS) conducted by the Team Success. Their action was done by giving envelopes containing money to voters. Generally, the public knew such an event but people just let the action without reporting to the Supervisory Committee (Panswalu). The practice of money politics was also held in private by giving cash or giving food for the recipient before the Election Day, so that this kind of practice was difficult to prove. Proof of this practice can only be known after the completion of the Regional Election took place. In addition, lack of awareness of the public to report the practice of money politics made it difficult for Supervisory Committee to trace evidence.

However, the level of practice of money politics in the Regional Election of Governor and Vice Governor of Aceh in 2012 was still low, because the fraud occurred more prominent in the practice of intimidation and violence. The report about money politics to Supervisory Committee was still low. Therefore the practice of money politics can be said to be not significantly affect the implementation of the Regional Election of Governor and Vice Governor of Aceh in 2012. The practice frequently occurred during the campaign and at the dawn of voting day.

Conclusion

From the research, it can be concluded that the implementation of the General Election of Governor and Vice Governor of Aceh in 2012 was not fully been effective in accordance with democratic values. The implementation of regional election in 2012 was success only in procedural perspective yet foiled substantially. This was due to the uncertainty about the legal basis of the Election, the repeated schedule shifts, many intimidation and violence, money politics and lack of socialization of the importance of the meaning of the Regional Election.

¹⁰Risman A Rahman's perspective, Golkar Party's Member of DPD I Aceh, *Interview*, 10 November 2013.

¹¹Tgk Helmi, Citizen of Aceh Barat, *Interview*, 1 November 2013 and Almufarid, citizen of Banda Aceh, *interview*, 23 November 2013.

Looking at the facts on the ground and based on the research results of this study, there are some recommendations as following: first, the need for synchronization of the legal basis of Aceh Election between general and specific rules the implementation of the General Election. Consequently, the Election schedule can run on time. Second, Election organizers such as Election Supervisory Committee (Panswaslu) and the Independent Election Commission (KIP) should tighten the rules in the Regional Election campaign and provide tough sanctions for violations occurred in every Regional Election. Third, the need for strict yet applicable regulations and as well as raising public awareness to reject the practice of money politics carried out by the candidate and Success Team. The public should not only think about short-term profit without realizing the impact of bad practice of money politics in the future. Fourth, it is essential to evaluate the weaknesses in the implementation of the Election's system in Aceh and to find the best solution to these problems so that the Election in Aceh can be accomplished in accordance with democratic values.

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