

DIRECT ELECTION OF THE HEAD OF REGIONAL URGENCY (DESCRIPTION OF THE IMPLEMENTATION OF THE THREE AUTONOMOUS REGIONS ACT)

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Abstract

A variety of problem and the political turmoil in some regions election last time appears in the event of a State feedback control Centre to the area. In the new order era regional chief election controversy cannot be released from the intervention Center. Usually the battle's political elite in Jakarta imposes to the area. When the issue blew up in the area, Settlement is the effort, he brought the case to Jakarta. In accordance with the implementation, the Hall of the Central Government has a dominant power in the determination of the head region. Legislative involvement only in the process of being formalistic. It is seen clearly in Article 15 and 16 regarding the appointment of the head region, where only the legislative vote and the results presented at least two names for approval and/or designation from President to Governor, and Minister of the Interior for Regent and Mayor. The aegis of the Centre to all and sundry, who has strong access to the Centre, he will be the winner, either for political affairs, economy, law even though. The most votes is not a legislative guarantee of choice became the head of the area. The Center has the absolute power to determine the opposite although sound support. Conflicts often occur, regional Centre but ended with the defeat of the area

Keywords: Direct Election – Head Area

I. Introductions

Its political turmoil and regional head election in some time last appeared in the event of a feedback control center to the area. Earlier, in the era of the new order by Act No. 5 of 1974, head of the election controversy could not be released from the intervention (involvement and interference). Usually the battle of the political elite in Jakarta imposes to the area. When the issue exploded in the area, the business settlement is the case was brought to Jakarta.

Strong position in parliament, exploited by some Council members to obtain these benefits, the momentary People's Consultative Assembly, head of the Region are under pressure so it must accept the will of parliament. Raise legislators outside the boundaries of reasonableness, the members of parliament, to a foreign country formatted into a program of study in some regions may explain the People's Consultative Assembly.

Looking at it, the experience of election districts based power Center and the election of the head of the regional-based representative system has been using paint a real example to us that the system that has been used failed to create a democratic life. That is, the system of representative failed to prove to us as a trustworthy system especially in choosing the head of the region. Location of faults, though it may still be debatable (debatable), system, youth representative and intervened by different political powers including the power of money

Direct elections promised by law No. 32 of 2004 was assessed as a chance embodies the new, more democratic Indonesia, because by doing so we have the opportunity of applying the theory of "Community Agreement", which restores the principle of "popular

sovereignty" as formulated in article 1 paragraph (2) a change to the Constitution "Sovereignty III is in the hands of the people and is exercised according to the constitution". The introduction of power changed from "the supremacy of parliament" to "rule of law". Thus, the legal implications of the actions of Government (the President) is no longer the responsibility to People's Consultative Assembly but done in accordance with the Constitution. With this principle, the presidential system of Government reaffirm embraced our Constitution.

II. Literature Review

1. The election of the head of the Region on the basis of Act No. 5 of 1974

Various problems and political turmoil in some regions head elections last time appeared in the event of a feedback control center to the area. Earlier, in the era of the new order by Act No. 5 of 1974, head of the election controversy could not be released from the intervention (involvement and interference). Usually the battle of the political elite in Jakarta imposes to the area. When the issue exploded in the area, the business settlement is the case was brought to Jakarta.

In accordance with the implementation of national character, the Central Government has a dominant power in the determination of the head area. The involvement of parliament in the process of being formalistic. This can be seen clearly in article 15 and 16 regarding the appointment of the head of the area, where the provincial government just voted and the results submitted at least two names for approval and/or assignment from President to Governor, and Minister of the Interior for the Regents and Mayors. Approval from the Center to all and sundry, who has strong access to the Center, he will be the winner, either for political affairs, economy, law even though. Most votes no guarantee of legislative options becomes head of the region. The Center has the absolute power to determine otherwise though the voice its support. The conflict often happen, but ended with the defeat of the region. It's sad fate of the area.

2. Election of Regional Heads under law No. 22 of 1999

But when the power in the selection process moved to the area (via the People's Representative Council) under law No. 22 of 1999, it appears another issue is much broader than in the new order era, because in almost every election of the head of the result bad, flavorful money politics and protests.

Hard to argue with, changes contained in law No. 22 of 1999 thus produces a variety of issues in the election of the head of the region. Nearly all of the alleged head of the selection process the practice of money, even though it is difficult to prove, there are indications the indications can be felt like blowing the scent smells just delicious, but it is unknown who is result. Even in different regions, regional head election abuses have fueled conflict between supporters of each candidate, as allegations of political money. Such practices are almost the same with the judicial mafia, from PN, PT, MA, like the wind that feels The Home zone invisible, in the sense that is very difficult to prove.

The widespread practice of political money is a logical consequence of the model indirectly by the legislative elections. A. Alfian Mallarangeng exemplifies, with the number of members of the People's Representative Council district/municipality between 20 s/d 45 people or members of the People's Representative Council Province 45-100 people, then it is not too difficult to engage in the practice of political money. With the purchase of 11-23 member of legislative District/city or between 23-51 members of People's Representative

Council Province one can certainly win the election districts. The exercise do relationships in a prolonged honeymoon between the head region with the Local Legislative, as young couples husband wife who are being hit by romance. A wisecrack, Saldy Israr, says this moment is often said to be a member of local harvest indicating the game is money. Recently Ryan in three harvest, namely:

1. Mast, occur once in five years, the head of the election process is conducted in an area with abundant money results;
2. The annual Harvest, carried out at the time of the assessment of the annual report of the Chief of the area. Many criteria tilted around this annual report, for example, case bargaining behind the scenes to smooth the annual report of the Chief of the region; and
3. Harvesting the sidelines, the chances of doing that can occur when the talks some agendas in the region.

There's more going on in the preparation of several Local Regulations conveniently located, such as the Organization and layout of Local Regulations The work, etc., and giant projects requires the involvement of regional political.

The development happens when it saw the return of intervention in the proses election head area. If at the time of the new order's intervention came from Sandalwood, then under law No. 22 of 1999, intervenes comes from The Leadership Of The Assembly Center Party. Election of the head region of Lampung, Jakarta, East Java, Central Java and Bali, is an example of strengthening indicators rise above political party oligarchy.

In addition, the selection of the representative system, often resulting in the head area that is not popular and did not know the special characteristics typical of the region. Because the ability to lobby political power in parliament, many of the candidates who are not widely known in the community as the head of the region. As a result, widespread refusal to appear the head area, even in certain areas, the rejection of society comes down to vertical and horizontal violence.

Strong position of parliament, which was exploited by some Council members to obtain these benefits, the momentary People's Consultative Assembly, head of the Region are under pressure so it must accept the will of parliament. Raise legislators outside the boundaries of reasonableness, the members of parliament, to a foreign country formatted into a program of study in some regions may explain the People's Consultative Assembly.

Looking at it, the experience of election districts based power Center and the election of the head of the regional-based representative system has been using paint a real example to us that the system that has been used failed to create a democratic life. That is, the system of representative failed to prove to us as a trustworthy system especially in choosing the head of the region. Location of faults, though it may still be debatable (debatable), system, youth representative and intervened by different political powers including the power of money (money politics).

3. Electoral Districts based on law No. 32 of 2004

Reflect the reason above, law No. 32 of 2004 in lieu of law No. 22 of 1999 brought a fresh wind direct elections as an option that is more democratic.

By many circles, direct elections promised by law No. 32 of 2004 was rated as a chance embodies the new, more democratic Indonesia, because by doing so we have the opportunity of applying the theory of "Community Agreement", which restores the principle of "popular sovereignty" as formulated in article 1 paragraph (2) a change to the

Constitution "Sovereignty III is in the hands of the people and is exercised according to the constitution". The Pendulum of power changed from "the supremacy of parliament" to "rule of law". Thus, the legal implications of the actions of Government (the President) is no longer the responsibility to People's Consultative Assembly as but done in accordance with the constitution. With this principle, the presidential system of Government reaffirm embraced our Constitution.

As the embodiment of the principle of popular sovereignty and the presidential system, the President is no longer elected by the People's Consultative Assembly but directly elected through elections (article 6A of the constitution ' 1945), consequently, the head of the region have democratically elected (article 18 paragraph (4) of the Constitution), and then by law No. 32 of 2004 selected by use wings Overflowing & Honest and fair (Ps 56 para 1).

In theory, the concept of direct elections will bear a model of Government that is representative, characterized by several features:

1. have strong legitimacy, since it supported riel by society;
2. the policy favors the interests of the community as a responsive and not the repressive
3. have a clean government accountability and authority;
4. The Government is controlled by holding on to the principle of openness.
5. Government stability is assured in one period and can be sustained in the period that followed.

Democracy is embraced in a system of Government that is representative of this kind, according to Danial Saparringga, not a democracy "piracy elites" as it is practiced in the new order administration with law No. 5 of 1974, or the beginning of the reign of the reform era with law No. 22 of 1999, namely a process but there are no results, there are activities but does not contain, like zombies, human skull, no body but no lives, there is a body but does not work. That is democracy Zombies = elites hijack democracy. Democracy embraced in the reign of representative is "participatory democracy", which is characterized by the active role of the community in the decision-making process and in the implementation of the Government. In the Netherlands, an active role in this community is manifested in the form of "mewetten" (get to know), "medenken" (was thinking), "mespreken" (discussion), meebeslissen (was decided), and medebeslissingsrecht (keep an eye on in the implementation).

In the 1960s the democracy was introduced by take part Coral Parliament and began to track in almost all modern countries up to now. This principle will give birth to a Government that is clean because it is supported by the principle of the openness of the

Participatory democracy is apparently then has been adopted in the Constitution change in several articles, which are then elaborated further in various legislation. Therefore, the paradigm of democracy in Indonesia has been changed both in the selection of the head of the region, as well as in each of the processes and implementation of governance, i.e. from "indirect democracy" (indirect democracy), changed to "direct democracy" (direct democracy), and is now a "participatory democracy" (participative democracy).

Participatory democracy was formally guaranteed in two stages of Election, as provided for in the provisions of law No. 32 of 2004 Concerning Regional Governments. Two-stage implementation of the election is known, namely the preparation and

implementation stage. Time of preparation, relating to participatory democracy, i.e. the establishment of the Committee of Trustees, PPK, PPS and KPPS. Its formation involves public participation (article 65 paragraph (1) of law No. 12 of 2003). While the stages of Implementation, all of which directly relate to the participation of the community, namely: the establishment of a list of electors, registration and establishment candidates, campaigns, voting, and the determination of candidate officer/Deputy Head of the area chosen, ratification, and appointment (article 65 paragraph (2) of law No. 12 of 2003).

Other formal indicators that illustrate the adoption of democratic principles of participation have been referred to be:

1. Recruitment organizer of the elections. Both the selection Committee and the nomination of members of the organizers, involving elements of the community. The formation of the selection Committee requiring the involvement of elements of academic, professional, and community (article 12, paragraph (3) of LAW No. 22 of 2007). Even the selection team in carrying out its work, was ordered to be open and engaging public participation (article 13 of ACT No. 22 of 2007)
2. Similarly the supervisor of elections, membership recruitment, derived from the elements of a professional that comes from the citizens of the community. Even recruitment team member selection, also was required to involve public participation (article 89 paragraph (1) of LAW No. 22 of 2007).
3. Nomination of the head of the region. Although Article 59 paragraph (1), (2) and paragraph (3) of law No. 32 of 2004 has been cancelled by the Constitutional Court, but this article still apply to any revision, then the political party or combination of parties required the existence of open for individual prospective candidates and process them through demarcates and transparent mechanism (article paragraph (1) and paragraph (2) of law No. 32 of 2004). And
4. Other provisions related to public participation arrangements.

Indicators of participatory democracy this if it can be realized in the implementation stages of the elections by the organizers of the election (Election Commission, election commission Provincial, Regency District/Kota, PPS, PPK & KPPS), Indonesia was able to prove himself as a State law that guarantees the quality of democratic elections, and to avoid any political turmoil, resistance and other anarchist measures as a result of the election which deviate from the principle of direct, secret, public, free honest and fair (Overflowing and Honest and fair).

III. Conclusion

The head of the election controversy could not be released from the intervention Center. Usually the battle of the political elite in Jakarta imposes to the area. When the issue exploded in the area, the business settlement is the case was brought to Jakarta. In accordance with the implementation of national character, the Central Government has a dominant power in the determination of the head area. The involvement of parliament in the process of being formalistic. This can be seen clearly in article 15 and 16 regarding the appointment of the head of the area, where the provincial government just voted and the results submitted at least two names for approval and/or assignment from President to Governor, and Minister of the Interior for the Regents and Mayors. Approval from the Center to all and sundry, who has strong access to the Center, he will be the winner, either for political affairs, economy, law even though. Most votes no guarantee of legislative options

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Experience-based regional head election power Center and the election of the head of the regional-based representative system has been using paint a real example to us that the system that has been used failed to create a democratic life. That is, the system of representative failed to prove to us as a trustworthy system especially in choosing the head of the region. Location of faults, though it may still be debatable (debatable), system, youth representative and intervened by different political powers including the power of money

Law No. 32 of 2004 are valued as opportunities materialize new Indonesia more democratic, because by doing so we have the opportunity of applying the theory of "Community Agreement", which restores the principle of "popular sovereignty" as formulated in article 1 paragraph (2) a change to the Constitution "Sovereignty III is in the hands of the people and is exercised according to the constitution". The Pendulum of power changed from "the supremacy of parliament" to "rule of law". Thus, the legal implications of the actions of Government (the President) is no longer the responsibility to People's Consultative Assembly but done in accordance with the constitution.

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