

Getting the Neutrality of Village Heads and Village Devices in General Elections: An Literatur Review

Rusliandy
Universitas Djuanda Bogor
E-mail : rusliandy1980@gmail.com

ABSTRACT

The practical problem that arises is the existence of a village head/village apparatus in charge of a political party or has committed violations in the Presidential/Vice Presidential elections, Regional Head elections, legislative / DPD elections, and even violations of village head elections. The method used literature review, which is accomplished by compiling articles from newspapers or web media related to the Neutrality of the Village Head and Village Officials. The results showed that the village head/village apparatus had a mass base in the area, so it was often used to support or participate in elections. On the other hand, the village head/village apparatus also strives to carry out practical politics to get closer to and get more attention from regional heads, political party elites or the Central Government in budget allocations or financial or development assistance for their regions. There was also pressure, intimidation or promises directed at the village head to commit a neutrality violation. To achieve neutrality for village heads/village officials, it is necessary to increase Regional Heads, Heads of Service and District Heads in fostering and supervising village government through socialization and prosecution for those who commit violations. It is also necessary to formulate regulations regarding a code of ethics for village heads/village officials to control. Regional heads, career officials and related officials must also provide an example by being neutral during the election.

Keywords: Neutrality, Village Head, Village Officials

INTRODUCTION

The phenomenon of village heads or village officials committing neutrality violations is often encountered in various elections, including neutrality violations in regional head elections. For example, in 2020, data from the Election Supervisory Agency (Bawaslu) noted three districts in South Sulawesi Province that handled suspected neutrality violations. Forms of violations committed include the village head taking a photo with a pair of candidates using certain symbols and comments on social media such as Facebook that are beneficial or detrimental to one of the candidate pairs (Sindonews, 2020).

Second, violations of neutrality in the Presidential/Vice-Presidential elections and the

legislative/DPD elections. Bawaslu data shows a neutrality violation by the Village Head / Village Apparatus in 2019 in Central Java Province. Central Java Bawaslu recommended sanctions to 16 village heads for not being neutral. Forms of violations committed include uploading a photo with one of the Presidential candidates on Facebook. Sharing photos via the Whatsapp (WA) group, uploading support for one of the candidates for legislative members who are also his wife, taking pictures with the Vice President candidate by showing a hand symbol as a sign of support, participate actively in the campaign of one of the candidate pairs (Gatra, 2019). Fourth, violations of neutrality in village head elections. The incumbent village head often used the existence of village officials to provide support, mobilize masses or

distribute the money as a form of money politics. Fifth, there is a village head/village apparatus as an administrator or a political party member.

The phenomenon that the village head/village apparatus is not neutral in the election is a violation and can be subject to sanctions up to dismissal. It is stated in various regulations, from Law to Ministerial Regulation. However, what often becomes a problem is the difficulty of Bawaslu or local governments in imposing sanctions for various reasons such as lack of evidence. A more worrying condition that must be addressed is discrimination in services to the community and policymaking by the village head, especially for people who do not support him during the village head election.

This research focuses on the neutrality of the village head and village officials. The research is expected to produce practical implications in creating strategies to create neutral village heads and village officials to carry out their duties.

METHOD

The research approach used in this analysis is a library review, which is accomplished by compiling articles from newspapers or web media related to the Neutrality of the Village Head and Village Officials. This review is qualitative, by analyzing phenomena occurring in Indonesia, trying to formulate problems that occur, and then comparing them to the obtained literature. Data collection techniques are carried out by collecting data, particularly information sources, through books, articles, notes, and various other scientific literature in the form of a combined literature review. The data collected are then inductively analyzed to produce grounded theory, which emerges from data and not from hypotheses. (Thomas, David R., 2006) The writing steps in preparing this article are

1. Choosing an issue;
2. a preliminary study;
3. Issue Formulation;
4. Formulating aims;
5. Carrying out the study;
6. Having discussions;

7. Formulate a conclusion made from the results of the analysis and other writers' recommendations.

RESULT and DISCUSSION

Neutral is free, not taking sides or not helping one party. Meanwhile, neutrality is a neutral attitude (Big Indonesian Dictionary, 1988: 613). Neutrality is also defined as not participating (Agius & Devine, 2011: 267), not participating and not taking sides (Raymond, 1997: 125). Concerning the existence of a Village Head / Village Apparatus, the neutrality of the village head can be interpreted as an attitude or condition of being impartial, or not participating in, and not benefiting one of the parties in the Regional Head Election, Legislative Election / DPD, Presidential/Vice Presidential Election. as well as the election of village heads. The neutrality of the Village Head/Village Apparatus must also be independent of the management or members of the political party. Neutrality can also be linked to an attitude of non-discrimination in providing public services, KASN, 2018: 8).

The village head can also be referred to as a public official. Moreover, the Village Head, who is assisted by the village apparatus, must lead the administration of the village government, carry out development, community development, community empowerment and maintain partnership relationships with community institutions and other institutions (Law Number 6 of 2014). The village apparatus includes the village secretary and the head of affairs, regional executive (hamlet head), and technical implementer (section head) to be appropriate for the Village Head/Village Apparatus to be neutral.

Village Head / Village Officials with Political Parties

There is an interesting phenomenon in the current era of regional autonomy: the number of Village Heads or Village Officials serving as administrators of political parties. For example, there are Village Officials who become the Chairperson of the Branch Children Leadership (PAC) of a political party at the District level in some areas. There are various reasons for the

Village Head / Village Apparatus to take charge of a political party, including (1) plans to nominate members of the DPRD at the Regency level to increase the status or degree in the community. (2) Close to elites of political parties (DPRD members) at the Regency / Provincial level, so that they hope to assist various proposals for programs/activities/assistance financed by the Regency / Province / Central for their territory.

On the other hand, several regulations prohibit the Village Head or Village Apparatus from taking charge of political parties. For example, the prohibition of Village Heads from becoming administrators of Political Parties is regulated in Article 29 letter g of Law Number 6 of 2014. Meanwhile, the prohibition of Village Officials as administrators of political parties is regulated in Article 51 letter g of Law Number 6 of 2014. Nevertheless, it is because the Village Head is the leader in the implementation of village governance, as community leaders and representatives of the Government who are close to the community, it is hoped that they are professional and can provide excellent public services and accelerate development in their villages (General Explanation of Law Number 6 of 2014).

There are sanctions for Village Heads and Village Officials who violate the provisions of being in charge of political parties. The Village Head or Village Apparatus may be subject to administrative sanctions in an oral warning and a written warning. If the administrative sanction is not implemented, a temporary dismissal can be taken and continued with dismissal (Article 30 paragraph 1 and 2 and Article 52 paragraph 1 and 2 of Law Number 6 of 2014). For Village Officials, it is reaffirmed in article 5 paragraph (3) letter e of Permendagri 67 of 2017 that village officials are dismissed for one of them because they violate the prohibition as village apparatus (Article 51 letter g of Law Number 6 of 2014).

Suppose you pay attention to regulations concerning Villages. In that case, the choice of the village head/village apparatus is to relinquish their management in a political party or resign (remain as Village Head / Village Officials) or be dismissed from the position of Village Head / Village Apparatus (still as administrators of political

parties). However, problems and obstacles arise in applying sanctions for Village Heads and Village Officials, including First, Imposing sanctions in the form of temporary dismissal and dismissal of the village head is the authority of the Regional Head (Bupati). Meanwhile, on the other hand, the village head sometimes is part of the success team during the Regional Head election. This condition results in violations of neutrality not being carried out.

Another thing that becomes an obstacle is the potential for conflict with the mass supporters of the village head if the village head is dismissed because he is in charge of a political party. Second, the imposition of sanctions for village officials is the authority of the Village Head (article 5 paragraph 4 Permendagri 67 of 2017). Third, the village head is often reluctant to impose sanctions, especially since village officials usually have brotherly ties with the village head or a successful team during village head elections.

Village Head / Village Apparatus with Regional Head Election

The Village Head / Village Officials often side with or support one of the candidate pairs for Regional Head during the Regional Head Election. From the point of view of the candidate for Regional Head, the village head has a supporting mass (at least during the village head election), so that the candidate for regional head or his team is often approached to mobilize the masses or support the election. On the other hand, the Village Head wishes to support / side with one of the pairs of candidates by mobilizing the mass of supporters in the hope of getting attention/assistance for programs or activities/budget allocations from the Regency level when the supported candidate for the regional head is elected. Many Village Heads also receive funds from candidate pairs for mass mobilization operations on voting day. As for the Village Apparatus, if the Village Head takes sides, village officials are often invited to take sides and be obedient to the Village Head.

Another thing that causes the Village Head / Village Apparatus to take sides is that there is pressure or requests or requests from higher officials (Head of the district or Head of Service or

other officials who are also taking sides) with various lures/promises or if they do not obey, pressure will be applied. Inspection by the supervisory agency (BPK or Inspectorate) related to the management of Village Funds (DD), Village Fund Allocation (ADD) or Share of Proceeds from Regional Taxes and Retribution (BHPRD). From another aspect, weak supervision by the Regional Election Supervisory Committee (Panwaslu) or the Election Supervisory Body (Bawaslu) is also one of the causes of violations of neutrality (Bilatu, 2016).

The practice of supporting one candidate pair creates a close and close relationship between the village head and the elected regional head. However, this closeness has several implications:

- (1) the working relationship between the Village Head and the Sub-District Head becomes tenuous. Even though the district's head has one of the functions that must be carried out, namely providing guidance and supervision of the village's administration. Sometimes the head of the district, which the Village Head does not want, is proposed to be transferred to another District.
- (2) The behaviour of the Village Head underestimates matters that must be addressed, including village government administration, financial management administration and other tasks.

From the regulatory aspect, there are several prohibitions for regional head candidates to involve the village head/village apparatus in the campaign or for the village head not to make decisions or actions that benefit or disadvantage one of the candidate pairs (Article 70 paragraph 1 letter c and article 71 paragraph 1 Law Number 10 of 2016 and Article 51 letter j of Law Number 6 of 2014). Village Heads who violate these provisions can be sentenced to imprisonment for a minimum of 1 month or a maximum of 6 months and a minimum fine of Rp. 600,000 or a maximum of Rp. 6,000,000. Meanwhile, the sanctions for village officials who violate the prohibition are administrative until they can be continued with dismissal (Article 52 of Law Number 6 of 2014).

It will not be easy to take action against village heads/village officials who are not neutral

during the post-conflict local election. Due to several things, including (1) the elected regional head candidates are greatly assisted by the Village Head / Village Apparatus so that neutrality violations will be ignored. (2) The Head of the Village Community Empowerment Service or the Head of the district, who should take action, instead participates in non-neutral behaviour. There are many reasons for the bureaucracy for violating neutrality, including maintaining a position or accelerating career development (Rusliandy, 2019: 75) so that there is no role model from the leaders for the village head/village apparatus.

Village Head/Village Apparatus with Legislative Election / DPD

In the era of regional autonomy, many Village Heads / Village Officials nominate as legislative members or participate in supporting candidates for DPRD / DPD members. However, for the Village Head or village apparatus who will nominate, the person concerned must first resign from the position of Village Head (Article 7ayat 1 letter k PKPU Number 20 of 2018). For the Village Head, proposals for resignation and decisions on dismissal from office are signed by the Regional Head, making it very difficult to return to post-legislative election positions if they are not elected. Meanwhile, for the village apparatus, proposals for resignation and decisions on dismissal were made from the village head, so that often village officials who were not elected as legislative members were reappointed as village officials.

There is a prohibition for the Village Head or Village Apparatus participating in general election campaign activities, either the legislature (DPRD / DPR RI) or the DPD. The Village Head is also prohibited from making decisions and or taking actions that benefit or disadvantage election participants (article 280 paragraph 2 letters h and l and article 282 of Law Number 7 of 2017). For a Village Head who takes action or makes decisions that benefit one of the election participants during the campaign period or participates in the election campaign, he will be punished with imprisonment of up to 1 year and a

maximum fine of Rp. 12,000,000 (Articles 490 and 494 of Law Number 7 of 2017).

Village Head / Village Apparatus with Presidential / Vice Presidential Election

The practice of village heads is not neutral during the Presidential / Vice Presidential elections in 2019. For example, a village head in Mojokerto Regency was sentenced to 2 months in prison by the Mojokerto District Court (detiknews, 2019). The type of violation that was committed was by herding along with distributing money to the mothers in their village to welcome one of the presidential / Vice-Presidential candidate pairs who were going to campaign and spending the funds to be distributed to these mothers even though there is a prohibition for village heads to make decisions or take actions that benefit or harm one of the election participants as stipulated in article 282 of Law Number 7 of 2017.

The action against the Village Head / Village Apparatus is considered one-sided, as stated by one of the presidential candidate pairs at the inaugural debate between the Presidential Candidates with the theme of law. The pair criticized that if there was a regional head, it was not a problem for the presidential/vice-presidential candidate pair, but an arrest was made and sentenced to a criminal sentence (Detiknews, 2019). One of the presidential candidate pairs also revealed reports of intimidation and persecution experienced (Kompas, 2019).

Village Officials with Village Head Election

Another phenomenon that is more frequent in villages is that village officials are not neutral in village head elections. Village officials are often involved in mass mobilization or the distribution of money politics by the incumbent village head during the campaign or ahead of the Village head election (Endik, 2018: 158). This practice often causes divisions within the village apparatus due to differences in choices. There are various reasons for this non-neutral practice, including: (1) one of the candidates for village head is his current superior (the incumbent village head). This condition resulted in the village apparatus supporting the candidate because of

remuneration (being appointed as village apparatus). As well as concerns if the new village head (other than the incumbent) does not retain his position as village apparatus (Endik, 2018: 152). (2) one of the candidates for village head is a relative of the village apparatus, so he must support the candidate as a family member. (3) There is hope and desire to remain as village apparatus so that they participate in supporting or seeing village head candidates who are judged to win during Village head election.

The non-neutral condition of village officials has implications for the occurrence of friction between supporters of village head candidates. For example, one candidate and his supporters did not believe in the village apparatus, especially if village officials were included in the Village head election committee. Thus, in the end, there will be potential for a dispute over the Village head election before or after the Village head election vote count.

There is no prohibition against village officials not being neutral in the village head election (both laws, government regulations and ministerial regulations), making it difficult for local governments to take action against those who violate them. Moreover, the authority to dismiss village officials lies with the village head. Therefore, it has also led to the proliferation of village officials who were not neutral during the Village head election. However, village officials are aware that even when a supported candidate for village head is not elected, they are ready to quit as village apparatus. Thus, in some regions, trying to regulate prohibitions and sanctions related to neutrality for regional apparatus as outlined in Regional Regulations, for example, in Bogor Regency (Bogor Regency Regional Regulation Number 1 of 2021).

The Government needs to pay attention to that building, and training the competence of village officials in terms of village government administration, financial management, and others is not an easy thing and can be done quickly. So that if every six years or every change of village head there is a change and replacement of village officials, it is difficult for the District and Regional Government to return to provide guidance. Return

to the starting point to provide an understanding of the various rules about the village.

Post-Village head election Public Service and Decision Making

After the election of the village head, discrimination is often found in public services or decision making for people who do not elect the elected village head. Forms of discrimination in public services include not being proposed as recipients of social assistance from the allocation of direct cash assistance (BLT) of village funds, expensive costs in managing documents or land records for the process of making a sale and purchase certificate. While discrimination in decision making can be seen from the infrastructure development priorities of the APBDes, priority is given to supporting areas. Whereas in village development, the Village Head has a role in directing, providing development support, and engaging and empowering the community to participate in development (Budiawan, 2016 :).

The village head can be categorized as a public official because he can hold or carry out government duties to carry out the people's mandate, even at the village level (Bagir Manan, 2018: 10). The Nolan Commission in Bagir Manan (2018: 12) argues that decisions as public officials are intended solely for the public interest so that decisions are not allowed to benefit individuals/families or groups. Public officials must also have integrity or must not be under the influence of money, other obligations, influencing people or bodies in the performance of their duties. Even public officials must take strategic steps in resolving conflicts of interest to protect public interests (Bagir Manan, 2018: 14).

Discrimination in public services and policymaking, if allowed to do so, will result in disharmony and synergy in the implementation of village governance. The form of disharmony can be seen from the conflict between the village head and the BPD, demonstrations by residents (not supporters) of distrust of the village head, the emergence of various allegations on social media regarding allegations of corruption or irregularities and more.

The Role of the Sub-District Head in Guidance and Supervision of Village Government

The head of the district has an important role in the village. One of the sub-district head duties is to provide guidance and supervision to the implementation of village governance by the provisions of the village regulations (article 10 letter g Government Regulation 17/2018). This task can be interpreted as the coach of village heads and village officials to be neutral, either from political parties or to the Presidential / Regional Head / Legislative / DPD elections. It includes ensuring that public services and decision-making by the village head do not result in discrimination, especially against people who do not elect an elected village head. The sub-district head also can provide recommendations or not on the appointment and dismissal of village officials by the village head.

The head of the district in the era of decentralization was very different from the New Order era. During the New Order era, the sub-district head was the head of the region and had the authority to recommend the dismissal of the village head (Law No. 5/1979). However, in the era of decentralization, the district's head was a regional apparatus to provide guidance and supervision to the village government. So that in practice, there are several obstacles for the head of the district in carrying out his duties, including:

1. The capacity and decisiveness of the head of the district. Many heads of the district do not study the laws and regulations governing the prohibition regarding the neutrality of the village head and village officials, and many also turn a blind eye to this condition to maintain good relations with the village. The weak capacity of the head of the district is often caused by a large number of head of the district who do not know Government or non-governmental educational background.
2. Limited education or competence of the Village Head and village officials. This limitation results in the village head/village apparatus not reading and understanding the prohibition regulations. Even if they understand that because the regional head or political parties need them, many are determined to commit neutrality violations.

- Moreover, many district heads also do not provide examples in implementing regional head elections by mobilizing village heads and figures and masses.
3. Village head behaviour. Different village heads/village officials (business people, thugs, leaders) result in different behaviours. The different behaviours trigger several unregulated behaviours and make it difficult for the district's head to take action.
 4. Concerns about turmoil in several villages. The large number of supporters of the village head caused the sub-district head to worry about turmoil over his existence if he was explicit about the village head/village apparatus.

Strategies to Realize Neutral Village Heads / Village, Officials

Responding to various neutrality violations committed by the Village Head/village apparatus, the strategies that can be taken to deal with these problems are as follows:

1. In this case, the regional Government should cooperate with the General Election Commission (KPU) and Bawaslu to identify village heads/village officials who are registered in the management of political parties. Then action was taken so that the village head/village apparatus would resign from the management of a political party or be dishonourably discharged from the position of village head/village apparatus.
2. Increase the role of Bawaslu or Panwaslu at the sub-district level to supervise and take action against Village Heads or village officials who are not neutral in elections. There needs to be a strict selection of members of the Panwaslu to have integrity and be firm in taking action. It is because Panwaslu will be dealing with family, relatives or friends when carrying out their duties.
3. Increase the role of the head of the district in the regions. The head of the district will easily notice various irregularities or violations of neutrality because of their presence in the field, so fostering and supervising the Head of the District to

- implement village governance must be increased. It is necessary to make preventive efforts such as socialization and guidance, especially regarding the prohibition against the Village Head/village apparatus. The sub-district head must also take repressive measures to report to the regional head to examine and impose sanctions on those who commit violations.
4. Optimizing the Village Community Empowerment Service role in guidance and supervision, including socialization, policy formulation, and enforcement of sanctions in the form of dismissal for those who do not heed warning or guidance.
 5. It is necessary to formulate regulations on a Code of Ethics for village heads. As a public official, the village head works based on the law, implements the law in service delivery and law enforcement so that the code of ethics plays a role in showing accountability to determine how the law should be enforced for the sake of justice and the common good. In addition, the code of ethics is also a means of control over discretion, privilege and prerogative (Bagir Manan, 2018: 18).
- Another thing that needs to be considered is that the leaders from the regional head to the sub-district head must provide an example for the village head. Furthermore, this example must be accompanied by several improvements, including:
1. Prohibition of Regional Heads as administrators of political parties and participating or supporting President / Vice President or Legislative / DPD. The Regional Head is indeed a political official and uses a political party when nominated as a candidate. However, as a regional head, besides being a political official, he is also a public official who must prioritize the interests of the community. Therefore, it provides an example for village heads not to participate in politics after being appointed as public official.
 2. The action takes the form of imposing disciplinary penalties for career officials (Head of Service or Head of the district) who are not neutral during elections, whether the

election for President / Vice President, Legislative Election / DPD or regional head elections. Moreover, it scares the Village Head to take the side of the election.

CONCLUSION

Considering the various reviews above, the scope of neutrality of the Village Head / Village Apparatus is: (1) not to become an administrator or member of a political party. (2) do not participate in or support one of the pairs of candidates in the regional head elections. (3) not participating in or supporting one of the pairs of candidates in the legislative / DPD elections. Even had to resign when nominating members of the legislature. (4) do not participate in or support the election for President / Vice President. (5) Village officials are prohibited from participating in or supporting one of the candidates in the village head election. (6) do not discriminate in public administration for the community and in policymaking. In particular, the community is not a supporter of the village head election.

Through the regional head, the Dinas Head to the head of the district must make various efforts to ensure the neutrality of the village head and village officials. This effort begins with identifying the village head/village apparatus in charge of a political party and taking decisive action between resigning from office or a political party. For those who do not heed, it must be dismissed. The regional Government must also cooperate with the KPU and Bawaslu or general election supervisory committee (Panwas) to ensure that the neutrality of the village head/village apparatus in the election, be it the President / Vice President, Regional Head, Legislative / DPD or even during the Village head election. The Regional Head and his staff (career officials) or other related officials must also provide an example of neutrality so that there is no more intimidation or requests for village heads/village officials to commit violations of neutrality. In the context of control for the Village Head/village apparatus, it is also necessary to formulate and stipulate regulations regarding the code of ethics..

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