

The Application of Democracy Concept In Election For Regional Head

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Abstract

The concept of democracy is an important aspect in dealing with government elections which is contained in a country's political system. That is, democracy can bring about justice for the people because government is derived from the people. Thus the government adjusted to the will of the people. Similarly, community participation in the administration of elections is needed to support and realize democracy. The concept of democracy is intended as part of the implementation of the political elite recruitment in local government. Democracy is part of the political subsystem of a country that the degree of influence within the corridors of regional government. In Indonesia, democracy is a subsystem of democracy that provides opportunities for local government in developing the lives of local government relationship with the people in his neighborhood.

Keywords: Democracy, Participation, Regional Government

1. Introduction

Election for Regional Head or Local Election is a part of democratic election system in Indonesia. Like any other systems in Indonesia, Local Election is bounded by certain laws. It is normatively stated in 18th Article 4th Subsection of The Law of Republic of Indonesia that "Governors, Heads of District, and Mayors as the leaders of Provinces, Districts, and Cities are chosen democratically". According to the Article 18 Subsection 4, heads of regional governments can be chosen by applying the concept of democracy, or in other term, the people understands the concept of democracy when they use their right to choose. The practice of *Local Election* as Article 24 Subsection 5 The Law of Republic of Indonesia Number 32 Year 2004 about Regional Government states that "Regional Heads and Vice Regional Heads as intended in Subsection 20 and Subsection 3 are chosen as pairs directly by the people in which they live in", which means that all nominees has to register as pairs consist of the head and its deputy for the election and will be chosen by the people live in Regional Government's jurisdictional areas. The democratic election of heads of regional government's nominees as Article 56 Subsection 1 The Law Number 12 Year 2008 about second amendment of The Law Number 32 Year 2004 about Regional Government states that "Regional Heads and Vice Regional Heads which are chosen as pairs will be conducted democratically based on the directness, publicity, coercion free, confidentiality, honesty and fairness as the spirit of the election". As previously stated, the Article decides that the Regional Heads and Vice Regional Heads will be chosen in direct manner publicly and free of coercion, as well as protecting the voter's confidentiality, and encouraging the honesty and fairness from all election participants.

The Article 56 Subsection 1 of The Law Number 12 Year 2008 about Second Amendment for The Law Number 32 Year 2004 about Regional Government affirms that Republic of Indonesia fully supported as well as protected the democratic process and concept in Regional Election. The Founding Fathers of Republic of Indonesia have discussed the concept of democracy since 20th century and procreate "a consensus which underlie Republic of Indonesia's principle". They believe that Republic of Indonesia has to be based on the people's sovereignty, in another word, Republic of Indonesia has to become a democratic nation".(1) "Not a single historical figure at that time dared to think that democracy is not the right ideology for Indonesia. They even underlined that democracy is the sole aspiration for Indonesian Independent Movement in the first place".(2) Eventhough most of the historical figures at that time agreed upon the concept of democracy, there are several differences in opinion like:

"basic rights of the people, A party agreed upon the basic democratic rights to be guaranteed in the constitution while another party express their refusal of the deed following the argument of people's sovereignty is not an individual sovereignty and freedom. They also widely interpreted the concept of democracy which is originated and flourished in Europe is none other than only political democracy and such democracy referred to as a flawed concept which is not concerned about economic life". (3)

The difference of opinions among the Founding Fathers of Indonesia shows that:

“Democracy is not a finished good. As a system, democracy will never be perfect, instead it would be constantly in a state of ‘to be’. Its condition and state can be changed accordingly following the ever-changing balance of power. A similar formal structure of power might resulted different democratic condition from time to time. In short, democracy is a never-ending process”. (4)

The term “Democracy” derived from Greek word “*demos*” and “*cratein*”. *Demos* means people, *Cratein* means “to govern”, and *cratos* means government. Therefore, basically democracy means the government by the people. It means “a government in which the people participate”.(5) By observing those two quotes, democracy is an acknowledgement which states:

“The highest authority in a nation resides in the people. Since the people is the highest authority in a nation, it is natural that all policy concerning national welfare is made and decided by the people itself. In modern nation nowadays, the power by the people is delegated through a parliament as the highest authority holder”. (6)

The concept of democracy in the government has given “spaces for the people collectively to manage and take care of their interests in a way of making and executing their own rules and laws. The people has been given the freedom to decide their own fate”.(7) In sense of that statement, the people is given the freedom of choosing their preferred pair of regional head’s nominee which then will be managing and taking care of their interests.

Frans Magnis-Suseno SJ states that democracy is closely related to “the rate of people’s influence to the government”. (8) It means that the people is given a chance to influence the government related to the application of the concept of democracy itself. Basically, “democracy opens up vast opportunity for the people from every level of society to participate in the making of national policy, including to change the Acts and Constitution of a nation itself”. (9)

Violation to the concept of democracy related to social violences which are occurred in many regions after the regional election and “riots which are not rarely seen in many regions is a phenomenon showing that the culture of democracy in the level of civil society is not fully developed yet”.(10) The spirit of competition to change the balance of power has not been based yet to the sense of obedience to the rules and mechanism which the people had agreed upon. This kind of tendency can be seen in many post-events of regional election in many regions where the losing pair of nominees could not cope with their defeat. According to the concept of democracy itself, the election for regional government is one of many mechanism of leadership rotations that follows the spirit of reformation. The laws and rules for the process of election also has been adjusted to the people’s need. Aberration to the concept of democracy also happen in the competition for power here the losing side cannot accept their defeat which is lead to violence and terror. To handle such situation, the practice of democracy have mechanisms to facilitate such dissatisfaction with a legal way; a court for example. Lack of people’s awareness to democracy in local level also caused by the lack of politic community’s existance in the society itself. Also, the practice of “money politic” also spreading like fire over haystack in Indonesia. “The chance of winning will be instantly increasing greatly for those who practices money politic. The target of this kind of practice are the vast people from the lower stratum of society which are very suceptible to money politics due to their relatively low daily income”.(11)

Local Election held in Indonesia is the Direct Election. However, it causes many negative impacts, namely: rampant money politics which previously is exclusive to member of House of People’s Representative, but now it spread to common people as the voter, especially the poor. In accordance, “thuggery in direct election was more worse and more advance in reformation era, and also it involves mass of culprit compared to election with representative system in Soeharto’s New Order Era”.¹ Besides, Conflict between local elite because of direct election was spread to the people and mostly causing violence. Then, the more disappointing thing from previous negative impact is the reality that Local Election did not automatically produce local leaders with good quality. They did not have exemplary traits in their daily life, competent in managing local government and did not

¹ Ibid.

having proved good works. As we all know that Local Election winners in general are businessman figure or people that backed up by money and bearer political parties.

In fact, from local election that have been held in various region, shows that there are lot of violation, fraud, and also manipulation in various forms. The forms namely: votes inflation, votes deflation, inaccurate arrangement of fixed voters and manipulation, not-transparent ballots printing, money politics, intimidation, violence, voters mobilization and other forms of manipulation whether in administrative or criminal way. Regarding the background of the study that has been previously explained, then discussion to this central theme is: how to apply concept of democracy in local election?

2. Research Method

Based on the title and formulation of the problem, the study included in the category of normative legal research. Legal research methods of this type are commonly referred to as a doctrinal legal research or research library. Named doctrinal legal research because the research only refers to the written regulations that are closely related research at the library since it would require legal material that is secondary to the library. In a normative legal research studied law written on various aspects such as aspects of theory, philosophy, comparative, structure / composition, consistency, general description and explanation on each chapter, the formalities and the binding force of a law and the language used is the language of the law.

3. Result and Discussion

3.1. Concept of Decentralization.

Decentralization was used as the assessment in this discussion regarding the transfer of authority from central government to local government based on general reference of law. Etymologically, term decentralization was come from Latin language:

“De=free and *centrum*=centre, so it can be translated to free from the centre. From state administration point of view, decentralization is transfer of authority from central government to local governments to manage their own territory (autonomous area)”.¹

Decentralization reflects” theexistence of authority from the part or subordinate to implement something that was assigned by the central, but with the existence of connection between central with their part or subordinate”.

²Joenarto as cited by Pipin Syarifin and Dedah Jubaedah state that decentralization is”principle to give authority from central state government to local government to manage and handle certain affairs as their own household matters. And so, term *Swatantra* or autonomous is term that can be applied here.”.³

Transfer of authority based on decentralization means that local government can freely implement this but still they need to stay in the frame of Unitary State of the Republic of Indonesia. In the Unitary State, monopoly of authority isexist “in the hand of Central State Government, then they distribute their authority to the local governments which is parts of the Unitary Nation. So, in the frame of Unitary Nation, power flows from top to bottom”.⁴ Kranenburg as cited by Mohammad Hatta states “if the authority of the Central Government was being limited, then the country is not an unitary nation anymore but a Federal Country. Thus, if authority of the local governments is limited, but the Central is not limited, it is the characteristic of unitary nation”.⁵ M. Solly Lubis as cited by Astim Riyanto infer that:

Inside of the unitary nation, exist a principle that states: every country’s affair are not divided to central government and regional government or local government. Thus, the affairs are integrated (*eenheid*)and the highest authority holder is the central government.⁶

In unitary nation, M. Solly Lubis as cited by Astim Riyanto states several principles, namely:⁷

“(1) Principles of central government is the holder of the highest authority and national affairs without interference by certain delegation or delegation of authority to regional government;

(2) principles of every national affair are not divided between central government and regional government.

Thus, is it still considered as a single integrality;

¹ Abdurrahman, *Beberapa Pemikiran Tentang Otonomi Daerah*, (Jakarta : Media Sarana Press, 1987), hlm. 71.

² Tjahya Supriatna, *Sistem Administrasi Pemerintahan Di Daerah*, (Jakarta : Bumi Aksara, 1993), hal. 1.

³ Pipin Syarifin dan Dedah Jubaedah, *Hukum Pemerintahan Daerah*, (Bandung : Pustaka Bani Quraisy, 2005), hlm. 89.

⁴ Jimmi Mohamad Ibrahim, *Prospek Otonomi Daerah Dalam Rangka Memberikan Peranan yang Lebih Besar Kepada Pemerintah Daerah Tingkat II* , (Semarang : Dahara Prize, 1991), hlm. 33.

⁵ H. Mohammad Hatta, *Hukum Tanah Nasional Dalam Perspektif Negara Kesatuan*, (Yogyakarta : Media Abadi, 2005), hlm. 56.

⁶ Astim Riyanto, *Teori Negara Kesatuan*, (Bandung : Yapemdo, 2006), hlm. 89-90.

⁷ Astim Riyanto, *Negara Kesatuan : Konsep, Asas, Dan Aktualisasinya*, Bandung : Yapemdo, 2006), hlm. 88-89.

- (3) Principles of every authority is basically concentrated and decentralized to single governance based in the nation's capital;
- (4) principles of regional government are subordination from central government;
- (5) Principles of subordination as the relation between central government and regional government can be practiced by technical principles, that is deconcentrating, decentralizing, and co-administrating task principles;
- (6) principles of unitary nation that perform deconcentrating exists in administrated areas; and
- (7) Principles of unitary nation that perform decentralization is exist in regions where their regional government have given an authority to manage their regional household or in other terms is *swatantra* or autonomy, this is also correlated to law number 1 verse (1) in 1945 constitution that stated forms of unitary nation¹.

According to previous explanation, it can be concluded in unitary nation every government affairs is a single integrality and held by central government. C.F. Strong as cited by Sulardi and Cekli S. Pratiwi states: Unitary Nation is form of Nation where the highest legislative authority was circulated in certain national / centre legislative agency. Authority lies in the central government and not in the regional government. Central has authority to transfer some part of the authority to region based on autonomous right (unitary nation with decentralization system). However, in the last phase, highest authority lies in the hand of central. So, in terms of internal or external sovereignty is fully held by the central. At last, the thing that being the essence of unitary nation is the undivided sovereignty or in another word central authority is not limited, because unitary nation construction did not acknowledge another legislative agency, other than the central agency. Eventually, the existence of authority to make rule to their own region does not mean that regional governments have sovereignty, since the supervision and the highest authority lies in the hand of the centre.¹

In normative way, due to law number 1 phrase (1) in 1945 constitution," Indonesian country is a unitary nation in the form of republic". Therefore, even though it seems there is a distribution of authority between central government and regional government, but in the end the one who responsible to take responsibility to carry out the governance to the people through the house of representative is the central, that is the president. So, in the unitary nation government affairs still stay as a one integrality that held by the central. Regional government still responsible to the central to their governance affair that submitted by decentralization. 1945 Constitution principally take two basic values, namely:

"Unitary and autonomy values. Unitary value gives indication that Indonesia did not have another unit of government inside of it, in the national scale. This means that national government is the only holder of citizen sovereignty, nation, and the country Base value of autonomous is translated into the form of authorized regional governments that perform regional autonomy inside the limit of nation's sovereignty. In that context, the performer of decentralization in Indonesia is highly related to the pattern of power distribution between central government and the regions. Because in the enforcement of decentralization, there will be always two important aspect, that is to forming autonomous region and legal transfer of authority from the central to the regional government, the function is to manage and to handle certain parts of government affairs".²

Thus, the character from Unitary Nation is centralization, in accordance with this, Astim Riyanto states:

"according to the characteristic, Unitary Nation is a nation with centralization of power, even though in certain condition, development, needs or because parts of the nation have individual characteristic that should be maintained for bigger interest, or can be done with decentralization".³

In the governance operations, both concept, centralization and decentralization were implemented. Bayu Surianingrat as cited by Victor M. Situmorang and Cormentya Sitanggang states the relationship between centralization and decentralization, that is:⁴

- a. Centralization and decentralization cannot be separated, they are related and influencing each other;
- b. Centralization and decentralization can be defined as two tip of a piece of line. Point that shifted freely in line that withdrawn between the two tip shows the level of centralization and decentralization. Even

¹Sulardi dan Cekli S.Pratiwi, *Mengukuhkan Negara Kesatuan*, (Malang : Universitas Muhammadiyah, 2002), hal. 95.

² H. Juniarso Ridwan dan Achmad Sodik Sudrajat, *Hukum Administrasi Negara Dan Kebijakan Pelayanan Publik*, (Bandung : Nuansa, 2009), hlm. 128.

³ Astim Riyanto, *Teori Negara ...*, *op. cit.*, hlm. 45.

⁴ Victor M. Situmorang dan Cormentya Sitanggang, *Hukum Administrasi Pemerintahan Di Daerah*, (Jakarta : Sinar Grafika, 1994), hlm. 38-39.

- though centralization in certain organization is very highly regarded, the point of the contents will not be exactly staying in one of the tip;
- c. There will be no centralization without decentralization. In every centralization, there will be decentralization and vice versa;
 - d. Broader decentralization means narrow decentralization, and vice versa”.

According to previous explanation, it can be stated that Unitary Nation of Republic Indonesia hold the joint philosophy of centralization and decentralization. Centralization application was stated in law number 10 verse (1) constitution about regional government, it states: “Regional government hold their governance affair which become their authority, expect affairs about government that by constitution was decided to become central government affair”. Then, in verse (3) in the same article, it states affairs that become central government affair. According to verse (1) it covers:

- “a. foreign politics;
- b. defence;
- c. security;
- d. justice and Judiciary (*yustisi*);
- e. monetary and national’s fiscal; and
- f. religion”.

In the general explanation of this constitution, it states that this affair become central government business, based on the philosophy “there will be always various government affairs that fully or permanently become the authority of the central government. This affair must have concerned to ensuring living continuity of the country and nation as a whole”. Next, in the explanation of this article, it is also determined that:

Terms foreign politics in here refer to appoint diplomatic official and appoints a citizen to be positioned in national agency. Establish foreign policy, doing a treaty with other nations, to set foreign trade policy and etcetera.

Then, Defence affair in here refer to establish and forming armed force, declare peace treaty or declare war, declare nations or part of the nation is in the danger, build and develop nations defence system and weaponry, declare policy to held conscription, defend the country to every citizen and etcetera.

Security in here refer to security affair for example to establish and form state police, making policy regarding national security, take legal action to citizen, group or organization that their action is against national security and etcetera.

Yustisi or Justice and Judiciary affair for example can refer to establish judiciary institution, appoint judge and prosecutor, establish correctional institution, set judiciary and immigration policy, grants clemency, amnesty, abolition, forming a legislation, Government regulations in lieu of law, government regulation and other national regulation.

What refer to monetary and fiscal affair in here is related to economic macro policy, for example printing money and set value of currency, establish monetary policy, controlling money circulation and etcetera.

What refer by religion affair in here is, for example decide religion related holiday that apply nationally, give acknowledgement to certain existence of religion, decide policy in organization in religious life, and certain government affair in national scale and did not transfer this authority to regional government. Only in religious affair, there are some activity that can be assigned to regional government as the effort to increase regional participation in order to improve religious life.

Besides that, normatively decentralization is embraced as determined in article number 12 verse (1) law about regional government, this article state:” government affair that transferred to regional government is accompanied by funding, transfer of facilities and infrastructure, and staffing that appropriate to the affair”. This transfer of authority means to make governance more effective due to following aim of decentralization:¹

- “1. To reduce central’s burden and intervention in small problems in local government scale;
2. to increase citizen support towards organization of local government activities;
3. to train the citizen to take care their own household;
4. to improve public service to the citizen”.

According to previous explanation it can be concluded that when it comes to local election, there are some affairs which belong to the central. For example in operations of direct president and vice president election, meanwhile in other affair like local direct election whether in province, regency, or city is using decentralization to be managed.

¹ H. Siswanto Sunarno, *Hukum Pemerintahan Daerah Di Indonesia*, (Jakarta : Sinar Grafika, 2006), hlm. 12.

3.2. Concept of Democracy

Concept of democracy has become important discussion in our life. This concept reflect the acknowledgement to human's right, dignity and their status, fundamental freedom and obligation is also included. Given that in every democratic country "law was made by the people and not something that forced to the people. The people made this law through representative bodies whom they choose freely".¹ With this in mid, people from a democratic country will obey the law because they realize that they made it even they not directly made it. Due to this fundamental every citizen have right of equality or protection from law. As a consequence, this law protection is held without seeing the status of a citizen whether they are rich or poor. Ethnic majority, or religion minority, or political alliance, everybody have rights of law protection.

Due to the fact, Mariun as cited by Josef Kaho states that in the country which use democracy as their ideology, the people should "given equal, widest opportunity to participate in the governance. Motto from democracy is government of, by, and for the people".² If this motto was intended to be implemented, then:

"Implementing this in national or central scale is not enough, but also need to be implemented in regional scale. This owing to the reality of the existence of local people that have special interests or needs that different from another regions. Attempting and organize this people's interest (managing the household) would be better to handle this matter to the people in there. Therefore, base, purpose, reason and second aim to the existence of regional government is democracy implementation, especially grass-roots democracy".³

In accordance with democracy's motto, election organization was not only held in the central but also in regional. In managing the regional election, the organizer will directly involve with local community that has special needs and interests that different from other regions. The interest in here refers to choose a figure of a leader that considered capable to advance the region and increase prosperity including to give services to the local community. Because of this, a chosen regional leader must feeling burdened by big responsibility in doing his or her job, because of the trust that was given by the people. In short the people give their trust to the elected leader that called Local Leader.

To get the people's trust is not easy, because they need to get support from majority of the people. To get this, candidates of the leader and the vice leader need to do some campaign to present their program if they were chosen for the job. So, the people should judge this program based on their interest, for example how far the programs of the candidates that match with their needs or interest. Hence, if that programs is enough to fulfil the majority needs or interest the more support that they will get from the people.

Unfortunately, instead of conducting the campaign by prioritizing the campaign based on the arranged programs, the candidates for regional head and vice regional head pay a visit to certain places such as paying a visit to a small village. The aim of the visits is to find the support from the village community as much as possible by providing donation of funds for development in that small village. When the village community receives assistance from the candidates of regional head and vice regional head, the village community must compensate that donation or funds by providing the support or vote from majority or all residents in that small village. The agreement between the candidates of regional head and vice regional head with the village community formed when the village community finally received the assistance from the candidates. And that's how political transactions in the local elections happened. The residents bounded by the funding from the candidates, in a bad way. Therefore, when they finally face the local elections, those people cannot choose the desired candidates because of "the bound" they previously formed with other candidates. Thus, the local election does not correspond with the people's will or it has already deviated from the concept of democracy. This deviation of the concept of democracy has a negative impact on people, where the society becomes bounded (not free) in determining its choice, thus the honesty of society becomes shackled and there is no more justice. The deviation is not a legal aberration but a deviation from the principle of local elections.

Satjipto Rahardjo—as quoted by Sirajuddin, Fatkhurohman, and Zulkarnain—suggested the need for "greater transparency" and "participation" in the making of the law. With the participation of the community, it is hoped that a "rule of law will be able to accommodate the interests of all parties, both the executor of power (council and bureaucracy) as well as the people as the owner of power in the system of democratic government". Amien Rais also stated that one of the criteria of democracy is "people's participation in decision-making". In relation to public participation, Widhi Novianto, et al., suggested that "public participation can occur when there is democracy, ...". Based on this description it can be said that the assessment of participation has a close relationship with democracy.

¹ Bondan Gunawan S., *Apa itu, op. cit.*, hlm. 20-21.

² Josef Riwu Kaho, *Analisa Hubungan Pemerintah Pusat Dan Daerah Di Indonesia*, (Jakarta : Rineka Cipta, 1990), hlm. 10. .

³ *Ibid.*

This participation is related to the respect for the rights of the people as a manifestation of the concept of democracy to participate in the election of regional head and vice regional head.

3.3. Participation Concept.

This democracy is intended to give the public opportunity to participate in influencing the government in its connection with the application of the concept of democracy in the local election. Democracy opens the widest opportunity to all levels of society to participate in determining state policy, including to amend the country's laws and constitutions. It means that by expanding the opportunity for the people to participate in taking the responsibility of governance is similar to providing opportunities for people to participate in the administration of governance including in choosing candidates for regional head and vice regional head.

Implementation of the government in regard to local elections can be said to be more democratic because the community is given the opportunity to participate to convey its interests to the central government and local government. In the implementation of democratic governance including the application of the concept of democracy in the local elections, the community is given the opportunity to participate to vote. Robert A. Dahl stated:

"Throughout the binding decision-making process, citizens must have equal opportunity in expressing their choices. Citizens must have equal opportunity in placing issues on the state agenda and declaring their arguments in order to participate effectively in the decision-making process".¹

Jalaluddin Rahmat also supported democracy as a concept for a political system based on two principles: "political participation and human rights. These principles lead to people participating in public decisions and protecting human rights, which are the right to the free speech, the right to control power and the equality before the law". The implementation of participation requires the honesty and openness of the local government and the Regional People's Representative Council. The participation becomes meaningless for the life of the community because without honesty and openness. Honesty comes from the word "honest" which means straight heart, no cheating. Honesty means alignment of heart, sincerity of the heart". The Regional Government of Bali Province and the Regional Peoples Representative Council of Bali Province should have the sincerity to receive input from the community through participation because these inputs are very important for the community.

The participation of the community in the local election process, including in determining its choice, actually "helps the government to overcome the problems in policy priorities. In addition, because the community is involved in the policy process, the community would support the implementation of the policy enthusiastically. Even the public hopes that the implementation of the policy works well". Thus, democracy can be run with the participation of the people.

In order for the implementation of local elections to run well then the formation of a policy becomes very important in accordance with the growing interest and develop in societ. Therefore the concept of participation is also used as an assessment, which means that the citizens are given the opportunity to participate in order to provide the input regarding of how important it is to form a policy about elections. Bhattacharyya interpreted that "participation is as partaking in joint activities. Mubyarto defines it as a willingness to help the success of each program in the capacity of everyone without sacrificing self-interest". Normatively, this participation is also called role term so that in this discussion the term participation is considered synonymous with the term of participation. The form of participation or participation is regulated by Act Number 28 Year 1999 on the Implementation of a Clean and Free State of Corruption, Collusion and Nepotism (KKN), State Gazette of 1999 Number 75, Supplement to the State Gazette Number 3851. In Article 9 paragraph (1) this Act is determining the form of community participation, which are:

- a. The right to seek, obtain, and provide information about the administration of the state;
- b. The right to obtain equal and fair service from the State Operator;
- c. The right to express their suggestions and opinions responsibly to the policies of the State Organizer; and
- d. The right to obtain legal protection in respect of:
 - 1) to carry out its rights as referred to in letters a, b and c;
 - 2) to be able to present in the process of preliminary investigation, full investigation, and to present in the court as reporter-witnesses, witnesses, and expert witnesses, in accordance with the provisions of applicable laws and regulations.

Furthermore, in paragraph (2) of this article it is determined that "the right referred to in paragraph (1) is carried out in accordance with the provisions of applicable laws and regulations and by observing religious norms and other social norms". Under this article, it can be argued that community participation can serve as a medium for governments to capture information from wider sources so that it can serve as a foothold for "improving quality;

¹ Widhi Novianto, et al., *Model Partisipasi, op. cit.,,* hlm. 73.

facilitate the more intensive and rapid interaction between the government and the community; and to increase the accountability and transparency that can increase community representation and trust in their government".¹

Moh. Mahfud M.D argued that the law which has responsive character is at least characterized by three things:²

First, the process of the making of the law is participatory which means it could invite the participation from the community;

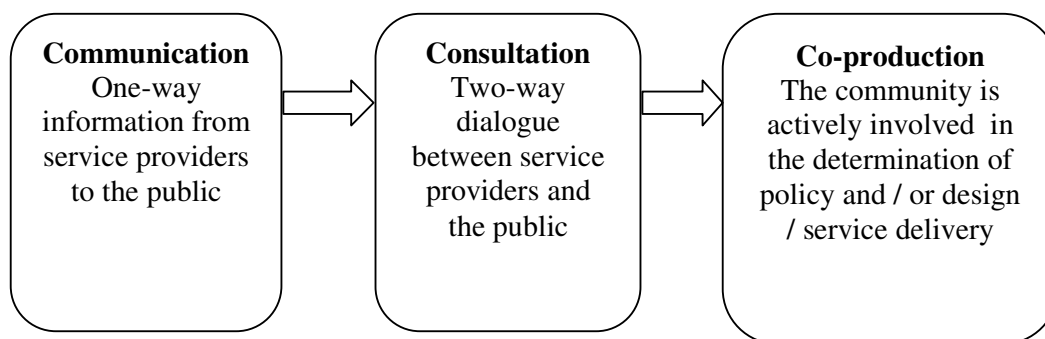
Second, the content material is aspirational in the sense of accommodating the aspirations of a democratically contested society and not merely justifying the state policy; and

Third, the contents are limitative in a very detailed sense so as to strictly limit the likelihood of being interpreted unilaterally by the government with various implementing regulations.

This description shows that aspirations are closely related to the participation of democratically contested societies so that it can be said that community participation is closely related to democracy.

Bovaird and Loffer propose "a pattern of relationships between forms of participation that are considered more appropriate use. According to him, in general the form of participation can be divided into 3 (three) namely communication, consultation, and co-production". This relationship pattern can be described as follows:³

People's Participation Spectrum



Source : Bovaird dan Loffer (2001)

Based on the picture above, from left to right, the first form of participation is communication. Communication is one-way information from service providers to the community. This form of participation, although it tends to be one-way but important enough to ensure that the community feels being kept informed by the government (or continuously updated from the government). Second, consultation is a two-way dialogue between the service provider and the community. This form of participation has given space for the community to communicate in two directions so that at a certain level the community can influence government policy. However, this form of participation is still under government control from initiation, setting of agenda, selection of methods and participants involved. Third, co-production is the active involvement of the community in the determination of policies and / or the design / delivery of services. In other words, in community co-production as users (users) are already involved in the design and production of services.

In relation to the formulation of rules based on the concept of participation, in this case, participation is defined as the participation of citizens to take part to provide inputs of information to the regional government and the Regional People's Representative Council. Participation is done as a manifestation of his willingness to assist the establishment of a policy to fit the interests or values that grow and develop in society. In this participation the community only provides inputs but does not have the authority in making decisions.

Since this community participation is made in the formation of a regional regulation then this participation can also be called public participation. Public participation can be defined as "the continued active involvement of citizens in making the policies which effect them. There is a change in society's view of participation. Today society no longer sees public participation as an opportunity given by the government because of its generosity".⁴ Philosophically, the course of government focuses on "community responsibility. The term public

¹Widhi Novianto, et al., *Model Partisipasi Masyarakat Dalam Rangka Peningkatan Kualitas Pelayanan Dasar Di Beberapa Negara Asia Pasifik*, Jakarta : LAN Press, 2008), hlm. 2.

²Moh. Mahfud MD., *Hukum dan Pilar-pilar Demokrasi*, (Yogyakarta : Gama Media, 1999), hlm. 187.

³Widhi Novianto, et al., *Model Partisipasi ...*, op. cit., hlm. 23.

⁴Widhi Novianto, et al., *Model Partisipasi ...*, op. cit., hlm. 8.

participation, now also means the public engagement actively and deliberately not only in the electoral process, but also in public policy decision making or in the preparation of other strategic directions".¹ Both The Law on Local Election and the Law on General Election Administration provide an opportunity for the community to participate (also called the community role) to provide input to the Government, both the Local Government and the Regional People's Representative Council to provide inputs in the form of Information in connection with the local election. Inputs of this information are indispensable to the local government for the implementation of local government in connection with elections in accordance with the growing needs of the community.

4. Conclusion

The practice of democracy requires the awareness of the perpetrators to appreciate and respect the differences. In addition, democracy that wants to be developed as part of the ideals of reform requires individual political maturity, especially in competing for power. It seems that this has not grown from within our political elite.

5. Suggestions

It is advisable that the political elite before becoming a candidate for regional head and vice regional head must understand the meaning of democracy philosophically in order to be more appreciative and then apply it in the implementation of elections. In addition, the community must also be given a briefing on the understanding of the real meaning of democracy, with the aim that the community can make their choice freely and not accept any donation in any form from each candidate. Thus the people can feel justice and at that moment the democratic party begins. Accordingly, if the concept of democracy is in line with community participation and the principle of openness and accountability, then the implementation of elections based on the law will be better. The representation of the people through a representative body will not create a new 'lawsuit' with respect to people's doubts about the capability and credibility of their representatives. Thus, between candidates for local political leader and people will experience maturation of democratic practice in local election. So that for the losing candidate will be able to accept his defeat with sincerity of heart and so also for the people whose choice of defeat will be able to accept and keep supporting the government without making riot.

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