Organizational Dimensions of Bawaslu and Policy for Improving Election Implementation Supervision

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ABSTRACT

For Indonesia as a democratic country, the holding of an increasingly high-quality election is a demand and a challenge. For this reason, effective supervision of its implementation is a necessity. A quality election through a policy of increasing oversight of its implementation is a public expectation, so that it contains the public interest. The regulation of the organizational dimensions of the election supervisory body in the laws that regulate it adequately is an important factor for the effective implementation of the supervisory function. Using normative, qualitative and literary juridical methods, it is known that Law Number 17 of 2017 concerning General Elections, which among others regulates the organization of the Election Supervisory Body (Bawaslu) and governance and its derivative regulations are public policies. Several dimensions and elements of the organization have been regulated, namely formalization, hierarchy of authority, specialization, standardization, organizational goals, professionalism, organizational size, and support staff. Some of them have been regulated adequately, and some of them are inadequate. There are some inconsistent, incomplete and ambiguous settings. The regulation regarding Bawaslu in the law shows the existence of policy objectives, policy actors and institutions, policy environment and policy hierarchy.

1. Introduction

Entering the reformation era in 1998, the demands for a more democratic political life became even greater. As a consequence of being a democratic country, one of Indonesia's challenges is the holding of more quality general elections. Various factors are crucial for the implementation of quality elections, one of which is the effective supervision by the Election Supervisory Body (Bawaslu). Therefore, since the beginning of the reform through various laws on elections that are constantly changing, election monitoring has been a serious concern for policy makers in the field of domestic politics.

The issuance of Law Number 7 of 2017 concerning Elections has further strengthened the existence of Bawaslu as an institution that specifically supervises the implementation of elections. Adequate regulation of the various dimensions of the Bawaslu organization in the law is very important for achieving the objectives of establishing its institutions. From the perspective of the public interest in the form of a desire for quality elections to take place, including through improving the quality of election supervision, the substance of the law is basically a public policy.

It is said so, because this law is enacted by state institutions that have the authority in accordance with the constitution through a series of political activities in the political infrastructure and political superstructure, which will have an impact on the broad public interest. This is in line with what Gerston stated that public policy is the combination of basic decisions, commitments, and actions made by those who hold or influence government positions of authority (2010:7). Post et al. define it as a plan of action undertaken by government officials to achieve some broad purpose affecting a substantial segment of a nation's citizens (1999:172).

In other words, the discussion on the controlling of the implementation of elections will be related to the role of Bawaslu institutions in carrying out their duties,
authorities and obligations as an organization. The organizational dimensions, both structural and contextual as well as other organizational aspects regulated in this law will determine the posture and performance in the administration of elections. Conceptually, the organizational dimension according to Daft consists of a structural dimension and a contextual dimension. According to him, the structural dimensions provide labels to describe the internal characteristics of an organization. They create a basis for measuring and comparing organizations. It was further stated that the structural dimensions consist of specialization, hierarchy of authority, professionalism, and personnel ratios. Furthermore, it is stated that contextual dimensions characterize the whole organization. Among them are size, and goals. They describe the organizational setting that influences the structural dimensions (1992:13).

On the other hand, it will also relate to various aspects of state/government policies in realizing more qualified elections through improving the quality of supervision. This is because it relates to the role of the state to provide the best service for its people. In this context it is clear that the state or government is very strategic in the formation of this public policy. This is in line with Michael’s view that without the existence of the state, the public policy making process, as we know it, could not operate. It is the state that provides the basis for collective decision making, the application and enforcement of those decisions, and the means for changing or altering others (2006:11).

In the context of political development, systematic efforts are needed in the form of evaluation of the substance of policies related to the organizational dimensions of Bawaslu as one of the elements of election organizers, in addition to the General Elections Commission (KPU) and the Election Organizing Honorary Council (DKPP). One of them can be done by research, namely to assess the substance of the policy, so this research is included in policy research. One of the types of policy analysis is studies of policy content, in which analysis seeks to describe an explain the genesis and development of particular policies (Hill. 1997: 3-4). With this evaluation, it is hoped that there will be improvements to several regulatory substances contained in the law, to be taken into consideration by policy makers.

This study aims to elaborate the various dimensions of the Bawaslu organization as one of the elements of election management as arranged in Law (UU) Number 7 of 2017, as well as the existence of Bawaslu from the perspective of policies to increase supervision over the implementation of elections.

2. Research Method

This research uses a normative juridical research and literature study. This type of normative juridical research is classified as legal research (Marzuki, 2015:47), or according to Soekanto & Mamudji as normative legal research or library law which is carried out by examining library materials or mere secondary data (2015:13). Based on the level of explanation, this research is a descriptive research. One type of descriptive research is library and documentary research (Nazir, 2011:55).

Referring to Zed, library research or literature study is a series of activities related to the methods of collecting library data, reading and taking notes and processing research materials (2004:3). The focus of the study is on all documented information in the form of regulations so that it is commonly known as document analysis research or content analysis. The document that is the focus of the study is Law Number 17 of 2017, as well as various other sources in the form of books, journals and other documents relevant to the research topic.

3. Discussion

3.1. Policy Aspect

The substance in the law that was passed on August 15, 2017 can be called a public policy, because the public interest it contains includes, among other things, election management. With the enactment of this law which consists of 573 articles, the other three laws will no longer apply. The three are Law Number 42 of 2008 concerning Presidential and Vice Presidential Elections, Law Number 22 of 2011 concerning Election Organizers, and Law Number 8 of 2012 concerning Elections for Members of DPR, DPD and DPRD. In addition, Article 57 and Article 60 paragraph (1), paragraph (2) and paragraph (4) of Law Number 11 of 2006 concerning the Government of Aceh are no longer applicable. The regulation on Bawaslu is 55 articles contained in Articles 89 to 154.

The policy objectives appear in the purpose of regulating the administration of elections as stated in Article 4 is to strengthen a democratic constitutional system, to realize fair elections and with integrity, to ensure consistency in the regulation of the electoral system, to provide legal certainty and prevent duplication in electoral arrangements, and to realize effective and efficient elections.

The implementation of elections according to Article 1 point 2 is the stages of elections carried out by election organizers. Another phrase in Article 1 point 7 states that "election organizers are institutions that organize elections...". About Bawaslu, it appears in the phrase in Article 1 number 17 which states that Bawaslu is an election management body that oversees the implementation of elections...". There is a terminological confusion between Article 1 point 2, with that in Article 1 number 7 and Article 1 number 17.

The ambiguity in the substance of the policy can be seen in the phrase "one unitary function of the election administration" in Article 1 point 7 which consists of KPU, Bawaslu and DKPP as election management institutions, when it is associated with the provisions of Article 1 number 17 concerning Bawaslu.
which according to Article 1 point 17, oversees the implementation of elections, is ambiguous because Bawaslu itself is an election management body. Based on Article 1 point 2, the implementation of elections is the implementation of the stages of the election carried out by the election organizers, which according to Article 1 point 7 Bawaslu is also part of the election management body.

3.2. Organizational Aspect

The regulation of the organizational dimensions of Bawaslu as stated in this law can be systematically traced in the arrangement of each article in it. The dimensions of the organization, referring to Daft (1992:13) there are hierarchy of authority, specialization, size, goals, standardization, and formalization (1992:13). The provisions that regulate various aspects of the Bawaslu organization are contained in Articles 89 to 154. Bawaslu according to Article 1 point 17 is an election management body that oversees the implementation of elections throughout the territory of the Republic of Indonesia. Article 89 paragraph (2) states that Bawaslu consists of Bawaslu, Provincial Bawaslu, Regency/City Bawaslu, Sub-district Panwaslu, Urban/Village Panwaslu, Overseas Panwaslu and TPS Supervisors.

Organizational, aspects of leadership and decision-making are important for the effective functioning of election management institutions. The stipulation in Article 92 paragraph (8) that the Bawaslu Chair is elected from and by Bawaslu members, and decisions are made in a plenary meeting (Article 139) is an important determinant that the leadership of this organization has a collective-collegial character. This is the same arrangement for the KPU organization as referred to in Article 10 paragraph (4) where the chairman is elected from and by the members. However, it does not regulate the right of each Bawaslu member to have the same voting rights in making decisions, unlike the rights of KPU members as referred to in Article 10 paragraph (5) which states that each member has the same voting rights.

In the articles governing the Bawaslu, including up to the regency/city level, there is no confirmation that is a non-structural institution. In fact, the KPU as a fellow element of the election organizers, based on Article 8 paragraph (4), together with the Provincial KPU and Regency/Municipal KPU are domiciled as non-structural institutions. The affirmation of its institutional nature as permanent, not ad hoc is contained in Article 89 paragraph (4), for Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu. In addition, there is an affirmation that the organizational apparatus under it, namely the sub-district Panwaslu and the supervisory organization under it are referred to as ad hoc in Article 89 paragraph (5). Confirmation as a supervisory organization at a certain level that is permanent and ad hoc is very important, especially when the election is in the implementation stage.

The hierarchical institutional relationship between structural-vertical organizational components is an important aspect for the realization of a solid organization. This is regulated in election supervisory institutions starting from Bawaslu at the central level to supervisors at the lowest level as referred to in Article 89 paragraph (5). The regulation of the duties, authorities and obligations of each element of the EMB is very important to achieve maximum organizational performance. This is regulated, among others, as stated in Article 93 and Article 94 regarding the duties of Bawaslu, Article 95 concerning the authority of Bawaslu, and Article 96 concerning the obligations of Bawaslu.

The dimension of organizational professionalism can be seen in the regulation of educational qualification requirements that must be met when a person becomes a member of Bawaslu, namely Article 117 paragraph (1) f, that the minimum is strata 1 (S-1). However, there is no clarity about the specific fields of knowledge that candidates for Bawaslu members must fulfill. Because Article 117 paragraph (1) letter e only states that the requirement to become a Bawaslu member is to have the ability and expertise related to the administration of elections, state administration, parties and election supervision. The explanation of the article only states that the meaning of the sentence is that the prospective member among others has knowledge and expertise in the field of law enforcement.

The duties of the Chairperson of Bawaslu are not stated in this law, even though together with the KPU as fellow election management institutions, there is an organizational element named the Chairperson as stipulated in Article 92 paragraph (7). The regulation regarding the duties of the KPU Chairperson stated in Article 11 paragraph (1), so that there is a difference between his duties as an organizational leader and the KPU’s institutional duties as regulated in Article 12. The regulations for Bawaslu are only about the duties, authorities and obligations Bawaslu as regulated in Articles 93 to 96.

The dimension of formalization related to the existence of the Bawaslu Regulation is very important as regulated in Article 145, only the provision does not mention that its formation is in carrying out the duties, authorities and obligations as stipulated in Article 93 to Article 96 of this law.

Article 142 paragraph (1) letter a states that Bawaslu in carrying out its duties carries out financial accountability in accordance with the provisions of the legislation. In addition, Article 142 paragraph (1) letter b states that Bawaslu reports to the DPR and the President regarding the implementation of the tasks of
organizing all stages of the election and other tasks. The existence of a regulation in the law regarding the secretariat element as an element of the support staff and the operating core, is very important and strategic for the achievement of organizational goals and performance. As an organizational element that supports the smooth running of Bawaslu's duties and authorities, the existence of the General Bawaslu Secretariat is regulated as referred to in Article 147 to Article 154.

Its independence as an election organizers to oversee the implementation of elections is a fundamental factor for the realization of elections that are fair and with integrity as referred to in Article 4. This arrangement of organizational characteristics is completely invisible to Bawaslu (Articles 89 to Article 154), even though the same aspects are regulated for KPU as stated in Article 7 paragraph (3).

3.3. Policy Analysis

The substance contained in this law can be referred to as public policy, because have relation to the broad public interest, including elections that are fair and with integrity. Elections with such characteristics are a manifestation of a democratic state as a vehicle for the people to express their political will. This is in line with what MacRae Jr and Wilde stated that a policy is made by government. Policy is a chosen course of significantly affecting large numbers of people (1989: 3).

Based on Anderson's opinion that in its positive form, public policy based on law, the public interest, among others, relates to the posture of election organizers as regulated in a law passed on August 15, 2017. This is a category of policy called a policy decision, namely are decisions made by public officials that authorize or give direction and content to public policy actions (Anderson, 1978: 4). After the enactment of this law consisting of 573 articles, the three other election-related laws are no longer valid, as well as Article 57 and Article 60 paragraph (1), paragraph (2) and paragraph (4) of Law Number 11 of 2006 concerning Aceh Government. The occurrence of this law change shows the responsiveness of policy makers in their interactions with the policy environment.

The regulation on Bawaslu consists of 55 articles contained in Articles 89 to 154. This is a product of a political process that began with policy issues, in the form of public expectations for more effective election supervision. It also involves different actors and resources at different levels of government. This is in line with what Gerston said about the components of public policy, namely issues, actors, resources, institutions and the level of government. It was further stated that issues that appear on the public agenda; actors who present, interpret, and respond to those issues; resources affected by those issues; institutions that deal with issues; and the levels of government that address issues (Gerston, 2010:8).

As a public policy in the domestic politics that was born from the political process in the order of political infrastructure and political superstructure, the final product is the issuance of this law as a mutual agreement between the DPR and the President. This is in line with Anderson's opinion which states that public policies are those policies developed by governmental bodies and officials. Nongovernmental actors and factors may, of course, influence policy development (Anderson, 1978:3).

Following the opinion of Gerston (2010:8) and Howlett & Ramesh (1995:51), they are policy actors. The important role of state/government officials as policy actors when setting policies for the administration of elections is part of the institutional arrangement. Howlett and Ramesh mention that policies are made by policy subsystems consisting of actors dealing with a public problem. Policy subsystems are forums where actors discuss policy issues and persuade and bargain in pursuit of their interests. These interactions, however, occur in the context of various institutional arrangements surrounding the policy process and affecting how the actors pursue their interests and ideas and the extent to which their efforts succeed (1995:51).

The existence of five policy objectives for the implementation of elections as referred to in Article 4 is an essential aspect of every public policy because there are things to be realized from the political agreement of the formulators. This is in line with Anderson's opinion that one of the characteristics of the concept of public policy is purposive or goal oriented action rather than random or chance behavior is our concern (1978:3).

The public's expectation of Bawaslu, to be able to appear as a supporter of a democratic state, cannot be separated from the implementation of state functions in general. In the context of elections, this can be related to the long-term development direction of 2005-2025 as stated in Law Number 17 of 2007 concerning the 2005-2025 Long-Term Development Plan. Among other things, it is stated that in order to realize a democratic Indonesia based on law, among others are improving the performance of state administrative institutions in carrying out the authorities and functions given by the constitution and laws and regulations, as well as creating
further democratic institutionalization to support the ongoing consolidation of democracy in a sustainable manner.

Discussions about Bawaslu will be related to the discourse on democracy. Budiardjo, quoting Henry B. Mayo's opinion, argued that democracy is based on several values, which is highly dependent on the historical political culture of each country, including the regular succession of leadership (orderly succession of rules) (2008: 118-119). In order to realize democratic values, it is necessary to organize several institutions, including a people's representative council that represents various groups and interests in society who are elected in elections (Budiardjo, 2008: 120). There are several key elements of democracy, namely recognition of rights for individuals, consent of the people, accountability of decision makers to the people, representation, and formal processes to demarcate and limit the role of decision makers (Michael, 2006: 16).

In Dahl's view, there are several special institutions, including the elected officials always come from an honest election process, practically all adults have the right to choose official officials (1985: 18). To be called a democratic government, there are several aspects including the institutionalization of the process of government—in which functions are delineated, responsibilities are defined, and the mechanisms for change, including elections, are prescribed (Michael, 2006:31). According to Affan Gaffar, there are several indicators to see whether or not a country's political life is democratic, one of which is general elections. Elections are held regularly with clear deadlines, or according to need (Taher, 1994: xxvii-xxix).

Bawaslu as an organization that is one of the election management is also related to the terms "election administration" and "election implementation" which seem to overlap. In the evaluating public policy, referring to Hill (1997:34), it is important and strategic to evaluate the substance of the policy, because it is important for effective policy implementation. For the effectiveness of a public policy implementation, according to Muchsin & Putera, it is also very dependent on the quality of the substance of the legal product or law. If the quality of the law or legal product is low, the success rate of the public policy implementation process will be low. On the other hand, if the substance of the law is of high quality, the quality of the existing public policy implementation process will also be high (2002). Therefore, this terminology clarity is very important to be able to carry out the duties and authorities of each as an element of election organizers.

The ambiguity of the substance of the policy can be seen in the phrase that the implementation of elections according to Article 1 number 2 is an election stage carried out by election organizers. This is because when it is associated with the phrase in Article 1 number 7 which states that "election organizers are institutions that organize elections...". This ambiguity and terminology inconsistency also appears to be related to the phrase in Article 1 number 17 which states that Bawaslu is an election management body that oversees the implementation of elections...". This means that there is a terminological confusion between Article 1 point 2, with that in Article 1 number 7 and Article 1 number 17.

The ambiguity in the substance can be seen in the phrase "one unitary function of the election administration" as referred to in Article 1 point 7 which consists of KPU, Bawaslu and DKPP as election management institutions, when it is associated with the provisions of Article 1 number 17 concerning Bawaslu. Bawaslu, which, according to Article 1 point 17, oversees the implementation of elections, is ambiguous because Bawaslu itself is an election management body. Based on Article 1 point 2, the implementation of elections is the implementation of the stages of the election carried out by the election organizers, which according to Article 1 point 7 Bawaslu is also part of the election management body. Policies on supervision are fundamental for a quality election administration. According to Silalahi, supervision is an activity that intends to prevent irregularities in the implementation of activities or work as well as take corrective actions if there are deviations from what has been planned (2013: 175). Siagian defines supervision as the process of observing the implementation of all organizational activities to ensure that all work being carried out goes according to a predetermined plan (2008: 112).

As the substance of the policy, the term “election management institution” should be changed to only “election institution” or “institution”. Thus, the three elements of “election institutions” or “institutions” have specific tasks and do not overlap in terminology. The terms used should be KPU as an institution that carries out elections, Bawaslu as an institution that oversees the implementation of elections, and DKPP as an institution that enforces the election code of ethics.
3.4. Organizational Analysis

The regulation of the organizational dimensions of Bawaslu as stated in this law can be traced in the arrangement of each article in it. Because is an integral part of the election management body, the discussion will not be separated from academic discussions about the organization. According to Robbins, the organization is a consciously coordinated social entity, with a relatively identifiable boundary, that functions on a relatively continuous basis to achieve a common goal or set of goals (1990:4). Other experts define it as an arena where human beings come together to perform complex tasks so as to fulfill common goal(s) (Narayanan & Nath, 1993: 4). Pfiffner & Presthus call the organization the structuring of individuals and functions into productive relationships. Organization seeks a pattern of skills and responsibilities that will ensure coordination and unity of purpose through supervision (1960:5).

The dimensions of the organization, referring to Daft (1992:13) there are hierarchy of authority, specialization, size, goals, standardization, and formalization (1992:13). The provisions that regulate various aspects of the Bawaslu are contained in Articles 89 to 154. Bawaslu according to Article 1 point 17 is an election management body that oversees the implementation of elections throughout the territory of the Republic of Indonesia. Article 89 paragraph (2) states that Bawaslu consists of Bawaslu, Provincial Bawaslu, Regency/City Bawaslu, Sub-district Panwaslu, Urban/Village Panwaslu, Overseas Panwaslu and TPS Supervisors. There is an inconsistency between the provisions of Article 1 number 17 and those listed in 89 paragraph (2). The characteristics of the Bawaslu can be attributed to Talcot Parsons' opinion about the existence of four types of organizations, namely production organizations, political organizations, integrative organizations, and pattern maintenance organizations. It was further stated that political organization is concerned with ensuring that society as a whole achieves its objectives (Narayanan and Nath, 1993:4). Based on that typology, Bawaslu can be called a political organization.

Organizationally, aspects of leadership and decision-making are important for the functioning of election management institutions. The stipulation in Article 92 paragraph (8) that the Bawaslu Chair is elected from and by Bawaslu members, and decisions are made in a plenary meeting (Article 139) is an important determinant that the leadership of this organization has a collective-collegial character. This is the same arrangement for the KPU organization as referred to in Article 10 paragraph (4) where the chairman is elected from and by the members. However, it does not regulate the right of each Bawaslu member to have the same voting rights in making decisions, unlike the rights of KPU members as referred to in Article 10 paragraph (5) which states that each member has the same voting rights. This regulation is an important preventive measure against the potential for damage to the solidarity and rhythm of the organization if the Chairperson of Bawaslu is hegemonic in decision making. Because the process related to decision-making in election will have implications for the public interest, so it must still be carried out within the organizational norms and regulations. In this context, Daft argues that organizational decision making is formally defined as the process of identifying and solving problems. The problem identification stage and the problem solution stage (1992:346).

In all the articles governing the Bawaslu, including up to the regency/city level Bawaslu, there is no confirmation that this institution is a non-structural institution. In fact, the KPU as a fellow element of the election organizers, based on Article 8 paragraph (4), together with the Provincial KPU and Regency/Municipal KPU are domiciled as non-structural institutions. According to the Elucidation of the Article, this institution is an institution formed because of the urgency of a certain special task that cannot be accommodated in the form of a government/state institution. Non-structural institutions according to the State Administration Institute (2015) are independent institutions established by law to carry out certain tasks which due to the nature of their duties cannot be contained in the form of existing ministries/institutions, where institutional membership involves elements outside government and its existence is funded by the state budget. The same thing was not mentioned in the Election Organizing Honorary Council (DKPP) institution, starting from Article 155 to Article 166, even though together with the KPU and Bawalu, this ethical and moral guard institution has the same position as the election organizer. Based on organizational norms, Bawaslu and DKPP should also have the same institutional designation as non-structural institutions or other relevant designations.

The affirmation of its institutional nature as permanent, not ad hoc is contained in Article 89 paragraph (4), for Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu. In addition, there is an affirmation that the organization under it, namely the sub-district Panwaslu and the supervisory organization under it are referred to as ad hoc in Article 89 paragraph (5). Affirmation as a supervisory organization at a
certain level that is permanent and ad hoc is important, especially when the election is in the implementation stage.

The hierarchical institutional relationship between structural-vertical organizational components is an important aspect for the realization of a solid organization. This is regulated in election supervisory institutions starting from Bawaslu at the central level to supervisors at the lowest level as referred to in Article 89 paragraph (3). The affirmation of this organizational hierarchical relationship is important for the realization of the administrative principles proposed by Henry Fayol, including unity of direction, centralization and unity of command (Robbins, 1990: 36). Daft calls it that the hierarchy of authority describes who reports to whom and the span of control for each manager (1992:13).

The regulation of the duties, authorities and obligations of each element of the EMB is important to achieve organizational performance. This dimension is specialization as stated by Daft that specialization is the degree to which organizational tasks are subdivided into separate jobs. (1992:13). This is regulated, among others, as stated in Article 93 and Article 94 regarding the duties of Bawaslu, Article 95 concerning the authority of Bawaslu, and Article 96 concerning the obligations of Bawaslu. To carry out its duties and functions, an organization will be equipped with authority and responsibility as one of the general principles of organization and administration as stated by Henry Fayol which was emphasized by Robbins that managers need to be able to give orders. Authority gives them this right. Along with authority, however, goes responsibility. Wherever authority exercised, responsibility arises. To be effective, a manager's authority must equal his or her responsibility (1990:36).

In the context of a broader state organization and as an embodiment of the paradigm of a welfare state as well as an administrative state, it is important to realize that the state/government will always be required to be transparent and accountable when setting policies. The authority attached to the Bawaslu will also be related to the importance of authority as regulated in Law Number 30 of 2014 concerning Government Administration. According to Article 1 point 5, authority is the right owned by government agencies and/or officials or other state administrators to take decisions and/or actions in the administration of government.

The dimension of professionalism can be seen in the regulation of educational qualification requirements that must be met when a person becomes a member of Bawaslu, namely Article 117 paragraph (1) f, that the minimum is strata 1 (S-1). According to Daft, professionalism is the level of formal education and training of employees. Professionalism is considered high when employees require long periods of training to hold jobs in the organization. (1992:13-14). There is no clarity about the specific fields of knowledge that candidates for Bawaslu members must fulfill. Because Article 117 paragraph (1) letter e only states that the requirement to become a Bawaslu member is to have the ability and expertise related to the administration of elections, state administration, parties and election supervision. The explanation of the article only states that the meaning of is that the prospective member among others has knowledge and expertise in the field of law enforcement. As an institution that cannot be separated from the achievement of state goals, there should be specific educational requirements for candidates for Bawaslu, such as to become a member of the Corruption Eradication Commission as regulated in Article 29 letter d of Law Number 30 of 2002 concerning the Corruption Eradication Commission and the Apparatus Commission. State Civil Service in Article 38 paragraph (2) letter g of Law Number 5 of 2014 concerning State Civil Apparatus.

The duties of the Chairperson of Bawaslu are not stated in this law, even though together with the KPU as fellow election management institutions, there is an organizational element named the Chairperson as stipulated in Article 92 paragraph (7). The regulation regarding the duties of the KPU Chairperson stated in Article 11 paragraph (1), so that there is a difference between the duties of the KPU Chairperson as an organizational leader and the KPU’s institutional duties as regulated in Article 12. The regulations for Bawaslu only about the duties, authorities and obligations Bawaslu as regulated in Articles 93 to 96. Arrangements regarding the duties, authorities and obligations of element of the organization differently are important to ensure the running of the organization in accordance with the objectives of its establishment. In this regard, Robbins argues that differentiation as the number of specialty functions is represented in a firm or the difference in cognitive and emotional orientation among managers in different departments (1990:82).

The implementation of the duties, authorities and obligations of the organization will not be separated from the ethical and moral aspects inherent in each of its members. Therefore, the presence of Bawaslu members in DKPP is important for the quality of election. From the perspective of ethics, the existence of DKPP is very strategic, because it relates to public expectations for the appearance of election organizers with integrity.
The history of the state records that the issuance of TAP DPR and the President regarding the implementation of MPR Number VI/MPR/2001 concerning the Ethics of National Life is essential because it can be a reference for the government and the entire Indonesian nation in order to save and improve the quality of life for the nation. One of them is ethics in politics and government.

The link between Bawaslu and the provisions of Article 155 paragraph (4) letter b that the DKPP consists of 1 (one) ex officio from the Bawaslu element, is has the potential to disrupt its institutional integrity as an enforcer of the code of ethics for election organizers. It is not easy for this member of the Bawaslu element as part of the seven members of the DKPP when they have to carry out a trial to examine allegations of violations of the code of ethics committed by elements of election organizers who come from the same element as the institution. Even though it has been fenced off in Article 158 paragraph (2), there will still be a potential for a major conflict of interest to him because as part of the enforcer of the code of ethics in a professional, proportional and fair manner, which is certainly different from the challenges to the other five members of the DKPP which according to Article 155 Paragraph (4) letter c comes from community leaders. Based on the explanation of the article, community leaders are academics or figures who have vision, integrity, and understand the ethics of organizing elections.

The existence of the Bawaslu Regulation is important as stipulated in Article 145, only the provision does not mention that its formation is in carrying out the duties, authorities and obligations as stipulated in Article 93 to Article 96. Organizationally this is important because it relates to the regulation of standards and activities in the form of formalization and standardization in accordance with their area of authority as election organizers. In this context, Daft stated that formalization pertains to the amount of written documentation in the organization documentation includes procedures, job descriptions, regulations, and policy manuals. Standardization is the extent to which similar work activities are performed in a uniform manner (1992:13).

The regulation of reporting and accountability aspects is important, especially with regard to its reputation as a democracy and the management of a very large state budget. Article 142 paragraph (1) letter a states that Bawaslu in carrying out its duties carries out financial accountability in accordance with the provisions of the legislation. In addition, Article 142 paragraph (1) letter b states that Bawaslu reports to the

The dimensions of the organization's size can be seen in the regulation of the number of Bawaslu members, and this is important for the smooth implementation of their duties, authorities and obligations, as stated in Article 92. With regard to the size of the organization, Daft stated that size is the organization's magnitude as reflected in the number of people in the organization (1992:14). Likewise, it is appropriate to regulate the number of members that are not uniform for Provincial Bawaslu and Regency/City Bawaslu, but are proportional based on the population and working area. This proportionality is regulated in Article 92 paragraph (2) letter b and letter c, and shows that there is fair regulation in the regulation of organizations.

The existence of a regulation regarding the secretariat element as an element of the support staff and the operating core of election organizers, is important and strategic for the achievement of organizational goals and performance. As an organizational element that supports the smooth running of Bawaslu's duties and authorities, the existence of the General Bawaslu Secretariat is regulated as mentioned in Articles 147 to 154. Henry Mintzberg as quoted by Robbins stated that the operating core as employees who perform the basic work related to the production of products and services. The support staff as people who fill the staff unit, who provide indirect support services for the organization (1990: 278). This is in line with Siagian's opinion about the existence of two groups of employees, namely those whose main task is to carry out activities that are translating main tasks into activities, and those whose duties are to carry out supporting activities for the smooth running of the wheels and organizational mechanisms (2008:68).

Based on the duties, authorities, and obligations attached to its institutions, Bawaslu can be called a political organization, according to Talcot Parsons that political organizations are concerned with ensuring that society as a whole achieves its objectives (Narayanan and Nath, 1993:4). In the context of organizational norms, the existence of arrangements regarding its authority as part of the EMB is an important factor to support so that its duties and functions can take place effectively. According to Subrakti, authority is power. However, power is not always in the form of authority, because authority is legitimate power, while power does
not always have legitimacy. Authority is a moral right to make and implement political decisions. In this case, moral rights are in accordance with the values and norms of society, including laws and regulations (1992:85).

Its independence as an element of election management to oversee the implementation of elections is a fundamental factor for the realization of elections that are fair and with integrity as referred to in Article 4. Politically, it is very important and strategic to have provisions in the law concerning the obligation of all elements of election organizers to be free from any influence, to support the figure of an election organizer who is guaranteed to be independent, impartial, neutral and with integrity. This arrangement of organizational characteristics does not appear at all for Bawaslu (Article 89 to Article 154), even though the same aspect is regulated for the KPU as stated in Article 7 paragraph (3). Supposedly, because it is an integral part of the election administration as referred to in Article 1 point 7, this affirmation as an independent organization is explicitly regulated. This is very essential as a characteristic of the organization, because it will contribute greatly to the achievement of the goals of political development, namely an increasingly democratic political system. This independence according to Harianti et al. demands three things, namely institutional independence, functional independence, and personal independence (2019: 378).

The nature of the organization that appears from the term "independent" as referred to in Article 1 point 8 in general for election organizers, as well as the phrase "free from any influence" is very important to ensure as an organization that is not only capable, but also credible and with integrity. However, this phrase does not appear in the regulation regarding the Bawaslu organization (Articles 89 to 154) not as regulated for the KPU in Article 7 paragraph (3). In fact, the affirmation in the law regarding the characteristics of such an organization will be very supportive of the efforts to create an election management organization that is at the same time accountable and acceptable.

Its image and reputation as part of the election administration through excellent institutional performance will greatly contribute to the formation of Indonesia’s predicate as a democratic country substantially. In Ardiipandanto’s view, the idealism of holding simultaneous elections in 2019 has not been matched by the strength and ability of election organizers and the lack of strong awareness that changes in electoral systems and techniques require extraordinary capabilities and professionalism of organizers (2019: 28). There are public expectations as well as demands and challenges to Bawaslu up to the lowest organizational apparatus, to be able to show maximum performance achievements. So far, there has been a public perception that Bawaslu is only an institution that looks for faults so as to marginalize objectivity in carrying out its duties, functions, authorities and obligations, it must be proven by the performance of all elements of the organization. Puspires’s research shows that organizational commitment, work ethic and team work have a positive and significant impact on Bawaslu's performance (2021: 150).

This assertion of independence and independence is from time to time more important, due to the fact that there are too many attitudes and behaviors of election management organization apparatus, including Bawaslu, which actually degrade efforts to establish an independent and with integrity election management body. For example, many Bawaslu officials at various levels of the organization are involved in legal cases or codes of ethics, so that some of them have to serve sentences and end their careers as part of the election administration. The interaction of Bawaslu as a very strong element of election organizers with various components of political power, especially political parties, including those currently holding power at various levels of government, confronts them with various temptations that can lead them astray. In this context, the issuance of DKPP Regulation Number 2 of 2017 concerning the Code of Ethics for Election Organizers is a very strategic matter to fortify each Bawaslu apparatus from potential ethical and moral violations. As an integral part of state administration in a broad sense, Keban mentions that moral ethics is one of the six strategic dimensions of public administration (2004:10). For the presence of Bawaslu and its staff down to the lowest level, the role of DKPP as the guardian of ethics and morals is very strategic, but it cannot be separated from various challenges. The challenges, according to Gusfa et al. include the view that there is no need for DKPP (2019: 16), so that there is no other way for DKPP except to improve its performance in enforcing the code of ethics for election organizers.

It is important and strategic to have an arrangement in the law concerning the obligation of all elements of the election organizers to be free from any influence, to support the figure of an election organizer who is guaranteed to be independent, impartial, neutral and with integrity. Supposedly, because it is an integral part
of the election administration as referred to in Article 1 point 7, this affirmation as an independent organization is explicitly regulated. This is very essential as a characteristic of the organization, because it will contribute greatly to the achievement of the goals of political development, namely an increasingly democratic political system. This independence according to Harianti et al. demands three things, namely institutional independence, functional independence, and personal independence (2019: 378).

4. Conclusion

The regulation of the organizational dimensions of Bawaslu in Law No. 7 of 2017 reflects the existence of state policies related to the public interest for the implementation of increasingly quality elections. This is charged with the public interest for the realization of a more democratic political life. Several organizational dimensions have been adequately regulated, although there are some aspects that need to be improved. Evaluation of the substance of policies related to organizational dimensions is very necessary.

References


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