

**STATE AUXILIARY BODIES OFFICIAL SELECTION ANALYSIS ON
PRESIDENTIAL GOVERNMENT SYSTEM IN INDONESIA
(Case Study of Indonesia General Election Commission (KPU RI) Officials Election of
2017-2022 Period)**

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The General Election Commission (KPU) is one of the state auxiliary bodies in charge of organizing elections, both legislative and presidential elections. In Indonesia, a country that adheres to the Presidential Administration System, the election of KPU officials is carried out by involving the DPR in accordance with Law Number 15 of 2011 even though the principle of the Presidential Government System says that the President chooses his subordinates and the President is a single executive. This study uses qualitative, descriptive, and explanatory methods with the aim of uncovering how the President and DPR are involved in the process. This research analysis uses the theory of Douglas Verney on the principles of the Presidential Government System. The results showed that the involvement of the President and DPR in the process of selecting KPU officials for the 2017-2022 period was in accordance with Law No. 15 of 2011. But the involvement was carried out in a way that still perpetuated the interests of each group. The President forms a Selection Team based on the appointment and does not go through the selection process so that those appointed are the closest people. The involvement of the DPR through fit and proper tests was carried out politically. There is a bargaining position process, namely by pressing the KPU officials to give certain commitments for their interests. Therefore, the involvement of the President and the DPR in the process of selecting KPU officials must be reviewed through a revision of the Law on Election organizers.

Keywords: Presidential Government System, KPU Officials Election, President's involvement, DPR involvement, and limitation of authority.

A. Introduction

The process of selecting the new KPU officials for the 2017-2022 period raises unpleasant issues, namely the "hostage" issue and the "broker" issue. Both issues color the process of selecting state officials involving the executive and legislative institutions. In the cooperative relationship between executive and legislative institutions, there is a difference of opinion. Legislative institutions are representatives of political parties which of course in carrying out their duties will defend the interests of their parties. Likewise with the executive body, even though the President is directly elected by the people, the President is carried by a political party or a combination of political parties so that his policy will also favor the interests of his political party. As a result, conflicts that occur from executive and legislative relations are conflicts between parties.

Collaboration between institutions within a country is determined by the choice of the government system. The Government System is a system chosen by a country to regulate the administration of daily government life. The Government System regulates the relationship between existing state institutions, namely the legislative, executive, and judicial institutions. There are several choices of government systems, namely presidential government systems, parliamentary government systems, or mixed governance systems. The Indonesian state adheres to the Presidential Administration System, this can be seen from the relations between institutions listed in the 1945 Amendment Constitution.¹ After the amendment to the 1945 Constitution, there was a significant change in the authority of the President and DPR, namely the change in authority from what was initially *executive heavy* to being *legislative heavy*.

The 1945 Constitution Amendments mandate the rules of relations between the executive body (the President) and the legislative body (DPR). These relationships include: relations in the framework of drafting legislation (listed in articles 5 and article 20), the relationship of the discussion the Draft State Budget (RAPBN) drafting as stated in Chapter VIII: Financial Matters Article 23 paragraph (2), relations in legal considerations for granting amnesty and abolition (in article 14 paragraph (2)), relations in terms of diplomacy with other countries, namely when the state declares war, makes peace, and agreements (in article 11), and relations in the matter of state official election (article 22-E paragraph (6) for the election of an election organizer, article 23-D in the case of electing a central bank official, article 23-F for the election of the Supreme Audit Agency (BPK) officials, article 24-A for the selection of Great Judges, article 24-B for the selection of the Judicial Commission (KY) officials, and article 24-C in the case of Constitutional Court Judge (MK) election. Of the several relations between the President and the DPR, this research look at the relationship between the President and the House of Representatives (DPR) in the election of KPU officials for 2017-2022 period, with the thought that: 1) In the concept of Presidential administration system, the position of president is as a central figure / in full power in the implementation of executive / governmental authority because he is the single executive; 2) Therefore, there must be presidential independence in carrying out its executive power, both in planning and implementation, including in determining the assistants (state officials); 3) The fact is that the "real power" of the President must share or involve other institutions, namely the DPR. Whereas the process of selecting state officials by involving other institutions has proven to cause problems, namely: Miranda Gultom was involved in bribery in the election BI Deputy Governor, Bibit Samad Riyanto and Chandra

¹Bisa dilihat dalam UUD 1945 Amandemen Bab III Kekuasaan Pemerintahan Negara pasal 4 sampai 16

Hamzah were involved in a case of buying and selling positions with DPR members, Sudrajat Dimiyati involved bribery (toilet lobby case) in the election of Great judge, Budi Gunawan with the tug-of-war between the President and the House of Representatives because he was once involved in the case of a "police fat account", Rini Suwandi where DPR asked the President to review it, and the issue of "hostages" and "broker" issues in the KPU (Commissioner) officials election for the 2017-2022 period.²

In the election of KPU officials for the 2017-2022 period there were several problems that could be identified, including: 1) The existence of articles in Law No. 15 of 2011 that are not in accordance with the concept in general, which should be in the presidential system of all presidential assistants starting from the minister until other state officials are elected by the president considering the president is the head of state and head of government; 2) There are members of Parliament who are not independent. This non-independent attitude arises because the DPR is still oriented to the interests of itself and its group; 3) There are candidates for KPU officials who still consider that position is everything. The issue of material and immaterial bribery that almost always accompanies each process of selecting a state official is proof that prospective state officials will justify any means in order to have the position; and 4) There are differences of opinion from various parties regarding the involvement of the legislature in the selection of state officials in the presidential government system, even from the DPR itself.

KPU is one of the state auxiliary bodies or the second tier institution that forms (obtains its power) from the 1945 Constitution Amendments to article 22-E, together with State Ministers (article 17), Bank Indonesia (article 23-D), Constitutional Court (article

24), Judicial Commission (article 24-B), Indonesian National Army (TNI) and POLRI (article 30). There are those institutions which are called directly but there are also those that are mentioned with authority. KPU mentioned its main authority, namely as an organizing body for general elections (pemilu). While state auxiliary bodies that get power from the law, including: Corruption Eradication Commission (KPK), National Human Rights Commission, Indonesian Broadcasting Commission (KPI), and so on.

In this study, the authors limit to analyze the process of selecting state officials, namely the process of selecting KPU officials for the 2017-2022 period, with the reasons: 1) Because the KPU is a state institution referred to in the 1945 Constitution Amendments to article 22-E functionally; 2) Because the KPU is one of the state auxiliary bodies that assists the government in carrying out general elections, both central and regional, so that it is close to the community; 3) Because the KPU Institution is an election organizing institution that has received a lot of attention and very enthusiastic attention from the community; 4) The election of the new KPU officials for the 2017-2022 period, raises an interesting phenomenon, namely the issue of "brokers" and also the issue of "hostages" by the DPR.

B. Theoretical Study

The theoretical study used to examine this research began with the *Grand Theory* of Government Concepts and Government Systems. The government term according to Finer in Labolo pointing in four main terms, namely:³ 1) Understanding as a process. The government refers to a government process, where power is operationalized by those who

² This case has appeared in printed and electronic mass media

³ Labolo, Muhadam, 2014. *Memahami Ilmu Pemerintahan : Suatu Kajian, Teori, Konsep, dan Pengembangannya*. Jakarta : PT Raja Grafindo Persada.

hold legitimate power. All processes that take place within the frame of power management are seen as activities that show the government's performance. This reality can be seen when someone realizes that all the activities of order and order up to convoluted affairs in the bureaucracy are mechanisms designed intentionally by the government. The government is ensured its presence to fulfill the noble purpose, namely the creation of order as what is termed with the creation of peace and public order. Peace is the inner atmosphere of each individual because of the fulfillment of his basic needs and the opening of opportunities to actualize his human values. And order is a dynamic situation and condition that describes compliance with the law, norms and general consensus; 2) in the term as an organization. The government shows the whereabouts of the governance process. Often the naming of a government entity shows directly where the government is located, for example the government at the central and regional levels. National governments are referred to as the central government and as the capital of the state, while sub-national governments are referred to as regional governments that are within the jurisdiction of the national government; 3) In the term as a person. The government shows people who hold government positions as executors of power, for example the Government of Jokowi, the Government of SBY. People here are all government positions filled by elected people (*public elected systems*) and those appointed (*political appointed*) by the government; and 4) in the term as a system. The government term also refers to the form aspects, method, or government system in a society, namely the structure and management of government bodies and the relationship between the governing and the governed. The government system describes the overall interaction of government that is interrelated and depends on the management of government. The government system ultimately encourages the

formation of classifications to distinguish the ways in which government interacts between branches of power. In the current development of the government system distinguishes itself in a parliamentary government system, a presidential government system, and a mixed system of government (*mixed system*). Mahfud MD (1993) states that: "the system of government is understood as a work relationship between state institutions".⁴ Meanwhile Gian Misiroglu (in Saldi Isra), stated that: "the government system is when government institutions are seen from the relationship between the executive body and the legislative body".⁵ CF Strong (1975) in the book "*Modern Political Constitution*" (translation of SPA Teamwork: 2004), divides the government system into: 1) *Parliamentary Executive*; and 2) *Non-Parliamentary Executive* or *Fixed Executive*.⁶ While Giovanni Sartori (1997) divides the government system into 3 (three) categories, namely: 1) *Presidentialism* (Presidential System); 2) *Parliamentary System*; and 3) *Semi-Presidentialism* (Semi Presidential System).⁷

And *Middle Theory* is the concept of Presidential Government System Principles, according to Douglas Verney (in Arend Lijphart)⁸ which includes 1) the permanent

⁴ MD, Mahfud, 1993. *Dasar dan Struktur Ketatanegaraan Indonesia*. Yogyakarta : UII Press, hlm 83.

⁵ Isra, Saldi, 2013. *Pergeseran Fungsi Legislasi : Menguatnya Model Legislasi Parlementer Dalam Sistem Presidensial Indonesia*. Jakarta : PT Raja Grafindo Persada, hlm 24.

⁶ Strong, CF, 1975. *Modern Political Constitution : An Introduction to the Comparative Study of their History and Existing Form*. London : Sidwick & Jackson Limited. Terjemahan oleh SPA Teamwork. Jakarta : Nuansa dan Nusa Media.

⁷ Sartori, Giovanni, 1997. *Comparative Constitutional, Engineering : An Inquiry into Structures, Incentives and Outcome*. New York : University Press.

⁸ Lijphart, Arend, (Penyadur : Ibrahim dkk) 1995. "*Sistem Pemerintahan Parlementer dan Presidensial*". Jakarta : PT Rajagrafindo Persada, hlm 116-124.

Assembly as the assembly only (*The assembly remains as assembly only*); 2) the executive is not divided there only a President is elected by the people for a certain term at the time the assembly is elected (*The executive is not divided but is a president elected by the people for defining terms at the time of assembly elections*); 3) The head of government is the head of state (*The Head of government is the head of state*); 4) The President appoints the head of the department who is his subordinate (*The president appoints heads of departments who are his subordinate*); 5) The President is a single executive (*The president is the sole of executive*); 6) Assembly members may not hold government positions and vice versa (*Members of the assembly are not eligible for office in the administration and vice versa*); 7) the executive is responsible to the constitution (*The executive is responsible to the constitution*); 8) The President cannot dissolve or force assemblies (*The president can not dissolve or commerce the assembly*); 9) The Assembly is located higher than the other parts of government and there is no consolidation of the executive and legislative sections as in a parliament (*The assembly is ultimately the most over the other branches of government and there is no executive and legislative branches in a parliament*); 10) *The executive is directly responsible to the voters (The executive is directly responsible to the electorate)*; and 11) There is no focus of power in the political system (*There is no focus on power in the political system*).

For *Parochial Theory* is the concept of Executive and legislative relations. Jimly Asshiddiqie (2007) argues that "the government system is related to the understanding of *regeringsdaad*, namely the administration of governance by the executive in relation to the legislative function".⁹ This

⁹ Asshiddiqie, Jimly, 2007. *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*. Jakarta : Buana Ilmu Populer, hlm 311.

perspective, according to I Made Pasek Diantha (1990) is in accordance with the theory of *dichotomy*, namely the legislative as *policy making*, while the executive as *policy executing*.¹⁰ In the implementation of state functions, according to Bivitri Susanti (2000) there are relations that influence each other in the implementation of legislative and executive power.¹¹

Supposition in this research is the concept of official selection which borrows from the concept of human resource management, namely that selection / employees / members / officials recruitment is a process or action taken by the institution through various stages which include resources identification and evaluation, determining needs , the selection, placement and orientation process. This activity aims to select candidates for officials who meet the qualifications needed by the institution (Malthis : 2006).¹² While recruitment according to Simamora (2004) is a series of activities seeking candidates for officials with motivation, ability, expertise, and knowledge to cover the shortage of personnel in the institution. This requires expertise for leaders to be observant and careful in observing recruitment step by step to get candidates who meet the qualifications that have been determined by the institution to help achieve the goals of the institution that has been determined long before.¹³ Meanwhile Rivai (2004) explained recruitment as a series of activities that began when an institution needed members / officials

¹⁰ Made, I, Pasek Diantha, 1990. *Tiga Tipe Pokok Sistem Pemerintahan Dalam Demokrasi Modern*. Bandung : Abardin, hlm 20.

¹¹ Susanti, Bivitri, 2000. *Semua Harus Terwakili : Studi Mengenai Reposisi MPR, DPR, dan Lembaga Kepresidenan Indonesia*. Jakarta : Pusat Studi Hukum dan Kebijakan, hlm 7.

¹² Malthis, L. Robert dan Jackson, H. Jhon, 2006. *Human Resources Management* : Edisi X. Jakarta : Salemba Empat.

¹³ Simamora, Henry, 2004. *Manajemen Sumber Daya Manusia* : Edisi III. Yogyakarta : STIE YKPN.

and opened up opportunities to get the desired candidate or qualify according to the existing position.¹⁴ Thus, what is meant by the recruitment of state officials here is a series of activities that begin when the KPU institution requires new members / officials to open up opportunities to the wider community to get the desired candidates or meet the qualifications in accordance with the existing positions. KPU Institution is a state auxiliary bodies which has the task of holding general elections in Indonesia therefore it requires members / officials who have professional and reliable quality in their fields with the aim of obtaining members / officials according to the target.

C. Methodology

This research uses qualitative, descriptive and explanatory research design with the consideration that this research is about descriptive research and tends to use analysis. Descriptive research aims to answer the "what" question, while explanative research answers the "why" and "how" questions. Both are used to find comprehensive answers. In addition to using qualitative methods, explanatory descriptive types, the approach used in this study is a Case Study. Case study research is limited by time and place, and cases studied in the form of programs, events, activities, or individuals. The case only occurs in one place, namely in Indonesia which adheres to the presidential government system, especially in the executive and legislative relations in terms of explaining, understanding and analyzing in-depth the process of selecting KPU RI officials for the 2017-2022 period in which the data collection process uses interview, observation, and documentation. This research was conducted with a process of deep

interaction and communication between researchers and informants in the election of Indonesian KPU officials for the 2017-2022 period. The types of data used are primary and secondary data with data analysis techniques including data reduction, data display, analysis, and conclusion drawing. Data analysis is carried out inductively during the research process.

¹⁴ Rivai, Veithzal, 2004. *Manajemen Sumber Daya Manusia : Dari Teori ke Praktek*. Jakarta : Raja Grafindo Persada.

D. Discussion

D.1. President and DPR involvement in the process of selecting the KPU RI officials for the 2017-2022 period

As stipulated in the 1945 Constitution Article 4 paragraph (1) that the President of the Republic of Indonesia holds the power of government according to the Constitution. The 1945 Constitution Article 22-E paragraph (5) mandates that the General Election be held by a general election commission that is national, permanent and independent. And paragraph (6) states that further provisions concerning general elections are regulated by law. From the mandate of the 1945 Amendment, the Law Number 15 of 2011 concerning Election Organizers was published.¹⁵ Law No. 15 of 2011 mandates that the President conduct a selection process for candidates for the 2017-2022 Indonesian KPU period in collaboration with the DPR, namely choosing 7 (seven) names of RI KPU officials from 14 (fourteen) names of candidates for RI KPU officials submitted by the President.

The task of the President to prepare 14 (fourteen) names of Indonesian KPU officials for the 2017-2022 period is the form of the President's constitutional power. The President of Indonesia Constitutional power includes legislative power and non-legislative power. The legislative power of the President includes the power to veto, issue decrees, draft budgets, and make proposals for the Draft Law (RUU). Whereas the President's non-legislative power includes the formation and dissolution of the Cabinet, free from a vote of no confidence, as well as the power to appoint a number of state officials. The President's power in the appointment is included in the category of other President's Non-Legislative powers, namely appointing officials to various important government posts, including appointing ambassadors, consuls, and

members of independent administrative bodies such as central banks and electoral commissions with approval and / or consultation with the DPR.

The involvement of the President in the election of KPU officials for the 2017-2022 period was based on Law Number 15 of 2011 specifically article 12 which reads paragraph (1) "The President forms a membership of the selection team totaling a maximum of 11 (eleven) people with regard to women's representation, paragraph (2) The selection team as referred to in paragraph (1) assists the President to determine candidates for KPU members to be submitted to the House of Representatives, paragraph (3) The selection team as referred to in paragraph (1) consists of elements of the Government and the Community. The mandate of the Act was implemented by the President by issuing a Presidential Decree (Keppres) Number 98 / P of 2016 concerning the Formation of a Selection Team for Election Commission Officials for the 2017-2022 Period. The Selection Team is tasked with assisting the President to determine the Candidates for the Election Commission for the 2017-2022 Period and Candidates for the 2017-2022 General Election Supervisory Board that will be submitted to the House of Representatives (DPR). In accordance with article 12 of Law Number 15 of 2011 Selection Team totaling 11 (eleven) people consisting of; 1) Prof. Dr. Saldi Isra, SH, M.P.A; 2) Prof. Dr. Ramlan Surbakti; 3) Soedarmo; 4) Prof. Dr. Widodo Ekatjahyana, SH, M.Hum; 5) Dr. Valina Singka Subekti, M.Sc; 6) Prof. Dr. Hamdi Muluk, MA; 7) Nicolaus Teguh Budi Harjanto, MA, Ph.D; 8) Dr. Erwan Agus Purwanto, M.Sc; 9) Prof. Dr. Harjono, SH, M.C.L; 10) Ir. Betti Alisjahbana; and 11) Prof. R. Komaruddin Hidayat.

The Selection Team selection by the President is done by appointment and not by the selection process. The appointment process begins with the submission of 15 (fifteen) names by the Minister of Home

¹⁵UU Nomor 15 tahun 2011 tentang Penyelenggara Pemilu terutama BAB III pasal 3 sampai dengan pasal 16

Affairs, then accommodated by the President through the Secretary of State by approving 9 names, and adding 2 more names, namely Dr. Erwan Agus Purwanto, M.Si and Ir. Betti Alisjahbana. The appointment process with a mechanism like this clearly contains several weaknesses, including: a) subjective, which means that the President can appoint anyone he likes without seeing the other side, for example his professionalism; b) Appoint the closest people, namely the President will certainly appoint the closest people, people who have good relations with the President, whether his family, relatives, or friends. Even though there are still many people outside their closest people who are far more capable and more professional; c) hurt the sense of justice. The appointment mechanism clearly overrides the principle of justice, because the priority is the proximity factor and not the factor of professionalism. There will be a lot of disappointment and hurt from people who are not appointed even though they are able; d) growing the symptoms of KKN (collusion, corruption and nepotism). If the authorities give a job, position, or project to someone because of the closeness of the relationship, then this is a symptom / phenomenon of KKN. Whereas one of the government's work programs now is to eradicate KKN in all practices of government life; e) causing abuse of power. When the President has power and then the power is used to give "gifts" to the people closest to him, the President has abused his power.

The Selection Team (Timsel) appointed by the President has carried out his duties in accordance with the Presidential Decree (Keppres) No. 98 / P of 2016 which is holding the selection of the RI KPU Candidate Election for the 2017-2022 period with predetermined stages starting from: 1) process socialization to several areas that are considered strategic in the eastern part of Indonesia and in the western part of Indonesia. This process aims to reach applicants from these two regions because in the previous

period there were very few registrants from the region and none from Papua at all; 2) The registration announcement process was carried out by posting announcements in various daily printed mass media and the national electronic mass media began in the field of the Selection Team Secretariat. The process continues with the administrative selection of the registrant file that enters. Those who passed the administrative selection were announced in various daily printed mass media and national electronic mass media. Participants who pass the administrative selection must follow the next stage, namely Written Test; 3) Written tests are carried out with the requirements of the participants present at the time and place specified. The main material being tested is knowledge about general elections (Pemilu). Participants who pass the Written Test must follow the next step, namely the Health Test; 4) The Health Test is conducted at the Army Center Hospital (RSPAD) Gatot Subroto having its address at Jalan Dokter Abul Rahman Saleh Number 24 Central Jakarta, because this hospital has complete equipment for a comprehensive health check. The health test continued with the Psychology Test, which passed the two tests announced in various daily printed mass media and national electronic mass media to get input and feedback from the public about the track record and integrity of the participants so far. Participants who pass this stage advance to the next stage which is required to take Group Dynamics Test and Interview Test. This group dynamics test is to find out who is worthy of being a leader, and how the character of each candidate, who has integrity, who is independent, who is selfish, who has high competence in the electoral field, and who has a leader's soul. This test makes it easy for the Selection Team to provide an assessment to candidates for the KPU RI officials. Next is the final test, the Interview Test with all members of the Selection Team. This test aims to cross check data previously submitted by participants as well as to know

the sincerity of participants to become KPU officials. After that stage, 14 (fourteen) names of candidates for RI KPU officials for the 2017-2022 period were chosen, namely Amus Atkana, SH, MM (Papua), I Dewa Kade Wiarsa Raka Sandi, ST, SH, M.Si (Bali), Ilham Saputra (Aceh), Evi Novida Ginting Manik (North Sumatra), Ferry Kurnia Rizkiyansyah (Jakarta), Ida Budhiati, SH, MH (Central Java), Wahyu Setiawan (Central Java), Sri Budi Eko Wardani (Banten), Pramono Ubaid Tanthowi (Banten), Yesi Y. Momongan (North Sulawesi), Hasyim Asy'ari, SH, M.Si, PhD (Central Java), Arief Budiman, SS, S.IP, MBA (Jakarta), Viryan, SE, MM (West Kalimantan), Sigit Pamungkas, MA (DIY). These fourteen names were put forward by the President through the State Secretariat to the House of Representatives to conduct fit and proper tests.

The entire series of selection stages for the Indonesian KPU Official Candidate Election for the 2017-2022 period has been in accordance with the mandate of Law Number 15 of 2011, especially the mandate to involve the participation of both individuals and groups. This community participation is in the form of input and response to the participants of candidates for Indonesian KPU officials. In addition, it also involved other institutions to support the performance of the Selection Team, namely the BIN, PPATK, and KPK institutions. The involvement of the community and institutions is in accordance with article 13 paragraph (1): The Selection Team carries out its duties openly by involving community participation, and paragraph (2) in carrying out its duties the Selection Team can be assisted by or coordinating with institutions that have competence in needed. In general, the selection of KPU RI Official Candidates for the 2017-2022 period has run professionally although there are still some weaknesses. The most important weakness is the lack of transparency in each of the voter selection stages. Test participants for KPU RI Official

Candidates do not know how much they have earned for each stage they have passed. This has led to prejudice about the lack of transparency in the Selection Team in organizing the election selection for Indonesian KPU Official Candidates. According to the participants, if it is not transparent, it means that there is something hidden, some that should not be known by the public. This has led to an unfair atmosphere in the election selection for Indonesian KPU Official Candidates. As a team consisting of professionals, community leaders, and elements of the government, transparency should be prioritized. Because with transparency means the Selection Team has worked professionally, independently, and not interfered by any parties.

Parliament's involvement in the election of KPU RI officials for the 2017-2022 period in accordance with Law Number 15 of 2011 article 13 which states that: The Selection Team reports the implementation of each stage of the selection to the House of Representatives and Article 14 of the President submits 14 (fourteen) names of candidates or 2 (two) times the number of KPU members to the People's Legislative Assembly and article 15: The House of Representatives elects candidates for KPU members submitting the fit and proper test results. The Fit and Proper Test is conducted in order to determine 7 (seven) names of prospective KPU officials top of the 14 (fourteen) candidates for official KPU RI whose names are submitted by the President. At the time the *Fit and Proper Test* in the DPR process was politically nuanced. Outside the *Fit and Proper Test* building, the participants of the Indonesian KPU Official Candidates were asked to meet directly face to face with representatives of each faction to request commitment from the Indonesian KPU Candidates if they had been elected. The commitment that was requested was a commitment to "help his siblings" at the time of the KPU members election in the area. A

commitment that must be obeyed if you want to be elected as KPU official. The mechanism of DPR involvement such as this clearly violates the existence of the legislative institution which should be a working partner (*check and balanced* mechanism) for the President to produce independent KPU officials, clean from any sense of retribution to anyone because the existence of the KPU is an independent institution whose process of formation must be free from party interference any including interests called political interests, because of the function and role of the KPU as an institution that organizes elections both legislative and presidential elections.

The involvement of the DPR in the process of selecting KPU official candidates has elements of plus and minus. Plus because with the involvement of the House of Representatives, the House of Representatives will also be responsible if a problem occurs, meaning that the House will not be free from the problems that occur. If the House of Representatives is not involved in the election process, the House of Representatives will blame the President if one day there is irregularity within the Indonesian KPU officials. The lack of process that the KPU official contestants go through is getting longer which will certainly be tiring. It is true that the DPR is a political institution and there will be a political process there, the hope is that the political process will lead to a positive process. *Bargaining position* that occurs must aim for the interests of the wider community and not the interests of the political party. In view of the executive-legislative relationship, the DPR's involvement is to avoid deadlock in the decision-making process that might occur as happened in Latin American countries. Even though in Indonesia it has never happened before, the involvement of the DPR is to anticipate this

D.2. Faced Obstacles

Faced Obstacles during the KPU RI officials selection for the 2017-2022 period include: internal Obstacles including: 1) The Selection Team encountered obstacles in reducing the criteria contained in the Law as stated in Article 11 letter (d) to be a fact in the field, for example about the criteria the candidate must have integrity and strong personality; 2) The Selection Team also encountered obstacles in tracking 100% fulfillment of the requirements of the participants, so they had to collaborate with other institutions, namely BIN, PPATK, and KPK as well as participation from the community; 3) The obligation of the Selection Team to always report to the DPR in accordance with article 13 paragraph (5); 4) obstacles in terms of accountability of funds used because the funds needed are in 2 (two) different fiscal years, namely the 2016 fiscal year for September, October, November and December 2016 and 2017 fiscal year for January and February; 5) Obstacles to subjectivity from Board members who come from many factions or groups, resulting in disagreements that are not easily accommodated. These Obstacles are technical Obstacles experienced by almost all organizations that are carrying out activities. And the Selection Team is able to take positive steps or efforts to successfully solve the Obstacles. This is a positive impact from the rules in Law No. 15 of 2011 that the lowest selection team age is 40 years. This age factor is one of the factors that can be used to overcome the Obstacles that exist because with a mature age, the Selection Team members already have a lot of experience in solving problems so even when they become Timsel members they also easily apply the experience.

While the external Obstacles` are as follows: 1) All stages of the selection process are held in Jakarta. Impressed there is a Java Centris; 2) With these Obstacles, another obstacle arises, namely the high cost required, at least Rp. 15,000,000 (fifteen million

rupiah); 3) Lack of transparency from the Selection Team, especially for the value of the written test results so that there is unfair prejudice from the participants that the lack of transparency was deliberately done to be used as a compromise tool; 4) There was an uproar in the KPU selection participants where the KPU official selection process was carried out by the DPR. The KPU official is the election organizer while the DPR is an election participant. Election participants choose election organizers. The external obstacles are serious because they are not only technical constraints but also the integrity constraints of the Selection Team, namely the selection team's lack of transparency, also the constraints on the election of KPU officials involving the DPR. Bearing in mind that the Selection Team is an organization formed with members consisting of professionals and have high capabilities.

From the findings of this study the conclusions that can be drawn are that: 1) Amendments to the 1945 Constitution give greater authority to the DPR, namely adding the authority to be involved in the process of selecting public officials, including article 23-F paragraph (1): electing BPK officials by paying attention to the considerations of the DPD, article 24-A paragraph (3): approving candidates for Supreme Court Justice proposed by the Judicial Commission (KY), article 24-B paragraph (3): giving approval to members of the Judicial Commission who are appointed and dismissed by the President, article 24-C paragraph (3): proposes 3 (three) Constitutional Judges from 9 (nine) Constitutional Judges needed. Whereas for the election commission officials election listed in article 22-E paragraph (5) added in paragraph (6): further provisions concerning general elections are regulated by Law; 2) To implement the 1945 Constitution, the amendment was issued Law Number 15 of 2011 concerning Election Organizers; 3) The involvement of the Executive / President in the Law is stated in: Article 12 that the

President forms a Selection Team of 11 (eleven) people, then the Selection Team selects candidates for the KPU RI members / officials for the 2017-2022 period, and elects 14 (fourteen) names to be submitted to the President; Article 14 that the President submits 14 (fourteen) names to the DPR; 4) The involvement of the legislature / DPR in the process of selecting KPU RI officials for the 2017-2022 period as stated in Law Number 15 of 2011 includes 2 (two) things. First, article 15 paragraph (2): conduct *fit and proper* test for 14 (fourteen) names submitted by the President. Second, based on article 13 paragraph (5): DPR receives a report from the Selection Team for each selection process which is held. That is, the DPR only receives the report of the activity without giving an evaluation or evaluation of the report of the activity; 5) *The Fit and Proper Test* process carried out by the DPR is political because the DPR is a political institution. This means that there is a lobbying process for *bargaining positions* between prospective KPU officials and DPR members represented by Expert Staff (TA) from each faction to request commitment from prospective KPU officials if elected as KPU officials. This commitment is not in the form of money or gratuity in other forms but in the form of a commitment to help the relevant DPR members pass the "champion" if there is an election of KPU members at the provincial level. As stated in Law Number 15 of 2011 which has been renewed by Law Number 7 of 2017 Article 17, the KPU forms a selection team to select candidates for Provincial KPU members in each province. This KPU authority is a gap for the DPR to request commitment from prospective KPU officials. This is what is called the "brooker" issue; 6) The above process clearly injures the demands of the community so that the process of selecting state officials must be carried out transparently and "cleanly"; 7) The House of Representatives of the Republic of Indonesia Commission II which handles the election of

KPU officials is a collection of representatives of political factions or parties. Because it comes from a different faction, it results in the emergence of an element of subjectivity in assessing each candidate. This subjectivity is motivated by the interests of each member of the council in fighting for the interests of his party. It is these differences in interests that ultimately lead to differences of opinion among members of the Indonesian Parliament, especially Commission II. An example of that difference of opinion is when it comes to deciding whether the name submitted by the President is immediately processed to be carried out by the *Fit and Proper Test*, considering that the election process for KPU officials is limited by time. One party argued that it could be processed immediately, while the other party argued that they had to wait for the completion of the discussion of the draft Bill on Elections. This difference of opinion drags on. This is what is known as the "hostage" issue; 8) The involvement of the DPR in the process of selecting state officials needs to be reviewed; 9) But with the involvement of the DPR which is reviewed, it does not necessarily delegate the power to the executive / president as a single ruler; and 10) Therefore, it is necessary to have proportional cooperation between DPR institutions and the President.

D.3. The model for selecting state officials that is adaptable to the presidential government system in Indonesia

According to Mc Leod (1996),¹⁶ the model is a simplification (abstraction) of something. This model will represent a number of objects or entities. And also Billy Tunas (2007) which states that the model is a reflection or abstraction of an object, process,

event, situation or a system.¹⁷ To create a model for selecting state officials in the future, which is in accordance with the current situation and conditions of the Indonesian nation (*adaptable*), it must pay attention to the following factors: 1) Analyze the presidential government system according to the existing concept; 2) Analyzing the results of the research findings in the field based on existing conditions in Indonesia that have carried out purification of the presidential government system which includes: obstacles faced during the process of selecting the new KPU RI 2017-2022 period; Supporting factors that existed during the process of selecting the new KPU RI 2017-2022 period ago; Past experience in the implementation of the 1945 Constitution which emphasized more on *executive heavy* aspects; Substance of the 1945 Constitution Amendments that change aspects of *executive heavy* to *legislative heavy*; community demands for the election of transparent and independent KPU officials; and the mandate of the prevailing laws and regulations; 3) Search for differences between the presidential system in a conceptual manner and the fact that the presidential system in Indonesia is implemented in terms of the process of selecting state officials; 4) Finding a model for selecting state officials that is adaptable to the presidential system of government in Indonesia.

Based on the above reasons, the model proposed for the selection of state officials that is adaptable to the Presidential Administration System in Indonesia is the State Officials Election Model with Limited Authorities, which mean President Limited Authorization. The President no longer forms a Selection Team but forms an Independent Team. This Independent Team will later select the Selection Team to elect State Officials.

¹⁶ Mc Leod, Raymond, 1996. *Sistem Manajemen Informatika, Jilid I, Edisi Bahasa Indonesia*. Jakarta : PT Prehalindo, hlm 14.

¹⁷ Billy, Tunas, 2007. *Memahami dan Memecahkan Masalah dengan Pendekatan Sistem*. Jakarta : Nimas Multima, hlm 63.

The President can no longer have the freedom to make appointments. In addition to the limited power of the President, the DPR's Power of Attorney is also Limited, namely the DPR only approves, no longer does the Fit and Proper Test process. This is so that the factions in the DPR no longer have the opportunity to request commitments from candidates for the Indonesian KPU for their own and group's interests. The submission of this Model with the following arguments: 1) State officials are personnel who assist the President in the administration of government daily. This means entering into the domain of executive obligations 2) Because it enters into the domain of executive obligations, the power to elect its personnel becomes the executive or President's authority; 3) That the power submitted to only one institution (executive / president) has a tendency to corrupt (Lord Acton: *power tend to corrupt*); 4) To avoid corruption of power, other institutions are needed to check and balance so

that a balance of power occurs; 5) There are 3 (three) state institutions in Indonesia, namely the legislative body (DPR), executive institutions (President), and judicial institutions (MA); 6) Among the three state institutions, those who are given the authority to check and balance are the legislative institutions (DPR) because this institution has a Supervision Function; 7) However, the involvement of the DPR must be limited so that political mechanisms do not occur at the same time avoiding corruption of power; 8) Thus the authority to elect state officials in Indonesia who adheres to the Presidential Government System is still in the hands of the President; and 9) thus the DPR can focus more on carrying out its legislative functions and budget functions.

Based on the above arguments, the link between the model proposed and the principles of Douglas Verney's Presidential Government System are as follows:

Chart 1 : Douglas Verney's Presidential Government System Principles:

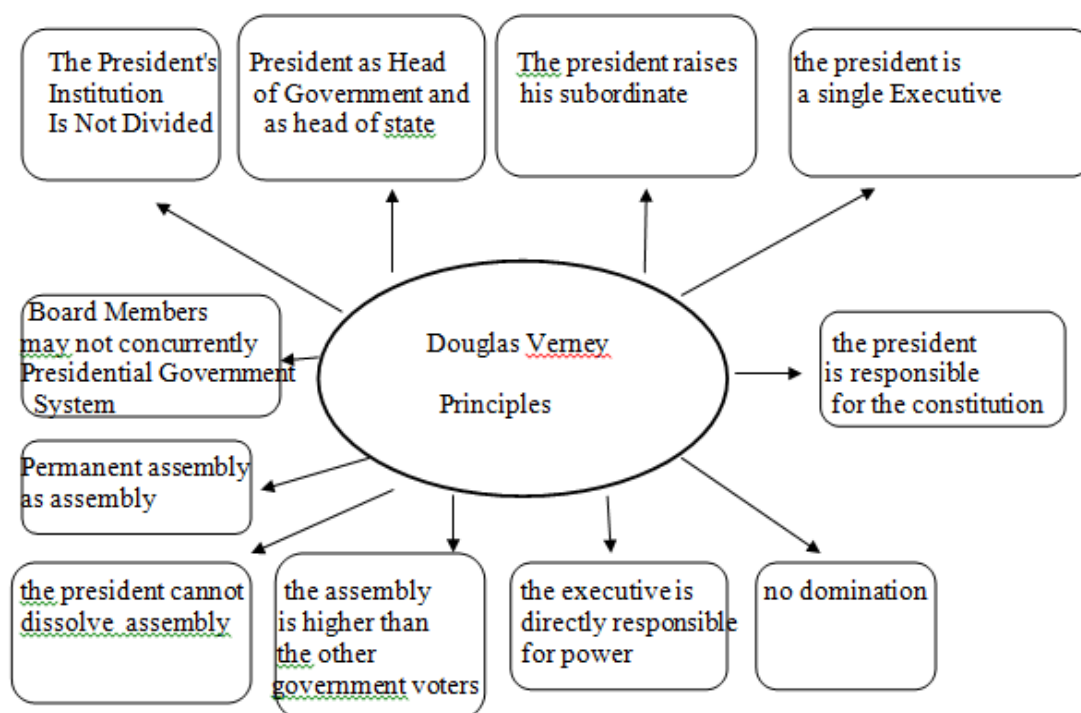
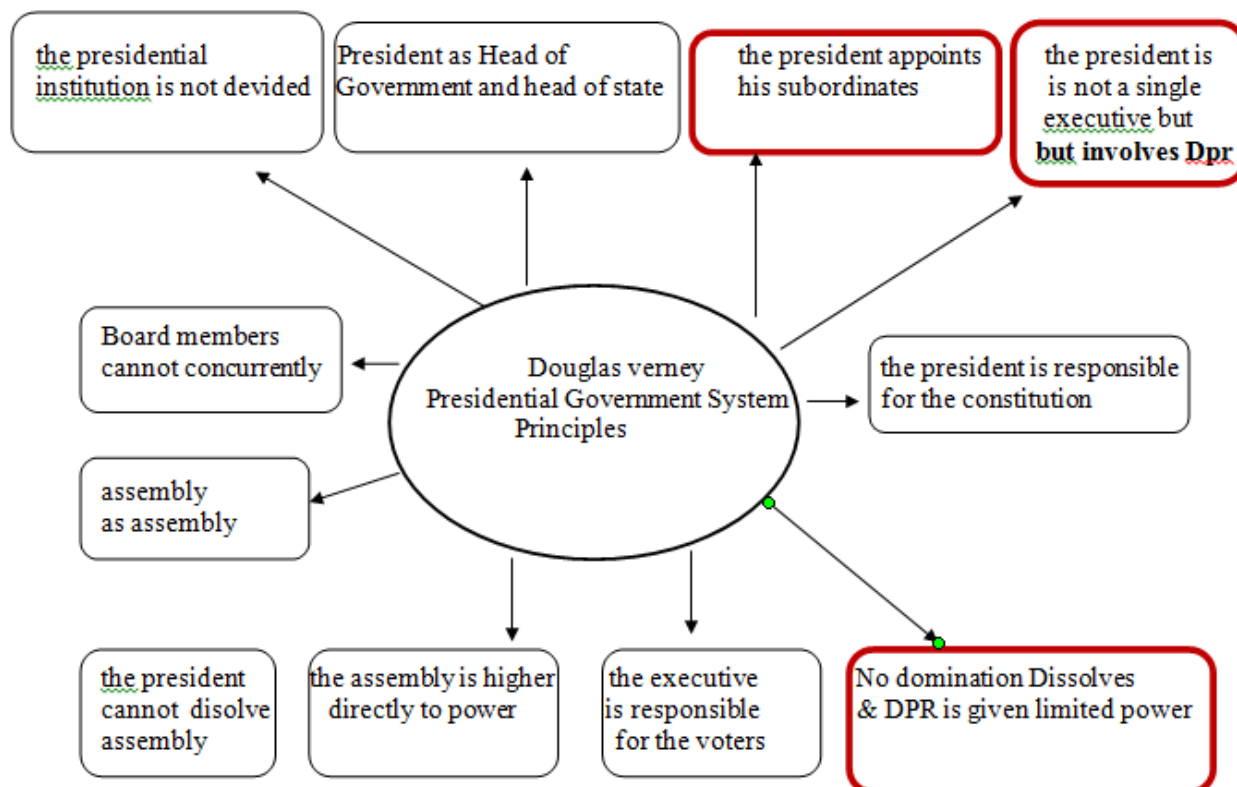


Chart 2: Principles of an Adaptable Government System in Indonesia



E. Suggestions and Recommendations

Substantial suggestions, among others:

- 1) The involvement of the President in the election of the Indonesian KPU officials turned out to still cause problems. The process of forming a Selection Team carried out through the appointment process is clearly not in accordance with the spirit of the Indonesian people to eradicate the practices of Collusion, Corruption and Nepotism. Therefore, the President's power in forming this Timsel must be cut or must be limited. This is done with the aim of: ensuring the independence of Timsel in carrying out its duties, and placing the President's power in a safe zone that is guaranteeing no abuse of power; 2) The involvement of the DPR in the selection of KPU RI officials turned out to also cause problems. The interests of the factions in the DPR institution are very difficult to suppress, therefore the involvement of the DPR also

needs to be cut or restricted. The *DPR Fit and Proper test process* is no longer needed because the new Selection Team has been able to choose KPU officials who are credible, independent and with integrity; and 3) The limitation of power of both the President and the DPR can be done by conducting a REVISION of the Law on Election. Revisions must be done carefully and must be based on facts and data in the field about the risks of the two institutions involvement.

While technical advice is also based on faced obstacles, among others: 1) Selection of KPU RI officials is no longer centralistic (Jawa Centris), which mean that the initial election selection (elimination round) is not conducted in Jakarta but carried out in several regions, for example the western, central and eastern regions. After the selection of the election until the final round, it was only held in Jakarta. This is done so that participants do

not feel objected to the costs incurred. Or it could also be done by subsidizing the costs that must be incurred by participants, namely subsidies for lodging and transportation in the city; 2) The selection of KPU officials is no longer held for 2 (two) budget years, only 1 (one) budget year. This is intended to facilitate the accountability of the use of funds; 3) There is transparency in the values obtained by each participant for each stage of the election. This is to maintain the independence of the Selection Team (Timsel) in the selection of KPU officials and is completely free from the interference of any other party; and 4) The President as the head of government makes clear guidelines on the criteria that are desired for candidates for Indonesian KPU officials so that the Selection Team is easier to operate those criteria in the field. For the sake of perfect research, the recommendations submitted must be based on their weaknesses. This research has several weaknesses, including: 1) Not yet succeeded in extracting deeper facts about the involvement of the DPR in the process of selecting the KPU RI for the 2017-2022 period because the answers submitted by the council members were normative so they did not succeed in obtaining facts about the background or reasons for the political process that happened. New data is obtained from participants of candidates for Indonesian KPU officials; 2) This research was conducted after the election process for KPU officials was conducted so that the writer could not oversee the election process directly, and 3) this study did not discuss the process of drafting the Law on Election Organizers or about the Election. Because there are significant weaknesses in several articles, especially the articles of the DPR involvement.

Based on the weakness of this study, the recommendations proposed for further research are about the Analysis of Laws Revision in the Presidential Administration System in Indonesia: A Case Study of Law No. 7 of 2017 concerning Elections. The hope

will be found for reasons why the involvement of the DPR can be so great in the process of selecting election officials.

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