Rearranging the Village Head Election Justice System Based on the Electoral Justice System and Restorative Justice

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Abstract

The implementation of the Village Head Election (Pemilihan Kepala Desa) still leaves some problems. This study aims to analyze and describe the implementation of honest and fair principles based on indicators of the electoral justice system in the implementation of village head elections in Sleman Regency in particular and Indonesia in general. This study also aims to describe a model of the electoral justice system that can be developed in the upcoming Pemilihan Kepala Desa to resolve law enforcement issues in the Pemilihan Kepala Desa, one of which is through the application of a restorative justice model. This study uses empirical legal research methods with primary and secondary data sources. Primary data sources were obtained from the results of research in the field through an interview process with 20 key informants in the implementation of the Pemilihan Kepala Desa in Sleman Regency in 2021 spread over 9 (nine) villages. The secondary data sources used consist of primary legal materials and secondary legal materials obtained through literature study. The data analysis technique is qualitative data analysis through statutory and conceptual approaches. The results showed that the Pemilihan Kepala Desa in Sleman Regency in particular and Indonesia, in general, had not been held honestly and fairly. It is necessary to reorganize the Pemilihan Kepala Desa rules through an electoral justice system model approach, especially for normative design indicators and performance indicators of the Pemilihan Kepala Desa system. The application of restorative justice can strengthen efforts to enforce the Pemilihan Kepala Desa law in the future.

Keywords: Village Head Election; Electoral Justice System; Restorative Justice


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INTRODUCTION

Direct village head elections (hereinafter referred to as Pemilihan Kepala Desa) in Indonesia have been going on for a long time, even before the 1999 reform era. The growth of democratic values in villages through the pemilihan kepala desa system is believed to be in line with the noble spirit and ideology of the Indonesian nation, Pancasila, especially the precepts of 4, "A populace led by wisdom in representative deliberation". The Pancasila mandate is translated by the villagers by choosing their village head candidate who is deemed worthy and meets the requirements directly through consensus deliberation.

Direct pemilihan kepala desa arrangements can at least be seen from the arrangements in Article 5 of Law (UU) Number 5 of 1979 concerning Village Administration, Article 95 of Law Number 22 of 1999 concerning Regional Government, Article 203 of Law Number 32 of 2004 concerning Regional Government, and Article 34 Paragraph (2) of Law Number 6 of 2014 concerning Villages. The Village Law explains in detail that the village head is directly elected by the villagers and the election of the village head is direct, general, free, confidential, honest, and fair (overflowing and fair).

The direct Pemilihan kepala desa as an embodiment of democratic practice does not only happen in Indonesia. In several countries, there are also direct pemilihan kepala desa. The People's Republic of China or the People's Republic of China with a socialist-communist ideology also participates in holding direct elections for village heads, although they have not held direct elections for government officials at the local or national level. Substantive democracy in China has at least begun officially in 1989 through direct local elections which are the fundamental foundation in efforts to develop democracy in China in the future (Wang, 2014).

The implementation of the Pemilihan kepala desa in Indonesia in the last few decades has not been without its weaknesses, especially to build democratic values at the grassroots level. Along the way, there have been several pressures on the importance of improving the pemilihan kepala desa model or system in the future. One of them is related to law enforcement in the Pemilihan kepala desa, namely the need for a dispute resolution institution in the Pemilihan kepala desa (Antaranews.com, 2021).

The Center for Research and Development of the National Legal System, the National Legal Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia, 2011 also conducted a legal study related to the settlement of pemilihan kepala desa disputes based on Law Number 32 of 2004. The study of this institution describes that the direct pemilihan kepala desa process in Indonesia has not run perfectly, even for the sake of creating legal certainty in the Pemilihan kepala desa, one of the descriptions in the study recommends that the process of resolving disputes over the results of the village head elections can be decided through a District Court decision which is final and binding within 14 (fourteen) days from the receipt of the request from the candidate for the village head. (Ramadan et al., 2011). In general, this study conducted by the Center for Research and Development of the National Legal System of the National Legal Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia intends to answer 3 (three) problems posed, namely how to implement the Pemilihan kepala desa regulations?, how to resolve post-pemilihan kepala desa disputes?, and what is the juridical, sociological, and cultural impact of the Pemilihan kepala desa.

Another study related to the problematics of the village head election was written by Adhi Putra Satria (2020) who examined the village election dispute resolution system as regulated in the Village Law (Satria, 2020). The results of the study indicate that the authority to settle disputes over the results of the Pemilihan kepala desa given to the Regent/Mayor is not accompanied by mechanisms and forms of dispute resolution that can be applied by regional heads, causing problems and legal uncertainty in the field. The author also suggests that the government considers the need to establish a judicial institution that specifically handles disputes over the results of the Pemilihan kepala desa in the future.

Similar research was written by Sitari Candra Dewi and Dewa Nyoman Rai Asmara Putra (Dewi & Putra, 2019). The results of the study indicate that the resolution of disputes over the results of the village head elections has so far been carried out outside the court by the
Regent/Mayor. Therefore, the researcher suggests that in the future regulation is made that technically regulates the dispute resolution mechanism and it is necessary to establish a mechanism for resolving disputes over the results of the village head election through the courts.

Talking about electoral governance based on democratic principles, the goal is none other than to achieve electoral justice. In organizing elections or self-election, Jojo Prihatmoko (2003) said that "the chosen electoral system must be acceptable to all parties by ensuring justice, honesty, openness or transparency, and freedom" (Suriyanti & ZS, 2021). In general, the theory of elections or elections shows that electoral justice is very important for democracy. Likewise, the Pemilihan kepala desa which substantially adheres to a direct election model or system that is identical to the general election. If a common thread is drawn, then election or election justice will lead to law enforcement that provides guarantees and certainty to all parties involved in elections or elections. The important goal of the electoral justice system is not only to resolve election disputes but to guarantee the right to vote and be elected for every citizen, the right to participate in real, free, and democratic elections (Cantu et al., 2021) to realize an election or election with integrity.

In practice, several countries apply the principles of democratic elections referring to international standards sourced from international conventions and agreements. IDEA International, an intergovernmental organization concerned with democracy and election issues at the international level, 2002 formulated 15 standards for democratic elections, including the existence of a legal framework for elections, the existence of an election management body, and compliance with election law and law enforcement (Santoso et al., 2020). Furthermore, IDEA developed 2 (two) electoral justice system evaluation indicators, namely normative design indicators consisting of the electoral legal framework which also regulates election law enforcement agencies as well as performance indicators intended to assess the process and results of the performance of the existing system. (Cantu et al., 2021).

To find out the application of the principles and indicators of democratic elections in the Pemilihan kepala desa system in Indonesia, the author conducted field research on the simultaneous implementation of the Pemilihan kepala desa in 9 (nine) kelurahan (villages) of 33 villages in Sleman district on October 31, 2021. To distinguish it from research or previous studies, this study aims to analyze and describe the implementation of honest and fair principles based on indicators of the electoral justice system in the implementation of village head elections in Sleman Regency in particular and Indonesia in general. This study is also intended to describe a model of the electoral justice system that can be developed in the upcoming Pemilihan kepala desa to resolve law enforcement issues in the Pemilihan kepala desa, one of which is through the application of a restorative justice model.

**RESEARCH METHODS**

This study uses empirical legal research methods with primary and secondary data sources. Primary data sources are obtained from the results of research in the field with data collection techniques through the process of interviewing informants in the field. The key informants in this study were the organizing committee for village head elections, prospective village heads or success teams, and community leaders in 9 (nine) villages (kelurahan) from 33 villages that held the Pemilihan kepala desa in Sleman Regency in 2021 as many as 20 informants. The key informants were Pujiono (Chairman of the Trimulyo Village/Lurah Election Committee), R. Darmawan BS., SE (Trimulyo Lurah Candidate), Supriyadi (Padukuhan Pandeman Religious Leader, Trimulyo Village), Nurharyanto (Chairman of Trihanggo Lurah Election Committee), Andri Nurprasetyo (Prospective Head of Trihanggo Village), Didik Harjuni (Chairman of the Margodadi Village Election Committee), Aris Munandar, SH (Chairman of the Condongcatur Village Election Committee), Sarjiman, M.Pd (Community Leader of Condongcatur Village), Reno Candra Sangaji, S.IP (Candidate) Lurah Condongcatur), Muhammad Khasbi (Chairman of KPPS TPS 48 Stan Maguwoharjo), Mudhi (Success Team for Lurah Maguwoharjo Candidate), Drs.H. Djumiran, M.Pdi (Maguwoharjo Village Community Leader), Sardi (Chairman of the Sendangagung Village Election Committee),
RHP Wibawa, SE., MIP (Sendangagung Village Head Candidate), Sunarno (Chairman of the Sendangagung Village Representative Body/Community Leader Sendangagung Village), Sudirman (Chairman of the Sendangagung Village), Jogotirto Village Election Committee), Subo Setyo (Chairman of RW 40/Community Leader of Sendangtirto Village), Zuli (Chairman of Sardonoharjo Village Election Committee), Eka (Head of Youth Organization/Sardonoharjo Village Community Leader), and Wasingatu Zakiyah (Sardonoharjo Village Community Leader).

Meanwhile, the secondary data sources used to consist of primary legal materials and secondary legal materials obtained through library research. The data analysis technique is qualitative data analysis through statutory and conceptual approaches.

RESULT AND DISCUSSION
Village Head Election Arrangements and Law Enforcement Mechanisms

Technically, the implementation of village head elections is regulated in the Village Law, Government Regulation (PP) Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages, Minister of Home Affairs Regulation (Permendagri) Number 112 of 2014 which has been amended by Permendagri Number 72 of 2020 regarding village head elections and regional regulations (Perda) in each region. The technical selection of village heads in the Village Law is regulated in Articles 31 to 39. Meanwhile, in PP Number 43 of 2014, it is regulated in Articles 40 to 46.

A number of these regulations stipulate that the implementation of village head elections is carried out in an overflow and fair manner. In terms of the electoral system, the technical selection of village heads in the Village Law is regulated in Articles 31 to 39. Meanwhile, in PP Number 43 of 2014, it is regulated in Articles 40 to 46.

As described earlier, in general, the evaluation of the electoral justice system can be seen from 2 (two) indicators, namely normative and conceptual approaches.

Electoral Justice System Approach

To realize a democratic electoral system and be able to produce qualified candidates for leaders by the will of the community, IDEA has formulated a system of electoral justice or elections. This system is expected to be able to answer the purpose of the existence of electoral law rules, namely in the context of providing legal certainty, justice, and benefits for the community.

Citing International IDEA, Halili, et al. (2018) wrote that: “the electoral justice system is an important instrument for enforcing the law and fully guaranteeing the implementation of democratic principles through the holding of free, honest and fair elections. The electoral justice system must be seen as something effective, and demonstrates impartiality and independence to achieve justice, accountability, transparency, inclusiveness and equality” (Tosika et al., 2021).

As described earlier, in general, the evaluation of the electoral justice system can be seen from 2 (two) indicators, namely normative
design indicators and performance indicators of the established system. When applied in the electoral dispute resolution system, apart from being evaluated through the 2 (two) indicators above, one other indicator can also be added, namely the political regime in which the electoral justice system is applied (Cantu et al., 2021).

**Electoral Justice Normative Design Indicators in Village Head Elections**

This normative design of electoral justice talks about the existence of a law or legal framework that regulates elections or elections. This indicator seeks to see whether the existing legal framework has regulated all norms in the administration of elections, the administrative institutions needed to achieve electoral justice, and whether these institutions have the appropriate means and methods to resolve election violations or disputes. Citing International IDEA (2002), Ramlan Surbakti, et al. (2011) wrote that: “the legal framework must provide effective and corrective mechanisms for legal compliance and enforcement of electoral rights and provide penalties for perpetrators of election crimes. The legal framework for elections must be regulated in as much detail as possible to protect civil rights” (Surbakti et al., 2011). Meanwhile, Putri (2019) stated that: "the principle of electoral justice regulates all provisions for the implementation of elections to realize the values of honesty, freedom, and justice in elections which are a representation of democratic ideals, including in Indonesia" (Putri, 2019).

If it is related to the election of village heads, it can be analyzed whether the legal framework for selecting village heads has regulated all general election norms, the organizing institutions needed to realize electoral justice in the election of village heads, and whether these institutions have the right means and methods to resolve the issue. violations or disputes in village head elections. Furthermore, whether the existing legal framework regulates in detail the treatment of the rights of election participants and the rights of the community in the election of village heads and the mechanism for accountability for violations of these rights.

IDEA International is of the view that “if elections are held without a comprehensive legal framework, are not based on consensus, do not fully adhere to democratic principles and values, are not conducted properly, or if no specific electoral justice mechanism is in place, the electoral process can exacerbate the frictions that arise. exist or even result in armed conflict or violence” (CETRO, 2010).

Based on the results of research on the implementation of village head elections in Sleman Regency in 2021 which will be held on October 31, 2021, it is known that the normative design of electoral justice or elections in village head elections has not been regulated thoroughly and is still simple. This can be seen from the absence of sanctions rules against serious crimes in elections, such as money politics and manipulation of vote results. The village head election regulations also do not regulate the procedures or standard mechanisms for reporting and handling reports of alleged violations of village head elections, the absence of a dispute mechanism for the election process in nominations, the absence of a judicial mechanism in deciding disputes over election results, and the lack of optimal supervision because it has not received attention. in the implementation of village head elections.

The lack of sanctions and the absence of criminal sanctions in the election of village heads resulted in the committee from the start limiting itself from following up on reports of violations that were purely administrative. If there is a criminal community report, the committee will forward it to the police or advise the reporter to report it to the police. If you look at the prohibitions in the village head election campaign as regulated in Permendagri 112/2014, for example, several actions are punishable by crime in the Criminal Code but are not regulated as criminal acts in the village head election regulations so that there are inconsistencies in the arrangement with other regulations. For example, the prohibition of campaign implementers from conducting campaign activities that disrupt public order or threaten to commit violence, or advocate the use of violence against a person, group of community members, and/or other candidates. This action is actually an act that is punishable by a criminal offense in the Criminal Code, but is not regulated as a criminal sanction in the village head election regulation but is only regulated as an administrative sanction. This
condition, according to the researcher, has resulted in the community being reluctant to report alleged violations to the village head election committee because of the limited forms of violations that can be reported. In addition, the village head election regulations only regulate actions or actions that are prohibited in village head elections at the campaign stage only.

The results of subsequent research, there are no specific references or guidelines for supervision so the supervisory task is not part of the main task that must be carried out by the village head election committee, even though when viewed in terms of the number of members, the number of village head election committees is quite a lot, namely 11 people in each village. The absence of a clear separation between the implementers and supervisors of the village head election resulted in the supervision and law enforcement in the village head election not running optimally.

In addition to the absence of supervisory guidelines, the absence of a standard mechanism for handling village head election violations has resulted in each village head election committee determining its mechanism to be used in handling violations during the village head election. This has an impact on the level of responsiveness of the village head election committee to reports submitted by the community, some choose to be passive and some choose to be proactive. On the one hand, there is a village head election committee that is proactive in every report submitted by the community to the committee by identifying and searching for information on the reports submitted. However, on the other hand, some committees have decided that they will only respond to public reports that are officially submitted and accompanied by evidence to the committee and will not respond to reports that are only submitted via short messages (SMS) or WhatsApp (WA).

The absence of a standard mechanism for handling violations of village head elections also has an impact on the absence of a definite time or time limit for the committee to follow up on reports submitted by the community. In the last village head election, there was a lurah candidate (village head) who had made a report regarding the installation of campaign props for violating candidates as well as a report related to the campaign with mass mobilization and processions by one of the candidates to the village head election committee, but the response was given by the committee is very slow. The campaign props were just put in order when officers from the village Trantib and Linmas took to the field. Meanwhile, reports related to campaigns with mass mobilization have no follow-up, although such violations could result in the disqualification of candidates for violating the rules set by the village head election committee regarding the village head election campaign during the Covid-19 pandemic.

Another finding relates to the absence of a process dispute resolution mechanism in village head elections. The Village Law and other related regulations do not regulate it. If there is a prospective candidate who is declared ineligible to be designated as a candidate by the village head election committee, then the person concerned cannot take legal action to get justice. Likewise, related to the mechanism for resolving disputes over the results of village head elections, regulations regulate that only the regents/mayors will settle them and not the judiciary.

Regarding the optimization of the supervisory function in elections or elections, reflecting on the electoral system in Indonesia, there are at least 3 (three) main election organizers, namely the General Election Commission (KPU), the Election Supervisory Body (Bawaslu), and the Election Organizing Honorary Council (DKPP) based on the mandate of Law Number 7 of 2017 concerning General Elections (Feriyani, 2019). Law 7/2017 has also detailed the duties and authorities of each institution where the KPU is the technical implementer of the election stages, Bawaslu is the supervisory agency for the implementation of the election stages, and the DKPP is the enforcement agency for the code of ethics for election organizers. Law/2017 also regulates the mechanism for handling findings and reports of administrative, criminal, code of ethics violations, violations of other laws and regulations, election disputes and disputes between election participants, and disputes over election results. In addition, several institutions are involved in efforts to enforce election law, including the police, prosecutors, judiciary, and the Constitutional Court (MK). The existence of the current electoral system is considered the most ideal to realize direct,
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general, free, secret and honest, and fair elections.

If you look at the implementation of village head elections, the Village Law and other related regulations only regulate 2 (two) village head election organizing institutions, namely the Village Head Election Committee as the executor of the election and at the same time the supervisor and the Regency/City Level Election Committee. The village head election system has not regulated the existence of village head election supervisory institutions and institutions authorized to receive, process, and decide violations or disputes in village head elections and their handling mechanisms. The authority to receive reports and decide on violations is given to the village head election committee and that is only for reports of campaign violations with sanctions in the form of administrative sanctions and not regulated for other stages.

Table 1. The Weaknesses of Implementing Village Head Elections from Normative Design Indicators

<table>
<thead>
<tr>
<th>The Weaknesses</th>
<th>Impact</th>
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<tbody>
<tr>
<td>There are no rules regarding sanctions for serious crimes in village head elections</td>
<td>Alleged violations in the form of serious election crimes cannot be processed or followed up</td>
</tr>
<tr>
<td>The absence of rules regarding the standard mechanism for reporting alleged violations of village head elections</td>
<td>The procedure for reporting alleged violations is very likely to differ between one village head election committee and another</td>
</tr>
<tr>
<td>There are no rules regarding the standard mechanism for handling reports of alleged violations of village head elections</td>
<td>The procedure for handling reports of alleged violations is very likely to differ between one village head election committee and another</td>
</tr>
<tr>
<td>There are no rules regarding dispute resolution mechanisms for the village head election process</td>
<td>Prospective lurah (village head) candidates cannot exercise their right to seek justice in their candidacy for village head elections</td>
</tr>
<tr>
<td>There are no rules regarding the mechanism for resolving disputes over the results of village head elections through the judiciary</td>
<td>Disputes over the results of the village head election have no legal force and have the potential to be sued by the lurah candidate (village head), the integrity of the village head election results has the potential to be questioned by the community</td>
</tr>
<tr>
<td>Supervision has not been regulated as a major aspect in the implementation of village head elections</td>
<td>The response of the village head election committee to reports of alleged violations from the community was slow, not even followed up. The community is passive in participating in the village head election</td>
</tr>
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</table>

Sources: Results of key informant interviews in the 2021 Sleman village head election, on October 31, 2021.

Electoral Justice System Performance Indicators in Village Head Elections

IDEA International defines the use of these performance indicators as an attempt to attempt to gather information to evaluate the operation of the system and assess whether it meets the objectives set out in its normative design, measures its efficiency (cost, quality, deadlines), and its effectiveness (compliance and compliance) and compliance with international standards (Cantu et al., 2021). In general, the normative design of the village head election system still contains several weaknesses. This certainly has a significant impact on the performance of the village head election system itself.

To measure the efficiency aspect of an electoral system, IDEA has formulated several indicators, namely the use of the justice system, the use of legal remedies, the number of cases received, the number of cases received and resolved, and the time frame for completion (Cantu et al., 2021). The results of the study indicate that the lack of rules regarding forms of violations as well as procedures for the mechanism for receiving reports and resolving reports of violations and disputes over village head elections, both process disputes and disputes over village head elections result in the efficiency of the village head election system being unable to be measured. The number of reports received and processed by the village head election committee was minimal, there were even committees that did not receive reports of alleged violations or disputes at all during the village head election stages. On the other hand, there are village head candidates who assess the village head election
system and still cannot fulfill the sense of justice for the candidates.

Meanwhile, to measure the effectiveness of the electoral system, IDEA has formulated several indicators, namely compliance with regulations, accessibility of the parties involved, and a transparent settlement process. The weak regulation of the village head election system has an impact on the ineffectiveness of the realization of the principle of holding honest and fair village head elections (honest and fair). This condition resulted in the village head election committee only working in the dimension of the absence of mechanisms for candidates and the community to achieve justice and certainty as well as limited access, both access to report alleged violations or disputes as well as access to monitor and monitor the performance of the village head election committee in following up on reports of violations or disputes that have been reported.

The last aspect that needs to be looked at to evaluate the performance indicators of the electoral system is the aspect of compliance with international standards in a democratic election. In 2014, IDEA International has issued 20 (twenty) international standards for a democratic election to see whether an electoral system can be relied on to realize a free and fair election or not. The 3 (three) of the 20 (twenty) indicators are the right and opportunity to participate in public affairs, the right and opportunity to be elected, and the right to an effective remedy (Tuccinardi et al., 2014).

When it comes to village head election regulations, based on the results of literature searches and research results, it is known that the village head election system has not yet adopted the three international standards. The absence of these three international standards results in the absence of a dispute resolution mechanism for the village head election process if there are prospective candidates who question their failure in the selection process for village head candidates and the absence of a dispute resolution mechanism for village head election results that have legal certainty based on the decisions of the judiciary to provide a sense of justice to the villagers. seekers of justice on the results of the village head elections that have been determined. According to Eklit & Reynolds (2005) and the Institute for Social Economic Information Education (LP3ES) that the standard for an election or election dispute resolution mechanism is one measuring tool to see the quality of an election or election (Delmana et al., 2019).

Based on the description in this study, the researcher concludes that the village head election system implemented in Sleman Regency in particular and Indonesia, in general, has not been implemented honestly and fairly by the principles of elections or democratic elections. This can be seen from several weaknesses contained in the normative indicators and performance indicators of the village head election system regulated in the Village Law and other related regulations at this time.

Rearranging the Electoral Justice System in the Election of Village Heads

Conceptually, the direct election of a village head is expected to obtain a candidate for a village head who is truly qualified and by the expectations of the community given the heavy burden or duty of a village head as a public official. Saidah, et al. (2018) state that: "the village head is the main organizer and person in charge of government, development, community and general government affairs, including fostering public peace and order" (Saidah et al., 2018).

Within the framework of governance, the existence of village government is certainly part of the national government system in the context of realizing regional reform. Djohan (2008) states that: "the main objective of regional reform according to Law 23/2014 is to accelerate people's welfare through improving services, empowerment and community participation, increasing regional competitiveness by taking into account the principles of governance, justice, privilege and specificity, increasing efficiency and effectiveness by taking into account inter-governmental and inter-regional government structures, regional potential, and globalization" (Raharjo, 2020). The existence of village government itself is very much needed, especially in the implementation of regional autonomy and village autonomy in Indonesia.

Jimmy Asshidiqie stated that the village head is one of 10 (ten) public officials elected through the direct election system (Asshidiqie, 2015). Given his position as a
public official, the village head election system must be able to guarantee the right of every citizen to vote and be elected to public office. Seeing the development of the democratic system today, the regulation of a very simple village head election system is no longer relevant and needs to be improved in the future. This effort is nothing but intended so that the village head election system can ensure the achievement of direct village head elections and is carried out directly, publicly, freely, confidentially and honestly, and fairly.

When it comes to legal goals, Gustav Radbruch (1975) through the theory of 3 (three) basic legal values states that the most important thing about law is to realize justice, benefit, and legal certainty (Andrianito, 2020). The existence of the Village Law and other related regulations as a legal reference for the implementation of village head elections is certainly expected to be able to achieve the legal objectives, namely to provide justice, benefit, and legal certainty for the community over the implementation of village head elections. Justice can be interpreted as a balance or a state of balance and equality and there is no discrimination in any form (Sagama, 2016). Benefit can be defined as happiness. A good law is a law that gives happiness to as many people as possible (Moho, 2019). Meanwhile, legal certainty leads to the application of clear, permanent, and consistent laws whose implementation cannot be influenced by subjective things (Julyano & Sulistyawan, 2019).

Based on these considerations, the researcher considers that it is necessary to rearrange the village head election rules contained in the Village Law and other related regulations through an electoral justice system model approach. In particular, the refinement of the rules to overcome several weaknesses contained in the normative indicators and performance indicators of the current village head election system. It is deemed necessary to regulate the election of village heads for the next village head to regulate sanctions for forms of serious violations in village head elections, including criminal sanctions, reporting mechanisms and handling alleged violations, dispute mechanisms for the process and results of village head elections with legal certainty, as well as segregation of duties and the authority between implementing agencies and village head election supervisors learns from the effectiveness of holding elections in the country so far. Through this reorganization of the village head election regulation, it is hoped that in the future there will be no more parties who feel they have not been treated fairly in the nomination process, ease of access and community monitoring of any reports of alleged violations submitted to the village head election committee, the certainty of the timing of handling reports of violations, law enforcement for village head elections that are fair and with legal certainty as well as the availability of media for candidates to seek justice for each determined village head election result. Through the tightening of village head election arrangements, it is hoped that the implementation of the upcoming village head elections can run according to the principles of direct, general, free, confidential and honest, and fair as well as being able to present quality elected village head candidates and by community expectations.

Optimization of Law Enforcement for Village Head Elections Through Restorative Justice

The results also show, that to encourage the effectiveness of law enforcement for village head elections, in the future, the majority of respondents suggested the need for efforts to resolve any alleged violations of village head elections through a consensus deliberation process. Deliberation and consensus need to be carried out before the law enforcement process ends in the realm of the court. According to the researcher, this proposal is very important, considering that deliberation and consensus are one of the cultures and forms of democracy that developed in the village, long before the independence period and need to be preserved. According to Mohammad Hatta, the existence of a forum to carry out a consensus deliberation process is one of the characteristics of democracy in the village (Mustofa, 2019).

When referring to the current legal development model, the spirit of resolving legal problems in the community through consensus deliberation has given birth to a model of law enforcement approach termed restorative justice. Several observers and practitioners of international law assess that the restorative justice movement was introduced in the 1970s with the emergence of the concept of law enforcement through mediation between
victims and perpetrators of violations. Furthermore, the concept of restorative justice as an alternative model of law enforcement is increasingly popular and has become a subject of discussion among observers and legal practitioners around the world from the 1990s to the present (Gavrielides, 2019).

One of the originators of the theory of restorative justice, Howard Zehr, stated that crime is a violation of people and relationships (Ness & Strong, 2015). Therefore, justice must be related to victims, perpetrators, and the community in seeking a common solution that can provide improvement in the situation, reconciliation, and certainty. This thinking has also begun to shift the approach to punishment in the criminal justice system which is not only focused on the perpetrators of crimes but also considers aspects of the interests or needs of the victims and the community.

A similar view was conveyed by Bagir Manan (2015) who assessed that the substance of restorative justice consists of several principles, including building joint participation between perpetrators, victims, and community groups to resolve a criminal law event. Perpetrators, victims, and the community work together and immediately try to find a solution that is considered fair for all parties (Syahrin, 2018).

Ness and Strong (2015) formulate 3 (three) basic conceptions in the implementation of restorative justice, namely the conception of the meeting, the conception of reparative, and the conception of transformation. The concept of a meeting is defined as a meeting of stakeholders, whether victims, perpetrators, or other parties to discuss or discuss the problems of the crime that occurred and formulate what steps should be taken in the future. The concept of reparative is interpreted as an effort to improve the condition of the aggrieved, especially the victim. Meanwhile, the concept of transformation is interpreted as an effort to repair social relations damaged by crimes that have occurred at various social levels (Ness & Strong, 2015).

In the dynamics of law enforcement in Indonesia, law enforcement through a restorative justice approach is nothing new. The judiciary in the country has begun to apply the principles of restorative justice in handling legal cases since 2009 but has not been maximized. The application of this restorative justice model is aimed at resolving cases of minor crimes, cases of women dealing with the law, children's causes, and narcotics cases. In addition to the judiciary, the principle of restorative justice has also begun to be applied in the process of investigation and investigation by the Indonesian National Police (Polri) for certain cases related to criminal violations of the Law on Information and Electronic Transactions (ITE) and the prosecutor's office in prosecuting cases certain cases with several conditions.

As an effort to streamline law enforcement in handling violations of village head elections, especially criminal violations, the respondents’ suggestions in this study can be accommodated through the application of restorative justice in the application of law enforcement for village head elections in the future. Researchers are of the view that the establishment of a mechanism or procedure for resolving criminal violations of village head elections can refer to the experience of law enforcement officials, especially judicial bodies in applying the principles of restorative justice in resolving criminal cases of children, drugs or women in conflict with the law. The output of joint decisions between various parties, both perpetrators, victims, communities, and related parties can be stated in the form of court decisions so that the decisions issued are truly accountable, have legal certainty, and have legal force, considering the position of the judiciary which is currently believed to be the granting institution, justice.

CONCLUSION

Based on the description above, the researcher concludes that the implementation of village head elections in Sleman Regency in particular and Indonesia, in general, has not been carried out honestly and fairly based on the principles of elections or democratic elections according to the indicators of the electoral justice system or elections that have been set by IDEA International, especially for design indicators. normative and performance indicators of the village head election system regulated in the Village Law and other related regulations regarding village head elections. The normative design of justice in village head elections has not been comprehensively regulated and is still simple, there are no
sanctions rules for serious crimes in elections, there is no standard procedure or mechanism for reporting and handling reports of alleged violations, and there is no dispute mechanism in the election process in the election process. Nominations, the absence of a judicial mechanism in deciding disputes over election results, as well as the lack of optimal supervision aspects because they have not received major attention in the implementation of village head elections. Weak regulation in this normative design has an impact on the difficulty of measuring the performance of the electoral justice system or the election of the village head election itself, not least in terms of efficiency and effectiveness. The village head election committee only works in the dimension of the absence of mechanisms for candidates and the community to achieve justice and certainty as well as limited access, both access to report alleged violations or disputes as well as access to monitor and monitor the performance of the village head election committee in following up reports of violations or disputes that have arisen. Has been reported. Meanwhile, in terms of compliance with international standards regarding elections or democratic elections, the village head election system has not adopted or regulated 3 (three) of the 20 (twenty) indicators of democratic elections or elections as compiled by IDEA International, namely arrangements related to rights and opportunities. Every citizen to participate in public affairs, the right and opportunity to be elected, as well as the right to an effective remedy by providing a legal justice-seeking mechanism for the parties involved.

To improve the rules for selecting village heads in the future, the researcher considers it necessary to rearrange the village head election rules contained in the Village Law and other related regulations through an electoral justice system model approach. In particular, the refinement of the rules to address several weaknesses contained in the normative design indicators and performance indicators of the current village head election system. Meanwhile, to strengthen the law enforcement process, especially in criminal matters, researchers assess the need to develop the application of restorative justice in the application of law enforcement for village head elections in the future by referring to the experience of law enforcement officials, especially judicial bodies in applying the principles of restorative justice in the settlement of criminal cases during This process is ultimately outlined in the form of a court decision so that it has legal certainty and has legal force.

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Arjuna Al Ichsan Siregar, Fandi Ahmad F & Indra Firmansyah, Rearranging the Village Head Election Justice System Based on the Electoral Justice System and Restorative Justice