

## **Position Rights and Functions of the General Election Supervisory Agency in Making an Accountable General Election**

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**Abstract:** This study aims to identify and discover the Nature of Position, Effectiveness and Factors that affect the duties and functions of the General Election Supervisory Agency in realizing Accountable General Election in the Indonesian constitutional system. The research approach is statutory and conceptual. This type of Normative-Empirical research, namely literature review, primary and secondary legal materials, and field observations through respondents. Location of research by the General Election Supervisory Agency of South Sulawesi Province. The research population of the Provincial Election Supervisory Agency and Regency/Municipal Election Supervisory Agency in South Sulawesi, Provincial General Election Commission and Regency/City General Election Commission in South Sulawesi, Political Party Management in the South Sulawesi region, Election law enforcers, Election law practitioners, Civil Society Organizations of Election activists in South Sulawesi, Academics and Society. Respondents were determined as many as fifty people. Data collection was carried out through questionnaires and interviews. The data were analyzed using a qualitative approach.

**Keywords:** General Election , General Election Supervisory Agency, Accountable General Election.

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### **I. INTRODUCTION**

The reality of Indonesia's post-Reform democracy has made many changes. One of the significant steps included making democracy the direction of the country's goals by amending the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution). In the vulnerable time since 1999-2002, there was four times the Amendment to the 1945 Constitution which has changed the Indonesian political system. Especially in terms of General Elections, including limiting the periodization of the President's term of office, Presidential Election from the Representative System by the People's Consultative Assembly be a direct election by the people, and the election is held by a General Election Commission that is permanent and independent.<sup>1</sup>

The election is the implementation of democracy to realize people's sovereignty, is a means of making political decisions through competition to win people's votes, so democratic elections are an indispensable element (*conditio sine qua non*) in democracy.<sup>2</sup> Therefore, Elections are crucial and strategic for the life of the nation and the realization of democracy.<sup>3</sup>

Prevention, supervision, and law enforcement are supervisory functions carried out by the General Election Supervisory Agency. The General Election Supervisory Agency is expected to prevent violations, ensure that violations do not occur, and enforce the law in the event of Election violations at every stage of the Election implementation process.

The existence of election organizers as based on Article 22E section (1) of the 1945 Constitution, regulates that "*General elections are conducted in a direct, public, free, secret, honest, and fair manner once every five years*". The holding of elections that are free and that are held regularly is the main criterion for democracy. Democratic elections can only be realized if the election organizer has high integrity and

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<sup>1</sup>Ansori, A. (2017). Legalitas Hukum Komisi Pemilihan Umum Daerah dalam Menyelenggarakan Pilkada. *Jurnal Konstitusi, Mahkamah Konstitusi RI*, 14(3), pp. 553-572.

<sup>2</sup>Sweinstani, M. K. D. & Idris, K. (2019). *Mengenal Demokrasi dan Politik untuk Pemula*. Jakarta: Esensi.

<sup>3</sup>Yamin, I., et al. (2020). *Indeks Kerawanan Pemilu 2019*. Jakarta: Badan Pengawas Pemilihan Umum Republik Indonesia, p. 251.

understands and respects citizens' civil and political rights. Weak election administrators have the potential to hinder the realization of quality elections.<sup>4</sup>

The election is an arena to accommodate prospective leaders in the executive and legislative circles in political contestation. The candidate for leadership must obtain legitimacy based on the choice and transfer of the social and political rights of the community itself.<sup>5</sup>

One of the essential factors for the success of the implementation of the Election lies in the readiness and professionalism of the Election Administrators themselves, namely the General Election Commission, the General Election Supervisory Agency, and the Election Organizer Honorary Council as an integral part of the Election administration.

These three institutions have been mandated by law to hold elections according to their respective functions, duties, and authorities.<sup>6</sup> Based on Article 1 number 7 of Law of the Republic of Indonesia Number 7 of 2017 on General Election (hereinafter referred to as Law No. 7 of 2017), explains that:

*"The Election Organizer is an institution that organizes the Election which consists of the General Election Commission, the General Election Supervisory Agency, and the Election Organizer Honorary Council as an integral function of the Election Administration to elect members of the House of Representatives, members of the Regional Representative Council, the President and Vice President, and to elect members of the Regional People's Representative Assembly directly by the people."*

As an institution for organizing elections in Indonesia, the General Election Supervisory Agency must be given the task and authority to ensure the implementation of elections under the principles and principles of honest, fair, accountable, legal, and just elections. In addition, the General Election Supervisory Agency is also expected to enforce the law so that the process of handling violations is carried out<sup>7</sup> and professional dispute resolution and conducted with integrity. Because elections with integrity are determined by process and outcome, the integrity of election administrators is also often cited as an indicator of the success of an election.

## **II. STATEMENT OF THE PROBLEM**

1. What is the essence of the position and function of the General Election Supervisory Agency in realizing an accountable General Election in the Indonesian State Administration System?
2. How is the effectiveness of the duties and functions of the General Election Supervisory Agency in realizing an accountable General Election in the Indonesian Constitutional System?
3. What factors affect the effectiveness of the duties and functions of the General Election Supervisory Agency in realizing accountable General Elections in the Indonesian Constitutional System?

## **III. THEORETICAL FRAMEWORK**

### **A. Theoretical Basis**

#### **1. Theory of Sovereignty**

Sovereignty is the highest concept of power in a country. Jimly Asshiddiqie argues that in terms of who is sovereign, there are several theories or teachings known in law, namely:<sup>8</sup>

- a. Theory of God's Sovereignty;
- b. Theory of King Sovereignty;
- c. Theory of State Sovereignty; and
- d. Theory of People's Sovereignty.

In the context of people's sovereignty, there are two things that must be distinguished, namely sovereignty that is still in the hands of the people and sovereignty that has been delegated to or exercised within the framework of the Constitution.<sup>9</sup>

#### **2. Election Theory**

The election is a reflection of the democratic system. By conducting elections, it is considered to be able to voice the authentic voice of the people.<sup>10</sup> In democratic countries, general elections provide opportunities for the

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<sup>4</sup>Sardini, N. H. (2011). *Restorasi Penyelenggaraan Pemilu di Indonesia*. Yogyakarta: Fajar Media Press, p. 23.

<sup>5</sup>Simamora, J. (2014). Menyongsong Rezim Pemilu Serentak. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional, Kementerian Hukum dan Hak Asasi Manusia RI*, 3(1), pp. 1-18.

<sup>6</sup>Gaffar, A. (2010). *Politik Indonesia: Transisi Menuju Demokrasi*. Yogyakarta: Pustaka Pelajar, p. 65.

<sup>7</sup>Surbakti, R., Supriyanto, D., & Santoso, T. (2011). *Penanganan Pelanggaran Pemilu*. Jakarta: Kemitraan bagi Pembaruan Tata Pemerintahan.

<sup>8</sup>Asshiddiqie, J. (2004). *Format Kelembagaan Negara dan Pergeseran Kekuasaan dalam UUD 1945*. Yogyakarta: UII Press.

<sup>9</sup>Bo, E. M. (2019). *Teori Negara Hukum dan Kedaulatan Rakyat*. Malang: Setara Press, p. 54.

<sup>10</sup>Almond, G. A. (1956). Comparative Political System. *The Journal of Politics, The University of Chicago Press Journals*, 18(3), pp. 391-409.

people to participate in influencing government policies and the prevailing political system because voting during general elections is a form of popular political participation.<sup>11</sup>

### **3. Function Theory**

Legal culture is the human attitude towards law and the legal system. In other words, the social mindset and social forces determine how the law is used, avoided, or abused. There are attitudes and opinions about law, values, and attitudes shaping a great deal of diversity towards law.

With the formation of laws and regulations, the three legal sub-systems are related. Because it is viewed in terms of its constituents, starting from design to legalization and enforcement are activities of the structure of the legal system.

The substance to be formed is based on a higher regulation that existed earlier, and the result will be part of the substance of the law itself, which is an activity of the legal system.<sup>12</sup>

### **4. Supervision Theory**

According to George R. Terry, that:<sup>13</sup>

*“Supervision is a determinant of what the organizers have implemented. Meaning evaluating work performance and, if necessary, implementing corrective actions so that the work results are under the predetermined plan.”*

According to T. Hani Handoko, that:<sup>14</sup>

*“Supervision is a process to ensure that the organization's goals and management are achieved where there is a very close relationship between planning and supervision.”*

According to Siagian, that:<sup>15</sup>

*“Supervision is meant by observation rather than implementing all organizational activities to ensure that all work being carried out runs according to a predetermined plan.”*

Election Supervision by the General Election Supervisory Agency aims to detect potential election vulnerabilities, prevent violations, and ensure that violations do not occur. This condition can be achieved through close supervision, taking action against violations that have occurred, and resolving disputes in organizing the election stages. Likewise, if it is connected with management theory, the General Election Supervisory Agency as an organization in which some people work together to achieve goals, make sure all the stages go well, make corrections for any mistakes and irregularities that occur, as well as recommending the imposition of sanctions under the provisions of laws and regulations for any violators of the electoral process.

### **5. Authority Theory**

According to Philipus M. Hadjon, that:<sup>16</sup>

*“Authority (bevoegdheid) is described as the rule of law (rechtsmacht). So in the concept of public law, authority is related to power.”*

According to Tonner, that:<sup>17</sup>

*“Overheidsbevoegdheid wordt in dit verband opgevat als het vermogen om positief recht vast te stellen en aldus rechtsbetrekkingen tussen burgers onderling en tussen overheid en te scheppen (Government authority in this regard is considered the ability to implement positive law, and with so can be created a legal relationship between the government and the state-citizen).”*

### **6. Effectiveness Theory**

Effectiveness means the effectiveness of the effect of success or efficacy. Discussing the effectiveness of the law is undoubtedly inseparable from analyzing the characteristics of the two related variables, namely the characteristics of the target object used.<sup>18</sup> In order to know the extent to which the effectiveness of the law is manifested, we must first be able to measure the extent to which these legal rules are obeyed or not obeyed. If

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<sup>11</sup>Sastroatmodjo, S. (2005). *Perilaku Politik*. Semarang: Institut Keguruan dan Ilmu Pendidikan (IKIP) Semarang Press, p. 7.

<sup>12</sup>Negara, E. J. T. (2006). *Pemikiran untuk Demokrasi dan Negara Hukum, Prinsip Keadilan, dan Feminisme*. Jakarta: Pusat Studi Hukum Tata Negara Fakultas Hukum Universitas Indonesia, p. 4.

<sup>13</sup>Terry, G. R. (2012). *Prinsip-Prinsip Manajemen*. Jakarta: Bumi Aksara, p. 123.

<sup>14</sup>Handoko, T. H. (2001). *Manajemen Personalita dan Sumberdaya Manusia*. Yogyakarta: Liberty, p. 4.

<sup>15</sup>Siagian, S. P. (2001). *Manajemen Sumber Daya Manusia*. Jakarta: Djambatan.

<sup>16</sup>Hadjon, P. M. (1997). *Tentang Wewenang*. *Yuridika, Universitas Airlangga*, 7(5 & 6), pp. 1-8.

<sup>17</sup>R., R. H. (2018). *Hukum Administrasi Negara*. Jakarta: PT. Raja Grafindo Persada.

<sup>18</sup>Arief, B. N. (2013). *Kapita Selekta Hukum Pidana*. Bandung: PT. Citra Aditya Bakti, p. 67.

the rule of law is obeyed by most of the targets that are the target of obedience, it will be said that the legal rule concerned is effective.<sup>19</sup>

## **B. General Election Law Principles**

### **1. Direct (*Rechtstreekse*)**

In the Appendix to Law No. 15 of 1969, voters have the right to directly cast their votes, according to their conscience, without intermediaries and rank. Therefore, the direct principle in elections is one of the essential preferences that confirms democracy as a political system.<sup>20</sup>

### **2. General (*Algemene*)**

Generally, all citizens who meet the minimum age requirements, which are 17 years of age or have been married, have the right to vote in general elections. Citizens who are 21 years old are entitled to be elected.<sup>21</sup>

### **3. Independent (*Vrije*)**

In a democracy, freedom is a fundamental and foremost principle. The principle of freedom occupies a central position when linked to elections to change power in a democracy.<sup>22</sup> With elections, power can change regularly and in an orderly manner so that all citizens are given the freedom to choose and be elected without intervention and pressure from anyone. The expression of freedom in democracy has indeed culminated in the election that is freedom (*vrij*). Every citizen freely and responsibly makes choices in elections.

### **4. Secret (*Vertrouwelijk*)**

Secret means that in casting their vote, voters are guaranteed that their choice will not be known by any party and by any means. Voters cast their votes on the ballot paper without being known by others to whom the vote was cast. This secret principle no longer applies to voters who have left the polling stations and voluntarily are willing to disclose their choice to any party.<sup>23</sup>

### **5. Honest (*Eerlijk*)**

This honest behavior relates to the administration of elections in general, especially the election organizers who honestly determine the neutrality of the election administration and do not favor any party. Various parties must carry out honesty to obtain good election results and be accepted by all parties. Honesty is an ethical attitude and moral attitude shown by unscrupulous behavior not to harm others.<sup>24</sup>

### **6. Fair (*Rechtvaardig*)**

Fair has two meanings, namely fair as a moral attitude and just because of a legal command. Fair as a moral attitude refers to the principles inherent in the individual and the obligations that others want. On the one hand, inherent fairness in a person, but on the other hand, fair is also the obligation to act to other people.

## **IV. DISCUSSION**

### **A. The Essence of the Position and Function of the General Election Supervisory Agency in Realizing an Accountable General Election**

#### **1. Basis for the Establishment of the General Election Supervisory Agency**

Based on Article 22E section (5) of the 1945 Constitution, regulates that “*The general elections are organized by a general election commission which is national, permanent, and independent*”. Based on the Decision of the Constitutional Court No. 11/PUU-VIII/2010, which was read out on March 17, 2010, the meaning of “a General Election Commission” in Article 22E section (5) does not mean a specific election management institution. Instead, it shows the function of organizing national, permanent, and independent elections. It is open for legislators to form the General Election Commission, the General Election Supervisory Agency, and the Election Organizer Honorary Council as a unitary function of the election administration.

#### **2. Position and Function of the General Election Supervisory Agency in the Indonesian State Administration System**

To explore the duties and powers of the General Election Supervisory Agency as an independent state institution as outlined above, we can see the functions of the General Election Supervisory Agency as follows:

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<sup>19</sup>S., S. H. & Nurbani, E. S. (2013). *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*. Jakarta: PT. Raja Grafindo Persada, p. 375.

<sup>20</sup>Jurdi, F. (2018). *Pengantar Hukum Pemilihan Umum*. Jakarta: Kencana Prenada Media Group, p. 29.

<sup>21</sup>*Ibid.*, p. 29.

<sup>22</sup>Winardi, W. (2010). Menyoal Independensi dan Profesionalitas Komisi Pemilihan Umum Daerah dalam Penyelenggaraan Pemilu Kepala Daerah. *Jurnal Konstitusi, Mahkamah Konstitusi RI*, 3(2), pp. 51-84.

<sup>23</sup>Jurdi, F. (2018). *Op. Cit.*, p. 31.

<sup>24</sup>Izzaty, R. & Nugraha, X. (2019). Perwujudan Pemilu yang Luber Jurdil melalui Validitas Daftar Pemilih Tetap. *Jurnal Suara Hukum, Universitas Negeri Surabaya*, 1(2), pp. 155-171.

**a. Position and Function as Election Supervisor**

The General Election Supervisory Agency was specially formed to oversee the implementation of Elections in Indonesia. Supervision in a broad sense includes preventive and repressive. Even in theory, it is also known as supervision, namely preemptive (initial efforts to prevent violations). In general, the General Election Supervisory Agency, in overseeing the implementation of the Election, has made various efforts, including initial efforts such as preparing technical regulations governing supervision mechanisms including prevention and direct supervision. Furthermore, take action or suppress all forms of violations that have occurred during the process or stages that include administrative violations, violations of the code of ethics, criminal offenses, and other violations of the law relating to the implementation of the Election.

The authority of the General Election Supervisory Agency to supervise the implementation of elections is as stated in Article 89 section (1) and section (2) of Law No. 7 of 2017, regulates that:

- (1) The General Election Supervisory Agency shall supervise the Election.
- (2) The General Election Supervisory Agency as referred to in section (1) consists of:
  - a. General Election Supervisory Agency;
  - b. Provincial General Election Supervisory Agency;
  - c. Regency/City General Election Supervisory Agency;
  - d. District Election Supervisory Committee;
  - e. Sub-District/Village Election Supervisory Committee;
  - f. Abroad Election Supervisory Committee; and
  - g. Voting Place Supervisor.

**b. Position and Function as Enforcer of the Election Law**

The authority of the General Election Supervisory Agency to handle various forms of election violations and criminal acts as based on Article 93 point b number 1 of Law No. 7 of 2017 regulates that “*to prevent and take action against Election violations*”. Based on Article 94 section (2) of Law No. 7 of 2017 regulates that in taking action against Election violations as referred to in Article 93 point b, the General Election Supervisory Agency is tasked with:

- a. receive, examine, and review suspected Election violations;
- b. investigate suspected Election violations;
- c. determine allegations of Election administration violations, suspected violations of the code of ethics of Election Administrators, and/or suspected election crimes; and
- d. decide on Election administration violations.

Based on Article 95 point a to point c of Law No. 7 of 2017 regulates that the General Election Supervisory Agency is authorized to:

- a. receive and follow up reports relating to suspected violations of the implementation of laws and regulations governing elections;
- b. examine, review, and decide violations of Election administration;
- c. examine, review, and decide violations of money politics;

**3. Position and Function of the General Election Supervisory Agency of South Sulawesi Province in the Implementation of the 2019 General Election**

**a. Position and Function in the Authority to Prevent Potential Election Violations**

1) Inter-Agency Coordination

As for several activities carried out/participated in by the General Election Supervisory Agency of South Sulawesi Province in order to strengthen coordination between institutions, we describe them in the following table:

**Table 1. Activities of the General Election Supervisory Agency of South Sulawesi Province in Strengthening Inter-Institutional Organizations**

No	Type of Activity	Place and Date of Implementation	Participants
1	Campaign Oversight Task Force Coordination Meeting in Mass Media	South Sulawesi Election Supervisory Board Meeting Room, January 24, 2019	General Election Commission of South Sulawesi Province, General Election Supervisory Agency of South Sulawesi Province, Chairman of the South Sulawesi Regional Indonesian Broadcasting Commission
2	Signing of the Joint Decree on Supervision	Claro Hotel Makassar, March 16, 2019	Chairman of the South Sulawesi Regional Indonesian Broadcasting

	and Monitoring, News, Broadcasting and Advertising for the 2019 Election Campaign		Commission, Chairman of the General Election Commission of South Sulawesi, South Sulawesi Election Supervisory Agency
3	The 2019 Election Stages Supervision Evaluation Meeting	South Sulawesi Election Supervisory Board Meeting Room, October 5, 2018	Leaders of Political Parties, NGOs and Media.

Source: *Secondary Data Processed, 2020*

2) Center for Community Participatory Monitoring

Participatory supervision is an effort to involve all elements of society in election supervision activities to support the ideas and activities of supervision, including public participation in the form of reports or challenges to the ongoing election process implementation stages. Community participatory supervision is expected to function in the quality of election supervision, not just participate in channeling their votes in polling stations.

The prevention of election violations and disputes has been regulated in Article 94 section (1), Article 98 section (1), and Article 102 section (1) of Law No. 7 of 2017.

3) Socialization of Legal Products

The General Election Supervisory Agency of South Sulawesi Province fully understands that this institution cannot run independently without the support and cooperation of various parties. Participation from external elements can positively impact the supervisory work carried out by the General Election Supervisory Agency of South Sulawesi Province. Selecting strategic partners who can contribute ideas and thoughts is a step taken by the South Sulawesi Election Supervisory Agency to strengthen the monitoring strategy that will be implemented.

**b. Position and Function in the Authority to Implement Direct Election Supervision**

**1) Supervision of Voter Data Stages as a Guarantee for the Right to Vote for Citizens in Elections**

The right to vote for citizens in elections is regulated in Article 1 section (2), Article 6A section (1), Article 19 section (1), and Article 22C section (1) of the 1945 Constitution. This provision shows a constitutional guarantee attached to every citizen to be able to use their voting rights. Therefore, all laws and regulations on general election must provide for the management and administration of elections that provide accurate voter lists.

**2) Supervision of Political Party Verification Stages**

In the implementation of the 2019 General Election Stages, the registration stages of political parties participating in the election are preceded by verification of political parties based on General Election Commission Regulation.

The verification stage for the 2019 Election Contesting Political Parties starts from 3 September 2017 to 20 February 2018. General Election Commission Regulation No. 10 of 2019 regulates that political parties designated as participants in the 2014 Election must still undergo Factual Verification to qualify for the 2019 Election.

**3) Supervision of the Nomination Stages of Candidates for Members of the Regional People's Representative Assembly**

General Election Commission of South Sulawesi Province has established a Permanent Candidate List for the South Sulawesi DPRD in the 2019 Election. There are recorded 1,201 competing for 85 seats in the Regional People's Representative Assembly for the 2019-2024 period. Four prospective legislative candidates have resigned. There are two candidates from the Prosperous Justice Party and one from the Hanura Party and the Democratic Party.

The position and function of the General Election Supervisory Agency in supervising the General Election Commission has been regulated in Article 239, Article 251, and Article 269 of Law No. 7 of 2017.

**4) Supervision of the Stages of Procurement and Distribution of Vote Count Equipment**

To ensure the implementation of the principle of accountability in the procurement and distribution process of voting equipment and completeness, especially in terms of quality accuracy, quantity accuracy, and timeliness of procurement and distribution.

The position and function of the General Election Supervisory Agency in supervising the General Election Commission regarding the procurement and distribution of voting instruments has been regulated in Article 346 of Law No. 7 of 2017.

**5) Supervision of Campaign Stages**

Based on Article 1 number 35 of Law No. 7 of 2017, explains that:

*“Election Campaigns are the activities of Election Contestants or other parties appointed by Election Contestants to convince voters by offering the vision, mission, programs and/or self-image of the Election Contestants.”*

Based on Article 267 section (1) of Law No. 7 of 2017, regulates that *“the Election Campaign is part of the political education of the community and is carried out responsibly”*.

Potential violations during the campaign period can be in the form of money politics, black campaigns, exploitation of state facilities, mobilization of state civil servants or village officials, campaigns outside of the schedule, campaigns involving children, installation of campaign tools that are not under the rules, campaigns using places of worship, educational institutions, and government offices, as well as the neutrality of the Indonesian National Armed Forces, the National Police, and other things that can threaten the holding of a fair election.

#### **6) Quiet Period Monitoring**

Particularly for the supervision of the quiet period on April 14-16, 2019, the General Election Supervisory Agency of South Sulawesi Province coordinates with the General Election Commission of South Sulawesi Province to ensure that all campaign activities are no longer carried out. The coordination in question resulted in an understanding, including the issuance of a Joint Circular dated April 8, 2019, with number: 0078/K/SN/PM.04/IV/2019 on instructions for monitoring and controlling APK simultaneously during the calm period to the Regency and City levels.

#### **7) Money Politics Supervision**

According to Burhanuddin Muhtadi, that:<sup>25</sup>

*“In general, money politics can be understood as electoral mobilization by giving money, gifts, or goods to voters to be cast in the election.”*

According to David Estlund, that:<sup>26</sup>

*“Money politics is also sometimes referred to as electoral corruption because money politics is a fraudulent act in General Elections, essentially the same as corruption.”*

According to Joshua Dressler, that:<sup>27</sup>

*“Electoral corruption concern the illegal pursuit or misuse of public office. Electoral corruption includes purchasing votes with money, promises of office or special favors, coercion, intimidation, and other forms.”*

### **B. The Effectiveness of the Duties and Functions of the General Election Supervisory Agency in Realizing an Accountable General Election in the Indonesian Constitutional System**

From the results of data analysis related to the effectiveness of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 2. Effectiveness of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	16	32,00%
2	Less Effective	24	46,00%
3	Not Effective	10	20,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that the effectiveness of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System is less effective.

<sup>25</sup>Muhtadi, B. (2019). Politik Uang dan New Normal dalam Pemilu Paska-Orde Baru. *Integritas: Jurnal Antikorupsi, Komisi Pemberantasan Korupsi*, 5(1), p. 57.

<sup>26</sup>Estlund, D. (2012). *The Oxford Handbook of Political Philosophy*. New York: Oxford University Press, p. 735.

<sup>27</sup>Satria, H. (2019). Politik Hukum Tindak Pidana Politik Uang dalam Pemilihan Umum di Indonesia. *Integritas: Jurnal Antikorupsi, Komisi Pemberantasan Korupsi*, 5(1), p. 2.

From the results of data analysis related to the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 3. Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Implemented	15	30,00%
2	Poorly Implemented	24	48,00%
3	Not Implemented	11	22,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System is poorly implemented.

Furthermore, from the results of data analysis related to the smooth process of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 4. Smooth Process of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Good Process	14	28,00%
2	Less Good Process	26	52,00%
3	Not Good Process	10	20,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that the smooth process of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System is less going well.

Based on the three results of the table above, it is generally clear that the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System is less effective.

### C. Factors Affecting the Effectiveness of the Duties and Functions of the General Election Supervisory Agency in Realizing an Accountable General Election in the Indonesian Constitutional System

#### 1. Legal Substance Factors

From the results of data analysis related to the effect of legal substance factors on the effectiveness of the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 5. The Effect of Legal Substance Factors on the Effectiveness of the Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	29	56,00%
2	Less Effective	10	20,00%
3	Not Effective	7	14,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that the effect of legal substance factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

The limitation on handling violations and the resolution of election disputes that apply nationally poses challenges in geographically constrained areas. Likewise, the unclear division of authority between the judicial institutions that handle election cases allows the litigants to take legal action against all judicial institutions, prone to creating overlapping decisions and legal uncertainty.

## 2. Legal Structure Factors

### a. Quality Factors

From the results of data analysis related to the effect of the quality factors on the effectiveness of the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 6. The Effect of the Quality Factors on the Effectiveness of the Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	30	60,00%
2	Less Effective	11	22,00%
3	Not Effective	9	18,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that the effect of the quality factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

### b. Quantity Factors

From the results of data analysis related to the effect of the quantity factors on the effectiveness of the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 7. The Effect of the Quantity Factors on the Effectiveness of the Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	31	62,00%
2	Less Effective	12	24,00%
3	Not Effective	7	14,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that the effect of the quantity factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

### c. Formal Education Factors

From the results of data analysis related to the effect of the formal education factors on the effectiveness of the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 8. The Effect of the Formal Education Factors on the Effectiveness of the Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	29	58,00%
2	Less Effective	14	28,00%
3	Not Effective	7	14,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that the effect of the formal education factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

Based on the three results of the table above, it is generally clear that the effect of legal structure factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

### 3. Cultural Factors

#### a. Community Legal Cultural Factors

From the results of data analysis related to the effect of the community legal cultural factors on the effectiveness of the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 9. The Effect of the Community Legal Cultural Factors on the Effectiveness of the Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	28	56,00%
2	Less Effective	20	40,00%
3	Not Effective	2	4,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that the effect of the community legal cultural factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

#### b. Community Habit Factors

From the results of data analysis related to the effect of the community habit factors on the effectiveness of the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 10. The Effect of the Community Habit Factors on the Effectiveness of the Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	27	54,00%
2	Less Effective	20	40,00%
3	Not Effective	3	6,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that the effect of the community habit factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

Based on the two results of the table above, it is generally clear that the effect of cultural factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

#### **4. Legal Awareness Factors**

##### **a. Legal Knowledge Factors**

From the results of data analysis related to the effect of the legal knowledge factors on the effectiveness of the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 11. The Effect of the Legal Knowledge Factors on the Effectiveness of the Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	26	52,00%
2	Less Effective	19	48,00%
3	Not Effective	5	10,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: *Primary Data Processed, 2020*

From the table data above, it is generally clear that the effect of the legal knowledge factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

##### **b. Legal Understanding Factors**

From the results of data analysis related to the effect of the legal understanding factors on the effectiveness of the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 12. The Effect of the Legal Understanding Factors on the Effectiveness of the Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	26	52,00%
2	Less Effective	19	48,00%
3	Not Effective	5	10,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: *Primary Data Processed, 2020*

From the table data above, it is generally clear that the effect of the legal understanding factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

Based on the two results of the table above, it is generally clear that the effect of legal awareness factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System has been effective.

#### **5. Supporting Facilities and Infrastructure Factors**

From the results of data analysis related to the effect of the supporting facilities and infrastructure factors on the effectiveness of the implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System, it can be seen in the following table.

**Table 13. The Effect of the Supporting Facilities and Infrastructure Factors on the Effectiveness of the Implementation of the Duties and Functions of the General Election Supervisory Agency of South Sulawesi Province**

No	Description	Frequency	Percentage
1	Effective	21	42,00%
2	Less Effective	22	44,00%
3	Not Effective	7	14,00%
<b>Total</b>		<b>50</b>	<b>100,00%</b>

Source: Primary Data Processed, 2020

From the table data above, it is generally clear that the effect of the supporting facilities and infrastructure factors on implementing the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System is less effective.

## V. CONCLUSION

1. The essence of the position and function of the General Election Supervisory Agency in realizing an accountable General Election in the Indonesian State Administration System can be seen based on the implementation of the duties and authorities in the 2019 Elections. For example, preventing potential violations, implementing direct stage supervision, handling violations, settlement of the dispute process. Besides, the submission of written statements to the Constitutional Court is supported by the openness of the delivery of information to the public at the end of each implementation of the handling of the Election process.
2. The implementation of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing an accountable General Election in the Indonesian Constitutional System is less effective.
3. Five factors have a significant effect on the effectiveness of the duties and functions of the General Election Supervisory Agency of South Sulawesi Province in realizing accountable General Elections in the Indonesian Constitutional System, namely legal substance factors, legal structure factors, cultural factors, legal awareness factors, and supporting facilities and infrastructure factors.

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