

# Archive Roles in The Election: A Case Study of Election Offences

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DOI: [10.24252/kah.v10i1a9](https://doi.org/10.24252/kah.v10i1a9)

(Submitted: 13-03-2022, Revised: 04-04-2022, Accepted: 28-05-2022)

## ABSTRAK

Pada pemilu serentak tahun 2020 yang dilaksanakan di tengah pandemi covid-19 tetap ada pelanggaran bahkan muncul pelanggaran baru, yaitu pelanggaran protokol kesehatan. Keberadaan dokumen pelanggaran dapat menjadi sebuah arsip yang dapat digunakan sebagai indikator kualitas demokrasi, di samping peran lainnya. Tulisan ini akan menggambarkan peran arsip yang dikaitkan dengan pelanggaran pemilu tahun 2020. Dalam pemilu serentak ini, mayoritas pelanggaran terjadi pada pelanggaran protokol kesehatan, disusul pelanggaran pidana, kemudian pelanggaran administrasi dan kode etik. Adanya pelanggaran pemilu dalam konteks kearsipan akan menjadi sebuah arsip pelanggaran pemilu yang merupakan bagian dari arsip pemilu, dan dapat dikelompokkan menjadi 4 jenis arsip pelanggaran pemilu, yaitu: arsip pelanggaran protokol kesehatan, arsip pelanggaran administrasi, arsip pelanggaran kode etik, dan arsip pelanggaran pidana. Selain itu, peran arsip pelanggaran juga dapat berguna dalam rangka: penyusunan bahan infografis pelanggaran pemilu, bahan perbandingan pelanggaran pemilu, bahan perumusan kebijakan terkait pelanggaran pemilu, dan bahan pemetaan pelanggaran pemilu.

**Kata kunci:** Peran arsip

## ABSTRACT

In 2020, the Simultaneous General Elections were held in many parts of Indonesia even during the Covid-19 outbreak. However, election offenses still occurred and even resulted in a new offense, which was the health protocols offense. The election offense records can be used as an indicator of democracy quality, besides its other roles. This paper will describe the role of archives related to election offenses. The study found that during the simultaneous election, the majority of offenses that occurred were administrative, code of ethics, criminal, and health protocols. The election offenses documents, in the archive context, become an important archive that is part of the election archive and can be grouped into types of election offenses archives, namely: health protocol offense archives, administrative offense archives, code of ethics offense archives, and criminal offenses archives. In addition, the archives can also be useful in the context of compiling infographic materials, comparison data, election policy, and mapping materials for better elections.

**Keywords:** Archive roles

## 1. INTRODUCTION

Archives in the study of political science have a close relationship, although this relationship still needs to be proven, and one of the proofs is by discussing archives and political science. For this reason, it is necessary to discuss the relationship between the two. And, this article will start a discussion of the relationship between them.

In a democratic country, the General Election is an important event in the administration of government. The election is not only a means of achieving power but also a form of participation and evaluation of the citizens of their countries. Furthermore, the elections are also a form of a social contract between the rulers and their people. In the Indonesian context, the General Election, known as *Pemilihan Umum* (Pemilu), is a means of realizing people's sovereignty is carried out directly, publicly, freely, confidentially, honestly, and fairly, as guaranteed by *Pancasila* and the 1945 Constitution. Thus, the elections can become a space for public discussion between voters and those who are elected, as well as an effort to build communication in between, with the hope that the future governments will prioritize the interests of the people and achieve prosperity as the main goal of the nation.

Institutionally, the implementation of the general and the local leaders' elections in Indonesia is organized by three institutions, namely: the General Elections Commission (*Komisi Pemilihan Umum*), the Election Supervisory Agency (*Badan Pengawas Pemilu*), and the Election Organizer Ethics Council (*Dewan Kehormatan Penyelenggara Pemilu*). Meanwhile, at the provinces and districts/cities level, there are only two institutions, namely: the Regional General Elections Commission (*Komisi Pemilihan Umum Daerah*) and the Election Supervisory Agency Province or District/City (*Bawaslu Provinsi* or *Bawaslu Kabupaten Kota*).

Related to the local election, as a democratic process to rotate power based on the public's votes, institutionalize peaceful power struggles, and eternally allow the people to exercise control over public policies... which is based on the interests of the people and power does not run outside its authority (Tjenreng, 2016: 33).

Practically, the simultaneous local leaders' election has been started in 2015, but the year 2020 has witnessed the elections being carried out simultaneously throughout the country, and it was also the first election amid the outbreak of Covid-19. It challenged, and it made Indonesia one of the countries that have not delayed the election. Just like South Korea which successfully held elections on 15<sup>th</sup> April 2020 ([International Institute for Democracy and Electoral Assistance, 2020](#)).

On this basis, the Indonesian Government has rescheduled the simultaneous election for 9<sup>th</sup> December 2020, by issuing the Law of the Republic of Indonesia Number 6 of 2020 concerning the Stipulation of the Government Regulation substituted the Law Number 2 of 2020 concerning the Third Amendment to the Law Number 1 of 2015 concerning the Stipulation of Government Regulations substituted the Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become the Laws.

One of the challenges in holding the elections, including the local leaders' elections, is the existence of election offenses or frauds. In the history of elections, offenses have always occurred, either by individual candidates or political parties. The efforts of the perpetrators of the offenses can be referred to as hacking democracy. It is a way to hijack democracy through various frauds/offenses in the election, and those offenses destroy the principle of *freedom* and *fairness* in the elections. Therefore, various attempts to hijack democracy through elections are not something that is justified by democratic principles, and even they can be a latent threat to the implementation of elections as a pillar of democracy.

Miftakhul Huda in his article "*the Pattern of Local Leaders Elections' Offenses and Expansion of Substantive Justice*" at least mentioned two latent threats of hacking democracy; *firstly*, democracy will be hijacked by those who are anti-democratic. So when they are elected, they will "*burn the bridges and ladders*" to reach the power. *Secondly*, democracy will be hijacked by the riches. So the winners in the elections are those who owned capital and the owners of the capital are themselves.

The Election Law Number 7 of 2017, as contained in the article 94 paragraph 2, describes the prosecution of election offenses which are the tasks of The Election Supervisory Agency (*Bawaslu*), including 1) *Offenses of the organizer's code of ethics is an offense of the ethics of election organizers under the oaths and/or promises before carrying out their duties as election organizers*; 2) *Administrative offenses are offenses of the provisions of the Election Law which are not criminal provisions on elections and other provisions regulated by the General Elections Commission (Komisi Pemilihan Umum)*, and 3) *Administrative offenses include offenses of procedures related to the administration of the election at each stage of the agency election*.

The Election Supervisory Agency (*Bawaslu*) and the Election Supervisory Committee (*Panwaslu*) at every level have a central role in preventing administrative offenses by monitoring and receiving reports from the public. For example, the election offenses occurred in the 2019 elections. There were 21.142 "alleged" election offenses as reported below:

Tabel 1. The numbers of Handling of the 2019 election offenses

<b>Administrative Offenses</b>	<b>Code of Conduct Offenses</b>	<b>Criminal Offenses</b>	<b>Other Offenses</b>	<b>Not Offenses</b>
16.134	373	582	1.475	2.578

Source:

[https://www.bawaslu.go.id/sites/default/files/hasil\\_pengawasan/DATA%20PELANGGARAN%20PEMILU%20TAHUN%202019%204%20NOVEMBER%202019-dikompres.pdf](https://www.bawaslu.go.id/sites/default/files/hasil_pengawasan/DATA%20PELANGGARAN%20PEMILU%20TAHUN%202019%204%20NOVEMBER%202019-dikompres.pdf)

It seems that the most common form of offense is administrative offenses. The forms of such offenses are money politics, the neutrality of civil servants or mobilization of civil servants, abuse of power by using the government budget and facilities, voters' distortion, black campaign, and other offenses. This national data shows various types of election offenses, and the 2020 election has reported a new type of offense which is health protocol offenses due to the election held during the pandemic.

From the administration's point of view, all activities must be properly recorded and documented. This is done as a form of accountability for the use of the state budget. in the context of elections, where the state budget is used for its implementation, it must receive strict supervision. Therefore, *Bawaslu* take the role in preventing election offenses and disputes as stated in Law No. 7 of 2017 concerning the General Elections (*Pemilu*). Referring to Law Number 43 of 2009 concerning Archives, the recording of activities or events in various forms and media in line with the development of information and communication technology made and accepted by state institutions, regional governments, educational institutions, companies, political organizations, social organizations, and individuals in carrying out the life of society, nation and state are called archives. Terry D. Lundgren and Carol A. Lundgren said that an archive can be evidence of an activity or event (Lundgren & Lundgren in Rahmaji, 2017: 84).

The relationship between the archives and the existence of offenses in the election is inevitable. Archives will be able to play a role in election activities, not only in post-election. Because in a series of election activities, archives will always be created (Rahmaji, 2017). Particularly, the 2020 election that occurred in the mids of Covid-19 can be an important event

in the implementation of elections in Indonesia. On that basis, this paper will try to relate the implementation of the simultaneous election with the archives, particularly from the election offenses that occurred in the 2020 election amid the COVID-19. It is hoped that this research will produce a link between politics and archives within the democratic framework.

## **2. SYSTEMATIC LITERATURE REVIEWS**

### ***The Simultaneous Regional Elections***

Referring to [Zubakhrum Tjenreng](#) in his book "*Pemilukada Serentak: Penguatan Demokrasi di Indonesia*" (Simultaneous Regional Elections: Strengthening Democracy in Indonesia), the simultaneous elections can simply be defined as an electoral system that holds several elections at the same time ([Tjenreng, 2016](#)). Furthermore, the book explains about 6 (six) models of simultaneous elections which he also quotes from a study published by LIPI in 2014 (regarding variants of simultaneous elections in Indonesia in the "Position Paper, 2019 Simultaneous National Elections") ([Tjenreng, 2016: 38-39](#)). The 6 (six) models are as follows:

1. Election of seven boxes or wholesale elections, namely simultaneous elections once in five years, including legislative elections, presidential elections, and district leaders elections.
2. Elections are based on clustered concurrent elections, called simultaneous elections for legislative positions.
3. Elections are based on clustered concurrent elections, namely simultaneous elections for legislative positions at one time, followed by elections for executive positions a few months later.
4. Elections are based on the concurrent election with the mid-term election, namely simultaneous elections based on the level of government, which are divided into national and local elections.
5. Simultaneous elections at the national level and followed by simultaneous elections in each province based on an agreement on time or local election cycles in each province.
6. Simultaneous elections for parliament members (provincial and regency/municipal), presidential elections, then at different times simultaneous elections are held for provincial and district/city elections.

[Tjenreng](#) also argues that the District Heads Election (PILKADA) is part of the process of deepening and strengthening democracy as well as efforts to realize good governance. ([Tjenreng, 2016](#)).

### ***The election offenses***

It is stated in [Law Number 8 of 2012](#) concerning the General Election of Members of The House of Representatives (*Dewan Perwakilan Rakyat*), the Regional Representative Council (*Dewan Perwakilan Daerah*), and the Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah*), in Article 250 mentioned that there are three types of offenses in the election, namely: administrative, code of ethics, and criminal offenses. Outside of that, they can be categorized as disputes.

### ***Archive***

The archive is defined as a recording of activities or events in various forms and media by the development of information and communication technology made and accepted by government institutions, regional governments, educational institutions, companies, political organizations, community organizations, and individuals in carrying out social, national and state life. Meanwhile, according to Terry D. Lundgren and Carol A. Lundgren, archives as

evidence of events recorded in a tangible form so that it is possible to find them again (Lundgren & Lundgren in Rahmaji, 2017).

According to Agus Sugiarto and Teguh Wahyono in the book "Modern Archives Management: from Conventional to Computer Base" (2005), an archive has 4 functions, namely: source of memory, decision-making material, proof or legality, and historical reference. Thus, archives as recordings of activities or events (including election activities) have the function and role as material for accountability, history, research, and even as a collective memory of the nation that will be passed on to the next generation. The existence of archives related to elections will be able to become an example of the correctness of the function and role of archives in the life of society, nation, and state (Rahmaji, 2017).

### 3. DISCUSSION

One of the real manifestations of democracy is the election, as well as an important aspect of democracy. The elections also play a procedural role in legitimizing someone in gaining power. Furthermore, elections are also a means of communication between the people and the authorities. And even, electoral activity is a human right that must be protected by the government and documented by the nation.

Citation of Bentham and Boyle in the book "*Indeks Kerawanan Pemilu: Pemilukada Serentak 2020*" (Election Vulnerability Index: Simultaneous Regional Head Election 2020) published by the Election Supervisory Agency (2020) explained, "*Elections demonstrate that political power derives from the people and is held in trust from them; and that it is to the people that politicians must account for their actions*".

From this explanation, elections are only a means of achieving power while still paying attention to what has been entrusted by the people to become leaders. In that book also emphasized the existence of an integrative election, where there is mutual trust between the elected and the voters.

In the context of the 2020 elections, held simultaneously in 261 regencies/cities and 9 provinces, and its implementation during the COVID-19, the various offenses also occurred. Based on the cases, the Election Supervisory Agency (BAWASLU) published the book: *Election Vulnerability Index: Simultaneous Elections 2020*, in which one of the objectives of the book is to prevent potential Offenses at every stage of the general election. In addition, in the 2020 simultaneous elections, a new regulation was issued regarding the election during the pandemic, as well as the regulations as a reference regarding the formal basis for regional election Offenses outside of other Offenses. The regulation is the Law of the Republic of Indonesia Number 6 of 2020 concerning the Stipulation of Government Regulation Substituted the Law Number 2 of 2020 concerning the Third Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation Substituted the Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become Laws.

#### **Overview of the offenses of the 2020 Simultaneous Elections**

The 2020 simultaneous elections held on 9<sup>th</sup> December 2020. This is based on the General Elections Commission (KPU) Regulation Number 5 of 2020 concerning the schedule for the stages of the elections that have been scheduled starting from 15<sup>th</sup> June 2020, to 26<sup>th</sup> December 2020, as the stages of counting and recapitulating votes, and added with a maximum of 5 days after the decision of the Constitutional Court. In these elections, 736 pairs of candidates, consisting of 24 pairs of candidates for governor and deputy governor, 611 pairs

of candidates for regent and deputy regent, and 101 pairs of candidates for mayor and deputy mayor take part in this contest. And, it was spread over 261 regencies/cities and 9 provinces.

Meanwhile, related to elections offenses by the Ministry of Home Affairs for 3 periods of Offenses in the 2020 Elections are as follows:

Tabel 3. The number of election offenses

NO	FORM OF OFFENSES	PERIODS			TOTAL
		Period 26/9 - 1/10	Period 2/10 - 8/10	Period 9/10 - 15/10	
1	Health Protocol	57	20	32	109
2	Nation ideollogy	-	-	-	-
3	Insulting candidate	-	-	-	-
4	Provocation	-	1	-	1
5	Threaten/use violence	-	1	-	1
6	Spoil campaign props	2	1	18	21
7	Disturbing security and order	-	-	-	-
8	No authorized campaign letter notifications	1	-	2	3
9	Using the state budget and facilities	2	1	-	3
10	Convoy on the highway	1	-	-	1
11	Campaign out of schedule	-	-	2	2
12	Neutralization of civil servants/village heads	15	14	5	24
13	Money politic	1	-	1	2
14	Using worship and education places	-	-	-	-
15	Blocking the campaign	-	-	-	-

Source: <https://www.kpk.go.id/images/pdf/MateriPilkada2020/Materi1/Materi-Menteri-Dalam-Negeri-RI.pdf>

Based on the data, the total offenses during the 3 periods of time (26<sup>th</sup> September to 15<sup>th</sup> October 2020) were 168 offenses. Hence, if it is divided by the average per day, where during the 3 time periods the total time is 20 days and compared to the number of cases as many as 168, then on average there are 8 times election offenses per day. From this, four types of election Offenses can be categorized as follows;

1. Administrative offenses: campaign out of schedule, do not have campaign notification receipt letter (STTP), convoy on the road. It was 6 cases.
2. Code of ethics offenses: neutrality of civil servants/village heads, use of the government budget and facilities. It was 6 cases.
3. Crime offenses: incitement/provocation, threats/acts of violence, destroying campaign tools, and money politics. It was 25 cases
4. Health protocol offenses were 109 cases.

Various offenses during the 2020 elections are dominated by health protocol offenses because during the pandemics the candidates were difficult to campaign for as the normal situation. However, it brings major changes in the implementation of elections in Indonesia,

where candidates are forced to develop a new strategy of the campaign, to prevent breaking health protocols.

### ***The archives treasures of the elections offenses***

Archives as a record of activities or events can have a role and function in supporting the implementation of the elections because the archive can be used as evidence from the past election offenses and it can also be a source of information or knowledge. Meanwhile, the elections are big events that consist of various stages in their implementation, and of course, the output of these activities will produce various documents or records stored in various forms of media, both writing, photos, films, etc. (Rahmaji, 2017: 83).

Institutionally, the archive of the election offenses comes from 2 institutions, namely the Election Supervisory Agency (*Bawaslu*) and the Election Organizer Ethics Council (*Dewan Kehormatan Penyelenggara Pemilu*), where both institutions have the task function of supervising the election, either from the point of view of the organizers or the voters. This is as stated in [Law Number 7 of 2017](#) concerning the Indonesian General Elections.

In terms of the duty and function of the two institutions, the existence of election offenses as part of the election implementation is a separate archive with a separate archive group. It is known as the archive of election offenses. Therefore, the Provincial Election Supervisory Agency (*Bawaslu*) and the Election Supervisory Committee (Panwaslu) hold archives related to the problem of supervising the implementation of the elections as well as archives related to the code of conduct for the administration of elections which are the archives of the Election Organizer Ethics Council (*Dewan Kehormatan Penyelenggara Pemilu*). The archives consist of,

1. Policy/decision/determination;
2. Report of election offenses;
3. Election disputes
4. Handling election offenses
5. Handling election disputes, and
6. Handling offenses of the code of conduct of the elections. (Rachmaji, 2017:105)

Refer to the Archives Retention Schedule (*Jadwal Retensi Arsip*) guidelines, following the Election Supervisory Agency (*Bawaslu*) Regulation No. 14 of 2020 there are 3+1 archives of election offenses namely: handling of offenses cases, handling of offenses reports/complaints, and unregistered election offenses reports, as well as technical analysis of election oversight and potential offenses. Among the four, there are 3 files with permanent status, except for the files related to unregistered election offenses reports.

However, if it is contextualized in the stages of offenses obtained from the findings and reports, then formally it can refer to the relevant election regulations which have identified the type of violation. And these types of Offenses can be used as a group of records, because the principle of archives is to be collected, stored, and easy to find. Thus, the group archives of offenses in the 2020 simultaneous elections can be grouped into 4 archive groups, they are:

1. Administrative offenses records,
2. Code of ethics offenses records,
3. Criminal offenses records, and
4. Health protocol offenses records

The four archive records contain various items listed in the Election Supervisory Agency (*Bawaslu*) Regulation Number 14 of 2020 concerning the Archives Retention Schedule (*JRA*), which consist of: Report Form, A2, B.2-DD; Evidence of Receipt of Reports of Alleged Offenses

A3, B.4-DD; Clarification Invitation Letter; Description/Clarification Under Oath; Report of Clarification; List of Attendees Clarification; Review Report A8, B.9-DD; Recommendations for Alleged Offenses of the Code of Ethics to the Election Organizer Ethics Council A9 (B.10-DD)/Recommendations on Alleged Election Administration Offenses to the General Elections Commission A10, the Provincial General Elections Commission, the Regency/Municipal General Elections Commission, the District Election Committee, or the Voting Committee (A.10-DD), (B.11- DD)/Recommendation of A11 Election Crime Alleged Reports to Indonesian National Police Investigators (B.12-DD); The first discussion of the Integrated Law Enforcement (GAKKUMDU) Center, Investigation Report, Second Discussion, Police Report, Third Discussion, Returning Prosecutor's Files, to Investigators, Introduction to Delegation of Prosecutors, District Court Decisions, High Court Decisions; Other Offenses of Law Recommendations; and, Status of Handling of Alleged Offenses (A.13-DD), (B.13-DD).

These various archive items will form the election archives treasury in the context of the election offenses, which are not only a violation record, but will tell stories about alleged offenses, both from the findings of the Election Supervisory Agency (*Bawaslu*), the community and election participants, to the process and final decision on the status of the offenses. Based on this, it will describe how to overcome the election offenses, whether it is following the principles of elections as a means of democracy or it is just a formality.

### ***Archival political indicators in the election offenses***

The elections as a form of legitimizing power will be influenced by the authenticity of the election offenses archives. This is manifested in presenting the elections. As a political formality, namely a tool for legalizing non-democratic government and elections are carried out in an undemocratic way because there are manipulated to win certain parties. And, ignoring elections as a tool of democracy means ignoring the principles of honesty, cleanliness, free competition, and fairness, where winning or losing in elections is a consequence of democracy.

The history of elections has shown various kinds of offenses. The election in 1955 was considered a democratic election. Meanwhile, in the next era, there were many election offenses to secure the power. So that the recruitment of government officials, the use of government facilities, money politics, degree falsification, covert campaigns, to the neutrality of election administrators often occur and lead to efforts to make elections a political formality. At this point, archives have an important role to serve as a written record in measuring the success of holding elections that are honest and fair, and democratic.

Grouping of archives, indirectly, is often used to display data on post-conflict local election offenses in a report or explanation of post-conflict local election offenses. Archives as a collection of activities originating from various archival media also have a function and role in providing support for better elections. Based on the analysis, this study carried out 4 (four) functions of the elections offenses archives that can be used for the better elections, namely:

1. Infographic Data. The recorded offenses can be processed into infographics based on the desired archive grouping and can also be adapted to the other district elections.
2. Comparative Data. The archive of election offenses can be used as a comparison of the occurrence of offenses in different periods and to compare the level of district election offenses in each period of the year, for example, a comparison of the district election offenses in 2019 and 2020.
3. Policy Formulation Data. The archives can be used as material for conceptualizing policies to prevent offenses. It has also been carried out by the Ministry of Home Affairs in



conducting a briefing webinar to All Candidate Pairs for the 2020 Simultaneous Regional Elections on 20<sup>th</sup> October 2020.

4. Data on Mapping Regional Election Offenses. The archives can also be used as material for mapping regional election offenses, both based on the types of offenses and areas prone to regional election offenses, this is what BAWASLU has done in compiling the Election Vulnerability Index Book from 2014 until 2020.
5. Historical Data. The archives might become the nation's collective memory in the effort to hold elections as part of the democracy in Indonesia.

The five functions of the archives above are indicators to realize democratic elections. The election offense archives take part for stakeholders to formulate election policies and can be used as evaluation material to produce better elections. For researchers or academics, the archive of offenses is important information in measuring the level of democracy that has occurred so far. As for political parties, this is an internal introspection of the party as well as a balancing medium for upholding democracy through elections. Meanwhile, for the citizens themselves, the existence of the recorded will describe the behavior of election participants and their supporting political parties.

By presenting the principle of the authenticity of election offense archives, it will have an impact on the implementation of elections that are honest, clean, free, competitive, and fair, and under the role of elections as a tool of democracy. This paper emphasizes that the presence of this archive will support efforts for transparency and openness, as contained in the criteria for free and fair elections declared by the World Inter-Parliamentary Council at its 154th session in Paris in 1994, where in the declaration, 3 things are required, namely: requirements regarding the right to vote and vote which includes the rights of every adult, prerequisites for candidacy, rights and responsibilities of parties in campaigning, and prerequisites which are the rights and responsibilities of the state. (Puspitasari, 2004: 140-142).

#### **4. CONCLUSION**

The relationship between archives and the Indonesian elections in the context of the election offenses can be concluded that they have a strong relationship as a source of information/data to form a better election implementation in the future, especially to prevent any type of election offenses and apply the real democracy. From the analysis carried out, the grouping of archives of offenses can be done based on the types of offenses in the election, and also the existence of 4 roles of archives of the election offenses in creating good elections, and of course this will be a benchmark for democratic maturity in the implementation of the election, with the output of which will produce regional leaders, trusted by society. In the end, the existence of election offense archives can be considered a record of a change of power.

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