

Implementation of village heads' neutralism in the General Election Campaign based on Law Number 6 of 2014 concerning Villages

Nitaria Angkasa, Intan Pelangi

Muhammadiyah Metro University

Corresponding Author: nitariapasa@gmail.com

Abstract

Based on village authority which is a form of village government, the village head has a role in the splendor of the democratic party in Indonesia which will be held on February 14 2024, but the role of the village head is so important as the head of the village government, it is necessary to study the head's neutrality. villages in general election campaigns and regional head elections in Indonesia. The method used in this research is normative juridical. The method used in carrying out the research is carried out by collaborating in the form of data and field facts. The problem approach used in this research is normative. The neutralistic implementation of village heads based on the election law and village law in elections shows that the Division for Handling Violations of the Election Supervisory Agency (Bawaslu) of DKI Jakarta Province, Benny Sabdo, emphasized that the campaign activities of election participants are prohibited from involving the State Civil Apparatus (ASN) and village heads and factors. The basic thing about the neutrality of village heads in elections is that there is concern that there will be a conflict of interest between village officials and the community and this is also regulated in Law Number 7 of 2017 concerning elections in Article 20 Paragraph 2 which states that village officials are among the parties who are prohibited from being included by the implementer or team. campaign in election campaign activities. The prohibition on village officials from taking part in practical politics is also contained in Law no. 6 of 2014 concerning Villages, Article 29 letter g states that village heads are prohibited from being administrators of political parties and in letter j village heads are prohibited from participating and/or being involved in election campaigns and/or Pilkada. Village officials are advised not to get involved in political activities, either as cadres and campaign activists.

Keywords: Village Head, campaign, Village.

Abstrak

Berdasarkan kewenangan desa yang merupakan bentuk pemerintahan desa, kepala desa memiliki peran dalam kelancaran partai demokratis di Indonesia yang akan diselenggarakan pada tanggal 14 Februari 2024, namun peran kepala desa sangat penting sebagai kepala pemerintahan desa, perlu dilakukan kajian terhadap netralitas kepala desa dalam kampanye pemilihan umum dan pemilihan kepala daerah di Indonesia. Metode yang digunakan dalam penelitian ini adalah yuridis normatif. Metode yang digunakan dalam melaksanakan penelitian dilakukan dengan berkolaborasi dalam bentuk data dan fakta lapangan. Pendekatan masalah yang digunakan dalam penelitian ini adalah normatif. Implementasi netralitas kepala desa berdasarkan hukum pemilihan dan hukum desa dalam pemilihan menunjukkan bahwa Divisi Penanganan Pelanggaran Badan Pengawas Pemilu (Bawaslu) Provinsi DKI Jakarta, Benny Sabdo, menekankan bahwa kegiatan kampanye peserta pemilihan dilarang melibatkan Aparatur Sipil Negara (ASN) dan kepala desa serta faktor-faktor lainnya. Hal pokok tentang netralitas kepala desa dalam pemilihan adalah adanya kekhawatiran akan terjadi konflik kepentingan antara pejabat desa dan masyarakat, dan ini juga diatur dalam Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan dalam Pasal 20 Ayat 2 yang menyatakan bahwa pejabat desa termasuk dalam pihak yang dilarang diikutsertakan oleh penyelenggara atau tim kampanye dalam kegiatan kampanye pemilihan. Pelarangan pejabat desa untuk terlibat dalam politik praktis juga terdapat dalam Undang-Undang no. 6 tahun 2014 tentang Desa, Pasal 29 huruf g menyatakan bahwa kepala desa dilarang menjadi pengurus partai politik dan dalam huruf j kepala desa dilarang ikut serta dan/atau terlibat dalam kampanye pemilihan dan/atau Pilkada. Pejabat desa disarankan untuk tidak terlibat dalam aktivitas politik, baik sebagai kader maupun aktivis kampanye.

Kata Kunci: Kepala Desa, kampanye, Desa.

A. Pendahuluan

Villages are the smallest units within the territory of the Unitary State of the Republic of Indonesia (NKRI) which existed before Indonesia became independent. Villages play an inseparable role in government in Indonesia.¹ The village as a territorial unit which is part of the Indonesian state has governmental powers through seizure of power, based on the Constitution of the Republic of Indonesia.

¹ Sugiman. "Pemerintahan Desa." *Binamulia Hukum* 7.1 (2018): 82-95.

The state constitution, namely Article 18B of the 1945 Constitution, recognizes that villages are independent government units. It is recognized that the village government as a regional unit in Indonesia has full authority. The power given to villages by the Indonesian government is called true autonomy.² Genuine autonomy in villages means that villages can manage and regulate their households in accordance with the rights of origin and characteristics that arise in each area of the village in accordance with the socio-cultural conditions of the people in that village area.³ The village government regulates village governance based on the authority of the village government.⁴

Based on village authority which is a form of village government, the village head has a role in the splendor of the democratic party in Indonesia which will be held on February 14 2024, but the role of the village head is so important as the head of the village government, it is necessary to study the head's neutrality. villages in general election campaigns and regional head elections in Indonesia.

Based on Law Number 7 of 2017 concerning General Elections, it is regulated that holding elections is a means for the Sovereign Ratkyat to elect and elect members of the People's Representative Council, members of the Regional Representative Council, president and vice president, which are carried out directly, publicly, freely, confidentially, orderly and fair in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

The role of the village head who is also the head of the village government has clear boundaries, both in the election law and village law, namely in Article 280 paragraph 2 of the election law number 7 of 2017 which states that: Executive and/or campaign team Those involved in election campaign activities may not include: (h) village heads, (i) village officials, (j) members of village advisory bodies. The prohibition on village leaders from taking part in election campaigns is also regulated in Village Law Number 6 of 2014. Village heads are prohibited from being administrators of political parties and according to paragraph (j) are prohibited from participating and/or taking part in general election campaigns. and/or the election of regional heads where the village head must be neutral, this clearly makes it difficult for the village head himself in his role as the main protector of the village community.

Holding elections based on existing rules means that the essence of this election is that power is in the hands of the people and they must act on behalf of the people.

² Irawan, Nata. *Tata Kelola Pemerintahan Desa Era UU Desa*. Yayasan Pustaka Obor Indonesia, 2017. 12-23

³ Putra, Hendi Sandi. "Tata kelola pemerintahan desa dalam mewujudkan good governace di desa kalibelo kabupaten kediri." *Jurnal Politik Muda* 6.2 (2017): 110-119.

⁴ Ali, Khaidir, and Agung Saputra. "Tata Kelola Pemerintahan Desa Terhadap Peningkatan Pelayanan Publik Di Desa Pematang Johar." *Warta Dharmawangsa* 14.4 (2020): 602-614.

For this reason, elections function to strengthen the existence of the people as the holder of the highest sovereignty of the country.⁵

B. Result and Discussion

General Elections, hereinafter referred to as "Elections" are a means of implementing popular sovereignty in the unitary state of the Republic of Indonesia which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia.⁶ The implementation of village heads' neutrality based on election laws and village laws in elections shows that the DKI Jakarta Province Election Supervisory Agency (Bawaslu), Benny Sabdo, exemplifies the activities of voting participants in elections. Elections are prohibited from involving state civil servants (ASN) and village leaders. Bawaslu DKI also collected evidence that supports the notion that the All Indonesian Village Government Association (APDESI) is not neutral by supporting one of the presidential and vice presidential candidate pairs through activities in Bersatu Village.⁷

The Indonesian Election Supervisory Agency (Bawaslu) encourages all village heads (Kades) throughout Indonesia to maintain neutrality in the upcoming 2024 elections. All village heads are also asked to actively convey village regulations to the community. election campaign. Village leaders and election officials need to support each other and increase public awareness. What can and cannot be done during the campaign?⁸

One of the cases of alleged violations by the village head which was included in the list of village head violations was reported by the Indonesian General Election Supervisory Agency (Bawaslu), which revealed that the case of alleged violation of the neutrality of the village head was at a meeting of the All Indonesian Village Government Association (Apdesi). recorded as a violation finding⁹.

Lampung Province Bawaslu reminded village leaders (Kades) to maintain neutrality ahead of the 2024 election. Village heads are also prohibited from campaigning. "For example, the Head of Tanggamus Village is prohibited from

⁵ Muhadam Labolo dan Teguh Ilham, *Partai Politik dan Sitem Pemilihan Umum di Indonesia*, Rajawali Pers, Jakarta, 2017, hlm 45

⁶ Budiardjo, Miriam, 2007, *Dasar-dasar Ilmu Politik*, Jakarta: Ikrar Mandidrabadi, 2008, edisi revisi *Dasar-dasar Ilmu Politik*, Jakarta: Gramedia Pustaka Utama, hal 3

⁷ Suci Nurhaliza. Antaranews.com. Selasa, 30 Januari 2024. Bawaslu: ASN dan kepala desa dilarang terlibat kampanye pemilu - ANTARA News Lampung. Diakses tanggal 30 Januari 2024

⁸ Headline news. Selasa 30 Januari 2024. Bawaslu Dorong Para Kades Jaga Netralitas di Pemilu 2024 - TRIBRATANNEWS LAMPUNG (polri.go.id). diakses tanggal 30 Januari 2024

⁹ Ricky prayoga. Antaranews.com. 30 Januari 2024. Kasus silaturahmi Apdesi masuk sebagai temuan pelanggaran - ANTARA News Lampung. Diakses 30 Januari 2024

participating in the campaign in South Lampung. The law states that village heads are prohibited from conducting (campaigns).

The village head has the opportunity to be the first person a prospective legislative member or party representative will meet before campaigning in his village. That's why the village head needs to be given the understanding that he must be neutral, when the village head makes a decision in favor of one of the candidates, it is a violation, the village head is also allowed to give access to all political parties or legislative candidates and even election participants to campaign. For example, banning everything is not allowed, and banning just a few candidates is also not allowed.¹⁰

The fundamental factor for village heads' neutrality in elections is that village officials are prohibited from participating in practical political activities in both general elections and village head elections for fear that conflicts of interest will arise between village officials and the community. Village Head in the 2024 Election, Chair of the All-Indonesian Village Government Association APDESI Tolitoli Regency Hello. Anwar Lihawa said that his party is making every effort so that all village heads and their apparatus can act neutrally in the regional elections on February 14 2024 and not side with certain pairs or candidates. Law Number 7 of 2017 concerning Elections regulates in Article 20 paragraph 2 that village officials include people who are prohibited from participating in election campaign activities through organizers or voter groups and are also not allowed to participate in the village to involve officials. 'Campaign as explained in paragraph 3. It is hoped that all existing village leaders will take a stand and firmly obey the rules and carry out their duties according to existing corridors, so that the people's party can function in accordance with other people's expectations."

The prohibition on village officials from taking part in practical politics is also contained in Law Number 16 of 2014 concerning Villages, article 29(g) which stipulates that village leaders are prohibited from being political party administrators and in point (j), village leaders are prohibited from being party administrators. political. leaders are prohibited from participating and/or being involved in election campaigns and/or regional elections. Village officials are not encouraged to get involved in political activities, either as cadres or campaign activists. Village officials, especially village heads, act as neutral parties who cannot be political party administrators or members of political parties, nor can they be on election teams, election success teams, or regional election participants.¹¹

¹⁰ Faiza Ukhti. Rmol lampung. 9 September 2022. Jelang Pemilu, Bawaslu Lampung Ingatkan Kades Netral Dan Dilarang Berkampanye. <https://www.rmollampung.id/jelang-pemilu-bawaslu-lampung-ingatkan-kades-netral-dan-dilarang-berkampanye>. Diakses tanggal 30/Januari 2024

¹¹ Ahmad. RRI. Tanggal 12 Januari 2024. RRI.co.id - Apdesi Sulit Menjamin Kades Netral Dalam Pemilu 2024. Diakses tanggal 30 Januari 2024

C. Kesimpulan

The neutralistic implementation of village heads based on the election law and village law in elections shows that the Division for Handling Violations of the Election Supervisory Agency (Bawaslu) of DKI Jakarta Province, Benny Sabdo, emphasized that the campaign activities of election participants are prohibited from involving the State Civil Apparatus (ASN) and village heads and factors. The basic thing about the neutrality of village heads in elections is that there is concern that there will be a conflict of interest between village officials and the community and this is also regulated in Law Number 7 of 2017 concerning elections in Article 20 Paragraph 2 which states that village officials are among the parties who are prohibited from being included by the implementer or team. campaign in election campaign activities. The prohibition on village officials from taking part in practical politics is also contained in Law no. 6 of 2014 concerning Villages, Article 29 letter g states that village heads are prohibited from being administrators of political parties and in letter j village heads are prohibited from participating and/or being involved in election campaigns and/or Pilkada. Village officials are advised not to get involved in political activities, either as cadres and campaign activists.

Daftar Pustaka

- Abdul Kadir Muhammad, Hukum dan Penelitian Hukum, Bandung: Citra Aditya Bakti, 2004
- Ali, Khaidir, and Agung Saputra. "Tata Kelola Pemerintahan Desa Terhadap Peningkatan Pelayanan Publik Di Desa Pematang Johar." *Warta Dharmawangsa* 14.4 (2020)
- Budiardjo, Miriam, 2007, *Dasar-dasar Ilmu Politik*, Jakarta: Ikrar Mandirabadi, 2008, edisi revisi *dasar-dasar Ilmu Politik*, Jakarta: Gramedia Pustaka Utama
- Irawan, Nata. 2017. *Tata Kelola Pemerintahan Desa Era UU Desa*. Yayasan Pustaka Obor Indonesia
- Muhadam Labolo dan Teguh Ilham. 2017. *Partai Politik dan Sistem Pemilihan Umum di Indonesia*, Rajawali Pers, Jakarta
- Putra, Hendi Sandi. "Tata kelola pemerintahan desa dalam mewujudkan good governance di desa kalibelo kabupaten kediri." *Jurnal Politik Muda* 6.2 (2017)
- Sugiman. *Pemerintahan Desa*. Binamulia Hukum 7.1 (2018)
- Soerjono Soekanto. 2004. *Penelitian Hukum*, Jakarta: Rajawali Press

Laws and regulations:

Undang-undang Nomor 6 Tahun 2014 Tentang Desa

Undang-Undang Nomor 7 Tahun 2017 Tentang pemilihan Umum

Internet:

Suci Nurhaliza. Antaranews.com. Selasa, 30 Januari 2024. Bawaslu: ASN dan kepala desa dilarang terlibat kampanye pemilu - ANTARA News Lampung. Diakses tanggal 30 Januari 2024

Headline news. Selasa 30 Januari 2024. Bawaslu Dorong Para Kades Jaga Netralitas di Pemilu 2024 - TRIBRATANNEWS LAMPUNG (polri.go.id). diakses tanggal 30 Januari 2024

Ricky prayoga. Antaranews.com. 30 Januari 2024. Kasus silaturahmi Apdesi masuk sebagai temuan pelanggaran - ANTARA News Lampung. Diakses 30 Januari 2024

Faiza Ukhti. Rmol lampung. 9 September 2022. Jelang Pemilu, Bawaslu Lampung Ingatkan Kades Netral Dan Dilarang Berkampanye. <https://www.rmollampung.id/jelang-pemilu-bawaslu-lampung-ingatkan-kades-netral-dan-dilarang-berkampanye>. Diakses taggal 30/Januari 2024

Ahmad. RRI. Tanggal 12 Januari 2024. RRI.co.id - Apdesi Sulit Menjamin Kades Netral Dalam Pemilu 2024. Diakses tanggal 30 Januari 2024