

The Role of the South Sumatera Regional Liaison Office of the Judicial Commission in Monitoring the 2024 Simultaneous Regional Elections Towards a Clean Judiciary

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Abstract. The simultaneous implementation of national and regional elections in 2024 presents significant challenges for Indonesia's democratic journey, particularly in ensuring a fair, transparent, and corruption-free process. In this context, the role of the South Sumatera Regional Liaison Office of the Judicial Commission is crucial in overseeing the 2024 Simultaneous Regional Elections towards the establishment of a clean judiciary. This office is responsible for monitoring and maintaining the integrity of judicial processes, particularly in resolving any election disputes that may arise. By enforcing strict oversight of judges' conduct and educating the public on the importance of legal awareness, the Judicial Commission Liaison Office strives to ensure that the electoral process aligns with democratic principles of justice. Through outreach, court monitoring, and receiving public complaints, the office actively works to prevent abuses of power and uphold judicial independence. These efforts are expected to enhance the quality of the election administration and strengthen public trust in the judicial system, thereby creating a conducive and clean legal environment in South Sumatera during the 2024 Simultaneous Regional Elections.

Keywords: Clean Judiciary; 2024 Simultaneous Regional Elections; Judicial Commission; Liaison Office Role; South Sumatera

1. Introduction

The simultaneous conduct of national and regional elections in the same year is closely linked to the political and legal dynamics of recent years (Amatahir, 2023; Andy Saputra et al., 2023; Warouw et al., 2023). The simultaneous National Elections (Presidential and Legislative) first began in 2019, making 2024 the next significant agenda (Ilham, 2023; Pranatha & Rudianto, 2023). However, controversies have intensified with the proposal to hold national and regional elections in the same year and within close timeframes (Hasyim et al., 2023; Hidayat & Firdaus, 2023). Many parties believe that separating local elections from national ones would be better, as overlapping timelines might lead to issues such as the heavy burden on election organizers, the risk of conflicts, and the potential for competing interests that could threaten national integration

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(Fathurrahman et al., 2023; Febriadi, 2023; Rasyid et al., 2023). Indonesia's democratic journey will enter a new chapter in 2024 with the grand democratic event of the National Simultaneous Regional Elections on November 27, 2024. The preparatory stages for this electoral agenda have already begun months prior. A free and fair election allows for political changes, including shifts in political power structures and leadership. It is hoped that these political changes, aimed at improving the electoral system, will lead to an electoral model that aligns with Indonesian society. The election administration model must represent and ensure the functioning of a just democratic system. With such a system, it is hoped that a well-functioning electoral system will be established, ensuring that both the process and the results of the elections can be held accountable.

Simultaneous elections in Indonesia have become a historic milestone, marking the journey towards a mature democratic system since the reforms of 1998 (Hamdan et al., 2023; Junaidi et al., 2022; Syafaq et al., 2023). These reforms, inspired by public demands for greater justice, transparency, and political participation, have brought significant changes to Indonesia's political and governmental systems (Abidin & Dulnasir, 2022). One fundamental change adopted within this reform framework is the implementation of a simultaneous electoral system, where voters are responsible for electing various political positions, from national to local levels, simultaneously. The success of an election relies on the integrity, professionalism, and accountability demonstrated by all involved parties, including the General Elections Commission (KPU), the Election Supervisory Body (Bawaslu), and the Honorary Council for Election Organizers (DKPP). The risk of fraud and election-related crimes is significant during the Regional Elections. As the Simultaneous Regional Elections approach on November 27, 2024, it is essential to have the support of all stakeholders to effectively address any election-related conflicts (Anggraeniko & Sutarno, 2022; Darmawan & Falah, 2022; Diamond, 2022). The Judicial Commission, especially through its liaison offices, plays a vital role in monitoring and resolving election disputes in the courts.

The courts, as the main pillar in law enforcement and the process of building the nation's civilization, must see judges as central figures who are continually required to sharpen their conscience, maintain integrity, enhance moral intelligence, and increase professionalism in upholding law and justice for the people. All the authority and duties of judges must be carried out in the interest of upholding law, truth, and justice impartially, without discrimination, as mandated in the judge's oath, where every individual is equal before the law and the courts. In practice, the current judicial system in Indonesia has not yet achieved the desired level of effectiveness due to a lack of knowledge and capability, or the absence of sincerity among all parties involved in the judicial system, such as judges, lawyers, police, and prosecutors, or even the justice-seeking public. Although the courts in Indonesia are institutions meant to deliver justice to those seeking it, these institutions often fail to favor the public, and complaints from the public do not serve as a control mechanism for these institutions to improve towards the ideal judicial system envisioned by the people.

The poor execution of judicial power, often influenced by governmental authority and other powers, including financial power, has driven the need for an institution capable of ensuring that judicial power operates in line with the purpose of law, which is a clean judiciary aimed at creating societal justice (Mochtar et al., 2022; Rosyidi et al., 2022). The formation of the Judicial Commission on August 2, 2005, stemmed from a strong determination to build a judiciary that earns the respect and trust of the public. To achieve



this goal, the Judicial Commission was vested with the authority necessary to develop such a judicial system. This authority encompasses the selection of Supreme Court justice candidates and the enforcement of ethical standards and behavioral guidelines for judges, as established by both the Supreme Court and the Judicial Commission. These responsibilities are mandated by the 1945 Constitution of the Republic of Indonesia and Law No. 18 of 2011 on the Judicial Commission (Ibnu, 2021; Manik, 2021; Muhammad Saad, 2021).

Creating a judiciary that is widely respected and trusted by the public is not solely the duty of the Judicial Commission; it is a collective responsibility shared by multiple institutions, including the Supreme Court, the Government, the House of Representatives, Non-Governmental Organizations, the general public, and the media. However, the Judicial Commission has been explicitly assigned a legal mandate, as outlined in the Constitution and Law No. 18 of 2011, to take a leading role in this important mission. In particular, raising legal awareness within society is critical for ensuring fair law enforcement. Therefore, it is crucial to enhance legal awareness within the community, as it is this awareness that can create a harmonious society in accordance with the existing legal order. A clean judiciary represents court proceedings free from corruption, collusion, and nepotism. A clean judiciary is not just the responsibility of formal institutions such as the Judicial Commission but is also the responsibility of all, especially students and all layers of society. Numerous concrete events in the judiciary illustrate the practice of a corrupt judiciary, such as judges receiving gratuities, prosecutors being bribed, and other related issues. These events indicate that many legal mafias are still active in the courts. Therefore, it is essential to provide legal education on clean judiciary practices to rural communities and emphasize the role of society in achieving this goal.

Judicial Commission liaison offices located in various regions, functioning as extensions of the Judicial Commission of the Republic of Indonesia, are viewed as a strategic move, particularly since the Commission's authority covers all judges throughout the country. The existence of these liaison offices aids the Judicial Commission in carrying out its public duty to transform the judiciary into a clean and respected institution. These offices facilitate the process for individuals in the regions to report suspected violations of the judges' code of ethics and conduct guidelines, with these reports being forwarded to the Judicial Commission of the Republic of Indonesia. In addition to streamlining the complaint submission process, these liaison offices are also expected to contribute to the restoration of a judicial system that is devoid of corruption, collusion, and nepotism (KKN) and is committed to upholding justice for everyone.

2. Methods

Activities such as seminars and community service are necessary to provide understanding and education (Monita et al., 2021; Nasution, 2021; Siregar, 2021). This legal seminar for the community was conducted at the Liaison Office of the Judicial Commission in South Sumatra, coinciding with the 19th anniversary of the Judicial Commission on August 13, 2024 (Ferina et al., 2021; Oxtoby, 2021). The participants involved in this legal seminar included representatives from sub-district offices, the Police, the Indonesian National Army, the Legal Aid Institute (LBH), KPU and Bawaslu of Palembang City, as well as advocates and academics. The method for implementing community service through legal seminars involved the Liaison Office of the Judicial



Commission in South Sumatera inviting speakers from academia, advocates, and the regional KPU, along with participants, at a predetermined time and place (Fahmi et al., 2020). This activity was carried out to provide training and preparation for facing the 2024 Simultaneous Regional Elections on November 27, 2024.

The speakers prepared a range of materials focused on establishing a judiciary free from corruption and effectively resolving election disputes. The legal seminar involved presentations from academics, advocates, and representatives of the regional KPU from Palembang City. These presentations were followed by interactive discussions between the speakers and participants.

3. Results and Discussion

3.1. Challenges in Organizing the 2024 Simultaneous Regional Elections in Resolving Election Conflicts

The plan to hold National Simultaneous Regional Elections has been a long-standing goal (Al-Otaibi & Minan, 2020; Mahardika et al., 2020; Mayastinasari & Suseno, 2020). This goal originated from the passage of Law No. 10 of 2016, which amended Law No. 1 of 2015 concerning the stipulation of Government Regulations in Lieu of Law No. 1 of 2014 on the Election of Governors, Regents, and Mayors into law. This legislation mandates that regional elections be held simultaneously across Indonesia. Therefore, simultaneous regional elections have been held in stages in 2015, 2017, 2018, and 2020, with the aim that all regions could hold elections simultaneously in 2024. However, the option to conduct the 2024 simultaneous regional elections required the sacrifice of canceling elections in 2022 and 2023, resulting in many regions being led by Acting Regional Heads until new leaders are elected in the 2024 elections.

Several dynamics and challenges in organizing the 2024 regional elections are likely to arise. One major challenge is the heavy burden on election organizers, as both national and regional elections will take place in the same year. This dual responsibility places immense pressure on the resources and capacity of election officials, who must manage the logistics, coordination, and security for both sets of elections. Another potential issue is public confusion in voting. The multitude of options and the complexity of simultaneous elections may cause the regional elections, which are scheduled a few months after the national elections, to lose public attention. As the Presidential Election and discussions surrounding the national elections dominate the public discourse, regional elections may receive less focus, further complicating voter engagement and turnout. Additionally, the large number of regions filled by Acting Regional Heads presents a unique challenge. This situation may raise concerns about the continuity of governance and the legitimacy of leadership during the transition period, adding to the complexities of conducting regional elections.

Facing the various challenges and problems associated with the 2024 simultaneous regional elections, as described above, requires comprehensive and systematic internal and external strategies to prevent and resolve election disputes effectively, professionally, and fairly. The internal strategy of Bawaslu includes strengthening and harmonizing regulations related to the 2024 simultaneous regional elections; increasing the quantity and quality of election supervisory staff; and providing adequate facilities and infrastructure. Although there is no change in regulations at the legislative level, efforts to strengthen these areas are necessary, particularly concerning the substance of Election



Supervisory Body Regulations. This includes evaluating norms that still allow for multiple interpretations, such as by providing more comprehensive and definite arrangements related to the mechanism and procedure for resolving disputes between election participants that are effective and easily accessible. A proper legal framework is crucial to prevent election disputes, as outlined by IDEA.

Strengthening the substance (rules) for resolving election process disputes through online information and communication technology should be developed. This includes providing a legal foundation and explaining technical guidelines for resolving election process disputes online, including the submission/proofing process and how to present it to other parties online, which can be legally recognized and certain. This is to ensure and protect the safety of election organizers, election participants, and the public involved in the dispute resolution process. Election disputes, etymologically, can be seen from the term “dispute,” which refers to the implication of arising problems in elections, whether in the process or the results of the elections (valid votes as determined by the Provincial KPU).

Referring to the broader spectrum of elections regulated in Law No. 7 of 2017, election law problems in Indonesia can be categorized into three main areas. The first category involves election violations, which arise from findings or reports of misconduct detected through active election supervision. These violations can be further broken down into two subcategories: violations of the election organizers' code of ethics, which are handled by the Election Organizers Ethics Council (DKPP), and administrative election violations, which are addressed by the Election Supervisory Body (Bawaslu) at various levels. The second category deals with disputes related to the election process. These disputes occur when conflicts arise between election participants or between participants and election organizers, usually due to decisions made by the General Elections Commission (KPU). Bawaslu is responsible for handling these disputes. If any of the involved parties disagree with Bawaslu's decisions, they can pursue legal action in the Administrative Court, which has a specialized panel dedicated to resolving election-related disputes. The third category concerns disputes over election results. These disputes involve disagreements between the KPU and election participants regarding the determination of national election outcomes. Similar to other election-related conflicts, these disputes follow a legal process to ensure a fair resolution.

Dispute resolution involves negotiations between the conflicting parties, and it can be handled through two main methods: litigation (in court) and non-litigation (outside court). Result disputes can arise in various contexts, including between individuals, between individuals and groups, between individuals and the state, between groups, between groups and the state, or even between countries. Since the enactment of Law No. 32 of 2004 on Regional Government, the first regional head elections, known as Pilkada, were conducted in 2005. The resolution of Pilkada disputes was governed by Article 106 of Law No. 32 of 2004, which gave the Supreme Court the authority to handle disputes related to Pilkada results for approximately three years (2005-2008). However, this process led to legal challenges, including controversies over the Supreme Court's decisions on Pilkada disputes in South Sulawesi, North Maluku, and Depok, which caused legal uncertainty.

Initially, the Supreme Court had the jurisdiction to adjudicate Pilkada result disputes, as outlined in Article 106, paragraph (1) of Law No. 32 of 2004 on Regional Government. However, starting from April 28, 2008, the authority to adjudicate these disputes was



transferred from the Chief Justice of the Supreme Court to the Chief Justice of the Constitutional Court on October 29, 2008. This transfer officially expanded the Constitutional Court's authority to resolve General Election Result Disputes (PHPU), including disputes involving DPR members, DPD members, DPRD members, the president and vice president, as well as Pilkada disputes. The explanation of Article 29, paragraph (1), letter e of Law No. 48 of 2009 on Judicial Power clarifies that "This provision includes the authority to examine and decide disputes over regional head election results following the provisions of legislation." Since the Constitutional Court was granted this authority, it has made significant legal advancements through its rulings to ensure that elections and Pilkada continue to operate in accordance with the constitutional mandate.

If we look at the 1945 Constitution of the Republic of Indonesia, there is no specific provision that grants the Constitutional Court the authority to adjudicate disputes over Pilkada results. However, Article 24C, paragraph (1) of the 1945 Constitution does grant the Constitutional Court the power to resolve disputes over election results. Consequently, in its 2013 ruling No. 97/PUU-XI/2013, the Constitutional Court clarified several points:

- 1) Pilkada is not classified as an election under Article 22E of the 1945 Constitution.
- 2) If Pilkada were considered part of the elections, giving the Constitutional Court the authority to adjudicate its disputes, this would contradict the original intention of the elections and lead to elections being held more frequently than every five years.
- 3) Expanding the Constitutional Court's jurisdiction to include Pilkada result disputes by broadening the definition of elections in Article 22E of the 1945 Constitution is deemed unconstitutional.
- 4) To prevent uncertainty and a lack of authority to resolve Pilkada disputes due to the absence of specific legislation, the Constitutional Court retains this authority.

As a result, the Constitutional Court's ruling No. 97/PUU-XI/2013 also introduced the idea of establishing a Special Court to specifically handle disputes over regional head election results.

3.2. Principles for Achieving a Clean Judiciary

It is difficult to say that our judiciary is currently free from practices of gratuities, bribery, and corruption. The judicial reforms often heralded by the Supreme Court and the Judicial Commission have not yet become a reality. Our judiciary still frequently issues controversial rulings that create public uproar. These controversial rulings can result from deliberate actions by the judges making those decisions, possibly due to external orders, or they could be due to the judge's lack of understanding of either formal or substantive law. There are several principles that must be adhered to and ingrained in a judge to ensure that our judiciary, and any judiciary for that matter, becomes clean and reputable, ultimately leading to public trust and respect for the judiciary. Without adhering to these four key principles, achieving a judiciary that is trusted and respected by both domestic and international communities is almost impossible. These crucial factors include the following:

3.2.1. Integrity and Independence



The principles of integrity and independence are crucial and must be inherent in a judge. Integrity refers to an honest personality and character, one that cannot be bought, and is moral. Independence refers to the ability to make decisions on cases without being swayed by superiors, colleagues, or any external institutions, whether they are from the executive or legislative branches.

3.2.2. Propriety and the Appearance of Propriety

The factor of propriety and the appearance of propriety must also be present in a judge. A judge's behavior and conduct must not contradict the standards of propriety that prevail in society. The appearance of propriety should be evident in the judge's everyday life. The standards of behavior for a judge are much higher than those for a lawyer or the general public. Many things that are acceptable for ordinary people might not be appropriate or proper for a judge.

3.2.3. Respect for the Law

Respect for the law must be reflected in the daily life and professional conduct of a judge. How can a judge be respected and esteemed if their behavior often disrespects the law itself? Respect for the law should also be reflected in how a judge conducts court proceedings, how they treat defendants, witnesses, and lawyers, as well as in the rulings they make.

3.2.4. Impartiality

The principle of impartiality requires judges to remain neutral, not favoring any party in a case—whether the plaintiff or the defendant in civil cases, or the defendant, their counsel, and the prosecutor in criminal cases. This principle requires judges to ensure that family, social relationships, politics, or other influences do not affect their conduct in court or in making decisions on cases before them.

In addition to the principles of integrity and independence, propriety and the appearance of propriety, respect for the law, and impartiality, which must be inherent in a judge, judges must also avoid the abuse of power, minimize legal errors, refrain from ex parte communications (unilateral communication with one party in a case), respect due process of law, and adhere to regulations regarding public speaking, writing, and teaching, as well as managing business, financial, social, and political activities. By doing so, a clean and reputable judiciary can be achieved, leading to a judiciary and judges that are respected and trusted by the public. In the context of upholding the rule of law, oversight is a crucial component in ensuring clean governance, and no government official should be exempt from it. Oversight is designed to regulate and prevent the concentration of power, arbitrary actions, and abuse of authority.

In carrying out their duties and responsibilities, the Judicial Commission liaison and all Liaison Offices across the regions follow a Code of Ethics set forth by the Secretary General of the Judicial Commission of the Republic of Indonesia, as outlined in regulation No. 4 of 2013. This Code of Ethics provides the framework for handling public reports, verification, annotation, monitoring, trials, examinations, and investigations. It functions as a binding guideline, ensuring that all liaison officers in the regions perform their roles independently and with integrity.



The responsibilities of the Judicial Commission liaison in the regions are outlined in Article 5 of the Judicial Commission Law and encompass several key tasks. One of their primary duties is receiving public reports on alleged violations of the Judges' Code of Ethics and Conduct Guidelines. These reports can be submitted by individuals or their legal representatives, along with any supporting evidence, to the liaison office. If a legal representative submits the report, they must provide a special power of attorney to act on behalf of their client when interacting with the regional Judicial Commission liaison. Another important responsibility is monitoring court proceedings within the liaison's jurisdiction. Court monitoring can be carried out through two methods: full set monitoring and non-full set monitoring. Full set monitoring involves the use of recording equipment from the Judicial Commission liaison office and requires prior permission from the Judicial Commission of the Republic of Indonesia, as it involves equipment and cost considerations.

In addition to these tasks, the liaison is responsible for institutional socialization, which entails informing all segments of society about the role of the Judicial Commission in maintaining and supervising the Code of Ethics and Conduct Guidelines for Judges. This also includes educating the public about the selection process for Supreme Court justice candidates and other judges, as well as promoting awareness of the Judicial Commission's preventive measures against unethical behavior among judges. Lastly, the Judicial Commission liaison is tasked with carrying out other duties assigned by the Judicial Commission. These duties may include assisting the Judicial Commission of the Republic of Indonesia in investigating judges suspected of violating ethical and conduct guidelines.

Efforts to ensure a clean judiciary benefit greatly from external contributions. These contributions come not only from legal institutions or agencies outside the Judicial Commission but also from a wide range of stakeholders, including city and provincial governments, the general public, students, and activists. The network supporting the Judicial Commission of the Republic of Indonesia Liaison plays a crucial role in advancing and fulfilling the Liaison's tasks and functions. This support is particularly important given that the Liaison Office operates with only four staff members. Since monitoring activities often require the involvement of at least two personnel, this raises the question of who will handle socialization efforts and receive public reports on those days. Therefore, the support provided by the network is essential

4. Conclusions

Throughout the development of authority, there has been on going debate about the need to establish a special judiciary to resolve regional election result disputes, which has yet to be created. However, following the Constitutional Court's ruling No. 85/PUU-XX/2022, it was concluded that the discussion about creating a special judiciary is no longer relevant, and the responsibility for resolving election result disputes continues to rest with the Constitutional Court. Despite this, it was also recognized that forming a specialized judicial body should still be considered, with its design potentially integrated within the framework of the Supreme Court, ensuring parity with other courts under its jurisdiction.

The Judicial Commission Liaison Office of the Republic of Indonesia has not yet effectively fulfilled its duties and functions in achieving a clean judiciary. This ineffectiveness is due to a significant number of public reports that have not been



addressed, many courts within its jurisdiction that have not been adequately monitored, and several regions where socialization efforts have not been conducted. This situation is primarily due to the limited number of officers, with only four personnel responsible for covering an entire province.

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