

THE CONTRIBUTION OF DIRECT ELECTIONS FOR LOCAL LEADERS TO THE CORRUPTION IN INDONESIA: LESSONS LEARNED FROM INDONESIAN DEMOCRATIC SYSTEM

Gamawan Fauzi

Institut Pemerintahan Dalam Negeri (IPDN)

Abstract

The paper discusses direct elections of local government leaders that have contributed to the corruption in Indonesia and focuses on the quality of electoral process. This study aimed at identifying the contribution of direct elections of local leaders on corrupt practices in Indonesia. It applied a quantitative research method and involved 85 provincial, district and city areas as samples in the Indonesian islands of Java, Sumatra, Sulawesi, Kalimantan, Nusa Tenggara, Maluku and Papua. The study proves that direct local elections have significant effects on corruption committed by the heads of district government. Both process and quality of direct local elections has jointly demonstrated a meaningful and significant effect on the corruption by local leaders. Thus, the better quality and process will immediately lower the corruption rate. In contrast, the lower quality and process will contribute to a higher corruption rate. Partially, the influence of the local election process is more powerful than the quality of direct local elections, since direct local election process requires the government to spend a vast amount of funding on the preparation, implementation, validation and the inauguration of the elect local government leaders. This study only involved 85 areas that have organized direct local elections. A further study should be expanded to more sample areas in order to collect more data that can complete the current research findings.

Keywords: Direct local elections, corruption, local government leaders, district, city.

Introduction

The first direct elections were held in June of 2005, as stipulated by the Law No. 32 of 2004 on Regional Government. In the past, based on Law No. 22 Year 1999 on Regional Government and Law No. 5 of 1974, local elections were carried out through local parliament (DPRD). Shift from local elections through local parliament to direct elections was in line with the reform spirit of Indonesian people. Article 18 paragraph (4) states that the local elections are held democratically. Since the declaration of its independence, Indonesia has changed the election systems in accordance with the local government laws. Direct local elections were firstly stipulated by the Law No. 32 of 2004, while previous elections systems were based on Law No. 1 of 1945, Act No. 22 of 1948, Law No. 1 of 1957, Presidential Decree No. 6 of 1959, Act No. 18

of 1965, Act No. 5 of 1974, and Act No. 22 of 1999.

Article 18 paragraph (7) of the 1945 Constitution stipulates that democratic local elections can be organized through local parliament and the candidates are elected directly by the people. The shift from local elections represented by local parliament to direct elections shows a paradigm change of representative democracy into participatory democracy. Of course, this change has been made by considering various factors to accelerate direct local elections and to improve Indonesian democratic system. Furthermore, this system could be the most democratic way for local people to elect their own leaders. The main actor in the direct local elections is local people. In addition, the involvement of political parties and community is very important in the nomination of the candidates. The candidate nomination in

direct elections is done in two ways: nomination by a political party or coalition of political parties and the nomination of an independent candidate by the general public.

The cost of the direct local elections is not comparable with income earned by local leaders. Based on Presidential Decree No. 68 of 2001 on The Benefits Title Share of Certain State Officials, a provincial government earns an allowance of Rp. 5,400,000. while the basic salary is Rp. 3,000,000. Meanwhile the regent or mayor salary is Rp. 2,100,000 and the allowance is Rp. 3,780,000. Therefore the total income of a provincial governor is Rp. 8,400,000 while the monthly income of a regent or mayor is Rp. 5,880,000.

Most district leaders who have spent a lot more money and financial support in any decision-making are often considered those who had supported the nomination. The local government heads morally feel indebted to their campaign supporting teams and supporters. In result, they place their supporters in some high public positions and allow them to submit project proposals or ask for social aids. Data collected by the Ministry of Home Affairs show that as of December 2013 there were 319 local leaders and deputy local heads of government lodged legal issues and have been suspected, accused of, and convicted in various criminal cases, including corruption. There were 283 corruption cases involving heads and deputy heads of local government. Based on the various phenomena and the empirical facts, it is necessary to conduct this research.

The research aims at (1) identifying the contribution of the quality of the direct elections of regional heads to the corruption in Indonesia, (2) identifying the direct contribution of the local election process to the corruption in Indonesia, and (3) identifying the contribution of the quality and process of the direct elections of regional heads to the corruption in Indonesia.

Based on the identification of the research problem, the following research questions are asked:

1. How does the quality of direct local elections have effects on corrupt practices by the heads of local government in Indonesia?
2. How does the process of direct local elections have effects on corrupt practices by the heads of local government in Indonesia?
3. How does the quality and process of direct local elections have effects on corrupt practices by the heads of local government in Indonesia?

Finally, this study is expected to provide theoretical and practical benefits for those who are interested in direct local elections and corruption issues in Indonesia. The results of this study are expected to be useful to the development of the government science, especially to the development of concepts and theories related to local elections and corruption. And the research findings are expected to help authorities reformulate direct local elections and prevent corrupt practices.

Methodology

Method

The method used in this study is a quantitative research method. According to Effendy (2010:30), "quantitative research method is a research method that makes the theory a framework of the overall study". The phenomenon that occurs will be tested with the statistical procedures between the theory and the empirical reality of each variable, to generalize the existence and relation between the effects of quality variable (X1) and the direct elections of regional leaders (X2) on the corruption committed by the local leaders in Indonesian (Y).

This study was to test the hypothesis, explain the causal relationships between variables to predict and obtain facts from existing phenomenon, conduct investigations and seek factual information, and then draw conclusions from the study sample. Instrument used in collecting data and information was questionnaire. Data were then were tabulated and analyzed with path analysis to test the research hypothesis. Furthermore, this study was based on the following frame of thinking.

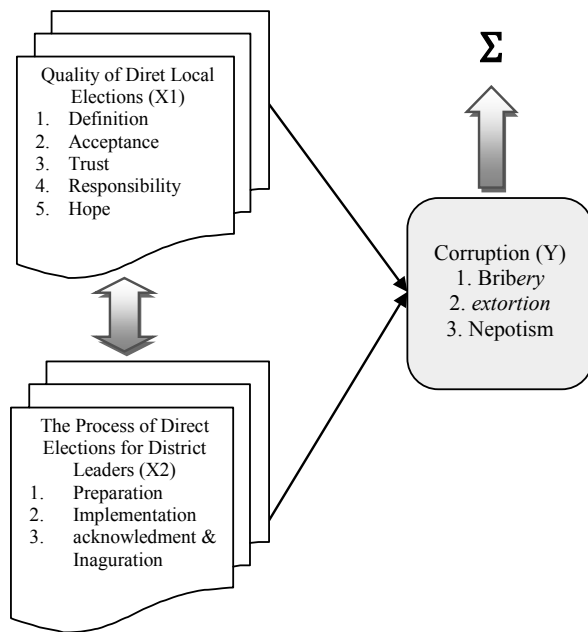


Figure 2 Frame of thinking

Population and Sample

Since June 2005, there have been 528 direct local elections in Indonesia: 33 provinces,

402 districts, and 93 cities. To collect data, 16 subjects were voluntarily invited to provide information. The subjects or respondents who were taken in this study are those who know the implementation of direct local elections, financial management, permission management, personnel management, and managerial activities. They are the head of district government, deputy head of district government, the Local House Speaker, local government secretary, Chief of Finance Bureau (DPPKAD), Head of District Personnel Office (BKD), Head of the District Public Work Office or the Forest Service or other relevant persons in charge of district offices, Head of Political Office, Provincial, District and City Electoral Commissioners, and Provincial, District and City Electoral Supervisors.

In terms of area sampling, Table 2 shows that every region is represented by one province, eleven districts and three cities, and the area samples were randomly selected.

Table 1 List of Research Subjects

No	Subjects	Total
1.	Head of District	1
2.	Vice Head of District	1
3.	Local House Speaker	3
4.	Local Government Secretary	1
5.	Head of DPPKAD/Head of Bureau/Head of Finance Office	1
6.	Head of Employment Office	1
7.	Head of Public Work Office/ Forestry Office/Others	1
8.	Head of Unitary Nation and Politics Office	1
9.	Commissioners of Electoral Commission in Province/District/ Municipality	3
10.	Member of Election Watch Office in Province/District/ Municipality	3
Total		16

Tabel 2 Research Samples

No	Regions	Province	District	City
1.	Sumatera	Aceh	Toba Samosir, Asahan, Simelue, Kampar, Siak, Musi Rawas, Ogan Ilir, Tanjabtim, Bungo, Lampung Selatan, Tulang Bawang Barat.	Pekanbaru, Sabang, Pematangsiantar
2.	Jawa	Jawa Timur	Sragen, Semarang, Demak, Pekalongan, Karanganyar, Ngawi, Sampang, Madiun, Malang, Nganjuk, Ponorogo	Magelang, Malang, Semarang
3.	Kalimantan	Kalimantan Timur	Kutai Kartanegara, Berau, Nunukan, Bulungan, Kubu Raya, Banjar, Tanah Bumbu, Murung Raya, Barito Utara, Hulu Sungai Utara, Kotabaru	Banjarmasin, Samarinda, Bontang
4.	Sulawesi	Sulawesi Tenggara	Sigi, Donggala, Konawe Kolaka	Kendari, Wakatobi
5.	Bali, Nusa Tenggara, Maluku & Papua	Papua	Badung, Timor Tengah Selatan, Kupang, Sorong, Merauke, Jayawijaya, Tolikara, Intan Jaya, Lombok Barat, Lombok Tengah, Dompu	Sorong, Kupang, Jayapura.

Theoretical Framework

The concept of Democracy

Academic discourse on democracy was launched by Held (2004:3) who states that “democracy gives legitimacy to the emission of modern life: law, legislation and politics appear valid when all that is ‘democratic’. In reality this is not always the case”. Further development of democracy is increasingly needed as a system of administration and state around the world. According to Kelsen (1955: 1), “it is basically a democratic government by the people and for the people”. A society is in a democratic order that have interactions when all members of the society are always oriented to increase human dignity. This is in line with the natural human tendency which always requires equality, freedom, and independence from any form of coercive force. At the community level, the relationship between individual members of the community and among various organizations should be guided by the spirit of equality and togetherness without discrimination against socio-economic status, national origin, primordial ties, and any reason. All it should take place within a legal order to realize the rules of law and justice in society. Meanwhile at the level of the relationship between state and society, there should be a balance that allows people to have bargaining power in order to be able to limit and control those who are in charge of public authority.

General elections in almost all countries in the world adopt two models, namely, the multi - member constituency (electoral district has a lot of representatives or proportional representation system or a proportional system and the single - member constituency (one of the representatives of the constituency/district system). Kristiadi (1995) further elaborated that the electoral system means more comprehensive than the general elections do. It has the following scope. Firstly, it is related to the electoral laws and the election system (electoral system). Election laws contain normative values regarding how to divide

power into institutions in accordance with the proportional representation of political support, as reflected in the election results. Secondly, the process of election (electoral system) is a mechanism that involves the management of elections, candidate registration, voter registration, campaign procedures, vote counting, and others.

Direct local elections

Decentralization and regional autonomy are two concepts that are often used interchangeably to mean more or less the same in practical sense. But in theoretical discourse, both are distinguished for analytical purposes. The concept of decentralization is very often discussed in the context of the implementation of the State as one of the principles of government. In the state administration system that adheres to the principle of vertical dispersal of power, decentralization of authority requires local governments to subordinate in the form of submission. The application of this principle has resulted in a regional governance model that calls for autonomy in its implementation. In this system, central government shares the power with local governments.

In particular, Rondinelli (1990) elaborated decentralization into four sub-concepts: (1) deconcentration, (2) delegation, (3) devolution, and (4) bureaucratization or privatization (a variant of the non-government institutions). That is the concept of decentralization that can be used in all four of these meanings: in the sense of administration (deconcentration), in the political sense (Devolution) or in the form of delegation of certain powers and functions including the transfer of function to the private sector (privatization) and a reduction in the function and role of bureaucracy at central and provincial levels.

The quality of direct local elections is a variable of this study and Ndraha (2005: 85) contended that “it consists of understanding, acceptance, trust, responsibility, and hope”.

This variable is considered appropriate to look at the quality of services provided by the government, and simultaneously distinguishes between the nature of government services and private sector services. The government services are money consuming and not profitable in terms of financing (not income generating).

Meanwhile, trust is the expectation that people will show in the form of a reasonable behavior, honesty and cooperation from other community members, based on the common values that normally apply.

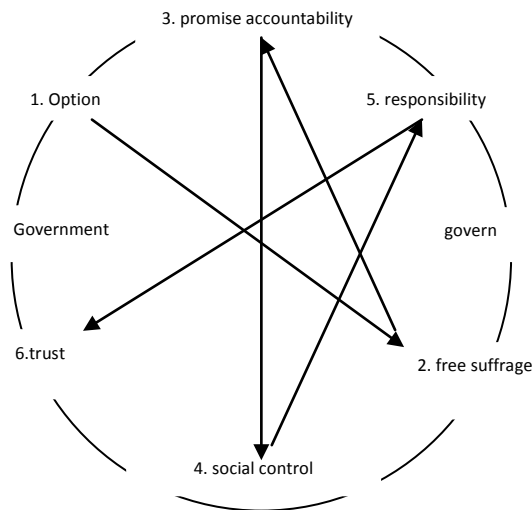


Figure 1 Relationship between the promise and trust

Source: Taliziduhu Ndraha (2003: 106)

In the context of public services, trust is the public's expectations of other people who are in the government bureaucracy. To provide services in the village administration, for instance, this expectation is the public's expectations of government agencies that exist in the village, to get a quality service.

Direct Election Process of District Government Leaders

Democracy can be defined as the involvement of the people in electing their leaders. Democracy can also be interpreted as placing power in the hands of the people.

However, giving a large portion of the power is risky. Ihsan (2009 : 66) said that “the power contains various consequences so that it should be decided by the people through the medium of democratization in the form of elections of the president, vice president or heads of the local government”.

Meanwhile Logeman (Pide, 1999) argued that political decentralization is considered to improve and strengthen the accountability, capability, and responsibility in the local community as well as the growth and development of democracy in government with the political participation of the people. Thus, decentralization is essentially a vehicle for the creation of community participation and the formation of political leadership, both at local and national levels. At the local level, the community can participate in political planning decision making. People participate in state government by using a particular channel, namely legislative branches by considering administrative boundaries that have been set.

Corruption among Local Government Leaders

Corruption in Indonesia has been existing for a very long time or since the royal periods. It is regarded as an extraordinary crime. Fuady (2004: 22) classified it as a type of white collar crime or tie crime. In contrast to conventional crimes involving street perpetrators (street crime, blue collar crime, blue jeans crime), white collar criminals are people who are respected community members and are usually highly educated. Andreae (Hamzah, 2005: 4) explained that the word corruption is etymologically derived from the Latin word “*corruptio* or *corruptus*”, and previously derived from an older Latin word, *corrumpere*. From the Latin, it came to many European languages, such as corruption, corrupt (British English); corruption (French); corruptie (Dutch). And the Dutch inherited it to Indonesian language, *korupsi*.

Corruption can take the form of individual and collective practices. Corruption is understood as any of the payment of bribes/kickbacks to service personnel (civil servant) and simple theft of public funds, the economy expanded at a suspicious and practical politics in the business community, politicians, and the bureaucracy for the sake of their material enrichment or greed.

In many cases, criminal acts that can be categorized into corruption are: (a) bribery or kickbacks, gratuities, baksheesh, sweeteners, pay off, speed and grease money; (b) embezzlement is the theft of public resources by public officials, other forms of misappropriation of public funds; (c) fraud or deception that includes economic dishonesty; (d) extortion or blackmail money or other resource extraction by force, or the threat of violence; and (e) favoritism that abuses power abuse as consequences of the privatization of the resource distribution and evil deviation.

The term corruption is often also applied to officials who commit the embezzlement of public funds, where they mismanage public funds for personal interests. In addition, according to Alatas (1986), they assign their relatives, friends of government officials regardless of their skills and abilities in certain positions and this practice has negative effect on the welfare of the community. Generally, this is nepotism. Alatas (1986:12) maintained that there are three types of phenomena covered in terms of corruption: bribery, racketeering (extortion) and nepotism. While Danil (2011:15) stated that there are four main types of corruption: bribery, extortion, embezzlement and nepotism. Therefore, a country's criminal law on corruption which does not cover the case in terms of those four practices can be considered incomplete and imperfect, so it should be amended. Furthermore, Pope (2007: 6) said that "corruption is the abuse of power for personal gain". The term is still completely taboo in the professional and political environment.

Results and Discussion

Direct local elections have been an effort to strengthen local systems and to strengthen local autonomy as a democratic process in order to: (1) reduce the arrogance of local parliament through the claims as the sole representation of the institution, because the direct elections of regional government heads will be positioned well as a representation of the local community; (2) limit the political influence of the configuration of the head of the regional parliament, because the public accountability of the head region is not only determined by the Council, but also by the local community; (3) ensure the creation of more local government legitimacy, so that local governments become more effective; and (4) reduce the practice of money politics in the election process and the process of reporting accountability by regional government heads (Ramses, 2003). In the implementation of direct local elections, there are the following stages.

1. Preparatory stage, which includes (a) notice to the Council and the regional office of the Electoral Commission regarding the expiration of the local government leader's tenure; (b) planning of the election implementation, which include establishing procedures and schedule of elections; (c) establishment of Supervisory Committee, Sub-district Electoral Committee (PPK), Polling Committee (PPS), and Head of Polling Station/Committee (KPPS); and (d) the notification and registration of observers.
2. Implementation stage, which includes (a) final decision on voters' list, which includes: transfer of P4B, updated voter's list, announcement of temporary voters' list, the announcement of the final voters list; (b) the nomination, which includes: the proposed political party/coalition of political parties that gained 15 per cent parliamentary seats of total votes, the candidate pairs proposed by political parties, political parties nomination / enrolment, enrolment period of seven days

from the published examination by the late seven days, the completion of candidate document in seven days, seven of days repeated examination, announcement of legitimate candidate pairs no longer than seven days after completion of the examination and, drawing of candidate's electoral numbers (one day); (c) procurement and distribution of logistics, which includes: checking the voting booth damages and procurement of new voting booths, procurement of ballot boxes and the checks on damages, ink, piercing tools, pads, stationery, film template reproduction, ballots printing, certificates, forms printing, and distribution of logistics; (d) campaign for 14 days; (d) cooling off period for three days; (e) voting day; (f) the vote counting ; (g) announcement of winning candidate pairs who obtain the most votes ; and (h) the organization of the second round.

3. Endorsement and inauguration stage, which includes more detailed arrangements. In this stage, Ministry of Home Affairs, Electoral Commission, and other government bodies are required to make technical policies and apply further regulations.

Considering the conceptual understanding of the empirical government conditions, the corruptors can be seen as selfish, aggressive and greedy as they try to get what they want. Aside from the nature of human being, the corruption in Indonesia is consistent and firm regardless to prevailing value system and norms. In fact, there is a conflict of interest between individual and public interests, and individual freedom wants to obtain something, while limiting the government's interests and desires of the individuals.

Conclusions

Based on the research results, effects of direct elections for local leaders can be summarized as follows. Firstly, the quality of direct local elections has had a significant and

meaningful effect on corruption committed by the heads of provincial, district and city government. Thus, the better quality of the local elections will directly lower the corruption rate in an area. On the contrary, the poor quality of direct local elections will result in a higher corruption rate. Robust quality of local elections is directly supported by the commission's sensitivity to public complaints and expectations, good quality services provided for the community, public trust in the electoral commission, the commission responsibility, and community expectation of well organized direct elections.

Secondly, the process of direct local elections has had a significant and meaningful effect on corruption by the local government leaders. Thus, the better local election process will immediately lower the corruption rate among the heads of the local government. On the contrary, the worse process of direct local election will negatively contribute to higher corruption rate. The strength of the local election process is directly supported by direct election preparations, as well as the ratification of electoral results, and the inauguration of elect local government leaders.

Finally, the process and quality of direct local elections has jointly demonstrated a meaningful and significant impact on the corruption by local leaders. Thus, the better quality and process will immediately lower the corruption rate. In contrast, the lower quality and process will contribute to a higher corruption rate. Partially, the influence of the local election process is more powerful than the quality of direct local elections, since direct local election process requires the government to spend a vast amount of funding on the preparation, implementation, validation and the inauguration of the elect local government leaders.

Recommendations

Based on the research findings, academic and practical recommendations are presented. Academically, research on the effects of

direct local elections on corruption rate has been rarely done. It is therefore necessary to conduct similar studies to develop a model of direct local elections. This study only involved 85 areas that have organized direct local elections. A further study should be expanded to more sample areas in order to collect more data that can complete the current research findings.

In practice, the corruption rate can be reduced by improving the quality and process of the direct local elections. It is recommended that the election process be well organized in the individual stages of preparation, implementation, validation, and inauguration. In this case, Process improvement includes: (1) amendment of direct election law, (2) increased scrutiny process, (3) more community participation and involvement.

In addition, the corrupt practices by the heads of local government can be prevented at every stage of the direct local elections. The prevention can also be done by changing the direct local elections into the parliamentary elections. Finally, another way that can be taken to reduce corruption rate is to create a new model of direct elections for regional leaders in accordance with their respective conditions. For urban areas with high levels of education and well-established economy, local leaders can be elected directly. As for rural areas, with lower educational level and poor economy, local elections are conducted through local parliament.

References

- Alatas, S.H. (1986). *Sosiologi korupsi: sebuah penjelajahan dengan data kontemporer*. Jakarta: LP3ES, Lembaga Penelitian, Pendidikan dan Penerangan, Ekonomi dan Sosial.
- Danil, E. (2011). *Korupsi: konsep, tindak pidana, dan pemberantasannya*. Jakarta: Rajawali Press.
- Effendy, K. (2010). *“Memadukan Metode Kuantitatif – Kualitatif”*. Bandung : Indra Prahasta.
- Fuady, M. (2004). *Bisnis kotor: anatomi kejahatan kerah putih*. Jakarta: Citra Aditya Bakti.
- Held, D. (1995). *“Democracy And The Global Order; From The Modern State to Cosmopolitan Governance*. Polity Press.
- Hamzah, A. (2005). *Pemberantasan korupsi: hukum pidana nasional dan internasional*. Jakarta: Raja Grafindo Persada.
- Ihsan, B. (2009). *Etika dan Logika Berpolitik. Wacana Kritis atas Etika Politik, Kekuasaan, dan Demokrasi*. Bandung: Rosda.
- Kelsen, H. (1955). *Foundations of democracy. Ethics : an international journal of social, political, and legal philosophy* Volume 66, Issue 1, Part 2. Chicago: University of Chicago Press.
- Kristiadi, J. (1995). *Sistem pemilihan umum dan representasi politik*. Bandoro, B. (ed). *Refleksi setengah abad kemerdekaan Indonesia*. Jakarta: CSIS.
- Ndraha, T. (2003). *Kybernology (ilmu pemerintahan baru) jilid 2*. Jakarta : PT. Rineka Cipta.
- Pide, A.M. (1999). *Otonomi daerah dan kepala daerah. Memasuki abad XXI*. Jakarta: Gaya Media Pratama.
- Pope, J. (2007). *Confronting corruption: the elements of a national integrity system*. Germany: Transparency International.
- Ramses, A. (2003). *Pemilihan kepala daerah secara langsung dan perlunya revisi terbatas Undang-Undang Nomor 22 Tahun 1999; dalam Jurnal Ilmu Pemerintahan*. Edisi 19 Tahun 2003, MIPI, Jakarta. Dwipayana.
- Rondinelli, D.A. (1990). *Decentralizing Urban Development Programs: A Framework for Analyzing Policy*. Washington DC: Office of Housing and Urban Programs of the US Agency for International Development.