

TRANSPARENCY OF THE RECRUITMENT OF THE GENERAL ELECTION SUPERVISORY COMMITTEE SUB-DISTRICT LEVEL IN PERSPECTIVE INDONESIAN CONSTITUTIONAL LAW

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Abstrak

Keywords:

Transparency,
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This study aims to analyze the transparency mechanism of recruitment of the Village/Village Election Supervisory Committee (PKD) carried out by the General Election Supervisory Agency (Bawaslu) of Bandar Lampung City, identify the factors that hinder its implementation, and formulate efforts to resolve it based on the perspective of Indonesian Constitutional Law. This study uses an empirical juridical approach with primary data sources obtained through interviews and secondary data derived from laws and regulations, literature, and relevant documents. The results of the study show that the PKD recruitment mechanism at the Bandar Lampung City Bawaslu has been implemented in accordance with the provisions of Law Number 7 of 2017 concerning General Elections and the Decree of the Chairman of Bawaslu Number 5/KP.01/K1/2024. The implementation of recruitment has reflected the principles of the rule of law (rechtstaat) and the General Principles of Good Governance (AUPB), especially the principles of openness, legal certainty, professionalism, accountability, and justice. However, there are still several obstacles, including the uneven dissemination of recruitment information, low public participation in supervision, potential subjectivity at the interview stage, limited human resources and supporting facilities, and the emergence of perceptions of political closeness or nepotism. Therefore, it is necessary to strengthen transparency, increase public participation, improve selection mechanisms, and optimize supporting facilities to realize democratic, transparent, and integrity election supervisor recruitment.

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INTRODUCTION

The implementation of general elections as a manifestation of the principle of people's sovereignty in a constitutional democracy requires the implementation of an effective, independent, and integrity supervisory system (Noorl & Marlina, 2023). Supervision is an important instrument to ensure that each stage of the election takes place in accordance with the principles of democracy, legal certainty, and the principles of direct, public, free, confidential, honest, and fair elections. In the Indonesian constitutional system, the authority to supervise the implementation of elections is given to the General Election Supervisory Agency (Bawaslu), which carries out the supervisory function through an institutional structure to the lowest level, namely the Village/Village Election Supervisory Committee (PKD) (Raden, 2024). The existence of supervisors at the sub-district/village level has a very strategic position because it interacts directly with the social dynamics of the community and supervises the implementation of each stage of the election at the grassroots level (Iriani et al., 2023).

Juridically, Indonesia as a state of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia requires that all government operations, including the holding of elections, be carried out based on the provisions of the applicable law while upholding the principles of justice, legal certainty, and protection of citizens' rights (Majid et al., 2018). The implementation of these principles is further regulated in various provisions of laws and regulations in the field of elections that mandate that the recruitment process of election organizers and supervisors be carried out in an open, objective, transparent, professional, and accountable manner. The application of the principle of openness in the recruitment process aims to ensure broad access to information to the public, provide equal opportunities for every citizen to participate, and prevent the occurrence of practices that are contrary to democratic values, such as nepotism, collusion, and intervention of certain interests. In line with that, Law Number 7 of 2017 concerning General Elections gives authority to Bawaslu and all its institutional ranks to supervise every stage of the implementation of elections, including the implementation of the recruitment of ad hoc election supervisory bodies (Pettalolo et al., 2016).

From the perspective of good governance, transparency is one of the fundamental principles that must be applied in every implementation of public affairs. This concept as developed by the United Nations Development Programme (UNDP) places transparency as the main prerequisite for the creation of a democratic, accountable, and responsive government to the interests of the community (Sari, 2023). Therefore, the application of the principle of transparency in the recruitment process of the Village/Village Election Supervisory Committee should be realized through the provision of information that is easily accessible and accountable at all stages of selection, starting from the announcement of registration, receipt of administrative files, the implementation of the selection, to the determination and announcement of the final results (Widanti, 2022).

However, empirical reality shows that the implementation of the principle of transparency in the recruitment process of the Village/Village Election Supervisory Committee has not been fully implemented optimally (Jashari & Pepaj, 2018). Various problems are still found in the practice of its implementation, including limited public access to recruitment information, suboptimal publication regarding the selection stages, and not maximum openness in the delivery of selection results to the public (Syadiyah et al., 2024). In addition, there is still a perception among the public about the existence of

an element of subjectivity in the selection process that has the potential to affect the level of public trust in the independence and integrity of election organizers.

This phenomenon makes the implementation of the recruitment of the Village/Village Election Supervisory Committee by the General Election Supervisory Agency of Bandar Lampung City an important object of study to be researched. This is based on the strategic role of the Village/Village Election Supervisory Committee as the spearhead of the implementation of the supervisory function at the local level. If the recruitment process is not held in a transparent and accountable manner, then this condition has the potential to affect the quality of election supervision while lowering the level of public trust in election supervisory institutions(Androniceanu, 2021).

The application of the principle of transparency in recruitment is not optimally influenced by various multidimensional factors. From the normative aspect, there is still a need for more detailed regulation of transparency standards in the recruitment process. From a structural aspect, limited human resources, institutional capacity, and support for facilities and infrastructure are obstacles in the implementation of open recruitment. Meanwhile, from a cultural aspect, a bureaucratic culture that has not fully prioritized information disclosure also affects the effectiveness of implementing the principle of transparency. Thus, the issue of transparency in the recruitment of the Village/Village Election Supervisory Committee is not only related to the technical aspects of implementation, but is also influenced by interrelated institutional, regulatory, and legal cultural factors(Herasymiuk et al., 2020).

Based on this description, it can be seen that there is a gap between **das sollen**, which is a legal provision that requires the recruitment process for the Village/Village Election Supervisory Committee to be carried out in a transparent, objective, and accountable manner, and **das sein**, which is a factual condition that shows that the implementation of the principle of transparency in practice still faces various obstacles. This gap is an important basis for the implementation of this research to analyze the implementation of transparency in the recruitment of the Village/Village Election Supervisory Committee, identify various factors that hinder its implementation, and formulate alternative settlement efforts in accordance with the principles of Indonesian constitutional law, by making the Bandar Lampung City General Election Supervisory Agency as the location of the research.

RESEARCH METHODS

This study uses a normative-empirical juridical approach. Through a normative juridical approach, problems are studied from a positive legal perspective by examining laws and regulations, legal principles, and legal doctrines that are relevant to the transparency of the recruitment of the Village/Village Panwaslu. The empirical juridical approach is used to examine the implementation of recruitment in the field, namely at the Bandar Lampung City Bawaslu, in order to get a real picture of the actual practice of transparency.

In addition to these two approaches, this study also applies a conceptual approach by examining relevant legal concepts, such as the concept of transparency, general principles of good governance, and principles of the rule of law; and a statutory approach by examining the regulations governing the implementation of elections and the recruitment of ad hoc election supervisory bodies.

RESULTS AND DISCUSSION

Transparency Mechanism for the Recruitment of the Village Level General Election Supervisory Committee Implemented by the Bandar Lampung City Bawaslu Reviewed from the Principles of Indonesian Constitutional Law

As an institution mandated under Law Number 7 of 2017 concerning General Elections, the General Election Supervisory Agency (Bawaslu) has the authority to compile supervision standards and supervise all stages of election implementation, starting from updating voter data, nominating election participants, implementing campaigns, distributing logistics, voting and counting votes, to determining election results. The scope of this authority shows that Bawaslu plays a very important role in maintaining the integrity of the election administration while ensuring the implementation of democratic principles based on law.

The implementation of the supervisory function cannot be carried out optimally without institutional tools that reach the lowest level. Therefore, Bawaslu established the Village/Village Election Supervisory Committee (PKD) as an ad hoc body tasked with carrying out direct supervision in the sub-district or village area. In this context, the PKD recruitment process is a part that greatly determines the success of the election supervision system because the quality of supervision is greatly influenced by the competence, integrity, and independence of the elected PKD members.

From the perspective of Indonesian Constitutional Law, the PKD recruitment mechanism must be implemented based on the principles of the rule of law (*rechtstaat*) and the General Principles of Good Governance (AUPB), especially the principles of openness, legal certainty, professionalism, accountability, and justice. The application of these principles aims to ensure that all stages of recruitment take place objectively, transparently, free from intervention, and can be accounted for to the community as sovereign holders.

The principle of the rule of law requires that every action taken by state institutions has a clear legal basis and is not carried out arbitrarily. In the implementation of PKD recruitment, this principle is realized through compliance with Law Number 7 of 2017 concerning General Elections and the Decree of the Chairman of Bawaslu Number 5/KP.01/K1/2024 concerning Guidelines for the Implementation of the Formation of the Village/Village Election Supervisory Committee for the 2024 Simultaneous General Elections. The regulation is a juridical basis that provides legitimacy as well as legal certainty for all stages of selection so that the recruitment process is carried out based on applicable regulations, not on the basis of the interests of certain individuals or groups.

In addition, the principle *of equality before the law* as one of the characteristics of the state of law must also be realized in the recruitment process. All citizens who meet the requirements have the same right to take part in the selection without discriminatory treatment based on political background, religion, ethnicity, social status, or close relationships with certain parties. Equality of opportunity is an important prerequisite in maintaining the independence and neutrality of election supervisory institutions.

The application of the General Principles of Good Governance is also an important indicator in assessing the quality of PKD recruitment implementation. The principle of openness, for example, is realized through the delivery of information regarding registration, administrative requirements, selection implementation schedules, administrative research results, and announcements of participants who have passed through various information media, such as the official Bawaslu website, social media,

and bulletin boards. The disclosure of information provides the same opportunity for the public to obtain information while preventing the occurrence of collusion practices, nepotism, and abuse of authority in the selection process.

In addition to the principle of openness, the principle of legal certainty requires that each stage of selection be carried out according to previously determined procedures and schedules. Based on the results of the research, the PKD recruitment mechanism in Teluk Betung Barat District is carried out consistently following the stages that have been determined in the official guidelines of Bawaslu. This consistency shows that the selection process runs in an orderly, planned, and provides legal certainty to all participants.

Furthermore, the principle of professionalism is reflected through the implementation of administrative selection and interviews designed to measure the ability, competence, and integrity of prospective PKD members. The establishment of the selection Working Group (Pokja) involving elements of the sub-district secretariat, community leaders, and women's representation shows the commitment of Bawaslu in maintaining the objectivity and independence of the selection process so that participants who are declared to have passed really meet the qualifications needed in carrying out the election supervision function.

The principle of accountability is realized through the implementation of a selection process that is fully documented and accountable, both administratively and institutionally. Each stage, starting from the receipt of registration files, administrative research, conducting interviews, determining selected participants, to reporting the selection results to the Bandar Lampung City Bawaslu, is carried out in accordance with applicable procedures so as to provide a guarantee of the transparency of the recruitment process.

Meanwhile, the principle of justice is implemented through equal treatment to all participants during the selection process and the implementation of a policy of female representation of at least 30 percent in the formation of PKD. This provision is a form of implementation of the principle of gender equality which is part of the implementation of a democratic and inclusive government.

Based on the results of the research, the PKD recruitment mechanism in Teluk Betung Barat District implemented by the Bandar Lampung City Bawaslu has been running in accordance with the Guidelines for the Implementation of the Formation of the Village/Village Election Supervisory Committee as stipulated in the Decree of the Chairman of Bawaslu Number 5/KP.01/K1/2024. This suitability can be seen from the implementation of each stage of selection that follows normative provisions, starting from the implementation schedule, selection procedures, to the determination of final results.

The implementation of the recruitment also reflects the implementation of the principle of the rule of law because all stages are carried out based on clear regulations, carried out according to a predetermined schedule, and provide equal opportunities for all people to participate in the selection process. In addition, the disclosure of information carried out through various communication media shows that there are efforts by Bawaslu in realizing transparency and expanding public access to public information.

The existence of public complaint channels further strengthens the application of the principles of accountability and public participation in the recruitment process. This mechanism allows the public to submit objections and alleged violations that occur during the selection process so that supervision of the implementation of recruitment is not only

carried out internally, but also involves community control as part of the democratic system.

Overall, the results of the study show that the transparency mechanism for the recruitment of the Village/Village Election Supervisory Committee organized by the Bandar Lampung City Bawaslu has implemented the principles of Indonesian Constitutional Law, especially the principles of the state of law (*rechtstaat*) and the General Principles of Good Government. This implementation is reflected through legal certainty, information disclosure, accountability, professionalism, justice, and community participation in every stage of recruitment. The application of these principles is an important foundation in realizing democratic election supervision, integrity, and being able to increase public trust in election supervisory institutions.

Factors Inhibiting the Transparency of the Recruitment of the Village Level General Election Supervisory Committee at the Bandar Lampung City Bawaslu and Efforts to Resolve It Based on the Indonesian Constitutional Law Framework

Transparency is one of the fundamental principles in the implementation of the recruitment of the Village/Village Election Supervisory Committee (PKD) because it plays an important role in ensuring a democratic, objective, and integrity selection process. From the perspective of Indonesian Constitutional Law, transparency is a manifestation of the principle of the rule of law (*rechtstaat*) which is manifested through the application of the General Principles of Good Governance (AUPB), especially the principles of openness, accountability, professionalism, and legal certainty. Although normatively the PKD recruitment mechanism within the Bandar Lampung City Bawaslu has been held based on the provisions of applicable laws and regulations and technical guidelines, the results of the study show that the implementation of transparency in practice still faces a number of obstacles that affect the optimization of recruitment implementation.

1. Not Optimal Dissemination of Recruitment Information

One of the factors that hinders the realization of PKD recruitment transparency is the uneven dissemination of information to all levels of society. Although the recruitment announcement has been published through social media and the official Bawaslu website, the use of digital media has not been fully able to reach people who have limited access to information technology. This condition results in people who do not get information about the opening of registration or the ongoing selection stages.

Viewed from the perspective of Indonesian Constitutional Law, this situation shows that the implementation of the principle of openness has not been carried out optimally. In fact, the right to obtain information is part of the constitutional rights of citizens that must be guaranteed in the administration of government. The inequality of access to information has the potential to reduce people's opportunities to participate broadly in the recruitment process and is contrary to the principle of equal opportunity in a democratic country.

As an improvement step, the Bandar Lampung City Bawaslu needs to develop a more comprehensive socialization strategy by combining digital media and conventional media. Recruitment information should be published through village offices, sub-districts, bulletin boards in public facilities, and involve community leaders, community organizations, and local government elements so that the dissemination of information can reach all levels of society more effectively.

2. Low Community Participation in Recruitment Process Supervision

The next factor that affects recruitment transparency is the limited involvement of the community in supervising the PKD selection process. Some people still tend to leave the implementation of the selection to the organizers without actively participating in providing input or controlling the course of the recruitment process.

In the concept of a democratic legal state, community participation is an element that cannot be separated from the implementation of accountable government. The low level of public participation has the potential to weaken the function of social control over the organizers so that it can cause public doubts about the objectivity of the selection results.

To overcome these conditions, it is necessary to increase political education and socialization regarding the importance of participatory supervision in each stage of recruitment of election supervisory bodies. In addition, the Bandar Lampung City Bawaslu needs to optimize a public complaint mechanism that is easily accessible, responsive, and provides protection guarantees to whistleblowers so that the public is encouraged to actively participate in supervising the selection process.

3. Potential Subjectivity in the Implementation of Interviews

The interview stage is one of the stages that has the greatest potential to cause subjective assessment if it is not supported by clear, measurable, and uniform assessment indicators. The dominance of the interviewer's personal considerations can lead to the perception that the selection results are not entirely based on the participants' competence, but are influenced by non-objective factors.

This condition is contrary to the principles of professionalism and the principle of fairness in the General Principles of Good Government, which require that every administrative decision of the government be based on objective, rational, and accountable measures.

As an effort to improve, it is necessary to prepare a more detailed, standardized, and open interview assessment instrument. In addition, the implementation of interviews should be carried out collectively by the selection team supported by adequate documentation so that each assessment result can be verified if necessary. This mechanism is expected to be able to minimize subjectivity while increasing the accountability of the selection process.

4. Limited Human Resources and Supporting Facilities

Another obstacle comes from the limited human resources and supporting facilities owned by recruitment organizers, especially at the sub-district level. The limited number of personnel can affect the effectiveness of the implementation of each stage of selection, while the limited information technology infrastructure has the potential to hinder the delivery of information to the public quickly and openly.

From the perspective of Indonesian Constitutional Law, these conditions are closely related to the application of the principles of effectiveness and the principle of good service in the administration of government. State administrators are obliged to provide quality public services, including in the recruitment process of ad hoc election supervisory bodies.

Therefore, increasing the capacity of human resources through education, technical training, and continuous coaching needs to be a priority. In addition, strengthening information technology facilities is also needed so that all stages of recruitment can be documented and published more effectively, transparently, and easily accessible to the public.

5. The Emergence of Perceptions Regarding Political Proximity or Nepotism Practices

Even though the recruitment process has been formally carried out in accordance with applicable regulations, there is still a perception in some people about the possibility of political proximity or the practice of nepotism in determining participants who are declared to have passed the selection. This perception generally arises because the assessment process, especially at the interview stage, has not been fully known to the public.

From the perspective of the state of law, this perception has the potential to affect the institutional legitimacy of Bawaslu because the level of public trust is one of the important elements in the implementation of democracy. If the public doubts the independence of the selection process, then the credibility of the recruitment results will also be questioned.

To reduce this perception, the Bandar Lampung City Bawaslu needs to strengthen the disclosure of information about the assessment mechanism by conveying assessment indicators, the weight of each aspect, and the basis for consideration of the determination of selected participants without neglecting personal data protection. In addition, external supervision involving the public, mass media, and civil society organizations needs to be encouraged as a form of public control over the recruitment process.

Based on the overall results of the analysis, it can be understood that various obstacles in the implementation of PKD recruitment transparency at the Bandar Lampung City Bawaslu basically show that the implementation of the principles of the rule of law (*rechtstaat*) and the General Principles of Good Governance still needs strengthening. Transparency is not only understood as an administrative obligation, but also an instrument to ensure the fulfillment of the public's right to information, expand public participation, and ensure that every participant receives fair treatment during the selection process.

Therefore, the solution to these various obstacles must be directed at strengthening the implementation of the principles of openness, accountability, professionalism, legal certainty, and community participation in each stage of recruitment. If these principles are applied consistently, the PKD recruitment mechanism will further reflect the values of constitutional democracy, improve the quality of Bawaslu's institutional governance, and strengthen public trust in the independence and integrity of election supervisory institutions.

CONCLUSION

The recruitment of the Village/Village Supervisory Committee (PKD) by the Bandar Lampung City Bawaslu has been held in accordance with the provisions of the applicable laws and regulations and the principles of Indonesian Constitutional Law. The entire recruitment process reflects the embodiment of the principles of openness, legal certainty, accountability, professionalism, and fairness as stated in open announcements, structured selection procedures, and equal opportunities for all participants.

The transparency of PKD recruitment is still faced with a number of obstacles, including uneven distribution of information, low public involvement in supervision, potential subjectivity at the interview stage, limited capacity of human resources and supporting facilities, and the emergence of perceptions of political proximity or nepotism that have the potential to erode public trust in the recruitment process.

Based on the results of the research, it is recommended to the Bandar Lampung City Bawaslu to increase the transparency of the recruitment of the Village/Village Supervisory Committee (PKD) through wider dissemination of information and openness in each stage of selection. In addition, the public is expected to play an active role in supervising the recruitment process through the participatory supervision mechanism provided by Bawaslu to support the realization of transparent, accountable, and integrity election supervisor recruitment.

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