

Political Rights of Ex-Corruption Convicts in Elections

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Abstract. This research aims to determine the birth process, the dynamics of the formulation, and the impact of the licensing policy for ex-corruption convicts to participate in elections. By using qualitative research methods and public policy theory, political elites, and corruption, this study found that the licensing policy for ex-corruption convicts in elections is a political process on the basis of providing opportunities for ex-corruption convicts as part of human rights which is then set forth in Law Number 7 of 2017 as a legal decree. Therefore, General Election Commission Regulation (PKPU) Number 20 of 2018 which prohibits ex-corruption convicts from becoming election participants is in itself considered deviant. This policy reaped a lot of controversy and rejection from society, but on the pretext of providing opportunities and fulfilling human rights, the political process came to a decision to be legalized through law. As a result, in the midst of public knowledge about the limited track record of politicians and the attitude of the people towards non-corruption which tends to be permissive, legislative candidates with backgrounds of corruption convicts have emerged and some have been elected in political contests at both the local and national levels.

Keywords: Political rights, Ex-Corruption Convicts, Elections, Public Policy, Political Elite.

Abstrak. Penelitian ini bertujuan untuk mengetahui proses lahir, dinamika perumusan, dan dampak kebijakan perizinan mantan narapidana korupsi ikut serta dalam pemilu. Dengan menggunakan metode penelitian kualitatif dan teori kebijakan publik, elite politik, dan korupsi, penelitian ini menemukan bahwa kebijakan perizinan mantan narapidana korupsi dalam pemilu merupakan proses politik atas dasar pemberian kesempatan mantan narapidana korupsi sebagai bagian dari hak asasi manusia yang kemudian dituangkan dalam UU No. 7 Tahun 2017. Oleh sebab itu, Peraturan KPU (PKPU) Nomor 20 Tahun 2018 yang melarang mantan narapidana korupsi menjadi peserta pemilu dengan sendirinya dianggap menyimpang. Kebijakan ini menuai banyak kontroversi dan penolakan dari masyarakat, namun atas dalih pemberian kesempatan dan pemenuhan HAM, maka proses politik sampai pada keputusan untuk dilegalisasi melalui undang-undang. Dampaknya, di tengah pengetahuan masyarakat tentang track record politisi yang terbatas dan sikap masyarakat terhadap tindak korupsi yang cenderung permisif, maka bermunculan calon-calon legislatif berlatar belakang narapidana korupsi dan sebagian terpilih dalam kontestasi politik baik pada tingkat lokal maupun nasional.

Kata Kunci: Hak politik, Mantan Narapidana Korupsi, Pemilu, Kebijakan Publik, Elite Politik.

INTRODUCTION

This research examines the licensing policy for ex-corruption convicts to participate in elections as ratified by The House of Representatives (DPR) in Law Number 7 of 2017 concerning General Elections. According to Law Number 7 of 2017, specifically article 240 section (1), "Prospective candidates for members of The House of Representatives (DPR) Provincial of Regional Legislative Council (DPRD Provinsi), and District/City of Regional Legislative Council (DPRD Kabupaten/Kota) are Indonesian citizens and must fulfill the requirements, one of which is that they have never been sentenced to prison based on a court decision that has been obtained as legal force for committing a criminal offense that is punishable by imprisonment for five years or more, unless openly and honestly stating to the public that the person concerned is an ex-convict." This article then encouraged the emergence of ex-corruption convicts from various political parties dared to nominate themselves again in the election.

The policy regarding permission for ex-corruption convicts to participate in elections is normatively contrary to the requirements for legislative candidates. The reason is, ideally, candidates for legislative members must be elected through a democratic mechanism, namely elections, and fulfill the requirements in accordance with the provisions of political parties and have at least minimum criteria to carry out legislative, budgetary, and supervisory functions. Political parties are fully responsible for producing candidates for legislative members who have a good track record and meet the requirements in terms of integrity, loyalty, competence, and capability, especially in carrying out their functions and duties as people representatives. These requirements need to be upheld for every legislative candidate to avoid various possible problems occurring in the future because the quality of the candidate determines the maturity of the legislative body in producing regulations that are in accordance with democratic principles. It is feared that the re-nomination of ex-corruption convicts in the elections could trigger new problems in governance.

Based on data from the General Election Commission (KPU), there were 16 political

parties participating in the 2019 election. From this data, the names of 72 ex-corruption convicts from 14 political parties who ran for Provincial and District/City of Regional Legislative Council positions emerged, as well as nine names of ex-corruption convicts who are running for Regional Representatives Council (DPD). It was identified that 81 ex-corruption convicts were running for re-election in the 2019 elections as listed in Table 1 and Table 2 below.

Table 1. List of Number of Regional Legislative Council Candidates Ex-Corruption Convicts in 2019 Election

No.	Political Parties	Number of Candidates
1.	Partai Hanura	11
2.	Partai Golkar	10
3.	Partai Demokrat	10
4.	Partai Berkarya	7
5.	Partai Keadilan dan Persatuan Indonesia	4
6.	Partai Amanat Nasional (PAN)	6
7.	Partai Gerindra	6
8.	Partai Perindo	4
9.	Partai Bulan Bintang (PBB)	3
10.	Partai Persatuan Pembangunan (PPP)	3
11.	Partai Keadilan Sejahtera (PKS)	2
12.	Partai Garuda	2
13.	Partai Kebangkitan Bangsa (PKB)	2
14.	PDI Perjuangan	2
15.	Partai Solidaritas Indonesia (PSI)	-
16.	Partai Nasional Demokrat (NasDem)	-
Total		72

Table 2. List of Number of Regional Representatives Council Candidates Ex-Corruption Convicts in 2019 Election

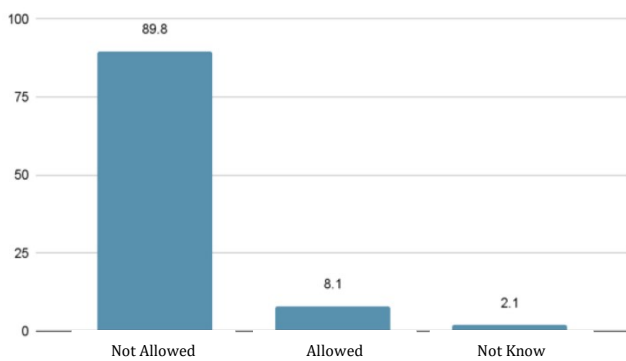
No.	Electoral District	Number of Candidates
1.	Aceh	1
2.	North Sumatera	1
3.	Bangka Belitung	1
4.	South Sumatera	1
5.	Central Kalimantan	1
6.	Southeast Sulawesi	3
7.	North Sulawesi	1
Total		9

(Source: KPU RI 2019)

From this data, the Hanura is the party that nominated the most ex-corruption convicts (11 people), followed by the Golkar and Demokrat, which each nominated 10 people. The supporting parties that nominated the fewest ex-corruption convicts were the PKS, Garuda, PBB, and PDI Perjuangan with two people each. Of the 16 parties, there are two political parties that were not involved at all in allowing ex-corruption convicts to participate in the 2019 elections, namely PSI and NasDem.

The involvement of ex-corruption convicts who were allowed to run for elections again despite a five-year gap from prison has given rise to pros and cons in society. Most people reject (not allowed; 89.8 percent) this issue. This was proven by research via interviews conducted by Kompas Research and Development on 532 respondents who were at least 17 years old and came from 80 cities/districts in 34 provinces of Indonesia. The graph is below.

Picture 1. Public Assessment of Ex-Corruption Convicts Renomination in Elections



(Source: Litbang Kompas 2020)

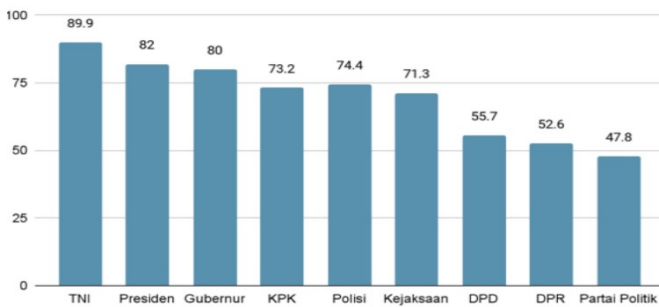
This controversial policy was responded by the General Election Commission through the creation of Regulation (PKPU) Number 20 of 2018 which contains a prohibition on including ex-convicts of drug dealers, sexual crimes against children, and corruption as prospective candidates (Article 4 section 3). This regulation was formed by General Election Commission as a form of realizing its commitment to eradicating corruption which has long been entrenched and has become a disease for the political elite in Indonesia. Eradicating corruption in this case is not only the task of the Corruption Eradication Commission, but is also the task of all levels of society in Indonesia, including the General Election Commission.

They consider that corruption is an extraordinary crime that can damage society and these regulations were also formed to realize clean elections. However, General Election Commission regulations actually sparked protests from various parties, especially ex-corruption convicts who wanted to become legislative candidates again in the 2019 elections, by filing a lawsuit with the Supreme Court (MA). Based on Supreme Court Decision (Putusan MA) Number 46P/HUM/2018, regulations regarding the prohibition of ex-corruption convicts from running for elections are deemed to have no binding legal force, do not apply generally, and are contrary to Law Number 7 of 2017. In addition, the involvement of ex-corruption convicts in Elections are determined in accordance with legislation, especially Law Number 39 of 1999 concerning Human Rights (HAM), because ex-corruption convicts are individuals who also have the right to vote and be elected regardless of their background in the field of criminal acts of corruption. Therefore, the General Election Commission is prohibited from forming these regulations and is obliged to revise them according to mutual agreement. From this fact, the policy of allowing ex-corruption convicts to participate in elections actually also limits the General Election Commission's movements to create clean and democratic elections, so this also triggers the pros and cons of society.

Law Number 7 of 2017 which allows ex-corruption convicts to participate in elections is actually contrary to the integrity pact of political parties. Ahead of the 2019 election, all political parties have agreed to an integrity pact not to nominate legislative candidates who commit or are involved in criminal acts of corruption. However, in reality the names of ex-corruption convicts appeared in the provincial and district/city of legislative candidates, namely 72 candidates as shown in Table I.A.1. This proves that the political party's promises in the integrity pact which had been signed on stamp duty were not fulfilled because there was a policy regarding allowing ex-corruption convicts to participate in elections which weakened the position of the integrity pact. Besides that, this is proof that the integrity pact is not a complete concern for political parties.

The paradoxes and controversies triggered by the attitudes of political elites have an impact on the level of public trust in politicians and political institutions, such as The House of Representatives and political parties. The Indonesian Political Indicator Survey released that public trust in the DPR in February 2021 reached 52.6%, with 1200 respondents collected from March 2018 to March 2020. This is as stated in Picture 2 below.

Picture 2. Level of Public Trust in Institutions (February 2021)



(Source: Indikator Politik Indonesia 2021)

Based on this data, it can be seen that the public has high trust in certain public institutions, such as the Military, President, Governor, Police, and Judiciary. These institutions have succeeded in gaining the trust of the public with a percentage of more than 60%. However, public trust for The House of Representatives as a legislative institution tasked with making policies is actually low. The House of Representatives was only able to achieve 52.6%, followed by political parties which were only able to achieve 47.8%. If public trust is a measure, the presence of The House of Representatives as a policy maker, and political parties as organizations where legislative members are affiliated, cannot be used as political capital to create qualified policies. Therefore, it is important to look at the process of formulating policies that invite controversial narratives by looking at the dynamics and impacts of these policies.

METHOD

The research method used is qualitative which focuses on micro-level conditions, such as political interactions or relations, which shape people's lives in the political system (Aminah and Roikan 2019: 57). Research data was obtained through in-depth interviews and documents in the form of treatises that describe the birth process, dynamics in its formulation,

and analysis of the impact of the policy on allowing ex-corruption convicts to participate in elections.

Research subjects are informants who are considered to have competence in accordance with research needs, so they can provide data and information related to research problems. The informants are Al-Muzzammil Yusuf, Member of Commission II in The House of Representatives of Republic Indonesia (DPR RI) PKS Fraction, Tjahyo Winarno, Coordinator of Experts for Political, Legal, and Human Rights Affairs of the PKS Fraction, Mochammad Afifuddin, Head of the Legal and Supervision Division of the General Election Commission (KPU RI), and Ucep Hasan Sadikin, Member of the Association for Elections and Democracy (Perludem).

Data analysis is carried out to organize and group data, so that findings are obtained based on the focus or problem to be answered. Through data analysis, data that was initially separated and scattered can be simplified, so that it can be understood easily (Majid 2017: 65-66).

The processes and stages in data analysis are: First, data reduction, namely efforts to summarize, code, explore themes, and create data clusters into certain concepts or topics. After being reduced and sorted, the data provides a sharper picture and can make it easier for researchers if they want to provide additional data. Second, data presentation that allows conclusions to be drawn and action taken based on data presented in the form of field notes, matrices or graphs. Third, drawing conclusions. Researchers draw conclusions continuously, such as recording the meaning or significance of objects, the regularity of a pattern, the flow of cause and effect, and propositions. Fourth, conclusion. This data is processed more deeply using policy theory, so that conclusions can be drawn that are directly proportional to the research objectives (Rijali 2018: 91-94).

RESULT AND DISCUSSION

Formulation of Law Number 7 of 2017

Law Number 7 of 2017 concerning Elections is a policy proposed for entry into the 2015-2019 National Legislative Program (Prolegnas) on January 26, 2016. There are four

parties proposing the National Legislative Program: (1) The House of Representatives Commission II, (2) The House of Representatives PKS Fraction, (3) The House of Representatives PDIP Fraction, and (4) Ministry of Home Affairs. After being proposed, the policy will be discussed jointly by The House of Representatives Commission II and the Special Committee (Pansus) on the Bill on Elections. This policy was promulgated on 16 August 2017 and is a policy that is followed up from the Constitutional Court decision (Putusan MK), namely Constitutional Court Decision Number 14/PUU-XI/2013 which states that in 2019, simultaneous elections will be held to elect the president, vice president, The House of Representatives, Regional Representatives Council, and Regional Legislative Council. So, elections between the legislative and executive institutions are not carried out separately but combined.

Based on these facts, it can be said that the purpose of Law Number 7 of 2017 is to adjust the Legislative Election Law and the Presidential Election Law into one unified system. This policy substantively regulates matters relating to elections, but not regional elections. This is in accordance with Constitutional Court Decision Number 97/PUU-XI/2013 which states that "election" can only be interpreted in accordance with article 6, article 6A, and article 22E of the 1945 Constitution, while "regional election (pilkada)" can only be interpreted in accordance with article 18 of the 1945 Constitution. So, the Constitutional Court has divided the meaning of election into in two terms, so that policy makers end up making different laws between elections and regional elections. Besides that, the role of the General Election Commission, which is considered large as an election organizer, needs to be strengthened again so that this institution is more professional, independent, and optimal in carrying out its functions and obligations. The formulation of this policy is also intended to update regulations regarding elections so that they are more adaptive in facing the 2019 political contestation (DPR RI 2020).

Problem Formulation

According to James Anderson, policy refers to decisions that have been made by political actors, such as government officials or

institutions, to overcome a problem or problem that occurs in society. In his view, policy formulation is the entire stage in public policy which refers to decision making by political actors, while the policy formulation process is an effort to provide various alternative options to answer problems that have been determined as national problems and determine the actors who will directly involved in the preparation of the policy. Therefore, the preparation of a policy must rely on the problem so that the policy can become a solution. Policies cannot be born without encouragement from problems.

Similar to James Anderson's theory, Law Number 7 of 2017 was also not born without a reason. There are various reasons and backgrounds related to the birth of this law. *First*, to achieve the state's goals, namely realizing justice and prosperity of the nation. *Second*, to strengthen democratic governance because the public certainly hopes for the presence of people's representatives who are able to guarantee people's freedom and maintain the democratization process. *Third*, to create fair and integrated elections, so that elections avoid fraud, domination by certain groups and other irregularities. *Fourth*, to ensure a good electoral system, from the initial stage to the final stage. *Fifth*, to provide legal certainty for the implementation of elections because this political agenda must be regulated by a legal basis that can serve as a guide. *Sixth*, to create elections that are more effective and efficient than previous elections (Ayon Diniyanto 2019: 163-164).

In addition, based on Constitutional Court Decision Number 14/PUU-XI/2013, Law Number 7 of 2017, which is an initiative of The House of Representatives and the government, was born to hold simultaneous elections. Previously, elections were held separately, namely elections to elect The House of Representatives members, elections to elect Regional Legislative Council members, and elections to elect the president. However, elections were ultimately held simultaneously to encourage checks and balances. This simultaneous election can be a challenge for people who are pro-presidential system because in this system the president also has the right to implement legislation even though legislation is the function of The House of

Representatives. This simultaneity also resulted in the laws regarding The House of Representatives, Regional Legislative Council, and presidential elections being combined into one inseparable regulation, so that in Law Number 7 of 2017 contains electoral regulations for the three institutions at once (Interview with Ucap Hasan Sadikin, 2023).

There are at least three consequences of holding simultaneous elections. First, it is necessary to create regulations governing simultaneous elections. Second, in order to formulate regulations regarding simultaneous elections, it is necessary to harmonize laws and regulations relating to elections. Third, it is necessary to combine the design of election regulations which were previously made separately (Ayon Diniyanto 2019: 164). Besides that, simultaneous elections are also able to create an electoral system and government system that is in accordance with the constitution. and avoid the political negotiation or bargaining process as occurs in non-simultaneous elections which can make the president dependent on political parties, so that the president's position in running the government can be reduced (Prasetyoningsih 2014: 248).

As previously mentioned, the drafting of Law Number 7 of 2017, including article 240 section (1) which allows ex-corruption convicts to run for re-election, is an initiative of The House of Representatives and the government. The reasons for allowing ex-corruption convicts to participate in this election are based on three things: *First*, The House of Representatives and the government based this opinion on the 1945 Constitution, especially article 28E section 3, which states regulations regarding citizens' rights to elect and elect (Interview with Tjahyo Winarno, 2023). If we look at political rights, it is still possible for ex-corruption convicts to be elected as long as their mistakes have been paid for by punishment. However, this regulation is a dilemma because on the other hand, the community also has the right to get the best people's representatives. Besides that, the public still needs time and a process to be more critical of the origins of candidates who have been involved in criminal acts. That way, there is a big possibility that people will choose the wrong political candidate (MK RI 2015).

Second, The large number of people convicted for cases related to political freedom, such as political prisoners. A political prisoner is someone who is punished not because of his personal fault but is a victim of power. For example, someone who is punished because of his political stance in opposing the government. If they are free from the law, they can run for elections in the hope of improving the government's performance as demanded by them before becoming prisoners. However, this actually creates an opening for ex-corruption convicts to run for office again (Interview with Tjahyo Winarno 2023).

Third, Ex-corruption convicts are given the opportunity to improve themselves and convince the public. Ex-corruption convicts have made amends for their mistakes and are serving prison sentences. They are given the opportunity to improve themselves by participating in the contest again so they can learn from their mistakes. Even though they are allowed to return to contest, they cannot immediately sit in legislative seats because they have to fight totally to be able to convince the public again (Simatupang et al. 2019).

Permitting ex-convicts to run for re-election is related to the duties of legislative members. The task of legislative members, such as The House of Representatives, is a noble task, so it is necessary to look for legislative candidates who have the full trust of the public and have never been involved in serious legal cases. They are allowed to nominate in elections if they have completed one term and if the ex-convict has served his sentence according to the Supreme Court's decision. In this case, the ex-convicts will be deemed to have made amends through the obligation to carry out the sentence and to have admitted his mistake, so that he does not need to be prevented from contesting again. It is up to the community to choose or not to choose the prisoner's legislative candidate (Interview with Al-Muzzammil Yusuf, 2023).

Policy Formulation

James Anderson in Madani (2011: 37-39) explains the policy formulation stage as the stage for developing various alternative options that can solve the main policy problem. In the policy formulation stage, James Anderson said that there is a policy discussion process which

is divided into three forms, namely bargaining, persuasion, and commanding. First, bargaining. There are several agendas, namely negotiation, give and take, and compromise. The bargaining process begins with the actors expressing their respective opinions, so that the formation of these opinions directs them to the negotiation stage. If negotiations have been carried out, there is a process of giving and receiving mutual opinions. After that, the bargaining process ends at the compromise stage, namely when the actors make adjustments, so that the policy can be decided.

Second, persuasion. In this process, the actors experience polarization. The purpose of this polarization is that there is a group of actors whose job is to convince other groups of actors involved in a policy. This process has a major influence on the actors' final beliefs. James Anderson said that this process tends to occur in policies that continue to experience conflict between actors in the formulation process. Third, commanding. This process shows the formation of a hierarchical structure for policy formulation. This hierarchical structure refers to the existence of a group of actors who are superordinate and other groups who are subordinate (Madani 2011: 37-39).

In policy formulation, there are several limitations or essential things that must be taken into account. First, public policy aims to increase community capacity through interventions in public life and interests. Second, quite a few public policies fail because the low quality of our Human Resources (HR). Third, the quality of government institutions and community institutions in responding to policies. Fourth, funds and budget for policy implementation. Fifth, the technical ability of the drafter in making the policy itself (Putra et al. 2020).

Besides The House of Representatives and the government, the preparation of Law Number 7 of 2017 before it was passed also involved other actors. In the process of discussing or formulating this policy, various civil societies, such as Association for Elections and Democracy (Perludem) and Indonesia Corruption Watch (ICW), also criticized the article on licensing ex-corruption convicts in elections because they thought it would produce unclean legislative candidates. Not

only civil society, but several academics also criticized this article. This criticism is also accompanied by input for policy makers. However, these criticisms and input were only accommodated and not followed up. For parties from the regions, criticism, and input during the discussion of the law was only represented by universities because regional involvement in this discussion was not really related to the interests of the province/district. However, representative universities also criticized this article (Interview with Tjahyo Winarno, 2023).

One of the parties supporting the drafting of Law Number 7 of 2017, PKS, also voiced its rejection of the article on licensing ex-corruption convicts in elections. In the middle of many walkouts during the discussion of the law, PKS remained firm in its stance of rejecting the involvement of ex-corruption convicts. However, policy decisions remain in the hands of the dominant factions (Interview with Tjahyo Winarno, 2023).

Seeing the conditions that occurred before the 2019 election, various alternative options exist to answer the pros and cons of Law Number 7 of 2017, especially article 240 section (1) which permits the involvement of ex-corruption convicts in the 2019 elections. Initially, the licensing policy for ex-corruption convicts in elections was as stated in Law Number 7 of 2017 has been ratified by The House of Representatives and the government. However, because this policy attracted protests from various parties, alternative options emerged to overcome this problem. These options include the issuance of General Election Commission Regulation (PKPU) Number 20 of 2018 and Supreme Court Decision (Putusan MA) Number 46P/HUM/2018.

As previously explained, in General Election Commission Regulation (PKPU) Number 20 of 2018 issued by the General Election Commission, specifically article 4 section (3), ex-corruption convicts are prohibited from running for office in the 2019 elections. This article sparked protests from various parties, both protests against the process of drafting these regulations and the substance regulated. In terms of the process of drafting regulations, the General Election Commission should involve executive institutions, namely the government, in drafting

these regulations so that there are no overlaps. In terms of substance, the regulations made by the General Election Commission are considered to be contrary to Law Number 7 of 2017 (BRIN 2018).

The General Election Commission's activeness in prohibiting ex-corruption convicts from running for elections apparently goes beyond statutory regulations. Based on interviews conducted by researchers with Association for Elections and Democracy (Perludem), one of the leading election NGOs in Indonesia (Interview with Ucep Hasan Sadikin, 2023), this regulation is contrary to the hierarchy in the law or constitution. Supposedly, all regulations which are hierarchically subordinate to the Law, such as General Election Commission Regulation (PKPU), Regional Regulations, etc., must contain rules that are in accordance with the Law so that there are no overlaps or inconsistencies. Besides that, basically everything related to citizens from various backgrounds, such as convicts, should not be limited because it could violate human rights. If one institution formulates regulations that violate human rights, of course this creates a loophole for other institutions to follow, which could potentially result in arbitrariness.

In this case, Association for Elections and Democracy (Perludem) supported the regulations issued by the General Election Commission because there was an opinion that General Election Commission was born to eliminate the values of corruption, collusion, and nepotism in the electoral sector. However, in the end, Association for Elections and Democracy (Perludem) also rejected the regulation because technically and hierarchically it was contrary to what it should be (Interview with Ucep Hasan Sadikin, 2023).

In its implementation, elections have the potential to give rise to violations or disputes because many parties are involved (Liany 2016: 57). For example, political candidates or political parties who use all the ways to win the election, such as money politics, to win elections and occupy seats of power. In the 2019 election, it was recorded that there were 18,553 cases of election violations. Of this total, there were 16,124 cases of administrative violations, 582 cases of criminal violations, 373

cases of code of ethics violations, and 1,474 cases of other legal violations (Syam 2021: 62).

Therefore, special institutions are needed to organize elections so that they can run according to existing rules and regulations. The General Election Commission (KPU), the General Election Supervisory Body (Bawaslu), and the Election Organizer Honorary Council (DKPP) are defined as election management institutions that have a unified election function. This means that as election organizers, these three institutions have interrelated functions (Liany 2016: 54).

Based on interviews conducted by researchers with Mochammad Afifuddin, Head of the Legal and Supervision Division of the Indonesian General Election Commission (Interview with Mochammad Afifuddin, 2023), it was emphasized that the General Election Commission is the election organizer and implementer of the Law which must adhere to the norms and rules established by the Law, which are then outlined in General Election Commission Regulation (PKPU). General Election Commission Regulation (PKPU) must be in harmony and must not conflict with the law. In preparing the General Election Commission Regulation (PKPU) itself, there is a policy preparation mechanism carried out by the General Election Commission as regulated in General Election Commission Regulation (PKPU) Number 1 of 2022 concerning Procedures for Forming Regulations and Decisions within the General Election Commission. This mechanism is divided into several stages, namely planning, preparation, public examination, The House of Representatives consultation, harmonization with the Ministry of Law and Human Rights, determination, and promulgation. All input to General Election Commission Regulation (PKPU) has been reviewed and harmonized.

In the context of the current era, the General Election Commission has also issued General Election Commission Regulation (PKPU) Number 10 of 2023 concerning Nomination of Members of The House of Representatives, Provincial of Regional Legislative Council and District/City of Regional Legislative Council. This General Election Commission Regulation (PKPU) has gone through a long process and stages so that it can

finally be promulgated. In this regulation, there is article 11 letter g regarding the legal requirements for legislative candidates to participate in elections. The article reads, "Never be a convict based on a court decision that has obtained permanent legal force for committing a criminal act that is punishable by imprisonment for 5 (five) years or more, except for convicts who commit criminal acts of negligence and political crimes within the meaning of an act which is declared a criminal act in positive law only because the perpetrator has a different political view from the regime in power, for ex-convicts, the period of 5 (five) years has passed after the ex-convict has finished serving a prison sentence based on a court decision that has obtained force permanent law and honestly or openly announces his identity background as a ex-convict, and not as a repeat offender." (Interview with Mochammad Afifuddin, 2023).

These provisions are in accordance with Supreme Court Decision (Putusan MA) Number 46P/HUM/2018 which states that article 4 section 3, article 11 section 1 letter d, and Attachment Model B3 in General Election Commission Regulation (PKPU) Number 20 of 2018 concerning Nominations for The House of Representatives, Provincial of Regional Legislative Council and District/City of Regional Legislative Council, is contrary to higher laws and regulations because it relates to the nomination of ex-corruption convicts. After the publication of General Election Commission Regulation (PKPU) Number 10 of 2023, the public's demands to the General Election Commission are only related to the representation of women in The House of Representatives and Regional Legislative Council nominations, not related to the nomination of ex-prisoners (Interview with Mochammad Afifuddin, 2023).

So, it needs to be acknowledged that the General Election Commission has indeed issued General Election Commission Regulation (PKPU) Number 20 of 2018 with several articles that limit the rights of ex-corruption convicts. However, in the end a judicial review was carried out to the Supreme Court regarding this regulation, resulting in Supreme Court Decision (Putusan MA) Number 46P/HUM/2018. The General Election Commission only complies with

the law and the Supreme Court's decision, which in the end the General Election Commission also changes General Election Commission Regulation (PKPU) Number 20 of 2018 became General Election Commission Regulation (PKPU) Number 31 of 2018. Currently, there is PKPU Number 10 of 2023 regulates nominations for The House of Representatives, Provincial of Regional Legislative Council and District/City of Regional Legislative Council. As a form of compliance with the norms and values contained in the Law, the latest General Election Commission Regulation (PKPU) has been prepared to be more appropriate and in line with the Law (Interview with Mochammad Afifuddin, 2023).

Therefore, every norm contained in General Election Commission Regulation (PKPU) must be harmonized with other laws and regulations because regulations regarding the implementation of elections require another regulatory base (Dugaswara 2020: 7)

Policy Determination

After determining the policy formulation, the next stage of policy formulation according to James Anderson is policy determination. As previously explained, Supreme Court Decision Number 46P/HUM/2018 is an alternative provision to address the issue of licensing policies for ex-corruption convicts in elections as stated in Law Number 7 of 2017. This decision was issued on September 13 2018, namely when the Supreme Court determined that article 4 section (3) in General Election Commission Regulation (PKPU) Number 20 of 2018 which prohibits ex-convicts of corruption, drug dealers and sexual crimes against children from becoming legislative candidates (bacaleg) in the 2019 elections, has been officially abolished. According to the Supreme Court, this article goes beyond Law Number 7 of 2017, so the Supreme Court's decision sparked many pros and cons in society, especially from anti-corruption activists who regretted the Supreme Court's decision. The main party involved in the birth of this decision was the Supreme Court as a form of support for the law that had been drafted by the DPR and the government.

The issuance of Supreme Court Decision Number 46P/HUM/2018 cannot be separated from judicial power. In Indonesia, the judiciary

is placed as an independent and independent institution so that it can uphold law and justice, both formally and substantially (Lamijan and Tohari 2022: 32). Judges have the function of giving decisions on cases submitted to them, and there is the potential that these cases cannot be separated from evidence with negative connotations. However, in principle, an event or case can be said to be proven guilty based on two pieces of evidence, namely the law and the judge's belief which is based on good moral integrity (Rifai 2011: 103).

Based on Gerhard Robbes' theory (Zamzami and Ayu 2019: 84), there are three essences that a judge has in deciding a case, namely: 1) Subject to law and justice; 2) Cannot be influenced by the government or other parties in directing decisions. Judges are considered not neutral if they side with higher powers (for example, governors, regents, and ministers), public influence and other parties (Adonara 2015: 225); 3) Does not involve personal risk in carrying out its function to decide cases.

Looking at these facts and reflecting on the context of the issuance of Supreme Court Decision Number 46P/HUM/2018, it appears that the judge has given a decision on this case, namely a ban on the nomination of ex-corruption convicts in General Election Commission Regulation (PKPU) Number 20 of 2018 article 4 section (3), with two pieces of evidence, namely the Law (Law Number 7 of 2017 concerning Elections and Law Number 39 of 1999 concerning Human Rights) and the conscience of the judge himself. In this case, General Election Commission Regulation (PKPU) Number 20 of 2018 article 4 section (3) was assessed by judges from the Supreme Court as a new legal norm that is not regulated in higher statutory regulations, namely Law Number 7 of 2017 concerning Elections. Being an election organizer that is fair and has integrity is indeed the spirit that wants to be built in General Election Commission Regulation (PKPU) Number 20 of 2018, especially to ensure that legislative candidates involved in the election must have a clean track record and no integrity defects. However, restrictions on a citizen's political rights should be the domain of the law, not the realm of statutory regulations under the law, such as General Election Commission

Regulation (PKPU) Number 20 of 2018 (Zamzami and Ayu 2019: 91).

These things indicate the Supreme Court's rejection of the regulation. Policy adjudication is an effort to monitor the implementation of the law. There is a special institution that has the authority to resolve problems regarding the preparation and implementation of laws. This function is possessed by judicial bodies, such as the Supreme Court (MA), Constitutional Court (MK), and Judicial Commission (KY) (Anggara 2013: 101).

Policy Implementation

Policy implementation refers to implementing policies so that the objectives of the policy can be achieved. Policy determination can be in the form of laws, jurisprudence, presidential decrees, ministerial decrees, etc. Policies that have been ratified and stipulated in any form have binding legal force (Purnama et al. 2022). The issuance of Supreme Court Decision (Putusan MA) Number 46P/HUM/2018 indicates the validity of Law Number 7 of 2017 concerning elections with all the articles in it, including article 240 section (1) which allows the involvement of ex-corruption convicts in elections. This permit encouraged the birth of legislative candidates who were ex-corruption convicts who dared to run for office in the 2019 election as shown in the following table.

Table 3. List of Names of Legislative Candidates Ex-Corruption Convicts in the 2019 Election

No.	Political Parties	Names of Legislative Candidates	Electoral District
1.	Partai Hanura	Moh. Asril Ahmad	North Maluku 3
2.		Welhelmus Tahalele	North Maluku
3.		Mudasir	Central Java
4.		Akhmad Ibrahim	North Maluku
5.		Warsit	Blora Regency
6.		Moh. Nur Hasan	Rembang Regency
7.		Rachmad Santoso	Kutai Kartanegara Regency
8.		Darjis	Ogan Ilir Regency 4
9.		Andi Wahyudi Entong	Pinrang Regency
10.		Hasanudin	Banjanegara Regency 5
11.		Bonar Zaitzel Ambarita	Simalungun Regency
12.		Achmad Junaidi Sunardi	Lampung
13.	Partai Golkar	Hamid Usman	North Maluku
14.		Desy Yusandi	Banten
15.		Agus Mulyadi R	Banten

16.		Petrus Nauw	West Papua
17.		Heri Baelanu	Pandeglang Regency
18.		Dede Widarso	Pandeglang Regency
19.		Saiful T. Lami	Tojo Una-Una Regency
20.		Edy Mukhlison	Blitar Regency
21.		Christofel Wonatorei	Waropen Regency
22.		Firdaus Djailani	Bengkulu 5
23.		Jones Khan	Pagar Alam City
24.		Jhony Husban	Cilegon City
25.		Syamsudin	Central Lombok Regency
26.	Partai Demokrasi	Darmawati Dareho	Manado City
27.		Farit Wijaya	West Pesisir Regency 2
28.		Imam Subandi	Ogan Komering Ilir Regency 4
29.		Syamsudin Oli	North Bolang Mangondo Regency 1
30.		Rahmanuddin	North Luwu Regency
31.		Polman	Simalungun Regency
32.		Muhlis	South Sulawesi
33.		Mieke L. Nangka	North Sulawesi
34.		Arief Armain	North Maluku
35.	Partai Berkarya	Yohanes Marinus Kota	Ende Regency
36.		Andi Muttamar Mattotorang	Bulukumba Regency
37.		Zambri	West Pasaman Regency
38.		Djekmon Amisi	Kepulauan Talaud Regency
39.		Joni Kornelius Tondok	North Toraja Regency
40.		Mathius Tungka	Poso Regency
41.	PKPI	Raja Zulhindra	Indragiri Hulu Regency 1
42.		Yuridis	Indragiri Hulu Regency 3
43.		Abdul Fattah	Jambi
44.		Bonanza Kesuma	Lampung
45.	PAN	Masri	East Belitung Regency
46.		Muhammad Afrizal	Lingga Regency
47.		Bahri Syamsu Arief	Cilegon City
48.		Firdaus Obrini	Pagar Alam City 2
49.		Moh. Taufik	DKI Jakarta
50.		Herry Jones Johny Kereh	North Sulawesi
51.	Partai Gerindra	Husein Kausaha	North Maluku
52.		Ferizal	East Belitung Regency
53.		Mirhamudin	East Belitung Regency 2
54.		Al Hajar Syahya	Tanggamus Regency
55.		Samuel Buntuang	Gorontalo
56.	Partai Perindo	Zulfikri	Pagar Alam City
57.		Andi Gunawan	East Lampung Regency 1
58.		Ramadhan Umasangaji	Pare-Pare City
59.	Partai Bulan Bintang	Nasrullah Hamka	Jambi 1
60.		Sahlan Sirad	Bengkulu 6
61.		Syaifullah	Kep. Bangka Belitung 1
62.		Emil Silfan	Musi Banyuasin Regency
63.	PPP	Ujang Hasan	Central Bengkulu Regency 1

64.		Rommy Krishna	Lubuklinggau City
65.	PKS	Maksum DG	Kab. Mamuju Regency
66.		Muhammad Zen	East Oku Regency
67.	Partai Garuda	Ariston Moho	South Nias Regency
68.		Yulius Dakhi	South Nias Regency
69.		Usman Effendi	Pesawaran Regency
70.	PKB	EU K. Lenta	North Morowali Regency 1
71.	PDI Perjuangan	Abner Reinal Jitmasu	West Papua
72.		Mat Muhizar	West Pesisir Regency 3
73.		Abdullah Puteh	Aceh
74.		Abdillah	North Sulawesi
75.		Hamzah	Bangka Belitung
76.		Lucianty	South Sumatera
77.	DPD RI	Ririn Rosyana	Central Kalimantan
78.		La Ode Bariun	Southeast Sulawesi
79.		Mahsyur Masie Abunawas	Southeast Sulawesi
80.		A. Yani Muluk	Southeast Sulawesi
81.		Syachrial Kui Damopoli	North Sulawesi

(Source: KPU RI 2019)

The appearance of the names of legislative candidates who are ex-corruption convicts in the 2019 elections cannot be separated from the dominance of the elite who determine policy direction. Ideally, political parties have the task of bridging various public opinions and managing the less power's opinions (Istana and Suranto 2014: 419). However, in its preparation, the dominant political party tends to prioritize the interests of their individuals or groups. This has been going on for a long time and has become a disease that can ignore the interests of the people (Iskandar 2017: 31).

The faction with the most seats has the power to determine articles and points in the law, including the nomination of ex-corruption convicts. Rejection from other factions or society towards the contents of policies is difficult to follow up on, unless the rejection is massive, such as rejection manifested in the form of demonstrations. Besides that, information regarding the schedule for discussing the law was carried out suddenly, so that other parties who were supposed to be involved in discussing the law could not match the time (Interview with Tjahyo Winarno, 2023).

Policy Evaluation

As explained in the previous chapter, policy evaluation is one of the stages of policy preparation which aims to test policy

implementation, demonstrate the accountability of public implementers for policy implementation, and provide input on future policies (Lintjewas et al. 2016).

James Anderson (Winarno 2008: 229) classifies types of policy evaluation into three, including: 1) The first type, namely the type of policy evaluation which is understood as a functional activity or an activity that prioritizes function with clear objectives. If policy evaluation is seen as a functional activity, policy evaluation will be considered as important as the policy itself because it has a clear function and goal to build better laws and regulations. 2) The second type, namely the type of policy evaluation which emphasizes the performance and efficiency aspects of implementing certain policies or programs. 3) The third type, namely the systematic type of policy evaluation. The aim is to see the impact of emerging policies on aspects of people's lives and to see that the main objectives of the policies can be achieved.

Based on interviews conducted by researchers with sources, the evaluation of the licensing policy for ex-corruption convicts in elections can be seen from its impact on people's lives and the technicalities in the policy that can be improved. Therefore, the interviewees answered based on James Anderson's policy evaluation theory, namely the second type and the third type.

The licensing policy for ex-corruption convicts in elections has become a Constitutional Court decision which is binding and equivalent to law. Therefore, the Constitutional Court's decision becomes a legal order that must be obeyed by all parties to support the smooth running of the 2019 elections at that time. However, Association for Elections and Democracy (Perludem), one of the leading political NGOs in Indonesia, sees that the 2019 election system should include variables and conditions that are not susceptible to corruption.

Technically, we know that Indonesia adopted an electoral district (dapil) system with a large number of seats in the 2019 election. Seeing these conditions, the government could try to reduce the number of seats for each electoral district in order to create a less complex-government. In reality,

complex-government can affect the quality of the legislative body, and this is what should be avoided. Besides that, the high number of political parties should be reduced. For example, in the United States, there are only two parties in power and a quota of one seat in each electoral district. This is what then encouraged the birth of a dual-party party system (Interview with Ucep Hasan Sadikin, 2023).

Although reducing the number of political parties and electoral seats may be contrary to the community's principles because it is seen as limiting their choices, this reduction can reduce the potential entry of unqualified legislative candidates. That way, the only candidates who will become candidates are those whose quality has been screened. Based on experience in the 1955 and 1999 elections, the involvement of many parties which were thought to be able to accommodate people's aspirations turned out to be utopian. In reality, only four to five parties were in power in the election (Interview with Ucep Hasan Sadikin, 2023).

Besides that, it is important to know that corruption is an extraordinary crime that requires major handling, one of which is by improving election provisions related to the requirements for forming political parties. Currently, the requirements for forming a political party are very tough, thus encouraging corruption. Based on Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties, there are several requirements for establishing a political party, such as: (1) Registering with the ministry to become a legal entity, (2) Having several required documents to become a legal entity, such as (a) Notarial deed; (b) Have a name, symbol and image that is not the same as other political parties; (c) Has management in every province in Indonesia. From each province, political parties are required to include in the management of at least 75% of the total number of districts/cities. From these districts/cities, political parties are required to include in the management of at least 50% of the total number of sub-districts; (d) Having a permanent office at the central, provincial, and district/city levels until the final stages of the election, and (e) Accounts in the name of the

political party concerned (Sinaga and Sinaga 2019: 250-251).

Seeing the many requirements for establishing a political party, it is not surprising that the costs involved are also large. In carrying out the functions of political parties, such as implementing internal and external programs, like political education and work funding, political parties require quite a lot of money (Rakhman and Muhammad 2019: 157).

In recent years, many political parties are no longer founded by experienced political activists, but are founded by new people who have never entered the world of politics. The background of the founder is not a problem as long as the founder has sufficient funds to form a political party. It is not surprising that many parties were founded by entrepreneurs or conglomerates who had a lot of money to fulfill the requirements for establishing a political party. For example, Gerindra which was founded by Prabowo Subianto, the Nasdem which was founded by Surya Paloh, and the Perindo which was founded by Hary Tanoesoedibjo. These large costs are not only needed as a requirement, but are also needed after a political party is established, such as to finance its political activities and finance election needs. When a political party participates in an election, the costs incurred are even greater (Sinaga and Sinaga 2019: 251).

As an NGO that is concerned about elections and democracy in Indonesia and has great attention to preventing corruption, Association for Elections and Democracy (Perludem) has carried out a judicial review to change and simplify the requirements for forming political parties, but this was not granted by the Supreme Court. Submitting a dispute to General Election Supervisory Body (Bawaslu) regarding the requirements for forming a political party was also not granted. The Political Party Information System (Sipol), a platform that functions to collect data on political parties, starting from profiles, domiciles, management, and documents held by political parties to fulfill election requirements, is not open to the public (Interview with Ucep Hasan Sadikin, 2023).

Requirements for the formation of political parties also certainly violate the

constitutional rights of citizens to establish parties and can encourage deviant actions as a shortcut for political parties to pass verification without fulfilling the requirements perfectly. As a form of preventing the emergence of corrupt legislative candidates from a political party, the things that should be required in establishing a political party are transparency and accountability. Political parties can provide reports on their financial systems, including income, expenditure, and all financial flows, for the past five years. This is done to ensure that political parties and their cadres are free from corruption (Interview with Ucep Hasan Sadikin, 2023).

Besides that, evaluation of licensing policies for ex-corruption convicts in elections needs to be supported by the seriousness of supervisory institutions in handling corruption. The institution in question does not only refer to the Corruption Eradication Commission (KPK), but also other institutions, one of which is the Financial Transaction Reports and Analysis Center (PPATK). As an effort to prevent corruption in elections, strengthening PPATK needs to be implemented so that legislative candidates in elections can be better filtered. With PPATK support, financial transactions carried out by a legislative candidate will be detected, so that if there are strange transactions, they can be followed up immediately. One of the political parties in Indonesia, PKS, believes that PPATK must be strengthened so that the level of corruption in Indonesia can decrease. Strengthening PPATK also functions to detect suspicious financial transactions between a politician and a businessman. The pattern that often occurs is when various kinds of development projects are presented by politicians and the winner of the tender for this project has been arranged in advance. Because they want to be the winner of the tender, entrepreneurs will be trapped in a dilemma situation, so they bribe these politicians in order to win the tender (Interview with Tjahyo Winarno, 2023).

Basically, corruption is a type of crime that can harm many parties. Therefore, prevention is needed to minimize the number of corruptions in Indonesia, one of which is through strict supervision by institutions in Indonesia. For example, the ministry can

maximize the role of inspectorates in handling corruption cases. Besides that, family education, religious education, school education and law enforcement in Indonesia can be maximized because these are the factors that influence the presence or absence of corruption. Forms of corruption exist throughout the world, the difference is the perpetrator, values, and so on. The higher the transparency, the lower the corruption rate (Interview with Al-Muzzammil Yusuf, 2023).

Dynamics of Policy Formulation Regarding Licensing of Ex-Corruption Convicts in Elections

In the formulation of public policy, there are various groups of political actors who contribute during the process. According to Charles O'Jones (Nugroho 2018: 414), there are four groups of political actors in policy formulation. First, the rationalist group, namely political actors who tend to have rational thinking in expressing opinions. For example, providing arguments by relying on data and facts that occur in society. Second, the technician group, namely political actors who tend to have technical thoughts that they master or are appropriate to their field. These actors generally have a perfectionist nature. Third, the incrementalist group, namely actors who argue by prioritizing changes that are carried out slowly. These actors generally have realistic thinking and adapt to conditions in the field. Fourth, the reformist group, namely political actors who see immediate and fundamental changes as important to make.

The presence of these groups of political actors encourages debate in the formulation of public policy. This debate involves various stakeholders who have the status of formulating public policy, such as the government, legislative members, NGOs, and so on. The debate does not aim to bring down fellow members who formulate public policy, but to reach a political agreement that can be a solution to the problems that occur in our country. This debate is what is called the dynamics of policy formulation.

The dynamics of licensing policies for ex-corruption convicts in elections, such as the support and obstacles experienced during the policy formulation process, are normative.

There is a paradigm which states that legislative members must be free from criminal acts or crimes of any type. However, there is a paradigm which also states that ex-convicts who have served their sentences and have admitted their mistakes to the public should not be prevented from participating in elections (Interview with Al-Muzzammil Yusuf, 2023). There have been various debates regarding this policy, both debates between The House of Representatives factions, NGOs, and the public.

Those who support this policy base their opinions on the importance of respecting citizens' rights to choose and be elected, as well as the belief that democracy is a simple and uncomplicated system of government. A mature democratic system will encourage the birth of a rational society, so that they are deemed to be able to differentiate between good and bad, including in choosing the right legislative candidates. Those who oppose this policy base their opinions on the belief that people have not actually behaved rationally in voicing their right to vote. There is a big possibility that the public will choose a legislative candidate with a background as an ex-corruption convict because of the money factor (Interview with Tjahyo Winarno, 2023).

Debate regarding the policies contained in Law Number 7 of 2017 occurred within the scope of The House of Representatives, precisely during a working meeting discussing the Election Law. *Firstly*, at the Special Committee Working Meeting on the 3rd General Election Bill which was held on January 19 2017, Rambe Kamarul Zaman, who is a representative member of the Golkar, also expressed his arguments regarding the limits that must be adhered to by election organizers, such as the General Election Commission and General Election Supervisory Body. The argument stated by Rambe Kamarul Zaman is in line with the discussion above regarding the General Election Commission's domain as implementer of the law, so that it would be inappropriate if regulations issued by the General Election Commission, such as General Election Commission Regulation (PKPU) Number 20 of 2018, is contrary to the law drafted by the DPR and the government.

We position election organizers, such as the General Election Commission, in this

law. We must state the General Election Commission's position more clearly and clearly. Don't let the General Election Commission not regulate it. For example, the General Election Commission does not want to carry out further consultations with the government and The House of Representatives. If it's like this, it will be like a separate (independent) institution that determines everything. Likewise, strengthening General Election Supervisory Body, the Golkar faction also wants this (Risalah DPR RI 2017).

Second, in the same working meeting, Arif Wibowo, who is a representative member of the PDI Perjuangan, also gave his argument regarding approval for the implementation of a closed proportional system to prevent corruption.

PDI Perjuangan is pushing for an agreement on the implementation of a closed list proportional system. Throughout the world, there are fewer and fewer people using an open list proportional system based on majority votes. Of the 12 countries, 10 remain. Others use a district system, and most still use a closed list system accompanied by various modifications. This closed proportional system will strengthen political party institutions and strengthen the cadre system of political parties, so that each political party will compete to produce cadres of high quality, high integrity and capable capabilities. No, because it is demanded by the power of capital or capital. In an open system based on majority voting, the basis is individualism and liberalism which are of course very expensive. Various studies have shown that a very expensive system can provide high contributions and incentives for the growth and development of corruption. One of them is research conducted by Professor Rondonelli. So, if the system is expensive, there is an incentive for corruption to grow and develop. In fact, that is what we want to avoid in politics in this republic (Risalah DPR RI 2017).

Third, in the 5th Working Meeting of the Special Committee on the Bill on the

Implementation of Elections which was held on 16 February 2017, the debate re-emerged regarding open and closed proportional systems as a step to minimize criminal acts of corruption. Taufiquhadi, who is a representative member of the Nasdem, also gave an argument about a closed proportional system which does not guarantee a reduction in corruption cases.

If people say, "Why democracy when the economy is not growing and corruption is still ongoing?" This is not an issue that must be related to the context of democracy, but we must look at it in the context of law enforcement. If we choose to implement democracy with an open proportional system in holding elections, then we should be careful. This is the role of law enforcement so that money politics (corruption) does not occur. If we only look at the issue of democracy without linking it to the issue of law enforcement, in my opinion we will always miss out. These two things are actually directly proportional. So, if people say, "A closed proportional system can reduce money politics (corruption)" I don't agree. Likewise, if someone says, "An open proportional system can reduce money politics (corruption)" I also disagree. What we have to do is be consistent with the choices we have made in democracy (Risalah DPR RI 2017).

Fourth, in the 10th Draft Special Committee Working Meeting on the Implementation of Elections which was held on 23 May 2017, Arif Wibowo from the PDI Perjuangan Fraction again expressed points of his argument relating to the importance of low political costs in organizing elections.

"Cheap political costs are very important, whether spent by the state through the government or by political parties, so as not to provide incentives for the growth and development of corruption." (Risalah DPR RI 2017).

There are pros and cons between the factions. However, when discussing Law Number 7 of 2017, article 240 section (1) which allows ex-convicts to take part in corruption in elections is actually not too much of a concern.

According to Tjahyo Winarno, expert staff for the PKS faction, factions tend to be concerned about things such as presidential decree requirements or the presidential threshold (Interview with Tjahyo Winarno, 2023). Similar to the argument from Al-Muzzammil Yusuf as Member of Commission II the House of Representatives, each faction is different in providing opinions and decisions regarding this policy. It does not rule out the possibility that there are factions that act in accordance with their interests, such as the desire of faction members to be involved in elections, there are faction members who are ex-prisoners, etc. The faction's attitude towards Law Number 7 of 2017, especially the licensing policy for ex-corruption convicts in elections, also depends on many demands and input, such as from experts, NGOs, and the public (Interview with Al-Muzzammil Yusuf, 2023)

Besides that, dynamics were also seen when the General Election Commission issued General Election Commission Regulation (PKPU) Number 20 of 2018 before finally being canceled by the Supreme Court. Large factions, such as the Gerindra, also rejected the existence of this regulation, especially regarding the prohibition on nominating ex-corruption convicts in elections. Seeing things like this, Association for Elections and Democracy (Perludem), which is a political NGO in Indonesia, once directed the General Election Commission to publish ex-convict legislative candidates at every polling place (TPS) so that the General Election Commission's role in the budget and logistics sector could be carried out optimally. However, things like this are not done. After the Constitutional Court's decision was issued, Association for Elections and Democracy (Perludem), realized that the law was not within the scope of the statutory regulations under it (Interview with Ucep Hasan Sadikin, 2023).

In its realization, Association for Elections and Democracy (Perludem) also seeks to manage civil society coalitions, hold hearings with policy makers (political parties, factions, and the Ministry of Law and Human Rights), carry out network advocacy with institutions outside the government (universities and campus study institutions) to share the view that the election law must can prevent

legislative candidates who have a track record of corruption from running for re-election. Association for Elections and Democracy (Perludem), also advocated for this issue to the General Election Commission, General Election Supervisory Body, and DKPP. At the start, Association for Elections and Democracy (Perludem), did not agree with the candidacy of ex-corruption convicts in the election. However, in the end they agreed because this provision was more progressive than the previous election law (Interview with Ucep Hasan Sadikin, 2023).

One of the political parties in Indonesia, PKS, also contributed to the policy dynamics of ex-corruption convicts in elections by providing suggestions regarding the specifications of convicts who may nominate themselves in the elections. For extraordinary crimes, such as corruption, terrorism or pedophilia, PKS refuses to allow them to be involved in elections. For political prisoners, namely someone who became a prisoner because he was critical of the government, PKS agreed to involve them in the elections (Interview with Tjahyo Winarno, 2023).

Impact of Licensing Policy for Ex-Corruption Convicts in Elections

The impact of public policy is the overall effect resulting from the emergence of a policy that binds and regulates people's lives. The impact of policy can be in the form of society's response to the policy itself. Policies often do not receive adequate support and tend to face problems, including new policies, decentralized policies, controversial policies, complex policies, policies related to crises, and policies determined by the courts (Rizqya 2022: 21). However, good policies often receive full support from the community. Not only the response, the impact of the policy is also in the form of conditions that occur after the policy is implemented.

According to several experts, including Thomas Dye and James Anderson, there are several types of public policy impacts that can be used as learning material in policy evaluation, including (Simatupang and Akib 2011: 7): 1) The impact of the policy on the targeted object or group. This targeted object must be clear. For example, elites,

entrepreneurs, NGOs, or other groups. 2) The impact of the policy on other groups outside the targeted object. This is called an externality. Basically, public policy is formulated based on the problems experienced by certain groups. However, the effects will also definitely be felt by other groups. 3) The impact of policies on current and future conditions. Public policies are not prepared only for a few years, but rather are prepared for a long period of time, so that in their preparation the impact on the present and future must also be considered.

Researchers describe the impact of policies referring to the first point of Thomas Dye and James Anderson's theory, namely the impact of policies on the targeted object or group. Therefore, researchers describe the impact of licensing policies for ex-corruption convicts in elections by focusing on three groups that have an important role in the political system, namely elites, society, and civil society.

Elite

The policy of allowing corruption convicts to contest elections provides opportunities for the emergence of elites who have a bad background (track record). Even though corruption convicts have already served their sentences, the opportunity to repeat the deviation in a safer way remains open. This is proven by the lack of a deterrent effect for elites, especially members of The House of Representatives, in corruption cases. The House of Representatives is an institution with a relatively high level of corruption. (TII, 2020). Besides that, the presence of corruption convicts in the election contestation has clouded and even at certain points defeated other contestants who have track records that are clean from corruption. Electoral political contestation has caused the elite realm to become an arena of the same existence even though with different track records. The existence of elites has become a gray area that disguises society's point of view regarding deviant political behavior (corruption) with true political behavior. Elites are a realm that obscures political ethics in the eyes of society.

Society

The impact of the licensing policy for ex-corruption convicts in elections on society

consists of two types, namely direct impact and indirect impact. Direct impact is a technical effect that is felt directly by the public as voters. The direct impacts of this policy are: (1) The irrational Indonesian people are prone to making wrong choices because they do not know legislative candidates who have been involved in criminal acts of corruption, (2) Currently, conditions show that society is immature in terms of political behavior. In response to this, political parties should provide the best legislative candidates who are more worthy of contesting so that people can give their voting rights to people who have a clean track record. These parties do not make 'integrity' the main value in nominating their cadres. (3) In the midst of a lack of information regarding legislative candidates who will contest, the public is required to be competent in recognizing the background of many of these legislative candidates and is required to choose candidates wisely (Interview with Tjahyo Winarno, 2023).

The indirect impact of this policy on society is related to the level of rationality of the society itself. Most people in Indonesia actually do not really make the issue of nominating ex-corruption convicts in elections a concern. The lack of public awareness of this issue is caused by several things, namely the public's inability to convey political language, as well as low political literacy and understanding. However, when Association for Elections and Democracy (Perludem), a political NGO in Indonesia, held discussions with various parties, in general the public agreed that the legislative nomination requirements for corruptors would be tougher. They also agree that corruptors should not be involved in elections (Interview with Ucep Hasan Sadikin, 2023).

Civil Society

Talking about civil society, NGOs are an important party in efforts to encourage the anti-corruption movement. NGOs are independent institutions that do not depend on the government and have a role in empowering civil society in various agendas or activities, including raising awareness about the dangers of corruption for society. The emergence of NGOs is a reaction to the weakening of state institutions and political parties in monitoring government performance for the community.

The emergence of NGOs is also a reaction to the weakening of efforts to eradicate corruption in Indonesia, resulting in the presence of various anti-corruption NGOs, such as Indonesia Corruption Watch (ICW), Transparency International (TI), the Association for Elections and Democracy (Perludem), and others. Therefore, NGOs are also responsible for efforts to eradicate corruption.

However, with the presence of policies that give permission to corruption convicts to contest elections, this automatically narrows the space for NGOs to ensure that the public is aware of the dangers of corruption. NGOs are faced with policies that actually hinder efforts to eradicate corruption because they provide facilities for corruptors to contest, which at a certain point when they become members of the legislature will be faced with the task of making, proposing or ratifying policies that should encourage the eradication of corruption. In an effort to eradicate corruption, the licensing policy for ex-corruption convicts in elections, as stated in Law Number 7 of 2017, can be said to be "more progressive" than the previous election law. This is because in the previous election law, Law Number 8 of 2012, ex-convicts were completely prohibited from running for elections and did not have to admit to the public that they were guilty. However, this policy is not very significant in preventing corruption. This is because ex-corruption convicts can still run for office even though they must serve a five-year sentence plus a five-year gap from being a legislative candidate. Legislative candidates who have committed corruption generally come from old political parties and politicians who have strong economic power. With this privilege, it is not difficult for them to become legislative candidates again (Interview with Ucep Hasan Sadikin, 2023).

CONCLUSION

Based on data findings taken from various documents and interviews with sources, it appears that the emergence of the policy of licensing ex-corruption convicts in elections was driven by several reasons, namely: (1) The obligation to implement the 1945 Constitution, especially article 28E section 3, which states regulations related to the rights of citizens to

elect and vote, (2) The large number of people convicted of cases related to political freedom, such as political prisoners, and (3) Ex-corruption convicts are given the opportunity to improve themselves.

This policy encouraged the birth of 81 names of legislative candidates convicted of corruption who were allowed to participate in the 2019 election. Seeing this, the General Election Commission as the election organizer issued General Election Commission Regulation (PKPU) Number 20 of 2018 with several articles that limit the rights of ex-corruption convicts. This regulation caused protests which ultimately led the Supreme Court to issue Supreme Court Decision (Putusan MA) Number 46P/HUM/2018. This decision still allows ex-corruption convicts to participate in elections. The General Election Commission only complies with the law and the Supreme Court's decision, which in the end the General Election Commission also changes General Election Commission Regulation (PKPU) Number 20 of 2018 became General Election Commission Regulation (PKPU) Number 31 of 2018. Data findings prove that the decision issued by the Supreme Court does not weaken the role of the General Election Commission in creating elections that are free from corruption. In the political and legal context, the General Election Commission is the election organizer and implementer of the law which must comply with the norms and rules established by the law, which are then outlined in the General Election Commission Regulation (PKPU). PKPU must be in harmony and must not conflict with the law.

In its formulation, dynamics are present that show the pros and cons of this policy. Those who support this policy base their opinions on the importance of respecting citizens' rights to choose and be elected, as well as the belief that democracy is a simple and uncomplicated system of government. A mature democratic system will encourage the birth of a rational society, so that they are deemed to be able to differentiate between good and bad, including in choosing the right legislative candidates. Those who oppose this policy base their opinions on the belief that people have not actually behaved rationally in voicing their right to vote.

This policy has an impact on stakeholders, such as elites, society, and civil society. For elites, this policy opens opportunities for political prisoners to run for office and compete with other contestants to create a political elite without reserve. The elite contest becomes a fight in a free space without ethical boundaries and social sanctions for its track record. For the public, this policy can make people make the wrong choice because the legislative candidates produced are corrupt legislative candidates and there is a permissive attitude towards corruption convicts who may repeat their deviant behavior. For NGOs, this policy can hinder efforts to eradicate corruption through advocacy and socialization of the dangers of corruption because ex-corruption convicts are returning to contest using the privileges of the existing rules of the game.

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