



The Effect of the Establishment of a New Autonomous Region on Electoral District Regulations in the 2024 General Election

Danang Sa'adawisna¹, Bayu Karunia Putra²

¹Mahasiswa Universitas Airlangga, ²Mahasiswa Universitas Muhammadiyah Malang

Abstract

Received:

Revised:

Accepted:

This article aims to determine the arrangement of electoral districts formed to conduct competition in general elections (elections) that are proportional to the number of representatives contested in one area. This topic is important and interesting, because it relates to the arrangement of electoral districts within the DPR, there are differences with the arrangement of electoral districts within the Regency/City DPRD, where the scope of the DPR is in accordance with the regulations regulated by the government and DPR in Law Number 7 of 2017 concerning Elections. In general, as well as within the scope of the Regency/City DPRD, it can be adjusted to regional developments which have been further regulated in KPU RI Decree Number 18/PP.02-Kpt/03/KPU/I/2018 concerning Technical Instructions for Structuring Electoral Districts and Allocation of Representative Council seats. Regency/City Regional People in the General Election. The research method used is the literature review method, where sources and data are obtained through the Publish or Perish, SINTA, and Goggle Scholar databases. In this method, the researcher uses a descriptive qualitative approach, where this method utilizes qualitative data and is described descriptively. The data collection technique uses a literature review technique carried out by researchers to collect valid, complete, and relevant information related to the topic of the problem that is the object of research. The data analysis technique used a literature review analysis technique, where this research was carried out by reading library sources to obtain the necessary data. The author finds that, the addition of new provinces as a result of the division of Papua Province with New Autonomous Regions (DOB) such as South Papua Province, Central Papua, and Papua Mountains will cause changes to the number of seats and electoral districts of the DPR, where there are obstacles in its implementation. which is not in accordance with the regulations regarding general elections (elections), then this amendment is carried out to result in the 2024 general election (election) obtaining strong legitimacy from the people without violating the applicable provisions.

Keywords: *General Election, Influence, New Autonomous Region, Regulation*

(*) Corresponding Author: danang.saadawisna-2021@fisip.unair.ac.id,
bayukaruniaputra7@gmail.com

How to Cite: Sa'adawisna, D., & Putra, B. (2022). The Effect of the Establishment of a New Autonomous Region on Electoral District Regulations in the 2024 General Election. *Jurnal Ilmiah Wahana Pendidikan*, 8(20), 484-493. <https://doi.org/10.5281/zenodo.7269113>.

INTRODUCTION

The general elections held in Indonesia consist of the election of presidential and legislative candidates who are at the central level of the DPR and DPD, the provincial level of the DPRD and the district or city level of the DPRD. Due to the large number of legislative members at the central level who will occupy the seats in the DPR RI and DPD with Indonesia's territory which is also very wide and



consists of many islands, technical arrangements are made through the determination of electoral districts. Just to illustrate, the MPR (DPR and DPD) is a representation that stretches from Pulau We to Merauke and consists of 17,504 islands and 714 tribes represented by 575 people's representatives in the DPR and 132 in the DPD. So that people's representatives describe the face of Indonesia, then it is further regulated with the principles of structuring electoral districts. Which without reducing the meaning of value equality, adherence to a proportional electoral system, proportionality, regional integrality, being in the same area coverage, cohesiveness and sustainability.

The electoral district is an important instrument in the electoral process, which is intended for technical and political matters. Technical matters include, trying to bring voters closer to the candidate which can be through geographic, sociological, cultural, cultural and psychological approaches. Making it easier in the size of the printed ballots, the smaller an electoral district has an impact on the compact size of the ballots. In terms of politics, accommodate local aspirations and interests, pay attention to integrity, history, protect minority groups, and maintain political stability from the number of parties. Much of the literature argues that election rules have a psychological mechanism and effect on the party system, increasing the number of seats in an electoral district will generally increase the number of parties winning in parliament (Singera et al., 2018).

The technical arrangement of electoral districts will definitely change, because the calculation of the number of seats is based on the number of residents. Second, the arrangement of electoral districts also follows the growth of the existing population. As we know that the population in an area will always increase, whether it's from birth, migration or the effects of industrialization. Third, the addition of New Autonomous Regions (DOB), if there is a division of the province must be accompanied by the addition of new electoral districts. The General Election Commission (KPU) as the organizer of the election carries out the stages of the election and is subject to the regulations that govern it. In forming an electoral district, the first thing to do is to determine the number of seats up for grabs.

In Law number 7 of 2017 concerning General Elections article 186 that the number of seats for DPR members is set at 575 seats, where this number will be distributed in all electoral districts in 34 provinces. Ahead of the 2024 simultaneous elections, where at the beginning of the stage there were dynamics related to the ratification of three new autonomous regions in mother Papua. Three Draft Laws (RUU) respectively concerning the formation of the Provinces of South Papua, Central Papua and Papua Mountains have been ratified into law along with the start of the 2024 simultaneous general election stage. election. With the establishment of new new autonomous regions, the number of provinces in Indonesia will be 37 provinces.

This is clearly not in accordance with the provisions stipulated in the election regulations. On the other hand, according to article 187 paragraph (2) the number of seats in each electoral district for members of the DPR RI is at least three seats and a maximum of ten seats. Considering the allocation of seats for the 2019 general election in the division's parent province, namely the province of Papua, there are ten seats which cannot accommodate every new new autonomous region. So that at least there will be an increase in the number of seats as a result of the formation of new new autonomous regions. Previously, in the 2004 election, West Papua Province was the result of the division of Papua Province, at which time the allocation of seats in the DPR RI in Papua Province from 13 seats to 10 seats.

Because three seats were allocated to the newly expanded province of West Papua. This of course cannot be implemented considering that the allocation of seats in the Papua Province is not sufficiently divided and is contrary to existing regulations. First, the problem arises because in Law number 7 of 2017 the formation of electoral districts is only for 34 provinces, which clearly has not accommodated the presence of these three new autonomous provinces in Papua. Second, the problem that occurs is the insufficient number of seats from the parent province to be divided into each new new autonomous region. Election regulations related to the number of seats in the DPR and the formation of electoral districts do not have the same space as the number of seats for the Provincial DPRD and Regency/Municipal DPRD. Likewise, the formation of electoral districts at the Regency/City level can be adapted to current conditions. The number and allocation of seats in the 2024 election will change with changes in electoral districts as a result of the formation of new new autonomous regions in 2022. Meanwhile, the 2024 election regulations still use the same regulations as the 2019 elections, namely Law number 7 of 2017 concerning General Elections. Therefore, the purpose of this article is to find out the arrangement of electoral districts formed to conduct competition in general elections (elections) that are proportional to the number of representatives contested in one area.

RESEARCH METHODS

This type of research is a type of research that uses a descriptive qualitative approach, where this method utilizes qualitative data and is described descriptively. The data sources in this study were obtained from the Publish or Perish database, SINTA, and Goggle Scholar. The data collection technique in this study is to use a literature review technique or literature carried out by researchers to collect, explore, and collect valid, complete, and relevant information related to the topic of the problem that is the object of research. The data analysis technique used a literature review analysis technique, where this research was carried out by directly reading various library sources to obtain the necessary data with the steps in (Nazir, 2014) and (Arikunto, 2013), which include the following:

1. Reading the information contained in the research, is there any available information that is in accordance with the background of the research problem being studied (Nazir, 2014).
2. Collecting various sources of study materials that are relevant to the topic of the problem in the research being studied (Arikunto, 2013).
3. Citing the information contained in the reading which can be in the form of quotations (quoting directly), paraphrasing (using one's own words) (Nazir, 2014) and writing down the results of the study into the cards provided (Arikunto, 2013).
4. Record all the important things by looking first, which ones are important and studying the index on the back of the book to find pages that are directly related to what is recorded on the cards that have been provided previously (Nazir, 2014).
5. Summarizing the results that have been obtained (Arikunto, 2013).
6. Interpreting the results obtained previously (Nazir, 2014).

RESULT AND DISCUSSION

Electoral District Viewpoint

Electoral districts are territorial boundaries, either territorial or administrative, in terms of legislative nominations. In addition to taking into account the population of an area that is used as a boundary, the area is also taken into account. In contrast to direct democracy, which allows all adult citizens (right to vote) to participate directly in making decisions concerning the common interest, representative democracy requires one or more people to act on behalf of the people in making and implementing decisions concerning the common interest both at the national level. as well as at the local level. The aspirations and interests that need to be represented do not only concern the population (people) but also the area (space) (Surbakti et al., 2008). This means that an elected legislature will represent the population and territory in their constituency. An electoral district can also be defined as a "competition area" for all election contestants to win votes.

An electoral district can also be defined as a "competition area" for all election contestants to win votes. That way, in the end, every people's representative who sits in parliament will have an electoral base in which the constituents in that area are represented (Kartawidjaya et al., 2007). There is also an understanding of an electoral district which has a connotative meaning, namely Gerrymandering, the manipulation of electoral district boundaries that is intentionally carried out to benefit or harm certain political interests. The term became known to the public, especially election activists in carrying out the practices of preparing electoral districts. In holding elections, in particular the election of members of DPR, Provincial DPRD and Regency/Municipal DPRD, the preparation and arrangement

of electoral districts is absolutely carried out long before the nomination process for members of DPR, Provincial DPRD, and Regency/Municipal DPRD.

In discussing an electoral district, it is always related to the size of the electoral district, this is what takes a long time in the discussion. When designing an electoral system, the size of the electoral district is in many ways a key factor in determining how the system will function in practice, the strength of the relationship between voters and elected representatives, and the overall proportionality of the election results (Andrew, 2016). The scope of the electoral district can be based on the administrative area of government in the form of territorial boundaries, based on the number of residents, or a mixture of both, in the form of a combination of administrative areas taking into account the existing population. In the 1955 election, Indonesia divided the electoral district by using an administrative area. This pattern was later replaced during the New Order era by applying population size as the basis for forming electoral districts.

Then after the reform in the 2004 elections, we began to use the combined scope of administrative area and population, we continue to use this pattern to this day. The principle underlying the allocation of seats must be based on equal representation among citizens, meaning that every citizen in any area has the same vote value. Meanwhile, regarding the number of seats for each electoral district, several models can be used, namely: (1) one or two seats for each electoral district (single-member constituency), (2) many seats in each electoral district (multi-member constituency), and (3) mixed in between the two (Lili, 2018). All of the above understandings are basically the same, only the difference is the intent and purpose of the elites in producing regulations. According to Law number 7 of 2017 concerning general elections, Article 187 paragraph (1), an electoral district is a province, district/city or a combination of districts/municipalities or may use part of a district/city, while at the provincial level (article 189) it is a district/city or combined district / city or can use part of the district / city. And for the district/city level (in article 192) it is a sub-district or a combination of sub-districts or can use part of a sub-district. Article 197, the electoral area for DPD members is a province.

Electoral District Components and Impact

An electoral district has a mechanical impact in its application, commonly referred to as a district magnitude. This impact has always been the main attraction among party elites in their discussions, because it involves the ability to maintain the winning seats. Election experts distinguish three types of district magnitudes found in electoral districts in a proportional electoral system, namely small-seat electoral districts with 2-5 seats; a medium-seat constituency with 6-10 seats, and; a large-seat constituency with over 10 seats. So, even though only 2 seats contested in the electoral district could lead to a majoritarian system, election experts still place it in a proportional electoral system with a small district magnitude (Surbakti et al., 2011). Meanwhile, an expert on the electoral system from Germany, Dieter

Nohlen, based on his comparative study of the electoral system, formulates two propositions: First, the lower the size of the electoral district, the fewer seats are up for grabs in one electoral district, in general, the smaller the chance for a "small" political party. to get a seat.

Second, if the size of the electoral district is small and the number of seats is even (2, 4, 6, and so on...), it is likely that the political party with the second rank will win the fortune. On the other hand, if the size of the electoral district is low and the number of seats is odd (1, 3, 5, and so on...), the tendency is that the political party that gets the most votes will benefit more (Kartawidjaya et al., 2007). With the increase in the district magnitude in the proportional system, it can result in the distribution of power being only concentrated in certain groups, second, the party's role is too dominant so that it can cause a lack of enthusiasm in candidacy for regional elections. As a result, the regional head election contestation will create a phenomenon where the incumbent fights an empty box or the incumbent fights a puppet candidate. Using the formula developed by Arend Lijphart, the calculation of the effective threshold can be obtained.

The formulas are: $75 / (m + 1) m = \text{size of electoral district} / \text{DM}$ in Law number 7 of 2017 concerning general elections article 187 paragraph (2) the number of seats in each electoral district for members of the DPR is at least 3 (three) seats and a maximum of 10 (ten) seats, while Article 189 paragraph (2) the number of seats in each electoral district members of the Provincial DPRD shall have at least 3 (three) seats and a maximum of 12 (twelve) seats, the provisions of the Provincial DPRD are the same as that of the Regency/Municipal DPRD. So if the calculation is carried out with the above formula, it is obtained as follows:

1. The size of the 3-seat electoral district: $75/(3+1) = 75/4 = 18.75$. This means that in order to get 1 (one) seat in an electoral district with a magnitude of 3, a political party must achieve at least 18.75% of the total valid votes in that electoral district. Political parties that get less than 18.75% valid votes will not get seats. The number of political parties that have the opportunity to obtain seats in the electoral district is 3 (three) at most 5 (five) political parties.
2. The size of the 10-seat electoral district: $75/(10+1) = 75/11 = 6.8$. This means that in order to obtain one seat in an electoral district with a magnitude of 10, a political party must achieve at least 6.8% of the total valid votes in that electoral district. Political parties that get less than 6.8% of valid votes will not get seats. The number of political parties that have the opportunity to obtain seats in the electoral district is 10 (ten) at most 14 (fourteen) parties.
3. The size of the 12-seat electoral district: $75/(12+1) = 75/13 = 5.7$. This means that in order to obtain one seat in an electoral district with a magnitude of 12, a political party must achieve at least 5.7% of the total valid votes in that electoral district. Political parties that get less than 5.7% of valid votes will not get seats.

The number of political parties that have the opportunity to obtain seats in the electoral district is 12 (twelve) at most 17 (seventeen) parties.

So it can be concluded, by setting aside the electoral threshold, that seats in the DPR can be occupied by a maximum of 14 (fourteen) parties, while at the lower levels of the provincial DPRD and the regency/city DPRD a maximum of 17 (seventeen) parties can be obtained. Considering that the number of election participants in 2019 in Indonesia is only 14 (fourteen) parties, the parties in the Provincial DPRD and Regency/Municipal DPRD are only filled with a maximum of 14 (fourteen) parties. In determining the size of the electoral district based on Law number 7 of 2017 concerning general elections for the election of members of the DPR, Provincial DPRD and Regency / City DPRD, it is also explained further in PKPU number 16 of 2017 concerning the arrangement of electoral districts and the allocation of seats for members of the Regency / City DPRD in general elections. Article 5, taking into account the principles:

1. Vote value equality; namely seeking the value of votes or the price of seats that are equivalent between 1 (one) electoral district and other electoral districts with the principle of 1 (one) person, 1 (one) vote, 1 (one) value.
2. Adherence to a proportional electoral system; namely paying attention to obedience in the formation of the electoral district by prioritizing a large number of seats so that the percentage of the number of seats obtained by each political party can be equal to the percentage of valid votes it gets.
3. Proportionality; namely paying attention to the equality of seat allocations among the electoral districts to maintain a balanced allocation of seats for each electoral district.
4. Regional integrity; namely paying attention to territorial integrity and integration, geographical conditions, transportation facilities, and aspects of transportation convenience in compiling several sub-district areas into 1 (one) electoral district.
5. Are in the same area coverage; the preparation of the Dapil for the members of the Regency/Municipal DPRD which is formed from one, several, and/or sub-districts must be fully covered in a Dapil for the members of the Provincial DPRD.
6. Cohesiveness; namely the preparation of electoral districts taking into account history, socio-cultural conditions, customs, and minority groups.
7. Continuity, i.e. the preparation of electoral districts takes into account the determination of electoral districts in the last election, unless there is a change in the population which results in the allocation of seats in 1 (one) electoral district exceeding the maximum limit and/or less than the minimum limit, the existence of regional expansion, and the electoral district that has been drafted contrary to the principles constituency arrangement.

The electoral system in different countries has different variations in the size of the electoral district, referring to how many legislative seats are allocated to each electoral district. For example, countries with national constituencies, such as Israel and the Netherlands, have no variation in district size because electoral competitions are held under one constituency. Similarly, there is no variation in the size of the constituency where each constituency has one legislative seat, as is the case in India and the United States. Under the proportional representation (PR) system, the most commonly used system in Europe, some districts have only a few seats while others have a large number of seats (Barcelo et al., 2018). If in Indonesia the entire archipelago is made into one electoral district, then it can be ascertained that the elected legislative candidates are only those who come from the island of Java.

Because almost 60 percent of Indonesia's population is concentrated in Java. Electoral boundaries can also be manipulated to increase the representation of certain groups. The Voting Rights Act in the United States has in the past allowed the government to create odd-shaped constituencies with the sole purpose of creating predominantly Black, Latino or Asian-American districts; this can be called "affirmative gerrymandering" (Andrew, 2016). For this reason, the regulations that are designed must be guided by the principles regulated in Law number 7 of 2017 concerning general elections, so that the direction of our democracy does not go backwards.

DPR Electoral District Procedure

Based on article 186 of Law Number 7 of 2017 concerning General Elections, the number of seats for DPR members is set at 575 seats, then in the next article, article 187 paragraph (1), the electoral areas for DPR members are provinces, regencies/cities or a combination of regencies/cities. With the number of seats in each electoral district for DPR members, a minimum of three seats and a maximum of ten seats according to article 187 paragraph (2). The addition of the number of seats as well as the addition of new autonomous regions due to the division of the province requires changes to the regulations in article 186 and article 187 because it will result in an increase in the number of seat allocations for members of the DPR. Considering the addition of three new autonomous regions resulting from the division of Papua province, it will at least increase the number of DPR seat allocations. In addition, in 186 paragraph (4) of Law Number 7 of 2017 concerning General Elections, the determination of electoral districts for members of the DPR is carried out by changing the provisions of the electoral districts in the last election based on changes in the number of seat allocations, arrangement of electoral districts and development of electoral district data.

The electoral districts and the number of seats for each electoral district for members of the DPR are listed in the appendix of Law Number 7 of 2017 concerning general elections. For the formation of electoral districts for members

of the DPR and Provincial DPR, it is determined by law, in the sense that this formulation is determined by the regulators, namely members of the DPR and the government itself. So that the provisions related to regulations resulting from the formation of new autonomous regions can be implemented if amendments are made to this article. It is different if the arrangement of electoral districts within the scope of the Regency/Municipal DPRD as regulated in Article 192 paragraph (4), where the electoral area and the number of seats for each electoral district for members of the Regency/Municipal DPRD are regulated in KPU Regulations, it is more technical in PKPU 16 of 2017 concerning Regional Arrangements. Election and Allocation of Seats for Members of the Regency/City Regional People's Representative Council in the General Election.

So that the arrangement of electoral districts within the scope of the Regency/Municipal DPRD is easier without changing the existing laws, only through changes to the KPU Regulations. It is different if the change in the arrangement of electoral districts is within the DPR, because in Article 186 the number of seats for DPR members has been locked in the regulation. So that the formation of new autonomous regions requires a new legal umbrella, the government needs to ensure whether or not there are additional seats in the DPR considering that each province gets a minimum allocation of three seats. Then it is also necessary to ascertain whether the arrangement of the new autonomous regions with a minimum allocation of three seats is the result of reducing the allocation of seats from the parent province or adding new seats.

CONCLUSION

The author found that, in relation to Law Number 7 of 2017 concerning General Elections which regulates each electoral district, it has a minimum allocation of three seats. Because, in another article, the number of seats allocated for the DPR has been set at 575 seats. Thus, the formation of a new autonomous region causes changes in the electoral district and automatically the new autonomous regions form an electoral district as well. For this reason, it is necessary to amend Law Number 7 of 2017 concerning General Elections by changing several articles related to seat allocation and electoral districts. If each new autonomous region is allocated three seats each, it will increase the number of seats in the DPR.

Thus, it will change the composition of the DPR membership at the central level from the new new autonomous regions. In addition, the implementation of the 2024 general election is in accordance with existing regulations, so regulatory adjustments must be made according to the conditions that occur. This is to ensure that the results of the general election (election) in 2024 get strong legitimacy from the people without violating the applicable and democratic provisions. So, it is necessary to amend Law Number 7 of 2017 concerning General Elections by changing several articles related to several seat allocations and electoral districts.

Thus, the General Elections Commission (KPU) suggested to the government and the DPR to change the regulations related to the arrangement of electoral districts within the scope of the DPR.

Because, related to the addition of new provinces as a result of the division of Papua Province with the existence of New Autonomous Regions (DOB) in the form of South Papua, Central Papua, and Papua Mountains, it will cause changes to the number of seats and electoral districts for the DPR. It can be seen from the obstacles experienced in its implementation which are not in accordance with the regulations regarding the general election (election). Thus, the arrangement of electoral districts formed to conduct competition in general elections (elections) is proportional to the number of representatives contested in one area. Thus, the implementation of the general election (election) in 2024 must be in accordance with existing regulations, so that adjustments to regulations according to conditions that occur can be more optimal. Therefore, the amendment process was carried out to ensure that the general election (election) in 2024 obtained strong legitimacy from the people, without violating the applicable provisions.

REFERENCES

- Andrew, R. (2016). *Desain Sistem Pemilu*. Jakarta: Perludem.
- Arikunto, S. (2013). *Prosedur Penelitian: Suatu Pendekatan Praktik*. Jakarta: Rineka Cipta.
- Barcelo, B., Joan, J., & Taishi, M. (2018). The Effect of Variance in District Magnitude on Party System Inflation. *Electoral Studies*, 54.
- Kartawidjaya, K., Pipit, R., & Sidik, P. (2007). *Akal-Akalan Daerah Pemilihan*. Jakarta: Perludem.
- Lili, R. (2018). Perdebatan Sistem Pemilihan Umum Legislatif Pada Pemilu Serentak 2019. *Kajian*, 23(4), 237–256.
- Nazir, M. (2014). *Metode Penelitian*. Jakarta: Ghalia Indonesia.
- Singera, S., Matthew, M., & Zachary, G. (2018). Do Changes in District Magnitude Affect Electoral Fragmentation? Evidence Over Time at the District Level. *Electoral Studies*, 54.
- Surbakti, S., Ramlan, R., & Didik, S. (2011). *Menyetarakan Nilai Suara: Jumlah dan Alokasi Kursi DPR ke Provinsi*. Jakarta: Kemitraan.
- Surbakti, S., Ramlan, R., Didik, S., & Topo, S. (2008). *Perekayasa Sistem Pemilu untuk Pembangunan Tata Politik Demokratis*. Jakarta: Kemitraan.