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The Resolution of Disputes in the Village Head Election of Kuripan, East OKU, 2023

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ABSTRACT

The Village Head Election is a contest for power at the village level. During this election process, conflicts can sometimes arise between supporters and the candidates for the village head position. One intriguing case in Indonesia regarding conflicts in village head elections is the 2023 Village Head Election in Kuripan, located in the Kuripan District, East OKU Regency. In this election, the candidate with number one won by a margin of only one vote over the candidate with number two, accompanied by several indications of irregularities in the election process.

This research employs a descriptive qualitative method with data collection techniques including interviews and documentation. Primary data sources include interviews, while secondary data sources include literature. The findings of this study reveal that the dispute in the Kuripan village head election in the Cempaka District, East OKU Regency, was resolved through a local mechanism resembling a village deliberation, or other similar terms referring to discussions involving all relevant village stakeholders. These include the election committee, village government officials, and village representative bodies. To prevent disputes in future village head elections, it is recommended to clarify and improve the transparency of the election information and process.

Keywords: Political Conflict, Conflict Resolution, Head Village Election

ABSTRAK

Pemilihan Kepala Desa adalah ajang perebutan kekuasaan di tingkat desa. Selama proses pemilihan ini, konflik terkadang bisa muncul antara para pendukung dan kandidat yang mencalonkan diri sebagai kepala desa. Salah satu kasus menarik di Indonesia terkait konflik dalam pemilihan kepala desa adalah Pemilihan Kepala Desa Kuripan tahun 2023, yang terletak di Kecamatan Kuripan, Kabupaten OKU Timur. Dalam pemilihan ini, kandidat nomor urut satu menang dengan selisih hanya satu suara dari kandidat nomor urut dua, disertai beberapa indikasi ketidaksesuaian aturan dalam proses pemilihan.

Penelitian ini menggunakan metode kualitatif deskriptif dengan teknik pengumpulan data berupa wawancara dan dokumentasi. Sumber data primer berupa wawancara, sedangkan sumber data sekunder berupa literatur. Hasil penelitian ini

mengungkapkan bahwa sengketa dalam pemilihan kepala desa Kuripan di Kecamatan Cempaka, Kabupaten OKU Timur, diselesaikan melalui mekanisme lokal yang menyerupai musyawarah desa, atau istilah lain yang merujuk pada diskusi yang melibatkan seluruh pemangku kepentingan desa terkait. Ini termasuk panitia pemilihan, pejabat pemerintah desa, dan badan perwakilan desa. Untuk mencegah sengketa dalam pemilihan kepala desa di masa depan, disarankan untuk memperjelas dan meningkatkan transparansi informasi dan proses pemilihan tersebut.

Kata Kunci: Konflik Politik, Resolusi Konflik, Pemilihan Kepala Desa

INTRODUCTION

The enactment of Law No. 6 of 2014 concerning Villages has not only impacted the recognition and existence of traditional and craft villages, but has also introduced significant changes to government policies and programs, one of which is related to funding policy. The Village Government is set to receive up to 1.4 billion rupiahs (Fikri, 2021). After a long struggle since the old order, on January 15, 2014, Law No. 6 of 2014 on Villages was enacted. This law accommodates the existence of both villages and traditional villages. It acknowledges that while there is a need for homogeneity within a unitary state, it is also necessary to recognize and guarantee the existence of legal community units and traditional legal community units, along with their traditional rights. The law integrates the functions of a self-governing community with local self-government, allowing the traditional legal communities, which have long been part of the village territories, to be properly managed (Fikri, 2021).

In addition to the planned budgetary policies, there are also changes in the system and procedures for electing village heads, which are implemented simultaneously. Given that the budget allocated to the village government reaches 1.4 billion rupiahs, the position of village head has become highly competitive. Therefore, Law No. 6 of 2014 must regulate the election process for village heads to ensure it is conducted properly (Fikri, 2021).

Article 31 of Law No. 6 of 2014 states that the election of village heads must be conducted simultaneously throughout the regencies/cities. The regency/city governments establish policies for the simultaneous election of village heads through regional regulations. Article 40 of Government Regulation No. 43 of 2014 on the Implementation of Law No. 6 of 2014 on Villages stipulates that the simultaneous election of village heads can be carried out in a maximum of three phases over a period of six years (Ahmad, 2018).

The village head is the sole authority in village governance. He is responsible for managing village affairs and, in addition, handles governmental matters. However, in carrying out his duties, the village head has certain limitations, meaning he cannot act solely on his own accord. The village head election system is closely linked to the dynamics of local political development at the village level. The election of village heads often involves a struggle for power, similar to what occurs in general elections across Indonesia. Candidates for village head employ various strategies to win the election and secure grassroots power. Power is an inherent aspect of any political process and is one of the key objectives in any leadership election (Tomoning, 2015).

The 2023 Village Head Election in Kuripan, Cempaka District, OKU Timur Regency, was contested by two candidates: Ilyas Sulaiman as candidate number one and

Muhammad Saleh as candidate number two. Candidate number one, Ilyas Sulaiman, received 211 votes, while candidate number two, Muhammad Saleh, received 210 votes. There were five invalid votes, with a total of 426 registered voters participating (Marhusiin, chairman of the election committee, interview, February 7, 2024).

During the 2023 Village Head Election in Kuripan, Cempaka District, OKU Timur Regency, violations occurred involving the two candidates. To resolve the dispute over the village head election in Kuripan, candidate number two, Muhammad Saleh, filed a complaint with the Village Empowerment Agency (PMD). The resolution of the 2023 Village Head Election dispute in Kuripan Village, Cempaka District, OKU Timur Regency, was achieved through deliberation involving key village stakeholders, such as the election committee, village government representatives, village representative bodies (BPD), the Village Empowerment Agency, traditional leaders, and community leaders. In light of these issues, the researcher is interested in addressing the topic of "Resolution of the 2023 Village Head Election Dispute in Kuripan District, OKU Timur Regency."

LITERATURE REVIEW

Several studies and journals are relevant to this research due to their congruent content. This research draws upon a journal article by Adhi Putra Satria from the Faculty of Law, Universitas Muhammadiyah Purwokerto, published in 2020 in *Jurnal Kosmik Hukum*, titled "Analysis of Village Head Election Dispute Resolution in Indonesia."

The current regulation concerning villages is stipulated in Law No. 6 of 2014 on Villages, which was enacted to advance villages, making them more independent and democratic. This law is intended to create villages and village communities that are just, prosperous, and equitable. The resolution of disputes regarding village head election results is addressed in Article 37, Paragraph 6 of Law No. 6 of 2014, which states that in the event of a dispute, the regent/mayor must resolve it within 30 days. Provisions regarding disputes in village head elections are also covered in Government Regulation No. 43 of 2014 on the Implementation of Law No. 6 of 2014 on Villages. However, this regulation does not provide detailed procedures for resolving disputes over village head election results. Specifically, Article 41, Paragraph 7 of the regulation mandates that "In the event of a dispute regarding the village head election results, the regent/mayor is obligated to resolve the dispute within 30 (thirty) days."

This study adopts a normative legal research method, focusing on secondary data from a juridical perspective and employing a descriptive-analytical approach. The research specification is descriptive-analytical, illustrating legislation in connection with legal theory and the application of positive law. The data used includes primary, secondary, and tertiary legal materials. The data is presented in a systematic descriptive manner, initially collected through literature review and further explored through in-depth interviews and studies of journals, books, and documents (Satria, 2020).

The difference lies in the fact that the resolution of village head election disputes in Indonesia involves delegating authority to the regent/mayor, who holds executive, rather than judicial, power. In contrast, my research on the resolution of the Kuripan Village Head Election dispute focuses on resolving the issue through deliberations involving all village stakeholders, including the election committee, village government officials, the Village Representative Body (BPD), the Village Empowerment Agency, traditional leaders, and community leaders.

Another relevant study is by Hasdi and Jumaidi from Universitas Islam Negeri Alauddin Makassar, published in 2021, titled "Resolution of Village Head Election Disputes in Pattallassang Village." The study examines the 2017 village head election in Pattallassang Village, Tampobulu Subdistrict, Bantaeng Regency, where candidate Subhan (number 2) won with 1,047 votes and was subsequently appointed as village head by the Bantaeng Regent through Decree No. 140/600/XII/2017. However, after the election, several alleged violations were discovered, leading to a legal challenge at the Makassar Administrative Court (PTUN). The court, in its decision No. 02/G/2018/PTUN.Mks, granted the plaintiff's (Muhammad Subahir, candidate number 1) claim, confirming the occurrence of election violations, including mentally incapacitated voters, duplicate voting, and breaches of democratic values, fairness, and justice. This study employs a normative-empirical research method, combining normative legal analysis with empirical elements. The normative-empirical method examines the implementation of legal norms (laws) in specific legal events within a society. The study uses a judicial case study approach, as the Pattallassang Village Head Election dispute involved judicial intervention to resolve the conflict. The research also utilizes document studies, literature review, and interviews to describe the election process and the resolution of the dispute in Pattallassang Village during the 2017-2018 period (Hasdi & Jumadi, 2021).

The key difference is that the Pattallassang Village Head Election dispute was resolved through a legal process at the Makassar Administrative Court (PTUN), which granted the plaintiff's claim due to proven violations. In contrast, my research on the Kuripan Village Head Election dispute involves the submission of a complaint to the Regent of OKU Timur, requesting a re-election, which was not granted.

METHOD

The research methodology described involves a qualitative approach, which is characterized by its ability to generate descriptive data, such as verbal expressions, writings, and observed behaviors of the participants involved in the study. In the context of the dispute resolution for the 2023 Kuripan Village Head Election in Cempaka District, East OKU Regency, the qualitative research methodology facilitates the understanding of social interactions and decision-making processes among village stakeholders, such as the election committee, village government representatives, village representative bodies (BPD), the village empowerment agency, traditional leaders, and community figures.

This qualitative research adopts an inductive reasoning process, allowing the researcher to derive insights from specific observations and experiences. By employing techniques like interviews, documentation, and participant observation, the study aims to uncover the underlying realities of the dispute resolution process in the village election context. The qualitative approach is particularly suitable for capturing the complexities and nuances of social dynamics, providing a deeper understanding of the community's mechanisms for resolving conflicts through consensus and deliberation.

RESULTS AND DISCUSSION

Results

Before initiating the research steps, the researcher conducted interviews with several informants to address the first research question: "What is the Dispute Resolution Mechanism for the 2023 Kuripan Village Head Election in Cempaka District, OKU Timur Regency?" The first interview was conducted with Mr. Ilyas Sulaiman, a candidate for the village head (number one on the ballot), on November 6, 2023, in Kuripan Village. The interview revealed that one of the primary causes of the dispute in the Kuripan Village Head Election was the discrepancy in the scheduled closing time of the election. The election was initially scheduled to close at 1:00 PM as stated in the invitation letter. However, the Acting Village Head unilaterally decided to close the voting process at 12:00 PM without an official agreement from the two candidates and the head of the Village Consultative Body (BPD). (Interview with Ilyas Sulaiman, November 6, 2023).

Additionally, regarding the legal protection in the resolution of village head election disputes, the relevant regulations are outlined in Article 37, paragraphs (5) and (6) of the Village Law. These provisions stipulate that in the event of an election dispute, the regional head is required to resolve the dispute within a maximum period of 30 days from the date the election results report is received from the organizing committee in the form of a regional head's decree.

The proposed solution for resolving the dispute in Kuripan Village involves a deliberative mechanism to reach a consensus on the election results dispute. If this deliberation fails, the first alternative is to appoint a neutral third party, and the final alternative is to proceed through a specialized court. Resolution through consensus deliberation is considered more efficient as it can shorten the time, reduce costs, simplify procedures, and maintain good relations between the disputing parties.

The second interview was conducted with Mr. Marhusin, the Chairman of the Village Head Election Committee, on November 6, 2023, in Kuripan Village. According to this interview, the 2023 Kuripan Village Head Election was conducted in accordance with the applicable legal provisions, namely Government Regulation No. 72 of 2005 on the procedure for village head elections. This regulation governs the process of village head appointments and voting, taking into account local cultural norms and regulations issued by the local government.

The response to the village head election dispute resolution process indicated that disputes over election results are not immediately referred to the regent or mayor. Instead, they are first resolved locally through village deliberations involving all relevant stakeholders, including the election committee, village government representatives, the village representative body, traditional leaders, and community figures.

The losses arising from the dispute in the 2023 Kuripan Village Head Election have the potential to create new problems, particularly regarding the authority of the regional head as an executive body, which is limited to implementing laws. This authority may be neither objective nor independent, given that regional heads are political figures appointed by political parties, thus making the resolution of village head election disputes susceptible to political influence and less focused on pure law enforcement.

Dispute resolution in the context of village head elections can be carried out through either non-litigation or litigation avenues. The choice of non-litigation, that is,

utilizing an out-of-court institution, reflects the agreement between the disputing parties to resolve the matter through this alternative approach. This choice is not coincidental but rather a deliberate action closely related to legal understanding and the desire to achieve a more efficient resolution.

The third interview was conducted with Mr. Muhammad Saleh, the second candidate for the Kuripan Village Head, on May 19, 2024. One of the factors that prompted Mr. Muhammad Saleh to submit an objection letter to the Regent/Mayor regarding the Kuripan Village Head Election dispute was the unilateral decision to close the voting process one hour earlier than scheduled, from 1:00 PM to 12:00 PM. Before 1:00 PM, there were still residents who wished to vote, but they were not allowed to do so because the voting had already been closed. Moreover, the committee was also perceived as not properly recording the residents, as they only referred to the voter data updating (coklit) results for the 2024 General Election. The BPD Chair was also not effectively involved by the committee, which only coordinated actively with the Acting Village Head. These issues became the basis for Mr. Muhammad Saleh to submit an objection letter to the authorities, hoping for a re-election of the Village Head. However, after the objection letter was submitted, the request for a re-election of the Village Head was not granted by the Village Government and the Regent/Mayor. The decision on the Village Head Election results was declared final and irrevocable.

Discussion

The Dispute Resolution Mechanism for the 2023 Kuripan Village Head Election in Kuripan District, OKU Timur Regency

In the village head election system, dynamics within local political balances are inevitable. During village head elections, candidates typically prepare their strategies with the ultimate goal of winning the election and securing power. The campaign period often witnesses conflicts between candidates, and it is not uncommon for misunderstandings to arise in daily life leading up to the election.

Such was the case in the 2023 Kuripan Village Head Election in Cempaka District, OKU Timur Regency, where conflicts emerged during the election process, which the local community perceived as involving deviations and violations. Specific violations included irregularities in the candidacy process, premature closure of voting without proper notification, and inadequate voter data collection, with the committee only relying on the voter data from the 2024 general election update. The Committee Chair failed to involve the BPD (Village Consultative Body) Chair, focusing coordination only with the Acting Village Head.

The researcher will analyze the resolution of the 2023 Kuripan Village Head Election dispute using the concepts of Political Conflict and Conflict Resolution. The political conflict in this election was primarily driven by a lack of communication, with Candidate Number One, Muhammad Saleh, being unaware of the unilateral decision to close voting early from the originally scheduled time of 1:00 PM to 12:00 PM. This led to the emergence of the conflict, compounded by the committee's failure to properly record eligible voters, relying instead on the 2024 general election data, and

marginalizing the role of the BPD Chair in favor of coordinating with the Acting Village Head, who was also the Secretary of the Village Head Election Committee.

The resolution of the 2023 Kuripan Village Head Election dispute in Cempaka District, OKU Timur Regency, involved Positive Political Conflict, typically managed through agreed-upon conflict resolution mechanisms. These mechanisms include democratic institutions such as representative bodies, courts, government, the press, and other open forums. This type of conflict resolution is considered positive as it seeks to address disputes through established democratic channels. One of the primary methods for resolving the village head election dispute was through local mechanisms, such as village deliberation, involving all key village stakeholders, including the election organizing committee, village government representatives, and the village representative body.

In this study, the resolution of the 2023 Kuripan Village Head Election dispute in Kuripan District, OKU Timur Regency, employs the self-regulation method, specifically the Win & Lose Solution model. Candidate Number One, Ilyas Sulaiman, emerged victorious in the conflict. The effort to secure victory was carried out through various considerations and joint deliberations with village stakeholders, including the election organizing committee, village government representatives, the BPD, the village empowerment office, traditional leaders, and community figures.

CONCLUSION

The resolution of the 2023 Kuripan Village Head Election dispute in Cempaka District, OKU Timur Regency, highlights significant issues related to local political dynamics and procedural irregularities. The primary conflict arose from the unilateral decision to close the voting process earlier than scheduled, leading to disagreements and dissatisfaction among the candidates. Legal provisions under the Village Law provided a framework for addressing such disputes, requiring the regional head to resolve conflicts within a specified timeframe.

The proposed dispute resolution involved a multi-step process, including local deliberation to reach a consensus among stakeholders. If consensus could not be achieved, the process allowed for the involvement of a neutral third party or, ultimately, a specialized court. This approach emphasizes the importance of maintaining good relations and ensuring efficiency in resolving election disputes.

In analyzing the case, the study adopts a self-regulation approach, particularly the Win & Lose Solution model. Candidate Ilyas Sulaiman's victory in the dispute was secured through strategic deliberations involving various village stakeholders. The case underscores the complexities of managing election disputes in a politically charged environment and the need for transparent and democratic conflict resolution mechanisms.

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