

# Mechanism for Organizing and Evaluation of Readiness for The Election of Village Head Candidates According to Law No. 6 Of 2014

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**Abstract.** Instances of single-candidate participation in village head elections give rise to diverse conjectures. A case in point is observed in the Karang Tengah district of Guntur village, where only one candidate is present. This research employs field research methods aimed at obtaining information and describing events that occur in the field according to the facts found in the field. The approach used by the researcher is qualitative descriptive. Through the examination of data, it can be inferred that regional regulation no. 5 of 2022, concerning the administration of village head elections, stipulates that the nomination process for village heads in Guntur village, Guntur district, adheres to the framework outlined in regional regulation no. 5 of 2019. Primary data, serving as the principal data source for this study, was obtained via interviews with the village head election committee and documentation about the implementation of the village head election. Conversely, secondary data concerning village head elections were sourced from literature, including books. Following data collection, analytical descriptive methodologies were employed to delineate the procedures associated with village head elections carried out in the field. The stages of planning, nomination, and voting in the 2023 village head election in Guntur village are commonly observed practices.

**Keywords:** Village Head Election, Legislation, Village Head Candidate

## 1 Introduction

According to law no. 22 of 1999, a town is a lawful people group unit with the power to direct and deal with the interests of the neighborhood people group in light of nearby traditions and customs perceived inside the public government framework and situated inside the region. Inside the unitary territory of the republic of Indonesia, a town can also establish its government (NKRI). In Indonesia's past, villages played a crucial role in the development of political society and governance even before the country gained independence. Villages, traditional communities, and other social structures have evolved into highly significant social institutions. Towns have the

position to control and deal with the interests of their people group in light of the fact that the organization of town administration is a subsystem of the public authority organization framework.

The village chief and village officials form the village government as components of village governance. The village head functions as the head of the village government and is responsible for enhancing the welfare of village residents, upholding law and order, mediating conflicts within the community, and improving the village economy to advance welfare and village development.[1]

It shows that there are fundamental differences in the form of village and sub-district government. The village head is a member of the district or city government located in the sub-district by the prerequisites. Sub-district residents do not have the same rights as village residents in electing and electing their leaders. The village head is elected through the village head election system, not through appointment or assignment from the regent/mayor. Unlike other villages, the local community directly elects and determines the position of village chief in a ceremony called the regional head election.[2]

In addition to being conducted at the federal, provincial, and district/city levels, general elections are also held at the village level through direct elections for village heads. From the perspective of democratization at the town level, a majority rules system with regards to town head decisions (known as "Pilkades") can be seen as an acknowledgment of the variety and participatory political mentalities of the people group. The ongoing component for town head decisions is managed by article 31 of regulation number 6 of 2014, which specifies that town head races are directed at the same time across the whole locale/city region. Moreover, article 40 of unofficial law no. 43 of 2014 concerning the execution of regulation no. 6 of 2014 concerning towns, as well as article 6 of clergyman of home issues guideline no. 112 of 2014, notice a progression of town head political race cycles through the planning, designation, casting a ballot, and assurance stages.

Article i of the 1945 constitution paragraph (2) explicitly states that "sovereignty is vested in the hands of the people and is carried out according to the constitution". The Indonesian state recognizes the sovereignty of the people, which means that the people have the authority to determine the structure of the state, its laws, and its internal policies. Democracy is one way to realize the sovereignty of the people. Currently, Indonesia adopts an indirect democracy model, where representatives are elected directly. It means that voters can express their choices directly and without intermediaries.[3] This form of democracy at the lowest level of government is manifested in the election of village heads (Pilkades).

The election of the village chief (Pilkades) is a form of direct democracy practice in rural areas. In such direct democratic practices, the most important aspect emphasized is the election process which firmly upholds three key aspects: competition among contestants, participation, and freedom (liberalization)[4] the competitive element pertains to individuals who nominate themselves as village head candidates and the strategies they employ to position themselves. The community's perception of village head elections, how they define village head leadership and their approach to forging political alliances with village head candidates are factors influencing participation.

Meanwhile, the community's perception of freedom significantly influences how they choose village head candidates. Democratic practices are expected to be implemented through institutional arrangements, the electoral process, and products that are genuinely beneficial to the village

community, based on consideration of three crucial criteria in the village head election process. If these three crucial elements in the electoral process are carefully considered, then the village head elections can be deemed successful.[5]

In organizing the village head election (Pilkades) in Demak Regency, the village consultative board (bpd) forms a Pilkades committee composed of village officials, village institution executives, and village community leaders. In conducting the village head election, the members of the bpd play a supervisory role. However, to achieve better election results, it is important to encourage independent oversight from community elements such as youth groups (Karang Taruna), women's groups, and farmer groups.

Based on the aforementioned background, the author is interested in conducting a thesis research with the title "Analysis Of The Implementation Of Village Head Elections In Guntur Village, Demak Regency In 2020."

## **2 Method**

This research employs field research methodology aimed at obtaining information and describing events that occur in the field according to the facts found in the field.[6] Meanwhile, the approach utilized by the researcher is a normative legal research approach, which involves examining regulations and their implementation within the context of past events. The primary data source is the conduct of village head elections (Pilkades), and the data is analyzed through the lens of legislation.

## **3 Result And Discussion**

### **3.1 Village Head Elections According To The Law**

Law No. 6 of 2014, Article 31 stipulates that village chief elections are conducted simultaneously across the entire district/city area. The local government of the district/city determines the policy for conducting village chief elections simultaneously through district/city regulations. Furthermore, in Article 40 of Government Regulation No. 43 of 2014 regarding the implementation of Law No. 6 of 2014 concerning villages, it is specified that simultaneous village head elections can be conducted in waves up to a maximum of 3 (three) times within a period of 6 (six) years. Simultaneous village head elections across the entire district/city area are intended to avoid negative occurrences in their implementation.

Simultaneous village head elections take into account the number of villages and the cost burden of the elections on the district/city's budget, thus allowing for staggered implementation as regulated in the district/city regulations.[7]

### 3.1.1 *Nomination Stage*

The village head election committee carries out the following activities:

1. Announcing to the village community about the upcoming village head election.
2. Conducting registration for the election among Indonesian citizens who, on the day of voting, are aged 17 (seventeen) years or older or have been married:
  - a) The implementation of this election registration refers to the voter list previously used in general elections, presidential elections, and regency/city elections, with adjustments based on the population conditions at the time of the village head election.
  - b) Indonesian citizens who are registered as village residents are those who are legally registered, as evidenced by the respective village identity card (ktp), or have a valid proof of being residents of the respective village.
3. Announcing to the village residents about the registration of prospective candidate residents along with their requirements.[7] the requirements for village head candidates, as stipulated in article 33 of law no. 6 of 2014, are as follows:
  - a) "citizens of the republic of Indonesia.
  - b) Devout to the one almighty god.
  - c) Upholding and practicing Pancasila, implementing the 1945 constitution of the republic of Indonesia, as well as preserving the unity of the unitary state of the republic of Indonesia and *bhinneka tunggal ika*.
  - d) Education level of at least junior high school or equivalent.
  - e) Minimum age of 25 (twenty-five) years at the time of registration.
  - f) Willing to be nominated as village head.
  - g) Registered as a resident and residing in the local village for at least 1 (one) year before registration.
  - h) Not currently serving a prison sentence.
  - i) Never been sentenced to prison based on a final and legally binding court decision for committing a crime punishable by imprisonment of at least 5 (five) years or more, except after 5 (five) years after completing the sentence and publicly declaring honestly and openly to the public that they have been convicted and not as a repeat offender. Not currently having the right to vote revoked according to a final and legally binding court decision.
  - j) Which has legal force.
  - k) Healthy.
  - l) Has never served as village head for 3 (three) consecutive terms and
  - m) Other requirements stipulated in regional regulations.[8]
3. Develop a schedule for the village head election by the election stages.
4. Drafting a budget plan for the conduct of the village head election and submitting it to the village consultative board (bpd).
5. Planning the polling stations.
6. Preparing the administrative aspects of the village head election.
7. Accepting registrations from prospective village head candidates.

8. Conducting screening and vetting of prospective village head candidates according to the requirements, by verifying the identities of prospective candidates based on the specified criteria.
9. Declaring candidates as village head candidates and reporting them to the regent/mayor. (typically, the regent/mayor declares through regional regulations that the village head candidates pass, an examination conducted by the regent/mayor).
10. Announcing eligible village head candidates to the community in public places according to the socio-cultural conditions of the local community.
11. Preparing invitation letters for eligible voters.
12. Preparing ballot papers, ballot boxes, and other necessary equipment for the voting and vote-counting process.
13. Conducting the drawing of the candidate symbols for village head, which is done in the presence of the village head candidates witnessed by district, regency/city officials, village officials, bpd, and community leaders".[7]

### 3.1.2 *Election Steps*

Meanwhile, regarding voters, it is regulated in article 35: "village residents as referred to in article 34 paragraph (1) who, on the day of the village head election, are aged 17 (seventeen) years or older, or have been married, are designated as voters."

During the election stages, the following activities are carried out:

1. Nominating oneself as village head. At least eight days before the election, campaigning can commence. The longest campaign period is six days, with a two-day quiet period included. To ensure there are no conflicts regarding the location and timing of candidates' campaigns for the village head, the village head election committee creates a schedule for each candidate. To guarantee safety and order during the campaign period, the election committee may request support from the security apparatus (polri). One way to conduct campaigns includes:
  - a) Publicly presenting platforms through open dialogues, discussions, and public meetings.
  - b) Placing flag symbols or attributes in public places, excluding places of worship, hospitals, schools, government offices, and similar locations.
2. The village head election committee sends invitations to residents eligible to vote, specifying the time and place of the polling stations.
3. The election committee prepares the polling stations at designated locations, along with all necessary voting equipment.
4. To maintain security and order during the voting process, the election committee may request security assistance from the security apparatus (polri).
5. On election day, the election committee conducts fair and honest voting at designated locations, attended by candidates and witnesses, under the supervision of officials. Eligible voters must cast their votes without any pretext. One of the candidate symbols, with size, color, and shape determined by the village consultative board (BPD), must be selected and marked. Symbols and emblems

of organizations, government agencies, or religions must not be the same. The image of the organization participating in the election must not be tarnished.

6. A vote is considered valid if the number of voters present and voting is equal to the quorum, which is two-thirds of the entire list of voters. The voting process continues for up to two hours if the quorum is not reached within the specified time. If the quorum is not met, the voting process will be postponed for a minimum of 30 days. The voting period can be extended for a second time, for a maximum of two hours after the first extension.
7. The vote counting for the village head election is conducted by the election committee immediately after the voting ends, witnessed by candidates and/or their representatives, and overseen by officials. Before counting the votes, the committee must check the integrity of the ballot box, then open it and count the votes in front of witnesses.
8. Ballots are declared invalid if:
  - a) The designated ballot paper is not used.
  - b) The ballot paper is not signed by the election committee.
  - c) There are symbols or writings other than those specified.
  - d) Other signs indicating the identity of the voter are included.
  - e) More than one option is selected
  - f) Voting outside the box/circle of the candidate's symbol. If there is a disagreement among the witnesses regarding the validity of the ballot, the decision is made by the election committee.
9. The village head candidate with the greatest support, i.e., the candidate who receives at least one-sixth of the votes of the voters in the village, is declared the elected village head.[9] A re-election is conducted no later than thirty days after the vote count if two or more candidates receive the same number of votes. The election committee will use a general knowledge test to select the candidate if, after the re-election, there are still candidates with the same level of support from the voting results.
10. The elected village head is documented in the election report prepared by the election committee and reported to the bpd no later than two days after the vote count.
11. Based on the election report, the bpd decides on the appointment of the elected village head.
12. The bpd's decision regarding the appointment of the elected village head is submitted to the regent through the district head for approval as the elected village head, no later than three days after it is determined.
13. The regent/mayor issues a decision on the confirmation of the appointment of the elected village head, no later than 15 (fifteen) days from the date of receipt of the election results from the bpd.
14. The elected village head is inaugurated by the regent/mayor no later than 15 (fifteen) days from the date of the issuance of the regent/mayor's decision.
15. The inauguration of the village head can be held in the respective village in the presence of the community.

16. Before assuming office, the village head takes an oath with the following words: "by allah (god), i swear/promise that i will fulfill my duties as village head to the best of my ability, honestly, and fairly; that i will always be obedient in practicing and upholding pancasila as the foundation of the state, and that i will uphold democracy and the 1945 constitution as the state's constitution and all applicable laws and regulations for the village and the unitary state of the republic of indonesia".[7]

### **3.2 Implementation Of The Village Head Election In Guntur Village**

Village democracy is built through the election of village heads, which encourages community involvement and produces superior and ambitious government. Furthermore, this can make local democracy a stepping stone for fighting for democratic processes at the federal level, namely the path to political development.

The election of the village chief, often abbreviated as Pilkades, is a direct election of the village chief by local village residents. Unlike the village head who is a civil servant, the village head is a position that can be occupied by ordinary citizens. Simultaneous village elections are managed in unofficial law number 43 of 2014 concerning the execution of regulation number 6 of 2014 concerning towns [10] furthermore, clergyman of home undertakings guideline number 112 of 2014 concerning appointment of town heads,[11] Demak regime local guideline no. 5 of 2022 concerning town heads.[12]

The strategies for the town head political race (Pilkades) in Guntur town are equivalent to the execution of town head decisions in different towns in Demak regime. The lawful premise utilized as an aide for the execution of town head races (Pilkades) is regent regulation no. 9 of 2023. Village democracy is built through the election of village heads, which encourages community involvement and produces superior and ambitious government. Furthermore, this can make local democracy a stepping stone for fighting for democratic processes at the federal level, namely the path to political development. In implementing the village head election (Pilkades) process in Demak regency in 2023, there are a series of stages that must be passed. Based on the provisions of articles 4, 5, 6, and 7 of Demak regency regional regulation number 5 of 2022 concerning the village chief, this is accomplished through 4 stages, namely:

#### *3.2.1 Preparation stage*

1. Formation of the election committee

At the district level, the village head election committee is formed, consisting of representatives from the Muspika, the district military command (Danramil), the sub-district head (Sekcam), and other appointed officials, established by the regent before the village head election (Pilkades). Six (6) months before the end of the village head's term, the village consultative board (bpd) sends a written notice regarding the termination of the term. Within thirty (30) days of being notified that their term is ending, the village head reports to the regent regarding the end of their term. The bpd forms the village head election committee at the village level within 10 (ten) days after the final term notice with a decision from the bpd. The village-level village head

election committee consists of village officials, representatives of village community organizations, and village community leaders.

The formation of the village head election committee at the village level took place on March 11, 2023, at the Guntur village hall. The village head election committee at the village level is tasked with:

- a) Planning, coordinating, organizing, supervising, and controlling all stages of the election implementation;
- b) Planning and submitting the election budget to the regent through the sub-district head;
- c) Registering and determining voters;
- d) Conducting screening and selection of prospective candidates;
- e) Determining candidates who have met the requirements;
- f) Establishing the procedures for conducting the election;
- g) Establishing the procedures for conducting campaigns;
- h) Facilitating the provision of equipment, supplies, and polling places;
- i) Conducting the voting process;
- j) Determining the results of the vote count recapitulation and announcing the election results;
- k) Determining the elected village head candidate; and
- l) Conducting evaluation and reporting on the election implementation.

The village head election committee at the village level is independent and impartial. The formation of the village head election committee at the village level is communicated in writing by the village consultative board (bpd) to the regent through the sub-district head. The committee establishes the regulations for the Guntur village head election for the 2023-2028 period, which serve as the basis for the committee's tasks.

Based on the appendix of the decision of the Guntur village head election committee at the village level number 5 of 2022 concerning the regulations for the Guntur village head election, it is stated that voters exercising their voting rights must be registered as voters. The requirements for voters are as follows:

- a) The eligible voters in the respective village who are at least 17 (seventeen) years old on the day of the village head election polling, or have been married;
- b) Mentally stable and conscious;
- c) Not deprived of their voting rights due to a court decision with long-term legal consequences; and
- d) Residents of the respective village for at least six months before the approval of the temporary voter list, as evidenced by the resident identity card (ktp) or other valid identification documents by applicable regulations.

Qualified voters are registered by officials. The names of village residents are then listed for each neighborhood (rt) in the hamlet area, based on alphabetical order. Village population data is used to verify and update the voter data. The voter age requirement, namely being 17 (seventeen) years old on the polling day, not yet 17



(seventeen) years old but already married or unmarried, deceased, moved to another village, and not yet registered, has been fulfilled, according to the update being conducted.

The village head election committee at the village level compiles and establishes the temporary voter list (DPS) on March 20, 2023. The total number of the temporary voter list is 5,032 people.

The community is informed about the temporary voter list by posting it on the village notice board and other easily accessible locations. The announcement is made for three days. Voters or their family members can provide corrections to name spellings and/or personal identities during the announcement period. Additionally, voters or their family members can provide information about registered voters who have deceased, no longer reside in the village, have married and are under seventeen (17) years old, or are registered but no longer meet the voting eligibility criteria, for improvement suggestions. If correction proposals and information are received, the village head election committee at the village level immediately makes corrections to the temporary voter list.

Non-registered voters are considered additional voters and must actively report to the village-level village head election committee through the neighborhood (rt/rw) administrators. Three days will pass after the end of the announcement of the temporary voter list before the registration of additional voters is completed. The village-level village head election committee announces the list of additional voters in easily accessible locations in the community. Three days after the deadline for collecting new voter lists has passed, the list of additional voters must be announced.

The village head election committee at the village level of Guntur establishes and announces the corrected temporary voter list and the additional voter list, and validates them. The final voter list (DPT) is announced in strategic locations in the village for public knowledge, and the announcement period for the final voter list lasts for 3 days after the completion of the final voter list preparation period.

### 3.2.2 *Nomination Stage*

#### 1. Screening

The village head election committee at the village level conducts the screening and selection activities for prospective village head candidates at the designated time. The village head election committee at the village level announces the commencement of registration for prospective village head candidates in public places accessible to the wider community. The registration of prospective village head candidates in Guntur village started on March 13, March 16 to 18, March 20, and March 23 to 27, 2022, from 08:00 to 14:00 WIB (office hours). The venue is the Guntur village office.

Eligibility: to register, prospective village head candidates must submit a handwritten nomination letter for village head candidacy on official letterhead to the village head election committee at the village level. The letter must contain all required information and be sent in triplicate to the village head election committee, subdistrict office, and regent's office.

Based on the results of the closing meeting for the registration of prospective village head candidates for the Guntur village head election 2023, a total of 6 (six) prospective village head candidates have registered, namely:

- a) Mr. Muhammad Riyadi, Aged 54, with a bachelor's degree, occupation: entrepreneur, address: RT 04 RW 2.
- b) Mr. Sukiyo, Aged 37, with a high school education, former village head, address: RT 02 RW 12.
- c) Mr. Sularno, Aged 50, with a high school education, private sector employee, address: RT 02 RW 10.
- d) Mr. Suprihatin, Aged 29, with a high school education, private sector employee, address: RT 01 RW 12.

2. Research On The Requirements File Of Village Head Candidates

At the village level, the village head election committee investigates the potential candidates' prerequisites, including the accuracy and legitimacy of the nomination process. Clarifications from the relevant authorities, supported by letters from those authorities, are conducted concurrently with the examination of the authenticity and completeness of the administration. To obtain input, the village head election committee at the village level informs the community about the findings of this research. The village head election committee is responsible for processing and monitoring community input at the village level. The village head election committee at the village level examines the completeness of administrative requirements, conducts clarifications, and determines and announces the names of the village head candidates within a period of 20 days.

Based on the decision of the village head election committee at the village level, village of Guntur Number 01 of 2023 concerning Amendments to the Decision of the Village Head Election Committee at the Village level regarding the code of conduct for village head elections at the village level, the clarification of administrative requirements for candidate village head and the notification of its results in writing are from April 8 to April 14, 2023. Candidate village head is allowed to complete the authenticity of the documents from April 15 to April 16, 2023, at 14.00 WIB. Announcement of the results of the examination of the candidate village head's requirement documents to the community on April 17, 2023, at 10.00 WIB.

3. Determination Of Village Head Candidates

The Village Head Election Committee At The Village Level Has Researched The Administrative Requirements Files For Village Head Candidates And Announced The Results Of Research On The Requirements Files For Village Head Candidates Who Were Declared To Have Fulfilled The Administrative Requirements And Have The Right To Be Appointed As Village Head Candidates In The Amount Of 3 (Three) People, Namely:

- a) Bro. Muhammad Riyadi, 54 Years Old, Bachelor's Degree, Entrepreneurship, Address 1 Rt 04 Rw 2.
- b) Bro. Sularno, 50 Years Old, High School Education, Private Work, Address Rt 02 Rw 10.

- c) Bro. Sugiyarto, 39 Years Old, Secondary School Education, Self-Employed, Address Rt 02 Rw 12.

The serial number of the candidate for village head is confirmed after being selected as a candidate for village head. The drawing of serial numbers for village head candidates will be carried out at the Guntur village hall in the presence of each candidate, by the decree of the Guntur village head election committee number 05 of 2022 concerning the rules for election of village heads. Candidates for village heads can invite a maximum of thirty family heads and their supporters. Candidates for village head are the first to have their serial number drawn according to their registration serial number. Serial numbers that have been taken by village head candidates may not be returned or exchanged with other village head candidates. The serial numbers for village head candidates will be taken on April 23, 2023, at the Guntur village hall.

#### 4. Implementation Of Campaign

The Village Head Election Campaign Is Regulated In Articles 27-32 Of Minister Of Home Affairs Regulation No. 112 Of 2014 Concerning Village Heads. The Guidelines For Village Head Election Campaign Rules Are As Follows:

- a) Village head candidates may conduct campaigns according to the socio-cultural conditions of the village community.
- b) Campaigning takes place within a period of 3 (three) days before the start of the quiet period.
- c) Campaigns are conducted with the principles of honesty, openness, dialogue, and responsibility.
- d) Campaigns include the vision and mission if elected as village head. The vision represents the aspirations to be realized during the village head's term of office. The mission contains programs to be implemented to realize the vision.
- e) Campaigns are conducted through: limited meetings; face-to-face interactions; dialogues; dissemination of campaign materials to the public; installation of campaign tools at campaign locations and other locations determined by the election committee; and other activities that do not violate laws and regulations.

Based On The Decision Letter Of The Village Head Election Committee At The Village Level Of Gebyog Village No. 05 Of 2023 Regarding The Code Of Conduct For Village Head Elections, It Is Stated That:

- a) Submission of vision and mission manuscripts and campaigns: the submission of vision and mission manuscripts by the village head candidates is submitted to the village head election committee at the village level on April 18, 2023. The presentation of the vision and mission by the village head candidates is carried out on April 18, 2023, at the Guntur village hall at 09:00 am through speeches according to the candidate's serial number. Each village head candidate is given a maximum of 20 minutes to present the vision and mission. The presentation of the vision and mission is attended by invitees determined by the village-level election committee. Village head candidates are allowed to bring a maximum of 30 family members and supporters. After the presentation of the vision and

mission by the village head candidates, the campaign continues until 24:00 wib. All parties present must maintain a calm, conducive, and comfortable atmosphere throughout the process.

- b) Socialization of village head candidates: the village head election committee at the village level provides socialization tools for village head candidates, and village head candidates are allowed to create their socialization tools by applicable regulations. Campaign props provided by the village head election committee include billboards, posters, and banners. Campaign props are installed at designated locations determined by the village head election committee at the village level.
- c) Quiet period: April 20, 2023, is the campaign quiet day. All campaign materials installed in the Guntur village area are secured by the village head election committee at the village level.

### 3.2.3 *Voting*

Before conducting the voting, the voting organizing group (KPPS) of the Guntur village head election carried out preparatory activities for the village head election voting. The activities are as follows:

1. Opening the ballot box;
2. Taking out all the contents of the ballot box;
3. Identifying the types of documents and equipment consisting of the voter list (dpt), ballot papers, ballot stamps, pads, writing tools, purple ink, ballot calculation plain paper, minutes, and other equipment.
4. Counting the number of each type of document and equipment
5. Showing to the voters and village head candidates or candidate witnesses that the ballot box is empty, then closing, locking, and sealing it using paper stamped with the village head election committee seal at the village level;
6. Announcing the name and number of the village head candidate, the number of ballot papers, the number of voters, the voting procedure, and the validity of the votes.

The village-level village head election committee prepares facilities and infrastructure for the village head election, including voting booths, ballot papers, ballot boxes, invitation letters, and other necessary voting equipment. The village-level village head election committee must ensure that the village head election is conducted democratically, orderly, safely, smoothly, and orderly, and guarantee that the voting process takes place directly, publicly, freely, secretly, honestly, and fairly. The voting process starts at 08.00 am until 01.00 pm. The time limit for voting shall give the voters who have confirmed their attendance to the village level village head election committee until 01.00 pm. During the voting and vote counting process, the village head candidates must be present at the designated voting and vote counting location determined by the village level village head election committee, except for justifiable reasons.

Voting is conducted at the time determined by the district level village head election committee, simultaneously on April 24, 2023. The voting process is done by voters in a closed manner by casting their votes on ballot papers containing the number, photo, and

name of the eligible village head candidates, which is done in the voting booths provided at the polling stations where the voters are listed in the voter list (DPT).

#### 3.2.4 *Determination*

##### 1. *Vote Counting And Determination Of Elected Candidates*

Vote counting is carried out by the village head election committee at the village level after the voting ends. The counting is witnessed by village head candidates or their representatives, with each candidate's witness, the village consultative body (bpd), and members of the community present. After the counting is completed, the chairperson of the village head election committee at the village level announces the valid vote count and declares the elected village head candidate. Vote counting at the polling stations (TPS) is conducted by the committee after the voting ends. Before the vote counting begins, the election committee counts:

- a) The number of voters who cast their votes based on a copy of the permanent voter list;
- b) The number of unused ballot papers; and
- c) The number of ballot papers returned by voters due to damage or incorrect marking.

Vote counting is completed by the election council and can be attended and witnessed by candidate representatives, the village consultative body (BPD), supervisors, and community members. Candidate representatives participating in the vote counting must present a mandate letter from their respective candidates and submit it to the committee chairperson. The committee creates minutes of the vote counting signed by the chairperson and at least 2 (two) committee members and can also be signed by candidate witnesses.

Valid vote counting in the election is regulated in the ministry of home affairs regulation number 112 of 2014 regarding village head elections, article 40 as follows: votes for village head elections are considered valid if:

- a) The ballot papers are signed by the committee chairperson; and
- b) The voting mark is only found in 1 (one) square box containing one candidate; or
- c) The voting mark is found in one of the square boxes containing the number, photo, and name of the predetermined candidate; or
- d) There is more than one voting mark, but they are still within one square box containing the number, photo, and name of the candidate; or
- e) The voting mark is found on one of the lines of the square box containing the number, photo, and name of the candidate.

The vote counting process by the voting organizing group (KPPS) of the Gebyog village head election is divided into 3 groups. The voting organizing group can carry out its tasks together to expedite the vote-counting process. The results of the vote counting in the 3 groups are combined and added up to form one (1) result, which is then documented in the minutes of the vote counting.

## 2. Appointment Of Village Head

The appointment of the elected village head is regulated in Article 44 of the Ministry of Home Affairs Regulation Number 112 of 2014 Concerning Village Head Elections. The village head election committee submits a report on the results of the village head election to the village consultative body (BPD). Based on the report on the results of the village head election, the bpd forwards the selected village head candidate based on the majority of votes to the regent/mayor through the sub-district head with a copy to the village head. The regent/mayor confirms and appoints the village head with a decision from the regent/mayor. The inauguration of the village head elected from the village head election in Demak regency in 2023 took place on April 25, 2023, at the anthurium room of the Demak regent's residence.

## 4 Conclusion

Based on data analysis, it can be concluded that Regional Regulation no. 5 of 2022 concerning the Implementation of Village Head Elections, is that the nomination of village heads in Guntur village, Guntur district is by the mechanism by Regional Regulation No. 5 of 2019. Primary data which is the main data source for this research was collected through interviews with the village head election committee and documentation implementation of the village head election. Meanwhile, secondary data regarding village head elections was obtained from books or other literary works. After data collection, analytical descriptive techniques were applied to the data to describe the village head election procedures carried out in the field. The planning, nomination, and voting stages of the 2023 village head election in Guntur village are already common.

## References

- [1] D. Mariana and C. Paskarina, *Demokrasi dan Politik Desentralisasi* . Yogyakarta: Zeedbooks, 2008.
- [2] L. Y. S. Milenia, “Peran Hukum Tata Negara (Studi Kasus Pemilihan Umum di Indonesia),” *Jurnal Media Komunikasi Pendidikan Pancasila dan Kewarganegaraan*, vol. 3, no. 2, pp. 65–76, 2021.
- [3] Nurokhman and N. P. Mulyani, “Fiqh siyasah dalam Penerapan Demokrasi di Indonesia,” *EduLaw*, vol. 3, no. 1, pp. 60–67, 2021, Accessed: May 10, 2024. [Online]. Available: <https://journal.bungabangsacirebon.ac.id/index.php/edulaw/article/view/501>
- [4] Sirajuddin, D. Sukrio, and Winardi, *Hukum Pelayanan Publik Berbasis Keterbukaan Informasi dan Partisipasi*. Malang: Setara Press, 2011.
- [5] I. Pahlevi, *Sistem Pemilu Di Indonesia: Antara Proporsional Dan Mayoritarian*. Jakarta: Pusat Pengkajian, Pengolahan Data dan Informasi (P3DI) Sekretariat Jenderal DPR Republik Indonesia, 2015.

- [6] Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D*. Bandung: Alfabeta, 2016.
- [7] B. T. Soemantri, *Pedoman Penyelenggaraan Pemerintahan Desa*. Bandung: Fokusmedia, 2011.
- [8] N. Huda, *Hukum Pemerintahan Desa Dalam Konstitusi Indonesia Sejak Kemerdekaan Hingga Era Reformasi*. Malang: Setara Press, 2015.
- [9] R. Sapiro and M. Rachmawati, "Implementation of the Rule of Law Democracy Through Public Preferences on the Implementation of the 2020 Regional Head Elections," in *Proceedings of the First Multidiscipline International Conference, MIC 2021, October 30 2021, Jakarta, Indonesia*, EAI, 2022. doi: 10.4108/eai.30-10-2021.2315820.
- [10] Indonesian Government, *Law Number 6 of 2014 concerning Villages*.
- [11] Ministry of Home Affairs of Republic of Indonesia, *Minister of Home Affairs Regulation Number 112 of 2014 concerning Election of Village Heads*.
- [12] *Demak Regency Regional Regulation No. 5 of 2022 concerning Organizers of Village Head Elections*.