

The Essence of Village Head Election with Electronic Voting System (E-Voting) in Realizing Democracy

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ABSTRACT: study aims to knowing and analyzing the nature of village head elections with an electronic voting system (e-voting) in realizing democracy; to knowing and analyzing the village head election process with an electronic voting system (e-voting) in realizing democracy and to knowing and analyzing the factors that influence the village head election process with an electronic voting system (e-voting) in realizing democracy. This type of research is descriptive research with a juridical-empirical approach is research that examines positive legal rules in order to get answers to existing problems by linking with facts or phenomena about village head elections with an electronic voting system (E-voting) in realizing democracy, while normative determines what is allowed and what is not regulated in the applicable legislation.

KEYWORDS: Electronic Voting System, Village Head Election.

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I. INTRODUCTION

Law of the Republic of Indonesia Number 6 of 2014 on Village (hereinafter referred to as Law No. 6 of 2014) has regulated villages in accordance with the 1945 Constitution by placing villages domiciled in the Regency/City area, which is recognized and respected in the Government System of the Unitary State of the Republic of Indonesia. Based on Article 4 of Law No. 6 of 2014, regulates that the Village Regulation shall be aimed:

- a. To give recognition and respect for the existing Village with its diversity before and after the formation of the Republic of Indonesia;
- b. To provide clarity and legal certainty on the status of Village in the constitutional system of the Republic of Indonesia in order to bring justice for all Indonesian people;
- c. To preserve and promote the customs, traditions, and culture of the Village community;
- d. To encourage initiative, movement, and the participation of the Village community and the potential for the development of Village assets for public welfare;
- e. To form a professional, efficient and effective, open, and accountable Village Administration;
- f. To improve public services for the Village community in order to accelerate the realization of general welfare;
- g. To increase the social and cultural resilience of the Village community in order to realize a Village community that shall be able to maintain social cohesion as part of the national defense;
- h. To improve the economy of the Village community and address the disparity of national development; and
- i. To strengthen the Village community as a subject of development.

Law No. 6 of 2014 provides for the delegation of government authority by the central government to the village government. Then the village government has the authority in administering the administration and operations of the village government to streamline services to the community. In addition, the village law also gives the village government the authority to manage regional finances and seek legitimate sources of village income. Thus, the village government must implement budget efficiency and must actively seek alternative sources of income.

The election of village heads is an instrument in the formation of a modern and democratic government. The democratic party which is held at the smallest regional level is basically regulated in the Regulation of Minister of Internal Affairs of the Republic of Indonesia Number 112 of 2014 on Village Head Election. Based on Article 1 number 5 of Regulation of Minister of Internal Affairs No. 112 of 2014, explains that *“the election of the village head is the implementation of the sovereignty of the people in the village in order to elect a village head*

that is direct, general, free, confidential, honest, and fair". Regulations related to the implementation of the Head Village Election by e-voting in the first phase of 2015 were 9 villages, 2017 were 25 villages, and 2019 were 12 villages.

Village heads are produced through elections and not appointments, so that the position of the Village Head can be categorized as elected public official, as can the Regent/Mayor, members of the House of Representatives/Regional People's Representative Council or Regional Representative Council, including the President and Vice President.

Based on Article 31 section (1) of Law No. 6 of 2014, regulates that "*The Election of Village Head shall be held simultaneously in the entire territory of the Regency/City*". Based on Article 34 section (1) of Law No. 6 of 2014, regulates that "*the Village Head shall be directly elected by the Village community*". Based on Article 35 of Law No. 6 of 2014, regulates that "*the Village community as referred to in Article 34 section (1) that on the polling day of Village Head have been 17 (seventeen) years or have been married shall be defined as voters*". Based on Article 37 section (1) of Law No. 6 of 2014, regulates that "*the Village Head candidate elected shall be the candidate with the most votes*". Based on Article 39 of Law No. 6 of 2014, regulates that:

- (1) The Village Head shall hold position for six (6) years from the date of appointment.
- (2) The Village Head as referred to in section (1) may serve at most three (3) consecutive terms in a row or not consecutive.

In connection with the election of village heads with an electronic voting system (e-voting) in realizing democracy, of course it cannot be separated from the use of web or internet-based technology, including those used in various fields of business, government, health, education and others. The development of information technology today has brought great changes to humans, including how to implement e-voting. The use of computer technology in the implementation of e-voting is known as electronic voting (e-voting). E-voting is a method of voting and counting votes in general elections using electronic devices. E-voting will be an option in future elections as long as it does not violate the principle of an over-stretched and fair election.

II. STATEMENT OF THE PROBLEM

1. What is the nature of village head elections using an electronic voting system (e-voting) in realizing democracy?
2. How is the process of electing village heads with an electronic voting system (e-voting) in realizing democracy?
3. What factors influence the election of village heads with an electronic voting system (e-voting) in realizing democracy?

III. THEORETICAL FRAMEWORK

A. Theoretical Basis

1. Decentralization Theory

Decentralization is the recognition or delegation of authority by higher public bodies to lower public bodies to independently and based on their own interests make decisions in the field of regulation and in the field of government. The main thing included in the understanding of decentralization is the delegation of authority from the central government to regional governments, and also from regional governments to government bureaucratic work units in the regions. Decentralization results in local governance, in the form of decentralization in which local units are assigned with certain powers over certain areas of work.¹

Decentralization can basically be divided into 3 (three) major parts, namely political decentralization, administrative decentralization, and fiscal decentralization. Political decentralization aims to increase power to the population and their political representation in public decision-making. Administrative decentralization aims to improve management efficiency for the provision of public services. Fiscal decentralization aims to improve financial performance through improved decisions to create rational revenues and expenditures. The three types of decentralization are closely related to each other and should be implemented together so that various regional autonomy objectives such as improving public services can be implemented.²

2. Local Self-Government Theory

The term local self-government is also referred to as a legal community unit that has the right to regulate and manage its own household, which is then widely known as village autonomy or local autonomy. Since the first,

¹Asshiddiqie, Jimly. (2009). *Pengantar Ilmu Hukum Tata Negara*. Jakarta: PT. Raja Grafindo Persada, p. 295.

²Simanjuntak, Robert A. (2001, 3 April). Kebijakan Pungutan Daerah di Era Otonomi. Article presented in *Domestic Trade, Decentralization, and Globalization: A One Day Conference*, Jakarta: LPEM FEB UI.

the village is an entity that has its own procedures, governance, judicial system, and has the power to manage economic resources independently.³

Local Government in the second sense refers to the function of its activities. Local Government is the same as Regional Government. In this sense, local government has autonomy (local, in the sense of self-government), which has the authority to regulate and manage the interests of the local community according to their own initiative. Local Government in the third sense, namely as an autonomous region, namely in the definition given by the United Nations of Public Administration as a sub-division of national politics regulated by law and substantially having control over local affairs, including the power to collect taxes or fire employees for certain purposes.⁴

Based on the description above, it can be concluded that Local Self Government or local governments in the regional government system in Indonesia are all regions with various autonomous affairs, which take care of their own households. Autonomous rights for local self-government must, of course, be within the framework of the state government system.

3. The Theory of Self Governing Community

The self governing community describes the village as only a local community based on custom that does not have a village government as is the case with local communities in Europe and America.⁵ In essence, the local community has local organizations that are more like local associations than government institutions. The local organization or association is not subordinate to a higher government structure, and does not carry out administrative and governmental tasks assigned by the government, but only carries out the function of managing local and voluntary community affairs.

Villages are only recognized as legal community units based on origins and customs (self-governing community), not prepared as autonomous entities as local self-government. Nurcholis describes a self governing community as a village community based on their own initiative by developing their own institutional system so that they are able to overcome the life problems they face.⁶ The government and economic institutions that they form are not regulated and determined by the government above them, but they form their own, as well as the systems and working mechanisms. The institutions they create form a functional social system, therefore they can form an autonomous life. Villages in general have their own government which is managed autonomously without structural hierarchical ties to a higher structure.

4. Democracy Theory

Democracy as a system has been used as an alternative in various social and state activities in several countries. There are three theories of democracy in Gould's classification, namely: the liberal individualism model, the pluralist model, and the holistic socialism model.

The meaning of democracy as the basis of life in society and the state implies that it is the people who provide provisions in matters concerning their lives, including in assessing state policies, because these state policies will determine the lives of the people. Thus, a country that adheres to a democratic system is a country that is organized based on the will and will of the people. From an organizational point of view, democracy means the organization of the state which is carried out by the people themselves or with the consent of the people because sovereignty is in the hands of the people.

The values of democracy have long been known by the people of Indonesia, village democracy is the original democracy of the people who have not experienced changes and are integrated in their lives. The culture that lives in the village such as mutual cooperation, deliberation, mutual respect and respect is essentially a reflection of democracy itself.

5. Legal Function Theory

To achieve the purpose of the function of law, the law must function according to certain functions. The function of law depends on the objectives of general law and the specific goals to be achieved. The function of law as a social function is divided into direct and indirect functions.

Direct functions consist of: (1) primary direct functions, including: preventing certain actions and encouraging certain actions to be carried out, providing facilities for private plans, providing services and redistribution of goods, and resolving disputes outside the regular channels. Meanwhile, direct secondary functions include: procedures for legal changes, including: constitution making bodies, parliaments, local

³Busroh, Abu Daud. (2010). *Ilmu Negara*. Jakarta: Bumi Aksara, p. 5.

⁴Supriatna, Tjahya. (2011). *Sistem Pemerintahan Indonesia Menurut UUD 1945*. Jakarta: Bina Aksara, p. 13.

⁵Eko, Sutoro (Ed.) (2005). *Manifesto Pembaharuan Desa: Persembahan 40 Tahun STPMD "APMD"*. Yogyakarta: APMD Press, p. 198.

⁶Nurcholis, Hanif. (2011). *Pertumbuhan & Penyelenggaraan Pemerintahan Desa*. Jakarta: Erlangga, p. 11.

authorities, administrative legislation, custom, judicial law-making, regulations made by independent public bodies; and procedures for law enforcement.

The indirect function of the law can strengthen or weaken the tendency to respect certain moral values. For example: the sanctity of life, strengthening or weakening respect for general authority, and affecting the equality of national unity.

6. Authority Theory

Authority or authority has an important position in the study of constitutional law and administrative law.⁷ That is how important this authority is. From this statement, an understanding can be drawn that authority is a concept of constitutional law and administrative law. The term authority or authority is equated with authority in English and *bevoegdheid* in Dutch, authority in the Black's Law Dictionary is defined as authority or authority is legal power, the right to govern or act, the right or power of public officials to comply with the rule of law within the scope of carrying out public obligations.

Authority is power that gains legitimacy or legitimacy. Authority is a moral right to make and carry out political decisions, moral principles determine who has the right to govern, regulate ways and procedures for exercising authority. The moral right to carry out activities to achieve goals is called authority.⁸

7. Legal Effectiveness Theory

Effectiveness is associated with a cooperation system such as in an organization or government institution, as follows: "The effectiveness of cooperative effort relates to the accomplishment of an objective of the system and it is determined with a view to the system's requirement. (The effectiveness of cooperative efforts (between individuals) is related to the implementation that can achieve a goal in a system, and it is determined with a view to meeting the needs of the system itself). So, the effectiveness of the group (organization) is when the group's goals can be achieved in accordance with the planned needs."⁹

8. Law Enforcement Theory

The legal expert who is famous for his theory is Friedman. According to Friedman in Arif, the success or failure of law enforcement depends on the substance of the law, the structure of the law/legal institutions and the legal culture.¹⁰

Law enforcement is a process which is essentially the application of discretion which involves making decisions that are not strictly regulated by the rule of law, but have an element of personal judgment. The concept of law enforcement mentioned above has three elements of a legal system, namely: structure, substance, and legal culture.¹¹

B. Village Autonomy

The meaning of the village as the basis of community life, the village has two distinct but interrelated areas, first, the internal area of the village, the village representative body, local institutions, and community members. Second, the external area of the Village, namely the area of relations between the Village and the central, provincial, district and sub-district governments, in the context of a centralized hierarchical state formation.¹²

Autonomy means making your own laws (*zelfwetgeving*) but in the development of the concept of regional autonomy, besides containing the meaning of *zelfwetgeving* (making regional regulations), it also mainly includes *zelfbestuur* (self-government)¹³.

Village autonomy contains the principles of discretion, immunity and capacity. The integration between flexibility and capacity gives birth to village independence, namely: self-reliance in managing local resources in accordance with local community preferences. Independence is a strength or as a precondition that allows the process of improving the quality of village governance, village development, development of local initiatives and potentials, public services and the quality of life of rural communities in a sustainable manner. To

⁷Minarno, Nur Basuki. (2008). *Penyalahgunaan Wewenang dan Tindak Pidana Korupsi: Dalam Pengelolaan Keuangan Daerah*. Yogyakarta: Laksbang Mediatama, p. 65.

⁸Soejono. (2005). *Kejahatan & Penegakan Hukum di Indonesia*. Jakarta: PT. Rineka Cipta.

⁹Barnard, Chester in Sugiyanto, Eko. (2016). *Pengendalian dalam Organisasi*. Jakarta: Universitas Nasional, p. 28.

¹⁰Arief, Barda Nawawi. (2011). *Reformasi Sistem Peradilan (Sistem Penegakan Hukum) di Indonesia*. Semarang: Badan Penerbit Universitas Diponegoro, p. 137.

¹¹Soekanto, Soerjono. (2014). *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: PT. Raja Grafindo Persada, p. 93.

¹²Daldjoeni, N. & Suyitno, A. (2014). *Pedesaan, Lingkungan dan Pembangunan*. Bandung: PT. Alumni, p. 60.

¹³Widjaja, H. A. W. (2012). *Otonomi Desa: Merupakan Otonomi yang Asli, Bulat dan Utuh*. Jakarta: PT. Raja Grafindo Persada, p. 83.

build village autonomy, decentralization must be pushed to the village level where the distribution of authority does not only stop at the local government but also needs to be distributed to the village level.¹⁴

Based on Article 18 of Law No. 6 of 2014, regulates that:

“Village Authority shall include the authority in the field of implementation of Village Government, implementation of Village Development, Village community development and empowerment of Village community based on community initiatives, rights of origin, and Village customs.”

Based on Article 19 of Law No. 6 of 2014, regulates that the Village Authority shall include:

- a. authority based on the rights of origin;
- b. Village-scale local authority;
- c. authority assigned by the Government, Provincial Government, or Regency/City Government; and
- d. other powers assigned by the Government, Provincial Government, or Regency/City Government in accordance with the provisions of the legislations.

Based on Article 20 of Law No. 6 of 2014, regulates that *“the exercise of authority based on the rights of origin and Village-scale local authority as referred to in Article 19, paragraphs a and b shall be set and maintained by the Village”*.

C. Government and Village Administration

Based on Article 1 number 2 of Law No. 6 of 2014, explains that *“Village Administration shall be the implementation of government affairs and public interests in the governance system of the Republic of Indonesia”*. Based on Article 1 number 3 of Law No. 6 of 2014, explains that *“Village Government shall be the Village Head or as referred to by any other names assisted the by the Village apparatus as parts of administrators of the Village”*. To carry out his government affairs, the village head has been given several principles that must be used as the basis for effective work methods and are able to be accountable to the community in carrying out their authority. These principles will have a positive impact if they can be implemented with full awareness by the village head and village officials.¹⁵

In the village several social institutions were formed. Correctional institutions are determined by village regulations. Its formation is guided by statutory regulations. The agency’s task is to assist the village government and empower the village community. for example, the Village Community Resilience Institute, Civil Defense, Family Welfare Empowerment, and Youth Organizations. The Village Community Resilience Institute is a forum for community participation in village development that combines village government activities carried out in mutual cooperation.¹⁶

D. Village Head

The definition of the village head is the leader of the village in Indonesia, the village head as the leader of the village government with the term of office of the village head is 6 years, and can be extended again for another one term of office. The Village Head is not responsible to the District Leader, but is only coordinated by the District Leader.¹⁷

Based on the above understanding, it can be concluded that what is meant by the village head is the village leader, all matters relating to the physical development of the village, the problems of the village community, the village head has the authority to solve all problems in the village.

E. Village Head Election

The village has the authority that must be carried out to the maximum, as based on Article 19 of Law No. 6 of 2014. Broadly speaking, the requirements to be elected as Village Head as described in Law No. 6 of 2014 and regional regulations are the same, but the most important point of difference is the term of office to be re-elected as Village Head. In Law No. 6 of 2014 it is explained that the Village Head can serve for three terms of office. So for now the provisions that are not in accordance with Law No. 6 of 2014 are declared invalid, namely related to the term of office of the Village Head who can be re-elected for two terms of office is not valid and replaced with three terms of office.

The village head election is carried out through the stages of screening and screening of prospective candidates, determining candidates, campaigning, voting, and determining the elected candidates. The elected village head candidate is determined based on the majority of votes. The elected village head candidate

¹⁴Juliantara, Dadang. (2003). *Pembaruan Desa Bertumpu Pada yang Terbawah*. Yogyakarta: Lappera Pustaka Utama, p. 110.

¹⁵Widjaja, H. A. W. (2013). *Titik Berat Otonomi Daerah pada Daerah Tingkat II*. Jakarta: PT. Raja Grafindo Persada, p. 38.

¹⁶Manan, Bagir. (2013). *Menyongsong Fajar Otonomi Daerah*. Yogyakarta: UII Press.

¹⁷Widjaja, H. A. W. (2010). *Pemerintahan Desa/Marga Berdasarkan Undang-Undang Nomor 22 Tahun 1999 tentang Pemerintahan Daerah*. Jakarta: PT. Raja Grafindo Persada, p. 62.

mentioned above is then proposed by the election committee chairman to the Village Consultative Body no later than seven days after the determination of the elected Village Head candidate, then the Village Consultative Body no later than seven days after receiving the election committee report submitting the name of the elected Village Head candidate to the Regent/Mayor. The Regent/Mayor issues a Regent/Mayor decision concerning the validation of the elected village head candidate within thirty working days from the date of receipt of the submission of election results from the election committee in the form of a Regent/Mayor decision. work as of the date of issuance of the decision of the regent/mayor.

Based on Article 33 of Regulation of Minister of Internal Affairs No. 112 of 2014, regulates that:

- (1) The voting ... shall be conducted by casting a ballot through a ballot containing the number, photo, and name of the candidate or based on the customs of the local village community.
- (2) The voting for the election as referred to in section (1) is carried out by punching one of the candidates on the ballot.

Based on Article 34 of Regulation of Minister of Internal Affairs No. 112 of 2014, regulates that:

“The procurement of materials, quantity, shape, size, and color of ballot papers, ballot boxes, completeness of other equipment and their distribution shall be further regulated in a Regent/Mayor Regulation.”

The determination of the elected Village Head as based on Article 44 of Regulation of Minister of Internal Affairs No. 112 of 2014, regulates that:

- (1) The village head election committee submits a report on the results of the village head election to the BPD.
- (2) The BPD based on the report on the results of the village head election as referred to in section (1) shall submit the elected 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.
- (3) The Regent/Mayor shall stipulate the ratification and appointment of the village head by a decision of the Regent/Mayor.

F. E-Voting System

Electronic voting is a voting and vote counting in an election using electronic devices. The purpose of electronic voting is to conduct voting at a cost-effective and fast vote count using a system that is safe and easy to audit. With e-Voting, vote counting will be faster, it can save the cost of printing ballots, voting is simpler, and the equipment can be used repeatedly for general elections and local elections.

According to Kersting & Baldersheim in Darmawan, E-Voting can be interpreted as exercising the right to vote in an election supported by electronic devices. especially internet voting.¹⁸

Benefits in holding general elections using E-Voting. There are several benefits of implementing E-Voting, including:¹⁹

1. Speeding up vote counting;
2. More accurate vote count results;
3. Save the cost of vote counting;
4. Save on ballot paper printing costs;
5. Ballots can be made in several language variations;
6. Providing access to more information regarding voting;
7. Providing better access for people with physical limitations (disabled);
8. Providing access for people who have limited time to visit polling stations (TPS); and
9. Can control parties who are not entitled to vote for example those who are underage.

With the several benefits that have been stated, it is hoped that the public will no longer hesitate in using the general election with E-Voting.

IV. DISCUSSION

A. The Essence of the Election of Village Heads with an Electronic Voting System (E-voting) in Realizing Democracy

The Village Head is the head of a village government organization with a strategic position and broad responsibilities. Responsibilities include: separate and divided work assignments to government agency officials based on the principles of deconcentration and decentralization, while in villages the responsibility for service tasks is centered on the Village Head. The responsibility for the affairs of the work can be carried out by the Village Head himself or through other people.

¹⁸Darmawan, Ikhsan, *et al.* (2014). *Memahami E-Voting: Berkaca dari Pengalaman Negara-Negara Lain dan Jembrana (Bali)*. Jakarta: Yayasan Obor Indonesia.

¹⁹*Ibid.*

The election of the village head or abbreviated as Head Village Election is a direct election of the village head by the local villagers. Unlike the Lurah who is a Civil Servant, the Village Head is a position that can be occupied by ordinary citizens. The Village Head is appointed by the Regent or Mayor who determines that the village head election is carried out simultaneously in all Regency/City areas. The district/municipality local government shall determine the policy of implementing simultaneous village head elections based on district/city regional regulations. Simultaneous village head elections can be carried out in waves at most 3 (three) times within a period of 6 (six) years. The village head election mechanism has been regulated in Article 31 to Article 39 of Law No. 6 of 2014.

In connection with the description of the village head election through Law No. 6 of 2014, following the nature of the election of village heads with an electronic voting system (e-voting) in realizing democracy can also be studied through the application of the Regent's Regulation; and also the Regulation of Minister of Internal Affairs of the Republic of Indonesia.

The implementation of village head elections includes e-voting, as based on Article 3 of Regulation of Minister of Internal Affairs No. 112 of 2014, regulates that "*the one-time Village Head election as referred to in Article 2 is held on the same day in the entire territory of the Regency/City*".

In connection with the explanation above, in the event that the regional government will carry out the election of village heads by e-voting, it must still be carried out simultaneously on the same day, but if there are limited funding to accommodate the implementation of e-voting simultaneously, we suggest to do a combination by taking several Villages by considering the availability of equipment, large population, availability of Human Resources (HR) and other factors, while for the remaining villages it is carried out manually according to the legislation.

E-Voting is the granting of voting rights using electronic tools to conduct general elections in this context is the election of village heads. The purposes of using e-voting tools are: 1) Organizing voting at a low cost; 2) Fast vote counting using a system that is safe and easy to carry out audits.

The essence of voting has two ways, namely the first method using the conventional method, namely the voting method using paper and the e-voting method. The method of e-voting is voting using electronic equipment.

Based on the description above, it can be concluded that the nature of the election of village heads with an electronic voting system (e-voting) in realizing democracy has been regulated in Article 31 to Article 39 of Law No. 6 of 2014; Bantaeng Regent Regulation Number 25 of 2021 on Amendments to Bantaeng Regent Regulation Number 32 of 2019 on Guidelines for the Implementation of Village Head Elections. The stages of implementing the village head election using the e-voting method are regulated in Article 10 to Article 37 of Bantaeng Regent Regulation No. 32 of 2019, covering: preparation; nomination; voting; and determination. The three regulations serve as guidelines for the election of village heads with an electronic voting system (e-voting) in order to realize democracy.

B. The Process of Electing Village Heads with the E-voting System in Realizing Democracy

Electronic voting (e-voting) in this study is the granting of voting rights using electronic tools to conduct village head elections, especially in 6 (six) regions in South Sulawesi Province, namely: Gowa Regency, Takalar Regency, Jeneponto Regency, Bantaeng Regency, Sinjai Regency, and Bulukumba Regency. The stages of implementing the village head election using the e-voting method are regulated in Article 10 to Article 37 of Bantaeng Regent Regulation Number 32 of 2019, which includes: preparation; nomination; voting; and determination.

1. Preparation

Preparatory activities for the implementation of the Village Head election include: The Village Consultative Body must notify the Village Head regarding the end of the Village Head's term of office in writing no later than 6 (six) months before the end of the term of office. Submission of reports on the implementation of village administration at the end of the village head's term of office to the Regent through the District Leader no later than 3 (three) months before the end of his term of office. Furthermore, the planning for election costs is submitted by the election committee to the Village Consultative Body based on the amount of the budget in the expenditure account for the election of the Village Head in the Village Head Regulation concerning the Elaboration of the Village Revenue and Expenditure Budget. The election committee formed by the Regent through the District Leader is determined in accordance with the provisions of the legislation. The respondents' answers about the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of preparation aspects can be seen in the following table.

Table 1. Effectiveness of the Village Head Election Process with the E-Voting System in Realizing Democracy in Terms of the Preparation Aspect

No.	Category	Frequency	Percentage
1.	Effective	124	55,85%
2.	Less Effective	82	36,94%
3.	Not Effective	16	7,21%
Total		222	100,00%

Source: Primary data after being processed in 2021

The table above shows that the respondents' answers about the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of the preparation aspect were responded to varied, namely: 124 respondents (55.85%) stated it was effective, then 82 respondents (36.94 %) stated less effective. Meanwhile, 16 people (7.21%) stated that it was not effective. This means that the village head election process with the e-voting system in realizing democracy in terms of the candidacy aspect is carried out quite effectively. Therefore, the process of electing village heads with the e-voting system in realizing democracy in terms of the candidacy aspect still needs to be streamlined so that the election of village heads by means of e-voting can improve the quality of democracy and produce village heads who are in accordance with the choices of the people.

2. Nomination

In connection with the registration of a candidate for a village head, it is obligatory to fulfill the requirements to become a village head. The election committee also conducts consultations regarding the nomination of the Village Head to the Village Consultative Body, the Regency Committee and the District Facilitation Team. After conducting consultations, a schedule for the selection of prospective Village Head candidates is determined, which is carried out by announcing and opening registration for 9 (nine) days from the announcement of registration.

In connection with the screening and determination of candidates where the candidates who are determined and announced will then be screened. Screening of prospective candidates is carried out by carrying out written exams/tests and interviews or psychological tests. The implementation of written exams/tests and interviews or psychological tests are facilitated by the district election committee and the results are submitted to the election committee.

Based on the results of the exam/test, where the election committee determines the candidates who are entitled to be elected are at least 2 (two) candidates and a maximum of 5 (five) candidates in order of rank. Candidates who are eligible to be elected will be held in an open lottery to determine the serial number of the candidates attended by the Candidates. Determination of the serial number of candidates is final and binding. The serial number and names of the candidates that have been determined are compiled in the list of candidates and announced no later than 7 (seven) days from the date of stipulation.

The respondents' answers about the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of the nomination aspect can be seen in the following table.

Table 2. Effectiveness of the Village Head Election Process with the E-Voting System in Realizing Democracy in Terms of the Nomination Aspect

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The table above shows that the respondents' answers about the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of the candidacy aspect were responded to varied, namely: 124 respondents (55.85%) stated it was effective, then 82 respondents (36.94 %) stated less effective. Meanwhile, 16 people (7.21%) stated that it was not effective. This means that the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of the candidacy aspect is quite effective. Therefore, the process of electing village heads with the e-voting system in realizing democracy in terms of the candidacy aspect still needs to be streamlined so that the election of village heads by means of e-voting can improve the quality of democracy and produce village heads that are in accordance with the choices of the people.

3. Vote Counting

The implementation of voting is direct, general, free, confidential and runs honestly and fairly, where the voting and counting of votes uses an e-voting system. Voting is carried out at polling stations whose location, form, and layout are determined and determined by the election committee, while the day and date of voting is determined by the election of the village head with an electronic voting system (e-voting) in realizing the democracy of the regent's decision. Voting is done by voting through an electronic ballot containing the number, photo, and name of the candidate. The voting is done by touching or pressing the serial number, photo or name of one of the candidates in the electronic ballot on the e-voting device.

The respondents' answers about the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of the aspect of voting for counting votes, can be seen in the following table.

Table 3. Effectiveness of the Village Head Election Process with the E-Voting System in Realizing Democracy in Terms of the Voting Aspect of the Vote Count

No.	Category	Frequency	Percentage
1.	Effective	104	46,85%
2.	Less Effective	92	41,44%
3.	Not Effective	26	11,71%
Total		222	100,00%

Source: Primary data after being processed in 2021

The table above shows that the respondents' answers about the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of the aspect of voting for counting the votes varied, namely: 104 people (46.85%) stated it was effective, then 92 respondents (41, 44%) stated less effective. While 26 people (11.71%) stated it was not effective. This means that the village head election process with the e-voting system in realizing democracy in terms of the voting aspect of the vote count is carried out quite effectively. Therefore, the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of the voting aspect of the vote count still needs to be streamlined so that the village head election by e-voting can improve the quality of democracy and produce village heads that are in accordance with the choices of the people.

4. Determination

The election committee also submits a report on the results of the village head election to the Village Consultative Body no later than 7 (seven) days after voting. Based on the report on the results of the village head election, the elected village head candidate is submitted to the Regent no later than 7 (seven) days after receiving the report from the election committee. The Regent stipulates the ratification and appointment of the Village Head by Decree of the Regent no later than 30 (thirty) days after receiving the report from the Village Consultative Body.

The respondents' answers about the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of the determination aspect can be seen in the following table.

Table 4. Effectiveness of the Village Head Election Process with the E-Voting System in Realizing Democracy in Terms of the Determination Aspect

No.	Category	Frequency	Percentage
1.	Effective	118	53,15%
2.	Less Effective	83	37,39%
3.	Not Effective	21	9,46%
Total		222	100,00%

Source: Primary data after being processed in 2021

The table above shows that the respondents' answers about the effectiveness of the village head election process with the e-voting system in realizing democracy in terms of the aspect of determination were responded to varied, namely: 118 people (53.15%) stated it was effective, then 83 respondents (37.39%) declared less effective. Meanwhile, 21 people (9.46%) stated that it was not effective. This means that the process of electing village heads with the e-voting system in realizing democracy in terms of the voting aspect is less effective. Therefore, the process of electing village heads with the e-voting system in realizing democracy in terms of the aspect of voting still needs to be streamlined so that the election of village heads by means of e-voting can improve the quality of democracy and produce village heads that are in accordance with the people's choices.

Based on the results of the interviews above, the researcher concludes that the implementation of e-voting in the election of village heads in South Sulawesi Province has been well received by villagers so that they can adapt to electronic or IT-based Indonesian government programs, because in general the committee and village communities have been equipped with training or information that can facilitate the implementation of village head elections by e-voting in order to realize democracy as expected together in the future.

C. Factors Influencing the Election of Village Heads with the E-voting System in Realizing Democracy

1. Legal Substance

Simultaneous village head elections can be carried out in waves at most 3 (three) times within a period of 6 (six) years. The village head election mechanism has been regulated in Article 31 to Article 39 of Law No. 6 of 2014. Furthermore, the implementation of village head elections using the e-voting method is regulated in Article 2 to Article 8 of Bantaeng Regent Regulation No. 32 of 2019. The implementation of village head elections using the e-voting method is regulated in Article 10 to Article 37 of Bantaeng Regent Regulation No. 32 of 2019, includes: preparation; nomination; voting; and determination.

The respondents' answers about the effect of legal substance on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi can be seen in the following table.

Table 5. The Effect of Legal Substance on the Implementation of Village Head Elections with the E-voting System in Realizing Democracy in South Sulawesi

No.	Category	Frequency	Percentage
1.	Take Effect	105	47,30%
2.	Less Influential	98	44,14%
3.	No Effect	19	8,56%
Total		222	100,00%

Source: Primary data after being processed in 2021

Based on the data in the table above, it shows that the influence of legal substance on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi, which states that it is influential as many as 105 respondents (47.30%), who stated that it was less influential as many as 98 people (44.14%), and stated that it had no effect as many as 19 people (8.56%). This means that in general respondents stated that they were influential, so it can be said that the legal substance is quite influential on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi.

2. Legal Structure

The legal structure is the entire law enforcement institution, along with village government officials and the village head election committee, including: the police and their police officers; the prosecutor's office with its prosecutors; the attorney's office with its lawyers, and the court with its judges. The key to fair and authoritative law enforcement is the mentality or personality of law enforcement. This means that there is a strong tendency among the public to interpret the law as an officer or law enforcer. This means that the law is also identified with the real behavior of village head election officers or law enforcement officers. If the attitude of law enforcement is considered fair, it will automatically develop a perception that the law is good enough.

The respondents' answers about the influence of the legal structure on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi, can be seen in the following table.

Table 6. The Effect of Legal Structure on the Implementation of Village Head Elections with the E-voting System in Realizing Democracy in South Sulawesi

No.	Category	Frequency	Percentage
1.	Take Effect	108	48,65%
2.	Less Influential	96	43,24%
3.	No Effect	18	8,11%
Total		222	100,00%

Source: Primary data after being processed in 2021

Based on the data in the table above, it shows that the influence of the legal structure on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi, which states that it is influential as many as 108 people (48.65%), which states that it is less influential as many

as 96 respondents (43.24%), and 18 respondents (8.11%). This means that in general the respondents stated that they were influential, so it can be said that the legal structure was quite influential on the implementation of the village head election with the e-voting system in realizing democracy in South Sulawesi.

3. Legal Culture

Legal culture is the habits, opinions, ways of thinking and ways of acting, both from law enforcers and from citizens. Legal culture is important to support the existence of a legal system. Cultural variations give rise to certain perceptions of the authority of law enforcement. Therefore, the pattern of law enforcement should always be adapted to local conceptions, so that it will strengthen the authority of law enforcement.

The respondents' answers about the influence of legal culture on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi can be seen in the following table.

Table 7. The Effect of Legal Culture on the Implementation of Village Head Elections with the E-voting System in Realizing Democracy in South Sulawesi

No.	Category	Frequency	Percentage
1.	Take Effect	115	51,80%
2.	Less Influential	91	40,99%
3.	No Effect	16	7,21%
Total		222	100,00%

Source: Primary data after being processed in 2021

The table above shows that the respondents' answers about the influence of legal culture on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi, namely: 115 people (51.8%) stated that they were influential, and 91 people (40.99%) stated that they were less influential, while those who stated that they had no effect were 16 respondents (7.21%). The trend of the data shows that legal culture influences the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi.

4. Facilities and Infrastructure

Facilities and infrastructure factors also affect the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi. Facilities and infrastructure such as work facilities including computer equipment, election equipment, and others greatly support the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi. The success or failure of efforts to secure the execution of disputed objects is largely determined by the availability of facilities and infrastructure for the implementation of village head elections using the e-voting system in realizing democracy in South Sulawesi.

The respondents' answers about the influence of facilities and infrastructure on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi can be seen in the following table.

Table 8. The Effect of Facilities and Infrastructure on the Implementation of Village Head Elections with the E-voting System in Realizing Democracy in South Sulawesi

No.	Category	Frequency	Percentage
1.	Take Effect	118	53,15%
2.	Less Influential	86	38,74%
3.	No Effect	18	8,11%
Total		222	100,00%

Source: Primary data after being processed in 2021

The table above shows that the respondents' answers about the influence of facilities and infrastructure on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi, namely: 118 people (53.18%) stated that they were influential, and 86 respondents (38.74%) stated that they were less influential, and those who stated that they had no effect were 18 respondents (8.11%). The trend of the data shows that facilities and infrastructure have less influence on the implementation of village head elections with the e-voting system to realize democracy in South Sulawesi.

5. Community

Community factors include the support and awareness of the community in realizing good governance. Community support and awareness in this study is public participation, especially the disputing parties to resolve the problem without causing riots that cause casualties.

The respondents' answers about the influence of community factors on the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi can be seen in the following table.

Table 9. The Effect of Community on the Implementation of Village Head Elections with the E-voting System in Realizing Democracy in South Sulawesi

No.	Category	Frequency	Percentage
1.	Take Effect	113	50,90%
2.	Less Influential	94	42,34%
3.	No Effect	15	6,76%
Total		222	100,00%

Source: Primary data after being processed in 2021

The table above shows that the respondents' answers about the influence of community factors on the implementation of the security function by the Indonesian National Police Intelligence in the execution of disputed objects at the South Sulawesi Regional Police, namely: 113 respondents (50.9%) stated that they were influential, and 94 people (42,34%) stated that they were less influential, while those who stated that they had no effect were 15 people (6.76%). The trend of the data shows that community factors influence the implementation of village head elections with the e-voting system in realizing democracy in South Sulawesi.

V. CONCLUSION

1. The essence of the election of village heads with an electronic voting system (e-voting) in realizing democracy has been regulated in Article 31 to Article 39 of Law No. 6 of 2014; Bantaeng Regent Regulation Number 25 of 2021 on Amendments to Bantaeng Regent Regulation Number 32 of 2019 on Guidelines for the Implementation of Village Head Elections. The stages of implementing the village head election using the e-voting method are regulated in Article 10 to Article 37 of Bantaeng Regent Regulation Number 32 of 2019, including: preparation; nomination; and voting.

2. The process of electing village heads using the e-voting system in realizing democracy in South Sulawesi Province has been well received and implemented effectively, including the stages in the implementation of village head elections using the e-voting method as regulated in Articles 10 to 37 of Bantaeng Regent Regulation Number 32 of 2019, includes: preparation; nomination; and voting. Likewise, the effectiveness of the implementation of e-voting in the election of village heads in South Sulawesi Province in terms of efficiency has been carried out quite efficiently, in terms of satisfaction it has given satisfaction in the implementation of the Village Head Election, and so the adaptation has been done quite well.

3. Factors that influence the implementation of the nature of village head elections with an electronic voting system (e-voting) in realizing democracy, among others: legal substance, legal structure, legal culture, facilities and infrastructure, and community factors.

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