

**NEUTRALITY OF KPPS CANDIDATES FOR THE 2024 ELECTION
BASED ON ARTICLE 35 OF THE GENERAL ELECTION COMMISSION
REGULATION NO.8 OF 2022 FROM THE PERSPECTIVE OF
MASHLAHAH AL MURSALAH
(Study in Dau and Karangploso Districts of Malang Regency)**

THESIS

By:

Mohammad Farid Ats Tsaqif (200203110028)



CONSTITUTIONAL LAW (SIYASAH) STUDY PROGRAM

FACULTY OF SHARIA

UIN MAULANA MALIK IBRAHIM MALANG

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STATEMENT OF THESIS AUTHENTICITY

For the sake of Allah, with awareness and a sense of responsibility for scientific development, the author declares that the thesis with the title:

**NEUTRALITY OF KPPS CANDIDATES FOR THE 2024 ELECTION
BASED ON ARTICLE 35 OF THE GENERAL ELECTION COMMISSION
REGULATION NO.8 OF 2022 *MASHLAHAH AL MURSALAH*
PERSPECTIVE**

(Study in Dau and Karangploso Districts of Malang Regency)

Really a thesis written and compiled by the author himself based on the guidelines and rules of scientific work that is accounted for, if later this thesis report is the result of plagiarism of others, then this thesis as a predicate for a bachelor's degree is declared null and void.

Malang, 15 Juni 2024

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PERSPECTIVE
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PERSPECTIVE**

(Study in Dau and Karangploso Districts, Malang Regency)

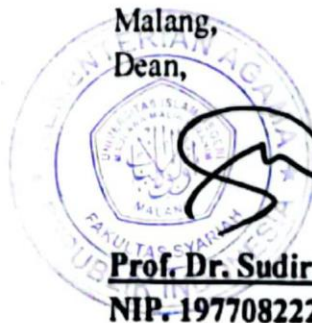
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MOTTO PAGE

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا

Meaning: "O you who believe, fear Allah and speak the truth".

QS. Al-Ahzab verse 70

"The greatness of a man is not in how much wealth he acquires, but in his integrity and his ability to positively influence those around him."

— Robert Nesta Marley (Bob Marley)

FOREWORD

Alhamdulillah wa syukurillah, for the grace and guidance of writing a thesis entitled **"NEUTRALITY OF KPPS CANDIDATES FOR THE 2024 ELECTION BASED ON ARTICLE 35 OF THE GENERAL ELECTION COMMISSION REGULATION NO.8 OF 2022 FROM THE PERSPECTIVE OF MASHLAHAH AL MURSALAH"** can be completed well.

Shalawat and salam may always be poured out to the great Prophet Muhammad SAW who has brought us from the realm of pitch darkness to a brightly lit realm with the existence of Islam. May we be included in the group of people who believe and get his intercession on the last day. Aamiin. With all my efforts and assistance, input guidance, and the results of discussions from various parties in the process of writing this, then, with all sincerity the author expresses his deepest gratitude to:

1. Prof. Dr. H. Zainuddin, MA. as Rector of Maulan Malik Ibrahim State Islamic University Malang
2. Prof. Dr. Sudirman, M.A., CAHRM. as Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.
3. Mr. Dr. H. Musleh Harry, SH, M.Hum. as Head of the Constitutional Law (Siyasah) Study Program, Faculty of Sharia, UIN Maulana Malik Ibrahim Malang
4. Mr. Abdul Kadir, S.HI., M.H. as the author's supervisor in writing this thesis. I sincerely thank the author for the opportunity of time and all forms of assistance that he has given to guide, direct, and provide input and motivation in completing this thesis.
5. The entire Board of Thesis Examiners. The author would like to thank you for taking the time to test and correct this thesis.

6. All lecturers of the Sharia faculty of UIN Maulana Malik Ibrahim Malang who have provided lectures to all of us patiently and sincerely.
7. My family, especially my beloved father, mother, and sister, who are the main reason for my enthusiasm to complete all the processes of studying education up to the stage of this thesis, who always give prayers, support, advice and all efforts for the author.
8. My loved one and friends, who always support my every step in writing this thesis.
9. To all those who I cannot mention one by one who have helped the author during the initial process until the end of the completion of the thesis.

With the completion of this thesis report, the author hopes that the knowledge that has been obtained during lectures can provide benefits in the life of the world and the hereafter. As a human being who is not free from mistakes, the author asks for forgiveness and criticism and suggestions from all parties as an effort to improve in the future.

Malang, May 13, 2024

Author

TRANSLITERATION GUIDELINES

A. General

Transliteration is the transfer of Arabic writing into Indonesian writing (Latin), not the translation of Arabic into Indonesian. Included in this category are Arabic names of Arabs, while Arabic names of non-Arabs are written as the spelling of their national language, or as written in the book being referred to. The writing of book titles in footnotes and bibliographies, still uses the provisions of transliteration.

B. Consonants

ا	=	-	ض	=	dl
ب	=	b	ط	=	th
ت	=	t	ظ	=	dh
ث	=	ts	ع	=	'
ج	=	j	غ	=	gh
ح	=	h	ف	=	f
خ	=	kh	ق	=	q
د	=	d	ك	=	k
ذ	=	dz	ل	=	l
ر	=	r	م	=	m
ز	=	z	ن	=	n
س	=	s	و	=	w
ش	=	sy	ه	=	ha

ص = sh

ء = h

ي = y

Hamzah (ء) which is often denoted by alif, when located at the beginning of the word, its transliteration follows its vocalization, not symbolized, but when it is located in the middle or end of the word, it is symbolized by a comma sign above ('), turning with a comma (') to replace the symbol "ع".¹

C. Vowels, Lengths and Diphthongs

Each Arabic writing in the form of vowel writing is written with fathah "a", kasrah with "i", dlommah with "u" while the long readings are each written with a "^" above the vocal letters as follows

Long vowel (a) = â For example قال becomes *Qâla*

Long vowel (i) = î For example قيل becomes *Qîla*

Long vowel (u) = û For example دون becomes *Dûna*

Especially for the reading of ya' nisbat, it should not be replaced with "i" but still written with "iy" in order to illustrate the ya'nisbat at the end of the word. For diphthongs wawu and ya' after fathah with "aw" and "ay".

Like the example below:

Diphthong (aw) = و For example قول becomes *Qawlun*

Diphthong (ay) = ي For example خير becomes *Khayyun*

D. Ta' marbuta

¹ Faculty of Sharia, "Guidelines for Writing Scientific Work for the Faculty of Sharia, UIN Maulana Malik Ibrahim Malang," 2022, 1-88.

Ta' marbuttha is transliterated using "t" if it is in the middle of a sentence, if the ta' merbutthah is at the end of the sentence, it is transliterated using "h". For example, الرسالة للمدرسة becomes *ar-risâlat li al-mudarrisah*, or if it is in the middle of a sentence consisting of *mudlaf* and *mudlaf ilayh*, then it is transliterated using "t" which is connected to the next sentence, for example الله في رحمة becomes *fi rahmatillah*.

E. Interpretation

The article "al" (ال) is written with a lowercase letter, unless it is located at the beginning of a sentence, while the "al" in *lafadh jalâlah* which is in the middle of a sentence that is backed up (*idhafah*) is omitted.

F. Indonesianized Arabic Names and Words

In principle, every word derived from Arabic must be written using the transliteration system. If the name is the Arabic name of an Indonesian or Indonesianized Arabic, it does not need to be written using the transliteration system.

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ABSTRACT

Mohammad Farid Ats Tsaqif. NIM 200203110028. *Neutrality of Candidates for Kpps Members for the 2024 Election Based on Article 35 of the General Election Commission Regulation No.8 of 2022 in the Perspective of Maslahah Mursalah (Study in Dau and Karangploso Districts)* . Thesis. Constitutional Law (Siyasah) Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang. Advisor: Abdul Kadir, S.HI., M.H.

Keywords: KPPS, *Maslahah Mursalah*, Neutrality, General Election

General elections as an implementation of democracy have been used in Indonesia for the purpose of allowing the wishes and ideals of all parties to be accommodated so that a better life is realized. The general election KPPS formed has the task of 'spearheading' the election process because it is directly related to voters who are later expected to work professionally, have integrity, be honest, fair, and maintain neutrality in accordance with Article 35 of KPU Regulation Number 8 of 2022. So that the main problem is how the neutrality of prospective election KPPS members in organizing the 2024 elections from the perspective of *maslahah mursalah*. The purpose of this study is to analyze how the neutrality of prospective election KPPS members in organizing the 2024 elections from the perspective of *maslahah mursalah*.

This research has a type of empirical juridical research and has a Juridical Sociological research approach, the research location is in Dau District and Karangploso District, the data source consists of primary and secondary data, and has data collection methods in the form of observation, interviews, documentation and later the data will be processed with the stages of data examination, classification, verification, analysis, and conclusion making.

The results of this study indicate that the neutrality of election organizers is very important and has been stipulated in the Election Organizer Code of Ethics that has been agreed upon, but there are still problems, namely in the Karangploso District and Dau District there are findings of prospective registrants whose names are still members of election parties. Then the neutrality of candidates for KPPS members is mandatory and also in line with the principle of *Maslahah Mursalah* in Islamic Law, which prioritizes the public good and fulfills the conditions of *Maslahah Mursalah* set by Abdul Wahab Khallaf.

ABSTRACT

Mohammad Farid Ats Tsaqif. NIM 200203110028. **Neutrality of Candidates for Kpps Members for the 2024 Election Based on Article 63 of the General Election Commission Regulation No.8 of 2022 in the Perspective of *Maslahah Mursalah* (Study in Dau and Karangploso Districts)**. Thesis. Constitutional Law (Siyasah) Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang. Advisor: Abdul Kadir, S.HI., M.H..

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المخلص

محمد فريد التقيف 200203110028، حيادية المرشحين لعضوية مجلس الشعب في انتخابات 2024م استناداً إلى المادة 35 من لائحة المفوضية العامة لانتخابات رقم 8 لسنة 2022م من منظور مصلحة مرسلة (دراسة في منطقتي داو وكارانجولوسو). الأطروحة. السياسة، كلية قسم الشريعة، جامعة مولانا مالك إبراهيم الإسلامية

الحكومية مالانج

المشرف عبد القادر ماجستير في القانون

الكلمات المفتاحية: كففس، مصلحة مرسلة، حيادية، انتخابات عامة

لقد تم استخدام الانتخابات العامة كتطبيق للديمقراطية في إندونيسيا لغرض السماح باستيعاب رغبات ومثّل جميع الأطراف حتى تتحقق حياة أفضل. وتضطلع لجنة الانتخابات العامة التي تم تشكيلها بمهمة "قيادة" العملية الانتخابية لأنها مرتبطة مباشرة بالناخبين الذين يُتوقع منهم العمل بمهنية ونزاهة وأمانة ونزاهة وحيادية وفقاً للمادة 35 من لائحة الاتحاد البرلماني الدولي رقم 8 لعام 2022. لذا فإن المشكلة الرئيسية هي كيفية حياد أعضاء حزب العدالة والبناء المحتملين في

تنظيم

انتخابات 2024 من منظور المصلحة، أي حياد أعضاء الحزب في تنظيم انتخابات 2024

هذا البحث له نوع من البحث الفقهي التجريبي وله منهج البحث الفقهي الاجتماعي، وموقع البحث في مقاطعة داو ومقاطعة كارانجولوسو، ويتكون مصدر البيانات من البيانات الأولية والثانوية، وله طرق جمع البيانات في شكل ملاحظة ومقابلات وتوثيق، وبعد ذلك ستتم معالجة البيانات من خلال مراحل فحص البيانات وتصنيفها والتحقق منها وتحليلها والوصول إلى

تفسير نتائج هذه الدراسة إلى أن حياد منظمي الانتخابات مهم جداً وقد تم النص عليه في ميثاق أخلاقيات منظمي الانتخابات الذي تم الاتفاق عليه، ولكن لا تزال هناك مشاكل، ففي منطقة كارانجولوسو ومنطقة داو هناك نتائج عن وجود مسجلين محتملين لا تزال أسماءهم أعضاء في أحزاب انتخابية. ثم إن حيادية المرشحين لأعضاء حزب التقدم والاشتراكية الكردستاني إلزامية وتتماشى أيضاً مع مبدأ المصلحة، وهو مبدأ المصلحة في الشريعة الإسلامية الذي يعطي

الأولوية للصالح العام ويحق
ويحق شروط المصلحة التي وضعها عبد الوهاب خلاف

CHAPTER I

INTRODUCTION

A. Background

The Republic of Indonesia is a state based on law (*Rechtsstaats*), not a state based on mere power (*Machtsstaat*). The concept of a state of law can be idealized that what should be the commander in all the dynamics of state life is law, not politics or economics. Enforcement as a symbol of the law must be more active in realizing the ideals of a state of law to be the main concern that inevitably must be a priority for improvement.² Since August 17, 1945 after proclaiming its independence, the *founding fathers* (founders of the nation) established Indonesia as a state of law. This is stated in the pre-amendment 1945 Constitution, namely in the general explanation which states that: Indonesia is a state based on law (*rechtsstaat*) and not based on power (*machtsstaat*). Post-amendment of the 1945 Constitution in Article 1 paragraph (3) also stipulates that the Indonesian state is a state of law.

Based on the above, Soepomo said that the rule of law guarantees the existence of legal order in society, which means that the state provides legal protection to the community, between law and power there is a reciprocal relationship. This is in line with Plato's opinion that, good state administration is a

² Laurensius Arliman. S, "Realizing Good Law Enforcement in the Indonesian Rule of Law," *Dialogia Iuridica: Journal of Business and Investment Law* 11, no. 1 (2019): 1–20, <https://doi.org/10.28932/di.v11i1.1831>.

government based on good legal arrangements, and governance based on law is one of the good alternatives in state administration.³

Democracy is a complex political system with fundamental principles such as public participation, freedom of expression, and respect for human rights. Democracy is a process that is constantly evolving according to certain challenges and constraints. However, democracy is still seen as a system that is more concerned with individual freedom and providing opportunities to participate in political decision-making. Indonesian democracy has gone through several stages and developments, from the era of administrative democracy to Pancasila democracy during the reform period. Democracy in Indonesia still faces political and ideological obstacles, but it remains a political choice, considered as one of the best political systems to achieve effective governance.

Therefore, efforts to build democracy in Indonesia must continue by prioritizing the culture and structure of democracy. One possible effort is to apply the concept of Islamic moderation as a starting point for building democratic life in Indonesia. In the development of democracy, Indonesia must also pay attention to the values of people's democracy, such as freedom of opinion, the right to vote, the right to vote, justice, openness, accountability, active participation, and respect for human rights.⁴

Elections as an implementation of democracy have been used by most countries in the world including Indonesia, which is a heterogeneous country.

³ Widiatama Widiatama, Hadi Mahmud, and Suparwi Suparwi, "Pancasila Ideology as the Basis for Building the Indonesian Legal State," *Journal of Usm Law Review* 3, no. 2 (2020): 310, <https://doi.org/10.26623/julr.v3i2.2774>.

⁴ Miftahul Rohim et al., "Pancasila Democracy: Concept and Implementation in Indonesia," *Advanced In Social Humanities Research* 1, no. 5 (2023): 664.

heterogeneous country.⁵ Through general elections, it is possible for all parties to accommodate what they want and aspire to realize a better life. Regional Head General Elections (Pilkada) are the first step in the formation of a just, prosperous, prosperous society, having freedom of expression and will, and gaining access to the fulfillment of their rights as citizens.

Citizens (communities) are the determining component of the success or failure of the implementation of general elections. Because basically only the power of the people's election can determine the fate of the state and nation in the future, especially novice voters who are determining their voting rights for the first time.⁶ Every citizen, regardless of their background such as ethnicity, religion, race, gender, social status, and class, they have the same rights to associate and assemble, express opinions, critically respond to government policies and state officials. Both of these are called political rights, which can be directly applied in a concrete manner through general elections.

General election is a formal process carried out by a region to elect representatives of the people to occupy public government positions and accept or reject political propositions through voting. General elections become an arena for political contestation and a democratic party in winning the people's votes. The state has regulated the process and procedures for organizing elections regulated in Law Number 7 of 2017. In its implementation, there are several *AdHoc*

⁵ Urip Giyono, Nur Rahman & Achmad Rifai, "Implementation of Legislative Elections in Cirebon Regency," *Yustitia Journal* 23, no. 1 (2022), <https://doi.org/10.53712/yustitia.v23i1.1534>.

⁶ Ester Ripka Innovative et al., "The Role of the General Election Commission in Sensitizing Early Voters to the Importance of Voting Rights" 1, no. 1 (2023): 1-7.

institutions and bodies that are tasked with assisting the implementation of general elections.

The principle in organizing elections in Indonesia is based on the principle of direct, general, free, secret, honest and fair every five years and based on Law Number 7 of 2017 concerning General Elections.⁷ General elections require all levels of society to have the right to vote and the right to vote, including *AdHoc* bodies as election supervisors who also have the right to provide support and votes to the election participants they choose.

Since it was first established in the 1982 elections, the electoral supervisory body has continued to evolve to respond to the expectations of realizing more democratic elections in Indonesia. The evolution that has occurred is not only in the form of organizational changes and supervisory networks, but also the duties, authorities and obligations of election supervisors. When it was first formed under the name of the supervisory committee for the implementation of general elections (Panwaslak Pemilu), the design of the election supervisor was still far from the characteristics of an independent election supervisory institution. The 1982 Panwaslak Pemilu was more like an internal supervisory institution for the election organizing body. The duties and authority of the Panwaslak were very limited. Members and leaders of the Panwaslak were very limited. Members and

⁷ Widyawati Boediningsih and Suparman Budi Cahyono, "Cooperation Between Bawaslu and KPU Institutions in Organizing the 2024 Elections in Review of Indonesian Constitutional Law," *Journal Locus Research and Service* 1, no. 4 (2022): 288–301, <https://doi.org/10.36418/locus.v1i4.48>.

leaders of the Panwaslak had to represent the government, election participants and ABRI.⁸

PPK (Sub-district Election Committee), PPS (Temporary Election Committee), and KPPS (Temporary Election Organizing Group) are *AdHoc* officers formed before the election and disbanded after the election. They have the task of 'spearheading' the election process because they are directly related to the process of determining the DPT (Permanent Voters List), the voting process, and the vote counting. However, this *AdHoc* EMB is not just a technical body. Politically, because of its strategic value, opportunities for politicization in the recruitment process are very likely to occur.⁹ The *AdHoc* body is the main gate to the people's votes that will determine who wins the election. Whether the vote is valid or not is also determined by the *AdHoc* body. Therefore, political competition is very tight in this process so it is very prone to politicization in its implementation.

The neutrality of the *AdHoc* body itself plays a very important role in the implementation of this series of democratic party activities because all elements of the organizers must always maintain the purity and sanctity of irregularities during the election. Therefore, *AdHoc* is expected to work professionally, have integrity, be honest, fair, and maintain neutrality in the context of the success of the 2024 General Election, it needs to be emphasized that every action of all election organizers including PPS must be guided by the applicable laws, so that

⁸ Bawaslu, "Regarding the Election Organizers", Jakarta, 2019

⁹ Mardiana Mardiana, "The Politicization of Ad Hoc Election Board Member Recruitment: A *Politika: Journal of Political Science* 11, no. 1 (2020): 96–114, <https://doi.org/10.14710/politika.11.1.2020.96-114>.

steps and actions can be accounted for. The importance of the neutrality of all election organizers, as one of the keywords that must be upheld. The neutrality of election organizers must be maintained and held firmly, because it is a very important asset in guarding the establishment of democracy.

The requirements to become a general election *AdHoc* body have been regulated in Article 35 paragraph (1) of KPU Regulation Number 8 of 2022 concerning Amendments to KPU Regulation Number 36 of 2018 concerning the Establishment and Work Procedures of Subdistrict Election Committees, Voting Committees, and Voting Organizing Groups which states that members of the *AdHoc* body are not members of a political party as stated in a valid statement letter or at least within 5 (five) years no longer a member of a political party as evidenced by a certificate from the relevant political party management.¹⁰

On the other hand, the application of the neutrality of *AdHoc* bodies in elections is also reviewed by the author through *maslahah mursalah* as part of Fiqh siyasah which has a role and contribution in the Islamic state system. *Maslahah mursalah* is one of the arguments of Islamic law to establish new laws that have not been confirmed in the sources of Islamic law. *Maslahah mursalah* is something that is considered *maslahah* but there is no firmness of the law that realizes it and there is also no certain evidence.

.results of interviews . of .in Tawangargo Karangploso Malang Regency, . that . the time after the .KPPS members for 2024 .person who was .still in . of the political parties which .requirements for .member, .end .declared not to meet .and

¹⁰ State Gazette of the Republic of Indonesia Year 2022 Number 1116,

was ¹¹, of KPPS members is very running of the . it is feared that members of the . political party are still . political party.

Referring to the description above, the author focuses on the issue of the urgency of the neutrality of the *AdHoc* body for the upcoming 2024 elections in terms of *Maslahah mursalah* through research written entitled "**NEUTRALITY OF KPPS CANDIDATES FOR THE 2024 ELECTION BASED ON ARTICLE 35 OF THE GENERAL ELECTION COMMISSION REGULATION NO.8 OF 2022 FROM THE PERSPECTIVE OF MASHLAHAH AL MURSALAH (Study in Dau and Karangploso Districts of Malang Regency)**".

B. Problem Formulation

above, then can be taken problem :

1. How is the neutrality of KPPS candidates in the 2024 elections in Dau and Karangploso Districts, Malang Regency?
2. How is the neutrality of KPPS members from the perspective of *masalah mursalah*?

C. Research Objectives

problem above, then of this is :

1. Analyze and understand the neutrality of KPPS candidates in the election in Dau and Karangploso Sub-districts of Malang Regency.
2. Understanding the neutrality of KPPS candidates from the perspective of *masalah mursalah*

¹¹ Supadi, Interview (Malang, February 23, 2024),

D. Research Benefits

1. Benefits of Teloritis

The results of this study are expected to increase knowledge and insight and provide benefits to the wider community about the neutrality of prospective KPPS members based on the general election commission regulation no.8 of 2022 Article 35 from the perspective of *maslahah mursalah*.

2. Practical Benefits

- a) For researchers, the results of this study are expected to be able to provide researchers with knowledge in developing and applying theories that have been received while sitting on the bench and adding researchers' insights before plunging and contributing to the community.
- b) For the community, the results of this study are expected to be able to provide knowledge and insight to the public about the neutrality of candidates for election KPPS members based on the general election commission regulation no.8 of 2022 Article 35 from the perspective of *maslahah mursalah*.
- c) For the Commission, the results of this study are expected to provide studies and evaluations on the neutrality of candidates for election KPPS members based on the general election commission regulation no.8 of 2022 Article 35 of the *maslahah mursalah* perspective.

E. Operational Definition

1. Election

Elections are very important in an effort to maintain the sovereignty of the people and democracy of the Indonesian state. A good election must pay attention to the system and the consequences of the system used. Indonesia is one of the countries that applies a proportional electoral system. The proportional system used by Indonesia since 1955 has two forms, namely a closed proportional system and an open proportional system. Indonesia currently uses an open proportional system after previously using a closed proportional system in 1998.¹²

General elections are an important instrument for democracy. One of the main principles of democracy is public participation in democracy. The purpose of the general election is to elect members of the DPR RI, DPD RI, DPRD, President and Vice President, as well as Regional Heads and Deputy Regional Heads to form a new government and representatives of the people who really work for the benefit of the people. The Election Organizer consists of members of the General Election Commission, the Election Supervisory Board, and the Honorary Board of Election Organizers in the election there is a code of ethics that must be carried out to avoid fraud in elections and to enforce election law.¹³

2. *AdHoc*

¹² Muhammad Ibrahim Rantau, "Strengthening the Presidential System in Indonesia: An *Journal of Research and Scientific Work* 19, no. 2 (2019): 181–93, <https://doi.org/10.33592/pelita.vol19.iss2.120>.

¹³ Widiatama, Mahmud, and Suparwi, "Pancasila Ideology as the Basis for Building the Indonesian Rule of Law."

AdHoc means for a specific purpose or case without considering broader application.¹⁴ So it can be interpreted that an *AdHoc* body is a body formed for a more specialized or exclusive purpose and is temporary.¹⁵

3. Neutrality

The definition of the concept of neutrality can be equated with the concept of independence because the two words are synonyms. According to KBBI, independent is one that stands alone; a free spirit / not bound to other parties.¹⁶ The meaning of the word *independent* means "not dependent or controlled by (other people or objects), not basing oneself on others, acting or thinking according to one's own will, free from the control of others, not influenced by others". Organizers must not be subject to direction from any other party, whether the authorities or political parties.

The organizer must work without political favoritism or prejudice. Organizers must be able to conduct their activities free from interference, as any allegations of manipulation, perceptions of bias or suspected interference, will have a direct impact, not only on the credibility of the organizers, but also on the overall electoral process and outcome.¹⁷

¹⁴ Merriam-Webster, "Dictionary," accessed January 22, 2024, [https://www.merriam-webster.com/dictionary/ad hoc](https://www.merriam-webster.com/dictionary/ad%20hoc).

¹⁵ Dede Nuryayi Taufik, "Problems, Challenges and Solutions for the Recruitment of Ad Hoc Bodies in the Organizing of the 2024 Elections," *Journal of Social Sciences and Humanities* 1, no. 2 (2023): 108–17, <https://doi.org/10.58540/isihumor.v1i2.209>.

¹⁶ KBBI, "Definition of Independent KBBI," accessed February 28, 2024, <https://kbbi.web.id/independen>.

¹⁷ Didik Supriyanto, "Maintaining the Independence of Election Organizers Under Law 22/2007 on Election Organizers," *NBER Working Papers*, 2013, 89, <http://www.nber.org/papers/w16019>.

Sofian Effendi defines neutrality by referring to the concept of *impartiality*, namely: being fair, objective, not taking sides with anyone, both in the context of politics, bureaucracy and public services. Impartiality according to Rothstein and Teorell is the application of laws without considering special relationships, personal references, and other matters outside the law.¹⁸

The EMB should not be subject to direction from any other party, authority or political party. The EMB must function without political favoritism or prejudice. The EMB must be able to conduct its activities free from interference, as any allegations of manipulation, perceptions of bias, or allegations of interference will have a direct impact not only on the credibility of the body responsible but also on the entire electoral process.

4. Democracy

The democratic system of government is a way that is widely used by various countries in the implementation of government. The essence of democracy is from the people, by the people and for the people. This means that the government emphasizes the existence of power in the hands of the people, both in the administration of the state and government. The power of the government is in the hands of the people implies; first, the government of *the people* (*government of the people*) contains the meaning associated with *legitimate government*; second, the government *by the people*, which is a government that exercises power on behalf of the people,

¹⁸ Umbu TW Pariangu, "State Civil Apparatus Neutrality and Biopathology in Regional Head Elections," *Journal Publicuho* 3, no. 4 (2020): 470, <https://doi.org/10.35817/jpu.v3i4.15375>.

not on its own impulses and desires; third, the government *for the people* (government *for the people*), implies that the power given by the people to the government must be exercised for the benefit of the people.¹⁹

5. *Maslahah mursalah*

Mashlahah Mursalah or can be called *istishlah*, is something that is good in the eyes of the intellect, in line and in line with the objectives of *shara'* in determining a law, but there is no *shara'* instructions that pay attention and take into account and there is no *shara'* instructions that reject it.²⁰

F. Systematization of Writing

In writing a research entitled " NEUTRALITY OF KPPS CANDIDATES FOR THE 2024 ELECTION BASED ON ARTICLE 35 OF THE GENERAL ELECTION COMMISSION REGULATION NO.8 OF 2022 FROM THE PERSPECTIVE OF MASHLAHAH AL MURSALAH ". The author will divide it into 5 sub-chapters using the following writing systematics:

CHAPTER I INTRODUCTION

In this study, it begins with an introduction that contains the background of the problem, problem formulation, objectives and benefits of research,

¹⁹ Irwan Djumat, "THE CAPABILITY OF DEMOCRACY SYSTEMS IN INDONESIA (Between Islamic Democracy Versus Western Democracy) (Review)," *Geocivic Journal* 2, no. 1 (2019): 193–97, <https://doi.org/10.33387/geocivic.v2i1.1470>.

²⁰ Eka Rahayuningsih and M. Lathoif Ghozali, "Halal Product Certification in the Perspective of Mashlahah Mursalah," *Islamic Economics Scientific Journal* 7, no. 1 (2021): 135, <https://doi.org/10.29040/jiei.v7i1.1929>.

conceptual definitions, previous research, literature review, research methods and systematics of research or discussion.

CHAPTER II LITERATURE REVIEW

Contains juridical concepts and legal theories used as a theoretical basis in the study and analysis of the problem of NEUTRALITY OF KPPS CANDIDATES FOR THE 2024 ELECTION BASED ON ARTICLE 35 OF THE GENERAL ELECTION COMMISSION REGULATION NO.8 OF 2022 FROM THE PERSPECTIVE OF MASHLAHAH AL MURSALAH *H*

CHAPTER III RESEARCH METHODS

This chapter contains an explanation of the research methods used by researchers which include the NEUTRALITY OF KPPS CANDIDATES FOR THE 2024 ELECTION BASED ON ARTICLE 35 OF THE GENERAL ELECTION COMMISSION REGULATION NO.8 OF 2022 FROM THE PERSPECTIVE OF MASHLAHAH AL MURSALAH

CHAPTER IV RESEARCH RESULTS AND DISCUSSION

This chapter is the core of the research because in this chapter will analyze the data both through primary data and secondary data to answer the formulation of the problems that have been set. This chapter will also present the results of interviews, documentation, and observations conducted by the author.

CHAPTER V CLOSING

This chapter is the last chapter that contains conclusions and suggestions. The conclusions in this chapter are not a summary of the research conducted, but rather a brief answer to the formulation of the problems that have been set. The

number of points in the conclusion must match the number of problem formulations. Suggestions are proposals or suggestions to related parties or parties who have more authority over the theme under study for the good of society, and proposals or suggestions for further research in the future. The content of suggestions can be linked to the benefits of research that have been written in chapter I.²¹

²¹ Sharia, "Guidelines for Writing Scientific Works of the Faculty of Sharia UIN Maulana Malik Ibrahim Malang."

CHAPTER II

LITERATURE REVIEW

A. Previous Research

Research related to the Neutrality of the KPPS Candidates has certainly been carried out by several researchers, but with slightly different discussions. To complete the data in the research and avoid repetition of the discussion, similar research that has been researched before is needed. The previous studies that discussed the Neutrality of the KPPS Candidates are as follows:

1. Thesis by Sulikah, Department of Constitutional Law, Faculty of Sharia, UIN Maulana Malik Ibrahim Malang (2019), entitled "Registration of Voting Organizer Group Members (KPPS) Based on Law Number 7 of 2018 concerning Elections in the Perspective of *Mashlahah Mursalah* (Study of KPPS Pakis District and Tirtoyudo Malang Regency)".²² The research is empirical juridical research or can be called field research, which examines the applicable legal provisions and what happens in the community. The conclusion of the study is that the implementation of the requirements for the inclusion of a health certificate is not considered important and is only considered a registration formality which results in the death of KPPS members due to stroke. Preventive legal protection before the implementation of general elections is not regulated in Law Number 7 of 2017 or in other

²² Sulikah, "Registration of Voting Organizer Group Members (KPPS) Based on Law Number 7 of 2018 concerning Elections in the Perspective of *Mashlahah Mursalah* (Study of KPPS Pakis and Tirtoyudo Districts of Malang Regency)" (UIN Maulana Malik Ibrahim Malang, 2019), <http://etheses.uin-malang.ac.id/id/eprint/31280>.

regulations, but because of the large number of *AdHoc* members who are sick and die after voting and counting votes, the government provides legal protection for members of the *AdHoc* body who are sick and die in the form of compensation which is repressive legal protection.

The difference between this research and the research conducted by the author lies in the subject matter of the discussion and the law being discussed. The author concentrates more on the neutrality of the election *AdHoc* body in the perspective of *masalah mursalah*. So that the research that the author will produce will be the development of the research analysis with a different discussion.

2. Thesis by Edi Supriyanto, Department of Constitutional Law, Faculty of Sharia, UIN KHAS Jember (2021), entitled "The Principle of Neutrality of the Voting Organizer Group (Kpps) in Law No.7 of 2017 concerning General Elections (Case Study of Sumber Canting Village, Wringin District, Bondowoso Regency)".²³ The research is empirical juridical research or can be called field research, which examines the applicable legal provisions and what happens in society. The conclusion of the study is that the implementation of the KPPS neutrality principle in Sumber Canting Village has run smoothly in accordance with the time that has been in the KPPS guidelines. The obstacle that occurred in the implementation of KPPS duties was the intervention of the Sumber Canting Village Head himself to the chairman and KPPS members.

²³ Edi Supriyanto, "The Principle of Neutrality of the Voting Organizer Group (Kpps) in Law No.7 of 2017 concerning General Elections (Case Study of Sumber Canting Village, Wringin District, Bondowoso Regency)" (UIN KHAS Jember, 2021), <http://digilib.uinkhas.ac.id/id/eprint/5825>.

The difference between this research and the research conducted by the author lies in the subject matter of the discussion and the laws studied. If the previous researcher only focused on elections at the village level, but the author will concentrate more on the neutrality of the *AdHoc election* body in the perspective of *maslahah mursalah*. So that the research that the author will produce will be the development of the research analysis with a different discussion. Another difference lies in the laws raised,

3. Journal by Tiara Anthon Edny Piri, Postgraduate Student of the Development Resource Management Study Program, Sam Ratulangi University, Manado, (2020) entitled "Selection of *AdHoc* Bodies in the 2020 Regional Head Election in Tomohon City".²⁴ The research is empirical juridical research or can be called field research, namely examining applicable legal provisions and what happens in society. The conclusion of the study is that the benchmarks or regulations used by the Tomohon KPU when selecting *AdHoc* bodies in the 2020 regional elections are in accordance with applicable regulations and these rules are also enforced by the district / city KPU in Indonesia, but this is not effectively socialized to the public, so that many people do not understand the rules and make public interest in participating as members still minimal, especially since the 2020 elections were held during the covid-19 pandemic, making people less willing to become organizers.

The difference between this research and the research conducted by the author lies in the subject matter of the discussion. If the previous researcher only

²⁴ Tiara Anthon Edny Piri, Agustinus Bonifacius Pati, and Ferry Markus Liando, "Selection of Ad Hoc Bodies in the 2020 Regional Head Election in Tomohon City," *Agri-Socioeconomics* 18, no. 3 (2022): 949–58, <https://doi.org/10.35791/agrsosek.v18i3.45059>.

focused on the general election of regional heads, but the author will concentrate more on the neutrality of the *AdHoc* election body in the perspective of *masalah mursalah*. So that the research that the author will produce will be the development of the research analysis with a different discussion.

4. Journal by Syukrizal Mulya, Bachelor of State Administration Student, State University of Padang (2021), entitled "Evaluation of the Implementation of the Recruitment of 2019 Election Organizers at the KPPS Level in Lubuak Kilangan District, Padang City".²⁵ This research is empirical juridical research or can be called field research, namely examining the applicable legal provisions and what happens in society. The conclusion of the research is that the implementation of recruitment has not been fully optimized. Among them are still not fulfilling the requirements and criteria for KPPS members according to the main principles of election organizers, namely: 1) Independent: the results of field findings on the implementation of the recruitment of KPPS members in Lubuak Kilangan Subdistrict in its implementation are still the closeness of the KPPS recruitment selection team with the government and political parties in the recruitment process.

The difference between this research and the research conducted by the author lies in the subject matter of the discussion. If the previous researcher focused on the evaluation of the 2019 *AdHoc* elections, but the author will concentrate

²⁵ Syukrizal Mulya and M. Fachri Adnan, "Evaluation of the Implementation of Recruitment of 2019 Election Organizers at the KPPS Level in Lubuak Kilangan District, Padang City," *JISIP (Journal of Social Science and Education)* 5, no. 1 (2021), <https://doi.org/10.58258/jisip.v5i1.1698>.

more on the neutrality of the *AdHoc election* body from the perspective of *masalah mursalah*. So that the research that the author will produce will be the development of the research analysis with a different discussion.

5. Journal by Andreas Pandiangan, Communication Science Study Program, UNIKA Soegijapranata, Semarang, Indonesia (2019), entitled "The 2019 Election Voting Organizer Group (Kpps): Responsibility and Workload".²⁶

This research uses Normative Juridical research by analyzing and examining secondary data data generated from literature studies. The conclusion of the research is that KPPS is the spearhead of the implementation of voting and counting in the 2019 Election. Including serving the people's voting rights. The work of KPPS will greatly determine the quality of the 2019 Election and has the opportunity to be sued by the community and participants in the 2019 Election if the implementation of the election does not meet the principles: independent, honest, fair, legally certain, orderly, open, proportional, professional, accountable, effective and efficient.

The difference between this research and the research conducted by the author lies in the subject matter of the discussion. If the previous researcher focused on the duties, powers, and obligations of kpps officers only, but the author will concentrate more on the neutrality of the *AdHoc* election body in the perspective of *masalah mursalah*. So that the research that the author will produce will be the development of the research analysis with a different discussion.

²⁶ Andreas Pandiangan, "The 2019 Election Voting Organizer Group (Kpps): Responsibility and Workload," *The Journal of Society & Media* 3, no. 1 (2019): 17, <https://doi.org/10.26740/jsm.v3n1.p17-34>.

Table of Previous Research

No .	Name/Agency / Year/Title	Formulation Problem	Research Results	Differenc e	Novelty
1.	Sulikah / Department of Constitutional Law, Faculty of Sharia, UIN Maulana Malik Ibrahim Malang / (2019) / Registration of Voting Organizer Group Members (KPPS) Based on Law Number 7 of 2018 concerning Elections in the Perspective of <i>Mashlahah Mursalah</i> (Study of KPPS Pakis District and Tirtoyudo Malang Regency).	1. How is the application of KPPS member requirements based on Law Number 7 of 2017 in Pakis and Tirtoyudo Sub-districts? 2. How is the legal protection of KPPS members who are sick and die according to the Malang Regency KPU and PPS? 3. How is the legal review of fiqh siyasah from the perspective of <i>masalah mursalah</i> on the legal protection of KPPS members who are sick and die?	The implementation of the requirement to include a health certificate is not considered important and is only considered a registration formality which results in the death of KPPS members due to stroke. preventive legal protection before the implementation of general elections is not regulated in Law number 7 of 2017 or in other regulations, but because of the large number of <i>AdHoc</i> members who are sick and die after voting and counting votes the	Lies in the subject matter of the discussion and the law that is used as a discussion	Development of the research analysis with a different review of the discussion

			government provides legal protection for members of the <i>AdHoc</i> body who are sick and die in the form of compensation which is repressive legal protection.		
2.	Edi Supriyanto / Department of Constitutional Law Faculty of Sharia UIN KHAS Jember / (2021) / The Principle of Neutrality of the Voting Organizer Group (Kpps) in Law No.7 of 2017 concerning General Elections (Case Study of Sumber Canting Village, Wringin District, Bondowoso Regency)	1. How is the implementation of the KPPS neutrality principle in Sumber Canting Village? 2. What is the system and pattern of KKPS procedures? 3. What are the obstacles of the Voting Organizing Group (KPPS) in Sumber Canting Village?	The implementation of the KPPS neutrality principle in Sumber Canting Village has run smoothly in accordance with the time set in the KPPS guidelines. The obstacle that occurred in the implementation of KPPS duties was the intervention of the Sumber Canting Village Head himself to the chairman and KPPS members.	Lies in the subject matter of the discussion and the laws discussed	The author will concentrate more on the neutrality of the election <i>AdHoc</i> body in the perspective of <i>masalah mursalah</i> . So that the research that will be produced by the author will be the development of the research analysis with a different discussion.
3.	Tiara Anthon Edny Piri / Postgraduate Program in Development	How are the evaluation and inhibiting factors in the selection of	The benchmarks or regulations used by the Tomohon	Only focus on regional head elections	The author will concentrate more on the neutrality of

	Resource Management, Sam Ratulangi University, Manado / (2020) / <i>AdHoc</i> Agency Selection in the 2020 Regional Head Election in Tomohon City	<i>AdHoc</i> bodies in the 2020 Regional Head election in Tomohon City?	KPU when selecting <i>AdHoc</i> bodies in the 2020 regional elections are in accordance with applicable regulations and these rules are also applied by regency / city KPUs in Indonesia, but this is not socialized effectively to the community, so that many people do not understand the rules and make people's interest in participating as members still minimal, especially since the 2020 regional elections were held during the covid-19 pandemic, making people less willing to become organizers.		the election <i>AdHoc</i> body from the perspective of <i>masalah mursalah</i> .
4.	Syukrizal Mulya / State Administration Science,	How is the Evaluation of the Recruitment	The implementation of recruitment	Focused on the evaluation of the	Concentrating more on the neutrality of the

	Universitas Negeri Padang / (2021) / Evaluation of the Recruitment Implementation of 2019 Election Organizers at KPPS Level in Lubuak Kilangan District, Padang City	of 2019 Election Organizers at the KPPS Level in Lubuak Kilangan District, Padang City?	has not been fully optimized. Among them are still not fulfilling the requirements and criteria for KPPS members according to the main principles of election organizers, namely: 1) Independent: the results of field findings on the implementation of the recruitment of KPPS members in Lubuak Kilangan Subdistrict in its implementation are still the closeness of the KPPS recruitment selection team with the government and political parties in the recruitment process.	2019 election <i>AdHoc</i> only	<i>AdHoc</i> election body from a <i>masalah mursalah</i> perspective.
5.	Andreas / Pandiangan Communication Studies Program,	What are the regulations of the EMB and the responsibilities	KPPS is the spearhead of the implementation of voting	Focuses on the duties, powers, and	Concentrating more on the neutrality of the <i>AdHoc</i>

	<p>UNIKA Soegijapranata, Semarang, Indonesia / (2019) / Group of Voting Organizers (Kpps) 2019 Election: Responsibility and Workload</p>	<p>s and duties of the KPPS?</p>	<p>and counting in the 2019 Election. This includes serving the people's voting rights. The results of the KPPS work will greatly determine the quality of the 2019 Election and have the opportunity to be sued by the community and participants in the 2019 Election if the implementation of the election does not meet the principles: independent, honest, fair, legally certain, orderly, open, proportional, professional, accountable, effective and efficient.</p>	<p>obligations of kpps officers only.</p>	<p>election body from a <i>masalah mursalah</i> perspective.</p>
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The focus of this research is the Neutrality of KPPS Candidates Based on General Election Commission Regulation No.8 of 2022 Article 35 of the *Maslahah mursalah* Perspective, so that this research is not directed or

similar to other authors because although the theory is the same, the purpose of this research has never been studied before from a different perspective.

B. Theoretical and Conceptual Framework

1. Neutrality

Neutrality is a concept that shows that the bureaucracy must be neutral and impartial in carrying out its duties and responsibilities towards the interests of certain groups or groups in power. Neutrality is essentially an impartial attitude towards anything. Neutrality must be maintained so that state apparatus can provide fair and objective services to the community without favoring certain groups.

Bureaucratic neutrality was first proposed by Woodrow Wilson in 1887. Woodrow Wilson argues that the State is the conscience of administrative science, therefore there must be administrative science that is able to straighten the path of government. That administration must be separated from politics and policy issues. For Wilson, the field of administration in the bureaucracy must be separated from political issues even though politics often implements administrative tasks. Goodnow and Maximilian Weber also expressed their ideas about the separation between politics and administration.

According to Goodnow, the state has a function to express the will of the people which is carried out by politics, the state also functions to carry out this will which is carried out by administration. Max Weber also argues the same thing but uses the terms action and call. Actions are carried

out by bureaucrats to carry out orders or responses to a matter based on predetermined rules, while calls are made by politicians on the will of power.²⁷ According to him, the bureaucracy is formed independent of political power or positioned as a neutral force. Bureaucratic neutrality means prioritizing the interests of the people and the state over other interests.

Woodrow, Goodnow and Weber's idea of separation between politics and administration can be achieved if there is neutrality. Neutrality prioritizes a moralistic approach, that bureaucrats should not favor the interests of certain groups so they must limit themselves from politics. Neutrality presupposes a position that is not influenced by certain political will. Neutrality in general elections aims to realize the ethical attitude of bureaucrats who do not favor certain political interests.²⁸

There are several aspects of neutrality according to Hazell, Worthy, and Glover, namely:

- a) Neutrality in politics
- b) Neutrality in public service
- c) Neutrality in ASN management
- d) Neutrality in decision and policy making

According to the thoughts of Antlov and Cederroth, the purpose of bureaucratic neutrality is to avoid bureaucratic actions that favor one

²⁷ Arif Novianto, "Questioning the Neutrality of Bureaucrats in Elections: Between Social System, Power, and Patron-Client Culture," *Insight* 2, 2019.

²⁸ Novianto.

political party so that it can produce a corrupt, inefficient, unprofessional and even immoral bureaucracy.

The bureaucracy is a public institution built and financed by public money to serve all levels of society, so bureaucratic apparatus must be neutral, free from the influence of political parties and certain groups. Bureaucratic neutrality is needed to ensure that the bureaucratic apparatus in providing public services is oriented entirely to the interests of the community, regardless of the political power that is currently ruling.²⁹

The relevance of the theory of bureaucratic neutrality to this research is an important foundation for members of the *AdHoc* body to be neutral in politics, namely at the time of the general election and take sides from all forms of influence and not take sides with anyone's interests.

2. Organizing Elections in Indonesia

Elections are one of the characteristics that must exist in a democratic country, thus elections are an important means for the people in the life of the state, namely by electing representatives who in turn will control the wheels of government. The results of general elections held in an atmosphere of openness with freedom of opinion and freedom of association in accordance with Article 28 of the 1945 Constitution are considered to reflect quite accurately the aspirations of the people and people's participation in every democratic party.

²⁹ Dodi Faedlulloh and Noverman Duaji, "Bureaucracy and Hoax: A *Borneo Administrator Journal* 3, 2019.

In most democracies, elections are considered the epitome and benchmark of democracy. The results of elections, which are held in an atmosphere of openness with freedom of speech and freedom of association, are considered to reflect with some accuracy the participation and aspirations of the people.³⁰

Based on article 1 paragraph (1) of Law of the Republic of Indonesia number 7 of 2017 concerning General Elections, Elections are a means of popular sovereignty to elect members of the people's representative council, members of regional representatives, President and Vice President, and Regions, which are carried out directly, publicly, freely, secretly, honestly, and fairly in a unitary state of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.³¹

According to Harris G. Warren, elections are an opportunity for citizens to elect government officials and decide what they want the government to do. And making that decision the citizens determine what exactly they want to have. Meanwhile, according to A. Sudiharto, elections are an important means of democracy and are a real manifestation of the participation of the people in state life.³²

Based on the opinion above, it is stated that elections are a means for citizens to determine representatives who will run a government, and it is

³⁰ Miriam Budiardjo, *Basics of Political Science* (Jakarta: PT Gramedia Pustaka Utama, 2003). 461

³¹ STATE NEWS OF THE REPUBLIC OF INDONESIA YEAR 2017 NUMBER 1338.

³² Miriam Budiardjo, *Basics of Political Science*. 461

also stated that the color of the state has an important role in the implementation of elections, because the higher the level of citizen participation in elections, the better the implementation of elections, and vice versa, the lower the participation of the color of the state, the worse the implementation of elections.

The implementation of direct, general, free, secret, honest and fair elections can be realized if carried out by election organizers who have integrity, professionalism and accountability. Accountability means that every party involved in organizing elections must be accountable for the implementation of their duties and authorities to the public both politically and legally. Being politically responsible means that every element involved in organizing elections has the obligation to explain to the public its function and the reasons for the actions taken. Being legally responsible means that any party suspected of violating the law regarding the principles of democratic elections must submit to the law enforcement process based on the principle of presumption of innocence and the principles (due process of law) stipulated in the Criminal Procedure Code. Regarding the resolution of violations of the election organizer's code of ethics, it has been explained in article 457 of Law No.7/2017 on Elections that the authority to resolve violations of the election organizer's code of ethics is the DKPP or the Honorary Board of the General Election Organizer. Then in article 458 paragraph 12 of Law No.7 of 2017 concerning Elections, it is explained that the sanctions for violating the election organizer's code of ethics can be in

the form of a written warning, temporary dismissal, or permanent dismissal for the Election Organizer and the decision is final and binding. Then if proven to be subject to election criminal sanctions, it will be tried in court.

The existence of a non-neutral EMB can be detrimental to democratic principles and provide opportunities for political manipulation.³³ Therefore, one of the important prerequisites in organizing elections in a democracy is that the organization of elections is carried out by an institution that is independent from the government. The 1945 Constitution of the Republic of Indonesia in Article 22E paragraph (5) outlines that general elections are held by an election commission that is national, permanent and independent. The national nature reflects that the work area and responsibility of the General Election Commission (KPU) as the organizer of the general election covers the entire territory of the Unitary State of the Republic of Indonesia. The permanent nature shows that the General Election Commission (KPU) is an institution that carries out its duties continuously even though it is limited by a certain term of office. The independent nature confirms that the General Election Commission (KPU) in organizing and conducting elections is free from the influence of any party. Meanwhile, the supervision of the election is given to the General Election Supervisory Board (Bawaslu).³⁴

³³ Muhtar, *Identity Politicization in Political Contestation in DPRD Elections* (West Pasaman: Cv. Azka Pustaka, 2024). 55

³⁴ Suwari Akhmaddhian, Erga Yuhandra, and Yani Andriyani, "The Role of Society in Realizing the Implementation of Quality General Elections Suwari," *Proceedings of the Conference on Law and Social Studies*, 2021, 1-10, <http://prosiding.unipma.ac.id/index.php/COLaS>.

3. KPPS

In the implementation of the election, the KPU as the election organizing agency formed the AdHoc Agency as the executor of tasks at the sub-district, village / village level, to the polling station. The formation of the AdHoc Body has its own criteria at each level. The AdHoc Body in the Election consists of members and secretariat of the District Election Committee (PPK), members and secretariat of the Voting Committee (PPS), Voting Organizer Group (KPPS), Overseas Election Committee (PPLN), Overseas Voting Organizer Group (KPPSLN), Voter Data Updating Committee / Voter Data Updating Officer (PPDP / Pelantarlih), Overseas Voter Data Updating Committee (PPDP / Pelantarlih LN), and Voting Place Order Officer in the implementation of elections and elections.

The Election Organizer KPPS is also a body that works at the lowest level and is in direct contact with the community. This makes its members must have related understanding as well as communication competence and social experience in their respective neighborhoods.³⁵

The election management body must conduct its activities in an independent, transparent and impartial manner. Immediately after its establishment, the EMB should fairly serve the interests of all citizens and participants. The main purpose of the legal framework is to provide guidance to the EMB and enable it to achieve the delivery of free and fair

³⁵ Zona Rida Rahayu, "SOCIETY PERCEPTION OF SOLOK CITY THROUGH PUBLIC COMMUNICATION: Efforts to Increase Voter Participation in the 2024 Elections" *Society Perception of Solok City Through Public Communication: Efforts to Increase Voter Participation in the 2024 Elections* 5, no. 1 (2024): 1-8.

elections to the electorate. In performing this task, the EMB must perform its functions at each stage of the electoral process impartially and efficiently.

KPPS are expected to be people who understand the duties and functions of an organizer. In addition, the KPPS is also expected to understand the principles that must be possessed by an organizer, as stated by Alan Wall, et al in IDEA (2014), which include :

First, Independence and Impartiality, The function of the election management body must not be subject to direction from any other party, the authorities, or political parties. The EMB must function without political favoritism or prejudice. The EMB must be able to carry out its activities free from interference, as any allegations of manipulation, perceptions of bias, or allegations of interference will have a direct impact not only on the credibility of the body responsible but also on the entire electoral process.

Second, Efficiency and Effectiveness. Efficiency and effectiveness are integral components of overall electoral credibility. Efficiency is important for electoral processes insofar as technical failures and problems can and do lead to chaos and failures of law and order. Efficiency and effectiveness depend on several factors, including the professionalism of the staff, resources, and most importantly adequate time to organize the election and train those responsible for its conduct.

Third, Professionalism. Elections should be managed by a specialized group of highly trained and committed experts who manage and facilitate the electoral process and who are permanent employees of the EMB.

Fourth, Impartial and Prompt Decisions. The legal framework should make provision for mechanisms to process, decide and address electoral complaints in a timely manner.

Fifth, Transparency. The overall credibility of an electoral process is substantially dependent on all concerned groups (including political parties, government, civil society and the media) being aware of and participating in the debates that characterize the formation of electoral structures and processes. A debate conducted within these groups should also be conducted in relation to the functioning of the EMB. In this regard, the value of ongoing deliberation, communication and cooperation among EMBs, political parties and civil society institutions cannot be overemphasized.³⁶

4. Masalah Mulrsalah

Maslahah mulrsalah in terms of language is a truth that can be used. From the view of Abu Zahrah in his book *Ushul Fiqh*, *Maslahah mursalah* has a general meaning or is absolute, while according to the term *ulama'* *ushul* is a benefit that in terms of *sharia'i* is not made law to be realized, and

³⁶ Istikharah Istikharah and Asrinaldi Asrinaldi, "Political Education for Communities as Ad Hoc Election Organizers," *NUSANTARA : Journal of Social Sciences* 6, no. 2 (2019): 314, <https://doi.org/10.31604/jips.v6i2.2019.314-328>.

there is no shara'i evidence that can indicate whether or not the benefit is considered.³⁷

Maslahah mursalah is a method for extracting laws by taking benefits or benefits and eliminating mudharat. *Maslahah Mursalah* can be used as a basis in determining the law if, first, the problem is essential on the basis of research, observation and through in-depth analysis and discussion, so that the determination of the law on the problem really provides benefits and avoids mudharat. Secondly, the problem is general, not individual, but beneficial to many people. Thirdly, the issue is not contrary to the texts and the interests of human life are fulfilled and difficulties are avoided.³⁸

The purpose of *maslahah mursalah* is as the best alternative for the development of *ijtihad* methods, where the Qur'an and Sunnah must be understood through *ijtihad* methods by emphasizing the *maslahah* dimension. In this case, the concept of *maslahah mursalah* provides information for new legal rules and allows *fiqh* scholars to elaborate on the context of problems that are not emphasized by the *nash shara'*. As Asmawi has pointed out, how much legal change can be achieved through the application of the concept of *maslahah* depends, in particular, on the pattern of *maslahah*-weighted legal reasoning applied by the scholars of jurisprudence.

The *ushul fiqh* experts put forward several parts of *Maslahah mursalah*, namely as follows :

³⁷ Abdul Wahah Khallaf, *Science of Ushul Fiqh* (Jakarta: PT. Rineka Cipta, 2005).

³⁸ M.A. Dr. J. Suyuthi Pulungan, *Fiqh Siyarah (Teachings, History, and Thought)*, 1st ed. (Jakarta: PT Raja Grafindo Persada, 1994).

a) It can be seen in terms of quality and how important the benefit is, the ushul fiqh experts divide it into three parts, namely :

a) Maintaining religion or Al-Din.

Al-din relates to the acts of worship performed by a Muslim woman, to defend the religion of Islam from heretical teachings, defending it from all attacks by believers in other religions.

b) Preserving the soul or al-Nafs

According to Islam, human life is something that is very valuable for others and for oneself.

c) Preserving the mind or al-'Aql

To distinguish humans from other creatures is the mind, so we are obliged to keep our minds healthy in order to protect other creatures. In Islam, we are obliged to seek knowledge to the ends of the earth at once and forbid us to damage our minds by doing things that are forbidden.

d) Maintaining offspring or al-Nasl

In Islam, preserving offspring by getting married legally is something that we need to do. Because basically, it is by getting married that we can have offspring and will have a good impact on mankind.

e) Maintaining property or al-Mal

Property is one of the valuable and very important things, so Islam forbids seeking wealth by means of evil. Because it will have a bad

impact on humans both in this world and in the hereafter. These five benefits are named al-Masalih al-Khamsah.

b. Maslahah Hajiyah, is something that is very necessary for humans to make it easier to live life and eliminate difficulties in maintaining the 5 elements above. However, even if this cannot be achieved, humans will experience difficulties such as the existence of relief in worship.

c. Maslahah Tahsiniyyah, is a way of maintaining the five elements above by achieving and establishing things that are feasible and appropriate from habits for a good life, and avoiding something that is seen otherwise by common sense. The necessity to prioritize the benefit of Dharuriyah over Hajiyah while the benefit of Hajiyah must be prioritized before the benefit of Tahsiniyyah is a priority of mankind in taking a benefit due to the purpose of each benefit of different levels. So that the benefit will be in accordance with its purpose if the benefit is carried out in accordance with its level.³⁹

2. If Maslahah is seen in terms of its reach, it is divided into three parts, namely as follows:

a. Al-Maslahah al-'Ammah or Maslahah is general. It is always related to all people. Like making laws that aims for the benefit of the country.

b. Al-Maslahah al-Ghalibah or majority. Which has to do with with most people, but not for everyone

³⁹ A. Syafi'I Karim, *Ushul Fiqh* (Bandung: Pustaka Seta, 2006).

c. Al-Maslahah al-Khassah or maslahah which is special or personal.

Has to do with certain people only.

3. Can be seen in terms of the existence of Maslahah according to Islamic law is divided into three parts, namely:

a. Maslahah Mu'tabarah, is a benefit that is fully supported by Shari'i.

by syar'i.

b. Maslahah Mulghah, is a benefit that is rejected by shara' because it is contrary to the provisions of shara'. This cannot be the legal basis of a benefit.

c. Maslahah mursalah, is a maslahah that is not explicitly recognized by shara' and not rejected by shara', but this maslahah is still in line with the general rules of law.⁴⁰

The conditions of Maslahah mursalah according to the scholars' which are commonly used as the basis for the formation of law are among others:

1. The benefit itself is in line or not with the will of shara' and it is included in the type of benefit that is supported by shara'i in text or in general.

2. A definite benefit, not just wishful thinking. So that the law determined through Maslahah mursalah can produce benefits and avoid harm.

3. The interests of many people, not just personal interests, so that individualized maslahat. Based on the point of view of Al-Ghazali, then

⁴⁰ Abd. Rahman Dahlan, *Ushul Fikih* (Jakarta: Amzah, 2011).

other conditions must be met, where *maslahat* must be in accordance with the theory of *Maqashid al-Syariat*.

4. The formation of laws that have the aim of benefit will not conflict with the basis that has been determined in the Qur'an, Hadith, and *ijma'*.

5. *Maslahah* which is essential and has been in accordance with the purpose of *shara'* in establishing a law and does not contradict the existing *shara'* arguments, both in the form of the Qur'an, Sunnah, and *ijma'* from the previous scholars'.

6. Applying the theory of *Maslahah mursalah* in necessary conditions, if there is a problem that cannot be resolved in this way, then humanity will be in difficulty and narrowness in life.

Looking at the *maslahah mursalah* method as the basis of Islamic law, it must have two important dimensions, namely the first side must be subject to and in accordance with what is contained in the *Nash* either textually or contextually. The second side must consider the human needs that always develop according to the times. In addition, *maslahah mursalah* as a method of Islamic law that has general access and unlimited interests, is also not bound. In other words, *maslahah mursalah* is an interest that can be decided freely, but still looks at the needs and benefits of many people.⁴¹

⁴¹ Mardhatilla & Abdul Kadir Khairina, "Efektivitas Peraturan Daerah Kota Malang Nomor 4 Tahun 2011 Terhadap Pengelolaan Ruang Terbuka Hijau Perspektif *Maslahah Mursalah*," *Al-Balad: Journal of Constitutional Law* 3, no. 2 (2021): 4.

As one of the supporters of Maslahah Mursalah, Abdul Wahhab Khallaf, mentions the conditions of mashlahah can be used as the basis of Islamic Law legislation, namely :⁴²

1. Something that is considered Maslahah must be Maslahah, which really brings benefits and rejects harm, not in the form of mere conjecture by only considering the existence of benefits without looking at the negative consequences that will be caused. This requirement is explained that something that is considered Maslahah is an essential one, meaning that Maslahah really brings benefits and rejects harm.
2. The second condition is that the benefit is general for many people, not the benefit for certain individuals or groups, this must be the same as the nash that Islam is rahmatan lil'alamiin.
3. The benefit must be in accordance with maqashid shari'ah and not contradict the text or qath'i arguments, which means that it must be in line with what is applied by shari'i, namely that it must protect the five aspects of faith, life, reason, offspring, and property.

⁴² Khallaf, *Ilmu Ushul Fiqih*.

CHAPTER III

RESEARCH METHODS

A. Type of Research

The approach used by the author in this research is empirical juridical, this approach is also commonly called legal sociology which means an approach by looking at something legal reality in society. The legal sociology approach is an approach used to look at legal aspects in social interactions in society, and serves as a support for identifying and clarifying the findings of non-legal materials for the purposes of legal research or writing.⁴³

This research examines the legal provisions of General Election Commission Regulation Number 8 of 2022 concerning Amendments to KPU Regulation Number 36 of 2018 concerning the Establishment and Work Procedures of Sub-district Election Committees, Voting Committees, and Voting Organizing Groups.

B. Research Location

The research location that researchers chose was located in Dau and Karangploso Subdistricts, Malang Regency, East Java. researcher took the location in these two sub-districts because the researcher felt that the Dau and Karangploso sub-districts consisted of urban areas such as Tegalgondo Village and Sumbersekar Village, and mountainous/highland areas such as Petungsewu Village, which from these geographical and

⁴³ Zainuddin Ali, *Legal Research Methods* (Jakarta: Sinar Grafika, 2011).

demographic conditions made the dynamics of elections diverse and interesting to study. The total number of polling stations in Karangploso Sub-district was 224, while in Dau Sub-district there were a total of 194 polling stations.

C. Research Approach

The approach taken by the author in this research uses a juridical sociological approach. The Juridical Sociological Approach is to identify and conceptualize law as a real and functional social institution in a real life system.⁴⁴ The author uses this approach because this research aims to obtain legal knowledge empirically by conducting direct research on the object, namely knowing the urgency of the neutrality of the Election *AdHoc* body based on the General Election Commission Regulation No.8 of 2022.

D. Data Source

The types of data used in this study are divided into two, namely primary and secondary data.

a. Primary Data

Primary data is data taken from primary data sources or first sources in the field. It can also be interpreted as information obtained directly from research activities, reflecting the truth in accordance with what is observed at the location or field. Data sources were obtained by interviewing the Head of the KPU of Malang Regency, the Head of PPK Karangploso Subdistrict, the Head of PPS Tegalondo Village Karangploso Subdistrict,

⁴⁴ Soerjono Soekanto, *Introduction to Legal Research* (Jakarta: University of Indonesia Publisher, 1985).

the Head of PPS Petungsewu Village Dau Subdistrict, and the Head of PPS Sumbersekar Village Dau Subdistrict.

b.Secondary Data

Secondary data sources are data obtained from books and other legal materials that are used as complementary data to primary data sources. Secondary data sources can also be obtained by conducting literature reviews such as scientific books and research results. Secondary data in this study includes laws and regulations such as:

1. General Election Commission Regulation No.8 of 2022 concerning Amendments to KPU Regulation Number 36 of 2018 concerning the Establishment and Work Procedures of Sub-district Election Committees, Voting Committees, and Voting Organizing Groups.
2. Law No. 7 of 2017 concerning General Elections
3. Regulation of the Honorary Board of Election Organizers of the Republic of Indonesia Number 2 of 2017 concerning the Code of Ethics and Code of Conduct for General Election Organizers.

E. Data Collection Technique

To collect relevant data needed during the research, the author used several methods in collecting data, namely by interviewing sources, observation, field documentation and also seeking information through books and on the internet through scientific journals in accordance with the research topic.

a. Interview

An interview is a process of interaction and communication. The outcome of the interview is determined by several factors that interact and influence the flow of information. These factors are: the interviewer, the respondent, the research topic contained in the list of questions, and the interview situation.⁴⁵ The informants of this research are as follows:

NO	NAME	JOB
1.	Anis , S.T.	Malang
2.	Amrozi Hamidi	PPK Karangploso
3.	Bakhtiar Rulsydi	PPS Karangploso Sub-district
4.	Sari	PPS .Sub-district
5.	Hanifah Tita	PPS Dau Sub-district

b. Observation

Observation or better known as a field survey is carried out with the aim of testing hypotheses by studying and understanding the legal behavior of the community that can be observed with the eyes. In this observation, social data or facts will be obtained from detailing activities, behaviors, actions of people, as well as the overall possibility of interpersonal interactions and structuring processes that are part of observable human legal behavior, in this way enabling the author to examine everything in depth and detail.

⁴⁵ Sofian Masri, *Survey Research Methods* (Jakarta: LP3ES, 1989).

The aim is to obtain a large amount of detailed information about a small number of people and cases. This will increase understanding of the cases and situations while reducing generalizations.⁴⁶

The information materials obtained in this research were carried out by systematically observing and recording the phenomena that occurred in the 2024 general election, especially regarding the neutrality of *AdHoc* body members in the Dau and Karangploso Districts.

c. Documentation

Documentation studies are conducted by examining documents in the form of research results, relevant laws and regulations and literature studies, all of which are secondary data. The secondary data is related to an in-depth study of the recording of legal events.⁴⁷

F. Data Processing Method

Data analysis or data processing methods in this study use qualitative data processing methods, which this method will explain certain situations carefully and the actual data in the field without any recreation through sentences that are easy to understand.⁴⁸ The analysis used in this research is qualitative analysis, namely analyzing by describing and describing the subject and object of research in accordance with the research carried out

⁴⁶ Bahder Johan Nasution, *Legal Science Research Methods* (Bandung: Mandar Maju, 2008).

⁴⁷ Saifullah, *Typology of Legal Research* (Bandung: PT Refika Aditama, .

⁴⁸ Sharia, "Guidelines for Writing Scientific Works of the Faculty of Sharia UIN Maulana Malik Ibrahim Malang."

with the results of data from informants in the form of written, oral and concrete behavior.⁴⁹

More easily in this study will provide a description and exposure of the subject and object of research in accordance with the research that has been carried out with the results of data from informants in the form of written, oral, and concrete real behavior regarding the Urgency of Neutrality of Election *AdHoc* Board Members Based on General Election Commission Regulation No.8 of 2022 Article 63 Perspective *Maslahah mursalah*. so that it takes action among others:

1. Examination. Carry out an examination of the data obtained, especially for completeness, clarity, significance, relevance and relevance to other data. In this case, the author examines primary and secondary data in order to explore the initial description of solving the problem being studied. In this technique, the researcher will verify the completeness and accuracy of the data obtained from the respondents, namely the Chairman of the Malang Regency KPU, the Chairman of the Dau District PPK, and the Chairman of the Karangploso District PPK.
2. Clarification. After editing the existing data, so then is to classify the data into several groups to facilitate discussion. That is according to the formulation of the problem so that the data needed is appropriate to fulfill what is needed in the formulation of the problem.

⁴⁹ Mukti Fajar and Yulianto Achmad, *Dualism of Normative and Empirical Legal Research* (Yogyakarta: Student Library, 2010).

3. Verification. Then, the step carried out by the author is to carry out careful re-verification of existing data. Thus, ambiguity in the research will be avoided. At this stage the author will review data from trusted sources so that the validity of the data obtained can be accounted for.
4. Analysis. That is the stage of analyzing the relationship between the data obtained, the step of linking the data obtained with the object of the problem being studied. Researchers use descriptive analysis methods, where the author explains the results of his interviews. Data analysis that has passed through the stages above is then arranged in an organized manner so that it can be easily understood. Bibliographic data from interviews and other data collected, then the author compiles the data, describes the data, and systematizes the data collected to be reviewed and then analyzed according to categories to draw conclusions.
5. Conclusion. The last step in the data collection process is closing, namely the author concludes the research results. The author will draw conclusions using the literature that has been collected and compiled to facilitate the development of research and conclusions are also intended to respond to the background that has been presented.

CHAPTER IV

RESEARCH RESULTS AND DISCUSSION

A. Dau and Karangploso sub-district profiles

This research was conducted in Dau and Karangploso Subdistricts, Malang Regency, East Java, Indonesia. Researchers chose these locations as research locations because the two locations tend to be identical. The two locations have several similarities, namely that there are several areas that are urbanized because they are located adjacent to the Malang City area, another similarity is that there are also areas located in the highlands where the profile of the area is very far from urban areas and not too urbanized. From the exposure of the location similarities, the researcher feels that the dynamics of the elections that occur will experience similarities and can be used as a comparison of which sub-districts can appropriately handle the problems encountered in the implementation of the 2024 elections so that they can be used as evaluation material for the next election. For this reason, in describing the research location so that it is clear, the researcher further describes the profile of the two locations as follows:

1. Karangploso sub-district

Karangploso Sub-district is one of 33 sub-districts in Malang Regency. Karangploso Sub-district is located in the north of Malang Regency, between the provincial road connecting Batu City and Surabaya City. Karangploso Sub-district is divided into 9 villages, namely

Kepuharjo, Ngijo, Bocek, Ngenep, Girimoyo, Ampeldento, Donowarih, Tawangargo and Tegalgondo. The administrative boundary of Karangploso Sub-district is bordered to the north by Singosari Sub-district, to the east by Singosari Sub-district / Malang City, to the west by Bumiaji Sub-district, Batu City, while to the south by Dau / Junrejo Sub-district, Batu City.

Based on information from the Karangploso.Malangkab.go.id website, Karangploso District has an area of 5,987. 898 Ha with a population of 55,987 million people. Most of it is dominated by rice fields of 1,393,900 ha. Plantation/tegal 1,885,380 ha, forest 1,516,000 ha, settlement 885. 414 ha and others 166,199 ha. So it is not surprising that most of the people depend on their livelihoods as farmers and plantations. However, along with the development of factories in Karangploso Subdistrict, the livelihood of farmers has shifted to factory laborers. This is considered because the income obtained is routine every month while for farm work must wait for the results of the harvest.

The emergence of factories invited migrants to work in Karangploso Sub-district and Karangploso Sub-district became a shortcut for residents outside Malang city to vacation in Batu City, so that the Karangploso sub-district area became a supporter of village characteristics into a peri urban area. Experiencing a transition of change from rural to urban communities because many investors are carrying out development

in Karangploso Sub-district in the form of both housing and industry with the emergence of factories in the vicinity.

2. Dau Subdistrict

Dau Sub-district is one of 33 sub-districts in Malang Regency located in the west + 30 km from the capital of Malang Regency in Kepanjen, located at 112.3311 East Longitude to 112.3563 East Longitude and 7.5775 South Latitude to 7.5494 South Latitude. Geographically, the Dau Sub-district is located at an altitude between 600 - 2,100 above sea level with an average rainfall of 1,297 to 1,925 mm/year. The boundaries of the Dau Sub-district are the northern part bordering Karangpoloso Sub-district, the eastern part bordering Malang City, the southern part bordering Wagir Sub-district / Kawi Mountains, and the western part bordering Batu City. The total area of Dau sub-district is 5,602.671 hectares.

Administratively, Dau Sub-district consists of 10 villages, namely Sumbersekar, Mulyoagung, Landungsari, Kalisongo, Karangwidoro, Tegalweru, Gadingkulon, Selorejo, Petungsewu, and Kucur.

The population of Dau Subdistrict until December 2017 was 66,205 people, consisting of a male population of 32,754 people and a female population of 33,451 people with a total of 22 families.³⁶¹ The livelihood of the population is mostly in agriculture, while other livelihood sectors of the population are industry, trade, transportation services, and others, with the distribution of population livelihoods namely agriculture

13,316 people, civil servants / military / police 4,361 people, traders 3,385 people, building services (construction) 2,932 people, transportation services 1,500 people, other services 1,916 people, industrial workers 1,276 people and others 2,029 people.

As stated earlier, most of the livelihoods of the population in the Dau Sub-district area are in the agricultural sector. The choice of this sector is very logical, because with a large expanse of land, fertile and partly located on the slopes of the mountains, it is very suitable for the development of agriculture, both food agriculture, plantations and horticulture (fruits and vegetables). In addition, the Dau Sub-district area has tourism potential that is ready to be developed, both historical tourism (Badut Temple) and natural tourism (*Out Bond* facilities, agribusiness, baths, and waterfalls). Also, Kecamatan Dau is a potential area for the development of industry, trade and housing.

B. Urgency of Neutrality of Election *Adhoc* Board Members in Organizing the 2024 Elections in PKPU No. 8 of 2022 in Dau and Karangploso Districts, Malang Regency

The implementation of the 2024 General Election is a national simultaneous election in Indonesia's electoral history for the second time that legislative elections, namely candidates for DPR, DPD, Provincial DPRD and Regency / City DPRD are held on the same day as the general election of the President and Vice President, namely on February 14, 2024, which was the first time simultaneous elections were held in 2019. To

support the process of voting and counting, an *AdHoc* election body was formed consisting of members and secretariat of the District Election Committee (PPK), members and secretariat of the Voting Committee (PPS), Voting Organizer Group (KPPS), Overseas Election Committee (PPLN), Overseas Voting Organizing Group (KPPSLN), Voter Data Updating Committee/Voter Data Updating Officer (PPDP/Pantarlih), Overseas Voter Data Updating Committee (PPDP/Pantarlih LN), and Polling Place Order Officer.

These *AdHoc* bodies will be the spearhead of the election where they will directly interact with voters. Because their position is very important to the course of the election, it is necessary to have the awareness and determination of these election organizers to maintain their neutrality.

The establishment of the election *AdHoc* body has been regulated in the General Election Commission Regulation Number 8 of 2022 concerning the Establishment and Work Procedures of the *AdHoc Body for Organizing General Elections and Elections of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors*. The requirements to become an *AdHoc* body have been regulated in article 35 paragraph 1 which reads: The requirements to become a member of PPK, PPS, and KPPS include:

- a. Indonesian citizen;
- b. be at least 17 (seventeen) years old;

- c. be loyal to Pancasila as the foundation of the State, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, Bhinneka Tunggal Ika and the ideals of the Proclamation of August 17, 1945;
- d. have integrity, a strong personality, honesty and fairness;
- e. not be a member of a political party as stated in a valid statement letter or at least within 5 (five) years no longer a member of a political party as evidenced by a certificate from the management of the political party concerned;
- f. domiciled in the working area of PPK, PPS, and KPPS;
- g. physically and mentally capable and free from narcotics abuse;
- h. have at least a high school education or its equivalent; and
- i. has never been imprisoned based on a court decision that has obtained permanent legal force for committing a criminal offense that is punishable with 5 (five) years or more imprisonment.

The requirements listed in letter e are "not a member of a political party as stated in a valid statement letter or at least within 5 (five) years no longer a member of a political party as evidenced by a certificate from the relevant political party management". Then it is reaffirmed in articles 63 and 74 of PKPU No. 8 of 2022 which explains that the Secretariat of PPK and PPS must be independent and impartial. The following are the results of research related to the Urgency of Neutrality of members of the Election *AdHoc* body according to the head of the Malang Regency KPU, the Head of the Karangploso District PPK, the Head of the Tegalgondo Village PPS, the Head of the Sumbersekar Village PPS, and the Head of the Petungsewu Village PPS which researchers obtained from data in the form of documentation, interviews, and other documents:

1. Findings of applicants for *AdHoc* body members who are still members of political parties:

a. Chairman of KPU Malang Regency

The findings related to prospective registrants for *AdHoc* body members who are still members of political parties according to Mrs. Anis Suhartini as the chairperson of the Malang Regency KPU from the results of the researcher's interview are as follows: ⁵⁰

"For findings, there must be, because we are opening general registration so that anyone can register. Basically, members of the AdHoc body cannot be members of any party, hence the need for strict selection. So the findings related to the prospective members of the AdHoc body are true, but they have been automatically eliminated during the selection process."

From the results of these interviews, it can be concluded that there are still candidates for *Ad Hoc Committee members* who are members of election parties. If such findings are not filtered properly, it is feared that it will interfere with the continuity of a fair election. However, these findings have been followed up well, especially within the scope of the Malang Regency KPU area.

b. Chairman of PPK Karangploso District

Findings related to prospective applicants for members of the *AdHoc* body who are still members of political parties according to Mr.

⁵⁰ Anis Suhartini, Chairperson of Malang Regency KPU, Interview, (Malang, April 25, 2024).

Amrozi Hamidi as chairman of the Karangploso District PPK from the results of the researcher's interview are as follows:⁵¹

"As far as we have experienced, thank God, it is safe, safe in the sense that none of us have missed it. However, at the time of PPS registration, there was a prospective member who we already knew that he was active as a political party administrator, so our step was to immediately eliminate him from the registration. Of the total need for 27 PPS, around 54 people registered, so we had to eliminate them. For KPPS we need 1568 people from a total of 224 polling stations."

From the explanation explained by Mr. Amrozi, it can be concluded that in the Karangploso District PPK area there are findings of prospective members of the *AdHoc* body who are still active in one of the political parties. The follow-up of the Karangploso District PPK is to immediately eliminate the applicant from the registration process.

c. Chairman of PPS Tegalondo Village, Karangploso Subdistrict

Findings related to prospective applicants for *AdHoc* body members who are still members of political parties according to Mr. Muhaammad Bakhtiar Ibnu Rusydi as chairman of the Tegalondo Village PPS, Karangploso District from the results of the researcher's interview are as follows:⁵²

"In Tegalondo itself, there were no such findings. We need 133 kpps and 148 people registered. We were forced to eliminate some people, but from these registrations there was no one whose name was listed in any political party."

⁵¹ Amrozi Hamidii Chairman of PPK Karangploso Subdistrict, Interview (Malang, April 24, 2024).

⁵² Muhaammad Bakhtiar Ibnu Rusydi, chairman of Tegalondo Village PPS, Interview (Malang, April 22, 2024).

From the explanation explained by Mr. Muhaammad Bakhtiar Ibnu Rusydi, it can be concluded that of the many residents who participated in the registration process, there were no cases of prospective applicants whose names were still members of political parties.

d. Chairman of PPS Sumbersekar Village, Dau Sub-district

The findings related to prospective applicants for *AdHoc* body members who are still members of political parties according to Sister Hanifah Tita as the head of the PPS of Sumbersekar Village, Dau Sub-district from the results of the researcher's interview are as follows:⁵³

"In our village, it tends to be difficult to find KPPS registrants because many are traumatized from the previous elections where many died due to fatigue, so we did not eliminate anyone at the time of registration. Well yesterday it was found that there were four names that when we checked in SIPOL it turned out that their names were entered there, when you crosschecked with the person directly he did not feel that he was joining any party. We think there is a data error or there are unscrupulous people who use other people's KTPs for political parties. In response to these findings, we immediately directed the person concerned to make a statement letter and we included them in the KPPS formation."

From the explanation of the head of the Sumbersekar Village PPS above, the author can conclude that the enthusiasm of KPPS registrants is relatively less so that the Sumbersekar Village PPS takes a pick-up step to fill the needs of KPPS seats. Then there are 4 findings of names that are members of election parties. In response to this, the

⁵³ Hanifah Tita, chairperson of PPS Sumbersekar Village, Interview (Malang, April 25, 2024).

Sumbersekar Village PPS immediately clarified the person concerned and continued by making a statement letter from the person concerned that he did not join any political party. Another problem was also found in the Sumbersekar Village PPS area, namely the difficulty of finding KPPS candidates because many residents were traumatized by the many incidents of KPPS who died or became ill in the 2019 elections.

e. Chairman of PPS of Petungsewu Village, Dau Sub-district

The findings related to prospective applicants for *AdHoc* body members who are still members of political parties according to Mr. Ageng Anggung Sari as the chairman of the Petungsewu Village PPS, Dau District from the results of the researcher's interview are as follows:⁵⁴

"In Petungsewu village, it may be a bit different than other villages, because here it is rather difficult to find KPPS. Most residents here are less interested in registering because of what happened in the 2019 elections. So from us, the PPS mostly does not wait for registrants, but makes direct invitations to residents who we consider competent to become KPPS. Of course, we do not forget about the requirements to become KPPS members, we still crosscheck everything related to their identity and background. So for the findings of prospective registrants who are still joining political parties, I don't think there are any."

From Mr. Ageng's explanation above, there is still a shortage of KPPS registrants due to unpleasant events in the 2019 elections, as a result the Petungsewu Village PPS also picked up the ball as happened

⁵⁴ Ageng Anggung Sari, chairman of PPS Petungsewu Village, Interview (Malang, April 26, 2024.).

in Sumbersekar Village. However, for the findings of KPPS who are still members of political parties, according to him, there are none, this is because the Petungsewu Village PPS itself directly appoints residents to become KPPS members in Petungsewu Village.

After listening to the explanations of the five informants above, the author can conclude that, especially in the Karangploso and Dau sub-districts, there were findings of candidates whose names were still members of election parties. The follow-up to this finding was to immediately eliminate the applicants.

Based on the findings of the incident of political party members who wanted to register as election organizers above, if it is related to the concept of neutrality put forward by Antlov and Cederroth, it is clearly very contrary, the purpose of bureaucratic neutrality is to avoid bureaucratic actions that take sides with one political party so that it can produce a corrupt, inefficient, unprofessional and even immoral bureaucracy, so that it is feared that it can harm the neutrality of election organizers. Then the concept is reaffirmed in PKPU No. 8 of 2022 articles 63 and 74 which explain that the Secretariat of PPK and PPS must be independent and impartial.

2. Preventive Measures to Prevent the Passage of Candidates Who Are Still Joining Political Parties

Researchers also asked the five informants above about what steps were taken in the registration process to prevent members of political

parties who wanted to register as election *AdHoc* bodies from passing. The following are the answers from the five informants that researchers have interviewed:

a. Chairman of KPU Malang Regency

The preventive steps applied in preparing for the 2024 elections according to Mrs. Anis Suhartini as the Chairperson of the Malang Regency KPU, which the researchers compiled from the results of the interview are as follows:⁵⁵

"For preventive steps, there may be two ways. The first way is by using a system called SIPOL or political party information system, everyone can access it by typing our NIK. However, there are indeed several cases that people who do not join any political party but without realizing their names are in the SIPOL database, usually this happens because there may be candidates or parties that need the help of citizen ID cards for the registration process for participation in the election so that without realizing their names automatically participate as participants in the political party. Actually, this can be clarified directly to the KPU and we will crosscheck directly to the party concerned. Then the second way is through community participation, usually there are direct reports from citizens related to the participation of members of this AdHoc body from political parties."

b. Chairman of PPK Karangploso District

The preventive steps applied in preparation for the 2024 elections according to Mr. Amrozi Hamidi as the Head of the Karangploso

⁵⁵ Malang, Interview.

District PPK, which researchers compiled from the results of the interview are as follows:⁵⁶

"So indeed, the benchmark for the neutrality of the members of this AdHoc body can be checked first regarding their participation in political parties. We can directly check this in a system called the political party system or SIPOL, if his name appears in SIPOL, it means that there is an indication that he is likely to carry the interests of his party. However, when the candidate for the Ad Hoc body fills out a statement that he is not a member of any political party, so when there is a difference like this, we must confront him. Because sometimes there is a possibility that his name is included, not as a board but maybe as a participant, or he could be a witness in the election. We also cooperate with Bawaslu, so when the supervision of the election takes place and Bawaslu finds indications of non-neutrality of the election organizers, it will be reported directly to us so that it can be followed up."

c. Chairman of Tegalgondo Village PPS

Preventive measures applied in preparation for the 2024 elections according to Mr. Muhaammad Bakhtiar Ibnu Rusydi as Chairman of the Tegalgondo Village PPS, which the researchers collected from the results of the interview are as follows:⁵⁷

"So we immediately check each registrant's NIK in a system called SIPOL. So from that system we can check whether the NIK is a member of a political party. From there we can check the independence of the registrant himself. Then another step can also be from the name of community response, so if the community knows that this "A" is a member of a political party then we must immediately take action regarding that matter".

d. Chairman of PPS Petungsewu Village

⁵⁶ Karangploso, Interview.

⁵⁷ Muhaammad Bakhtiar Ibnu Rusydi, chairman of Tegalgondo Village PPS, Interview.

The preventive measures applied in preparation for the 2024 elections according to Mr. Ageng Anggung Sari as the Chairperson of the Petungsewu Village PPS, which researchers compiled from the results of interviews, are as follows:⁵⁸

"For clear steps, we can check their NIK through SIPOL mas, later we will find out whether they have joined a political party or not. If someone turns out to have joined a political party, we will find a replacement. Because in Petungsewu, as I have said, we mostly directly pick up the ball system so that there are those who register to join the KPPS, we have also selected people who do not join any political party."

e. Chairman of PPS Sumbersekar Village

The preventive measures applied in preparation for the 2024 elections according to Sister Hanifah Tita as the Chairperson of the Sumbersekar Village PPS, which researchers collected from the results of the interview are as follows:⁵⁹

"For that, you can check it in SIPOL. In addition, we also direct prospective members to fill out a stamped statement stating that they do not follow any political party."

The answers from the five informants simultaneously answered that the NIK or Population Identification Number was checked first through the KPU's system called SIPOL or short for Political Party Information System. In this system, after we enter someone's NIK, we can immediately find out whether the person concerned is a member of a

⁵⁸ Petungsewu, Interview.

⁵⁹ Sumbersekar, Interview.

political party or not. This system is public and can be accessed by anyone, not only internal KPU.

Regarding preventive measures using SIPOL to check the participation of candidates for *AdHoc* body members, there is a problem, namely the findings of several residents who do not join any political party but their NIK is included in the database in SIPOL. According to Mrs. Anis Suhartini as the Chairperson of the Malang Regency KPU, if the person concerned wants to be followed up, they can submit a rebuttal by visiting the City / Regency KPU office according to their domicile, where clarification will be made regarding the clarity of the report.

Another step applied in the preparation of the formation of the *AdHoc* body for the 2024 elections yesterday was to involve the community or what is called community participation. The way this community participation works is that citizens can report or inform the authorized *AdHoc* body secretariat office if there are members of the *AdHoc body* who are still members of political parties. If the report has been made, clarification will be made to the person concerned for the truth of the report. If the report is proven to be true, the *AdHoc body* member will be given a direct sanction, namely dismissal, and will then be replaced by another citizen.

Based on these preventive measures, it is appropriate to prevent members of election organizers from avoiding personal or group interests as explained in articles 63 and 74 of PKPU No. 8 of 2022

which explain that the Secretariat of PPK and PPS must be independent and impartial.

3. The Urgency of Neutrality of Election *AdHoc* Board Members

The neutrality of election organizers is very important in creating clean and honest elections. Because if someone injures the honesty of the election, it will create a conflict of interest which can damage the democratic process in our country.

To strengthen this statement, the author feels the need to conduct direct interviews with elements who were indeed organizers in the 2024 elections yesterday. In this regard, the following are the results of interviews with the five informants from the author regarding responses to the Urgency of Neutrality of Election *AdHoc* Board Members:

a. Chairman of KPU Malang Regency

The following is a response from Ms. Anis regarding the Urgency of Neutrality of Election *AdHoc* Board Members:⁶⁰

"Very important. We from the KPU strongly emphasize the importance of neutrality and integrity of the election implementers. If there is impartiality in the election organizers, it is feared that they will bring group or party interests. Related to this, it has been regulated in the code of ethics of election organizers."

Based on the explanation from Mrs. Anis above, it can be concluded that the KPU of Malang Regency emphasizes the importance of maintaining the neutrality and integrity of the election

⁶⁰ Malang, Interview.

organizers under the auspices of the KPU of Malang Regency. He also emphasized to election organizers to always maintain the code of ethics that has been agreed upon.

b. Chairman of PPK Karangploso District

The following is a response from Mr. Amrozi regarding the urgency of the neutrality of members of the *AdHoc* Election Body:⁶¹

"It is very important, because one vote is very valuable for the contestants. Because if we draw the line, the vote in the election was also useful for the interests of the nation and state. On the other hand, in addition to the AdHoc body having to maintain neutrality, they must also participate as voters in the election, which may create vulnerability to impartiality as well. When talking yesterday with a fellow PPK, there was a thought that what if the AdHoc body did not need to have the right to vote at all? Maybe that can be a small step to prevent impartiality in elections, but that's not really what should be the focus of the problem. So I think neutrality is very important and it must indeed be inherent and become a soul grip in the election organizer itself, therefore there is such a thing as a code of ethics for election organizers, so that in addition to members of the AdHoc body not losing their votes but it needs to be emphasized so that they do not exploit their choices so that they do not reveal their choices to others."

From the results of the interview above, it can be concluded that according to Mr. Amrozi as the head of the Karangploso District PPK regarding the urgency of the neutrality of members of the Election *AdHoc* body is very important for the course of the election process. Neutrality should be a soul grip in election organizers by not revealing their choices to others. He also explained that just one

⁶¹ Karangploso, Interview.

vote is very valuable for contestants. Because if the line is drawn, the vote in the election is also beneficial for the interests of the nation and state.

c. Chairman of Tegalgondo Village PPS

The following is a response from Mr. Ibnu regarding the urgency of neutrality of members of the *AdHoc* Election Board:⁶²

"Very important, because we are like fish in an aquarium, so all eyes are looking at us. The public must really see how the performance of election organizers like us, so we must be truly neutral because the public directly assesses what our performance is like"

From the results of the interview above, it can be concluded that according to Mr. Ibnu as the chairman of the Tegalgondo Village PPS related to the urgency of neutrality of *AdHoc* Election body members is very important because all the eyes of the community see and assess our performance.

d. Chairman of PPS Petungsewu Village

The following is a response from Mr. Ageng regarding the urgency of neutrality of *AdHoc* election body members:⁶³

"Yes, it is very important. We are the ones who will be directly dealing with the voters, if we are not based on the spirit of maintaining election order, there will definitely be a conflict of interest. All behaviors and tasks and functions of the KPPS have been regulated in the code of ethics for election organizers, so I think it is very clear"

⁶² Muhaammad Bakhtiar Ibnu Rusydi, chairman of Tegalgondo Village PPS, Interview.

⁶³ Petungsewu, Interview.

From the results of the interview above, it can be concluded that according to Mr. Ageng as the head of the Petungsewu Village PPS regarding the urgency of neutrality of members of the Election *AdHoc* body is very important because if the soul of the election organizers is not based on the spirit of maintaining election order, there will definitely be a conflict of interest.

e. Chairman of PPS Sumbersekar Village

The following is a response from Sister Hanifah regarding the urgency of neutrality of *AdHoc* Election body members:⁶⁴

"I think it's important. The name of the election organizer, if for example it is not neutral, the election will definitely be disorderly. All election organizers must uphold the code of ethics of election organizers that have been upheld together."

From the results of the interview above, it can be concluded that according to Sister Hanifah Tita as the head of the Sumbersekar Village PPS regarding the urgency of neutrality of members of the Election *AdHoc* body is very important because if the election organizers are not neutral, the election will not be orderly. He also emphasized to always uphold the code of ethics of election organizers.

After listening to the explanation of the five informants regarding how the urgency of neutrality of *AdHoc* body members

⁶⁴ Sumbersekar, Interview.

can be concluded that the neutrality of election organizers is very important and this has been stipulated in the Election Organizer Code of Ethics which has been agreed upon when reading the oath of appointment of AdHoc body members. This is in line with the concept of neutrality put forward by Woodrow Wilson in 1887 which states that administration must be separated from politics and policy issues. For Wilson, the administrative field in the bureaucracy must be separated from political issues even though politics often implements administrative tasks. If political issues are associated with the process of organizing elections, it will lead to conflicts of interest that will have an impact on the course of the general election itself.

4. Legal Consequences of Non-neutral *AdHoc* Board Members

When referring to Law No. 7/2017 on General Elections, Article 19 Letter e explains that if there is a violation of the election organizers, the City/Regency KPU has the authority to impose administrative sanctions and/or temporarily suspend PPK members and PPS members who are proven to have committed actions that result in disruption of the stages of election implementation based on the decision of the provincial Bawaslu, the decision of the Regency/City Bawaslu, and/or the provisions of laws and regulations.⁶⁵

⁶⁵ Supplement to the State Gazette of the Republic of Indonesia Number 6109.

Related to the above, the researcher also asked the Chairperson of the Malang Regency KPU about sanctions against election organizers who are not neutral. The following are the results of the interview with Mrs. Anis Suhartini as the Chairperson of the Malang Regency KPU:⁶⁶

"Related to that there are stages, the first is supervision. There are 2 kinds of supervision of AdHoc bodies, the first is supervision from Bawaslu / KPU and the second is supervision from external parties. From the results of the supervision, if there are indications or reports related to election violations, it is continued by making recommendations to the KPU. Furthermore, the incoming report will be clarified first whether the person concerned has indeed committed an election offense. When the examination is complete, a conclusion can be drawn whether it is a violation of the code of ethics or a criminal election offense. If the violation of the code of ethics, the sanction is dismissal, if the violation is an election crime then the follow-up can be continued in court, related to this all has been explained in Law no. 7 of 2017 concerning Elections."

Based on the results of the interview above, it can be concluded that if there are findings of election organizers who are not neutral, they will be processed through two stages, the first of which is supervision. There are two kinds of supervision of *AdHoc* bodies, the first is supervision from Bawaslu / KPU and the second is supervision from external parties. From the results of the supervision, if there are indications related to election violations, it is continued by making recommendations to the KPU, then the incoming report will be clarified first whether it is included in the election violation. When the

⁶⁶ Malang, Interview

examination process has been completed, a decision can be made whether the report is a violation of the code of ethics or a criminal election offense. If the report is classified as a violation of the code of ethics then the sanction that will be given is dismissal, if the violation is an election crime then the follow-up can be forwarded to the court.

Then to find out more about the definition and resolution process of violations of the code of ethics of election organizers, we can find it in Law No.7 of 2017 concerning general elections.

The definition of the Election Organizer's Code of Ethics has been explained in Article 1 of the Regulation of the Honorary Board of Election Organizers of the Republic of Indonesia Number 2 of 2017 concerning the Code of Ethics and Code of Conduct for Election Organizers which explains that the Election Organizer's Code of Ethics is a unity of moral, ethical, and philosophical principles that guide the behavior of Election Organizers in the form of obligations or prohibitions, actions and / or speech that should or should not be done by Election Organizers.⁶⁷ The code of ethics for election organizers is prepared as a norm in order to become a moral, ethical, and philosophical basis for election organizers so that every act of election organizers as an obligation, prohibition, appropriateness in action and speech is guided by the basis of the code of ethics for election organizers. The establishment of a code of ethics for election organizers is present in order to create

⁶⁷ Article 1 of the Regulation of the Honorary Board of Election Organizers of the Republic of Indonesia Number 2 of 2017 concerning the Code of Ethics and Code of Conduct for General Election Organizers.

independence, maintain integrity, and honor of election organizers based on the moral principles of election organizers.⁶⁸

Then in Article 5 of the Regulation of the Honorary Board of Election Organizers of the Republic of Indonesia Number 2 of 2017 concerning the Code of Ethics and Code of Conduct for General Election Organizers, it is further explained that the Code of Ethics for Election Organizers must be based on:⁶⁹

- a. Pancasila and the 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People's Consultative Assembly of the Republic of Indonesia Number VI/MPR/2001 on the Ethics of National Life;
- c. the oath/pledge of the Member as an Election Organizer;
- d. election principles; and
- e. the principle of the Election Organizer.

Meanwhile, the definition of a violation of the election organizer's code of ethics is explained in article 456 of Law No.7 of 2017 concerning Elections. The article explains that violation of the Election Organizer's code of ethics is a violation of the ethics of the Election Organizer based on an oath and / or promise before carrying out duties as an Election Organizer.⁷⁰

Regarding the resolution of violations of the election organizer's code of ethics, it has been explained in article 457 of Law No.7/2017 on Elections that the authority to resolve violations of the election organizer's code of ethics is DKPP or the Honorary Board of Election

⁶⁸ Irham Bashori Hasba Firda Arifatuzzahrah, "The Election of the President and Vice President Based on the Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections," *Journal of Usm Law Review* 3, no. 1 (2020): 112, <https://doi.org/10.26623/julr.v3i1.2284>.

⁶⁹ BState Gazette of the Republic of Indonesia Year 2017 Number 1338,.

⁷⁰ Supplement to the State Gazette of the Republic of Indonesia Number 6109,.

Organizers. Then in article 458 paragraph 12 of Law No.7/2017 concerning Elections, it is explained that the sanctions for violations of the election organizer's code of ethics can be in the form of a written warning, temporary dismissal, or permanent dismissal for the Election Organizer and the decision is final and binding.

C. Neutrality of Election *AdHoc* Board Members from the Perspective of *Maslahah Mursalah*

When discussing the Neutrality of members of the Election *AdHoc* body, Islam has also mandated that in order to avoid harm in this world and in the hereafter, Islam requires humans to maintain benefits for the public interest, not for personal interests. This has been explained in the rules of fiqh:

المصلحة العامة مُقَدَّمةٌ عَلَى المصلحةِ الخاصَّةِ

"The public good takes precedence over the individual good"

Maslahah mursalah is a benefit that not only has no basis in evidence but also has no nullification. If an event occurs in which there is no Shari'a provision and no *illat* that comes out of Shara' which determines the clarity of the Law of the event, then something is found that is in accordance with the Shari'a Law, namely a provision that aims to prevent harm or to reveal benefits, then the event is called *Maslahah mursalah*.⁷¹

The urgency of neutrality of members of the 2024 Election *AdHoc* body is categorized as *Maslahah mursalah* from the perspective of Abdul

⁷¹ Khallaf, *Science of Ushul Fiqh*.

Wahhab Khallaf, requiring conditions that must be met in the application of *Maslahah mursalah*, namely⁷² :

The first requirement, something that is considered Maslahah must actually bring benefits and reject harm. not in the form of mere conjecture by only considering the existence of benefits, without looking at the negative consequences that will be caused. This requirement is explained that something that is considered Maslahah is an essential one, meaning that Maslahah really brings benefits and rejects harm.

The second condition is that the benefit is general for many people, not the benefit for certain individuals or groups, this must be the same as the text that Islam is rahmatan lil'alamiin.

The third requirement, the benefit must be in accordance with maqashid shari'ah. and does not conflict with the nash or qath'i arguments, which means that it must be in line with what is applied by shari'i, which must protect the five aspects of faith, life, reason, offspring, and property.

Based on the terms proposed by Wahab Khallaf above, we can conclude that *Maslahah mursalah* is a method of istinbath (legal withdrawal) that prioritizes the public good (Maslahah al-'ammah). This concept emphasizes the importance of considering the interests and public good in making legal decisions. In this case, the public good refers to the interests and benefits of society as a whole.

⁷² Khallaf.

The neutrality of members of the 2024 Election *AdHoc* body can be said to be *Maslahah mursalah* if it is in accordance with the three conditions described above, as for the following analysis:

- a. Something that is considered *Maslahah* must really bring benefits and reject misfortune. The neutrality of the members of the Election *AdHoc* body is basically very important because elections are one form of implementing democracy that carries the interests of many people and is beneficial for the progress of the nation and state. If the election organizers do not have the spirit of independence in themselves, it will bring a lot of *mudharat* such as fraud and conflict of interest, which is certainly very dangerous for the future of the nation, in order to prevent this from happening, the neutrality of the election organizers is very necessary.
- b. The general benefit for many people, not the benefit for certain individuals or groups, this must be the same as the *nash* that Islam is *rahmatan lil'alamiin*. In this regard, by applying a neutral / independent attitude from the election organizers, it will maintain the common interests that exist in the elections. The common interest in question is the spirit of fighting for the progress of the nation for a more advanced Indonesian state without prioritizing the interests of certain individuals / groups.
- c. The benefit must be in accordance with *maqashid shari'ah* and not contradict the *nash* or *qath'i* arguments. Neutrality in elections is

basically keeping personal / group interests away for the sake of the public interest or many people, it has a positive purpose to keep the elections from being used by certain groups to achieve a goal, so it is impossible when the benefits provided are contrary to the Al-Quran and Hadith.

In accordance with the concept above, the neutrality of members of the *AdHoc* Election 2024 body can be justified in Islamic Law even though there is no evidence that explains this, the determination of this law refers to *Maslahah mursalah* where this policy has fulfilled the conditions proposed by Abdul Wahab Khallaf, namely for the public interest, not contrary to Nash (Al-Qur'an and Hadith) and this policy is needed today so as to provide benefits and avoid kemudharatan, so the presence of these regulations provides benefits in the election process.

CHAPTER V

CLOSING

A. Conclusion

1. The neutrality of the KPPS is very important and this has been stipulated in the Election Organizer Code of Ethics which has been agreed upon when reading the oath of appointment of KPPS members. Sanctions given to election organizers who are proven not to maintain their neutrality are subject to sanctions for violations of the code of ethics and electoral criminal sanctions. Legally, the settlement of violations of the election organizer's code of ethics has been stipulated in article 458 of Law No.7 of 2017 concerning Elections and in reality it is very much needed because there are still many findings from prospective KPPS members who are still members of political parties.
2. Neutrality for candidates for the 2024 election KPPS members can be categorized as an action that supports Mashlahah al Mursalah in Islamic Law and is mandatory even though there is no evidence that explains this, the determination of this Law refers to Mashlahah al Mulrsalah where this policy has fulfilled the conditions proposed by Abdul Wahab Khallaf, namely for the public interest, not contrary to Nash (Al-Qur'an and Hadith) and this policy is needed today so as to provide benefits and avoid misfortune, so that the presence of these regulations provides benefits in the election process.

B. Advice

The author provides input or suggestions that can be considered as follows:

1. For the government, especially the KPU of the Republic of Indonesia, to always be aware of threats that can infiltrate the course of the general election from personal or group interests, especially in the ranks of election organizers or the Election *AdHoc* Body, and improve the *database of the* SIPOL system so that there are no errors in data on political party members.
2. For election organizers, to be able to always maintain the neutrality of the course of the general election itself so that there is no conflict of interest that can harm the election code of ethics and harm the ideals of Indonesian democracy.

LITERATURE

LAWS AND REGULATIONS

Berita Negara Republik Indonesia Tahun 2022 Nomor 1116

Berita Negara Republik Indonesia Tahun 2017 Nomor 1338.

Tambahan Lembaran Negara Republik Indonesia Nomor 6109

BOOKS

A. Syafi'I Karim. *Ushul Fiqih*. Bandung: Pustaka Seta, 2006.

Abd. Rahman Dahlan. *Ushul Fiqh*. Jakarta: Amzah, 2011.

Ali, Zainuddin. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika, 2011.

Amiruddin. *Pengantar Metode Penelitian Hukum*. Jakarta: PT Raja Grafindo Persada, 2006.

Dr. J. Suyuthi Pulungan, M.A. *Fiqih Siyasah (Ajaran, Sejarah, Dan Pemikiran)*. 1st ed. Jakarta: PT Raja Grafindo Persada, 1994.

Fathurrahman Djamil. *Filsafat Hukum Islam*. Jakarta: Logos Wacana Ilmu, 1997.

Khallaf, Abdul Wahah. *Ilmu Ushul Fiqih*. Jakarta: PT. Rineka Cipta, 2005.

Masri, Sofian. *Metode Penelitian Survei*. Jakarta: LP3ES, 1989.

Miriam Budiardjo. *Dasar-Dasar Ilmu Politik*. Jakarta: PT Gramedia Pustaka Utama, 2003.

Muhtar. *Politisasi Identitas Dalam Kontestasi Politik Pada Pemilihan DPRD*. Pasaman Barat: Cv. Azka Pustaka, 2024.

Mukti Fajar dan Yulianto Achmad. *Dualisme Penelitian Hukum Normatif Dan Empiris*. Yogyakarta: Pustaka Pelajar, 2010.

Nasution, Bahder Johan. *Metode Penelitian Ilmu Hukum*. Bandung: Mandar Maju, 2008.

Novianto, Arif. "Mempertanyakan Netralitas Birokrat Dalam Pemilu: Antara Sistem Sosial, Kekuasaan, Dan Budaya Patron-Client." *Insight 2*, 2019.

Saifullah. *Tipologi Penelitian Hukum*. Bandung: PT Refika Aditama, n.d.

Soekanto, Soerjono. *Pengantar Penelitian Hukum*. Jakarta: Penerbit Universitas Indonesia, 1985.

JOURNAL

Achmad Rifai, Urip Giyono, Nur Rahman&. “Implementasi Pemilihan Umum Legislatif Di Kabupaten Cirebon.” *Jurnal Yustitia* 23, no. 1 (2022).
<https://doi.org/10.53712/yustitia.v23i1.1534>.

Akhmaddhian, Suwari, Erga Yuhandra, and Yani Andriyani. “Peran Masyarakat Dalam Mewujudkan Penyelenggaraan Pemilihan Umum Yang Berkualitas Suwari.” *Prosiding Conference On Law and Social Studies*, 2021, 1—10.
<http://prosiding.unipma.ac.id/index.php/COLaS>.

Arliman. S, Laurensius. “Mewujudkan Penegakan Hukum Yang Baik Di Negara Hukum Indonesia.” *Dialogia Iuridica: Jurnal Hukum Bisnis Dan Investasi* 11, no. 1 (2019): 1–20. <https://doi.org/10.28932/di.v11i1.1831>.

Boediningsih, Widyawati, and Suparman Budi Cahyono. “Kerjasama Antara Kelembagaan Bawaslu Dan KPU Dalam Penyelenggaraan Pemilu Tahun 2024 Di Tinjau Dari Hukum Tata Negara Di Indonesia.” *Journal Locus Penelitian Dan Pengabdian* 1, no. 4 (2022): 288–301.
<https://doi.org/10.36418/locus.v1i4.48>.

Dede Nuryayi Taufik. “Problematika, Tantangan Dan Solusinya Perekrutan Badan Ad Hoc Pada Penyelenggaran Pemilu 2024.” *Jurnal Ilmu Sosial Dan Humaniora* 1, no. 2 (2023): 108–17.
<https://doi.org/10.58540/isihumor.v1i2.209>.

Djumat, Irwan. “KEMAPANAN SISTEM DEMOKRASI DI INDONESIA (Antara Demokrasi Islam Versus Demokrasi Barat) (Review).” *Jurnal Geocivic* 2, no. 1 (2019): 193–97.
<https://doi.org/10.33387/geocivic.v2i1.1470>.

Dodi Faedlulloh dan Noverman Duaji. “Birokrasi Dan Hoax: Studi Upaya Menjaga Netralitas Aparatur Sipil Negara Di Era Post-Truth.” *Jurnal Borneo Administrator* 3, 2019.

Firda Arifatuzzahrah, Irham Bashori Hasba. “Pemilihan Presiden Dan Wakil Residen Berdasarkan Undang-Undang Republik Indonesia Nomor 7 Tahun 2017 Tentang Pemilihan Umum.” *Jurnal Usm Law Review* 3, no. 1 (2020): 112. <https://doi.org/10.26623/julr.v3i1.2284>.

Inovatif, Ester Ripka, Program Studi, Pendidikan Pancasila, and Fakultas Keguruan. “Peran Komisi Pemilihan Umum Dalam Menyadarkan Pemilih Pemula Tentang Pentingnya Hak Suara” 1, no. 1 (2023): 1–7.

Istikharah, Istikharah, and Asrinaldi Asrinaldi. “Pendidikan Politik Bagi Masyarakat Sebagai Penyelenggara Pemilu Tingkat Ad Hoc.”

NUSANTARA : Jurnal Ilmu Pengetahuan Sosial 6, no. 2 (2019): 314.
<https://doi.org/10.31604/jips.v6i2.2019.314-328>.

Khairina, Mardhatilla & Abdul Kadir. “Efektivitas Peraturan Daerah Kota Malang Nomor 4 Tahun 2011 Terhadap Pengelolaan Ruang Terbuka Hijau Perspektif Masalah Mursalah.” *Al-Balad: Journal of Constitutional Law* 3, no. 2 (2021): 4.

Mardiana, Mardiana. “Politisasi Perekrutan Anggota Badan Penyelenggara Pemilu Ad Hoc: Studi Kasus Di Kabupaten Tanjung Jabung Timur, Jambi.” *Politika: Jurnal Ilmu Politik* 11, no. 1 (2020): 96–114.
<https://doi.org/10.14710/politika.11.1.2020.96-114>.

Mulya, Syukrizal, and M. Fachri Adnan. “Evaluasi Pelaksanaan Rekrutmen Penyelenggara Pemilu 2019 Tingkat KPPS Di Kecamatan Lubuak Kilangan Kota Padang.” *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 5, no. 1 (2021).
<https://doi.org/10.58258/jisip.v5i1.1698>.

Pandiangan, Andreas. “Kelompok Penyelenggara Pemungutan Suara (Kpps) Pemilu 2019: Tanggungjawab Dan Beban Kerja.” *The Journal of Society & Media* 3, no. 1 (2019): 17. <https://doi.org/10.26740/jsm.v3n1.p17-34>.

Pariangu, Umbu TW. “Netralitas Aparatur Sipil Negara Dan Biopatologi Dalam Pemilihan Kepala Daerah.” *Journal Publicuho* 3, no. 4 (2020): 470.
<https://doi.org/10.35817/jpu.v3i4.15375>.

Piri, Tiara Anthon Edny, Agustinus Bonifacius Pati, and Ferry Markus Liando. “Seleksi Badan Ad Hoc Pada Pemilihan Kepala Daerah Tahun 2020 Di Kota Tomohon.” *Agri-Sosioekonomi* 18, no. 3 (2022): 949–58.
<https://doi.org/10.35791/agrsosek.v18i3.45059>.

Rahayu, Zona Rida. “PERSEPSI MASYARAKAT KOTA SOLOK MELALUI KOMUNIKASI PUBLIK : UPAYA MENINGKATKAN PARTISIPASI PEMILIH PADA PEMILU TAHUN 2024 Society Perception of Solok City Through Public Communication : Efforts to Increase Voter Participation in the 2024 Elections” 5, no. 1 (2024): 1–8.

Rahayuningsih, Eka, and M. Lathoif Ghozali. “Sertifikasi Produk Halal Dalam Perspektif Mashlahah Mursalah.” *Jurnal Ilmiah Ekonomi Islam* 7, no. 1 (2021): 135. <https://doi.org/10.29040/jiei.v7i1.1929>.

Rantau, Muhammad Ibrahim. “Penguatan Sistem Presidensial Di Indonesia: Analisis Terhadap Undang Undang No 7 Tahun 2017 Tentang Pemilihan Umum.” *Jurnal Penelitian Dan Karya Ilmiah* 19, no. 2 (2019): 181–93.
<https://doi.org/10.33592/pelita.vol19.iss2.120>.

Rohim, Miftahul, Linda Rahmawati, Arkan Raihan, and Saepul Rizki. “Demokrasi Pancasila: Konsep Dan Implementasi Di Indonesia.” *Advanced In Social Humanities Research* 1, no. 5 (2023): 664.

- Shofiyah, Ziyadatus, and M. Lathoif Ghozali. "Implementasi Konsep Masalah Mursalah Dalam Mekanisme Pasar." *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah* 6, no. 2 (2021): 135. <https://doi.org/10.24235/jm.v6i2.8031>.
- Sulikah. "Pendaftaran Anggota Kelompok Penyelenggara Pemungutan Suara (KPPS) Berdasarkan Undang-Undang Nomor 7 Tahun 2018 Tentang Pemilu Perspektif Mashlahah Mursalah (Studi KPPS Kecamatan Pakis Dan Tirtoyudo Kabupaten Malang)." UIN Maulana Malik Ibrahim Malang, 2019. <https://etheses.uin-malang.ac.id/id/eprint/31280>.
- Supriyanto, Didik. "Menjaga Independensi Penyelenggara Pemilu Disertai Undang-Undang 22 Tahun 2007 Tentang Penyelenggara Pemilu." *NBER Working Papers*, 2013, 89. <http://www.nber.org/papers/w16019>.
- Supriyanto, Edi. "Prinsip Netralitas Kelompok Penyelenggara Pemungutan Suara (Kpps) Dalam UU No.7 Tahun 2017 Tentang Pemilihan Umum (Studi Kasus Desa Sumber Canting Kecamatan Wringin Kabupaten Bondowoso)." UIN KHAS Jember, 2021. <http://digilib.uinkhas.ac.id/id/eprint/5825>.
- Syariah, Fakultas. "Pedoman Penulisan Karya Ilmiah Fakultas Syariah UIN Maulana Malik Ibrahim Malang," 2022, 1–88.
- Widiatama, Widiatama, Hadi Mahmud, and Suparwi Suparwi. "Ideologi Pancasila Sebagai Dasar Membangun Negara Hukum Indonesia." *Jurnal Usm Law Review* 3, no. 2 (2020): 310. <https://doi.org/10.26623/julr.v3i2.2774>.

WEBSITE

- KBBI. "Pengertian Independen KBBI." Accessed February 28, 2024. <https://kbbi.web.id/independen>.
- Merriam-Webster. "Dictionary." Accessed January 22, 2024. <https://www.merriam-webster.com/dictionary/ad hoc>.

ATTACHMENTS

Appendix 1 - Interview Guidelines

1. What are the findings of prospective kpps members who are still members of political parties in the KPPS registration process in the 2024 election?
2. What are the preventive measures related to the findings of prospective kpps members who are still members of political parties? What steps are taken to filter this out?
3. Do you think these steps are appropriate? If not, do you have any suggestions for future elections?
4. What do you think is the urgency related to the neutrality of the election organizers?
5. What legal consequences will occur if KPPS members are found to be non-neutral?
6. Have these legal consequences been effective in creating neutral elections?

Appendix-2 Interview Results and Documentation

1. chairman of MALANG DISTRICT KPU (Anis Suhartini, S.T)

1. What are the findings of prospective KPPS members who are still members of political parties in the KPPS registration process in the 2024 elections? For findings there must be, because we open registration in general so anyone can register. Basically, KPPS members cannot be members of any party, therefore there needs to be a strict selection. So the findings related to prospective KPPS members are true but have been automatically eliminated during the selection process.

2. What are the preventive measures related to the findings of prospective kpps members who are still members of political parties? What steps are taken to filter this out? For preventive steps, there may be two ways. The first way is to use a system called SIPOL or political party information system, everyone can access it by typing our NIK. However, there are indeed several cases that people who do not join any political party but without realizing their names are in the SIPOL database, usually this happens because there may be candidates or parties that need the help of citizen ID cards for the registration process for participation in the election so that without realizing their names automatically participate as participants in the political party. Actually, this can be clarified directly to the KPU and we will crosscheck directly to the party concerned. Then the second way is through community participation, usually there are direct reports from citizens related to the participation of KPPS members from political parties.

3. Do you think these steps are appropriate? If not, do you have any suggestions for future elections? I think this step is sufficient as a preventive effort in preventing unwanted things, because everything has been regulated in such a way through regulations that are compiled together, both the process and the legal consequences.

4. What do you think is the urgency related to the neutrality of the election organizers? Very important. We from the KPU strongly emphasize the importance of neutrality and integrity of the election organizers. If there is impartiality in the body of the election organizer, it is feared that it will bring group or party interests. Related to this, it has been regulated in the code of ethics of election organizers.

5. What legal consequences will occur if KPPS members are found to be non-neutral? Related to that there are stages, the first is supervision. There are 2 types of supervision of KPPS, the first is supervision from Bawaslu / KPU and the second is supervision from external parties. From the results of the supervision, if there are indications or reports related to election violations, it is continued by making recommendations to the KPU. Furthermore, the incoming report will be clarified first whether the person concerned has indeed committed an election violation. When the examination is complete, a conclusion can be drawn whether it is a violation of the code of ethics or a criminal election offense. If the violation of the code of ethics, the sanction is dismissal, if the violation is an election crime then the follow-up can be continued in court, related to this all has been explained in Law no. 7 of 2017 concerning Elections.

6. From these legal consequences, have they been effective in creating neutral elections? The sanctions are effective because there are already laws or regulations governing this

matter. However, there needs to be supervision and synergy from all parties which are expected to maintain election neutrality.



Figure 1: Malang, April 25, 2024. Interview with Ms. Anis Suhartini, Chairperson of Malang Regency KPU

2. chairman of PPK KECAMATAN KARANGPLOSO (Amrozi Hamidi)

1. What are the results of the findings of prospective KPPS members who are still members of political parties in the KPPS registration process in the 2024 elections? As far as we have experienced, thank God, it is safe, safe in the sense that none of us have missed it. However, at the time of PPS registration, there was a prospective member who we already knew that he was active as a political party administrator, so our step was to immediately eliminate him from the registration. Of the total need for 27 PPS, around 54 people registered, so we had to eliminate them. For KPPS we need 1568 people from a total of 224 polling stations.

2. What are the preventive measures related to the findings of prospective KPPS members who are still members of political parties? So indeed, the benchmark for the neutrality of KPPS members can be checked first regarding their participation in political parties. We can directly check this in a system called the political party system or SIPOL, if his name appears in SIPOL, it means that there is an indication that he might be able to carry the interests of his party. However, when the prospective KPPS member fills out a statement that he is not a member of any political party, so when there is a difference like this, we must confront him. Because sometimes there is a possibility that his name is included, not as an administrator but maybe as a participant, or he could be a witness in the election. We also cooperate with Bawaslu, so when the supervision of the election takes place and

Bawaslu finds indications of non-neutrality of the election organizers, it will be reported directly to us so that it can be followed up.

3. Do you think these steps are appropriate? If not, are there any suggestions for future elections? Actually, SIPOL was only one of our ways to create a neutral election, but it cannot be denied that there are many ways and loopholes to cheat. As far as I feel the benefits of SIPOL are appropriate. However, there are still people whose names are included in political parties but they actually do not participate. So related to updating the database, it must be really monitored, in this case the KPU must follow up on this matter.

4. What do you think is the urgency related to the neutrality of the election organizers? Very important, because one vote is very valuable for the contestant. Because if we draw the line, the vote in the election was also useful for the interests of the nation and state. On the other hand, in addition to KPPS having to maintain neutrality, they must also participate as voters in the election, which may create vulnerability to impartiality as well. When talking yesterday with a fellow PPK, there was a thought that what if KPPS did not need to have the right to vote at all? Maybe that can be a small step to prevent impartiality in elections, but that's not really what should be the focus of the problem. So I think neutrality is very important and it must indeed be inherent and become a soul grip in the election organizers themselves, therefore there is such a thing as a code of ethics for election organizers, so that in addition to KPPS members not losing their votes but it needs to be emphasized so that they do not exploit their choices so that they do not reveal their choices to others.

5. What legal consequences will occur if KPPS members are found to be non-neutral? Regarding sanctions, there are already rules, starting from the law, friends from Bawaslu also supervise, and there are also friends from DKPP who also participate in maintaining election order. Then violations in the election are also divided into code of ethics violations, administrative violations, and criminal violations. As far as I know for violations of the code of ethics and administration the sanction is dismissal. Then for criminal violations, there are already authorities who regulate and I am sure there must be their own rules regarding sanctions.

6. Have these legal consequences been effective in creating neutral elections? As far as I know, during the last election there were several findings that led to sanctions. I think if we refer to our consensus as a country of law when the legal process is well enforced, I think it will guarantee the formation of neutral elections.



Figure 2: Malang, April 24, 2024. Interview with Mr. Amrozi Hamidi, Chairman of the PPK Kec. Karangploso

3. HEAD OF PPS TEGALGONDO VILLAGE (Muhammad Bakhtiar Ibnu Rusydi)

1. What are the findings of prospective KPPS members who are still members of political parties in the KPPS registration process in the 2024 election? In Tegalgondo itself, there were no such findings. We need 133 kpps and 148 people registered. Finally, we were forced to eliminate several people, but from the registration there was no one whose name was listed in any political party.

2. What are the preventive measures related to the findings of prospective kpps members who are still members of political parties? What steps are taken to filter this out? So we immediately check each registrant's NIK in a system called SIPOL. So from the system it can be checked whether the NIK is a member of a political party. From there we can check the independence of the registrant himself. Then another step can also be from what is called community response, so if the community knows that this "A" is a member of a political party then we must immediately take action regarding that matter.

3. Do you think these steps are appropriate? If not, do you have any suggestions for future elections? It seems that the database system needs to be improved again. Because yesterday it was found that there was an NIK that was reported to have entered a political party when checked in SIPOL, but in fact the person concerned did not join any party. So there are still mistakes from the system database. But that was a finding in another area, if in Tegalgondo there happened to be none.

4. What do you think is the urgency related to the neutrality of the election organizers? Very important, because we are like fish in an aquarium, so all eyes are looking at us. The community must really see how the performance of election organizers like us, so we must be truly neutral because the community directly assesses what our performance is like.

5. What legal consequences will occur if KPPS members are found to be non-neutral? For the sanctions themselves, we immediately stop the person concerned. It refers directly to the KPU regulation which states that if there is a KPPS that is unable to perform its duties (in this case, non-neutral is also called unable to perform duties), it is immediately replaced. The replacement mechanism is to be replaced by a backup or according to the agreement it can continue with only 6 KPPS people. In Tegalgondo itself, there was an incident like that yesterday but not because it was not neutral, but because a family member died and finally could not continue the task.

6. From these legal consequences, have they been effective in creating neutral elections? I personally think the sanction is fair enough. If legal steps are taken, it might even make the problem widen everywhere. It is enough that he can no longer be an election organizer, in my opinion, to be able to create neutral elections.



Figure 3: Malang, April 23, 2024. Interview with Mr. M Bakhtiar Ibnu, Chairman of Tegalondo Village PPS

4. HEAD OF PPS VILLAGE PETUNGSEWU DAU (Ageng Anggung Sari)

1. What are the results of the findings of prospective KPPS members who are still members of political parties in the KPPS registration process in the 2024 elections? in Petungsewu village may be somewhat different than other villages, because here it is rather difficult to find KPPS. Most residents here are less interested in registering because of what happened in the 2019 election. So from us, the PPS mostly does not wait for registrants, but makes direct invitations to residents who we consider competent to become KPPS. Of course, we do not forget about the requirements to become KPPS members, we still crosscheck everything related to their identity and background. So for the findings of prospective registrants who are still joining political parties, I don't think there are any.

2. What are the preventive measures related to the findings of prospective kpps members who are still members of political parties? What steps are taken to filter this out? ? If the steps are clear, we can check their NIK through SIPOL, we will find out if there are those who join political parties or not. If someone turns out to have joined a political party, we will find a replacement. Because in Petungsewu, as I have said, we mostly directly pick up the ball system so that there are those who register to join the KPPS, we have also selected people who do not join any political party.

3. Do you think these steps are appropriate? If not, do you have any suggestions for future elections? It is appropriate. Yes, SIPOL itself is enough to help detect this. But yes, sometimes in the system there can be discrepancies with the facts that occur, so we still have to keep a close eye on the truth of their neutrality. At the beginning of registration, they have also signed a statement that they do not join any political party. I think that's enough

4. What do you think is the urgency related to the neutrality of the election organizers? Yes, it is very important. We are the ones who will be directly dealing with voters, if we are not based on the spirit of maintaining election order, there will definitely be a conflict of interest. All behaviors and duties and functions of the KPPS have been regulated in the code of ethics for election organizers, so I think it is very clear.

5. What legal consequences will occur if KPPS members are found to be non-neutral? The sanctions are immediately replaced at that time, because if they are not immediately replaced, the problem will spread elsewhere. If the law is like in the criminal case, I don't know what the article regulates, what is clear is that if the non-neutrality has gone too far and caused losses to many parties, it will definitely be taken to court.

6. From these legal consequences, have they been effective in creating neutral elections? It's been effective. I think the sanctions are very appropriate.



Figure 4: Malang, April 26, 2024. Interview with Mr. Ageng Anggung S, Chairman of PPS Petungsewu Village

5. HEAD OF PPS VILLAGE SUMBERSEKAR DAU (Hanifah Tita)

1. What are the results of the findings of prospective KPPS members who are still members of political parties in the KPPS registration process in the 2024 elections? In our village, it tends to be difficult to find KPPS registrants because many are traumatized from the previous elections where many died due to fatigue, so we did not have to eliminate them during registration. Well yesterday it was found that there were four names that when we checked in SIPOL it turned out that their names were entered there, when you crosschecked with the person directly he did not feel that he was joining any party. We think there is a data error or there are rogue elements who use other people's KTPs for political parties. In response to these findings, we immediately directed the person concerned to make a statement letter and we included it in the KPPS formation.

2. What are the preventive measures related to the findings of prospective kpps members who are still members of political parties? What steps are taken to filter this out? for that can be checked in SIPOL. In addition, we also direct prospective members to fill out a stamped statement letter stating that they do not join any political party.

3. Do you think these steps are appropriate? If not, do you have any suggestions for future elections? In general, SIPOL has been very helpful. However, the obstacle we experienced was the leakage of NIK data of citizens who actually did not join political parties but their names were entered in SIPOL. This may be better anticipated in the future so that the existing data is valid so that we do not need to crosscheck or ask for clarification to the person concerned.

4. What do you think is the urgency related to the neutrality of the election organizers? In my opinion, it is important. The name of the election organizer, if for example it is not neutral, the election will definitely be disorderly. All election organizers must uphold the election code of ethics that has been upheld together.

5. What legal consequences will occur if KPPS members are found to be non-neutral? Immediately dismissed at that time. I think if it is added with a prison sentence, in my opinion, it is less humane. But if indeed his non-neutrality produces very fatal consequences, maybe it can be continued in the realm of court.

6. From these legal consequences, have they been effective in creating neutral elections? It's been effective



Figure 5: Malang, April 25, 2024. Interview with Mrs. Hanifah Tita, PPS Chairperson of Sumbersekar Village

Appendix-3 Letter of reply to research permit



KOMISI PEMILIHAN UMUM
KABUPATEN MALANG

Nomor : 140/HM.03.4-SD/3507/2024
Sifat : Penting/Segera
Lampiran : -
Perihal : Persetujuan Pra-Penelitian

Kepanjen, 6 Maret 2024

Kepada Yth. Dekan Fakultas Syariah
Universitas Islam Negeri Maulana Malik Ibrahim Malang
di

TEMPAT

Menindaklanjuti Surat Wakil Dekan Bidang Akademik Universitas Islam Negeri Maulana Malik Ibrahim Malang Nomor B-2131/F.Sy.1/TL.01/01/2024 tanggal 29 Februari 2024 perihal Pra-Penelitian, bersama ini disampaikan bahwa Komisi Pemilihan Umum Kabupaten Malang **MENGIZINKAN** Saudara :

Nama : Mohammad Farid Ats Tsaqif
NIM : 200203110028
Fakultas : Syariah
Program Studi : Hukum Tata Negara

untuk dapat mengadakan *Pra Research* dengan judul : **urgensi netralitas anggota badan adhoc pemilu berdasarkan peraturan komisi pemilihan umum nomor 8 tahun 2022 persepektif masalah mursalah 1 (studi di kecamatan dau dan karangploso kabupaten malang)** di Komisi Pemilihan Umum Kabupaten Malang.

Demikian untuk menjadi maklum dan atas kerjasamanya disampaikan terima kasih.

 KOMISI PEMILIHAN UMUM
KABUPATEN MALANG
ANIS SUHARTINI

TEMBUSAN

Yth. 1. Sdr Ketua KPU Provinsi Jawa Timur;
2. Sdr Kaban Kesbangpol Kabupaten Malang.

Appendix-4 Research permit letter



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341)559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 2237 /F.Sy.1/TL.01/04/2024
Hal : **Permohonan Izin Penelitian**

Malang, 19 April 2024

Kepada Yth.
Ketua KPU Kabupaten Malang
Jalan Panji No. 119, Penarukan, Kepanjen, Penarukan, Malang, Kabupaten Malang,
Jawa Timur

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Mohammad Farid Ats Tsaqif
NIM : 200203110028
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan penelitian dengan judul :
urgensi netralitas anggota badan adhoc pemilu berdasarkan peraturan komisi pemilihan umum no.8 tahun 2022 pasal 63 perspektif masalah mursalah (studi di kecamatan dau dan karangploso kabupaten malang), pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Tembusan :

1. Dekan
2. Ketua Prodi Hukum Tata Negara
3. Kabag. Tata Usaha





KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH

Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341)559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 2239 /F.Sy. I/TL.01/04/2024

Malang, 19 April 2024

Hal : Permohonan Izin Penelitian

Kepada Yth.

Ketua PPK Kecamatan Karangploso
Jalan Diponegoro No.70, Girimoyo, Karangploso, Ngambon, Girimoyo, Kec. Karang
Ploso, Kabupaten Malang, Jawa Timur

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Mohammad Farid Ats Tsaqif
NIM : 200203110028
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan penelitian dengan judul :

urgensi netralitas anggota badan adhoc pemilu berdasarkan peraturan komisi pemilihan umum no.8 tahun 2022 pasal 63 perspektif masalah mursalah (studi di kecamatan dau dan karangploso kabupaten malang), pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Tembusan :

- 1.Dekan
- 2.Ketua Prodi Hukum Tata Negara
- 3.Kabag. Tata Usaha





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UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
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Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 2241 /F.Sy.1/TL.01/04/2024
Hal : **Permohonan Izin Penelitian**

Malang, 19 April 2024

Kepada Yth.
Ketua PPS Desa Sumbersekar
Jl. Raya Sumbersekar No.108, Krajan, Sumbersekar, Kec. Dau, Kabupaten Malang,
Jawa Timur

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Mohammad Farid Ats Tsaqif
NIM : 20023110028
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan penelitian dengan judul :
urgensi netralitas anggota badan adhoc pemilu berdasarkan peraturan komisi pemilihan umum no.8 tahun 2022 pasal 63 perspektif masalah mursalah (studi di kecamatan dau dan karangploso kabupaten malang), pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

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Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 2240 /F.Sy.1/TL.01/04/2024
Hal : **Permohonan Izin Penelitian**

Malang, 19 April 2024

Kepada Yth.
Ketua PPS Desa Tegalgondo
Jl. Notojoyo, Babatan, Tegalgondo, Kec. Karang Ploso, Kabupaten Malang, Jawa Timur

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Mohammad Farid Ats Tsaqif
NIM : 200203110028
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan penelitian dengan judul :
urgensi netralitas anggota badan adhoc pemilu berdasarkan peraturan komisi pemilihan umum no.8 tahun 2022 pasal 63 perspektif masalah mursalah (studi di kecamatan dau dan karangploso kabupaten malang), pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

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Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 2243 /F.Sy.1/TL.01/04/2024
Hal : **Permohonan Izin Penelitian**

Malang, 22 April 2024

Kepada Yth.
Ketua PPS Desa Petungsewu
Jl. Raya Petungsewu No.1, Bulurejo, Petungsewu, Kec. Dau, Kabupaten Malang, Jawa Timur

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Mohammad Farid Ats Tsaqif
NIM : 200203110028
Program Studi : Hukum Tata Negara

mohon diperkenankan untuk mengadakan penelitian dengan judul :
urgensi netralitas anggota badan adhoc pemilu berdasarkan peraturan komisi pemilihan umum no.8 tahun 2022 pasal 63 perspektif masalah mursalah (studi di kecamatan dau dan karangploso kabupaten malang), pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

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Wakil Dekan Bidang Akademik,
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Appendix-5 Proof of passing turnitin


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to me ▾

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NAMA : Mohammad Farid Ats Tsaqif
NIM : 200203110028
PRODI : Hukum Tata Negara
JUDUL SKRIPSI : Urgensi Netralitas Anggota Badan Adhoc
Pemilu Berdasarkan Peraturan Komisi Pemilihan Umum
No.8 Tahun 2022 Pasal 63 Perspektif Masalah Mursalah
(Studi Di Kecamatan Dau Dan Karangploso Kabupaten
Malang)
SIMILARITI : 7%
TELAH LOLOS UJI SIMILARITI

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