

# The Model of Legal Democracy Construction (MHD) in Preventing Fraud / Violation Choice of the Head of the Region in South East Sulawesi

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**Abstract:** *The construct of the Democratic-Democratic society is the design of the social concept of society as a reaction to the various anti-democratic actions taking place in the direct administration of Democracy. The people as right-holders appear to be placed as objects subjected to anti-democratic measures as in the practice of fraud or violations in the Regional Head Election. The forms of violations that occurred in the election of the Regional Head in Muna Regency were categorized violations based on the parties involved in conducting the Pilkada including the first, the villagers who violated the forms (black campaign, intimidation, market burning, village house burning), secondly, organizers (manipulation, sound-proofing, C6 form deletion), thirdly, election participants (off-schedule campaigns, campaign attribute violations, covert campaigns, campaigns in places of worship, money politics, mass mobilization, fourth, organizers (delays, pending investigations and investigations), fifth, State Civil Service Involvement (multiple names, double NIK, no NIK, unidentified voters, unconditional voters. From the facts revealed in the legal process as well as the undocumented frauds indicate a fundamental problem in the practice of law and democratic life in the implementation of the election of the Regional Head. Citizens do not become the real subjects as the holder of the right to vote but visible citizens actually become victims of various unlawful actions by various parties who are involved in the implementation of the Regional Head Election.*

**Keywords:** Democratic Law Society, Fraud / Election Violation.

## 1. Background

The direct election of the Head of Region is a means of popular sovereignty as a form of democracy as the claim of the 1945 Constitution that sovereignty is in the hands of the people carried out according to the Law. This idea reinforces a democratic understanding of the life of a nation and a state that has at least two basic arguments; First, the concept of democracy in the formation of government becomes a model used in the practice of state and government systems, secondly that the involvement of public participation in the formation of government through direct Pilkada has affirmed the workings of the public mechanism.

But the Ideality of the idea in its implementation turned out to include unexpected implications. The Practice of Direct Democracy with Voting, stuck in the reality of forcing a party to be declared defeated, and the declared Winner. This losing-winning terminology that does not seem to be able to adapt well in the legal and democratic consciousness of society. As a result, fraudulent practices occur in various forms, which not only involve the community as a matter of behavior, even putting the community as victims. Social conflict has broken the kinship so that it breaks social interaction, and leads to disharmony and social instability. The democratic legal awareness of society appears to change in the behavior of the "intrigue" community; a society that thinks and acts with fraudulent practices, and or violates the law. This we witness in the facts of Pilkada in almost all the election in Indonesia.

There is a conjecture, that; first, the public is only the victim of a particular party's engineering, which is used to undertake certain actions in influencing to choose or win certain options; secondly, there may also be individuals from the community who see opportunities to round up

community support organized in such a way by bringing them together to the interested parties; the alleged involvement of the organizers who cited with the participants of the Pilkada by involving the community. All these reasons stimulate ideas to design the concept of a Democratic Law Society to prevent fraud by its various forms in the elections, to build an Anti-Conflict community through the strengthening and institutionalization of the various potentials of social wisdom (Adat-agama-morality-Tradition) owned by the community.

Muna Pilkada as an example conducts Pilkada with two repeat voting (PSU) based on Constitutional Court Decision, on the grounds that election fraud occurs in the process of electoral election. Legal facts of social conflict occurred such as burning Pasar Laino Muna, Village Burning area determined to implement PSU and some other facts identified conflict occurred due to fraud with various forms. It is this concern that led this research to make Southeast Sulawesi a profile of research areas that will carry out the election of Governor and Mayor Election.

It is our consistency that the democracy we want to build is a constitutional democracy (Jimly Asshiddiqie, 2008: 143-152). Therefore, the embodiment of the people's sovereignty is based on the implementation of the law concerning the general election (election), whether it is the election of the presidential and vice presidential elections, members of the DPR, DPD and regional head. General election is basically as one of the means of distributing citizens' rights, as Jimly Asshiddiqie (2009: 608) argues, General elections is a manifestation of the fulfillment of the basic rights of citizens, thus the administration of state and government should avoid the absolutism of power State as warned by Lord Acton, "Power tend to corrupt, absolute power corrupt absolutely. That power tends to corrupt, and absolute power must be corrupt.

### 1.1 Problem Formulation

This research proposes two main issues, namely:

- a) What are the forms of election fraud / violation
- b) What is the Constructive Model of a Democratic Law Society (MHD) in preventing electoral fraud / violations

### 1.2 Objectives of Research

The objectives of this research are to identify the forms of election fraud / violation and to create the Design of Democratic Law Community Formation (MHD) in preventing election fraud/violation to the regions.

### 1.3 Urgency or Research Benefits

This study has an urgency on some basic issues, firstly that the results of this study will provide benefits especially for the government, law enforcement officers, communities in the implementation. With this research can identify the forms of election fraud / violation and create the design of the formation of Democratic Law Community (MHD) in preventing the occurrence of electoral fraud / violation, as well as a solution for the government and election organizers throughout Indonesia. Secondly, it is expected to foster democratic legal awareness in the community so as to prevent social conflict, creating harmony and social stability.

### 1.4 Research Methods

#### a) Type of Research

This research is a juridical empirical research that will identify the forms of fraud / violation in Pilkada involving the community, along with various social potentials that exist in the community that can contribute to the formation of Democratic Law Society. Furthermore, the design of Construct Model of Democratic Law Community in preventing fraud / violation of election. The approach taken in this research is empirical juridical namely research that identify the legal facts various forms of cheating in Pilkada as material for designing construct of Democratic Law Society.

#### b) Legal Research Materials

Materials Law in this research is divided from 3 (three), namely primary law material and secondary law material,

- Primary legal material consists of legal documents in the form of reports of investigation events, legal facts of the trial, Data violation and cheating Pilkada
- Secondary legal substances consist of respondents 'and informants' information, including community statements, government, organizers, legal apparatus, social institutions: community leaders, religious leaders, youth.
- Tertiary legal material, is a relevant legal regulation, customs and social norms of society.

#### c) Data Collection Tools / Legal Materials

Data collection tool is done with interviews conducted on the organizers, citizens of voters, apparatus of religious leaders, customs, Youth. Submitting Questionnaires to the citizens of Pemilu. Documentation Legal facts of cheating / violation of Muna election and observation.

#### d) Population and Sample

The population of this study distinguish between Respondents and Informants. Respondents are residents of the community, while informants are certain parties, including officials, organizers, adat-religious leaders-youth. Sampling is done by Purposive sampling, ie sample will be categorically qualified with percentage up to 30% sample.

#### e) Data Analysis

The data as an analysis of legal materials will be qualified based on legal facts, furthermore correlation with objective indicators, then identified by conducting empiric juridical analysis, that is fraudulent behavior based on qualification of law violation as regulated in the Election Operation Act.

## 2. Literature Review

### 2.1 Society: Characteristics, Groups, Structures and Social Systems

The conception of society can be explained in the view of Ralph Linton who understands society as a group of people who have been long enough and cooperate, so that socially can organize themselves as one social unity with certain limits (Basrowi, 2005; 39). There is an element of shared life experiences over long periods of time and cooperation among group members, having thoughts or feelings of being part of a group entity. Next Pelly and Menanti (2009: 39) understand the community in two contexts, first, the community is a collection of people who have their own culture and reside in a particular territory, members of the community have a sense of unity and mengnggap they have their own identity. both communities are a forum for socialization and transmission of values and norms from generation to generation, so that he thinks that society is also a form of unity of social life of society.

The characteristic of society as claimed by Durkheimn (2009: 40) is seen as not only the sum of individuals but a system formed from their interrelationships to display a particular reality that has its own characteristics. This view is then continued by Soerjono Soekanto who identifies the basic characteristics of a society, among others, are; (1) people living together, (2) mixing for a long time (3) they realize that they are a whole, (4) they are a system of living together. Similarly, Syani suggests the basic characteristics of a society is (1) A number of humans who live together in a relatively long time, (2) the people who live together is a unity, (3) people living together n is a system of Life together is a common life that raises culture therefore every member of the community feels that each of them is tied to his group.

The social system according to Bertrand (2009: 104) has at least (1) two or more persons, (2) interaction between them, (3) having a purpose, (4) having shared structure, symbols and shared expectations.

### 2.2 Political Awareness

According to Petter (2000: 94) political awareness is the various forms of knowledge, orientation and values that shape the political insights of individuals, in terms of their

relationship with political power. This opinion provides a strong link between knowledge and values of individual political insight with political power. This shows the belief that in a society there is a political consciousness because it is related to everyone's consciousness of the power that resides in every society

According to Surbakti (2010: 144) political awareness is the awareness of rights and obligations as citizens. This view differs from the previous opinion which sees it precisely on the object of rights and obligations to its own society, not to the aspect of power.

### 2.3 Constitutional Consciousness

Jimly Asshiddiqie (2008: 10) argues that to foster a constitutive conscious culture requires an understanding of the values and basic norms that constitute the content of the constitution. Constitutional awareness given by Jimly Asshiddiqie understands the value of nationality that underlies awareness in the life of nation and state. This consciousness seems to rest on the historical roots of our nationhood formed by the existence of identity similarities inherent in the shared history that has been passed in the dynamics of the life of the nation and the state. The existing national community has been a communal communication that immerse our common consciousness as a nation that is no longer deterred in the state organization of the Unitary State of the Republic of Indonesia. This is the pillar of life of the nation and the nation we live today.

### 2.4 Awareness-Cultural Law

#### a) Law and Society Structure

The functional relationship between the legal system is outlined by Emile Durkheim (2010: 74) which distinguishes between society and "mechanical solidarity" with society with "organic solidarity". Society with mechanical solidarity bases itself on the nature of togetherness among its members. Here the legal type is "repressive" because such a law is able to maintain that togetherness. Instead society with organic solidarity, more basing themselves on the individualism and freedom of its members. Restitutif legal system is a law that is appropriate to maintain the community with organic solidarity.

The relationship between legal development and community development is described by H.L.A Hart by introducing two types of society, the type of society based on the primary rules of obligation and the secondary rules of obligation. In the first type of society, we find no detailed and official rules. Here there is no differentiation and specialization of law enforcement agencies.

Whereas in the second type of legal society has found the differentiation and institutionalization in the field of law such as rules of recognition that determines what is the law, the rules of change is how to make changes, and the rules of adjudication that serves to resolve the dispute.

Lawrence M. Friedmman (2010: 76) explains that the value factor that makes a difference in the life of law in society is more caused by the culture of law. Legal culture is the

attitudes and values, beliefs possessed by society related to the law, and its institutions both positive and negative. This element of culture will determine why a person is obedient or disobedient to existing rules. Therefore, to be able to understand the differences that exist between the legal system with each other should be examined the legal culture factor as the background of the emergence of the difference. Therefore, according to Friedman, the legal culture actually serves as a "motor of justice", which is to bridge the legal system with human attitude in a society.

#### b) Cultural Law

According to Esmi Warassih, speaking of a legal culture is to talk about the attitudes, views and values that society has.

#### c) Legal Cultural Components

Daniel S. Lev (1973: 89) In his essay judicial Institutions and Legal Culture In Indonesia describes the legal system and legal culture. According to Daniel S. Lev the legal system emphasizes the procedure but does not explain how people actually solve their problems in everyday life. The legal culture is detailed into "procedural law values" and in "substantive legal values". The procedural legal values questioned about the ways in which community governance and conflict management were concerned. While the substantive component of the legal culture consists of fundamental assumptions about the distribution and use of resources in society, especially about what is just and not according to society and so on.

#### d) Esmi Wirasi (2010: 104) mentions the determinants of legal awareness. The process of legal work is determined by several factors:

- 1) Its legal rules;
- 2) Legislature body;
- 3) Sanctioning agencies;
- 4) Community as the role holder, which means its role in society is determined by what is formulated in the regulation;
- 5) Law enforcement process;
- 6) Legal communication;
- 7) Socio-political power complexes and others working on the legislators, bureaucrats or (implementers of the law) as well as the community itself as the holder of the role;
- 8) The feedback process between all components.

#### e) Legal Awareness Building

According to Esmi Warasih, basically legal awareness is a control for the law that has been made that can be run well in the community so that the need for efforts towards the development of legal awareness of the community.

### 2.5 The State of Democratic Law

Janedri M. Gaffar (2013: 1) argues that the 1945 Constitution affirms the constitutional principle of nation and state; firstly that Indonesia is a law-based State (rechstaat) not based on power (machstaat); Secondly, that Sovereignty is in the hands of the People carried out according to the Law. This principle affirms the fundamental state that Indonesia is a democratic country of law. People's sovereignty becomes the legality of state power and government. The strengthening of democracy in

the administration of the state must be balanced with the principle of justice, nomocracy, or the rule of law. This is what became known as the principle of the State of law, which prioritizes the rule of law, the principle of supremacy of law or supreme power at the hands of the law.

### 3. Results and Discussion

#### 3.1 Identification of Forms of Regional Head Election Violations

Bentuk pelanggaran Pilkada yang diteliti dalam penelitian ini merupakan data kualitatif so the object under study is to find the form of the violation that occurred in the implementation of the election of the Regional Head in the Muna Regency, not to examine the quantification quantity of the violation in a proportion of the incidents of each violation. In addition, the information presented by this study by the nature of the data is not all sourced from existing official documents such as Police reports, but from limited information provided by individuals in the form of interviews, where a number of respondents requested their identity should remain secret.

This research categorizes violations based on the parties involved in conducting the elections including; citizens, election participants, Organizers, State Civil Service Involvement as outlined in the following table:

**Figure 1: Election Violations**

Society	Organizer	Participants	Apparatus	ASN
Black campaign	Data Manipulation	Campaign Outside Schedule		Dual Name
Intimidation	Voice Inflation	Campaign Attribute Violation	Abandonment	NIK Double
Burning Market	Removal of Form C6	Covert Campaign	Suspension of Investigation and Investigation	Without NIK
Kades Village Burning		Campaign In Places of Worship		Without NKK
		Money Politics		Voters Without Identity
		Mass Mobilization		Unconditional Elector

#### a) Community Violations

Citizens of the constituency holder as kostituen in the implementation of the Regional Head Election are found to perform acts contrary to the awareness of democracy and legal awareness in the implementation of the Regional Head Election in Muna Regency. Various forms of violation Acts committed by citizens of the Society as stated below:

**Figure 2: Violation acts of The Society**

No.	Form	Object / target	Method
1.	Black campaign	Floating Mass	Persuasive
2.	Intimidation	Fanatic Mass	Covert communication
3.	Money politics	- The mass is floating - Mass fanatics	- Distribution of money - Distribution of goods
4.	Kinship pressure	Relatives / family	Doctrinal-persuasive

*Results if Data Researcher: Closed interview method*

#### 1) Black Campaign

Black campaign is a lot done is an act of mutual berelk other prospective pairs by parse various weaknesses owned or potentially occur in other candidate pairs. This black campaign runs primarily to citizens who are seen as a floating mass that is the holder of the right to vote who is viewed not as a fanatic voter of certain candidate pairs subjected to agitation. The communication medium used is often encountered in various informal meetings, incidental visits, door to door, the use of formal meetings with short speeches but can give various discriminatory meanings.

The object being targeted for the black campaign is waged to citizens who are considered still floating or citizens who are not part of the real mass of certain candidate pairs. The target of this action is to enable voters to gain negative stigma from the candidate pairs being subjected to such black campaigns in order to influence and influence the citizens' choice as desired by the party launching the black campaign.

Persuasive strategy in running this black campaign is not identified in the form of quantitative data because the way it works is so closed that it is not documented. However, the

interview information (Interview: Muna, August 15, 2017) given by the community members stated and acknowledged it as something real happened, although this practice was not recorded by the Supervisory Committee because no complaint report was submitted to the Muna Regency Supervisory Committee.

#### 2) Intimidation

The act of intimidation between mass supporters between candidate pairs also occurred as evidenced by the burning of Laino market in Raha City, the burning of cars and the burning of the Lurah House in Raha city. Intimidation is done in two forms of open intimidation and closed intimidation. Closed intimidation is exercised more in an effort to put pressure on citizens to be influenced by their political choices, the way they work is done in a hidden or hidden way. While intimidation in the form of open acts by this research is considered a reaction arising from dissatisfaction or disappointment over the election of the head of the Region. This intimidation was also recognized by the police as there was no police report because of the incompetence of citizens to report it so that this data was not recorded and documented, although in the oral narration of the community it was admittedly happened massively.

**3) Money Politics**

Money politics as an act of distributing or distributing some money to voters intended to choose a particular candidate pair entrusted to a candidate or winning team is revealed in the spoken statement by the respondent through a closed interview. The amount distributed varies between the first re-voting votes to nominal Rp. 1.500.000, - while in the second stage re-election reaches nominal up to Rp. 2,000,000, -. From the interviews conducted this practice is very massive but it is realized that this data either by Panwaslu (after the researcher did the tracing) did not have sufficient report document, by the complaint that went to the Supervisory Committee of Muna Regency recorded only 1 case as revealed in the dispute of Pilkada on the decision Constitutional Court N0 120 / PHPBup-XIV / 2016.

**4) Kinship Pressure**

The practice of kinship pressure is also acknowledged, committed by community leaders to the nearest relative or family. This involvement is also not recorded by the Supervisory Committee because there is no report submitted to Panwas. But from the wawaancara recognition was given by community leaders (who are not willing to be identified). Kinship pressure is done, among others, by reminding the consciousness of shared identity that is associated as a common interest so that the choice is also expected to be no different in looking at the figures of candidates who want to choose.

The persuasive method used in communications is consciously influential because it emphasizes awareness of shared identity. This is what in the view of researchers considered as a doctrinal method because it is proposed in the awareness of the idea of togetherness that is believed to have every community every community.

**b) Breach by the Organizer**

Violations committed by registered operators are recorded through data of violations recorded in the District Election dispute trial of Muda Regency in the decision of the Constitutional Court Number 120 / PHP.Bup-XIV / 2016 includes administrative violations, code violations and election criminal offenses.

**Figure 3: Administrative And Violations**

Administrative Offenses	Code Violations	Criminal Election
Involvement of civil servants (10 cases)	Organizer: 1 Case	Money Politics 3 cases
Electoral Logistics (6 Cases)	Not the Organizer: 9 cases	The involvement of civil servants 3 cases
Election Stage (1 Case)		Falsification of letters 1 case
Administrative negligence (2 Cases)		Restriction selects 1 case

Source: Decision of the Constitutional Court Number 120 / PHP.Bup-XIV / 2016.

The involvement of Civil Servants as mentioned above is mainly done by the Village Head in the issuance of Identified Residence Certificate (SKTT) which was published 2 days before the voting day. This fact indicates that the violation of pilkada by Civil Servants has occurred in a structured let alone that this action is carried out by the

holder of a strategic position in the area of village government.

Electoral logistics violations found the removal of a number of C6 forms found in forests deliberately cleared and baited for certain TPS. This fact suggests that violations committed in a very planned or deliberate manner by disappearance are deliberate because they are taken for a certain distance away from the location that should be left by the community keepada as the holder of the right to vote.

Similarly, KPPS / PPS election restrictions on voters in Oempu Village kecamatan Tongkuno, after checking on voter participation only found 43% of the Additional Voter List and Additional Voter List.

Similarly, the involvement of Civil Servants in the election criminal in the police report in the form of distributing sarongs to the citizens, but this handling does not continue in the judicial process because the investigation has passed the time so that the perpetrator does not get criminal sanction, the investigation is stopped (Note: Interview with Muna Police Investigator).

It is also interesting to note the publication delivered by Tempo.Co Kendari: Muna Voting (PSU) June 19, 2016 was colored by a member of the KPUD Forced to be evacuated during the commotion at TPS 4 Wamponiki, 11.00 Wita Pairs Ruman Emba-Malik Ditu Conducted a protest when members of KPUD Entering TPS. Whereas at the Voting Place, the members of the KPUD may not be in the TPS.

Re-voting (PSU) through the Constitutional Court's decision to accept the appeal pair Baharudin La Pili who sued Rusman Emba-Malik Ditu victory. December 9, 2016 Doctor My vote pair of votes 33 votes but sued the couple Rumah Kita so done PSU in Kelurahan Raha I, TPS 4 Village Wamponiki dasn TPS 1 Village Marobo.

- 1) A total of 322 polling stations were counted but the witnesses were given C1 form after the vote count. (done by the organizer)
- 2) Village of Oempu Kec. Tongkuno, Form C6 is found inside the forest and some has been burned, so the C7 form In box is omitted. (done by the organizer)
- 3) Double voting in Wamponiki urban village (conducted by the organizer)
- 4) Additional voter list (DPTB) 2 is greater than the Additional Electoral List (DPTB) 1
- 5) SKTT issuance collectively 3 names on one letter number and 1 sheet of SKTT in District Marobo.
- 6) Bubbles 33 Votes recognized by KPUD and Panwass.

The division of C1 form should be filled by the witnesses themselves but what happened was that the witness only had the signature. This registrar is categorized as a violation of the stages that give effect to the validity of the stages process. These violations are so structured because they are done by the organizers.

### 3.2 Construction Design of Democratic Law Society

#### a) Theoretical Analysis Conceptualization Model of Democratic Law Society

The study of the concept of mass society expresses a certain value as a consciousness that shapes attitudes and behavior of society. The concept of Local Wisdom as proposed by Talcot Parsons understands that local wisdom contains the minds of every society in responding to events in the space it occupies. There is an alternating current that lives in the community. This view contributes to every comment about society so that local wisdom becomes inherent with society.

Likewise with Durkheim's view, which divides society on the concept of Organic Solidarity and Organic solidarity. Mechanical Solidarity is understood to be a society that is still strong to maintain mutual awareness. This is very different from the organic solidarity that tends to be liberal individualists. This representation is important to show the different categories of concepts he calls solidarity in a society. This research argues that, under the conditions of society with mechanical solidarity, the conceptualization of the Democratic-Legal Community will be easier to apply than in communities with organic solidarity. This identification is required in the conceptualization of the Democratic Law Society.

The description of a society is also expressed by Hart which according to him there is a difference between a society between what he calls Primary Rules which tend not to be deferential over existing social functions, which are different from the Secondary Rules where the social functions that exist in the community performs the division of functions social.

Another aspect is also explained by Peter and Surbakti concerning the existence of public Political awareness. Peter argues that political consciousness is related to the awareness of every citizen to power. Peter believes that every society has this kind of awareness. But Surbakti sees it differently. Political Awareness in his view is related to awareness of Rights and Duties that should be present to every citizen. Both of these views can be integrated into the conceptualization of the Democratic Law Society as it relates to the holding of the Regional Head Election as a mechanism for the formation of powers in the regions.

Esmi Wasisah provides a view of the Legal Culture as an inherent aspect also in the society it understands that the legal culture actually contains the values that become views as the attitude of a society. It is this legal culture that becomes the control for legal compliance. Law Awareness, according to him, is a process of feedback between regulation, lawmakers, law enforcers, community as role-holders, law enforcement, legal communication with all the complexities of socio-political power. This interesting opinion is observed because the implementation of the Regional Head Election does involve so many aspects. These aspects which he called influence the formation of the legal consciousness of a society.

Consciousness The Constitution is fundamentally an aspect that gives existence to the consciousness of nation and state,

because the basic frame in the life of nation and state is the constitution as the constitutional foundation and the implementation of the election of the Head of Region remains in the frame of the Unitary State of the Republic of Indonesia, which is proven in the final dispute settlement is in the realm of the Constitutional Court.

Daniel S Lev in the book Judicial Institution and legal Culture Indonesia reminds us that what is believed to be just or unjust is actually contained in the fundamental underlying assumptions or awareness in society. Paneangan affirmed the existence of the basic values inherent in fundamental awareness in every society.

Some related research in 2015 also gives a reference so dasyatnya various cheating elections Regional Head that causes conflict and then the victims turned out to be the community, both on Research Bungasan Hutapea (2015) which mengemukakan Dynamics Pilkada which he gave birth to various criminals Pilkada. Dian Yusyanti (2015) who also pretends to reduce the conflict due to elections. Similarly, Bilal Dewansyah (2015) who presented the Deliberatif Campaign Model as an alternative to the ideal campaign which, according to him, the campaign should be held by opening up enough space for contestant's dialogue with the constituents in order to exchange ideas in finding social understanding in the implementation of democracy.

Various concepts on the study of this society are then designed in such a way as to internalize efforts in the community that became the object of this research as constructed through the process of internalization and institutionalization in the Construct of Democratic Law Society.

#### b) Construct a Democratic Law Society to Prevent Pilkada Fraud.

The construct of the Democratic-Democratic society is the design of the social concept of society as a reaction to the various anti-democratic actions taking place in the direct administration of Democracy. The people as right-holders appear to be placed as objects targeted by anti-democratic measures as identified in the initial section identified in fraudulent practices or violations in the Regional Head Election.

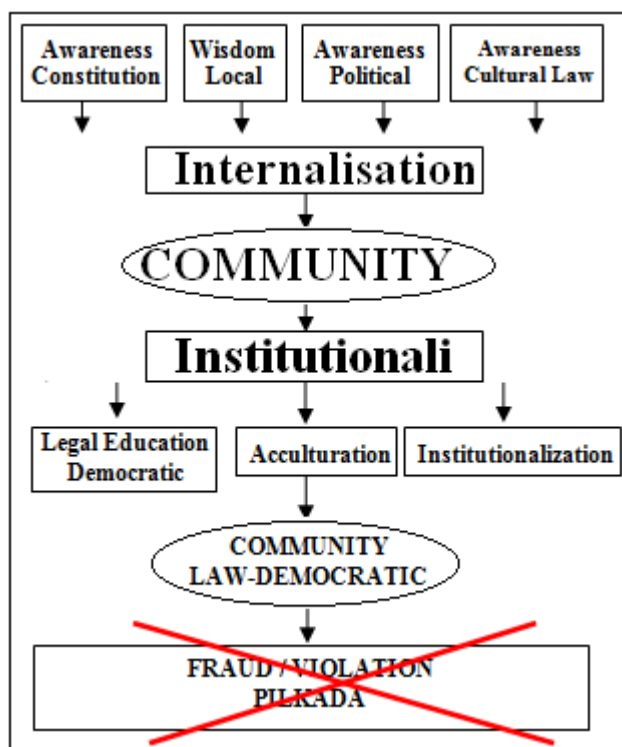
From the facts revealed in the legal process as well as the undocumented frauds indicate a fundamental problem in the practice of law and democratic life in the election of regional head elections. Citizens do not become the real subjects as the holder of the right to vote but the citizens are seen to be victims of various unlawful actions by various parties who are involved in the implementation of the Regional Head Election.

This research has a number of basic assumptions in developing the concept of Democratic Law Society, Firstly that in the implementation of Democracy both the legislative elections and the Regional Head Election, the citizens are authentic right holders, Basic Rights and placed as constitutional rights; second, that the implementation of democracy both Pileg and Pilkada puts the people as the most interested parties; thirdly, so as the holder of the right

to vote should be kept not the people actually become victims of the practice of Anti-Democracy in its implementation.

With the facts of social law and facts that exist and occur in the implementation of the Regional Head Election, this research proposes the idea to establish the resilience of law and democracy in the social life of the community. This optimism is based on the awareness that in the social life of the community there are social potentials that can be grown, mobilized, nurtured, nurtured and developed in such a way as to form a social awareness that contains two things namely the awareness of Law and Democratic awareness as a whole that is expected to shape the resilience of law and democracy in society to be strong and resilient against the pressures of Anti-Democracy.

The design of the Democratic Law Society has two stages of conceptualization, namely the concept of internalization and the concept of institutionalization, as can be explained in the following concept chart:



**Figure 4:** The Construction of Law and Democratic the Society

• **The Concept of Internalization**

This internalization concept integrates the various social potentials and institutions in society that are expected to contribute to the formation of legal and democratic awareness. This research understands the existence of such social pottensi, which include:

- a) Local wisdom,
- b) Socio-political awareness,
- c) Legal awareness and legal culture,
- d) Constitutional awareness.

The formation of Democratic Law Society requires values that exist in the life of the community including local wisdom, social awareness, legal awareness and

constitutional awareness to the community. The internalization stage is done by:

- **Stages of Value Identification:**  
Search of a number of noble Values on the local wisdom of the community relevant to the consciousness of the Law and, Democratic Society, Value Crystallization and Value Internalization
- **Value Crystallization Stages:**  
This stage is done by formulating concrete contribute values for the Law and Democratic awareness of society
- **Value Internalization**  
Putting concrete values as local wisdom, social awareness, awareness-legal culture, constitutional awareness in the formation of a Law-Democratic Society.

The process of identification, the crystallization of values as proposed will be done with the Discussion Group forum which includes:

- a) Customary character
- b) Public figure
- c) Religious leaders,
- d) Political Figure
- e) Government
- f) The legal apparatus,
- g) Youth Leaders
- h) Civil society organizations
- i) Academics
- j) Election Organizer.

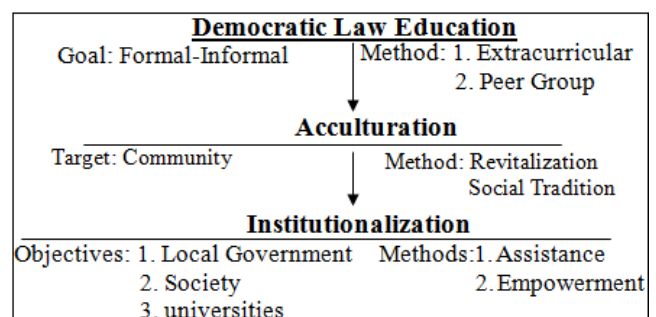
FGD is expected to occur (brainstorming), interaction of mutual confirmation related to the values of local wisdom, social-political kesadaraan, legal awareness, constitutional awareness in the formation of Democratic Law Society. The process of value internalization will be integrated into the institutional stage as part of the next process.

• **Institutional Concept**

Institutional Community Democratic Law is carried out with the following institutional steps:

- 1) Legal-Democracy Education
- 2) Acculturation of Legal-Democratic Value
- 3) Instodionionization of Democratic Law Society

These institutional stages include the following systematic steps and targets and methods used in the illustration below:



**Figure 5:** The Construction of Democratic Law Society Institutions

• **Legal-Democratic Education**

Democratic Law Education with the target of students and students is done by integrating the legal education curriculum and democracy into the various kinds of

extracurricular activities in schools. The curriculum is designed by modifying a number of civic rights materials necessary to foster legal and democratic awareness as part of the citizenship rights necessary for the establishment of a Democratic Law society.

The educational / training method is designed to be varied with the development of a participatory learning model so that learners do not become merely felt as learning objects but also subject to the process. It is intended that learners can find their own formation of the consciousness of Democratic Law.

In the informal group of heads of households, housewives, out-of-school youth will be grouped in the form of Peer Group with adult learning methods that are held informally and participatively as well.

Social institutions that exist in the community will be utilized in such a way as to be able to mendaptasi awareness of Democratic Law as part of its own identity expression. It is not an inwardly indoctrinated external consciousness. The appreciation of the identity and social role that is owned and will be embodied in everyday practice should be properly understood to avoid misperceptions that may disturb the internalization of the consciousness to be idealized and to be realized.

This research recognizes that at this stage still requires improvement of conception, so that various resumes in implementation continue to be identified as input in its perfection.

#### • **Acculturation of the Value of Democratic Law**

The process of culture is done with the revitalization of the existing social Tradition. This is done by first identifying existing social traditions and still living or in a hidden tradition but a part of the tradition of local customs or customs such as the value of togetherness in Gotong Royong, solidarity in social rituals such as marriage, Riding House, Kidanan Anak, Solidarity Value help each other on limited social conditions. This culture tries to reinforce these social ties to contribute to the institutionalization of the democratic consciousness of the people concerned.

In the formal segment, learners also need this process to be able to recognize their own social traditions that are living and working in the social life of the community. If some social tradition no longer executes or fades in social life then this process of social tradition revitalization is expected to revive it. There is a suspicion that the tradition of togetherness that has begun to fade is considered to contribute to the ease of social conflict in the community.

#### • **Institutionalization**

The institutionalization that will be used in the institutionalization of the concept of Democratic Law Society is by involving the Regional Government, Higher Education and Society. All three institutions work together in partnership programs, assistance and community empowerment. Local Government with the presence of regional apparatus Camat, Village, RW / RT with the institution Kesbangpol in charge of government affairs is

directly incorporated this program into the work program. Higher Education is responsible for the assistance and empowerment and the community as subject and object of the program that implement it directly.

In this process requires a certain time in measuring performance for improvement and refinement of the program. The sincerity of the local government is desirable in this commitment, not only because the authorization of government affairs lies with the authority and power of the local government, but also that the stability of the government to be formed is the collective result which every democratic government wants to achieve. The assumption of this Research that the design of the Construct of Democratic Law Society will shape the legal and democratic resilience in society that can prevent various forms of electoral fraud such as Money Politics, Kinship Pressure, Violations by Penyelenggaraan, Black campaign and Intimidation with the assumption that Strengthening the Society with legal awareness and democracy then the community will be consolidated and organized to take actions:

- a) Avoiding various forms of cheating
- b) Against various forms of anti-democratic pressure or cheating

Such optimism can be formed by programs created and programmed to build the personal capacity of the citizens of society as well as to form a consolidation of organizations that will continuously take care of the legal and democratic consciousness. Democracy Law Education will immerse bad impacts in the social life of the community concerned if it is allowed to continue to happen. Awareness to rise and fight against fraud and violations of Pilkada will be organized in such a way that it can continue to narrow the space for the various acts of cheating. The institutionalization of partnerships Local Government, Universities and Local Government plays an important role for the seriousness of this initiative.

## **4. Conclusion**

The construct of the Democratic-Democratic society is the design of the social concept of society as a reaction to the various anti-democratic actions taking place in the direct administration of Democracy. The people as right-holders appear to be placed as objects targeted by anti-democratic measures as identified in the initial section identified in fraudulent practices or violations in the Regional Head Election.

From the facts revealed in the legal process as well as the undocumented frauds indicate a fundamental problem in the practice of law and democratic life in the election of regional head elections. Citizens are not the real subjects as the holder of the right to vote but the citizens are the victims of various unlawful actions by various parties involved in the implementation of the Regional Head Election.

## **5. Suggestion**

Based on the facts of social law and facts that exist and occur in the implementation of the Regional Head Election, this research proposes the idea to establish the resilience of



law and democracy in the social life of the community. This optimism is based on the realization that in the social life of the community there are social potentials that can be grown, mobilized, nurtured, nurtured and developed in such a way as to form a social awareness that contains two things namely the awareness of Law and Democratic awareness as a whole that is expected to form the resilience of law and democracy in society to be strong and resilient against the pressures of Anti-Democracy.

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