

Comparative Study of the General Election Commission (KPU) in the United States and South Korea

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Article	Abstract
<p>How to cite: Sinta Alfi Rosyida & Basuki Kurniawan, 'Comparative Study of the General Election Commission (KPU) in the United States and South Korea' (2023) Vol. 4 No. 3 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v4i3.292</p> <p>Article History: Submitted: 15/10/2023 Reviewed: 20/10/2023 Revised: 10/12/2023 Accepted: 29/12/2023</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>According to Article 22 E of the 1945 Constitution of the Republic of Indonesia, Indonesia is a democratic country where the people hold the highest power with a representative system, namely general elections. General elections are one way for people to participate in politics. The type of research used is library research, where the research is centered in the library to obtain data without carrying out field research. So the data source is obtained using literature or regulations and norms related to the problem to be studied, namely in the form of books that examine the Position and Authority of the General Election Commission (KPU). The results of the research are 1) That the Juridical Study of the Position and Authority of the General Election Commission (KPU) in the perspective of the State Administration of the Republic of Indonesia is to realize the instrument of popular sovereignty, which aims to create a legitimate government and provide a way for the people to express their ambitions and interests. 2) That the comparison of the position and authority of the General Election Commission (KPU) in the United States and South Korea is that the United States has two general election commissions, namely the Electoral College and the Federal Election Commission (FEC).</p> <p>Keywords: <i>General Election Commision, United State, South Korea.</i></p> <p>Abstrak Menurut Pasal 22 E Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Indonesia adalah negara demokrasi dimana rakyat memegang kekuasaan paling tinggi dengan sistem perwakilan yakni pemilihan umum. Pemilihan umum merupakan salah satu cara agar masyarakat dapat berpartisipasi untuk berpolitik. Penyelenggaraan pemilihan umum (pemilu) untuk memungkinkan masyarakat mengekspresikan tujuan politiknya adalah salah satu pertunjukan demokrasi Indonesia yang paling signifikan. Jenis penelitian yang dipakai ialah library research (kepuustakaan) yang penelitiannya terpusat dalam perpustakaan guna mendapatkan data dengan tidak melaksanakan penelitian lapang. Sehingga sumber data didapatkan memakai literatur-literatur ataupun peraturan-peraturan serta norma-norma yang berkaitan akan permasalahan yang hendak diteliti yakni berupa buku-buku yang menelaah tentang Kedudukan dan Wewenang Komisi Pemilihan Umum (KPU). Hasil penelitian ialah 1) Bahwa Telaah Yuridis terhadap Kedudukan dan Wewenang Komisi Pemilihan Umum (KPU) dalam perspektif Ketatanegaraan Negara Republik Indonesia adalah untuk mewujudkan instrumen kedaulatan rakyat, yang bertujuan untuk menciptakan pemerintahan yang sah dan memberikan jalan bagi rakyat untuk mengekspresikan ambisi dan kepentingannya. 2) Bahwa Perbandingan Kedudukan dan Wewenang Komisi Pemilihan Umum (KPU) di Amerika Serikat dan Korea Selatan adalah Amerika Serikat dua komisi pemilihan umum yakni Electoral College dan Komisi Pemilihan Federal (Federal Election</p>

Commission/FEC).

Kata Kunci: *Komisi Pemilihan Umum, Amerika Serikat, Korea Selatan.*

Introduction

According to Article 22 E of the 1945 Constitution of the Republic of Indonesia, Indonesia is a democratic country where the people hold the highest power with a representative system, namely general elections. General elections are one way for people to participate in politics.¹ Holding general elections (elections) to allow people to express their political goals is one of Indonesia's most significant displays of democracy. Two important pillars that support the protection of human rights in Indonesia are the democratic system and the country's constitution.² Considering that Article 1 point 2 of the 1945 Constitution of the Republic of Indonesia states that "Sovereignty is in the hands of the people".³

The history of the establishment of election management institutions has existed since President Soekarno formed the Central National Committee Establishment Body and drafted Law Number 12 of 1946 concerning Renewal of the Composition of the Central Indonesian National Committee (UU No. 12 of 1946), both of which were passed in 1946.⁴ The first election was known to have existed in Indonesia in 1955. President Soekarno issued Presidential Decree no. 188 of 1955, which regulates the formation of the Indonesian Election Committee (PPI).⁵

Exactly on April 4 1953, Law Number 7 of 1953 concerning the Election of Constituent Members and Members of the People's Representative Council stated that the center of PPI government was the capital. Each electoral district has a local Regional Election Committee (PPD).⁶ Each sub-district has a District Election Committee. Each village has an election registration committee, just like committees and election committees abroad. The President appoints the PPI, the Minister of Justice appoints the Election Committee, and the Minister of Home Affairs appoints the Regional Election Committee. The first election was successfully carried out safely, easily, fairly and very democratically.⁷

President Soeharto established the General Election Institute (LPU) during the New Order government, which acted as the institution responsible for holding general elections in Indonesia. LPU was established based on Presidential Decree Number 3 of 1970; led by the Minister of Home⁸ Affairs and consisting of the Procurement and Transportation Agency, the Leadership Council, the Advisory Council, and the LPU Secretariat General.⁹ after the New

¹ A. Dedi, Implementasi Prinsip-prinsip Demokrasi di Indonesia, Universitas Galuh Ciamis: Jurnal Moderat, 2021, h. 1–9

² Dwi Dodik Romadoni Wijaya & Helmi Zaki Mardiansyah, "Tindak Pidana Pembunuhan Karena Membela Diri Perspektif Hukum Pidana Islam dan Hukum Pidana Nasional" Rechtenstudent Journal, Vol. 3 No. 3 (2022): Rechtenstudent Desember 2022. , h. 45

³ Lihat Pasal 1 ayat 2 Undang-Undang Dasar Negara Republik Indonesia 1945

⁴ Ansori, L. (2017). Telaah terhadap Presidential Threshold dalam Pemilu Serentak 2019. Jurnal Yuridis, 4(1), h. 15-27.

⁵ Harun, *Pemilu Konstitusional: Desain Penyelesaian...*h. 34.

⁶ Solikhin, A. (2017). Menimbang Pentingnya Desentralisasi Partai Politik di Indonesia. Journal of Governance, 2(1), h. 12

⁷ Refly Harun, *Pemilu Konstitusional: Desain Penyelesaian Sengketa Pemilu Kini dan ke Depan...*,34

⁸ F. M. Firanda, S. Milwandhari and V. Putratama, Sistem Informasi Perjalanan Dinas Berbasis Web Studi Kasus : DPRD Kabupaten Garut, vol. 13, Politeknik Pos Indonesia SISTEM: Jurnal Ilmiah Manajemen Informatika, 2021, h. 15–20

⁹ Simamora, J. (2014). Menyongsong rezim pemilu serentak. Jurnal Rechtsvinding, 3(1), 21.

Order dictatorship fell, which was the result of political unrest in society. On May 21, 1998, President Soeharto announced his resignation as leader¹⁰ of the Republic of Indonesia. Vice President Bacharuddin Jusuf Habibie took over as president in his place. Currently, the history of the Indonesian General Election Commission is being written.¹¹

Article 1 paragraph (2) of the 1945 Constitution after the amendment states clearly that "Sovereignty is in the hands of the people and is implemented according to the Constitution". With this it is stated that sovereignty is in the hands of the people (the holder of the highest power).¹² People's sovereignty¹³ in the state is exercised through a representative system, namely representative democracy (indirect democracy).¹⁴ General elections function as a means of handing over the sovereignty of the people to their representatives. Elections are thus one of the democratic processes used in this case in Indonesia.¹⁵

The rights to assembly and association, freedom of speech, and effective application of the law are some of the characteristics of democracy. Elections, as already mentioned, are a democratic means of changing government in Indonesia. To ensure the existence of leadership regulations in both the executive and legislative branches and prevent absolute leadership, general elections are held periodically every 5 (five) years in Indonesia. The People's Festival has been held ten times in Indonesia, starting in 1955, 1971, 1982, 1987, 1992, 1997, 1999, 2004 and 2009.¹⁶

This research will also discuss the comparison of the KPU in Indonesia and the United States. The main tool of the American government, as well as the highest court in that country, is the United States Constitution. The Constitution has provided direction for reforming various government institutions for 200 years and serves as a foundation for political stability, individual rights, economic expansion, and social progress. By comparing the 1945 Republic of Indonesia¹⁷ Constitution which regulates Indonesia with the 1945 Republic of Indonesia Constitution which regulates the United States which is based on 200 years of experience, Indonesia can certainly learn and reflect.¹⁸

The election system, election methods, types of elections, general election organizers, general election principles, and other aspects of general elections are of course different from those currently held and in force in Indonesia. As has been said previously, the basic law of a

¹⁰ M. A. Pasaribu and Z. Fadhly, *Perancangan Aplikasi dalam pengelolaan Surat Perjalanan Dinas di BPKD Aceh Barat*, Jurnal Penelitian dan Pengabdian Masyarakat (COMSERVA), 2021, h. 419–425.

¹¹ Refly Harun, *Pemilu Konstitusional: Desain Penyelesaian Sengketa Pemilu Kini dan ke Depan...*, 35

¹² E. A. K. Lestari, S. E. Anjarwani and N. Agitha, *Rancang Bangun Sistem Informasi Surat Perintah Perjalanan Dinas pada Sekretariat Daerah Provinsi Berbasis Web*, vol. 2, University of Mataram: Journal of Computer Science and Informatics Engineering, 2018, h. 29–36.

¹³ A. Susanto, N. W. P. Septiani and M. Lestari, *Perancangan Sistem Informasi Pengelolaan Surat Masuk Surat Keluar dan SPPD di Keluarahan Jatijajar*, vol. 2, Jurnal Riset dan Aplikasi Mahasiswa Informatika, 2021, h. 14.

¹⁴ Rahman, A. A., Amin, H. M. J., Si, M., Utomo, H. S., & Si, M. (2017). Tugas dan Wewenang Komisi Pemilihan Umum Dalam Pemilihan Anggota Legislatif Kota Balikpapan Periode 2014- 2019. *E-journal Ilmu Pemerintahan*, 5, 123.

¹⁵ Jimly Asshiddiqie, *Hukum Tata Negara Dan Pilar-Pilar Demokrasi...*, 293

¹⁶ IDEA, *International Standar-standar Internasional untuk Pemilihan Umum : Pedoman Peninjauan Kembali Kerangka Hukum Pemilu*, (Stockholm. International IDEA. (2002)), 13.

¹⁷ Aditya, A. (2020). Analisis Strategi Komunikasi Partai Politik Baru Dalam Meningkatkan Partisipasi Politik Pemilih Pemula . *Jurnal Al-Bayan: Media Kajian dan Pengembangan Ilmu Dakwah*, 26(1), 43-76.

¹⁸ Fuady, *Perbandingan Ilmu Hukum*, 19

country (basic law) regulates the basic law or main law of the country, while additional laws and regulations will regulate technical matters.¹⁹

There is no longer a need to distribute people's sovereignty directly through general elections in order to empower the functions of people's representatives who act in accordance with democratic principles because democracy upholds harmony between the wishes of the people and the behavior of their trusted representatives. honest, fair, free and secret general elections. To strengthen constitutional democracy, which is a form of democracy based on the rule of law.²⁰

This research also compares general elections held in Indonesia and the United States. According to the Constitution, this has the implication that later in the discussions, disparities related to general elections in Indonesia will be seen from the Constitution of each country (Basic Law). This study is limited to the 1945 Republic of Indonesia Constitution, so it only compares general elections across countries using the provisions of the 1945 Republic of Indonesia Constitution as the basis.²¹

The United States has two (2) important institutions in general elections there, namely the Electoral College and the Federal Election Commission (FEC). The 2002 US Election, which did not feature a presidential campaign, received little outside media coverage. Because they last roughly half of the current President's term, elections like these are also known as mid-term elections or simply mid-term elections. Election results can be seen as the public's assessment, approval, or disapproval of the president's policies.²²

The first Tuesday in November is when the US presidential election is held every four years. The stages of the US presidential election listed here are as follows:

1. To choose which party's candidates will attend the national convention, states organize primaries or caucuses.
2. National convention, where a candidate from one of the parties from the caucus will be selected and declared as a presidential candidate.
3. Elections and campaigns. To secure voter support in this November's election, candidates from all parties will run campaigns across the state.

Electoral college, Even if a presidential candidate wins the popular vote in the November election, they don't necessarily win. The US Constitution mandates the use of electoral college procedures, in which each state selects an elector (an elected group of people) to elect the president and vice president after a public vote. The first Monday after the second Wednesday of the week is when the electoral college elections are held in December.²³

Apart from the United States, this research will also discuss the comparison of the general election systems in Indonesia and South Korea, both of which adhere to the same government system, namely the Presidential Democracy system, where the country is led by the President and power is in the hands of the people,²⁴the general election system in Indonesia is very complex because in one election the people have to elect the head of state

¹⁹ Soerjono Soekanto, *Perbandingan Hukum*, (Bandung : Alumni, 1979), 61

²⁰ Soekanto, *Perbandingan Hukum*, 61

²¹ Soekanto, *Perbandingan Hukum*, 62

²² Mayo, *An Introduction*...70

²³ Ansori, *Perbandingan Hukum Pemilihan Umum Presiden dan Wakil Presiden di Indonesia dengan Amerika Serikat Berdasarkan Konstitusi*, Voice Justisia, Vo.3 No.1 Maret (2019), 57

²⁴ Dalam acara Seminar Nasional di Fakultas Hukum Universitas Nasional (FH UNAS) dengan Tema "Sistem Pemilihan Umum: Studi Komparatif Indonesia dan Korea Selatan", diakses pada tanggal 21 Februari 2023

and the people's representatives in all parliamentary institutions. According to him, this is a consequence of Indonesia as a country that adheres to a democratic system.²⁵

This is different from South Korea, where elections are held separately and not too many political positions are elected in one implementation, even though the electoral system is the same, namely a presidential democratic system, there technology is used in conducting elections, whereas in Indonesia, voting is still manual but has there is development towards there, so in using technology everything must be prepared starting from the technological infrastructure, human resources, the environment, and also the cultural character of the community.²⁶

The National Election Commission (NEC) oversees the implementation of elections in South Korea. On January 21, 1963, NEC was established in accordance with Article 114 of the South Korean Constitution. Such as the National Assembly, Executive Branch, Supreme Court, and Constitutional Court.²⁷ The NEC is an independent body. At the national level, there are 9 (nine) members of the NEC, consisting of 3 (three) members appointed by the president, 3 (three) members of the MPR, and 3 (three) other people appointed by the Chief Justice of the Supreme Court.²⁸

NEC Commissioners are required to be politically uninfluenced, not affiliated with any political party, or never take part in political activities sponsored by a political party. NEC members elect the Chair and Deputy Chair. However, a commissioner from the ranks of supreme court judges is usually selected to serve as chairman. The term of office of the NEC Commissioner is 6 (six) years. Until they are found guilty or punished by a court, they cannot be dismissed.

The NEC functions as both an organizing and supervisory body for the conduct of general elections. The NEC is empowered to oversee voter data collection, campaigning, voting, and vote counting in addition to conducting all elections. In fact, the NEC has the power to dissolve political parties. All elections for public office, such as president, members of parliament, regional leaders, and presidents of state universities, must be conducted by the NEC.

Election results are determined by the NEC, which also registers voters, plans and coordinates the collection of voter information, oversees campaigning, voting, and ballot counting. According to the provisions of Article 3 of the 1998 Election Commission Law, the South Korean election commission is tasked with planning and supervising elections, as well as supervising the voting and counting of votes.²⁹

²⁵ Ganjar Razuni Dalam acara Seminar Nasional di Fakultas Hukum Universitas Nasional (FH UNAS) dengan Tema "Sistem Pemilihan Umum: Studi Komparatif Indonesia dan Korea Selatan", diakses pada tanggal 21 Februari 2023

²⁶ Ganjar Razuni Dalam acara Seminar Nasional di Fakultas Hukum Universitas Nasional (FH UNAS) dengan Tema "Sistem Pemilihan Umum: Studi Komparatif Indonesia dan Korea Selatan", diakses pada tanggal 21 Februari 2023

²⁷ Aurel Croissant, *Electoral Politics in South Korea*, tulisan dapat dilihat pada <http://library.fes.de/pdf-files/iez/01361008.pdf>

²⁸ Croissant, *Electoral Politics in South Korea...*

²⁹ Croissant, *Electoral Politics in South Korea.....*

Research Methods

This research design uses a normative juridical research type, which means that the problems taken, discussed and described in this study can be carried out by examining forms of legal rules such as laws, literature and then linking these rules to the problems as the main problem. or focus on applying the rules or norms in positive law.

The statutory approach, the conceptual approach and the Comparative Approach are the two approaches that researchers took in analyzing the Position and Authority of the General Election Commission (KPU) in the State Constitutional Perspective of the Republic of Indonesia. The statutory approach is carried out by examining and examining all statutory regulations that are related to the issues in the main discussion. Meanwhile, the conceptual approach is carried out by studying related doctrines that have developed in legal science.³⁰ The data collection method uses library research on legal materials, both primary legal materials and secondary legal materials.

Results and Discussion

The Position and Authority of General Election Commission (KPU) in Indonesia

General elections are very important for voters and political parties, as well as for state administrators, in accordance with the four organizational objectives listed above. The appointment of state officials through fair elections shows the public's sincere support for the government. On the other hand, public support is only slim if the government is born from the results of dishonest elections.³¹

General elections, or elections, are a new stage that the government uses to demonstrate to the people and as a concrete form of attracting people's participation in organizing and building a strong government in Indonesia. They were detained for the first time in 1955.³²

This allows the division of the electoral system into two formulas, namely;

- a. Mechanical Selection System, This system shows a mechanical point of view that treats people as a collection of similar individuals. Liberalism, socialism, and communism all have a mechanical worldview as their foundation. While socialism, especially communism, values the collective whole of society while downplaying the importance of the individual, liberalism promotes the individual as an autonomous unit and sees society as a complex of contractual relationships between individuals. However, in all of the above schools of thought, the person is still viewed as an active suffragist and sees the electorate as a collection of people who each vote separately in each election.
- b. Electronic Election System People are positioned in this election system as individuals who live side by side in various genealogical life relationships (household, family), certain functions (business, industry), social layers (workers, farmers, scholars), and other organizations. higher education institutions in society. Groups in society are viewed as beings consisting of organs with specific roles and responsibilities within the organism as a whole, such as living communities or associations, which have the ability to elect representatives to serve on society's representative bodies.³³

³⁰ Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi*, (Jakarta: Kencana Prenadamedia Group, 2017), Hlm 133-137

³¹ Tanthowi, Mempertahankan Kemandiri KPU...4

³² Feith, Pemilihan Umum 1955...12

³³ Feith, Pemilihan Umum 1955...12

The choice of this organic system can be linked to a functional representative system known as a two-chamber parliamentary system, such as in England and Ireland, when paired with a representative system. People's representative institutions, according to a mechanical system, are bodies that appropriately represent the general interests of the people. According to the second system (organic), while the institutions that represent the interests of the people reflect the special interests of each living group.

Mechanical selection can be carried out using various systems. There are two systems in general and outline, namely:

a. District/Majority Representatives (Single Member Constituencies)

Even though their victory is relative (not absolute), in this system the people's representatives from an area are elected based on who gets the most votes or the most votes in that area. In addition, some papers claim that the district system based on geographic unity is the oldest voting system. There is one representative from each geographic region (often referred to as a district because of the demarcated areas) in parliament. The country is divided into a large number of districts for electoral purposes, and the number of districts determines how many people are represented in parliament. Votes cast for other candidates in the district are considered invalid and no longer count in favor of the candidate who received the most votes in the district.

There are two candidates, A and B, in a district of 100,000 voters, for example. Candidate A wins if he receives 60,000 votes while receiving 40,000 fewer than candidate B. The United States, India, Canada, and the United Kingdom all use this voting system. The advantage of this method is that every candidate from a district is usually local or even if they come from outside the district, it is guaranteed that they are known to the local population. Malaysia is one of the countries that uses this electoral system.

b. Balanced Representation System (Proportional Representation or often called Multi-Member Constituency)

This method allocates a number of seats in institutions that represent the will of the people to each political party based on the proportion of votes obtained by that party. The system adopted by Indonesia can be seen in various variations, all of which essentially uphold the idea that each voter gets one vote and each member of parliament represents a certain number of constituencies. Even when votes are cast in different constituencies, the remaining votes in each constituency are not lost and can be added to the total number of votes cast for the same party. According to the number of votes they obtain, each political party will get seats in the legislature. Small parties can still win seats in the legislature this way.

Apart from Indonesia, this system is widely used in democratic countries in Latin America, the United States and a number of Western European countries such as Austria, Bulgaria, Denmark, Finland, Sweden and Switzerland. The justification for using a proportional system is that under it, the number of votes a party gets at the national level is directly related to the number of seats it wins in the legislature.³⁴

Although some experts argue that the sophisticated mathematical methods used in these proportional systems are to blame, these systems can be used in a variety of ways that can be roughly divided into two categories, namely:

1. The first, second, third and so on candidates from the relevant electoral district are available for voters to choose. When the required balance number of votes is reached, the

³⁴ Wall, *Desain Penyelenggaraan Pemilu...*10

candidate with the highest priority number is declared the winner. If there are additional votes, they can be transferred to the candidate with the next highest priority number, and so on. Small political parties can obtain seats in the people's representative institutions by combining their votes, even if they do not initially obtain the required number of balanced votes. Vote counting, however, is hands-on and requires careful attention. Single switchable sound with the hare system is the name of this procedure.

2. A list system approach, which asks voters to choose candidates from a list containing as many names of voter representatives as possible, is used to conduct elections..

However, the balanced or proportional representation electoral system is recognized as having several advantages compared to the district system, regardless of its advantages and disadvantages. For example, the process of selecting people's representatives to be elected does not include lost or neglected votes, which is said to be more democratic and causes people's representative institutions to be more national rather than regional. Despite claims to the contrary, it has been stated that Iran, Indonesia, Nigeria, Bosnia, and Bosnia-Herzegovina all use hybrid district and proportional electoral systems.³⁵

Comparison of the Position and Authority of the General Election Commission (KPU) in the United States and South Korea

The position and power of the KPU in South Korea and the United States will be discussed in this research. The primary tool of the American government, as well as the highest court in the land, is the United States Constitution. The Constitution has provided direction for reforming various government institutions for 200 years and serves as the foundation of political stability, individual freedom, economic expansion, and social progress.³⁶

1. Position and Authority of the General Election Commission (KPU) in the United States

The United States has two (2) important institutions in general elections there, namely the Electoral College and the Federal Election Commission (FEC). First, the Electoral College is explained that when Americans go to the polling stations, they actually elect a group of officials who will occupy the Electoral College. College. The word "college" here means a group of people with a common task. These people are called electors, and their job is to choose the president and vice president. The Electoral Council meeting is held every 4 years, a few weeks after election day.³⁷

How does the Electoral College work? Reported by the BBC, each state roughly has the number of electors according to its population. The more people there are, the more electors there are. Each of the 50 US states plus Washington DC has a number of electoral votes equal to the number of members in the House of Representatives plus their two Senators. California has the largest number of electors, namely 55, while states with fewer populations such as Wyoming, Alaska and North Dakota (as well as Washington DC as the capital) have at least 3, for a total of 538 electors. Each elector represents one electoral vote, and presidential candidates must receive a minimum of 270 electoral votes to advance to the White House.³⁸

³⁵ KPU RI, Fondasi Tata Kelola Pemilu (Jakarta: KPU, 2017). Buku ini menjelaskan secara komprehensif terkait tema tentang pemilihan.

³⁶ Soekanto, Perbandingan Hukum..62

³⁷ Kompas.com diakses 08 Juni 2023 pada pukul 14.00 Wib.

³⁸ Kompas.com diakses 08 Juni 2023 pada pukul 14.00 Wib.

States typically award all of their Electoral College votes to the presidential candidate who wins the popular vote. For example, if a presidential candidate wins 50.1 percent of the vote in Texas, he will get all of the state's 38 electoral votes. Therefore, a presidential candidate can become US president by winning a number of crucial states, even though he has fewer public votes than the rest of the country. Only the states of Maine and Nebraska use the "congressional district" method.³⁹

This means that one elector is elected in each congressional district based on the people's choice, while the other two electors are elected based on the majority of the people throughout the state. This is why presidential candidates target specific states, rather than trying to win as.⁴⁰

The US Constitution was created in 1787, national voting to elect the president was impossible due to the size of the country and the difficulty of communication. At the same time, there is some support for lawmakers in Washington DC to elect the president. The framers of the constitution then created an electoral college, and each state chose its electors.⁴¹

After the explanation above, it can be concluded that in theory the position and function of the Electoral College is purely to elect the president and vice president simultaneously, where the Electoral College only meets once every 4 years before the election is held in order to create elections with integrity. Indeed, not much is explained regarding the position and the function of the Electoral College itself, but researchers conclude that the Electoral College is an institution filled with people with integrity who can be called the Council in the United States.⁴²

Second, the Federal Election Commission (FEC) which oversees elections in the US, is a commission established by Congress in 1975. The Federal Election Campaign Act (FECA), the law governing the financing of federal elections, is administered and enforced by the Election Commission Federal (FEC), created by Congress.⁴³

There are 6 commissioners who make up the FEC. Three of the six commissioners may not be members of the same political party. With Senate approval, the President appoints the commissioner. The Federal Election Campaign Act must be administered and enforced by the FEC commissioner, who has a full-time job. They gather behind closed doors to discuss things like law enforcement but keep their policymaking secret from the general public. Additionally, they vote on matters related to law and administration when elections are held.⁴⁴

The FEC, an agency with independent monitors, is responsible for overseeing public money used in presidential elections as well as enforcing legal restrictions such as contribution limits and bans.⁴⁵

Every even-numbered year, in November, there is a general election in the United States. The Tuesday after the first Monday of the month is always election day. Even though it is held every two years, the position of US President is only elected once every two years or every four years. These elections, like those in 2000 and 2004, typically attract attention from around the world.

³⁹ Kompas.com diakses 08 Juni 2023 pada pukul 14.00 Wib.

⁴⁰ Kompas.com diakses 08 Juni 2023 pada pukul 14.00 Wib.

⁴¹ Kompas.com diakses 08 Juni 2023 pada pukul 14.00 Wib.

⁴² Kompas.com diakses 08 Juni 2023 pada pukul 14.00 Wib.

⁴³ Henry B. Mayo, *An Introduction to Democratic Theory*, (New York : Oxford University Press, 1960), 70

⁴⁴ Mayo, *An Introduction...*70

⁴⁵ Mayo, *An Introduction...*70

The 2002 US election, which did not feature a presidential campaign, received little outside media coverage. Because they last roughly half of the current President's term, elections like these are also known as mid-term elections or simply mid-term elections. Election results can be seen as the public's assessment, approval, or disapproval of the president's policies.⁴⁶

The first Tuesday after the first Monday in November is when the US presidential election is held every four years. The stages of the US presidential election listed here are as follows:

1. To choose which party's candidates will attend the national convention, states organize primaries or caucuses.
2. National convention, where a candidate from one of the parties from the caucus will be selected and declared as a presidential candidate.
3. Elections and campaigns. To secure voter support in this November's election, candidates from all parties will run campaigns across the state.
4. Electoral college Even if a presidential candidate wins the popular vote in the November election, they don't necessarily win. The US Constitution mandates the use of electoral college procedures, in which each state selects an elector (an elected group of people) to elect the president and vice president after a public vote. The first Monday after the second Wednesday of the week is when the electoral college elections are held in December.⁴⁷

Regarding the position and function of the FEC itself, as with the Electoral College, this is not really explained, but researchers can conclude that the position and function of the FEC itself is an independent regulatory body of the United States which aims to enforce campaign finance laws in American federal elections. Union. Created in 1974 through an amendment to the Federal Election Campaign Act, the commission describes its duties as "to disclose campaign finance information, to enforce legal provisions such as contribution limits and prohibitions, and to oversee the public financing of Presidential elections.", in this case It is the same as the Indonesian KPU whose job is to organize campaigns, so the FEC is an institution that collaborates with the Electoral College to achieve general elections with integrity.

2. Position and Authority of the General Election Commission (KPU) in South Korea

The National Election Commission (NEC) oversees the implementation of elections in South Korea. On January 21, 1963, NEC was established in accordance with Article 114 of the South Korean Constitution. Such as the National Assembly, Executive Branch, Supreme Court, and Constitutional Court.⁴⁸ The NEC is an independent body. At the national level, there are 9 (nine) members of the NEC, consisting of 3 (three) members appointed by the president, 3 (three) members of the MPR, and 3 (three) other people appointed by the Chief Justice of the Supreme Court.⁴⁹

NEC Commissioners are required to be politically uninfluenced, not affiliated with any political party, or never take part in political activities sponsored by a political party. NEC members elect the Chair and Deputy Chair. However, a commissioner from the ranks of supreme court judges is usually selected to serve as chairman. The term of office of the NEC

⁴⁶ Mayo, An Introduction...70

⁴⁷ Ansori, *Perbandingan Hukum Pemilihan Umum Presiden dan Wakil Presiden di Indonesia dengan Amerika Serikat Berdasarkan Konstitusi*, Voice Justisia, Vo.3 No.1 Maret (2019), 57

⁴⁸ Aurel Croissant, *Electoral Politics in South Korea*, tulisan dapat dilihat pada <http://library.fes.de/pdf-files/iez/01361008.pdf>

⁴⁹ Croissant, *Electoral Politics in South Korea*...

Commissioner is 6 (six) years. Until they are found guilty or punished by a court, they cannot be dismissed.

The NEC functions as both an organizing and supervisory body for the conduct of general elections. The NEC is empowered to oversee voter data collection, campaigning, voting, and vote counting in addition to conducting all elections. In fact, the NEC has the power to dissolve political parties. All elections for public office, such as president, members of parliament, regional leaders, and presidents of state universities, must be conducted by the NEC.

Election results are determined by the NEC, which also registers voters, plans and coordinates the collection of voter information, oversees campaigning, voting, and ballot counting. According to the provisions of Article 3 of the 1998 Election Commission Law, the South Korean election commission is tasked with planning and supervising elections, as well as supervising the voting and counting of votes.⁵⁰

Registration, changes and dissolution of political parties are all handled by the NEC. In addition, NEC supports political party activities conducted in accordance with legal requirements. Others fund political parties at the national level, oversee the formation of organizations that support them, collect and disperse their funds, and monitor how those funds are used to ensure they are used in accordance with laws and regulations.⁵¹

United States of America	South Korea
Elections in the US are carried out by two commissions, namely the Electoral College and the Federal Election Commission (FEC). First, the Electoral College The word "college" here means a group of people with a common task. These people are called electors, and their job is to choose the president and vice president. The FEC was created in 1975 by Congress. Congress created the Federal Election Commission (FEC) to administer and enforce the Federal Election Campaign Act (FECA), the law that regulates federal election financing. The FEC consists of Six Commissioners. Of the six commissioners, three of them cannot be from the same political party. Commissioners are appointed by the President with the approval of the Senate. The Federal Election Campaign Act must be administered and enforced by the FEC commissioner, who has a full-time job. They gather behind closed doors to discuss things like law enforcement but keep	South Korea, with its NEC as the organizing body and supervisor of general elections, apart from holding all types of elections, the NEC also has the authority to supervise voter data collection, campaigns, voting and vote counting. In fact, the NEC is also given the authority to dissolve political parties. The NEC is also tasked with holding all types of elections related to public positions, including elections for president, members of parliament, regional heads and leaders of state universities.

⁵⁰ Croissant, *Electoral Politics in South Korea*.....

⁵¹ Croissant, *Electoral Politics in South Korea*.....

their policymaking secret from the general public. They also vote on judicial and administrative matters when elections are held. The FEC, a separate watchdog organization, is responsible for overseeing public money used in presidential elections as well as enforcing legislative restrictions such as contribution limits and bans.	
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Conclusion

Comparison of the Position and Authority of the General Election Commission (KPU) in the United States and South Korea. The United States has two general election commissions, namely the Electoral College and the Federal Election Commission (FEC). First, the Electoral College. The word "college" here means a group of people with a common task. These people are called electors, and their job is to choose the president and vice president. Second, the Federal Election Commission (FEC), which oversees elections in the US, is a commission. The FEC was established by Congress in 1975. To administer and implement the Federal Election Campaign Act (FeCa), the law governing the financing of federal elections, Congress created the Federal Election Commission (FEC), while the South Korean KPU is authorized to supervise voter data collection, campaigns, voting and counting votes as an election organizer and supervisor in addition to holding all other forms of elections. In fact, the NEC has the power to dissolve political parties. In addition, the NEC is responsible for planning all general elections, such as those for president, members of parliament, regional leaders, and presidents of state universities.

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