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The Role of Regional Bawaslu as a Supervisor in the Prevention and Hndling of Election Administration Violations in the City of Sukabumi

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ABSTRACT

Background. General elections are held simultaneously, including the election of members of the House of Representatives, members of the Regional Representative Council, President and Vice President, and to elect members of the Regional People's Representative Council, where in each process towards general elections there are several stages that need to be carried out by election participants.

Purpose. In the general election stages, there are often negligence committed by election participants, one of which is election administration violations, election administration violations are violations committed by election participants or election organizers during the election stages.

Method. In this research, the author uses normative juridical research methods that are qualitative in nature.

Results. Based on the findings made by the Sukabumi City Bawaslu, there were 19 findings of administrative violations in Sukabumi City committed by 2019 election participants, including 16 violations of campaign props and 3 violations of campaigns without notification letters to the police. From the findings by the Sukabumi City Bawaslu related to administrative violations, the Sukabumi City Bawaslu is authorized to receive, examine, review, decide reports from the public or findings by the Election Supervisor related to alleged election administration violations. From the alleged violation of election administration, the settlement uses a fast event in accordance with Article 40 of Perbawaslu No. 8 of 2022. From the many findings of alleged election administration violations, Bawaslu of Sukabumi City made several prevention efforts including appeals, Bawaslu of Sukabumi City delivered appeals to the community, election officials, and election officials.

Conclusion. Socialization, namely the implementation of the initialization of election rules and regulations and coordination to the community, election participants, and local government agencies, as well as law enforcement agencies conducting cooperation with coordination with law enforcement agencies related to elections.

KEYWORDS

Administrative Violations, Bawaslu, Prevention

INTRODUCTION

Since the reform period, we have consistently chosen a proportional electoral system, with the argument that this system produces the highest proportionality index, to determine the choice of electoral system, of course, we must refer back to the politics of constitutional law, especially the principle of popular sovereignty, although the 1945 Constitution does not determine what electoral system should be expected, However, based on

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the principle of popular sovereignty that has been interpreted through the Constitutional Court's decision, the system that must be chosen is a system that gives the highest appreciation and assessment of the voters' votes that should not be distorted by the role of political parties, therefore the system that is in accordance with the politics of constitutional law is the open list election system (Bahji dkk., 2021). According to Law No. 7 of 2017 concerning elections CHAPTER 1 Article 1 Paragraph 1 general elections, hereinafter referred to as elections, are a means of popular sovereignty to elect members of the House of Representatives, members of the Regional Representatives Council, President and Vice President, and to elect members of the Regional People's Representative Council, which are carried out directly, publicly, freely, secretly, honestly, and fairly in the Unitary State of the Republic of Indonesia (Fine dkk., 2019). In the sense that elections are held nothing but about changing leadership as well as written in the legal dictionary, "the process of choosing by vote a member of a representative body, such as the house of commons or a local authority (Stawinska-Witoszynska dkk., 2021). For the house of commons, a general election involving all UK constituencies is held when the sovereign parliament and summons a new one." (Brodeur dkk., 2021). A general election means the process of voting to elect members of a representative body, such as the lower house or a local authority (Price, 2022). For the house of commons, a general election involving all UK constituents is held when the sovereign parliament summons a new one (Frisone dkk., 2020). Theoretically, general elections are considered to be the earliest stage of the various sequences of democratic constitutional life, so elections are the driving force of the mechanism of a democratic political system.

From a constitutional point of view, general elections are a political process in constitutional life as a means of referring to the formation of representative institutions that carry out the mandate of the people (Auer & Griffiths, 2022). Elections must also be carried out freely, as an absolute requirement for the enactment of democracy, and can be linked to the fact that the value of a government to a large extent depends on the people who sit in it." General elections are also the realization of the ideals of the proclamation of Indonesian independence to continue in the administration of government as stipulated in the 1945 Constitution (Ukhov dkk., 2021). The holding of general elections is intended as an election conducted by all Indonesian citizens who have the right to vote and the right to be elected "in essence, general elections, in any country have the same essence. Elections mean that the people conquer the activity of choosing people or groups of people to become leaders of the people or leaders of the country, the chosen leaders will carry out the will of the people (Mazar dkk., 2020). Law No. 15/2011 provides an explanation of the existence of the General Election Commission (KPU) as a state institution that organizes general elections, due to the demands of the dynamics of society, political life and the demands of democracy (Hing dkk., 2022). the formation of the agency A national, permanent and independent election organizer is expected to be fair in facilitating elections for all election participants, an independent election organizer that is not placed under government power, so that it does not become a government interest (power) and the interests of other institutions and conflicts of interest in organizing elections.

Law Number 15 Year 2011 confirms the existence of another forum as an election organizer other than the general election commission (KPU), which is called the election supervisory body (Bawaslu) (Claesdotter-Knutsson dkk., 2022). The existence of Bawaslu, which is also an election organizer other than the KPU, is a translation of the provisions of Article 22E paragraph (5) of the 1945 Constitution concerning the term "a general election commission." The emergence of Bawaslu as an election organizer is based on the Constitutional Court Decision No. 11 / PUU-VIII / 2010 concerning the testing of Law Number 22 of 2007 (Mutiarasari & Herawati, 2020). The

clause "a general election commission" in the 1945 Constitution does not refer to an institutional name, but refers to the function of organizing general elections that are national, permanent and independent (Siboy dkk., 2023). Thus, according to the court, the function of organizing general elections is not only carried out by the general election commission (KPU) but also includes the general election supervisory institution in this case the general election supervisory body (Bawaslu) as a unit of the function of organizing general elections which is national, permanent and independent (Louderback dkk., 2021). In this case, of course Bawaslu has a role as part of the election organizer, of course as an independent institution in Indonesia Bawaslu has a supervisory duty in carrying out prevention and prosecution as stated in the Law on General Elections CHAPTER II Article 93 including preventing and prosecuting election violations, election disputes, and overseeing the preparation of the Election, then Bawaslu also has the authority to submit allegations of violations of election organizers, which in this case is the KPU. For harmonization in the implementation of election organizers, of course, with the implementation of democracy in Indonesia.

Administrative violations are violations of procedures related to the holding of elections at all stages of the holding of elections, except for election crimes and violations of the election organizers' code of ethics. Perbawaslu article 1 paragraph 37 election administration violations are violations of procedures, procedures, or mechanisms related to the administrative implementation of elections in each stage of the election. Political campaigns are a form of political communication (Butt & Siregar, 2021). The campaign is a vehicle for conveying the vision and mission and programs carried out by each party or candidate, equipped with an invitation to choose the right party and legislative candidates (Ali dkk., 2021). Campaigns can also be a dialogical medium for the people to test and assess which parties or candidates have a vision and mission and programs that are able to solve the nation's problems, so that elections are not just about gaining power, but becoming the people's political education in solving the nation's problems (Formosa dkk., 2020). Rogers and story define campaign as a series of communication actions A planned program with the aim of creating a certain effect on a large number of audiences that is carried out continuously over a certain period of time.

In the last Performance Accountability Report of Bawaslu Sukabumi City, there were still many Administrative Violations that occurred, 19 findings of administrative violations were found, including:

- 1. 16 Violations of Campaign Props (APK)
- 2. 3 Campaign violations without notification letter to the police

RESEARCH METHODOLOGY

The method used in this research the author uses normative juridical research methods that are qualitative in nature (Koh, 2020). Qualitative normative juridical research is research that refers to legal norms contained in laws and regulations as well as norms prevailing in society.

RESULT AND DISCUSSION

Implementation of the Fulfillment of Rights of Female Prisoners at the Sukabumi Class IIB Correctional Institution

Bawaslu as an election organizer and supervisor seeks to follow up on violations found during the implementation of the 2019 Election in Sukabumi City (Selten dkk., 2020). Election administration violations are the most common violations found in Sukabumi City, most of these violations come from the results of supervision carried out during the implementation of the election stages.

"There are two sources of handling violations, first from the findings so there are those who find information on indications of violations, and there are also people who officially report to the Sukabumi City Bawaslu, but in the Sukabumi City Bawaslu there are only findings of each reported violation," said the coordinator of the division of handling violations and resolving disputes of the Sukabumi City Bawaslu when interviewed (Fair dkk., 2020). (Interview result on July 1, 2023)

From the results of the interview, it can be said that the violations handled were found from one source, namely findings (Lebano dkk., 2020). This is related to what is stated in Perbawaslu No. 8 of 2020 Article 1 Paragraph 19 findings of alleged violations hereinafter referred to as findings are the results of active supervision of election supervisors containing alleged violations.

From the findings obtained by Bawaslu Sukabumi City (Miernicki dkk., 2019), the handling of election administration violations is regulated in Bawaslu Regulation No. 14 of 2012 on the procedures for evaluating and handling violations of the General Election of Members of the House of Representatives, House of Representatives, and House of Representatives (Dalen dkk., 2019). Bawaslu only has one main source for processing violations, this can be in the form of reports or findings. A review is an ongoing examination of alleged violations found by supervisory officers from sub-districts and villages by Bawaslu. Meanwhile, reports are alleged violations submitted by the public to Bawaslu. According to the Coordinator of the Violation Handling and Dispute Resolution Division of Bawaslu Sukabumi City (Yermolenko dkk., 2022), "the mechanism at Bawaslu Sukabumi City is to receive reports or findings and then conduct an initial review process first to see whether the report is continued to the next process before a decision is made whether the report is a violation or not a violation."

From the interview, it can be said that the mechanism related to alleged violations starts from receiving reports or findings, reviewing, deciding.

Report Requirements

- a. Formil Requirements
 - 1) Identity of the reporter
 - 2) Identity of the reported party
 - 3) Reporting time is not more than 7 days after the incident was discovered
 - 4) The validity of the alleged violation report regarding the conformity of the signature in the alleged violation report formular with the identity card.
- b. Material Requirements
 - 1) Identity of the reporter
 - 2) Name and address of the reported party
 - 3) Description of the incident
 - 4) Time and place of the incident
 - 5) Witnesses to the incident
 - 6) Evidence obtained or known

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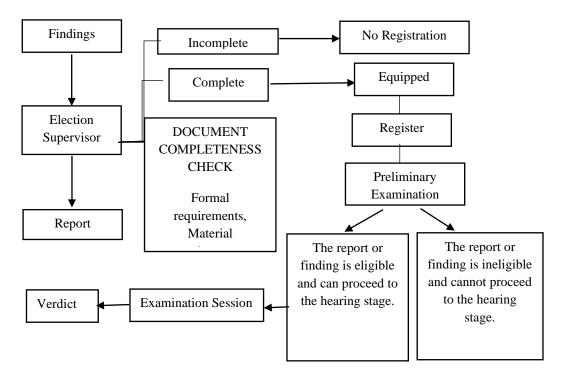
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Verdict Reading

Bawaslu decides on the findings or reports of alleged election administration violations determined at a plenary meeting.

Flow of Completion of Election Administration Violations



Efforts and constraints in fulfilling special rights for female prisoners at Class IIB Sukabumi Correctional Institution

Based on the results of interviews with the Coordinator of the Legal, Prevention, Community Participation, and Community Relations Division of Bawaslu Sukabumi City, efforts made in preventing administrative violations include

Appeal

Bawaslu Sukabumi City conveyed appeals to the public, election participants, and organizers regarding the implementation of elections.

Socialization

Implementation of socialization of regulations and election vulnerabilities and disputes which includes the following activities:

- 1. Target mapping
- 2. Preparation of materials, including:
 - a) Election monitoring material
 - b) Types and forms of violations
 - c) Types and forms of sanctions
 - d) The impact of violations and process disputes on the quality of election organizers
- 3. Implementation of activities
- 4. Evaluation of activities

Coordination

Bawaslu of Sukabumi City coordinates with relevant ministries or institutions or local governments with the following stages of activities:

- 1. Organizational or institutional mapping
- 2. Determination of coordination material
- 3. Drafting a memorandum of understanding
- 4. Formulation of strategic steps to prevent violations and process disputes as a follow-up to the memorandum of understanding

5. Evaluation of the effectiveness of coordination implementation

Institutional coordination

Bawaslu Sukabumi also cooperated by coordinating with law enforcement agencies, government agencies, education agencies, community organizations, and other agencies related to elections.

In its implementation, there were several obstacles faced by the Sukabumi City Bawaslu, including:

Handling time is too short

The time to report violations is very short, namely the temperature of the day since it was discovered or known. In addition, the time given by Bawaslu to follow up on reports is also very short, making it difficult to collect evidence. Although in Chapter 7 of the Law 7+7 the processing time for violations does not match the mediation time of the Law (elections for governors, mayors and governors), violations are scheduled for interrogation. This means that if the subject wants to flee during the interrogation, there is nothing to prosecute so the case is interrupted, because the editing process time expires, as well as other obstacles where the implementation is repetitive. The resolution of administrative and criminal cases requires legal success on the part of the law enforcement agencies themselves.

Campaign Funds

Funds for campaign materials, once converted, do not exceed IDR 60,000.

60,000, but election participants sometimes circumvent the procurement of campaign materials that are actually worth more than the provisions, but are equipped with proof of expenditure that can explain the value of the campaign material does not violate the provisions.

Campaign Implementation

Participants are given space to conduct campaigns that are in accordance with the laws and regulations, but in the implementation of these types of campaign methods are not value-free, meaning that they can be implemented as long as the election participants, but the campaign implementers and campaign teams do not submit notifications or permits to the local police with a copy to the Election Supervisor and KPU in accordance with the level.

Violations in the election process or stages are resolved by Bawaslu. However, Bawaslu's decision, although final and binding, is often not as strong as the decision of the judiciary, so it is often ignored.

Ineffective Legal Settlement considering that each institution has its own system of resolution system and requires a lot of time.

CONCLUSION

Based on the results of research and discussion conducted by the author regarding "The Role of Regional Bawaslu as a Supervisor in Efforts to Prevent and Handle Violations of Election Administration", it can be concluded that by implementing direct and indirect supervision, Bawaslu plays a supervisory role. Indirect supervision involves community involvement, such as students and the scout movement, while direct supervision involves Bawaslu's direct participation in every election process. The supervision carried out by Bawaslu during the general election in handling violations is to follow up a series of handling processes in accordance with the provisions of Law No. 7 of 2017 concerning General Elections and Bawaslu Regulation No. 7 of 2018. This is demonstrated by the fact that whenever there are findings or reports of election-related violations, Bawaslu follows up immediately if the situation meets the necessary physical and material standards. However, the election will be affected if the violation is not investigated further and if a

violation occurs, Bawaslu and the Election Supervisory Board of Honor (DKPP) will handle it. In handling violations, the Sukabumi City Bawaslu uses a quick event mechanism with the fulfillment of formal and material requirements by filling out form A.8 then conducting an initial study, clarification of the reported and reporter followed by a review of the violation, and finally notification of the status of the report or findings. In Sukabumi City there were 19 findings of administrative violations, including 16 violations of campaign props, and 3 violations of campaigns without notification letters to the police.

AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation; Writing - review and editing.

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