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The Authority of the Aceh Province General Election Supervisory Board in Resolving Administrative Violations in the 2024 Legislative Election

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Abstract

Article 95, Article 461, Article 462, Article 463, Article 464, and Article 465 of Law No. 7 of 2017 concerning General Elections (Election Law) regulate one of the authorities of the General Election Supervisory Body (Bawaslu) in handling Election violations, stating that Bawaslu is authorized to receive all forms of Election violations, thoroughly examine the categories of Election violations, and issue decisions or recommendations regarding administrative violations in Elections. This is further elaborated in Article 4 of the General Election Supervisory Body Regulation (Perbawaslu) No.8 of 2022, which outlines the authority of Bawaslu. According to the Perbawaslu, Bawaslu has the authority to receive all forms of Election violations, thoroughly examine the categories of Election violations, and issue decisions or recommendations

regarding administrative violations in Elections. Through Article 95 of the Election Law and Article 4 of Perbawaslu, it is explained that Bawaslu's authority, which also belongs to the judiciary within the judicial branch of power, is related to the authority to "decide" on administrative Election violations and disputes within the Election process. However, despite such broad authority, the Election Supervisory Body of Aceh Province still encounters many violations. Among the violation data, there are 15 administrative violations, including: 7 in Aceh Province; 5 in North Aceh Regency; 1 in Pidie Regency; and 2 in Pidie Jaya Regency. From this, Bawaslu Aceh issued decisions and recommendations that were considered weak in exercising its authority as mandated by the Election Law and Perbawaslu No. 8 of 2022.

Keywords: Election Law, Authority, General Election Supervisory Body of Aceh Province

Introduction

The statement "You can have an election without democracy, but you cannot have democracy without an election".¹ Illustrates how crucial elections are in a country that practices a democratic system. We cannot deny that the democratic system in our country automatically compels us to hold elections. In Indonesia, elections are essentially a means of fulfilling democracy, namely the embodiment of the provisions of Article 1 (2) of the 1945 Constitution (UUD 1945), namely the embodiment of the principle of people's sovereignty.

According to Article 1 No.1 of Law No. 7 of 2017 concerning General Elections (hereafter referred to as the Election Law), it is stated: "An election is a means of implementing the sovereignty of the people to elect members of the People's Representative Council (DPR), Regional Representative Council (DPD), President and Vice President, and to elect members of the Regional People's Representative Council (DPRD), which is conducted directly, publicly, freely, secretly, honestly, and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the UUD 1945".²

Elections, as a mechanism of democracy, are actually designed to transform the nature of conflicts in society into a competitive political arena filled with integrity through elections that run smoothly, orderly, and with quality. Elections are a means of

¹ John Burnheim, *Is Democracy Possible? :The Alternative to Electoral Democracy*, Sidney University Press: BukuKita.com hlm. 12-18.

² M. Marwan dan Jimmy P., 2009, *Kamus Hukum*, Reality Publisher, Surabaya, hlm. 651.

realizing people's sovereignty to form a democratic government. Furthermore, Article 1 (2) of the 1945 Constitution states, "Sovereignty is in the hands of the people and is carried out according to the Constitution." Article 22E, paragraph (1) of the UUD 1945 has outlined six criteria for democratic elections: Direct, public, free, secret, honest, and fair. In addition, the Election Law adds two more criteria: Transparent and accountable. Therefore, in organizing elections, the election organizers must implement them based on the principles as outlined in Article 2 of the Election Law, and the implementation must meet the principles of transparency and accountability, thus becoming additional principles in elections.

General elections have become a global phenomenon and have been practiced in both countries with well-established democracies, such as the United Kingdom, the USA, and France, as well as in countries still in the process of transitioning toward democracy. However, the phenomenon of elections in various countries, including developed ones, still shows that elections cannot escape from various violations and fraud (electoral malpractices). In this context, the concept of electoral integrity becomes crucial because the driving force behind elections is politics, which inherently involves justifying any means to achieve goals and power.

Elections are a means of the people's sovereignty to elect members of the People's Representative Council (DPR), Regional Representative Council (DPD), President and Vice President, and to elect members of the Regional People's Representative Council (DPRD), which are conducted directly, publicly, freely, secretly, honestly, and fairly in the Unitary State of the Republic of Indonesia (NKRI) based on Pancasila and the UUD 1945.

In the context of election organizers, the oversight function is held by an institution called the General Election Supervisory Body (Bawaslu), alongside the technical organizing body, the General Election Commission (KPU), and the Election Organizer Ethics Council, in this case, the Honorary Council of Election Organizers (DKPP). The General Election Supervisory Body, or more popularly known as Bawaslu, is one of the state institutions in Indonesia formed to oversee or have a supervisory function in the implementation of elections in Indonesia. The establishment of Bawaslu was driven by public distrust in the results of elections that were considered manipulative and full of fraud. Therefore, in the development of elections in Indonesia, the creation of the Bawaslu, which performs the oversight function in elections, is a manifestation of the efforts and encouragement from society to minimize potential fraud and to create a more democratic election process under the New Order regime.³

As for the 2025 elections, these lessons and developments are expected to influence the electoral process and contribute to further strengthening the democratic system in Indonesia.

In principle, oversight in an ideal democracy should be carried out directly by the public. This term is often referred to as participatory oversight, where the public is actively involved in monitoring the democratic process in the

country where they reside. This is the case in the United Kingdom, where the UK Election Commission (KPU UK) promotes public awareness to actively participate in the election process. The UK Election Commission also has a limited oversight function, which is focused on monitoring the financial aspects of political parties participating in the election. Meanwhile, the protection of rights, election administration, and other matters are handled by the public themselves.

BAWASLU is the election organizing body that oversees the implementation of elections throughout the entire territory of the Unitary State of the Republic of Indonesia (NKRI). Like other state institutions, BAWASLU is also granted authority by regulations in specific fields, namely overseeing the implementation of elections. BAWASLU's authority is expressly outlined in Article 95 of the Election Law, where one of its authorities is to handle election violations,⁴ stating that:

- a. Receiving and following up on reports related to suspected violations of regulations governing the election process;
- b. Investigating, examining, and deciding on administrative election violations.

One of Bawaslu's functions is to oversee the stages of the election and prevent election violations. Bawaslu has a strategic and significant function, which is how to avoid the emergence of potential election violations by implementing an optimal prevention strategy. Bawaslu is also expected to carry out strict and effective enforcement and serve as a fair election judge. Historically, the establishment of Bawaslu is expected to encourage and strengthen public oversight by providing support in the form of regulations, authority, human resources, budgets, as well as facilities and infrastructure. To be effective, each oversight report must be sharper and become legal facts that can be followed up according to existing regulatory mechanisms and should provide a deterrent effect to reduce the potential for violations, ensuring that the goal of election justice is achieved.⁵

The specific authority outlined in Article 95 of the Election Law is further elaborated in Article 4, paragraph (1) of the Bawaslu Regulation No. 8 of 2022 concerning the Resolution of Administrative Violations in the General Election, which states that: Bawaslu, Bawaslu Province, Bawaslu Regency/Municipality, and Panwaslu LN are responsible for receiving, examining, reviewing, and deciding on allegations of administrative violations of the election in accordance with the location where the violation occurred.

The 2024 General Election, which was held simultaneously on February 14, 2024, was the seventh election since the first election was held in Indonesia in 1955, up to 2024. In this election, the election for members of the DPR, DPD,

⁴Ramlan Surbakti, Didik Supriyanto, dan Topo Santoso, *Penanganan Pelanggaran Pemilu* (Kemitraan bagi Pembaruan Tata Pemerintahan, 2011). hlm.23.

⁵ Jimly Asshidiqie, *Gagasan Kedaulatan Rakyat Dan Pelaksanaannya di Indonesia (Pergeseran Keseimbangan Antara Individualisme Dan Kolektivisme Dalam Kebijakan Demokrasi Politik Dan Demokrasi Ekonomi Selama Tiga Masa Demokrasi 1945-1980 An)*, Jakarta: PT Ikhtiar Baru Van Hoeve, 1994. hlm 94.

³ Ramlan Surbakti dan Hari Fitrianto, *Transformasi Bawaslu dan Partisipasi Masyarakat dalam Pengawasan Pemilu*, (Jakarta: Kemitraan Bagi Pembaruan Tata Pemerintahan, 2015), hlm. 18.

Provincial and Regency/Municipality DPRD, as well as the election of the President and Vice President, were held on the same day. The implementation of the 2024 General Election was conducted based on the Election Law, namely Law No. 7 of 2017 concerning General Elections and the supporting regulations of the election organizing bodies.

According to the Election Law, there are several authorities held by Bawaslu that are also possessed by judicial bodies within the judicial branch. In this case, Bawaslu's authority relates to the authority to "decide" on administrative election violations and election process disputes. Referring to Article 24 (3) of the UUD 1945, which concerns judicial power, it is mentioned that there are "other bodies whose functions are related to judicial power as regulated by law." This suggests the existence of an organ that exercises judicial power, in addition to the nomenclature of the Supreme Court (MA) and the Constitutional Court (MK), as stated in Article 24 (2) of the UUD 1945.

Election violations, in the context of law enforcement in Indonesia, are categorized into four types: Violations of the code of ethics of election organizers, administrative violations of the election, criminal violations of the election, and other legal violations.⁶ In the 2024 General Election, data on violations reported or even directly found by Bawaslu recorded a total of 2,264 reports or findings of issues in the election. Of this number, 52.69%, or 1,193 reports, were registered. Meanwhile, 604 reports or findings were not registered, and 467 others have not yet been registered. Of the registered reports, 44.51% were declared as election violations, while 386 others were declared not to be election violations.

Aceh, which is one of the provinces that has held simultaneous elections, and being the westernmost region, certainly holds significant political value in Indonesia. With a population of over 5 million, Aceh is a province with a Permanent Voter List (DPT) this year totaling 3,749,037 voters, out of the total number of voters across Indonesia, which includes 540 regencies/cities, 7,277 districts, 83,731 villages/subdistricts, 820,161 polling stations (TPS) in 38 provinces throughout Indonesia.⁷ Aceh also comprises 23 regencies and cities, 290 districts, and 6,499 villages (or "gampong"). Overall, Aceh played a significant role in the implementation of the 2024 simultaneous elections.

The Legislative Election in Aceh in 2024 left behind violations that were addressed by the Bawaslu of Aceh Province. Data obtained shows that the Election Supervisory Body (Bawaslu) of Aceh Province received reports and findings related to violations. Based on the handling of these violations, Panwaslih Aceh was able to categorize which violations fell under the scope of electoral violations and which did not. From the data gathered, 162 reports and 48 findings were categorized as violations. Out of these, 70 reports and 48 findings were registered.

In the handling of these violations, 69 were categorized as violations, while 49 were not. From the total violations handled by the Bawaslu of Aceh Province, we can see the types of violations that occurred. These included 15 administrative violations, 9 suspected electoral criminal offenses, 38 violations of the code of ethics, and 8 other

legal violations. The data obtained from the Information and Documentation Management Officer (PPID) of Panwaslih Aceh clearly shows that violations persist at every stage of the election.⁸

In handling the violations in the Legislative Election of 2024, there were 15 administrative violations spread across the provincial and district/Municipality levels, with 7 administrative violations at the provincial level, 5 in North Aceh Regency, 1 in Pidie Regency, and 2 in Pidie Jaya Regency. Based on the data obtained, a deeper examination is needed regarding the resolution of violations by the Election Supervisory Body in Aceh (Panwaslih Aceh) in handling administrative violations that occurred during the election, specifically in the 2024 legislative election in Aceh.

Based on the data related to administrative violations in the 2024 Legislative Election in Aceh and expert opinions on resolving these violations according to the regulations mentioned above, it is therefore crucial to conduct a further study on the role of the election oversight institution in Aceh Province regarding the "Authority of the Election Supervisory Committee of Aceh Province in Resolving Administrative Violations in the Legislative Election."

Research Methods

This study employs both empirical legal research and a normative or doctrinal legal research approach. Normative research focuses on the analysis and reading of primary and secondary materials, often referred to as library research, which makes the term "legal studies" more fitting in this context. Terry Hutchinson, as cited by Peter Mahmud Marzuki, suggests that doctrinal research offers a structured explanation for the regulation of specific legal categories, explores the interconnections between regulations, clarifies challenges, and allows for forecasts regarding future trends.⁹ On the other hand, normative legal research, also known as library research, targets written regulations and similar legal documents.¹⁰ Fundamentally, this research involves the examination of a variety of library resources or secondary data, which encompasses primary, secondary, and tertiary legal sources.

Normative legal research employs several approaches, specifically the Legislative Approach, Conceptual Approach, and Case Approach. This study incorporates these same methodological approaches. The Legislative Approach focuses on evaluating the authority of the Election Supervisory Body (Bawaslu) in addressing administrative violations, as well as the various challenges and efforts undertaken by this oversight entity. The Conceptual Approach aims to examine, comprehend, and analyze phenomena by identifying and studying concepts pertinent to the resolution of administrative violations by the Election Supervisory Body of Aceh Province. Likewise, the Case

⁸ Data didapatkan melalui website PPID Panwaslih Aceh, namun data tersebut belum konkret karena ada beberapa pelanggaran yang belum dilakukan update melalui website PPID Panwaslih Aceh.

⁹ Soerjono Soekanto dan Sri Mamudji, "Penelitian Hukum Normatif; Suatu Tinjauan Singkat (Cetakan Ke-8)," PT. Raja Grafindo Persada, Jakarta, 2004, hlm. 14.

¹⁰ I Made Pasek Diantha, "Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum," Kencana, Jakarta, 2016, hlm. 156.

⁶ Ni'matul Huda, 'Penataan Demokrasi Dan Pemilu Di Indonesia Pasca Reformasi, Cetakan Pertama', Jakarta: Kencana, 2016.

⁷ Jakarta Kpu.go.id-Komisi pemilihan umum KPU

Approach is utilized to investigate and analyze cases derived from data and specific phenomena in a thorough and detailed manner, allowing for generalizations or a more systematic arrangement alongside relevant theories. According to Peter Mahmud Marzuki, this approach aids researchers in grasping the evolving philosophy of legal regulations.¹¹

Empirical legal research refers to a form of legal inquiry that investigates and evaluates the operation of law within society. This examination can focus on various aspects, such as the effectiveness of the law, adherence to legal standards, the function of legal institutions in enforcement, the application of legal regulations, the influence of legal rules on particular social issues, or conversely, how social issues affect legal rules. Data sources for this type of research encompass both library resources and field research findings. Once the data is gathered, it undergoes identification, processing, and analysis before being compiled into a scientific document through qualitative research methods. Consistent with the descriptive-analytical approach of this study, secondary data is categorized based on predetermined classifications. Following this categorization, the data is scrutinized and analyzed through the lens of established legal theories and relevant regulations. Ultimately, conclusions are reached using a deductive reasoning process.

This research was conducted at the Election Supervisory Body (Bawaslu) of Aceh Province, the Secretariat of the Provincial Election Supervisory Body (Panwaslih), which also includes supporting elements such as the Chairman or Coordinator Members of various Divisions, including the Coordinator of the Violation Handling Division and the Coordinator of the Process Dispute Resolution Division of the Provincial Panwaslih in Banda Aceh.

The population of this study includes the entire election supervisory body in Aceh Province, including the chairman, members, staff, analysts of Panwaslih Aceh Province, as well as the chairman or members of Panwaslih in the districts/municipalities, and participants in the Legislative Election. It also includes political constants related to the legislative election in the Aceh Province and the districts/cities, namely: North Aceh Regency, Pidie Regency, and Pidie Jaya Regency.

Result and Discussion

Authority of the Settlement of Administrative Violations by the Election Supervisory Body (Bawaslu) of Aceh Province

The Election Law was enacted by the President Joko Widodo, with changes to the regulations regarding the administration of elections. One of these changes was the granting of authority to Bawaslu, Bawaslu Province, and Bawaslu Regency/Municipality to handle administrative violations of the election process, including receiving, examining, reviewing, and deciding on administrative violations of the election. This is as stipulated in Article 461 (1) of the Election Law. In this case, Article 461 (1) of the Election Law reads: "Bawaslu, Bawaslu Province, Bawaslu Regency/Municipality shall receive, examine, review, and decide on administrative violations of the election."

The change granting authority to the election supervisors in administrative violations means that Bawaslu, Bawaslu Province, and Bawaslu Regency/Municipality are no longer merely recommenders, but also the executors or decision-makers in such cases, as stated by Didik Supriyanto: "This institution is no longer merely a recommender, but an executor or decision-maker."

According to Didik Supriyanto, the previous Election Law placed Bawaslu only as part of the process for resolving administrative violations, with the resolution being the responsibility of the General Election Commission (KPU). In practice, Bawaslu conducted meetings to examine whether an administrative violation was present based on a complaint. If a violation existed, Bawaslu would recommend that KPU resolve it. However, the Election Law strengthens Bawaslu's authority. Bawaslu is now not only an oversight body but also a judicial body, or at least performs judicial functions. Thus, the procedures for resolving administrative violations now follow a trial model. The formation of the Election Law replaced three (3) previous laws concerning elections, which were declared repealed and no longer valid, namely: Law No. 42 of 2008 on the Election of the President and Vice President, Law No. 15 of 2011 on the Organizers of the General Election, and Law No. 8 of 2012 on the Election of Members of the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council.

Bawaslu (Election Supervisory Body) has the authority to handle administrative violations in the election process. The administrative violations in question are generally related to non-compliance with regulations or procedures that have been set by the KPU (General Election Commission) or applicable election regulations. Bawaslu's authority in handling administrative violations includes several things, including:

1. **Examination and Supervision:** Bawaslu supervises all stages of the election, including the administration carried out by election organizers, election participants, and other related parties.
2. **Investigation of Administrative Violations:** Bawaslu can investigate allegations of administrative violations committed by election participants or organizers. Administrative violations can be in the form of non-compliance with existing administrative procedures, such as prospective participants, campaign fund reporting, or voter data protocols.
3. **Actions or Sanctions:** If administrative violations are found, Bawaslu has the authority to impose administrative sanctions, such as warnings, cancellation of status or candidacy, or administrative fines. In addition, Bawaslu can also provide further action to other authorized parties.
4. **Resolving Disputes:** Bawaslu can resolve administrative violations that occur during elections or regional elections, both between election participants and between participants and election organizers.

However, in the case of more serious violations or those leading to election crimes, Bawaslu coordinates with law

¹¹Peter M. Marzuki, "Penelitian Hukum," Kencana Prenada, Jakarta, 2011, hlm. 32.

enforcement officers (such as the Police) for further handling.¹²

The changes in the Election Law grant authority to Bawaslu, so that Bawaslu is now not just a body giving recommendations, but also a decision-maker, as outlined in Article 461 (1) of the Election Law, as mentioned above. Then, in paragraph (6) of Article 461, the Election Law states: "The decisions of Bawaslu, Bawaslu Province, and Bawaslu Regency/Municipality to resolve administrative violations of the election shall include: a. administrative corrections to procedures, processes, or mechanisms in accordance with the provisions of legislation; b. written warnings; c. exclusion from certain stages in the implementation of the election; and d. other administrative sanctions in accordance with the provisions of the Election Law." So it appears that the scope of "administrative violations" faced by Bawaslu is also quite broad.

In State Administrative Law, administrative violations in the implementation of elections are part of the field of state administrative law, namely the field of law that regulates and determines the administrative aspects of the state in a comprehensive and systematic manner, so that it becomes a guideline for state administrators in providing services to the community properly and with authority based on applicable regulation.¹³

Based on the framework of the Election Law that has been put forward, it can be seen that the regulation regarding: "Bawaslu, Provincial Bawaslu, Regency/Municipality Bawaslu receive, examine, review, and decide on administrative election violations," is in Book Four on Election Violations, Election Process Disputes, and Election Result Disputes, Chapter I on Election Violations, Part Three on Administrative Election Violations and Paragraph Two on Settlement of Administrative Election Violations, which contains 5 (five) Articles, namely Articles 461 to 465.

Table 1: Regulations regarding Bawaslu, Provincial Bawaslu, Regency/Municipality Bawaslu receive, examine, review and decide on administrative election violations in the Election Law

Number	Book	Chapter	Section	Paragraph	Article
1.	Book Four: Election Violations, Election Process Disputes, and Election Result Disputes	Chapter I: Election Violations	Part Three: Administrative Election Violations	Second Paragraph: Resolution of Administrative Election Violations	From Article 461 until Article 465

The regulation on Bawaslu, Provincial Bawaslu, Regency/Municipality Bawaslu is to receive, review, examine and finally decide on administrative violations of the Election as regulated in the Election Law contained in Article 461 to Article 465 of the Election Law.

The Election Law does not provide an understanding, but only provides its scope, namely in Article 460 (1) that administrative violations of the Election include violations of procedures or mechanisms or procedures in relation to

Election administration for each stage in the implementation of the Election. Administrative violations of the Election/Regional Election can originate from findings from all levels of Bawaslu infrastructure from the center to the regions or reports from Election/Regional Election participants and the community. In order to be able to follow up on the findings/reports, formal and material requirements must be met.¹⁴

Generally, the process for addressing administrative violations related to the Election/Regional Election is structured as follows: An examination panel is established by the Chairman of Bawaslu in conjunction with Bawaslu members during a plenary session, which must include at least three individuals led by the Chairman. The Chairman of Bawaslu presides over this plenary session, with the other participants being Bawaslu members. Following this, the examination panel undertakes a preliminary review to assess the completeness and validity of documents concerning reports or findings of alleged administrative violations in the Election/Regional Election, as well as those related to the TSM Election.¹⁵ This handling of administrative violations in both the Election and Regional Head Election (Pilkada) entails Bawaslu forming an examination panel that comprises a minimum of three members, supported by one assistant examiner and one notary. The Bawaslu chairman and members serve as the formal judges, dressed in black suits and tidy ties, seated at a high table that faces the audience. Reporters from political parties occupy seats on the left and right, while the individuals being reported-typically members of the KPU at both central and regional levels-longside election participants, are present as well. The session's chairman from Bawaslu possesses a gavel to signal the beginning and conclusion of activities, as well as to address significant issues. Until now, both the reporters and those being reported have referred to the "assembly session" or the "chairman of the assembly" in relation to the members and the chairman of Bawaslu.

More intriguing than the resolution of disputes concerning administrative elections is the cancellation of candidates for the DPR, Provincial DPRD, Regency/Municipality DPRD, as well as Presidential and Vice Presidential candidates. According to Article 463 (1) of the Election Law, when an administrative election violation occurs in a structured, systematic, and massive way, Bawaslu is tasked with receiving, examining, and recommending action on the violation within 14 (fourteen) working days as mentioned in Article 460. Following this, the KPU must act on the Bawaslu's decision by issuing its own decision within a maximum of 3 (three) working days after the Bawaslu's ruling (Article 463 (3)). The KPU's decision may result in administrative sanctions, which include the cancellation of candidates for the DPR-RI, DPD, Provincial DPRD, Regency/Municipality DPRD, and pairs of Presidential and Vice Presidential candidates (Article 463 of the Election Law).

From the standpoint of Indonesia's judicial system, the entire court case involves various parties that are distinct yet

¹² M. Qodri Azizy, *Pengawasan Pemilu dan Pilkada*, Kencana, Jakarta, 2016.

¹³ Lestari C. R., Suhaimi., Mustakim. "The legal strength of a deed of sale and purchase when a land rights ownership dispute occurs, viewed from the perspective of land administration law". *International Journal of Law*, Volume 10, Issue 6, 2024, Pages 115-119.

¹⁴ In'amul Mushoffa, Abdurrachman Sofyan, Fahrurroji, *Konsep Memperdalam Demokrasi*, Intrans Publishing, Malang, 2016. hlm. 24-27.

¹⁵ Saldi Isra, dan Khairul Fahmi, *Pemilihan Umum Demokratis: Prinsip-Prinsip dalam Konstitusi Indonesia* (Jakarta: Rajawali Pers, 2021), hlm.18.

interconnected, including investigators, public prosecutors, judges, legal advisors, and those seeking justice.¹⁶ Meanwhile, the judiciary's role is defined by Law No. 48 of 2009 regarding Judicial Power, which states that judicial power is the authority of an independent state to administer justice. The Supreme Court (MA) serves as the highest authority, overseeing judicial bodies such as general courts, religious courts, military courts, and state administrative courts.

Law No. 48 of 2009, known as the Judicial Power Law, outlines the presence of semi-judicial institutions in a distinct section labeled Chapter V, titled "Other Bodies Whose Functions Are Related to Judicial Power." Specifically, Article 38 (1) asserts that "besides the Supreme Court and its subordinate judicial bodies, along with the MK, there are additional entities whose functions pertain to judicial power." Article 38 (2) elaborates on the limitations of functions associated with judicial power, which include: (a) investigation, (b) inquiry, (c) prosecution, (d) execution of decisions, (e) provision of legal services, and (f) resolution of disputes outside the court. Furthermore, Article 38 (3) of the Judicial Power Law states that the regulations concerning other bodies related to judicial power are to be established by law. The presence of dedicated regulations for quasi-judicial/semi-judicial institutions indicates a legislative intent regarding the legal acknowledgment of these entities, which are increasingly prevalent within Indonesia's judicial power framework, and also serves as an extension of Article 24 (3) of the UUD 1945.

Bawaslu functions as a quasi-judicial/semi-judicial body within Indonesia's judicial framework, aiming to adapt to the evolution of contemporary judicial practices and ensure genuine justice for those seeking it during General and Regional Elections. This concept of justice extends beyond the court proceedings (in-court) to encompass resolutions outside of the courtroom (out of court). Consequently, with the global advancement of judicial practices, the notion of establishing an alternative dispute resolution mechanism, referred to as ADR (Alternative Dispute Resolution), has gained traction in Indonesia as well. This method facilitates the resolution of disputes through mutual agreement between the parties involved, representing a non-litigation approach.

Thus, it is a misconception to believe that Indonesia's state institutions responsible for judicial functions consist solely of four entities: The general judicial body, the religious judicial body, the military judicial body, and the TUN judicial body. As a semi-judicial institution, Bawaslu's chairman and members, who serve in the capacity of semi-judges, are required to adhere to universal principles applicable to judges. This includes adherence to ethical standards, such as a code of ethics and a code of conduct. The principles referred to as "The Bangalore Principles of Judicial Conduct," which are acknowledged globally, apply to judges today.

In Judicial Conduct, it is agreed that there are principles that must be used as a guideline by every judge throughout the world, namely the principles: (1) independence, (2) neutrality or impartiality, (3) integrity and balance of

personality, (4) propriety and courtesy, (5) equality, (6) competence, and (7) diligence. These behavioral principles should ideally also reflect the behavior of every Bawaslu Chairperson and Member because of the high degree of judges in deciding every case as a fortress for those seeking justice. Based on the authority that has been mandated by the Election Law, then through several main principles of constitutional authority contained in the regulations, the Provincial Panwaslih further considers the authority over Article 461 paragraph (1) and is regulated expressis verbis in the election supervisory regulation (Perbawaslu) Number 8 of 2022. Therefore, there are three main authorities of Bawaslu. If we look at the dual-function authority of Bawaslu as stated in the Election Law, namely related to the judicial function and the supervisory function, then it can be said that the existence of Bawaslu which supervises the implementation of elections is considered no longer relevant to the development of today's elections. In addition, from the perspective of legal interests, of course Bawaslu must be objective in carrying out its judicial function which must not be damaged or disturbed by other functions inherent in Bawaslu.

Basically, the supervisory function can now be transferred to civil society. When viewed from the perspective of legal interests, Bawaslu will be more objective if it is changed to an Election Court that is tasked with specifically trying cases of election administrative violations. If this is done, the supervisory function in Bawaslu will actually not disappear. This is because in the judicial function there should be a substantive supervisory function. This means that when Bawaslu tries, at the same time it is actually supervising.

From the perspective of the Indonesian judicial institution, the developments that occur have implications for the differentiation of the judicial process. This differentiation is reflected in the formation of general judicial institutions, special judicial institutions, and quasi-judicial institutions.¹⁷ Specifically, this discussion will only discuss quasi-judicial institutions. A quasi-judicial institution is an institution that is semi-governmental in nature, which is given single or mixed authority (for example as a regulator and punisher, like a judicial institution). The criteria that must be possessed by a quasi-judicial institution, according to Prof. Jimly Asshiddiqie are:¹⁸

- a. The power to provide assessment and consideration.
- b. The power to hear or determine (ascertain facts), in order to make a decision.
- c. The power to make binding decisions and considerations.
- d. The power to influence the rights of individuals or the property rights of individuals.
- e. The power to test witnesses, compel witnesses to attend, and hear statements from the parties in court.
- f. The power to enforce decisions and/or impose sanctions.

¹⁷ Jimly Asshiddiqie, dkk., *Hitam Putih Pengadilan Khusus*, Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia, (2013), hlm. 5.

¹⁸ Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, (Jakarta: Sekretaris Jenderal dan Kepaniteraan Mahkamah Konstitusi Republik Indonesia, 2006), hlm. 115-166).

¹⁶ Sofyan Kriswanti, "General Election Implementation in Indonesia's National History in the Order of New and Reform," *Santhet: Jurnal Sejarah, Pendidikan dan Humaniora* 2, nomor. 2 (2018): hlm.36.

The criteria for a semi-judicial institution expressed by Jimly, if we look at the election supervisory institution in the Aceh region, have more or less met the six criteria for a semi-judicial institution. However, in its implementation, there are certainly still some things that are still lacking in essence. The power to provide assessments and considerations by an institution that has received the manifestation of a judicial institution by the Election Supervisory Body, of course we will find the power to provide assessments on reports or even findings of administrative violations in the 2024 legislative elections in Aceh Province. In terms of providing the exercise of its assessment power, Bawaslu certainly provides a value aspect to the report and findings whether it can be classified as a violation or not. Also, the power of assessment and consideration is in line with providing a value aspect to the course of the trial. Criteria number two to number six can certainly be ascertained in terms of how the Aceh Province Bawaslu issues decisions to how these decisions can be implemented and carried out by institutions, political participants or even political contestants who are involved in the implementation of the General Election in this case the 2024 Aceh Province legislative election. So in terms of implementing the existing provisions in handling administrative violation cases, it is appropriate to refer to the relevant regulations that regulate this matter.

It is important to recognize that specific criteria (in the form of evidence demonstrating the effects of actions on vote acquisition) must be met by the reporter in order to disclose the alleged incidents of TSM administrative election violations. Beyond these specific criteria, substantiated claims of TSM administrative election violations will have significant consequences for the party being reported. As detailed in Article 37 of Bawaslu Regulation No. 8 of 2022 regarding the Resolution of Administrative Election Violations, any party or individual found to have committed TSM administrative election violations will face sanctions, including disqualification as a candidate for the DPR, DPD, Provincial DPRD, Regency/Municipality DPRD, or Candidate Pair.

From these three articles, it becomes clear that Bawaslu possesses the authority to address election violations following the national determination of election results. The presence of requirements related to vote acquisition implications and decisions capable of nullifying the status of candidates for DPR, DPD, Provincial DPRD, Regency/Municipality DPRD, and/or Candidate Pairs strongly indicates Bawaslu's jurisdiction over administrative violations post-election result determination. Bawaslu's powers distinctly differ from those of the MK regarding elections. It is important to note that specific requirements, such as evidence of the implications of actions on vote acquisition, must be fulfilled by the reporter when alleging administrative violations in the TSM election. Furthermore, proven allegations of administrative violations in the TSM election will have significant consequences for the party being reported. According to Article 37 of Bawaslu Regulation Number 8 of 2022, which addresses the Settlement of Administrative Violations of the Election, any party or individual found guilty of committing administrative violations related to the TSM election will face sanctions, including disqualification as a candidate for member of the DPR, DPD, Provincial DPRD, Regency/Municipality DPRD, or Candidate Pair.

From the analysis of these three articles, it is clear that Bawaslu possesses the power to address election violations following the national declaration of election results. The presence of stipulations regarding vote acquisition implications and decisions capable of revoking the status of candidates for the DPR, DPD, Provincial DPRD, Regency/Municipality DPRD, and/or Candidate Pairs serves as a compelling indicator of Bawaslu's authority in managing administrative violations post-election result determination at the national level. It is important to note that the authority vested in Bawaslu differs significantly from that of the MK concerning elections.¹⁹

In addition to basing the argumentation on legal grounds, in this discussion we will also emphasize the argument that Bawaslu has the authority to handle election violations after the national election results are established, through sociological facts that exist in society. The first sociological fact is that, in reality, many election violations that should be resolved through Bawaslu are instead resolved through the MK. For example, the case of the Dispute of the Regent and Vice Regent of Rembang in 2020. In the main petition, the petitioner argued that an election administration violation had occurred, but the MK stated that it did not have jurisdiction to adjudicate the case. The transfer of all election-related issues and/or alleged violations after the national election results are announced to the It is important to recognize that specific criteria (in the form of evidence demonstrating the effects of actions on vote acquisition) must be met by the reporter in order to disclose the alleged incidents of TSM administrative election violations. Beyond these specific criteria, substantiated claims of TSM administrative election violations will have significant consequences for the party being reported. As detailed in Article 37 of Bawaslu Regulation Number 8 of 2022 regarding the Resolution of Administrative Election Violations, any party or individual found to have committed TSM administrative election violations will face sanctions, including disqualification as a candidate for the DPR, DPD, Provincial DPRD, Regency/ Municipality DPRD, or Candidate Pair.

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¹⁹ Moh. Saleh, Hufron, dan Syofyan Hadi, "Kewenangan Badan Pengawas Pemilihan Umum dalam Mengadili Sengketa Proses Pemilu dan Pelanggaran Administratif Pemilu", *Voice Justisia - Jurnal Hukum dan Keadilan* Vol. 5 No. 5 (2021): hlm. 66.

Administrative Violations of the Election, any party or individual found guilty of committing administrative violations related to the TSM election will face sanctions, including disqualification as a candidate for member of the DPR, DPD, Provincial DPRD, Regency/ Municipality DPRD, or Candidate Pair.

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From the analysis of these three articles, it is clear that Bawaslu possesses the power to address election violations following the national declaration of election results. The presence of stipulations regarding vote acquisition implications and decisions capable of revoking the status of candidates for the DPR, DPD, Provincial DPRD, Regency/Municipality DPRD, and/or Candidate Pairs serves as a compelling indicator of Bawaslu's authority in managing administrative violations post-election result determination at the national level. It is important to note that the authority vested in Bawaslu differs significantly from that of the MK concerning elections. concerning elections. will result in less effective hearings. As we all know, Indonesia's election system has undergone a change in mechanism over the last two periods. This change is a shift in the election administration system, from being held separately to being held simultaneously. The simultaneous elections will certainly bring more complex issues compared to the separate elections. The complexity of the simultaneous election issues is further aggravated by the very limited time for resolving these issues.²⁰ These two problems must then be handled solely by the MK. In the 2019 election, more than 300 cases had to be resolved by the MK within just 14 days.

The 2024 election is also expected to see 308 election dispute cases (PHPU) submitted. Of these, 2 cases are related to the presidential election dispute, 204 cases concern the election of members of the DPR and DPRD, and 12 cases involve the election of members of the DPD. The MK will also conduct a total of 1,799 hearings, consisting of 748 hearings on legislative review and 1,051 hearings on election dispute results (PHPU) in 2024. The sole handling of these cases by the MK, which has limited time and a large number of cases, will certainly put more pressure on the

judges of the MK. This excessive pressure on the MK will undoubtedly lead to a decrease in the performance of the judges, which will, in the long term, impact the outcome of the election dispute cases submitted.

The second sociological fact is that the decisions made by Bawaslu, as a quasi-judicial institution, which are final and binding, have also been used by the MK as a reference to either accept or reject election dispute cases. The use of Bawaslu's decisions as a reference underscores that by carrying out its duties as a quasi-judicial institution, Bawaslu performs its role well. By exercising its authority as a quasi-judicial body, Bawaslu has fulfilled the mandate given by the Election Law. The performance of Bawaslu's quasi-judicial functions is a positive effort that supports the diversification of election violation handling as outlined in the Election Law

The handling of administrative violation cases by Bawaslu of Aceh Province is not categorized as a violation that is Structured, Systematic, and Massive (TSM) in the course of the legislative election administration in Aceh Province. Only violations that fall under the TSM category follow the procedure for the execution of semi-judicial authority. Therefore, the 15 administrative violation cases included in the violation handling data, which consist of seven in Aceh Province (DPD and DPRA), one in Pidie Regency, and two in Pidie Jaya Regency, are categorized as violations that are not Structured, Systematic, and Massive (TSM).

Conclusion

The Election Law has granted Bawaslu the authority to carry out its duties from the provincial level to the regency/municipality level in handling election administrative violations. The broad authority of Bawaslu is evident from Bawaslu, Bawaslu Province, and Bawaslu Regencies/Municipalities, which are not only mere recommenders but also executors or adjudicators of cases. The 15 administrative violation cases handled by Bawaslu of Aceh Province, consisting of seven administrative violations at the provincial level, five in North Aceh Regency, one in Pidie Regency, and two in Pidie Jaya Regency, have proven that Bawaslu has carried out Articles 461 to 465 of the Election Law and Perbawaslu No. 8 of 2022 on the Handling of Administrative Violations.

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²⁰ Ibnu Rizky Pratama. *"Pembatasan Permohonan Pembatalan Penetapan Hasil Penghitungan Suara Pemilihan Kepala Daerah."* *Jurist-Diction* 4.1 2021 hlm: 142.

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