



REDESIGNING BAWASLU'S AUTHORITY IN HANDLING ELECTION VIOLATIONS

Ansori¹

¹*Faculty of Law, University of Trunojoyo Madura, ansori@trunojoyo.ac.id*

Abstract: Bawaslu's authority in preventing election violations is often constrained by the election process itself. When the election process is completed, all problems that occur during the process must also be considered complete, while Bawaslu's authority cannot be limited as long as the law does not regulate it. This is a problem in the process of resolving election violations by Bawaslu. The purpose of this study is to redescribe Bawaslu's authority in resolving election disputes, while the method used in this research is normative legal research method with the approach of legislation and concepts, the result is that Bawaslu is limited by the determination of election results and the Constitutional Court's decision, the solution is the Strengthening of Bawaslu's Authority in Handling Election Violation Disputes, and the Synchronization of the Dispute Resolution Process, This means that the Election Law requires the settlement of disputes in Bawaslu to be completed first before the process in the Constitutional Court (MK) in order to prevent overlapping decisions between Bawaslu and the Constitutional Court, and the most important thing is to provide sufficient time and authority for Bawaslu to carry out its duties, so that no one interprets any restrictions on Bawaslu's authority in resolving disputes over election violations.

Keywords: *Bawaslu, Election Disputes, Elections*

I. INTRODUCTION

Elections are the process of choosing people to fill certain political positions. These positions vary, starting from the position of president and people's representatives at various levels of government in Indonesia.¹ Elections are a form of effort or action that can influence people persuasively or not forcefully by carrying out activities of rhetoric, mass communication, lobbying or others. In elections, agitation techniques and propaganda techniques are widely used by political candidates. Election

¹ Andre Azani, 2021, *Sistem Pemilihan Umum di Indonesia*.

participants will offer their promises and programs during the campaign period that has been determined before the vote. Voters in elections are called constituents, who will consider various factors such as the vision, mission, and programs of candidates before casting their votes. After the voting is completed, the vote counting process begins. The winner is determined based on the applicable and agreed rules. This process must be conducted in a transparent and fair manner in order to be accepted by all parties involved. Election results that are valid and accepted by all parties are important to maintain political stability and democracy in a country.² Elections are also a means for people to channel their aspirations and elect leaders who are considered capable of representing their interests.

In its history, elections in Indonesia have taken place twelve times, namely in 1955, 1971, 1977, 1982, 1987, 1992, 1997, 1999, 2004, 2014, 2019 and 2024.³ The first election in Indonesia was held after 10 years of the proclamation of independence, namely in 1955. This first election took place under President Soekarno; actually, the first election was planned to be held in 1946, but was canceled for various reasons. This first election was held in two stages, namely electing members of the DPR on September 29, 1955 and electing members of the constituent assembly on December 15, 1955.⁴

Meanwhile, the 1971-1977 elections were the second elections held during the New Order government, where elections were held to elect members of the DPR, DPRD level 1, and DPRD level 2, by adhering to the principles of direct, general, free, and secret, called LUBER. Furthermore, the 1999 General Election was the first election during the reformation period which was held on June 7, 1999, followed by 48 political parties. Furthermore, the 2004 election was the first election after the amendment of the 1945 Constitution, with three important changes: the president was directly elected, the establishment of the Regional Representative Council, and the organization of nationally permanent and independent elections. The 2009 election was the third general election of the reform era, held simultaneously with a balanced representation system and an open candidate list system. The 2014 election was held during the reform period, held twice to elect legislative members and to elect the president and vice president, followed by 10 political parties with a proportional electoral system. The 2019 election was won again by President

² Abd Hannan, 2023, *Propaganda Politik Pascakebenaran (Posttruth) Menjelang Pemilu 2024 dan Ancamannya terhadap Demokrasi di Indonesia Kontemporer*. Politea: Jurnal Politik Islam 6, no. 1, p. 51-82.

³ Luthfi Hamzah Husin, et al., 2021, *Malpraktik Pemilu dan Korupsi: Analisis terhadap Proses Penghitungan dan Rekapitulasi pada Pemilu Indonesia 2019*. Integritas: Jurnal Antikorupsi 7, no. 1, p. 57-78.

⁴ Ibid, p. 71.

Joko Widodo, and this election was held simultaneously.⁵ The last election was in 2024 which was won by Prabowo Subianto.

There have always been election disputes in Indonesia, the disputes that often occur in Indonesia are first, disputes in the electoral process, especially those that occur between election participants or between candidates, which have been handled by the Election Supervisory Agency.⁶ Secondly, disputes over election results, which based on the 1945 Constitution, the Election Law, and the Constitutional Court Law, the authority to resolve is in the hands of the Constitutional Court.⁷ Third, Disputes between participants or candidates who object to the determination of the General Election Commission.⁸

Disputes in the election process resolved by the Election Supervisory Body (Bawaslu) have an important role in resolving election disputes. According to Dr. Harjono, Chairman of the Honorary Board of Election Organizers, Bawaslu is a form of quasi-court or semi-court in elections. Bawaslu has the authority to prevent and take action against election violations or disputes over the election process, as stipulated in Articles 93 and 95 of Law No. 7/2017 on Elections. Bawaslu also receives and follows up reports relating to alleged violations of the implementation of laws and regulations regarding elections. In addition, Bawaslu is tasked with processing and deciding administrative violations before violations or disputes over the electoral process are brought to the forum of the State Administrative Court, and Bawaslu is also authorized to mediate between parties to disputes over the electoral process.⁹

The Constitutional Court also has an important role in resolving electoral disputes in Indonesia. The authority of the Constitutional Court in resolving election disputes

⁵ Luthfi Hamzah Husin, et al., 2021, *Malpraktik Pemilu dan Korupsi: Analisis terhadap Proses Penghitungan dan Rekapitulasi pada Pemilu Indonesia 2019*. Integritas: Jurnal Antikorupsi 7, no. 1, p. 57-78.

⁶ Julius Ricky Rivaldo Ata Banafanu, et al., 2023, *Kewenangan Mahkamah Konstitusi dalam Penyelesaian Sengketa Pemilihan Umum di Indonesia*. COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat 3, No. 8, p. 3119-3135.

⁷ Moch. Marsa Taufiqurrohman, Jayus, A'an Efendi, 2021, *Integrasi Sistem Peradilan Pemilihan Umum Melalui Pembentukan Mahkamah Pemilihan Umum*. Jurnal Konstitusi 18, no. 3, p. 562.

⁸ Rosy Febriani Daud, Slamet Haryadi, 2022, *Membangun Citra Positif Masyarakat terhadap Penyelesaian Sengketa Pilkada dalam Upaya Memperkuat Legitimasi*. Journal of Election and Leadership (JOELS) 9, no. 1, p. 17-21.

⁹ Julius Ricky Rivaldo Ata Banafanu, et al., 2023, *Kewenangan Mahkamah Konstitusi dalam Penyelesaian Sengketa Pemilihan Umum di Indonesia*. COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat 3, No. 8, p. 3119-3135.

in Indonesia has been regulated in the 1945 Constitution and the Election Law.¹⁰ The Constitutional Court has decided many election dispute cases, both in the case of disputes over the results of the Legislative and Presidential Elections. Elections are a way determined by the constitution and law to elect state officials, so that the resolution of disputes over election results given to the Constitutional Court is considered very appropriate.¹¹

In addition to Bawaslu and the Constitutional Court, there are also efforts to resolve election disputes through other legal channels. In Law Number 22/2007, it is stated that Bawaslu is the body in charge of overseeing the implementation of elections in all regions of Indonesia. This shows the integration of the electoral justice system through the establishment of the General Election Court.¹² Efforts to resolve electoral disputes can also be made through the State Administrative Court. Overall, the resolution of electoral disputes in Indonesia involves several institutions, namely Bawaslu, the Constitutional Court and the State Administrative Court. Each institution has different authorities and roles in resolving election disputes, in accordance with applicable laws and regulations.¹³

In accordance with its duties and functions, the Election Supervisory Agency (Bawaslu) has the authority to oversee the stages of organizing elections and adjudicate disputes over the election process.¹⁴ However, Bawaslu's authority to prevent election violations is often constrained by the election process itself.¹⁵ When the election process is complete, all problems that occur during the process must also be considered complete, while Bawaslu's authority cannot be limited as long as the law does not regulate it.¹⁶ This has become a problem in the process of resolving election violations by Bawaslu.

¹⁰ Moch. Marsa Taufiqurrohman, Jayus, A'an Efendi, 2021, *Integrasi Sistem Peradilan Pemilihan Umum Melalui Pembentukan Mahkamah Pemilihan Umum*. Jurnal Konstitusi 18, no. 3, p. 562.

¹¹ Julius Ricky Rivaldo Ata Banafanu, et al., 2023, *Kewenangan Mahkamah Konstitusi dalam Penyelesaian Sengketa Pemilihan Umum di Indonesia*. COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat 3, No. 8, p. 3119-3135.

¹² Moch. Marsa Taufiqurrohman, Jayus, A'an Efendi, 2021, *Integrasi Sistem Peradilan Pemilihan Umum Melalui Pembentukan Mahkamah Pemilihan Umum*. Jurnal Konstitusi 18, no. 3, p. 562.

¹³ Rosy Febriani Daud, Slamet Haryadi, 2022. *Membangun Citra Positif Masyarakat terhadap Penyelesaian Sengketa Pilkada dalam Upaya Memperkuat Legitimasi*. Journal of Election and Leadership (JOELS) 9, no. 1, p. 17-21.

¹⁴ Abdhy Walid Siagian, et al., 2022, *Tinjauan Yuridis Kewenangan Badan Pengawasan Pemilihan Umum dalam Menangani Pelanggaran Administrasi Pemilihan Umum Pasca Penetapan Suara Nasional Oleh Komisi Pemilihan Umum*. Jurnal APHTN-HAN 1, no. 2, p. 150-168.

¹⁵ Erika Norliza' Aini, Lintje Anna Marpaung, Erina Pane, 2019, *Analisis Penyelesaian Sengketa Partai Solidaritas Indonesia Studi Putusan Badan Pengawasan Pemilu Kota Bandar Lampung Nomor: 01.PS.REG.BWS.BDL.08.01.VII.2018*. Jurnal Cepalo 3, no. 2, p. 71.

¹⁶ Erga Yuhandra, et al., 2023, *Efektivitas Fungsi Pencegahan Badan Pengawasan Pemilihan Umum dalam Melakukan Pencegahan Pelanggaran Pemilu*. Jurnal Ius Constituendum 8, no. 1, p. 1.

In addition, the Constitutional Court's decision on resolving disputes over election results is also often the basis for arguments that the election process has been completed or must be repeated.¹⁷ This creates legal uncertainty and makes it difficult for Bawaslu to exercise its authority to prevent election violations.¹⁸ Several studies have shown that Bawaslu has made efforts to increase community participation in election supervision, such as through socialization, the establishment of Anti-Money Politics Villages and Anti-Voting Villages. However, there are still various violations committed by various parties, including participants, political parties, bureaucracy, and the community.¹⁹

Therefore, it is necessary to evaluate and improve the electoral legal system, both in terms of substance, structure, facilities / infrastructure, and community participation, so that Bawaslu can carry out its authority in preventing election violations effectively.²⁰ In addition, it is also necessary to further study the possibility of establishing a special judicial body to resolve election disputes, so as to provide legal certainty and justice.^{21,22}

II. RESEARCH METHODS

This study uses normative legal research methods. Normative legal research is a method or method used in legal research is carried out by examining existing library materials. One approach in normative research is the statutory approach because what will be studied are various legal rules that are the focus as well as the central theme of the research.²³

¹⁷ Ofis Rikardo, Viranti Nur Ikhwan, Fani Larasati, 2023, *Kewenangan Konstitusional Mahkamah Konsitutsi dalam Memutus Sengketa Hasil Pemilu dan Pilkada Serentak*. Jurnal Hukum Sasana 9, no. 1, p. 9-30.

¹⁸ Moch. Marsa Taufiqurrohman, Jayus, A'an Efendi, 2021, *Integrasi Sistem Peradilan Pemilihan Umum Melalui Pembentukan Mahkamah Pemilihan Umum*. Jurnal Konstitusi 18, no. 3, p. 562.

¹⁹ Ratnia Solihah, Arry Bainus, Iding Rosyidin, 2018, *Pentingnya Pengawasan Partisipatif dalam Mengawal Pemilihan Umum yang Berintegritas dan Demokratis*. Jurnal Wacana Publik 3, no. 1.

²⁰ Iqbal Nasir, 2020, *Analisis Hukum Pelanggaran Administrasi Pemilu/Pemilihan*. Khazanah Hukum 2, no. 1, p. 41-50.

²¹ Viola Reininda, 2021, *Menakar Relevansi Pembentukan Badan Peradilan Khusus Penyelesaian Sengketa Hasil Pemilihan Kepala Daerah Tahun 2024*. Jurnal Bawaslu Provinsi Kepulauan Riau 3, no. 2, p. 1-21.

²² Adam Bintang Danesa Wijaya, Icha Cahyaning Fitri, 2023, *Grand Design Badan Peradilan Khusus Pemilukada dalam Menjawab Kepastian Hukum Sesuai dengan Amanat Undang-Undang No. 10 Tahun 2016*. Customary Law Journal 1, no. 1, p. 1-9.

²³ Ansori, Agung Ali Fahmi, Mukhlis, 2022. *A Normative Review of The Simultaneous General Election and Regional Head Election Delay*. Trunojoyo Law Review 4, no. 1.

III. DISCUSSION

a. Election Violation Handling Authority by Election Supervisory Body (Bawaslu)

The principle of legality in law is the main pillar as well as one of the main principles used as the basis for every government administration in the state in every legal state and continental state. The principle of legality is not only known in criminal law, but also in the field of State Administrative Law.²⁴ Indonesia in the context of being a state of law, the authority to carry out an administrative action carried out by government organs or state officials in the administration of government, must be based on a source of authority that is clearly provided by laws and regulations. The clarity of the source of authority will at least provide legality for government administrative actions and prevent abuse of authority. However, there are some fundamental differences in each division of authority in accordance with the existing theory of authority. Namely, the authority obtained by attribution, delegation, and mandate. The fundamental difference between each authority lies in the source of the authority and the function of the authority itself.²⁵

Bawaslu is a state institution that is given the authority to carry out administrative actions in the implementation of elections,²⁶ this authority in statutory regulations is regulated in 2 (two) statutory regimes, namely Law No. 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law, and Law No. 7 of 2017 concerning General Elections.²⁷ These two legal regimes have attracted public attention, namely the magnitude of Bawaslu's authority as the organizer of the General Election / Regional Election.

The General Election Supervisory Agency of the Republic of Indonesia has the main task of overseeing the implementation of General Elections in the country of Indonesia. According to Law Number 7 of 2017 concerning General Elections, the General Election Supervisory Agency, hereinafter referred to as Bawaslu, is an Election Organizing Agency that oversees the implementation of elections in all regions of the Unitary State of the Republic of Indonesia. The supervision carried out

²⁴ Prita Fitria Waluyo, Isnaini Rodiyah, 2023, *Efektivitas Bawaslu dalam Pelaksanaan Pilkada Kabupaten Sidoarjo Tahun 2020*. Journal of Governance and Local Politics (JGLP) 5, no. 2, p. 172-186.

²⁵ Moh. Fajar Shodiq Ramdhan, Tri Hendra Wahyudi, 2016, *Pembiaran pada Potensi Konflik dan Kontestasi Semu Pemilukada Kota Blitar: Analisis Institusionalisme Pilihan Rasional*. Politik Indonesia: Indonesian Political Science Review 1, no. 2, p. 136.

²⁶ Agung Prayoga, 2022, *Bawaslu: Pengawasan dan Tantangan dalam Mewujudkan Pemilu Demokratis*. Jurnal Ilmu Sosial dan Ilmu Politik (JISIP) 11, no. 3, p. 246-260.

²⁷ Oky Pitoyo Laksono, 2022, *Kajian Terhadap Periodisasi Anggota Legislatif Sebagai Upaya Meminimalisir Kecurangan Pemilu*. Nomos: Jurnal Penelitian Ilmu Hukum 2, no. 4, p. 129-137.

by Bawaslu is not only during the election process but also up to the settlement of the election dispute lawsuit if it is completed.

An example of the implementation of Bawaslu's authority to oversee the implementation of the General Election is found in Article 466 of the Election Law which then defines that, election process disputes are disputes that occur between election participants and disputes between election participants and election organizers as a result of the issuance of Decisions of the Central / Provincial / Regency / City General Election Commission. Bawaslu accepts requests for the settlement of Election Process Disputes as a result of the issuance of the General Election Commission's decision. This means that the decision in question is in the form of a Decree or Minutes. Which is then also reaffirmed in Article 468 of Law Number 7 of 2017 concerning elections that the Provincial Bawaslu, Regency / City Bawaslu examine in deciding election process disputes at a maximum of 12 (twelve) days from the receipt of the application.

Then in article 469 of Law no. 17 of 2017 concerning elections, it also emphasizes that Bawaslu's decision in resolving disputes over the election process is final and binding. This means that the decision that will be issued by Bawaslu cannot be contested except for the decision on the election process dispute relating to the verification of political parties participating in the election, the determination of the permanent candidate list for members of the House of Representatives, the Regional Representatives Council, the Provincial Regional Representatives Council, and the Regency / City Regional Representatives Council, and the determination of candidate pairs.

The exercise of this authority by Bawaslu can be categorized as a semi-judicial institution in the Indonesian judicial system constitutionally regulated in Article 24 Paragraph (3) of the 1945 Constitution as well as Law No. 48 of 2009 concerning Judicial Power. Although carrying out the judicial function, the position of the semi-judicial institution does not have a hierarchical relationship with the Supreme Court and the Constitutional Court, which exists is a functional relationship. Just as Bawaslu carries out a judicial function, namely examining, adjudicating, reviewing, deciding allegations of election administration violations and disputes over the election / regional election process as well as administrative violations of the Structured, Systematic and Massive Elections / Regional Elections category against candidates for regional heads and members of the House of Representatives, Regional Representatives Council, Provincial People's Representatives Council, and

Regional People's Representatives Council as well as candidates for President and Vice President.

In Election Law Number 7 of 2017, disputes in elections are divided into 3 categories, namely process disputes, election violations and outcome disputes. So that disputes over the process and election violations can only be resolved in Bawaslu up to the election criminal court, while disputes over results are the authority of the Constitutional Court to handle them. This means that the Constitutional Court only hears disputes related to election results, while those related to Structured, Systematic and Massive violations are fully submitted to Bawaslu in accordance with the provisions stipulated in article 286 of Law no. 17 of 2017 concerning Elections.

The authority to examine and decide on alleged violations and fraud in the form of Structured, Systematic and Massive violations from the Court to Bawaslu is a legal policy of the legislators to purify the implementation of Article 24C of the 1945 Constitution which expressly states that one of the authorities of the Constitutional Court is to “decide disputes about the results of general elections”.²⁸ For this reason, the framers of the Law are of the view that the authority to examine and decide on allegations of violations and fraud in the form of Structured, Systematic and Massive violations is no longer handled by the Constitutional Court, but is handled by another institution, namely Bawaslu.²⁹

So it is appropriate that Bawaslu has full authority related to the settlement of disputes in the process of organizing this election. So that the restrictions addressed to Bawaslu to adjudicate the case of alleged election violations are deemed inefficient and contradictory to the applicable laws and regulations. Although in fact in the implementation of the duties and authority to carry out its function as a semi-judicial institution, Bawaslu still experiences obstacles related to the limits of the use of its authority. For this reason, in the future *ius constitutum* and *ius constituendum*, it is necessary to establish the function of the principle of checks and balances between the organizing institutions of the General Election Commission-Bawaslu-the Honorary Board of Election Organizers formulated through legislation. This is to avoid the judicial mafia and avoid abuse of power and maintain the dignity of Bawaslu.

²⁸ Mashuril Anwar, 2020, *Holistic Paradigm Contradiction of the Ultimate Principle of Remedium Against the Principle of Legality in Environmental Criminal Law Enforcement*. Administrative and Environmental Law Review 1, no. 1, p. 43-52.

²⁹ Muhammad Suri, 2023, *Otoritas Bawaslu & Komisi ASN dalam Penindakan Netralitas Aparatur Sipil Negara*. Jurnal Panorama Hukum 8, no. 2, p. 126-139.

b. Limitation of Bawaslu's Authority in Handling Election Violations

Article 95 of Law Number 7 of 2017 states that Bawaslu is authorized to receive and follow up reports relating to alleged violations against election implementers. Bawaslu is also authorized to examine, review and decide on election administration violations and money politics violations. Then in the election process dispute, Bawaslu receives, examines, mediates and decides the settlement submitted by election participants.³⁰

Bawaslu's authority in resolving disputes, on the one hand, is considered as a solution to the deadlock if there is a problem regarding the decision of the General Election Commission which is considered detrimental to election participants or due to disputes between election participants, but on the other hand this authority also raises a number of issues, including because Bawaslu participates in the electoral process which is the subject of the dispute. Bawaslu's involvement means that Bawaslu is present as a supervisor in the ongoing election stages, and when in the process the stages that have been supervised are questioned by election participants, it is not good when Bawaslu metamorphoses into a court, because the court requires people who are not involved at all with the subject being tried. In this case the role of Bawaslu institutions is dual.³¹

Constitutional Court Decision Number. 11/PUU-VIII/2013 explains that the Constitutional Court places Bawaslu of the Republic of Indonesia as an independent institution, as well as the KPU of the Republic of Indonesia. [The Constitutional Court's decision means and emphasizes that institutionally Bawaslu is no longer part of the General Election Commission, Bawaslu is also no longer formed by the General Election Commission. Bawaslu's position is an independent institution, its position is equal to the General Election Commission, both as an election organizing body, which is national, permanent and independent, as regulated by Article 22 e paragraph (5) of the 1945 Constitution.

Bawaslu and its lower ranks are present as supervisors of each stage of the election carried out by the General Election Commission and its lower ranks, Bawaslu must be present at every stage in the election so that fraud does not occur. At each stage there are potential frauds that arise, one example is when the voting stage is about

³⁰ Abdhy Walid Siagian, Rozin Falih Alify, Muhammad Daffa Alghazali, 2022, *Tinjauan Yuridis Kewenangan Badan Pengawasan Pemilu dalam Menangani Pelanggaran Administrasi Pemilihan Umum Pasca Penetapan Suara Nasional oleh Komisi Pemilihan Umum*. Jurnal APHTN-HAN 1, no. 2, p. 150-168.

³¹ Muhammad Suri, 2023, *Otoritas Bawaslu & Komisi ASN dalam Penindakan Netralitas Aparatur Sipil Negara*. Jurnal Panorama Hukum 8, no. 2, p. 126-139.

to take place, there are several potential violations that will occur such as manipulation of voter data, irregularities in logistics distribution, then potential violations in the form of giving money or other materials, political transactions, voter mobilization, deviations in voting and counting procedures, voting more than once, deviations in the administration of voting and counting (filling in model C forms, C1 and its attachments, C1 plano), vote manipulation, and potential violations in the form of sabotage of boxes / ballot papers. This means that the Constitutional Court Decision provides flexibility to Bawaslu to oversee the implementation of the Election.

One of the tasks of Bawaslu's authority in overseeing the implementation of elections is handling election violations, this is emphasized in article 93 letter b that Bawaslu is tasked with preventing and prosecuting election violations, and also emphasized its authority in handling election violations in article 95 letters a, b, and c. that Bawaslu receives and follows up reports relating to alleged violations of the implementation of laws and regulations governing elections; examining, reviewing, and deciding violations, election administration; and examining, reviewing, and deciding violations of money politics. However, the exercise of this authority is limited by 2 things, first, the determination of the results of the General Election Commission that the process of holding elections will end when there is a determination of the results of the General Election Commission, then the candidate who gets the most results will win the election, while the handling of election violations by Bawaslu is part of the process of holding elections.

Second, the Constitutional Court Decision that the Constitutional Court is given the authority to resolve disputes over election results, when the decision is issued, the holding of elections is completely over. From here, Bawaslu's authority to continue to try election violations is given, because even if the authority is continued it will not change the determination of the results of the General Election Commission and the Constitutional Court Decision which is final and binding. Therefore, it is necessary to have regulations that strengthen Bawaslu to continue the authority to handle election violations until Bawaslu's decision so that Jurdil Elections can be enjoyed and more trusted by the general public.

c. Strengthening Bawaslu in Handling Disputes Over Election Violations

To overcome these problems, it is necessary to improve arrangements related to the mechanism for resolving electoral disputes,³² including strengthening Bawaslu's

³² Lusy Liany, 2016, *Desain Hubungan Kelembagaan Penyelenggara Pemilu*. Jurnal Cita Hukum 4, no. 1, p. 51-72.

authority in resolving disputes.³³ There are several solutions that can be considered in strengthening Bawaslu, namely first, Strengthening Bawaslu's Authority in Handling Disputes over Election Violations, which means giving Bawaslu broader authority to handle disputes over election violations directly and effectively and clarifying transparent and structured dispute resolution procedures in the Election Law and giving Bawaslu the authority to make binding decisions regarding disputes over violations.

Second, there is a Synchronization of the Dispute Resolution Process, meaning that the Election Law requires that the dispute resolution in Bawaslu be completed first before the process in the Constitutional Court in order to prevent overlapping decisions between Bawaslu and the Constitutional Court, and the most important thing is to provide sufficient time and authority for Bawaslu to carry out its duties, so that no one interprets any restrictions on Bawaslu's authority in resolving disputes over election violations.

IV. CONCLUSION

For democratic countries, elections are the main mechanism that must exist in the stages of state administration and government formation. Elections are seen as a tangible form of sovereignty in the hands of the people and the most concrete form of people's participation in state administration. And the existence of Bawaslu which has the authority to oversee the implementation of elections, namely handling election violations, this is stipulated in article 93 letter b that Bawaslu is tasked with preventing and prosecuting election violations, and also emphasized its authority in handling election violations in article 95 letters a, b and c. that Bawaslu receives and follows up reports relating to alleged violations of the implementation of laws and regulations governing elections; examines, reviews and decides on violations, election administration; and examines, reviews and decides on money politics violations. It is a basis or argument that the existence of Bawaslu is very influential in resolving election disputes and for the achievement of electoral justice based on the philosophy of social justice in the 5th principle where all citizens are guaranteed their rights, especially the right to vote and be elected in politics. And must make regulations that strengthen Bawaslu to continue the authority to handle election violations until Bawaslu's decision so that Jurdil elections can be enjoyed and more trusted by the general public.

³³ Jumardi Harsono, 2019, *Perubahan Kewenangan Badan Pengawas Pemilihan Umum Terhadap Pelanggaran Pemilihan Umum Legislatif Berdasarkan Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum*. Panji Keadilan: Jurnal Ilmiah Nasional Mahasiswa Hukum 2, no. 1, p. 45-61.

REFERENCES

- Ansori, Agung Ali Fahmi, Mukhlis, 2022. *A Normative Review of The Simultaneous General Election and Regional Head Election Delay*. *Trunojoyo Law Review* 4, no. 1.
- Anwar, Mashuril, 2020. *Holistic Paradigm Contradiction of the Ultimate Principle of Remedium Against the Principle of Legality in Environmental Criminal Law Enforcement*. *Administrative and Environmental Law Review* 1, no. 1.
- Azani, Andre, 2021. *Sistem Pemilihan Umum di Indonesia*.
- Banafanu, Julius Ricky Rival Ata, et al., 2023. *Kewenangan Mahkamah Konstitusi dalam Penyelesaian Sengketa Pemilihan Umum di Indonesia*. *COMSERVA: Jurnal Penelitian dan Pengabdian Masyarakat* 3, No. 8.
- Daud, Rosy Febriani & Slamet Haryadi, 2022. *Membangun Citra Positif Masyarakat terhadap Penyelesaian Sengketa Pilkada dalam Upaya Memperkuat Legitimasi*. *Journal of Election and Leadership (JOELS)* 9, no. 1.
- Hannan, Abd, 2023. *Propaganda Politik Pascakebenaran (Posttruth) Menjelang Pemilu 2024 dan Ancamannya terhadap Demokrasi di Indonesia Kontemporer*. *Politea: Jurnal Politik Islam* 6, no. 1.
- Harsono, Jumardi, 2019. *Perubahan Kewenangan Badan Pengawas Pemilihan Umum Terhadap Pelanggaran Pemilihan Umum Legislatif Berdasarkan Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum*. *Panji Keadilan: Jurnal Ilmiah Nasional Mahasiswa Hukum* 2, no. 1.
- Husin, Luthfi Hamzah, et al., 2021. *Malpraktik Pemilu dan Korupsi: Analisis terhadap Proses Penghitungan dan Rekapitulasi pada Pemilu Indonesia 2019*. *Integritas: Jurnal Antikorupsi* 7, no. 1.
- Laksono, Oky Pitoyo, 2022. *Kajian Terhadap Periodisasi Anggota Legislatif Sebagai Upaya Meminimalisir Kecurangan Pemilu*. *Nomos: Jurnal Penelitian Ilmu Hukum* 2, no. 4.
- Liany, Lusy. 2016. *Desain Hubungan Kelembagaan Penyelenggara Pemilu*. *Jurnal Cita Hukum* 4, no. 1, p. 51-72.
- Nasir, Iqbal, 2020. *Analisis Hukum Pelanggaran Administrasi Pemilu/Pemilihan*. *Khazanah Hukum* 2, no. 1.

- Norliza'Aini, Erika, Lintje Anna Marpaung, Erina Pane, 2019. *Analisis Penyelesaian Sengketa Partai Solidaritas Indonesia Studi Putusan Badan Pengawasan Pemilu Kota Bandar Lampung Nomor: 01.PS.REG.BWS.BDL.08.01.VII.2018*. Jurnal Cepalo 3, no. 2.
- Prayoga, Agung, 2022. *Bawaslu: Pengawasan dan Tantangan dalam Mewujudkan Pemilu Demokratis*. Jurnal Ilmu Sosial dan Ilmu Politik (JISIP) 11, no. 3.
- Ramdlan, Moh. Fajar Shodiq & Tri Hendra Wahyudi, 2016. *Pembiaran pada Potensi Konflik dan Kontestasi Semu Pemilukada Kota Blitar: Analisis Institusionalisme Pilihan Rasional*. Politik Indonesia: Indonesian Political Science Review 1, no. 2.
- Reininda, Violla, 2021, *Menakar Relevansi Pembentukan Badan Peradilan Khusus Penyelesaian Sengketa Hasil Pemilihan Kepala Daerah Tahun 2024*. Jurnal Bawaslu Provinsi Kepulauan Riau 3, no. 2.
- Rikardo, Ofis, Viranti Nur Ikhwan, Fani Larasati, 2023. *Kewenangan Konstitusional Mahkamah Konsitutisi dalam Memutus Sengketa Hasil Pemilu dan Pilkada Serentak*. Jurnal Hukum Sasana 9, no. 1.
- Siagian, Abdhy Walid, et al., 2022. *Tinjauan Yuridis Kewenangan Badan Pengawasan Pemilihan Umum dalam Menangani Pelanggaran Administrasi Pemilihan Umum Pasca Penetapan Suara Nasional oleh Komisi Pemilihan Umum*. Jurnal APHTN-HAN 1, no. 2.
- Solihah, Ratna, Arry Bainus, Iding Rosyidin, 2018. *Pentingnya Pengawasan Partisipatif dalam Mengawal Pemilihan Umum yang Berintegritas dan Demokratis*. Jurnal Wacana Publik 3, no. 1.
- Suri, Muhammad, 2023. *Otoritas Bawaslu & Komisi ASN dalam Penindakan Netralitas Aparatur Sipil Negara*. Jurnal Panorama Hukum 8, no. 2.
- Taufiqurrohman, Moch. Marsa & Jayus A'an Efendi, 2021. *Integrasi Sistem Peradilan Pemilihan Umum Melalui Pembentukan Mahkamah Pemilihan Umum*. Jurnal Konstitusi 18, no. 3.
- Waluyo, Prita Fitria & Isnaini Rodiyah, 2023. *Efektivitas Bawaslu dalam Pelaksanaan Pilkada Kabupaten Sidoarjo Tahun 2020*. Journal of Governance and Local Politics (JGLP) 5, no. 2.

- Wijaya, Adam Bintang Danesa, Icha Cahyaning Fitri, 2023. *Grand Design Badan Peradilan Khusus Pemilukada dalam Menjawab Kepastian Hukum Sesuai dengan Amanat Undang-Undang No. 10 Tahun 2016*. Customary Law Journal 1, no. 1.
- Winarto, Agus Edi, H.M. Dimiyati Huda, Trimurti Ningtyas, 2022. *Peran Bawaslu dalam Meningkatkan Partisipasi Masyarakat pada Pengawasan Pemilu 2019*. Reformasi: Jurnal Ilmiah Ilmu Sosial dan Ilmu Politik 12, no. 2.
- Yuhandra, Erga, *et al.*, 2023. *Efektivitas Fungsi Pencegahan Badan Pengawasan Pemilihan Umum dalam Melakukan Pencegahan Pelanggaran Pemilu*. Jurnal Ius Constituendum 8, no. 1, p. 1.