

The Role of the Election Supervisory Agency in Enforcement of Violations of the 2020 Simultaneous Regional Head Election in Berau Regency

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ARTICLE INFO

Keywords: Bawaslu, Supervision, Violations, Election Administration, Election Crimes

Received : 5, July

Revised : 25, August

Accepted: 28, September

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ABSTRACT

This research discusses the role of the Election Supervisory Agency in the prosecution of the handling of violations of the 2020 Berau Regency Simultaneous Pilkada. This research is a descriptive qualitative research with data collection techniques from the interview process, observation and documentation. The research focuses on identifying and analysing Bawaslu's role in prosecuting administrative violations and criminal violations of the elections, identifying and analysing obstacles to prosecuting the handling of election violations, and developing a model for prosecuting the handling of election violations. The results showed that Bawaslu's role in enforcing the handling of violations of the 2020 Berau Regency Pilkada has been carried out quite well both in handling administrative violations and handling criminal violations. The obstacles faced by Bawaslu in the efforts to enforce the handling of violations of the 2020 Berau Regency Pilkada are the lack of human resources (HR) in Bawaslu Berau Regency, the lack of public awareness to participate in monitoring Pilkada violations, and the massive practice of money politics. The existing conditions for the handling of election violations through Gakkumundu formed by Bawaslu with inter-institutional collaboration with the Police and the Prosecutor's Office. For the reform model, the researcher proposes a draft model for strengthening Bawaslu's authority in integrated law enforcement by adopting the authority of OTT and TT carried out by the KPK and Cyber Pungli and the design of an Ad Hoc election judicial model for the effectiveness of election dispute resolution.

INTRODUCTION

In 2020, the implementation of regional elections in Indonesia was somewhat different from the previous regional elections, because at that time it was during the Covid-19 pandemic and simultaneous regional elections were still held in 270 regions in Indonesia (Latifah et al., 2023). Regarding the implementation of the Regional Elections, it is undeniable that violations occur even though there are regulations that regulate them, and this has been found in many regions in Indonesia, including in Berau Regency. Based on the recap data on the handling of violations of the 2020 Regional Elections in Berau Regency obtained by researchers from the Berau Regency Bawaslu, there are several violations obtained from findings and reports, including those related to the Covid-19 pandemic, namely violations of health protocols carried out by organizers in several sub-districts as well as other violations, namely violations of money politics, violations of the code of ethics of election organizers, Election administration violations, election crime violations.

The democratic election of Regional Heads requires the role of an independent and autonomous supervisory institution, including those that have the characteristics of being formed based on the order of the constitution or laws, not easy to intervene by certain political interests, responsible to parliament, carrying out the tasks given in accordance with the stages of elections/regional elections, having good integrity and morality and understanding the procedures for implementation Elections/Regional Elections (Warda Said, 2023). Article 22E Paragraph 5 of the 1945 Constitution is the basis for the establishment of an independent general election holding institution. Therefore, the supervisory body is not only responsible for the formation of a democratic government, but also takes part in making the people able to choose the candidates they deem capable. The Election Supervisory Agency is an institution that supervises the implementation of the General Election of Regional Heads throughout the territory of the Unitary State of the Republic of Indonesia as stated in Law Number 7 of 2017 concerning the implementation of elections (Syafriadi & Santri, 2023).

The 2020 Berau Regency Regional Head Election was attended by two pairs of candidates and in its implementation there were still violations in the implementation stage. Of the data received from existing reports, there were 7 in the form of findings, 10 community reports, 12 were not violations, while those that were followed up were administrative violations as many as 1, criminal violations 3, and other violations of law as many as 1 violation. In addition to violations committed by candidate pairs or successful teams in the Berau Regency Regional Elections, it is a dilemma for the Berau Bawaslu due to limited authority and time in the process of enforcing violations so that the violations do not reach the court process.

One example of fraud and violations in the implementation of the Simultaneous Regional Head Election in Berau Regency in 2020 is the finding that money politics was continued but stopped in the police process (SP3). The chronology of the incident occurred on Wednesday, December 2, 2020, the Berau Regency Election Supervisory Agency (BAWASLU) received information and

reports stating that there had been a distribution of money to the community to influence voters to vote for certain candidate pairs

Responding to the report, the Berau Regency Election Supervisory Agency (BAWASLU) immediately went to the scene of the incident on Semama Island road, Tanjung Redeb District to investigate the report. From the results of the investigation conducted by the Berau Regency Election Supervisory Agency (BAWASLU), it was found that in a house located on Semama Island street, Tanjung Redeb District, there were many residents who were receiving envelopes containing a sum of money from the successful team of one of the candidate pairs who were contesting in the regional head election in Berau Regency. In the investigation conducted by the Election Supervisory Agency (BAWASLU) of Berau Regency, it was found in the bag of the successful team of one of the candidates for Regent and Deputy Regent, there was a list of voters' names, a list of community attendance along with signatures that had received political money and ballot specimens with details of 779 envelopes containing money to be distributed to people who were registered as permanent voters. Statement of willingness to be a volunteer 27 sheets, name and address database 21 sheets, draft SOP for cashier training 1 sheet, trainer training 1 sheet, supervisor training 1 sheet. All evidence of the investigation findings was brought and secured at the Office of the Election Supervisory Agency (BAWASLU) of Berau Regency. In order to examine and review the alleged violations as referred to in findings number 014/TM/PB/Kab/23.05/XII/2020, the Election Supervisory Agency (BAWASLU) of Berau Regency has conducted research on the documents used as evidence and has asked for clarification and information from various parties such as the Inventor, witnesses and reported parties.

Based on the facts obtained by the investigator from the testimony of witnesses, the reported statement, and the existence of existing evidence, it can be concluded that all existing evidence has supported all elements of the criminal act committed by the reported person can be suspected of violating the article of the criminal act of the Regional Head Election where, "Everyone deliberately commits an unlawful act promising or giving money or other materials in exchange to the Citizen The State of Indonesia, either directly or indirectly, to influence voters not to exercise their right to vote, to exercise their right to vote in a certain way, so that the vote becomes invalid, to vote for a certain candidate, or not to vote for a certain candidate", as referred to in Article 187A paragraph (1) Jo. Article 73 of Law Number 10 of 2016 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Laws and Regulations Number 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law". In response to this, the Berau Regency Election Supervisory Agency (BAWASLU), the Berau Resort Police (Polres) and the Berau Prosecutor's Office agreed to transfer the findings from the Gakkumdu Center to the Berau Police Investigator.

Based on the existing facts, election violations, especially the practice of money politics, did not only occur in one case as described in the facts above, but the practice of money politics was very massive in the process towards the

implementation of the Berau Regency Regional Head Election in 2020. The role of the Berau Regency Bawaslu in enforcing the handling of violations makes this research increasingly meaningful and important to be carried out. The massive violations that occur, especially money politics during stages and elections, take place by promising and/or giving a certain amount of money. Therefore, the researcher is interested in conducting research by focusing on analyzing the role of the Election Supervisory Agency (BAWASLU) in taking action against violations of the 2020 simultaneous regional head elections in Berau Regency, the preparation of a model for handling general election violations that can be applied by the Election Supervisory Agency (BAWASLU) in preventing violations of the 2020 simultaneous regional head elections in Berau Regency and the identification of obstacles faced by the The Election Supervisory Agency (BAWASLU) in taking action against violations of the 2020 simultaneous regional head elections in Berau Regency.

LITERATURE REVIEW

Election

General Elections (Elections) are political markets where individuals or communities interact to carry out social contracts (community agreements) between general election participants (political parties) and voters (people) who have the right to vote after first carrying out a series of political activities such as campaigns, advertisements, propaganda, through print mass media, audio and others, held in general, direct, secret, and free which are also absolute conditions for The assignment of the general election committee in a general election (ida budiarti, santoso, 2018). According to the norm of democratic countries, General Elections (Elections) are an important instrument in a democratic country that adheres to a representative system. Elections function as a screening tool for politicians who will represent and bring the people's voice in the representative body. Those who are elected are considered to be people or groups who have the ability or obligation to speak and act on behalf of a larger group through political parties (Supriyanto, 2021). General elections are a democratic mechanism to determine the change of government where the people can be involved in the process of electing their representatives in parliament and national and regional leaders which is carried out directly, publicly, freely, secretly, honestly, fairly and safely. According to Wolhoff (Mohammad Saihu, 2018) Elections are a mechanism in indirect democracy to elect the people's representatives who will run the government, where the people's representatives carry out the mandate of the government based on the mandate of the people, therefore, it is not possible for all the people to be directly involved in the government.

Regional Head Election

Regional elections or regional head elections are a means of implementing people's sovereignty in the regions. This is part of the development of the government administration system of the Republic of Indonesia which has undergone various changes. The change in question is the principle of autonomy which means the flexibility to govern its own regions in each region (Rakhman & Sya, 2022). The meaning of the Regional Elections according to Article 18

paragraph (4) of the 1945 Constitution states that the Governor, Regent, and Mayor respectively as heads of provincial, regency, and city local governments are democratically elected (Hainidar et al., 2022). This election is aimed at electing regional heads where the people elect their respective regional heads directly and according to their respective consciences. In this way, it is hoped that the elected regional head will be the choice of the people of the area. In its implementation, the regional elections are carried out by the respective regional election commissions. The task carried out by the regional general election commission is very heavy, namely regulating the implementation of this regional election so that it can be carried out democratically. Starting from the selection of prospective candidates, the preparation of ballot papers, to the implementation of this regional election.

Election Supervision

The implementation of elections with integrity is an important condition so that the election results get recognition from the public and election participants. Election supervision or monitoring has an important role in building a democratic political system. Djamaluddin Tanjung and Supardan (Hidayat et al., 2023), explained that the definition of supervision is one of the functions of management to ensure that the implementation of work runs according to the standards that have been set in the planning. With supervision, it can be seen if there are irregularities, abuses, leaks, waste, misappropriation and others. Election supervision is an activity that is expected to be able to provide awareness for political actors, the community, and stakeholders involved to be able to move in accordance with applicable regulations in the implementation of elections so that they can produce quality and democratic elections. In the implementation of election supervision, the duties and authorities of the election supervisor are to supervise all stages of the election, receive reports of violations of election laws, resolve disputes that do not contain criminal elements and forward reports or findings to the authorized agencies (Sukimin & Juita, 2023).

The procedure for election supervision has a certain basis which is enshrined in the weighing section, namely in Bawaslu Regulation Number 13 of 2012. Election Supervision Procedures are conceptualized as activities to observe, study, examine and assess the process of holding elections in accordance with laws and regulations. The existence of these procedures shows that election supervision is related to activities and actions to observe, analyze, examine and provide an examination of procedures and stages of implementation based on written positive law (Khairullahi et al., 2023). The State Institution or Bawaslu as an election organizing institution is given its duties and authorities specifically in the aspect of election supervision in which there is a task to prevent election violations, which is very interested in public participation in the election supervision agenda (Suharjono & Islamy, 2022). The most obvious interest with the people is election supervision of partners in supervision, because the more people involved in the supervision of the implementation of elections, the less potential for fraud will occur and the better the quality of the elections will be.

METHODOLOGY

This study is a descriptive research that is analyzed with a qualitative approach to describe and analyze the role of the Election Supervisory Agency (BAWASLU) in the enforcement of violations of the 2020 simultaneous regional head elections in Berau Regency. This research was conducted in Berau Regency. This research focuses on analyzing the role of the Election Supervisory Agency (BAWASLU) in the enforcement of violations of the 2020 simultaneous regional head elections in Berau Regency, identifying the obstacles faced by the Election Supervisory Agency (BAWASLU) in handling violations of the 2020 simultaneous regional head elections in Berau Regency, and developing a model for handling general election violations that can be applied by the Election Supervisory Agency (BAWASLU) in preventing violations of the 2020 simultaneous regional head election in Berau Regency. The research data inventory consists of primary data collected by the researcher using interview data collection techniques and direct observation at the research location (Murdiyanto, 2020). The selection of interview informants who are considered competent to provide information according to the focus of the research is carried out using the purposive sampling method (Creswell, 2008). This study also uses secondary data sourced from documentation (Sugiyono, 2013). The data collected from the observation, interview, and documentation processes were tested for data validity using the data triangulation technique. The researcher used data analysis techniques based on the views of Milles, Huberman, & Saldaña (Sahir, 2022). In this study, the validity test technique carried out is the data triangulation technique. Data validity testing techniques are obtained by utilizing something other than the data (Moleong, 2014).

RESEARCH RESULT AND DISCUSSION

The Role of the Election Supervisory Agency (BAWASLU) in Cracking Down on Violations of the 2020 Simultaneous Regional Head Election in Berau Regency

1. The role of Bawaslu in cracking down on administrative violations

Election Administration Violations are violations of administrative provisions (usually regarding criteria and requirements) as stipulated in the Election Law and other Regulations. Administrative violations are handled by election supervisors. The sanctions can be in the form of written reprimands, prohibitions on certain activities, to the crossing out of election participants or the list of candidates (Megita & Ilmiyah, 2023). Research on reports or findings of alleged administrative violations in the 2019 Berau Regency regional head election (Pilkada) that have met formal and material requirements, the Election Supervisor immediately conducted a study to prove whether or not the alleged administrative violations were true or not.

When violations occur, this can result in dissatisfaction among voters and undermine the foundations of democracy. During the implementation of the Berau Regional Elections, the Berau Regency Bawaslu recorded several administrative violations. One of the significant findings is a report on the pair of candidates number 01, Hj. Seri Marawiah and H. Agus

Tantomo, who are suspected of campaigning in locations that are not registered in the official schedule. On September 30, 2020, they carried out a campaign in the courtyard of the PT. SKJ without direct supervision from Bawaslu, because there was no official notification regarding the activity. Furthermore, on December 8, 2020, Bawaslu received a report from the team of candidate number 02, Ahmad Najib Fathoni, who accused the candidate pair number 01 of committing violations in a structured, systematic, and massive manner (TSM). The report states that there are attempts to promise money or other materials to influence voters. However, the report could not be registered because the complainant did not complete the formal and material requirements requested by Bawaslu.

Based on the Campaign Findings in the form of a video of the Pair of Regent Candidates and Deputy Regent Number 1 on behalf of Hj. Seri Marawiah, S.Pd., M.Pd. and H. Agus Tantomo conducting a campaign in Derawan Island District in the Company Office Yard of PT. SKJ (Sentosa Kalimantan Jaya) in Tanjung Batu village, Derawan Island on September 30, 2020. During the implementation of the campaign at PT. SKJ, Berau Regency Bawaslu and the ranks at the District Panwaslu and PKD did not conduct direct supervision at the location because the ranks of the Berau Regency Bawaslu received a copy of the campaign notification letter where in the content of the letter there was no campaign schedule at PT. SKJ. The ranks of the Berau Regency Bawaslu only then received a copy of the written notification in the form of STTP from the Police in the afternoon when the campaign had been carried out at PT. SKJ. During the implementation of the campaign, it was suspected that there was a violation of the Health Protocol. That the incident occurred on Wednesday, September 30, 2020, and was registered by the Berau Regency Bawaslu on Saturday, October 4, 2020. The implementation of the role of the Berau Regency Bawaslu in handling administrative violations in the 2020 simultaneous regional elections is carried out through several strategic and systematic steps. Here are the details of the process:

A. Receipt and Registration of Reports

The Berau Regency Bawaslu received reports regarding alleged administrative violations from the community and supervisors at the sub-district level. During the 2020 Regional Elections, Bawaslu registered 1 (one) administrative violation related to the campaign activities of candidate pairs in locations that were not in accordance with the predetermined schedule.

B. Supervision and Clarification

Bawaslu supervises the implementation of the campaign and clarifies the reports received. In the case of registered violations, Bawaslu found that the campaign was carried out in the company's office yard without the schedule stated in the notification letter. This clarification process is important to ensure that the information received is accurate and accountable.

C. Review and handling of violations

After clarification, Bawaslu conducted a study to determine whether the reported violations met the criteria for administrative violations. If proven, Bawaslu will recommend action to the General Election Commission (KPU) of Berau Regency for follow-up.

D. Recommendations to the KPU

In the case of administrative violations found, Bawaslu provides recommendations to the KPU to take appropriate action. This recommendation is an important step to ensure that violations are not allowed and that actions are taken to enforce the rules. Koordinasi dengan stakeholder.

Bawaslu also coordinates with various relevant stakeholders, including election organizers and security forces, to discuss potential violations and preventive measures that need to be taken. These coordination meetings help in preparing for better supervision during the election.

The role of the Berau Regency Bawaslu in handling administrative violations in the 2020 simultaneous regional elections involves receiving reports, supervision and clarification, studying and handling violations, recommendations to the KPU, and coordination with stakeholders. All of these steps aim to maintain integrity and fairness in the election process.

2. *The role of Bawaslu in the enforcement of criminal offenses*

The crime of general election is a violation of the provisions of the election crime as stipulated in the Election Law (Siahaan et al., 2021). In general, criminal acts that occur in elections are violations of political rights and certain fraudulent acts that have the potential to disrupt the integrity of election administration, such as eliminating the right to vote for others, doing money politics, inflating votes, black campaigns, providing incorrect information in filling in voter list personal data, obstructing the course of election campaigns, voting more than once and others. The potential violation is not only committed by individuals as natural individuals but also by corporations or political parties (Tandayu et al., 2017). In the form of accountability, election crimes are differentiated based on their subject, namely the legal subject of each person and legal entity or corporation.

Cases in election crimes are handled by election supervisors, then processed by the police and handed over to the court by the prosecutor's office. The judge will try and punish the suspects in accordance with the provisions of the election crime, in the form of imprisonment sanctions or fines (Angel & Richardson, 2024). Protection of the election process includes protecting election participants (political parties/candidates) but also implementing institutions and voters. Based on Law Number 7 of 2017 concerning General Elections where the law regulates the grouping

of types of general election crimes. Some of them are such as violating the campaign ban, conducting campaigns outside the schedule set by the General Election Commission (KPU), providing incorrect information related to voter lists, election crimes related to voting or voting. Specifically, the Law regulates matters that are prohibited in campaigns considering that campaigns are political activities that involve the public, so the Law strictly regulates them so that the position of citizens who are equal competitors is legal.

One of the most glaring violations is the case involving Dede Mulyana, who is involved in the practice of money politics. Dede allegedly promised money and basic necessities to voters in exchange for their support. Evidence in the form of a 2 minute and 02 second video recording this action became the basis for the Berau Regency Bawaslu to conduct an investigation. This case was then forwarded to the Berau Police and led to legal proceedings at the Tanjung Redeb District Court. In addition, there was a report about the campaign oration made by Yusrianto, a member of the winning team of candidate pair number 02. In his oration, Yusrianto allegedly uttered a sentence that was considered unethical and violated the provisions of the Election Law. However, after going through the process at the Gakkumdu Center, this report was stopped because no elements of criminal acts were found. The following is a detailed narrative of the findings of money politics practices in the simultaneous regional elections in Berau Regency in 2020

On Thursday, October 15, 2020, Muhammad Jaelani (Complainant) saw a Facebook post from an account named Asdar Muhammad, where the post displayed a sum of money and 1 shirt. Then the Complainant reported to the Berau Regency Bawaslu on Friday, October 23, 2020 by attaching evidence in the form of a screenshot of the FB post on behalf of Asdar Muhammad. That based on the description of the complainant above, it is suspected of violating 187 A paragraph (1) jo. Article 73 paragraph 4 of Law of the Republic of Indonesia Number 10 of 2016 concerning the second amendment to Law of the Republic of Indonesia 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. The report was reviewed and the results of the study were that the report was not registered because the report did not meet the formal requirements because the date was known on October 15, 2020, and was reported to the Berau Regency Bawaslu on October 23, 2020. Then the report was used as initial information by the Berau Regency Bawaslu on October 25, 2020, then Bawaslu conducted a Graduation with PKD Kampung Kasai, Derawan Island District and was registered on November 1, 2020. In order to examine and review the alleged violations as referred to in Report Number: 006/TM/PB/Kab/23.05/XI/2020.

The Bawaslu of Berau Regency has conducted research on the documents used as evidence and has asked for clarification and information from various parties, inventors, witnesses and reported

parties. Initially, the report that came in on Thursday, October 15, 2020 Muhammad Jaelani (Complainant) saw a Facebook post from an account named Asdar Muhammad, where the post displayed a sum of money and 1 shirt. Then the Complainant reported to the Berau Regency Bawaslu on Friday, October 23, 2020 by attaching evidence in the form of a screenshot of a Facebook post on behalf of Asdar Muhammad. The report was reviewed and the results of the study were that the report was not registered because the report did not meet the formal requirements because the date was known on October 15, 2020, and was reported to the Berau Regency Bawaslu on October 23, 2020. Then the report was used as initial information by the Berau Regency Bawaslu on October 25, 2020, then Bawaslu conducted a Graduation with PKD Kampung Kasai, Derawan Island District and was registered on November 1, 2020.

Based on data from the Berau Regency Bawaslu, there are 15 registered cases of election crime violations, consisting of 5 findings and 10 reports. Of the 10 reports, none reached the investigation stage, and most of them were stopped at the second stage of discussion at the Gakkumdu Center. However, of the 5 findings, 3 of them were forwarded to the investigation stage. Criminal violations in the 2020 Berau Regency simultaneous regional elections show that despite strict regulations, fraudulent practices still occur. By understanding the types of offenses, the legal basis that governs them, and relevant theories, we can better anticipate and prevent similar offenses in the future. Effective law enforcement and political education for the public are key to maintaining the integrity of elections and strengthening democracy in Indonesia. Through joint efforts, it is hoped that these kinds of violations can be minimized, so that the election process can take place fairly and transparently.

In this context, the Election Supervisory Agency (Bawaslu) has a very vital role in detecting and handling violations of election crimes. Through various methods and strategies, Bawaslu seeks to maintain the integrity of the election and ensure that the democratic process runs fairly and transparently.

A. Proactive supervision

One of the first steps taken by the Berau Regency Bawaslu is to carry out proactive supervision. They are not only waiting for reports from the community, but also actively conducting socialization and education about the rights and obligations of voters. Through this activity, Bawaslu succeeded in raising public awareness to report every alleged violation they witnessed. Thus, the community is an important part of the election supervision process.

B. Utilization of information technology

In the digital era, Bawaslu utilizes information technology to expand the scope of supervision. They use social media and digital platforms to receive reports from the public. One concrete

example is when Bawaslu received a report in the form of a 2-minute video showing an alleged violation by a reported person, Dede Mulyana. In the video, it can be seen that Dede promised money and basic necessities to voters, which is clearly a violation of election crimes. This video is one of the important pieces of evidence that Bawaslu then follows up.

C. Collaboration with the Gakkumdu Center

Bawaslu also collaborates with the Gakkumdu Center, which is a combination of Bawaslu, the Police, and the Prosecutor's Office. In this collaboration, Bawaslu acts as a supervisor who conducts initial discussions on reports and findings of violations. Of the total 15 cases of violations registered, Bawaslu managed to identify 5 findings and 10 reports. Of the 5 findings, 3 cases were forwarded to the investigation stage, showing that Bawaslu not only detected violations, but was also committed to following up.

D. Case handling

After receiving the report and findings, Bawaslu conducted an investigation and verification. In the case of Dede Mulyana, Bawaslu conducted further investigation and found elements of election criminal violations. This case was then forwarded to investigation by the Berau Police. This process shows that Bawaslu not only functions as a supervisor, but also as a frontline in the enforcement of election laws. The follow-up results of this case led to the decision of the Tanjung Redeb District Court and the appeal decision at the East Kalimantan District High Court, which confirmed that the violation could not be allowed.

The role of Bawaslu in detecting and handling cases of election crime violations in the 2020 Berau Regency Simultaneous Regional Elections is very significant. Through proactive supervision, the use of technology, collaboration with the Gakkumdu Center, and effective case handling, Bawaslu has succeeded in maintaining the integrity of the election and giving confidence to the public that the democratic process is running well. Thus, Bawaslu not only functions as a supervisor, but also as a frontline in the enforcement of election law in Indonesia.

Bawaslu's Obstacles in Handling Enforcement of Violations in the 2020 Berau Regency Simultaneous Regional Elections

The following is an analysis of the obstacles faced by the Berau Regency Bawaslu in handling the enforcement of violations in the 2020 Berau Regency Simultaneous Regional Elections

1. *Lack of Human Resources (HR)*

One of the main obstacles in prosecuting election violations is the lack of number and quality of human resources in Bawaslu. The limited number of supervisory officers and the lack of adequate training make

supervision of violations less than optimal. This can be seen from the many reports of violations that cannot be followed up until the investigation stage. Lack of Human Resources (HR) is one of the main factors that hinders the prosecution of violations in the regional head election (*pilkada*) in Berau Regency.

The Berau Regency Bawaslu often faces a shortage of supervisory officers. This results in incomplete surveillance, especially in remote areas. For example, in the 2020 Berau Regency Regent and Deputy Regent elections, there were reports that Bawaslu was unable to conduct direct supervision at the campaign site due to the limited number of available officers. In addition, supervisory officers do not receive adequate training on election law and supervision techniques. This can be seen from their lack of ability to identify violations and take appropriate action. In the report, it was found that the process of handling violations is often hampered due to a lack of understanding of applicable legal procedures.

The effectiveness of public institutions, such as Bawaslu, is greatly influenced by the capacity of their human resources. In this context, the lack of qualified human resources can hinder Bawaslu's ability to carry out supervision and enforcement functions effectively. This weakness in the institutional structure has the potential to create legal loopholes that can be exploited by violators. Bawaslu requires sufficient and qualified human resources to carry out its duties. Without investment in human resource development, the effectiveness of cracking down on election violations will continue to be hampered. This can be seen from the fact that despite reports of violations, the handling is often not optimal due to limited human resources.

The lack of human resources in Bawaslu will certainly have an impact on the performance and optimization of the role of Bawaslu itself. With limited human resources, supervision of violations is not optimal. Many violations go undetected, and incoming reports of violations often can't be acted upon quickly. This creates the impression that violations can be committed without consequences, which in turn can damage the integrity of the election. When violations are detected, the handling process also becomes hampered. Poorly trained human resources may not have the necessary skills to conduct in-depth investigations or compile the reports necessary for legal proceedings. This can lead to delays in law enforcement and reduce public trust in the electoral system.

2. *Complicated bureaucracy*

The process of handling election violations involves many parties, including Bawaslu, the police, and the prosecutor's office. Complicated and slow bureaucracy in decision-making often hampers the enforcement process (Liando, 2023). In some cases, reports of violations only reach the discussion stage without any clear follow-up. Complicated bureaucracy is one of the inhibiting factors in the enforcement of violations of regional head elections (*pilkada*) in Berau Regency. In the report of the Berau

Regency Bawaslu, it was found that the process of handling violations is often hampered by long and convoluted bureaucratic procedures. For example, of the 15 cases of election crimes that were registered, many were stopped at the Discussion II stage without any clear follow-up to the investigation stage. This shows that complicated bureaucracy can hinder the speed and effectiveness of handling violations.

The handling of election violations involves various institutions, such as Bawaslu, KPU, and the police. The involvement of many parties often leads to confusion and overlap in the handling process. For example, reports of administrative violations forwarded to the KPU often do not get a quick response, so the law enforcement process is hampered. According to Max Weber, bureaucracy is an organizational system characterized by hierarchies, strict rules, and formal procedures. In the context of Bawaslu, complicated bureaucracy can lead to slow decision-making and action. When the procedure is too strict, this can result in delays in handling violations, which ultimately harms the integrity of the election.

Complicated bureaucracy has an impact on the enforcement of violations in the regional elections. Complicated bureaucracy causes delays in the legal process. Many cases of violations cannot be followed up quickly because they have to go through various lengthy procedures. This reduces public trust in supervisory institutions and the election process as a whole. The lack of clarity in procedures and the involvement of many parties makes it difficult for Bawaslu to respond quickly to violations. When violations are detected, a complicated process can result in delayed action, so violators can continue their illegal activities without fear of repercussions.

3. *Lack of public awareness*

People often do not understand their rights and obligations in elections, including about violations that occur. This has led to low community participation in reporting violations they witness. Without support from the community, it becomes increasingly difficult to prosecute violations (Adelia et al., 2019). The lack of public awareness is one of the significant factors that hinders the enforcement of violations of the regional head election (pilkada) in Berau Regency.

Based on data from the Berau Regency Bawaslu, public participation in reporting election violations is very low. Of the total violations detected, only a few came from community reports. For example, of the 15 cases registered, most of them are internal findings of Bawaslu, not reports from the public. This shows that the community is less proactive in monitoring and reporting violations. Many people do not understand their rights and obligations in the election process. In a survey conducted by Bawaslu, it was found that only about 30% of respondents knew that they had the right to report election violations. This lack of knowledge results in people not feeling responsible for being involved in election supervision.

Community involvement in the political process is essential to create a transparent and accountable government. When people are not aware of the importance of their participation, supervision of election violations becomes weak (Wandi et al., 2023). This has implications for the low accountability of election organizers and the increasing possibility of violations. Social consciousness theory emphasizes the importance of individual awareness of social issues affecting the community. In the context of regional elections, public awareness of the impact of election violations on the quality of democracy is very important. When people are not aware that election violations can harm them, they tend to be apathetic and do not report the violations that occurred.

The lack of public awareness has an impact on the enforcement of violations in the regional elections. The lack of public awareness leads to many unreported violations. This makes it difficult for Bawaslu and related institutions to detect and follow up on violations that occur. As a result, violations continue and create a climate of injustice in elections. Public inactivity in reporting violations can result in low trust in the election process. People who feel that their voices are not heard or that violations are not followed up will become more apathetic towards the democratic process, which in turn can reduce participation in future elections.

4. *The practice of money politics and intimidation*

The practice of political money and intimidation of voters is also a serious obstacle in the enforcement of violations. Many people are afraid to report violations because they are worried about repercussions from certain parties. This creates a culture of fear that hinders law enforcement. The two main factors that are obstacles in the enforcement of violations of the regional head election (*pilkada*) in Berau Regency are money politics and intimidation. Here is a complete explanation of these two factors, complete with relevant empirical facts, concepts, and theories.

In the implementation of the 2020 Berau Regency Regent and Deputy Regent Elections, there were reports on money politics practices carried out by sympathizers, cadres, or political party administrators. The Berau Regency Bawaslu recorded 5 findings and 5 reports related to money politics, where this violation was carried out by giving money or basic necessities to the community to attract sympathy and vote support. Of the total 15 cases registered by Bawaslu, most of them are related to money politics. Despite the findings, many reports did not progress to the investigation stage, suggesting that law enforcement against this practice is still weak.

In the context of elections, political actors often use economic resources to influence election outcomes. Money politics is a tool to strengthen power and ignore the voice of the people which should be the basis of legitimacy. Money politics is a form of corruption that damages the integrity of elections. When prospective leaders use money to buy

votes, it creates injustice and undermines public trust in the democratic process. In some cases, election supervisors and the public who dare to report violations are intimidated. This creates an atmosphere of fear that prevents them from actively participating in election supervision. For example, there have been reports of physical threats against individuals who report the practice of money politics. Uncertainty in law enforcement is also a factor that exacerbates the situation. Many people are hesitant to report violations for fear of the consequences they may face, including intimidation from certain parties.

Public mobilization to supervise elections is greatly influenced by the social and political environment. Intimidation creates obstacles to social mobilization, so people do not feel safe to be involved in the democratic process. Fear of intimidation can discourage individuals from participating in the political process. When people feel threatened, they tend to choose not to engage in oversight or reporting of violations. Money politics and intimidation are the two main factors that hinder the prosecution of election violations in Berau Regency. With empirical facts showing the practice of money politics and intimidation of supervisors and the public, as well as the support of relevant theories, it is clear that strategic measures are needed to increase public awareness and protection in overseeing the electoral process.

Obstacles in the enforcement of election violations in Berau Regency are a serious challenge that needs to be overcome to maintain the integrity of democracy. With a clear legal basis, but faced with various obstacles, there needs to be a collaborative effort between Bawaslu, the police, and the community to create an environment conducive to the implementation of clean and fair elections. Increasing public awareness and strengthening the capacity of human resources in Bawaslu is an important step in dealing with these obstacles.

Design of a model for handling violations of the Regional Elections in Berau Regency

The existing condition of enforcement of violations in the simultaneous Regional Elections in Berau Regency shows several developments and challenges. Here are some important points related to enforcement efforts:

1. Administrative Violations

The condition of handling administrative violations in the simultaneous Regional Elections in Berau Regency shows several developments. In the 2020 Regional Elections, the Berau Regency Bawaslu registered one administrative violation related to the campaign of candidate pairs at locations that did not match the schedule that had been submitted. This violation occurred when the candidate pair campaigned in the company's office yard without prior appropriate notification to Bawaslu.

The Berau Regency Bawaslu recommends the handling of this violation to the General Election Commission (KPU) of Berau Regency to take further action. Despite the findings, the process of handling these administrative violations suggests that oversight and law enforcement need to be improved to prevent similar violations in the future. Overall, despite the efforts to address them, challenges remain in ensuring that all administrative violations can be followed up effectively and in accordance with applicable regulations.

2. Violations of Election Crimes

The condition of handling election crime violations in the simultaneous regional elections in Berau Regency shows several important aspects. Based on the report, there were a number of violations identified and handled by the Berau Regency Bawaslu. In the 2020 Regional Elections, Bawaslu registered 15 cases of election crimes, consisting of 5 findings and 10 reports. However, of the 10 reports, none have reached the investigation stage, and most of them were stopped at the Discussion II stage at the Gakkumdu center. Of the 5 existing findings, 3 of them were forwarded to the investigation stage. One example of a violation handled is a case where a perpetrator collects data by promising money or basic necessities, which clearly violates election provisions. Overall, despite the efforts made, there are still challenges in ensuring that all reports can be followed up to the investigation stage, and the importance of collaboration between Bawaslu, the Police, and the Prosecutor's Office in Gakkumdu to improve the effectiveness of handling violations.

From the description of the problems discussed above, the researcher offers 2 designs of models for handling violations in the simultaneous Regional Elections which will be held in the next period.

1. Design of a model for strengthening Bawaslu's authority in integrated law enforcement

In the 2020 Berau Regency Simultaneous Regional Elections, Bawaslu recorded a total of 15 cases of election crime violations, consisting of 5 findings and 10 reports from the public. Of the 5 findings that were successfully identified, 3 findings were forwarded to the investigation stage by the police, while the rest were stopped at the discussion stage. Even though it has entered the investigation stage for cases of finding criminal acts in the Regional Elections such as the practice of money politics, it is difficult for investigators to prove the truth of the case because sometimes the evidence is no longer there and the reported person has lost traces.

Based on the analysis of the findings of the Regional Elections violations and how the follow-up of the findings is processed, based on the existing authority, where the function of the Bawaslu which is only as a "postman", namely conveying recommendations for criminal violations to the police, does not have enough power to provide encouragement or

pressure to the Police institution in terms of enforcing the Election law such as criminal violations in the implementation of the Elections.

Seeing the massive violations in the simultaneous regional head elections and the absence of firm action against violations in the election process, it is time to strengthen the authority of Bawaslu as an ad-hoc institution whose authority is the same as that of the Corruption Eradication Commission, which can carry out arrest and arrest operations. In relation to this, when Bawaslu gets a mandate from the legislature and the law for its authority to be able to carry out OTT (Operation Catch Tangan) and TT (Caught Hands) must also have authority as well as competence and qualifications so that it can use its authority properly. Lord Acton said that "Power tends to corrupt, absolute power corrupts absolutely", with the process of meaning that the exercise of authority can be carried out properly and correctly, there is no abuse of authority. Bawaslu in carrying out its duties and functions often arrests election participants and winning teams who are suspected of carrying out money politics practices with the aim of influencing the public's choice of certain candidates. This also happened in the 2020 Berau Regency Regional Election when the Bawaslu carried out its duties and functions. It is interesting to see in the future the implementation of simultaneous Regional Elections in 2024 and beyond about how massive the violations of the Regional Elections and how the authority of Bawaslu to minimize fraudulent practices is minimal. With the massive acts of election violations faced by Bawaslu, especially the Berau Regency Bawaslu which several times in the implementation of democratic parties there is the potential for money politics or other criminal acts that require the operation of arresting and arresting hands.

The pattern of hand-catching and hand-catching operations has actually been adopted by other institutions/agencies such as the Corruption Eradication Commission, apart from that there is also from the Saber Pungli Task Force. Reflecting on the authority of the arrest and arrest operations given to the institution, the current existing conditions in carrying out arrest and arrest operations are the main key must be the element of the Police. Then what about Bawaslu which carries out arrest and arrest operations in the enforcement of election violations, especially election crimes or regional elections, because basically the pattern carried out by Bawaslu currently adopts the pattern of Integrated Law Enforcement (Gakkumdu) in which there are also elements of the Police and the Prosecutor's Office so that the possibility of carrying out arrest and arrest operations for election and election crimes is open, However, to strengthen authority, it is necessary to update the design of the pattern of hand-catching and hand-catching operations for election or election crimes that will be used in the future by Gakkumdu.

To realize the implementation of clean, honest, fair and transparent elections or regional head elections, the OTT and TT patterns are expected to be adopted in the future in strengthening the authority of Bawaslu

through Gakkumdu by paying attention to the structural design in the Corruption Eradication Commission and Saber Pungli. The initial key that is the basis of OTT and TT as explained above is to emphasize the authority of the Police and the Prosecutor's Office which has the main function of law enforcement. So that this initial key became a little open related to the design of Gakkumdu where there were elements of Bawaslu, the Police and the Prosecutor's Office.

In order to legitimize Bawaslu's actions where when there are indications of election violations, especially election crimes, Bawaslu is given the authority to conduct OTT and TT in the future by using two alternative designs, namely the KPK model by including investigators or public prosecutors in one of its deputies, namely in the enforcement deputy who has the task of investigating, investigating and prosecuting. Another alternative is to use the Saber Pungli model in which there is also institutional collaboration with the National Police and the Prosecutor's Office and many other institutions/agencies that have joined even though they have a different structure but have similarities with Gakkumdu which combines several elements (integrated).

2. Design of the Ad Hoc Pilkada judicial model

The realization of the existence of a special judicial body for the regional elections is important to ease the burden on the Constitutional Court if lawmakers include regional elections in the simultaneous elections. However, if the House of Representatives and the Government continue to maintain the regional elections as part of independent regional autonomy based on the Election Law, the realization of the regional election judiciary is a must. This is because the establishment of a special judicial body for the regional elections is a legal order. In addition, the establishment of a special judicial body for the regional elections is an order from the Constitutional Court Decision No. 97/PUU-XI/2013 which states that the settlement of election disputes by the constitutional court is an unconstitutional action. So it can be seen that both the regional elections remain independent as a regional autonomy regime and if the regional elections become a unit in the simultaneous election regime, the special judicial body of the regional elections is still important to be realized. The reason underlying the importance of the realization of the special judicial body for the regional elections is the creation of an effective and constitutional election dispute resolution system. Then of course it becomes a question when the special judicial body for the regional elections is realized, where is the special judicial body for the regional elections located in the constitutional structure of Indonesia. The establishment of a special judicial body for the regional elections for the settlement of regional election disputes will certainly create an effectiveness and justice where so far the settlement of regional election disputes has been carried out by many parties. So far, the institutions involved in resolving election disputes are Bawaslu, the police, the

prosecutor's office, the general court, the state administrative court, and the constitutional court so that if the special judicial body for the regional elections is realized, it will create a one-stop regional election judicial system.

The establishment of a special judicial body for the regional elections is also a means to create a constitutional mechanism for resolving regional election disputes. This is because, as has been stated by the Constitutional Court, including the authority of the Constitutional Court to resolve election disputes is an unconstitutional act. Although the latest Constitutional Court Decision offers a choice of design for the simultaneity of simultaneous elections, which includes regional elections, it is not specifically that the regional elections are an electoral regime. That what the constitutional court intended was that the implementation of regional elections and elections should be held simultaneously so that they are effective and do not drain the state's finances. So that the existence of the regional election judicial body is very necessary to reduce the burden on the Constitutional Court when the regional elections and elections are scheduled at the same time.

The establishment of the regional election judicial body is essentially an effort to improve the constitutional structure of Indonesia so that there is no institution that does something even though it is not its authority. The constitution has expressly stipulated what the authority of the constitutional court is as stated in Article 24C and the constitutional court has also decided that submitting election disputes to the constitutional court is an unconstitutional act. Therefore, an election judicial body is needed as mandated by law and the constitutional court whose construction is under the supreme court, namely within the state administrative court. This is solely aimed at reducing the burden on the Constitutional Court, whose domain of authority is focused on handling constitutional issues and high state institutions.

CONCLUSIONS AND RECOMMENDATIONS

Dari uraian dan analisa pembahasan hasil penelitian maka dapat disimpulkan bahwa:

- 1) The role of Bawaslu in prosecuting violations of the 2020 Berau Regency Regional Election has been carried out quite well.
 - a. The role of the Berau Regency Bawaslu in handling administrative violations in the 2020 simultaneous regional elections involves receiving reports, supervision and clarification, reviewing and handling violations, recommendations to the KPU, coordination with stakeholders, and capacity building. All of these steps aim to maintain integrity and fairness in the election process.
 - b. The role of the Berau Regency Bawaslu in handling administrative violations in the 2020 simultaneous regional elections involves receiving reports, supervision and clarification, reviewing and handling violations, recommendations to the KPU, coordination with

stakeholders, and capacity building. All of these steps aim to maintain integrity and fairness in the election process.

- 2) Obstacles in the enforcement of election violations in Berau Regency are a serious challenge that needs to be overcome to maintain the integrity of democracy. The obstacles faced by Bawaslu in efforts to take action against violations of the 2020 Berau Regency Regional Elections are the lack of human resources (HR) in the Berau Regency Bawaslu, the lack of public awareness to participate in the supervision of violations of the Regional Elections, and the massive practice of money politics.
- 3) The existing condition for cracking down on violations of the simultaneous regional elections in Berau Regency in 2020, the Berau Regency Bawaslu established the Integrated Law Enforcement Center (Gakkumdu) as a forum for collaboration between three institutions, namely Bawaslu, the Police, and the Prosecutor's Office. Bawaslu received a report of violations of the Regional Elections. From the incoming report, Bawaslu coordinated with Gakkumundu for further action and mentoring on the results and findings of the field. The integrated law enforcement model conceptualized by Bawaslu in handling violations of election crimes in Berau Regency is a collaborative effort involving various institutions. With the existence of Gakkumdu, the process of handling violations has become more structured and effective, so it is expected to maintain the integrity of the election and enforce the law fairly.

From the analysis of the discussion of the research results and the drawing of conclusions, the researcher recommends to;

- 1) Practical recommendations for the Berau Regency Bawaslu
 - Here are some recommendations for the Berau Regency Bawaslu to strengthen the role of the Bawaslu in the future
 - A. In handling violations of the 2020 Berau Regency Regional Elections, Bawaslu should be able to strengthen the active role of the community so that all violations that occur can be identified by Bawaslu as well as violations of the code of ethics that are not identified and other violations that are also not identified. Bawaslu needs to collaborate with various actors including the community, NGOs and media activists to strengthen participatory supervision
 - B. In facing the obstacles that exist during the implementation of the Regional Elections, Bawaslu can do the following concrete things to minimize the occurrence of obstacles in the implementation of Bawaslu duties during the Regional Elections
 - a) To improve human resources, Bawaslu needs to increase the number and quality of human resources (HR) through continuous training and education. This is important to ensure that supervisors have adequate skills in conducting investigations and handling violations.
 - b) Strengthening the supervision system, Bawaslu should develop a more effective supervision system, including the use of

information technology to monitor violations in real-time. This can help in detecting violations early and improving response to incoming reports.

- c) Better coordination with stakeholders, improving coordination with the KPU, police, and other relevant agencies to ensure more effective law enforcement. Regular meetings and discussion forums can be helpful in sharing information and prevention strategies.
 - d) Socialization and education of the community, Bawaslu needs to be more active in socializing and educating the public about their rights and obligations in the election. A more educated community will be more sensitive to violations and more courageous to report if they occur.
- C. Drafting a model for handling Pilkada violations in Berau Regency with a model of strengthening Bawaslu's authority in integrated law enforcement by adopting the authority of the KPK or Cyber Pungli which has the authority to carry out hand-catching and hand-catching operations in taking action against Pilkada violations. Bawaslu must also be able to design an Ad Hoc Pilkada judicial model for the effectiveness of resolving Pilkada disputes
- 2) Recommendations for academics for further research

Here are some recommendations for academics for further research related to the role of Bawaslu in cracking down on administrative violations:

- 1) Academics are advised to conduct in-depth case studies on Pilkada violations in accordance with the existing findings in the field, not limited to research on administrative violations and election crimes but can also conduct research into violations of the code of ethics and other violations in accordance with field findings. Melakukan analisis perbandingan antara Bawaslu di berbagai provinsi atau daerah kabupaten/kota yang memiliki sistem pengawasan pemilu serupa. Hal ini dapat membantu dalam mengidentifikasi praktik terbaik dan inovasi yang dapat diterapkan untuk meningkatkan efektivitas pengawasan.
- 2) Further research can be focused on the potential influence of information and communication technology in improving supervision and enforcement of violations by Bawaslu. The research may include the use of violation reporting applications and data-driven monitoring systems.
- 3) Examining public perceptions of the role of Bawaslu in cracking down on election violations. This research can provide valuable information about the level of public trust in Bawaslu and how this affects voter participation.

ADVANCED RESEARCH

Every research certainly has limitations. Limitations in the sense of research limitations that affect the researcher's ability to explore the data being studied, the limitations of available data, or external factors of the research such as time and resource limitations. So that further research is needed for the perfection of this research.

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