

The Role of The Election Supervisory Body (BAWASLU) In Handling Violations of the 2024 Regent and Deputy Regent Elections in South Tapanuli, Indonesia

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ABSTRACT

Regional Head Election (Pilkada) is a people's democratic party in electing regional heads and their deputies who come from proposals from certain political parties, combinations of political parties or independently and who have met the requirements. The general election process for regional heads is regulated in a new law, namely Law Number 10 of 2016 concerning the Election of Regional Heads, Bawaslu Regulation Number 8 of 2020 concerning Handling Violations in the Election of Governors and Deputy Governors, Regent and Deputy Regent, and Mayor and Deputy Mayor. and Joint Regulation No. 5 of 2020 concerning Integrated Law Enforcement Centers in the Election of Governors and Deputy Governors, Regent and Deputy Regent, and Mayor and Deputy Mayor. Regency/City Bawaslu has the authority to receive and follow up on reports relating to alleged violations of the implementation of laws and regulations governing elections, whether violations of the code of ethics, administration or criminal acts. The research results show that 1) handling violations of the code of ethics carried out by the election organizer, namely the KPU. 2) handling election administration violations related to accepting registration for individual candidates in the 2024 Pilkada. 3) handling election criminal violations based on reports related to criminal acts of forging signatures as a requirement for candidate administration and determining candidate pairs in the 2024 Regent and Deputy Regent elections.

Keywords: Regional Head Election, Bawaslu, Handling Violations.

I. Introduction

The concept of popular sovereignty in Indonesia places ultimate power in the hands of the people. Based on the values of Pancasila, the goal of the Republic of Indonesia is to form a just and prosperous society. The Indonesian state is a legal state characterized by a modern state based on democracy and places the full sovereignty of the people. Elections are a form of public political participation in a democracy. Therefore, honesty and fairness in organizing elections will reflect the quality of democracy (Sitinjak et al. 2024). Holding direct elections to elect people's representatives in central and regional representative organizations in Indonesia is one of the leading reform programs in the political sector to build and realize a democratic state.

Regional Head Elections (Pilkada) are part of deepening and strengthening democracy and efforts to realize effective governance. Regional Head Election (Pilkada) is a party of people's democracy in electing



regional heads and their representatives from specific political party proposals, a combination of political parties, or independently and who have met the requirements (MZ, 2014).

The process of regional head elections (Pilkada) is regulated in a new law, namely Law Number 10 of 2016 concerning the second amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations instead of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law, Bawaslu Regulation Number 8 of 2020 concerning Handling Violations of the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors. and Joint Regulation No. 5 of 2020 concerning the Integrated Law Enforcement Center in the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors. This law was made based on the provisions of Article 18 Paragraph (4) of the 1945 Constitution, which reads, "Governors, Regents, and Mayors respectively as heads of provincial, district and city regional governments are democratically elected." Implementing the direct and simultaneous election system is also related to efforts to realize the important objectives of decentralization and regional autonomy policies, namely creating democratic local governments and realizing prosperity for the people. In the implementation of Pilkada, it is challenging to avoid violations because, in its implementation, there are many interests involved. It cannot be denied that the level of awareness of democracy in society is now relatively low (Ma'ruf, 2023). Election participants and the community commit violations that occur, and even election organizers are involved in existing violations.

Bawaslu, in carrying out its duties and authorities in the field of supervision and prosecution of violations in direct elections, refers to Article 22B of Law No.10 of 2016 concerning the Election of Governors and Deputy Governors, Regents, and Deputy Regents, Mayors, and Deputy Mayors. as for form and duties, and the authority of Bawaslu based on Article 22B of Law No. 10 of 2016, from (Hasanah, & Rejeki, 2021) namely: (1) Preparing and stipulating Bawaslu Regulations and technical guidelines for supervision (2) Coordinating and assisting in the stages of supervision of the implementation of the Election (3) Evaluating the supervision of the election (4) Receiving and following up on reports of election violations. Bawaslu aims to provide education and cooperation with the community on Bawaslu's irregularities in the smooth running of the South Tapanuli Regency regional head general election. Among the vital interests in the election is community participation in supervising the general election; the more community participation and contribution in supervising the holding of the 2024 South Tapanuli Regency Regional Head general election, the less fraud will occur. Every community forum Bawaslu has designed is a form of effort so that the community can monitor all fraud (Maâ, Sakir & Abhipraya, 2022).

Based on Bawaslu Regulation (Perbawaslu) Number 8 of 2020 concerning Handling Violations of the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors in Article 1 Paragraph 20 - Paragraph 22 further describes the types of violations. There are three types of violations in the Regional Head General Election, namely: 1) Paragraph 20 Violation of the election organizer's code of ethics is a violation of the ethics of election organizers who are guided by an oath and/or promise before carrying out their duties as election organizers, 2) Paragraph 21 Election administration violations are violations of procedures, procedures and mechanisms related to the administration of the election in each stage of the election organizer, 3) Paragraph 22 Election crimes are criminal offenses and/or crimes against the provisions of election crimes as stipulated in the Law on the election of Governors, Regents and Mayors.

Regarding the implementation of Pilkada, it is undeniable that violations have occurred even though there are regulations governing them, and this has been found in many regions in Indonesia, including the South Tapanuli Regency. Based on data on the recap of the handling of violations of the 2024 Pilkada in South Tapanuli Regency that researchers obtained from the Election Supervisory Body of North Sumatra Province, there are several violations obtained from findings and reports, including violations of falsification of support files, violations of money politics, violations of the code of ethics, violations of election administration, violations of election crimes. This is certainly very disturbing to democracy and harms the voting rights of people who should be free to vote without financial pressure. To prevent violations in the upcoming elections, serious efforts are needed from all parties involved, including the government, election institutions, political parties, and the community. Election violations harm one party and democracy and justice, which should be

upheld in every election. Hopefully, future elections can run honestly, fairly, and transparently without criminal acts.

The most prominent criminal offense in the 2024 elections is money politics. Election crimes in 2024 are a sensitive issue and raise the truth of the election results. Some forms of election crimes reported at the South Tapanuli Bawaslu Office are as follows: First, signature forgery committed by irresponsible parties. This forgery of signatures is a requirement of support for the administrative requirements of individual candidate pairs to become Regent and Deputy Regent candidates, resulting in inaccuracies in the amount of support obtained by candidate pairs. Second, the success team or candidate pairs conducted money politics in the 2024 regional elections. Money politics can take the form of distributing money or other materials to voters to influence their votes. The practice of money politics not only violates democratic ethics but also creates injustice for candidate pairs who are unable and unwilling to engage in the process. Reactions to this criminal act were very diverse. Supporters of candidates who felt aggrieved by the crime staged demonstrations and demanded a transparent investigation and firm action against the perpetrators (Moekahar, 2021). However, those allegedly involved in the crime denied all allegations and attacked the integrity of the institutions investigating the crime. The situation escalated when clashes between supporters of competing candidates broke out, exacerbating already tense political tensions. Election watchdogs and law enforcement agencies struggled to maintain order and ensure that investigations were conducted fairly, honestly, and transparently. At the same time, the public hoped for a return to justice in their political process.

Crimes in the 2024 elections must be immediately captured and followed up by related institutions, such as the General Election Commission (KPU), the Election Supervisory Agency (Bawaslu), and other law enforcement officials. The public is expected to become active election supervisors and report all criminal acts they encounter. Criminal acts in the elections are detrimental to the candidates and to all Indonesian people who are entitled to have leaders who are elected honestly and fairly (BBC News Indonesia, 2023).

II. Research Method

In this study, researchers used qualitative research methods; according to Sukmadinata (2009), qualitative methods are research to describe and analyze phenomena, events, beliefs, attitudes and social activities individually and in groups. Qualitative research according to Creswell Conny R Semiawan (2010) defines it as an approach or search to explore and understand a central symptom. To understand this central symptom, researchers interview research participants or participants by asking general and rather broad questions, then the information submitted from participants is collected and analyzed. In this study, researchers used qualitative research to be able to understand phenomena in a natural social context that describes social problems and then analyzes and after that researchers report phenomena in an analysis of the results in the study. The type of research we used in compiling this journal is using a descriptive qualitative approach. This data is collected through interviews, observations and library research as a type of research. The data that has been obtained is then collected and compiled to be concluded objectively. And it is hoped that this researcher will be able to provide new understanding and insight into criminal acts in the 2024 elections. Primary data is data from informants. In this study, the data was obtained directly from informants either through the interview process, observation and documentation, the type of data to be obtained is related to the Handling of Pilkada Violations in 2024 in South Tapanuli Bawaslu

III. Result and Discussion

3.1. The role of Bawaslu

Bawaslu is one of the institutions that organizes elections in which in its duties and authority there is prevention of violations that often occur during elections (Hartika, 2019). Basically, this election is able to provide education and cooperation with the community on Bawaslu's irregularities in the smooth running of

the South Tapanuli Regency regional head general election. Among the very important interests in the election is community participation in supervising the general election, the more community participation and contribution in supervising the holding of the 2024 South Tapanuli Regency Regional Head general election, the less criminal acts will occur. Every community forum that has been designed by Bawaslu is a form of effort so that the community is able to oversee all criminal acts that occur. Bawaslu is an institution that is asked for information and is responsible for overcoming the course of the election so that it takes place honestly, fairly and without conditions to ensure its independence from political pressure and maintain its integrity in carrying out its duties and authorities. Bawaslu's position as a provider of information orally and in writing means what prevention and handling efforts have been made. Bawaslu in providing written information has conveyed as efforts that have been made in prevention, supervision and prosecution in stages (Asbudi, 2020). Bawaslu's authority is to understand election disputes. The purpose of this supervision is to ensure the implementation of elections in a *luber jurdil* manner, as well as the implementation of laws and regulations regarding the formil as a whole to realize democratic elections.

The role in supervision carried out by Bawaslu of South Tapanuli Regency in the Regional Head Election consists of receiving reports from the public, conducting an examination of the report, determining whether or not there is a criminal offense.

1. Role in Receiving Reports of Election Crimes

Bawaslu receives reports of alleged election crimes from the public. Because the people who see and know that there is a criminal election violation so that they can report it to Bawaslu, and then Bawaslu examines the reports received from the community, the report must be equipped with strong evidence. The community must make a clear and accurate report that can help Bawaslu in examining the case. Bawaslu must be alert in receiving and following up reports from the public. The results of data information from Bawaslu South Tapanuli received allegations of election crimes, namely the forgery of signatures in the support requirements for the administrative requirements of individual candidate pairs to become candidates for Regent and Deputy Regent of South Tapanuli Regency in 2024. The bottom of the public report consists of the identity of the reporter, the reported event, witnesses, evidence and a brief description of the incident. With the report, Bawaslu South Tapanuli conducted an examination and followed up on the report. So related to the mechanism for handling election violations, there are several conditions that must be met, telling a description of the incident, bringing evidence and filling out a report receipt form then the South Tapanuli Bawaslu will process the report, so that it cannot be processed if these conditions are not met, let alone just an ordinary story because it has already happened like that so that it considers the report not to be processed even though there are several conditions that are not met.

2. Role in Following Up Reports of Election Crimes

Bawaslu's main task in handling violations in the election is to follow up on every report submitted by the community. Bawaslu must ensure the implementation of honest and fair elections to ensure its independence from political pressure and maintain its integrity in carrying out its duties and authorities (Rustan, 2024). According to the data obtained, Bawaslu South Tapanuli has found that there are allegations of criminal acts of signature forgery in the requirements for the nomination of Regent and Deputy Regent based on the report of Armen Sanusi Harahap with report number 001/Reg/LP/PB/Kab/0224/VI/2024 Bawaslu as an election and election organizing agency certainly conducts an examination and follows up on the alleged criminal acts. It can be concluded that the public needs to make clear and complete reports in order to assist Bawaslu in examining cases, because Bawaslu's time to determine the existence of criminal acts in the reported violations is very limited.

3.2. Criminal Cases in the 2024 Regional Elections in South Tapanuli Regency

In a fictional democratic country, the 2024 election is considered an important milestone in its political history. Maarif & Arifin (2024) state However, the spirit of democracy was shredded when serious allegations of election crimes, namely signature forgery in the regional head election process, emerged. First of all, there is a report from the complainant Armen Sanusi Harahap regarding the alleged election crime, namely the forgery of signatures in the support requirements for the administrative requirements for the nomination of the candidate pair for Regent H. Dolly Putra Parlindungan Pasaribu, S.Pt and candidate for Vice Regent Achmad Buchori. That related to the alleged criminal act, the complainant has checked the personal identity data, it turns out that the complainant's identity in the form of the Complainant's KTP is included as a condition of support for Individual Candidates to become candidates for Regent and Deputy Regent of South Tapanuli Regency. Whereas the fact is that the complainant has never provided a photocopy of ID card, signed a statement letter to support the candidate pair and the candidate pair has never met or visited the complainant to ask for support for his candidacy. This creates an uncondusive atmosphere and violates the applicable laws. In the face of these crimes, people demand transparency, accountability and justice. They demand that perpetrators are punished according to the law and that tangible measures are taken to ensure that such crimes do not happen again in the future. Thus, the case of criminal behavior in the 2024 elections is a sad reminder of the importance of maintaining integrity and fairness in any political process. It is a call to improve the electoral system and strengthen democratic values in society. Based on the violations found in the 2024 elections in South Tapanuli Regency, Bawaslu as the organizer and supervisor of the elections tries to follow up in handling these violations based on the General Election Supervisory Agency Regulation (Perbawaslu Number 8 of 2020 concerning Handling Violations of the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors in order to create LUBER elections in South Tapanuli Regency. The violations that occurred were in accordance with the findings and report of the reporter Armen Sanusi Harahap with number: 001/Reg/LP/PB/Kab/0224/VI/2024 in the implementation of Pilkada.

1. Handling of Code of Ethics Violations

Handling violations of the election organizer's code of ethics is an oath of office or promise related to several ethical principles of organizers that must not be violated (Apriyana, 2024). In the 2024 regional elections in South Tapanuli Regency based on existing data, there were violations of the election organizers' code of ethics, where there were allegations of ethical violations committed by the organizers, either the South Tapanuli KPU or the South Tapanuli Bawaslu. Where the South Tapanuli KPU allegedly committed a violation in making a decision by allowing the replacement of the South Tapanuli Deputy Regent Candidate from an Individual Candidate with a violation committed by the South Tapanuli KPU has violated KPU Decree No. 1229 of 2024 and reporting to Bawaslu RI has been registered with the number 005/LPPB/RI/00.00/IX/2024. If the KPU commits a violation, the process is that the violation is received and clarified at Bawaslu South Tapanuli after which it is forwarded to the KPU for further action.

2. Handling of Election Administration Violations

Handling of Election Administration Violations is the handling of violations of procedures, procedures and mechanisms related to the administration of the election in each stage of the election organizer (Fadhilah, 2024). Based on data obtained from Bawaslu in the 2024 Pilkada, the General Election Supervisory Agency (Bawaslu) stated that the South Tapanuli KPU had committed administrative violations related to the acceptance of registration of individual candidates in the 2024 Pilkada. The violation is stated in Bawaslu Decree Number: 371/PP.01.02/K.SU-22/09/2024 which is a decision based on a report from Armen Sanusi Harahap with report number: 024/REG/LP/PB/Kab/02.24/IX/2024 at Bawaslu RI. By accepting the substitution of a deputy candidate from an individual candidate by the South Tapanuli KPU has committed an election administration violation because it is contrary to the

provisions of article 126 and article 14 paragraph (2) letter e PKPU No. 8 of 2024 and KPU Office Letter No. 1998/PL.02.02-SD/05/2024. Based on the handling of election administration violations handled by Bawaslu South Tapanuli clearly stated in Perbawaslu No. 8 of 2020 Chapter V Follow-up of Violation Handling Part One election violations Second paragraph Election Administration Violations. That based on what the researchers observed that Bawaslu as an election organizing agency has carried out its duties and authorities properly as an election supervisor and always examines cases and follows up on violations found until the violations can be resolved properly.

3. Handling of Election Crime Violations

Handling of election crimes is a criminal offense or crime against the provisions of election crimes as stipulated in the Law on the election of Governors, Regents and Mayors. Based on the results of interviews and information data submitted by Bawaslu regarding the handling of criminal violations of elections and elections, the handling process is somewhat different from the handling of violations of the code of ethics and the handling of election administration violations related to the handling, an Integrated Law Enforcement Center (Sentra Gakumdu) is formed, which contains 3 elements, namely Bawaslu which receives reports and findings of violations and then will be continued if it contains criminal elements, clarification will be carried out, research will be carried out and then forwarded to the police for investigation, then enter the delegation to the prosecutor's office for trial. If the alleged election violation is not proven, it will be dismissed at the first discussion. If the alleged violation does not have enough evidence, it will not proceed to the investigation process and will stop at the second discussion. Based on the data obtained, Bawaslu South Tapanuli found allegations of criminal acts of signature forgery as a requirement for candidate administration and the determination of candidate pairs in the 2024 election of the Regent and Deputy Regent of South Tapanuli based on reports from the community. The obstacles faced by Bawaslu in handling Pilkada crimes are: lack of human resources (HR), lack of Bawaslu officers even though the tasks to be carried out especially during the implementation of Pilkada are relatively many, there are often differences in perception in the Gakkumdu center, there is a considerable opportunity to eliminate evidence, and suspects are often uncooperative.

IV. Conclusion

Bawaslu as the organizer and supervisor of the Regional Head election follows up on the handling of violations in the 2024 elections in South Tapanuli based on the General Election Supervisory Agency Regulation (Perbawaslu) No. 8 of 2020 concerning Handling Violations of the Election of Governors and Deputy Governors, Regents and Deputy Regents and Mayors and Deputy Mayors. The conclusions of this researcher are as follows: 1) violations of the code of ethics committed by election organizers are a sign that there is still a lack of understanding in election organizers of the actual ethical principles of organizers. 2) violations of election administration committed by the General Election Commission which is an institution organizing the election is a sign of lack of accuracy in handling administration. Then violations based on community reports, the report must be equipped with strong evidence. The community must make a clear and accurate report that can help Bawaslu in examining the case. Bawaslu must be prepared to receive and follow up reports from the public. 3) violations of election crimes and related to follow-up handling, Bawaslu as the organizer and supervisor of the elections tries to follow up in handling these violations based on the General Election Supervisory Agency Regulation (Perbawaslu Number 8 of 2020 concerning Handling Violations of the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors in order to create LUBER elections in South Tapanuli Regency. It can be concluded that the community needs to make clear and complete reports in order to assist Bawaslu in examining the case, because Bawaslu's time to determine the existence of criminal acts in the reported violations is very limited..

References

- Apriyana, K. (2024). Tinjauan yuridis putusan DKPP Nomor 30-PKE-DKPP/IX/2022 perkara pelanggaran kode etik penyelenggara pemilu perspektif siyasah dusturiyyah.
- Asbudi, A. (2020). Pencegahan dan penindakan pelanggaran netralitas aparatur sipil negara (ASN) oleh Bawaslu Kota Palopo pada Pemilu 2019.
- BBC News Indonesia. (2023). Tindak pidana pilkada. <https://www.bbc.com/indonesia>
- Beriyansyah, C. R. S. (2010). Penyelesaian pelanggaran pemilihan kepala daerah dalam pandangan Creswell Conny R. Semiawan (p. 7).
- Dede Sri Kartini. (2017). Demokrasi dan pengawasan pemilu.
- Fadhilah, O. S. (2024). The role peran Badan Pengawas Pemilihan Umum (BAWASLU) dalam mengatasi dan menindak pelanggaran pemilihan umum.
- Hartika. (2019). Hukum positif. Fakultas Syariah, Universitas Islam Negeri Raden Intan, Lampung.
- Hasanah, S., & Rejeki, S. (2021). Wewenang Badan Pengawas Pemilu terhadap pelanggaran pemilu oleh aparatur sipil negara dalam pemilu kepala daerah.
- Hasni, H., Bachri, S., & Fatmawati, S. (2021). Analisis penegakan hukum terhadap tindak pidana pilkada.
- Ma'rif, Z. (2023). Peran Dewan Perwakilan Rakyat Daerah Kabupaten dalam pengawasan pemerintahan desa ditinjau dari aspek politik hukum.
- Maâ, W., Sakir, S., & Abhipraya, F. A. (2022). Peran Bawaslu dalam pengawasan Pilkada Kabupaten Tasikmalaya tahun 2020.
- Maarif, M. S., & Arifin, T. (2024). Kecurangan pemilu tahun 2024 dalam perspektif UU No. 7 Tahun 2017 dan Hadits Riwayat Muslim.
- Moekahar, F. (2021). Kampanye politik: Sebuah pendekatan fenomenologi.
- MZ, H. I. (2014). Pemilihan kepala daerah secara langsung sebagai momentum strategis dalam pengembangan otonomi daerah dan demokrasi lokal.
- Peraturan Bawaslu Nomor 8 Tahun 2020 tentang Penanganan Pelanggaran Pemilihan Gubernur dan Wakil Gubernur, Bupati dan Wakil Bupati, serta Walikota dan Wakil Walikota.
- Peraturan Bersama No. 5 Tahun 2020 tentang Sentra Penegakan Hukum Terpadu pada Pemilihan Gubernur dan Wakil Gubernur, Bupati dan Wakil Bupati, serta Walikota dan Wakil Walikota.
- Rustan, A. (2024). Posisi Bawaslu sebagai pihak ketiga dalam sengketa pemilu.
- Sitinjak, A., Sirait, N. Y. E., Sinaga, M. C. B., & Hariyanti, D. (2024). Analisis yuridis politik hukum terhadap praktik kejahatan money politic pada pemilihan umum di Indonesia.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Nomor 10 Tahun 2016 tentang Pemilihan Kepala Daerah.