

Implementation of Bawaslu's Duties and Authorities in Resolving 2024 Election Violations in Indragiri Hulu Regency

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Received: 21 April 2025; Revised: 30 May 2025; Accepted: 3 August 2025

ABSTRACT

Implementation of Bawaslu's Duties and Authorities in Resolving 2024 Election Violations in Indragiri Hulu Regency. The main problem in this study is how Bawaslu implemented its duties and authorities in resolving 2024 election violations in Indragiri Hulu Regency and what obstacles Bawaslu faced in resolving 2024 election violations in Indragiri Hulu Regency. This research uses an empirical research method, namely a legal research method that functions to see the law in a real sense and examine how the law works in the community environment. The results of the study can conclude that in carrying out the duties and authorities of Bawaslu in resolving violations of the 2024 election in Indragiri Hulu Regency, namely preventing and taking action against election violations, supervising the implementation of the stages of election administration, resolving election process disputes and conducting evaluations of election administration supervision, there are significant challenges. There are 8 forms of alleged violations encountered by Bawaslu, namely, 6 reports were stopped, 1 finding was followed up, and 1 finding was stopped (SP3). Bawaslu's resolution of election violations is carried out in accordance with the mechanisms regulated in Law No. 7/2017 concerning elections, whose process includes several stages for each type of violation by supervising and ensuring that all processes run fairly and in accordance with the law.

Bawaslu's obstacle in resolving 2024 election violations in Indragiri Hulu Regency is the limited personnel of the Gakkumdu Center. While the number of cases to be handled is quite large, Bawaslu in the process of receiving reports must be accompanied by other agencies such as the Prosecutor's Office so that from the beginning there is an understanding and the report meets the elements of an election crime, insufficient time to handle election violations, obstacles when handling ASN neutrality, a limited budget, difficulty completing evidence, weak enforcement of sanctions and low public participation in reporting violations and other obstacles such as areas that are too remote, extreme location access and the lack of a special courtroom. Based on 8 forms of alleged violations, including 6 reports and 2 findings found, only 1 finding was followed up, namely the case of violation of ASN neutrality (Number 001/Reg/TM/PL/Kab/04.05/III/2023) was followed up because it was proven to violate the provisions of ASN neutrality. This report was decided directly by Bawaslu by bringing the reported party to the process of being followed up by KASN; this is an obstacle for Bawaslu when handling ASN neutrality.

Keywords: *Bawaslu, General Election, Violations.*

1. Introduction

Indonesia is a republic governed by a democratic system, where the people hold supreme sovereignty. One of the fundamental pillars of any democratic system is the existence of a mechanism for periodically and continuously channeling public opinion through general elections (Pemilu). The implementation of elections at specific times further strengthens the principle of popular sovereignty in the

Unitary State of the Republic of Indonesia.¹ The implementation of General Elections is basically to implement the sovereignty of the people, elect representatives of the people, convince or at least renew the agreement of the citizens, influence the behavior of citizens, and educate the rulers to increasingly rely on the agreement (consent) of the people rather than coercion (caercion) to maintain their legitimacy.²

Because of this crucial role, it is crucial that elections are conducted honestly and fairly. Therefore, it is crucial for the country to have an institution that can oversee the election process. Indonesia itself has an institution that oversees elections, namely Bawaslu. The Election Supervisory Agency (Bawaslu) is an election organizing institution that oversees the implementation of elections throughout the territory of the Republic of Indonesia. As an institution whose role has broad authority not only as a supervisor but also as an executor of the judge deciding cases based on the mandate of Law Number 7 of 2017 concerning General Elections (Pemilu).³

Law enforcement is the benchmark for the success of elections with integrity. Law enforcement is necessary to prevent and prosecute various forms of violations or crimes during the election process. Law enforcement of elections strengthens and deepens democracy, ensuring elections are conducted in accordance with the principles of free and fair elections, ensuring that the results are credible and acceptable to all parties.

In the implementation of elections, there are several types of violations, namely election crimes, violations of the code of ethics, administrative violations, and other violations. Law enforcement of election crimes in the form of maintaining the dignity and dignity of the essence of elections as a distribution of power or legitimacy of the people in a beneficial way to ensure the implementation of the principles of a democratic state. Problems that often arise in the implementation of elections in Indonesia hinder the realization of democratic elections, some of these problems include money politics and black campaigns, the professionalism of election organizers, the politicization of the bureaucracy, the quality and capabilities of election participants or political parties, apathy and pragmatism in community political participation, and horizontal conflicts.⁴

If violations are found, Bawaslu receives reports or findings from election participants, time-sessions, and election monitoring that indicate violations of election crimes. After receiving the reports or findings, Bawaslu will coordinate

¹ Et.al Ma'ruf, 'Makna Kedaulatan Rakyat Dalam UUD NRI Tahun 1945: Dari Gagasan Sampai Implementasi', *Jurnal Majelis Media Aspirasi Konstitusi Edisi 4*, 2019.

² Abdul Djalil dkk, 'Implikasi Sistem Pemilihan Umum Indonesia', *Jurnal Recht Vending Media Pembinaan Hukum Nasional*, 3.1 (2014).

³ Muhammad Ja'far, 'Eksistensi Dan Integritas Bawaslu Dalam Penanganan Sengketa Pemilu', *Jurnal Legal Review*, 2.1 (2019).

⁴ Muhammad Junaid, 'Pidana Pemilu Dan Pilkada Oleh Sentra Penegakan Hukum Terhadap', *Jurnal Ius Constituendum*, 5.2 (2020).

with the Gakkumdu Center to follow up on the reports/findings. The Gakkumdu Center will hold discussions related to the reports/findings by involving Bawaslu and the Prosecutor's Office, so that a recommendation will be made to determine whether the report/findings constitute an election crime or include other election violations.⁵

As happened in Indragiri Hulu Regency, in the Vote Recapitulation and Vote Counting stages of the 2024 General Election in Indragiri Hulu Regency, there were 3 (three) registered Reports and 3 (three) unregistered Reports, so that the total number of Reports in the Vote Recapitulation stage of the 2024 General Election in Indragiri Hulu Regency was 6 (six) Reports. And in the Findings Stage of Other Legal Violations (ASN Neutrality) and the 2024 General Election Campaign stage in Indragiri Hulu Regency, there were 2 (two) Findings.

Of the total of 8 alleged violations received, 6 reports and 2 findings were filed, consisting of 6 reports with the result of being discontinued, 1 finding followed up and 1 finding terminated (SP3). In the 6 cases of reports and 1 case of findings that were mutually discontinued occurred due to several obstacles faced by Bawaslu and the limitations of Bawaslu's authority where in the 2024 election Bawaslu did not handle administrative violations and therefore did not provide recommendations to the KPU. In 1 case that was followed up, namely the legal violation related to the neutrality of State Civil Apparatus (ASN) with registration number 001/Reg/TM/PL/Kab/04.05/III/2023, it was decided by Bawaslu because it was proven to have violated the provisions of ASN neutrality. This alleged violation of ASN neutrality is suspected of violating the principle of neutrality by providing support to certain candidates in the nomination process. The Indragiri Hulu Regency Election Supervisory Agency followed up on this report by reviewing the evidence and conducting an investigation. After going through the investigation and verification process, Bawaslu issued its first recommendation to be forwarded to the State Civil Service Commission (KASN). KASN, as the institution authorized to handle violations of the ASN code of ethics and conduct, received the report.

In 1 finding that was stopped (SP3) namely the Campaign Stage Finding of Alleged Criminal Violations with Registration Number 001/Reg/TM/PL/Kab/04.05/I/2024, namely the capacity of the reported person is a Village Head participating in campaign activities. Where the Village Head is prohibited from participating in campaign activities, as regulated in Article 490 of Law Number 7 of 2017. This report was initially followed up and then stopped because based on the initial report it met the allegation of no crime, but after further investigation the report was stopped (SP3) and the file was returned by the Public Prosecutor twice. This was because the investigator could not fulfill the

⁵ Abdurrahim, 'Alur Dan Proses Penegakan Hukum Terhadap Tindak Pidana Pelanggaran Pemilu Berdasarkan Undang-Undang Republik Indonesia Nomor 7 Tahun 2019', *Unizar Recht Journal*, 2.1 (2023).

elements of a crime or did not have sufficient evidence. This shows the dynamics in the election process at the district level that require attention and good management so that all stages can run in accordance with applicable provisions.

Many of Bawaslu's duties were not carried out or recorded during the Prevention and Enforcement of Violations report. In some cases, both alleged criminal and ethical violations were recorded, leading to the dismissal of several reports. The Indragiri Hulu Regency Election Supervisory Agency must be more effective in addressing suspected election violations.

2. Research Method

This legal research is an empirical research in which legal research is taken from facts that exist in a society, legal entity or government agency. While the nature of the research used is analytical descriptive research, namely providing a clear and detailed description of an event that occurred from the data obtained in the form of observations, interviews, documents and field notes which are then analyzed and poured into a thesis form to explain the problem with the chosen title, namely regarding the Implementation of the Duties and Authorities of Bawaslu in Resolving Violations in the 2024 Election in Indragiri Hulu Regency. The sources of this research consist of primary sources derived from the results of interviews and secondary legal sources, namely literature or previous research related to this research.

3. Result and Discussion

3.1. Implementation of Bawaslu's Duties and Authorities in Resolving 2024 Election Violations in Indragiri Hulu Regency

One of Bawaslu's functions is to oversee election stages and prevent election violations. Bawaslu's strategic and significant function is to prevent potential election violations by implementing optimal prevention strategies. Bawaslu is also expected to be able to take firm and effective action and act as a fair election judge. Election violations are actions that contradict, violate, or are inconsistent with laws and regulations related to elections. The duties of Bawaslu Indragiri Hulu Regency are in accordance with these laws.

In carrying out its duties and authorities, Bawaslu refers to Law Number 7 of 2017 concerning Elections. Furthermore, Bawaslu also processes alleged violations related to the elections, namely violations of other laws such as Law of the Republic of Indonesia Number 5 of 2014 concerning State Civil Apparatus, Law of the Republic of Indonesia Number 6 of 2014 concerning Villages, and other laws and regulations. Violations of these laws and regulations are recommended to the authorized agencies for follow-up.⁶ Reports of election violations in Indragiri Hulu include:

⁶ Nuswantoro Setyadi Pradono, 'Aparatur Sipil Negara Dalam Pemilu 2019', *Jurnal Analisis Kebijakan, Pusat Pembinaan Analisis Kebijakan Deputi Kajian Kebijakan Lembaga Administrasi Negara*, 3.1 (2019).

- 1) During the vote counting phase, one report was found related to alleged criminal violations with the report number 001/LP/Kab/04.05/II/2024. This report was passive because it originated from a public complaint filed by S against the defendants RF and RS. After an investigation, the case was not pursued to the legal process and was therefore dismissed and not registered. This report was dismissed and not registered because the reporter failed to provide evidence within the time allotted by the Elections Supervisory Agency (Bawaslu). Article 454 of Law Number 7/2017 concerning General Elections explains that reports must meet formal and material requirements, including sufficient evidence. If insufficient evidence is found in a report of election violations, it could result in the report being unable to be followed up or the legal process being terminated due to failure to meet the formal and material requirements stipulated in the Election Law.
- 2) During the vote recapitulation phase, one report was found regarding alleged criminal and ethical violations, registered with number 002/Reg/LP/PL/Kab/04.05/III/2024. This report was passive, stemming from a public complaint filed by Indonesian citizens with the initials WD and BNS. The report alleges criminal and ethical violations by the reported parties with the initials BI, S, J, SA, and THY. This report was dismissed due to negligence that resulted in a shortage of ballots.
- 3) During the nomination phase, one finding was made regarding an alleged violation of the neutrality of State Civil Apparatus (ASN) with registration number 001/Reg/TM/PL/Kab/04.05/III/2023. This finding is active because it was discovered directly by Bawaslu during the supervision process. The reporter, with the initials DR, and the reported party, a civil servant with the initials ED, are suspected of violating the principle of neutrality by providing support to a particular candidate during the nomination process. This case was then forwarded to the State Civil Apparatus Commission (KASN). After the investigation, KASN issued a recommendation to impose disciplinary sanctions on the reported party as a form of enforcing the rules on civil servant neutrality in the election. This report case was followed up because: it was proven to violate the provisions of ASN neutrality. This report was decided directly by Bawaslu by bringing the reported party to the process of being followed up by KASN, then KASN recommended imposing disciplinary sanctions and processed by BKN. Based on this, it should refer to the provisions in Article 280 paragraph 2 of Law Number 7/2017 that ASN must be neutral in elections. If an ASN violates the provisions of neutrality, even if not proven to have committed a crime, he or she can still be subject to administrative or disciplinary sanctions according to personnel regulations. For issues related to ASN neutrality violations, Bawaslu's authority to handle/take action is exempted. Therefore, Bawaslu's authority is limited to

- the recommendation stage, with the authorized party, namely the KASN.⁷
- 4) During the vote recapitulation phase, one report was found regarding an alleged violation of the election organizer's code of ethics, with Report Submission Number 005/LP/PL/Kab/04.05/II/2024. This report is passive, stemming from a public complaint filed by WAC. This case involves an alleged violation of the election organizer's code of ethics against the reported parties, identified as RP, OP, NS, DYK, OP, ES, and ER, FA. This report was dismissed due to negligence resulting in a shortage of ballots. This allegation is the same as the allegation in table 2. Therefore, Bawaslu's handling of election violations stipulates that if an incident has already been resolved by Bawaslu, it will no longer process the case. There was a shortage of ballots in the sub-district recapitulation, with obstruction, and a statement of voting in the same place at TPS 4. This negligence in the lack of ballots led to the dismissal of this case. If the allegations are the same, the case will not be re-enacted due to the same alleged violation.
 - 5) During the vote recapitulation phase, one report was found regarding alleged criminal violations, with Report Submission Number 006/LP/PL/Kab/04.05/II/2024. This report was passive because it originated from a public complaint filed by BNS against the reported parties with the initials RP, OP, NS, DYK, OP, ES, and ER, FA. This report was not pursued through legal proceedings. This report was dismissed due to negligence resulting in a shortage of ballots. This allegation is the same as the allegations in tables 2 and 5. If the Election Supervisory Agency (Bawaslu) has already resolved the matter, it will no longer process it. These allegations, in reports 2, 5, and 6, were submitted to the Constitutional Court, leading to a revote at TPS 4 Sei Lala. No criminal offense was proven in this report, but the factual negligence of election organizers in preparing ballots resulted in a shortage of ballots at TPS 4 Sei Lala.
 - 6) During the campaign and quiet period, 1 finding was found related to alleged criminal violations with Registration Number 001/Reg/TM/PL/Kab/04.05/I/2024, namely the involvement of public officials in political campaigns. The finding is active because it was discovered directly by Bawaslu during the supervision process. The finding was submitted by the reporter with the initials J at the Panwaslu of Lahai Kemuning Village, Batang Cenaku District, involving two reported parties with the initials AR and S. Both were suspected of carrying out active campaigns despite their status as village heads. The legal process for this case was stopped through an Investigation Termination Order (SP3) after the case files were returned twice by the Public Prosecutor (JPU) because it was

⁷ Yuli Armala and M. Yasir, 'Implementasi Electronic Traffic Law Enforcement (E-TLE) Di Wilayah Hukum Kepolisian Resor Bojonegoro', *Hukum*, 5.1 (2022), pp. 32-44 <<https://ojs.ejournal.unigoro.com/index.php/JUSTITIABLE/article/view/405>>.

deemed insufficient evidence to continue the prosecution process.

This report case was initially followed up and then stopped because: based on the initial report it was suspected that there was no crime, after further investigation the report was stopped (SP3) and the files were returned by the Public Prosecutor twice because the investigator could not fulfill the elements of a crime or did not have sufficient evidence.

From the many criminal election violations and reporters who were stopped by the Indragiri Hulu Regency Election Supervisory Agency (Bawaslu) in the 2024 Election, several main reasons can be concluded, such as:

- 1) Time limits for handling criminal violations. This is regulated in Law Number 7 of 2017 concerning Elections, Article 476. If a case cannot be resolved within a certain timeframe, Bawaslu can terminate it. According to information from an interview at the Indragiri Hulu Bawaslu Office by Salestia Deni, Coordinator of the Violation Action Division:
"The 7+7 days allocated for handling these election violations is insufficient because it involves many people, not to mention conducting crime scene inspections, crime scene investigations, and questioning witnesses other than the accused and the complainant. Therefore, the time required to handle these violations is also hampered."⁸
- 2) Limited evidence/difficulty in proving criminal violations. Difficulties in proving criminal elements, in accordance with Article 532 of Law No. 7 of 2017 concerning Elections, have resulted in the termination of the legal process.
- 3) The Bawaslu's limited authority, which only handles administrative election violations, requires that cases be referred to the Gakkumdu (National Law Enforcement Agency), which involves the prosecutor's office. However, the prosecutor's office deemed there were no sufficiently strong criminal elements, and the case was dismissed.
- 4) Coordination between institutions is suboptimal. Differences of opinion/perception, which according to Bawaslu fulfill the elements, fall short for the Prosecutor's Office, resulting in many cases being dropped. The necessity of Gakkumdu is crucial because the Prosecutor's Office within Gakkumdu is at a different stage and with different functions.⁹

According to Yusuf Hidayatullah's statement as Assistant Prosecutor at the Indragiri Hulu District Attorney's Office, based on recommendations from the Prosecutor's Office to improve synergy and efficiency in the future in handling election violations in Indragiri Hulu Regency, he conveyed the following:¹⁰

"To handle election violations more effectively, relevant institutions need to hold

⁸ 'Wawancara Penulis Dengan Salestia Deni Di Kantor Bawaslu Indragiri Hulu'.

⁹ Ramon Azmi Pratama, 'Problematika Penyelesaian Perkara Tindak Pidana Politik Uang (Money Politic) Dalam Pemilihan Umum', *Journal Of Criminal*, 1.2 (2020).

¹⁰ 'Wawancara Dengan Yusuf Hidayatullah, Tanggal 17 Februari Pukul 14.45 Wib, Di Kejaksaan Negeri Indragiri Hulu.'

regular meetings, from pre-election through the election, to minimize or even eliminate election crimes. Regular evaluations can help identify weaknesses in oversight and law enforcement, allowing improvements to be implemented more quickly before the next election. If coordination between Gakkumdu Centers continues, the risk of violations can be reduced, and if they do occur, they can be handled more quickly and efficiently."¹¹

The Indragiri Hulu Regency Election Supervisory Agency (Bawaslu) records and manages election violations through reports and findings identified during various election stages, such as nomination, campaigning, voting, and vote recapitulation. This data demonstrates Bawaslu's performance in handling various types of violations, including criminal violations, code of ethics violations, and civil servant neutrality violations.

One significant finding was a violation of civil servant (ASN) neutrality during the nomination stage. This finding has been followed up, resulting in a recommendation for disciplinary sanctions by the ASN Commission against the reported party. Furthermore, there was a report of campaign violations involving a village head, but this case was dropped due to a lack of sufficient legal evidence. The Elections Supervisory Agency (Bawaslu) also handled alleged violations in the vote recapitulation process. Several criminal and code of ethics reports were investigated, but many of these cases were not registered due to insufficient evidence. According to information from an interview at the Indragiri Hulu Bawaslu Office by Salestia Deni, Coordinator of the Violation Enforcement Division:¹²

"The lack of formal and material requirements is the reason why reports are not registered and there is limited time to handle violations, there is a shortage of personnel and there is no coercive effort from Bawaslu to bring witnesses."

The duties and authorities of Bawaslu as an election supervisor have an important impact in maintaining the integrity of the election, Bawaslu has duties and authorities according to articles 93-95 of Law No. 7 of 2017 concerning Elections. From the data obtained in the field and interviews it is seen that most of Bawaslu's duties are carried out, there are tasks that are not carried out or not recorded during the Prevention and Action of Violations in the report, namely in several cases of violations, both alleged criminal and code of ethics, are recorded, but several reports are stopped.

3.2. Bawaslu's Obstacles in Resolving 2024 Election Violations in Indragiri Hulu Regency

Despite the numerous obstacles faced by the Election Supervisory Agency (Bawaslu) in resolving election violations in Indragiri Hulu Regency, Bawaslu continues to seek

¹¹ 'Wawancara Dengan Yusuf Hidayatullah, Tanggal 17 Februari Pukul 14.45 Wib, Di Kejaksaan Negri Indragiri Hulu.'

¹² 'Wawancara Dengan Salestia Deni, Tanggal 2 Januari Pukul 11.15 Wib, Di Kantor Bawaslu Indragiri Hulu.'

solutions to ensure that violations remain in accordance with regulations. The author interviewed several respondents to address issues related to the obstacles in resolving violations in the 2024 election in Indragiri Hulu Regency. The respondents included representatives from Bawaslu, the Prosecutor's Office, and the General Elections Commission (KPU).

1. Statements from Bawaslu respondents regarding obstacles in resolving 2024 election violations in Indragiri Hulu Regency.

Bawaslu faced several obstacles during the handling of violations in the 2024 Election, according to Dedi Risanto, Head of Bawaslu Indragiri Hulu, namely:¹³

"The main obstacles include a lack of understanding of ASN about neutrality, limited resources, difficulty proving violations, political pressure, weak enforcement of sanctions and low public participation in reporting. Our solution is to increase education, strengthen cooperation between institutions and utilize technology for supervision," the Head of Bawaslu Indragiri Hulu also explained, "The difficulty of uniting within the Gakkumdu center, Limited personnel, Difficult cooperation hinders this process, Limited handling time, Bawaslu is not the determinant of sanctions to be given, only recommendations to KASN, Limited budget operations, Difficult access to remote areas hampers the handling, There was no court office at that time, Infrastructure is lacking."

The presence of Bawaslu can be seen as an answer to the problem of law enforcement in the implementation of elections in Indonesia, this is because in the process of enforcing election law, Bawaslu only acts as a report and recommendation to the authorized institution to handle violations and is not an institution that truly has a special authority in the realm of election law enforcement. Election violations that occurred in Indragiri Hulu Regency in the 2024 Election require swift and appropriate follow-up in accordance with existing regulations, as well as recommendations from the authorities. In the 2024 election, Bawaslu Indragiri Hulu Regency did not handle administrative violations and therefore did not provide recommendations to the KPU.

Furthermore, the report also noted several obstacles in implementing the resolution of these violations, namely the follow-up of reports that require cross-agency coordination, such as with the Gakkumdu Center. At that time, there were differences of opinion or perception between each member of the Gakkumdu Center who came from different agencies or institutions, namely the Election Supervisory Agency (EMB) and the Prosecutor's Office, causing obstacles in the discussion process regarding an Election Violation case in Indragiri Hulu Regency because the opinions of each agency tended to differ in providing responses and opinions on a finding or report handled by the Indragiri Hulu Regency Bawaslu (Elections Supervisory Agency). The Indragiri Hulu Regency Gakkumdu Center is an effective forum in handling election

¹³ 'Wawancara Dengan Dedi Risanto, Tanggal 2 Januari Pukul 11.24 Wib, Di Kantor Bawaslu Indragiri Hulu.'

crimes, although its handling is very limited in time. Therefore, the Prosecutor's Office and Bawaslu need a common understanding in a forum so that every case in election crimes can be resolved effectively. If this coordination does not run smoothly, the resolution of violations can be hampered and ineffective due to limited evidence or time. In addition, some reports were stopped because they did not meet administrative or formal requirements.

In some cases, follow-up reports encountered obstacles, such as some violations could not be continued or were stopped because the files were returned by related parties, including the Prosecutor's Office. This was due to a lack of evidence or not meeting formal and material requirements. In the case of a violation of ASN neutrality (Number 001/Reg/TM/PL/Kab/04.05/III/2023), this case was followed up because it was proven to violate the provisions of ASN neutrality. This finding was decided directly by the Election Supervisory Agency (Bawaslu) by bringing the reported party to the process of being followed up by the KASN. Then, KASN recommended imposing disciplinary sanctions, which were processed by the BKN after being forwarded by Bawaslu. Due to the weaknesses in the regulations regarding the definition of neutrality for civil servants, a law is needed to address election crimes, specifically the involvement of civil servants in elections. The establishment of an Election Court comprising the Indonesian National Police, the Prosecutor's Office, judges, and several representatives with a background in election crimes who can handle election disputes.¹⁴

Furthermore, according to information from an interview at the Indragiri Hulu Bawaslu Office by Salestia Deni as the Coordinator of the Violation Enforcement Division regarding the obstacles faced by Bawaslu, namely:¹⁵

"Obstacles are also caused by the time when the 7+7 days for handling election violations is not enough, which ends up involving many people, not to mention checking the crime scene, processing the crime scene, conducting witness examinations other than the reported party and the reporter. So the time to handle this violation is also hampered, obstacles in handling ASN neutrality, Bawaslu is not the one who determines the sanctions to be given to the reported party, Bawaslu's role is only to provide recommendations to KASN, and if according to KASN it is a violation, they will repeat the clarification with the reported party and witnesses, operational constraints, firstly, the budget is also limited, especially if it goes to trial, the costs are large, other obstacles are areas that are too remote and cannot be reached by car, can only be reached by motorbike, access to the location is extreme terrain, there is no special trial room so only use the existing room because the special room for clarification was not there."

¹⁴ Setiya Pramana and others, 'Kewenangan Kepolisian Negara Republik Indonesia Dalam Penanganan Kasus Keterlibatan Aparatur Sipil Negara Dalam Pemilihan Umum', *Jurnal Usm Law Review*, 3.2 (2020).

¹⁵ 'Wawancara Dengan Salestia Deni, Tanggal 2 Januari Pukul 11.15 Wib, Di Kantor Bawaslu Indragiri Hulu.'

2. Statement from respondents from the Prosecutor's Office regarding obstacles in resolving 2024 election violations in Indragiri Hulu Regency.

The main obstacles faced in handling election violations, particularly related to criminal violations such as money politics and ASN neutrality, as well as efforts made to overcome these obstacles, were also explained according to Yusuf Hidayatullah's statement as Assistant Prosecutor at the Indragiri Hulu District Attorney's Office, namely:¹⁶

"The main obstacle in handling election violations is the lack of supporting facilities and infrastructure, so the investigation and law enforcement process can be hampered because adequate facilities and infrastructure are very important to ensure that every report of violations can be followed up properly. Efforts to overcome this obstacle are to improve coordination between Bawaslu, KPU and the prosecutor's office who are authorized to handle election violations."

Based on the explanation above, Bawaslu in resolving election violations is usually caused by several main factors, including the lack of evidence and witnesses so that many cases are stopped due to the lack of strong evidence or witnesses willing to provide information, coordination with Law Enforcement Officers where the investigation process is often hampered due to the lack of synergy between Bawaslu and the prosecutor's office. The time limit for handling in the regulations limits the time for resolving cases so that many cases cannot be followed up optimally, as well as limited resources, namely the lack of supervisory staff and operational funds, which makes supervision less than optimal.

3. Statements from respondents from the KPU regarding obstacles in resolving 2024 election violations in Indragiri Hulu Regency.

In the KPU provisions, the steps taken in handling violations are by studying, analyzing and reviewing the main problem, then following up by summoning the relevant parties, temporarily suspending the reported party from their position as stated in a decree, forming an inspection team, collecting evidence, conducting an inspection hearing, reviewing the type of violation and then imposing sanctions on the reported party.¹⁷

According to Ronaldi Ardian, Chair of the Indragiri Hulu Regency General Election Commission, the obstacles faced by the KPU are:¹⁸

"It's difficult to find qualified human resources, especially for recruitment as

¹⁶ 'Wawancara Dengan Yusuf Hidayatullah, Tanggal 17 Februari Pukul 14.45 Wib, Di Kejaksaan Negri Indragiri Hulu.'

¹⁷ Anita S. Trampi, 'Problematika Penanganan Pelanggaran Kode Etik Badan Ad Hoc Di Daerah Kepulauan', *JDIH KPU*, 7.2 (2022).

¹⁸ 'Wawancara Dengan Ronaldi Ardian, Tanggal 2 Januari Pukul 14.26 Wib, Di Kantor KPU Indragiri Hulu.'

KPPS (polling station staff). The solution is to conduct open recruitment and coordinate with local village/sub-district officials to ensure qualified human resources in the area are willing to be recruited as KPPS staff."

Based on the alleged violations mentioned previously, namely at the vote recapitulation stage, where a number of reports were found related to alleged criminal and code of ethics violations by election organizers with registration number 002 / Reg / LP / PL / Kab / 04.05 / III / 2024, this report case was stopped due to negligence that caused a shortage of ballots. This is also similar to the Recapitulation of Vote Acquisition Report on Alleged Violations of the Organizer's Code of Ethics (Report Submission Number 005 / LP / PL / Kab / 04.05 / II / 2024) and the Recapitulation of Vote Acquisition Report on Alleged Criminal Violations (Report Submission Number 006 / LP / PL / Kab / 04.05 / II / 2024) where this report case was also stopped due to negligence that caused a shortage of ballots. This report case was not proven to be a criminal act, however, in fact, it was found that the organizers were negligent in preparing ballots, resulting in a shortage of ballots at TPS 4 Sei Lala.

The provisions regarding the legal basis for KPU decisions that result in a loss of election participants' rights have narrowed and limited the scope of the election process. In this case, the KPU is deemed to have failed to estimate the need for ballots based on the number of voters registered at polling stations (TPS). Oversight of both the administrative and factual verification processes should be implemented to ensure that the administrative requirements submitted by prospective legislative candidates, as well as the administrative and factual verification conducted by the KPU, are carried out in accordance with statutory provisions.

The following is a statement from Ronaldi Ardian as the Chair of the Indragiri Hulu Regency General Election Commission, which the author asked regarding the lack of ballot papers in the incoming report, namely:

"The process of moving voters from TPS 04 to TPS 05 has accommodated all voters present during the voting process, where when voters arrived at the TPS, ballot papers were no longer available, so they were moved to TPS 05 where ballot papers were still available."¹⁹

Thus, in the Constitutional Court decision Number 251-01-17-04/PHPU-DPR-DPRD/XXII/2024 which has stated that the vote acquisition in the Indragiri Hulu 5 Electoral District, specifically at TPS 004 Perkebunan Sungai Lala Village, Sungai Lala District, must be revoked (PSU), cancels the KPU Decision regarding the election results for the area, and orders the KPU to conduct a PSU at TPS 004 within a maximum of 30 days from the decision being pronounced, by only involving voters registered on the DPT and DPTb in the February 14, 2024 election, except for 13 voters who have voted at other TPS. The Constitutional Court Decision Number 251-01-17-04/PHPU-DPR-DPRD/XXII/2024 emphasizes the importance of the integrity of the

¹⁹ 'Wawancara Dengan Ronaldi Ardian, Tanggal 2 Januari Pukul 14.15 Wib, Di Kantor KPU Indragiri Hulu.'

election process and the protection of citizens' voting rights. The PSU was ordered because violations were found that affected the election results in the area.

The revote occurred due to a combination of oversight weaknesses, administrative errors, and a lack of coordination between the Indragiri Hulu Regency Election Supervisory Agency (Bawaslu) and the General Elections Commission (KPU). Therefore, the Constitutional Court ordered a revote as a measure to correct violations and ensure fairness in the 2024 election process. Therefore, according to the author, this measure also reflects the importance of a thorough evaluation of the election supervision and logistics management system in the future.

4. Conclusion

The Bawaslu's duties and authorities in resolving violations of the 2024 Election in Indragiri Hulu Regency include preventing and taking action against election violations, overseeing the implementation of election stages, and resolving election process disputes. The Bawaslu of Indragiri Hulu Regency encountered eight forms of alleged violations during the 2024 Election, with six reports being discontinued, one finding being followed up, and one finding being discontinued (SP3):

- a. The vote counting phase of the Alleged Criminal Violation Report (Report Number 001/LP/Kab/04.05/II/2024) was stopped because the reporter did not provide sufficient evidence, so Bawaslu decided to stop the report directly.
- b. The vote recapitulation phase of the report on alleged criminal violations and the Election Organizer Code of Ethics (Registration Number 002/Reg/LP/PL/Kab/04.05/III/2024) was halted by Bawaslu due to negligence resulting in a shortage of ballots.
- c. The vote recapitulation phase of the report on alleged criminal violations (Registration Number 001/Reg/LP/PL/Kab/04.05/II/2024) was halted by Bawaslu due to a typo by the KPPS (Polling Working Group) in the recapitulation report at the Lirik location.
- d. The vote recapitulation phase of the report on alleged criminal violations (Registration Number 003/Reg/LP/PL/Kab/04.05/III/2024) was halted by Bawaslu due to, similar to the previous report, a typo by the KPPS in the recapitulation report at the Pasir Penyu location.
- e. The Vote Recapitulation Stage of the Report on Alleged Violations of the Organizer's Code of Ethics (Report Number 005/LP/PL/Kab/04.05/II/2024) was stopped by Bawaslu because it was the same as the second report, namely negligence that caused a shortage of ballots.
- f. At the Vote Recapitulation Stage, the Report on Alleged Criminal Violations (Report Number 006/LP/PL/Kab/04.05/II/2024) was stopped by Bawaslu due to the same as the second and fifth reports, namely negligence resulting in a shortage of ballots. This report did not prove a crime, but it did reveal

negligence on the part of the election organizers in preparing ballots, resulting in a shortage of ballots at TPS 4 Sei Lala.

- g. At the Nomination Stage, the Finding of Alleged Violations of Civil Servant Neutrality (Registration Number 001/Reg/TM/PL/Kab/04.05/III/2023) was followed up due to a proven violation of the provisions on civil servant neutrality. This report was decided directly by Bawaslu, with the reported party being processed by the KASN (National Agency for Civil Servant Action), where the KASN recommended disciplinary sanctions, which were processed by the BKN (National Civil Service Agency).
- h. The Campaign Stage of Findings of Alleged Criminal Violations (Registration Number 001/Reg/TM/PL/Kab/04.05/I/2024) was initially followed up and then stopped because based on the initial report it fulfilled the allegation of no crime, after further investigation the report was stopped (SP3) and the files were returned by the Public Prosecutor twice because the investigator could not fulfill the elements of a criminal act or did not have sufficient evidence.

Bawaslu in resolving election violations is carried out in accordance with the mechanisms regulated in Law No. 7 of 2017 concerning Elections, the process of which includes several stages for each type of violation by supervising and ensuring that all processes are carried out fairly and in accordance with the law.

Bawaslu's obstacles in resolving 2024 election violations in Indragiri Hulu Regency are: 1) Limited Gakkumdu Center Personnel, while the number of cases to be handled is quite large, 2) In election criminal cases, there are differences of opinion between Bawaslu and the Prosecutor's Office in assessing reports that meet the elements of election crimes, 3) Insufficient time to handle violations, 4) Lack of understanding of ASN regarding neutrality and the limited authority of Bawaslu which is not a determinant of sanctions because Bawaslu's role is only to submit recommendations to KASN, 5) Limited budget, 6) Difficulty completing evidence, 7) Low public participation in reporting violations and 8) Difficult to reach areas and no special courtroom facilities so that only use the existing room because there is no special room for clarification.

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