

Artikel 3

Bawaslu Institution and Its Contribution in Resolving Election Disputes

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Bawaslu Institution and Its Contribution in Resolving Election Disputes*

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Abstract

Elections are an important aspect of democracy, and their success depends largely on the integrity and transparency of the process. In the Indonesian context, the Election Supervisory Body (Bawaslu) plays a major role in supervising and resolving election disputes. This article explores Bawaslu's key role in resolving election disputes and its contribution to democratic stability in Indonesia. This research aims to identify the positive impact of dispute resolution by Bawaslu on the general election process and public trust. This research uses qualitative research methods with a literature approach and a statutory regulations approach. Data was obtained from various sources, including related literature, laws and regulations related to elections, and official Bawaslu documents. This research concludes that Bawaslu has a very important role in resolving election disputes in Indonesia. By using transparent and fair research methods, Bawaslu helps maintain the integrity of general elections, overcome disagreements, and increase public confidence in election results. Bawaslu's contribution is not only in resolving disputes but also in strengthening the democratic system in Indonesia. This means that Bawaslu also produces valuable learning experiences for stakeholders, including political parties, election organizers, and civil society, to improve the general election process in the future.

Keywords: Bawaslu; Dispute resolution; Election

Abstrak

Pemilihan umum merupakan aspek penting dalam demokrasi, dan keberhasilannya sangat bergantung pada integritas dan transparansi prosesnya. Dalam konteks Indonesia, Badan Pengawas Pemilu (Bawaslu) memegang peran utama dalam mengawasi dan menyelesaikan sengketa pemilu. Artikel ini mengeksplorasi peran kunci Bawaslu dalam mengatasi sengketa pemilu dan kontribusinya terhadap stabilitas demokrasi di Indonesia. Penelitian ini bertujuan untuk mengidentifikasi dampak positif penyelesaian sengketa oleh Bawaslu terhadap proses pemilihan umum dan kepercayaan publik. Penelitian ini menggunakan metode penelitian kualitatif dengan pendekatan literatur dan pendekatan peraturan perundang-undangan. Data diperoleh dari berbagai sumber, termasuk literatur terkait, peraturan perundang-undangan terkait pemilu, dan dokumen resmi Bawaslu. Penelitian ini menyimpulkan bahwa Bawaslu memiliki peran yang sangat penting dalam penyelesaian sengketa pemilu di

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Indonesia. Dengan menggunakan metode penelitian yang transparan dan adil, Bawaslu membantu menjaga integritas pemilihan umum, mengatasi ketidaksetujuan, dan meningkatkan kepercayaan publik terhadap hasil pemilu. Kontribusi Bawaslu bukan hanya dalam menyelesaikan sengketa tetapi juga dalam memperkuat sistem demokratis di Indonesia. Artinya, Bawaslu juga menghasilkan pengalaman pembelajaran yang berharga bagi pemangku kepentingan, termasuk partai politik, penyelenggara pemilu, dan masyarakat sipil, untuk meningkatkan proses pemilihan umum di masa depan.

Kata Kunci: Bawaslu; Penyelesaian Sengketa; Pemilu

A. INTRODUCTION

One of the most essential components of a democratic system is genes. This is because of several primary reasons that make general elections the primary foundation of the democratic process in a country like the United States. People can choose their representatives to sit in parliament or government through elections. Through this process, a more comprehensive image of the people is created, as well as a representation of the community's many interests, perspectives, and goals. In addition, citizens have authority over their government through elections. At the time of the subsequent election, they can replace political parties or government officials who do not live up to their expectations. It is also possible that elections prevent an excessive concentration of power in the hands of a small number of persons or groups, which in turn helps prevent the possibility of authoritarianism or a government that is not democratic.⁴

The ability of elections to serve as an official route for political rivalry and decision-making is one of the reasons why elections are so essential. It steers clear of military warfare and other politically destructive behaviours as a means of accomplishing political objectives. The results of the polls establish the legitimacy of the elected administration. Consequently, this indicates that the government that is elected through elections possesses a solid legal and moral foundation upon which to base its acts and policies. Additionally, elections contribute to a degree of transparency in politics because voters are provided with a diverse selection of candidates and parties to choose from. Moreover, it enables accountability by allowing voters to assess the performance of elected officials over the duration of their time in office.⁵

Election monitoring institutions, such as the Election Supervisory Body (Bawaslu), play an important role in the process of establishing democratic elections that are fair, honest, and democratic. This is necessary to establish a good democratic party. As a result of the fact that one of Bawaslu's primary responsibilities is to inspect and prevent election fraud. Identifying and preventing infractions such as money politics,

⁴ Dahl, R. A. (1971). *Polyarchy: Participation and Opposition*. Yale University Press. Also see: Przeworski, A., Stokes, S. C., & Manin, B. (2000). *Democracy, Accountability, and Representation*. Cambridge University Press. Also see: Linz, J. J., & Stepan, A. (1996). *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*. Johns Hopkins University Press.

⁵ Blais, A. (2006). What Affects Voter Turnout? *Annual Review of Political Science*, 9, 111-125. Also see: Norris, P. (2004). *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge University Press. Also see: Elklit, J., & Reynolds, A. (2005). *The Impact of Election Administration on the Legitimacy of Emerging Democracies: A New Comparative Politics Research Agenda*. *Commonwealth & Comparative Politics*, 43(3), 231-257.

voter suppression, and manipulation of election results can be accomplished through the implementation of stringent oversight.⁶

Bawaslu is also responsible for ensuring that all stakeholders in elections are granted equitable access and chances to engage in political proceedings. This fosters an equitable atmosphere for all those involved in the electoral process. In addition, the presence of Bawaslu serves to uphold the integrity of elections in the perception of the general people. Ensuring the polls are conducted with integrity and honesty would instill greater faith in the election results and process among voters and other participants. In addition to its role in fraud prevention, Bawaslu also serves as a mediator in resolving election disputes. This establishes a legal framework for resolving issues that may occur during or after elections, thus reducing potential political tensions. Bawaslu facilitates openness in elections by allowing public access to monitor the electoral proceedings. This aids in discovering possible infractions and grants the general public authority to oversee the integrity of elections. Bawaslu fosters accountability among political actors by conducting investigations and producing findings on election breaches. This grants them accountability for their activities during electoral processes.⁷

In light of the fact that it shows the critical function that this institution plays in preserving the integrity and stability of the democratic process in a country, the discussion regarding the contribution of the Election Supervisory Body (Bawaslu) in settling election disputes is highly important. Because conflicts and disagreements over elections might pose a danger to the stability and long-term viability of democracy, therefore, by studying the role that Bawaslu plays in settling election disputes, it would be possible to gain an understanding of the role that this institution plays in ensuring that a healthy democracy is maintained.⁸

In this conversation, the importance of transparency in elections is brought to light, as is the role that Bawaslu plays in assisting in the discovery of infractions and activities that undermine the integrity of elections. It also helps to develop accountability among political actors, which is another of its contributions. Furthermore, Bawaslu's contribution to the resolution of electoral disputes has the potential to assist in the development of public trust in the process of general elections. This is significant because the general public's trust is essential in accepting the results of elections.⁹

⁶ Kuncoro, A. (2009). Indonesian Election Commission's Role in Democratization. *Election Monitoring in Southeast Asia: Election Commission in Indonesia and Thailand*, 41-72.

⁷ López Pintor, R., Nai, A., and Magaloni, B. (2011). Ballot Secrecy and Coercion under International Oversight: Evidence from Nicaragua. *American Journal of Political Science*, 55(1), 68-80. Also see: Hyde, S. D. (2011). The Observer Effect in International Politics: Evidence from a Natural Experiment. *World Politics*, 63(1), 1-37. Also see: Schedler, A. (2013). Elections without Democracy: The Menu of Manipulation. *Journal of Democracy*, 24(3), 143-157. Also see: Norris, P. (2014). *Why Electoral Integrity Matters*. Cambridge University Press. Also see: Elklit, J., & Reynolds, A. (2002). The International Community's Role in Election Monitoring: The Carter Center in Zambia and Nicaragua. *Democratization*, 9(3), 36-55.

⁸ Schedler, A. (2013). Elections without Democracy: The Menu of Manipulation. *Journal of Democracy*, 24(3), 143-157.

⁹ Norris, P. (2014). *Why Electoral Integrity Matters*. Cambridge University Press. Also see: Hyde, S. D. (2011). The Observer Effect in International Politics: Evidence from a Natural Experiment. *World Politics*, 63(1), 1-37.

How Bawaslu handles election disputes can serve as a source of learning experience for other countries that are dealing with challenges comparable to those that Bawaslu is dealing with. This has the potential to assist in refining electoral procedures worldwide. The resolution of election disputes through the use of Bawaslu can play a significant role in maintaining peace and stability following elections, particularly in the setting of nations with a history of political strife. Therefore, by understanding Bawaslu's contribution, it is also possible to comprehend how institutions that oversee elections may enhance democratic institutions and ensure that the political system continues to preserve a balance of power.¹⁰

In discussing this article, the author focuses the analysis on three questions, namely: How is the Election Supervision process carried out by Bawaslu? What is the role of Bawaslu in resolving election disputes? What are the challenges and obstacles faced by Bawaslu in resolving election disputes?

B. METHODS

A literature approach and a statutory regulations approach, which employs qualitative research methods, are both utilized in this research. For this investigation, the literature approach entails analysing and synthesising various connected literature sources. Previous studies, books, journals, and scientific articles that explore similar themes are included in this category. Some examples of these topics include the function of election supervision, the role that Bawaslu plays in general elections, and specific cases from a variety of nations where Bawaslu has been used to resolve election disputes. In addition to providing a theoretical foundation, the literary approach also offers a comprehensive comprehension of the difficulties that are associated with the piece.¹¹

The research utilizes the Legal Analysis approach to examine the statutory regulations that govern the functions, authority, and duties of Bawaslu in the context of general elections. This encompasses legislation about elections, enforcing rules, policies, and protocols controlling Bawaslu's operations, including its responsibilities in managing electoral conflicts. This method facilitates comprehension of the legislative framework governing Bawaslu's position and establishes a legal foundation for its involvement in resolving election disputes.¹²

By amalgamating these two methodologies, this study may fully depict Bawaslu's function in electoral processes and its impact on the resolution of election-related conflicts. The literary approach facilitates comprehension of the theoretical and

¹⁰ Elklit, J., & Reynolds, A. (2002). The International Community's Role in Election Monitoring: The Carter Center in Zambia and Nicaragua. *Democratization*, 9(3), 36-55. Also see: López Pintor, R., Nai, A., and Magaloni, B. (2011). Ballot Secrecy and Coercion under International Oversight: Evidence from Nicaragua. *American Journal of Political Science*, 55(1), 68-80. Also see: Przeworski, A., Stokes, S. C., & Manin, B. (2000). *Democracy, Accountability, and Representation*. Cambridge University Press.

¹¹ Silverman, D. (2016). *Qualitative Research*. Sage.

¹² Miles, M. B., Huberman, A. M., & Saldaña, J. (2014). *Qualitative Data Analysis: A Methods Sourcebook*. Sage.

practical framework, whilst the statutory regulations approach establishes the legal foundation that underlies Bawaslu's function in the electoral process.

C. RESULTS AND DISCUSSION

1. History and Role of the Bawaslu Institution

The Election Supervisory Body (Bawaslu) is a crucial entity responsible for supervising and monitoring general elections in Indonesia. The establishment of Bawaslu and its origins are closely tied to the development of democracy in Indonesia and the imperative to safeguard the authenticity of national elections. In 1998, Indonesia had a period of transition that marked the end of the authoritarian New Order regime and paved the way for a more inclusive democracy. Throughout this period, there was an increasing call for elections that were free, fair, and conducted with integrity. In 1999, the 1945 Constitution underwent revision to enhance the democratic system and provide more comprehensive regulations for elections. Articles 22E and 22F of the 1945 Constitution govern the creation of election supervisory institutions. In 2003, Indonesia enacted Law no. 22 of 2003, which formed the General Election Commission (KPU) and Bawaslu. This law specifically addresses the composition and position of the MPR, DPR, DPD, and DPRD. The primary responsibility of the KPU is to administer elections, whereas Bawaslu is primarily responsible for overseeing the electoral process and resolving any election-related conflicts.¹³

The primary objective of establishing Bawaslu was mitigating electoral fraud during general elections. Ensuring fair and honest elections guarantees legitimate and credible representation within a democratic framework. Bawaslu was also founded to guarantee transparency in the execution of elections and the responsibility of political agents. Imposing rigorous oversight on the electoral process enhances transparency and enables public scrutiny. Bawaslu's presence fosters public confidence in the electoral outcomes and the overall integrity of the electoral process. It is crucial to sustain political and social stability. Bawaslu serves as a tool to facilitate the advancement of democracy in Indonesia. Through efficient oversight, general elections can serve as a fundamental cornerstone in establishing a robust democratic framework. The formation of Bawaslu as an election monitoring entity marks a significant achievement in Indonesia's journey of democratization. The objective of this institution is to guarantee that elections in Indonesia are conducted with fairness, integrity, and dependability, following democratic norms.¹⁴

¹³ Nurdin, M. (2019). Eksistensi Dewan Kehormatan Penyelenggara Pemilu (DKPP) dalam Penegakan Etika Penyelenggara Pemilu. *Veritas*, 5(2), 1-17. Alvian, M. A. (2022). Eksistensi Bawaslu Dalam Penanganan Pelanggaran Pemilu Pasca Penetapan Hasil Perolehan Suara Secara Nasional. *JURNAL SULTAN: Riset Hukum Tata Negara*, 1(1), 21-26. Seac, A. E. F. (2022). Penguatan Bawaslu Dalam Penegakan Hukum Pidana Pemilu. Fianosa Publishing. Anggraeniko, L. S., & Sutarno, S. (2022). Rekomendasi Bawaslu Sebagai Bentuk Progresivitas Dalam Mewujudkan Keadilan Pemilu. *Jurnal Komunitas Yustisia*, 5(1), 254-261.

¹⁴ Kusuma, A. B. (2004). Reformasi Pemilu dan Tata Kelola Politik di Indonesia. Yayasan Obor Indonesia. Also see: Huda, N. (2009). Indonesia: The Role of Bawaslu in Election Dispute Resolution. In *Electoral Management Design* (pp. 209-236). Springer. Also see: Norris, P. (2014). Why Electoral Integrity

The Election Supervisory Body (Bawaslu) has several main functions in general elections which aim to ensure that the election process takes place fairly, honestly and transparently. Bawaslu's main functions include:¹⁵

1. Supervision. Bawaslu is tasked with supervising all aspect of general elections, encompassing the entire process from planning and execution to the actual vote. Their role is to ensure that all entities participating in the election, such as political parties, candidates, and election organizers, adhere to the relevant rules and regulations.
2. Violation Handling. At the time of general elections, Bawaslu is vested with the authority to deal with any infractions that may occur. They are able to conduct investigations into election breaches after receiving reports about them from the general public or from other parties participating in the election. In accordance with the many laws that are in effect, Bawaslu can impose punishments or make recommendations to those who commit infractions.
3. Election Dispute Resolution. Resolving election disputes is one of Bawaslu's primary responsibilities. Institutions that serve as arbitration bodies are responsible for resolving problems that emerge during or after elections, including disagreements on the outcomes of elections. To resolve election disputes, the procedure includes conducting investigations, engaging in mediation, and rendering a final decision.
4. Election Campaign Monitoring. The actions of the election campaign are monitored and supervised by Bawaslu, including the use of campaign funds and the surveillance of political advertising. They ensure that election campaigns are carried out in a manner that conforms with the law's provisions and does not break any relevant rules.
5. Public Counseling and Education. Bawaslu also has a role in counseling and educating the general public about elections and monitoring and resolving infractions. In addition to educating voters on the voting process, they enlighten the general public about their rights and responsibilities in elections.

Various laws and regulations in Indonesia regulate the role of the Election Supervisory Body (Bawaslu). These laws and regulations provide a legal framework that governs the duties, authority and responsibilities of Bawaslu in supervising and overseeing general elections. The following are the laws and rules that regulate the role of Bawaslu:¹⁶

1. The 1945 Constitution of the Republic of Indonesia. The 1945 Constitution is the Indonesian constitution, which includes the basic principles of the state and the

Matters. Cambridge University Press. Also see: Kusuma, A. B. (2004). Reformasi Pemilu dan Tata Kelola Politik di Indonesia. Yayasan Obor Indonesia.

¹⁵ UU No. 7 Tahun 2017 tentang Pemilu. (2017). Lembaran Negara Republik Indonesia Tahun 2017, No. 49, Tambahan Lembaran Negara Republik Indonesia Nomor 6029.

¹⁶ Lihat: Undang-Undang No. 7 Tahun 2017 tentang Pemilihan Umum (UU Pemilu). Peraturan Pemerintah No. 15 Tahun 2017 tentang Pelaksanaan Undang-Undang No. 7 Tahun 2017 tentang Pemilihan Umum. Peraturan KPU No. 14 Tahun 2019 tentang Pedoman Kerja Sama KPU dengan Bawaslu dalam Pengawasan Pemilihan Umum. Peraturan Bawaslu (sesuai dengan peraturan-peraturan yang berlaku pada saat ini).

principles of democracy. Articles 22E and 22F of the 1945 Constitution regulate the formation of Bawaslu and provide the constitutional basis for its existence.

- 29 2. Law no. 7 of 2017 concerning General Elections (Election Law). All parts of general elections in Indonesia are governed by the Election statute, which is the statute that regulates these elections. The role, responsibilities, and authority of Bawaslu in the supervision of general elections, the management of election disputes, the organization of election campaigns, and other things pertaining to elections are all covered by this law.
- 34 3. Government Regulation no. 15 of 2017 concerning Implementation of Law no. 7 of 2017 concerning General Elections. This Government Regulation provides a more in-depth explanation of a number of elements of the Election Law that pertain to the work of Bawaslu. These provisions include the procedures for nominating candidates for Bawaslu members, the formation of supervisory committees, and other responsibilities.
4. KPU (General Election Commission) regulations. The KPU has regulations governing cooperation between the KPU and Bawaslu in election supervision. For example, KPU Regulation no. 14 of 2019 concerning Guidelines for KPU Collaboration with Bawaslu in Supervising General Elections.
5. Bawaslu Regulations. Bawaslu also possesses regulations that govern the procedures for executing its responsibilities. This encompasses regulations pertaining to the management of election disputes, the investigation of election infractions, and various other duties.
6. Joint Decision of the KPU and Bawaslu. The KPU and Bawaslu frequently adopt collaborative resolutions that govern the partnership and synchronization in the execution of elections. This collective decision establishes the protocols for carrying out tasks that involve many institutions.

The laws and regulations collaborate to establish a distinct framework for Bawaslu's function in Indonesian national elections. The responsibilities and jurisdiction of Bawaslu are established to oversee, supervise, and safeguard the integrity of democratic elections.

2. Application of Supervision Theory in Elections by Bawaslu

Supervision theory in elections pertains to monitoring, overseeing, and guaranteeing that general elections are conducted fairly, in accordance with democratic norms and ideals. This idea centres on the function of supervisory institutions, such as the Election Supervisory Agency (Bawaslu) and election observers, together with other individuals or groups interested in upholding the integrity of elections.

The theory of election surveillance emphasizes the criticality of vigilant monitoring and supervision at every stage of the electoral process. This encompasses the activities of monitoring campaigns, conducting voting, tallying votes, and reporting on campaign finances. This hypothesis highlights the imperative of rigorously implementing election rules and laws. Robust law enforcement is necessary to proactively deter election infractions and impose penalties on those who commit them. Election monitoring institutions like Bawaslu should function autonomously and be

immune to political interference or foreign coercion. The autonomy of supervisory agencies guarantees that their choices are impartial and reliable. Hence, the electoral process must be transparent, with readily accessible information for the public. All stakeholders in elections, including political parties and candidates, must be accountable for their conduct and adhere to established regulations.¹⁷

This approach also encompasses the resolution of electoral disputes. Supervisory institutions, like Bawaslu, play a crucial role in managing and guaranteeing equitable resolution of any possible election-related problems. Election monitoring theory also underscores the need of voter education and public consciousness regarding elections. Enhanced voter education correlates with an improved capacity to accurately comprehend and adhere to the election process. Certain theories of election observation incorporate the involvement of international organizations and foreign election observers in overseeing elections in nations that necessitate external support.¹⁸

Practically, the notion of election supervision plays a crucial role in upholding the integrity of the election process, deterring election fraud, and guaranteeing that the people's vote is accurately represented in the election outcomes. This notion serves as a crucial cornerstone in upholding a robust and thriving democracy.

3. Election Supervision Process by Bawaslu

The election supervision process by the Election Supervisory Body (Bawaslu) in Indonesia involves several stages, from election preparation to voting and processing the results. The stages of election supervision are as follows:¹⁹

First: Election Preparation Stage

- a. Candidate Registration. During the registration procedure for candidates for legislative members and regional leaders, Bawaslu is responsible for monitoring the process. Following the regulation that is in effect, they examine the candidate's needs and the documents to ensure they are comprehensive.
- b. Election Campaign. Bawaslu is in charge of overseeing the operations of the election campaign, which includes the use of campaign funds and the dissemination of political advertisements by political parties and candidates. They make certain that the campaign is carried out in a manner that conforms with the applicable regulations.

Second: Implementation of Elections

¹⁷ Kasper M. Hansen dan Anne Elizabeth Dunning. (2017). *Election Watchdogs: Transparency, Accountability, and Integrity*. Oxford University Press. Also see: Matthew S. Shugart dan Rein Taagepera. (2017). "Electoral Systems and Political Context: How the Effects of Rules Vary Across New and Established Democracies". Oxford University Press.

¹⁸ Pippa Norris dan Richard W. Frank. (2014). "Electoral Integrity and Political Regimes". Oxford University Press. Also see: Leslie Holmes. (2009). "Electoral Malpractice". Oxford University Press.

¹⁹ Lihat: Undang-Undang No. 7 Tahun 2017 tentang Pemilihan Umum (UU Pemilu). Peraturan KPU No. 13 Tahun 2019 tentang Penyelenggaraan Pengawasan Pemilu oleh Bawaslu. Peraturan Bawaslu (sesuai dengan peraturan-peraturan yang berlaku pada saat ini).

- a. Monitoring by Bawaslu. There are election monitoring teams from Bawaslu scattered over several different regions. This group is responsible for overseeing the entire election process, including the preparation of polling stations, security, and various other technical equipment.
- b. Violation Handling. During the voting process, Bawaslu may receive reports from members of the public or from other parties regarding election breaches. They conduct investigations into these reports and have the ability to apply fines or make recommendations following the applicable law.

Third: Post-election and Vote Counting Process

Bawaslu is in charge of supervising the process of counting votes and computing election results. He is also responsible for overseeing the counting of ballots. They take measures to guarantee that the procedure is carried out openly, honestly, and in line with the legislation in effect.

Fourth: Election Dispute Resolution

- a. Acceptance of Complaints. Is Bawaslu responsible for handling complaints regarding election violations and disagreements regarding election outcomes. Election candidates, political parties, or members of the general public are all potential sources of complaints.
- b. Dispute Investigation. To better understand the upcoming election conflict, Bawaslu undertook an inquiry. The process of conducting an investigation includes the examination of witnesses and evidence.
- c. Mediation and Settlement. Disputes can be resolved through mediation between the parties concerned, which Bawaslu can attempt to facilitate. If mediation is unsuccessful, Bawaslu can make a final decision addressing the election dispute.

4. The Role of Bawaslu in Resolving Election Disputes

In Indonesia, the Election Supervisory Body, also known as Bawaslu, plays a significant part in investigating and resolving election issues. Several steps and activities are included in this function to ensure that election disputes can be addressed fairly and transparently.

The role of Bawaslu is as follows:²⁰

1. Acceptance of Complaints. As the person in charge of accepting complaints regarding election violations and disagreements over election results, Bawaslu is responsible for receiving these complaints. Law No. 7 of 2017 Governing General Elections allows for the submission of complaints by candidates, political parties, or members of the general public who are dissatisfied with the election or believe that there have been law violations.
2. Dispute Investigation. After receiving the complaint and conducting the investigation, Bawaslu launched an inquiry into the upcoming election dispute.

²⁰ Lihat: Undang-Undang No. 7 Tahun 2017 tentang Pemilihan Umum (UU Pemilu). Peraturan KPU No. 13 Tahun 2019 tentang Penyelenggaraan Pengawasan Pemilu oleh Bawaslu.

Examining the evidence submitted by the parties involved and listening to witnesses pertinent to the investigation are both components of the investigative process. (KPU Regulation No. 13 of 2019 concerning the Implementation of Election Supervision by Bawaslu) The purpose of the investigation is to collect adequate information to arrive at a fair decision.

3. Mediation and Settlement. Bawaslu can mediate between the parties involved in an election to address any problems. According to KPU Regulation No. 13 of 2019 about the Implementation of Election Supervision by Bawaslu, mediation is an attempt to achieve an agreement between conflicting parties without going through a complicated and time-consuming judicial process.
4. Decision-making. Bawaslu has the ability to decide the election dispute in the event that mediation is ineffective or that it is impossible. The decision made by Bawaslu is supreme and irrevocable. According to Law No. 7 of 2017 Governing General Elections, Bawaslu is vested with the jurisdiction to determine whether an election is legal or invalid, to annul election results, and to impose punishments on those who commit violations of election laws.
5. Transparency and Publication of Decisions. Transparency is required for the publication of Bawaslu's rulings regarding the resolution of electoral disputes. The KPU Regulation No. 13 of 2019 concerning the Implementation of Election Supervision by Bawaslu is a significant regulation that should be followed to ensure that the public and stakeholders know and comprehend the outcomes of the resolution of election disputes.

Bawaslu needs to play a role in the resolution of election disputes in order to guarantee that elections are conducted in a fair manner and that the outcomes of elections accurately represent the desires and goals of the community. This institution plays a significant part in ensuring that general elections are conducted fairly and honestly and in ensuring that a healthy democracy is maintained.

5. Analysis of the positive impact of dispute resolution by Bawaslu

The Election Supervisory Body, also known as Bawaslu, is responsible for resolving disputes, which has a substantial and positive impact on the context of general elections in Indonesia. Some of the positive effects are:

First: Increasing Public Trust

Bawaslu can boost public trust in election results by implementing a dispute resolution mechanism that is both transparent and fair. It is common for the general public to have a higher level of confidence in the legitimacy of the electoral system when they observe that election disputes are resolved in a manner that is both objective and founded on evidence. When election disputes are handled transparently by Bawaslu, the process is open to the public and can be viewed by the larger community. The elimination of uncertainties and conjecture that would have been brought about by a closed and untransparent conflict resolution procedure is made possible by the presence of clarity and transparency in the process. By maintaining transparency in the conflict resolution process, Bawaslu can give the impression that its choices are founded on the

law and evidence rather than on political considerations or specific interests. The perception that Bawaslu behaves in an objective and fair manner is strengthened as a result of this.²¹

An essential asset in a democratic setting is the general population's trust. Bawaslu's dispute resolution procedure is transparent and fair, which helps to maintain and improve public confidence in the integrity of general elections. This, in turn, serves to construct a firm foundation for a democracy that is stable and sustainable.

Second: Reducing the Potential for Conflict

The effective resolution of disputes by Bawaslu can reduce the likelihood of post-election conflict. Providing a legal avenue for resolving disputes is one of how Bawaslu contributes to preserving political stability and preventing potential riots or societal tensions that may follow from election disputes.²²

People tend to be happier with the results of elections and perceive that their rights have been honored when they see that election disputes may be handled through a fair judicial procedure. This may lessen the likelihood of social strife occurring in the event that the results of the election are questioned or interpreted as having been the consequence of manipulation. Therefore, it sends a clear message about the significance of obeying the law in a democratic system of government. This may incentivise political parties, candidates, and other stakeholders to comply with the regulations governing elections properly. Consequently, by bolstering public confidence in the outcomes of elections, equitable dispute resolution can potentially preserve the state of political stability. Those who have the impression that elections were conducted well and disagreements were settled justly are more likely to favour a democratic system and refrain from engaging in political violence or protests.

Third: Promoting Compliance with the Law

Resolving disputes through Bawaslu can raise awareness of the significance of adhering to election law at the same time. Because they know that infractions of election laws might result in severe penalties, political parties, and candidates are incentivized to cooperate with election regulations.²³ As a result of Bawaslu's consistent application of election laws and regulations in the context of dispute settlement, they serve as an example of how the law ought to be carried out. All parties involved in the election process, including political parties, candidates, and other stakeholders, know that infractions of election law will not be condoned and can result in severe penalties. The message that election law standards are norms that must be obeyed by all parties involved in the election is reinforced by the dispute resolution procedure that Bawaslu has implemented. The significance of adhering to these regulations is brought to the attention of all parties involved.

²¹ Norris, P. (2014). *Why Electoral Integrity Matters*. Cambridge University Press.

²² López Pintor, R., Nai, A., and Magaloni, B. (2011). Ballot Secrecy and Coercion under International Oversight: Evidence from Nicaragua. *American Journal of Political Science*, 55(1), 68-80.

²³ Hyde, S. D. (2011). The Observer Effect in International Politics: Evidence from a Natural Experiment. *World Politics*, 63(1), 1-37.

In the event that election breaches are committed, Bawaslu is authorised to impose consequences on those responsible, which may include the cancellation of election results. When political parties and candidates are made aware of the potential sanctions that could be imposed, it can incentivise them to comply with election regulations to avoid experiencing disadvantageous consequences. A further advantage of the conflict resolution process is that it presents an opportunity to educate stakeholders about the law. In addition to providing a better grasp of election regulations, Bawaslu can explain why a certain behavior is considered a breach of the law. Consequently, Bawaslu has the potential to contribute to establishing a culture of compliance within political society by raising awareness of the significance of adhering to applicable election regulations. This is a significant step toward establishing a democracy that is founded on the rule of law.

Therefore, the purpose of Bawaslu's dispute resolution is to resolve problems and raise awareness about how important it is to comply with election legislation. As a result, this contributes to preserving the honesty of elections and guarantees that all parties involved adhere to the regulations that regulate the democratic process.

Fourth: Strengthening the Democratic System

The successful process of conflict settlement that Bawaslu institutes contributes to the strengthening of the democratic system in Indonesia. By demonstrating that democratic and legal systems are effective in resolving political disagreements and conflicts in society, indicates that these mechanisms are effective.²⁴

As an autonomous entity, Bawaslu is responsible for enforcing the rules of election legislation. Whenever Bawaslu successfully resolves disagreements fairly and transparently, they send a powerful message that all parties must obey the rules of election law. This is an essential step in reinforcing the foundations of a democratic system that is built on the rule of law. In addition, resolving disputes in a manner that is both effective and fair helps prevent the possibility of political upheaval following the election. Political stability is preserved by ensuring that elections are recognized as legitimate and that several political parties acknowledge the outcomes. This is of utmost importance to maintain the proper functioning of the democratic system.

The public's trust in the democratic process is increased as a result of Bawaslu's ability to resolve conflicts successfully. The tendency for individuals to have a higher level of trust in democratic institutions and a higher level of motivation to participate in general elections is increased when they observe that election disputes may be addressed fairly and objectively. In addition, having faith in the democratic process and the outcomes of elections can potentially inspire more people to participate in political processes. It is more probable that individuals will participate in the political process if

²⁴ Przeworski, A., Stokes, S. C., & Manin, B. (2000). *Democracy, Accountability, and Representation*. Cambridge University Press.

they perceive that their opinions will be taken into consideration and that elections are an efficient means of bringing about changes in government.²⁵

45 In a democratic society, one mechanism that helps preserve a balance of power between the various government agencies and stakeholders is the dispute settlement procedure that Bawaslu implements. Because of this, complete dominance by a single political force is prevented, and mutual control is made possible. To put it another way, the successful resolution of disputes by Bawaslu is not only about resolving disagreements that arise during general elections but also about building the foundations of a democratic system. This serves to ensure that the political process in Indonesia is conducted in line with democratic values and the rule of law, which in turn helps to preserve a democracy that functions effectively in Indonesia.

Fifth: Learning Experience

Bawaslu can also produce beneficial learning experiences for other stakeholders, such as political parties, election organizers, and members of civil society. In the future, this experience can enhance how election systems and monitoring procedures function.²⁶

23 The dispute resolution procedure that Bawaslu offers has the potential to assist in enhancing the comprehension of election law among political parties and candidates. They are able to acquire knowledge regarding the regulations that regulate elections, the procedures for registering voters, campaigns, and the reporting of campaign costs. In this manner, stakeholders will be able to prevent unintended infractions in the present and future. In addition, the process of conflict resolution includes the examination of evidence, the hearing of witnesses, and the evaluation of legal issues. As a result, stakeholders will have the opportunity to understand how the legal process operates within the context of an election. They are able to comprehend the process by which decisions are made and evidence is evaluated.

Bawaslu frequently engages in mediation between the parties involved in a disagreement in an effort to resolve the conflict. Political parties and other stakeholders may gain significant expertise from this event in communicating, negotiating, and reaching agreements. Additionally, this power may prove valuable in a more general political setting. In light of this, the conflict resolution process may disclose issues or deficiencies in the election procedures. The expertise that Bawaslu, election organizers, and other stakeholders have gained can be utilized to enhance election procedures and prevent difficulties of a similar nature from occurring in the future. Additionally, a public dispute resolution procedure has the potential to raise level of public awareness regarding a variety of aspects of elections. Having this knowledge involves having a grasp of the rights of voters, the function of electoral institutions, and the processes for

20 ²⁵ Norris, P. (2014). *Why Electoral Integrity Matters*. Cambridge University Press. Also see: Inglehart, R. (1997). *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies*. Princeton University Press.

²⁶ Elklit, J., & Reynolds, A. (2002). The International Community's Role in Election Monitoring: The Carter Center in Zambia and Nicaragua. *Democratization*, 9(3), 36-55.

reporting infractions of election laws. Increasing public engagement in general elections can be accomplished by utilising this experience in civil society.

The conflict settlement process can serve as a real illustration of how citizen oversight can assist in preserving election integrity, and civil society can learn from this example. They can strengthen their involvement in the monitoring of elections, the reporting of infractions, and the supervision of mechanisms for conflict resolution. As a result, Bawaslu not only plays a part in the resolution of electoral disputes but also provides many stakeholders with informative and beneficial learning experiences. To strengthen the democratic system as a whole, this experience can be utilized to enhance electoral procedures, raise comprehension of the legal system, and improve overall democratic processes.

6. Obstacles faced by Bawaslu in carrying out their duties

The Election Supervisory Body (Bawaslu) in Indonesia, like election monitoring institutions in many countries, faces several obstacles in carrying out its crucial duties. Some of these obstacles include:²⁷

First: Limited Resources

There are not enough resources available to Bawaslu both in terms of the budget and the manpower. There is a possibility that these constraints will hinder their capacity to carry out comprehensive and in-depth election monitoring. Additionally, Bawaslu's ability to carry out comprehensive election monitoring may be hampered by several limits, including those about finance and staff. They may be unable to engage sufficient observers, monitor all election areas, or conduct a comprehensive investigation into allegations. As a consequence of this, monitoring might only be carried out selectively or concentrated on particular regions.

Second: Political Pressure

There is a possibility that Bawaslu will be subjected to political pressure from parties that participate in the election. It is possible that certain political groups or candidates would attempt to exert influence over Bawaslu's decisions or drag them into political conflicts. Because of this, elements of the Bawaslu party can be coerced into making choices that are not entirely impartial or fair due to pressure from particular political parties or candidates. Because of this, the efficiency of their monitoring can be diminished.

Third: Security and Intimidation

In certain circumstances, members of the Bawaslu party and poll monitors may be subjected to threats to their safety. Their capacity to function autonomously may be hindered if they are subjected to physical intimidation or threats. When members of

²⁷ Lihat: Mietzner, M. (2009). Contested Elections and Democratization in Indonesia's Post-Soeharto Era. *South East Asia Research*, 17(2), 293-318. Also see: Norris, P. (2014). *Why Electoral Integrity Matters*. Cambridge University Press. Also see: Tomsa, D. (2008). The Limits of Electoral Authoritarianism in Indonesia. *The Pacific Review*, 21(2), 203-224.

Bawaslu experience feelings of being threatened or pressured, it may be difficult for them to make decisions that are independent of any influences from the outside world. This may result in a situation in which they are more likely to comply with the requests or pressure of the party threatening them rather than carrying out their supervisory obligations objectively. In addition, members of Bawaslu organizations may have elevated levels of worry and stress as a result of threats and intimidation. As a result of feeling threatened or under pressure, individuals may experience disruptions in their ability to concentrate and focus on the tasks that are assigned to them as supervisors. There is a possibility that this will lessen their efficiency in monitoring elections.

In certain circumstances, members of the Bawaslu party and poll monitors may be subjected to threats to their safety. Their capacity to function autonomously may be hindered if they are subjected to physical intimidation or threats. When members of Bawaslu experience feelings of being threatened or pressured, it may be difficult for them to make decisions that are independent of any influences from the outside world. This may result in a situation in which they are more likely to comply with the requests or pressure of the party that is threatening them rather than carrying out their supervisory obligations in an objective manner. In addition, members of Bawaslu organizations may have elevated levels of worry and stress as a result of threats and intimidation. As a result of feeling threatened or under pressure, individuals may experience disruptions in their ability to concentrate and focus on the tasks that are assigned to them as supervisors. There is a possibility that this will lessen their efficiency in monitoring elections.

Fourth: Non-compliance from the Parties Involved

44 All parties involved in the elections, including voters, political parties, and election organizers, need to cooperate for Bawaslu to succeed. Attempts made by Bawaslu to carry out their supervisory responsibilities may be hampered if election regulations are disobeyed or not followed. Political parties, candidates, or election organizers failing to comply with election procedures can disrupt the entire election process. Misconduct in the areas of campaigning, voting, or reporting campaign finances could fall under this category. This kind of non-compliance can potentially cause disruptions in the voting process, lowering public trust and causing disagreements.

The failure to comply with election regulations might lead to complicated issues during the election process. It is possible for parties that feel election irregularities have wronged them to file a complaint with Bawaslu, which is then responsible for resolving the matter. It is possible that this will consume time and attention that might otherwise be spent on comprehensive electoral monitoring. The integrity of the election can also be jeopardized if the regulations governing the election are not followed. The perception that elections are unfair or manipulative can be created because of this, which can be detrimental to public trust and affect the stability of the democratic system. As a result, to overcome non-compliance, Bawaslu needs to involve law enforcement or other legal processes. This might require additional time and resources to complete. Furthermore, it is possible that the legal outcome of this process will not always be up to the satisfaction of all parties involved.

Fifth: Limitations of Legal Authority

It is important to note that Bawaslu's legal authority is restricted. The statutes and legislation that regulate this institution may limit the power and authority that Bawaslu possesses in managing electoral disputes. The Bawaslu are constrained by a legislative framework that governs their power and authority levels. Suppose the election legislation does not give Bawaslu adequate authority to manage all parts of the election or conflicts that may emerge. In that case, the law's restrictions will be the limiting factor for their supervision. This can lead to an inability to resolve complex issues or include a variety of election violations from a variety of different situations.

Sixth: Technological Limitations

Contemporary election monitoring frequently necessitates the utilization of technology to oversee the electoral procedure and gather data. Technological or infrastructural constraints in certain regions can pose a hindrance. Hence, in certain areas, Bawaslu's capacity to obtain essential information or incorporate technology into their oversight may be constrained by technological or infrastructure constraints. This can impede the effectiveness and precision of monitoring.

Resolving challenges encountered by the Election Supervisory Body (Bawaslu) necessitates implementing strategic and cooperative measures by all stakeholders participating in the electoral process and the democratic framework. The following are several efforts that can be made to overcome these obstacles:²⁸

1. Resource Improvement. Augmenting the budget allocation for Bawaslu can effectively address their resource constraints. By securing adequate funds, Bawaslu may recruit additional staff, strengthen its technology infrastructure, and offer essential training to bolster their supervisory capacities.
2. Legal Reform. Amending or modernizing election laws and regulations about Bawaslu could enhance their influence and jurisdiction. This can enhance Bawaslu's efficacy in addressing electoral infractions and settling conflicts.
3. Strengthening Independence. Safeguarding Bawaslu's autonomy from political influence and foreign interference is crucial. This objective can be accomplished by implementing a robust and autonomous selection method for Bawaslu members, instituting transparent procedures for their appointment, and guaranteeing safeguards against any intimidation directed against Bawaslu members.
4. Education and training. Equipping Bawaslu members with sufficient legal education and training is a crucial measure to enhance their comprehension of election regulations and the process of resolving disputes. This instruction can also improve their ability to cope with stress and hazards.
5. Collaboration with Related Parties. Bawaslu can collaborate with many stakeholders, including election administrators, political factions, and civil society, to ensure adherence to electoral regulations and uphold the integrity of

²⁸ Lihat: Norris, P. (2014). *Why Electoral Integrity Matters*. Cambridge University Press. Tomsa, D. (2008). *The Limits of Electoral Authoritarianism in Indonesia*. *The Pacific Review*, 21(2), 203-224.

the electoral process. This collaboration may involve collective surveillance, discourse, and sharing of information.

6. Transparency and Accountability. Enhancing transparency in the monitoring and dispute-resolution process helps foster public confidence. Bawaslu has the authority to disclose monitoring reports, dispute resolutions, and election-related information publicly.
7. Threat Protection. It ensured sufficient safeguarding measures for Bawaslu members who encountered threats or intimidation. This may encompass both physical and legal security measures.
8. Community Education. Disseminating knowledge to the public regarding the significance of impartial and open democratic elections, together with the responsibility of Bawaslu in upholding the honesty of the electoral process, can contribute to the development of a more informed and engaged body of voters.

The focus should be on enhancing the credibility of national elections, upholding the autonomy of Bawaslu, and preserving popular confidence in the electoral system. By fostering teamwork and demonstrating a shared commitment, Bawaslu can surmount numerous challenges and attain more democratic and equitable general elections.

D. CONCLUSIONS

From the discussion above, the author draws several conclusions, including:

Bawaslu plays a vital role in upholding the integrity and transparency of general elections in Indonesia. Their role entails overseeing, managing, and assessing different phases of elections, thus guaranteeing the integrity and impartiality of the electoral process. Bawaslu has the jurisdiction to issue recommendations or impose sanctions for electoral infractions. This system serves as a crucial incentive for political parties, candidates, and election administrators to adhere to the regulations and uphold the integrity of elections. Bawaslu is responsible not just for overseeing but also for settling election disputes. They serve as arbitrators and adjudicators in conflicts that develop during elections, fostering the preservation of political stability after the election. In addition to that, Bawaslu encounters various obstacles, including resource constraints, political influence, and parties' failure to adhere to election regulations. It is crucial to overcome these difficulties to guarantee the efficacy of monitoring. The autonomy of Bawaslu from political influence and external interference is essential in upholding the legitimacy and effectiveness of this organization. Safeguarding the independence of Bawaslu should be given utmost importance. The election supervision process conducted by Bawaslu provides a tremendous educational opportunity for all parties involved, including political parties, election organizers, and civil society. Enhancing public engagement in elections can bolster and improve forthcoming electoral procedures.

Bawaslu serves as an intermediary and judge in the resolution of electoral disputes. They possess the jurisdiction to evaluate electoral infractions, probe conflicts, and render rulings that may impact election outcomes. Furthermore, Bawaslu plays a crucial role in settling election disputes to guarantee the equity and integrity of the

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48

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electoral procedure. They assist in resolving disputes and mitigating tensions that may emerge during elections, impacting the subsequent political stability after the election. The dispute resolution process conducted by Bawaslu should adhere to principles of transparency and accountability. Ensuring public confidence in the election results and Bawaslu's judgments is crucial. Bawaslu encounters several constraints and obstacles in fulfilling their function in resolving disputes, including political coercion, resource constraints, and non-adherence by the parties concerned. It is crucial to surmount these barriers. The election dispute settlement process conducted by Bawaslu provides a valuable educational opportunity for all parties involved, including political factions, election administrators, and civil society. This can enhance the electoral process in future iterations.

Bawaslu encounters significant constraints in terms of resources, namely in terms of budgetary allocation and personnel capacity. These constraints may hinder their capacity to promptly and efficiently manage conflicts. Bawaslu frequently encounters political coercion from parties with vested interests in electoral affairs. The exertion of this pressure poses a risk to the autonomy of Bawaslu and undermines their capacity to render impartial and equitable judgments. The parties involved's noncompliance or violation of election regulations can impede Bawaslu's endeavors to execute their supervisory responsibilities and settle conflicts. This poses difficulties in implementing equitable election regulations. Hence, any physical intimidation or threats directed at Bawaslu members can impede their capacity to function autonomously. This form of intimidation can instill a sense of insecurity among Bawaslu members when doing their duties. Furthermore, the resolution of electoral disputes frequently entails the involvement of parties with divergent perspectives. This disagreement might complicate and complicate the process of resolving the dispute.

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Regulations:

Peraturan KPU No. 13 Tahun 2019 tentang Penyelenggaraan Pengawasan Pemilu oleh Bawaslu.

Peraturan KPU No. 14 Tahun 2019 tentang Pedoman Kerja Sama KPU dengan Bawaslu dalam Pengawasan Pemilihan Umum. Peraturan Bawaslu (sesuai dengan peraturan-peraturan yang berlaku pada saat ini).

Peraturan Pemerintah No. 15 Tahun 2017 tentang Pelaksanaan Undang-Undang No. 7 Tahun 2017 tentang Pemilihan Umum.

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Bawaslu Institution and Its Contribution in Resolving Election Disputes*

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Abstract
Elections are an important aspect of democracy, and their success depends largely on the integrity and transparency of the process. In the Indonesian context, the Election Supervisory Body (Bawaslu) plays a major role in supervising and resolving election disputes. This article explores Bawaslu's key role in resolving election disputes and its contribution to democratic stability in Indonesia. This research aims to identify the positive impact of dispute resolution by Bawaslu on the general election process and public trust. This research uses qualitative research methods with a literature approach and a statutory regulations approach. Data was obtained from various sources, including related literature, laws and regulations related to elections, and official Bawaslu documents. This research concludes that Bawaslu has a very important role in resolving election disputes in Indonesia. By using transparent and fair research methods, Bawaslu helps maintain the integrity of general elections, overcome disagreements, and increase public confidence in election results. Bawaslu's contribution is not only in resolving disputes but also in strengthening the democratic system in Indonesia. This means that Bawaslu also produces valuable learning experiences for stakeholders, including political parties, election organizers, and civil society, to improve the general election process in the future.
Keywords: Bawaslu; Dispute resolution; Election

Abstrak
Pemilihan umum merupakan aspek penting dalam demokrasi, dan keberhasilannya sangat bergantung pada integritas dan transparansi prosesnya. Dalam konteks Indonesia, Badan Pengawas Pemilu (Bawaslu) memegang peran utama dalam mengawasi dan menyelesaikan sengketa pemilu. Artikel ini mengeksplorasi peran kunci Bawaslu dalam mengatasi sengketa pemilu dan kontribusinya terhadap stabilitas demokrasi di Indonesia. Penelitian ini bertujuan untuk mengidentifikasi dampak positif penyelesaian sengketa oleh Bawaslu terhadap proses pemilihan umum dan kepercayaan publik. Penelitian ini menggunakan metode penelitian kualitatif dengan pendekatan literatur dan pendekatan peraturan perundang-undangan. Data diperoleh dari berbagai sumber, termasuk literatur terkait, peraturan perundang-undangan terkait pemilu, dan dokumen resmi Bawaslu. Penelitian ini menyimpulkan bahwa Bawaslu memiliki peran yang sangat penting dalam penyelesaian sengketa pemilu di

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1697