

Dynamics And Enforcement Of Election Legal Issues In Lampung Province

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Accepted: 03-01-2024 Revised: 03-01-2024. Approved: 04-01-2024 Published: 04-01-2024

DOI: 10.30596/dil.v9i1.18060

How to cite:

Santoso, R & Maimun (2024) "Dynamics And Enforcement Of Election Legal Issues In Lampung Province", De Lega Lata: Jurnal Ilmu Hukum, volume 9 (1): p. 80-87

Abstract

This research is to reveal the dynamics and problems of holding elections in 2019. Because, in the simultaneous elections there were many violations and solutions need to be found for the sake of better future elections. The research uses library and field methods. The data was obtained from books, statutory regulations and scientific articles. Meanwhile, field research was obtained from the general Election Supervisory Agency (Bawaslu), Lampung Province. This research concludes that the 2019 election has various dynamics and problems. In terms of violations, there are administrative violations to election crimes. Meanwhile, the problems faced are the difficulty of coordinating with the Integrated Law Enforcement (Gakumdu) Center, lack of human resources and minimal budget as well as inadequate facilities and infrastructure. Solutions to these problems must be found in order to hold future elections better than before.

Keywords: *Lampung Bawaslu, Law Enforcement, Election Problems.*

INTRODUCTION

Democracy is a system of government that requires active participation of the people in the political decision-making process. In it, elections are the main pillar that allows citizens to elect their leaders and representatives (Asshiddiqie, 2006). This is in line with sovereignty being in the hands of the people. In order for general elections to be fair and democratic, protecting their integrity is of key importance. This is where the role of the General Election Supervisory Agency (Bawaslu) becomes very relevant and vital.

The General Election Supervisory Agency (Bawaslu) is an independent institution formed to supervise general elections in Indonesia. Bawaslu functions to ensure that general elections run smoothly transparent, free from abuse of power, and in accordance with democratic principles. Since it was founded based on Law no. 15 of 2011, Bawaslu has played an important role in ensuring that elections in Indonesia are a fair and democratic process.

Bawaslu has a very strategic role in realizing a fair democratic party. This role includes preventing abuse of power. In this case, Bawaslu plays a role in preventing abuse

of power by election participants, including unfair campaigns, falsification of documents, or other illegal acts that could influence election results. Then, the role of handling violations. Bawaslu has the authority to handle violations that occur during general elections. This includes investigating claims of violations and providing recommendations to election officials or law enforcement for further action. Over time, with the existence of new laws and regulations regarding the implementation of elections, namely Law Number 7 of 2017, Bawaslu's authority has been strengthened in carrying out its duties and functions as an election supervisory institution.

One of the reinforcements is that Bawaslu's findings are no longer in the form of recommendations, but have become decisions, Bawaslu now has the authority to decide on administrative violations so that the election supervisor's findings are not only recommendations but are decisions that must be implemented by the parties, Bawaslu is also given a basic mandate in the form of prevention. and taking action against election violations and election disputes. Apart from that, there is still a lot of strengthening of Bawaslu's authority in carrying out its duties and functions.

Since its formation on September 20th 2012, Bawaslu of Lampung Province has handled and followed up on various alleged violations either originating from the findings of election supervisors or from reports submitted by the public during elections, including in the 2014 DPR, DPD and DPRD member elections. with the 2019 Election where there were still many violations. Judging from the types of alleged violations handled by Bawaslu Lampung and its staff, they can be classified into three, namely alleged violations of the code of ethics for organizing elections, alleged administrative violations and alleged violations of election crimes.

During the 2019 General Election stages in Lampung Province, the number of violations discovered by election supervisors in 15 regions throughout Lampung was 78 and 57 reports, bringing the total number of violations to 107 reports and/or findings. The findings include 27 administrative violations, 1 criminal case, 4 code ethics cases, 7 other legal violations, 93 non-election violations and 3 unregistered cases. Of that number, the violations that occurred were violations of civil servants (ASN) neutrality, campaign props (APK) violations, campaign violations without notification, destruction of APKs, money politics and disputes over voting results.

Trends in election violations in 2019 include ASN neutrality, campaign props (APK), campaign activities without notification and campaigns by providing goods or materials directly or indirectly. However, even though it has strategic roles, in its implementation, Bawaslu Lampung is also faced with problems that impact the quality of election implementation or supervision. One of them is finding a balance between the independence of this institution and cooperation with election organizers and regional governments. They also have to face geographical problems, the substance and culture of society (FathulMu'in, 2021)

Besides that, Bawaslu must also overcome technology-related challenges, such as the spread of false information and the use of social media in political campaigns. Based on this background, this problem is interesting to research in order to understand the dynamics and problems of election enforcement in Lampung Province.

RESEARCH METHOD

The methods used in this research are literature and field. The literature method for collecting data was obtained from books, statutory regulations and scientific articles related to elections and Bawaslu. Meanwhile, the author conducted field research to collect data at the Lampung Province Bawaslu Office by interviewing commissioners.

DISCUSS AND ANALYSIS

Implementation of 2019 Indonesian General Election

Indonesia has chosen to be a democratic country with a leadership change process using general elections (Warren, 1998). Election management institutions have been regulated in the 1945 Constitution after the amendment, it is stated in Article 22E paragraph (5) concerning elections that elections are held by a national, permanent and independent general election commission. (UUD Article 22E paragraph 5). Law Number 7 of 2017 concerning General Elections has formulated the existence of the KPU, Bawaslu and DKPP in one harmonious breath as a unified function of organizing elections. These three institutions have been mandated by law to hold elections according to their respective functions, duties and authorities. This election management institution continues to carry out its duties and functions well in order to make the elections a success, including the 2019 elections.

The 2019 election is a general election held in Indonesia on April 17 2019. This election is a simultaneous election involving the election of the president, vice president, members of the People's Representative Council (DPR), Regional Representative Council (DPD), and members of the Regional People's Representative Council (DPRD) at the provincial and district/city levels. The 2019 election involved two main pairs of presidential and vice presidential candidates, namely the incumbent pair Joko Widodo (Jokowi) and Ma'ruf Amin, and the pair Prabowo Subianto and Sandiaga Uno.

Campaigns are carried out using various methods, including public meetings, presidential debates, campaign advertisements in mass media, and online campaigns. The main issues in the campaign include the economy, infrastructure development, education, social welfare, and political issues. The election of president and vice president uses a direct election system. Voters choose one of two pairs of candidates. The DPR member election system uses a proportional representation system with the d'Hondt election method.

The 2019 elections recorded a high level of voter participation, with more than 80% of the total registered voters taking part in the elections. The Jokowi-Ma'ruf Amin pair won the election with a significant vote gain, securing both terms of their presidency. They received support from various groups, including supporting parties such as PDIP.

Dynamics of Election Fraud in Lampung Province

The Lampung Province Election Supervisory Agency participated in supervising the 2019 elections. The main task of the Provincial Bawaslu is to supervise the implementation of elections in their respective provinces, receive and follow up on findings and reports of alleged election violations, and report them to the Bawaslu of the Republic of Indonesia. Judging from the types of alleged violations handled by Bawaslu Lampung

and its staff, they can be classified into 3 (three), namely alleged violations of the code of ethics for election organizers, alleged administrative violations and alleged violations of election crimes.

During the 2019 General Election stages in Lampung Province, the number of violations discovered by election supervisors in 15 regencies/cities throughout Lampung Province was 78 findings and 57 reports, bringing the total number of violations to 107 reports and/or findings. The findings include 27 administrative violations, 1 criminal case, 4 cases of code of ethics, 7 cases of other legal violations, 93 cases of non-election violations and 3 unregistered cases. Of that number, the violations that occurred were violations of ASN neutrality, APK violations, campaign violations without notification, destruction of APKs, money politics and disputes over voting results.

The Role of Lampung Bawaslu in Election Law Enforcement

The 2019 General Election is a new chapter in the activities of the Election Supervisory Body. A number of new authorities have been granted by Law No. 7 of 2017 concerning Elections. The Election Law was promulgated on 16 August 2017 and was initially expected to be the basis for regulating the 2019 simultaneous elections. As an election supervisory institution, Bawaslu has received extraordinary additional authority so that some argue that this is the strongest Bawaslu in its history. This additional authority is new as executor and adjudicator of cases as intended in Article 94 paragraphs (2) and (3).

In 2019 simultaneous elections, elections covering the president, vice president, as well as the DPR, DPD, Provincial DPRD and Regency/City DPRD were held during the campaign period starting from 23 September 2018 to 13 April 2019, and simultaneous elections or voting in Indonesia were held on April 17 2019. As well as the vote recapitulation process which was carried out from May to July 2019. Regarding the implementation of the 2019 simultaneous elections, there are still records in the form of reports and findings of violations that colored the election of members of the DPR, DPD, Provincial DPRD and Regency/City DPRD. The meaning of the findings is the result of supervision by Bawaslu Lampung and its staff which contains allegations of election violations. Meanwhile, reports of alleged violations are reports submitted in writing by the reporter to the Election Supervisor regarding the alleged violation.

Based on data findings and reports of alleged violations in the 2019 Election, as many as 27 administrative violations, Bawaslu Lampung were all followed up by Bawaslu KPU. Then, of the 88 alleged election crimes, only 1 criminal election violation was decided by the District Court. Then there were seven other legal violations, 1 of which was followed up by the State Civil Apparatus Commission (KSN).

In this research, researchers specifically wanted to look at the role of Lampung Bawaslu in taking action against violations in the 2019 Election. Of the many cases, Bawaslu was able to bring this case to court and the perpetrator was found guilty. This case is a case of alleged criminal election violations in Tanggamus Regency.

The Problem of Prosecuting Election Violations in Lampung Province

The implementation of handling violations by the election supervisory ranks in Lampung Province faces a number of problems, where there are still many obstacles and

obstacles for the voter supervisory ranks in enforcing democratic law, although it can be said that the Lampung Province Bawaslu and the ranks of election supervisors below have tried their best to prevent them. potential violations.

Bawaslu in carrying out its duties must be able to create a solid, strong and close foundation of togetherness regarding elections, especially in the General Election of Members of the DPD, DPR, Provincial DPRD, Regency/City DPRD as well as the 2019 Presidential and Vice Presidential Election in Lampung regarding matters that are duties and authority and obligations of Election Supervisors related to Elections.

In carrying out and securing existing interests for the purpose of upholding democracy which has been mandated by law in accordance with the vision and mission as well as election principles, in understanding the rules and working in accordance with applicable regulations, enforcing the code of ethics, and carrying out duties in accordance with existing duties. Work according to standard procedures, build work motivation through transparency, accountability and professionalism. During the implementation of the process of handling violations in the DPR, DPD, DPRD elections and the 2019 Presidential and Vice Presidential Elections, Lampung Province Bawaslu encountered problems and obstacles in carrying out the process of handling violations. The problems and obstacles are: *First*, criminal action. Alleged violations in the form of election crimes are the responsibility of the supervisory body and law enforcement officials. So that Bawaslu of the Republic of Indonesia, the Republic of Indonesia Police, and the Prosecutor's Office made an agreement, the Gakkumdu Center was formed in accordance with Article 486 Paragraph (1) of Law Number 7 of 2017 concerning General Elections explaining that "To equalize the understanding and pattern of handling election crimes, Bawaslu, the State Police The Republic of Indonesia, and the Attorney General's Office of the Republic of Indonesia formed Gakkumdu."

The existence of a Gakkumdu Center (integrated law enforcement) between the election supervisory body, the police and the prosecutor's office is expected to be able to handle criminal cases in the DPR, DPD, DPRD elections as well as the 2019 Presidential and Vice Presidential Elections. The Gakkumdu Center is a forum between Bawaslu, Polri and the Prosecutor's Office in each level. Problems faced in handling election criminal violations through the Gakkumdu Center include:

1. Regarding election regulations, there are still many gaps in law enforcement efforts, for example the absence of coercive power in carrying out requests for information.
2. Regarding reports or findings of criminal acts in general elections which in terms of regulations or laws and regulations still give rise to multiple interpretations of their implementation in each general election case, especially for the Gakkumdu Center
3. Reports of suspected Election Fraud are submitted to the Election Supervisor no later than 7 (seven) days after the alleged Election Fraud is discovered, the applicable time is in the Regulation of the General Election Supervisory Agency of the Republic of Indonesia Number 7 of 2018 concerning Handling of Findings and Reports of General Election Fraud. The Election Supervisor makes a preliminary review of the Report of Alleged Election Fraud which is outlined in model B.5 form, no later than 2 (two) days after the report is received.

The Election Supervisor's initial review of Reports of Alleged Election Fraud is an activity of analyzing the fulfillment of formal and material requirements, types of violations, determining whether the Report can be registered or not, submitting the Report according to the place where the alleged Election Fraud occurred and/or Reporting Alleged Election Fraud according to its level.

The formal requirements as referred to include the identity of the Reporting Party/party entitled to report, the Reported Party, the Reporting time not exceeding the provisions of a maximum of 7 (seven) days from the time of knowledge of the occurrence and/or discovery of the alleged Election Fraud and the conformity of the signature on the Alleged Fraud Report form with the electronic identity card and/or other identity cards.

Second, Human Resources Aspect. Apart from having obstacles in the process of handling criminal election violations, in carrying out Bawaslu's duties, they also encountered obstacles originating from Bawaslu's internal sources. The obstacle comes from the Human Resources (HR) aspect. The human resources owned by Bawaslu Lampung, among others, have a number of shortcomings, namely the lack of human resources in each division, so that secretariat staff have to do double duty, so they are not efficient and maximal in carrying out the work they are given, lack of human resources according to competency, as well as inappropriate placement of human resources in handling violations. Scientific competence, lack of understanding on coordination patterns between members of the Gakumdu Center, in several areas in Lampung Province and a lack of human resources in each division have resulted in a division of work that is still not in accordance with each division. Lastly is the lack of an adequate budget.

Solutions to Election Law Enforcement Problems

The above law enforcement problems must be resolved immediately. This is so that the implementation of future elections will be better. Therefore, the solution must be comprehensive. *First*, increasing voter education. One of the main problems in elections is the lack of good understanding of candidates, political issues, and the electoral process itself among voters. Better voter education could help address this problem. Voter education can be carried out through formal education programs, information campaigns and social campaigns. The more voters understand the importance of their vote, the more likely they will vote more wisely.

Second, reform the electoral system and improve the quality of human resources. The electoral system used in general elections is also very important. Some countries have adopted systems such as proportional elections, which allow various political groups to be represented proportionally. Such reforms could help reduce political polarization and increase representation. *Third*, transparency and accountability. Transparency in elections is very important. Information about campaign financing, voting, and election results must be openly available to the public. This helps avoid fraudulent practices and ensures that elections are conducted fairly.

Fourth, independent supervision and community participation. Independent oversight during elections is a key element in ensuring election integrity. Civil society organizations and political activists play an important role in ensuring quality elections. They can help monitor elections, provide information to voters, and raise objections if

violations are discovered. Quality elections are the essence of a healthy democracy. To achieve this, voter education, electoral system reform, transparency, independent oversight, and active participation of civil society are important elements that must be implemented. Overcoming these challenges will enable us to build an electoral system that is stronger and more representative of the will of the people.

CLOSURE

The 2019 elections in Lampung Province had dynamics and problems. In terms of election violations that occurred, they included administrative violations to election crimes. During the 2019 election, Bawaslu Lampung handled 107 cases, both reports and findings. The number of reports and findings in Bawaslu Regulation Number 8 of 2018 concerning Resolving Election Administration Violations amounted to 28 cases. Regarding this case, Bawaslu Lampung carried out its role effectively by processing each of the findings and reports. Although, in the process only one criminal case reached trial and was decided by the court. Lampung Bawaslu also faces problems, namely the role of the Integrated Law Enforcement Center is not optimal and there is a lack of Human Resources and an inadequate budget.

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