

## Juridical Study of Administrative Violations in General Elections in Accordance with Bawaslu Regulation of the Republic of Indonesia No. 8 of 2022

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### Abstract

The purpose of this study is to find out how the Juridical Study of Administrative Violations in Elections According to the RI Bawaslu Regulation No. 8 of 2022 and what are the problems that are often encountered in resolving election administration violations in accordance with RI Bawaslu Regulation No. 8 of 2022, and how efforts are being made to overcome them. This study uses a normative juridical approach to analyze and interpret legal regulations related to the settlement of administrative violations. The results of the study stated that in handling election administration violations, Bawaslu has an important role. They carry out inspections, investigations, and collection of evidence regarding reported or detected administrative violations. Bawaslu also plays a role as a mediator in resolving disputes, provides administrative sanctions to perpetrators of violations, and monitors and supervises the conduct of elections. In resolving election administration violations, Bawaslu faces several problems such as limited resources, complexity of cases, and differences in the interpretation of rules.

**Keywords:** Violation, Administration, General Election



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## INTRODUCTION

Elections are an important process in the democratic system in Indonesia. Elections that take place in a fair, transparent and accountable manner are the main prerequisites for creating a representative government and obtaining legitimate support from the public. In the implementation of elections, there are various rules and regulations that must be obeyed by all related parties, including political parties, candidates and voters. One of the institutions responsible for overseeing and enforcing rules in elections is the Election Supervisory Body (Bawaslu) of the Republic of Indonesia. Bawaslu has an important role in handling election administration violations committed by the parties involved. To ensure that the handling of election administration violations is carried out appropriately and based on applicable regulations, the RI Bawaslu issued RI Bawaslu Regulation No. 8 of 2022 concerning Settlement of Election Administrative Violations.

In this context, it is necessary to conduct a juridical study to evaluate and understand more deeply about administrative violations in elections in accordance with RI Bawaslu Regulation No. 8 of 2022. This study will involve an analysis of these regulations as well as a review of administrative legal aspects related to election administration violations. Through this study, it is hoped that it will provide a deeper understanding of the legal protection of the election process and the efforts made by Bawaslu in resolving election administration violations. With this juridical study, it is hoped that it can provide valuable input and recommendations in an effort to increase the effectiveness and efficiency of the handling of election administration violations by Bawaslu, so that the election process can take place better and the public's trust in elections will increase. Problem Formulation: How is a Juridical Study

of Administrative Violations in Elections According to RI Bawaslu Regulation No. 8 Year 2022? What are the problems that are often encountered in resolving election administration violations in accordance with RI Bawaslu Regulation No. 8 of 2022, and what efforts have been made to overcome it? Research Objectives: Analyzing Juridical Studies on Administrative Violations in Elections According to RI Bawaslu Regulation No. 8 of 2022. Identify problems that are often encountered in resolving election administration violations in accordance with RI Bawaslu Regulation No. 8 Year 2022.

## **Theoretical Framework**

### **Administrative Law Principles in Elections**

The principles of Administrative Law in Elections refer to the legal principles that apply in the context of general elections. The following are some of the relevant principles in election administration law.

1. Principle of Legal Certainty. This principle emphasizes the importance of clear legal provisions that can be understood by all parties involved in the implementation of elections. Provisions governing electoral procedures and procedures must be clearly and unequivocally drawn up, so as to provide certainty for all parties involved.
2. The Principle of Proportionality. This principle demands that the actions taken by election administrators must be proportional to the goals to be achieved. In the case of settlement of administrative violations, the actions taken must be proportionate to the level of violations committed, not excessive or inadequate.
3. The Principle of Openness and Transparency. This principle emphasizes the importance of open information and processes in the implementation of elections. Election organizers must provide fair and equitable access to all parties to obtain information related to administrative violations, settlement processes and decisions taken.
4. The Principles of Independence and Impartiality. This principle requires that election administrators, such as the Election Supervisory Body (Bawaslu), must carry out their duties independently and impartially. They must be able to work without pressure or influence from any party and make decisions based on facts and existing laws.
5. Principle of Accountability. This principle emphasizes the need for election organizers to be responsible for the actions and decisions taken in resolving administrative violations. They must be prepared to account for their actions and be able to provide accountability to the public.
6. Principles of Protection of Human Rights. This principle demands that the implementation of elections must respect and protect human rights. Every action or decision taken in resolving administrative violations must not violate individual rights and must maintain the principles of justice and freedom of opinion.

### **Bawaslu Responsibilities in Settlement of Election Administration Violations**

Bawaslu (Election Supervisory Body) has an important responsibility in resolving administrative violations in elections. Bawaslu is responsible for carrying out investigations into alleged election administration violations that are reported or discovered. Bawaslu conducts investigations and collects evidence related to reported or detected administrative violations. Bawaslu has the authority to follow up on reports of administrative violations received. They analyze the report, check its validity, and determine the next steps to be taken to resolve the violation.

Bawaslu acts as a mediator in resolving disputes related to election administration violations. They can mediate between the parties involved in the dispute to find a satisfactory solution and resolve the dispute in a fair manner. Bawaslu has the task of proving

administrative violations in elections. They collect and analyze relevant evidence, examine witness statements, and investigate alleged violations to corroborate or refute these allegations.

Bawaslu has the authority to impose administrative sanctions on perpetrators of election administration violations. These sanctions can be in the form of warnings, warnings, fines, or other sanctions in accordance with applicable regulations. The purpose of sanctions is to provide a deterrent effect and ensure compliance with election rules. Bawaslu monitors and supervises the implementation of elections to prevent administrative violations. They monitor campaign activities, use of campaign funds, registration of candidates, and the voting process to ensure compliance with applicable regulations. Bawaslu is responsible for providing education and outreach to the public regarding the importance of complying with election regulations and reporting administrative violations that occur. They disseminate information regarding complaints procedures and actions that can be taken in cases of violations.

### **Assistance, Supervision, and Consultation in Handling Election Administration Violations**

In handling election administration violations, assistance, supervision and consultation are three important components carried out by Bawaslu (Election Supervisory Body) to ensure an effective resolution. The following is an explanation of the three components.

1. Assistance. Bawaslu provides assistance to Provincial Bawaslu and Regency/Municipal Bawaslu in resolving election administration violations. Bawaslu provides guidance and support to Bawaslu at provincial and district/city levels in carrying out their duties and responsibilities related to handling election administration violations. This assistance aims to ensure uniformity and compliance with procedures and the application of applicable rules.
2. Supervision. Supervision is carried out by Provincial Bawaslu on Regency/Municipal Bawaslu in resolving election administration violations. Provincial Bawaslu monitors, supervises, and evaluates the implementation of the duties of the Regency/City Bawaslu. This is done to ensure that the process of handling election administration violations runs properly, fairly, and in accordance with applicable regulations.
3. Consultation. Provincial Bawaslu and Regency/Municipal Bawaslu can consult with Bawaslu in resolving election administration violations. If there are complex issues or require further consideration, provincial and district/city Bawaslu can submit consultations to Bawaslu. In addition, the regency/city-level Bawaslu can also consult directly with the Provincial Bawaslu. This consultation aims to obtain direction, panduan, dan pemahaman yang lebih baik terkait penyelesaian pelanggaran administrasi pemilu.

### **RESEARCH METHODS**

This study uses a normative juridical approach to analyze and interpret legal regulations related to the settlement of administrative violations in elections in accordance with RI Bawaslu Regulation No. 8 of 2022. The normative juridical approach aims to understand and analyze legal aspects and norms that apply in the context of this research.

### **RESULTS AND DISCUSSION**

#### **Election Administration Violations based on RI Bawaslu Regulation No. 8 Year 2022**

RI Bawaslu Regulation No. 8 of 2022 regulates the settlement of election administration violations. Several types of election administration violations that can be identified based on these regulations, among others.

1. Election Administration Violations at the Registration Stage:
  - a. Does not meet the administrative requirements to become a candidate for election contestants.
  - b. Not reporting or submitting data changes required in the registration process.
  - c. Submitting false documents or incorrect information in registration.
2. Election Administration Violations at the Campaign Stage:
  - a. Doing campaigns outside the specified time.
  - b. Violating the rules regarding limiting campaign costs.
  - c. Violating the rules related to campaign materials involving Natural Resources (SDA) and the environment.
  - d. Carrying out black campaigns or spreading false information that is detrimental to other election participants.
3. Election Administration Violations at the Voting and Voting Counting Stages:
  - a. Conduct voting outside the specified voting time.
  - b. Failure to comply with established voting procedures.
  - c. Directing voters or influencing voters at polling stations.
  - d. Committing fraud or manipulation in the vote counting process.
4. Election Administration Violations at the Monitoring and Dispute Resolution Stages:
  - a. Obstructing the duties of election supervisors.
  - b. Not heeding or disobeying Bawaslu orders or decisions.
  - c. Make reports of alleged violations that are incorrect or not based on facts.
  - d. Does not comply with Bawaslu decisions regarding election dispute resolution.

### **Juridical Study of Election Administration Violations**

The juridical study of election administration violations is an approach or legal analysis carried out to understand and evaluate legal aspects related to administrative violations in elections. This study involves tracing the legal regulations governing elections, including the RI Bawaslu Regulation No. 8 of 2022, and conduct an analysis of the implementation and application of these regulations in resolving election administration violations. In a juridical study, several things that can be studied include:

1. Regulatory Consistency. Evaluating the consistency of RI Bawaslu Regulation No. 8 of 2022 with other regulations governing elections, such as the election law and its implementing regulations. Regulatory consistency refers to suitability and compatibility between the provisions contained in a regulation and other regulations that are related or have a higher hierarchy. In the context of a juridical study of election administration violations, regulatory consistency refers to the harmony between RI Bawaslu Regulation No. 8 of 2022 with other regulations governing elections, such as the election law and its implementing regulations. The importance of regulatory consistency is to ensure that all regulations related to elections support each other and do not conflict with each other. Thus, all parties involved in the election process, including Bawaslu as the election supervisory body, can have clear guidelines and can be accounted for in carrying out their duties and responsibilities.
2. Clarification of Concepts and Terms. Analyze the concepts and terms used in the RI Bawaslu Regulation No. 8 of 2022 to ensure a clear understanding of election administration violations. This is important so that all parties involved in resolving election administration violations have the same understanding of the definition and scope of violations.
3. Violation Settlement Process. Examine the process of resolving election administration violations regulated in the regulation. Identify steps that must be taken by Bawaslu and related parties in dealing with election administration violations, including the stages, actions that can be taken, dispute resolution mechanisms, and sanctions given.

4. Legal Protection. Analyzing the legal protection provided by RI Bawaslu Regulation No. 8 of 2022 for election participants who are victims of election administration violations. This includes legal efforts that can be made to obtain justice and file lawsuits related to violations that have occurred.
5. Regulatory Effectiveness. Evaluating the effectiveness of RI Bawaslu Regulation No. 8 of 2022 in the settlement of election administration violations. This review includes an analysis of the success of regulations in preventing and prosecuting violations, and any updates or improvements that may be needed to increase their effectiveness

## **CONCLUSION**

Elections are an important process in the democratic system in Indonesia, and enforcement of fair and transparent election rules is the responsibility of the Election Supervisory Body (Bawaslu). For this reason, the RI Bawaslu issued RI Bawaslu Regulation No. 8 of 2022 concerning Settlement of Election Administrative Violations, which regulates the system for resolving election administration violations. In handling election administration violations, Bawaslu has an important role. They carry out inspections, investigations, and collection of evidence regarding reported or detected administrative violations. Bawaslu also plays a role as a mediator in resolving disputes, provides administrative sanctions to perpetrators of violations, and monitors and supervises the conduct of elections. In resolving election administration violations, Bawaslu faces several problems such as limited resources, complexity of cases, and differences in the interpretation of rules. To overcome this, Bawaslu provides assistance, supervision, and consultation to Provincial Bawaslu and Regency/City Bawaslu.

This juridical study uses a normative juridical approach to analyze and interpret legal regulations related to the settlement of election administration violations. The relevant principles of administrative law in elections include the principles of legal certainty, proportionality, openness and transparency, independence and impartiality, accountability, and protection of human rights. With this study, it is hoped that it can provide a deeper understanding of election administration violations and legal protection of the electoral process. Recommendations resulting from this study can help increase the effectiveness and efficiency of the handling of election administration violations by Bawaslu, as well as increase public confidence in elections.

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