

The Role of Bawaslu in The Implementation of Election Law Enforcement

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Abstract. *The purpose of this study is to determine and analyze the role of Bawaslu in enforcing election law and law enforcement against election violations in the future so that it becomes one of the guides in understanding the legal study of election crimes. This legal research uses an empirical legal research approach method. The results of the research and discussion found that. Bawaslu has an important role in the framework of guarding the election in accordance with the mandate in the Law on Election Implementation, it is stated that the function of the Election Supervisor is described in the duties, authorities and obligations of the Election Supervisor, Law enforcement election against violations in the future is designed by combining lessons from Russia and South Africa, The ideal election dispute resolution mechanism in Indonesia in the future can be built by ensuring the existence of a truly independent institution, a fast and efficient process, the use of technology to increase transparency, and public participation and voter education.*

Keywords: Election; Enforcement; Law.

1. Introduction

A just, democratic and prosperous Indonesia is basically built on the practice and principles of good governance, namely by implementing honest and fair general elections, as well as direct, general and free elections in accordance with Article 22 E paragraph (1) of the 1945 UUDNRI. This article also regulates that general elections are held by a general election commission (hereinafter referred to as the KPU) which is national, permanent and independent. and Indonesia as a means of changing national power and leadership every five years, where political parties compete with each other to gain public attention in achieving

legislative and executive political power, the legitimacy of which is legal and constitutional.¹

Elections in Indonesia are a history of legislative changes from time to time. So far, it has been recorded that since the first election was held in Indonesia in 1955 until 2014, there have been eleven legislative elections. Up to now, the Election Law has been born twelve times.² General elections are a means of people's sovereignty held to elect members of the DPR, DPD, President and Vice President, and DPRD which are carried out by upholding the principles of general elections, namely direct, general, free, secret, honest and fair.³ Based on data from the Central Election Supervisory Agency regarding general election violations in Indonesia in 2019, violations and criminal acts of general elections were found, including 548 criminal violations of general elections, 107 violations of the general election code of ethics, and 4579 violations of general elections general election administration.⁴ From the data, the most highlighted in general election violations are regarding money politics activities because they still often occur both in the Province and Regency/City areas in the implementation of general elections. The process of implementing general elections is technically carried out by the General Election Commission (KPU) as an institution that organizes general elections. In addition to the technical implementation of general elections, supervision in the implementation of general elections is also very much needed. Therefore, the role of the General Election Supervisory Body is also needed.⁵

Seeing the important and crucial role held by Bawaslu as an institution that monitors and prevents fraud, this indicates that this body is very important during the election. Bawaslu, which has a very important role, can be weak if in carrying out its duties the authority given is actually reduced or narrowed so that the effectiveness of Bawaslu's performance is reduced from what it should be. The existence of restrictions on the rights and authorities it has is a basic factor why Bawaslu's performance can decrease and is very dangerous for Indonesia

¹Samuel Huntington, *The Third Wave, Democratization in the Late Twentieth Century*, Oklahoma, University of Oklahoma Press, 1991, p. 26.

²Prospects for Handling Election Disputes in 2019", https://www.komisiinformasi.go.id/news/view/prospekpen_anganan-kasus_pemilu_2019, accessed on May 10, 2024

³Nurkinan, *The Role of Community Participation in Supervising the Simultaneous General Elections for Legislative Members and Presidential Elections in 2019*, *Jurnal Politikom Indonesia*, Vol. 3, No. 1, July 2018, p. 26

⁴<https://www.bawaslu.go.id/id/berita/update-data-pelanggaran-pemilu-tahun-2019-20-mei-2019>, accessed on May 10, 2024

⁵Ni Kadek Yulia Prasetya Darmayanti, I Wayan Sedia, Emma Ratna Sari Moedy, *Implementation of Law Number 7 of 2017 Concerning General Elections in Strengthening the Election Supervisory Institution (Bawaslu) in Badung Regency*, *Cakrawarti*, Vol. 7 No. 1, Feb-Jul 2024, pp. 36-43

considering that politics in Indonesia has a very important role in the integrity of the state.⁶

The implementation of Law no. 7 of 2017 concerning general elections provides a firmness that the role of Bawaslu as well as its functions will be strengthened in order to achieve greater goals and will be added to the number of Bawaslu employees along with the policy authority that will be owned by this body in order to improve the election climate towards better rights without any fraud that can divide and cause what is called inappropriate suspicion. Considering that the legislative elections were held in 2018, 2019, and also came from the history of Indonesian elections which continued to be damaged by various irregularities, the new Bawaslu regulations Law No. 7 of 2017 concerning elections will be expected to be able to provide a change in influence on the performance of this body with the hope of being able to become a very fair, good and honest supervisory body in the future.⁷

Syafriadi in his research stated that Talking about enforcing election law means talking about two things, namely violations that occur in the election and problems that occur in the election. Regarding the problems of violations that occur in the election, they consist of violations regarding criminal acts, violations in terms of administration, and violations related to the code of ethics of election organizers. Law Number 7 of 2017 seeks to strengthen the role and duties and authority of Bawaslu in enforcing election law.⁸ Furthermore, Fathul Mu'in's research states that Bawaslu's active role and direct involvement in every election implementation. In addition to the active role, Bawaslu also has a participatory role where in carrying out its role, Bawaslu embraces various parties and institutions or related agencies. The role carried out by Bawaslu is supervision in every election process, prevention of election violations and action against election violations.⁹

The purpose of this study is to determine and analyze the role of Bawaslu in enforcing election law and law enforcement against election violations in the future so that it becomes one of the guides in understanding the legal study of election crimes.

⁶Nur Aisyah Fitri Boru Nainggolan, *The Role of the Election Supervisory Body in Resolving Election Disputes Based on Law Number 7 of 2017 (Study on the Bawaslu of Deli Serdang Regency)*, *Al-Hikmah Journal of Law and Society*, Vol. 2 No. 2, June 2021, pp. 277-302

⁷Wiwin Indriany, *Implementation of the Role of the Election Supervisory Body in Enforcing Election Crimes (Money Politics) in the Implementation of the 2019 Election in Purworejo Regency*, *Res Publica* Vol. 5 No. 2, May-Aug 2021, pp. 229-241

⁸Syafriadi, Selvi Harvia Santri, *Analysis of the Role of the Election Supervisory Body in Enforcing Election Law*, *REFORMASI*, Volume 13 Number 1 (June 2023), page.42-47

⁹Fathul Mu'in, etc., *The Role and Function of the Election Supervisory Body (Bawaslu) of Pesawaran Regency in Conducting Election Supervision Based on Law No. 07 of 2017 in Pesawaran Regency (Research Study of the 2019 Simultaneous General Elections)*, *Malahayati Law Journal*, Vol. 2 No. 2 November 2021, page.13-28

2. Research Methods

This legal research uses an empirical legal research approach method. Empirical legal research is legal research using legal principles and principles in reviewing, viewing, and analyzing problems in research, in addition to reviewing the implementation of law in practice.¹⁰ By using the statute approach and case approach, answers to the problems raised in this research can be presented. *Statute approach* is an approach that refers to statutory regulations, while the case approach is an approach that is based on cases that have occurred.¹¹

3. Results and Discussion

3.1. The Role of Bawaslu in Implementing Election Regulations

In the process of organizing elections, the election process does not always run smoothly. Various problems and obstacles in organizing elections, both those that occurred during the election and before, are problems that will certainly have a wide impact if not resolved immediately. The existence of problems in organizing elections related to dissatisfaction with the decisions of election organizers or criminal or administrative violations that affect the results, is what is commonly called an election dispute. Disputes in the implementation of elections are actually violations of election administration or dissatisfaction with the decisions of election organizers.¹²

Restorative Justice is a new concept of thought that has developed from society as a pattern of thinking about modern criminal law. This concept developed as a response to the existence of a retributive justice approach and a criminal justice system which was felt to not satisfy society's sense of justice. The concept of restorative justice, or what is usually called restorative justice in Indonesian, has been accommodated in a small portion of national law. The concept of restorative justice was developed based on critical thinking and disappointment with the concept of conventional punishment which is ineffective and seen as inhumane.¹³

Bawaslu's duties in Law No. 15 of 2011, Article 73 paragraph (2) states; Bawaslu is tasked with supervising the implementation of the Election in order to prevent and take action against violations in order to realize a democratic election. Meanwhile, in Law No. 7 of 2017, Article 93 letter (b) states that Bawaslu is

¹⁰Ronny Hanitijo Soemitro, *Legal Research Methodology and Jurimetrics*, Ghalia Indonesia, Jakarta, 1990, p. 33.

¹¹Ronny Hanitijo Soemitro, *Legal Research Methods and Jurimetrics*, Jakarta: Ghalia Indonesia, 2015, p. 39.

¹²Topo Santoso, *Election Disputes in the Democracy Process in Indonesia*, Pustaka Pelajar, Yogyakarta, 2011, p. 11

¹³Destri Tsurayya Istiqamah, *Analysis of Restorative Justice Values in the Implementation of Customary Law in Indonesia*, *Veritas et Justitia*, Vol. 4 No. 1 (2018), page.201-226

tasked with preventing and taking action against: a. Election Violations; and b. Election Process Disputes. Thus, in Law No. 7 of 2017 it is further clarified that the object of prevention and action is Election Violations and Election Process Disputes, where in Law No. 15 of 2011 it was only carried out on Election violations. Furthermore, in Law No. 15 of 2011 Bawaslu only supervises the implementation of the campaign. Meanwhile, the formulation in Law No. 7 of 2017, Article 93 letter d number 5, states that Bawaslu's duties are to supervise the implementation of the Election Implementation stages, which consist of the implementation of the campaign and campaign funds. Thus, there is an expansion of the object of supervision which was originally only supervising the implementation of the campaign to supervising the implementation of the campaign and Campaign Funds. The main important thing, related to the duties and authorities of Bawaslu is to prevent violations of Massive Systematic Structured Money Politics (TSM). Prevention of Money Politics is not explicitly stated in Law No. 15 of 2011, while Article 93 letter e of Law No. 7 of 2017, explicitly states Preventing the occurrence of money politics practices. Thus Law No. 7 of 2017 strengthens Bawaslu's duties in preventing violations of Massive Systematic Structured Money Politics (TSM). In addition, Bawaslu's new duties are in terms of supervision of ASN, TNI, and POLRI, where this duty is not regulated in Law No. 15 of 2011. In Law No. 15 of 2011 Article 73 (3) letter e, it is stated that Bawaslu supervises the implementation of Election Violation decisions. Meanwhile, in Law No. 7 of 2017 Article 93 letter g it is stated, Supervising the implementation of decisions/decisions, which consist of: 3. Decisions/decrees of Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu; 4. Decisions of KPU, Provincial KPU, and Regency/City KPU; 5. Decisions of authorized officials regarding violations of ASN, TNI, and POLRI neutrality. Thus, Law No. 7/2017 explicitly states what decisions/decrees can be supervised for their implementation, plus decisions regarding ASN, TNI, and POLRI neutrality.

Law No. 15 of 2011 does not contain a duty to report alleged violations of Election Organizer ethics to the DKPP. Meanwhile, in Law No. 7 of 2017, Bawaslu submits allegations of violations of the Election Organizer's code of ethics to the DKPP (Article 93 letter h. Thus, there is an expansion of Bawaslu's duties, Law No. 7/2017 states that Bawaslu has the task of submitting allegations of violations of the Election Organizer's code of ethics to the DKPP, which in Law No. 15 of 2011 there was no such task but only to supervise the implementation of the DKPP's decision regarding violations of the Election Organizer's code of ethics. In Law No. 15 of 2015, there are no regulations regarding the task of submitting allegations of election crimes to the Gakkumdu Center Bawaslu is tasked with submitting allegations of election crimes to the Integrated Law Enforcement Center (Gakkumdu), Article 93 letter l of Law No. 7 of 2017.

The construction of election law enforcement in this case related to administrative violations has developed and progressed from the executive side.

The results of the study of alleged administrative violations that used to be in the form of recommendations are now in the form of decisions. And there is a complaint to the DKPP by Bawaslu as the one who made the decision in the event that the KPU did not follow up on the Bawaslu decision. The position of Bawaslu also becomes like a pseudo-trial (Quasi Justis). In this context, Bawaslu has the authority to collect evidence, prove the guilt of the perpetrators of money politics, and has the authority to decide whether the guilt is proven or not. If the crime of corruption is like the KPK, the authority it has is only up to prosecution. The judicial institution in this case is the court judge who will decide.

Election monitoring module compiled by Bawaslu, Elections are said to be democratic if they meet several basic requirements, at least there are five (5) universal parameters in determining the level of democracy, namely:¹⁴first, Universality, Because democratic values are universal values, democratic elections must also be measured universally. This means that the concept, system, procedures, tools and implementation of elections must follow the universal democratic rules themselves. Second, Equality, Democratic elections must be able to guarantee equality between each constituent to compete. One important element that will hinder this principle of equality is the imbalance of power and resource strength owned by election contestants. Simply put, between large political parties and small ones that have just been born, of course, there is a wide gap in resources. Therefore, election regulations should be able to minimize the occurrence of political inequality. Third, Freedom, in democratic elections, voters must be free to determine their political stance without any pressure, intimidation, or the lure of certain gifts that will influence their choices. If such a thing happens in the implementation of the election, then the treatment must be threatened with severe election criminal sanctions. Fourth, Secrecy, whatever political choice is taken by the voter, it must not be known by any party, even by the election committee. Confidentiality as a principle is closely related to a person's freedom to choose. Lastly, Transparency, this transparency is related to two things, namely performance and use of resources. The KPU must be able to convince the public and election participants that they are an independent institution that will be the implementer of fair and impartial elections.

One of the important prerequisites in organizing elections in a democratic country is that the election is carried out by an institution that is independent of the government. The 1945 Constitution emphasizes this, which outlines that "general elections are held by a national, permanent and independent general election commission". The national nature reflects that the work area and responsibility of the KPU as the organizer of general elections covers the entire

¹⁴Supervision Module, Election Supervisory Body-Indonesia Corruption Watch, Bawaslu, Jakarta, 2009, pp. 7-8.

territory of the Unitary State of the Republic of Indonesia. The permanent nature shows the KPU as an institution that carries out its duties continuously even though it is limited by a certain term of office. The independent nature emphasizes that the KPU in organizing and implementing general elections is free from the influence of any party. Meanwhile, supervision of the implementation of the election is given to the Election Supervisory Body (Bawaslu) and its subordinates, the General Election Supervisory Committee (Panwaslu).¹⁵

In Law Number 22 of 2007 concerning the Implementation of Elections, it is stated that the function of Election Supervisors is outlined in the duties, authorities and obligations of Election Supervisors. In relation to the task of election supervision, there is a division of election supervision tasks which can be explained as follows: Bawaslu supervises all stages of the implementation of the Election, the Provincial Panwaslu supervises the stages of the implementation of the Election in the provincial area, the Regency/City Panwaslu supervises the implementation of the Election in the regency/city area, the Sub-district Panwaslu supervises the stages of the implementation of the Election in the sub-district area, the Field Election Supervisor supervises the stages of the implementation of the Election at the village/sub-district level, the Overseas Election Supervisor supervises the stages of the implementation of the Election abroad. Structurally, the formation of the Election Supervisory Body which is permanent will now reach the regency/city level like the KPU institutional structure which has long been permanent up to the regency/city level. The implementation of the improvement of the Bawaslu institutional structure mandated in the law can be implemented at the earliest one year after the Election Law is ratified by the DPR. At the same time, the increase in the number of Bawaslu members at the provincial and district/city levels from 3 to 5-7 commissioners will be adjusted to the level of coverage being supervised.

With the increase in strategic authorities mandated by law to Bawaslu, such as the authority to receive reports, examine, and decide on TSM (Structured, Systematic, and Massive) violations, this is a challenge for this judicial institution to maximize its role and function to create an appropriate legal formulation while simultaneously measuring and anticipating the socio-political impact of the application of sanctions for the cancellation of candidates or election participants in the midst of an atmosphere of volatile political tension. , the authority to receive and decide on requests for election disputes also demands that Bawaslu, in the midst of the overlapping stages, immediately ensure the presence of election supervisors in the regions who are able to act as mediators and adjudicators of election disputes who are truly trained.

¹⁵Ahmad Nadir, *Direct Regional Elections and the Future of Democracy in Indonesia*, Averroes Press, Malang, 2005 p. 156

In addition to the various challenges above, Bawaslu also continues to make serious efforts to find solutions to the following problems and challenges, namely; first, Capacity Building of Bawaslu Regency/City, Strengthening the institutional structure of election supervisors has an important meaning not only for increasing the role and function of election supervisors in the region, but also provides a positive effect on the psychological aspects of supervisors in the region regions who have problems with self-confidence with their ad-hoc functions and authorities. The change in the institutional status of Panwaslu which is now permanent and has changed its name to Bawaslu has also given rise to new challenges in the form of preparing and strengthening aspects of human resources.

3.2. Law Enforcement Against Election Violations in the Future

Law enforcement as a form of state protection of human rights must be implemented consistently and in line with legal developments and pay attention to the sense of justice and paradigm changes that exist in society. In accordance with the 1945 Constitution in article 1 paragraph (2) that sovereignty is in the hands of the people and is implemented according to the Constitution. It is clear that the Indonesian state is a country based on a Constitution which regulates all aspects of life with regulations that originate from the sovereignty of the people which are delegated to the state which ends in the sovereignty of the people themselves. Because even though the existing tools are considered adequate, in reality the law still does not show the situation as expected.¹⁶

Elections must run well procedurally and substantially. Elections are good procedurally if the prerequisites are met and elections are substantially successful if their objectives are achieved. Election prerequisites outline the existence of freedom of choice, the realization of community participation, and a fair political competition arena. The goal to be achieved by implementing elections is the election of a leader who is the will of the people. A trustworthy leader who is able to realize prosperity and justice.¹⁷

Elections with integrity from a constitutional perspective are as stated in Article 22E paragraph (1) of the 1945 Constitution, namely: general elections are carried out directly, generally, freely, secretly, honestly, and fairly every five years. The definition of each principle of general elections is: Direct means that general elections must be carried out by casting voters directly and may not be delegated. General means that general elections can be participated in by all citizens who already have the right to vote. Free means that voters are free to

¹⁶Bambang Heri Supriyanto, Law Enforcement Regarding Human Rights (HAM) According to Positive Law in Indonesia, AL-AZHAR INDONESIA Journal SOCIAL INSTITUTIONS SERIES, Vol. 2, No. 3, March 2014, page.151-168

¹⁷Iwan Tanjung Sutarna et al. Political Education for First-Time Voters; Initiatives for Election Integrity, Jurnal Pengabdian Masyarakat Transformasi, Vol 3 No. 1, 2023, page.38-46

cast their votes without any coercion by any party or anyone. Secret means that the votes cast by voters are confidential and only known to the voters themselves. Honest means that general elections must be carried out according to the laws and regulations that every citizen who has the right can vote according to their wishes and each vote has the same value in determining their choice of vote. Fair means that all participants in general elections are treated equally without any special treatment or discrimination against certain voters.¹⁸

In Russia, election monitoring is an essential part of the political system to ensure that elections are conducted honestly, transparently and fairly. The role of election observers in Russia, whether they are from official bodies or independent groups, is to act as a mechanism to monitor the election process to ensure that it complies with applicable laws and regulations.

Central Election Commission (CEC): The main election observer in Russia is the Central Election Commission (CEC). The CEC is a government agency responsible for organizing and overseeing all stages of the election, including candidate registration, election procedures, vote counting, and the announcement of results. The commission also has the authority to resolve complaints regarding irregularities or violations in the election. In Russia, political parties participating in elections also have the right to appoint observers at polling stations (polling stations). These observers are tasked with monitoring the election process on the ground, ensuring that voters are counted correctly, and reporting any suspected fraud or irregularities.

A number of civil society organizations, such as Golos, play an important role in election monitoring. Golos is an independent organization that monitors the conduct and reporting of elections in Russia. Independent observers such as these typically train volunteers to act as witnesses at polling stations, collect evidence of violations, and publish reports on irregularities that occurred during the election. Sometimes, international observers from organizations such as the OSCE (Organization for Security and Co-operation in Europe) or other foreign institutions are invited to monitor elections in Russia. They provide an assessment of how fair and transparent the election process is based on international standards.

Roles and Duties of Election Observers in Russia: Ensuring Compliance with the Law: Election observers must ensure that the entire election process, from voter registration, through campaigning, to vote counting, complies with Russian election laws. Preventing and Identifying Irregularities: Observers must be alert to potential violations, such as voter intimidation, vote rigging, or unfair use of state facilities by candidates. They must also investigate reports of attempted

¹⁸Muhammad Ja'far. The Existence and Integrity of Bawaslu in Handling Election Disputes, *Jurnal Madani Legal Review*, Vol. 2 No. 1, 2018, pp. 59-70

irregularities and document them. Reporting and Recommendations: Election observers prepare reports on the election process, which can then serve as the basis for recommendations for future improvements. In the case of independent or international observers, these reports can also be shared with the international community or made public to raise public awareness.

The presence of observers, both domestic and foreign, is essential to enhancing the legitimacy of the electoral process. When observers are able to function effectively and report their findings openly, this can prevent fraud and ensure that election results are more acceptable to the wider public, although in Russia itself, there has been frequent controversy over the level of transparency and fairness of the electorate process.

Election observers in South Africa play a vital role in ensuring free, fair and transparent elections. In the context of the emerging democracy following the end of apartheid in 1994, election observation is essential to maintaining the legitimacy of government and ensuring public confidence in the electoral process.

Independent Electoral Commission (IEC): In South Africa, the main body that oversees elections is the Independent Electoral Commission (IEC). The IEC was established in 1996 and is responsible for organizing, managing and supervising the entire electoral process at the national, provincial and local levels. The IEC is mandated to ensure that elections are conducted in accordance with the Constitution and applicable laws.

Election observers play a vital role in strengthening democracy in South Africa by safeguarding the integrity of elections, building public trust in the political process, and promoting political accountability. Reports from observers, especially independent or international ones, are often used as a basis for reforms in the electoral system and improving the quality of democracy in the country.

The handling of election crimes based on the regulation of the general election supervisory body number 3 of 2023 concerning the integrated law enforcement center for the 2024 General Election, starting from the stage of forwarding reports to the implementation of court decisions, involves 4 (four) different institutions according to the stages of the process, namely: Bawaslu and/or its ranks to the Sub-district Panwaslu, Police, Prosecutor's Office and Court.

The election law has determined the institutions authorized to handle and the time period for handling election crimes, as well as technically as Bawaslu regulation number 3 of 2023 provides a procedural handling by the Gakkumdu institution. In Russia, although the Central Election Commission (CEC) plays a major role in managing elections, the main criticism is the lack of independence and transparency of this institution. This affects the legitimacy of election results

and public trust in the dispute resolution process. In South Africa, the Independent Electoral Commission (IEC) is recognized as a relatively independent and trusted institution by the public. The IEC serves as the main supervisor that not only regulates the election process but also handles complaints related to election disputes with a higher level of transparency.

In the future, Indonesia must ensure that election dispute resolution institutions, such as the Constitutional Court (MK) and the Election Supervisory Body (Bawaslu), operate more independently and transparently. To that end, it is important to strengthen the independent oversight mechanism for these institutions and ensure that the case resolution process takes place openly. Decisions made by these institutions must be published clearly and in detail, so that they can be monitored by the public and held accountable.

In Russia, the dispute resolution process is often slow and confined to a complex bureaucratic structure, which can slow down decisions and create uncertainty in election results. This creates dissatisfaction among the parties involved. In South Africa, after the reforms, election disputes were resolved more quickly through a special court that focuses on election disputes. This helped reduce uncertainty that could fuel political tensions. In the future, Indonesia could introduce a fast-track mechanism for election dispute resolution. A special election court or mediation body could be established to handle dispute cases with tight deadlines. This would prevent prolonged political uncertainty and ensure that election results are accepted by all parties efficiently. Although digital technology is increasingly being used in Russia, there are still gaps in its implementation to ensure greater transparency in the election process and dispute resolution. Limited access to digital data and evidence is often a problem. South Africa has begun using digital technology in its election process, albeit in a limited capacity. This has helped speed up the voting and counting process, although dispute resolution still relies on traditional procedures. Indonesia could adopt digital technology more widely to manage election dispute resolution. By implementing a secure online platform for reporting disputes, submitting evidence, and monitoring the legal process, Indonesia could improve efficiency and transparency. Processes such as online hearings, public access to real-time election data, and transparency in vote counting will help speed up the resolution of cases and increase public confidence in election results.

In Russia, limited political education is often a barrier to resolving electoral disputes. Many voters do not fully understand their rights in the electoral process and how to access dispute resolution mechanisms. In South Africa, voter education programs have been implemented to increase public awareness of their electoral rights and ways to resolve disputes peacefully and legally. Voter education should be an integral part of election preparations in Indonesia. Increasing public awareness of their electoral rights, dispute resolution

mechanisms, and how to report fraud will make the dispute resolution process more inclusive. In this way, people will be more confident in exercising their rights and more involved in the democratic process. Dispute resolution in Russia tends to be formal and court-centered, which can sometimes lead to prolonged political tensions. Non-confrontational approaches, such as mediation, are rarely used. In South Africa, there is a growing effort to use alternative dispute resolution methods such as mediation. This approach allows disputes to be resolved more peacefully without the need for lengthy and confrontational legal processes. In the future, Indonesia could integrate more alternative resolution mechanisms, such as mediation or arbitration, into its electoral dispute resolution. Mediation can be an effective method to defuse conflicts between disputing political parties or candidates without having to rely on lengthy court processes. This approach can be more inclusive, cheaper, and faster.

An ideal election dispute resolution mechanism in Indonesia in the future can be built by ensuring the existence of truly independent institutions, fast and efficient processes, the use of technology to increase transparency, and public participation and voter education. By combining approaches taken from Russia and South Africa, Indonesia can strengthen public trust in the election process and prevent political conflicts arising from disputed election results.

4. Conclusion

Bawaslu has an important role in the framework of guarding the Election in accordance with the mandate in the Law on Election Implementation, it is stated that the function of the Election Supervisor is described in the duties, authorities and obligations of the Election Supervisor. This is what needs to be considered from the support to maximize the role of Bawaslu as a function and role for handling disputes in the Election, in addition, it is important to note that all complaints must go through one door, namely Bawaslu. Law enforcement against election violations in the future or the ideal resolution of election cases in the future in Indonesia can be designed by combining lessons from Russia and South Africa. Although the political and social contexts in the two countries are different, their approaches to resolving election disputes provide recommendations on how Indonesia can strengthen the mechanism for resolving election disputes in the future. The ideal mechanism for resolving election disputes in Indonesia in the future can be built by ensuring the existence of a truly independent institution, a fast and efficient process, the use of technology to increase transparency, and public participation and voter education.

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