
The Role of the Election Supervisory Body (Bawaslu) in Preventing the Criminal Act of Election Corruption in Indonesia

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Abstract

Elections are the implementation of democratic practices in an orderly, systematic and organized manner. Election supervision is needed to ensure that elections are carried out democratically, so an organized and competent Election Supervisory Body is needed. The emergence of violations in the implementation of elections has damaged the democratic process so that the existence of the Election Supervisory Body (Bawaslu) must lead the supervision and implementation of election crime reports. According to this study, it should be noted that the presence of Bawaslu not only helps with election regulations, but also acts as a related party in cases of election disputes, to ensure elections are carried out correctly. In the future, Bawaslu's role must be maintained and even improved in order to maintain the quality of elections. This research aims to determine the role of the Election Supervisory Body (Bawaslu) in preventing corruption in Indonesian elections. Indonesia is a country that adheres to a democratic government system as intended in Article 1 paragraph (2) of the 1945 Constitution, namely general elections as a means of exercising people's sovereignty which is realized directly, openly and fairly. Therefore, law helps resolve disputes or problems. It is hoped that the regional election process can maintain public confidence in the democratic system. Where corruption still occurs in the implementation of elections. This research method is described as a normative study of law and law using legal and conceptual approaches. The results of this research show that there are still many violations in the form of criminal acts of corruption and there are still many election debates that occur in the implementation of elections. The results of this research show that Bawaslu's role in preventing corruption in elections is considered not optimal. The formation of the Integrated Law Enforcement Center (Gakumdu) as a center for resolving election crimes is a repressive effort, but does not provide a deterrent effect for authors of corruption in the administration of elections. Therefore, the authors assess that prevention efforts are seen as a more effective effort to prevent corruption in the Indonesian regional elections. Therefore, it is important to realize fair elections by optimizing the role of Bawaslu in fostering an anti-corruption culture.

Keywords: *Election, Democrat, Bawaslu, Violations*

Abstrak

Pemilu merupakan pelaksanaan praktek demokrasi secara tertib, sistematis, dan terorganisir. Pengawasan pemilu diperlukan untuk menjamin pemilu dilaksanakan secara demokratis, sehingga diperlukan Badan Pengawas Pemilu yang terorganisir dan kompeten. Timbulnya pelanggaran-pelanggaran dalam penyelenggaraan pemilu telah merusak proses demokrasi sehingga keberadaan Badan Pengawas Pemilu (Bawaslu) harus memimpin pengawasan dan pelaksanaan pelaporan tindak pidana pemilu. Berdasarkan kajian ini, perlu diketahui bahwa kehadiran Bawaslu tidak hanya membantu regulasi pemilu, namun juga berperan sebagai pihak terkait jika terjadi perselisihan pemilu, untuk memastikan pemilu terlaksana dengan benar. Ke depan, peran Bawaslu harus dipertahankan bahkan

ditingkatkan guna menjaga kualitas pemilu. Penelitian ini bertujuan untuk mengetahui peran Badan Pengawas Pemilu (Bawaslu) dalam pencegahan korupsi pemilu di Indonesia. Indonesia merupakan negara yang menganut sistem pemerintahan demokratis sebagaimana dimaksud dalam Pasal 1 ayat (2) UUD 1945, yaitu pemilihan umum sebagai sarana pelaksanaan kedaulatan rakyat yang diwujudkan secara langsung, terbuka, dan adil. Oleh karena itu, hukum membantu menyelesaikan perselisihan atau permasalahan. Proses pilkada diharapkan dapat menjaga kepercayaan masyarakat terhadap sistem demokrasi. Dimana korupsi masih terjadi dalam pelaksanaan pemilu. Metode penelitian ini digambarkan sebagai kajian normatif hukum dan hukum dengan menggunakan pendekatan hukum dan konseptual. Hasil penelitian menunjukkan bahwa masih banyak pelanggaran berupa tindak pidana korupsi dan masih banyak perdebatan pemilu yang terjadi dalam pelaksanaan pemilu. Hasil penelitian ini menunjukkan bahwa peran Bawaslu dalam pencegahan korupsi pemilu dinilai belum maksimal. Pembentukan Pusat Penegakan Hukum Terpadu (Gakumdu) sebagai pusat penuntasan tindak pidana pemilu merupakan upaya represif, namun tidak memberikan efek jera bagi pelaku korupsi penyelenggaraan pemilu. Oleh karena itu, penulis menilai upaya pencegahan dipandang sebagai upaya yang lebih efektif untuk mencegah korupsi pada Pilkada Indonesia. Oleh karena itu, penting untuk mewujudkan pemilu yang adil dengan mengoptimalkan peran Bawaslu dalam menumbuhkan budaya antikorupsi.

Kata Kunci: Pemilu, Demokrat, Bawaslu, Pelanggaran

INTRODUCTION

Along the way, regional election managers cannot be separated from many important issues, especially people who want to improve the quality of regional elections in Indonesia. The presence of election supervisors, achievements and guarantees, the question of how can be based on the Bawaslu institution. This is very appropriate because the community still has many unresolved regional election issues and often feels overshadowed by fraud and even leads to criminal acts. Due to the public interest in election managers, it becomes a starting point for providing evidence to the public. Especially in Indonesia, regional election management is still an important part and cannot be separated from every regional election which is held every five years, namely presidential election, presidential election, presidential election, presidential election, presidential election, presidential election, Democrat, RIDP.D, Provincial DPRD, Regenza/Komune.

In general, there are various studies on political parties, elite power, and studies on ideal democratic organizations and processes, which are ultimately based on ideal values which are considered to be able to be judged from procedural or substantial quality and success. In Indonesia, especially in elections, characteristics control is a characteristic that cannot be eliminated according to the history of training.¹ There is no controlling body in a stable country with democratic experience. International election standards do not require the establishment of an official control body to comply with all election regulations. Therefore, in its implementation there are always two values, namely that it must be achieved both from election management practices and from election results ².

¹ "Penguatan Bawaslu: Optimalisasi Posisi, Organisasi, Dan Fungsi Dalam Pemilu 2014," Perludem, 2012, <https://perludem.org/2012/11/26/penguatan-bawaslu-optimalisasi-posisi-organisasi-dan-fungsi-dalam-pemilu-2014/>.

² International IDEA, *International Electoral Standards, Guidelines for Reviewing the Legal Framework of*

The Indonesian Institute of Sciences (LIPI) sets various parameters to determine the level of democracy in higher quality elections. In other words, universality; Democratic elections take the same steps universally because democratic values are universal. This context includes concepts, systems, procedures, tools and election implementers. Second, equality in democratic elections must be able to realize the existence of equality between competing candidates and voters. In this way, elections are held openly and avoid political inequality. Third, Freedom: In this context, elections will influence the choices of people affected by the voters' choices so that threats, pressure, and commitment can influence voters' choices. Democratic elections must be able to guarantee the confidentiality of voters' political choices even through election committees. In principle, confidentiality is closely related to individual freedom of choice. Fifth, transparency; Democratic elections can ensure transparency of all related parties, including election organizers, election participants and election observers, as well as all election activities.³

Corruption can be compared to a social phenomenon or crime. In other words, where there is society, there is the possibility of corruption. Corruption seems to happen anytime, anywhere, but even though culture is synonymous with positivity, corruption cannot be said to be culture because it is against the law and life values. In society, corruption is a criminal act that must be handled in a special way in various forms. Judging from the form of corruption, it can appear in the form of state financial losses, bribery, embezzlement, extortion, fraud, procurement and bonuses. These various forms can emerge from the implementation of general elections as a mechanism for institutionalizing constitutional power. Therefore, the existence of political parties as pillars of democracy must be able to prevent corruption. This is because Firmaja's view emphasizes that the role and function of political parties can be divided into two, namely internal and external functions. In the internal function of political parties, the role of political parties in external functions is broader, namely related to society, while political parties are in the interests of sustainable political ideology, which is the background to the constitution of political parties. Age, state and country. This is because even political parties have a constitutional, moral and ethical responsibility to improve the situation and situation in society. Election behavior in an effort to build a democratic system. There are more than five parameters of democratic elections: universality, equality, freedom, confidentiality, and transparency. These five parameters must be met for an honest and fair election. This is about the essence of corruption in general elections, the occurrence of monetary policy in general elections, misuse of election funds, and the use of public structures. Examples of criminal cases of election corruption include Nazaruddin who acquired insurance for election organizers and was responsible for managing KPU funds in the case of the KPU Financial Audit Agency (BPK). As for Election Prisons, but for corruption in providing ink for Election Prisons, Lusadi Kuntaprawira.⁴

As of May 2019, there were 458 violations, 149 code of ethics violations, 5,319 administrative violations, and 730 other violations. Corruption in elections has a very broad impact, including political risks, risks for the younger generation, risks for the national economy, and risks for the bureaucracy. Therefore, election supervision is very

Elections (Stockholm: International IDEA, 2001); Guy S. Goodwin, *Pemilu Jurdil Dan Standar Internasional* (Jakarta: Pirac dan The Asia Foundation, 1999).

³ H. Romli and M. W. Triatmoko, *Pengawasan Penyelenggaraan Pemilihan Umum* (Jakarta: Pusat Penelitian Politik LIPI, 2004).

⁴ CNN Indonesia Team, "Riwayat Kasus Korupsi Komisioner KPU," CNN, 2020, <https://www.cnnindonesia.com/nasional/20200108185533-20-463596/riwayatkasus-korupsi-komisioner-kpu>.

important in creating honest and fair elections.⁵ The implementation of regional elections is always criticized for various forms of violations, including regional election violations. In fact, elections must be carried out in a substantial and procedural manner because elections are the main pillar of the process of accumulating the will of the people. If the prerequisites are met and the objectives are achieved, the election will take effect procedurally if the election is truly successful. The prerequisites for elections encapsulate freedom of choice, the realization of public participation, and a level political playing field. The goal achieved by holding elections is to elect leaders who are in accordance with the will of the people. A leader who can be trusted to bring about prosperity and justice.⁶

One of the figures, William Andres, said that modern democracy is a country based on general agreement about the development of the country that most people dream of. National organizations are very important to protect or facilitate personal interests through institutions or the use of national mechanisms.⁷ Of course, we often hear the terms government for the people and the people, as Abraham Lincoln said. So democracy can be translated. Abraham Lincoln's explanation of democracy was the fact that government and power are in the hands of the people. Therefore, it indirectly makes the people the rulers and the government defeats the people. The importance of a political space that allows society to develop and participate in open policies. Apart from that, democracy also provides a place for farmers to become people who actively participate in democratic projects and processes, so that in a democratic country, people do not only participate as voice contributors.

The process of resolving election disputes is a legal problem that often occurs. This problem becomes a problem at the regional election stage where there must be a clear mechanism to resolve it. For many communities, it is still a common challenge for resolve many obstacles and weaknesses in the Indonesian Pilkada.⁸ The Indonesian regional elections still involve various disputes and violations committed by a number of parties. This problem is becoming more common and more strange. In the election process, there is the DKPP which consists of the General Election Commission (KPU), Election Supervisory Commission (BAWASLU), and General Election Commission (DKPP), which elects DPD members directly from the community.

Based on the problem formula above, the aim of this research is to understand and comprehend the role of Bawaslu in Indonesian elections. This research method is described as a normative study of law and law using legal and conceptual approaches. Descriptive analysis methods are used for research specifications. This research was carried out by creating a list of policies that support the role, function and authority of Bawaslu.⁹

One of the important steps in Panwaslu was initially temporary, but after Law Number 22 of 2007, Panwaslu was replaced by the Election Supervisory Body or Bawaslu, its position was far from the KPU's subordinates.¹⁰ This is new in terms of the lawsuit mechanism for resolving election disputes in Indonesia, especially in July 2017. McCainesmi was previously unknown in the previous election. In Law no. 7/2017 is a new

⁵ A. Syarifudin, "Implikasi Adanya Upaya Hukum Terhadap Putusan Bawaslu Tentang Pelanggaran Administratif Pemilu," *Cepalo* 4, no. 1 (2020): 3.

⁶ M. Ja'far, "Eksistensi Dan Integritas Bawaslu Dalam Penanganan Sengketa Pemilu," *Madani Legal Review* 2, no. 1 (2018): 61.

⁷ J. Asshddiqie, *Menuju Negara Hukum Yang Demokratis* (Jakarta: PT Bhuana Ilmu Populer, 2009).

⁸ Triono, "Menakar Efektivitas Pemilu Serentak 2019," *Jurnal Wacana Politik* 2, no. 2 (2017): 157.

⁹ Morissan, *Hukum RI Era Reformasi* (9 Morissan. (2005). Hukum RI Era Reformasi. Jakarta: Ramdina Prakarsa: Ramdina Prakarsa, 2005).

¹⁰ J. Pradana, "Transformasi Kewenangan Bawaslu Dari Regulasi Ke Regulasi," Bawaslu, 2021, <https://www.bawaslu.go.id/id/berita/transformasi-kewenangan-bawaslu-dari-regulasi-ke-regulasi>.

step to strengthen the Election Supervisory Body (Bawaslu) to enforce the Election Law.

RESEARCH METHOD

This research method is described as a normative study of law and law using legal and conceptual approaches. The research specifications use analytical explanation methods, namely explaining legal facts in detail and research that reviews secondary data systematically. This research was carried out by creating a list of policies that support the role, function and authority of Bawaslu and optimizing Bawaslu's position by optimizing communication between agencies to minimize sectoral egos. Regarding Bawaslu's success variable, public awareness to reject all forms of corruption throughout the election process is increasing.

DISCUSSION

The idea of an ideal or rule of law is not only related to the idea of Lechtstadt and the rule of law, but also to the idea of aristocracy, which comes from the words Nomos and Kratos. While Nomos is the norm, Kratos is a force that is considered important in power management. Therefore, as the highest authority, the term "nokrates" is closely related to the concept of the rule of law or rule of law.¹¹ To reform the concept of the rule of law and the main ideas of its implementation, it is important to pay attention to the main pillars that support the rule of law,¹² legal principles, limitations on power, independent institutions, and free judges. Racism, protection of human rights, democracy. A democratic rule of law has two synthetic sovereignties, united into one. This kind of power is the power of the law and the power of the people. Legal power means sovereignty based on law (nocrats) which is the basis of state government. Power means that popular sovereignty belongs to the people, and democracy allows the people to completely control the country. "Democracy is a system of government organized by the people, the people, and the people," said Abraham Lincoln. This means that people have equal opportunities and rights in efforts to regulate public order.

Legal politics is the activity of forming laws for national goals, supervising legal functions, and determining models and methods of legal reform. If legal policy sets the direction of Indonesian legal development and the direction of legal development is on a solid foundation, then the law will protect people's lives. In this case, legal policy seeks opinions about the value of objective outcomes derived from the developed legal philosophy, selects the best value or opinion that can be obtained from the selected values, and then formalizes it as a tool to achieve national goals.¹³ It has become more sophisticated in other fields such as economics, social, education, defense and public security. Mahfud MD determines the legal policies implemented by the government, including understanding how policies influence laws by observing the composition of the forces behind enacting and enforcing laws. By Therefore, according to Mahfud MD, the study of legal rules must place special emphasis on historical interpretation of the background to the formation of law.¹⁴

¹¹ S. Anshar, "Konsep Negara Hukum Dalam Perspektif Hukum Islam," *Soumatara Law Review* 2, no. 2 (2019): 238.

¹² S. P. Airlangga, "Hakikat Penguasa Dalam Negara Hukum Demokratis," *Cepalo* 3, no. 1 (2019): 2.

¹³ H. Abdul Manan, *Dinamika Politik Hukum Di Indonesia* (Jakarta: Kencana, 2008).

¹⁴ S. A. Anggoro, "Politik Hukum: Mencari Sejumlah Penjelasan," *Jurnal Cakrawala Hukum* 10, no. 1 (2019): 83.

The electoral system is one of many elements of political institutions and has a very important influence on broader governance issues. The electoral system is designed to understand the political situation and accommodate changes in people's attitudes and behavior in the future. Elections as a means of realizing popular sovereignty are also the fairest realm of competition for political parties so far who are responsible for their performance towards those who have carried out their functions and roles and voted. The people are the rulers who determine and choose their aspirations, which are considered the most reliable and achievable political parties. Moreover, elections are the most appropriate way to determine which party still exists and has the best authority to continue its functions in order to realize people's prosperity.¹⁵

The Election Supervisory Body (Bawaslu) only appeared under the name of the General Election Commission (KPU) in the 1982 general election. At this time, distrust began to emerge towards the implementation of elections which were jointly funded by regime power. The creation of the General Election Commission in 1982 was motivated by numerous violations in the 1971 general election and protests about the number of illegal votes cast by election officials. This is because election violations and fraud in the 1977 elections were much greater. Demonstrations - This demonstration was responded to by the government and the Democratic Party, which is dominated by the Golkar Party and ABRI. Finally, the idea arose to improve the law to improve the quality of the 1982 elections. Fundamental changes in the new election management system were carried out through law, regarding the general elections for the People's Representative Council, Regional Representative Council and Regional Representative Council, December 12 2003. According to the Law Currently, in implementing election supervision, a special institution was formed independent of the KPU structure which consists of an election supervisory committee. From county supervisors to county supervisors for electoral districts. In addition, election supervision is strengthened by law. The election management body associated with the formation of Bawaslu as a permanent member in 2007.¹⁶

The General Election Supervisory Body (Bawaslu) is an election organizing institution responsible for supervising the conduct of elections in the territory of the Unitary State of the Republic of Indonesia (IS). The quality of the 24th election is determined by consistency in carrying out the duties and tasks in Bahaslu. In Article 101 of the General Election Law (UU) Number 7 of 2017, Bawaslu stipulates that debates regarding violations of the Election Law and election procedures must be prevented and action must be taken. In carrying out its duties, Bawaslu has the right to receive and follow reports of alleged violations of election laws and regulations Article 99a of Law n. Moreover, on July 7 2017, Article 100 stated that Bawaslu must faithfully carry out its functions and authority. Through Law Number 15 of 2011 concerning the Implementation of General Elections, Bawaslu welcomes, reviews and submits reports on four functions, namely (1) supervising the implementation of all stages of the Election process and (2) alleged violations of Election administration norms. (3) Receive, review and submit reports to the National Police; (4) Accepting voters' claims regarding KPU decisions and resolving immoral election disputes. Extraordinarily, the implementation of the Election Law (Pemilu) consists of two things. The first is the application of the Election Law regarding Election Violations. These election violations consist of administrative

¹⁵ D. Sukriono, "Menggagas Sistem Pemilihan Umum Di Indonesia," *Konstitusi Jurnal* 2, no. 1 (2009): 8.

¹⁶ N. Akhmad, "Pelanggaran Pemilu Legislatif Di Kota Makassar Tahun 2014 (Analisis Yuridis UU. No. 8 Tahun 2012)" (Universitas Islam Negeri Alauddin Makassar, 2015).

violations, criminal violations, and violations of the code of ethics for election organizers. Second, regarding the results and debate, the application of election law and debate in the election process.¹⁷

As explained above, based on the functions and obligations of Bawaslu, considering the obstacles and obstacles in implementing Bawaslu's functions and obligations, it is hoped that the Bawaslu management system can be improved in preventing and enforcing corruption in elections. And election violations and crimes in Sentra, Gakumdu also require improvement efforts through improving regulations, such as regulations regarding the amount of campaign funds, as well as making reports on the use of funds that will be audited, as well as strengthening the competence and professionalism of law enforcers. Taking steps to address election violations and disputes and increasing public legal awareness. These efforts are critical to honest and fair elections. Criminal action, preventive action, or prevention is not only a more appropriate way to overcome it, but this prevention effort must take precedence over implementation efforts because they will be together if prevention efforts are carried out correctly. Things that become obstacles in Bawaslu will always be reduced. The formation of Bawaslu must be strengthened with clear rules and procedures, if there are allegations of election violations. Bawaslu's authority is to handle and determine violations in the implementation of elections, and the existence of Bawaslu is a strategic institution in its existence. Encouraging related parties to ensure synergy between Bawaslu, the National Police and the Prosecutor's Office is very important in implementing election crimes.

Bawaslu's integrity is not enough to realize socialization, especially in preventing monetary policy from rejecting the public, it must also be strengthened in preventing access to the wider community, access to information structures, open forums that can be accessed by the public, and cooperation with third parties. Selective and professional recruitment of Bawaslu members in carrying out supervision, especially in their camps during elections. This is an effort to prevent corruption in elections. The model or method for managing corruption in regional elections is to increase the professionalism of Bawaslu members, improve administrative support, organization and administrative services, improve the skills and capabilities of Bawaslu members, and strengthen the state control system. This is to realize national administrative law that is systematic, systematic, integrated, improving structures and infrastructure, especially action against authors of corruption in elections, political party participation and corruption in elections. The KPU and Bawaslu must coordinate with the police, prosecutors, KPK, PPATK, and others. Preventing and pursuing criminal acts of corruption in elections will be successful when all law enforcement officials work closely with the KPU and Bawaslu to help each other, creating fair, transparent and honest elections.

Election Supervisory Body or Bawaslu based on Law n. Not only as a supervisor, but also as a judge, until July 7 2017 he had broad authority to determine cases. With the enormous authority given to it, Bawaslu must utilize additional authority to carry out the role of mediator and determine events that depend on it as well as oversee clean elections. Elections are a true democratic mechanism, and are designed to transform the conflictual nature of society into competitive and authentic political events. Elections are a means of realizing people's sovereignty in order to realize a democratic government based on Pancasila and the 1945 Law. With the seven days of the 2017 general election, Bawaslu's

¹⁷ Bahrul Amal, "Kewenangan Mengadili Oleh Bawaslu Atas Sengketa Proses Pemilu Yang Diatur Dalam Peraturan Komisi Pemilihan Umum," *Jurnal Masalah-Masalah Hukum* 48, no. 3 (2019): 311, <https://ejournal.undip.ac.id/index.php/mmh/article/view/21691/15631>.

authority will be strengthened. So that Bawaslu not only acts as a recommendation institution, but also as an implementer of evidence for conflict resolution. This is specified in Section 461 1 of Law n. As of revised law n 2011. Regarding the Constitutional Court in 2003, election legacy controversies must be resolved through the Constitutional Court. July 7 2017, Bawaslu has the authority to accept, take tests, conduct research and trigger violations holding elections. However, over time, the dynamics that exist in society and on the other hand, there are no regulations that can accommodate these dynamics.

This is in accordance with the law that strengthens Bawaslu's authority. One of the applicants on July 7 2017, Bawaslu's conclusion was that it was no longer a recommendation. Bawaslu has the authority to resolve disputes related to the election process resulting from KPU decisions. The authority to stop administrative violations using the results of election observers is not just a recommendation, but a decision that must be implemented by political parties. The details are Article 95 of the Law. On July 7 2017, Bawaslu stated that it had the authority to follow and receive reports of alleged violations in the election implementation. Bawaslu can also review, revise and determine election administration violations and money politics violations. Therefore, in disputes over the election process, Bawaslu has the authority to accept, review, reflect on, assess and decide on agreements proposed by election participants. Election-related dispute resolution in Bawaslu is increasingly regulated by Bawaslu regulations. Dispute resolution process for the general election management process on 18 2017. There, the regulations explain the procedures and mechanisms for resolving disputes related to the Bawaslu Regional Election.

Then Article 6 will stipulate a minimum period for resolving election process disputes of 12 days (12 days) after receiving a request for resolving election process disputes. Arbitration is a dispute resolution process in Bawaslu. Regarding this complaint, Bawaslu has issued summons to parties who are declared official and fulfill the material requirements. If the arbitration fails to reach an agreement, Bawaslu will convey news of the unpaid arbitration case agreement and undergo the election dispute resolution process and be found guilty. Bawaslu will form an examination committee consisting of three Bawaslu members, one of which will consist of a Bawaslu member and two members. The process is the same as the process in general. (1) The nature of Bawaslu's decision is final and binding, except for questioning the election process regarding verification of regional election parties, (2) DPR, Provincial DPRD, and (3) determination of candidate pairs. Before Bawaslu was given judicial authority, the debate over election results fell under the authority of the Constitutional Court to investigate and resolve it. This is a decision of the Constitutional Court based on Article 24 paragraph (1) of the 1945 Constitution. There is also legal provision n. 24 of 2003 amended by Law n. 8 of the

The Constitutional Court (MK) regarding Case Settlement stipulates Constitutional Court (PMK) guidelines Number 1 of 2014 concerning Settlement of Disputes on 2014 Election Results as amended by PMK 3 of 2014. Members of the DPR, DPD and DPRD. In accordance with these provisions, there are five stages that can be integrated into the MK PHPU case resolution stage. This is a presentation on the question, Case note number three. In completing the general campaign period for both the MK and Bawaslu, the author compared the time period for resolving election disputes. Because the management of violations in Bawaslu was carried out in a very short time, accusers were often unable to complete the necessary investigations due to the problems required. For example, if it turns out there is no attendance list, they cannot present witnesses when reporting the incident to Bawaslu. This is different if the Constitutional Court's request can fulfill the requirements of the testing process so that the Constitutional Court can obtain sufficient

facts. This is described as a distortion or abnormality between the authorities that the MK and Bawaslu have in investigating the debate about the election results. Therefore, it should be noted that if there is a controversy over election results, the institution that has the authority to resolve it is the Constitutional Court (MK). However, in the case of a controversial election process, the authority authorized to accept, review, or terminate the settlement of a lawsuit is the Election Supervisory Body.

Democracy has great significance for those who support it. Because justice guarantees the community's rights to determine the career path of a national organization. Therefore, all concepts are presented in terms of democracy, which always provides an important position for society. This is because operational impacts in different countries are not always the same. Democracy as the basis of national life makes us understand that people provide the main problems related to their experiences at the final stage. Indonesia as a country that applies the principle of popular sovereignty as law, the concept of democracy cannot be avoided if it is included in assessing national policies. Democracy is closely related to the principle of popular sovereignty in which the government is carried out by the people, by the people, and by the people. The basic law of a democratic state must always require the distribution of power so that power is not concentrated in one part. Concentrated energy on the one hand is inimical to democracy because it opens up opportunities for abuse and corruption. "Power tends to corrupt, but absolute power corrupts," said Lord Acton in this general doctrine, "power tends to be random (corruption) and power tends to be random in the middle absolutely/incompletely."

In discussions such as the relationship between the people and the government, the aim here is that the people have the right to enjoy the freedoms of the state. But there is a constitution, a basic law that regulates a person's rights and freedoms. So this does not interfere with the freedom of other people in this country. "Elections will be held directly, openly, freely, confidentially, honestly and rationally every five years," stated Article 22E paragraph (1) of the 1945 Constitution. One of the results of the amendments to the 1945 Constitution was the prediction of general elections. In the 1945 Constitution, this article is intended to provide a stronger legal basis for elections as a means of implementing popular sovereignty. The 1945 Constitution guarantees periodic elections (five years per year) and election processes and mechanisms, namely direct and general elections, free, secret, honest and fair. Elections are an area of political context that involves many social elements, such as social organizations, non-governmental organizations, and political parties (political parties). These social elements try to defeat candidates selected through political parties; Political parties play a very important role in the functioning of democracy. In a democratic country, the general election process cannot be separated from the life of the country. All candidates put forward by the party for administrative or legislative positions will do everything they can to get the most votes. This could trigger the campaigns of many legislative candidates or implementers, one of which is monetary policy which is prohibited by our constitution. The phenomenon of monetary policy often occurs at the regional and central levels. We can say that monetary policy is very big. Violations of monetary policy can be expected even if election monitoring bodies are given greater exclusive rights than previous authorities.

Monetary policy and political dowries are interpreted as provisions governing financial concessions/return of electoral profits and limitations on contributions to campaign funds. Law Number 7 of 2017 concerning General Elections. Later, the words "giving money and other substances" were interpreted by experts as a violation of monetary policy or a crime. Meanwhile, Article 28 paragraph 1 of the Law. On July 7 2017, political parties were prohibited from receiving any compensation in the process of appointing the president and vice president. Therefore, the word "return" is interpreted as

a political dowry. The election supervisory body in Indonesia is an election supervisory body. Democratic elections require independent and independent government institutions. This supervisory body was established to strengthen the pillars of democracy and minimize the occurrence of election fraud. This is regulated in Article 95 c of the Law. 7 days related to the 2017 Election which is one of the BAWAS.LU authorities is to receive, study and decide on violations of monetary policy. It should be noted that the practice of democracy in Indonesia has a number of frauds in the election process, which is one of the implementations of broad monetary policy. Quoted from the Indonesian Election Supervisory Agency (Bawaslu), 13 provinces are involved in monetary policy in Aceh, Bengkulu, North Sumatra, West Sumatra, West Java, Central Java, East Java, West Nusa Tenggara and South Sulawesi. Most cases occurred in North Sumatra and West Java with a maximum number of five cases. This policy follows, starting from violations in a number of provinces that were followed by the police, including money, detergent, to evidence of food, evidence in the form of money and food. (<https://www.bawaslu.go.id/>). However, it cannot be denied that cases suspected of violating monetary policy are still recorded in several other cities.

One of the results of the revision of the 1945 Constitution was the enactment of the Constitution in the 1945 Election. This provision was intended to provide a stronger legal basis for elections as a means of exercising popular sovereignty. In accordance with the 1945 Constitution, it guarantees periodic elections (every five years), as well as direct, general, free, secret, honest and fair election processes and mechanisms. The General Election Commission (KPU) cannot be compared with state institutions which have the authority determined and guaranteed by the 1945 Constitution. The 1945 Constitution determines the Election Law, not the name of the KPU. The KPU's position as a state institution can be considered equivalent to other institutions established by law or statute. In a democratic political system, the existence of free and fair elections is very important. In fact, the entire political system of a country often uses elections as a democratic argument for the political system it builds. Liberal democratic systems, communist systems, authoritarianism, or anti-authoritarian systems are commonly implemented in many countries in the third world, and almost all of them hold regular elections. Elections have become a universal part of the life of the international political community. Thus, it is understandable that many political scientists use elections as a benchmark for realizing democracy in a country. Elections are a mechanism where people can freely express their political aspirations regarding the decisions of state leaders. Therefore, this context reflects the responsibility of citizens. Therefore, people must fully understand that whatever their choice must be based on firm, rational and critical reasons. If you are not only a national voter but also a political opposition and vote (emotional voter), you must definitely be an intelligent and responsible voter answer. Even with just one vote, the people's choice is quite large and has a lot of meaning means to determine the direction of the nation's fate in the next five years. Therefore, if you choose, of course, people will be at a disadvantage.

The "permanent" nature of the KPU is understood as an institution that carries out tasks not temporarily but continuously, as in the implementation of previous elections, especially in certain conditions in the 1999 Election, limiting membership. However, the existence of the KPU, Provincial KPU, and Regents/Cities continues to function outside of the implementation of elections and carry out other tasks required by law. Considering that the General Election Commission is "independent", it means that the KPU is independent and free from the influence of any party which involves transparency and clear legal responsibilities in the organization and implementation of elections. In the history of elections in Indonesia, the term "election control" only appeared in 1980- an. In the 1955 elections which were held in Indonesia for the first time, the term election

management was unknown. The trust of all participants and citizens at that time was formed from the election action to form a parliamentary institution which was later called parliament. The ideological conflict at that time was quite intense, but it can be said that although there was friction outside the election campaign area, there was little fraud in the implementation of these measures. The resulting friction was the logical result of the ideological struggle of the time. Until now, he still believes that the 1955 Pilkada was ideal for Indonesia.

A new election supervisory body emerged in the 1982 elections under the name of the Election Supervisory Commission. Distrust about the implementation of the general elections which had begun to be jointly invested by the forces of the ruling regime at that time began to emerge. The formation of the 1982 election supervisory committee was supported by protests against violations and manipulation of voter numbers in the 1971 election because election violations and fraud in the 1977 election were much more numerous. This demonstration was responded to massively by the government and the Democratic Party, which is dominated by Golkar and ABRI. Ultimately, the idea of improving the law aimed at improving "quality" in 1982 emerged. As voters meet the needs of the PPP and PDI Perjuangan, the government agreed to include representatives of election participants in the KPU. Apart from that, to support the General Election Institution (LPU), the government is also introducing a new institution that will be involved in election issues.

CONCLUSION

It is known that Bawaslu's role in preventing corruption in regional elections has not been optimal. Even though his duties had been carried out, he witnessed the existence of the Gakumdu Center for repressive efforts to resolve election crimes. However, we can see that the violations and debates caused by criminal acts of corruption do not have a deterrent effect on the writer. Therefore, preventive efforts are seen as a more effective effort to prevent corruption in the Indonesian regional elections. The importance of holding fair elections by optimizing the role of Bawaslu in encouraging a culture of preventing corruption. In supporting the optimization of the role of Bawaslu, regulations are needed that regulate and limit the amount of campaign costs received or generated by political parties and legislative candidates and can optimize the role of society in preventing corruption in Indonesian elections. Wherever prevention efforts are carried out through the introduction of law and general education, there are usually the relationship or correlation between leaders elected through corruption during their tenure in office. Therefore, it is important to carry out reform and reconstruction regarding the duties, authority and role of Bawaslu.

Bawaslu was given additional authority by law n. On July 7 2017, Bawaslu had the authority to stop debates regarding public voting and provide recommendations regarding fraud and so on. In this case, Bawaslu is considered to have the right to speak because it will trigger the overall election debate. Both the Indonesian judicial system and, in this case, the Constitutional Court, have both caused election controversy. The Constitutional Court is the result of the election and Bawaslu is the trial in the general election. The time period for resolving cases given to Bawaslu is something that is considered less wise in terms of the effectiveness of word resolution, in contrast to the Constitutional Court which is just the opposite. Regarding the advice that the author can give, Bawaslu must become an institution that is able to control regional elections and truly show its integrity in carrying out the additional authority that has been given.

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