

***THE DUTIES OF THE GENERAL ELECTION  
SUPERVISORY COMMITTEE AGAINST CRIMINAL  
VIOLATIONS IN THE IMPLEMENTATION OF THE 2024  
ELECTION  
(Panwaslih Research Study In North Aceh)***

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**ABSTRACT**

*The Election Supervisory Body is an Election organizing institution that supervises the implementation of elections throughout the territory of the Republic of Indonesia. Bawaslu has the task of Preparing standards for the implementation of election supervision procedures for election supervisors at all levels Carrying out prevention and taking action against election crimes and election process disputes. Supervising the preparation of the election consisting of planning and determining the schedule of election stages, planning the procurement of logistics by the KPU, socializing the implementation of elections and implementing other preparations in the implementation of elections in accordance with the provisions of laws and regulations. The purpose of this study is to determine the efforts that need to be made by Bawaslu to prevent election crimes and the law enforcement procedures for election crimes committed by Bawaslu. This study uses a qualitative method with an empirical legal approach that is descriptive in nature. The duties of Bawaslu North Aceh regarding election crimes are carried out with the Regulation of the Election Supervisory Body of the Republic of Indonesia Number 3 of 2023. From the findings and reports that are reported, Bawaslu handles them properly and proves whether the report is guilty or not in accordance with formal and material law. The report receiving officer asks the election supervisor to submit the documents, namely a photocopy of an electronic identity card or other population certificate in accordance with the provisions of the reporter's laws and regulations and evidenc*

**Keywords:** Bawaslu, Violation, Criminal act, Election

## 1. INTRODUCTION

The General Election Supervisory Body is an Election Organizing Institution that supervises the implementation of elections throughout the territory of the Unitary State of the Republic of Indonesia. The implementation of election supervision by Bawaslu is based on Law Number 7 of 2017 concerning General Elections. Secace histotis Bawaslu tatil phenomenon Where the public does not believe in the implementation of elections (election observers) Changes occurred again after the reformation, namely in 2003 to become the Election Supervisory Committee General Elections over distortion Elections are a means of people's sovereignty to elect members of the People's Representative Council, members of the Regional Representative Council, President and Vice President and vice president electing members of the Regional People's Representative Council, which is carried out directly, generally, freely, secretly, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.<sup>1</sup>

The implementation of the Election must be based on the principles of free and fair, namely direct, general, free and secret, as well as honest and fair. Then in its implementation, the Election must also include several standards accepted by the International Community, including the legal framework structure of the Election system, such as choosing and being chosen, access to media, openness of information, and freedom of opinion, as well as compliance and enforcement of Election law. With the realization of the principles of free and fair and Election standards, it is hoped that it can encourage the implementation of inclusive Elections.<sup>2</sup>

The occurrence of violations in every activity cannot be avoided. Violations can occur due to elements of accident, negligence, and negligence. Violations can be committed by many parties, it can even be said that everyone has the potential to commit violations. In general election activities, violations are conceptually defined as criminal penalties that are not as severe as violations or can be interpreted as acts that violate regulations and laws in the election. So when there is an election violation, Bawaslu Aceh Utara has the authority to receive and follow up on reports related to allegations of violations of the rules of law governing the election. Bawaslu then has the authority to investigate, examine and decide on violations. money politics, and receiving, examining, mediating or adjudicating and deciding on the resolution of election process disputes.<sup>3</sup>

Based on the results of previous research conducted by Dian Ramdhani Hardin, in the thesis of Constitutional Law, Faculty of Sharia and Islamic Law, State Islamic Institute of Parepare, 2022 with the title The Role of the General Election Supervisory Body in Handling Election Violations in 2019 in Pinrang Regency. This study found that there were violations or other fraud in the implementation of the general election, so that in the implementation of the General Election, justice, freedom and honesty were still far away. Furthermore, the results of previous research conducted by Luqman Marwan with the title of the thesis, the Function of the Election Supervisory Body Against the Criminal Act of Money Politics in the Parepare City Regional Election. The results of the study show that in the regional election there is still the acceptance of money politics and there is still a lot of fraud, so in the regional election the election supervisory body carries out its functions and authorities.<sup>4</sup>

The implementation of the Election must be based on the tuber den pardil att tan uomas bebas and causia and z dosadit Then in its implementation, the Election must also be conncted to several standards accepted by the tonernational Community, including the legal framework structure of Ph to choose and be chosen, access to media and bebehan opinions, as well as obedience and enforcement of the Pomile book. With the tecmisdadaya asan tuber and jundil and Pool standards, it is hoped that it can be done to implement the Cemilu which is tahtusid In the implementation of the General Election, there is a reason why we pay attention to the principle of criminal law as a means of redress (ultimum remidum). One of the reasons is to oversee the implementation of the General Election. There is a law to prevent violations that are committed in

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<sup>1</sup> Article 1 Number 8 of 2023 Concerning the Regulation of the General Election

<sup>2</sup> Supervisory Body Nur Salmah, Angelita, and Saidi Naali 2024 Election Guidebook, Bakrie Pres University, Jakarta, 2023.

<sup>3</sup> Risky Adhity Pramata, Lawaaly Efforts of Samarinda City in Preventing Violation of The 2019 Legislative anda Presidential and Vive Presindential Election, Vol 7, No 3, 2019, 1315.

<sup>4</sup> Marwan With the essay ‘ Function of the Election Supervisory Body AND Criminal Acts of Money Politics in the Paterare City Pilkada PhD diss. Hasanuddin University, Makassar 2021.

several regions in the Election of Leader candidates and until now there are difficulties in obtaining written evidence to process it legally.<sup>5</sup>

Handling election violations is the responsibility of Bawaslu, but election violations must be carried out through Gakkumdu. The Ierpada Law Enforcement Center (Gakumudu) consisting of Bawaslu Putri, the prosecutor's office is the center for eradicating election crimes Gakumdu functions as a forum to coordinate the process for handling reports of election criminal violations North Aceh Election Violations in 2024, Administrative violations that occurred in North Aceh Regency 5 that occurred in 2024. Violations of the silk code that occurred in North Aceh Regency 3 in 2024, and were not proven as non-criminal violations of the 2074 Election there were 2. which have been investigated by investigators and in accordance with Perbawslu regulations but not proven periodically<sup>6</sup>.

## **2. RESEARCH METHODS**

This research is a qualitative research that produces descriptive data in the form of words and behaviors that are observed to find meaning or 'verstehen'. Using an empirical/judicial sociological legal approach with the interview technique, this research is descriptive and prescriptive to describe and formulate problems based on facts. The research was conducted at Bawaslu Aceh Utara with a population that has certain qualities and samples were selected purposively. Data was obtained from primary sources through interviews with Bawaslu. Polres Kejaksaan and jaformas such as Panwaam. Data collection techniques include literature studies, field study plans, data analysis through the collection of questionnaires, and drawing conclusions to obtain grounded and fundamental results.

## **3 RESEARCH RESULTS AND DISCUSSION**

### **3.1. Efforts That Need to be Made by Bawaslu to Prevent Election Crimes**

Bawasl Aceh Utara is the General Election Supervisory Body located on Jalan Banda Aceh, Dayah Village 1h, Lhoksuken District, North Aceh Regency. General Election is a means of people's sovereignty to elect Members of the People's Representative Council and Vice President, and members of the Regional People's Representative Council, which is carried out directly, freely, effectively and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. The Center for Law Enforcement Inpada which was then taken over by Galandu is one of the activities to prevent Election Crimes namely Bawasla Banzails Province and/or Bawaslu Regency/City National Police of the Republic of Indonesia, Regional Police, and Police of the Republic of Indonesia Attorney General's Office, High Prosecutor's Office and/or District Court. Election Crimes are criminal acts of violation and/or related to the provisions of the Criminal Investigation Act.

Election crimes as regulated in the Law governing Elections and handling of Election Crimes are carried out under one roof in an integrated manner by gakkundu consisting of Bawasla, the prosecutor's office to deliberate on the findings of alleged Election Crimes that have been reported "Then Bawaslu examines the allegations that have been reported and the officer receiving the report asks the reporter to submit the following documents:<sup>7</sup>

- a. Photocopy of electronic identity card (Electronic KTP) or other population information in accordance with the provisions of laws and regulations belonging to the Reporter
- b. Proof

In North Aceh Regency, there are 2 (two) findings of alleged election crimes that have been reported by sub-district supervisors to the North Aceh Bawaslu. Bawaslu also received the report with alleged election crimes in the form of counters and alleged campaign crimes. There are several things that cannot be attributed to the hemmanys, which are installed in places of worship (mosques). Bawaslu conducted a direct field visit to ensure the alleged campaign crimes, whether

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<sup>5</sup> Duwi Handoko, Principles of Criminal Law and Panitentiary Law, in Indonesia Erkanbaty, Hawa dan Ahwa, 2017, p. 22.

<sup>6</sup> Dudung Mulyadi, Analysis of the Application of Forma of Election Crimes. No. 1, Vol 7, March 2019, p 15

<sup>7</sup> Idayanti, Head of Panwaslihcam, Langkah District Interview Tazzal 6 Nember 2024

they were installed in places of worship or not. Bawaslu conducted a search for alleged crimes to ensure the alleged election crimes.

From the case it can be seen that in the implementation of the m dot election until now there are still allegations of criminal acts of the election committed in the implementation of the election. In addition, Bawaslu itself makes preventive measures a priority if preventive measures for violations of the General Election have been carried out but violations in the Election still occur, then Bawaslu will take action against criminal violations of the Election. Bawaslu Aceh Utara will prioritize preventive measures in the implementation of the General Election, candidate pairs of political parties, and the community. Efforts made by Bawaslu Aceh Utara carry out.

### **1. Prevention**

Bawasta instructed the achicoh tungkatan talacanza including sub-district observers to be able to prevent violations to become Ralozitas when carrying out supervision both in the field informally and through formal activities such as socialization and coordination between institutions. Bawaslu believes that preventing election violations is an important task because by carrying out these prevention efforts, the community and election participants will increasingly understand the existing rules.<sup>8</sup>

### **2. Strategic Supervision**

Bawaslu Aceh Utara carries out strategic supervision including prevention of election violations from the IKP and the efforts they make are to carry out supervision and preventive measures specifically. The efforts that have been made by Bawaslu Aceh Utara should be maximized if the identification and monitoring of potential violations are carried out at each stage of the election, because the potential and types of violations are different at each stage, special identification is also needed at each stage. In addition, the supervision strategy carried out from the results of identification and mapping of potential violations is still lacking by only increasing supervision specifically and intensively, it should make recommendations to other parties involved and in the election, recommendations are intended to avoid and prevent potential violations that could occur.

stages with different problems so that supervision needs to be carried out at each stage and after an activity is carried out by the Sub-district Panwaslu The supervisory authority held by Bawaslu is derived from Law Number 7 of 2017 concerning Elections and Bawaslu is obliged to implement this authority. The supervisory authority held by Bawaslu is now no longer merely as an institution that provides recommendations but as an executor or case decider. This can be seen in Article 461 paragraph (1) of Law Number 7 of 2017 which states that Bawaslu, Provincial Bawaslu, Regency or City Bawaslu receive, review and decide on election administration violations. Then paragraph (6) states: Bawaslu's decision, Provincial Bawaslu, and Regency or City Bawaslu to resolve election administration violations in the form of.

- a. Administrative improvements to procedures and mechanisms in accordance with statutory regulations.
- b. Written warning  
Not included in certain stages in the implementation of elections
- c. Other administrative sanctions in accordance with the provisions of this Law

### **3.2 Enforcement Procedures for Election Crimes Carried Out by Bawaslu**

From the results of the interview on the procedures for enforcing the election law, namely by handling election crimes carried out under one roof in a unified manner by the Gakkand which is well-reported by the prosecutor's office and the police. The system for handling election crimes regulated in the Election Law also involves Bawaslu and its ranks. First, the process of handling election violations by election supervisors (including criminal) will be described by awaslu ranks are the initial gateway for all other election law enforcement processes. Therefore, the sections of the election violation resolution system permitted by Bawaslu and the sections of the election crime handling system involving Bawaslu, the police, and the prosecutor's office will be presented in sequence.<sup>9</sup>

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<sup>8</sup> Ibid

<sup>9</sup> Said Aqil, Head of Public Relation Sub-dept, North Aceh Utara, Warmansara Hari Rabk 11:50 WIB teaccal November 6, 2024

With the very short time to handle election crimes, the bureaucracy for handling election crimes must be designed to be simpler. Where the involvement of the police and prosecutors is again placed separately from the election supervision process carried out by election supervisors. In this context, the police and prosecutors are designed to be in one unit of the Election Supervisory Institution in enforcing election criminal law. In this context, changing the design of the Election Supervisory Institution by including elements of the police and prosecutors ex officio is one way to cut the length of the bureaucratic series of handling election crime cases. In this way, all investigative actions by investigators and prosecution of election crimes will be under one command. So that the enforcement of criminal law for the Election in a very short time of course it went better. From the results of the interview, Bawaslu's steps in handling Election Crimes are to receive and register Findings and Reports of alleged Election Crimes in accordance with Bawaslu Regulations concerning Findings and with reports of Election Violations. In receiving reports, Election Supervisors can be accompanied by investigators and prosecutors who are members of Gakkumdu, the findings and reports are with allegations of Election Crimes that have been received by Bawaslu Aceh Utara and registered and followed up by Election Supervisors by Compiling a study. Therefore, in Compiling a study, Election Supervisors together with investigators and prosecutors conduct a discussion. Therefore, you are compiled no later than 7 (seven) days after the Findings and Reports are registered by the Election Supervisors! In terms of overseeing the implementation of the Election, it is necessary to compile a statement additional section done pating theme 14 (four news haci heroia entau Trinan and Report diregistrast.

In conducting the discussion, it is carried out no later than 1x24 hours after the findings or reports are registered by the beggar. The discussion format can be carried out in the form of a preliminary naming meeting in the form of a discussion. The discussion is led by the Gakkundu coordinator and the Election guard at each level. The discussion is carried out to determine what is applied to the reported/found events. The search and collection of evidence is carried out to determine the initial tactics. The results of the discussion are stated in the minutes of the discussion. The format of the minutes of the discussion is included in the attachment that contains the inseparable goods from the Penetren Agency. And thus the Minutes of the discussion are signed by the supervisor of the Bamila Bumalik MIA Attorney in the preparation of the hard work of Emily and Election Investigators and prosecutors. In compiling the study, the Election supervisor can invite the Reporter and the reported and witnesses to be asked for clarification or to be asked for information. In conducting the request for information or Marilikation, the Election supervisor can be accompanied by Investigators and Jalsa. From the results of the Election violation review process by the Election Supervisor in the form of a Study Findings or Report document. And the Head of Bawaslu, the Head of Bawaslu Regency/City sexual level issued a letter of assignment to carry out the Investigation after the Findings on the report were registered by the Election supervisor <sup>10</sup>

Thus the letter of assignment contains the order of Investigation to the investigator and monitoring of the Investigation to the prosecutor. The investigator conducts an investigation of the findings or Reports that are in accordance with the provisions of the laws and regulations. After conducting the Investigation in accordance with the laws and regulations, the Investigator makes a report from the results of the Investigation, and then submits it to the supervisor of the Unsum Election. to conduct a discussion of the results of the investigation. Furthermore, in the initial study it was decided by the Election Supervisor through a plenary meeting

In the results of the plenary meeting regarding the initial study, such as a report that meets formal and material requirements, a report that does not meet formal and material requirements or a report that is withdrawn by the reporter or resolved by the Election Supervisor at a certain level, and if the plenary meeting concludes that the report meets formal and material requirements and is an alleged election crime, the Election Supervisor will follow up on the report with the following actions:

- a) if the report is received by the Sub-district Panwaslu or Overseas Panwaslu, the report will be de-registered and followed up with reference to the provisions of the Bawaslu Regulations which regulate the handling of Findings and Reports of General Election Violations.

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<sup>10</sup> Ibid

- b) b) If the report is received by the Bawaslu Province or Bawaslu Regency/City, the report will be deregistered and followed up with the provisions of the Bawaslu Regulation which regulates the process of criminal acts in the General Election.

The plenary meeting is based on the results of the Election which pays attention to the report of the results of the Investigation and the results of the Discussion. In doing so, the plenary session decides that the Election violation management will be stopped. The Exmili will report the status of the Tersian Kau Report accompanied by the reasons for the termination and notify the Reporter. In the case of the plenary meeting, it is decided that the alleged Promilu announcement will be forwarded to the Police. The process will be carried out no later than 1 x 24 (one time in four days) according to the Decision of the plenary session.

Bawasio Bawaslu Province or Bawaslu Regency/City forwards the friend/report if in the plenary meeting it is stated as an election crime to the Indonesian National Police Investigator who is part of the Prosecutor's Office of Legal Enforcement. The findings/reports as referred to above are carried out no later than 1x24 (twenty four) hours. Bawasio, Bawaslu Province or Bawaslu Regency/City declares the guest/report of the crime. Pomilo in the plenary meeting. The successor stamps the guest/report if the plenary meeting states it as a crime. Brmale to the State Police Investigator who is the mastermind behind the Enforcement of the Criminal Law in the form of model B.16 signed by the Chairperson of the Bancasts, Chairperson of the Provincial Bawaslu or Chairperson of the Regency/City Bawaslu and.<sup>11</sup>

#### **4. CONCLUSION**

Efforts that are carried out by Bawaslu to prevent criminal acts of the election are to carry out strategic supervision including preventing violations of Bumilu from the IKP and efforts that they make are to carry out supervision and special supervision of the Regional Election Committee, namely the Panwadu Recanatan in North Aceh Regency. In supervising Bawaslu North Aceh, it is ensured that the committee and the officers carrying out their duties are in accordance with the applicable regulations. The law enforcement procedure against election crimes carried out by Bawaslu, the handling of Election Crimes is carried out under one roof in an integrated manner by Gakkumdu which has been responded to well by the prosecutor's office and the police. The system for handling election crime violations regulated in the Election Law also involves Bawaslu and its ranks. First, the process of handling election violations by election supervisors (including criminal) by Bawaslu and its ranks is the initial door for the entire process of enforcing other election laws. Bawaslu's steps towards. Handling of Election Crimes is to receive and register Findings and Reports of alleged Election Crimes in accordance with the Internal Bawaslu Regulations and with the existence of reports of Election Violations.

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<sup>11</sup> Charli Ibnu Chaidun, Head of the Sub- Division for Handing Violations and Settlement of Perailu Bawazly Aceh Utara Disputes, Interview, Wadnesday at 12:30 November, 2024.

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