

# The Role of Bawaslu Supervision in Handling Disputes Election Results in Indonesia

*Yusa Djuyandi, Arief Hidayat, Hendra*

Elections are an implementation of orderly structured and organized democratic practices. Supervision of elections is needed to ensure that elections run democratically, therefore there is a need for well-organized and competent election oversight bodies. The emergence of violations in the administration of elections has injured the democratic process, and hence the existence of the election supervisory body (Bawaslu) is to conduct surveillance and enforcement of election violation reports. Based on this research it can emphasize that the presence of Bawaslu is not only to ensure that the election runs well according to the rules of law, but also as the parties involved in the event of an election dispute. In the future, the role of Bawaslu needs to be maintained and even improved so that the quality of elections is well maintained.

*Keyword: elections, democratic, Bawaslu, violation.*

## **Introduction**

Election controller in their journey are inseparable from many critical questions, especially from communities who want an increase in the quality of elections in Indonesia. The questions that are asked about the presence of the election supervisors, how the performance and how

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the election guarantee can be based on the Bawaslu institution. This is very proper, considering that the community still feels that there are many election problems have not been over and often tarnished by deception, even it ended in criminal. Related to the public's attention to the election controllers becomes the starting point to be able to provide evidence to the public, that election controllers especially in Indonesia are still an inseparable important part in every election which happen every 5 (five) years, whether the presidential election, members DPR RI, RI DPD, Provincial DPRD, and Regency / City DPRD.

Generally, there are various studies in electoral discussion, starting from political parties, elite power, organizer studies, and ideal processes in democracy which ultimately base themselves on ideal values that are considered of capable reflecting that an election can be judge to be quality and success, both procedurally or substantially. In Indonesia, especially the character of controller in elections is one characteristic that cannot be eliminated according to the history of its formation<sup>1</sup>. Even though there are no controller institutions in stable countries with experience in democracy. The international standard of election does not require the formal establishment of a controller institution to guarantee the compliances all election regulations<sup>2</sup>. Therefore, in the implementation there are always two values that must be achieved both in the practice of election management or the results.

The Indonesian Institute of Sciences (LIPI) sets several parameters in determining the level of democracy in an election so that it is more qualified, i.e.: First, Universality; Democratic elections has universally equal measures because democratic values are universal. This context includes several things that are concepts, systems, procedures, instruments and election implementers. Second, Equality; Democratic elections must be able to realize the presence of equality, both among candidates competing and the voters. In this way the election runs openly, freely and avoids political inequality. Third, freedom; elections in this context provide free competition in accordance with the principles of elections to avoid intimidation, pressure and promises will influence

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1 Penguatan Bawaslu: Optimasliasi Posisi, Organisasi dan Fungsi dalam Pemilu 2014. Jakarta, Perludem.2012.

2 International IDEA, Electoral Intrenational Standard: *Guidelines for Revwiewing the Legal Framework of Election*, Stockholm: International IDEA, 2001. Others, Guy S. Goddwin-Will, *Pemilu Jurdil dan Standar International* (trj.), Jakarta: Pirac dan The Asia Foundation, 1999.

the choice of voters. democratic elections must be able to guarantee the confidentiality of voters' political choices, even though the election committee. Secrecy as a principle is closely related to the freedom of a person in choosing. Fifth, Transparency; Democratic elections are able to guarantee the presence of transparency related to all electoral activities and also the parties involved in it, including election organizers, election participants and also election monitors (Romli & Tryatmoko, 2004).

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From these emerging criteria, even though it is not explicitly stated, a guarantee is needed which specifically comes from the organizers in realizing elections that are based on universality, equality, freedom, confidentiality and transparency. The five indicators can be fulfilled if the organizing institution has a high value of trust in the view of the community. However, that is not enough, a well-organized supervision mechanism is needed. Because it can't be denied that elections are an implementation of orderly structured and organized democratic practices. So, that it is impossible to carry out a supervision to guarantee the election in accordance with these points without the existence of a neatly organized and competent election supervisory institution. Besides the quality assessment of democracy, it is better if there is anticipation related to electoral disputes that often occur in each election. In this context, the role of the election supervisor is no longer just a process supervisor, but also the parties involved in resolving disputes over election results in the judiciary. In this point, Bawaslu becomes stronger in having a position in maintaining elections starting from the beginning to the end (the result of a dispute decision).

### *Theoretical Review*

#### **Supervision**

According to *Menurut Hendry Fanyol about supervision: "Control consist in verifying wether everything accur in conformity with the plan asopted, the instruction issued and principles established. It has for object to point out weaknesses and errors in to rectivly then andprevent recurrence"* (Muchsan, 1992). The purpose of the definition above refers to activities or actions to test whether a reality that is running has been in accordance or not with a predetermined plan. The monitoring process will be able to find errors that can eventually become material improvements, so that similar errors do not recur.

Siagian (1989) stated supervision is; “The process of observation rather than the implementation of all organizational activities to ensure that the work being carried out goes according to the predetermined plan”. Henry Fayol’s as cited by Siagian (1989) told that supervision are more about governmental practices in evaluating programs (not the elections context), in its implementation there are values contained of supervision meaning, so it is very relevant as a base for monitoring in the context of elections. If we examined more closely, the opinions expressed by these experts lead to one thing, that is supervision focuses on an activity that is running, and not carried out in the final phase. In this condition, controller is present as a process that influences the success achieved through the activities carried out. From the information above, it can be concluded that the supervision carried out does not focus on the final results, but the unity of action goes together with the process of activities to ensure that the activities carried out are in accordance with the procedures, so they can achieve the desired goals properly.

Theoretically this supervision has a function as: **First** is explanation, the ability to answer questions that can explain the results of policies and programs that have different results from the planning that has been done. Information access is central to the monitoring process carried out. **Second** is accounting, supervision while accessing information also produces information specifically relating to accounting and social change and economics which may occur as a result of the implementation of public policies that can take place time to time. **Third** is inspection, in this context supervision ensures that the resources that have been prepared are indeed distributed to the target group and also ascertain whether that things have arrived at them. **Fourth**, supervision is able to provide direction to the parties (administrators), staff and the others who are interested in accordance with the procedures and standards that have been made by policy makers, whether legislators, government institutions or professional institutions.

In an attempt to understand the pattern of supervision in an organization, at least there are five questions that are considered important to be studied, i.e.:

1. Who did it? What kind of tasks they do? In organizations there must be a specific division of tasks.
2. Who is responsible? To whom? These things notice the presence of a hierarchy of authority and responsibilities from every level in the organization.

3. Who interacts? With whom? The characteristic of a modern organization is to bring the collaboration and synergy between the parts inside.
4. What communication patterns apply in the organization? This pattern will show how culture in an organization.
5. What kind of network information is available? Can this information be used by members of the organization?

*The Role of  
Bawaslu  
Supervision*

(S. P. Siagian, 2012)

In the organization at least divided into two parts, first an organization that is public or in other words government organizations, besides that there are organizations that are private or corporate. Each of them has differences, for example in private organizations have weaknesses that fluctuate in their life cycle and may also retreat even they can disband, but sometimes also progress. While the public or government organizations tend to have long durability. This is because public organizations are supported by state power while private organizations tend to be influenced by their power and ability to respond the changes that occur and also their environment.

### *Election Supervision model in Indonesia*

The history of electoral supervision began in the 1980s elections, at the time the government formed a supervisory institution whose task was to oversee the election. The supervisory institution formed was named Panwaslak or the Implementing Supervision Committee. The Panwaslak leadership was directly headed by the Attorney General, who was supported by the civilian bureaucracy and also the military as the executive committee in the domain. On the decision to create the National Anti-Corruption Commission, the government issued a regulation, that is the Law Number 2 of 1980 concerning the second improvement on Law Number 15 of 1969 about the Election of Members of the DPR / MPR. Shortly, it can be said that the awareness in establishing election supervisors did not exist in the elections of the early independence era, which happened in 1955, 1971 and 1977. Sanit (1997) stated that elections when the Old Order regime and the early New Order adopted traditional power principles based on the principle of internal government supervision on the one hand and the government as the executor on the other side (the principle of internal supervision).

At least there are several supervision models that exist in Indonesia throughout the elections that have been carried out, that are:

a. Attorney General Election Supervision Model

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The Panwaslak headed by the Attorney General was an implementation of an internal supervision pattern which was only realized during the 1982 election. In the previous elections in 1955, 1972, 1977 there was no awareness of the presence of controller in the election process. The Government supported it with the issuance of Law Number 2 of 1980 concerning Repairs to the provision of Law Number 15 of 1969 concerning General Elections of Members of the DPR / MPR.

Panwaslak was a supervision section formed by the Election Committee in Indonesia (PPI). The structure of this institution was directly under the control of the Attorney General while the implementing element consists of civil and military bureaucracies. The composition was divided into regions to the sub-district level. Whereas to attract the parties in assessing the openness of the election the government took the composition of membership also from the members of Golkar, PPP and PDI.

b. Community Section Supervision Model

In the election event towards the end of the New Order's power in 1997, there began to appear dissatisfaction with the pattern of elections which Golkar always won as a workforce entity that supported the New Order government. Therefore, several non-governmental organizations (NGOs) established an Independent Election Monitoring Institution, as we called it LIPP in Bandung. The status of this controller was participating in the election process from the beginning (the registration process) to the end (announcement of vote acquisition). The pioneering civil society institutions that intend to guard this election got positive response in other regions. NGO activists, students and Legal Institutions (LBH) in ten other provinces also set up similar institutions which were named the Independent Election Supervisory Committee (KIPP) which was motivated by Goenawan Muhammad and friends. KIPP thought that the elections conducted by the New Order were not transparent and even tend to be fraudulent and full of manipulation. KIPP aims to form elections better and democratically, while also control the electoral process to bring people's trust.

Besides the presence of LIPP and KIPP, some of figures pioneered by Luhut Sitompul and friends, formed the Election Monitoring Objective Team (TOPP). This institution is independent in support the role position and function of Panwaslak as an official institution authorized to supervise.

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c. Supreme Court Election Supervision Model

After the reformation in 1998, then in 1999 the election was held as one of its mandates. This election was considered the most democratic after the New Order regime collapse. In this election the supervisory duties were carried out by the Supreme Court and also the judiciary under it. The 1999 election gave formal authority to the Supreme Court to establish a supervisory institution as mandated by Article 24 of Law Number 3 Year 1999. The Supreme Court with this mandate formed the Election Supervisory Committee (Panwas) which was a formal institution in the election supervision process from the beginning to the end guarantee the presence of elections that were direct, public, free, confidential, honest and fair. The level of the Supreme Court (MA), both the High Court and the District Court placed their staff in the Panwas management.

d. Election Supervision Model Formed by KPU

In the next election phase, before election in 2004, the General Election Law No. 12 of 2003 was formed concerning the Election of General Members of the DPR, DPD and DPRD. Article 120 states that in order to carry out supervision of elections an Election Supervision Committee is formed. This Supervisory Committee was formed by the General Election Commission (KPU), while the composition of the supervisors began at the provincial level and was subsequently formed by the Election Supervisory Committee at the top level. In addition, in Law Number 23 of 2003 concerning the Election of the President and Vice President, the duties and authorities in the supervision of the president and vice president election are carried out by the Election Supervisory Committee which also oversees the elections of DPR, DPD and DPRD. The mechanism of action of the Election Supervisory Committee is more coordinated with the KPU / KPUD.

e. The Election Supervision Model Is Permanent

Before the 2009 elections, the government issued Law No. 22 of 2007. In this law it was stated that in the process of organizing

election supervision would be carried out by the General Election Supervisory Agency (Bawaslu). Bawaslu has several levels, i.e. the Provincial Election Supervisory Committee, Regency / City Election Supervisory Committee, District Election Supervisory Committee, Domain Election Supervisory Committee and Overseas Election Supervisory.

(Musfialdy, 2012)

According to Law Number 22 of 2007, Bawaslu is a permanent and independent supervisory institution. The membership is promoted every 5 (five) years, while the levels below are at the provincial regency / city, sub-district, village and overseas levels are *ad hoc*. The level of the Provincial Election Supervisory Committee up to the Domain Election Supervisor and Overseas is formed no later than 1 (one) month before the first stage of the election begins and ends up no later than 2 (two) months after all stages of the election are completed. In its position, Bawaslu is in the national capital, while the Provincial Panwaslu is in the provincial capital, Regency / City Panwaslu is in the Regency / City Capital, while the District Panwaslu is in the subdistrict capital.

Furthermore, based on Law Number 15 of 2011 concerning Election Organizers, a Domain Election Supervisor who is domiciled in the village is formed and the Overseas Supervisory Committee is located in the representative office of the Republic of Indonesia. Membership of the election supervisor is open from all elements that fulfill the criteria as supervisors and not from members of political parties. Quantitatively the number of members of the election supervisors since 2007 until the Law Number 15 of 2011 launched, are as stated in Table 1.

Based on Article 73 of Law Number 15 Year 2011, in carrying out its supervision Bawaslu and its subordinates have duties:

- (i) Supervise the stages of organizing elections starting from the stage of updating the voter list to the recapitulation stage. They also control the follow-up elections and subsequent elections and the process of determining election results.
- (ii) Manage, maintain the archives / documents and carry out the compilation based on archival retention schedules compiled by Bawaslu and archival institutions established by Bawaslu and ANRI.



Table 1. The number of Election Supervisory Members based on Law No. 15 of 2011

No	Election Supervisor	Level	Number of Members
1	Election Supervisory Agency Central	Central / Republic of Indonesia	5 (five)
2	Provincial Election Supervisory Agency	Province	3 (three)
3	Panwaslu Regency / City	Regency / City	3 (three)
4	Panwaslu sub-district	Regency	3 (three)
5	Election Supervisor Domain	Village	1 (one)

*The Role of Bawaslu Supervision*

Source: Article 72 of Law Number 15 of 2011

- (iii) Receive the reports of alleged violations of the implementation of legislation concerning Elections.
  - (iv) Convey the findings and reports it to the KPU for follow up.
  - (v) Forward the findings and reports that are not the authority of the authorized agency.
  - (vi) Monitor the implementation of follow-up handling of Election criminal violations by the authorized agency.
  - (vii) Supervise the implementation of election violation decisions.
  - (viii) Evaluation of election supervision.
  - (ix) Compile reports on the results of supervision of election administration.
  - (x) Carry out other duties as stipulated in the laws and regulations.
- f. Permanent Supervision Model based on the Election Law Number 7 of 2017

According to Law Number 7 of 2017 concerning General Elections, the implementation of election supervision is carried out by the Election Supervisory Agency (Bawaslu). In this case Bawaslu is assisted by the Provincial Bawaslu, Regency / City Bawaslu, District Panwaslu, Village Panwaslu (PKD), Voting Station (PTPS) and Overseas Election Supervisor (PPLN).

The composition of the number of election controllers is almost the same as stipulated in Law Number 15 of 2011, except

that there are differences in the number at the provincial level and additions at the polling station level. The details are as follows:

Table 2. Number of Election Supervisory Members based on Law No. 7 of 2017

No	Election Controller	Level	Total of Members
1	Election Supervisory Agency Central	Central / RI	5
2	Provincial Election Supervisory Agency	Province	5 or 7
3	Panwaslu Regency / City	Regency / City	3 or 5
4	Panwaslu sub-district	Sub-district	3
5	Village Election Supervisor	Village	1
6	Voting place Supervisor	Voting Place	1

Source: Article 92 Law Number 7, 2017

The election supervision process is based on the stages, among others; First, the process of registering political parties and the verification process of political parties (factual). Second, the preparation of the Election List and Determination of the Final Voters List (DPT). Third, registration of Candidates for Members of the DPR, DPD, Provincial DPRD and City / Regency DPRD. Fourth, the preparation and Verification of Provisional Candidates List of Members of DPR, DPD, Provincial DPRD, and Regency / City DPR. Fifth, stipulation and Announcement of the Permanent Candidate List (DCT) of Members of the DPR and Provincial DPRD and City Regency DPRD. Sixth, the determination and Announcement of the Permanent Candidate List (DCT) of DPD Members. The activities carried out in the electoral process are: Campaigns, Voting, Vote Calculation, Recapitulation of Voting Calculations, Determination of Election Results, Determination of the acquisition of seats and elected candidates, and Settlement of Election Violations including the lawsuit of Election Result Disputes (PHPU).

### **Strengthening of Bawaslu Based on Election Disputes**

In find out the background of strengthening the position of the Bawaslu in supervising each stage of the election, a main argument is needed

which states that supervisors still have a position that is worth maintaining.

Throughout the observation and monitoring of the electoral process carried out by the nonprofit organization Junaidi and Ramadhanil (2014) and a combination based on other sources of data, there are findings related to this dispute including the following:

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*Number of 2014 PHPU Cases and Decreasing Cases of PHPU 2019*

In the 2009 legislative elections there were 655 cases of PHPU. Whereas in the 2014 legislative election there were 902 cases of PHPU approval. Whereas seen from the number of election participants, the 2009 legislative election was far more than in 2014. The 2009 legislative election was participated by 34 political parties and 6 Acehese local parties, 11,219 legislative candidates and 1,116 DPD candidates. While 2014 legislative elections were attended by 12 political parties, 6,607 legislative candidates and 945 DPD candidates. Whereas in the 2019 Election, the number of PHPU practically decreased significantly from 2014, from 902 cases to 339 cases handled by the Constitutional Court (see table 3).

Table. 3 Number of Cases of 2009, 2014 Election Results Disputes, 2019

Legislative Elections	Total of Parties	Legislative Elections DPR RI	Legislative Election DPD RI	Total of Cases
2009	38	11.219	1.116	655
2014	12	6.607	945	902
2019	18	7.968	807	334

Source: Processed from various sources

Looking at the increasing from the trend of PHPU disputes 2014 legislative elections compared to 2009 at least involved several factors:

**First**, the procedural law of the Constitutional Court had extended the legal standing of applicants who submitted disputes, that is not only political parties and candidates for DPD, but also provincial and DPRD candidates and district / city. This individual position opens up more opportunities for individual object claims that can increase the number of PHPU requests. Evidenced in the 2014 legislative elections individual requests reached 118 cases. **Second**, dissatisfaction with the process, the emergence of many alleged violations, fraud and other allegations that led to dissatisfaction with the determination of the elec-

tion results. Although, fairly dissatisfaction with this process did not necessarily indicate the poor quality of the implementation considering that of the 902 cases submitted, only 22 cases were granted, 2.4 percent. In this context the parties who submitted the PHPU only used the final struggle to gain legitimacy from the Constitutional Court.

According to Commissioner KPU RI Pramono Ubaid Tantowi, the decline in PHPU cases in the 2019 election was due to the better quality of the 2019 Election (Andayani, 2019). The lawsuit to the Constitutional Court was the last legal action that can be taken by the election participants. This also was a struggle, because the Constitutional Court's decision is final and binding. The lawsuit to the Constitutional Court basically had a sense of injustice or fraud or a feeling of being disadvantaged over the election process which led to the election results. The decline in lawsuits is considered a success and the quality of elections is increasing.

### *Portrait of Internal Party Disputes*

The process of the Constitutional Court, especially in the 2009 General Election and 2014 General Elections, at least showed that there were patterns of competition within political parties that occurred between legislative candidates in one party. The accusations that emerged also varied, starting from the existence of money politics (vote buying), the absence of neutrality of the election organizers, inflating the results of the vote, eliminating votes and other types of cheating

### *The Object of PHPU Dispute*

The petitioners in the PHPU at the Constitutional Court in 2014 proposed several forms of fraud such as changes in vote results (59%), Errors in vote counting (29%), management of election management (7%), neutrality of EMB personnel (3%), etc. Whereas in the 2019 election, the analysis of the object of the dispute was not yet apparent, due to the opening of the trial specifically in discussing the dispute over the 2019 election. Despite many forms of fraud, the Court only considered several forms of violations, that is the administration of recapitulation and recapitulation of election results. In the matter of the administration of vote recapitulation problems that often arise were violations of administrative mechanisms that were violated, for example: inaccurate vote counting, vote inflating, recording errors on forms C1, D, D1 until the synchronous calculation at the polling station level, PPK and other modes.

Figure 1. Infographics of the PHPU Lawsuit for the 2019 Election in the Constitutional Court



*The Role of  
Bawaslu  
Supervision*

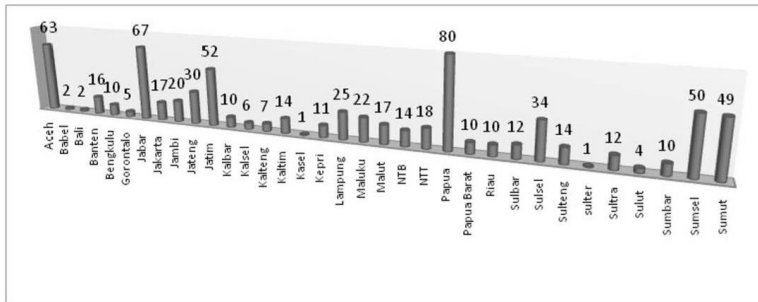
Source: Rahadian, 2019

### Total of Cases Requested

In addition, Perludem (2014) also noted the number of cases petitioned based on all of the requests, especially at the 2014 PHPU. The third most cases were as follows: Golkar Party had 91 cases, Demokrat Party had 73 cases, PKPI had 71 cases and other parties. The cases were spread in several regions of Indonesia.

The province that most filed PHPU in the Constitutional Court in the 2014 elections was Papua, which was 80 cases, followed by West Java with 67 cases, Aceh 63 cases, East Java 52 cases, North Sulawesi 50 cases, South Sumatra 49 cases and several other areas. This map, besides showing the number of cases submitted to the Court, can certainly be a material for mapping areas with a high level of fraud. Although the Court will not be fully granted, this map shows a number of potential areas or electoral violations have occurred (see table 4).

Table 4. Total Distribution of 2014 PHPU MK Cases



Source: Processed from PHPU MK and Perludem 2014

### 2014 PHPU Dispute Level

Junaidi and Ramadhanil (2014) also mapped the level of dispute over PHPU cases submitted by candidates in all levels, both DPR, DPD, Provincial and Regency / City DPRD, the Aceh House of Representatives (DPRK). The highest case of PHPU was filed for district / city level disputes totaling 321 cases. It means, of all the candidates for the legislative elections of political parties were participating in the election who submitted the PHPU to the Court, almost half of them were related to the DPRD election results at the district / city level. This level is the most disputed because the largest number of electoral districts (Dapil) so, the potential for submitting disputes is very large. The second position was actually occupied by a dispute put forward by the legislative candidate of the Republic of Indonesia which was 186 cases followed by the provincial DPRD level 117 cases, DPRK 42 cases and DPRA 15 cases and DPD of 34 cases, (see table 5).

Seen from political parties and the level of submission of applications, there are several parties that have a high level of dispute. For an example PKPI, the tendency to submit disputes at the DPR level was 56 cases, while for the District / City DPRD there were 12 cases and

Provincial DPRD in 3 cases. Whereas the Golkar Party submitted more results disputes for the Regency / City DPRD level which amounted to 45 cases, for the DPR level cases there were 29 cases, DPRD Province were 13 cases, DPRK were 3 cases and 1 case for DPRA.

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Table 5. Levels of the 2014 PPHU Dispute

<b>Election Level</b>	<b>Number of Cases</b>	<b>Rating Based on Most Cases</b>
DPR	186	2
DPD	34	5
DPRD Province	117	3
DPRD Districts / City	321	1
DPRK Aceh	42	4

Source: Junaidi and Ramadhani, 2014

In the 2019 election, the Demokrat Party submitted a lawsuit of 24 applications, while the second and third most claims were Gerindra Party and Indonesian Democratic Party of Struggle (PDIP) with 22 and 20 requests respectively. Then the National Mandate Party (PAN) and the National Awakening Party, each of them submitted 18 lawsuits (see table 6).

Table 6. Political Parties that submit the most PPHU 2019 Elections

<b>Political Parties</b>	<b>Total of Cases submitted</b>
Demokrat	24
Gerindra	22
PDI P	20
PAN	18
PKB	18

Source: (Rahadian, 2019)

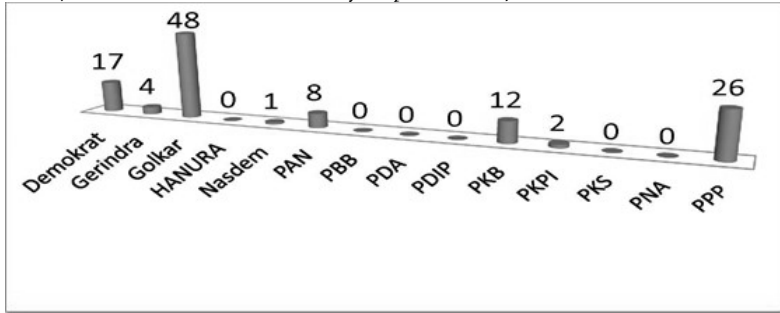
### *Party Internal Conflict*

April 9, 2014 in the Legislative Election showed a number of conflicts that occurred within the political parties. A few of predictions mention, the rose of disputes between candidates in one political party. This was evidenced by the rampant cases of voting which generally not occur between political parties but between candidates in one political party. Internal disputes of political parties were also evident from an analysis of the petition submitted by 14 political parties, both nationally and locally (see Table 7).

Specifically, for the anatomy of 2019 cases related to internal party conflict, it has not been detected due to the absence of a trial process

conducted by the Constitutional Court on the main points of the application made by participants in the 2019 election.

Table 7. Cases of Internal Political Party Disputes in 2014



Source: (Junaidi & Ramadhani, 2014)

### Object of Submission of Application for Disputes

Election disputes both between parties and internal parties, due to several frauds that occur in various levels. The highest form of burglary cheating voters, meaning that there was a political transaction in the form of vote-buying which resulted in increased noise reduction or even both parties and candidates. The second problem that becomes a dispute argument in the Court was the existence of a vote counting error committed by the officers. There were 47 consecutive cases of election management, 21 neutrality of organizers and bureaucratic apparatus, DPT manipulation and 9 cases of polling stations, 4 cases of money politics, systematic, structured, massive violations and fulfillment of women's representation in each case.

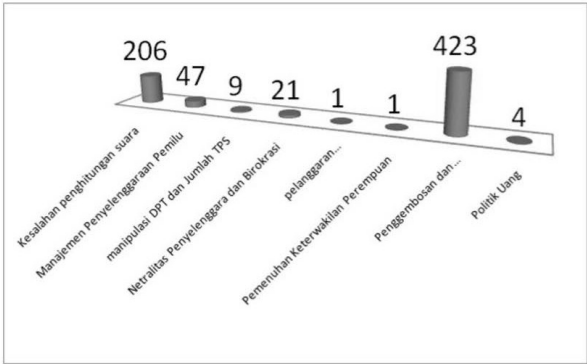
The issue that dominates the dispute at the Court is the case of a vote break and a vote counting error. Furthermore the reasons behind it are described in the following discussion.

### Actors of Offenders

These cases arose involving several actors. Actors who most played the role of electoral disputes according to the PHPU's request were Regency / City KPU with 193 cases, followed by Provincial KPU 135 cases, 127 KDP cases, 68 KPPS cases, 41 PPS and Candidates, 40 cases, KPU 36 cases and several other actors. If it is juxtaposed with several previous modes of fraud, it can be seen that the cases of vandalism and errors in vote recapitulation were dominated by election organizers. If we compare with multiple previous cheating mode, it appears that the

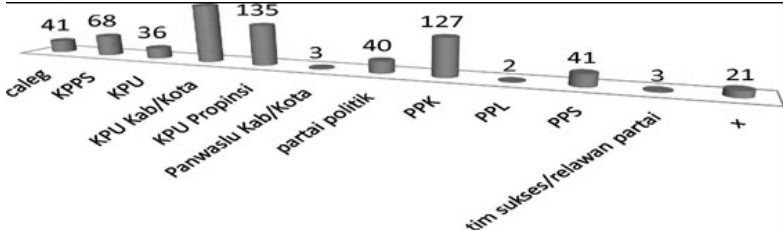


Table 8. Object of Submission of Application for Disputes



Source: (Junaidi & Ramadhani, 2014)

Table 9. Actors of Offenders



case hearing voice and vote recapitulation error was dominated by the election organizers.

Based on the anatomy of the application submitted by both political parties, legislative candidates and candidates for DPD members above, it shows a several problems in the process of holding elections. Therefore, the question is “What is the background of the emergence of problems in the election stage so that all dissatisfaction by the election organizers must be submitted to the Constitutional Court?”. What are the recommendations for the future in order to dissatisfaction with the results of the election is not always carried out by PHPU in the Court.

Regardless of the question above, it should also be noted that the current elections have shifted the terrain, from supervision to dispute resolution. So it is very appropriate, if Bawaslu as an organizer continues to carry out its role properly in accordance with the legislation. This certainly can not be separated from the description above of the dispute that occurred after the election with the data and analysis presented by the non-profit institution Perludem.

## Conclusion

Based on what the researchers have explained above, it can provide important emphasis points on the presence of Bawaslu. Bawaslu not only has an obligation to ensure that the election runs well according to the rules of law, but also as the parties involved in the event of an election dispute. For this reason, institutionalizing supervisors in electoral systems in Indonesia is not only a “distinctive Indonesian characteristic”, but it has become a logical consequence of the presence of election disputes in the future, which are increasing in quantity and quality. Against the background of this dispute, Bawaslu also realizes that the strategy in conducting supervision is not only focused on the existence of supervision efforts on the process, but also divides the concentration on the claims that lead to electoral disputes. With this argument, the debate about the existence of institutionalization of electoral supervisors is no longer necessary, given the increasing importance of the role of the Supervisory Agency in bringing the quality of an increasingly healthy democracy.



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### *Law*

Law 2011 Number 15 *about General Election Organizers*

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