

Legal Aspects of Election Administration Decisions Stages of Vote Counting Recapitulation in Pidie Jaya Regency

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ABSTRACT

The 2024 general election in Indonesia is seen as procedurally successful in its implementation. However, if viewed substantially and in terms of fulfilling the aspect of justice, there are still many legal problems. The purpose of the study was to determine the legal aspects of the considerations of the correction decision by Bawaslu RI and the evidence process by Bawaslu Pidie Jaya in handling administrative violations of the recapitulation stage of the vote count of the election. This research is normative legal research, in its implementation it was carried out using a statute approach and a case approach and to strengthen secondary data, the reviewer added field data (field research) for primary data collection by conducting interviews. The results of the study showed the considerations and rulings of Bawaslu RI which stated that the reported party II was not involved and there were no facts stating that Reported Party II had committed an unlawful act according to the Pidie Jaya Regency Bawaslu Decision Number 001 / LP / ADM.PL / BWSL.KAB / 01.22 / III / 2024, according to the Reviewer, the considerations of Bawaslu RI in its decision No. 003/KS/ADM.PL/BWSL/00.00/111/2024 seen from the legal principle only emphasizes the principle of legal certainty alone and ignores the facts that occurred in the field during the recapitulation process of the vote count by ignoring the principle of legal benefit and the verdict of the Indonesian Election Supervisory Body which ordered the PPK to make improvements to the recapitulation of the vote count for DPRK candidates in Bandar Baru District based on C Results-DPRK caused legal problems and in its implementation caused problems. In the decision to handle administrative violations committed by the Pidie Jaya Regency Election Supervisory Body, the examination and evidence process has not been carried out effectively to find trial facts, so improvements are needed in the enforcement of election law in the future to provide justice and legal benefits.

Keywords: Legal Problems, Bawaslu Decision, Vote Recapitulation.

ABSTRAK

Pemilihan umum 2024 di Indonesia dilihat secara prosedural berjalan sukses dalam pelaksanaannya. Namun kalau dilihat secara substansial dan pemenuhan aspek keadilan, masih banyak terdapat permasalahan hukum. Tujuan penelitian untuk mengetahui Aspek hukum pertimbangan putusan koreksi oleh Bawaslu RI dan proses pembuktian oleh Bawaslu Pidie Jaya dalam penanganan pelanggaran administrasi tahapan rekapitulasi perhitungan perolehan suara pemilu. Penelitian ini merupakan penelitian hukum normatif, dalam pelaksanaannya dilakukan dengan menggunakan pendekatan undang-undang (*statute approach*) dan pendekatan kasus (*case approach*)

dan untuk menguatkan data sekunder, pengkaji menambah data lapangan (*field reseach*) untuk pengumpulan data primer dengan melakukan wawancara. Hasil penelitian menunjukkan Pertimbangan dan amar putusan Bawaslu RI yang menyatakan terlapor II tidak terlibat dan tidak terdapat fakta yang menyatakan Terlapor II telah melakukan perbuatan melanggar hukum sesuai Putusan Bawaslu Kabupaten Pidie Jaya Nomor 001/LP/ADM.PL/BWSL.KAB/01.22/III/2024, menurut Pengkaji pertimbangan Bawaslu RI tersebut dalam putusannya No. 003/KS/ADM.PL/BWSL/00.00/111/2024 dilihat dari prinsip hukum hanya menekankan pada prinsip kepastian hukum semata dan mengabaikan fakta yang terjadi di lapangan pada saat proses rekapitulasi perhitungan hasil perolehan suara dengan mengesampingkan asas kemanfaatan hukum dan amar putusan Bawaslu RI yang memerintahkan PPK untuk melakukan perbaikan rekapitulasi hasil penghitungan perolehan suara bagi calon DPRK di Kecamatan Bandar Baru berdasarkan C Hasil-DPRK menimbulkan problematika hukum dan dalam pelaksanaannya menimbulkan masalah. Dalam putusan penanganan pelanggaran administrasi yang dilakukan oleh Bawaslu Kabupaten Pidie Jaya, proses pemeriksaan dan pembuktian belum dilakukan secara efektif untuk menemukan fakta persidangan, sehingga diperlukan perbaikan dalam penegakan hukum pemilu di masa yang akan datang untuk memberikan keadilan dan kemanfaatan hukum.

Kata Kunci: Problematika Hukum, Putusan Bawaslu, Rekapitulasi Suara.

INTRODUCTION

Indonesia is a country that adheres to the concept of a democratic legal state, this democratic legal state is in accordance with Article 34 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the state is obliged to care for the poor and neglected children which shows the state's efforts to protect its citizens in realizing a prosperous state (welfare state) (Lukman Santoso AZ, 2016). On the other hand, the implementation of a democratic state and the fulfillment of rights are also carried out through changes to the 1945 Constitution of the Republic of Indonesia, this began with a debate on the idea of people's sovereignty by changing Article 1 Paragraph (2) of the 1945 Constitution which states "Sovereignty is in the hands of the people, and is carried out entirely by the People's Consultative Assembly". Then it was changed at the time of the third amendment to the 1945 Constitution so that the formulation became "Sovereignty is in the hands of the people and is carried out according to the Constitution" one of which is carried out through direct general elections (Fahmi, 2016).

Indonesia is a country of law that is implemented in a presidential government system, the implementation of the government begins with the implementation of the granting of opium by the people through the implementation of general elections every 5 years, both to elect the president/vice president, members of the DPR, members of the DPD and members of the DPRD, at the provincial and district/city levels. In the implementation of government and the process of obtaining a mandate to occupy government, a law is needed to regulate it, and a government that is able to prevent the decline of a person's power is a government based on law (Zulkarnain Ridlwan, 2021).

The implementation of the 2024 general election in Indonesia, viewed procedurally and in order to fulfill the aspect of legal certainty, can be said to have run successfully and without obstacles in its implementation. However, if viewed substantively and fulfilling the aspect of justice, there are still many legal problems that cause the implementation of the election to lead to resistance from the parties, both at

the level of the election stages and after the completion of the process stages by submitting a request for a dispute over the results to the Constitutional Court as the authorized institution regarding disputes over election results.

The implementation of the election in Pidie Jaya Regency, Aceh has been carried out in accordance with the election stages that have been determined by the KPU, as an institution that is responsible for and ensures that all levels of election organizers in Indonesia, the KPU must ensure and be responsible for its staff in carrying out their duties in accordance with ethics, professionalism and legal provisions contained in Law Number 7 of 2017 concerning General Elections and its derivative regulations. In the practice of implementing the election in Pidie Jaya Regency, there are still objections and lawsuits reported by political parties participating in the election who feel disadvantaged, especially allegations of administrative violations at the vote recapitulation stage of the election results. According to political parties, the alleged violations were carried out by the ranks of election organizers, both by the Meureudu District Election Committee (PPK), Ulim District and Bandar Baru District and the recapitulation by the Independent Election Commission (KIP) of Pidie Jaya Regency as the technical organizer of the election at the Regency Level still raises objections from political parties.

According to research conducted by Supriyadi related to "Dynamics of Handling Administrative Violations (Study of Compliance of Bawaslu Decisions and Recommendations Regarding Election/Regional Election Administrative Violations)" the research is a Normative Law research, using a statutory approach (statute approach), a conceptual approach (conceptual approach) and a case approach (case approach). The results of the study concluded that first, the science of legislation regulates the structure of norms that include norm subjects, norm objects, norm operations and norm conditions. In the normative structure, there are orders containing mandatory norms, commands, and prohibitions, mandatory norms as per Article 462 and imperative norms are contained in Article 139 paragraph (2) of the Election Law. Second, the level of KPU compliance with Bawaslu decisions reached 90.92%, but institutionally there is still legal non-compliance, and third, obedience and compliance with recommendations is obedience to the law, but it cannot be denied that this obedience is also still influenced by certain factors, such as the existence of strict sanctions and not yet comprehensive internalization, namely the intrinsic values that are adhered to. (Supriyadi, 2020).

Furthermore, the research conducted by Ahmad Syarifuddin, entitled "Implications of Legal Efforts Against Bawaslu's Decision on Administrative Election Violations". The research uses a normative legal research method, the researcher only uses the norms of laws and regulations related to administrative election violations by relying on primary legal materials of the general election law, Bawaslu regulations related to administrative election violations and Supreme Court regulations related to procedures for resolving administrative election violations in the Supreme Court. While secondary legal materials are books, journals, and research results related to the same theme obtained through literature studies and then analyzed juridically-quantitatively. The results of the study show that First, the resolution of administrative election violations is regulated in Article 460 to Article 465 of Law No. 7 of 2017 concerning General Elections. Second, the implications of legal action against Bawaslu for the decisions of the Provincial Bawaslu and the Regency/City Bawaslu can hinder the performance of the KPU and lose the right to take legal action to the Supreme Court for candidates who are disqualified by the General Election Commission, based on the

decisions of the Provincial Bawaslu and the Regency/City Bawaslu. (Syarifudin & Umum, 2020)

According to research conducted by Mushafi et al., entitled "The Validity of Bawaslu Legal Decisions in Handling Election Violations". This research is a normative legal research using the statute approach and conceptual approach methods. The results of the study show that Bawaslu's decision in handling election violations is legally valid, this is in accordance with Bawaslu's authority as stated in Article 95 of Law Number 7 of 2017 concerning General Elections, which states that "Bawaslu has the authority to receive and follow up on reports relating to alleged violations of the implementation of elections, this authority is the authority to review, examine and decide on election violations. (Rofiqi, 2022)

Research conducted by Usman et al entitled "Executorial Power of Election Supervisory Body Decisions in Resolving Election Administration Violations". This research is a normative legal research with a statute approach. The results of the study show that semi-judicial institutions in the judicial system in Indonesia are regulated in Article 24 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia as well as Law Number 48 of 2009 concerning Judicial Power. Although carrying out judicial functions, the position of semi-judicial institutions does not have a hierarchical relationship with the Supreme Court (MA) and the Constitutional Court (MK), what exists is a functional relationship. In carrying out the duties and authorities of Bawaslu, there are still obstacles in the limitations of the use of authority and the next step needs to be formulated by clarifying the meaning of the word "obligatory" to resolve multiple interpretations in the implementation of decisions by the General Election Commission and avoid abuse of power in maintaining the dignity and crown of Bawaslu. (Usman et al., 2022)

Muhammad Ihsan Maulana et al. in their research entitled "Legal Uncertainty in Resolving Administrative Violations in the Election Results Recapitulation Process". This research is a normative legal research using a literature approach or secondary data. The results of the study show that in practice the authority to resolve administrative violations in the process of recapitulation of results creates legal uncertainty, in the 2019 election it proved that there was a conflict of authority between Bawaslu and the Constitutional Court, so that recommendations are needed for the future, including the need to organize the scope and limitations of authority in resolving issues concerning the certainty of election results, for example if the recapitulation process is still the authority of Bawaslu and when it has been determined it becomes the authority of the Constitutional Court, there needs to be a clear limitation on the handling time between the Constitutional Court and Bawaslu and further regulation of the mechanisms and procedures for synchronizing the two authorities related to election results. (Ihsan et al., 2017)

According to research conducted by M Naisakul Ibad et al entitled "The Role and Authority of the General Election Supervisory Body in Handling Alleged Administrative Violations", this research is a normative legal research with a statute approach. The results of the study indicate that the authority of the Kediri Bawaslu in resolving administrative election violations begins with findings, fulfillment of formal and material requirements, then continued with registration, formation of an examination panel and trial examination and creation by a panel of judges. In the implementation of this authority there are 3 obstacles, including; presence of witnesses in the trial, authority to execute decisions and lack of human resources of members of the institution in carrying out their duties during the trial. (Ibad et al., 2023)

Based on the description above, it can be stated that there are still violations in the implementation of the stages of the general election, especially administrative violations by election organizers at the stage of recapitulation of the election results in stages according to the decision set by the Pidie Jaya Regency Bawaslu which occurred at the sub-district level and the recapitulation stage at the district level still causes legal problems, so according to the reviewer, further research is needed in order to find out and become a reference for resolving administrative election violations in the future. Thus, researchers will conduct studies and answer legal problems, considerations of the examination panel, trial facts and obstacles in implementing decisions at the stage of recapitulation of election results.

Based on the search results and existing data, it can be explained that research discussing "Legal Aspects of Administrative Violation Decisions at the Pidie Jaya Regency Vote Recapitulation Stage" has not been carried out specifically by other researchers. This research is different from previous research and can be academically accounted for. This study focuses on the evidence and decision on handling violations during the recapitulation stage determined by the Pidie Jaya Regency Bawaslu and the legal considerations of corrections by the Indonesian Bawaslu on the Pidie Jaya Bawaslu decision. Referring to previous studies, there are differences in terms of title, object and location of the study, in this study the legal aspects of the Pidie Jaya Regency Bawaslu decision will be studied, the process of submitting reports and evidence in handling election administration violations and the legal considerations of the Indonesian Bawaslu decision on the legal efforts of the Pidie Jaya Regency KIP as the reported party II.

METHODS

This research is a normative legal research, where in its implementation it is carried out using a statute approach and a case approach. While the location of this research is in Pidie Jaya Regency. The main data source used in this study is secondary data, which is done by collecting and studying Bawaslu decisions, books on the regulation and enforcement of law in the implementation of elections according to the law, especially Bawaslu decisions on alleged election administration violations committed during the recapitulation of the vote count of the election results. To confirm the secondary data, the reviewer conducted a field study to collect primary data by conducting interviews with relevant stakeholders involving Bawaslu Pidie Jaya Regency and expert witnesses involved in the examination of the election administration violation trial within the scope of Pidie Jaya Regency.

After collecting the data, the next step is to process the data. Interview data and case data are recorded, then analyzed using a qualitative approach, namely the data obtained is then systematically arranged for analysis, so that clarity is achieved on the problems discussed and categorized based on certain categories, such as considerations for Bawaslu RI decisions, the process of handling administrative violations by Bawaslu Pidie Jaya and the legal consequences that arise.

RESULTS AND DISCUSSION

1. Pelanggaran Administrasi

In every stage of the general election, the potential for election violations will occur at every stage, so professional election organizers are needed to carry out their duties, both technical tasks and supervisory tasks by Election Supervisors. The steps taken by election organizers include; coordination with stakeholders, appeals and other

preventive efforts. After these preventive efforts have been carried out, in the context of supervision, if there are still violations, election supervisors must enforce the law in accordance with the election law.

The potential for violations that have the potential to occur at every stage of the election is election administration violations. Because these violations are related to the procedures, procedures and mechanisms carried out by election organizers. Election administration violations are violations of the procedures, procedures, or mechanisms related to the administrative implementation of the Election in every stage of the Election (Bawaslu of the Republic of Indonesia, 2022)

In the implementation of the 2024 election, one of the very important stages that is the focus of election participants is the stage of recapitulation of vote acquisition and determination of general election results. As a basis for implementing these stages, the KPU of the Republic of Indonesia has stipulated KPU Regulation No. 5 of 2024 concerning the Recapitulation of Votes and Determination of General Election Results, the legal basis is a guideline for the KPU, Provincial KPU, Regency/City KPU and PPK in determining the vote acquisition of election participants in a hierarchical manner.

In the implementation of the recapitulation of election participants' votes, especially the ranks of the Regency/City KPU and PPK have more concrete responsibilities than the ranks of the KPU above them. This has direct legal consequences, if in the implementation of the recapitulation there are election violations committed by the ranks of the KPU, both sanctions for administrative violations and ethical sanctions related to professionalism, code of ethics and behavior of election organizers. In practice, there are still violations committed by the ranks of the KPU at the district level and during the recapitulation at the sub-district level, so that election participants submit reports to the Regency Bawaslu regarding administrative violations at the recapitulation stage of election participant acquisition.

2. Decision of the Pidie Jaya Bawaslu Number 001/LP/ADM.PL/BWSL.KAB/01.22/111/2024

In accordance with Law Number 7 of 2017 concerning General Elections, in taking action against election violations, one of the duties of the district/city Bawaslu according to Article 102 paragraph (1) is to carry out tasks including;

- a. submitting the results of supervision in the district/city area to Bawaslu through the Provincial Bawaslu regarding alleged violations of the Election Organizer code of ethics and/or alleged election crimes in the district/city area;
- b. investigating initial information regarding alleged election violations in the district/city area;
- c. examining and reviewing alleged election violations in the district/city area;
- d. examining, reviewing, and deciding on election administration violations; and

- e. recommending follow-up supervision of election violations in the district/city area to Bawaslu through the Provincial Bawaslu.

According to the Regulation of the Republic of Indonesia Bawaslu Number 8 of 2022 concerning the Settlement of Election Administration Violations. The Regency/City Election Supervisory Body, hereinafter referred to as the Regency/City Bawaslu, is an agency to supervise the implementation of elections in the regency/city area, including the Regency/City Election Supervisory Committee throughout the Aceh Province. Furthermore, regarding the authority held by election supervisors in resolving election administration violations, the implementation is carried out according to hierarchical authority. Article 4 paragraph (1) regarding authority, among others, states; "Bawaslu, Provincial Bawaslu, Regency/City Bawaslu, and Overseas Panwaslu receive, examine, review, and decide on allegations of Election Administrative Violations according to the place where the violation occurred".

Meanwhile, the ranks of election supervisors who are temporary (*ad hoc*), the authority they have will be different, so that in the implementation of the election stages, election supervisors already have concrete regulations and work guidelines. Article 4 paragraph (2) of the Republic of Indonesia Bawaslu Regulation Number 8 of 2022 concerning the Settlement of Election Administration Violations, among others, states; "The Sub-district Election Supervisory Committee receives, examines, reviews, and makes recommendations on the results of its studies on Administrative Election Violations to Election Supervisors in a hierarchical manner". In this case, there is a difference in the authority of supervisors according to the existing hierarchy, especially *ad hoc* supervisors whose authority over findings or administrative violations is only to recommend to the ranks above them. Meanwhile, district election supervisors in their implementation not only receive and examine reports, but also have the authority to examine trials and decide on violations that occur.

1) Reporter's Report

According to the Reporter, on February 23, 2024 at around 10:00 WIB, an open plenary session was held for the Recapitulation of Vote Counting in Bandar Baru District, Pidie Jaya Regency. The plenary session was opened by the PPK chairman by asking for an agreement with witnesses participating in the election and supervisors regarding the procedures for recapitulating the election results. The witnesses stated that the recapitulation was carried out in accordance with the KPU Regulation regarding the Recapitulation of Election Results and was approved by the Panwascam regarding this matter, but the PPK asked the forum again about this and the PPK agreed that the recapitulation of votes would be carried out by reading the Recapitulation in the D District Results, not based on the C Results and C Copy Results obtained by the witnesses when calculating the vote count at the village level.

In the implementation of the recapitulation, several times witnesses and supervisors suggested that the implementation of the vote recapitulation be carried out according to the KPU's PKPU, but the PPK of Bandar Baru District did not respond. The recapitulation was carried out for 2 days, namely Friday and Saturday, it was completed without reference to the PKPU, in its implementation it was no longer read based on the

C Results from the TPS, but was read globally and witnesses were asked not to record the vote recapitulation by the sub-district election committee. The implementation of the plenary meeting determination process was also carried out several days after the recapitulation process was completed, namely on Friday, March 1, which took place at the Bandar Baru sub-district office and when signing the minutes, several witnesses objected and the PPK refused to provide a Special Incident Form, which according to the Nasdem Party had occurred procedural errors and vote manipulation based on the C form of the TPS Copy owned by the witness.

2) Reported Response

According to the PPK as reported party I and the Pidie Jaya Regency KIP as reported party II, the recapitulation process carried out in Bandar Baru District was in accordance with the provisions of the PKPU, according to the PPK on February 24, 2024, the recapitulation was carried out by comparing C Results with C Copy Results, witnesses from the sub-district asked the PPK to read the results only according to D Results because the witnesses had their own C Copy Results and were carried out by the PPK until the completion of the recapitulation plenary meeting at the Sub-district level. According to the Pidie Jaya Regency KIP until the completion of the Recapitulation at the Regency level, there were no objections from witnesses and special incidents regarding the calculation of the 2024 election vote acquisition, both for the PPWP, DPR RI, DPD RI, DPRA Province votes and the DPRK election recapitulation vote acquisition.

3) Expert Statement

According to Mukhtar, the technical recapitulation is regulated by PKPU 5 of 2024 and KPU Decree 219 of 2024 concerning Technical Instructions for the Implementation of the Recapitulation of Vote Count Results, Article 2 of PKPU 5 of 2024 explains, "The implementation of the recapitulation of vote count results and determination of election results is guided by the principles: a. independent; b. honest; c. fair; d. legal certainty; e. Orderly". The previous recapitulation mechanism was carried out manually and is now carried out through the Sirekap electronic system, in the implementation of the recapitulation if in the form of Model C Results, Model C Results Copy and Form D Sub-district Results the vote acquisition is in accordance and there are no objections, then the sub-district election committee (PPK) can determine the recapitulation and in the event of a special incident, the PPK presents the KPPS in an open plenary meeting at the sub-district level. In the implementation of vote recapitulation, the PPK must carry out it transparently, accountably and even if there are conditions that allow for information technology, it can be done directly (Live Streaming). In carrying out the recapitulation of the vote counting results, the PPK must match the Form C Results and C Copy Results held by political party witnesses and Supervisors with the D Results of the vote acquisition for each TPS according to the vote acquisition at the village level. If the procedure in question is not carried out, then the PPK is suspected of having committed an election administration violation at the recapitulation stage of the vote count at the sub-district level and if proven, improvements can be made by re-recapitulating the votes (Mukhtar, 2024)

4) Trial facts

In the decision that has been determined by the Pidie Jaya Regency Bawaslu through decision number 001/LP/ADM.PL/BWSL.KAB/01.22/III/2024, there are trial facts that were revealed, including;

- a. That the statement of the Bandar Baru District Panwaslu regarding the witness' objection was not responded to by the District Election Committee and there was an agreement that the implementation of the vote acquisition recapitulation would be carried out globally and not based on the C Results and Copies form for each TPS owned by the witness.
- b. There was a request for a special incident D form, but the PPK did not provide it and the PPK prohibited the witness from documenting the plenary results of the vote acquisition at the sub-district level, and after the plenary recapitulation of the vote acquisition, the witnesses did not receive a Copy of the D Results directly, but were only obtained 2 days after the plenary meeting to determine the vote acquisition at the sub-district level. And the plenary meeting and the recapitulation process did not refer to the provisions of PKPU 5 of 2024 and KPU Decree 219 of 2024 concerning Technical Instructions for the Implementation of the Recapitulation of Vote Count Results
- c. Furthermore, the Examination Panel in its considerations stated that, reported party 1 and the Reported Party in carrying out the recapitulation of vote counting, both at the PPK and KIP levels of Pidie Jaya Regency did not comply with the procedures, procedures and mechanisms related to the administration of election implementation in each stage of the election; and
- d. The Examination Panel of the Pidie Jaya Regency Bawaslu in its verdict stated that; first, Reported Party One and Reported Party Two were proven to have violated the procedures, procedures and mechanisms; Second, Ordering the PPK and KIP of Pidie Jaya Regency to recapitulate the calculation of election results in Bandar Baru District, regarding the vote acquisition of DPRK candidate members.

According to the reviewer, regarding the Reporter's Report, the Reported Party's Response and the witness statements that have been submitted in the examination hearing of the alleged administrative violations, the decision made by the Bawaslu Pidie Jaya Regency examination panel has fulfilled the principles of justice and legal certainty in the process of implementing the stages of the general election. This is based on the facts revealed in the trial.

Furthermore, in the process of resolving administrative violations, especially the recapitulation stage of the election results calculation according to the report submitted by the reporter, the Supervisory Board not only examines the alleged administrative violations but also attempts to resolve the alleged criminal election violations simultaneously according to the results of the initial study of the election violations

reported by the reporter at the recapitulation stage of the vote count of the election results and the trial examination process by the Bawaslu Examination Panel must be carried out professionally, effectively and efficiently in order to provide legal benefits.

In the implementation of the recapitulation of the calculation of the election results, both at the sub-district and district levels, more effective and efficient efforts need to be made in order to guarantee the results of the votes obtained by political parties participating in the election, so that the enforcement of election law not only fulfills the procedural aspects and aspects of legal certainty, but also needs to be emphasized on the aspect of utility so that the election results can be saved and their implementation is in accordance with the provisions. One of the steps that needs to be taken effectively is by utilizing the fast administrative settlement method by the Election Supervisor, which aims to save the election results by prioritizing the certainty of the rights of voters being saved and the utility in enforcing election law.

3. Correction Decision by Bawaslu RI

That as per the decision Number: 001/LP/ADM.PL/BWSL.KAB/01.22/III/2024 stipulated by the Pidie Jaya Regency Bawaslu regarding administrative violations of the recapitulation stages of election results, in its implementation it causes legal problems and obstacles in its implementation. These obstacles, both on the basis of regulations and at the level of election organizers, based on the regulations, the Regency KPU has the right to submit correction efforts to the RI Bawaslu. Meanwhile, if viewed from the aspect of sanctions and levels, the Bandar Baru District PPK when not implementing the Pidie Jaya Bawaslu decision, there are no sanctions that will have legal consequences for them, both administrative sanctions, criminal sanctions for alleged vote inflation and other administrative sanctions that state they are not worthy of being re-appointed as election organizers.

According to the description of the request for Correction, the Pidie Jaya Regency KIP in its application stated that they objected to the consideration of the Pidie Jaya Regency Bawaslu Inspection Council which stated that the Pidie Jaya Regency KIP violated administration in the recapitulation process in Bandar Baru District, on the grounds that in the description of the request for correction it states that according to Article 47 Paragraph (1) "The Regency/City KPU carries out the recapitulation of the results of the vote count in the regency/city after receiving the boxes as referred to in Article 43 paragraph (1) from all PPK in its work area" and on the grounds that there were no special incidents. Furthermore, the Pidie Jaya Regency Bawaslu in the description of the Correction response submitted to Bawaslu stated that in accordance with Article 18 Letter C which states that "The Regency KIP coordinates and controls the stages of implementation by PPK, PPS, and Kpps in its work area" and the Bandar Baru District PPK refused to provide the Special Incident Form D requested by the election participant witnesses.

Furthermore, Bawaslu of the Republic of Indonesia in its decision Number: 003/KS/ADM.PL/BWSL/00.00/111/2024 in its considerations, Bawaslu is of the opinion that based on the Decision of the Pidie Jaya Regency Panwaslih Number:

001/LP/ADM.PL/BWSL.KAB/01.22/III/2024 there are no facts stating that Reported Party II has committed an act that violates the provisions of the law as applied in the a quo Decision, so Bawaslu is of the opinion that the argument of Reported Party II who stated that he was not involved in the Recapitulation of vote counting at the Sub-district level can be accepted.

Then Bawaslu is of the opinion that, with the absence of facts stating that Reported Party II has committed an act that violates the provisions of the law, Bawaslu is of the opinion that the Decision of the Pidie Jaya Regency Panwaslih Number: 001 / LP / ADM.PL / BWSL.KAB / 01.22 / 111/2024 should have been corrected to the verdict and Bawaslu considers that the Decision of the Pidie Jaya Regency Panwaslih Number: 001 / LP / ADM.PL / BWSLKAB / 01.22 / III / 2024 dated March 13, 2024, there was an error in the application of the law in its decision on the handling of administrative violations against the reported party II KIP Pidie Jaya Regency.

Regarding the consideration of the examination carried out by Bawaslu RI, according to Bawaslu, the Decision of the Pidie Jaya Regency Panwaslih Number: 001 / LP / ADM.PL / BWSL.KAB / 01.22 / III / 2024 dated March 13, 2024 must be canceled and then Bawaslu decides itself. So that Bawaslu RI stated that it decided itself by stating; First, Reported Party I was proven legally and convincingly to have committed Administrative Election Violations against the procedures, procedures, or mechanisms., second, Reported Party II was not proven legally and convincingly to have committed Administrative Election Violations against the procedures, procedures, or mechanisms. Furthermore, third, Ordering the Bandar Baru District Election Committee to make improvements to the recapitulation of the vote count results for DPRK candidates in Bandar Baru District based on C Results-DPRK and fourth, Ordering the Pidie Jaya Regency Independent Election Commission to follow up on the results of the improvements to the recapitulation of the vote count results by the Bandar Baru District Election.

Based on the description above, as stated in the consideration of Bawaslu RI which stated that Reported Party II did not have any facts stating that Reported Party II had committed an act that violated the provisions of the law, according to the reviewer of the consideration of Bawaslu RI according to its decision Number: 003 / KS / ADM.PL / BWSL / 00.00 / 111/2024 seen from the perspective of legal principles only emphasizes the principle of legal certainty alone by ignoring the facts that occurred in the field during the recapitulation process of the vote count results.

Furthermore, if we look at Article 18 Letter C of Law No. 7 of 2017 concerning General Elections, which states "The Regency KIP coordinates and controls the stages of implementation by the PPK, PPS, and Kpps in its working area" and the Bandar Baru District PPK refused to provide the Special Incident Form D requested by the election participant witness. Although there are no concrete trial facts and arguments from the Reporter against the Reported Party II, it can be interpreted that there has been an administrative violation of the election by the Pidie Jaya Regency KIP as the reported party II because it ignored the violation in the recapitulation process in the sub-district and the Bandar Baru District PPK as the reported party I, thus the meaning of

coordination and control by the Pidie Jaya Regency KIP cannot be implemented consistently as a hierarchical institution.

CONCLUSIONS

Based on the explanation and discussion above, the author can draw several conclusions, including the following: first, the Regency KIP coordinates and controls the stages of implementation by the PPK, PPS, and Kpps in its working area" and the action of the Bandar Baru PPK in refusing to provide Form D Special Incidents to election participant witnesses is a procedural error. Although there are no concrete trial facts and arguments from the Reporter against the Reported Party II KIP Pidie Jaya, it can be interpreted that the Reported Party II has committed an administrative violation as a hierarchical institution one level above the District Election Committee; Second, the considerations and verdict of the Bawaslu RI which stated that the Reported Party II was not involved and there were no facts stating that the Reported Party II had committed an unlawful act according to the Pidie Jaya Regency Bawaslu Decision No. 001/LP/ADM.PL/BWSL.KAB/01.22/III/2024, according to the reviewer, the consideration of the Indonesian Election Supervisory Body in its decision Number: 003/KS/ADM.PL/BWSL/00.00/111/2024 seen from the legal principle only emphasizes the principle of legal certainty alone, ignoring the facts that occurred in the field during the recapitulation process of the vote count and ignoring the principle of legal benefit and the decision of the Indonesian Election Supervisory Body which ordered the PPK to make improvements to the recapitulation of the vote count for DPRK candidates in Bandar Baru District based on C. DPRK Results raises legal problems in its implementation, because it requires further resolution to the Constitutional Court as an institution that decides on disputes over results.

Regarding the resolution of administrative election violations, especially the recapitulation stage of the calculation of election results, the author suggests that election supervisors should not only emphasize handling ordinary administration through trial examinations and decisions, but also need to be done through resolution by means of fast administration, so that law enforcement not only fulfills justice, but how law enforcement provides legal benefits. In handling violations committed by Bawaslu Pidie Jaya Regency, the examination and evidence process must be carried out effectively to find trial facts so that future election law enforcement can provide justice and legal benefits.

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