

The General Election Supervisory Agency's Policy in Conflict Resolution (*Case Study: 2019 Legislative Election in North Musi Rawas District*)

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ABSTRACT

The aims of this research are to identify the Policy of general election supervision agency (refers as Bawaslu) in conflict resolution in North Musi Rawas District. The success of the election in Indonesia is largely decided by the Election Supervisor's work as a supervisory entity that controls the stages of conducting regional elections. The approach method used in this study is the normative juridical approach method. Qualitative approach method with theoretical approach related to this research. The policy of the Supervisor of Elections in North Musi Rawas Regency is worth reviewing. This study focuses on the supervisory policy established by Bawaslu in legal documents, as well as the lack of Standard Operating Procedures (SOPs) and Human Resources, particularly in the recruitment of Bawaslu members. The findings of this research is strengthens the democratic constitutional system, ensures fair and transparent elections, ensure consistency of electoral system arrangements, provide legal certainty and avoid duplication in election arrangements; and ensures effective and efficient elections.

Keywords: Legislative Elections, Bawaslu Policy, and Conflict Resolution

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ABSTRAK

Penelitian ini bertujuan untuk mengetahui Kebijakan Badan Pengawas Pemilu (Bawaslu) dalam penyelesaian konflik di Kabupaten Musi Rawas Utara. Keberhasilan pemilu di Indonesia sangat ditentukan oleh kerja Pengawas Pemilu sebagai lembaga pengawas yang mengontrol tahapan penyelenggaraan pemilu daerah. Metode pendekatan yang digunakan dalam penelitian ini adalah metode pendekatan yuridis normatif. Metode pendekatan kualitatif dengan pendekatan teoritis terkait dengan penelitian ini. Kebijakan Pengawas Pemilu di Kabupaten Musi Rawas Utara patut dikaji ulang. Kajian ini fokus pada kebijakan pengawasan yang ditetapkan Bawaslu dalam dokumen hukum, serta belum adanya Standar Operasional Prosedur (SOP) dan Sumber Daya Manusia khususnya dalam rekrutmen anggota Bawaslu. Hasil penelitian ini menemukan bahwa memperkuat sistem ketatanegaraan yang demokratis diperlukan, menjamin pemilu yang adil dan transparan, menjamin konsistensi pengaturan sistem pemilu, dan memberikan kepastian hukum dan menghindari duplikasi pengaturan pemilu,

Serta, menjamin pemilu yang efektif dan efisien.
Kata kunci: Pemilu Legislatif, Kebijakan Bawaslu, Resolusi Konflik

INTRODUCTION

Bawaslu is considered the institution most responsible for realizing quality, integrity, and dignified elections ([Absar Karatbrata, 2020](#)); The General Election Supervisory Agency's (Bawaslu) has acquired considerable juridical authority since 2017 ([Febriansyah et al., 2020](#)), with Bawaslu's policy or rule in handling administrative violations that occur in a massive, systematic and structured. However, electoral law not only monitors and provides recommendations but also has the power to intervene in the electoral process and to prosecute any electoral violations.

Bawaslu's instability in the 2019 general election in strengthening Operational Procedure Standards and Lack of Human Resources. Looking at Bawaslu's weakness makes Bawaslu less qualified, with integrity and dignity. By looking at cases in money politics, Sara's politicization, money, politics, or hoax issues through social media. Bawaslu's strength in general elections is as a supervisor of the electoral system based on the administration of the results of votes obtained in resolving conflicts in general elections ([Alaydrus et al., 2022](#); [Loilatu., MJ, Syafrieyana., Yana, Salviana., 2018](#)), especially case studies Bawaslu, Musi Rawas Utara Regency regarding Administrative Violations, there is one in Tanjung Agung Village, Karang Jaya District.

Several recent studies, especially local elections, have been described by looking at phenomena that occur, such as candidate winning strategies and the effectiveness of election administration ([Harnawansyah, 2023](#); [Nesah et al., 2020](#)), law enforcement in legal violations and election administration ([Bahari et al., 2021](#)), and holding dignified elections ([Arifulloh, 2015](#)) and the dynastic political model in regional head elections ([Akbar & Purnomo, 2019](#)). [Ansori \(2019\)](#) promotes an approach to resolving election disputes by resolving disputes in the general election process by handling the general election supervisory com-

mittee and conflicts or disputes over general election results ([Fee & Appudurai, 2011](#)) or post-election conflict ([Afolabi & Avasiloae, 2015](#)). However, we consider that there are limitations in understanding election dispute resolution in regional head elections. Therefore, this research can contribute to the development of dispute issues and the resolution of election conflicts.

The purpose of establishing Bawaslu as an election organizing institution that oversees the implementation of elections in all regions of the unitary state of the Republic of Indonesia ([Undang-undang RI, 2017](#)). The holding of elections aims to: a. strengthen the democratic constitutional system; realize fair elections and integrity; ensure consistency of electoral system arrangements; provide legal certainty, prevent duplication in election arrangements, and discover effective and efficient elections with the focus on issues of problems in legal instruments, operational standards of procedures that are still weak, and lack of human resources, especially recruitment in Bawaslu members who are not bound by other parties. The table below describes the permanent voter list of North Musi Rawas Regency in 2019.

Table 1. List of Permanent Elections of the General Election 2019

No	District Name	Number of Kel/Village	Sum TPS	Number of Voters		
				Male	Female	Amount
1	Rawas Ilir	13	120	11.151	10.745	21.896
2	Rawas Ulu	17	103	12.645	12.856	25.501
3	Ulu Rawas	7	41	4.834	4.738	9.572
4	Rupit	17	138	16.599	16.846	33.445
5	Karang Jaya	15	106	12.346	12.177	24.523
6	Nibung	11	76	9.055	8.701	17.756
7	Dapo Reef	9	76	7.858	8.127	15.985
Total		89	660	74.488	74.190	148.678

Source: KPU Musi Rawas Regency 2019

With provisional conclusions, what is Bawaslu's policy in resolving legislative election conflicts 2019 in the North Musi Rawas Regency? This research strengthens the democratic constitutional system, realizes fair elections and integrity, ensures consistency in electoral system arrangements, provides legal certainty, pre-

vents duplication in electoral arrangements, and recognizes effective and efficient elections. Based on the description above, this research aims to describe the conflict resolution process in the 2019 legislative elections in the North Musi Rawas Regency. The study is based on the Ma'e type of electoral conflict, which is generally resolved if the type of election is a regional head election, not a legislative election. By submitting this case study, this research is expected to outline a conflict resolution model from the legislative election process.

LITERATURE REVIEW

[Aspinall & Mas' udi \(2017\)](#) state that local elections create clientelism by providing sufficient capital for regional head candidates. In the same view ([Jainuri et al., 2014](#)) identify local elections as a political process that accommodates forces at the local level, which has the potential to create political contests. [Aspinall \(2005\)](#) states that the election process in Indonesia is considered a model of democracy that is open and provides space for anyone to get involved but forms political flows because of the multi-party system. In this way, according to ([Choi, 2007a](#)), local elections began dynamic politics after Soeharto, but after Soeharto, political parties failed to design functions in the democratic process, and new parties emerged that had ideologies with diverse styles ([Zuly Qodir, Hasse Jubba, 2022](#)).

Local elections have the potential to create conflict and result in instability in society due to the democratic process that occurs within five years ([Jutan Martdupanus Manik, Suhirwan Suhirwan, 2019](#)). Indonesia's resolving election conflicts have different handling models depending on the region and cultural character of the community ([Kusdarini et al., 2022](#)). Generally, election disputes are resolved through election institutions or judicial institutions ([Absar Karatbrata, 2020](#); [Febriansyah et al., 2020](#)), which depends on the type of election supervisory body ([Absar Karatbrata, 2020](#); [Febriansyah et al., 2020](#)). Therefore, it is necessary to have a conflict management approach owned by

each actor involved in the conflict ([Wahyudi, 2009](#)). Therefore, Wahyudi believes that conflict must be shifted from a negative approach to a positive one through institutionalized resolution. In practice, [Bahari et al. \(2021\)](#) state that there needs to be clear and precise enforcement of regulations by-election organizing institutions to provide understanding to the public and political parties in the democratic process. Through this process, local values in local elections can be institutionalized in the process of resolving disputes or conflicts in regional head elections ([Choi, 2007b, 2007a](#)).

Elections in Indonesia are usually seen as a legal struggle for power, so the public can participate, including providing supervision ([Febriansyah et al., 2020](#)). According to [Ansori \(2019\)](#), an independent election management institution is needed in the election dispute process, whose task is to provide a middle ground for election disputes. As a supervisory institution, the election supervisory body has the legal authority to resolve election disputes ([Absar Karatbrata, 2020](#)). Through a process like this, local elections can be seen as an open and democratic process ([Arifulloh, 2015](#)) or as providing a sense of justice for political parties and election participants.

RESEARCH METHODS

[Denzin & Lincoln \(2011\)](#), the qualitative approach method is research looking at case analysis. This research uses a qualitative approach to describe the conflict resolution process carried out by Bawaslu. The qualitative method functions to explain the phenomena that occur clearly and assist analysis through a structured theory. Qualitative research requires a case study component to answer the problem formulation clearly ([Njie & Asimiran, 2014](#)) to describe and interpret the case study.

To answer the conflict resolution process, this research chose a case study of the Musi Rawas Regency Election Supervisory Agency. Analysis of legislative election conflict resolution by identifying key information as the primary source of information in

writing articles. Data collection was carried out through interviews with the Election Supervisory Board and political parties participating in the 2019 election. Data analysis was carried out by mapping the role of actors as conflict mediators and actors involved in the conflict so that the research findings could be explained well. By adopting the qualitative approach promoted by ([Denzin & Lincoln, 2008](#)), this research can carry out several processes such as observation, participation, interviewing, and ethnography to answer a case study firmly.

RESULTS AND DISCUSSION

According to [Choi \(2007\)](#), in a democracy, regional elections are a competitive mechanism, with the basis of a country's political decisions based on the people's democracy. According to [Wagrandl \(2021\)](#), illiberal democracy or backward democracy, a democracy that has regressed, is an example of the ban on separatism advocacy in West Papua ([Choi, 2007b](#)). Electoral regime the year 2004 was also adopted in the 2009 elections where the special committee (pansus) of the Election Bill, the government, and the government and legislative institutions agreed to change the electoral threshold used in parliamentary threshold elections ([Bisley, 2023](#)). For example, black campaigns lead to poor political education for the public and criminal laws that are incompatible with immobilization (table 2).

One of the issues of the Regional General Elections Commission (KPUD) for national legislative and presidential elections is that the KPUD does not receive centrally coordinated assistance and monitoring from its parent organization, the General Elections Commission (KPU). The law also stipulates that each KPUD must be accountable to its respective DPRD (Articles 57, 66, and 67), while only political parties or combinations of parties with at least 15% of the seats in the DPRD are eligible to nominate candidates for governor or regent (Article 59). The candidate pair must win more than 25% of the vote to win the election.

Table 2. Legislative Election System in North Musi Rawas District

No	Selection Phase	Main Points
1	Nomination of candidates	<ul style="list-style-type: none">Parties or coalitions of parties that obtained at least 15% of the vote in the previous legislative election or have at least 15% of seats in the DPRD are eligible to nominate candidates.Minority parties that do not have representation in the assembly can also nominate candidates in coalition with other parties.
2	Candidate registration and validation, campaigning, voting, and vote counting	<ul style="list-style-type: none">Provincial and district KPUD are responsible for the electoral process without centrally coordinated assistance and supervision.The KPUD must be accountable to the public.The KPUD is also responsible to the DPRD for using the election budget, which is decided and monitored by the local DPRD.
3	Validate Election Results	<ul style="list-style-type: none">The candidate pair must win more than 25% of the vote to win the election.The Minister of Home Affairs will inaugurate the winning candidate on the basis of a Presidential Decree of approval.
4	Conflict monitoring and management	<ul style="list-style-type: none">The local Branch Election Supervisory Committee (Panitia Pengawas) oversees the entire election process.The local Panwas branch shall be formed by and report to the local assembly.In case of conflict over election results, the patient must be taken to the Supreme Court, which can delegate the authority to resolve the issue for the election of regents/mayors to the regional High Court.

Source: Number 32 of 2004, Government Regulations 6 and 17 of 2005, and Constitutional Court Decisions and Supreme Court Regulations.

Regional General Elections Commission (KPUD) legislative elections From the DPT table 1 data above, there was a problem regarding the issue of counting votes that were not in accordance with the time and administration in the implementation that had been determined in the general election SOP study of polling stations 08 Tanjung Agung Village, Karang Jaya District due

to an admission from the head of the KPPS TPS 08 Tanjung Agung Village, Karang Jaya District that the polling stations moved during different voting and calculations place, then on that basis Bawaslu Regency issued a decision to recount the ballots in the polling station box 08 Tanjung Agung Village for the General Election of Musi Rawas Utara Regency Legislative Candidates. Based on the discussion above, it can be concluded temporarily that the Bawaslu of North Musi Rawas Regency has carried out the enforcement of election violations in accordance with the Laws and Regulations (table 3).

The dynamics of elections and political activities, seen from legal instruments, Standard Operational Procedures (SOPs) that are still weak, lack of human resources, especially in the recruitment of Bawaslu members. Because it is not in accordance with the policies made by BAWASLU in practice, and especially given Indonesia's decentralized political landscape, it is local elections and party politics that give us the most accurate understanding of the state of democracy in contemporary Indonesia.

The results of the study that the occurrence of election fraud because there are reports that the results of recapitulation at the KPPS level lack understanding of election signs or laws regarding elections, such as there are 17 reports from election participants and the public, and there is one finding, direct submission to the Bawaslu office, for complainants both reporting and reported must have evidence of witnesses and events or objects of report. Other factors: damage

Table 3. Rules Governing the Resolution of Conflicts in Legislative Elections

No	Regulatory Basis	Regulatory Highlights
1	Law of the Republic of Indonesia No. 7 of 2017 concerning General Elections Chapter 2 Article 95 explains the election supervisory body the authority:	Recommend to the relevant agencies the results of supervision of the neutrality of the state civil apparatus, the impartiality of the Indonesian national army, and the neutrality of members of the national police of the Republic of Indonesia. Regulation of the General Election Supervisory Board of the Republic of Indonesia Number 7 of 2018 concerning the Handling of Findings and Reports of General Election Violations Chapter 1 Article 1 paragraph 26 explains that: Election violations are actions that contradict, violate, or are not in accordance with laws and regulations related to elections.
2	Law of the Republic of Indonesia No. 7 of 2017 concerning General Elections Chapter 2 Article 95 explains the election supervisory body the authority:	Receive and follow up reports related to alleged violations of the implementation of laws governing elections. Regulation of the General Election Supervisory Board of the Republic of Indonesia Number 7 of 2018 concerning the Handling of Findings and Reports of General Election Violations Chapter 1 Article 1 paragraph 30 explains that: Election Administrative Violations are violations of procedures, procedures, or mechanisms related to the administrative implementation of Elections at each stage of Election Implementation.
3	Law of the Republic of Indonesia No. 7 of 2017 concerning General Elections Chapter 2 Article 95 explains the election supervisory body the authority:	Receive and follow up reports related to alleged violations of the implementation of laws governing elections. Regulation of the General Election Supervisory Board of the Republic of Indonesia Number 7 of 2018 concerning the Handling of Findings and Reports of General Election Violations Chapter 1 Article 1 paragraph 30 explains that Election Administrative Violations are violations of procedures, procedures, or mechanisms related to the administrative implementation of Elections at each stage of Election Implementation.
4	Law of the Republic of Indonesia No. 7 of 2017 concerning General Elections Chapter 2 Article 95 explains the election supervisory body the authority:	Examine, review, and decide on violations of money politics. Regulation of the General Election Supervisory Board of the Republic of Indonesia Number 7 of 2018 concerning the Handling of Findings and Reports of General Election Violations Chapter 1 Article 1 paragraph 30 explains that Election Crime is a criminal offense and/or crime against the provisions of the Election Crime as stipulated in the Law on General Elections

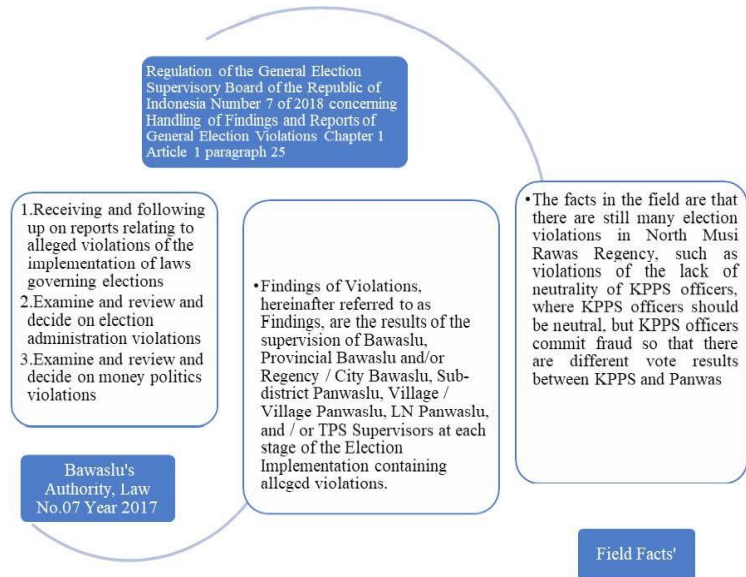


Figure 1. Resolution process by election supervisory body

By looking at the resolution of general election disputes in Indonesia can be resolved by the Election Supervisory Board, the State Administrative Court, and the constitutional court; if there is a dispute over the general election process can be determined by the Election Supervisory Board and the State Administrative Court, the Constitutional Court can resolve another case with disputes over election results According to [Ansori \(2019\)](#) it became the level of weakness of Bawaslu in solving the issue. Only the authority of the Police, Prosecutor's Office, TNI, and Kominfo in matters of money, political practices, and the spread of hoaxes. In the 2019 Election Case, 162 cases of alleged violations of the code of ethics were committed by the 2019 Election organizer, laws related to the neutrality of ASN, TNI, and Polri during the 2019 Election. In the political issues in North Musi Rawas Regency based on the issue of the permanent voter list in the 2019 general election, among others:

Analyzed based on facts on the ground, there are still many problems regarding the enforcement of election violations in

North Musi Rawas Regency. As in this case, there has been no firm action against election violations committed by Bawaslu, both administrative sanctions and criminal sanctions. There are three issues of findings in the 2019 election:

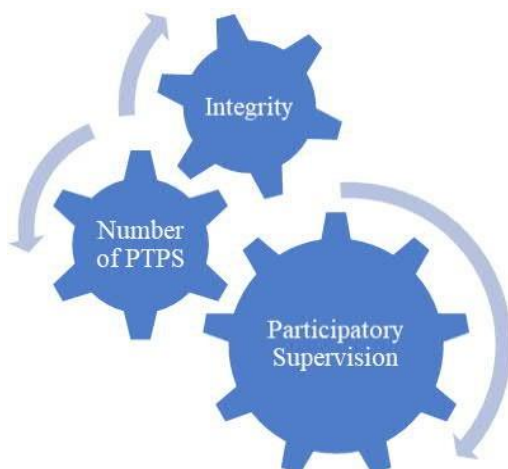


Figure 2. Resolution result

In the issue of Bawaslu integrity findings, Musi Rawas Utara Regency, according to the results of researchers, has not run as it should and still adheres to the family cultural system. so there is often chaos in elections which is evidenced by the lack of public satisfaction in demonstrations, DPT In 2019, 74,488 men and 74,190 women so that the final total amounted to 148,678 people not in accordance with the DPT in Musi Rawas Regency and Participatory Supervision of Elections in North Musi Rawas Regency, the most critical role is the community proven to be frequent speeches by parties The community and candidates are due to public dissatisfaction in the election results, while for Partai polduck, KPU, Panwas it seems that no effort has been made.

CONCLUSION

In this conclusion, the researcher draws a common thread about Bawaslu's policy in resolving conflicts in regional elections in Musi Rawas district, among others: The integrity of Bawaslu

Musi Rawas Utara Regency in the regional elections must be in accordance with the policies that have been made in the budgeting of general elections in Indonesia the Bawaslu have to enforcement of election violations in North Musi Rawas Regency, as in this case, there has been no firm enforcement of election violations committed by Bawaslu, both administrative sanctions and criminal sanctions. The paper shows that there were 17 reports from election participants and communities, 4 different copy C1 reports at polling stations 1, 2, 3, and 4 Pantai Villages, 7 reports of alleged political money by legislative candidates, and 4 reports of apparent neutrality of PPP organizers in Maur Lama Village. The procedure for filing PHPU disputes was reported to the Constitutional Court along with evidence and Bawaslu as a witness and there were 2 PHPU cases but did not reach trial because the evidence was not detailed, so the Constitutional Court rejected it. There are no employee violations against SOPs/Perbawaslu, while Bawaslu always coordinates to socialize prevention of election violations with related parties, especially the Police, TNI, government, and the community of Local Government, KPU, Kesbangpol.

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