

**History of Article**

Submitted: February 21, 2022

Revised: May 22, 2022

Accepted: June 14, 2022

Available Online since: July 31, 2022

VOLUME 3 ISSUE 3, JULY 2022

Editor in Chief:

Assoc. Prof. Dr. Indah Sri Utari, S.H., M.Hum

Universitas Negeri Semarang, Indonesia

Associate Editors:

Prof. Ngboawaji Daniel Nte, Ph.D.

Novena University, Nigeria

Assoc. Prof. Frankie Young, Ph.D.

University of Ottawa, Canada

**How to cite:**

Yoga, Luthfi Dwi. "How to Handle the Administrative Violations in the Election? A Discourse of Characteristic of Bawaslu Verdict". *Journal of Law and Legal Reform* 3, No. 3 (2022): 349-378. <https://doi.org/10.15294/jllr.v3i3.55058>.

© 2022 Authors. This work is licensed under a Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0). All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions. This title has been indexed by [Science & Technology Index \(SINTA 3\)](#), [Directory Open Access Journal](#), [Google Scholar](#), and [GARUDA](#)

Type: **Research Article**

# How to handle the administrative violations in the Election? A Discourse of Characteristic of Bawaslu Verdict

Luthfi Dwi Yoga  

Badan Pengawas Pemilu (General Election Supervisory Board)

Kabupaten Batang, Jawa Tengah, Indonesia

 [luthfidwiyoga@gmail.com](mailto:luthfidwiyoga@gmail.com)

## ABSTRACT

One of the impacts of strengthening the Election Supervisory Body (Bawaslu)'s authority from the central level to Regency/City level in handling election administrative violations is to guarantee the certainty of law for the justice seekers. This is based on the authority to examine and

decide on allegations of handling election administrative violations. The authority to handle this violation is based on the Article 461 paragraph (1) of Law Number 7 of 2017 about Election. By the authority, Bawaslu is a *semi-judicial* or *quasi-judicial institution*. The output of the handling is in the form of verdict such as court verdict in general which have final and binding *power* and have *execution force* for the ranks of the Elections Commission (KPU). This executive power can be seen in verdict that can be directly executed without having to wait or require approval from the KPU through the issuance of verdict. As a final verdict, the verdict of Bawaslu, Provincial Bawaslu and Regency/City Bawaslu also have *constitutive* and *condemnatory* characteristic nature. With these characteristics, the purpose of issuing a Bawaslu verdict is to be finalizing administrative violation case of the election. However, at the practical level, the nature of the *final and binding* does not apply to Provincial Bawaslu and Regency/City Bawaslu. This can be seen in the existence of legal remedies against the verdict through a request for correction to the RI Bawaslu (central).

**Keywords:** *Verdict, Election Administrative Violations, Final and Binding, Quasi-Judicial.*

## INTRODUCTION

One of the basic requirements for the implementation of a democratic government according to the *International Commission of Jurist*, is the presence of or elections <sup>1</sup>. Although it is not a major aspect of democracy, in fact the election is a very important part and cannot be separated from the constitutional life of a country. Elections have a role as a means of political change regarding the pattern and direction of public policy and/or

---

<sup>1</sup> Miriam Budiardjo, *Dasar-Dasar Ilmu Politik*. (Jakarta: Gramedia Pustaka Utama, 2003). See also Coles, Kimberley A. "Election Day: The construction of democracy through technique." *Cultural Anthropology* 19, No. 4 (2004): 551-580.

about elite circulation in a periodic and orderly manner <sup>2</sup>. Furthermore, according to Ramlan Surbakti, an election is said to be democratic if it is formulated as *predictable procedures but unpredictable results*, which means that the election is a procedure for converting voter votes into seats regulated by legislation containing legal certainty. <sup>3</sup>).

Then to realize the implementation of democratic elections <sup>4</sup>, the elections must be held periodically and held based on the principle of free, honest and fair (*free and fair election*). One of the attempts to ensure honest and fair elections is through law enforcement. However, the facts often show that the electoral law enforcement process cannot always guarantee that it can be implemented. In fact, on the other hand, residues from the law enforcement process have created new problems in every general election.

Based on the experience in the practice of holding elections so far, the emergence of problems in law enforcement for elections is caused by several factors: *first*, the boundaries of whether or not violations occur are uncertain, giving rise to multiple interpretations that lead to controversy; *second*, the mechanism and procedure for handling violations are not clear so that the handling is not easy; *third*, electoral law enforcement agencies are not well prepared which cause a struggle in handling cases; *Fourth*, the legal sanctions for violations are very light so that they do not provide a deterrent effect <sup>5</sup>.

---

<sup>2</sup> A. Ramlan Surbakti, Didik Supriyanto, and Topo Santoso. *Perekayasaan Sistem Pemilu Untuk Pembangunan Tata Politik Demokratis*. (Jakarta: Kemitraan, 2008).

<sup>3</sup> A. Ramlan Surbakti, Didik Supriyanto, and Topo Santoso. *Perekayasaan Sistem Pemilu Untuk Pembangunan Tata Politik Demokratis*. (Jakarta: Kemitraan, 2008).

<sup>4</sup> Janedjri M. Gaffar, *Demokrasi dan Pemilu di Indonesia*. (Jakarta, Konstitutsi Press, 2013).

<sup>5</sup> Topo Santoso, "Penegakan Hukum Pemilu." *Prioris* 4, No. 3 (2006): 348–364. See also Jamil, Jamil. "Evaluasi Penyelesaian Sengketa Proses Pemilihan Umum dalam Perspektif Konstruksi Hukumnya." *Perspektif* 25, No. 1 (2020): 12-19; Yuwono, Imam Ridho Angga. "Penyelesaian Sengketa Pemilihan Walikota dan Wakil Walikota Baubau Tahun 2018 oleh Badan Pengawas Pemilihan Umum (Bawaslu) Kota Baubau: Studi Perkara Nomor: 02/PS/PW/28.02/II/2018." *Dinamika Hukum* 12, No. 2 (2021); Kurniawan, Kurniawan. "Penguatan Bawaslu Dalam Penegakan Hukum Pemilu Serentak Tahun 2024: Antara Tantangan dan Upaya Penyelesaiannya." *Jurnal Al-Mujaddid Humaniora* 7, No. 2 (2021): 76-86.

Therefore, it is necessary to pay attention to the legislators, in the context of structuring and developing the legal framework for elections in Indonesia. In the context of building an electoral law enforcement system in Indonesia, apart from the need to complete and reinforce the material for legislation, it is equally important to question the effectiveness of the work of election law enforcement officers <sup>6</sup>. Then what is meant by law enforcement itself according to Prof. Jimly Asshiddiqie as quoted by Zuleha is the process of making efforts to enforce or actually function legal norms as guidelines for behavior in traffic or legal relations in social and state life. The enactment of Law Number 7 of 2017 concerning Elections (*Pemilu*) which coincides with the holding of the 2019 simultaneous elections has at least answered these demands.

As regulated in Article 461 paragraph (1) of Law Number 7 of 2017, that Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu are receive, examine, review, and decide on election administrative violations. If we look at this regulation, then Bawaslu, Provincial Bawaslu, Regency/City Bawaslu are theoretically *semi-judicial* or *quasi-judicial institutions*. The term *quasi-judicial/quasi-judicial institutions* in Indonesia was first introduced by Jimly Asshiddiqie, which refers to institutions that have the authority to examine and decide on a case of violation of the law with verdict that are final and *binding* as court verdict are "*Inkracht*" or Final <sup>7</sup>.

Then Jimly Asshiddiqie explained more, relating to state institutions that can be qualified to be quasi-judicial institutions or not, it can be seen from the 6 (six) kinds of powers that exist, those are <sup>8</sup>:

1. The power to exercise and judge;
2. The power to hear and determine or to ascertain facts and decide;
3. The power to make binding orders and judgments;

---

<sup>6</sup> Topo Santoso, 2006.

<sup>7</sup> Komisi Yudisial Republik Indonesia. *Putih Hitam Pengadilan Khusus*. (Jakarta: Komisi Yudisial Republik Indonesia, 2013). See also Suantara, I. Gede. "Kewenangan Badan Pengawas Pemilu (Bawaslu) Menganulir Peraturan Yang Dibuat Oleh Komisi Pemilihan Umum (KPU) dalam Penyelenggaraan Pemilihan Umum." *Private Law* 1, No.1 (2021).

<sup>8</sup> Komisi Yudisial Republik Indonesia, 2013.

4. The power to affect the personal or property rights of private persons;
5. The power to examine witnesses, to complete the attendance of witnesses, and to hear the litigation of issues on a hearing;
6. The power to enforce verdict or impose penalties

On the Bawaslu's verdict in handling election administrative violations, the Elections Commission (KPU) is obliged to follow up. This is in accordance with the provisions of Article 462 of Law Number 7 of 2017 which states that "KPU, Provincial KPU, and Regency/Municipal KPU are required to follow up on the verdict of Bawaslu, Provincial Bawaslu, and Regency/Municipal Bawaslu no later than 3 (three) days from the date of the verdict is read out".

This is clearly very different when compared to the output of handling administrative violations in the implementation of the Regional Head Election (*Pilkada*). In handling administrative violations of the Regional Elections, the authority of Bawaslu, Provincial Bawaslu, and Regency/Municipal Bawaslu is only limited to making a study and then recommending it to the KPU ranks. Based on the recommendation, KPU, Provincial KPU, Regency/Municipal KPU will examine and decide on the administrative violation. With the KPU's authority as a *verdict maker*, it is very likely that the recommendations of the Bawaslu ranks will be ignored or not implemented. Such conditions will certainly make legal certainty for justice seekers be ignored because of differences in interpretation between the Bawaslu ranks and the KPU ranks.

With the adjudication authority of Bawaslu, Provincial Bawaslu, and Regency/Municipal Bawaslu in resolving election administrative violations, on the one hand, it has big legal consequences. This authority makes the Bawaslu ranks as an independent election organizing institution to issue a legal instrument/product in the form of a verdict in order to provide legal certainty for parties seeking justice. As a verdict, in its pronouncement it must be started with "*Demi Keadilan berdasarkan Ketuhanan Yang Maha Esa*" (For the sake of Justice based on the One and only God". This implies that the obligation to uphold truth and justice must be

accountable horizontally to all humans, and vertically accountable to God Almighty.

Then on the other side, the adjudication authority of Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu in handling election administrative violations has also caused debate. This is due to the dual authority of the Bawaslu ranks, which apart from being election supervisors, also act as judges who examine, study, judge, and decide. The question is, with this dual authority, can the Bawaslu verdict be fair and really provide the certainty of law?

With that, the author will examine the characteristics of the verdict of Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu in handling election administrative violations. There are 2 (two) scopes of problems that will be discussed, *First*, about the characteristics of Bawaslu verdict in handling election administrative violations. *Second*, the *final and binding* Bawaslu's verdict in handling election administrative violations.

## METHOD

In this study, the author conducted qualitative research using normative juridical research methods. Normative legal research essentially examines laws that are conceptualized as norms or rules that apply in society and become a reference for everyone's behavior<sup>9</sup>. Then according to Soerjono Soekanto and Sri Mamudji define normative legal research as legal research conducted by examining library materials or secondary data<sup>10</sup>. Sources of data in normative legal research are only obtained from secondary data sources. While secondary data is data obtained from library materials which include official documents, books, research results in the form of reports, diaries, and others). The legal materials used for analysis

---

<sup>9</sup> Ishaq Ishaq. *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi*. (Bandung: CV Alfabeta, 2017).

<sup>10</sup> Nur Sa'adah, Ali Imron, and Slamet Riyady. "Akibat Hukum Terhadap Harta Bersama Yang Dilakukan Secara Sepihak Ditinjau dari Undang-Undang Perkawinan." *Abdi Laksana: Jurnal Pengabdian Kepada Masyarakat* 3, No. 1 (2022): 42-50.

in this normative legal research consist of a). Primary legal materials; b). Secondary legal materials; c). Tertiary legal materials.

In order to obtain legal materials that are as objective as possible, both in quality and quantity, the method of collecting legal materials used in this research is literature study <sup>11</sup>. A literature study was conducted to obtain useful materials for writing this research in the form of legal theories, legal principles of doctrine and legal rules obtained from primary legal materials, secondary legal materials, and tertiary legal materials <sup>12</sup>.

While the analytical tool in this study uses analytical descriptive, by describing the problem then an analysis is carried out which is supported by a case approach, an approach that is carried out by examining cases related to the issues at hand which have become court verdict that have complex legal power <sup>13</sup>.

## RESULT & DISCUSSION

### I. COMPARATIVE HANDLING OF ADMINISTRATIVE VIOLATIONS IN THE IMPLEMENTATION OF ELECTIONS (ELECTION) AND THE IMPLEMENTATION OF REGIONAL HEAD ELECTIONS (*PILKADA*)

Considering the terminology, administrative violations in the implementation of Elections and Pilkada, and the definition is almost having the same meaning. Although the definition is the same, there are very significant differences in terms of mechanisms and outputs of handling and follow-up. This can be seen in the formulation of the legal framework for organizing Elections and Pilkada as follows:

---

<sup>11</sup> Waluyo, Bambang. *Penelitian Hukum dalam Praktek*. (Jakarta: Sinar Grafika, 2002).

<sup>12</sup> Ishaq Ishaq, 2017).

<sup>13</sup> Mukti Fajar, and Yulianto Achmad. *Dualisme Penelitian Hukum: Normatif dan Empiris*. (Yogyakarta: Pustaka Pelajar, 2010).

### ***1. Law Number 7 of 2017 about Elections***

On Article 460, paragraph (1), explained that “Administrative violations are covering the procedural violation, or mechanism that relate to the administration of the implementation of the General Election in every stage of the Election Administration”.

Then for the mechanism, in Article 461 paragraph (10) it is stated that Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu receive, examine, review, and decide on election administrative violations. While the handling outputs based on the Article 461 paragraph (6) are verdict in the form of: (a) administrative improvements to procedures, or mechanisms in accordance with the provisions of laws and regulations; (b) written warnings; (c) not being included in certain stages of elections; and (d) other administrative sanctions in accordance with the provisions in this Law.

Then related to the process of the verdict, Article 462 it is stated that “KPU, Provincial KPU, and Regency/Municipal KPU are obligated to proceed on the verdict of Bawaslu, Provincial Bawaslu, and Regency/Municipal Bawaslu for a maximum of 3 (three) months. three) days from the date the verdict is read out”.

### ***2. Law Number 1 of 2015 as last amended by Law Number 6 of 2020 about Regional Head Elections***

Article 138 it is explained that “Violations of election administration are violations that include procedures, and mechanisms related to the administration of the implementation of elections in every stage of the implementation of Elections outside of election crimes and violations of the election organizer's code of ethics”. Then for the handling mechanism in Article 139 it is stated as:

Paragraph (1): Provincial Bawaslu and/or Regency/Municipal Panwaslu make recommendations on the results of their studies as referred to in Article 134 paragraph (5) related to election administration violations.

Paragraph (2): Provincial KPU and/or Regency/Municipal KPU are obligated to follow up on the recommendations of Provincial Bawaslu and/or Regency/Municipal Panwaslu as referred to in paragraph (1).

Paragraph (3): Provincial KPU and/or Regency/Municipal KPU resolve election administration violations based on recommendations from Provincial Bawaslu and/or Regency/Municipal Panwaslu according to their level.

Then related to the administrative violations follow-up, in the Article 140 paragraph (1) it is stated that "(1) Provincial KPU and/or Regency/Municipal KPU shall examine and decide on administrative violations as referred to in Article 139 paragraph (2) no later than 7 (seven) days after the recommendation from the Provincial Bawaslu and/or Regency/City Bawaslu is received".

In addition, this adjudication mechanism is a strengthening of the authority for Bawaslu ranks in handling administrative violations in the implementation of elections. We can see this in the legal framework for organizing elections prior to the birth of the Election Law Number 7 of 2017, namely the Law of the Republic of Indonesia Number 8 of 2012 concerning Elections for Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council.

**TABLE1** Differences in Handling Administrative Violations

No	Legal Basis	Mechanism	Follow-up
1	Law number 1 of 2015 about Stipulation of Government Regulation in Lieu of Law Number 1 of	Make a review and output in the form of recommendations	Provincial KPU and/or Regency/Municipal KPU shall examine and decide on administrative violations no

No	Legal Basis	Mechanism	Follow-up
	2014 about Election of Governors, Regents, and Mayors into Law	(Article 139 paragraph 1)	later than 7 (seven) days since the recommendation of the Provincial Bawaslu and/or Regency/Municipal Panwaslu is received (Article 140 paragraph 1)
2	Law Number 8 2012 about Elections for the People's Representative Council, Regional Representative Council, and Regional People's Representative Council	Make a review and output in the form of recommendations (Article 254 paragraph 1)	KPU, Provincial KPU, Regency/Municipal KPU examine and decide on administrative violations for a maximum of 7 (seven) days from the receipt of the recommendation from Bawaslu, Provincial Bawaslu, and Regency/City Panwaslu (Article 255 paragraph 1).
3	Law Number 7 of 2017 about Elections	Inspecting, reviewing and deciding (Article 461)	KPU, Provincial KPU, and Regency/Municipal KPU are required to follow up on the verdict of Bawaslu, Provincial Bawaslu, and Regency/Municipal Bawaslu (Article 462)

## II. BAWASLU AS A QUASI JUDICIAL INSTITUTION

Based on the provisions of Article 24 paragraph (1) of the 1945 Constitution it is stated that "Judicial Power is an independent power to administer justice in order to uphold law and justice". Regarding the independent exercise of judicial power, based on the provisions of Article 24 paragraph (2) of the 1945 Constitution it is stated that "Judicial power is exercised by a Supreme Court and judicial bodies under it in the general court environment, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court". Then with regard to the administration of justice which is carried out by judicial powers outside the Supreme Court (MA) and the Constitutional

Court (MK), based on the provisions of Article 24 paragraph (3) of the 1945 Constitution it is stated that "Other bodies whose functions are related to judicial power regulated by law".

Further regulation of Article 24 paragraph (3) of the 1945 Constitution mentioned above can be seen in the provisions of Article 38 of Law Number 48 of 2009 concerning Judicial Power, where it is stated that:

- 1) In addition to the Supreme Court and the judicial bodies under it and the Constitutional Court, there are other bodies whose functions are related to judicial power.
- 2) Functions related to judicial power as referred to in paragraph (1) include:
  - a. inquiries and investigations;
  - b. prosecution;
  - c. implementation of the decision;
  - d. providing legal services; and
  - e. settlement of disputes out of court.
- 3) Stipulations regarding other bodies whose functions are related to judicial power are regulated in law.

Then related to quasi-judicial institutions, this is an authority possessed by a state institution which in addition to being judicial, also has a mixed function with function regulatory and/or administrative functions. Regarding the regulatory function, it can be related to the legislative function according to the doctrine of '*trias politica Montesquieu*', while the administrative function is identical to the executive function <sup>14</sup>.

---

<sup>14</sup> Komisi Yudisial Republik Indonesia, 2013. *See also and compare with* Noviawati, Evi, and Mamay Komariah. "Efektivitas Penyelesaian Pelanggaran Administratif Pemilihan Umum Berdasarkan Undang-Undang Nomor 7 Tahun 2017." *Jurnal Ilmiah Living Law* 11, No. 2 (2019): 140-151; Illahi, Beni Kurnia, Ikhbal Gusri, and Gianinda Audrine Sugianto. "Implikasi Hukum Perluasan Kewenangan PTUN dalam Mengadili Permasalahan Hukum Pemilu." *Atwasia: Jurnal Pemilu dan Demokrasi* 1, No. 2 (2021): 87-98; Nainggolan, Nur Aisyah Fitri Boru, and Marzuki Marzuki. "Peran Badan Pengawas Pemilu Dalam Menyelesaikan Sengketa Pemilu Berdasarkan Undang-undang Nomor 7 Tahun 2017 (Studi Pada Bawaslu Kabupaten Deli Serdang)." *Jurnal Hukum Al-Hikmah: Media Komunikasi dan Informasi Hukum dan Masyarakat* 2, No. 2 (2021): 277-301; Rudi, Lalu Rudi, Galang Asmara, and R. R.

Bawaslu as one of the quasi-judicial institutions, is an executive agency that carries out the function of supervising the implementation of elections in Indonesia. On the other hand, Bawaslu is given the authority by the Election Law to act as a mediator and at the same time decide on any alleged election administrative violations. The provisions in Law Number 7 of 2017 concerning General Elections which affirm Bawaslu, Provincial Bawaslu, Regency/City Bawaslu in relation to their duties and authorities as quasi-judicial institutions that examine and decide on a case of alleged violation of election law are as follows:

1. Article 461 paragraph (1): "Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu receive, examine, review, and decide on election administrative violations".
2. Article 461 paragraph (3): "Inspections by Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu must be carried out openly".
3. Article 461 paragraph (3): "Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu are obliged to decide on the settlement of election administrative violations no later than 14 (fourteen) working days after the findings and reports are received and registered".
4. Article 461 paragraph (6): "Verdict of Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu for the settlement of election administrative violations are in the form of: (a). administrative improvement of procedures, procedures, or mechanisms in accordance with the provisions of laws and regulations; (b). written warning; (c). are not included in certain stages in the Implementation of Elections; and D). other administrative sanctions in accordance with the provisions of this Law".
5. Article 462: "KPU, Provincial KPU, and Regency/Municipal KPU are obligated to follow up on the verdict of Bawaslu, Provincial Bawaslu,

---

Cahyowati. "Meaning of Correction of Bawaslu's Verdict to the Decision to Resolve Disputes of the Election Process (Bawaslu Study of West Lombok Regency)." *International Journal of Multicultural and Multireligious Understanding* 9, No. 6 (2022): 77-82; Esfandiari, Fitria, and Sholahuddin Al-Fatih. "Initiating a Permanent Electoral Body to Resolve Dignified Election Disputes: Assessing the Effectiveness of Gakkumdu." *Yustisia Jurnal Hukum* 9, No. 3 (2020): 333-347.

and Regency/Municipal Bawaslu no later than 3 (three) days after the decision is read out".

Then regarding the procedural law for handling election administrative violations, it is regulated in detail in Bawaslu Regulation Number 8 of 2018 concerning General Elections Solution Election Administrative Violations. In the procedural law, it is explained how the examination process is like evidence in a judicial process in general. Starting from a preliminary examination of the fulfillment of formal requirements and material reports of alleged election administrative violations. After the preliminary examination, then proceed with the examination hearing with the following stages:

- a. reading of report material from the Reporting Party or the inventor;
- b. the reported response/answer;
- c. evidence (examination of witness statements; letters or writings; instructions; electronic documents; statement of the reported party in the examination trial; and/or expert testimony);
- d. the conclusion of the Reporting Party or the inventor and the reported party; and
- e. verdict.

The description above shows that the existence of Bawaslu as a quasi-judicial institution is recognized for its position in the judicial power system as the executor of judicial power. Although the regulations are still very minimal in the constitution, Law No. 48 of 2009 and Law No. 7 of 2017, constitutionally the existence of quasi-judicial institutions is a reality and has legality in Indonesia's judicial power.

### III. JURIDICAL CHARACTERISTICS OF BAWASLU VERDICT

As a law enforcement apparatus, it clearly has a logical consequence that all forms of action must be based on the law. Also, the results of verdict making must be in the form of law with the aim of ensuring the certainty of law. Moreover, Indonesia is a "state of law", which means that the law

becomes the commander or holder the highest command in the administration of the country <sup>15</sup>.

In carrying out their duties, each state institution is given the authority to issue legal instruments/products. According to Jimly Asshiddiqie, there are 3 (three) forms of legal products that can be issued by state administrative agencies <sup>16</sup>:

- a) *Regeling*, which is the result of regulatory activities. Defined as a legal product written under the law, produced or made by a State administrative official whose function has binding power or material part or all of the territorial area. This regulation is the result of regulatory activities.
- b) *Beschikking*, which is defined as a written final determination produced by state administrative officials and based on certain laws and regulations, is solid, individual, and final. The verdict is the result of administrative verdict making or stipulation activities.
- c) *Vonnis* (judge's verdict) that is produced through a judgment or court

---

<sup>15</sup> Huda, Nimatul, and M Imam Nasef. *Penataan Demokrasi dan Pemilu di Indonesia*. (Jakarta: Kencana, 2017). For the further context and comparison, also see Heri, Fauzi, and Retna Elyasari. "Frase Kata Memerintahkan dan Merekomendasikan dalam Putusan Bawaslu Terkait Pelanggaran Administratif Pemilu." *Jurnal Adhyasta Pemilu* 2, No. 1 (2019): 49-65; Bahari, Bahari, and Winner Agustinus Siregar. "The Effectiveness of Election Administrative Law Enforcement by the General Election Supervisory Agency." *Al-'Adl* 14, No. 2 (2021): 198-213; Jamaluddin, Jamaluddin. "The Settlement of Election Disputes by Bawaslu Reviewed from the Indonesian Justice System." *Interdisciplinary Social Studies* 2, No. 2 (2022): 521-531; Rahdar, A. Habib Amanatullah, and Sohrah Sohrah. "Perbedaan Putusan Mahkamah Agung dan Bawaslu Kota Makassar dalam Sengketa Pilwali Kota Makassar Tahun 2018." *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasa Syar'iyah* 2, No. 3 (2020): 432-442; Amal, Bakhrul. "Kewenangan Mengadili Oleh Bawaslu Atas Sengketa Proses Pemilu Yang Diatur Dalam Peraturan Komisi Pemilihan Umum." *Masalah-Masalah Hukum* 48, No. 3 (2019): 306-311; Santoso, Imam Budi, and Pri Pambudi Teguh. "Authority of Bawaslu in Election Law Enforcement and Justice (Analysis of Handling of Election Administrative Violations Through Adjudication)." *LEGAL BRIEF* 11, No. 1 (2021): 241-257; Rajab, Achmadudin. "Act Number 7 Of 2017 on General Election for Securing Free, Fair, and Peaceful General Election for National Stability and Prosperity." *Indonesian Law Journal* 11, No. 1 (2018): 45-62.

<sup>16</sup> Jimly Asshiddiqie, *Perihal Undang-Undang*. (Jakarta: Konstitusi Press, 2010).

Related to the Vonnis or verdict, Prof. Sudikno Mertokusumo, SH defines it as a statement which the judge, as the authorized official, stated at the trial and aims to end or resolve a case or a dispute between the parties<sup>17</sup>. The judge's verdict or court verdict is something that is looked forward by the parties who are seeking justice for the problems or legal disputes they face. With the judge's verdict, the disputing parties expect the certainty of law and justice to the cases they are facing.

Based on the Article 185 paragraph 1 of the *Herzien Inlandsch Reglement* (HIR) it is stated that the final verdict is a final verdict is a verdict that ends a dispute or case at a certain level of justice. It is further explained in the Article 185 paragraph 1 above related to final verdict, based on their nature they are divided into 3 (three) types:

1) Declaratoir Verdict

Verdict is handed down by judges with an order stating or affirming a situation or position that legally valid<sup>18</sup>. Moreover, a declaratory does not have or requires coercive efforts because it already has legal consequences without the assistance of the opposing party being carried out to carry it out, so it only has binding power<sup>19</sup>.

2) Constitutief Verdict

Verdict Constitutief are judge's verdict that create a new legal situation (Syahrani, 2000), both those that negate a legal situation or those that create new legal conditions<sup>20</sup>.

3) Condemnatoir Verdict

A condemnatoir verdict is a verdict that has binding force and can be enforced with force (execution force) through the courts<sup>21</sup>. Verdict condemnatoir, it contains an order that punishes one of the litigants. Verdict that are condemnatoir are an integral part of the decree or

<sup>17</sup> Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia*. (Yogyakarta: Liberty, 2010).

<sup>18</sup> M. Yahya Harahap, *Hukum Acara Perdata Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan*. (Jakarta: Sinar Grafika, 2005).

<sup>19</sup> Sudikno Mertokusumo, 2010

<sup>20</sup> M. Yahya Harahap, 2005

<sup>21</sup> Cicut Sutiarto, *Pelaksanaan Putusan Arbitrase dalam Sengketa Bisnis*. (Jakarta: Yayasan Obor, 2011).

constitutief decree <sup>22</sup>.

Referring to the above prescriptions, it can be concluded that the juridical character of the Bawaslu's Verdict in handling election administrative violations has a juridical character like a verdict even though it is not issued by a judicial institution. This is based on the formulation of the verdict's contents as regulated in the Article 461 paragraph (6) of Law Number 7 of 2017:

"Verdict of Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu for settlement of election administrative violations in the form of:

- a. administrative improvements to procedures, or mechanisms in accordance with the provisions of laws and regulations;
- b. written warning;
- c. not included in certain stages of Elections; and
- d. other administrative sanctions in accordance with this Law".

By those formulation, then the verdict of Bawaslu, Provincial Bawaslu, Regency/City Bawaslu can contain more than one nature of the verdict, which is constituef and condemnatoir. We can see this from the verdicts of Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu as regulated in the provisions of Article 55 paragraph (1) of Bawaslu Regulation Number 8 of 2018 about Settlement of Election Administrative Violations. In this prescription, it is stated that:

"The verdict of the Bawaslu/Provincial/Regency/Municipal Bawaslu states that the report on Election Administrative Violations is proven to be true, the verdict reads, "*MEMUTUSKAN*" (Decide), and:

---

<sup>22</sup> M. Yahya Harahap, 2005

- a. declares the reported party is legally and convincingly proven to have committed an Election Administrative Violation;
- b. instruct KPU, Provincial KPU, or Regency/Municipal KPU to make administrative improvements to the procedures, or mechanisms at the election stage in accordance with the provisions of laws and regulations;
- c. give a written warning to the reported party;
- d. instruct KPU, Provincial KPU, or Regency/Municipal KPU to not be included in the election stage in the election administration; and/or
- e. provide other administrative sanctions to the reported party related with the provisions of the law regarding elections."

Within the verdict above, we can see that the nature of the verdict of Bawaslu, Provincial Bawaslu, Regency/City Bawaslu is constituf and condemnatoir. The condemnatory can be seen from the verdict"Declares the reported party legally and convincingly committed an administrative violation of the election". Then the nature of the constituency can be seen from the verdict"Ordering the KPU, Provincial KPU, or Regency/Municipal KPU to make administrative improvements to the procedures, procedures, or mechanisms at the election stage, accordance with the provisions of the legislation".

With the inexistence of declaratory element of the relationship/legal position between the reporterand the reported party (KPU) in the verdict because this has been regulated in law. As for anyone who has the right to become a reporter, it is regulated in the Article 454 paragraph (3) of Law Number 7 of 2017:

- a) Indonesian citizens who have the right to vote in local elections;
- b) Election observers who have registered and obtained accreditation from the Provincial KPU or Regency/Municipal KPU in monitoring; or
- c) election participants,

For the reported parties, based on the provisions of Article 22 paragraph (1) of the Bawaslu Regulation Number 8 of 2018 about the Settlement of Election Administrative Violations, it is stated that the parties reported for alleged Election Administrative Violations are:

- a. candidates for members of the DPR;
- b. candidate for DPD member;
- c. candidates for members of the Provincial DPRD;
- d. candidates for members of Regency/Municipal DPRD;
- e. Candidate Pair;
- f. campaign team; and/or
- g. election organizers.

Because the legal position between the complainant and the reported party has been regulated in the law, it is not necessary to provide confirmation in the verdict order through a declaratoir. Also, evidence of legal position of the reporter and the reported party have been proven in the preliminary examination. In the preliminary examination, the completeness and validity of the report on alleged election administrative violations will be examined. If the formal and material requirements have been fulfilled in the examination, it will be proceeded to the next stage.

Then, the juridical character of the Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu other is related to the purpose of the verdict issue. The purpose of issuing the Bawaslu verdict is to end an election administrative violation case. This is confirmed by executive power in the Bawaslu verdict through a condemnatoir. So, a verdict that have executorial power are verdict that firmly establish their rights and laws (condemnatory) to be realized through executions by state apparatus<sup>23</sup>. The executive power of the Verdict of Bawaslu, Provincial Bawaslu, Regency/City Bawaslu is also strengthened by Stating "*For the sake of Justice Based one and only God*", as the Article 2 paragraph (1) of Law Number 48 of 2009 about Judicial Power.

---

<sup>23</sup> Muhammad Nasir, *Hukum Acara Perdata*. (Jakarta: Djambatan, 2005).

In addition, the verdict of Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu have a juridical character as court decisions because they have fulfilled the principles of a verdict. This principle is stated in court hearings and in public. The principle of the verdict being pronounced in a court session and openly, is confirmed in several provisions, namely:

- a. Article 13 Paragraph (2) of Law Number 48 Year 2009: "The court's verdict is only valid and has legal force if it is pronounced in a trial open to the public".
- b. Article 64 of the Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure Code: "The defendant has the right to be tried in a court session which is open to the public".

The application of the principle of the decision "spoken in court and openly", in the mechanism for handling election administrative violations can be seen in several provisions, namely:

- a. Article 461 paragraph (3) of Law Number 7 of 2017: "Inspections by Bawaslu, Provincial Bawaslu, Regency/City Bawaslu must be carried out openly".
- b. Article 54 paragraph (4) of Bawaslu Regulation Number 8 of 2018: "The verdict is read out in a trial that is open to the public".

Thus, it can be seen that the principle of openness is coercive or imperative<sup>24</sup>, so it cannot be ruled out, considering that violation of the principle of openness results in the verdict being rendered invalid or or not having permanent legal force, as confirmed by the Supreme Court through the Circular Letter of the Supreme Court Number 4 of 1974 which was issued on September 16, 1974.<sup>25</sup>

Several final and binding verdict that can be issued by state institutions other than judicial institutions include arbitration verdict issued by the National Arbitration Board Indonesia (BANI) and the National Syariah Arbitration Board (Basyarnas), the verdict of the

---

<sup>24</sup> Subekti Subekti, and R. Tjitrosoedibio. *Kamus Hukum*. (Jakarta: Pradnya Paramita, 1980).

<sup>25</sup> Dio Ashar Wicaksana, et.al. *Penelitian Format Putusan Pengadilan Indonesia: Studi empat lingkungan peradilan di bawah Mahkamah Agung*. (Jakarta: BPFHUI, 2020)

Consumer Dispute Settlement Agency (BPSK), and the verdict of the Election Organizing Honorary Council (DKPP). The nature of the final and binding verdict issued by these institutions can then eliminate or create a situation new law, and there is no legal remedy that can be taken against the decision, be it an appeal, cassation, or judicial review (PK).

There is a difference when compared to the Verdicts of Bawaslu, Provincial Bawaslu, Regency/City Bawaslu in the dispute resolution of the election process where it is emphasized that the nature of the decision is final and binding. This is as stipulated in the provisions of Article 469 paragraph (1) of Law Number 7 of 2017 which states that "Bawaslu's verdict regarding dispute resolution in the election process is a final and binding decision".

#### IV. THE FINAL AND BINDING OF BAWASLU VERDICT

The purpose of the court procedure is to obtain a judge's verdict. Then, about the strength of the judge's verdict, according to Sudikno Mertokusumo, with the opinion of Asser-Anema-Verdam, he said that there are 3 (three) powers of the judicial verdict <sup>26</sup>:

- 1) Binding Power, submission of disputes by the parties to the court for examination or trial, implies that the concerned will submit and comply to the verdict. The verdict that has been issued must be respected by both parties. Neither party may act contrary to the verdict.
- 2) The strength of evidence, a verdict in written form, is an authentic deed, is only for being able to be used as evidence for the parties who may be required to file an appeal, cassation or implementation. According to the law of authentication, the verdict has obtained a certainty about an event that has the power of proof.
- 3) Executorial power, Verdict is not intended to establish rights or laws, but to resolve disputes, especially to realize them, voluntarily or by force. As so, the verdict hold the power to carry out what is stipulated

---

<sup>26</sup> Sudikno Mertokusumo, 2010

in the verdict by force. Executional power is given by the words "For Justice Based on one and only God". All court verdict throughout Indonesia must be started with this line, as stipulated in Article 2 paragraph (1) of Law Number 48 of 2009 about Judicial Power.

As has been stated, that the position of Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu as a quasi-judicial, so the resulting verdict are final and binding, as court verdict are "inkracht" in general. But, is it true that the final and binding character, is the same as the Verdict of Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu in the dispute resolution of the election process as stipulated in Article 469 paragraph (1) of Law Number 7 of 2017?

About the term of final and binding on a verdict, we can use the final and binding nature of the verdict of the Constitutional Court (MK) in the Article 10 paragraph (1) of Law Number 24 of 2003 concerning the Constitutional Court as last amended by Law Number 8 of 2011. It's explained that the Constitutional Court's verdict is final, which means, the Constitutional Court's verdict immediately has permanent legal force from the moment it is issued and there are no legal remedies that can be taken. The final nature of the Constitutional Court's verdict includes binding legal force (final and binding).

Literally, the phrase "final" in the Indonesian Dictionary (KBBI) is defined as "the last of a series of examinations", while the phrase "binding" is defined as tightening and uniting<sup>27</sup>). By this literal meaning, the phrase "final" and the phrase "bind" have an interrelated meaning, that the end of an examination process has the power to bind or unite all wills and cannot be denied<sup>28</sup>. Thus, the final and binding nature of the verdict of the Constitutional Court means that all possibilities for legal action have been closed, when the verdict is issued in a plenary session, then binding force or *verbindende kracht*.

---

<sup>27</sup> Teuku Saiful Bahri Johan, *Hukum Tata Negara dan Hukum Administrasi Negara dalam Tataran Reformasi Ketatanegaraan Indonesia*. (Yogyakarta: Deepublish, 2018).

<sup>28</sup> Johansyah Johansyah. "Putusan Mahkamah Konstitusi Bersifat Final dan Mengikat (Binding)." *Solusi* 19, No. 2 (2021): 165-182.

Then related to the nature of the Verdict of Bawaslu, Provincial Bawaslu, Regency/City Bawaslu in handling election administrative violations, in Law Number 7 of 2017 is not explicitly stated that the nature of the verdict is final and binding. Even in Bawaslu Regulation Number 8 of 2018 as the procedural law for the settlement of election administrative violations.

However, there is something interesting when looking at the provisions in Bawaslu Regulation Number 8 of 2018, the presence of prescriptions that regulate the request of correction as legal remedies against the verdict on the election administrative violation. In the provisions of Article 61 (1) of Bawaslu Regulation Number 8 of 2018, stated that "The reporter party or the reported party may submit a request for correction to Bawaslu on the verdict to settle an Election Administrative Violation by the Provincial Bawaslu or the Regency/Municipal Bawaslu". Related to the reason for the request for correction, it is further stated in the provisions of Article 62 paragraph (3) that: "The reason for the request for correction of the verdict on the settlement of Election Administrative Violations only concerns the existence of an error in the application of the law in the verdict of the Provincial Bawaslu or Regency/Municipal Bawaslu".

By these prescriptions, it can be concluded that the decision of the Provincial Bawaslu or Regency/Municipal Bawaslu is not final because there are still legal remedies in the form of request for correction to the Bawaslu. As for the decision of the Bawaslu in handling election administrative violations, because there are no regulation that regulate the existence of legal remedies, this indirectly indicates that the nature of the decision is final and binding. This is further strengthened by the existence of executive power over the verdict of Bawaslu, where the decision can be directly executed without requiring approval through a KPU Decree. As stated in Article 462 of Law Number 7 of 2017, "KPU, Provincial KPU, and Regency/Municipal KPU are obliged to follow up on the decisions of Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu no later than 3 (three) days from the date of the verdict is issued".

The question arises, how about the existence of legal remedies against the verdict of Bawaslu to the Supreme Court? It is true that the Article 463 paragraph (5) and paragraph (6) explain the existence of legal remedies to the Supreme Court. However, these legal remedies are only for the verdict of Bawaslu about the Structured, Systematic and Massive Election administrative violations. This Structured, Systematic and Massive election administrative violation is different from the ordinary election administrative violation. The difference is the object of the violation where the administrative violation of the Structured, Systematic and Massive Election is related to actions that promise and/or give money or other materials to influence the election organizers and/or voters. Another difference is that there are preconditions for violations to be carried out in a structured, systematic, and massive scale.

The final and binding nature of the verdict of Central Bawaslu in handling election administrative violations is in line with the considerations of the Constitutional Court in the Constitutional Court's verdict No. 31/PUU-XI/2013 about Judicial Review of Law Number 15 of 2011 about Election Organizers (page 47). It's stated that:

"The final nature of a court verdict with the verdict of a state administrative official is different. In a court decision, the final nature means that there is no legal action that can be taken against the decision. While the final nature of the verdict of a state administrative official indicates that the decision does not require further approval and can be directly executed..."

Regarding to the authority of the Bawaslu, Provincial Bawaslu and Regency/Municipal Bawaslu in handling election administrative violations, when it is associated with the way verdict are made in the judicial system in Indonesia, it is known as *judex facti* and *judex jurist*. The Article 62 paragraph (3) of Bawaslu Regulation Number 8 of 2018, the position of the Bawaslu is as *judex jurist* and Provincial Bawaslu and Regency/City Bawaslu as *judex facti*.

In Indonesian judicial system, *judex jurist* is the authority of the Supreme Court (MA) to judge whether it is true or not about the application of the law in a judicial decision under the Supreme Court is Dalam sistem peradilan Indonesia, *judex jurist* adalah kewenangan Mahkamah Agung (MA) untuk menilai benar atau tidaknya penerapan hukum dalam sebuah putusan peradilan dibawah MA (Arto, 2015). While *judex facti* means a judicial system in which the Judges acts as the observer of which facts are true. *Judex facti's* judicial institutions are the District Court and the High Court.

## CONCLUSION

This study concluded and highlighted that as one of the quasi-judicial institutions, Bawaslu, Provincial Bawaslu and Regency/City Bawaslu have the authority as a judicial institution in general. Likewise, the resulting verdict also have the same juridical characteristics as the judicial verdict. As a final decision, the verdict of Bawaslu, Provincial Bawaslu and Regency/Municipal Bawaslu also have *constitutief* and *condemnatoir* nature. With these characteristics, the purpose of issuing the verdict of Bawaslu is to end a violation case, an election administrative violation. Related to the verdict's nature in handling election administrative violations, at the level of the verdict by Provincial Bawaslu and Regency/Municipal Bawaslu provides legal remedies by requests for correction to the Central Bawaslu. This then confirms that the nature of the verdict of the Provincial Bawaslu and Regency/Municipal Bawaslu are not final nor binding. In the other hand, the verdict of Central Bawaslu has no legal remedy, by theory, this shows that the nature of the decision is final and binding. The final and binding nature of the Central Bawaslu decision is similar to the final and binding nature of the Constitutional Court's verdict, which has executive powers that can be directly executed without having to wait or require approval from the KPU. Then, in legal attempt against the verdict of the Provincial Bawaslu and Regency/Municipal

Bawaslu in handling election administrative violations, the position of the Central Bawaslu here is as a *judex jurist*, which checking for errors in the application of law in the verdict of the Provincial Bawaslu and Regency/City Bawaslu. Meanwhile, Provincial Bawaslu and Regency/City Bawaslu are *judex facti*, which they have to examine the case's evidence and regulate other legal prescription to the facts of the case.

## REFERENCES

- Amal, Bakhrul. "Kewenangan Mengadili Oleh Bawaslu Atas Sengketa Proses Pemilu Yang Diatur Dalam Peraturan Komisi Pemilihan Umum." *Masalah-Masalah Hukum* 48, No. 3 (2019): 306-311.
- Asshiddiqie, Jimly. *Perihal Undang-Undang*. (Jakarta: Konstitusi Press, 2010).
- Bahari, Bahari, and Winner Agustinus Siregar. "The Effectiveness of Election Administrative Law Enforcement by the General Election Supervisory Agency." *Al-'Adl* 14, No. 2 (2021): 198-213.
- Budiardjo, Miriam. *Dasar-Dasar Ilmu Politik*. (Jakarta: Gramedia Pustaka Utama, 2003).
- Coles, Kimberley A. "Election Day: The construction of democracy through technique." *Cultural Anthropology* 19, No. 4 (2004): 551-580.
- Esfandiari, Fitria, and Sholahuddin Al-Fatih. "Initiating a Permanent Electoral Body to Resolve Dignified Election Disputes: Assessing the Effectiveness of Gakkumdu." *Yustisia Jurnal Hukum* 9, No. 3 (2020): 333-347.
- Fajar, Mukti, and Yulianto Achmad. *Dualisme Penelitian Hukum: Normatif dan Empiris*. (Yogyakarta: Pustaka Pelajar, 2010).
- Gaffar, Janedjri M. *Demokrasi dan Pemilu di Indonesia*. (Jakarta, Konstitusi Press, 2013).
- Harahap, M. Yahya. *Hukum Acara Perdata Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan*. (Jakarta: Sinar Grafika, 2005).

- Heri, Fauzi, and Retna Elyasari. "Frase Kata Memerintahkan dan Merekomendasikan dalam Putusan Bawaslu Terkait Pelanggaran Administratif Pemilu." *Jurnal Adhyasta Pemilu* 2, No. 1 (2019): 49-65.
- Huda, Nimatul, and M Imam Nasef. *Penataan Demokrasi dan Pemilu di Indonesia*. (Jakarta: Kencana, 2017).
- Ishaq, Ishaq. *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi*. (Bandung: CV Alfabeta, 2017).
- Illahi, Beni Kurnia, Ikhbal Gusri, and Gianinda Audrine Sugianto. "Implikasi Hukum Perluasan Kewenangan PTUN dalam Mengadili Permasalahan Hukum Pemilu." *Awasia: Jurnal Pemilu dan Demokrasi* 1, No. 2 (2021): 87-98.
- Jamaluddin, Jamaluddin. "The Settlement of Election Disputes by Bawaslu Reviewed from the Indonesian Justice System." *Interdisciplinary Social Studies* 2, No. 2 (2022): 521-531.
- Jamil, Jamil. "Evaluasi Penyelesaian Sengketa Proses Pemilihan Umum dalam Perspektif Konstruksi Hukumnya." *Perspektif* 25, No. 1 (2020): 12-19.
- Johan, Teuku Saiful Bahri. *Hukum Tata Negara dan Hukum Administrasi Negara dalam Tataran Reformasi Ketatanegaraan Indonesia*. (Yogyakarta: Deepublish, 2018).
- Johansyah, Johansyah. "Putusan Mahkamah Konstitusi Bersifat Final dan Mengikat (Binding)." *Solusi* 19, No. 2 (2021): 165-182.
- Komisi Yudisial Republik Indonesia. *Putih Hitam Pengadilan Khusus*. (Jakarta: Komisi Yudisial Republik Indonesia, 2013).
- Kurniawan, Kurniawan. "Penguatan Bawaslu Dalam Penegakan Hukum Pemilu Serentak Tahun 2024: Antara Tantangan Dan Upaya Penyelesaiannya." *Jurnal Al-Mujaddid Humaniora* 7, No. 2 (2021): 76-86.
- Rahdar, A. Habib Amanatullah, and Sohrah Sohrah. "Perbedaan Putusan Mahkamah Agung dan Bawaslu Kota Makassar dalam Sengketa Pilwali Kota Makassar Tahun 2018." *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasa Syar'iyah* 2, No. 3 (2020): 432-442.
- Rajab, Achmadudin. "Act Number 7 Of 2017 on General Election for Securing Free, Fair, and Peaceful General Election for National

- Stability and Prosperity." *Indonesian Law Journal* 11, No. 1 (2018): 45-62.
- Rudi, Lalu Rudi, Galang Asmara, and R. R. Cahyowati. "Meaning of Correction of Bawaslu's Verdict to the Decision to Resolve Disputes of the Election Process (Bawaslu Study of West Lombok Regency)." *International Journal of Multicultural and Multireligious Understanding* 9, No. 6 (2022): 77-82.
- Suantara, I. Gede. "Kewenangan Badan Pengawas Pemilu (Bawaslu) Menganulir Peraturan Yang Dibuat Oleh Komisi Pemilihan Umum (KPU) dalam Penyelenggaraan Pemilihan Umum." *Private Law* 1, No.1 (2021).
- Subekti, Subekti, and R. Tjitrosoedibio. *Kamus Hukum*. (Jakarta: Pradnya Paramita, 1980).
- Mertokusumo, Sudikno. *Hukum Acara Perdata Indonesia*. (Yogyakarta: Liberty, 2010).
- Nainggolan, Nur Aisyah Fitri Boru, and Marzuki Marzuki. "Peran Badan Pengawas Pemilu Dalam Menyelesaikan Sengketa Pemilu Berdasarkan Undang-undang Nomor 7 Tahun 2017 (Studi Pada Bawaslu Kabupaten Deli Serdang)." *Jurnal Hukum Al-Hikmah: Media Komunikasi dan Informasi Hukum dan Masyarakat* 2, No. 2 (2021): 277-301.
- Nasir, Muhammad. *Hukum Acara Perdata*. (Jakarta: Djambatan, 2005).
- Noviawati, Evi, and Mamay Komariah. "Efektivitas Penyelesaian Pelanggaran Administratif Pemilihan Umum Berdasarkan Undang-Undang Nomor 7 Tahun 2017." *Jurnal Ilmiah Living Law* 11, No. 2 (2019): 140-151.
- Sa'adah, Nur, Ali Imron, and Slamet Riyady. "Akibat Hukum Terhadap Harta Bersama Yang Dilakukan Secara Sepihak Ditinjau dari Undang-Undang Perkawinan." *Abdi Laksana: Jurnal Pengabdian Kepada Masyarakat* 3, No. 1 (2022): 42-50.
- Santoso, Topo. "Penegakan Hukum Pemilu." *Prioris* 4, No. 3 (2006): 348-364.
- Santoso, Imam Budi, and Pri Pambudi Teguh. "Authority of Bawaslu in Election Law Enforcement and Justice (Analysis of Handling of

Election Administrative Violations Through Adjudication)." *LEGAL BRIEF* 11, No. 1 (2021): 241-257.

Surbakti, A. Ramlan., Didik Supriyanto, and Topo Santoso. *Perekayasaan Sistem Pemilu Untuk Pembangunan Tata Politik Demokratis*. (Jakarta: Kemitraan, 2008).

Sutiarso, Cicut. *Pelaksanaan Putusan Arbitrase dalam Sengketa Bisnis*. (Jakarta: Yayasan Obor, 2011).

Wicaksana, Dio Ashar, et.al. *Penelitian Format Putusan Pengadilan Indonesia: Studi empat lingkungan peradilan di bawah Mahkamah Agung*. (Jakarta: BPFHUI, 2020)

Waluyo, Bambang. *Penelitian Hukum dalam Praktek*. (Jakarta: Sinar Grafika, 2002).

Yuwono, Imam Ridho Angga. "Penyelesaian Sengketa Pemilihan Walikota dan Wakil Walikota Baubau Tahun 2018 oleh Badan Pengawas Pemilihan Umum (Bawaslu) Kota Baubau: Studi Perkara Nomor: 02/PS/PW/28.02/II/2018." *Dinamika Hukum* 12, No. 2 (2021).

### **Law and Regulation**

Law Number 7 of 2017 about Election

Law Number 48 of 2009 about Kekuasaan Kehakiman

*Herzien Inlandsch Reglement (HIR) Herzien Inlandsch Reglement (HIR)*

Bawaslu Regulation Number 8 of 2018 about Election Administrative Violations Resolution.

### ***Acknowledgment***

None

### ***Funding Information***

None

### ***Conflicting Interest Statement***

The authors states that there is no conflict of interest in the publication of this article.

*Publishing Ethical and Originality Statement*

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

*About Author(s)*

**Luthfi Dwi Yoga, S.H.**, is one of the staff at Bawaslu (Election Supervisory Board) of Kabupaten Batang, Jawa Tengah, Indonesia. He is also a Postgraduate Student at Matser of Laws Universitas Negeri Semarang, Indonesia.

*The general election is  
not an organizational  
exercise - it's a mass  
media exercise.*

**Roger Stone**