



## Research proposal on the existence of the Aceh Election Supervisory Committee in the 2024 Legislative General Election

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### Abstract

Law Number 7 of 2017 concerning General Elections, or the Election Law, is a complete law that regulates the latest changes related to the administration, governance, and management of elections. Chapter II on Election Supervision The Election Law regulates the position, duties, and authority of Bawaslu as an election supervisory agency. This provision further strengthens Bawaslu's function as an election supervisory agency. The supervision carried out by Panwaslih is different from election supervisors in other regions, so the burden borne by Panwaslih Aceh is large enough to succeed in the 2024 elections. It can be seen that in the February 14, 2024 election, there are many violations in the regions, both due to APK and re-voting at a number of polling stations, indicating that Panwaslih has not been optimal in carrying out its duties and authority. Panwaslih Aceh is regulated in Article 60 of Law Number 11 of 2006 concerning the Government of Aceh states that the Aceh and district / city Election Supervisory Committee is formed by a national level supervisory committee and is ad hoc, and the Members of the Election Supervisory Committee are 5 (five) people each proposed by the DPRA / DPRK. Please note that the dynamics of regulations and special regulatory provisions in Aceh are complex challenges that must be responded to properly. Several violations committed by Legislative Candidates (Caleg) for election violations both administratively, installation of Campaign Props (APK), Violations of Neutrality of Village Heads and State Civil Apparatus, to election crimes. These violations occur a lot in Aceh, for example in Banda Aceh City as released by local media APK violations were found, because the APK is not in accordance with the rules and zoning set by the Independent Election Commission (KIP) Banda Aceh where the installation of APKs carried out by Political Parties (Parpol) installed on trees, electricity poles, public facilities, parks in the middle of the road, Telkom poles, and gates which are public facilities, even still found APK in places of worship and schools. The research method used in this study is juridical-empirical research. The approach used is; A qualitative research approach by exploring facts in depth based on the scientific characteristics of individuals or groups to understand and uncover something behind the phenomenon by collecting the main research data through interviews and direct observation. Primary data is data obtained from interviews with respondents and informants. Secondary data is data in the form of primary legal material and secondary legal material. The results showed that the Election Supervisory Committee (Panwaslih) of Banda Aceh City found and handled four administrative violations during the recapitulation of the 2024 election vote count held by the local independent election commission (KIP). Four administrative violations were also decided during the recapitulation of the vote count. Those administrative violations are findings and reports that are all voice-shifting. Among them from political parties to candidates for legislative members (caleg) or from candidates to other candidates in one political party. There were four administrative violations during the recapitulation process of the vote count, namely in Kutaraja District, Bandaraya District, Syiah Kuala District, and Kuta Alam District.

**Keywords:** Legislative elections, election supervision committee

### Introduction

General elections are regulated in Law Number 7 of 2017 concerning general elections where this Law regulates general elections as a means of people's sovereignty in voting as well as all regulations related to implementation and other arrangements including the general election supervisory committee (KPU). The General Elections Commission (KPU) and the Election Supervision Agency (BAWASLU) are independent institutions responsible for conducting democratic elections. The KPU is responsible for administering elections and Bawaslu oversees the election process, which is important to prevent fraud and other violations as stipulated in Law Number 7 of 2017 concerning General Elections (Election Law) <sup>[1]</sup>.

The early history of the election supervisory agency began in 1982 under the name Panwaslak. Nevertheless, Panwaslak's position in the election organizing structure remains unclear. The chairman of the election committee, which at that time was called the General Election

Committee Institute according to its level, was responsible <sup>[2]</sup>. In 2019, the Indonesian democracy party which was held simultaneously became a new history in the Indonesian state constitution. Simultaneous elections cause pros and cons among politicians, academics and the public, this is because it raises many questions and separates big problems that must be resolved, one of which is election violations committed by political parties, legislative candidates and winning teams that support one of the presidential and vice presidential candidates and regional heads. One of Bawaslu's duties is to supervise and resolve public disputes and complaints related to election violations committed by election participants, especially legislative elections. In addition, Bawaslu also has the duty and authority to handle conflicts and community complaints <sup>[3]</sup>. Panwaslih Aceh is part of Bawaslu as stated in Article 557 point b of the Election Law, stating that the institutions for holding elections in Aceh, namely the Aceh Provincial Election Supervisory Committee and the District/City Election

Supervisory Committee, are a hierarchical institutional unit with Bawaslu. Related to its duties and functions based on the provisions of the Election Law, it is just that the procedure for selecting Panwaslih commissioners is the authority of the DPRA as stipulated in the UUPA.

The existential challenge and role of Panwaslih is even greater along with the great authority mandated in Law Number 7 of 2017 concerning General Elections, and Perbawaslu Number 3 of 2020 concerning Amendments to Perbawaslu 1 of 2020 concerning Work Procedures and Patterns of Relations between

Bawaslu, Provincial Bawaslu, District/City Bawaslu, District Panwaslu, Village Panwaslu, Foreign Panwaslu and Supervisors of the regulated polling stations, The institution of election supervisors is getting stronger with the definitive election supervisory agency.

### **Results and Discussion of Research on the Existence of the Aceh Election Supervisory Committee in the 2024 Legislative General Election.**

Basically, during the election process, until the final stage of selecting the winning candidate, which occurs every five years, Bawaslu is responsible for resolving election disputes. Bawaslu and its subordinate institutions not only supervise, but also have the authority to resolve disputes that occur during elections in accordance with laws and regulations. The purpose of election supervision is not only carried out by Bawaslu, but the public can also participate in election monitoring activities, which aim to ensure fair and fair elections. The public can report to the authorities if they find violations during the election process, and the report can be submitted to Bawaslu, the official agency that oversees elections <sup>[4]</sup>.

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Aceh has an Election Supervisory Committee (Panwaslih) as an institution responsible for supervising, preventing and enforcing election violations in Aceh, where Panwaslih has a strategic role in realizing elections with integrity and dignity.

Panwaslih Aceh is part of Bawaslu as stated in Article 557 point b of the Election Law, stating that the institutions for holding elections in Aceh, namely the Aceh Provincial Election Supervisory Committee and the District/City Election Supervisory Committee, are a hierarchical institutional unit with Bawaslu. Related to its duties and functions based on the provisions of the Election Law, it is just that the procedure for selecting Panwaslih commissioners is the authority of the DPRA as stipulated in the UUPA <sup>[5]</sup>.

Several violations committed by Legislative Candidates (Caleg) for election violations both administratively, installation of Campaign Props (APK), Violations of Neutrality of Village Heads and State Civil Apparatus, to election crimes. These violations occur a lot in Aceh, for example in Banda Aceh City as released by local media APK violations were found, because the APK is not in accordance with the rules and zoning set by the Independent Election Commission (KIP) Banda Aceh where the installation of APKs carried out by Political Parties (Parpol) installed on trees, electricity poles, public facilities, parks in

the middle of the road, Telkom poles, and gates which are public facilities, even still found APK in places of worship and schools.

In addition to the APK problem, the Election Supervisory Committee (Panwaslih) of Banda Aceh City found and handled four administrative violations during the recapitulation of the 2024 election vote count held by the local independent election commission (KIP). Four administrative violations were also decided during the recapitulation of the vote count. Those administrative violations are findings and reports that are all voice-shifting. Among them from political parties to candidates for legislative members (caleg) or from candidates to other candidates in one political party. There were four administrative violations during the recapitulation process of the vote count, namely in Kutaraja District, Bandaraya District, Syiah Kuala District, and Kuta Alam District <sup>[6]</sup>.

Some of the obstacles experienced by the Aceh Provincial Election Supervisory Committee in cracking down on violations of legislative elections in Aceh have not been maximized due to internal and external obstacles, internal obstacle factors such as lack of human resources and human resources in accordance with the background of roles and responsibilities. External obstacles such as lack of synergy between stakeholders such as in Gakkumdu center, difficulty in presenting Witnesses to testify, as well as reported legislative candidates who are uncooperative and so on. This obstacle factor makes the Aceh Provincial Election Supervisory Committee in cracking down on violations of legislative elections in Aceh.

The existential challenge and role of Panwaslih is even greater along with the great authority mandated in Law Number 7 of 2017 concerning General Elections, and Perbawaslu Number 3 of 2020 concerning Amendments to Perbawaslu 1 of 2020 concerning Work Procedures and Patterns of Relations between

Bawaslu, Provincial Bawaslu, District/City Bawaslu, District Panwaslu, Village Panwaslu, Foreign Panwaslu and Supervisors of the regulated polling stations, The institution of election supervisors is getting stronger with the definitive election supervisory agency. Supervision carried out by Panwaslih is carried out by monitoring and supervising the running of elections from preparation, registration, campaigning, voting, counting ballots to the inauguration of elected candidates. Coupled with the situation of Aceh with different geographies and election participants not only from national parties but also local parties so that the party meeting became 23 (twenty-three parties) consisting of 17 (seventeen) national parties and 6 (six) local parties.

### **Research Solution on the Existence Function of the Aceh Election Supervisory Committee in the 2024 Legislative General Election.**

Aceh Province has a distinction for the number of Commissioners and the name of the institution, namely the Aceh Independent Election Commission (KIP), in the case of the election of Aceh KIP Commissioners there is a regulation Law No. 11 of 2006 concerning the Aceh government Article 56 paragraph (4) Members of the Aceh KIP are proposed by the DPRA and determined by the KPU and inaugurated by the Governor. Although there are differences in Aceh Province, the Independent institution remains in the institutional hierarchy of the Aceh KIP under the Central KPU organizationally in carrying out

presidential and vice presidential elections, legislature, DPD and regional heads. Implementing the laws and regulations of the KPU to facilitate the democratic party every five years<sup>[7]</sup>.

Aceh Province is an area that is in the process of transitioning from an armed conflict situation to a peaceful situation, in addition, the Province must also build itself from zero position due to the impact of the 2004 earthquake and tsunami disaster so that practically the entire Aceh province has a socio-cultural community that is trying to rise from adversity.

The conflict transition situation also has an impact on legal aspects in force in Aceh, starting from the Helsinki Memorandum of Understanding (MoU) as a form of peace agreement between the Government of the Republic of Indonesia and the Free Aceh Movement, on legal aspects it is greatly influenced, including in the implementation of general elections, Aceh Province has special rules such as Law Number 11 of 2006 concerning the Government of Aceh, one of which regulates the specificity of Aceh in the field of Elections and Elections, then there is Aceh Qanun Number 3 of 2008 concerning Local Political Parties Participating in the General Election of DPRA and DPRK Members, which gave birth to Local Political Parties with their participation is also local and the last is Aceh Qanun Number 6 of 2018 concerning Amendments to Aceh Qanun Number 6 of 2016 concerning General Election and Election Organizers in Aceh which regulates the requirements to become an election organizer, procedures for recruitment and implementation of the main duties and functions of election organizers in Aceh province.

It is natural for the (KPU) to be given regulatory authority to regulate and establish regulations in their fields, besides that there are also other officials or institutions that have the same authority as the KPU at the same level, namely Bank Indonesia, the Indonesian National Police, the TNI and the Attorney General and the Indonesian Broadcasting Commission, etc. or institutions like this can issue their own regulations, provided that the regulatory authority is granted by law. If these institutions are granted regulatory authority, the name of the resulting regulatory product should be called regulatory. In the constitutional system, the existence of these independent institutions must be accompanied by clear positions and roles (rules) and mechanisms<sup>[8]</sup>.

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## Conclusion

The existence of the Aceh Provincial Election Supervision Committee in the 2024 Legislative General Election has not been fulfilled and carried out optimally, because currently the Aceh Provincial Panwaslih is still experiencing difficulties and maximizing its role both in supervising and handling violations that occur in the 2024 legislative election. Obstacles in supervision and handling fulfillment are still not optimal due to lack of human resources and HR background in accordance with the duties and authorities of Panwaslih Aceh. As well as more firm and detailed special rules related to the authority and power of Panwasli to be able to maximize supervision and handling of election violations, as well as a clear division of tupoksi between relevant stakeholders in order to further increase synergy to lead to better elections and be able to handle election violations optimally.

The constraints of the Aceh Provincial Election Supervisory Committee in cracking down on violations of legislative elections in Aceh have not been maximized due to internal and external obstacles, internal obstacle factors such as lack of human resources and human resources that are in accordance with the background of roles and responsibilities. External obstacles such as lack of synergy between stakeholders such as in Gakkumdu center, difficulty in presenting Witnesses to testify, as well as reported legislative candidates who are uncooperative and so on. This obstacle factor makes the Aceh Provincial Election Supervisory Committee in cracking down on violations of legislative elections in Aceh.

The solution to the existence of the Aceh Provincial Election Supervision Committee in the 2024 Legislative General Election is to re-evaluate and make regulations that provide more detailed and strong authority and power to Panwaslih in order to provide guarantees and maximize the role of supervision and handling election violations committed by Panwaslih. More detailed regulations in addition to authorizing Panwalih can also increase synergy between stakeholders in the distribution of tasks in order to create better and maximum supervision and handling of election violations.

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