

THE EXISTENCE OF THE LAMPUNG ELECTION SUPERVISORY BODY IN HANDLING ELECTION VIOLATIONS

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Abstract

This study aims to know existence of a Supervisory Body Election (Bawaslu) In Lampung Province handle violation regional elections up to doing cancellation candidate head area in the election head area simultaneously in 2020. The method used in this research is normative juridical, namely focusing on literature study, namely by researching and reviewing library materials in the form of statutory regulations, scientific articles, mass media and court decisions. This research concludes that Bawaslu has played a fairly good role by implementing legal sanctions to the point of canceling candidates in the 2020 Bandar Lampung City Election. Bawaslu Lampung stated that candidate number three committed violations in a structured, systematic and massive manner, thus recommending the cancellation of Eva Dwiana-Dedy Amarullah because they were deemed to have received benefits from the policies of the Bandar Lampung city government, in this case the husband of the mayoral candidate, Herman HN. Although in the end it matters win lawsuit at the Supreme Court .

Keywords: *Bawaslu; Elections; Law*

I. INTRODUCTION

General elections are one of the requirements for countries that adhere to a democratic system, requiring general elections in the process of forming a democratic and sovereign government. Indonesia as a state of realization its democracy done with election general for choose official public .³This matter in line with a democratic country that confirms it that the State is organized in accordance with the will of the people.⁴ Base handle elections in Indonesia include, among other things in the 1945 Constitution, article 22E paragraph (5) states that “ Elections organized by a institution organizer electoral nature _ national , permanent and independent ”.

This chapter then became the basis for the formation of an independent, neutral and accountable democratic party organizing institution, including the Election Supervisory Body or Bawaslu. As an election organizing institution, Bawaslu has the authority to supervise every stage of the election, receive reports, follow up on each report and other authorities in accordance with statutory regulations. In accordance with the constitutional mandate, Bawaslu then formed Bawaslu at the provincial level

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³Jimly Asshidiqie, *Constitutional Law and the Pillars of Democracy*, (Jakarta: Sinar Grafa), p. 200

⁴Mahfud MD, *Substantial Review of Legal Reform*, Yogyakarta, 1999), p . 17

throughout Indonesia after the birth of Law no. 15 of 2011. Provincial Bawaslu supervises every election in their respective regions. After that, Bawaslu also formed election supervisors at the Regency/City level with the assistance of the District Supervisory Committee and Field Supervisory Committee.

Bawaslu's authority became stronger with the issuance of Law no. 7 of 2017 concerning Elections. One of the reinforcements is that Bawaslu's findings are no longer in the form of recommendations, but have become delegates, Bawaslu now has the authority to decide on administrative violations so that the election supervisor's findings are not only recommendations but are decisions that must be implemented by the parties, Bawaslu is also given a basic mandate in the form of prevention and action against election violations and election disputes, including disqualification of candidate pairs who commit violations in a structured, systematic and massive.

This strengthening is because violations often occur at every stage of the election, both involving participants, campaign teams, organizers and voters, which are often found to be related to manipulation of voter data invalidity, nomination requirements, money politics in the campaign, abuse of authority up to the intervention of political forces, and also the inflating of votes is something that generally occurs in almost every election⁵. In fact, the types of violations are increasingly complex. In this section, Bawaslu's role is very important in overseeing the running of the democratic party so that every process takes place in accordance with election principles, including free, fair and democratic.⁶

Violations that are still widely debated today, both from the mechanisms and procedures for resolving them, to the application of sanctions given are violations with sanctions in the form of cancellation of the regional head and deputy regional head candidate pairs. The provisions governing sanctions in the form of cancellation of regional head and deputy regional head candidate pairs are not only regulated in one article, there are several prohibitive articles which if violated, the sanction is cancellation of candidate pairs, among which are regulated in the provisions of articles 71, 73, 76, and Article 135 A of Law no. 1 of 2015 concerning the Determination of Perppu No. 1 of 2014, as last amended by Law no. 6 of 2020 concerning the Determination of Perppu no. 2 of 2020 concerning the Third Amendment to Law No. 1 of 2015 concerning the Determination of Perppu No. 1 of 2014 concerning Regional Elections.

Besides that prohibition to penalty form cancellation partner candidate head regions and representatives head area own the problem separately, where in several cases handled by ranks supervisor elections, articles regulatory prohibition about cancellation candidate there is disharmony and unsynchronization between laws and

⁵ Mubaroq, Rudy and Heryandi, *Position of the Election Organizing Honorary Council (DKPP) in the Indonesian Constitutional System*. Praevia Legal Science Journal, Vol. 7 No. 2, July – December 2013, p. 145.

⁶Moh. Mahfud MD, 2012, *Evaluation of Regional Elections from a Democratic and Legal Perspective*, in the book *Local Democracy: Evaluation of Regional Elections in Indonesia*, Constitution Press, Jakarta, p. 9.

regulations implementer . As well as issues of authority to handle between election supervisors and other law enforcement agencies which also have authority over the provisions governing the cancellation of candidate pairs.

Problem cancellation candidate in regional elections own character separate and process handling it different with provision others , viz Violation to promising something in the form of money and others in frame influence maintenance elections that occur in a structured , systematic and massive manner , where there are violations this is also a lot postulated by the Petitioners at the hearing solution dispute results Elections to the Court Constitution (MK), with hope partner designated candidate _ acquisition voice the most by Commission Election General disqualified as participant Regional elections or done election repeat.

Even though Law No. 10 of 2016 has changed final became Law no. 6 of 2020, MK only authorized judge about dispute results elections ,⁷and no own authority For handle case violation structured , systematic and massive .⁸In terms of penalty TSM violations constitute type the most serious violation . Partner candidate / team campaign did it can rewarded with cancellation as partner candidate.⁹ However matter That worth it with the proof . Besides must can proven structured , the reporter must also prove it If happen in a way systematic and massive.¹⁰

Structured It means violation carried out by structural officials . In matter This Can carried out by the organizer election nor apparatus government in a way together. Violation must can proven that has exists plans drawn up like that good looking , mature , and very neat (systematic). Furthermore final is that violation must can proven the consequences / impact are very broad influence and influence results Regional elections and not only in parts.

Therefore _ That such proof _ heavy That cause Lots report stated violation _ No proven . Handling Report TSM violation stated reported proven in a way valid and convincing do violation TSM administration is _ _ cases handled by Bawaslu _ Lampung Province in implementation Regional elections simultaneously 2020. In _ Decision Number : 01/Reg/L/TSM-PB/08.00/XII/2020 states partner candidate Regent and Deputy Regent Central Lampung Regency no number two namely Musa Ahmad- Ardito

⁷ MK's presence in handle case Regional elections limited to disputes voice . That matter can seen in Article 157 and Article 158 of the Election Law . As for TSM MK's interpretation remains must own limitation so No utilized as tool political branch power certain . Look Abdurrachman Satrio , March 2015, *Authority Court Constitution Disconnected Election Results Disputes as Forms of Judicialization of Politics* , (pp.117-133), Journal Constitution , 12(1).

⁸Moh. Dani Pratama Huzaini , 28 June 2019, MK: Dalil Violation of TSM Authority Bawaslu , Accessed on June 15 2021, <https://www.Hukumonline.com/berita/baca/lt5d150b237daa7/mk--dalil-pelaanggaran-tsm-kewerahan-bawaslu/> .

⁹ Article 135A paragraph (5) states "Decision of the Provincial KPU or Regency /City KPU as appropriate referred to in paragraph (4) can form penalty administration cancellation partner candidate "

¹⁰ Fikri Arigi , 11 June 2019, *Bawaslu : Evidence TSM Violations Conditions are Very Severe* , accessed on date 15 June 2021, <https://pemilu.tempo.co/read/1213619/bawaslu-pemkerjaan-pelaanggaran-tsm-jualnya-sebuah-berah> .

Wijaya were declared No proven do fraud in a way structured , systematic and massive.

Whereas case Number 02/Reg/L/TSM-PW/08.00/XII/2020 Bawaslu Lampung Province stated Candidate Pair for Mayor and Deputy Mayor of Bandar Lampung number sort three namely Eva Dwiana - Dedy Amarullah do TSM violations , and recommend to the Bandar Lampung City KPU for disqualifying as partner candidate . But on the matter Number 02/Reg/L/TSM-PW/08.00/XII/2020 in effort the law is carried out Reported at the Supreme Court (MA), in decision Number 1 P/PAP/2021, the Supreme Court stated Granted application Applicant as Candidate Pair for Mayor and Deputy Mayor of Bandar Lampung number sort three and cancel Bandar Lampung KPU decision Number 007/HK.03.1-Kpt/1871/KPU- Kot /I/2021, dated January 8 2021, concerning Cancellation candidate number sort three .

Application penalty law in cancellation partner candidate head area in the Bandar Lampung City Pilkada in line with regulation legislation . Although in the end The Supreme Court reversed with the authority he has . Synchronization and harmonization to the regional election regulations in meaning maintenance Direct regional elections own role crucial and effective in respond development various problem Regional elections in aspect normative and empirical , which leads to its importance existence institution supervision election That yourself, as well strengthening enforcement law election based system law . Problem the become interesting For researched. Because, deep party democracy, strengthening to authority organizer election , in matter This is Bawaslu . Because existence institution named Bawaslu in perspective politics of law statecraft and administration very important in frame strengthening legitimacy process and results from party democracy the. Method used _ in study This is juridical normative . Juridical normative is study the law is carried out with drip focus on studies literature that is with research and study material References or secondary data form material primary law viz regulation legislation , materials law secondary and materials law tertiary , as well works scientific laws , papers , decisions court , as well mass media articles . Study law This is also called _ study law bibliography.

II. DISCUSSION

Internal Legal Rules Handling Violations of Regional Head Candidates

Election head quality area _ must be held in a way free and fair . Free and fair regional elections can seen from the implementation process election start from regulations reached the stage collection voice . Free in context of the regional election process in a area Can interpreted as individual or voters free use right choose without influence party anywhere . Meanwhile, the regional election process is also mandatory done in a way fair , deep meaning society that has right as voters , as well partner

Candidates must too get the same treatment in every stages as well as No get discriminatory and manipulative behavior .¹¹_

Context violation election head areas that have penalty heavy besides provision criminal is to norm cancellation partner candidate head regions and representatives head area , where provisions the arranged in 4 (four) articles of the Law Regional elections , among others provision articles 71, 73, 76, and Article 135A of the Law about Election head regions and representatives head area . Article 71 Paragraph (1), Paragraph (2), Paragraph (3) and Paragraph (5), confirms every state official , head regions , ASN, TNI Polri and Village Heads are prohibited make decision and/ or profitable action _ or harm Wrong One partner candidate .

Article 73 Paragraph (1) and Paragraph (2) *jo* Article 135 A Paragraph (1) confirms that every candidates and teams k campaign forbidden promising and/ or give Money or material other For influence organizer Election and/ or Voter . Article 76, confirms that party Politics and/ or combined Party Proposing politics _ partner candidate and partner candidate individual forbidden accept donation or help other For originating campaign _ from foreign countries , BUMN/BUMD or from contributors who do not clear his identity . Whereas partner violating candidate _ provision as referred to in paragraph (1) is subject to penalty form cancellation as partner candidate . Cancellation as as intended in paragraph (3) and paragraph (4) is carried out by the Provincial KPU and Regency / City KPU .

Blessed with matter the can concluded that cancellation candidate head regional and deputy heads area related with prohibition , as following :

1. Replacing the incumbent or rolling official six month before date determination partner candidate until with end of term of office except get agreement written from minister ;
2. Incumbents who use authority , programs and profitable activities or detrimental to one partner candidate good in the area Alone as well as in other areas within 6 months time before date determination partner candidate until with determination partner candidate selected ;
3. Candidates or team promising campaigns and / or give money or material other For influence organizer Election and/ or Selector and done in a way structured , systematic and massive ;
4. Cancellation to partner candidate , where political party nor combined the political party that proposed it partner candidate the violate provision with accept donation or other help for Originating campaign _ from foreign countries, institutions private foreign , institutional self-subsistent public foreigners and foreign nationals , as well as contributors or giver no help _ clear identity , government and regional government as well as business entities state -owned and/ or also business entities owned by area ;

¹¹Hasanuddin, Auradian Marta and Wan Asrida , *Judging Quality Regional elections in the Pandemic Era (Study in Indragiri Hulu Regency , Riau)* , Master , Journal Knowledge Governance , Vol. 20, no. 01 , 2021. p . 62.

5. Cancellation to candidate who does violation to provision with accept donation or other help for Originating campaign _ from foreign countries , institutions private foreign , institutional self-subsistent public foreigners and foreign nationals , as well as contributors or giver no help _ clear identity , government and regional government as well as business entities state -owned and/ or also business entities owned by area .

As explained _ above , the norm law existing materials _ Still there is no appropriate as well as No implementative . No appropriate This can seen in connection internal norms _ article 71 with 188 laws about regional elections that don't arrange subject in a way The same . Article 71 contains 10 types position as subject , whereas Article 188 regulates as much three group position as a subject that doesn't covers all the position in question in Article 71 of the Regional Election Law . Whereas fill in two norms the is norm pair as primary norms and norms secondary as it should be in accordance or synchronous between One with other .¹²

Furthermore in provision to cancellation Candidate Pairs by the KPU and subject to penalty criminal in accordance with Article 73 paragraph (2) concerning Constitution Regional elections , next in provision Article 135A Paragraph (1) concerning Constitution Regional elections , where violation administration Election as intended in Article 73 paragraph (2) is violations that occurred in a way structured , systematic and massive .

Procedures _ solution violation administration taking place in a way structured , systematic and massive arranged in provision Regulation Bawaslu Number 9 of 2020 concerning Handling Procedures Violation Administration Election Governor and Deputy Governor , Regent and Deputy Regent , as well Mayor and Deputy Mayor What Happened By Structured , Systematic , and Massive .

Violation Administration takes place in a way structured , systematic and massive is violation administration related prohibition provide and/ or promise money or material other For influence organizer Election and/ or Voting carried out by candidates in Election ¹³. Where Object handling Violation Administration TSM selection is deed candidate form promising and/ or give money or material other For influence organizer Election and/ or Voters happen _ in a way structured , systematic and massiv.¹⁴

Need is known that in violation administration money politics going on TSM - wise , there is meaning structured , systematic , and massive , where matter the own understanding i.e. , Structured It means fraud committed by the authorities structurally, good apparatus government nor organizer Election in a way collective or in a way

¹²Maria Farida Indrati, *Legislative Science, Types, Functions and Content* , Kanisius, Yogyakarta, 2007, p lm. 32

¹³ Article 1 Paragraph (8) Perbawaslu Number 9 of 2020 concerning Handling Procedures Violation Administration Election Governor and Deputy Governor , Regent and Deputy Regent , as well Mayor and Deputy Mayor What Happened By Structured , Systematic , and Massive

¹⁴ *Ibid*, Article 4 paragraph (1)

together . Systematic It means planned violation _ in a way mature , arranged , even very neat . Whereas Massive It means impact very broad violations its influence to results Election No only in parts .¹⁵

Existence Bawaslu Lampung Dalam Handling Violations of Regional Head Candidates

Enforcement process to partner candidate head area can seen in the cases handled Bawaslu Lampung Province in the regional elections simultaneously in 2020, which is registered with Number 02/Reg/L/TSM-PW/08.00/XII/2020 , where in process , the Assembly at Bawaslu Lampung Province decides that Candidate No sort three in the Bandar Lampung City Pilkada were proven do TSM violations , and recommend to the Bandar Lampung City KPU for disqualifying as partner candidate . Besides That in case Cancellation Candidate Pairs at the Decision Bawaslu Lampung Province Number 02/Reg/L/TSM-PW/08.00/XII/2020 contains differences in interpretation of the Decision Supreme Court Number 1 P/PAP/2021.

During the inspection process clear seen that provision about prohibition to partner candidate and his team promising or material other For influence organizer nor to voters TSM already _ proven , p the seen in consideration assembly examiner , where among them own connection Because benefit one _ partner prospective and detrimental partner candidate other . Because head area can qualified as the “ other party ” who makes it happen happen deed money politics for partner candidate head area .

No only that , inside case *a quo* reported has violate administration election as intended Article 73 paragraph (1) and paragraph (4) of the Law Election and determination more carry on in Article 4 paragraph (1) Perbawaslu Number 9 of 2020 concerning procedures _ handling violation administration election governor and deputy governor , regent and deputy regent , as well guardian city and deputy mayor city that happened in a way structured , systematic and massive , carried out by the Mayor of Bandar Lampung as the " other party " as follows intended in Article 73 paragraph (4) of the Law about Election.

Violation Real TSM must be fulfil a number existing criteria _ in Article 135A paragraph (1) of the Regional Election Law states that what is meant by : " structured " is violation the held apparatus structural , deep matter This is apparatus government nor organizer deep regional elections the process done in a way collectively and together . Whereas systematic is A violations committed _ start from planning in a way mature , then arranged in a way neat . Meanwhile, massive is impact from very extensive fraud the influence , dalah matter This war to results from regional elections . About criteria there is that too in Article 4 paragraph (2) regulations Bawaslu Number 9 of 2020 concerning procedures _ handling TSM violation .

Assembly Bawaslu Lampung assessed that the actions carried out by Herman HN (Mayor of Bandar Lampung) have very close correlation between giving help For

¹⁵ *Ibid*, Article 4 paragraph (1)

Covid victims and giving PKK transport money to cadres in each accompanying sub - districts with messages For winning candidate number sequence 3. Apart That activities social form distribution rice to public accompanied with socialize to the community choose partner candidate sequence 3 which is Reported from case *a quo* . so that deed the Enough For prove that The reported party greatly benefited from the action Mayor of Bandar Lampung .

Besides that , Candidate for Mayor number sequence 03 has position as chairman of the Bandar Lampung City PKK. Is known that source of funds for the PKK movement originate from the Bandar Lampung City APBD. So that there is strong relationship _ between position Mayor of Bandar Lampung, with victory reported as chairman mover empowerment and prosperity families who take advantage The PKK budget is in the form of providing transport for PKK cadres and assistance social society For handling corona becomes element violation .

During the inspection process this was also discovered exists the facts show there is invitation For choose partner candidate number 03 (three) or matter similar form promise /money/ material others that are not material campaign to voters do _ apparatus government or RT, where fact the found in 10 (ten) sub-districts in the Bandar Lampung City area. So that Reported obtain a very massive win occurs in at least 10 (ten) sub-districts the . Assembly Examiner opinion that Actions Mayor of Bandar Lampung, along with his ranks including RT, and PKK members are “ parties others ”, which has proven influence For choose candidate certain or No choose candidate certain as intended article 73 paragraph (4) letter "c " of the Law Regional elections .

Besides That the phrase “ massive ” as put forward by experts Reporter namely Dr. Hamdan Zoelva , SH, MH , where element the phrase “ massive ” as determined in Article 4 paragraphs (1) and (2) Perbawaslu Number 9 of 2020 concerning procedures _ handling violation administration election governor and deputy governor , regent and deputy regent , as well guardian city and deputy mayor city that happened in a way structured , systematic and massive . Phrase massive the No There is must For prove exists TSM violations occur at every TPS, however just Enough describe how massive and widespread impact violations committed .

So in amar the verdict assembly State Reported proven in a way valid and convincing do violation in a way structured , systematic and massive form deed promising and/ or give money or material other For influence organizer Election and/ or Selector , and also states cancel partner candidate Mayor and Deputy Mayor of Bandar Lampung no sequence 03 (three) as well instruct to the Bandar Lampung City KPU for cancel the Bandar Lampung City KPU decision is related determination reported as partner candidate in Election .

Decision the Already based on revealed facts _ in trial , and also if referring to the opinion of Prof. Dr. Sudikno Mertokusumo , SH against definition Verdict , where Decision is something statement by the judge, as given official _ authority For say trial and purpose end or finish something case or dispute between the

parties.¹⁶ In The verdict (*vonnis*) is carried out in finish something case or dispute in frame upright law and justice to fulfill a sense of justice in public .¹⁷

On execution Decision Bawaslu Lampung Province _ Commission Election The Bandar Lampung City General issued Decree Number 007/HK.03.1- Kpt /1871/KPU- Kot /I/ 2021, dated January 8 2021, concerning Cancellation Prospective Participant Pairs Election Mayor of 2020 . _ In the process the reported party is partner candidate Mayor and Deputy Mayor of Bandar Lampung no sequence 03 (three) do effort law to Supreme Court (MA). Legal action is the right of every defendant/convict and Prosecutor/ Public Prosecutor which can be carried out and used if there are parties who feel dissatisfied when imposing sanctions in the decision given by the court.¹⁸

Legal efforts also exist to defend the rights of convicts, which are carried out in order to ensure respect for human rights and uphold the supremacy of the law (*rule of law*) as best as possible, because legal efforts by someone are carried out for the purpose of defense. This was expressed by M. Trapman ¹⁹, in the context of criminal law. Apart from that, another opinion states that legal action is an effort given by law to a person or individuals and also legal entities in certain circumstances in order to oppose a judge's decision, which in this case relates to human rights (HAM) proposed by someone who given sanctions from a judge's decision.²⁰

Based on draft the in matter effort law Good in Constitution about Elections and Regulations Bawaslu is also regulated so , where provision about effort law to penalty administration cancellation candidate , where for partner candidate the can submit legal action to the Supreme Court within a period of no later than 3 (three) working days from the date the decision of the Provincial KPU or Regency/City KPU is determined .²¹ Effort law carried out by the respondent the stated in Decision Supreme Court Number 1 P/PAP/2021 .

A number of thing that becomes focus research on effort law in the Supreme Court is in matter the judge's consideration of the Supreme Court 's decision . If seen a number of principal consideration stated law _ in decision the among them is the

¹⁶Sudikno Mertokusumo, *Indonesian Civil Procedure Law* , Liberty, Jogjakarta, 1993, p. 174.

¹⁷HM. Soerya Respationo and M. Guntur Hamzah, *Judge's Decision: Towards Reflective Legal Rationality in Law Enforcement* , Justisia Journal, Volume 2, Number 2, May-August 2013, p. 101.

¹⁸M. Lutfi Chakim, *Realizing Justice Through Legal Remedies After the Decision of the Constitutional Court* , Constitutional Journal, Volume 12, Number 2, June 2015. p. 333.

¹⁹Ahmad Fauzi, *Juridical Analysis of Extraordinary Legal Remedies for Judicial Review (PK) by Prosecutors in the Indonesian Criminal Procedure Law System* , Journal of Law and Justice, Volume 3, Number 1 March 2014, p. 38.

²⁰Putra Halomoan , *Juridical Review of Legal Efforts* , Jurisprudencia Journal, Volume 1, Number 1 June 2015, p. 43.

²¹See in P a s a l 135A Paragraph (6) of the Regional Election Law and P a s a l 3 Bawaslu 9 2020 regarding procedures _ _ handling violation administration election governor and deputy governor , regent and deputy regent , as well guardian city and deputy mayor city that happened in a way structured , systematic and massive

Bandar Lampung City KPU violating authority from facet time , because has determine the Cancellation Decision Candidate Pairs Exceed specified stages _ in PKPU About Stages , Program and Schedule Maintenance Election 2020 .

Besides that 's division help social consequence the impact of corona is the exact program must held . So , division packaged social assistance in form activity giving Corona aid provided Mayor of Bandar Lampung is active as husband from candidate guardian city number sequence 03 (three), with involve apparatus government city along with his ranks No as well as immediately profitable nomination number sequence 3. Represents something reality political in face election head area happen polarization among _ public For support one _ partner candidate Good to Applicant or partner other candidates .

If done analysis to consideration the is in matter reception Report Violation Administration TSM selection delivered since stages determination participant election until with day collection voice that is until with December 9 2020 (Article 13 paragraph (2) Perbawaslu Number 9 of 2020 and PKPU Number 5 of 2020), meaning reporter can convey report Violation TSM administration arrived with December 9 , 2020. Authority in receive , check , and disconnect violation TSM administration is authority Bawaslu Province as determined in Article 135A paragraph (2) of the Regional Election Law , where arranged with period time solution handling the maximum for 14 (four twelve) days Work .²²Handling Process the done with provision regulation legislation , the mechanism of which arranged in Perbawaslu Number 9 of 2020, meaning in receive , check , and disconnect violation TSM administration refers to provision Perbawaslu above , not according to PKPU provisions .

In matter based on inspection completeness Bawaslu Province state report Violation Administration Selection of TSM and/ or document Not yet complete , reporter given chance For complete report Violation Administration Selection of TSM and/ or documents no later than 3 (three) days counted since report Violation Administration TSM selection declared Not yet complete . Decision on report Violation Administration Election recited no later than 14 (four twelve) Days count since report Violation Administration TSM selection is registered and declared accepted , that is Bawaslu own handling processing time "A maximum of 14 (four twelve) days counted since report Violation Administration TSM selection is registered and declared accepted "

consideration in declaring the Bandar Lampung KPU as respondent violate authority from facet time Because has determine the Cancellation Decision Candidate Pair goes beyond specified stages _ in PKPU, no pay attention to the handling process Violation Administration Election of TSM by Bawaslu Lampung Province , where the inspection process is taking place in prone to time 16 December 2020 to arrive with January 6 , 2021, meanwhile December 15 , 2020 is stages Announcement results

²² Article 135A paragraph (2) Law on Regional Elections

calculation votes per polling station. So consideration the assembly stated that The Respondent (KPU Bandar Lampung City) violated authority from facet time (*onbevoegdheid ratione temporis*) is No appropriate Because publishing decision cancellation has in accordance in provision regulation laws and actions carry on from decision results handling violation administration of TSM by Bawaslu Lampung province .

Legal Considerations in Decision Court Agung is the one contradictory with rules and norms law Because consideration the put aside procedures and handling process mechanisms Violation TSM administration is carried out by Bawaslu Lampung province . Understanding to *onbevoegdheid ratione temporis* is beyond term of office or validity period authority .²³ For example Because period the time Already past or apply other temporary regulations That Already applies regulation new or at the time emit decision has use his authority For other purposes than Meaning he gave authority the . Basis for cancellation This often called abuse authority . Every determination norms law within _ each regulation That Of course with aim and purpose certain . Therefore _ that is , implementation provision the must always in accordance with aim and purpose special held relevant regulations . _ relevant regulations _ No justified For applied To use reach things that lie outside _ Meaning the .²⁴

Assembly Bawaslu Lampung Province saw connection causality between violations committed _ Mayor of Bandar Lampung with profit or losses experienced _ partner candidate in the 2020 Bandar Lampung City Regional Election process . Although the intended subject as perpetrator TSM violations are candidate , however deed the majority of violations done Mayor seen as part No separated from action candidate as party who gets it profit electoral from abuse power Mayor .²⁵ In study connection causality between actions and their impact to profit electoral gain _ partner candidate , Assembly Examiner focus on what is connection between deed Mayor with profits obtained _ partner candidate . With Thus , role candidate in TSM violations are not must in form deed direct , but also action No direct form action taken _ other appropriate parties allegedly is known or as far as I know candidate and/ or own linkages direct with winning candidate the .²⁶

Enforcement law in case the aside principle certainty law , where according to the Utrecht view states certainty law contains two meanings . First , it exists nature rules _ general make individual know deed what can be done or No can done . Second ,

²³Bibianus Hengky Widhi Antoro , *Examination of Abuse of Authority in PTUN* , Judicial Journal Vol. 13 No. 2 August 2020 , p . 214

²⁴W. Riawan Tjandra , *Comparison of the State Administrative Court System and the Conseil d'etat as the Institution for Supervising State Administrative Legal Actions* , IUS QUIA IUSTUM Law Journal No. 3 Vol. 20 July 2013 , p . 434.

²⁵Ratna Dewi Pettalolo and Khairul Fahmi , 2021, *Evaluative Study Handling Violation Election Simultaneous Regional Head 2020* , Supervisory Board Election General Jl. MH Thamrin No.14 Special Capital Region of Jakarta. p . 135-136.

²⁶*Ibid* . p 136.

in the form of security law for individual from arbitrariness government , because with exists nature rules _ general , individual can know What that's all you can charged or carried out by the state against individual .²⁷ Besides That Supreme Court in his considerations No considering the Legal Facts and Legal Considerations of the Assembly Bawaslu Lampung Province , so The Supreme Court can decide in a way whole give certainty the law and the facts that have been done inspection in TSM trial in Lampung Province .

III. CONCLUSION

Application penalty law form giving penalty until cancellation _ candidate carried out by Bawaslu Lampung in Bandar Lampung City Election in 2020 as proof from existence Bawaslu Lampung in straighten up rule law election . Bawaslu Lampung stated that candidate number sequence 3 do violation in a way structured , systematic and massive so Bawaslu recommend cancellation candidate number sequence 3 , namely Eva Dwiana-Dedy Amarullah committed a TSM violation . Partner the considered accept profit from policy government the city of Bandar Lampung, which is deep matter This is husband from candidate guardian city namely Herman HN. Although in the end it matters win lawsuit in the Supreme Court , but Lampung Bawaslu already show its existence in straighten up rule law regional elections .

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²⁷Riduan Syahrani, *Summary of the Essence of Legal Science* , Citra Aditya Bakti, Bandung, 1999, p lm . 23.

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