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Analysis of Inhibiting Factors for Resolving Election Disputes Within the Authority of the Election Supervisory Board (Bawaslu)

Erniyanti Erniyanti^{1*}

¹Master of Law Study Program, Faculty of Law, Universitas Batam, Batam, Indonesia

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*Corresponding author:

Erniyanti Erniyanti

E-mail address:

erniyanti@uniubatam.ac.id

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ABSTRACT

The Election Supervisory Board (Bawaslu) has an important role in maintaining democracy in Indonesia, one of which is through resolving election disputes. This research aims to analyze the factors that hinder the resolution of election disputes within the authority of Bawaslu. The research method used is qualitative with a case study approach. Research data was obtained through in-depth interviews with key informants, namely Bawaslu members, academics and election law practitioners. The research results show that there are several factors that hinder the resolution of election disputes within Bawaslu's authority, namely: Time limitations: Election process disputes must be resolved quickly, so Bawaslu is often pressed for time; Limited human resources: Bawaslu lacks competent human resources in handling disputes, especially at the regional level; Budget limitations: Bawaslu's budget is often insufficient for dispute resolution needs, such as court and witness costs; Lack of coordination: Coordination between institutions regarding election dispute resolution still needs to be improved; Dispute complexity: Election disputes are often complex and involve many parties, so they require a lot of time and effort to resolve.

1. Introduction

Indonesian democracy rests on main pillars, one of which is holding honest and fair elections. Public trust in election results is the foundation of the nation's political and social stability. In realizing democratic elections, the Election Supervisory Board (Bawaslu) plays a crucial role, not only in supervision but also in resolving disputes. Election disputes are like a thorn in the flesh of democracy. Its existence is inevitable, emerging from various regulatory loopholes, the complexity of the electoral process, and political dynamics that often heat up. This is where Bawaslu's role in resolving disputes becomes the focus of hope. However, the dispute resolution process at Bawaslu is not free from obstacles. These inhibiting factors are like stumbling blocks that slow down and even have

the potential to hinder the creation of electoral justice. (Anwar, 2023; Budiono, 2022; The Election Supervisory Board (Bawaslu), 2023).

Effective and efficient dispute resolution is the key to maintaining public confidence in election results. Trust that is eroded as a result of a dispute resolution process that is protracted or deemed unfair can raise doubts about democracy and national stability. Understanding the obstacles faced by Bawaslu in resolving disputes helps us in formulating appropriate solutions. This ultimately strengthens Bawaslu in carrying out its duties and enforcing election law more effectively. Complete and fair dispute resolution is an absolute requirement for holding quality elections. It is hoped that this research can contribute to realizing honest, fair, and trustworthy elections (Cahyono,



2022; Djatmiko, 2022; Effendi, 2023). This research aims to analyze the factors that hinder the resolution of election disputes within the authority of Bawaslu.

2. Methods

This research uses a qualitative method with a case study approach. This approach was chosen because it aims to understand in depth the factors that hinder the resolution of election disputes within the authority of Bawaslu. Researchers identified key informants who have in-depth knowledge and experience regarding resolving election disputes in Bawaslu. Key informants consist of Bawaslu members, both at the central and regional levels, who are directly involved in the dispute resolution process; Academics who have expertise in the fields of election law and political science, as well as election law practitioners who have been involved in handling election disputes. Researchers conducted in-depth interviews with key informants. Interviews were conducted using interview guidelines that had been prepared previously. The questions in the interview guide were designed to elicit information about the informant's experience in handling election disputes in Bawaslu, Factors that hinder the resolution of election disputes, The impact of these obstacles on the quality of elections and public trust, and the right solution to overcome these obstacles.

The interview results were analyzed qualitatively using qualitative data analysis techniques. The data analysis technique used is content analysis to identify themes and patterns from interview data. Narrative analysis to understand the experiences and perspectives of key informants. Comparative analysis (comparative analysis) to compare the views and experiences of key informants. Researchers use several techniques to ensure the validity of the data, namely: Triangulation of data sources, using data from various sources, such as interviews, documents, and statutory regulations; Test credibility by cross-checking data with key informants; Test dependability by describing in detail

the research process and research results. The results of data analysis are then synthesized and formulated in the form of conclusions and recommendations. The research conclusions are expected to provide answers to the research questions asked. It is hoped that the research recommendations can provide solutions to overcome obstacles to resolving election disputes within the authority of Bawaslu.

3. Results and Discussion

The research results show that there are five main factors that hinder the resolution of election disputes within the authority of Bawaslu, like stumbling blocks that slow down the creation of election justice:

Election process disputes have very short deadlines, such as 14 days to resolve disputes over regional election results. This forces Bawaslu to work at high speed, like running against time. Sometimes, Bawaslu is faced with political pressure to resolve disputes quickly in order to maintain political stability. This pressure can influence the decision-making process. Bawaslu may not have proper preparation to deal with disputes with tight deadlines. This can cause a rush in the dispute resolution process. Time limitations can result in Bawaslu not having enough time to carry out in-depth investigations into dispute cases. This can result in ignoring important details and crucial facts. Dispute hearings may be held hastily without allowing sufficient time for the parties to present evidence and witnesses. This can lead to an unfair dispute resolution process. Bawaslu may be forced to make less than optimal decisions because they are in a hurry. Inappropriate decisions can trigger public distrust of Bawaslu and the election results. In the 2019 regional elections, Bawaslu was faced with many disputes over regional election results, which had to be resolved within 14 days. This causes Bawaslu to work very quickly and in a hurry. In some cases, Bawaslu was criticized for not conducting in-depth investigations into disputed cases. This has led



to doubts regarding the validity of Bawaslu's decision (Fitriani, 2022; Haryono, 2023).

Bawaslu lacks competent personnel to handle disputes, especially in the regions. This is like a deep wound that is eating away at Bawaslu's body. Existing personnel may not have sufficient expertise in handling election disputes, especially complex ones. The distribution of Bawaslu's human resources is uneven, with remote areas often lacking competent personnel. A lack of personnel and expertise can cause the dispute resolution process to be slow and inefficient. This can hinder timely dispute resolution. The quality of dispute resolution in the region is at risk of being low due to a lack of competent personnel. This can cause injustice and doubt regarding the results of dispute resolution. Existing personnel have to bear excessive workloads, which can lead to burnout and reduced performance. Bawaslu in remote areas may only have staff with limited knowledge of election law. This can cause difficulties in handling complex disputes. In the 2019 regional elections, Bawaslu was overwhelmed by the number of disputes submitted in several regions. This causes the dispute resolution process to be slow (General Elections Commission (KPU), (2023); Indonesian Corruption Watch (ICW), 2023).

Bawaslu's budget is often insufficient for dispute resolution needs, like a shackle that paralyzes Bawaslu's capabilities. Budget allocations for dispute resolution are often unclear, making Bawaslu difficult to plan and implement dispute resolution activities. Bawaslu often relies on grants from other institutions to finance dispute resolution, which can cause Bawaslu to lose its independence. Bawaslu had difficulty presenting witnesses and experts because they did not have enough budget to cover their travel and accommodation. This can weaken the evidence and arguments in the disputed trial. Dispute hearings may not be held effectively because Bawaslu does not have enough budget to provide adequate facilities. The dispute hearing may have to be postponed because

Bawaslu does not have enough budget to finance the trial's operations. In the 2019 regional elections, Bawaslu lacked the budget to cover the travel of witnesses from outside the region. This caused several dispute hearings to be postponed. Bawaslu often has to use grant funds from other institutions to finance dispute resolution. This can make Bawaslu lose independence in decision-making. (Constitutional Court (MK), 2023; Indonesian Institute of Sciences (LIPI), 2023).

Coordination between institutions related to resolving election disputes still needs to be improved. This is like a backfire that weakens democracy. Unclear roles and authority between agencies can lead to overlapping duties and responsibilities, slowing down the dispute-resolution process. A lack of communication between agencies can lead to misinformation and misunderstanding, hindering cooperation and coordination. Overlapping duties and authority between institutions can cause disputes and inconsistencies in dispute resolution. Lack of coordination can slow down the dispute-resolution process because relevant institutions have to spend time negotiating their roles and responsibilities. Lack of coordination can lead to injustice and uncertainty in dispute resolution. In the 2019 Pilkada, Bawaslu, KPU (General Election Commission), and DKPP (Honorary Council for Election Organizers) often disagreed regarding their role and authority in resolving disputes. This causes the dispute resolution process to be slow and inefficient. Lack of communication between institutions regarding election dispute resolution often leads to misinformation and misunderstandings. This can hinder cooperation and coordination between institutions (Marzuki, 2022; Mulyana, 2023).

Election disputes are often complex and involve many parties, like giants that drain Bawaslu's energy. Election disputes can involve many witnesses and evidence, requiring a long time for verification and analysis. Election disputes often involve complex legal



issues and require careful interpretation. It takes a lot of time and effort to resolve disputes, draining Bawaslu's resources. Bawaslu personnel have to endure excessive workloads, which can lead to fatigue and reduced performance. High dispute resolution costs can burden Bawaslu. In the 2019 Pilkada, Bawaslu handled disputes over Pilkada results involving many witnesses and evidence. This causes the dispute resolution process to take a long time and require a lot of energy. Election disputes often involve complex legal issues, such as campaign violations and vote counting. This takes a long time to study and analyze (Indonesian Center for Law and Policy Studies (PSHK), 2023; Nurdin, 2023; Perludem Association, 2023; Prayitno, 2022).

4. Conclusion

There are several factors that hinder the resolution of election disputes within Bawaslu's authority, namely: 1. Time limitations: Election process disputes must be resolved quickly, so Bawaslu is often pressed for time. This can cause the dispute resolution process to be less than optimal. 2. Limited human resources: Bawaslu lacks competent human resources to handle disputes, especially at the regional level. This can cause the dispute resolution process to be slow and of poor quality. 3. Budget limitations: Bawaslu's budget is often insufficient for dispute resolution needs, such as court and witness costs. This can cause Bawaslu difficulty in resolving disputes effectively. 4. Lack of coordination: Coordination between institutions related to resolving election disputes still needs to be improved. This can cause overlapping duties and authority, as well as slow down the dispute resolution process. 5. Dispute complexity: Election disputes are often complex and involve many parties, so they require a lot of time and effort to resolve. This can cause the dispute resolution process to be long and tiring.

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