
Administrative Violations and Process Disputes in the 2020 Regional Head Election of Bandar Lampung City

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ABSTRACT

Keywords: 2020 elections, TSM, election process disputes.

The 2020 Regional Head Election in Bandar Lampung City is an election process that has been regulated in Law No. 10 of 2016. However, in the stage mechanism, there are Systematic and Massive Structured violations according to the findings of the Lampung Provincial Bawaslu based on reports followed up by the Lampung Provincial Bawaslu. The purpose of this study is to find the factors that cause administrative violations in the 2020 Regional Elections in Bandar Lampung City based on Law Number 10 of 2016, explain cases of administrative violations of the Regional Elections related to process disputes and disputes over results, and analyze the process of resolving administrative violations of the Regional Elections against disputes over processes and disputes over results. The research method in writing this thesis is doctrinal law research with a method of collecting data from literature studies to answer problems and then the results are expected to aim at providing solutions or suggestions to overcome problems. Departing from the discussion, disputes over the election administration process and disputes over the results of the Regional Elections are the root of the problem in the 2020 Regional Head Election in Bandar Lampung City. The solution offered is the regulation of the 2020 Regional Elections based on Law Number 10 of 2016 regulating the implementation of the Regional Elections under normal circumstances, meaning that the Covid-19 pandemic has not occurred.



Introduction

The Regional Head Election (Pilkada) is part of the General Election (Election) which is specifically to elect regional heads (Purnamasari, Wahid, & Salam, 2021). In countries that adhere to a democratic system, the implementation of the democratic

process through elections (Pilkada). In Law Number 7 of 2017 concerning General Elections to elect the President and Vice President, the House of Representatives (DPR) of the Republic of Indonesia, the Regional Representative Council (DPD) of the Republic of Indonesia, the Provincial DPRD, and the City Regency DRPRRD (Hidayati, Aulia, & Wiraganti, 2024). The elections specifically to elect the Governor and Deputy Governor, Mayor and Deputy Mayor/Regent, and Deputy Regent are regulated in Law Number 10 of 2016. Elections specifically to elect Regional Heads are called Regional Elections (Badriawan, 2021). Thus, the Regional Elections are part of the Elections, and therefore in this paper the term Elections/Regional Elections is often used because the regulations in the Elections are also included in the regulations in the Regional Elections. Among other examples, the principles of elections occur in the principles of the Regional Elections hereinafter referred to as the Regional Elections (Siboy, Al-Fatih, & Jaelani, 2022).

Election organizers, based on Law Number 7 of 2017, consist of the General Election Commission (KPU), the General Election Supervisory Agency (Bawaslu), and the Honorary Council of Election Organizers (DKPP). The KPU and Bawaslu have their respective roles and authorities in the implementation of the elections (Amiruddin & Ramadani, 2023). The KPU and Bawaslu as a unit the function of organizing elections to elect the House of Representatives (DPR), both the House of Representatives of the Republic of Indonesia, the Provincial DPRD, and the Regency/City DPRD, the Regional Representative Council (DPD) of the Republic of Indonesia, the Presidential and Vice Presidential Elections, and the Regional Head Election (Pilkada). The implementation of the Regional Elections is based on regulations or laws and regulations applicable in Indonesia, including the 2020 Regional Elections referring to Law Number 10 of 2016 (Panjaitan, Amin, & Situmorang, 2024). The KPU as the implementing institution in the Elections/Regional Elections has the authority regulated in the regulations, including the stages in the implementation of the Elections/Regional Elections. Likewise, Bawaslu as an institution that has the authority to supervise elections/regional elections has stages regulated in regulations (Raden, 2024). Clarity about the institutions that carry out the Elections/Regional Elections will not run well if there is no balance between implementation and supervision in the implementation of the Elections/Regional Elections. If there is no certainty regarding the regulation of the Election/Pilkada organizing institutions, then the authority of each of these institutions will be weak (Lan, 2023).

Law Number 10 of 2016 is a legal instrument to regulate various aspects of the implementation of the Regional Elections, including stages, voting rights, and violation mechanisms. Regarding the mechanism of violations, it is necessary to know the types of violations in the implementation of the Regional Elections. Based on Law Number 7 of 2017, there are three types of violations, namely: administrative violations, violations of the code of ethics, and criminal violations (Kristianita & Najicha, 2022).

Specifically, the types of administrative violations include TSM (Structured, Systematic, and Massive) and Non-TSM. For this reason, it is necessary to state the definition of administrative violations as violations of procedures, procedures, and

mechanisms related to the administration of the implementation of the Regional Elections at each stage. Meanwhile, violations of the administration of the TSM Regional Elections are acts or actions that violate procedures, procedures, and mechanisms related to the administration of the implementation of the Regional Elections in each stage that promise and/or provide money or other materials to influence the organizers or voters that occur in a TSM manner (Lubbers, 2022).

Idil Fitri has written a thesis "Legal Analysis of Violations of Regional Head Elections in Majene Regency (Case Study on Handling Violations Settlement in Bawaslu in 2020)" from Bosowa University in 2020. This thesis concludes that there are violations universally in the Regional Head Election in Majene Regency and the handling of violations is carried out universally related to the Regional Head Election. It was found that three violations in the Regional Elections had not run optimally so they were not by the reports that were followed up to the adjudication stage. Some factors hinder the handling of the law, namely factors sourced from Bawaslu and the community as well as the supporters of candidates for Regional Heads. The thesis prepared by Idil Fitri discusses universal violations in the 2020 Regional Head Election in Majene Regency. Meanwhile, the thesis that will be discussed only discusses administrative violations. As for the similarities, they both discussed violations of the Regional Head Election.

Sadikin and Hanafiah have conducted a study entitled "Neutrality of the State Civil Apparatus in the General Election of the Regional Head of Asahan Regency in 2020 Case Study of the Election of Regent and Deputy Regent of Asahan in 2020". The results of the study were published in the Journal of the University of North Sumatra in 2020. This study concludes that ASN neutrality is a principle that must be obeyed by all ASNs during the Regional Elections. However, several ASNs in the Asahan Regency Government are indicated to have taken non-neutral actions against candidate pairs in the 2020 Regional Elections. ASN should be neutral, not in favor of one of the candidates. The non-neutrality of ASN resulted in administrative violations in the 2020 Regional Elections. The results of this previous study only discussed administrative violations due to the non-neutrality of ASN in the 2020 Asahan Regency Elections. Meanwhile, this thesis research will discuss the factors that cause administrative violations in the 2020 Bandar Lampung City Regional Elections. In terms of similarity, they both discussed administrative violations in the 2020 Regional Elections.

The purpose of this study is to find the factors that cause administrative violations in the 2020 Regional Elections in Bandar Lampung City based on Law Number 10 of 2016, explain cases of administrative violations of the Regional Elections related to process disputes and disputes over results, and analyze the process of resolving administrative violations of the Regional Elections against disputes over processes and disputes over results.

Method

This research is a form of doctrinal research. According to Soerjono Soekanto, doctrinal legal research is a form of literature research, namely research on secondary

data that includes primary legal materials, secondary legal materials, and tertiary legal materials. Thus, the form of doctrinal legal research includes a form of library research. This form of research is intended to conduct legal research by applying the law in the books because the root of the problem is directed to the study of literature or documentaries on written data such as archives, written reports on laws and regulations, KPU decisions, Supreme Court decisions, and other literary materials.

Types of Research Data

The type of research data is adjusted to the form of doctrinal legal research and the typology of this research in a normative-doctrinal manner. Therefore, this type of research data uses a doctrinal legal approach by using the type of research data as secondary data (secondary materials), which includes laws and regulations, official documents, books, research results, or other forms of reports related to the title of this thesis. The types of secondary data in this study include Law Number 10 of 2016, Law Number 7 of 2017, Perbawaslu Number 9 of 2020, Lampung Provincial Bawaslu Decision 2020, Bandar Lampung City KPU Decree 2020, Supreme Court Decision of the Republic of Indonesia 2021, and Constitutional Court Decree 2021.

Data Collection Tools

The collection of data for this research is by library research, which is a method of collecting data in the form of legal materials obtained through literature books or other readings that are related to the subject matter, framework, and scope of this research.

Data Analysis Methods

This research method is a qualitative method, where qualitative methods include observation, visual analysis, literature study, and interview. The intention is to use a qualitative method, to analyze research data collected from the results of literature studies. The qualitative analysis method is also to describe the data in a quality manner in the form of sentences that are orderly, sequential, logical, non-overlapping, and selective, to facilitate the interpretation of data and understanding of the results of the analysis regarding administrative violations of the 2020 Bandar Lampung City Regional Elections and efforts to resolve violations into legal institutions.

Research with qualitative analysis methods aims to manage the data that has been collected systematically, then categorize and qualify the data, as well as interpret the data to understand the meaning of the data. This research analyzes and draws on legal principles, examines the current situation, and compares it with existing legal norms.

Results and Discussion

Implications of Administrative Violations of the 2020 Regional Elections in Bandar Lampung City

One of the characteristics of a democratic country is to hold elections at certain times. Elections are essentially the recognition and embodiment of the people's political

rights and at the same time the delegation of these rights by the people to their representatives to carry out their government.

According to Moh. Mahfud M.D, there are two reasons for choosing democracy as a system of society and state. First, almost all countries in the world have made democracy a fundamental foundation. Second, democracy as the essential principle of statehood has provided direction for the role of society to organize the state as its highest organization.

Jimmy Asshiddique said that there are 4 objectives for holding general elections, namely:

- a. To enable an orderly and peaceful transition of government leadership;
- b. To enable the change of officials who will represent the interests of the people in representative institutions;
- c. To implement the principle of people's sovereignty; and
- d. To implement the principles of citizens' human rights

The right to vote is a form of political right that is included in the category of human rights. The right to vote is regulated in the fundamental legal provisions of a country (usually in the constitution and in related laws) and in various international legal instruments on human rights. In some cases, voting rights are specifically regulated in case law.

Rousseau's theory, which is the basis of the understanding of "people's sovereignty", teaches that the State relies on the will of the people, as well as all laws and regulations. According to this school, the law is the will of all people that they have handed over to an organization that has been formed first and given the task of forming laws that apply in society, people obey the law because people have promised to obey it.

There are several ways or actions that can be used to prevent election disputes. Some of these methods or actions come from sources outside the electoral justice system, while others come from the electoral justice system itself:

- a. Design and implement appropriate legal and legislative frameworks to create democratic and representative governments, and design and implement appropriate legal and legislative frameworks for human rights and electoral processes;
- b. Involving major political parties and important groups in society to design or improve the legal framework of elections;
- c. Developing a political culture and civic education (e.g. democratic principles and values, respect for the rule of law, human rights);
- d. Building a pluralistic political party system and building internal democracy in political parties;
- e. Increasing gender and minority inclusivity in
- f. government and politics;
- g. Prepare fair/equal conditions for the implementation of elections (especially access to media and financing);

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- h. Increasing the role of civil society, including its capacity to monitor all stages of the electoral process;
- i. Encourage the media, civil society, election observers, and political parties to adopt guidelines for election conduct
- j. Establish a professional, inclusive, and where possible – permanent, independent, and autonomous election governing body; and
- k. The adoption of appropriate election procedures by the election organizing body is open to the public and followed consistently.

In the Pilkada process, it was found that alleged violations of the TSM administration had implications for the democratic process running unsmoothly so the settlement of the TSM administration violation needed a solution so that the democratic process through the 2020 Regional Elections in Bandar Lampung City could support the democratic process with integrity. The implementation of the 2020 Bandar Lampung City Regional Elections also has implications for the election process. The solution is as follows:

1. The cancellation of individual passports, then a solution was found by taking a regulatory approach because the requirements for individual passports were not met based on Pilkada regulations. Two individual candidates accepted the decision of the Bandar Lampung City KPU.
2. Technical solutions (postponement of the implementation of the Regional Elections). The 2020 Regional Elections during the COVID-19 pandemic also encountered technical obstacles caused by the spread of Covid-19 so the implementation of the Regional Elections was postponed. The 2020 Regional Elections should be canceled because public health and safety must be prioritized over the implementation of the Regional Elections. Originally, the Regional Elections were to be held on September 23, 2020, but due to the conditions of non-natural disasters caused by the Covid-19 pandemic since it was determined by President Joko Widodo, the time for the implementation of the Regional Elections was on December 9, 2020. So the solution is to implement the COVID-19 Prevention Health Protocol (Prokes) regulations for the implementation of the 2020 Regional Elections, even though it makes the stages of implementing the Regional Elections less effective than canceling the 2020 Regional Elections on the grounds of the pandemic. For example, the implementation of campaigns before COVID-19 was carried out directly (offline), but during the COVID-19 pandemic they had to comply with the Health Protocols so that the number of campaigns was limited directly and even carried out online (online/virtual). In addition, related to technical obstacles, it also concerns the issue of funding so that a solution can be found. The budget for the 2020 Regional Elections was initially approved and because there was a Covid-19 pandemic, a new budget was needed for financing PPE, Rapid Test, and APK (masks, hand sanitizers, and others). However the new budget or additional budget is not enough to meet PPE, Rapid Test, and APK. The solution is that if the future Regional Elections are still in a pandemic, then the Regional Elections budget should be adjusted to the

- needs of the pandemic to maintain the health and safety of organizers, candidates, and the public so that they are not exposed to the virus or Covid-19.
3. The solution to changes in the 2020 Regional Election regulations is that the 2020 Regional Election regulations are more carefully prepared, the revision of the Regional Election regulations is critically reviewed, and the implementation of the Health Protocol is tightened. If the future Regional Elections are still in a pandemic, then the 2020 Regional Elections regulations can be applied to the upcoming Regional Elections by taking into account the situation and conditions, political dynamics, and the development of community participation. The 2020 Regional Election Regulations are based on Law Number 10 of 2016 regulating the implementation of the Regional Elections under normal circumstances, meaning that the Covid-19 pandemic has not occurred. However, the law must be revised because Indonesia is in the condition of the COVID-19 pandemic, and the change in the Regional Election regulations by the KPU RI is not sudden for the KPU in the Province and the Regency/City KPU, but the change in regulations is carried out in a coordinated manner and according to the stages so that public participation can be maintained in a conducive manner to follow the democratic process or vote at the polling station.
 4. The solution to the violation is that the Bawaslu regulation is more emphasized in its authority to crack down on violations of the Regional Elections.
 5. The resolution of disputes over TSM violations was brought to the legal channel, which was resolved at the Supreme Court. The dispute over the violation was heard at the Lampung Provincial Bawaslu, and a review was carried out at the Supreme Court and the Supreme Court revoked the decision of the Provincial Bawaslu. What should be the election regulation in Law No. 7 of 2017 concerning General Elections (Elections) gives new authority to the Election Supervisory Agency (Bawaslu), in addition to being a supervisory institution, it is also authorized as an election judicial institution or least Bawaslu is given the authority to carry out election judicial functions so that the way to resolve violations of election administration follows the trial model. Through Law No. 7 of 2017, Bawaslu has a very large (absolute) authority in handling and deciding election violations, including Structured, Systematic, and Massive Election (TSM) violations, authority is the right to do something or order others to do or not do something to achieve certain goals and Bawaslu has that authority.

Based on the description of the solution above, the mechanism offered, in electoral justice/regional elections, is explained in resolving election disputes which has three parts, including (1) Formal or corrective improvements such as filing an election lawsuit that cancels, changes, or admits irregularities; (2) Providing punitive sanctions, namely imposing penalties on perpetrators, entities, or parties responsible for irregularities, such as those related to election administration and criminal liability; and (3) Alternative mechanisms for resolving election disputes, which are voluntary to the parties to the dispute and are often informal.

Analysis of Efforts to Resolve Administrative Violations of the 2020 Regional Elections in Bandar Lampung City

The term 'election dispute resolution system' refers to a legal framework that contains a detailed electoral justice system mechanism designed to resolve electoral disputes and guarantee citizens' voting rights. The resolution of election disputes can be submitted to the legislature, judiciary, or election organizing body that has a judicial function, or an ad hoc body. The election dispute resolution system was formed to ensure the integrity of the election process. Through the election dispute resolution system, actions taken in the election process that are contrary to the law can be canceled or changed through the process of filing a lawsuit. Violators or people responsible for irregularities in the election can also be subject to sanctions. An election lawsuit is a complaint submitted by election participants or other stakeholders who believe that their voting rights have been violated. Corrective election lawsuits serve to ensure that the election process (and referendum) is carried out by the law; so that election errors or irregularities can be known, changed, canceled, or corrected; and so that voting rights can be guaranteed or restored.

Efforts to resolve administrative violations of the 2020 Bandar Lampung City Regional Elections include procedures, procedures, and mechanisms for resolving them. This is because TSM administrative violations also concern procedures, procedures, and mechanisms. Efforts to resolve TSM administrative violations can be described as follows:

Efforts to Resolve Administrative Violations of the 2020 Regional Elections in Bandar Lampung City

In particular, Moh. Mahfud MD alluded to the implementation of the Regional Elections as a representation of the democratic process in Indonesia in the reform era that is still ongoing, the procedural democratic process, and leads to liberal democracy, even though our democracy adheres to the Pancasila democratic system.

Analyzing Mahfud's opinion above regarding the character of democracy in the Regional Elections has implications for the potential for violations and fraud in the Regional Elections, both administrative violations and violations of the code of ethics and criminal violations. The administrative violations can be recognized from violations of procedures, violations of procedures, and violations of mechanisms based on Law Number 7 of 2017. Violations of the Regional Elections are a democratic problem.

In detail, Mahfud MD explained that the emergence of democracy and election problems in Indonesia is not caused by conceptual-paradigmatic errors and normative arrangements, but rather due to the deviation of the implementation of democracy from the underlying system. In fact, according to him, to deal with the problem of the imbalance between democracy and the law can only be solved by making the law a commander who must be preceded by the structuring of democracy, in the sense of political recruitment to be clean from transactional politics and mutual hostages. Here, the awareness of political parties as a forum for recruiting political leaders is required to recruit responsibly and uphold moral integrity (Simatupang & Subekhan, 2018).

The procedure for resolving TSM administrative violations in the 2020 Bandar Lampung City Regional Elections was carried out by several steps by the Lampung Provincial Bawaslu. The first step is to receive the report and carry out procedures for resolving the violation. The procedure is that Bawaslu follows up on a report on TSM administrative violations from the Complainant (Candidate Pair Number 2) to the Reported Party (Candidate Pair Number 3). Then Bawaslu identifies violations based on Bawaslu's regulations and authority. Various kinds of regulations or authorities owned by the Election Supervisory Agency (Bawaslu) turned out to be there were still many administrative violations committed by prospective participants in the 2020 Bandar Lampung City Regional Elections. The candidate pair violated the rules in a structured, systematic, and massive manner (violation of TSM ordinances), including violations of procedures classified as administrative violations in the 2020 Bandar Lampung City Regional Elections which are still in the condition of the Covid-19 period.

According to M. Ali Rachman, et al, the violation of TSM administration in the implementation of Pemilukada (now with the term Pilkada) was carried out by the candidate pair by using their power or kinship position in a structured, systematic, and massive manner. Given the complexity of violations in the mayoral election using access to office or conducting massive money politics, it adds to the length of a democratic problem every five years, especially intersecting with violations committed by policyholders in the regions who directly or indirectly use their power to win one of the specific candidates, this happened in the regional head election in Bandar Lampung City in 2020.

The second step, the identification of TSM administrative violations above shows indications of violations of TSM administration in the 2020 Bandar Lampung City Regional Elections. Among the indications, there were 32 confessions of witnesses from the Complainant (Plaintiff), also presented witnesses from the Reported Party (Defendant). Where the witnesses from the Reported Party are allegedly from the Bandar Lampung City Government which is assigned directly by the Mayor. Before the Reported Party submitted a witness to the Chairman of the Assembly, the Complainant had reminded the Reported Party to directly invite the elements of the civil servants who were directly involved. The TSM administrative violations can be seen in the table below:

Table 1
TSM Violation of Mayor Election by Candidate Pair No. 3

District	Violation	Involvement
1. Bumi Waras	Money politics during the campaign period and quiet period by taking advantage of the provision of <i>COVID-19 necessities</i> by forming Linmas and APBD to campaign and block certain candidates as well as the involvement of ASN as	Successful team Mayor ASN
2. Kedaton		
3. Kemiling		
4. Labuhan Ratu		
5. Sukarame		
6. Langkapura		
7. RajaBasa		
8. Tanjung Senang		

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9. Sukabumi	well as utilizing city
10. Tanjung Karang Barat	government facilities for free
11. Tanjung Karang Pusat	rapid tests for witnesses at
12. Tanjung Karang Timur	polling stations
13. Teluk Betung Selatan	
14. Teluk Betung Timur	
15. Teluk Betung Barat	
16. Teluk Betung Utara	
17. Wai Halim	
18. Enggal	
19. Peace	
20. Long	

The table above shows that there are 20 sub-districts in Bandar Lampung City where there are TSM administrative violations committed by Candidate Pair Number 3, in the form of money politics during the Covid-19 period in the name of social assistance from the Bandar Lampung City Government, and involving ASN elements/deploying Bandar Lampung City Government apparatus such as Sub-district Head, Village Head, and RT to become a successful campaign team to win the Number 3 Candidate Pair in the Mayor and Deputy elections Mayor of Bandar Lampung in 2020. Candidate Pair Number 2 (reporter) reported the TSM administrative violation allegedly committed by Candidate Pair Number 3 (reported) to the Lampung Provincial Bawaslu for follow-up on the report.

The third step, the Lampung Provincial Bawaslu proves the violation of TSM above. The proof was followed up by the Lampung Provincial Bawaslu. The procedure for completing the next step, Bawaslu invited witnesses from the Complainant and the Reported Party. The invitation of the witnesses was to facilitate the proceedings of the assembly and strengthen the evidence of TSM's violations. Presenting witnesses in the Session, to the submission of conclusions, which will later result in the decision of the Lampung Provincial Bawaslu.

In the fourth step, the Lampung Provincial Bawaslu took a Bawaslu Decision stating that Candidate Pair Number 3 had been convinced and legally proven to have committed election violations by TSM. The decision declared null and void for Candidate Pair Number 3 as an Election participant. Then, Bawaslu ordered the Bandar Lampung City KPU to cancel (disqualify) Candidate Pair Number 3 (reported) by issuing a Decree of the Bandar Lampung City KPU in the 2020 Bandar Lampung mayoral election.

Based on the explanation above, violations of election administration are unlawful acts or acts contrary to the law in the form of acts or omissions that can be subject to criminal and/or administrative sanctions. Criminal offenses may be subject to criminal sanctions or administrative sanctions, while administrative violations (e.g. acts or omissions of voters, candidates, monitors, political party leaders, or media organizations) are not considered criminal offenses. For this kind of violation, the election organizing body will conduct an investigation and impose administrative

sanctions. The difference between the two types of violations is stipulated in the election law applicable in the country concerned.

Administrative violations may be subject to administrative sanctions, for example:

- a. Government employees or election officials are given a reprimand, temporary dismissal, removal from their positions, or revocation of their authority;
- b. Financial assistance for political parties is reduced;
- c. The broadcast of advertisements or the delivery of political messages via radio or television for political parties that have been allocated is temporarily suspended;
- d. Revocation or cancellation of the candidate's right to register; or
- e. Fines or other financial sanctions are imposed on the violating party.

The application by the Complainant was granted by Bawaslu with the issuance of the Lampung Provincial Bawaslu Decision. Regarding Bawaslu granting the Complainant's request, it is beyond the Reported Party's suspicion that there is a proven violation of TSM administration. According to the Chairman of Bawaslu, the decision has been assessed by regulations, namely Law Number: 10 of 2026 in which part of the Handling of Election Administration Violations is systematically and massively recruited (TSM). In making a finding of alleged administrative violations that are TSM by the provisions can only be carried out by election supervisors at the Regency/City Bawaslu and Provincial Bawaslu levels. Then an examination was carried out and an open trial by the Provincial Bawaslu or Bawaslu RI. The settlement of TSM Election Administrative Violations is carried out with the principles of speed, impartiality, and openness. To determine a violation of election administration is not easy and simple, because at least it must meet several criteria as follows: First, the reporting party and the reported party must be clear as regulated in Perbawaslu No. 8 of 2018, Article 22. Second, the alleged violations of TSM election administration that are reported must meet the formal and material requirements as well as reports of alleged administrative violations of the TSM election submitted by the Reporter using the ADM-2 model form, by Perbawaslu No. 8 of 2018, Article 25. Third, the alleged violations of TSM election administration that are reported must be accompanied by at least 2 (two) pieces of evidence, by Perbawaslu No.8 of 2018, Articles 27 – 33. Fourth, meet the requirements of the violation area, by Perbawaslu No. 8 of 2018, Article 25 paragraph (8). Fifth, the inspection process carried out by Bawaslu, by Perbawaslu No. 8 of 2018, Article 40 – Article 53. If the Supreme Court's decision to cancel the KPU's decision as intended is not by the law, it gives absolute authority to Bawaslu to decide on violations of election administration that are TSM.

Bawaslu's Absolute Authority in Deciding Violations of TSM Elections/Regional Elections

The existence of the TSM administrative violation in the implementation of the 2020 Regional Elections in Bandar Lampung City is that there is a lawsuit from the candidate against the elected candidate. The Pilkada dispute is briefly described as follows:

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1. The KPU has determined the elected candidate number 03 who has obtained the most votes.
2. Candidate number 02 filed a TSM lawsuit allegedly carried out by candidate number 03 to the Bawaslu of Lampung Province
3. The Lampung Provincial Bawaslu disqualified the elected candidate number 03
4. The elected candidate number 03 appealed to the Supreme Court to revoke the cancellation of the disqualification of the candidacy of the elected candidate number 03
5. The elected candidate number 03 submitted an application to the Supreme Court for the disqualification to be canceled/revoked by the Supreme Court, and the Supreme Court granted it.
6. Candidate number 02 continued a lawsuit to the Constitutional Court over candidate number 03, so that candidate number 03 was disqualified, but the Constitutional Court did not grant it because of weak evidence.
7. The elected candidate number 03 was won by the Constitutional Court and the Constitutional Court determined that the elected candidate number 03, namely Eva Dwiana and Deddy Amrullah, was appointed as the Mayor and Deputy Mayor of Bandar Lampung elected as a result of the 2020 Regional Elections.
8. The inauguration of Eva Dwiana as Mayor and Deddy Amrullah as Deputy Mayor of Bandar Lampung for the 2021-2026 period, on Friday, February 26, 2021.
9. The Chairman of the Bandar Lampung City KPU stated that until Wednesday, January 27, 2021, the Bandar Lampung City KPU had not officially received a copy of the decision or notification from the TUN MA clerk. This is to respond to news in the mass media and social media circulating regarding the Supreme Court's decision. The KPU as the respondent has not received a copy of the official decision or notification from the TUN MA clerk until Wednesday, January 27, 2021. According to him, if a copy of the Supreme Court's decision has been officially received, the KPU will study the verdict and follow up with article 135A paragraph 8. The KPU obeys the law, as we followed up on the last Lampung Provincial Bawaslu decision, and we will also follow up on the Supreme Court's decision as stipulated in Law Number 10 of 2016 Article 135A paragraph 8.
10. The Bandar Lampung City KPU is preparing answers and a list of evidence for the trial at the Constitutional Court on Thursday, January 28, 2021. The KPU consulted with the helpdesk of the Legal Division of the KPU RI in preparation for the Constitutional Court session on Thursday, according to the Commissioner of the KPU of Bandar Lampung City Robiul after consultation at the KPU RI. Based on the trial schedule issued by the Constitutional Court clerk, the application for case registration No. 25/PHP. KOT-XIX/2021, which was submitted by the applicant for pair number 02, Muhammad Yusuf Kohar and Tulus Purnomo Wibowo, will hold a preliminary hearing on Thursday, January 28, 2021, at 16.00 WIB. The trial will listen to the reading of the application by the applicant and the determination of related parties which will be heard by the panel II panel consisting of Constitutional Court judges Prof. Aswanto, Suhartoyo, and Daniel Yusmic. The Constitutional

Court session will be held offline and online. To attend offline at the Constitutional Court, only two KPU chairmen as respondents were accompanied by legal representatives, while online I (Robiul as the Legal Division of the KPU of Bandar Lampung City) with the Deputy Legal Division Hamami accompanied by the Legal Division of the Lampung Provincial KPU. For the schedule for submitting the respondent's answer and the list of evidence on February 1-9, 2021. The Bandar Lampung City KPU has prepared answers and a list of evidence for the Constitutional Court session and plans to be included next week (February 1-9, 2021) after this preliminary hearing.

11. The Bandar Lampung City KPU issued a decision as a legal consequence of the alleged violation of TSM. The issuance of the Bandar Lampung City KPU Decree Number 007/HK.03.1-Kot/I/2021 concerning the cancellation of the pair of candidates for the 2020 Bandar Lampung Mayor and Deputy Mayor elections, as stipulated in Bandar Lampung, on January 8, 2020. However, in the next process, the Supreme Court annulled the KPU's decision, and the Bandar Lampung City KPU redetermined the selected candidate pair.

According to the election law, Bawaslu does not just serve as an election supervisory institution. But also handling violations, as well as as a judicial institution, or at least carrying out judicial functions in resolving election administrative violations at the Provincial Bawaslu and Bawaslu RI levels, the procedure for resolving administrative violations by the Perbawaslu also follows the trial model like the judiciary in general. Based on the mandate of Law No. 7 of 2017 concerning Bawaslu Elections, Provincial Bawaslu and Regency/City Bawaslu are given the task of examining, reviewing, and deciding violations of election administration. In the Perbawaslu, it is stated that Bawaslu has the authority to receive, examine, review, and decide on reports of alleged TSM Election Administrative Violations against candidates for members of the DPR, DPD, and DPRD as well as Candidate Pairs, in exercising the authority as intended, Bawaslu can form an examining panel at the Provincial Bawaslu to receive and examine reports of alleged TSM Election Administrative Violations. Violations of the TSM election administration occur when the stages of the election implementation process take place the campaign stage, the quiet period, and the day of the voting in the process these stages if there are allegations of violations of the TSM election administration. Therefore, it must be submitted to the authorized institution as regulated by law, which is none other than Bawaslu, both at the Central level and the Provincial Bawaslu.

Based on the above considerations, it has become clear that the authority to resolve administrative violations of the TSM election is in the hands of Bawaslu where it must have been resolved at the stage of the process before the KPU determines the acquisition of votes nationally. In other words, if there is an administrative violation of the election that is TSM, it must have been resolved before the dispute about the election results at the Constitutional Court. There are legal avenues available to solve the problem of administrative violations that are TSM. If the legal path is not carried out

by the election participants, it is another problem. If the legal path has been taken but does not satisfy the election participants, it is also another problem. Election violations that are TSM are some of the most serious election violations that can result in the disqualification of election participants if proven to have committed TSM violations. However, TSM violations have quite severe evidentiary requirements, because the meaning of TSM must be proven cumulatively, namely fulfilling all three elements, namely: structured, systematic, and massive. By what has been determined in Law No. 7 of 2017 Article 286, Article 463 reporting on alleged violations of election administration that are TSM, must be submitted to Bawaslu. So if the alleged violation of election administration that is TSM is not submitted to Bawaslu, then the alleged violation of election administration cannot be submitted to the Supreme Court or submitted to the Supreme Court for PHPU application. Based on the above, it turns out that it is clear and firm by the Law to give absolute authority to Bawaslu to decide on violations of election administration that are TSM.

Conclusion

Based on the findings, the mechanism for handling administrative violations in Article 461 of Law Number 7 of 2017 concerning Elections gives authority to Bawaslu to receive, examine, review, and decide on administrative violations related to elections. Bawaslu also has the authority to handle Structured, Systematic, and Massive (TSM) violations, which are serious and can result in the disqualification of election participants if proven. This TSM violation must meet the requirements of cumulative proof, namely structured, systematic, and massive elements, as stipulated in Article 286 and Article 463 of Law No. 7 of 2017.

Bawaslu's decision is final and binding, except for certain disputes that can be submitted to the State Administrative Court (PTUN) or the Constitutional Court (MK), such as political party verification, determination of the list of permanent candidates, or determination of candidate pairs. In the case of TSM violations, reporting must be made to Bawaslu before the stage of determining the votes obtained by the KPU, because otherwise, the violation cannot be submitted to other legal channels. For example, in the 2020 Bandar Lampung Mayor Election, an administrative dispute involving a pair of candidates shows that Bawaslu's authority in deciding TSM violations is very crucial. However, the available legal avenues often do not satisfy election participants, causing long dynamics. Thus, Bawaslu has absolute authority in handling and deciding election administrative violations, ensuring that the process runs by legal provisions and maintaining the integrity of the implementation of the election.

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