

# THE SUPERVISORY PERFORMANCE OF BAWASLU HULU SUNGAI UTARA IN THE 2019 ELECTION

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**Abstract:** *The Hulu Sungai Utara Regency Election Supervisory Body is an Election organizing body tasked with overseeing the implementation of Elections, the problem is the improper installation and / or distribution of Campaign Props (Campaign), Campaign Materials (BK), Unclear division of labor. The purpose of this study was to determine the Performance of the Election Oversight Body in the Supervision of Election of the House of Representatives, Members of the Regional Representative Council, President and Vice President in 2019 at the Election Supervisory Body (Bawaslu) of North Hulu Sungai Regency and the factors that influence it. This research uses a qualitative approach with descriptive-qualitative type. Data collection techniques used were interviews, observation and documentation. Source of data taken through a purposive withdrawal of 15 people. After the data is collected, it is then analyzed using techniques including data reduction, data presentation, and data verification or drawing conclusions. Test the credibility of the data in this study is the extension of observation, increase perseverance, triangulation, negative case analysis, and hold a member check. The results of the research on the performance of the Election Oversight Body in the Supervision of the Election of the House of Representatives, Members of the Regional Representative Council, the President and Vice President in 2019 on the Election Supervisory Body (Bawaslu) of North Hulu Sungai Regency have not been good this can be seen from several indicators.*

**Keywords:** *Election; Indonesia; 2019; BAWASLU*

## 1. INTRODUCTION

The authority to supervise the election organizers is given to the Election Oversight Body (Bawaslu) and its subordinates, in this case the General Election Supervisory Committee at the Hulu Sungai Utara Regency level. Supervision is one of the most important factors in determining the success or failure of an election. Election supervision is the activity of observing, reviewing, examining, and assessing the process of organizing elections in accordance with statutory regulations.

The Election Supervisory Body (Bawaslu) and the Election Oversight Committee (Panwaslu) at all levels have an important role in ensuring that elections are held

democratically in a direct, public, free, confidential, honest and fair manner in accordance with applicable laws and regulations.

Efforts to realize elections that are honest, fair and to avoid delegitimization of elections, the problems of law enforcement election must be resolved comprehensively. It is necessary to identify the triggers of the problem and then find a solution so that the law can be enforced. Panwaslu has a strategic function and role in the effort to create a democratic election administration. This authority is regulated in the General Election Oversight Body Regulation Number 13 of 2012 concerning Procedures for Supervision of General Elections.

General Election is a means of implementing People's Sovereignty which is carried out directly, publicly, freely, confidentially, honestly and fairly. Elections are held with the aim of electing representatives of the people at both the central and regional government levels, as well as to form a democratic, strong government, and gain popular support in the context of realizing national goals as mandated by the preamble to the 1945 Constitution of the Republic of Indonesia. Elections implemented by the Indonesian state in the context of realizing people's sovereignty as well as implementing democratic principles or values, increasing people's political awareness to participate actively in the general election for the realization of the ideals of a democratic Indonesian society. Through the election, it is hoped that the ongoing political process will give birth to a government that is legitimate, democratic and truly represents the interests of the voting community.

The Election Supervisory Body for the Hulu Sungai Utara Regency is an election management agency tasked with supervising the implementation of elections throughout the territory of the Unitary State of the Republic of Indonesia. Duties, Authorities, and Obligations of Election Supervisors based on the mandate of Law Number 7 of 2017 concerning General Elections whose duties are to prepare administrative standards for the supervision of the implementation of elections for election supervisors at every level, to prevent and take action against Election Violations; and disputes over the election process, supervising preparations for the implementation of elections, supervising the implementation of the stages of organizing elections, preventing the practice of money politics, supervising the neutrality of the state civil apparatus, the neutrality of members of the Indonesian National Armed Forces, and the neutrality of members of the Indonesian National Police, supervising the implementation of decisions/decisions, submitting allegations of violations code of ethics for Election Organizers to DKPP, Submitting alleged election crimes to Gakkumdu, Managing, maintaining, and caring for archives and carrying out their depreciation based on archive retention schedules in accordance with statutory provisions, Evaluating Election supervision, Supervising the implementation of KPU Regulations; and Carry out other duties in accordance with the provisions of the legislation. The number of Bawaslu members is 5 (five) people. Bawaslu membership consists of professionals who have the ability to carry out supervision and are not members of political parties. In carrying out their duties, Bawaslu members are supported by the Secretariat General of the General Elections Supervisory Agency.

Based on the author's observations in the 2019 election, there are problems that exist at the Bawaslu Office of Hulu Sungai Utara Regency, namely the inappropriate installation and or distribution of Campaign Props (APK), Campaign Materials (BK) that are not in accordance with regulations, which are in the installation of billboards or banners. candidates are not based on the size determined by the regulations and exceed the size limit of the installation, and the installation of banners or billboards for candidate pairs on the green lane such as Jalan Norman Umar and Jalan A. Yani, while the law regulates no campaign material should be posted on the green line, which should hit leaflets with the correct size 8.25 cm x 21 cm, brochures open 21 cm x 29.7 cm, brochures folded 21 cm x 10 cm, pamphlets the largest is 21 cm x 29.7 cm, the largest poster is 40 cm x 60 cm, the largest sticker is 10 cm x 5 cm. (Source: PKPU Number n23 year 2019). Unclear division of labor, in which the Bawaslu Office has only been established for one year, where employees in their fields should do other work. Lack of supervision of employees in organizing elections such as the lack of coordination between Bawaslu employees and other employees so that work is hampered. (Source: Lakip Election Supervisory Body, 2019)

The next problem was in a Bawaslu case where at that time it was called the Panwas of Hulu Sungai Utara Regency, a money politics case occurred in the election of the Regent and Deputy Regent of Hulu Sungai Utara Regency in 2017, where there were reports of people reporting alleged election violations, the violation in question was in a villages in the Hulu Sungai Utara district distributed the money. In a process of proof in the election regulations, Law Number 10 of 2016 states:

*Article 187A paragraph (1), the Law on Pilkada stipulates that anyone who intentionally gives money or materials as a reward to influence voters, then that person is sentenced to a minimum of 36 months and a maximum of 72 months in prison, plus a fine of at least Rp. 200 million up to Rp. a maximum of IDR 1 billion.*

*Article 187A paragraph (2), it is regulated that the same criminal provisions are applied to voters who intentionally commit acts against the law, accept gifts or promises as referred to in paragraph (1).*

This is where sometimes problems in regional head elections become a problem. So that the reporter does not dare to report the problem, because when reporting the person who receives and the giver will be used as a witness and they do not want to get the sanction. So that it is difficult for Panwaslu to decide this is a violation of the law. The focus of the research here is intended to emphasize the scope of the problem to be discussed (Sedarmayanti, 2010:51), so as not to cause too broad an interpretation of the problem and the discussion of the problem becomes focused and does not deviate from the main problem discussed in this paper.

## 2. METHODS

Legal science has characteristics as a prescriptive and applied science. In prescriptive, the science of law studies the objectives of the law, the values of justice in

law, the good and bad of a rule of law, concepts, and legal norms. Whereas in applied science, legal science establishes a procedure, provisions, and limitations in enforcing a legal rule (Nurhayati, 2020: 9). Legal research seeks to present legal developments following the needs of legal studies in an integral manner (Nurhayati, 2013: 15). The dichotomy of legal research methods (doctrinal and non-doctrinal) is also influenced by the development of legal philosophers' schools of thought (Nurhayati, Ifrani, Said, 2021: 1-25). This research is using empirical legal research method. This empirical legal research method is a combination of normative legal approaches with the addition of empirical elements (Leeuw, 2015). Empirical legal research methods investigate the implementation of normative legal provisions (laws) in their actions on certain legal events that occur in a society (Soekanto, 2003). This study uses a sociological juridical approach (socio legal research). Sociological juridical is another approach model in legal research which does not only see law as a mere norm (law as writer in book) but also law in reality. (Abdul Kadir, 2015).

### 3. RESULTS AND DISCUSSION

The performance of the Election Supervisory Body in the Implementation of Supervision of the General Elections of the House of Representatives, Members of the Regional Representatives Council, President and Vice President in 2019 The Election Supervisory Body (Bawaslu) of Hulu Sungai Utara Regency is quite optimal, this can be seen from the indicators:

- a. First, the quality of work achieved not good, in which there is a lack of clarity in the division of labor that employees in their fields should do other jobs. Employee knowledge is not good, which is a lack of knowledge that employees have and mistakes often occur in doing work.
- b. Second, the completion of the work has been good, in which this work has been carried out properly, in the Implementation of Supervision of the General Elections of the House of Representatives, Members of the Regional Representatives Council, President and Vice President in 2019 at the Election Oversight Body (Bawaslu) of North Hulu Sungai Regency. On time is not good, which means that the implementation is not on time, where employees in carrying out work are not carried out in stages and slow down the work. In accordance with the plan, which is not yet good, where there is an inappropriate installation and or distribution of Campaign Props (APK), Campaign Materials (BK) that are not in accordance with the regulations, which in the installation of baleho or candidate banners are not based on the size determined by the regulations and exceed the size limit installation.
- c. Third, carrying out the duties of employees is good which in the Implementation of Supervision of the General Elections of the House of Representatives, Members of the Regional Representatives Council, Prsidents and Vice Presidents in 2019 At the Election Oversight Body (Bawaslu) of Hulu Sungai Utara Regency employees have carried out their duties well. The responsibilities of employees in

the work are good, where the work has been carried out properly and according to applicable rules.

- d. Fourth, it is fulfilled that the implementation of the General Election is good in which Bawaslu as the organizer remains independent in carrying out its duties so that disputes that occur can be resolved according to the applicable legal regulations. Achievement of results in which the implementation of the General Election has not been good because there are still many inappropriate installations and or distribution of Campaign Props (APK) which are not based on the appropriate size by regulations are determined and exceed the installation size limit so that the implementation of the results from Bawaslu has not been achieved.
- e. Fifth, the cooperation is not good, in which the division of labor is unclear, and the lack of supervision of employees in organizing elections such as the lack of coordination between Bawaslu employees and other employees so that work is hampered. harmonious relations between employees and other employees as well as with superiors are good and running in harmony, which in carrying out the work of employees is always in accordance with the direction of superiors.

#### 4. CONCLUSIONS

Factors that affect the performance the Election Supervisory Body in the Implementation of Supervision of the General Election of the House of Representatives, Members of the Regional Representatives Council, Prsidents and Vice Presidents in 2019 at the Election Oversight Body (Bawaslu) of Hulu Sungai Utara Regency are not yet good, lack of understanding and ability employees whose understanding of employees is still minimal and limited knowledge that affects work. The unclear division of labor, in which the Bawaslu Office has only been established for one year, where employees in their respective fields should do other work. The quality of work achieved so far is still not good, which is still a lot of inappropriate installation and or distribution of Campaign Props (APK), Campaign Materials (BK) that are not yet good, not in accordance with regulations. the plans made and implemented have not been fulfilled because there is still a mismatch between the division of labor, which employees in their fields should do other work.

Based on the existing problems, the authors can provide suggestions so that the Performance of the Election Supervisory Body in the Implementation of Supervision of the General Election of the House of Representatives, Members of the Regional Representatives Council, Prsidents and Vice Presidents in 2019 at the Election Oversight Body (Bawaslu) of North Hulu Sungai Regency is better which one:

- a. The need for the Head of Bawaslu of Hulu Sungai Utara Regency to increase knowledge through training and development aimed at maintaining and improving the work performance of employees. training is aimed at improving current job performance, while development is aimed at improving current and

future performance. training is directed at helping employees perform their current job better.

- b. Bawaslu staff to better coordinate between Bawaslu employees and other employees so that their work is more focused and better in the future.
- c. The need for the Head of Bawaslu in emphasizing the performance of the Bawaslu of Hulu Sungai Utara Regency must be optimized again so that there are no frauds committed by the Paslon in the installation and or distribution of Props Campaign (APK), Campaign Material (BK) that is not in accordance with the regulations and the need to stipulate in the division of labor so that there is no overlap in the work carried out.
- d. The Supervision Sector should pay more attention to the installation of banners for candidates who do not comply with the rules and be firm in following up on problems with the installation of baleho or candidate banners. The election supervisory body should be closer to the community because the community is a good and effective CCTV in monitoring the election process.

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