

The Effectiveness of Election Supervisory Board's Authority In Handling Election Administrative Violations: A *Fiqh Siyāsah* Perspective

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ABSTRACT

This study aims to analyse the effectiveness of the authority of the General Election Supervisory Agency (Bawaslu) of Bandar Lampung City in handling administrative violations during the general election, and to examine its appropriateness from the perspective of political jurisprudence. This study employs a qualitative, descriptive-analytical approach through interviews, observations, and document analysis. The theoretical framework used includes the theory of authority implementation, as well as principles in *siyasah tanfidhiyyah*, particularly *al-'adl* (justice) and *maslahah mursalah* (public interest). The research findings indicate that the Bandar Lampung City Election Supervisory Board (Bawaslu) is relatively effective in exercising its authority, particularly in preventing and addressing administrative election violations. This effectiveness is reflected in Bawaslu's ability to actively identify and uncover violations whether through direct oversight or public reports and to follow up on them through recommendations to the General Election Commission (KPU). Furthermore, Bawaslu plays a strategic role in safeguarding the integrity of the election through a systematic process for handling violations, oriented toward upholding electoral justice. From the perspective of political jurisprudence (*fiqh siyasah*), the exercise of Bawaslu's authority is consistent with the principles of *al-'adl* and *maslahah mursalah*, which hold the government accountable for upholding justice and promoting the public interest. Thus, Bawaslu's practice of supervising and enforcing election administration law can be viewed as consistent with Islamic legal values and as contributing to the maintenance of the rule of law within Indonesia's constitutional system.

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INTRODUCTION

The conduct of general elections in Indonesia always attracts attention not only because they are a celebration of democracy, but also because they generally involve massive resources. The number of voters continues to grow, as do the participating political parties and their numerous supporting organisations, and the funds spent on organising these democratic events continue to rise. That is why reliable election management is necessary (Riswanto et al., 2019).

Elections serve as a means for the people to choose leaders they desire and trust to govern effectively; indeed, they have the right to stand for election themselves (Bawaslu Sigi Regency, 2020). The General Election Supervisory Agency (Bawaslu) is the institution authorised to oversee and handle election violations, as outlined in Regulation No. 7 of 2022 of the General Election Supervisory Agency of the Republic of Indonesia on the Handling of Findings and Reports of General Election Violations, Article 4, paragraph (1).

The mechanism for resolving administrative election violations is part of administrative law enforcement. In administrative law doctrine, there are two means that are consistently regarded as tools for administrative law enforcement. First, oversight, both to ensure that a government body complies with statutory regulations and to monitor the implementation of decisions that impose obligations on individuals or legal entities.

Second, the exercise of the authority to impose sanctions. In the context of Indonesia's general elections, Law No. 7 of 2017 on Elections contains several provisions on the mechanism for resolving administrative violations. One thing that is clear is that violations are not resolved solely on the basis of reports from monitors or members of the public, but also on the basis of findings. Findings result from active monitoring, whereas reports are allegations of violations submitted by parties with legal standing to report. A reporter is an individual authorised to report election violations (Riswanto et al., 2019).

In the 2024 General Election, the General Election Supervisory Agency of the Republic of Indonesia (Bawaslu RI) reported that it had handled 1,023 alleged election violations stemming from its own findings and from public reports. However, not all of these allegations were proven to be election violations. The most common violations were found within the General Election Commission (KPU), particularly regarding recruitment processes that did not comply with established procedures. Additionally, provincial-level KPUs were found to have accepted voter endorsements for candidates for the Regional Representative Council (DPD) and the People's Representative Council (DPR) in a manner inconsistent with legal regulations. On the other hand, there were also findings regarding Polling Committees (PPS) that failed to remain neutral and showed bias toward election participants. Another significant violation during the 2024 Election was the involvement of civil servants (ASN) who provided support to election participants through social media or the mass media (Tondi, 2024).

Electoral administrative violations are handled by Bawaslu, and its decisions may include administrative corrections to procedures, processes, or mechanisms in accordance with applicable laws and regulations; written reprimands; exclusion from certain stages of the electoral process; or sanctions (Nuryanto, 2021). This indicates that the role of the General Election Supervisory Agency (Bawaslu) is crucial, not only in overseeing all stages of the election but also in addressing violations to ensure honest, fair, and legally compliant elections.

There are several previous studies that share a similar theme with this research. Among them is a study by Abdhy Walid Siagian, Rozin Falih Alify, and Muhammad Syammakh Daffa Alghazali that examines the role of the General Elections Commission (KPU) in addressing administrative election violations (Siagian et al., 2022). Furthermore, a study by Ismed A. Gafur, Nam Rumkel, Abdul Aziz Hakim, and Khairun examines law enforcement responses to electoral administrative violations in South Halmahera (Gafur et al., 2020). Another study by Evi Noviawati and Mamay Komariyah highlights the effectiveness of resolving election violations under Law No. 7 of 2017 on Elections (Noviawati & Komariyah, 2019).

Additionally, Endah Maharani examined the role of the NTB Election Supervisory Agency (Bawaslu NTB) through a case study in Central Lombok in 2019 regarding the handling of electoral administrative violations (Maharani, 2019). Finally, research by Leo Adi Suseno analysed the role of the Bandar Lampung City Election Supervisory Agency (Bawaslu Bandar Lampung) in managing the 2020 local elections (Suseno, 2023).

Based on the above discussion, although various studies have examined the handling of electoral administrative violations, most remain descriptive in nature and have not comprehensively analysed the effectiveness of Bawaslu's performance at the local level. Furthermore, studies that integrate the perspective of *fiqh siyasah* in analysing election oversight practices remain limited. Therefore, this study focuses on analysing the effectiveness of the Bandar Lampung City Bawaslu in handling administrative election violations by using the perspective of *fiqh siyasah* as an analytical framework, in order to provide theoretical and practical contributions to the development of electoral law studies in Indonesia.

RESEARCH METHOD

This study employs a field research methodology that involves direct observation of the research subjects to collect primary data. Primary data in this study were collected through interviews (Syahrizal & Jailani, 2023). The research subject is the Election Supervisory Agency (Bawaslu) of Bandar Lampung City. Data collection was conducted through interviews with Mr Bintarawan, Head of the Administrative Subdivision of Bawaslu Bandar Lampung City; Italia, Senior Election Supervisor at Bawaslu Bandar Lampung City; and Oddy Marsa, coordinator of the division for handling violations and resolving disputes at Bawaslu Bandar Lampung City.

In addition, this study utilises secondary data from various sources, including primary legal materials such as election-related laws and regulations, as well as secondary materials such as books, academic journals, and relevant previous research findings. The approach used in this study is the empirical-juridical approach, which examines the application of law in practice within society by combining an analysis of applicable legal norms with empirical facts on the ground. In addition, this study employs a conceptual approach to examine legal concepts related to election oversight (Syarif et al., 2022), as well as an Islamic normative approach through the perspective of *fiqh siyasah*, as an analytical framework for assessing the effectiveness of Bawaslu's role in addressing election administrative violations.

ANALYSIS AND DISCUSSION

The Effectiveness of the Bandar Lampung City Election Supervisory Agency's Authority in Handling Election Administrative Violations

Administrative violations involve breaches of procedural law; consequently, violations of procedures and mechanisms fall under the category of procedural legal violations. Meanwhile, the subject matter of administrative election violations pertains to the administration of election implementation. According to Article 20 of Bawaslu Regulation No. 8 of 2018 on the Resolution of Election Administrative Violations, the definition of an election administrative violation occurring in a TSM manner involves acts promising the provision of money or other material benefits to influence election organisers or voters in a Structured, Strategic, and Massive (TSM) manner (Firmanto, 2022). Based on Bawaslu Regulation No. 8 of 2018 on the Resolution of TSM Election Administrative Violations, Article 20 states that there are 2 (two) objects of TSM election violations, namely: First, acts or actions that violate the rules, procedures, or mechanisms related to the administration of election implementation at every stage of the election process, occurring in a structured, systematic, and massive manner.

Second, acts or actions involving the promise and/or provision of money or other material benefits to influence election officials and/or voters, occurring in a structured, systematic, and massive manner. Regarding the two types of TSM election violations mentioned above, to be classified as a TSM election administrative violation, in addition to meeting formal and material requirements, there must also be at least two pieces of evidence, provided that the violation occurred in at least 50 percent of the districts serving as polling locations. The evidence referred to includes witness testimony, written documents, electronic records, and statements from the complainant or the respondent during hearings, as well as expert testimony (Safa, 2019).

The authority of the General Election Supervisory Agency (Bawaslu) to handle administrative election violations is normatively regulated in Article 4(1) of the Bawaslu Regulation, which grants Bawaslu at every level the authority to receive, examine, review, and adjudicate alleged administrative election violations in accordance with the locus delicti where the violation occurred. In this context, the Bandar Lampung City Bawaslu has the authority to handle administrative violations, including those that are structured, systematic, and massive (TSM).

Based on interviews with several informants at the Bandar Lampung City Election Supervisory Agency (Bawaslu), an overview of the exercise of authority and indicators of election oversight effectiveness was obtained. Italia, S.Psi., serving as the Senior Election Supervisor, explained that the success of Bawaslu in election oversight can be assessed through several key aspects: the realisation of democratic election principles (direct, universal, free, secret, honest, and fair), the effectiveness of preventing violations, and the accuracy and speed in handling violations. Additionally, success is measured through increased public participation in oversight and the maintenance of the integrity and neutrality of election supervisors. This is reflected in the rising number of public reports, active participatory oversight, and the minimal occurrence of ethical violations by election supervisors (Italia, interview, July 24, 2025).

Meanwhile, Bintarawan, S.E., Head of the Administration Subdivision, explained that the election violations handled by the Bandar Lampung City Election Supervisory Agency (Bawaslu) occurred at various stages of the election, ranging from the pre-election period to the vote tabulation. During the pre-campaign and candidate registration phases, violations generally involved the neutrality of Civil Service Officials (ASN), which were subsequently referred to the Civil Service Commission (KASN) (Bintarawan, interview, July 2025). During the voter data update phase, ethical violations by officials were identified and resolved through reprimands, while during the campaign phase, administrative violations were found, some of which were referred for further action and others were discontinued due to insufficient evidence. During the vote tabulation and counting phase, various alleged violations were identified, including vote-buying and vote inflation; however, not all cases could be pursued due to limited evidence or the absence of sufficient elements to constitute a violation. In general, reports of violations came from the public, from supervisors' findings, and from direct field monitoring, with the reported parties ranging from election participants and organisers to civil servants.

Furthermore, Oddy Marsa, S.H., M.H., Coordinator of the Division for Violation Handling and Dispute Resolution, explained that Bawaslu retains the authority to address administrative violations that occurred prior to the announcement of results, even if such violations are only uncovered afterwards, provided they have a direct impact on the election results. In the handling process, Bawaslu seeks clarification from the relevant parties, collects and analyses evidence, and issues recommendations for sanctions commensurate with the severity of the violation. These recommendations may range from written warnings and the cancellation of campaign activities to the disqualification of election participants or a re-vote

(PSU) in cases involving serious violations, such as those that are structured, systematic, and massive (O. M. JP, interview, July 24, 2025).

Based on interviews with informants at the Bandar Lampung City Election Supervisory Agency (Bawaslu), it can be concluded that the effectiveness of Bawaslu's exercise of authority in supervising and addressing election violations is determined by several key indicators: success in upholding the principles of democratic elections, the effectiveness of violation prevention, and the accuracy and speed of violation handling. In practice, Bawaslu has demonstrated active efforts through preventive measures such as public appeals, education, and monitoring patrols, which indirectly help reduce the potential for violations. Additionally, the increasing public participation in reporting alleged violations indicates public trust in Bawaslu's performance and the development of a participatory oversight model.

A concrete example of how the Bandar Lampung City Election Supervisory Agency (Bawaslu) handles election administrative violations is the case of an alleged breach of civil service neutrality involving a prospective candidate for the Bandar Lampung City Regional Representative Council (DPRD). In this case, Bawaslu received a report from the Panjang Subdistrict Election Supervisory Agency (Panwaslu) regarding a legislative candidate who was still an active civil servant and serving as a village head at the time of registration. Following up on the report, Bawaslu conducted clarifications and investigations with the relevant parties and found that the individual in question had indeed entered retirement, but the official document, the Retirement Decision Letter (SK), had not yet been uploaded to the Candidate Information System (SILON). Based on these findings, Bawaslu subsequently referred the alleged violation of civil servant neutrality to the State Civil Service Commission (KASN) for further action (Alam et al., 2024).

When analysed from the perspective of effectiveness, the handling of this case demonstrates that Bawaslu has exercised its authority procedurally in accordance with applicable regulations, particularly regarding the receipt of reports, the conduct of clarifications, and the forwarding of recommendations to the competent authorities. This reflects effectiveness in institutional and procedural aspects. However, from a substantive standpoint, this effectiveness remains limited because Bawaslu lacks direct authority to impose sanctions for violations of civil servant neutrality, leaving follow-up actions entirely in the hands of another agency, namely KASN. This situation indicates that the effectiveness of handling administrative violations is determined not only by Bawaslu's performance but also by inter-agency coordination and compliance with the recommendations provided.

However, from a law enforcement perspective, Bawaslu's authority remains constrained by several obstacles, particularly in establishing violations and exercising enforcement powers. Although recommendations are essentially proposals or suggestions for improvement that are advisory, reinforcing, and morally and legally binding, in practice, Article 140 of Law No. 10 of 2016 designates the Provincial/Regency/Municipal General Election Commission (KPU) as the authority responsible for adjudicating administrative violations. Thus, the KPU's position as the decision-maker creates the possibility that recommendations submitted by Bawaslu may be ignored or not implemented (Nasir, 2020).

Although Bawaslu has broad normative authority, including the power to address violations that affect election results even if they are uncovered after the results have been certified, in practice, not all reports can be processed through to the sanctioning stage. This is due to limited evidence and the failure to meet the elements of a violation as stipulated in the relevant laws and regulations. This situation highlights a gap between the normative scope of authority and its effectiveness on the ground.

Furthermore, the variety of violations occurring at every stage of the election, ranging from breaches of civil service neutrality, ethical violations by election organisers, to allegations of vote-buying, demonstrates the complexity of election oversight faced by Bawaslu. Although

some violations can be addressed through the imposition of administrative sanctions or referred to competent authorities, such as the Civil Service Commission (KASN), numerous cases must be discontinued due to insufficient evidence. This indicates that the effectiveness of oversight depends not only on Bawaslu's institutional capacity but also on the support of the evidentiary system, public participation, and the integrity of the parties involved in the conduct of elections.

Thus, it can be concluded that the effectiveness of the Bandar Lampung City Election Supervisory Agency (Bawaslu) in handling administrative election violations has generally been in line with the existing normative framework but has not yet been fully optimal in practice. This is primarily due to structural and technical constraints in the evidentiary process, as well as the limited enforceability of the recommendations issued. Therefore, it is necessary to strengthen oversight, focusing not only on enforcement but also on improving the quality of prevention, public participation, and coordination among election law enforcement agencies.

From the perspective of administrative law enforcement, this situation highlights a gap between *das sollen* (normative provisions) and *das sein* (practices on the ground). Normatively, Bawaslu possesses strong authority, including the power to issue sanctions such as revoting (PSU), disqualifying candidates, or annulment of election results. However, in practice, the effectiveness of this authority is heavily influenced by external factors such as the quality of public participation, the neutrality of officials, and the availability of sufficient evidence.

***Fiqh al-Siyasah* Analysis of the Effectiveness of the Bawaslu's Authority in Addressing Administrative Election Violations**

From the perspective of political jurisprudence (*fiqh siyasah*), the administration of government is understood not only as the exercise of formal authority but also as an instrument for realising justice (*al-'adl*) and the public interest (*maslahah*) for society. Therefore, an analysis of the effectiveness of the General Election Supervisory Agency (Bawaslu) in handling electoral administrative violations must be situated within the framework of *siyasah tanfidziyyah*, a branch of *fiqh siyasah* that addresses the exercise of executive power in implementing public policies to achieve the public good (Putri et al., 2025).

Conceptually, *siyasah tanfidziyyah* demands that every government policy and action be not only normatively valid but also effective in ensuring the upholding of justice and the achievement of the public good. In this context, Bawaslu can be positioned as a state instrument that performs oversight and enforcement functions under the administrative election law. These functions resemble the concept of *al-hisbah* in Islamic tradition, namely an institution tasked with overseeing public life to ensure compliance with norms and prevent deviations (Abdullah, 2018).

However, upon further analysis, there is a fundamental difference between the classical concept of *hisbah* and the institutional practices of Bawaslu. In the *hisbah* system, the supervisory authority has direct power to take action and effectively enforce regulations (Abdullah, 2018). Meanwhile, in Indonesia's constitutional practice, Bawaslu's authority remains largely advisory in many cases, particularly in addressing administrative violations that require follow-up by other institutions such as the General Election Commission (KPU) or the Civil Service Commission (KASN). This limitation indicates that, structurally, Bawaslu's effectiveness has not yet fully met the ideal characteristics of a *hisbah* institution possessing direct enforcement power.

Within the framework of political jurisprudence, the effectiveness of Bawaslu's authority can be analysed through two main principles: *al-'adl* (justice) and *maslahah mursalah* (public interest). First, the principle of *al-'adl* demands the enforcement of a law that is objective, non-discriminatory, and based on valid evidence. Justice is not merely a moral principle but a command from Allah SWT. Thus, in principle, justice is not an abstract concept but a concrete reality in various aspects of life (Wijaya et al., 2025). This principle of justice

requires Bawaslu, as a supervisory body, to treat all election participants equally without bias. It is this principle of justice that serves as the primary measure of Bawaslu's ability to uphold integrity in the electoral process.

The Election Supervisory Agency (Bawaslu) must ensure that all parties involved in election administration, including organisers, participants, and voters, are treated fairly and equally under the law, without discrimination. Bawaslu's decisions in resolving administrative matters must be based on accurate facts and evidence, so that the resulting election outcomes accurately reflect the people's will. Justice is realised when administrative violations are addressed in a proportionate and corrective manner. Justice also requires a transparent process that allows the public and relevant parties to monitor, report, and access the dispute-resolution or administrative-violation resolution process. This is evidenced by increased public participation in election oversight, as demonstrated by the large number of public reports received by Bawaslu regarding election violations. Furthermore, this is also evidenced by the absence of any violations committed by Bawaslu.

Second, the principle of *maslahah mursalah* emphasises that every government action must be directed toward achieving the broader public good, including safeguarding the integrity of elections and public trust in the democratic system. Imam Al-Ghazali held that a public good must align with sharia, not with human will or objectives, because human objectives are not always grounded in sharia. According to Al-Ghazali, the objectives of sharia take five forms: preserving religion, life, intellect, lineage, and property (Hidayatullah, 2018).

In this context, the preventive role of the Election Supervisory Agency (Bawaslu) through education, public appeals, and participatory oversight constitutes an implementation aligned with this principle. Preventive measures are considered more effective in safeguarding the public interest than enforcement after a violation has occurred. However, if a violation cannot be addressed decisively due to limited authority or weak coordination among institutions, this may undermine the public interest by eroding public trust in the integrity of the elections.

Furthermore, from the perspective of *maslahah mursalah*, the effectiveness of election oversight by Bawaslu is closely linked to efforts to uphold several fundamental objectives of Islamic law, particularly *hifz al-nizam* (maintaining socio-political order) and *hifz al-'aql* (ensuring the freedom and rationality of the public's political choices). When administrative violations are not effectively addressed, the potential for distorting the people's will increases, ultimately undermining the legitimacy of democracy as a political system.

The application of Bawaslu's effectiveness in resolving election administration issues aims to safeguard the public interest, namely the preservation of electoral integrity and popular sovereignty (including *hifzh al-nafs*, protection of life, and *hifzh al-'aql*, protection of free thought/reason). Bawaslu's Authority: Bawaslu's authority to oversee and address violations of election administration, including imposing sanctions or issuing recommendations for improvement, is considered an action grounded in *maslahah mursalah*. Although the specific mechanisms of Bawaslu did not exist in the early days of Islam, its role in upholding justice and order in modern political processes (elections) is an effort to achieve the objectives of sharia.

CONCLUSION

Based on the above, it can be concluded that the authority of the Bandar Lampung City Election Supervisory Agency (Bawaslu) in handling administrative violations of the general election has been exercised in accordance with Article 4(1) of Law No. 8 of 2018 on the Resolution of Administrative Violations of General Elections. The Bandar Lampung City Election Supervisory Agency (Bawaslu) has received, examined, reviewed, and ruled on

alleged administrative election violations in accordance with the location where the violations occurred. Findings of violations do not remain solely with Bawaslu but are forwarded as recommendations to the General Election Commission (KPU) for follow-up; furthermore, Bawaslu has the authority to issue significant recommendations if a violation is proven to have influenced election results, such as recommendations for a re-vote (PSU) or the disqualification of a candidate pair. Overall, this demonstrates that Bawaslu plays a crucial role in safeguarding the integrity of elections by identifying violations, processing them, and recommending sanctions to ensure fair election results. A *Fiqh al-Siyasah* analysis of the effectiveness of the Bawaslu's authority in addressing administrative election violations is based on two principles: the principle of *al-'adl* and the principle of *maslahah mursalah*. The principle of *al-'adl* requires Bawaslu to uphold justice, treat all election participants equally, and ensure that every supervisory action is carried out objectively without bias. Meanwhile, the principle of *maslahah mursalah* emphasises that every decision and action by Bawaslu must be directed toward realising the public interest, maintaining electoral order, and enhancing public trust in the democratic process. Based on the application of these two principles, it can be concluded that the effectiveness of Bawaslu's authority in handling electoral administrative violations has been successful because it reflects the elements of justice and public benefit as stipulated in the *Siyasah Tanfidziyah*.

AUTHORS CONTRIBUTION

Ahmad Hamzah was responsible for conceptualization, research design, data collection, and drafting the original manuscript. Nurnazli contributed to data analysis, validation of findings, and critical revision of the manuscript for important intellectual content.

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