

The Role of the General Election Supervisory Body of Medan City in Organizing the 2019 Simultaneous Elections

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Abstract

The existence of General Election Supervisory Body (Bawaslu) in the current democratic system is absolutely necessary to supervise every process and stage of the election and prevent and take action against those who violate election provisions. In Law Number 7 of 2017 concerning Election Organizers, it is stated that the Election Supervisory Body (Bawaslu) is an election management agency tasked with overseeing the implementation of elections throughout the territory of the Unitary State of the Republic of Indonesia. This task is in accordance with the words of the Prophet Muhammad, who emphasized that if you find a violation, change it according to your ability and form of responsibility. The General Election Supervisory Body (Bawaslu) has the responsibility of resolving any election violations that occur. This study aims to find out: 1) The forms of violations that occurred during the 2019 simultaneous elections in Medan City. 2) the mechanism for resolving violations carried out by the Medan City General Election Supervisory Body (Bawaslu) to holding the 2019 simultaneous elections. 3) Factors support and impede the Medan City General Election Supervisory Body (Bawaslu) from holding simultaneous elections in 2019. This type of research is qualitative field research. The political science approach in this research uses a new institutionalism approach. A new institutionalism approach explains how the institution's organization is, the responsibilities of each role, and how roles and institutions interact. The results of the study, namely: 1) The alleged election violations in Medan City include violations of the procedures, procedures or mechanisms related to the administration of election implementation and election crimes. 2) General Election Supervisory Body (Bawaslu) is an institution that has the authority to receive, examine and so on the implementation of the election so that it runs according to the existing rules. 3) The supporting factors for Medan City General Election Supervisory Body (Bawaslu) in organizing elections are related to Election Supervisory Body (Bawaslu) authority, community involvement, and the use of technology. In contrast, the inhibiting factors faced by General Election Supervisory Body (Bawaslu) are the overlapping authority between institutions that handle election-related cases, limited time in handling election disputes, low community participation, quantity and quality of human resources in supervising the implementation of elections, as well as facilities and infrastructure.

Keywords: Election Supervisory Body, Election, Medan City.

Introduction

Indonesia is one of the countries that adhere to a democratic system. General elections are the means through which the people exercise their sovereignty by electing a leader who embodies the concept of governance of the people, by the people, and for the people (Mas'ood, 2003). This is based on Article 1 paragraph (2) of the Law, 1945 Constitution. The concept contained in the 1945 Constitution demonstrates a sign that the people hold power. There are fundamental principles of democratic state life under a democratic system, such as ensuring the rights of every citizen who participates in the political process (Thaib & Huda, 1992).

General elections are a necessary component of a representative democracy. Elections function as a filter for politicians charged with representing and conveying people's voices into representative institutions. Those who are elected are considered people or groups who have the ability or obligation to speak and act on behalf of a

larger group through political parties. This is intended to activate and mobilize the people to represent particular interests, compromise opposing opinions, and provide a means of the legal and peaceful succession of political leadership (Mahfud, 2009).

The general election is defined operationally as a political institution and practice that enables the formation of a representative government. Elections are also called the political market arena, which means that elections allow individuals or communities to interact and carry out social contracts with election participants (Labolo & Ilham, 2017). Article 22 E paragraph (1) of the 1945 Constitution explains that the principles of general elections adopted and practised in the electoral system in Indonesia is the principle of direct, general, free, secret, honest and fair every five years to facilitate a peaceful change of power and accommodate the interests of the people concerned then formulated in various forms of policy. Quality elections are a barometer of a country's performance in implementing a democratic system and creating leaders with moral character and integrity in the midst of society, all of which are required to keep the wheels of government turning in line with the people's mandate (Makhfudz, 2013).

Elections, in broad terms, are a response to the challenges of contemporary democracy and also an attempt to address the issue of representation, namely how to represent different groups, political parties, interests, and the general public. In a democratic nation like Indonesia, representational democracy is an essential element of achieving the community's welfare through its legislators and executive leadership, so that the community's interests may be manifested in real life (Pramono, 2005).

In the electoral system in Indonesia, it is well-established that the election management body is an integral part of the function of organizing elections as stipulated in Law Number 7 of 2017 concerning Elections. It is stated in Article 1 Number 7 that the election organizer is an institution that organizes elections. It consists of the Commission on General Elections (KPU), the Election Supervisory Body (Bawaslu), and the Election Organizing Honorary Council (DKPP) as a unitary function of the election organizers to elect members of the People's Representative Council (DPR), members of the Regional Representatives Council (DPD), the President and Vice President and to elect members of the Regional People's Representative Council (DPRD) directly by the people.

As mandated in Article 22 E paragraph (5) of the 1945 Constitution, a National, permanent and independent Commission on General Elections (KPU) has been established to ensure elections are conducted conformity with election principles, applicable laws, and regulations. As for what is meant by national in nature, namely the implementation of elections covering the entire Territory of the Unitary State of the Republic of Indonesia, permanent in nature means that the Election Organizing Institution performs its duties continuously, even though a particular term of office limits its membership—in comparison, independence implies that election administrators are free of political interference and have defined duties in line with legislative rules while conducting elections. As a democracy-adhering country, Indonesia holds the values and principles of electoral justice and fairness in the highest regard and consistently adheres to them throughout elections. The electoral justice system was developed to prevent and identify election irregularities and a method and process for correcting these irregularities and impose sanctions on perpetrators of violations. Democratic elections are defined by at least three overarching concepts: (1) principles of electoral rights, (2) electoral justice, and (3) electoral integrity (Mawardi, 2014).

In order to secure and ensure a high-quality election process that adheres to election principles, rules and justice. The most fundamental aspect that must be reinforced are the regulations and laws that protect voters completely against, fears, dangers, irregularities, fraud and other fraudulent practices that may occur, whether intentionally or unintentionally, during the election (Singh, 1996). This is because election organizers and voters still commit violations in every election fraud that occurs both at the central and regional levels are more dominated by money politics, black campaigns, inflated votes, stealth voters, and election organizers who side with one of the participants.

The realization of a good general election through the principles of direct, general, free, confidential, honest and fair can be realized with one of its pillars, namely election supervisors. The election monitoring process in Law No. 7 of 2017 mandates the General Elections Supervisory Body (Bawaslu) to ensure that the principles of elections are transparent and fair. The term "supervision" refers to an action aimed at ensuring state institutions' implementation their responsibilities in conformity with relevant legislation (Soemantri et al., 1993).

The urgency of the election supervisory agency is more needed to oversee and supervise the implementation of the democratic party at every stage running in accordance with the mandate of reform. The General Elections Supervisory Body (Bawaslu) is an institution that oversees the implementation of elections throughout the territory of the Unitary State of the Republic of Indonesia, which is domiciled in the national capital. The Provincial General Elections Supervisory Body (Bawaslu) is the body that oversees the implementation of elections in the provinces. The General Elections Supervisory Body (Bawaslu) Regency or Municipal is the body that oversees the implementation of elections in the Regency/City area. The Subdistrict Election Supervisory Committee is a committee formed by the Regency/Municipal General Elections Supervisory Body (Bawaslu) to oversee the implementation of elections in the sub-district area or another name. Sub-district/Village Election Supervisory Committee is an officer to supervise the implementation of elections in sub-district/village, or other names, The Overseas Election Supervisory Committee is an officer formed by the Election Supervisory Body (Bawaslu) to oversee the implementation of elections abroad, and Supervisor Polling Stations (TPS) are officers formed by the Sub-district Election Supervisory Committee to assist the Village Election Supervisory Committee.

The General Elections Supervisory Body (Bawaslu) has the duties, powers and obligations, including supervising the implementation of the stages of the election, receiving reports of alleged election violations and following up on findings or reports related to violations of election crimes, being fair in carrying out elections duties and powers. The enactment of Law Number 7 of 2017 concerning General Elections on August 15, 2017, institutionally in the supervision of general elections and regional head elections. The General Elections Supervisory Body (Bawaslu) has been significantly strengthened in its oversight role as executor and adjudicator of cases.

The strengthening and authority of the General Election Supervisory Body (Bawaslu) in overseeing the implementation of elections that are conducted in accordance with election principles and fairness does not necessarily mean that the General Election Supervisory Body (Bawaslu) can work alone to oversee and supervise the process of implementing elections at each stage, as is expected. The lack of public knowledge and participation in the significance of exercising their voting rights will provide chances for irresponsible parties to commit breaches in order to support their candidates.

This reflects their indifference to a future life in the state, which will have an impact on the stability and security of the country itself (Mashuri, 2014). Therefore, the importance of public participation in guarding elections by providing reports on alleged election violations and participating in supervising the election from the beginning to the end until the decision is issued to determine the legitimate candidate as the winner of the election, all of which will indirectly contribute significantly to the development of the country and serve as a learning experience for the community to apply democratic values.

As an election supervisory agency, in accordance with its duties and authorities, General Election Supervisory Body (Bawaslu) is to maintain democracy and the creation of election justice which is in line with Islamic values in advocating “ma'ruf” and “nahi munkar.”

“O you who have believed, be persistently standing firm for Allah , witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah ; indeed, Allah is Acquainted with what you do” [Al-Ma'ida: 8].

The holding of the election on April 17, 2019, is a historic day for all Indonesians. This year, for the first time, elections were held simultaneously throughout the territory of the Unitary State of the Republic of Indonesia to elect candidates for President and Vice President, People's Representative Council (DPR), Provincial People's Representative Council (DPRD), Regency People's Representative Council (DPRD), and Regional Representatives Council (DPD). Elections are held to fulfil people's sovereignty within the framework of *Bhinneka Tunggal Ika*, which is a reflection of a sovereign and just democracy. Various phenomena related to election violations when the five-yearly democratic party is held are things that must be avoided or resisted because the problem is that if this continues, it will damage the foundations of democratic life in Indonesia.

Apart from that, the challenge for the General Election Supervisory Body (Bawaslu) for Medan City to prove its strategic role and existence in guarding elections with integrity for the nation's advancement by supervising every stage of the elections held is becoming more challenging than in previous years. All staff must work diligently to ensure elections are fair, honest, and free of various types of violations, as well as cooperation from all levels of society and election stakeholders, to ensure that the elections held are expected to reflect the people as sovereign holders, particularly in determining candidate leaders in the context of realizing Pancasila democracy (Lubis, 2016).

The Medan City General Election Supervisory Body (Bawaslu) admits that the Medan City Regional People's Representative Council (DPRD) legislative candidates committed violations during the campaign period. There are several campaign methods that candidates can carry out. These include limited meetings, dialogue and installation of Campaign Props (APK). However, the legislative candidates did not understand the campaign rules in the election, resulting in violations. The reason is that legislative candidates cannot legally carry out campaign activities because they are not participants. For another reason, in Law Number 7 of 2017 concerning General Elections, election participants are political parties. A candidate can conduct a campaign, but the election participants must first be appointed, namely the political parties. The problem is, candidates, do it individually. As a result of these violations, the Medan City General Election Supervisory Body took control of the APK. This is because many legislative candidates install APKs in prohibited places, such as in houses of worship. In addition to violating the APK installation location, not a few candidates also violated it by placing advertisements or campaigning in the mass media. Whereas in the Commission on General Elections (KPU) Regulation, campaigns in the mass media can only be carried out on March 24, 2019. (Results of the Interview with Mr Raden Deni Atmiral, 2019).

The Medan City General Election Supervisory Body (Bawaslu) has found indications of election violations. Unfortunately, all these findings are raw at the integrated law enforcement centre (Gakkumdu). Thus, the case cannot go to the next stage or reach the trial stage. All the reports and findings end up in Gakkumdu. None of them has reached the court. After reviewing Gakkumdu, which includes elements of the police and the prosecutor's office, it was stated that they did not meet the elements of election violations. During the election, the General Election Supervisory Body (Bawaslu) received one report of alleged criminal acts in the presidential election, seven legislative election reports, and one report of administrative violations. In addition to the findings of alleged criminal acts in the legislative elections, the General Election Supervisory Body (Bawaslu) found one alleged criminal act, four findings found by the Sub-district of Panwaslu, and six reports that were not registered. A total of twenty indications of election violations consisting of five findings and fifteen reports of violations from individuals and political parties. Because it did not meet the elements of election violations, the case was not continued in court. (Results of an interview with Mr Payung Harahap, 2019).

The prominent role of the General Election Supervisory Body (Bawaslu) is to take precautions before taking action. Furthermore, to supervise all stages of the election, money politics, neutrality of all parties in campaigns or other activities prohibited by Law Number 7 of 2017 concerning General Elections. The Election Supervisory Body (Bawaslu) always conducts a mapping of election vulnerabilities so that it is easy to trace if there are allegations of violations committed by irresponsible people. In addition to election vulnerabilities, there is also supervision over the compliance of election organizers, candidate pairs, campaign teams, the community, the government and all parties in accordance with the provisions of the legislation.

The role of the General Election Supervisory Body (Bawaslu) in handling election violations, namely receiving and collecting data on findings and reports from Election Supervisory Body (Bawaslu) itself and the community. Data on alleged violations will be reviewed or processed in accordance with formal and material requirements. Of these two conditions, the type of violation will determine the violation, namely criminal or administrative. The two types of violations will be decided after the Sentragakkumdu team reviews the data. Allegations of violations in elections often occur, but the public is reluctant to report them to the General Election Supervisory Body (Bawaslu) because they do not have enough evidence, so the perpetrators of alleged violations cannot be prosecuted. Based on the background in this paper, the authors are interested in conducting research with the title: The Role of the Medan City General Election Supervisory Body (Bawaslu) in the Implementation of the 2019 Simultaneous Elections.

Based on the context of the issue as stated in this study, the authors may frame the problems as follows.

1. What are the forms of violations that occurred in the holding of the 2019 simultaneous elections in Medan City?
2. What is the mechanism for resolving violations committed by the Medan City General Election Supervisory Body (Bawaslu) during the 2019 simultaneous elections?

3. What are the supporting and inhibiting factors faced by the Medan City General Election Supervisory Body (Bawaslu) to holding the 2019 simultaneous elections?

The purpose of this study is to address the issues raised in the problem formulation above. This study has the following objectives: (1) To determine the types of violations that occurred during the 2019 simultaneous elections in Medan City. (2) To establish the mechanism for resolving violations committed by Medan City General Election Supervisory Body (Bawaslu) during 2019 simultaneous elections. (3) to identify the factors that will assist and hinder the Medan City General Election Supervisory Body (Bawaslu) to holding simultaneous elections in 2019.

The theoretical implications of this study may add insight to knowledge in the field of Islamic politics, particularly those related to political issues, such as: The results of this study are intended to increase knowledge of elections and election-related issues, particularly the method through which the General Election Supervisory Body addresses election irregularities. Positive contribution to academics' understanding of general elections and, more specifically, the problem of public political involvement. . Contribute to the creation of teaching materials for the UIN-SU Postgraduate Program, particularly in the areas of Islamic Political Science, Political Sociology, and the Indonesian Political System based on Islam. For the community, this study may help build an understanding of Islamic politics and the rule of law during elections.

The following are the practical advantages of this scientific paper: (a) It enables researchers to fulfill the criteria for a Master's degree in Islamic Politics. (b) For the General Election Supervisory Body (Bawaslu), it is anticipated that this study will serve as a useful reference or guide, since its role in monitoring the execution of elections in Medan City has improved. (c) For the community, it is anticipated that this study would educate and socialize residents about the General Election Supervisory Body (Bawaslu) and the critical role of the community in monitoring election compliance.

Theoretical foundations

Supervision Theory

In order to accomplish the government's intended objectives, supervision is required, as shown by the plans established in advance by the government (Situmorang, 2010). According to George R. Terry, as cited by Muchsan, supervision is the process of determining what has been done, evaluating it, and, if necessary, implementing corrective actions to ensure that the outcome is consistent with the plan. In this meaning, supervision is concerned with assessing and adjusting produced outcomes in order to ensure they are consistent with the plan. Then Hendry Fanyol remarked, Control is the process of ascertaining that everything that happens is consistent with the plan chosen, the instructions given, and principles established. Its purpose is to draw attention to flaws and mistakes in order to correct them and avoid recurrences. The aim of this knowledge is to recognize that essence is the process of determining if something has transpired as planned. This monitoring enables the detection of faults, which may then be rectified; more significantly, it enables the prevention of mistakes errors from occurring in the future (Muchsan, 1992).

Lotulung (1986) defines control in three ways: in terms of the body/organ that executes the control; in terms of the time/date when the control is implemented; and in terms of control over the objects discovered. In terms of the controlled body/location, organ's two types of control may be distinguished: internal control and external control. Internal control entails monitoring by a body that remains organizationally/structurally integrated within the government's surroundings. External control, on the other hand, is oversight exercised by organs or organizations that are organizationally/structurally distinct from the executive branch of government.

Internal control

Internal control refers to supervision conducted by an organized body that is still a part of the government, or to the entire process of auditing, reviewing, monitoring, evaluating, and other supervisory activities related to the execution of organizational tasks and functions, which is typically conducted in a hierarchical fashion or from superiors to subordinates. This control, also known as embedded control, offers sufficient confidence that operations have been carried out effectively and efficiently in line with set standards. Internal supervision is conducted to benefit the leadership and to ensure good governance.

According to Article 2 paragraph 1 of Presidential Instruction Number 15 of 1983, direct supervision may be exercised by direct leaders/supervisors at the central and regional levels, while functional supervision is exercised by the supervisory apparatus. Internal control theory is based on organizational ideas and behavior,

and internal control is implemented via superiors' motivation of subordinates. Internal control exists to ensure that the organization's mandate, vision, mission, goals, and objectives are met. It was determining the level of accountability for each agency's performance that would be used as an assessment parameter, as well as the success or failure of the organization's mission in achieving the goals and targets outlined in the agency's strategic plan, as well as two primary goals: accountability and the learning process.

External control

External control refers to supervision carried out by individuals or organizations that are not part of the relevant organizational unit. Many of the restrictions that have become an essential component of an agency's external operational environment were created in one of three ways: (a) Laws and regulations imposed by Congress on the execution of public management that impede and affect bureaucratic behavior. (b) Congress controls agency budgets, which can have an effect on an organization's behavior by impeding or facilitating its ability to carry out its mission; and (c) The civil service is a rigid hierarchical control system that provides a framework for retraining, promotion, and management of the bureaucracy.

Internal and external oversight by various participants in society must be strengthened. Internal and external supervision functions by establishing measurement tools to strengthen the organization's assessment system and transparent operation in order to enhance efficiency and accountability while reducing corruption. Supervision will be more effective if it is conducted outside. This supervisory system may include a mechanism for the leader to monitor the completion of delegated tasks, the appropriateness of task completion and task planning, and the effectiveness of task completion.

“Have you not considered that Allah knows what is in the heavens and what is on the earth? There is no private conversation three but that He is the fourth of them, nor are there five but that He is the sixth of them – and no less than that and no more except that He is with them [in knowledge] wherever they are. Then He will inform them of what they did, on the Day of Resurrection. Indeed Allah is, of all things, Knowing.” [58:7]

The goal of monitoring, regulating, and correcting is to keep someone out of trouble. Another objective is to maintain a high standard of living. This is the intent of *tausiyah*, not to diminish it. Supervision is a continuous action that ensures that operations are carried out consistently. In the Islamic concept, supervision is carried out on both a material and spiritual level, which means that it prioritizes material matters and places a premium on spiritual matters. These distinctions are critical between Islamic and secular conceptions of supervision, the latter of which focuses only on material oversight and does not include Allah SWT as the primary supervisor.

The Supervisory Body for General Elections (Bawaslu) has the authority to supervise election organizers. Supervision is a critical element in deciding whether an election is successful or not. Election supervision is the process of observing, reviewing, analyzing, and evaluating how elections are conducted in compliance with legislative rules. The General Election Supervisory Body (Bawaslu) is critical in ensuring that elections are conducted democratically, openly, freely, confidentially, honestly, and fairly in compliance with applicable laws and regulations.

Election Theory

General elections or elections are required under the State of Indonesia's constitution, specifically the Republic of Indonesia's 1945 Constitution. Article 22E states that: Every five years, general elections are held in a direct, general, free, secret, honest, and fair manner. Article 1 paragraph 2 of Law No. 15 of 2011 on the Conduct of General Elections confirms that: General elections are a means of exercising people's sovereignty that are held directly, publicly, freely, secretly, and fairly within the Unitary State of the Republic of Indonesia, in accordance with Pancasila and the Law 1945 Constitution of the Unitary State of the Republic of Indonesia.

The general election's significance must first be contextualized within the democratic framework that serves as a backdrop. The two have an extremely tight connection. It differs from Abraham Lincoln's phrase "government of the people, by the people, and for the people" (1808-1865). This interpretation indicates that power is in the people's hands and that they must act on their behalf. As a result, elections are utilized to raise the people to the greatest level of sovereignty in the nation (Labolo, 2017).

Elections are a significant tradition that is nearly universally utilized in democratic regimes across the globe. Due to democracy's stronghold on the global stage, elections are accessible for citizens to express their sovereignty. Elections, according to Manuel Kaisiepo in Bintar R. Saragih, are necessary for exercising power since they provide legitimacy to the rulers. Elections are a manifestation of the people exercising their sovereignty freely and arbitrarily in selecting whoever they want. Because the populace does not want to

permanently entrench the current regime in preserving its status quo in government positions, it becomes a problem for those who wish to establish a democratic system and later convert to feudal rule. Thus, Maurice Duverger is not exaggerating when he states that when there are free and fair elections, there is democracy.

Syamsuddin Haris defined elections as a tool for (1) political legitimacy, in the sense that the legitimacy of the governing government may be reinforced via general elections. (2) The Function of Political Representatives, in the sense that the people elect representatives to legislative and executive positions in general elections. (3) Change or Circulation of the Ruling Elite, in the sense that the general election is connected to the circulation of the elite, who are considered to be the community's rulers. (4) Political education resources, in this instance general elections, may offer political education to the public directly and freely in the expectation that the public would develop an awareness of democratic political life.

If the people are considered to be the owners of the greatest authority in a nation, then as the owners and holders of power, they have the right to decide how the government is to be administered and the objectives for the country. Naturally, this becomes more difficult if, in the process of managing the state administration, each person expresses their desire to decide the policies that will be implemented by the government. When we consider the amount of Indonesians, who number in the millions and represent a diverse range of ethnic, religious, and ethnic groups, it becomes clear that individuals carrying out their objectives only via government is impossible. Thus, in this instance, a formula is developed for how the people may still decide their will via a representative system, which is referred to as a representative democracy system or indirect democracy in Jimly Asshiddiqie's terminology (Asshiddiqie, 2006).

Today, general elections are one of the foundations of democracy in a variety of democracies, serving as emblems and barometers of democracy itself. In the simplest terms, general elections are the process through which voters' ballots are converted into seats won by candidates. According to Refly Harun (2018), general elections serve as a vehicle for people to express their will via government representatives. The general election process allows voters to elect trustworthy individuals to occupy legislative and executive positions (Ranadireksa, 2015).

In general, when it comes to legislative power, both in the People's Representative Council (DPR) and Regional People's Representative Council (DPRD), the community grants voting rights to those who will represent them in direct elections for parliamentary seats to carry out legislative, supervisory, and financial functions. Meanwhile, the people elect their representatives to the executive branch, both the president and regional heads, via public elections. These two powers are representatives who exercise their separate duties as a result of receiving direct legitimacy from the people through general elections. The location of the two institutions in the state administration cycle is critical because it determines the style and objectives to be accomplished in the short and long term. Thus, in order to obtain outcomes that genuinely reflect the will of the people, general elections must be conducted on truly free and fair principles (Asshiddiqie, 2006).

Although, in principle, the general election becomes an instrument for achieving people's sovereignty that directly includes them, the election's execution has many variations of the system. The existence of these various system variants does not imply that the general election's implementation disregards its central principle, namely people's sovereignty, but rather that it continues to rest on the principle that the people are the owners of absolute power and should not be compromised (Hoesein, 2017). The general election system is usually divided into two versions (Budiardjo, 2008): (1) The district system elects one representative from each electoral district. (2) In what is often referred to as a "proportional" system, a single electoral district elects several members.

The district election system is an electoral system in which the territory of the country is divided into several electoral districts, where the number of districts is equal to the number of seats in parliament. Each electoral district elects one representative from the candidates proposed by political parties or election contestants. Therefore, this system is called a single-member constituency so that the winner is the one who has the most votes in the district, as for the advantages and disadvantages of this district system (Huda & Nasef, 2017) namely. (1) The relationship between voters and their representatives is very close; therefore, political parties do not dare nominate unpopular people in the district. The election of a representative is usually due to his quality and popularity so that the party's popularity also increases. (2) This system encourages the unity of political parties because only one candidate is elected, so that several political parties are forced to join forces to nominate a person who is more popular and qualified than the other candidates. (3) The simplification of political parties. (4) The organization of organizing elections with this system is more straightforward. It does

not require many people to sit on the election committee. The cost is cheaper, and the vote count is shorter because there is no need to calculate the remaining votes that are wasted.

The drawbacks of this system are: (1) There will likely be wasted sound. (2) Making it difficult for small parties and minority groups to have representation. (3) The occurrence of a reflection of the wrong opinion, the first level and the second level.

In a proportional electoral system, the territory of the country is one electoral district. However, due to the vast territory of the country and a large number of citizens, the territory is divided into electoral constituencies (for example, the province becomes one electoral district). For these constituencies, many seats are allocated to be contested depending on the area of the constituency and population, political considerations. Of course, more than one seat will be up for grabs, and the remaining votes from a particular constituency cannot be combined with the rest of the votes in the region another election. Therefore, this system is called a multimember constituency.

The positives and negatives of this proportional system are: (1) Tiny wasted sound; (2) Small/minority political parties are likely to get seats in parliament.

While the negative aspects of this proportional system, among others, (1) The emergence of new political parties, which tend to accentuate existing differences and, as a result, are less motivated to seek common ground. (2) Every elected candidate believes that he or she is more loyal to the political party that nominated him or her than to the people who voted for him or her. (3) The government is unstable because many political parties make it difficult for the government to run, especially in a parliamentary government system. The formation of a government/cabinet must be based on a coalition between two or more political parties. (4) At the first level, there is a reflection of a mistaken opinion.

Elections are an opportunity for the people to elect political officials, so supervision is needed to ensure an honest and fair election. The direct election, which is the lifeblood of local democracy, is also a stage in the decentralization process. Direct elections have also opened up wide opportunities to maintain local democracy, which had been delayed during Suharto's reign (Sulistiyono & Erb, 2009).

Democracy Theory

Democracy is a form of political government in which government power comes from the people either by direct democracy or through representative democracy. In general, democracy means the government of the people, by the people and for the people. Democracy emphasizes the will, opinions, and views of the people. The style of democratic government is chosen through agreement by way of consensus so that a strong democracy comes from the conscience of the people to achieve justice and the people's welfare (Bangun, 2008). The sustainability of democracy necessitates people who agree on the definition of democracy, understand how it works, and apply it to their lives. A strong democracy is rooted in the people's will and aims to achieve the common good or benefit. Therefore, democracy is more related to representing the people's will (Mas'od, 1999). Within the framework of political theory, democracy emphasizes the elements of society as a variable.

Referring to Jean Jacques Rousseau's theory, democracy is a stage of a process that a country must pass to gain prosperity. Rousseau's statement seems to explain that democracy for a country is a lesson towards the development of a perfect state administration. Whereas perfection does not belong to humans, what is the measure of the existence or not of democracy in a country is not determined by the final goal but instead looks at the facts of the existing stages. Democracy will run according to the times and will be greatly influenced by cultural factors. Thus, if we place democracy rigidly and ideally, there will never be a real democracy, and there will never be a democracy (Rousseau, 2007). His description of democracy became more organized and structured. This is to prove that democracy is a continuous process towards perfection. The beginning of the arrival of democracy is the idea of freedom in the human mind. The definition of "freedom" was initially considered to be free from ties or the absence of all ties, the absence of all obligations. However, the reason is, when humans are in social construction, the idea of "freedom" can no longer be assessed simply, no longer solely free from bondage, but the idea of "freedom" is analogous to the principle of self-determination. This later became the basis of Hans Kelsen's thinking about democracy (Kelsen, 2006).

The idea of "freedom" in the context of social life is in line with the thoughts of the Muslim scholar, better known as Farabi. For Farabi, human life cannot be separated from society because humans are essentially social creatures. This essence is a natural tendency. The tendency to live in society is not merely to fulfil basic needs. However, it also produces the completeness of life that will give humans happiness materially and spiritually.

One of the completeness of life is the emergence of various thoughts or ideas. It can be interpreted that Farabi's idea of freedom is a natural tendency, intending to live happiness (Sjadzali, 1993).

Indeed, divisions of ideas or wills in society have been formed. Various opinions on an issue will appear randomly. From this point, a pattern of interests emerges, leading to a majority and a minority vote, each of which has rights and obligations. The majority vote does not result in absolute domination or dictatorship of the majority over the minority. The principle of majority in a democratic society can only be implemented if all citizens in a country are allowed to participate in the formation of the legal order. This is what gave birth to the term compromise. The meeting of the majority vote and the minority voice resulted in a compromise. According to Hans Kelsen, one of the essences of democracy lies in the presence or absence of a compromise that unites differences of opinion to determine an order for the foundation of a state. The principle of compromise is the resolution of a problem (conflict) through a norm that is not entirely in accordance with the interests of one party, nor is it entirely contrary to the interests of the other party.

With such a tendency, democracy is an approach towards the ideal of perfect self-determination. In line with this, discussions between the majority and the minority are continuously carried out so that a mutual agreement occurs and becomes a guide for the community in carrying out their activities. Discussion of a problem is not limited to parliament alone but mostly in political institutions in newspapers, books, and other public opinion means. A country characterized by democracy has broad means for the existence of public opinion. According to Hans Kelsen, public opinion can only arise if intellectual freedom, freedom of speech, freedom of the press, and freedom of religion are guaranteed.

The guarantee of religious freedom in the life of the state is guaranteed for its continuity and is guarded and fostered so that it coexists with the religion that is the majority in a country. Besides being acknowledged by Hans Kelsen, another Islamic thinker also guaranteed recognition of the freedom of diversity, namely Abdul Qadir Jaelani. Issues of religion and belief should not fall within the scope of coercion, whether coercion arising from economic attractiveness or even sex appeal. To make choices in the context of religion and belief is entirely up to the individual concerned (Jaelani, 1995).

The ideal type of democracy is manifested in different degrees through different constitutions. Direct democracy is democracy at its highest degree. Direct democracy can be characterized by the fact that the people carry out the legislature and the executive and legislative functions in a grand meeting or a general meeting. This kind of practice is possible only in small communities and under simple social conditions. Therefore, in the opinion of Hans Kelsen and most other political and constitutional thinkers, this kind of direct democracy no longer has a place in the modern concept of democracy that many governments are currently discussing in the world.

The most likely thing to happen is a democracy where a parliament elected by the people carry out the legislative function, and the executive and judicial functions are also carried out through general elections whose validity is guaranteed. In this condition, Hans Kelsen said that a government is a "representative" because as long as the people elect its officials, the official is fully responsible for the voters. If the government cannot take full responsibility for its voters, it cannot be called "real representation."

In modern democracies, astonishingly, Hans Kelsen argues that what is happening today in countries that act in the name of democracies, it turns out that they do not fully understand this process of representation. As understood by Hans Kelsen, the principle of representation turned out to be oriented towards the presence or absence of a process of accountability to voters. This means that democracy in the context of representation requires great responsibility, especially morally, to the voters and no accountability to the political party that carries it.

In general, the opinions expressed by Hans Kelsen are based on the philosophy of Plato and Aristotle, as well as several other thinkers who lived in ancient Greece. There are several reasons why Greeks could contribute ideas to several legal theories critical to the future development of the law. His philosophical and literary works see his tendencies to think speculatively and his intellectual perception to realize the existence of human life and conflicts in the life of this world.

The meaning of democracy as the basis of life in society and the state implies that it is the people who provide provisions in matters concerning their lives, including in assessing state policies, because these policies will determine the people's lives. Thus, a country that adheres to a democratic system is a state that is organized based on the will and the will of the people (Winarno, 2014).

Research Methods

Type of Research

This research is qualitative. According to Moleong (2005), qualitative research is research that is intended to understand the phenomenon of what is experienced by the research subject, for example, behaviour, perception, motivation, action, and others, holistically and by way of description in the form of words and language, in a unique natural context, and by utilizing various natural methods (Moleong, 2005). Therefore, in this study, the researchers used a descriptive approach. Descriptive research is research on certain phenomena or populations obtained by researchers from subjects in the form of individuals, organizations or other perspectives. The aim is to explain aspects relevant to the observed phenomena and explain the characteristics of the existing phenomena or problems.

Qualitative data support this research through in-depth interviews and documentation (Miles & Huberman, 1992). This study involved several informants who were interviewed in-depth to find out what was actually being researched. The instrument used by the researcher in conducting interviews with the informants was a mobile phone recorder, pen, paper, and the time of data collection used during the study.

In obtaining data and information, this study uses two types of research: First, library research, namely research to obtain secondary data from books, journals, newspapers, and websites related to research. Second, this research uses field research, namely by interviewing the Chair of the Medan City General Election Supervisory Body (Bawaslu) and members of the Medan City General Election Supervisory Body (Bawaslu) in the simultaneous election of the Legislative, Regional Representatives Council (DPD), and President/Vice President candidates in 2019.

Research Approach

The political science approach in this study uses a new institutionalist approach because, according to Miriam Budiardjo, the new institutionalist approach explains how the institutional organization is, the responsibilities of each role, and how roles and institutions interact (Budiardjo, 2008). The state as the centre of power is the core of the institutional approach. The institutionalism approach developed in the 19th century, where there was no world war and the state's role was very dominant in people's lives. The focus of this approach is the constitutional and juridical aspects.

The traditional discussion concerns the law, sovereignty, and formal and juridical power of state institutions. At least, there are five main characteristics or studies of this approach: (a) Legalism, which examines the legal aspects, namely the role of the government in regulating the law. (b) Structuralism focuses on the primary institutional devices or emphasizes the importance of the existence of structures and structures that can determine a person's behaviour. (c) Holistic emphasizes the study of a comprehensive or holistic system in the sense that the executive, legislative and judicial institutions are used in the ideal concept. (d) History, or historicism, emphasizes analyzing historical aspects such as social, economic, and cultural life. (e) The normative analysis emphasizes the analysis in its normative aspect to focus on creating a good government.

Data Source.

Primary data is data obtained from direct interviews with research subjects. The subject of this study is the chairman or member of the Medan City General Election Supervisory Board in the election of legislative candidates and the 2019 presidential and vice-presidential elections. Secondary data is data used to support and complete primary data related to research problems.

In this study, there are three kinds of legal materials used, namely: (1) Primary Legal Materials: Materials with legal force, such as a) the Republic of Indonesia's 1945 Constitution; b) Law Number 15 of 2011; c) Law Number 7 of 2017; and d) General Election Supervisory Body (Bawaslu) Regulation Number 10 of 2017. (2) Secondary Legal Materials; materials with no legal force, such as draft laws, books, and journals related to this research. (3) Tertiary Data: materials that serve as instructions and explanations for primary and secondary legal materials.

Research Context

This research was carried out at the General Election Supervisory Body (Bawaslu) of Medan City on Jalan Babura, Kec. Medan Baru, Medan City, North Sumatera. This location was chosen because the public knowledge of practical politics is thought to be much better than in other regions. Besides that, the research location is not too far to go. After all, the researcher is a student studying in the city, so it will be easier for

researchers to collect data. The data obtained in the implementation of the research is sourced from research subjects and informants, and literature to support scientific theories.

The method of collecting data

Data collection has a close relationship with data sources because data collection will obtain the data needed for further analysis according to the expected will. In this regard, the authors used interviews and library data collection methods in this study because of the data. (a) Interviews are essential parts of every survey because, without interviews, researchers will lose information from respondents directly (Singarimbun & Effendi, 1995). It is carried out freely by relying on guidelines and giving freedom to answer questions. However, if the answers are not entirely on target, the researcher re-explains the previous questions and explains them systematically to the informants (Hadi, 1973).

In interviews with several non-binding questions, many new questions arose related to the role of the General Election Supervisory Body (Bawaslu) in supervising and handling alleged violations in the 2019 general election in Medan City. (b) Observation is a way to get information about a situation by seeing and hearing what is happening. Everything is recorded carefully. Observation techniques require good observations of research (Umar, 2000). The author's observations identified several data/documents resulting from supervision by the General Election Supervisory Body (Bawaslu) in Medan City regarding its role in supervising the implementation of the 2019 simultaneous elections in Medan City. The data is in the form of violations of the 2019 simultaneous elections in Medan, both findings and reports from the public and political parties in the city of Medan. (c) Documentation is a method of collecting data on files or documents in notes, transcripts, and newspapers (Arikunto, 2002). While the documents needed in this research are documents related to the topic of discussion, they are obtained from various data sources originating from the field related to research problems.

Data analysis techniques

Data analysis simplifies the data obtained into a form that is easy to read and interpret. A data analysis method is a method or steps taken to process data. The method of analysis of this research is a descriptive analysis which is used to describe the characteristics of the research area, informants and the distribution of items from each variable. Data analysis was carried out from the beginning of the study until the research was completed. A qualitative analysis technique was used to analyze the data collected in this study, namely qualitative descriptive analysis (Bungin, 2007). This analysis is intended so that cases in the research location can be studied more deeply and phenomena can be described in more detail.

The information gleaned from literature reviews and field studies is primarily at the level of the individual, and it is analyzed descriptively and qualitatively. The data collected is in the form of a logical and systematic description, then analyzed to clarify problem-solving, and then deductive conclusions are drawn, namely from the general to the specific. At the end of this thesis, some conclusions are drawn based on the analysis and discussion of the data. The points of these conclusions are the main findings in the implementation of this research to answer the research questions posed. Conclusions were drawn after verifying the data during the research. Data reduction, data presentation and drawing conclusions are related steps and are carried out continuously.

Results and Discussion

Supporting and Inhibiting Factors Faced by the Medan City General Election Supervisory Board in the 2019 Simultaneous General Elections

The general election supervisory body (Bawaslu) has some supporting factors in implementing the 2019 Simultaneous General Elections.

(1) The General Election Supervisory Body's (Bawaslu) Authority in the Conduct of Simultaneous General Elections in 2019.

The 2019 election is a new chapter in the work of the General Election Supervisory Body (Bawaslu). The Election Law has granted a number of new powers. The additional authority is that election regulations provide more expansive space for the General Election Supervisory Body (Bawaslu) in dealing with administrative violations and violations that are structured, systematic, and mass. The election process dispute resolution is carried out by the General Election Supervisory Body (Bawaslu) with a final decision, in which the decision must be carried out by the General Elections Commission (KPU), and regulations give the Election Supervisory Body (Bawaslu) a more substantial role in dealing with criminal election violations (Harahap, 2019).

(2) Community Involvement in Supervising the Implementation of the 2019 Simultaneous General Elections.

Community involvement in supervising does not only strengthen the capacity of election supervision. However, it also encourages the expansion of the surveillance area. The participation of the community in supervising the election is a form of using the rights of citizens to guard their voting rights. Then this monitoring activity is also a control effort from the public to maintain the voice and sovereignty of the people in the administration of the state. The control function is played by the General Election Supervisory Body (Bawaslu), which, by law, is given the task of supervising all matters related to the election process. The control function is also still played by citizens through the so-called election observers so that efforts are continuously made to carry out the control function of honest and fair elections (Harahap, 2009).

People's involvement or participation is fundamental in democracy because democracy is related to the purpose of a decision produced by a government and relates to the whole process of making the decision itself. Democracy provides broad opportunities for the people to participate effectively in decision-making processes concerning public policy and equality for all adult citizens to participate in determining the agenda and exercising control over the implementation of the agenda that has been decided together.

In the context of the contestation of democracy, public political participation in monitoring or supervising elections can take two forms. First, formal participation is carried out through election monitoring organizations concerned with election issues or monitoring the course of the election. Second, extra-formal community political participation by monitoring and supervising violations and frauds. Two forms of community participation in the context of monitoring the electoral process, both formal and extra-formal participation, are manifestations of community strength (Nurkinan, 2019).

(3) The Use of Technology Against Election Oversight

Technology plays an important role and shows its contribution to the conduct of elections. Election administrators officially use technology to support the implementation of elections. Even technology has helped boost public participation in elections. The public optimally utilizes the technology provided by the organizers. The public also facilitates the presence of new technologies for the common good. The role of the community is realized because of the support of regulations and the behavior of the organizers, who are quite open. In this case, the technology referred to is supporting facilities, both hardware (hardware) and software (software) related to electoral systems and procedures. It can be accessed online and offline and used both officially and unofficially to improve the performance of the implementation stages of elections.

The terminology of supporting facilities can explain that the position of technology is not intended as a tool for policymakers, but technology is created to support the quality of the process stages that are passed so that the results reach the point of expectation. It is hoped that the function of technology can be improved as a determinant of valid results and has credibility that supports legitimacy, not just a tool.

A good information technology (IT) system has become a standard requirement in every agency, either government and the private sector. Therefore, as part of the general duties and responsibilities of the General Election Supervisory Body (Bawaslu), of course, by supervising the implementation of this election, it must contribute to improving the performance and responsibility of the General Election Supervisory Body (Bawaslu) for the implementation of election supervision and providing information and services to the public. Apart from that, every election implementation activity must be more in favour of the public interest than of the needs of the apparatus. This is where the function of supervision is.

The growing need for information on reporting the general election process and the results are faster and more accurate, and reliable because the data is obtained directly from the field with an online process and minimal human intervention in the calculation process. General Election Supervisory Body (Bawaslu) compiles a joint portal in the form of a system using an application that can connect between General Election Supervisory Body (Bawaslu) and its staff (who have supervision and receive reports of violations) with methods/methods/facilities that observers can easily and quickly reach—providing facilities that make it easier for observers to submit each election administration report by facilitating communication lines for supervisors to follow up on initial information by collecting data on violations submitted by election observers and vice versa—presenting a storefront for disseminating information, increasing participation, managing networks and receiving reports from all supervisors during the election stage.

One of the tasks of preventing election violations and disputes as mandated by the Election Law is to increase public participation in election supervision. The prevention strategy is carried out by increasing the participation of the community in election supervision. The program to increase community participation has been included

in the National Medium-Term Development Plan (RPJMN), and the General Election Supervisory Body (Bawaslu) has made it happen by establishing a Community Participation Center.

The form of the Community Participation Center is Information Technology-Based Supervision (Gowaslu), a joint portal connecting supervisors that observers and the voting public can reach. With the basis of technology, supervisors provide facilities that make it easier for reporters to convey any initial information on alleged election violations by facilitating communication between supervisors to the public to follow up on initial information by collecting data on submitted violations. In increasing participation and the amount of initial information alleged from the community, the General Election Supervisory Body (Bawaslu) utilizes information technology, so that community involvement is more extensive, systemic, structured, and integrative. With the use of technology, community involvement in early information on alleged election violations can also be carried out easily, effectively, and efficiently without reducing the substance of handling election violations (Nurkinan, 2019).

General Election Supervisory Body (Bawaslu) Inhibiting Factors Against the Implementation of Simultaneous General Elections in 2019.

(1) The Inter-Institutional Authority in Charge of Handling General Election Cases.

The law enforcement system regulated in the Election Law tends to create legal uncertainty due to overlapping decisions between judicial institutions in election cases. This can happen because of the various doors to seek justice in election cases, namely the Supreme Court (MA), the Constitutional Court (MK), the Election Supervisory Body (Bawaslu) and the Election Organizing Honorary Council (DKPP). This is closely related to the six models of election law enforcement regulated in the Election Law, namely election criminal violations, election administration violations, election process disputes, violations of the election organizers' code of ethics and election results disputes. The six models have paradigmatic differences in the methods and consequences, both procedures and sanctions that election law violators must accept. Even so, it does not necessarily produce a legal goal, namely the deterrence effect aspect, so that similar events do not repeat so that it creates electoral process order (Riswanto, 2019).

The litigants are in the process of taking legal action by filing a lawsuit against all judicial institutions and available channels. Often, the parties and their lawyers file civil lawsuits simultaneously, even in cases that an authorized institution has decided, but they are still being sued through other doors. The process of handling administrative violations that have been issued by General Election Supervisory Body (Bawaslu) Decisions and carried out by the Commission on General Elections (KPU) sometimes faces challenges from the issuance of PTUN decisions that originate from lawsuits against Commission on General Elections (KPU) decisions made in the context of implementing General Election Supervisory Body (Bawaslu) decisions. Likewise, the scope of authority in handling administrative violations at the vote recapitulation stage tends and has the potential to overlap with the MK's authority in deciding election results disputes because the results of the General Election Supervisory Body (Bawaslu) Decision regarding administrative violations at the vote recapitulation stage can result in changes in vote acquisition and election results. Overlapping decisions ultimately lead to legal uncertainty.

The construction design of the electoral criminal law enforcement system is still very complicated, multi-layered and seems to be interlocking. The design, when applied, still depicts the many bureaucratic doors of election law enforcement, especially in the enforcement of election crimes. This is not in accordance with the principles of simple, fast and binding election law enforcement. There was a disagreement between the institutions authorized to review and bring allegations of criminal election violations to court, which included the General Election Supervisory Body (Bawaslu), investigators, and prosecutors. The existence of the Gakkumdu Center, which is expected to be a coordination forum between the three representatives of the General Election Supervisory Body (Bawaslu), the Police, and the Prosecutor's Office, often fails to function properly. Decisions that have been taken at the Gakkumdu Center forum often run aground in the investigation process or during the prosecution process (Atmiral, 2019).

(2) Time Limit

General Election Supervisory Body Regulation Number 14 of 2017 provides limited time for the General Election Supervisory Body (Bawaslu) and election supervisors to decide, follow up, or not follow up on findings or reports of alleged election violations, with the time given to the General Election Supervisory Body (Bawaslu) or election supervisors being limited, due to difficulties the General Election Supervisory Body (Bawaslu) or Supervisors Elections has in finding or evidence of election violations so that the process of

resolving election violations is not optimal. This resulted in quite a number of cases that could not be resolved due to time constraints (Atmiral, 2019).

(3) Community Participation

The low participation of the community in supervising every election activity means that if they know of a violation, the community is reluctant to report it. Then, from the side of the parties suspected of committing violations, they are considered less cooperative in each summons for alleged violations committed by candidate pairs and/or campaign teams (Atmiral, 2019).

(4) Quantity and quality of human resources

The lack of capacity and quality of human resources (HR) of Regency/Municipal General Election Supervisory Body (Bawaslu) Members in carrying out dispute resolution authority as attributed by Law Number 7 of 2017 concerning elections has not been matched by the strength and ability of election organizers to hold elections simultaneously alone. Political policymakers seem to be careless in realizing that changing the electoral system from gradual elections to simultaneous elections brings enormous technical consequences for holding elections and requires election organizers' extraordinary capabilities and professionalism (Harahap, 2019).

(5) Facilities and Infrastructure

Lack of facilities and infrastructure to exercise the authority to settle disputes in the electoral process, one of which is an adjudication courtroom in accordance with technical standards established by law.

Conclusion

The alleged violations that occurred in the holding of the 2019 simultaneous elections in Medan City were election administrative violations, including violations of procedures, procedures or mechanisms related to the administration of election implementation and election crimes. Allah says: Verily, the great sin is for those who do wrong to humans and transgress the boundaries of the earth without right. They will have a painful punishment (Surah Ash-Shura: 42). Of all the alleged violations of findings and reports on the holding of the 2019 simultaneous elections in Medan City, the process of handling violations was stopped because it did not meet the elements of alleged administrative violations and election crimes.

The role of the General Election Supervisory Body (Bawaslu), which is quite important in resolving election violations and according to Islamic teachings, is to accept, examine, mediate, adjudicate, and decide on the settlement of the electoral process violations. Receiving good reports from election participants, the public and so on is a noble job. The General Election Supervisory Body (Bawaslu) is an institution that has the authority to receive, examine, and so on the implementation of the election so that it runs according to the existing rules. The supporting factors for the Medan City General Election Supervisory Body (Bawaslu) to holding the 2019 simultaneous elections are related to the authority of the General Election Supervisory Body (Bawaslu), community involvement in supervising the implementation of elections and the use of technology for election supervision. In comparison, the inhibiting factor faced by the Medan City General Election Supervisory Body (Bawaslu) to holding the 2019 simultaneous elections is the authority between institutions that handle cases—related to elections, overlapping, limited time in handling election disputes, low community participation, quantity and quality of human resources in supervising the implementation of elections as well as facilities and infrastructure.

Suggestions

It would be preferable if the General Election Supervisory Body (Bawaslu) strengthened its enforcement of election violations against offenders, particularly election participants, to create a deterrent impact and encourage cooperation between election participants and political parties. Election law enforcement must be as strict as feasible. The General Election Supervisory Body (Bawaslu) shall be followed by the preparedness of human resources and support mechanisms to facilitate the exercise of dispute resolution power, both via mediation processes and adjudication of election disputes. Strengthening the General Election Supervisory Body (Bawaslu) is one approach that may be pursued in the future, assuming that the General Election Supervisory Body's authority to address election breaches would be completely delegated (Bawaslu). This requires a reorganization of the General Election Supervisory Body's (Bawaslu) rules and authorities, as well as the Supreme Court and Constitutional Court. General Election Supervisory Body (Bawaslu) may be elevated to the status of a special court. At the very least, its legal status should be defined.

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