

The Reconstruction of the Settlement Arrangements Violation of Election Administration DPR Members, DPD and DPRD (Study of the Legislative Elections of a Democratic Indonesia)

Imam Ropii

E-mail of the corresponding author : mamiku01667@gmail.com

Abstract

General Elections (Election) is the only means of manifesting the people's sovereignty in choosing representatives in an institution of representatives, they are; the House of Representatives, People's Representative Council, and the Regional House of Representatives (DPR, DPD, and DPRD) in the system of representative democracy of Indonesia. This institution of representatives which will run the sovereignty of the people in the conduct of Governance and State through the institutional functions of legislation, supervision, and budget as well as other functions set by the law. From a review of the electoral arrangements of members of people's representative institutions, it is law No. 8 of 2012 and the National Election Commission Regulation No.25 of 2013 on the administrative violation settlement of the Elections do not grant access (*recht vacuum*) to related parties to be able to question the administrative violation settlement legally on the implementation of Elections by the election implementers (KPU). These conditions rules could potentially make injustice towards legal protection of voters and participants in the election. In addition, authorizing the election implementers (KPU) to resolve the violation itself contrary to law principle *nemo iudex in causa sua* (prohibition break things concerning himself) and the principle of *nemo iudex in propria causa idoneus* (one cannot be a judge for himself). The condition is potentially bringing the injustice and legal uncertainty to provide protection against the vote of the people in the elections process. Reconstruction of the regulation offered by the researcher include: First, the clear distinction between the implementers and executive body and the body of election executive only. Secondly, it's made different rules on administrative violation settlement process between the ad hoc institutions (executive) and permanent (implementer). To maintain neutrality and transparency the administrative violation settlement of executive body/ad hoc elections is resolved by the Election Supervision Committee one level above, while the administrative violation settlement of implementation by the implementers body, which are permanent settled by High Administrative Court (PTTUN) by arranging special official law. This settlement options is chosen as the character of the administrative settlement is recovery / (*reparatoir*) or to correct (*corrective*) the original condition prior to the violation in this case the selection of the voice of the voters as the owner of sovereignty. Through reconstruction of the regulation of the administrative violation settlement of the election implementation legal protection for voters and real support in accordance with the will of the people to the participants in the election can be guaranteed purity.

Keywords: strengthening rules, administrative violation, rekonstruction, legislative elections

Introduction

Law No. 8 of 2012 on General Elections of Members of DPR, DPD and DPRD (Legislative Election Law) classifies 3 types of election violations, they are: 1) Violation of Election administration and 2) Violation of Election Code, and 3) Violations of code of ethics of election implementers². From the 3 types of the election violations, the legislative election law sets mechanisms for resolving suspected violations and settlement mechanisms of suspected violations individually including the institution which has the authority to resolve.

Procedural legally the legislative election law distinguishes between violation handling stage and violation settlement stage. Treatment of all types of election violations the authority is granted to the elections supervisory institution. The scope of the handling of suspected election violation include the receipt of the report or findings of suspected violations by the Election Supervisory Committee followed by the registration report. After reports / findings of suspected violations registered within 3 days after receipt the report, the Election Supervisory Committee should have been decided. If in time they still need to complete at least 5 days should have decided the report / findings of the suspected violation to be followed or not followed up to the authorized institutions to resolve. By the description, it shows that the Election Supervisory Body (Bawaslu) along with elections supervisors at the relevant level below³, has great authority to continue or not to continue. This election supervisor's decision has an important position in the case of suspected violation. That is like a ball, a suspected violation in the elections implementation. In this elections supervisory institution, the determination will be rolled or not rolled as boils / origin⁴. It is an enormous authority and strategic in system of elections law enforcement in an effort to realize the *electoral legal process*.

Then the institutions that is authorized to resolve election violations are varies according to the type of violations. Settlement of election violations in Indonesia are handled by different institutions. Legislative

election law gives the authority to resolve the violations to the different institutions consisting of: Election Implementers Honorary Council (DKPP) for resolving suspected violations of the code of ethics of election implementers⁵. KPU, Provincial KPU, and the Regency/municipality KPU at the relevant level for resolving suspected administrative violations of the elections⁶. Police investigators of Republic of Indonesia for conducting investigations and delegating to the public prosecutor for the trial in the general court of the suspected criminal violation⁷. Observing from three types of violations of the legislative elections only the election administrative violations in which the solution are submitted to the elections management body, it is KPU⁸, while the settlement of other election violations submitted to institutions outside the elections management body.

For the handling and settlement of the election administrative violations, the election laws set in 2 types of law regulations; it is the Election Law of Legislative and the National Elections Commission Regulation (PKPU) as the delegation of the regulation. For handling all types of elections violations in the election law set forth in chapter XX article 249-250. While for settlement of the election administrative violation are specifically regulated in article No. 254-256 Law No.8 of 2012 and KPU Regulation No.25 of 2013 on the settlement of Elections Administrative Violations⁹.

As stated by the *International Institute for Democracy and Electoral Assistance (International IDEA)* the legal framework for elections must provides an opportunity for every voter, candidates, and participating political parties to deliver objections to the KPU or the competent court in cases of violation on the rights of electoral really happen¹⁰. Referring to the statement of International IDEA, then setting the administrative violations settlement mechanism of the implementation of the legislative elections should also be made as clear and complete as possible by providing space/opportunity to be able to question the decisions/actions of the election management body in case of violations of the implementation. The absence of regulatory mechanisms to question/sue the handling and settlement of administrative violations of election has the potential occurrence of injustice and uncertainty in the law for the protection of the rights of voters/people's vote of the voters and the rights of support from the participants in the election.

As the results of the review of legal arrangements of administrative violation settlement of the election implementation in the National Election Commission Regulation (PKPU) No.25 of 2013 does not regulate / exclude mechanism of how to question the decision of the handling of administrative violation settlement of the election implementation in the form of an objection or lawsuit in a court committed by KPU¹¹. The absence of law regulation (*recht vaccum*) to be able to question the legal action / decision of KPU is so potentially lead to injustice of law for voters, legislative candidates and election participant as it cannot be corrected their truth or falsity. The absence of the law mechanism regulation also potentially cause an arbitrary action or authority abuse because of the uncontrolled decision. Therefore it is necessary to do research/study on settlement arrangements of election administrative violations as stipulated in the KPU Regulation to ensure justice and protection for the vote rights of the voters, legislative candidates and election participants.

Moving on from this background, this study will answer the problem which is formulated as follows: How does the construction of administrative violation settlement of the election implementation that supports the realization of a democratic election? The purpose of this paper is to offer an alternative reconstruction of the administrative violation settlement arrangements of the election implementation that can protect both the voters and the election participants.

Research Methods

This research is normative legal research/dogmatic, it is a process of legal research conducted to produce legal argument, legal theory or new concept as a prescription in order to answer/solve legal problems. The research process is done by reviewing and analyzing relevant legislation, court decisions, the decision of the elections management body and other legal materials. The expected results of the normative law study are a statement of true, wrong, or appropriate-unappropriate¹². Normative legal research/dogmatic suit with the tasks and the character is in order to evaluate the positive law, it contains elements of prescriptive or dimension of rules which is supposed so the recommendation of the normative legal research is very likely one of them are tangible change in legislation¹³. Normative legal research is a research-based analysis of legal norms, and the result contains the value¹⁴.

Abdul Kadir Mohammed expressed, normative legal research is a form of legal research that examines the written laws of the various aspects: theory, history, philosophy, comparative, structure and composition, scope and content, consistency, overview and chapter by chapter, formality and binding strength of a law and used legal language, and not to study the aspects of the application or implementation of the regulation¹⁵. According to the problem and research objectives, there are 3 kinds of the approach used in the study of law; first, *a conceptual approach*, the approach which is done by performing a search on the concept or the views and doctrines developed in the science of law both from experts and theory, especially regard to the handling of election violations. Secondly, *Statute approach* which is conducted with the activities of inventory, verification,

and classification of law in the form of provision of law, judge's decision, official's decision/election management body related to the completion of the election implementation violation. Thirdly, *Historical approach*, conducted by reviewing and analyzing the provision of the election law started at reformation era that regulates the legal issue which is the object of this research study.

Discussion

I. Urgency the Setting of the Democratic Legislative Elections.

One of the important component of *Indonesia representative democracy* is the existence of people representatives institution in the constitutional of Indonesia called the House of representatives (DPR) whose members are elected through the electoral mechanism¹⁶. In line with the establishment of autonomous regions, then in the autonomous regions are also formed regional representative institution called the Regional House of Representatives (DPRD), whose members are elected through a general election¹⁷. Then, to represent the representative and defend the regional interests (autonomous regions of province) at the central governance, the 1945 Constitution of the Republic of Indonesia form a new representative institution called the Regional Representatives Council (DPD), whose members are elected through election mechanism¹⁸. The importance of the institutions of the House of Representative in the constitutional and the democracy system of Indonesian representative, the constitutional guarantees cannot be suspended and/or dissolved by the President¹⁹. On the contrary, members of DPR can propose the dismissal of the President and/or Vice President in his term of office in accordance with the provisions of the constitution²⁰.

In addition to the presence of the people's representative institutions, the presence of the elections to choose the members of the representative institutions has also become a necessity. Elections to be the only way and means for selecting the members of the institution. Therefore the people's representative institutions and elections became an important part in creating a representative democracy in Indonesia. Therefore, it is supposed to be able to generate members of a democratic representative institution in the implementation of elections, it required for the enforcement of election implementation process through mechanisms and institutions that have been determined.

Moving on from the above description, the existence of the institutions of DPR in the structure and the implementation of Indonesian democracy is something that should be there. The only instrument to fill the institution's membership is simply to hold the elections. Therefore, the institution of DPR and the Election are the two things that become a prerequisite for the attainment of the implementation of representative democracy in Indonesia. In line with the development and strengthening of the principle of sovereignty is in the hands of the people, then the existence of the House of Representatives becomes important. This is because the institution was entitled to be the institution that organizes the people's sovereignty by determine the general policy and pour it into law²¹.

Thus DPR is to be the only institution that has the authority to create laws or also called by the legislative institutions is an institution which "legislates" or makes laws²². But the laws that they made have to get the mutual agreement with the President²³. This is the characteristic and the provisions in the constitution and the constitutional system of Indonesia in the formation of a legal product in the form of law. The existence of the institution of the Regional House Representative (DPRD) has also a strong position. Because institutionally DPRD cannot be dissolved by other institutions because there is no law regulate on it, but the otherwise DPRD can propose the dismissal of the Regional head according to applicable regulations²⁴.

The importance of people's representative institutions in the constitutional system of Indonesia is as an institution that represents the people in governance/state. As a form of representation of the people, this representative institution has the functions of legislation, oversight and budgetary functions²⁵. To demonstrate the importance of the people's representative institutions so that in the process of selection is demanding a role for a democratic way is by looking at the functions, duties, and authorities. In Law No.17 of 2014 about MPR, DPR, DPD and DPRD stated DPR, and DPRD (provincial and regency / municipal) has a position, functions, duties and very important authorities and strategic in implementation of governance/state both at central and regional levels²⁶.

Looking at the position, functions, duties and authorities of the institutions, indicating how important and strategic the legislative instituton is in the constitutional system of Indonesia. This institution will carry out the sovereignty of the people in implementation of governance and statehood then. Therefore, to support and produce the representatives who sit as members of the legislature are qualified, have political legitimacy and legality of the law in preparation for establishing a democratic government for the next 5 years. It is important to bring the legislation of the implementation of legislative elections which is fair, have legal certainty especially in law enforcement in the implementation process of elections. This is important to be realized due to the members of the representative institution who will represent all the people of Indonesia in conducting the sovereignty of the people in governance and state.

II. Problems Setting in the Settlement of Administrative Violation of the Elections Implementation in Law No.8 of 2012

As stated by the International Institute for Democracy and Electoral Assistance, there is no a standard formula that can guarantee the process of election goes according to the legal framework emerging variety models of electoral dispute resolution²⁷. What is stated by IDEA also occur in the setting of the implementation of elections in Indonesia. The settlement model of election violations in Indonesia in the election law made by several kinds of institutions, such as the general court to handle the settlement of the election criminal violation, the Elections management body (KPU) to address the election administrative violation, the Election Implementers Honorary Council is dealing with violations of code of ethics of election implementers, and the Constitutional Court to resolve the dispute of election results, while the settlement of disputes in the implementation of elections becomes the authority of the election supervisory institution²⁸.

The handling of the election violation by election law is submitted to the Election Supervisory Institution, while the procedure arrangement of election administrative violation settlement, the Election Law delegate to the elections management body (KPU) to set it. Tracing the historical development of legal regulation in the legislative election in the era of reformation (Law No. 3 of 1999, Law No. 12 of 2003, and Law No. 10 of 2008), there was no regulation of law (*legal vacuum*) provisions regulating mechanism to control or question the actions/decisions of KPU in the implementation of legislative elections in the violation settlement of the election administration. Therefore, various legal actions and decisions issued by KPU, Provincial KPU and Regency / Municipality KPU in the implementation of elections in that era could not be correction or legally sue. Such conditions make the other party who feels aggrieved are not able to question it. The same condition also occurs in the implementation of the legislative elections held on the last July 9, 2014.

Problematic related to the settlement arrangements in violation of election administrative in PKPU No. 25 of 2013 which is also as a complement of the procedure law that has been stipulated in Law No. 8 of 2012, Article 254-256 are given each level of the election implementer to resolve the violations of administration recommended by the elections supervisory²⁹. Granting the authority to resolve itself the administrative violations of the election implementation to the elections implementer according to the author is not right. Completion of violations committed by itself was great potential for unfairness and inconsistency. The potential of injustice is because the one who is administratively prosecuted is his ownself though the recommendation of the suspected violation is the result of study and decisions recommended by the election supervisory. Such circumstances contrary to the legal principle of *nemo iudex in causa sua* (prohibition deciding things concerning himself) and the principle of *nemo iudex in propria causa idoneus* (one cannot be a judge for himself). While the potential for inconsistent because there is no clear mechanism regulation and the process of settlement of suspected violations by the implementer. In addition, the settlement of suspected violations committed by the implementers themselves will lead to public distrust.

Another problematic is the absence of a mechanism rule for questioning/sueing the settlement of suspected administrative violations of the election implementation by the implementer³⁰. The absence of a mechanism to question/sue the settlement of administration violation potentially leads to loss for the voters as political sovereignty owners and the supported elections participants. These conditions expressly stated by Janedri M. Gaffar³¹, that for administrative violations the judicial mechanism has not been determined as the forum of the violation settlement, and the election law submits the violations settlement to the election implementer without provided further legal action mechanism. The number of administrative violations were not resolved became the source of disorder of the implementation of next election stages.

III. Construction of Alternative Settlement in Resolving the Administrative Violation in the Implementation of Legislative Election

Reconstruction offered in administrative violation settlement of election implementation is based on the approach to the protection of citizens' constitutional rights of voters. Due to the nature of democracy is not only as a merely procedure but also as a set of values that define the form and the functioning of the governance by the people. Democracy is also interpreted as compliance with the people's will, and the people's sense of justice³².

As described above, the completion of administrative violations of the election implementation is based on the principle of administrative settlement is an attempt to recover / restore the condition to its original prior to the violation (*reparatoir*). Through the administrative completion mechanism is expected to constitutional protection the rights of citizens in the election can be guaranteed and realized. As is known in democracy there are two basic principles, they are substantial principles and procedural principles. So also in the elections there are two things that are mutually supportive and determine so that cannot be separated, they are the procedure and substance³³.

Election procedure is a mechanism that contains the procedures that must be conducted to achieve the goal of election activities. Election procedures compiled with reference to certain principles in accordance with the character and nature of the purpose of elections. Thus the Election procedures should reinforce the goal of

the elections. The main function of procedures in electoral law contained in the law of procedure is to enforce the substantive law of elections. Therefore, the election procedural law should not obscure the truth of the material, become the protective tools and violations legitimacy in the implementation of elections³⁴. While substantially the legislative election is the submission of the people's choice to determine the candidate / party which would represent in governance.³⁵ Therefore, the elections are also considered as a process of evaluation and re-establishment of a social contract between the people and the representatives³⁶.

The following are subjects of the reconstruction which are offered in the settlement of administrative violations in the Legislative election.

a. The Distinction: the Institution of the Election Implementer and the Election Executive.

Although Law No. 15 of 2011 is about the Election Implementers, however there is an institution which merely in charge of carrying out the election insides. The election law puts KPU, provincial KPU and regency / municipality KPU as implementers of election. While PPK, PPLN, PPS, KPPS, KPPSLN placed as the elections executive.³⁷ Thus the implementer has wider authority for not only running the activities but also preparing / planning and arranging everything to make the election activities running well, while the executive authority is only limited on what has been regulated and set by the implementers³⁸.

The distinctions of the institution of the election implementer and election executive are very important as they relate to the duties and authorities that become their responsibility. The distinction of the institutional of the implementer and the executive is also called the institution of permanent and ad hoc³⁹. The Implementing Institution, because of its constantly character, is called a permanent institution / remains consisting of KPU, provincial KPU, and regency / municipality KPU, while the Institution which is including as the election executive are PPK, PPS, PPLN, KPPS, KPPSLN as its temporary character, needed in certain time, is called ad hoc institution.

b. The Distinction of Institution and Mechanism of Administrative Violation Settlement

Distinction of Institution as implementer and executive in the implementation of elections will facilitate in the process of the settlement if in the implementation occurred violation administratively. The settlement of election administration violations committed by members of the executive institutions (ad hoc) or permanent which is by PKPU No.25 of 2013 completed by the institution concerned⁴⁰. This settlement model is very vulnerable to occur deviation, not transparent, and less optimal due to the lack of and even no supervision in the process.

Therefore by firm distinction who the election implementing institution and who the election executive institution is, which is followed by the setting of each settlement mechanism will facilitate and accelerate the identification and the settlement treatment. To resolve suspected violations of election administration which is conducted by the election implementing institution (ad hoc) the completion should be handed over to another election implementer in this case is the election supervisory committee. Delivery of the settlement of suspected violations of election to the election supervisory committee is to maintain impartiality / neutrality and transparency of the handling on violation settlement (checks and balances). In addition, devolution authority of settlement of suspected violations of the implementation to the Election Supervisory Committee is also in line with the idea of strengthening the institutional of Election Supervisory Committee as well as reducing the workload of regency / municipality KPU as a component of the election implementer which is relatively hard. The choice of settlement construction suspected violations to the election executive institution by the election supervisory committee. It is also based on the principles of speed and accuracy (*fast and track*) due to time limitations and the tight phases of election implementation.

Then to resolve suspected administration violations committed by the election implementing institution (permanent institution), the institutional is submitted to Administrative Court, herein after is referred to as PTUN, with the election special procedure law. Handling suspected administrative violations by the election implementing institution which the completion is conducted by PTUN, in addition institutionally is already available (the judges and the infrastructure) so no need to establish new institutions that can save money and time, as well as to ensure the neutrality of the handling of such violations. Settlement option through PTUN besides based on the assumption of neutrality (according to the principles of checks and balances) is also due to this mechanism as the only solution that can recover/repair the result of violations action as it was before the violation than the existing resolution mechanisms (for example, the Constitutional Court , General Court, Election Implementers Honorary Council) which substantially does not touch the issue of voters'/people's protection in the form of a recovery/purification of the will/voice of the people as the substance of the elections.

Settlement of suspected administration violations of election implementation through separation and distinction between the executive and the implementing institution of the election are expected legal protection for people's vote/ political choice can be purified in accordance with the will of the people. The success of election process in accordance with the will of the people's vote would give birth to legal electoral process so that prevented the occurrence of mistrust and even violence from the voters and participants in the election. Legal process should not be interpreted no violation, but if the violation happens, it will has been resolved

through a mechanism that puts protection of voters in accordance with the will of the people.

The further positive impact of legal process in the implementation of elections is the receipt of the results of elections (*legal electoral result*) without tinged with rejection by the participants or groups of people that leads to acts of coercion or other violence. If the rejection of the election results occur, the constitution and the legislation has provided a mechanism to question the disapproval of the election results through a lawsuit election results in the Constitutional Court, herein after is referred to as MK. However, according to the author, questioned the election results (in which there is the legality issues) to external judiciary (MK) is not appropriate to support the objectivity and accuracy of the solution. In such conditions, maintaining the objectivity of the delivering process and vote results in accordance with the will of the people be the main focus. Therefore, the only appropriate mechanism to resolve violations of election administration is through an administrative settlement.

The ensured legal election process (either through a lawsuit in court or without a lawsuit in court), followed by acceptance of election results (either occurring a lawsuit result through the court (MK) or without a suit) will support in the process of forming a democratic governance especially in the next 5 years and the development for the next democracy and election.

Conclusion

The nature of Election is the voicing of the people's vote to elect the representatives of the people and the leader of governance for the next 5 years. The implementation of a democratic election, is the Election implementation which guarantees the protection to the voters in accordance with the will of the people's vote and support to participants in the election and the legislative candidates. To create the legal protection of the voters and participants in the election and the legislative candidates against the suspected administration violation of election required the reconstruction of the rule. The rule reconstruction includes, firstly; the distinction between the implementer institutions (which is permanent) and the executive institution of Election (which is temporary (ad hoc) to facilitate the handling of the settlement. Secondly; the institutional that deal with the settlement of a suspected violation of Election by the Election Executive Institution (ad hoc) conducted by the Election Supervisory Committee to maintain neutrality and transparency. While the handling of the settlement of administrative violations of Election by a permanent election implementing institution. The settlement is conducted by the Administrative Court (PTUN). Settlement through the Administrative Court in addition to maintaining neutrality process of administrative court has been established so as to save the financial and the judges. Rationality construction of administrative settlement is the guarantee and protection to the will of the people's vote of voters in supporting the legislative candidates and election participants with his reparatoir (recovery / refund).

References

- Abdul Kadir, Muhammad, 2004. *Hukum dan Penelitian Hukum*, Bandung : Citra Adtya Bakti.
- Didik Suprianto, 2007. *Menjaga Independensi Penyelenggara Pemilu*, Jakarta : Perludem.
- International Institute for Democracy and Electoral Assistance, 2002. *Standar-standar Internasional Pemilihan Umum-Pedoman Peninjauan Kembali Kerangka Hukum Pemilu*, Jakarta : IDEA.
- International Institute for Democracy and Electoral Assistance, 2010. *Electoral Justice : An Overview of the International IDEA Handbook. Keadilan Pemilu*, Penyunting Cetro, Jakarta.
- Janedri M. Gaffar, 2012. *Politik Hukum Pemilu*, Jakarta : Konstitusi Press.
- Janedri M. Gaffar, 2013. *Demokrasi Konstitusional*, Jakarta : Konstitusi Press.
- Miriam Budiardjo, 1998. *Dasar-Dasar Ilmu Politik*. Jakarta : PT Gramedia.
- Titon Slamet Kurnia et al, 2013. *Pendidikan Hukum, Ilmu Hukum, dan Penelitian Hukum (Sebuah Reorientasi)*, Yogyakarta :Pustaka Pelajar.
- Peter Mahmud Marzuki, 2005. *Penelitian Hukum*, Jakarta : Prenada Media.

Legislation

- The 1945 Constitution of the Republic of Indonesia
- Law Number 15 Year 2011 On The General Election Implementers
- Law Number 8 Year 2012 On The General Election of Members of DPR, DPD, and DPRD
- Law Number 32 Year 2004 On Local Government
- General Election Commission Regulation Number 25 Year 2013 On the Settlement of Election Administration Violation.

Footnote

- 1 Imam Ropii, Lecture of Law Faculty of Wisnuwardhana Malang University and Student of Law Doctoral Program Brawijaya Malang University Under Team of Promotor and Co Promotor : Promotor- Prof. Dr. Sudarsono, SH., MS; co promotor I- Dr. Jazim Hamidi, SH., MH; co promotor II- Dr. Muchamad Ali Safa,at, SH., MH.
- 2 Article 250 paragraph (1) UU No. 8 of 2012.
- 3 Election Supervisory Institution under Bawaslu consist of Provincial Election Supervisory Body (Bawaslu Provinsi), Regency?municipality Election Supervisory Committee (Panwaslu kab/kot), Sub-district Election Supervisory Committee (Panwaslucam), Election Field Supervisor (PPL), and Overseas Election Committee (PPLN). Article 1 point 16-21 UU No. 15 of 2011 on Election Implementer.
- 4 Article 249 paragraph (1), UU No. 8 Year 2012.
- 5 Article 252 paragraph (1) and (2), UU No. 8 Year 2012.
- 6 Article 254 paragraph (1) d and (2), UU No. 8 Year 2012.
- 7 Pasal 262 paragraph (1), (2), and (3) UU No. 8 Year 2012.
- 8 Article 254 paragraph (2) and (3) UU No. 8 Year 2012.
- 9 Article 255 paragraph (2) UU No. 8 Year 2012.
- 10 International Institute for Democracy and Electoral Assistance, *Standar-standar Internasional Pemilihan Umum-Pedoman Peninjauan Kembali Kerangka Hukum Pemilu*, Jakarta : IDEA, 2002, pg. 101.
- 11 Article 26 KPU Regulation No. 25 Year 2013 on Settlement of Election Administrative Violation.
- 12 Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta : Prenada Media, 2005, pg. 35.
- 13 Titon Slamet Kurnia el at, *Pendidikan Hukum, Ilmu Hukum, dan Penelitian Hukum (Sebuah Reorientasi)*, Yogyakarta :Pustaka Pelajar, 2013, pg 149.
- 14 Peter Mahmud Marzuki, *Op. Cit*, 35.
- 15 Abdul Kadir Muhammad, *Hukum dan Penelitian Hukum*, Bandung : Citra Adhya Bakti, 2004, pg. 101-102.
- 16 Chapter VII the 1945 Constitution of the Republic of Indonesia, on House of Representative. Check Article 19 paragraph (1)
- 17 the 1945 Constitution of the Republic of Indonesia CHAPTER VI, On Local Governance. Check Article 18 paragraph (3).
- 18 the 1945 Constitution of the Republic of Indonesia CHAPTER VII A, On People's Representative Council.
- 19 the 1945 Constitution of the Republic of Indonesia Article 7C
- 20 the 1945 Constitution of the Republic of Indonesia Article 7A
- 21 Miriam Budiardjo, *Dasar-Dasar Ilmu Politik*. Jakarta : PT Gramedia, 1998, pg. 173.
- 22 the 1945 Constitution of the Republic of Indonesia Article 20 paragraph (1)
- 23 the 1945 Constitution of the Republic of Indonesia Article 20 paragraph (2)
- 24 Article 29, UU No. 32 Year 2004 On Local Governance.
- 25 the 1945 Constitution of the Republic of Indonesia Article 20 paragraph (1) House of Representative has Legislative function. Budget, and other.
- 26 In UU No. 17 Year 2014 on People's Consultative Assembly, House of Representative, People's Representative, and the Regional House of Representative expressed clearly on position, function, duties, and authority of the representative institution.
- 27 International Institute for Democracy and Electoral Assistance, *Electoral Justice : Keadilan Pemilu*, Penyunting Cetro, Jakarta, 2010, pg. 14
- 28 Article 250 paragraph (1) UU No. 8 year 2012.
- 29 PKPU No. 25 Year 2013, Article 8 paragraph (1) expressly KPU, Provincial KPU/KIP Aceh, Regency/Municipality KPU/KIP, Sub-district PPK, PPS, PPLN, KPPS/KPPSLN has authority to settle suspected Administrative Violation of Election as stated in Article 4 in the relevant work area. Based on this decision each of executive and implementer body got authority to accomplish the administrative violation which is conducted.
- 30 PKPU No. 25 Year 2013 Article 26, affirmed, Decision of settlement of suspected violations of the Election administration is final and binding
- 31 Janedri M. Gaffar, *Politik Hukum Pemilu*, Jakarta : Konstitusi Press, 2012, pg. 65
- 32 *Ibid*, pg. 11.
- 33 *Ibid*, pg. 4
- 34 *Ibid*, pg. 5
- 35 *Ibid*, pg. 17
- 36 *Ibid*, pg.55
- 37 UU No. 15 year 2011, article 1 poin 6,7, and 8, and poin 9, 10, 11, 12, and 13. According to Didik Suprianto quoting Indonesian Dictionary, the word implementer / implementing has a broader meaning than the word of executive / implementation. Implement / implementation means have the right / authority to organize and run

activities, while implementing / executing means running or working order / draft / decision who has a narrower meaning. Suprianto Didik, *Maintain Independence of Election Implementation*, Jakarta: Perludem 2007, p. 121.

38 Didik Suprianto, *Ibid*.

39 The word of the ad hoc is coming from from the Latin word meaning for this purpose; that's for (ie for a specific task or business), specifically; For example, an ad hoc committee, ad hoc judges, and others. <http://glosarium.org/arti/?k=ad%20hoc>, accessed 8 September 2014. 40 PKPU No. 25 of 2013 Article 8 paragraph (1)

The IISTE is a pioneer in the Open-Access hosting service and academic event management. The aim of the firm is Accelerating Global Knowledge Sharing.

More information about the firm can be found on the homepage:

<http://www.iiste.org>

CALL FOR JOURNAL PAPERS

There are more than 30 peer-reviewed academic journals hosted under the hosting platform.

Prospective authors of journals can find the submission instruction on the following page: <http://www.iiste.org/journals/> All the journals articles are available online to the readers all over the world without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. Paper version of the journals is also available upon request of readers and authors.

MORE RESOURCES

Book publication information: <http://www.iiste.org/book/>

Academic conference: <http://www.iiste.org/conference/upcoming-conferences-call-for-paper/>

IISTE Knowledge Sharing Partners

EBSCO, Index Copernicus, Ulrich's Periodicals Directory, JournalTOCS, PKP Open Archives Harvester, Bielefeld Academic Search Engine, Elektronische Zeitschriftenbibliothek EZB, Open J-Gate, OCLC WorldCat, Universe Digital Library, NewJour, Google Scholar

