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Effectiveness of the Implementation of the Dispute Resolution Information System (SIPS) of the General Elections Supervisory Agency

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Abstract

The main problems in this study are 1) How Effective is the Implementation of the Dispute Resolution Information System (SIPS) of the General Elections Supervisory Agency?, and 2) What are the efforts made by the Bawaslu of South Sulawesi Province in increasing the effectiveness of the Dispute Resolution Information System (SIPS)? This study aims to determine the effectiveness of the implementation of the Dispute Resolution Information System in Bawaslu, especially in South Sulawesi, and to find out how the efforts made by the Bawaslu of South Sulawesi Province in increasing the effectiveness of the Dispute Resolution Information System (SIPS). This type of research is empirical or often referred to as social legal research, namely research conducted with an approach to the legal reality in society. The research location is South Sulawesi Province, in particular at the office of the General Elections Supervisory Agency (Bawaslu) of South Sulawesi Province, which is located at Jl. Andi Prince Pettarani No. 98A, Makassar, South Sulawesi Province. The research population of the Bawaslu of South Sulawesi Province, the General Election Commission of South Sulawesi Province, Political Parties in the South Sulawesi Province, Academics in the South Sulawesi Province, and the People of South Sulawesi Province. Respondents were determined as many as 60 people. Data was collected through observation, questionnaires and interviews. The data were analyzed using a qualitative approach. The results showed: 1) Whereas the Implementation of the Effectiveness of the Dispute Resolution Information System (SIPS) of the General Elections Supervisory Body, especially in the Bawaslu area of South Sulawesi Province, is not running effectively; 2) Whereas the efforts made by the Bawaslu of South Sulawesi Province in increasing the effectiveness of the Dispute Resolution Information System (SIPS), namely increasing the Resources of the Organizing Apparatus, facilities and infrastructure, the role of the Community, and Legal Substance. The suggestions put forward are: 1) It is necessary to strengthen and improve the legal substance of the technical implementation of dispute resolution requests through SIPS in the next election by maximizing the implementation of socialization and technical guidance to stakeholders and external parties regarding the procedures and procedures for requesting disputes;

Keywords: Effectiveness, SIPS, Bawaslu.

A. Introduction

The General Elections Supervisory Body based on Law Number 7 of 2017 concerning General Elections is authorized to process the resolution of election disputes, and based on Law Number 10 of 2016 concerning the Election of Governors, Regents and Mayors are also authorized to process the resolution of Election disputes.

Meanwhile, the Duties and Authorities of Bawaslu regarding the Settlement of Election Process Disputes are contained in Article 143 paragraph (1) of Law Number 10 of 2016 concerning the Election of Governors, Regents and Mayors stating "Provincial Bawaslu and Regency/Municipal Bawaslu have the authority to resolve

disputes". Following up on the implementation of the election supervisory duties, Bawaslu compiled a legal instrument for the resolution of election disputes through Perbawaslu Number 2 of 2020 (Perbawaslu 2 of 2020) concerning Procedures for Settlement of Disputes for the Election of Governors and Deputy Governors, Regents and Deputy Regents as well as Mayors and Deputy Mayors.

In the stages of the dispute resolution process by Bawaslu, whether it is an election dispute or an election dispute, it is carried out through the stages of receiving and reviewing applications for election and election dispute resolution, which can be done through a direct application at the Bawaslu Office or by submitting a dispute request through an indirect method (online), namely by using the Dispute Resolution Information System (SIPS) application facility on the Bawaslu official website.

The technical application for disputes over the election process and elections at Bawaslu, either directly or indirectly, is technically regulated in each Perbawaslu Number 5 of 2019 concerning the Third Amendment to Perbawaslu No. 18 of 2017 concerning Procedures for Settlement of Disputes in the General Election Process, and Perbawaslu Number 2 of 2020 (Perbawaslu 2 of 2020) concerning Procedures for Settlement of Disputes for the Election of Governors and Deputy Governors, Regents and Deputy Regents as well as Mayors and Deputy Mayors.

SIPS elections and elections were born due to the lack of time for election justice seekers who wish to submit disputes to Bawaslu because both the Election Law and the Election Law only give 3 (three) days after the object of the dispute is known to submit a dispute resolution process. Therefore, if there are dispute applicants who are located far from the local Bawaslu office, they can submit an application through SIPS. However, after that the applicant still has to physically register at the local Bawaslu office.¹

Based on the data that the author collected at the Bawaslu Office of South Sulawesi Province, of the total applications for dispute resolution in the 2019 and 2020 election processes, all of them were applied directly, meaning that none of the requests were made through the SIPS application. Even though the Bawaslu has socialized the implementation of SIPS to the political party team in the 2019 election and the team for the candidate pairs for governor, mayor and regent in the 2020 election.

Whereas this SIPS can simplify and improve the quality of Bawaslu's services in processing each dispute request. SIPS aims to facilitate the entire reporting process so as to encourage public participation in reporting applications for electoral and electoral process disputes.

This is the basis of the author's thinking so that he considers it necessary to state the effectiveness of the implementation of the Bawaslu Dispute Resolution Information System, especially in the Bawaslu of South Sulawesi Province.

In his book Achmad Ali quoted by Marcus Priyo Guntarto who argues that the application of the law can be effective if the relevance of the rule of law to the needs of the target person, the clarity of the formulation of the substance of the legal rule, so that it is easily understood by the person who is the target of the law, optimal socialization to all the person who is the target of the law, the law should be prohibitive, not mandatory, the sanctions that will be threatened in the law must be matched with

¹ <https://www.bawaslu.go.id/id/berita/digitalisasi-pelayan-penegakan-Hukum-pemilu-bawaslu-launch-sips-pilkada-2020> accessed on Tuesday, June 15, 2021.

the nature of the law being violated, a sanction that is appropriate for a particular purpose, may not be appropriate for another purpose. The weight of the sanctions threatened must be proportional and possible to be implemented.²

Meanwhile, according to Chomzah³, a dispute is a conflict between two or more parties that originates from a different perception of an interest or property right which can lead to legal consequences for both.

The concept of democracy is practiced throughout the world differently from one country to another. Democracy has become a paradigm in the world's language of communication regarding government systems and political systems that are considered ideal.⁴ Therefore, according to Ni'matul Huda⁵ it cannot be denied that democracy is the best principle and system in the political and administrative system.

Research by Asriani Baharuddin in the Master's Thesis of Legal Studies at the Muslim University of Indonesia in 2020 entitled *The Effectiveness of Dispute Resolution by the Luwu Regency Bawaslu Against the Case of Double Recommendation of Political Parties in the 2018 Luwu Regional Election*. Double Recommendation of Political Parties in the 2018 Luwu Pilkada, and to find out what factors can affect the Effectiveness of Dispute Resolution by the Luwu Regency Bawaslu on the case of Double Recommendation of Political Parties in the 2018 Luwu Pilkada. The type of this research uses the type of empirical legal research, namely research conducted with an approach to the legal reality in society. The data were analyzed using a qualitative approach.

From the previous research, there was no specific discussion related to SIPS Bawaslu, therefore the author felt the need to put forward the implementation of SIPS Bawaslu, especially in Bawaslu, South Sulawesi province by focusing on:

1. How Effective is the Implementation of the Dispute Resolution Information System (SIPS) of the General Elections Supervisory Agency?
2. What are the efforts made by the Bawaslu of South Sulawesi Province in increasing the effectiveness of the Dispute Resolution Information System (SIPS)?.

B. Research Methods

The type of research in this paper uses the type of empirical research or often referred to as social legal research, namely research conducted with an approach to legal reality in society.

The empirical legal research method is a legal research method that functions to be able to see the law in a real sense and can see how the law works in the community.

While the data collection technique used is qualitative research. Commonly used in qualitative research are observation, interviews and questionnaires. The use of this technique is to reveal deeper data by using in-depth interview techniques. Data analysis was carried out simultaneously or almost simultaneously with data collection.

² Marcus Priyo Gunarto, *Criminalization and Penalization in the Framework of Functionalizing Regional Regulations and Levies*, Doctoral Program in Law, Diponegoro University Semarang, 2011, pp. 71-71.

³ Chomzah, Ali Ahmad. *Land Law Series III Settlement of Land Rights Disputes and Land Law Series IV Land Procurement for Government Agencies*. Jakarta: Library Achievement. Case. 14. 2003.

⁴ Jimly Asshiddiqie, *Constitution and Constitutionalism*, Constitution Press, Jakarta, 2005, p:141.

⁵ Ni'matul Huda, *Indonesian Constitutional Law*, PT Raja Grafindo Persada, Jakarta, 2006, pp:259.

The steps used in qualitative data analysis are to uncover, parse and understand the phenomena that occur in the background and object of research.

Qualitative analysis is generally not used as a means of finding data in terms of frequency, but is used to analyze ongoing social processes and the meaning of the facts that appear on the surface.

C. Results and Discussion

1. Effectiveness of the Implementation of the Dispute Resolution Information System (SIPS) of the General Elections Supervisory Agency

The application of the concept of democracy in terms of governance must at least be accompanied by the principle of government accountability and the principle of government openness. Government accountability is needed in relation to the government's obligation (compulsory compliance) to run the government in accordance with the authority it has. Meanwhile, government openness relates to the participation (*inspraak*) or community participation in the administration of government, especially with regard to various decision-making or government decisions (*beschikking*). Openness of government does not only include providing information to members of the public in general, but also relates to openness, both concerning a government plan, public policy,⁶

With the existence of a website-based SIPS Bawaslu, government administration with information disclosure in terms of the dispute process at Bawaslu is evidence of accountability regarding the provision of information to the public.

This is in accordance with the statement of Rahmat Bagja, a member of Bawaslu, the Coordinator of the Dispute Resolution Division, who explained that SIPS is a progressive case management information system. This is because the SIPS does not only contain the decision on the results of the disputed trial, but also includes the follow-up to the application, starting from information on the status of the application, the trial schedule, to the decision. Of course, this SIPS looks much better than the information system of two judicial institutions such as the Supreme Court (MA) and the Constitutional Court, where in the information system in the form of a website, the Supreme Court decision directory is only used to publish court decisions. This means that Bawaslu is considered one step better in information disclosure with other judicial institutions in handling information system-based dispute resolution.⁷

According to Rahmadi,⁸ Conflict or dispute is a situation and condition in which people experience factual disputes with each other as well as disputes that exist only in their perceptions.

Types of disputes which are a condition caused by two or more people which are characterized by several signs of overt conflict. There are two types, namely as follows:

⁶ Aminuddin Ilmar, *Governance Law*, Identity Hasanuddin University, Makassar, 2013, page : 74.

⁷<https://bawaslu.go.id/id/berita/divisi-pembelesai-sengketa-prepare-sips-as-manajemen-perkara-yang-progresif> accessed on Tuesday 15 June 2021

⁸Rahmadi, Fate. 2011. *Dispute Resolution Mediation Through Consensus Approach*. Jakarta: Rajawali Press. Case. 11.

- a) Conflict of Interest. Conflict of interest occurs when two people who have the same desire for an object that is considered valuable. A conflict of interest arises when two parties fight over one object;
- b) Claim Truth. Claiming the truth on one side and holding the other party guilty. Conflicts because truth claims are put in terms of right or wrong. Arguments for these claims will be based on the terminology of truth, not interests, norms and laws. Conflicts of interest are more compromised in their resolution than conflicts due to truth claims.

Disputes over the determination of the vote acquisition of the election results nationally are disputes over the determination of the vote acquisition that can affect the acquisition of seats for election participants. This dispute arose because of the determination by the KPU regarding the vote acquisition. The KPU's decision regarding the determination of vote acquisition is the decision of state administrative officials, therefore the decision that determines the vote acquisition of the election results is challenged in the state administrative court for election participants who object to the decision. However, the 1945 Constitution of the Republic of Indonesia states that election disputes are resolved through a trial mechanism at the Constitutional Court. The Constitutional Court has the authority to decide which is final and binding on disputes over election results.⁹

In Law No. 7 of 2017 concerning Elections, it stipulates that "Bawaslu, Provincial Bawaslu, Regency/City Bawaslu have the authority to settle disputes over the election process. Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu shall examine and decide disputes over the electoral process no later than 12 (twelve) days from the receipt of the application. This institution also conducts dispute resolution of the election process through the following stages:

- a. Receive and review applications for dispute resolution of the electoral process; and
- b. Bringing the disputing parties together to reach an agreement through mediation or deliberation and consensus.

In the event that an agreement is not reached between the disputing parties, Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu shall resolve the dispute over the electoral process through adjudication. The Bawaslu decision regarding the dispute resolution of the election process is a final and binding decision, except for decisions on electoral process disputes relating to:

- 1. Verification of the political parties participating in the election
- 2. Determination of the list of permanent candidates for members of the DPR, DPD, Provincial DPRD, and Regency/Municipal DPRD
- 3. Determination of Candidate Pairs

In the event that the dispute resolution of the election process carried out by Bawaslu is not accepted by the parties, the parties may submit legal remedies to the state administrative court. It should be emphasized that the entire Bawaslu decision-making process must be carried out through an open and accountable process.¹⁰

In submitting an application to Bawaslu, there are 2 routes that can be taken, namely through direct reporting and indirect (online) reports based on the website.

⁹ Fajlurrahman Jurdi, Introduction to General Election Law, Kencana Prenadamedia Group, Jakarta, 2018, page : 262

¹⁰ Ibid, page : 271

Based on the primary data obtained through the distribution of questionnaires at the research sites, the following describes the results of data analysis carried out using a frequency or percentage distribution approach. According to the results of the data analysis, it would be possible to present it in the form of a frequency table regarding the Effectiveness of the Implementation of the Dispute Resolution Information System (SIPS) of the General Elections Supervisory Agency.

Table 1.

2020 Regional Head Election Dispute Settlement Application			
No	Selection Type	Amount	Percentage
1	Election of Governor and Deputy Governor	2	1.6
2	Election of Mayor and Deputy Mayor	16	12.5
3	Election of Regent and Deputy Regent	110	85.9
Amount		128	100

SOURCE: Primary Data processed in 2021

Table 1 above shows the data for the 2020 Regional Head Election Dispute Settlement Application. It appears that the total number of applications for dispute resolution submitted to the Provincial Bawaslu and Regency/City Bawaslu in Indonesia is 128 applications.

Table 2.

Application for Settlement of Regional Head Election Disputes Year 2020 based on how to submit			
No	Selection Type	Amount	Percentage
1	Direct Submission	109	85.2
2	Indirect Submission (SIPS)	19	14.8
Amount		128	100

SOURCE: Primary Data processed in 2021

Table 2 above shows that based on the submission method, of the 128 applications for dispute resolution for the 2020 regional head election, 85.2% of applications were made directly to the Bawaslu office and 14.8% of applications were made indirectly online through the Dispute Resolution Information System (SIPS) Bawaslu. So from the data above it is known that the majority of applications that go to Bawaslu in terms of how to submit applications are through direct submissions to the Bawaslu office.

Based on the results of interviews with members of the Bawaslu of South Sulawesi Province, as well as the Coordinator of the Violation Handling Division, Mr. Dr. Azry Yusuf, SH, MH explained that the ineffectiveness of the Implementation of the Dispute Resolution Information System (SIPS) of the General Elections Supervisory Agency was also due to the influence of the lack of maximum technical delivery related to SIPS during outreach activities involving stakeholders, especially political parties and candidates for election participants, where the socialization was carried out. does not mention in detail the technical submissions through the SIPS application.

Based on the results of an interview with Muhammad Reza, the staff of the Dispute Resolution Division of the Bawaslu of the Republic of Indonesia as the person in charge of the data, explained that the Bawaslu SIPS was created in 2019 and in the same year the Dispute Resolution Information System (SIPS) was launched in the context of digitizing Election Law Enforcement Services in the Regional Head Election. Simultaneously in 2020 so that the Bawaslu SIPS has not been implemented because the previous SIPS had many obstacles and was not perfect so that all requests for dispute resolution were carried out in a direct manner.

The author has distributed questionnaires to 60 respondents consisting of elements of Bawaslu, KPU, Political Parties, academics and the community, with the points that become the background of this research, from the results of distributing the questionnaires, it is obtained that nearly 50% of respondents said that SIPS website-based is effective, we can see the rest in the table below:

Table 3.
Effectiveness of Dispute Resolution Information System Implementation (SIPS)
Election Supervisory Body

Statement	Frequency	Percentage
Very effective	2	4
Effective	26	52
Less effective	25	50
Ineffective	7	14
Amount	60	120

SOURCE: Primary Data processed in 2021

Meanwhile, the table shows that the ineffectiveness of the Implementation of the Dispute Resolution Information System (SIPS) of the General Elections Supervisory Agency is caused by several factors, namely:¹¹

- 1) Socialization related to the technical substance of the implementation of SIPS by Bawaslu before the stages of the election process and the election has not been fully known and well received by political parties and regional head candidates;
- 2) There are too many administrative forms that must be filled out and uploaded by the dispute applicant process in the SIPS application from the time the application begins until the trial process or dispute resolution deliberation at Bawaslu;
- 3) Direct General Elections and Regional Head Elections which are carried out simultaneously and simultaneously make it less effective in filling out the application form for the dispute process process at Bawaslu, in addition to the problem of deadlines, the limited grace period for submitting applications which only limits the submission requirements of three days after the disputed object is issued so that the applicant does not focus and frequent writing errors in filling out forms;
- 4) Direct applications are considered more effective because the availability of the original physical application documents along with written evidence can be received as early as possible so that the Dispute Resolution process is guaranteed the availability of authentic data as the basis for making decisions within a very limited period of time;
- 5) Human resources are lacking in terms of technology because the applicant is more dominant in submitting a process dispute resolution request directly to the Bawaslu office.

2. The efforts of the Bawaslu of South Sulawesi Province in increasing the effectiveness of the Dispute Resolution Information System (SIPS)

In an effort to increase the effectiveness of the Dispute Settlement Information System (SIPS), Bawaslu has taken several steps and efforts, including increasing the resources of the organizing apparatus, improving facilities and infrastructure,

¹¹ The results of the answers of 60 respondents consisting of elements of Bawaslu, KPU, Political Parties, Academics, and the Community, through filling out questionnaires from September to October 2021

increasing the role of the community, and increasing legal substance, which I will describe as follows:

Table 4

The increase in the resources of the organizing apparatus affects the Effectiveness of Dispute Resolution Information System (SIPS)

Statement	Frequency	Percentage
Very Influence	4	8
Influence	40	80
Less Influence	7	14
Not Affect	9	18
Amount	60	120

SOURCE: Primary Data processed in 2021

Human resource development is an activity that must be carried out by organizations, so that their knowledge, abilities and skills are in accordance with the demands of their work, including in this case as election supervisors. It is necessary to increase capacity in the development of election management resources as an effort to improve skills in the technical field of elections so that employees have more productive skills in order to achieve predetermined goals.

Table 5

Improvement of Facilities and Infrastructure affects Effectiveness Dispute Resolution Information System (SIPS)

Statement	Frequency	Percentage
Very Influence	9	18
Influence	35	70
Less Influence	6	12
Not Affect	10	20
Amount	60	120

SOURCE: Primary Data processed in 2021

In general, facilities and infrastructure are tools to support the success of an effort process carried out in public services, because if these two things are not available then all activities carried out will not be able to achieve the expected results according to the plan. Without the existence or support of adequate facilities or facilities, it is not easy for the continuity of the Effectiveness of the Dispute Resolution Information System (SIPS) to run well, which includes, among others, highly educated and skilled human workers, good organization, adequate technology and internet support, etc.

Table 6

Increasing Community Roles Affects Effectiveness Dispute Resolution Information System (SIPS)

Statement	Frequency	Percentage
Very Influence	11	22
Influence	41	82
Less Influence	5	10
Not Affect	3	6
Amount	60	120

SOURCE: Primary Data processed in 2021

The form of activities to increase the role of the community that can affect the effectiveness of the Dispute Resolution Information System, among others, can be done by always involving the community in Bawaslu activities, both in socializing Bawaslu regulations, monitoring activities and other Bawaslu activities that can involve external parties.

Table 7
Increasing Legal Substance affects Effectiveness
Dispute Resolution Information System (SIPS)

Statement	Frequency	Percentage
Very Influence	6	12
Influence	33	66
Less Influence	14	28
Not Affect	7	14
Amount	60	120

SOURCE: Primary Data processed in 2021

Understanding Legal Substance aims to create justice and can be applied in society. The legal substance factor is considered to affect the Effectiveness of the Dispute Settlement Information System (SIPS) because in carrying out Bawaslu's duties in providing dispute resolution application services through the online system, it is required to understand and technically understand the substance of the proceedings in the field, which will then be outlined in an online technology explanation.

D. Conclusion

The effectiveness of the implementation of the Dispute Resolution Information System (SIPS) of the General Elections Supervisory Body, especially in the Bawaslu area of South Sulawesi Province, is running effectively but there are still things that make the implementation of the application less than optimal, one of which is due to the technical substance of the implementation of SIPS by Bawaslu at the time before the stages of the election process and elections have not been fully known and accepted by political parties and regional head candidates. The efforts made by the Bawaslu of South Sulawesi Province in increasing the effectiveness of the Dispute Resolution Information System (SIPS) are increasing the Resources of the Organizing Apparatus, facilities and infrastructure, the role of the Community, and Legal Substance.

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