



Written warning; (3) Are not included at certain stages in the election administration; and (4) Other administrative sanctions in accordance with the provisions in the Election Law to be precise in Article 461 Paragraph (6) of Law No. 7 of 2017 concerning Elections (Patawari, 2019)

The authority of Bawaslu as Election and Pilkada supervisor as well as acting as examiner, examines, adjudicates, and decides, Election and Pilkada administration disputes can potentially lead to abuse of power (abuse of power). (Amal, 2019). If we examine further the independent judiciary power by our constitution is in line with Baron de Montesquieu's trias politica concept in his work entitled *L'Esprit des Lois* (The Spirit of the Laws) which divides government power namely Legislative, Executive, Judiciary. These three powers must be separated, both regarding the tasks (functions) and the equipment (institutions) that carry them out. This separation of powers aims to avoid monarchy, tyranny and arbitrariness from each branch of state power. (Mahfud MD, 1999). Some of the authority of the Bawaslu are the supervisory function of the election/pilkada stages, the handling of election/pilkada criminal violations and as a judicial institution is to carry out the executive and judicial functions of a state institution. Therefore it is important for the author about: "Quasi Judicial Authority of the Samarinda City Bawaslu in Handling Election Administrative Violations".

## **2. Methods**

Study Based on the author's title, the type of research is sociological legal research (juridical empirical). Sociological legal research is research conducted by identifying the law on how effective the law is in society. The method of empirical juridical approach is carried out on non-statutory legal materials, in this case testing and studying secondary data relating to the quasi-judicial authority of the Samarinda City Bawaslu in handling election administrative violations and this research approach is descriptive analytical in that the author tries to provide an overview of a fact in full detail, and clear about the problem under study.

## **3. Results**

The effectiveness of the Samarinda City Bawaslu quasi-judicial authority in handling election administrative violations in its implementation is not something that stands alone but is related to various aspects, there are several influencing factors, namely: First, the legal factor itself, namely the parties that will be limited by the law just. Second, law enforcement factors, namely the authorities to enforce the law. Third, the facilities and infrastructure factors that support law enforcement. Fourth, community factors, namely the environment where the law applies and is applied and cultural factors. Below are described the influencing factors.

### **The legal factor itself (laws and regulations)**

No Coercive Efforts In the Election Supervisory Body Regulation Number 14 of 2017, it does not give authority to the Oversight institution, namely the Bawaslu as an independent institution in carrying out its duties to supervise and follow up on alleged violations and reports of violations in carrying out "Forced Efforts". Evidence brought by the Samarinda City Bawaslu to the Gakkumdu Sentra to be discussed with police investigators who are not equipped with the authority to coerce and the attitude of investigators who do not want to present maximum evidence together with Bawaslu, makes it more difficult for the Election Supervisory Body to resolve election crime violations. In the process of reviewing violation findings by Bawaslu or the election supervisor, they may request the presence of the complainant, the reported party, the party suspected of being the perpetrator of the violation, witnesses for clarification. With the limited time given to Bawaslu or the election supervisor, which is 3 (three) + 2 (two) days and the party suspected of being the perpetrator of the violation is unwilling or absent to be clarified. So Bawaslu or election supervisors do not have coercive power to pick up parties suspected of being the perpetrators of violations because Bawaslu or election supervisors do not have this authority, it is only regulated for several state institutions, such as other law enforcement officials.

### **Law enforcement factors**

Time Limits Election Supervisory Body Regulation Number 14 of 2017 to provide limited time for the Election Supervisory Board or Bawaslu and Election Supervisors to decide, follow up or not follow up on Findings or Reports of alleged election violations, no later than 3 (three) days after the findings or reports the alleged violation is received and registered. And in case of need, Bawaslu or the election supervisor may request additional information within a maximum of 2 (two) days. The time given to Bawaslu or election supervisors is very limited, due to the difficulties of Bawaslu or election supervisors to

find findings or evidence of election violations so that the process of resolving election violations is not optimal.

Likewise with regard to time management in the trial process. The Bawaslu must begin to emphasize again the registration time, how much time is allotted for election participants to correct it, and at the latest when it will be submitted to the Bawaslu. In addition, meetings with two important agendas are not held in the same day. As has happened and has been reported by various mass media where the session of the application statement was united with the agenda of responding to requests at the same time. When viewed from the usual trial process in the judiciary, of course this will make it difficult for all parties to prepare neat documents. And finally from the law enforcement factor, in this case the commissioner, the Samarinda City Bawaslu has very little background in law, let alone those who understand the proceedings, this adds to the obstacles and obstacles to the effectiveness of Samarinda City Bawaslu's performance.

### **Facilities or facility factors**

Furthermore, another thing that is no less important is the obstacle for the Samarinda City Bawaslu regarding public access to trials, including the minutes of the trial, especially if the trial is held open to the public. Apart from that, it is also very important to pay attention to the trial order at the Bawaslu to maintain the dignity of the case-solving institution (read: Bawaslu) so that the results of the decision are not questioned. The trial order must be a serious concern for Bawaslu and all parties, including the completeness of the equipment in the trial and all aspects of the trial which are still very minimal.

### **Community factors**

Compliance and adherence of the people to the Election Law is an indicator of the effectiveness of the application of the Election Law in the midst of society at all stages and processes of the election. The limited level of quality of public legal awareness is partly due to a lack of knowledge and understanding of the extent of influence and activities carried out during the stages and processes of the election. The public should have a strong awareness of the stages and processes of the election by participating in supervising and being the party who reports suspected election administration violations. Because society is a subject that has legal standing, namely citizens who have the right to vote, election participants, and election observers. Reports are submitted in writing with formal provisions stipulated in the Election Law (Sinaga et al., 2022). Formal provisions consist of the name of the complainant, the address of the complainant, the party being reported, the time and place of the violation and a description of the incident. The violation must be submitted no later than 7 working days after the alleged violation occurred. So, whenever a violation occurs, it can still be reported to Bawaslu as long as it is not later than 7 working days after the violation is discovered.

Each incoming report will be received by Bawaslu. This means that in the first stage, Bawaslu will accept all reports submitted to it. After receiving the report, Bawaslu checks or verifies. This check or verification is carried out to see whether the report submitted to him meets the formal and material requirements or not. If the requirements have not been met, Bawaslu will give the reporter the opportunity to complete them first. However, if it meets the requirements, the next step is for Bawaslu to register. If it has been registered, Bawaslu will determine whether the report meets administrative requirements or not. If it is incomplete, Bawaslu will give the complainant 3 days to complete it. If the report has been declared complete and registered so that it can be carried out at the next stage, this is the important role of the public in participating in reporting suspected election administration violations.

### **Cultural factors**

Legal culture or legal culture is also one of the obstacles or factors for the Samarinda City Bawaslu in resolving violations. The culture or legal culture can be seen from two sides. First, the low participation of the people of Samarinda City in supervising every activity in the series of activities and election stages. Second, election participants participating in the Election of Political Parties for the Election of DPR Members, Members of the Provincial DPRD, Members of Regency/City DPRD, Individuals for the Election of DPD Members, and pairs of candidates proposed by Political Parties or a combination of Political Parties for the Election of President and Vice President are considered to be less cooperative in every summons for alleged violations committed by pairs of candidates and/or campaign teams.

## **4. Conclusion and Suggestions**

The implementation of Samarinda City Bawaslu Quasi Judicial Authority in Handling Election Administrative Violations and Settlement of Election Violations has not been effective, this is due to the

Expansion of Bawaslu Authority in Law Number 7 of 2017. Bawaslu has a function as a Quasi Judicial which can resolve election administration violations both administrative violations that are ordinary or structured, systematic, and massive in nature. In carrying out its function as a Quasi-Judicial, the Samarinda City Bawaslu has not been matched by a competent commissioner in the field of law because his new authority to convene and try and decide as a judge in a court of course requires ability and maturity. Decisions made by the Bawaslu are final and binding and that is also a problem because no one can correct them, their power cannot be assimilated but they are not included in the branch of judicial power whose decisions cannot be contested and other constraints that cause less the effectiveness of Samarinda City Bawaslu in Handling Election Administrative Violations and Settlement of Election Violations.

Obstacles and obstacles in Handling Election Administrative Violations, Samarinda City Bawaslu in dealing with election violations is influenced by 3 aspects, namely content, structure, and culture. First, the Content or Contents of Policies/regulations. In terms of the content of regulations relating to the handling of election violations, it is stated that Bawaslu is required to make a decision whether to follow up or not to follow up on reports and findings of alleged violations within a period of 3+2 calendar days. Second, structure, there is disagreement in the Gakkumdu center when discussing and reviewing allegations of election crime violations that occurred between Bawaslu, the prosecutor's office and the police. There was a disagreement regarding the study of an alleged election violation. It took a long time for this understanding to be uniform in order to produce the right decision. Third, Culture, the practice of money politics has become a culture because there is still a high level of public permissiveness towards money politics. This public permissive attitude is further exacerbated by the lack of awareness from political parties and their candidates not to give money to the public. Obstacles related to culture, namely the family culture which also affects the neutrality of ASN in the election. The patron client culture is still strong, causing loyal civil servants to defend their superiors who are candidates in the elections.

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