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## DAFTAR ISI

### **CRIMINAL ACCOUNTABILITY FOR ACTORS OF THREATENING TO SPREAD ASSUILA VIDEO ON SOCIAL MEDIA**

Ismail Koto, Ramlan, Tengku Erwin Syahbana, Rachmad Abduh, Ibrahim Nainggolan ..... 120-131

### **THE REASONS FOR LAYOFFS BY COMPANIES ARE BASED ON THE LAYOFF PROVISIONS IN LAW NO. 11 OF 2020 CONCERNING JOB CREATION AGAINST INDUSTRIAL RELATIONS COURT DECISIONS DUE TO GROSS ERRORS (PN DECISION STUDY NUMBER 1 / PDT. SUS-PHI/2021/PN PGP)**

Muchamad Fachmi Fachrezi, Palmawati Tahir, Rani Sri Agustina ..... 132-149

### **PURPOSE LEGISLATION STATUS (*PSEUDOWETGEVING*) AGAINST LEGAL REGULATIONS (ACCORDING TO LAW NUMBER 12 OF 2011 JO. LAW NUMBER 15 OF 2019 REGARDING THE ESTABLISHMENT OF LEGISLATION REGULATIONS)**

Grace Sharon, Bintang Aulia Utama, Levina Yustitianiingtyas, Anang Dony Irawan ..... 150-172

### **UNETHICAL AND UNCENSORED CONTENT CREATION IN NIGERIA ENTERTAINMENT INDUSTRY: SPRINGING THE LAW TO ACTION**

Paul Atagamen Aidonojie, Majekodunmi Toyin Afolabi, Omolola Janet Adeyemi-Balogun, ..... 173-202

### **OPTIMIZING THE ROLE OF THE ELECTION SUPERVISORY COMMITTEE IN HANDLING ELECTION ADMINISTRATIVE VIOLATIONS IN ACEH PROVINCE**

Ferry Irawan Nasution, Surya Perdana, Arbas Chakra..... 203-221

### **LEGAL REVIEW RELATING TO CANCELLATION OF ARBITRATION AWARDS THAT ARE ALREADY POWERFUL AND FINAL RELATED TO ARBITRATION LAW NO. 30 OF 1999 CONCERNING ARBITRATION CASE STUDY PT. KRAKATAU POSCO AGAINST INDONESIAN NATIONAL ARBITRATION BOARD, DKK AT SERANG STATE COURT**

Muchamad Iksan Suryana, Agus Prihartono PS, Anne Gunawati ..... 222-232

**ANALYSIS OF THE USE OF CRYPTO CURRENCY AS A FUTURES TRADING COMMODITY ACCORDING TO POSITIVE LAW IN INDONESIA**

Songtinus, Ramlan, Mahmud Siregar .....233-258

**CONFIGURATION OF A SEGREGATED SIMULTANEOUS ELECTION SYSTEM TO STRENGTHEN THE CHARACTER OF AN INCLUSIVE GOVERNMENT SYSTEM IN INDONESIA**

Satriansyah Den Retno Wardana, Eka N.A.M. Sihombing, T. Erwinsyahbana.....  
.....259-282

**OPTIMIZATION OF SIMP (SOLIDITY, INTEGRITY, MENTALITY, PROFESSIONALITY) ELECTION SUPERVISORS TO ACHIEVE DEMOCRATIC, HONEST AND FAIR ELECTIONS**

Muhammad Asmawi, Lathifah Sandra Devi .....283-297

**OPTIMIZING THE ROLE OF THE ELECTION  
SUPERVISORY COMMITTEE IN HANDLING ELECTION  
ADMINISTRATIVE VIOLATIONS IN ACEH PROVINCE**

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**Abstract**

The Authority of the Election Supervisory Body in the Process of Resolving Administrative Violations of Elections has been regulated by Law Number 7 of 2017. The Election Supervisory Body has the authority to issue final decisions. With this authority, the role of the Election Supervisory Body is strengthened in the law enforcement framework for electoral justice. This research aims to determine how this authority is implemented, especially in the Province of Aceh. The selection of Aceh Province as the research object is due to the increased cases handled by the Election Supervisory Body in the 2019 Elections compared to 2014. The problem formulations for this journal are: How is the Authority of Election Supervisory Committee in Handling Administrative Violations of Elections? What is the Mechanism for Handling Administrative Violations of Elections? and What Factors Influence the Election Supervisory Committee in Resolving Administrative Violations of Elections in the 2019 Elections? This research is normative legal research accompanied by supporting data. Research data was collected through a literature study. The analysis was carried out using qualitative methods. Based on the research results, it is concluded that the institutional strengthening of election oversight has developed with each decade of electoral implementation, manifested through revisions of laws governing the authority of the Election Supervisory Body. Second, the Election Supervisory Body has issued Regulation Number 7 of 2017 concerning the Handling of Findings and Reports of Electoral Violations and Regulation Number 8 of 2018 concerning resolving administrative violations of elections. Third, factors influencing the Election Supervisory Committee in resolving administrative violations of elections include internal factors such as 1) Human Resource Issues, 2) Facilities and Infrastructure, and 3) Budget.

Keywords: *Election Supervisory Committee of Aceh, Administrative Election Violations*

**INTRODUCTION**

Sovereignty is in the hands of the people and is exercised according to the Constitution.(Nasution, 2023) The meaning of "sovereignty is in the hands of the

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people" is that the people have the sovereignty, responsibility, rights, and obligations to democratically elect leaders who will run the government and serve all Indonesian people, as well as elect representatives of the people to oversee the running of the government (Efyanti, 2019).

Democracy is a system of government where people are given the authority to choose their representatives freely to sit as their representatives in the House of Representatives, Regional Representative Council, Provincial Regional People's Representative Council, and elect the President and Vice President in a General Election (Humaira, 2021). The history of the nation's journey in regulating the democratic system in its government has undergone several changes by continuing to look for the ideal format of the electoral system in Indonesia (Haris, 2014).

Elections are one of the most tangible forms and ways to implement democracy (Putra, 2014). If democracy is defined as government from, by, and for the people, as stated by Abraham Lincoln, then the most appropriate way to determine government is through the electoral system. The implementation of elections is one of the manifestations of citizens' human rights, and the government must carry out elections by providing freedom and protection to every citizen to make their choices (Suyatno, 2016). And therefore, the implementation of Honest and Fair elections is a form of a country that adheres to a democratic system (Arliman, 2016).

Elections are defined as a means for the people to elect their representatives who will sit as members of the People's Representative Council, members of the Regional Representative Council, and members of the Provincial and Regency / City People's Representative Councils and elect the President and Vice President which are carried out on the basis of *luber* Honest and Fair (direct, public, free, secret, honest and fair) (Prasetyoningsih, 2014).

The holding of honest and fair elections is a benchmark for the democratic parameters of a nation (Kosasih, 2018). The implementation of honest and fair

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elections will show that the state safeguards the democratic rights of citizens in an effort to uphold the sovereignty of the people, and the good parameters of an election can be seen from the guarantee of democratic rights and the enforcement of electoral justice in it (Rosana, 2016).

In an effort to ensure that elections can run according to the principle of being honest and fair, elections provide what is called an electoral justice system, which is an important element in ensuring the effectiveness and fairness of elections (Herawati dkk., 2018; Prasajo, 2023). And includes systems for preventing and handling election violations and electoral dispute resolution mechanisms (Fahmi dkk., 2020). The electoral justice system ensures that every procedure for the implementation of the election stages and decisions related to the implementation of the election stages must be in accordance with the existing legal framework, and there must be a legal mechanism for resolving them if something is violated (Ahmad, 2021).

There are different characteristics of the duties and authorities of the Supervisor of Elections in each law, as mentioned above. Prior to the issuance of Law Number 7 of 2017, the Election Supervisory Body, Provincial Election Supervisory Body, District/City Election Supervisory Committee, and District General Election Supervisory Committee only issued recommendations in terms of handling election administrative violations to the General Election Commissions and its staff (Asmawi dkk., 2021).

The birth of Law No. 7 of 2017 concerning general elections is a codification of the election administration law, the holding of general elections for members of the House of Representatives, Regional Representative Council, Provincial Regional People's Representative Council, and the general election law for the President and Vice President of the Republic of Indonesia which are united into one law (Jurdi, 2018).

Law Number 7 of 2017 strengthens the position of the Election Supervisory

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Body, starting from the permanent institution of the Election Supervisory Body of the Republic of Indonesia to the Election Supervisory Body Regency/City (Isra & Fahmi, 2019). Then, with the authority now the Election Supervisory Body in terms of handling election administrative violations, can adjudicate and decide election administrative violations which, in the previous election period, all election administrative violations are stipulated in a recommendation forwarded to the competent agency (Isnaini, 2018).

Election Supervisory Body's new authority strengthens the Election Supervisory Body's position not only as an election supervisory agency but also as a quasi-judicial institution (Waid, 2018). This can be seen in the Election Supervisory Body authority in handling the dispute resolution of the election process. The word quasi itself comes from Latin, which means similar to but not the same. So, institutions that have the same duties, functions, and authorities as the judicial function in dispute resolution in the discussion of this thesis are referred to as quasi-judicial / judicial institutions. Especially in Aceh Province, the position of Election Supervisory Body Aceh Province was changed based on articles 557 and 571 of Law Number 7 of 2017. The special vocabulary of the Election Supervisory Agency in Aceh Province is now the Election Supervisory Committee. Juridically, the existence of the Election Supervisory Committee of Aceh Board is an inseparable part of the Election Supervisory Body structure, which authorizes the Election Supervisory Body to select and form the Provincial Election Supervisory Committee of Aceh and District/City Election Supervisory Committee in Aceh Province.

As for the duties and authorities of the Election Supervisory Committee in supervising and enforcing election violations, it is still guided by Law Number 7 of 2017 concerning Elections and the regulations of the Election Supervisory Board which are technical guidelines for the Election Supervisory Committee to carry out the task of supervising and enforcing election violations. However, there is another

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additional task, namely supervising the stages of the Qur'an reading test for candidates for members of the Aceh People's Representative Council and the Regency / City People's Representative Council. The test stage of being able to read the Qur'an is a sub-stage of candidacy and is a specialty in Aceh province that is required for candidates for regional heads and prospective legislative members who are Muslim.

### **RESEARCH METHOD**

This research approach uses a normative juridical approach (Normative Legal Research) because this research is a literature research or document study that is carried out or aimed only at written regulations or other legal materials. It then analyzes the laws and regulations related to handling election administrative violations, namely by reviewing laws and regulations related to election administrative violations.

### **RESULTS, DISCUSSION AND ANALYSIS**

#### **Election Supervisory Body Authority in Handling Election Administrative Violations**

The existence of an election supervisory agency in the implementation of the general election stages in Indonesia is an implication of the many frauds that occurred in the implementation of the 1971 and 1977 elections. In the election, there were many violations and manipulation of vote counting through the General Election Institute. The existence of Election Organizing Agency is an institution formed by the new order government and contains Civil Servants who are also members of Golkar.

The existence and authority of supervisory agencies change in several phases. In the first phase, through Law No. 2 of 1980, an election supervisory agency known as the Executive Supervisory Committee was formed before the 1982



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elections, an institution known as the Election Supervisory Committee (was formed. This institution is tasked with overseeing the course of elections and minimizing fraud during elections. The birth of the Election Implementation Supervisory Committee is an effort to perfect the implementation of elections. However, his duties and authority are very limited, only supervising the stages of holding general elections.

The Election Implementation Supervisory Committee's management structure for the national level consists of one chairman and five vice-chairpersons concurrently members. The chairman of the Election Implementation Supervisory Committee is the Attorney General; the five deputy chairmen consist of elements of Depdagri, ABRI, Golkar, PDI, and PPP. At the same time, membership for the levels below follows the composition of membership at the center. Meanwhile, Election Implementation Supervisory Committee's accountability horizontally to the General Election Institute, and so on, to the lowest level. Regional supervisors are responsible for PPD at the same level.

The Election Implementation Supervisory Committee's horizontal accountability system to the General Election Institute is a paradox. How can an institution be formed to supervise other institutions, while the institution that has the function to supervise it is responsible to the institution it supervises? The existence of the Election Implementation Supervisory Committee was originally intended to restore the holding of democratic elections. Still, in practice, it turned into an institution that helped strengthen the position of the Orba and Golkar governments in the elections. The Election Implementation Supervisory Committee is only used as an institution that legitimizes elections held by the Government. Election Organizing Institution has been democratic because it has been able to process objections and cases of election violations according to procedures.

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The birth of Law No. 18 of 2001 concerning Special Autonomy of Nanggroe Aceh Darussalam Province in general to strengthen the privileges for Aceh Province in Law No. 44 of 1999 concerning the Implementation of Privileges of the Aceh Special Region Province, but on the other hand, Law No. 18 of 2001 added several authorities owned by Aceh, one of which was the establishment of the Independent Election Commission as the holding of the Head election Regional/Deputy Regional Head consisting of General Election Commissions members and community members.

In terms of the number of memberships, the members of the Aceh Independent Election Commission are 7 (seven) people, and the members of the District/City Independent Election Commission are 5 (five) people. The Duties, Authorities, and Obligations of the KIP in organizing elections are regulated through Law Number 7 of 2017 and Aceh Qanun Number 6 of 2018 concerning Amendments to Aceh Qanun Number 6 of 2016 concerning Election Organizers and Elections in Aceh. The duties and authorities of the Independent Election Commission in Aceh Province are the same as the General Election Commissions in Provinces outside of Aceh. The addition of duties and authorities for the Aceh Independent Election Commission is to make regulations for the Aceh Independent Election Commission concerning the implementation of factual verification of local political parties in Aceh and the implementation of Qur'an reading tests for candidates for Aceh People's Representative Council and District Council Of Representative People members who are Muslims.

The existence of election supervisors in Aceh province is the same as the establishment of election supervisory agencies in other provinces while still being guided by laws governing elections. The terminology used was also the same until the 2014 elections, where election supervisors were called Election Supervisory Body Aceh Province and General Election Supervisory Committee Regency / City.

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Until the 2019 election, the naming of election supervisory institutions at the Aceh provincial and regency/city levels was changed to the Aceh Provincial Election Supervisory Committee (Election Supervisory Committee) and the Regency / City Election Supervisory Committee (Election Supervisory Committee). This is based on articles 557 and 571 of Law Number 7 of 2017 concerning General Elections.

The first Election Supervisory Committee terminology is based on Law Number 11 of 2006, issued as a result of a peace agreement between the Government of the Republic of Indonesia and the Free Aceh Movement. The existence of the Election Supervisory Committee was first when simultaneous regional elections were held in Aceh Province in 2006 and 2007. The process of forming an Election Supervisory Committee is proposed by the Aceh People's Representative Council and District Council Of Representative People through the selection they do, the results of the selection are proposed to the Election Supervisory Body to be issued a decree and inaugurated by the Governor/Regent/Mayor.

In the 2009 elections, conflicts over the authority to establish an election supervisory agency in Aceh began to occur; the Aceh People's Representative Council insisted that the institution entitled to oversee the process of supervising the election stages was Election Supervisory Committee. However, the Election Supervisory Body is still guided by Law Number 22 of 2007 concerning Election Administration. The Election Supervisory Body has also submitted a conflict over the authority to form an election supervisor to the Constitutional Court. However, the Constitutional Court could not accept the application for Dispute of Authority of State Institutions submitted by the Election Supervisory Body. Through his ruling, the Election Supervisory Body consulted with the Aceh Government and Aceh People's Representative Council to resolve the problem.

Law No. 7 of 2017 concerning General Elections contains a breakthrough in

strengthening the authority of the Election Supervisory Agency (Election Supervisory Body) in enforcing election law. In addition to electoral crimes, the authority to take action and decide administrative violations in the trial mechanism in the Election Supervisory Body up to the Regency / City level.

Prior to the issuance of Law No. 7 of 2017 on elections, the Election Supervisory Body's function was analogous only as a "postman" because it only submitted recommendations for alleged administrative violations to the General Election Commissions and did not have the power to encourage the General Election Commissions to implement the recommendations of election supervisors or pressure on the General Election Commissions/ Independent Election Commission in terms of election law enforcement.

This condition shows problems in the effectiveness of the implementation of duties, authorities, and institutional obligations of election supervisors in conducting elections, with a tendency for the General Election Commissions to often ignore the recommendations of the election supervisory agency for handling alleged election administrative violations. as a direct impact of the weak institutional authority of election supervisors in the electoral system, which resulted in the emergence of various election problems including manipulation of candidacy requirements, invalidity of voter data, abuse of authority and inflating of vote results involving election officials.

### **Mechanism for Handling Election Administrative Violations**

Electoral law classifies types of electoral administrative offenses and Structured, Systematic, and Massive Electoral Administrative Violations. The definition of election administrative violations is violations of procedures, procedures, or mechanisms related to the administration of the implementation of elections at every stage of the implementation of elections, excluding election crimes and violations of the code of ethics. The definition of Election

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administrative violations in a structured, systematic, and massive manner, namely actions or actions that violate procedures, procedures, or mechanisms related to the administration of election implementation at every stage of holding elections, and Spouses of candidates, candidates for members of the People's Representative Council/Regional Representative Council, Provincial Regional Representative Council, Regency/City Regional Representative Council, promising and providing money or other materials to influence election organizers and voters that occur in a structured manner, systematic and massive.

The formulation of election administrative violations in the provisions of Article 460, paragraph (1) and paragraph (2) of Law No. 7 of 2017 concerning Elections contains at least 4 (four) elements:

The qualification of the violation is optional, i.e., (i) violation of the ordinance, (ii) violation of procedures, or (iii) violation of the mechanism.

The object of the violation relates to the "administration of the conduct of elections."

The scope of the violation is limited to "every stage of the conduct of elections."

Election administration violations do not include electoral crimes and violations of the code of ethics.

The source of Election Administration violations comes from findings and reports of alleged election violations. Arrangements for handling findings and reports of election violations are as stipulated in Article 454 of Law No. 7 of 2017, which confirms that Election Violations stem from findings of election violations and reports of election violations; however, how the mechanism for handling election violations in the form of findings and reports has not been clearly and unequivocally outlined in the Election Law.

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In response to this, the Election Supervisory Body, in accordance with its authority, made a regulation regulating the technical supervision and enforcement of election violations. An explanation of the mechanism for finding and reporting election violations is regulated in Election Supervisory Body Regulation no. 7 of 2018 concerning Handling Findings and Reports of Election Violations. and alleged election administrative violations and Structured, Systematic, Massive, election administrative violations, the handling mechanism uses Election Supervisory Body Regulation no. 8 of 2018 concerning the resolution of election administrative violations.

Reports of election violations are reports submitted directly by Indonesian citizens who have the right to vote, election participants, and election monitors to the Election Supervisor in stages. Reports of election violations shall be submitted in writing and shall at least contain the following:

- a. Name and address of the complainant.
- b. The reported party.
- c. The time and place of the crime.
- d. Description of events.

The report of election violations shall be submitted to the election supervisor by 7 (seven) working days from the time of the alleged election violation. There are differences in the characteristics of reports in the previous law, which states that reports of alleged election violations are submitted 7 (seven) days from the occurrence of violations.

Follow-up findings and reports of election violations that meet the requirements for alleged election administrative violations will be processed with an adjudication mechanism as regulated in PerElection Supervisory Body 8 of 2018 concerning the handling of election administrative violations.

The examining panel is first tasked with conducting a preliminary

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examination of the completeness and validity of the Findings or Report documents suspected of administrative violations of the Election or administrative violations of the Structured, Systematic, Massive Elections. When the completeness and validity of the documents are complete, a preliminary decision is made, which will be submitted to the whistleblower and the reported person in the preliminary judgment reading hearing; the preliminary decision contains a report accepted as an administrative violation of the Election, then the examining panel follows up with an examination hearing and determines the schedule for the examination hearing.

The notice of the examination hearing is notified by the examining secretary to the parties involved in the process of handling violations, namely the complainant, in this case, is public, and the reported person is a participant in the Election for the examination hearing, as well as witnesses. In the examination session, the panel will seek information and information from the parties who have been invited to provide clarity on events that are considered to contain elements of election administrative violations. The Examination Hearing in the Election Supervisory Committee is like a trial in the Court in general, where this hearing upholds the procedural law in force in Indonesia.

Based on the decision issued by Election Supervisory Body, Provincial Election Supervisory Body, and District / City Election Supervisory Body, the regulated mechanism is divided into 2 (two) mechanisms, namely the first with a correction mechanism. The reporting party or the reported party can submit a request for correction to the Election Supervisory Body on the decision to resolve Election Administrative Violations by the Provincial Election Supervisory Body or District/City Election Supervisory Body. The purpose of this correction effort stems from the reason that the examining panel, in making a decision, is a misapplication of the law. Therefore, it is possible for justice-

seeking parties or those who are dissatisfied with the decision of the Provincial Election Supervisory Body or District / City Election Supervisory Body to submit a correction request to the Election Supervisory Body as the highest agency in the institutional hierarchy of election supervisors in Indonesia.

Just like the judicial body that carries out the function of adjudicating and deciding, in addition to recognizing examinations with ordinary events, it is also known as examinations with fast events. Arrangements for the resolution of electoral administrative violations by speedy events are not regulated in the electoral law. However, in the preelection Supervisory Body, there are rules on the mechanism for resolving electoral administrative violations with quick events. The resolution of electoral administrative violations with a quick event is carried out because there is an urgent enough interest to be resolved immediately.

In the 2019 elections, the Election Supervisory Body handled as many as 21,169 alleged violations. The alleged violations included:

- 1) 16,427 alleged administrative violations.
- 2) 426 alleged code of conduct violations.
- 3) 2,798 alleged criminal violations.
- 4) 1,518 other alleged law violations.

From the results of the handling carried out by the Election Supervisory Body, Election Supervisory Body Province, and Election Supervisory Body Regency / City, as many as 2,578 out of 21,169 alleged violations were declared not violations. As for the rest, 18,591 were declared violations. The violations included 16,134 administrative violations, 373 code of conduct violations, 582 criminal violations, and 1,475 other legal violations.

Factors Influencing Election Supervisory Committee in Resolving Election Administrative Violations in the 2019 General Election



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According to Soerjono Soekanto, the factor of facilities and facilities is one of the factors that affect law enforcement. With certain facilities or facilities, law enforcement can take place smoothly. These facilities include, among others, educated and skilled human labor, good organization, adequate equipment, sufficient finances, and so on.

The ability and success of election law enforcement against election administrative violations must be connected to the human resources who carry it out. If the amount of resources in quantity is sufficient, it will facilitate the process of handling the resolution of electoral administrative violations.

The condition of human resource capabilities in the Election Supervisory Committee is not only influenced by the quantity of existing personnel but also depends on aspects of competence or quality. Competence is an ability to carry out or perform a job or task based on skills and knowledge and supported by the work attitude required by the job. Therefore, competence indicates skills or knowledge characterized by professionalism in a particular field as something important, as the flagship of a particular field.

The inability of election supervisors to maintain the ethics of election administrators in handling the resolution of election administrative violations resulted in reports from the public to the Election Organizer Honor Council. In the 2019 election in Aceh province, there was still non-compliance of election supervisors in maintaining election organizer ethics, so there were several election supervisory commissioners who were reported to the Election Organizer Honor Council. There were even election supervisors who were dismissed due to ethical problems with election organizers.

Election violations are actions that contradict, violate, or are not in accordance with election-related laws and regulations. In the process of handling, the source of electoral administrative violations comes from findings

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and reports. Arrangements regarding the handling of findings and reports are regulated through Election Supervisory Body Regulation No. 7 of 2017 concerning the Handling of Findings and Reports of General Election Violations. If the findings or reports contain elements of administrative violations, the process of handling them is through Election Supervisory Body Regulation No. 8 of 2018 concerning the Resolution of General Election Administrative Violations.

Another obstacle faced by election supervisors is are low legal awareness of election participants. Lack of awareness of election participants on the importance of laws to be obeyed, and more concerned with personal and political party interests than public interests.

The behavior and awareness of election participants still need to improve in obeying the rules in the General Election. The community itself feels that behavior violating election laws and regulations, which can be categorized as administrative violations of elections, is behavior that is not so disturbing, even though their actions can affect democratic values.

### **CONCLUSION**

Institutional strengthening of election supervisors is growing every decade of elections. This is realized by revising the law that regulates the Election Supervisory Body's authority. The authority in Law 7 of 2017 places the Election Supervisory Body as one of the quasi-judicial institutions that has the authority to receive, review, and decide electoral administrative violations. The Election Supervisory Committee in Aceh Province is an inseparable part of the Election Supervisory Body structure. Its establishment is based on Article 557 of Law Number 7 of 2017, and its authority in supervising and carrying out enforcement has been regulated in Law Number 7 of 2017 concerning General Elections.

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Election Supervisory Body has issued Election Supervisory Body Regulation Number 7 of 2017 concerning Handling Findings and Reports of Election Violations and PerElection Supervisory Body Number 8 of 2018 concerning the Settlement of Election Administrative Violations. These two preelection Supervisory bodies became guidelines for the Election Supervisory Committee in Aceh in resolving electoral administrative violations. A total of 28 (twenty-eight) cases of electoral administrative violations have been resolved by the Election Supervisory Committee.

Factors that influence the Election Supervisory Committee in resolving election administrative violations, including internal factors, namely 1). Human Resource Issues, 2). Facilities and Infrastructure, and 3). Budget, while external factors that influence are 1). Regulatory or Statutory Factors that include a. Criteria for electoral administrative violations, b. Time limits for filing reports and findings, c. Unjust legal remedies, d. Dwifungsi Election Supervisory Body. And the 2nd). Legal Culture Factors. The efforts made to overcome the factors that influence the Election Supervisory Committee in resolving election administrative violations are: 1). Improving the quality of human resources, 2). Simplification and Improvement of the PerElection Supervisory Body and 3). Election Supervisory Body institutional transformation.

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