

Diskursus Kepastian Hukum Terhadap Kewenangan Badan Pengawas Pemilihan Umum Dalam Penanganan Pelanggaran Administrasi Pasca Pengumuman Hasil Rekapitulasi Secara Nasional = Legal Certainty Discourse on the Authority of the General Elections Supervisory Body in Handling Administrative Violations After Announcement of Recapitulation Result at National

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Abstrak

Undang-undang Nomor 7 tahun 2017 tentang pemilihan umum khususnya Pasal 399 ayat (1) juncto Pasal 403 juncto Pasal 407 memberikan kewenangan pada Bawaslu untuk menanggapi pelanggaran administrasi pemilu berkaitan dengan kesalahan proses rekapitulasi hasil perhitungan perolehan suara peserta pemilu. Namun demikina terdapat beberapa problematika yang muncul dari kewenangan yang telah di berikan oleh Undang-undang tersebut, beberapa permasalahan yang muncul di antaranya: 1) Penyelesaian pelanggaran sering kali melewati batas yang di tentukan oleh Undang-undang. 2) Terdapat dualisme penyelesaian pelanggaran perselisihan hasil perolehan suara antara Bawaslu dan Mahkamah Konstitusi. 3) putusan bawaslu yang sudah di tindak lanjuti oleh KPU, namn tidak di indahkan dalam persidangan mehkamah konstitusi. Tulisan ini bertujuan untuk menemukan solusi dan titik terang penyelesaian pelanggaran administrasi pasca pengumuman hasil secara nasional leh KPU agar tidak menimbulkan permaslaahan baik secara hukum dan secara implementatif. Penelitian yang di gunakan dalam penulisan ini ialah penelitian kualitatif dengan tipe pendekatan deskriptif. Data di kumpulkan dengan tehnik studi Pustaka, problematika penyeesaian pelanggaran administrasi pasca pengumuman hasil secara nasional perlu di lakukan reformulasi kebijakan agar menghadirkan kepastian dan keadilan dalam pemilu.

.....Law Number 7 of 2017 concerning general elections in particular Article 399 paragraph (1) in conjunction with Article 403 in conjunction with Article 407 gives the Bawaslu the authority to deal with election administration violations related to errors in the process of recapitulation of the results of the calculation of the votes acquired by election participants. However, there are several problems that arise from the authority that has been given by the Act, some of the problems that arise include: 1) Settlement of violations often exceeds the limits set by law. 2) There is a dualism in resolving violations of the dispute over the results of the vote between Bawaslu and the Constitutional Court. 3) the Bawaslu decision which has been followed up by the KPU, but was not heeded in the trial of the Constitutional Court. This paper aims to find a solution and a bright spot for resolving administrative violations after the announcement of the results nationally by the KPU so as not to cause problems both legally and practically. The research used in this paper is a qualitative research with a descriptive type of approach. Data is collected using library study techniques, the problem of resolving administrative violations after the announcement of national results needs to be carried out by policy reforms to bring certainty and justice in elections.