



## BAWASLU ELECTRONIC ADJUDICATION: THE FUTURE OF INDONESIA'S ELECTION PROCESS DISPUTE RESOLUTION

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**Abstract** - *The Electronic Adjudication System is a system that can provide an effective, efficient and contextual dispute resolution process with the times. In 2024, Indonesia will hold general elections and simultaneous regional head elections which are scheduled almost simultaneously. Bawaslu as an election law enforcement agency is certainly not enough just to prepare human resources, but infrastructure and methods of examination are also important things to be addressed. This research examines, how is the utilization of the electronic system in resolving adjudication disputes in Bawaslu from an ius constitutum perspective? How is the utilization of the electronic system in resolving adjudication disputes in Bawaslu from the ius constituendum perspective? This research is normative research, using a statutory approach, conceptual approach and case approach. It is concluded that: first, the use of electronic systems under Bawaslu has in principle been implemented but is still limited to receiving dispute requests. Second, E-Adjudication is enforced by developing the SIPS system along with putting the legality of its use in the provisions of Article 468 of the Election Law and Article 25 of Perbawaslu Dispute Resolution. Then with the enactment of E-adjudication, evidence in the form of electronic documents becomes the main evidence in the settlement of nomination disputes.*

**Keywords:** *Electronic; Adjudication; Bawaslu; Process Dispute; Election*

### INTRODUCTION

General elections are in the interest of the state, because through honest and fair elections, leaders are born who organize the wheels of government to realize the interests of the state universally.[1] Elections are a political process that is always dynamic, and can only run smoothly and orderly if each election contestant follows the agreed rules of the game [2]. A good election is determined not only by the implementation of the process of all stages of the election, but also by the extent to which election law enforcement runs well and provides justice. In addition, the measure of a good election in the modern era is being able to adapt to the situation, namely by maximizing the use of technology in supporting the maximum process of holding elections and enforcing election law.[3]

The use of electronics in law enforcement in Indonesia is not a new thing, judicial institutions have used electronics as a method to bring effectiveness and efficiency to the resolution of legal disputes in court. The existence of electronics as a tool that is very helpful in the process of resolving legal disputes, thus making the use of electronics grow and exist in judicial institutions in Indonesia.[4] For example, the Supreme Court and Constitutional Court as the highest judicial institutions have implemented electronics in case settlement.[5]

The idea of utilizing information technology to expedite judicial tasks is currently growing rapidly through electronic courts (e-courts). Moreover, Law No. 11 of 2008 as amended by Law No. 19 of 2016 on the Amendment to Law No. 11 of 2008 on Electronic Information and Transactions has mandated the government to support the development of information technology through legal infrastructure and its regulation so as to utilize information technology safely to prevent its misuse by taking into account the religious and socio-cultural values of Indonesian society. Information disclosure in the judiciary is one of the issues that is often highlighted as it relates to the right to a fair trial. Convoluted bureaucratic procedures have the potential to make people lazy to fight for



their rights through formal law enforcement institutions, and there are still many extortion practices carried out by court personnel in Indonesia in providing public services to the public.[6]

Today, the complexity of the development of the digital world is very rapid and correlates with the mobility of community activities as a legal subject, so this development must also be answered by institutions - institutions of judicial power or institutions - institutions that carry out quasi-judicial functions, because it is in this institution that the rights of every citizen are tested whether these rights are reduced, limited or even protected. The protection of the rights of every citizen before the law is the value of the law itself, Gustav Radbruch divides the value of law into three namely justice (*gerechtigheit*), legal certainty (*rechssicherheit*), and expediency (*zweckmabigkeit*)[7]. These three legal values are to be achieved together and simultaneously, meaning that in the application of law it must be ensured that in addition to providing legal certainty as legality of action, it also provides the value of justice and legal benefits for the community. The value of justice that can be felt by the community must also be understood based on contextual circumstances, so that the meaning of the value of justice is not only in the dimension of normal circumstances but also in abnormal circumstances (Covid 19 pandemic). In the context of these circumstances, Marcus Cicero mentioned the principle of *salus populi suprema lex esto*, which means that the safety of the people is the highest law. Simultaneous regional elections are a local-level democratic party that provides space for the community (voters) to participate directly in evaluating the government of the previous period. However, safety for the community is also a basic value for every citizen [8].

Judicial institutions play a very strategic role in protecting the rights of every citizen, the design of such protection appears and is reflected in every consideration of the panel of judges in the decision. Currently, the institutional system and functions of institutions are very dynamic, so that in the context of a modern legal state the protection of the rights of every citizen is not only limited to the courts but also to institutions that carry out judicial functions. In addition to the Court institutions that are expressly referred to in the law as courts, today there are also many growing and developing institutions that, although not explicitly referred to as courts, have the authority and work mechanisms that are also judicial in nature. Based on the provisions of the law, such institutions are given the authority to examine and decide on disputes or cases of violation of the law, and even cases of certain violations with decisions that are final and binding (final and binding) as court decisions that are "inkracht" in general. All of this is intended to provide justice for parties who are harmed by a decision-making system in the name of state power [9].

The position of Bawaslu in Law Number 7 Year 2017 concerning General Elections is an election supervisory institution that has the authority to prosecute violations and resolve disputes. This means that Bawaslu's position is not only to carry out the supervisory function narrowly but also to carry out the supervisory function in a broad sense. In carrying out the supervisory function in a broad sense, Bawaslu is given the authority to resolve disputes. Disputes are basically divided into two parts, namely disputes that occur between participants and participants and disputes between participants and organizers. In resolving disputes between participants and organizers, Bawaslu uses an open examination procedure with a trial mechanism. The examination process carried out has the same characteristics as the examination in the courtroom. Therefore, it can be concluded that Bawaslu's position in dispute resolution is a non-court institution but performs a judicial function (quasi judicial). Bawaslu's existence as a quasi-judicial institution that exercises dispute resolution authority is certainly inseparable from the demands of the complexity of the development of the digital world today, especially in the organization of elections. Digitalization in the electoral world is not new, it has long been used as a means of supporting the tasks of organizing elections, such as the voter data system (*Sidalih*), the nomination system (*silon*), the voting system (*sipitung*), all of which are electronically based. This means that the picture shows that the existence of electronics has become the main structure in organizing elections[10].

In the 2019 elections, Bawaslu has resolved 816 nomination disputes, with this data showing that the community has high expectations of Bawaslu in upholding electoral justice. This considerable expectation must be addressed quickly by Bawaslu to innovate in providing effective and maximum



services in resolving nomination disputes. The 2019 elections that have passed are classified as elections that are so complex, the complexity is visible and clearly illustrated by the number of dispute requests that have entered Bawaslu. This situation is very likely to be repeated in the 2024 elections and even has a tendency to increase, this is based on the implementation of simultaneous elections which intersect with the simultaneous elections which are also held in 2024.

The complexity that will lead to the quality of dispute resolution can be minimized by using a dispute resolution method that is more adaptive and contextual to the situation in 2024, electronic adjudication is a technology-based method that is seen as contextual to the situation in the 2024 elections, considering that Bawaslu has also placed an electronic system as a procedure in dispute resolution, although the system established is still limited to online reporting procedures, but the embryo to go to the electronic adjudication system has begun. In principle, the concept of electronic adjudication is inspired by the electronic court which is currently used and developed in judicial institutions in the case settlement process. From the narrative above, the focus of this research is first, how is the use of an electronic system in resolving adjudication disputes in Bawaslu from the *ius constitutum* perspective? How is the use of an electronic system in resolving adjudication disputes in Bawaslu from the perspective of *ius constituendum*. this research is normative research, in this study using a legislative approach, conceptual approach and case approach.

## RESEARCH METHOD

The normative legal research method is used in the discussion of this research. Argumentation is used in normative legal research to identify concepts, ideas, and principles in examining and studying in depth the research problem. The procedure for collecting legal materials was carried out through literature studies. This research data collection includes document inventory and legal literature data search in the form of legal documents, books, journals, and laws and regulations related to the research. The conceptual approach is one of the methods used in this research to see and explain the idea of using electronic adjudication in resolving process disputes in Bawaslu, the legal material collected is then processed and analyzed as part of the management of research materials, resulting in two types of truth - qualitative truth and quantitative truth. The interpretation method is an analytical tool used.

## DISCUSSION

### 1.1. Implementation of the electronic adjudication system for resolving electoral process disputes in Bawaslu

Before talking about electronic adjudication, it is important to first explore and explore the development of electronics in legal development. In the era of digitalization as it is today, electronic systems take a considerable role in the development of law in Indonesia, as an example of the birth of the concept of Artificial Intelligence (IA) in the formation of laws and regulations, this method is used to facilitate the process of forming laws and regulations to avoid disharmony In the context of organizing elections, Since the 2014 elections, election organizers, especially the General Election Commission (KPU), have applied the use of electronic media in organizing the election stages, the use of electronic media can be recognized through the voter data system (Sidalih), the political party nomination system (sipol), and many more uses of electronic media in supporting and facilitating the process of organizing elections.

On the side of election law enforcement carried out by Bawaslu and its ranks, it has also used electronic media as a means that makes it easier to realize the effectiveness and efficiency of election law enforcement. Election law enforcement is basically a mechanism to protect people's voting rights. The goal is to ensure that the right to a fair vote conversion process and not violate the rampant fraud and manipulative actions by election participants [11]. Dispute resolution is the sound of a series of methods used to resolve a problem within the scope of legal justice institutions in Indonesia (ordinary court / court settlement) commonly called litigation or outside the scope of legal justice institutions in Indonesia (extra ordinary court / out of court settlement).



## 1.2. Nomination Disputes: A Search for the Relevance of the Concept of Electronic Adjudication

The description of the thinking around the development of the thought process of formulating the concept of Electronic Adjudication, the author classifies it in two forms, first the heuristic part and second the interpretation part. What is meant by the heuristic part is the collection and search for sources. Meanwhile, the interpretation part is the in-depth analysis of these sources.

Before entering into the established pattern of analysis, it is first important to trace the historical development of electronics in case settlement. In tracing the historical trail, we will be confronted with traces of the use of electronics in case settlement in courts outside Indonesia, because the traces of its use come from courts outside Indonesia. Courts in Australia recognize the use of Case Management, Judgment Publication and Distribution, Litigation Support, Evidence Presentation, Electronic Courtrooms, Knowledge Management, Video-Conferencing, Transcript, Electronic Filing, Electronic Search, and E-court. In the world of justice, it has been established that one of the indicators of an ideal judiciary is the existence of a modern court based on information technology, even today around the world, especially in Australia, has used online case settlement methods. Besides Australia, the United States since 1999 has started Public Access to Electronic Record (PACER), Case Management and Electronic Case Files (CM/ECF) system, as well as several other uses of technology in supporting the settlement of legal cases in judicial institutions [4].

The adoption of concepts born from courts in various countries which then enter Indonesian courts is not without good intentions and goals. As previously described, the value of effectiveness and efficiency is the value aimed at with the birth of the electronic court concept. Electronic Court was born from the judiciary, then how is the relevance of the concept elaborated in the settlement of adjudication in Bawaslu? exploring the answer to the question, it is important to first place the relevance of the relationship between the court and Bawaslu. institutionally, the position of these two institutions is on different sides and even very different, one is subject to the dimensions of judicial power while the other is subject to the dimensions of elections. However, the difference in function does not apply to the implementation of the function, the court is identified with the deciding institution and the court against the rights of every community, while Bawaslu in carrying out the function is also identified with the decider and the court against the rights of every citizen in the aspect of political rights. Because it carries out the judicial function in dispute resolution, Bawaslu is established as a Quasi Judicial institution.

Constitutionally, the position of quasi-judicial institutions in the judicial power system is part of the judicial power system. Article 24 paragraph (3) of the 1945 Constitution of the Republic of Indonesia and Law No. 48/2009 on Judicial Power recognize quasi-judicial institutions as executors of judicial power. To maximize the exercise of the judicial power of these institutions, a legal policy is needed to establish a functional-constitutional relationship. By citing the consideration of the decision of the Texas Court in the case of *Perdue, Brackett, Flores, Utt & Burns versus Linebarger, Goggan, Blair* as cited by Jimly Assidique in his paper, the author takes several criteria for an institution categorized as quasi-judicial, namely:

1. The power to exercise judgment and discretion;
2. The power to hear and determine or to ascertain facts and decide;
3. The power to make binding orders and judgements;
4. The power to affect the personal or property rights of private persons;
5. The power to examine witnesses, to compel the attendance of witnesses, and to hear the litigation of issues at a hearing; and
6. The power to enforce decisions or impose penalties [12].

## 1.3. Adjudication in Bawaslu

Nomination disputes often occur at every stage of the nomination of election organizers, the issue of legality of validity becomes the substance of the object of nomination disputes resolved by Bawaslu. legality in the nomination involves two things, namely the candidate requirements and the nomination requirements, both the nomination requirements and candidate requirements must have validity covering aspects of authority, procedure and substance. As an example, the



implementation of the 2019 elections (the first simultaneous elections) Bawaslu had to handle the settlement of disputes in 816 cases, this figure is quite high, but another reading of the figure is that the organization of our elections is still very close to the issue of nomination which leads to adjudication disputes.

The number of 816 cases handled by Bawaslu largely revolves around the validity of the nomination and candidate requirements, in the author's observation that there are several criteria that are a problem in the nomination dispute, from the data compiled by Bawaslu that the object of the dispute is related to the Decree (SK) of 421, Minutes of Events (BA) of 334 and others of 56. The objects of SK and BA disputes are always identified with questions related to the validity of legal actions based on authority, substance and procedure. Authority relates to testing the legality of the SK or BA used, whether the SK or BA relating to the nomination is signed by an authorized official or not. Then the substance relates to the content of a legal product submitted during the nomination process at the KPU, whether the documents of the nomination requirements and candidate requirements are correct in substance. And the last one is related to the procedure that highlights the questions related to the registration mechanism of the candidacy at the KPU.

In the author's observation, the dynamics present in the settlement of nomination disputes handled by Bawaslu since the exercise of this authority are quite dynamic, but in the portrait of the journey of resolving nomination disputes there are events that are often repeated from previous nomination disputes both in the implementation of regional elections and elections. The portrait that is often repeated concerns the figures or characteristics that are questioned in the dispute application, especially related to the validity of documents, at least there are several things that appear in the author's observations, namely:

**Table 1: Object of Application for an electoral process dispute**

No	Dokumen	Karakteristik Problematika
1	Model F2 - Political Party (names and addresses of members of Political Parties within the district/city)	There is a difference between the name written on the form and the Member Card and Identity Card. Then there are often differences in the signature specimens contained in Form F2 - Political Party with KTA or KTP.
2	Diploma/STTB document	Candidate's diploma document whose authenticity is in doubt
3	Model F1 - DPD (Number and Distribution of DPD candidate support)	There are often differences between the supporter's name and ID card and there are also differences in the specimen signatures on the form.
4	Certificate	There are still some candidates suspected of using fake certificates.

Source: regulations compiled from PPID KPU

The issue of nomination is something that must be given important attention by Bawaslu, considering that it is at this stage that it is determined who has the right to become a candidate for election participants who will later be elected by the people. therefore, the nomination requirements and candidate requirements must be verified and confirmed both at the KPU and even more so during the adjudication process at Bawaslu. In the 2014 and 2019 elections, cases regarding the nomination requirements and candidate requirements often adorned the course of the nomination process, as well as during the dispute resolution process. As an example, in the



2014 elections there were several legislative candidates who were passed but suspected of using documents, for example in Central Aceh (4 reports of fake diplomas), Padang Pariaman (1), Langsa (1), Anambas Islands Regency (1), Kubu Raya Regency (1), Takalar District, South Sulawesi (4), Barito Kuala District, South Kalimantan (5), North Konawe, Southeast Sulawesi (1), West Pasaman, West Sumatra (1), Serang, Banten (1), Jambi (1), Saibu Rajua, NTT (1), Kerinci (1), Bekasi (1), Lembata, NTT (1) and Tarakan, East Kalimantan (1). Specifically in East Java, there are at least 5 districts that are involved in the issue of fake certificates of candidates in the 2014 Legislative Elections. These five districts include Sumenep (1), Situbondo (1), Sidoarjo (1), Bondowoso (1) and Probolinggo (22)[13].

In the electoral world [14], the complexity of handling violations and resolving disputes is something that cannot be prevented or stopped, especially since in 2024 we will hold simultaneous elections and regional elections almost simultaneously. The organization of simultaneous elections and regional elections in 2024 is a milestone in the maturity of democracy in Indonesia [15]. However, on the other hand, the implementation of these activities can present a boomerang for democracy in Indonesia, it can be triggered by one of them is related to the system of nomination dispute resolution in Bawaslu.

At present, Bawaslu has used the Dispute Resolution Information System (SIPS) with the aim of using SIPS, among others, making it easier for applicants to submit disputes and increasing the transparency of the settlement of electoral process disputes by Bawaslu. the existence of this SIPS proves that Bawaslu's concrete steps towards the use of technological or electronic systems in dispute resolution have begun. However, the existence of this system has not been fully utilized to the maximum as its designation and purpose, this is confirmed that there are still direct or conventional dispute submissions.

#### **1.4. Electronic Adjudication System in Bawaslu with *Ius Constituendum* Perspective**

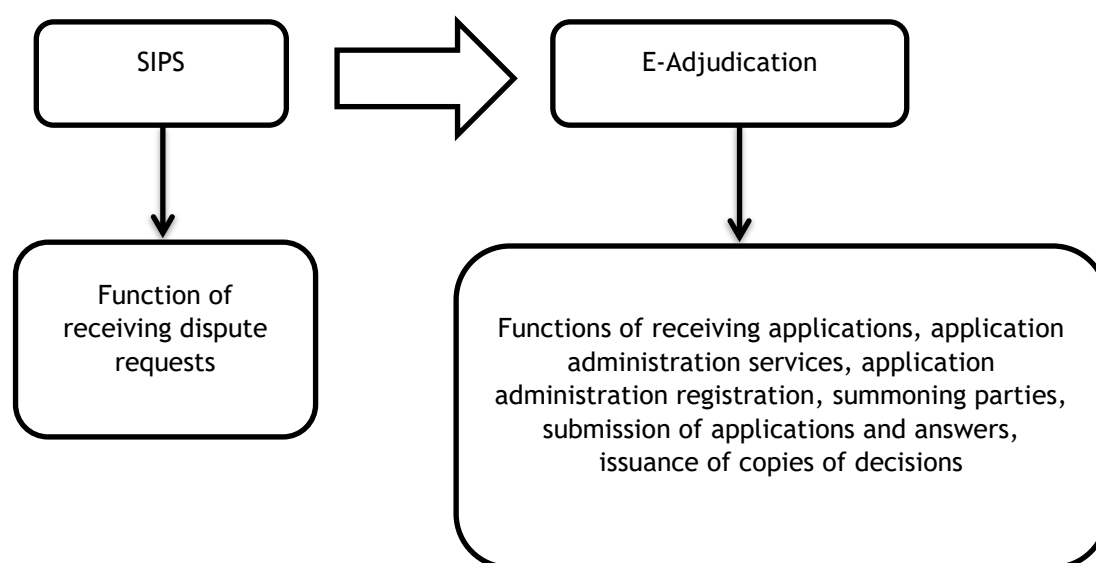
The use of information technology also accelerates the law enforcement process, of course at this time we cannot measure it because the implementation of this system has not been applied in dispute resolution, but if we take lessons as a comparison of how this electronic system works in accelerating the law enforcement process by looking at the use of the electronic court system at the Supreme Court, the productivity ratio of deciding the Supreme Court in 2018 rose to 95.11%, or an increase of 2.89% compared to the productivity ratio of deciding in 2017 of 92.23%. When compared to the target set at 70%, the achievement exceeded the target by 25.11%. In the era of the industrial revolution 4.0, it is characterized by the massive use of internet networks. The implications of the 4.0 industrial revolution have pushed human life from conventional to modern [16].

Before talking about this question, it is important to first describe the correlation position between the quasi-judicial function in Bawaslu and the court. as previously described, Bawaslu is a non-judicial institution but carries out a judicial function. To correlate the two concepts, the elemental approach is relevant to use, in the elemental approach an activity is referred to as judicial activity if it meets the criteria, first, the existence of an examining panel, second, the existence of litigants, third; there is a decision. From the three criteria mentioned, it illustrates that this is practiced in the settlement of the nomination adjudication dispute in Bawaslu, therefore it can be said that Bawaslu's activities are judicial function activities. Thus, the elements of the concept of goodness applied in judicial institutions can also be applied in adjudicating disputes, including the use of the electronic court concept.

Along with the development of digital technology, the transformation of Bawaslu to become a modern dispute resolution institution that maximally utilizes digital information technology is a necessity. The implementation of the e-adjudication system can avoid the slow handling of cases (delay), the difficulty of public access (access), and the weak integrity of the judicial apparatus (judicial integrity). Thus, the use of technology for justice is basically in line with the principle of dispute resolution in Bawaslu subject to the principles of fast and timely, light costs, and simple methods.

As described earlier that the use of electronics in dispute resolution in Bawaslu is not new at this time Bawaslu has used the SIPS system in the process of receiving dispute applications, but this system is still limited to the acceptance process only not to the examination of the subject matter of the application. The existence of SIPS can be used as an entry point for Bawaslu to prepare an E-Adjudication system in dispute resolution with the implementation not only limited to receiving reports but regulating starting from the user of application administration services, registration of application administration, summoning the parties, submission of applications and answers, issuance of copies of decisions, and governance that are all done electronically / online without the need to come directly to the Bawaslu building.

The implementation of E-adjudication in the settlement of process disputes in Bawaslu is something that is urgently needed at this time to face the implementation of the 2024 elections and simultaneous regional elections in 2024. The electoral justice system was developed to prevent and identify irregularities in elections, as well as a means and mechanism to correct these irregularities and sanction violators.



**Diagram 1:** Concept of E-Adjudication of Election Process Disputes

The above demonstration illustrates that in the future the system built by Bawaslu moves from SIPS as an existing system in the process of receiving dispute applications to the Electronic Adjudication system. With the use of the electronic adjudication system in dispute resolution, the legal instruments that provide legality for its use must also be prepared, so that the construction in the provisions of Article 468 of Law Number 7 Year 2017 and the provisions of Article 25 of Perbawaslu 18 Year 2017 as amended several times last time with Perbawaslu Number 5 Year 2019 on the third amendment to Perbawaslu Number 18 Year 2017 must regulate the method of adjudication settlement through an electronic system. The electoral legal framework must regulate the mechanism and resolution of legal issues in organizing elections more effectively. The goal is to provide legal certainty in the implementation of elections, so that justice for all parties can be fulfilled. The electoral law enforcement framework regulates mechanisms that are related to one another. This framework is then known as the electoral law enforcement system. The effectiveness of law enforcement and electoral dispute resolution is a very important dimension for the validity of an election [17]. Reconceptualization of the provisions of Article 468 is very important in order to provide strong legality for the use of E-adjudication in resolving disputes over the electoral process in the future. Therefore, the construction of the provisions of Article 468 of the Election Law is added by one paragraph, so that the formulation of the article can be seen as follows:



**Table 2: Proposed Amendment to Article 468 of the Election Law**

Provisions of Article 468	Proposed Amendment to the Provisions of Article 468
<p>(1) Bawaslu, Provincial Bawaslu, Regency / City Bawaslu are authorized to resolve disputes over the election process.</p> <p>(2) Bawaslu, Provincial Bawaslu, Regency / City Bawaslu examine and decide on disputes over the election process at the latest a maximum of 12 (twelve) days from the receipt of the request.</p> <p>(3) Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu shall carry out the settlement of disputes over the election process through stages:</p> <p style="padding-left: 20px;">a. receive and review the application for settlement of election process dispute; and</p> <p style="padding-left: 20px;">b. bringing together the disputing parties to reach an agreement through mediation or deliberation and consensus.</p> <p>(4) In the event that no agreement is reached between the parties to the dispute as referred to in paragraph (3) letter b, the Electoral Tribunal shall as referred to in paragraph (3) letter b, Bawaslu, Provincial Bawaslu, Regency / City Bawaslu resolve election process disputes through adjudication.</p>	<p>(1) Bawaslu, Provincial Bawaslu, Regency / City Bawaslu are authorized to resolve disputes over the election process.</p> <p>(2) Bawaslu, Provincial Bawaslu, Regency / City Bawaslu examine and decide on disputes over the election process at the latest a maximum of 12 (twelve) days from the receipt of the request.</p> <p>(3) Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu shall carry out the settlement of disputes over the election process through stages:</p> <p style="padding-left: 20px;">a. receive and review the application for settlement of election process dispute; and</p> <p style="padding-left: 20px;">b. bringing together the disputing parties to reach an agreement through mediation or deliberation and consensus.</p> <p>(4) In the event that no agreement is reached between the parties to the dispute as referred to in paragraph (3) letter b, the Electoral Tribunal shall as referred to in paragraph (3) letter b, Bawaslu, Provincial Bawaslu, Regency / City Bawaslu resolve election process disputes through adjudication.</p> <p><b>(5) Bawaslu, Provincial Bawaslu, Regency / City Bawaslu in resolving election process disputes can be carried out using the Electronic Adjudication method.</b></p>

Source: processed by the author from the Election Law

In addition to placing the legality of adjudication dispute resolution in the provisions of Article 25 of Perbawaslu, changes in the concept of evidence must also undergo a shift. In the provisions of Article 31 paragraph (1) states that the evidence in dispute resolution consists of: a. letters; b. testimony of the Applicant and Respondent; c. Witness testimony; d. Expert testimony; e. electronic information and / or electronic documents and / or their printouts; and / or f. knowledge of the hearing panel. From the construction of Article 31 paragraph (1), ideally with the implementation of the electronic adjudication system, electronic information evidence becomes the main evidence in the adjudication process. However, the problem is whether electronic information or documents can be used as evidence that has the same legal force as written documents on regulated paper. Before further elaborating on this concept, it is important to first examine the concept of evidence in the perspective of Criminal Law and Civil Law as follows :

**Table 3: Comparison of Evidence in Criminal Procedure and Civil Procedure**

No	Evidence in Criminal Procedure Law Article 184 KUHAP	Evidence in Civil Procedure Law Article 164 HIR jo 1866 KUHPerdara
1	Witness Statement	Writing or Letter





2	Expert Statement	The Witnesses
3	Letter	Presumptions
4	Instructions	Recognition
5	Defendant's statement	Oath

Source: processed by the author from the Criminal Code and Civil Code

Based on the arrangement of the types of evidence above, it can be said that the sequence of mentioning evidence in criminal procedure law is different from the arrangement of evidence in civil procedure law. In criminal procedure law, proof is prioritized by using evidence in the form of witnesses, this means that a criminal act according to the legislator can only be known by a witness who is directly aware of the criminal act. Whereas in civil procedural law, proof is prioritized by using written or letter evidence, this means that a civil legal relationship according to the legislator can be prepared in advance by the parties by making an agreement in the form of writing or letter [18].

The existence of digital evidence is seen as a form of evidence that is actually still very rarely used in the evidentiary process. The disputing parties submit more hard copy evidence compared to digital evidence. The emergence of electronic documents as evidence in the dispute resolution process in court against the parties submitting it as evidence in accordance with the context of legal positivism, it is necessary to consider it maximally in accordance with Law No. 11 of 2008 concerning Electronic Information and Transactions. Digital documents are always inseparable from digital signatures. Digital signature, is a security on digital data made with a private signature key, whose use depends on the public key that is its partner.

Electronic documents signed with electronic signatures in Indonesian evidentiary law, are recognized for their essence after being regulated in the ITE Law that electronic information / electronic documents and / or their printouts are valid legal evidence, and are an extension of valid evidence in accordance with the applicable procedural law in Indonesia, this is based on the provisions in Article 5 paragraph 2 of Law Number 11 of 2008. Has evidentiary power as long as the parties admit it or there is no denial from one of the parties. It should be clearly understood that basically between the existence of evidence in the Civil Procedure Law and Criminal Procedure Law, both recognize the presence of Digital Evidence. In the election dispute process, the concept of Electronic Evidence in the form of digital documents needs to be taken into consideration. Technology usually moves faster than the legal system. However, the technological revolution should always be pursued as a means to improve human life, especially in terms of electoral law enforcement. In this regard, the application of technological developments (especially the basic principles that affect them directly or indirectly) must be done with caution in relation to the improvement of society.

To make electronic documents cannot be directly used as evidence. There are criteria that must be considered in using electronic documents as evidence. Indicators that must be met by a digital document to become valid evidence are: a. Has Legal Legality in Legal Certainty; b. Reability, namely the evidence can be trusted in its validity; c. Necessity, namely evidence that is needed to prove a fact; d. Relevance, namely the evidence submitted has relevance to the facts to be proven. Relevance, namely the evidence submitted has relevance to the facts to be proven.

As explained from the beginning of the discussion that evidence in the form of electronic information is currently developing rapidly, this is also supported by the advancement of various technologies that can facilitate work and can be done in an instant way, besides that the widespread use of electronic information and the like is no longer a rare item. This certainly makes electronic information activities not new to most people Evidence in the form of electronic information is currently developing rapidly, this is also supported by the advancement of various technologies that can facilitate work and can be done in an instant way, besides that the rampant use of electronic information and the like is no longer a rare item. This certainly makes electronic information activities not new to most people.



A well-functioning electronic adjudication dispute resolution system should give everyone the opportunity to challenge violations of their rights, and is seen as an important way to improve access to justice. According to Philip Green, the recommendation of equality implies that all people have equal access to be involved in (public) decision-making processes. Equal opportunity can only be achieved if the existence of political institutions can guarantee equal opportunities, or open equal political opportunities to everyone. In line with Philip Green's view, a figure who developed a theory of justice named John Rawls linked the demand for equality in the political field to the principle of justice. In Rawls' view, the principle of justice is divided into two, one of which is that justice provides freedom for every citizen to fulfill their political rights (the right to elect and be elected to public office) along with freedom of speech, freedom of association, freedom of belief and freedom of thought. These freedoms, in the context of the first principle (justice) are required to be equal, as citizens of a society have the same basic rights. Dispute settlement decisions that provide legal certainty for candidate pairs are the justice of democracy, democratic justice in line with Hans Kelsen's view that My justice, then, is the justice of freedom, justice of peace, the justice of democratic - the justice of tolerance) [19].

Bawaslu is required to always improve public services and guarantee a fair judicial process. A good system implemented by Bawaslu in dispute resolution will be able to reduce fraud and disintegration of organizers which will affect the quality of the dispute resolution results. One of the prerequisites for the realization of superior dispute resolution is the transparency of Bawaslu to the public, especially justice seekers. Transparency is a standard of whether Bawaslu has really opened itself to be assessed by the public in all respects including related to the judicial process and mechanism. Through revamping the administrative system of adjudication dispute resolution that is more transparent, it is hoped that Bawaslu as the main and foremost bastion of election law enforcement can avoid corrupt practices. The openness of the law enforcement process can also encourage the level of public satisfaction with the performance of law enforcement officials, which in turn increases public confidence in the judiciary itself. What is electoral justice? To date, electoral justice has only been understood as the running of the electoral process according to the rules and the availability of mechanisms for resolving disputes and electoral violations within the specified time. Related to this, IDEA notes that electoral justice is :

a). for ensuring that each action, procedure and decision related to the electoral process is in line with the law (the constitution, statute law, international instruments and treaties, and all other provisions) 1 ; b). for protecting or restoring the enjoyment of electoral rights, giving people who believe their electoral rights have been violated the ability to make a complaint, get a hearing and receive an adjudication [20].

The Constitution, Article 22E paragraph (1) has emphasized that general elections shall be direct, general, free, secret, honest and fair. The last diction of the provisions of Article 22E is "fair", which implies that the series of all the elements in front boils down to one point, namely justice. Therefore. The principle of fairness must animate the electoral system, which consists of electoral law and the electoral process.

## CONCLUSION

The complexity of organizing elections in the future requires Bawaslu to prepare an effective and efficient dispute resolution system to bring the value of justice in organizing elections in 2024. In order to create effectiveness and efficiency, the use of information technology systems is mandatory. Moving on from the results and discussion as described above, there are two conclusions in this study, namely: first, the use of electronic systems in Bawaslu has in principle been implemented but is still limited to the acceptance of dispute applications. Second, E-Adjudication is enforced by the development of the SIPS system accompanied by the legality of its use in the provisions of Article 468 of the Election Law and Perbawaslu Dispute Resolution. Then with the enactment of E-adjudication, evidence in the form of electronic documents becomes the main evidence in the settlement of nomination disputes.

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