

STRENGTHENING THE ROLE OF *BAWASLU* IN ELECTION LAW
ENFORCEMENT: SHOULD IT BE?

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Article	Abstract
<p>Article History: Submitted: August 2024 Reviewed: April 2025 Accepted: October 2025 Published: October 2025</p> <p>Keywords: Bawaslu; Elections; Enforcement Right; Strengthening.</p>	<p><i>This article examines the ways to strengthen the Bawaslu role in Indonesian Election. The Election Supervisory Agency (Bawaslu) is a body authorized to oversee the enforcement of election laws, as mandated in Article 1 Number 17 of Law Number 7 of 2017 concerning Elections. In each electoral cycle, Bawaslu receives and registers thousands of cases. However, its role remains limited to supervision rather than adjudication. This restricted authority has hindered the effective resolution of many alleged election violations. This article presents the findings of juridical-normative research employing a statute approach, case approach, and conceptual approach. It addresses two central problems: (1) the challenges in enforcing election law in Indonesia; and (2) the role of Bawaslu can be strengthened in this context. The study concludes that enhancing Bawaslu's role in election law enforcement can be achieved by granting it comprehensive, one-stop authority. This includes proposing a Bawaslu Bill, establishing a special election court, and improving Bawaslu's human resource capacity.</i></p>

A. Introduction

General elections or elections are a means of implementing people's sovereignty, which are held directly, publicly, freely, secretly, honestly, and fairly (in accordance with the principles of holding elections) to produce a democratic and sovereign government based on Pancasila and the 1945 Constitution.¹ Elections in Indonesia are a logical implementation of the provisions in Article 2 paragraph (1) of the 1945 Constitution, which states that "Sovereignty is in the hands of the people and is carried out according to the Constitution". What is meant by sovereignty in the hands of the people is that the people have the sovereignty, responsibility, rights, and obligation to democratically elect leaders who will form a government to manage and serve all levels of society and supervise the running of the government.

¹ M. Syahrul Borman, *et.al.*, "Model for Resolving Election Violations through Indonesian Election Body and Constitutional Court", *Legality: Legal Scientific Journal* 32, no. 2 (2024): 238-262, <https://doi.org/10.22219/ljih.v32i2.33711>.

Elections have an important value in developing a healthy and dynamic democratic climate.² Healthy democracy must be understood as a process towards a smarter, more independent, dignified, and sovereign Indonesia society.³ Elections are highly expected to be part of the stages of democratic life and a form of construction of the rule of law, which in its implementation does not cause disputes.⁴ But in fact, far from being roasted, there are still many violations and cases of election disputes in each of its implementations. This is evidenced by the facts and findings that occurred in the field.

Syahrul Borman, for example, noted in his article that the cases of violations that occurred in Indonesia in the 2014 and 2019 elections increased significantly. Cases of administrative violations in the 2014 election amounted to 7720 cases and increased to 16134 cases in the 2019 election⁵. Meanwhile, criminal cases in the 2014 election amounted to 582 cases, while in 2019 it increased to 660 cases.⁶ Meanwhile, at the time of writing, data from the Election Supervisory Agency (*Bawaslu*) as quoted on the Antaranews page as of February 26, 2024, displayed a figure of 1,271 reports and 650 findings of alleged violations during the 2024 election stages.⁷

Several articles in the Election Law, namely Law Number 7 of 2017 and its amendments, are a reference for *Bawaslu* to respond to complaints of violations it receives. Articles 283, 490, 491, 494, 493, 521, and 523 in the Election Law, which include alleged administrative and criminal violations in the form of money politics, still dominate the violations of the last election, namely the 2024 election. Not to mention the question of the immoral case that befell the Chairman of the *Komisi Pemilihan Umum (KPU)*, as the organizer of the election. Of course, the election, which was marked by many violations, became an important record for the government formed from the election results. Furthermore, the author tries to conduct an inventory of the problems of election law enforcement in Indonesia. The author found that

² Wilma Silalahi, "Disclosure of Election Implementation for the Realization of Fair Election Results", *Journal of Bawaslu Riau Islands Province* 3, no. 2 (2021): 78–97, <https://doi.org/10.55108/jbk.v3i2.258>.

³ Sutan Sorik, "Penataan Demokrasi Dan Pemilu Di Indonesia Pasca Reformasi", *Jurnal Penelitian Politik* 16, no. 1 (2019): 101-107, <https://doi.org/10.14203/jpp.v16i1.773>.

⁴ Djujandi Yusa, "The Role of Mass Organization in the Position Fulfillment of Yogyakarta Election Supervisory Agency: Study on the Role of Nahdlatul Ulama and Muhammadiyah", *Jurnal Wacana Politik* 3, no. 2 (2018): 108-120, <https://doi.org/10.24198/jwp.v3i2.18125>.

⁵ Tim Lindsey, "Filling the Hole in Indonesia's Constitutional System: Constitutional Courts and the Review of Regulations in a Split Jurisdiction", *Constitutional Review* 4, no. 1 (2018): 27–44, <https://dx.doi.org/10.31078/consrev412>.

⁶ Borman, *et.al.*, "Model for Resolving Election Violations through Indonesian Election Body and Constitutional Court", *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (2024): 238-262, <https://doi.org/10.22219/ljih.v32i2.33711>.

⁷ Rio Feisal, "Bawaslu RI Terima 1.271 Laporan Dugaan Pelanggaran Pemilu 2024", <https://www.antaranews.com/berita/3985251/Bawaslu-ri-terima-1271-laporan-dugaan-pelanggaran-pemilu-2024>, accessed 1 August 2024.

election law enforcement in Indonesia faces a number of complex and varied obstacles. First, about the Regulatory Ambiguities in Electoral Law. The interpretation of election regulations often varies among stakeholders, including election organizers, supervisory bodies, and law enforcement authorities. This divergence arises from unclear legislative drafting, conflicting legal provisions, and inconsistent judicial interpretations (*interpretatieverschillen*). As a result, confusion and inconsistent application of election laws are common. Moreover, election-related regulatory adjustments tend to intensify in the pre-election period, leading to legal uncertainty (*rechtszekerheid*). Frequent amendments disrupt electoral administration and impose additional burdens on election officials and participants. The principle of legal predictability (*voorspelbaarheid van het recht*) is undermined when last-minute legislative changes are introduced without sufficient time for adaptation. The motivations behind these regulatory shifts are subject to debate. While some argue that such changes are deliberately orchestrated to benefit incumbents (*zittende macht*) by destabilizing public scrutiny, others view them as a consequence of legislative inefficiency and a lack of regulatory drafting competence (*regelgevingskwaliteit*). Regardless of intent, these dynamics weaken public trust in the electoral process and call for stricter legislative safeguards to uphold electoral integrity.⁸

Sometimes, existing election regulations can be interpreted differently by various parties, including election organizers, election supervisors, and law enforcement officials. This can cause confusion and inconsistency in the application of the law. This ambiguity arises from poor legislative drafting, conflicting provisions, or a lack of judicial interpretation. Furthermore, the dynamics of election law and regulatory adjustments often intensify in the pre-election period. Regulatory changes that often occur ahead of elections can cause confusion among election implementers and participants. Adjusting to the new rules takes time and can cause legal uncertainty. Legal uncertainties can arise from multiple factors, including bureaucratic inefficiency, judicial decisions, or evolving electoral practices, not just political manipulation, or it is not *by design* and purely *by accident* because of the limited time to prepare regulations and the competence to make regulations lacking.

Second, the Capacity and Integrity of Law Enforcement. Law enforcement, including police, prosecutors and judges (in *Sentra Penegakan Hukum Terpadu - Sentra Gakkumdu*), often lack capacity both in terms of personnel and in terms of special expertise regarding elections. In another hand, the regulatory issue requires that *Gakkumdu* decisions be unanimous

⁸ Erma Rusdiana, *et al.*, "Preventing the Politicisation of Corruption Crime Law Enforcement Based on Local Wisdom", *Legality : Jurnal Ilmiah Hukum* 33, no. 1 (2025): 110-131, <https://doi.org/10.22219/LJIH.V33I1.37429>.

among *Bawaslu*, the Prosecutor's Office, and the Police. Furthermore, any dissenting opinions on *Gakkumdu* decisions are merely a matter of record, which emphasizes that *Bawaslu*'s input can be overridden by the Police or the Prosecutor's Office.⁹ The *Gakkumdu*, which was formed as the front line of election law enforcement, turns out to sometimes overlap in terms of authority and implementation. Overlap in terms of authority and implementation are depend on the regulation related to the existence of *Sentra Gakkumdu*.¹⁰ This is exacerbated by the problem of corruption and collusion among law enforcement, which can interfere with the enforcement of fair and transparent election laws. The newest case happened in *Bawaslu Mesuji*, in which the management of election grant funds at *Bawaslu Mesuji* experienced irregularities which impacted public trust in the democratic process.¹¹ Bribery practices and political intervention often undermine law enforcement. In fact, now the law enforcers are also suffering from moral diseases, not only about integrity.¹²

Third, about Weak Supervision and Enforcement. The Election Supervisory Agency (*Bawaslu*) often has limitations in terms of human and financial resources, so that supervision of election violations is not optimal. Many cases of election violations are not followed up immediately, causing violators to feel that there are no serious consequences for their actions. In fact, the root of the problem for *Bawaslu* stems from the authority of *Bawaslu* which seems to be still half-hearted.¹³ There is no integrative authority in *Bawaslu* like *Komisi Pemberantasan Korupsi (KPK)* in eradicating corruption. Unlike the *KPK*, which possesses both investigatory and prosecutorial authority, *Bawaslu* is constrained within an administrative oversight framework (*toezicht op administratieve handelingen*), which lacks *coercitio* (coercive power). As well-known, the fundamental principle *ubi ius ibi remedium*—where there is a right, there must be a remedy.¹⁴ However, the problem extends beyond mere lack of enforcement; it is also a matter of *norma defectus* (normative deficiency). If the legal

⁹ Muhammad Junaidi, "Tindak Pidana Pemilu dan Pilkada Oleh Sentra Penegakan Hukum Terpadu", *Jurnal Ius Constituendum* 5, no. 2 (2020): 220-234, <https://doi.org/10.26623/JIC.V5I2.2631>.

¹⁰ Amara Alifia Yasmin and Dewi Erowati, "Perbandingan Penyelesaian Pelanggaran Tindak Pidana dan Administrasi Dalam Pemilu Presiden dan Pemilu Legislatif di Jawa Tengah Tahun 2019 dan 2024", *Journal of Politic and Government Studies* 14, no. 2 (2025): 803-813, <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/49916>.

¹¹ Ninda Putri Sherlyana, et al., "Krisis Integritas Dalam Demokrasi: Kasus Dugaan Korupsi Dana Hibah *Bawaslu Mesuji Lampung*", *Jurnal Kajian Hukum Dan Kebijakan Publik* 2, no. 2 (2025): 1200–1206, <https://doi.org/10.62379/KX4JM017>.

¹² DKPP, "Diduga Lakukan Intervensi, DKPP Periksa *Bawaslu Sulteng* Dan Kabupaten Banggai", <https://dkpp.go.id/diduga-lakukan-intervensi-dkpp-periksa-Bawaslu-sulteng-dan-kabupaten-banggai/>, accessed 1 August 2024.

¹³ Ahmad Siboy, et al., "Legal Social Justice in Appointment Non-Definitive Regional Heads toward Welfare State", *Bestuur* 11, no. 1 (2023): 144-170, <https://dx.doi.org/10.20961/bestuur.v11i1.71055>.

¹⁴ Kieron Beal QC, "Ubi Ius, Ibi Remedium: Do the Union Courts Have the 'Latin for Judging'", *Judicial Review* 20, no. 3 (2015): 115-140, <https://doi.org/10.1080/10854681.2015.1073040>.

framework does not provide a clear enforcement mechanism, then supervision is *merely lex imperfecta*—a law without effective sanction. The deficiencies of *Bawaslu* cannot be resolved solely by increasing its budget or human resources. The real issue lies in its institutional framework (*institutioneel kader*), which requires fundamental legal restructuring to grant it integrated enforcement authority (*geïntegreerde handhavingsbevoegdheid*). Without such reforms, election supervision will remain *lex simulata*—a law that exists only in theory, but fails in practice.

Next, about Free and Fair Elections. Money politics is still a common practice in various regions. This is very difficult to eradicate because it involves many parties, from election participants to voters themselves. Money politics is often carried out in disguise, making it difficult to obtain sufficient evidence for legal action. This practice has even reached the most basic election level, namely the *Pilkades* or *Pemilihan Kepala Desa* at the village level.¹⁵ This is ironic in the midst of the frenzy of democracy. Even some colleagues at the survey and candidate assistance institutions in the election contest, said that the cost for the candidates to participate in the election contest with a very fantastic value. One of the budgets turned out to be used not only for campaign tools shopping, but also to accommodate the need for money politics practices that are now metamorphosed in various modes, such as direct vote-buying (*rechtstreekse stemomkoping*), indirect inducements (*indirecte beïnvloeding*), and coercive patronage (*dwangmatige patronage*). These modes are difficult to uncover and perpetuate the corrupt culture of money politics practices in the implementation of elections.

Fifth, the Involvement of State Apparatus. The State Civil Apparatus (*Aparatur Sipil Negara/ASN*) is sometimes involved in campaigns or supporting certain candidates, even though they are supposed to be neutral.¹⁶ The systemic politicization of ASN represents a fundamental breach of *de beginselen van behoorlijk bestuur* (principles of good governance) and the *lex superior derogat legi inferiori* doctrine. The neutrality of ASN is not merely an ethical guideline but a juridical imperative rooted in *ius publicum* (public law), ensuring an impartial administration free from political interference. However, empirical evidence suggests a growing culture of non-compliance, rendering the principle of neutrality increasingly obsolete. The use of state facilities for campaign purposes is also frequent. Although it is

¹⁵ Puji Astuti and Neny Marlina, "Politik Uang Dalam Pemilihan Kepala Desa: Benarkah Penentu Pilihan Bagi Pemilih?", *JlIP: Jurnal Ilmiah Ilmu Pemerintahan* 7, no. 2 (2022): 151-162, <https://doi.org/10.14710/jiip.v7i2.16035>.

¹⁶ Muhammad Eko Atmojo, *et.al.*, "Analisis #JagaASN Sebagai Media Kampanye Di Indonesia Pada Pemilihan Kepala Daerah Tahun 2020", *PERSPEKTIF* 11, no. 2 (2022): 469-475, <http://dx.doi.org/10.31289/perspektif.v11i2.5825>.

forbidden to engage in practical politics, there have been reports of involvement of members of the military and police in supporting certain candidates. The frequent misuse of state facilities for campaign purposes directly contravenes the principle of electoral justice. Under the framework of *ne bis in idem*, repeated violations should lead to stricter legal sanctions, yet enforcement remains weak due to institutional inefficiency. The *Komisi Aparatur Sipil Negara* (KASN) has been largely ineffective in mitigating these infractions. However, the root cause extends beyond mere institutional weakness—it reflects a broader crisis of *rechtsstatlichkeit* (rule of law) in the electoral process. Without robust enforcement mechanisms, the legal prohibition of ASN involvement becomes a *lex imperfecta*, a law without coercive power. The existence of KASN is not too optimal in an effort to reduce ASN violations in election contests. Tempo Daily Notes, which reviews that the 1955 election was the most democratic election because ASN did not use state facilities to campaign, it seems that it will be very impossible to repeat it in the current post-reform era. ASN is actually competing to become violators of democracy in the big election. The erosion of ASN neutrality, coupled with weak regulatory oversight, creates a *de facto* environment where electoral competition is skewed in favor of incumbents. This is a fundamental betrayal of *salus populi suprema lex esto*—the welfare of the people as the highest law.¹⁷ The principle of ASN neutrality, enshrined in public law, is being eroded by systemic political capture. If reforms remain superficial, the neutrality principle will continue to exist only as a dead letter of the law—an illusion of legality devoid of enforcement. Restoring integrity requires not only stronger sanctions but also an institutional overhaul, ensuring that the ASN serves the state, not political masters.

Next, about technology and social media. The spread of false or misleading information through social media can influence public opinion and disrupt the election process. Law enforcement against the perpetrators of spreading hoaxes is often ineffective. Cyberattacks and voter data leaks are serious challenges in maintaining the integrity of the election process. Even in the notes in my previous article, the spread of hoaxes and disinformation in Indonesia can be the birth of the 5th generation of human rights, namely the fulfillment of the right to accurate and valid information. To achieve political goals, campaigns are used in political strategies by social-media needed in three types of materials. First, a positive campaign, is a type of campaign that is significantly related to the profile of electoral participants and uses various types of news to support the political values of personal branding. Second, a campaign that

¹⁷ Orien Effendi and Ro'Is Alfauzi, "Dynamics of Application of *Salus Populi Suprema Lex Esto* in Law Enforcement in Indonesia", *UNTAG Law Review* 5, no. 2 (2022): 38–48, <https://doi.org/10.36356/ulrev.v5i2.2633>.

emphasizes the flaws and errors of political rivals is known as a negative campaign. Social media campaigns have made it possible for candidates to swiftly, simply, and precisely convey their vision and objective to the public thanks to technological advancements. The use of social media in campaigns is permitted by Article 275 paragraph (1) of Law Number 7 of 2017 concerning Elections, Article 65 of Law Number 10 of 2016 on the implementation of regional elections, and Article 41 letter f of Regulation of The General Elections Commission Number 4 of 2017.

Last, the Social and Geographical Conditions. Law enforcement in remote and hard-to-reach areas faces logistical and infrastructure challenges, so that supervision and enforcement of election violations are not optimal. Social tensions and conflicts between groups in some regions can complicate the process of enforcing election laws. Overcoming these obstacles requires sustained and collaborative efforts between governments, law enforcement agencies, civil society, and political parties. Capacity building and integrity of law enforcement agencies, voter education, and clear and consistent reform of election regulations are important steps that need to be taken to improve election law enforcement in Indonesia.

Theoretically, the description mentioned above can be studied using several theories, such as the Theory of the State of Law and the Theory of Law Enforcement. Based on the Theory of the State of Law, the State must be based on law, not on power alone. Thus, the existence of rules makes legal order in the nation and state can be realized. The basis of *Bawaslu*'s duties and authority, which is only listed in the Election Law, is not strong enough. Not to mention related to the *Gakkumdu* which is spread across several regulations, for example related to elections in general, regulated through *Bawaslu*'s Regulation, while in the Regional Elections it is regulated through a decree between the National Police Chief, the Attorney General's Office and the Chairman of *Bawaslu*.

Meanwhile, in Law Enforcement Theory, it is stated that legal norms must be enforced to facilitate the implementation of good national and state life. Violation of legal norms is the cause of the non-enforcement of legal norms. Regulations regarding the existence of *Bawaslu*, which began with Law Number 12 of 2003 (along with its changes and history), are considered too weak, so it is necessary to carry out reforms or restructuring related to the existence of *Bawaslu*.¹⁸ On the basis of a series of background descriptions mentioned above, the author in this article analyzes and offers new ideas related to the Model of Strengthening the Role of

¹⁸ Fritz Siregar, "Election Supervision in Indonesia: Options for Reforming the General Election Supervisory Agency," in *Constitutional Democracy in Indonesia*, ed. Melissa Crouch (Oxford University Press, 2023).

Bawaslu in Election Law Enforcement. Based on the above background, there are several problems discussed in this article, as follows: (1) the problems of election law enforcement in Indonesia; and (2) the model for strengthening the role of *Bawaslu* in election law enforcement.

B. Method

This paper uses a normative juridical law research method.¹⁹ The approaches used are the statute approach, case approach and conceptual approach. The legal approach in this paper is Law Number 7 of 2017 concerning General Elections and its amendments. The cases used in this study are cases related to election violations, limited to the last few election periods, namely the 2014, 2019 and 2024 elections. The conceptual approach used concerns the concept of the state of law and the concept of law enforcement (not only to call both as theories). The data collection technique used is through document/literature studies of secondary data in the form of primary, secondary and tertiary legal materials. The analysis used is descriptive analysis. The descriptive analysis here is intended to describe a series of cases in efforts to enforce election law. Then a description was also given to explain the idea of a model for strengthening the role of *Bawaslu*.

C. Analysis and Discussion

1. Problems of Election Law Enforcement in Indonesia

Thousands of cases of election violations occurred in 2 election periodizations in Indonesia, namely in 2019, and 2024. The number of these cases is inseparable from the regulations that regulate the types of election violations. The basis of the election law, namely Law Number 7 of 2017 (hereinafter referred to as the Election Law) states as many as 66 articles (from Articles 488 to 544) that regulate 77 types of election violations.²⁰ Not only in the Election Law, the types of election violations are also explicitly mentioned in the Criminal Code, such as in Chapter IV of the Criminal Code entitled "Violations Against the Execution of Obligations". The article *is a quo* for cases in which candidates for regional heads, regional representatives of leaders, or their proxies forge administrative requirements to be included

¹⁹ Sholahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum Di Indonesia*, 1st ed., vol. 1 (Malang: UMM Press, 2023), https://books.google.co.id/books/about/Perkembangan_Metode_Penelitian_Hukum_di.html?id=EObiEAAQBAJ&redir_esc=y.

²⁰ Liky Faizal, et.al, "The Problems in Implementing the Function of the Integrated Law Enforcement Center (Gakkumdu) as an Election Law Enforcement Institution," *As-Siyasi* 3, no. 2 (December 25, 2023): 199–213, <https://doi.org/10.24042/AS-SIYASI.V3I2.19553>.

in the candidate pair, Article 263 of the Criminal Code (*KUHP*) concerning forged documents can be applied.

This allows the enforcement of election crimes outside the scope of general criminal law, adhering to the Criminal Procedure Code, following the same procedures as other general criminal acts. On the basis of these legal norms, election violations, both in the administrative and criminal realms, are common. Although, in reality, there are many allegations of election violations that are difficult to continue the legal process for various reasons.

In the 2019 election, for example, in Lampung Province, there were several violations that could not be handled to proceed to the next process. Among them is the termination of the case related to the report of the Kedaton District Election Supervisory Committee (*Panwaslu Kecamatan - Panwascam*) regarding the alleged distribution of money during the quiet period in Penengahan Village. *Panwascam* found evidence of envelopes confiscated from residents. The resident stated that a person with the initials AR gave the white envelope to a voter with the initials WJ containing Rp100,000 in cash²¹.

Another case occurred in Sukamenanti Village with AS as the complainant. Based on the initial examination, the report met the formal requirements and substantive requirements, and thus, the *Gakkumdu* decided to proceed to the investigation stage. The witnesses were examined, but after being called twice for clarification, the witnesses were not present. Based on the Minutes of the Plenary, the meeting decided that the case could not be continued to the investigation stage, and *Gakkumdu* agreed not to forward this case to the investigation stage. As a result, the case stopped.²²

Several reasons have been found in the field, why it is very difficult to enforce election laws under the *Bawaslu* and *Gakkumdu* regimes. The most dominant, is because the articles and norms that govern them overlap with each other, it is difficult to fulfill their objective and subjective elements, as well as other reasons. For example, Article 523 of the Election Law states that every organizer, participant, and/or campaign team deliberately promises or provides money or other materials as compensation to election campaign participants directly or indirectly as referred to in Article 280 paragraph (1) letter j shall be sentenced to imprisonment for a maximum of 2 (two) years and a maximum fine of Rp 24,000,000.00 (twenty-four million rupiah).²³ The article is very difficult to apply considering that the parties are very complex, usually involving officials with power relations and more than that, it is

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

very difficult to prove the promises made in the election that meet the elements of the criminal act.

The 2024 election is also inseparable from violations. A coalition of civil society and networks monitored election fraud in 10 provinces, namely, Aceh, North Sumatra, West Java, East Java, Banten, Central Java, Bali, East Nusa Tenggara (NTT), South Sulawesi, and East Kalimantan. Monitors collect information on alleged election fraud, either through field monitoring or tracing information on social media and media reports. Field monitoring, which began on January 25, 2024, does not cover all regions, but most of them are in provincial capitals or other districts/cities that are still within the reach of monitors²⁴.

As of February 10, 2024, there are at least 53 problems and allegations of election fraud that have been found and independently verified. The most findings were related to the legislative election (22 allegations) and followed by findings related to the presidential election (21 allegations). The rest is a combination of the two and there are also allegations of violations by election organizers that are not specifically related to the legislative election/presidential election. For example, it is related to the alleged deduction of the technical guidance honorarium of the Voting Organizing Group (*KPPS*) in Tasikmalaya²⁵. The practice that occurred in Malang, was that one of the candidates colluded with the local *KPU* Chairman to play with his eyes to inflate his voice, where until this article was written on July 30, 2024, the case was still in the process of investigation and became a discourse at the local level. As a comparison, the following author classifies issues and topics of election violations for the 2019 and 2024 election periods:

Table 1.

Issues and Topics of Election Violations in 2019 and 2024

No.	2019	2024
1.	Technology and Vote Counting	Quick Count and SIREKAP Problem
2.	Political Polarization	Political dynasties
3.	Health and Safety of Election Officials	Election Officials Commit Fraud
4.	Election Fraud	Election Fraud

Source: Author Self Analysis, 2024

²⁴ ICW, "Kecurangan Pemilu 2024: Temuan Pemantauan Dan Potensi Kecurangan Hari Tenang, Pemungutan, Penghitungan, Dan Rekapitulasi Suara", *ICW*, 2024, <https://antikorupsi.org/id/kecurangan-pemilu-2024-temuan-pemantauan-dan-potensi-kecurangan-hari-tenang-pemungutan-penghitungan>.

²⁵ *Ibid.*

Based on the table above, almost the same and repeated every election that occurs is a problem of fraud. Election violations and all forms of fraud that occur, it seems very difficult to investigate, even delegated to *P21*, not only because of the absence or ambiguity of the norms, but also because of the law enforcement who took part in the fraudulent act, It is aggravated by the authority of *Bawaslu* as the leading actor in the enforcement of election law, which seems half-hearted. *Bawaslu* seems to only have the authority to handle administrative violations, because for criminal matters, the police and the prosecutor's office must be involved. In contrast to corruption, whose authority has been given to the *KPK* in its entirety, under one roof.²⁶

Based on these factual conditions, several notes of improvement can be formulated for efforts to overcome election problems in Indonesia, including:

- a. Election violations continue to occur in every period. Election law enforcement is at an impasse. The amendment to the codification of election law regulations has not touched on collaboration between sectors, but only focuses on the technical implementation of elections.
- b. The government needs to immediately make changes by adjusting the needs and roles of *Bawaslu*, either through the *Bawaslu* Bill or strengthening *Bawaslu* by providing one-stop authority like the *KPK* in eradicating and preventing corruption.

2. Model for Strengthening the Role of *Bawaslu* in Election Law Enforcement

A model of strengthening the role of *Bawaslu* in election law enforcement is urgently needed as an effort to maintain the dignity of democracy intact in Indonesia. So far, the literature that has been widely reviewed by academics is to establish election courts, both permanent and *ad-hoc*. The idea is valid to be described, but it always does not meet at the common point. So, one logical thing that should be considered is to strengthen the role of *Bawaslu*. As an additional note, *Bawaslu* was born much earlier than the *Gakkumdu* Center.²⁷ So, it is more logical to strengthen *Bawaslu*'s role as a leading actor in election law enforcement in Indonesia. Some ways to strengthen the role of *Bawaslu* include:

- a. Making a draft of the Bill on *Bawaslu*

²⁶ Sholahuddin Al-Fatih, "Darus As an Anti-Corruption Education," *Asia Pasific Fraud Journal* 3, no. 1 (May 22, 2018): 117–23, <https://doi.org/10.21532/apfjournal.v3i1.66>.

²⁷ Faizal, Syari., "The Problems in Implementing the Function of the Integrated Law Enforcement Center (Gakkumdu) as an Election Law Enforcement Institution," *As-Siyasi Journal of Constitutional Law* 3, no. 2 (December 25, 2023): 199–213, <http://dx.doi.org/10.24042/as-siyasi.v3i2.19553>.

The important material of the draft *Bawaslu* Bill contains the authority, duties and functions of *Bawaslu*, which not only holds adjudication hearings for administrative violations, but is also given full authority to process criminal violations. This authority is attached to *Bawaslu* at the central level which is permanent, like the *KPK* which is equipped with investigators and other equivalent/similar law enforcement officials.²⁸ Because of its limited authority and the regulatory framework set by current legislation, *Bawaslu*, Indonesia's Election Supervisory Body, does not have any unique regulations. Law Number 7 of 2017 and Law Number 2 of 2015 define the agency's mandate and limit its supervisory powers to particular election stages, resulting in periods of inactivity in between elections. Due to the lack of a continuous operating mandate provided by this regulatory framework, *Bawaslu* may return to an ad hoc state after the elections. Thus, *Bawaslu* transformed into a supervisor as well as a judge. Through strengthening this role, the existence of the *Gakkumdu* Center in Article 486 of the Election Law was immediately canceled and its authority was transferred in its entirety to *Bawaslu*, no longer to 3 institutions, namely *Bawaslu*, the Police and the Prosecutor's Office.

b. Special Election Courts

The adjudication function as a whole must be given to *Bawaslu*. Therefore, it is also necessary to establish a special election court under the judicial institution, as an *ad-hoc chamber* in the judicial environment, like a corruption court. Because it directly affects the democratic process and the integrity of elections, the creation of a special court for election disputes in Indonesia is an issue of great importance. The Supreme Court and the Election Supervisory Agency are two of the many organizations that make up the existing system, which is frequently criticized for being complicated and ineffective. In order to preserve public confidence in the voting process, a special election court might expedite the procedure and guarantee prompt and efficient dispute settlement. The legal system and Indonesia's prior election dispute experiences highlight the necessity of such a court.

According to Fritz Siregar, 132 countries in the world already have special election courts, while 84 countries in the world, including Indonesia, resolve election disputes through election supervisory institutions or bodies (which in Indonesia are referred to as *Bawaslu*). Meanwhile, 7 countries have special institutions to settle elections, while 25

²⁸ Jovial Falah Parama and Sholahuddin Al-Fatih, "Kajian Yuridis Ambivalensi Pergeseran Independensi Komisi Pemberantasan Korupsi (KPK) Ke Dalam Rumpun Lembaga Eksekutif," *Journal Komunitas Yustisia Universitas Pendidikan Ganesha Program Studi Ilmu Hukum* 4, no. 1 (2021): 57–65, <https://doi.org/10.23887/jatayu.v4i1.33024>.

countries have special ways to handle election disputes.²⁹ So, on this basis, special election courts are an important tool in efforts to enforce election law, such as the *KPK* and corruption courts, so *Bawaslu* is also equipped with special election courts. The legal basis for making a special election court is one of the content materials in the *Bawaslu* Bill. Without the authority of the delegation, it is impossible for a special election court to be realized. This provision also annuls the legal norm on the Special Assembly for Election Crimes in Article 485 of the Election Law, which is then regulated in the *Bawaslu* Bill.

c. Upgrading *Bawaslu* Human Resources

The quality of human resources is an important input in the implementation of elections.³⁰ Therefore, *Bawaslu*'s human resources need to be improved either through Technical Guidance or the recruitment of competent members. This can be realized through strict human resource requirements, for example, it is required that *Bawaslu* registrants up to the Panwasdes level at least take the Strata-1 level, especially those who have diplomas from the disciplines of law, government science, political science and the like. Through this increase in human resources, *Bawaslu* to Panwasdes will be filled with superior human resources to realize an open and fair election. To increase the *Bawaslu*'s efficiency in monitoring elections and stopping infractions, its resources must be upgraded. *Bawaslu*'s current problems, which include a lack of employees, poor training, and antiquated infrastructure, seriously impair its ability to operate. Enhancing strategic resources to address these problems can improve public trust and electoral integrity.

Therefore, to strengthen this model, it is necessary to amend the Election Law, especially related to the amendment to one paragraph, namely Article 476 paragraph (2) which stated: "Acts or actions that are suspected of being an election crime as referred to in paragraph (1) are stated by *Bawaslu*, Provincial *Bawaslu*, Regency/City *Bawaslu*, and/or Sub-district Panwaslu and will be processed directly by *Bawaslu*". Through the addition of this paragraph, the role of *Bawaslu* becomes strong, not only related to supervision or *supervision* but also to be a judge and carry out the adjudication function as a whole. Changes to the Article can also be interpreted as a transitional article from the Election Law to the *Bawaslu* Bill.

²⁹ Siregar, "Election Supervision in Indonesia: Options for Reforming the General Election Supervisory Agency," *In Constitutional Democracy in Indonesia*, ed by Melissa Crouch. (Oxford: Oxford University Press, 2023).

³⁰ Toby S. James, "Better Workers, Better Elections? Electoral Management Body Workforces and Electoral Integrity Worldwide," *International Political Science Review* 40, no. 3 (June 1, 2019): 370–90, <https://doi.org/10.1177/0192512119829516>.

D. Conclusion

Based on the discussion and discussion of the model of strengthening the role of *Bawaslu* in the enforcement of election law mentioned above, the author can conclude several important points. First, the problems of election law in Indonesia, by the author, are inventoried into several topics, including those related to money politics, political polarization, political dynasties, e-voting, election infrastructure, problematic *SIREKAP* system, *quick count* and *real count* whose accuracy is debated, the involvement of *ASN* the Indonesian National Armed Forces (*TNI*) and the Indonesian National Police (*POLRI*) which are prohibited in elections and routine problems, namely election fraud. There are 2 notes related to the problems of election law enforcement in Indonesia, namely: (1) Election violations continue to occur in every period. Election law enforcement is at an impasse. The amendment to the codification of election law regulations has not touched on collaboration between sectors, but only focuses on the technical implementation of elections; and (2) The government needs to immediately make changes by adjusting the needs and roles of *Bawaslu*, either through the *Bawaslu* Bill or strengthening *Bawaslu* by providing one-stop authority.

Second, the model of strengthening the role of *Bawaslu* can be realized by 3 things, namely: (1) Making a draft of the Bill on *Bawaslu*; (2) Creating a special election court; and (3) Upgrading *Bawaslu* human resources. In order to realize the model of strengthening the role of *Bawaslu*, it is necessary to first amend the Election Law by changing one paragraph, namely Article 476 paragraph (2) which stated: "Acts or actions that are suspected of being election crimes as referred to in paragraph (1) are stated by Bawaslu, Provincial Bawaslu, Regency/City Bawaslu, and/or District Panwaslu and will be processed directly by Bawaslu".

References

Journal Articles

- Astuti, Puji, and Nenry Marlina, "Politik Uang Dalam Pemilihan Kepala Desa: Benarkah Penentu Pilihan Bagi Pemilih?", *Jiip: Jurnal Ilmiah Ilmu Pemerintahan* 7, no. 2 (2022): 151-162, <https://doi.org/10.14710/jiip.v7i2.16035>.
- Atmojo, Muhammad Eko, Awang Darumurti, and Vindhi Putri Pratiwi, "Analisis #JagaASN Sebagai Media Kampanye Di Indonesia Pada Pemilihan Kepala Daerah Tahun 2020", *PERSPEKTIF* 11, no. 2 (2022): 469-475, <https://doi.org/10.31289/perspektif.v11i2.5829>.
- Borman, M. Syahrul, Siti Marwiyah, Vieta Imelda Cornelis, Irwan Lazuardi, and Phimlikid Kaewhanam, "Model for Resolving Election Violations through Indonesian Election Body and Constitutional Court", *Legality : Jurnal Ilmiah Hukum* 32, no. 2 (2024): 238-262, <https://doi.org/10.22219/LJIH.V32I2.33711>.

- Effendi, Orien, and Ro'Is Alfauzi, "Dynamics of Application of Salus Populi Suprema Lex Esto In Law Enforcement In Indonesia", *UNTAG Law Review* 5, no. 2 (2022): 38–48, <https://doi.org/10.36356/ulrev.v5i2.2633>.
- Faizal, Liky, Fakultas Syari, and ah UIN Raden Intan Lampung, "The Problems in Implementing the Function of the Integrated Law Enforcement Center (Gakkumdu) as an Election Law Enforcement Institution", *As-Siyasi* 3, no. 2 (2023): 199–213, <https://doi.org/10.24042/AS-SIYASI.V3I2.19553>.
- James, Toby S, "Better Workers, Better Elections? Electoral Management Body Workforces and Electoral Integrity Worldwide", *International Political Science Review* 40, no. 3 (2019): 370-390, https://doi.org/10.1177/0192512119829516/SUPPL_FILE/IPS829516_FRANCH_AND_SPANISH_ABSTRACTS.PDF.
- Junaidi, Muhammad, "Tindak Pidana Pemilu dan Pilkada Oleh Sentra Penegakan Hukum Terpadu", *Jurnal Ius Constituendum* 5, no. 2 (2020): 220-234, <https://doi.org/10.26623/JIC.V5I2.2631>.
- Lindsey, Tim, "Filling the Hole in Indonesia's Constitutional System: Constitutional Courts and the Review of Regulations in a Split Jurisdiction", *Constitutional Review* 4, no. 1 (2018): 27–44, <https://doi.org/10.31078/consrev412>.
- QC, Kieron Beal, "Ubi Ius, Ibi Remedium: Do the Union Courts Have the 'Latin for Judging'", *Judicial Review* 20, no. 3 (2015): 115-140, <https://doi.org/10.1080/10854681.2015.1073040>.
- Rusdiana, Erma, Nurus Zaman, Lindra Darnela, and Uswatun Hasanah, "Preventing the Politicisation of Corruption Crime Law Enforcement Based on Local Wisdom", *Legality: Jurnal Ilmiah Hukum* 33, no. 1 (2025): 110-131, <https://doi.org/10.22219/LJIH.V33I1.37429>.
- Sherlyana, Ninda Putri, Abdul Halim, Ari Setiawan, Dwi Nabilah Setiyowati, Elsa Aura Savana, Erni Yanti, Novi Rahma Sari, and Regi Risnanda, "Krisis Integritas Dalam Demokrasi: Kasus Dugaan Korupsi Dana Hibah Bawaslu Mesuji Lampung", *Jurnal Kajian Hukum Dan Kebijakan Publik* 2, no. 2 (2025): 1200–1206, <https://doi.org/10.62379/KX4JM017>.
- Siboy, Ahmad, *et.al.* "Legal Social Justice in Appointment Non-Definitive Regional Heads toward Welfare State", *Bestuur* 11, no. 1 (2023): 144-170, <https://doi.org/10.20961/bestuur.v11i1.71055>.
- Silalahi, Wilma, "Disclosure Pelaksanaan Pemilu Demi Terwujudnya Penerimaan Hasil Pemilu Yang Berkeadilan", *Jurnal Bawaslu Provinsi Kepulauan Riau* 3, no. 2 (2021): 78–97, <https://doi.org/10.55108/jbk.v3i2.258>.
- Sorik, Sutan, "Penataan Demokrasi Dan Pemilu Di Indonesia Pasca Reformasi", *Jurnal Penelitian Politik* 16, no. 1 (2019): 101-107, <https://doi.org/10.14203/jpp.v16i1.773>.
- Yasmin, Amara Alifia, and Dewi Erowati, "Perbandingan Penyelesaian Pelanggaran Tindak Pidana dan Administrasi Dalam Pemilu Presiden dan Pemilu Legislatif di Jawa Tengah Tahun 2019 dan 2024", *Journal of Politic and Government Studies* 14, no. 2 (2025): 803-813, <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/49916>.

Yusa, Djuyandi. "The Role of Mass Organization in the Position Fulfillment of Yogyakarta Election Supervisory Agency: Study on the Role of Nahdlatul Ulama and Muhammadiyah", *Jurnal Wacana Politik* 3, no. 2 (2018): 108-120, [http://download.garuda.kemdikbud.go.id/article.php?article=831450&val=11318&title=PERAN ORGANISASI KEMASYARAKATAN DALAM PENGISIAN JABATAN BADAN PENGAWAS PEMILU YOGYAKARTA STUDI PADA PERAN NAHDLATUL ULAMA DAN MUHAMMADIYAH](http://download.garuda.kemdikbud.go.id/article.php?article=831450&val=11318&title=PERAN%20ORGANISASI%20KEMASYARAKATAN%20DALAM%20PENGISIAN%20JABATAN%20BADAN%20PENGAWAS%20PEMILU%20YOGYAKARTA%20STUDI%20PADA%20PERAN%20NAHDLATUL%20ULAMA%20DAN%20MUHAMMADIYAH).

Article in an Anthology with an Editor

Siregar, Fritz, "Election Supervision in Indonesia: Options for Reforming the General Election Supervisory Agency", in *Constitutional Democracy in Indonesia*, ed. Melissa Crouch. (Oxford: Oxford University Press, 2023).

Internet

DKPP, "Diduga Lakukan Intervensi, DKPP Periksa Bawaslu Sulteng dan Kabupaten Banggai", December 13, 2020, <https://dkpp.go.id/diduga-lakukan-intervensi-dkpp-periksa-Bawaslu-sulteng-dan-kabupaten-banggai/>.

Feisal, Rio, "Bawaslu RI Terima 1.271 Laporan Dugaan Pelanggaran Pemilu 2024", February 27, 2024, <https://www.antaranews.com/berita/3985251/Bawaslu-ri-terima-1271-laporan-dugaan-pelanggaran-pemilu-2024>.

ICW, "Kecurangan Pemilu 2024: Temuan Pemantauan Dan Potensi Kecurangan Hari Tenang, Pemungutan, Penghitungan, Dan Rekapitulasi Suara", February 12, 2024, <https://antikorupsi.org/id/kecurangan-pemilu-2024-temuan-pemantauan-dan-potensi-kecurangan-hari-tenang-pemungutan-penghitungan>.