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## Legal Aspects in Handling Criminal Acts in the 2019 Election

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### Abstract

This research meticulously examines the legal framework and the procedures involved in addressing election crimes in Indonesia, as outlined in Law No. 7 of 2017, and evaluates the effectiveness of Sentra Gakkumdu, a pivotal coordination forum in the electoral crime enforcement process. The primary objective is to dissect and analyze the legal intricacies and practical challenges in enforcing laws against election crimes, with a spotlight on the ambiguities and potential conflicts within the current system. Through normative legal research methodology, the study delves into the statutory regulations and engages with various primary, secondary, and tertiary legal materials to construct a comprehensive understanding of the election crime handling procedures. It highlights the absence of clear election crime definitions, identifies several weaknesses in Law No. 7 of 2017, and critiques the ambiguous role and limited effectiveness of Sentra Gakkumdu. The paper concludes by calling for significant improvements and clarifications in the existing legal frameworks to ensure fair, efficient, and effective handling of election crimes, thereby bolstering public confidence in the electoral process and upholding the principles of legal certainty and justice in the realm of Indonesian elections.

### Keywords

election crimes; legal framework; law no. 7 of 2017; sentra gakkumdu



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## INTRODUCTION

Considering the current global development, indirect or representative democracy has become a political reality implemented in many countries.<sup>1</sup> Elections are the primary tool used to select public representatives who will advocate for the interests of society in the political decision-

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<sup>1</sup> Muhammad Aqil Irham, 'Korupsi Demokratis Dalam Partai Politik: Studi Kasus Penyelenggaraan Pemilukada Lampung', *MASYARAKAT: Jurnal Sosiologi*, 21.1 (2016), 35–56 <<https://doi.org/10.7454/mjs.v21i1.4799>>; Muhammad Habibi, 'The Pandemic and the Decline of Indonesian Democracy: The Snare of Patronage and Clientelism of Local Democracy', *Asian Political Science Review*, 5.2 (2022), 9–21; Muhammad Habibi and Rizky Dwi Kusuma, 'G20 and the Erosion of Democracy: Addressing the Decline in Democratic Standards during the COVID-19 Pandemic', *Journal of Government and Political Issues*, 2.3 (2022), 175–84 <<https://doi.org/10.53341/jgpi.v2i3.93>>.

making process.<sup>2</sup> Therefore, the integrity and quality of elections are crucial.<sup>3</sup> If elections are not conducted in a competitive, honest, and fair manner, it can be argued that democracy is either absent or disturbed.<sup>4</sup> Democratic elections are the foundational legitimacy for governance based on the will of the people.<sup>5</sup> If elections do not meet democratic standards, the government may lose legitimacy and support from its people.<sup>6</sup> Hence, fair and transparent elections are key aspects in ensuring that a country functions as a strong and sustainable democracy.<sup>7</sup>

A legitimate, free, and fair democratic election depends not only on the performance of the Election Commission, which must be neutral and effective,<sup>8</sup> but also on how candidates run their campaigns freely and receive support from the public.<sup>9</sup> It's also essential to ensure that government resources are not misused during the electoral process, that the military maintains neutrality and acts professionally.<sup>10</sup> The police and judiciary must also perform their duties with integrity, protecting the civil and political rights of citizens.<sup>11</sup> Furthermore, media plays a vital role in democratic elections.<sup>12</sup> They should provide accurate news and information and serve as a watchdog against government actions and the political process, granting all candidates access and

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<sup>2</sup> Sarah Birch, Ursula Daxecker, and Kristine Höglund, 'Electoral Violence: An Introduction', *Journal of Peace Research*, 57.1 (2020), 3–14 <<https://doi.org/10.1177/0022343319889657>>.

<sup>3</sup> Paisal Akbar and others, 'The Face of the General Elections Commission in The Case of the Code of Conduct 2018-2020', *Journal of Government and Political Issues*, 1.1 (2021), 26–34 <<https://doi.org/10.53341/jgpi.v1i1.2>>.

<sup>4</sup> Risdiana Izzaty and Xavier Nugraha, 'Perwujudan Pemilu Yang Luber Jurdil Melalui Validitas Daftar Pemilih Tetap', *Jurnal Suara Hukum*, 1.2 (2019), 155–71 <<https://doi.org/10.26740/jsh.v1n2.p155-171>>.

<sup>5</sup> Alexander R. Arifianto, 'What the 2019 Election Says about Indonesian Democracy', *Asia Policy*, 14.4 (2019), 46–53 <<https://doi.org/10.1353/asp.2019.0045>>.

<sup>6</sup> Abid Ulil Albab, 'Problem Kewenangan Mahkamah Konstitusi Memutus Perselisihan Hasil Pilkada', *Jurnal Hukum & Pembangunan*, 48.3 (2018), 542 <<https://doi.org/10.21143/jhp.vol48.no3.1745>>.

<sup>7</sup> Toby S. James and Sead Alihodzic, 'When Is It Democratic to Postpone an Election? Elections During Natural Disasters, COVID-19, and Emergency Situations', *Election Law Journal: Rules, Politics, and Policy*, 19.3 (2020), 344–62 <<https://doi.org/10.1089/elj.2020.0642>>.

<sup>8</sup> Suwari Akhmaddhian, Erga Yuhandra, and Yani Andriyani, 'Peran Masyarakat Dalam Mewujudkan Penyelenggaraan Pemilihan Umum Yang Berkualitas', in *Proceeding of Conference on Law and Social Studies*, 2021; Jejen Fauzi Ridwan, Nur Hidayat Sardini, and Muhammad Adnan, 'Peranan Dewan Kehormatan Penyelenggara Pemilu (DKPP) Dalam Menegakkan Kemandirian, Integritas, Dan Kredibilitas Penyelenggara Pemilu Dalam Pemilu Kepala Daerah Dan Wakil Kepala Daerah Tahun 2015', *Journal of Politic and Government Studies*, 6.4 (2017), 331–40; Sekar Ayu and Clarisa Arfiandani, 'Heuristics and Bias in Indonesian Elections: The Effect of Gender and Academic Degrees on Voter Preference', *Journal of Government and Political Issues*, 1.2 (2021), 118–27 <<https://doi.org/10.53341/jgpi.v1i1.16>>.

<sup>9</sup> Aditya Perdana and Delia Wildianti, 'Narasi Kampanye Dan Media Sosial Dalam Pemilu Presiden Dan Wakil Presiden Tahun 2019', *Jurnal Bawaslu DKI*, 2018, 21–39.

<sup>10</sup> Saepudin Saepudin and Dana Pratiwi, 'Dilemmatic Position of State Civil Apparatus (ASN): Maintaining Neutrality or Being Taken by Power', *Journal of Government and Political Issues*, 2.2 (2022), 117–25 <<https://doi.org/10.53341/jgpi.v2i2.95>>; Ferdinand Eskol Tiar Sirait and others, *Netralitas ASN: Problematika Dan Studi Kontemporer* (Bantul: Tim The Journal Publishing, 2022).

<sup>11</sup> Ramlan Surbakti and others, *Integritas Pemilu 2014: Kajian Pelanggaran, Kekerasan, Dan Penyalahgunaan Uang Pada Pemilu 2014* (Jakarta: Kemitraan bagi Pembaruan Tata Pemerintahan, 2014).

<sup>12</sup> Akhmaddhian, Yuhandra, and Andriyani.

covering their objectives fairly.<sup>13</sup> All these aspects together form the basis of democratic elections and produce legitimate representation of the people's will.

An institution responsible for administering election arrangements must have independence and the ability to conduct elections fairly and efficiently.<sup>14</sup> Without sufficient independence, the public will lose confidence in the election results.<sup>15</sup> Additionally, it's crucial to evaluate electoral institutions, including law enforcement like police and prosecutors, so they can meticulously monitor all aspects of elections and take effective actions to prevent issues and violations.<sup>16</sup> This ensures that all candidates are treated fairly and equally in judicial processes, enjoying the same legal protections<sup>17</sup> This way, the electoral process can occur with high integrity and accountability, and its results will be more trusted by the public.

According to available data, during the 2019 elections, Bawaslu received a total of 2,724 reports or findings about election crimes. This number is significantly less compared to the 2009 Legislative Elections, where 6,017 election crime cases were recorded throughout Indonesia. Of the 2,724 reports or findings, 582 cases proceeded to the investigation stage. However, 132 cases stopped at the investigation stage, and 41 cases stopped at the prosecution stage. A total of 320 cases reached the court examination stage and resulted in final and binding legal decisions.

Various reasons caused cases to halt at the investigation and prosecution stages, with one dominant reason being a disagreement in perceptions among Bawaslu, police, and prosecutors in handling election crime cases concurrently.<sup>18</sup> This could be an obstacle in law enforcement related to election violations. Although Law No. 7 of 2017 has clearly regulated the types and severity of threats and how the handling of crimes in the 2019 Elections should be conducted, there should have been no doubt from the start about the effectiveness of law enforcement against perpetrators

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<sup>13</sup> Sadryna Evanalia, 'Peran Jurnalisme Media Sosial Dalam Mewujudkan Demokrasi Indonesia Di Era Post Truth', *Jurnal Adhyasta Pemilu*, 5.1 (2022), 32–43 <<https://doi.org/10.55108/jap.v5i1.86>>.

<sup>14</sup> Muhammad Nur Ramadhan, 'Evaluasi Penegakan Hukum Pidana Pemilu Dalam Penyelenggaraan Pemilu 2019', *Jurnal Adhyasta Pemilu*, 2.2 (2021), 115–27 <<https://doi.org/10.55108/jap.v2i2.12>>; Birch, Daxecker, and Höglund.

<sup>15</sup> Amir Effendi Siregar and others, 'Menakar Independensi Dan Netralitas Jurnalisme Media Di Indonesia', *Dinamika Pers Dan Pemilu*, 9.1 (2014), 3–39.

<sup>16</sup> Ulla Fionna and Francis E. Hutchinson, 'Indonesia'S 2019 Elections: A Fractured Democracy?', *Asian Affairs*, 50.4 (2019), 502–19 <<https://doi.org/10.1080/03068374.2019.1672400>>; Muhammad Habibi and Achmad Nurmandi, 'Electoral Manipulations and Fraud Political Contestation: The Case of Regional Head Election', *Politik Indonesia: Indonesian Political Science Review*, 6.3 (2021) <<https://doi.org/10.15294/ipsr.v6i1.23447>>.

<sup>17</sup> Kadir Johnson Rajagukguk, Sofjan Aripin, and Heri Wahyudi, 'Simultaneous General Election: It Is Fair for Democracy in Indonesia', *Jurnal Ilmu Pemerintahan: Kajian Ilmu Pemerintahan Dan Politik Daerah*, 6.1 (2021), 56–64 <<https://doi.org/10.24905/jip.6.1.2021.56-64>>.

<sup>18</sup> Khairul Fahmi and others, 'Sistem Keadilan Pemilu Dalam Penanganan Pelanggaran Dan Sengketa Proses Pemilu Serentak 2019 Di Sumatera Barat', *Jurnal Konstitusi*, 17.1 (2020), 001 <<https://doi.org/10.31078/jk1711>>.

of election crimes in the 2019 Elections. However, seeing the limited number of election crime reports that eventually proceeded to investigation, prosecution, and court examination stages, resulting in final and binding legal decisions, it indicates that the handling of election crimes in the 2019 Elections was not effectively conducted, even though there was coordination among various law enforcers through Sentra Gakkumdu. Based on this, this article aims to examine the problems in enforcing law against election crimes.

## **METHOD**

The research method that will be used in this research is the normative legal research method. Normative legal research is a type of research that examines legal norms, both written and unwritten, that apply and have binding force in a society or country. This research will focus on legal aspects in handling criminal acts that occurred in the 2019 General Election. The approach that will be used in this research is a statutory approach, namely by analyzing all statutory regulations related to handling criminal acts. criminal. crime in general elections. The case approach will also be used to analyze court decisions related to criminal acts in the 2019 election.

In the research process, researchers will collect secondary data in the form of primary, secondary and tertiary legal materials. Primary legal materials include relevant laws and regulations, such as the General Election Law, Criminal Code, and other regulations relating to criminal acts in elections. Secondary legal materials are legal materials that assist the analysis of primary legal materials, such as books, journals, articles, theses and dissertations related to the research topic. Tertiary legal materials are materials that make it easier for researchers to search for and find primary and secondary legal materials, such as legal dictionaries and encyclopedias. Data analysis will be carried out in a qualitative way, namely by understanding, interpreting and compiling the data that has been found to answer the problems that have been determined.

## **RESULTS AND DISCUSSION**

### **Legal Basis for Enforcement of Election Crime**

Interestingly, if we review all articles related to election crimes in Law No. 7 of 2017, we will not find a single article providing a definition or formulation of what constitutes an election crime. This is different from previous laws, such as Law No. 42 of 2008 regarding the Presidential

and Vice-Presidential Election, which uses the term "election criminal violations" in Article 195, and Law No. 8 of 2012 regarding the Election of Members of the DPR, DPD, and DPRD which uses the term "election crime" in Article 260.

The absence of an election crime definition in Law No. 7 of 2017 seems to repeat a pattern in Indonesia's electoral history, where there previously wasn't a definition of election crime in applicable legislation, ranging from the 1955 to the 2004 elections. If we refer to the understanding of criminal acts found in Law No. 42 of 2008 and Law No. 8 of 2012, election crimes in 2019 can be simply interpreted as criminal acts occurring in the context of the 2019 election administration and are subject to criminal penalties as stipulated in Law No. 7 of 2017.

Articles 488 to 554 of Law No. 7 of 2017 outline 81 types of election crimes. This regulation also qualifies various perpetrators of crimes, including individuals, groups, companies, non-governmental organizations, village heads or equivalent, chairpersons and members of KPPS/KPPSLN, PPS or PPLN members, KPU members, KPU Province members, KPU District/City members, PPK members, campaign team members, election participants, District Panwaslu, Village/Urban Ward Panwaslu, overseas Panwaslu, polling station supervisors, Bawaslu members, Provincial Bawaslu members, District/City Bawaslu members, political party leaders or coalitions, presidential and vice-presidential candidates, state officials, judges, chairpersons or members of the BPK, governors, senior deputy governors and/or BI deputy governors, as well as directors, commissioners, supervisory boards, and/or employees of SOEs/Regional SOEs.

In other words, election crimes encompass various unlawful acts related to elections and can involve various parties associated with the election process. This reflects the complexity of the legal regulations governing elections in Indonesia and efforts to protect the integrity and validity of the election process from various forms of violation. Besides Law No. 7 of 2017, provisions regarding crimes in the 2019 elections are also regulated and/or refer to other legislations, including:

1. Law No. 8 of 1981 on Criminal Procedure Law (KUHAP), related to the process of investigation, inquiry, prosecution, and examination of election crimes, as mandated in Article 477 of Law No. 7 of 2017.
2. Supreme Court Regulation No. 2 of 2018 on Special Judges for Election Crimes and General Elections, regulating the role and duties of special judges handling election crime cases, as mandated in Article 485 paragraph (6) of Law No. 7 of 2017.

3. Bawaslu Regulation No. 31 of 2018 on the Integrated Law Enforcement Center, replacing Bawaslu Regulation No. 9 of 2018, which regulates integrated law enforcement in the context of handling election crimes, as mandated in Article 486 paragraph (11) of Law No. 7 of 2017.

Thus, there are several regulations that complement each other and regulate the handling process of crimes in the context of the 2019 elections, including procedures for investigation, inquiry, prosecution, and the role of special judges assigned to handle election crime cases. This aims to ensure effective law enforcement against election crime perpetrators and maintain the integrity of the election process itself.

The numerous legal bases for election crimes in the 2019 elections besides Law No. 7 of 2017 should not be problematic, as long as all these regulations still refer to and comply with Law No. 7 of 2017. Law No. 7 of 2017 has a higher hierarchical position compared to other legislations and is special (*lex specialis*) in the context of elections. Therefore, the applicable regulations must always align with the provisions in Law No. 7 of 2017. In legal principle, lower-level regulations should not conflict with higher-level regulations, and special laws override general laws.

Coordination among various legislations related to law enforcement against election crimes should ensure that all issued provisions do not conflict with each other and still respect the hierarchy and provisions of Law No. 7 of 2017 as the main foundation in regulating election crimes. This is necessary to maintain consistency and clarity in law enforcement against election violations.

In accordance with the principles of applicable legislation, regulations that have a hierarchical position below the law, such as Supreme Court Regulation No. 2 of 2018 and Bawaslu Regulation No. 31 of 2018, must not conflict with Law No. 7 of 2017 and must be based on it. This aligns with the concept of norm hierarchy or *stufenordnung der rechtsnormen* in legal theory, indicating that a legal norm must comply with the norm above it in the legal hierarchy.

Similarly, Law No. 8 of 1981 on Criminal Procedure Law, which is general for all crimes, will be invalidated or overridden by provisions regulated in Law No. 7 of 2017. This is because Law No. 7 of 2017 specifically regulates election crimes and their handling procedures. Thus, in the context of election crimes, Law No. 7 of 2017 takes precedence and regulates more specifically. This clarification is crucial to ensure that provisions related to law enforcement against election crimes remain consistent and comply with the hierarchy of applicable legislations.

## **Weaknesses in Law No. 7 of 2017 Concerning Procedures for Handling Election Criminal Offenses**

Provisions on the procedures for handling criminal offenses in the 2019 Election can be found in Articles 476 to 484 of Law No. 7 of 2017. This encompasses the entire process of handling criminal cases, including the stages of report reception, investigation, prosecution, court examination, and execution of final and binding decisions. Principally, the procedures for handling election criminal offenses outlined in Articles 476 to 484 reflect the general stages in criminal case management for all types of criminal offenses, as stipulated in Law No. 8 of 1981 on Criminal Procedure Law.

However, the main difference lies in the mechanism for overseeing and monitoring the execution of court decisions in Law No. 8 of 1981, which is not regulated in Law No. 7 of 2017. In other words, Law No. 8 of 1981 has more detailed provisions regarding the supervision of the execution of court decisions in the context of general criminal offenses, while Law No. 7 of 2017 focuses on procedures for handling election criminal offenses without regulating further mechanisms for overseeing the execution of court decisions.

Upon further review, the articles governing the procedures for handling criminal offenses in the 2019 Election within Law No. 7 of 2017, from the stage of report reception to the execution of final and binding decisions, do not actually provide additional guidance in existing lower-tier legislation. The only guidance given is that the investigation, prosecution, and examination of election criminal offenses will follow Law No. 8 of 1981 on Criminal Procedure Law unless there are other provisions in Law No. 7 of 2017, as mentioned in Article 477.

In other words, Law No. 7 of 2017 already provides sufficient guidelines on the procedures for handling criminal offenses in the 2019 Election, without requiring further regulation in lower-tier legislation, be it Supreme Court Regulations or Bawaslu Regulations. Matters not sufficiently regulated in Law No. 7 of 2017, especially regarding investigation, prosecution, and examination of election criminal offenses, will refer to Law No. 8 of 1981, in accordance with Article 477 of Law No. 7 of 2017. Thus, the legal basis for the procedures for handling criminal offenses in the 2019 Election to be followed and complied with by law enforcement institutions, is Articles 476 to 484 of Law No. 7 of 2017 and Law No. 8 of 1981.

The author argues that there are still some weaknesses in Law No. 7 of 2017 regarding

procedures for handling election criminal offenses that should be corrected in the future. These weaknesses include:

1. **Uncertainty Regarding Coordination Process:** While Law No. 7 of 2017 mentions coordination between Bawaslu, Police, and the Attorney General in Gakkumdu, the process is not detailed, potentially leading to obstacles in handling election criminal offenses.
2. **Uncertainty Regarding Case Handling Supervision:** Law No. 7 of 2017 doesn't regulate the supervision mechanism of election criminal offenses case handling after it moves from one institution to another. This regulation is crucial for ensuring smoothness and accountability in case handling.
3. **Limited Time for Investigation:** The limited time for investigating election criminal offenses (14 days) may not always be sufficient for gathering adequate evidence, especially in complex cases, affecting the quality of the investigation and complicating law enforcement.
4. **Limited Time for Court Examination:** The short time for examination in the first-level court (7 days) and the appellate level (10 days) might hinder the process of fair adjudication.
5. **Uncertainty Regarding Execution of Court Decisions:** Law No. 7 of 2017 does not provide clear guidelines on the execution of final and binding court decisions, leading to uncertainty in the execution of penalties imposed by the court.
6. **Regulations Not Defining Election Criminal Offenses Clearly:** Law No. 7 of 2017 does not provide a clear definition of what constitutes election criminal offenses. This lack of clear definition can lead to diverse interpretations and uncertainty in case handling.

Therefore, there needs to be improvements and refinements to Law No. 7 of 2017 to make the procedures for handling election criminal offenses more effective, efficient, and fair, thereby ensuring better law enforcement related to elections and giving public confidence in the fairness of the general election process.

Moreover, there are also additional issues related to the role of Bawaslu and its subordinate entities which should not only act as transmitters of reported suspected election criminal offenses but should also serve as investigators of these offenses. This expanded role can increase efficiency in case handling, given their deep knowledge and experience in elections. Furthermore, it is essential to ensure that Bawaslu and its entities perform their role professionally, objectively, transparently, respecting legal principles and human rights to maintain integrity and public trust in the handling of election criminal offenses.



Secondly, another limitation in Law No. 7 of 2017 is that even though there are time constraints in handling election criminal offenses, there are no legal consequences specified if the handling of criminal offenses exceeds the designated time limit. For legal certainty, which is one of the fundamental principles in the 2019 Election, there should be provisions or norms regulating the legal consequences if the time limits for handling election criminal offenses are not complied with. For example, if an investigation doesn't conclude within the stipulated 14 days, it should be terminated, and similarly, if the court examination process exceeds the 7-day limit, the decision issued should be declared null and void. Having such provisions would exert additional pressure on law enforcement institutions to ensure efficient handling of election criminal offenses within the designated time limits, promoting a well-functioning legal process and upholding the principle of legal certainty.

### **Existence and Effectiveness of Sentra Gakkumdu**

In addition to regulating the procedures for handling electoral criminal offenses, Law No. 7 of 2017 also establishes a coordination forum called the Integrated Law Enforcement Center or Gakkumdu. Gakkumdu is the hub for law enforcement activities related to electoral criminal offenses involving three main elements: Bawaslu, the Police, and the Prosecution. Its function is to coordinate the process of handling electoral criminal offense violations from the investigation phase to prosecution in court trials. In other words, Gakkumdu is the entity responsible for the entire process of law enforcement related to electoral criminal offenses until the case is resolved through the court.

This viewpoint is based on the fact that Gakkumdu includes law enforcement elements which, according to Law No. 8 of 1981, have the authority to investigate, prosecute, and indict criminal offenses. Therefore, when Gakkumdu is identified as the hub for law enforcement of electoral criminal offenses, logically, this institution will have full authority in carrying out the entire process of law enforcement related to electoral criminal offenses until the case is brought to court.

The concept of Sentra Gakkumdu, a hub for law enforcement activities related to electoral criminal offenses involving Bawaslu, the Police, and the Prosecution, turns out to have different elaborations in several articles related to Law No. 7 of 2017. In Article 476 paragraph (2), Sentra Gakkumdu or Gakkumdu is described as a coordination forum tasked with aligning

understanding and patterns of handling electoral criminal offenses inherent to Bawaslu, Bawaslu Province, Bawaslu District/City, and/or Panwaslu Sub-district with the Police and Prosecution to state actions suspected of being electoral criminal offenses.

However, in Article 481 paragraphs (1) and (2), this coordination forum is formed to harmonize understanding and patterns of handling electoral criminal offenses naturally associated with Bawaslu, Bawaslu Province, and Bawaslu District/City. Therefore, structurally, Sentra Gakkumdu is within or inherent to Bawaslu, Bawaslu Province, and Bawaslu District/City, making Sentra Gakkumdu under the control and supervision of Bawaslu and its provincial and district/city levels.

Further information indicating that Sentra Gakkumdu is merely a coordination forum and not an independent institution with authority to conduct a series of investigations, prosecutions, and indictments for criminal offenses in the 2019 Election is the absence of norms outlining the authority of Sentra Gakkumdu in handling electoral criminal offenses. This is reflected in the Third Section regulating Sentra Gakkumdu, particularly in Article 486, where there is no explanation regarding Sentra Gakkumdu's authority in the process of handling electoral criminal offenses, including investigation, prosecution, and indictment.

On the contrary, the processes of investigation, prosecution, and indictment of electoral criminal offenses are regulated in Articles 477 to 480, but these provisions do not explicitly state that Sentra Gakkumdu has the authority to execute or oversee these processes. Implicitly, these processes remain under the authority of the Police and Prosecution. Thus, Law No. 7 of 2017 clarifies that Sentra Gakkumdu is more of a coordination forum that assists in the process of handling electoral criminal offenses rather than an independent institution with full authority to conduct law enforcement actions.

Moreover, in the Standard Operating Procedure (SOP) owned by Sentra Gakkumdu, it is revealed that there are three stages in handling electoral criminal offenses that do not reflect the processes of investigation, prosecution, and indictment. These stages are as follows:

1. Reception, assessment, and submission of reports/findings of alleged election crimes to the Election Supervisors: This stage involves the Election Supervisors who have the authority to receive reports/findings of suspected election violations that are believed to contain elements of election crimes. In this stage, the Election Supervisors will document the alleged violations in a Complaint Form. Upon receiving the report/findings of alleged

election crimes, the Election Supervisors will immediately coordinate with Sentra Gakkumdu and submit the report/findings to Sentra Gakkumdu within a maximum period of 24 hours from the receipt of the report/findings.

2. Follow-up by Sentra Gakkumdu on reports/findings of alleged election crimes: This stage involves Sentra Gakkumdu which will discuss reports/findings of alleged election crimes. This process is led by members of Sentra Gakkumdu who are from the Election Supervisors element.
3. Follow-up by Election Supervisors regarding Sentra Gakkumdu's recommendations: This stage involves the Election Supervisors who will compile Sentra Gakkumdu's recommendations. These recommendations will determine whether a report/finding constitutes an alleged election crime or not, or whether the report/finding needs to be completed with additional formal or substantive requirements.

In this sequence of stages, none specifically refer to the processes of investigation, inquiry, or prosecution of election crimes. Consequently, the SOP of Sentra Gakkumdu does not depict that Sentra Gakkumdu has the authority or responsibility to independently conduct these processes. This further establishes that Sentra Gakkumdu mainly acts as a coordination forum in handling election crimes.

From the explanation outlined above, it can be concluded that the role of Sentra Gakkumdu as a center of law enforcement activities related to crimes in the 2019 election, as stated in Article 1 number 38 of Law No. 7 of 2017, is limited to being a coordination forum among three institutions, namely the Election Supervisors (Bawaslu and/or its derivatives up to Panwaslu at the Subdistrict level), Police, and Prosecutors. Its function is to support Bawaslu at different administrative levels in determining whether an act is suspected of being an election crime, with the aim of forwarding it to the Indonesian National Police as per the provisions of Article 476 paragraph (2) of Law No. 7 of 2017.

It is important to realize that Sentra Gakkumdu is not an independent institution with the authority to conduct investigations, inquiries, or prosecutions of election crimes. That authority remains with the Police and Prosecutors, as stipulated in Law No. 8 of 1981. Therefore, Sentra Gakkumdu only serves as a coordination tool to facilitate collaboration between various related institutions in handling election crimes, without having independent operational authority in law enforcement.

Considering that Law No. 7 of 2017 has clearly regulated the role of Sentra Gakkumdu on one hand, and the institutions authorized to investigate, inquire, and prosecute election crimes in 2019 on the other, Regulation No. 31 of 2018 about Integrated Law Enforcement Center should not alter the existence of Sentra Gakkumdu from merely a coordination forum to a cross-institutional decision-making forum. This concern became reality when Article 1 number 29 of Regulation No. 31 of 2018 stated, "Discussion is an activity within Gakkumdu to follow up on findings or reports in the context of handling suspected election crimes with the aim of aligning opinions and making decisions."

The issue is further complicated because Articles 19 to 32 of Regulation No. 31 of 2018 detailed the mechanisms of investigation, inquiry, and prosecution of election crimes up to the execution of court decisions. This has entirely become the authority of Sentra Gakkumdu, with a joint decision by the three elements of Sentra Gakkumdu as the initial step. This creates potential conflicts and confusion in enforcing laws related to election crimes in 2019, as Regulation No. 31 of 2018 seems to shift most of the authority previously held by the Police and Prosecutors to Sentra Gakkumdu. This creates ambiguity regarding the role of each institution in the law enforcement process.

The arrangement of Sentra Gakkumdu in Regulation No. 31 of 2018, especially through Article 1 number 29 and Articles 19 to 32, does not clarify Sentra Gakkumdu's role in performing its duties and functions but rather has shifted its function from what was intended in Law No. 7 of 2017. In my assessment, this can be seen as a deviation from the legislator's intention in the said law, which previously only defined Sentra Gakkumdu as a coordination forum between Bawaslu and its derivatives up to the Subdistrict level with the Police and Prosecutors in handling reports or findings of suspected election crimes. Subsequently, the next process would be handed over by Bawaslu to the authorized institution to conduct investigation, inquiry, and prosecution of crimes in accordance with Law No. 8 of 1981.

Most substantially, Regulation No. 31 of 2018, in interpreting the intention of Law No. 7 of 2017, has rendered Sentra Gakkumdu ineffective in following up on reports or findings of suspected election crimes in 2019. Because now Sentra Gakkumdu must reach a joint agreement among the three elements of Sentra Gakkumdu (Bawaslu, Police, and Prosecutors) before any further action can be taken. In many cases, this has caused reports or findings of suspected election crimes to be unable to proceed to the investigation stage or have to be stopped during the inquiry

or prosecution stage simply because one element within Gakkumdu disagrees with the others. Thus, the existing arrangement in Regulation No. 31 of 2018 seems to have blurred the main function of Sentra Gakkumdu and slowed down the process of handling election crimes, which in turn can impact legal certainty in elections. There needs to be clarification and improvement to this regulation so that Sentra Gakkumdu can function in accordance with the legislator's intention in Law No. 7 of 2017.

## CONCLUSION

Law No. 7 of 2017, while foundational, lacks explicit definitions and clear procedures for enforcing election crimes, exhibiting several weaknesses such as coordination uncertainty, insufficient time for investigation, unclear offense definitions, and lacking guidelines for court decision executions. The absence of legal consequences for not adhering to stipulated time limits in handling election crimes also creates challenges for legal certainty. Furthermore, complementary laws and regulations must align with Law No. 7 of 2017 to maintain consistency and clarity in law enforcement against election violations.

Sentra Gakkumdu primarily serves as a coordination forum, without full authority over the complete process of election crime enforcement. Its role, as outlined in different articles of Law No. 7 of 2017, is ambiguous, necessitating clarifications and adjustments to its authority and functions. Recommendations for improvement include providing clear election crime definitions, revising time constraints for investigations and examinations, enhancing supervisory mechanisms, clarifying Sentra Gakkumdu's role, and introducing legal consequences for handling delays to promote legal certainty and improve election crime enforcement efficiency and fairness.

## REFERENCES

- Akbar, Paisal, Mohammad Taufik, Bambang Irawan, and Sonny Sudiar, 'The Face of the General Elections Commission in The Case of the Code of Conduct 2018-2020', *Journal of Government and Political Issues*, 1.1 (2021), 26–34 <<https://doi.org/10.53341/jgpi.v1i1.2>>
- Akhmaddhian, Suwari, Erga Yuhandra, and Yani Andriyani, 'Peran Masyarakat Dalam Mewujudkan Penyelenggaraan Pemilihan Umum Yang Berkualitas', in *Proceeding of Conference on Law and Social Studies*, 2021
- Albab, Abid Ulil, 'Problem Kewenangan Mahkamah Konstitusi Memutus Perselisihan Hasil Pilkada', *Jurnal Hukum & Pembangunan*, 48.3 (2018), 542 <<https://doi.org/10.21143/jhp.vol48.no3.1745>>

- Arifianto, Alexander R., 'What the 2019 Election Says about Indonesian Democracy', *Asia Policy*, 14.4 (2019), 46–53 <<https://doi.org/10.1353/asp.2019.0045>>
- Ayu, Sekar, and Clarisa Arfiandani, 'Heuristics and Bias in Indonesian Elections: The Effect of Gender and Academic Degrees on Voter Preference', *Journal of Government and Political Issues*, 1.2 (2021), 118–27 <<https://doi.org/10.53341/jgpi.v1i1.16>>
- Birch, Sarah, Ursula Daxecker, and Kristine Höglund, 'Electoral Violence: An Introduction', *Journal of Peace Research*, 57.1 (2020), 3–14 <<https://doi.org/10.1177/0022343319889657>>
- Evanalia, Sadryna, 'Peran Jurnalisme Media Sosial Dalam Mewujudkan Demokrasi Indonesia Di Era Post Truth', *Jurnal Adhyasta Pemilu*, 5.1 (2022), 32–43 <<https://doi.org/10.55108/jap.v5i1.86>>
- Fahmi, Khairul, Feri Amsari, Busya Azheri, and Muhammad Ichsan Kabullah, 'Sistem Keadilan Pemilu Dalam Penanganan Pelanggaran Dan Sengketa Proses Pemilu Serentak 2019 Di Sumatera Barat', *Jurnal Konstitusi*, 17.1 (2020), 001 <<https://doi.org/10.31078/jk1711>>
- Fionna, Ulla, and Francis E. Hutchinson, 'Indonesia'S 2019 Elections: A Fractured Democracy?', *Asian Affairs*, 50.4 (2019), 502–19 <<https://doi.org/10.1080/03068374.2019.1672400>>
- Habibi, Muhammad, 'The Pandemic and the Decline of Indonesian Democracy: The Snare of Patronage and Clientelism of Local Democracy', *Asian Political Science Review*, 5.2 (2022), 9–21
- Habibi, Muhammad, and Rizky Dwi Kusuma, 'G20 and the Erosion of Democracy: Addressing the Decline in Democratic Standards during the COVID-19 Pandemic', *Journal of Government and Political Issues*, 2.3 (2022), 175–84 <<https://doi.org/10.53341/jgpi.v2i3.93>>
- Habibi, Muhammad, and Achmad Nurmandi, 'Electoral Manipulations and Fraud Political Contestation: The Case of Regional Head Election', *Politik Indonesia: Indonesian Political Science Review*, 6.3 (2021) <<https://doi.org/10.15294/ipsr.v6i1.23447>>
- Irham, Muhammad Aqil, 'Korupsi Demokratis Dalam Partai Politik: Studi Kasus Penyelenggaraan Pemilukada Lampung', *MASYARAKAT: Jurnal Sosiologi*, 21.1 (2016), 35–56 <<https://doi.org/10.7454/mjs.v21i1.4799>>
- Izzaty, Risdiana, and Xavier Nugraha, 'Perwujudan Pemilu Yang Luber Jurdil Melalui Validitas Daftar Pemilih Tetap', *Jurnal Suara Hukum*, 1.2 (2019), 155–71 <<https://doi.org/10.26740/jsh.v1n2.p155-171>>
- James, Toby S., and Sead Alihodzic, 'When Is It Democratic to Postpone an Election? Elections During Natural Disasters, COVID-19, and Emergency Situations', *Election Law Journal: Rules, Politics, and Policy*, 19.3 (2020), 344–62 <<https://doi.org/10.1089/elj.2020.0642>>
- Perdana, Aditya, and Delia Wildianti, 'Narasi Kampanye Dan Media Sosial Dalam Pemilu Presiden Dan Wakil Presiden Tahun 2019', *Jurnal Bawaslu DKI*, 2018, 21–39
- Rajagukguk, Kadir Johnson, Sofjan Aripin, and Heri Wahyudi, 'Simultaneous General Election: It Is Fair for Democracy in Indonesia', *Jurnal Ilmu Pemerintahan: Kajian Ilmu Pemerintahan Dan Politik Daerah*, 6.1 (2021), 56–64 <<https://doi.org/10.24905/jip.6.1.2021.56-64>>
- Ramadhan, Muhammad Nur, 'Evaluasi Penegakan Hukum Pidana Pemilu Dalam

Penyelenggaraan Pemilu 2019', *Jurnal Adhyasta Pemilu*, 2.2 (2021), 115–27  
<<https://doi.org/10.55108/jap.v2i2.12>>

Ridwan, Jejen Fauzi, Nur Hidayat Sardini, and Muhammad Adnan, 'Peranan Dewan Kehormatan Penyelenggara Pemilu (DKPP) Dalam Menegakkan Kemandirian, Integritas, Dan Kredibilitas Penyelenggara Pemilu Dalam Pemilu Kepala Daerah Dan Wakil Kepala Daerah Tahun 2015', *Journal of Politic and Government Studies*, 6.4 (2017), 331–40

Saepudin, Saepudin, and Dana Pratiwi, 'Dilemmatic Position of State Civil Apparatus (ASN): Maintaining Neutrality or Being Taken by Power', *Journal of Government and Political Issues*, 2.2 (2022), 117–25 <<https://doi.org/10.53341/jgpi.v2i2.95>>

Sirait, Ferdinand Eskol Tiar, Dana Pratiwi, Rizky Dwi Kusuma, Muhammad Habibi, Latoiful Manan, Hendy Setiawan, and others, *Netralitas ASN: Problematika Dan Studi Kontemporer* (Bantul: Tim The Journal Publishing, 2022)

Siregar, Amir Effendi, Rahayu, Puji Rianto, and Wisnu Martha Adiputra, 'Menakar Independensi Dan Netralitas Jurnalisme Media Di Indonesia', *Dinamika Pers Dan Pemilu*, 9.1 (2014), 3–39

Surbakti, Ramlan, Abdul Gaffar Karim, Kris Nugroho, Arie Sujito, and Hari Fitrianto, *Integritas Pemilu 2014: Kajian Pelanggaran, Kekerasan, Dan Penyalahgunaan Uang Pada Pemilu 2014* (Jakarta: Kemitraan bagi Pembaruan Tata Pemerintahan, 2014)