



## Assessing the Effectiveness of the Enforcement Mechanisms for Electoral Offenses in Indonesia

Rinoldi Mantali

Faculty Of Law, Universitas Negeri Gorontalo, Indonesia

Email: [rinoldimantali20@gmail.com](mailto:rinoldimantali20@gmail.com)

**Abstract:** This study aims to assess the effectiveness of enforcement mechanisms for electoral offenses in Indonesia. The main issues examined are the extent to which the current system can effectively address violations and the challenges faced in its implementation. This research adopts a socio-legal approach using qualitative methods, including literature review, legal analysis, and case studies of electoral violations. The findings reveal that the enforcement system continues to face several obstacles, such as overlapping institutional mandates (between Bawaslu, the police, and the prosecution), limited resources, and weak coordination and consistency in applying sanctions. These factors contribute to a lack of deterrent effect, allowing violations to persist across election cycles. The study recommends strengthening inter-agency coordination, restructuring the legal framework, and enhancing institutional capacity to establish a more effective and credible enforcement system for electoral justice.

**Keywords:** Electoral Law, Law Enforcement, Election Offenses, Electoral Justice.

@2025 Rinoldi Mantali

Under the license CC BY-SA 4.0

### **How to cite (Chicago Style):**

Rinoldi Mantali. "Assessing the Effectiveness of the Enforcement Mechanisms for Electoral Offenses in Indonesia." *Estudiante Law Journal*, 7 (3), (October 2025): 709-721.  
<http://dx.doi.org/10.33756/eslaj.v7i3.31251>.

## 1. Introduction

Indonesia adheres to the principles of democracy, wherein power and sovereignty lie in the hands of the people. This principle is enshrined in Article 1, Paragraph 2 of the 1945 Constitution, which affirms that sovereignty resides with the people and is exercised in accordance with the Constitution. In general elections, individuals who meet the necessary qualifications and possess constitutional rights are elected to realize a high-quality democratic system, in accordance with constitutional mandates. The Constitution, in this regard, safeguards and upholds the people's sovereignty by mandating the government to organize general elections (Pemilu). To ensure the effective implementation of governance and the exercise of state power, elections must be grounded in principles of justice and positive legal values. Equal protection of all citizens in exercising their sovereignty is one of the fundamental pillars of a democratic legal system.<sup>1</sup>

One of the most tangible manifestations of democracy is the conduct of general elections. The constitutional basis for elections in Indonesia is explicitly regulated in Chapter VIII B, Article 22 E of the 1945 Constitution. This article, consisting of six paragraphs, outlines the fundamental principles of elections, the types of elections held, and the institutions responsible for organizing them. The principles governing elections are summarized in the acronym Luber and Jurdil, which stand for direct, general, free, confidential, honest, and fair. Under the principle of direct elections, citizens have the right to cast their votes independently, without intermediaries, in accordance with their conscience. This process reflects the delegation of political authority to the people, enabling them to make decisions regarding the governance of the state.<sup>2</sup>

Through general elections, it is expected that representatives who are capable of articulating and advocating for the aspirations of the people will be elected. Elections are an integral component of a democratic system, serving as a mechanism for selecting representatives to occupy positions in various governmental institutions. The presence of these representatives embodies the fulfillment of Indonesian citizens' political rights. In practice, Indonesia's electoral system adheres to the principles known by the acronym LUBER – direct, general, free, and confidential – which have been in place since the New Order era. The term direct signifies that each voter must cast their vote personally, without intermediaries, while free emphasizes that every citizen has the right to vote without coercion or interference from any party.<sup>3</sup>

---

<sup>1</sup> Kurniawan, M. A., & Michael, T. (2023). Penyebaran Alat Peraga Kampanye Dengan Materi Kampanye Diluar Jadwal Sebagai Pelanggaran Pemilu. *INNOVATIVE: Journal Of Social Science Research*, 3(6), 7716. <http://j-innovative.org/index.php/Innovative/article/view/6820>

<sup>2</sup> Kepaniteraan dan Sekretariat Jenderal Mahkamah Konstitusi, Negara Demokrasi Konstitusional; Praktek dan Pengalaman di 21 Negara, Sekretriat Jenderal Mahkamah Konstitusi RI, Jakarta, 2012, hlm. 15. <https://repository.penerbitwidina.com/publications/555976/penanganan-tindak-lanjut-temuan-dan-laporan-dugaan-pelanggaran-pemilu-oleh-badan>

<sup>3</sup> Cantika, T. M., & Sinaga, B. (2025). Efektivitas Perlindungan Hukum Terhadap Saksi Pelapor dalam Menanganani Pelanggaran Pemilu. *Innovative: Journal Of Social Science Research*, 5(2), 746.

According to Article 1, Point 1 of Law Number 7 of 2017 concerning General Elections, the term "General Election" is defined as follows: "A general election is a means of exercising the people's sovereignty to elect members of the House of Representatives (DPR), members of the Regional Representative Council (DPD), the President and Vice President, and members of Regional Legislative Councils (DPRD), conducted in a direct, general, free, confidential, honest, and fair manner within the Unitary State of the Republic of Indonesia, based on Pancasila and the 1945 Constitution of the Republic of Indonesia."<sup>4</sup>

General elections represent a manifestation of the people's sovereignty in Indonesia. As a key instrument of democracy, elections must be conducted in accordance with the principles of being direct, general, free, confidential, honest, and fair. This aligns with the mandate of Article 22E, Paragraph (1) of the 1945 Constitution, which states: "General elections shall be conducted in a direct, general, free, confidential, honest, and fair manner every five years." Furthermore, Article 22E, Paragraph (5) of the 1945 Constitution stipulates that: "General elections shall be organized by a General Election Commission that is national, permanent, and independent."<sup>5</sup>

Elections are widely regarded as both a symbol and a key indicator of democracy. Their significance is closely linked to democratic values, particularly when the legal framework and implementation ensure the protection of human rights – especially civil and political rights. This includes guarantees of equality and non-discrimination, as well as the protection of fundamental freedoms such as freedom of expression, association, assembly, movement, and the right to personal security.<sup>6</sup>

Law Number 7 of 2017 is the first legislation enacted and implemented to govern the conduct of the 2019 and 2024 general elections. Elections serve as a means for the people to exercise their sovereignty and must be conducted in an honest, fair, direct, general, free, and confidential manner, in accordance with the principles of Pancasila and the 1945 Constitution of the Republic of Indonesia. These elections are held to elect members of both the legislative and executive branches. The schedule and stages for the 2024 general elections are stipulated in General Election Commission (KPU) Regulation Number 3 of 2022, beginning with program and budget planning,

---

<https://repository.penerbitwidina.com/publications/555976/penanganan-tindak-lanjut-temuan-dan-laporan-dugaan-pelanggaran-pemilu-oleh-badan>

<sup>4</sup> Rosidin, U., Huda, U. N., & Burhanuddin, B. (2021). Penanganan Tindak Lanjut Temuan Dan Laporan Dugaan Pelanggaran Pemilu Oleh Badan Pengawas Pemilihan Umum Dalam Mewujudkan Pemilu Yang Berintegritas. Hlm. 3.

<https://repository.penerbitwidina.com/publications/555976/penanganan-tindak-lanjut-temuan-dan-laporan-dugaan-pelanggaran-pemilu-oleh-badan>

<sup>5</sup> Yulawati, N. (2021). Efektivitas Penanganan Tindak Pidana Pemilu oleh Gakumdu Berdasarkan Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum. *Literacy*, 3(1), 71-89. <https://www.academia.edu/download/102706413/52.pdf>

<sup>6</sup> Sigit Pamungkas, *Perihal Pemilu*, Cetakan pertama (Yogyakarta: Laboratorium Jurusan Ilmu Pemerintahan dan Jurusan Ilmu Pemerintahan Fakultas Ilmu Sosial dan Ilmu Politik Universitas Gajah Mada), 2009, hlm.3

followed by the drafting of implementing regulations for election administration. The 2024 general election is officially scheduled to take place on February 14, 2024.<sup>7</sup>

Although Indonesia has an institution specifically tasked with overseeing elections – the General Election Supervisory Agency (Bawaslu) – electoral violations have become widespread in various regions. These violations range from administrative infringements to vote-buying and the misuse of state resources, leading to the involvement of bureaucracy. The fundamental issue lies in the fact that the General Election Supervisory Agency has not been able to effectively carry out its oversight duties, nor has it been able to adequately address the violations occurring during the election period. The lack of comprehensive oversight and enforcement by Bawaslu raises concerns about its capacity as both the organizer and overseer of elections. The inefficiency of the General Election Supervisory Agency in performing its duties could have adverse effects on the outcome of the election. This would undermine the democratic process, as the challenges faced by Bawaslu in fulfilling its tasks and functions need to be addressed in order to ensure that the democratic ideals of the election are realized.<sup>8</sup>

A key issue in strengthening democracy and justice in Indonesia is the handling of electoral crimes. Fair and transparent elections are crucial to the legitimacy of the government, and any violations in this process can threaten political stability and public trust. Various forms of electoral violations, including vote-buying practices that can influence election outcomes and fraud in vote counting, undermine the integrity of the electoral process. To ensure that all violations are addressed swiftly and appropriately, the complexity of this issue requires cooperation among institutions, including the General Election Supervisory Agency (Bawaslu), the police, and the judiciary. This necessitates not only strong law enforcement but also preventive measures through public education on the importance of clean and participatory elections.

In order to strengthen the oversight function, it is essential to distinguish between preventive and enforcement tasks. Prevention is focused on deterring electoral participants from committing violations, for example, by conducting socialization efforts regarding electoral violations. On the other hand, enforcement occurs once the election process is underway, involving the monitoring and subsequent handling of violations. This includes activities such as identifying violations, receiving reports, gathering evidence, conducting clarifications, reviewing the findings, providing

---

<sup>7</sup> Fauzi, M. O., & Prasetyoningsih, N. (2024). Pencegahan Pelanggaran Tindak Pidana Pemilu melalui Pendaftaran dan Verifikasi Partai Politik Berdasarkan Undang-Undang Pemilu. *Jurnal Penegakan Hukum dan Keadilan*, 5(1), 45. <https://journal.umy.ac.id/index.php/jphk/article/view/19125>

<sup>8</sup> Hermana, M. A., & Jaya, D. P. (2021). Efektivitas badan pengawas pemilihan umum dalam penanganan pelanggaran pada pemilihan umum tahun 2019. *Al Ijarah: Jurnal Pemerintahan Dan Politik Islam*, 6(2), 248-266. <https://ejournal.uinfasbengkulu.ac.id/index.php/alimarrah/article/view/2711>

recommendations, and forwarding the results of the investigation to the relevant authorities for further action.<sup>9</sup>

Thus, the handling of electoral crimes should not merely be a reactive measure to violations but must also include strategies to prevent future fraud. The challenges in addressing these crimes include limited resources and the potential for political interference, which can hinder the law enforcement process. Therefore, the commitment and integrity of all parties involved are crucial to ensuring the conduct of elections that are both trustworthy and uphold integrity.<sup>10</sup>

## 2. Method

Methodology refers to a scientific process that involves a systematic approach through specific stages to understand a research subject or object. These stages are undertaken as an effort to discover answers that can be scientifically justified and have been validated for their reliability.<sup>11</sup>

This research and the preparation of this journal employ a literature review approach to the topic of handling electoral crimes. The process involves a systematic procedure for gathering, analyzing, and synthesizing information from various relevant sources. The first step in this methodology is to identify and select pertinent literature, including textbooks, academic journals, legal articles, government reports, and official documents. The selected literature is then analyzed and organized in alignment with the main discussion points of this research journal, leading to new insights that are consistent with the context of the author's study.

## 3. Analysis and Discussion

### 3.1. Electoral Criminal Offenses (Electoral Crimes)

General Elections (Pemilu) are one of the fundamental pillars of the democratic process, enabling the direct expression of the people's will. Elections function not only as a democratic mechanism for selecting leaders but also as a manifestation of popular sovereignty. In Indonesia, elections are conducted based on the principles of being direct, general, free, confidential, honest, and fair, as mandated by the 1945 Constitution of the Republic of Indonesia. The 2019 and 2024 elections are distinct in character, as they were conducted simultaneously to elect both the President and Vice President, as well as members of the legislature. Although these elections aim to establish a democratic and accountable government, in practice, various violations have frequently occurred—ranging from administrative infractions to criminal offenses. Administrative violations involve procedural irregularities during the

---

<sup>9</sup> Caroline Paskarina & Firman Manan Ery Lilik Suryani Turnip, "Pelaksanaan Fungsi Pengawasan Pada Kampanye Pemilihan Kepala Daerah," *Jurnal Perspektif* Vol 10, No (2021), <https://doi.org/https://doi.org/10.31289/perspektif.v10i1.4137>

<sup>10</sup> Zefanya, K. (2024). Penanganan Tindak Hukum Pidana Pemilu. *Blantika: Multidisciplinary Journal*, 2(11), 386. <http://blantika.publikasiku.id/index.php/bl/article/view/232>

<sup>11</sup> Rosady Ruslan, *Metode Penelitian Public Relations Dan Komunikasi* (Jakarta: Rajawali Pers, 2003). 1

electoral stages, while criminal offenses include vote buying, campaigning outside the designated schedule, and the misuse of state facilities.<sup>12</sup>

The active supervisory role of the state is essential in the implementation of general elections, in order to anticipate unforeseen circumstances that may arise during the electoral process—particularly the potential emergence of electoral violations, also referred to as potential legal issues related to elections.<sup>13</sup>

Efforts to safeguard the integrity of elections are crucial for upholding democratic governance. Therefore, lawmakers must establish legal provisions to regulate fraudulent practices and criminal offenses related to elections.<sup>14</sup> In this context, electoral legislation should not only govern the procedural aspects of elections but also prohibit actions that may undermine the principles of free and fair elections.

To provide a clear definition of what constitutes an electoral crime, this discussion refers to the provisions outlined in Article 252 of Law No. 10 of 2008, which broadly defines electoral crimes as violations of the criminal provisions specifically regulated within the law. Based on this formulation, it can be understood that not all criminal acts occurring during the election period, or those related to the electoral process, are automatically classified as electoral crimes.

Authorities, including the prosecution service and the judiciary, must bear responsibility for addressing criminal offenses related to elections. This approach is consistent with practices in many other countries. Criminal sanctions are typically severe and, therefore, may only be imposed by the state through a judicial process upon individuals found guilty of electoral violations. This differs from administrative sanctions, which may be imposed by government bodies or state institutions—such as the General Elections Commission (KPU)—without the need for judicial proceedings. Consequently, the KPU or Regional KPU (KPU), upon receiving findings or reports from election supervisory bodies, is authorized to process and impose administrative sanctions on election participants found to have committed administrative violations.

Under criminal law provisions, an individual may be held criminally liable if they can be deemed culpable for committing an act that is prohibited by law. This includes both engaging in a prohibited act or causing consequences that are legally forbidden.

---

<sup>12</sup> Yasmin, A. A. (2025). "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(2), 805. <https://ejournal3.undip.ac.id/index.php/jpgs/article/view/49916>

<sup>13</sup> Yuhandra, E., Rifa'i, I. J., Akhmaddhian, S., Budiman, H., & Andriyani, Y. (2023). Efektivitas fungsi pencegahan Badan Pengawas Pemilihan Umum dalam melakukan pencegahan pelanggaran pemilu. *Jurnal Lus Constituendum*, 8(1), 2. <https://rama.uniku.ac.id/id/eprint/389/2/Efektivitas%20Fungsi%20Pencegahan%20Badan%20Pengawas%20Pemilihan%20Umum%20Dalam%20Melakukan%20Pencegahan%20Pelanggaran%20Pemilu.pdf>

<sup>14</sup> Pasal 252 UU No. 10/2008 selengkapnya berbunyi: Pelanggaran pidana Pemilu adalah pelanggaran terhadap ketentuan pidana Pemilu yang diatur dalam Undang-Undang ini yang penyelesaiannya dilaksanakan melalui pengadilan dalam lingkungan peradilan umum.

Therefore, it is essential to identify the specific individual within an "institution" or "corporation" who bears responsibility for the prohibited conduct or its consequences. Each case must be assessed individually and cannot be generalized. Additionally, criminal law recognizes the concept of criminal participation, which includes individuals who take part in, incite, instruct others to commit, or assist in the commission of a criminal offense.<sup>15</sup>

### 3.2. The Effectiveness of Electoral Crime Enforcement in Indonesia

General elections serve as a fundamental instrument in every democratic country that adopts a representative system. Elections function as a mechanism to filter political candidates who aim to represent and carry the voice of the people within legislative bodies.<sup>16</sup> Electoral crimes are part of the broader political dynamics that frequently test the integrity of democracy in Indonesia.<sup>17</sup> As a central pillar of democratic governance, elections play a strategic role in determining the direction of government and public policy through the exercise of popular sovereignty. However, electoral integrity is often undermined by various forms of violations, including vote buying, manipulation of voter data, and the spread of disinformation or hoaxes.<sup>18</sup>

A concrete example occurred during the 2019 general election, where several cases of vote-buying emerged, including the distribution of cash, basic necessities, or material promises.<sup>19</sup>

This practice reflects the insufficiency of oversight and weak law enforcement. Political justice is at risk, as sanctions that should serve as a deterrent are often not enforced. The ineffectiveness of sanctions in safeguarding the integrity of elections has sparked considerable debate. To ensure a fair election, Law Number 7 of 2017 on General Elections (Election Law) must serve as a robust legal foundation.<sup>20</sup> However, several challenges exist in its implementation, particularly in terms of enforcing criminal sanctions or fines. The legal process is hindered by insufficient oversight, a lack of capacity among law enforcement officials, and the scarcity of evidence. This

---

<sup>15</sup> Surbakti, R., Supriyanto, D., & Santoso, T. (2011). *Penanganan pelanggaran pemilu*. Kemitraan bagi Pembaruan Tata Pemerintahan.

<sup>16</sup> Uu Nurul Huda, *Hukum Partai Politik Dan Pemilu Di Indonesia* (Bandung: Fokusmedia, 2018)

<sup>17</sup> M Reza Saputra and Wicipto Setiadi, "Analisis Potensi Implementasi Sistem Politik Tanpa Partai Di Indonesia Dan Dampaknya Terhadap Demokrasi Dan Tata Kelola Pemerintahan," *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara*2, no. 4 (2024): 204–22. <https://journal-stiyappimakassar.ac.id/index.php/Eksekusi/article/download/1531/1878>

<sup>18</sup> Raihan Dara Vonna and Muhammad Rayyan Abyan, "Implikasi Moral Hazart Dalam Pemilu Legislatif Serentak 2024," *Bulletin of Community Engagement*4, no. 3 (2024): 80–91. <https://attractivejournal.com/index.php/bce/article/view/1470>

<sup>19</sup> Retna Susanti and Utama, "Tindak Pidana Politik Uang Dalam Pemilu Dalam Perspektif Yuridis Sosiologis," 2021, 1–180. <https://dspace.uui.ac.id/handle/123456789/34636>

<sup>20</sup> Fayza Ayu Wulandari, Yufi Wiyos Rini Masykuroh, and Ahmad Fauzi Furqon, "Tinjauan Fiqh Siyasah Terhadap Penolakan Judicial Review Pasal 222 Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum Oleh Mahkamah Konstitusi," *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora*1, no. 3 (2024): 179. <https://journal.lpkd.or.id/index.php/Progres/article/view/520>

situation is particularly evident in regions where the neutrality of officials and the lack of public supervision remain ongoing issues.

Another issue in addressing electoral crimes is the dualism of authority between the Election Supervisory Agency (Bawaslu) and law enforcement agencies. The distinction in roles between Bawaslu as the election overseer and law enforcement officials often leads to confusion in handling cases. For instance, while Bawaslu may identify violations such as vote buying, the police or prosecutors frequently deem the evidence insufficient to proceed with legal action. As a result, many cases are dismissed, even though the violations are clearly apparent to the public.

This dualism of authority highlights the weaknesses in coordination between institutions that are supposed to collaborate. This study proposes improvements to the legal framework to address this issue, ensuring clear operational guidelines and preventing overlapping jurisdictions. By doing so, the integrity of the electoral process can be more effectively safeguarded.

### **3.3. The Application of Legal Norms in the Handling of Electoral Offenses**

The application of legal norms in the handling of electoral offenses is a crucial aspect that determines the quality of democracy and justice within the electoral system in Indonesia.<sup>21</sup> The purpose of the Election Law is to safeguard the integrity of the electoral process, protect the people's voting rights, and penalize those who violate the law. In this context, elections are expected to serve as a meaningful tool for the public to select leaders who genuinely represent the people's will. However, the reality on the ground often differs, with various types of violations disrupting the fairness of the elections.<sup>22</sup>

Although law enforcement authorities and the Election Supervisory Agency (Bawaslu) strive to prevent electoral violations, the inconsistent application of standards often creates the impression that the law is not applied fairly and uniformly. This inconsistency in law enforcement has the potential to cause injustice for electoral candidates and reduce public participation in the electoral process. As a result, the public begins to lose trust in the electoral system. Correlated factors include political interference, varying strengths of law enforcement agencies, and the societal culture surrounding political practices. The capacity and human resources of law enforcement institutions in Indonesia vary significantly at the provincial and district levels.<sup>23</sup>

---

<sup>21</sup> Fusia Meidiawaty and Evita Isretno Israhadi, "Metafisika Hukum Pemilu: Refleksi Filosofis Terhadap Konsep Pelanggaran Dalam Konteks Pemilihan Umum," *Innovative: Journal Of Social Science Research*4, no. 3 (2024): 1111-1122. <http://j-innovative.org/index.php/Innovative/article/view/10442>

<sup>22</sup> Rahman Yasin, "Hak Konstitusional Penegakan Hak Politik Pemilih Dalam Pemilu Serentak 2024 Berdasarkan Konstitusi: KPU, Bawaslu, DKPP, Dan MK," *Jurnal Bawaslu Provinsi Kepulauan Riau*4, no. 2 (2022): 186-99. [https://ejurnal.kepri.bawaslu.go.id/upload/cover\\_jurnal/1671181587853.pdf](https://ejurnal.kepri.bawaslu.go.id/upload/cover_jurnal/1671181587853.pdf)

<sup>23</sup> Bambang Waluyo, *Penegakan Hukum Di Indonesia* (Sinar Grafika, 2022).

In this regard, it is crucial for law enforcement agencies to have a clear evaluation system to impose sanctions that are proportionate to the violations. A transparent and accountable electoral process will enhance the public's sense of justice and strengthen the integrity of the electoral system.<sup>24</sup> Fair and consistent sanctions will deter violators and increase public trust in the electoral system.<sup>25</sup>

### **3.4. Law Enforcement in Addressing Electoral Crimes: A Perspective on Legal Certainty**

Consistent and accountable law enforcement is difficult to achieve without clear delineation of responsibilities in handling electoral violations. For this reason, a comprehensive evaluation of the regulations governing the relationship between the Election Supervisory Agency (Bawaslu) and law enforcement institutions is essential. Several issues in the enforcement of electoral law in Indonesia stem from overlapping authorities between Bawaslu and law enforcement agencies.<sup>26</sup>

Law Number 7 of 2017 concerning General Elections stipulates that the Election Supervisory Agency (Bawaslu) holds the authority to monitor and follow up on electoral violations, including the power to issue recommendations to law enforcement authorities for further action in cases deemed to constitute legal violations.<sup>27</sup>

Confusion often arises due to the lack of clarity regarding the appropriate steps to be taken after a recommendation has been issued. For example, Bawaslu may recommend further investigation in cases involving vote buying. However, in the absence of clear legal guidance, law enforcement authorities may hesitate to proceed. This hesitation is often rooted in uncertainty about the evidentiary standards required to justify legal action, as well as the perception that minor violations are not worth pursuing.

This situation creates a state of legal uncertainty for the public, in which clear violations fail to receive appropriate responses. Citizens who report such violations often experience frustration due to delayed or entirely absent follow-up actions. This uncertainty not only has the potential to undermine public trust in the electoral process, but also discourages civic engagement in reporting observed violations. As a

---

<sup>24</sup> Anwar Alaydrus et al., *Pengawasan Pemilu: Membangun Integritas, Menjaga Demokrasi* (Penerbit Adab, 2023).

<sup>25</sup> Poppy Primadana Top Gea and Nailah Ariqah, "Menuju Demokrasi Yang Inklusif: Kajian Kritis Atas Upaya Meminimalisir Kecurangan Serta Politik Uang Dalam Pemilihan Kepala Daerah," *Jurnal Kewarganegaraan*, no. 1 (2024): 784-794. <https://journal.upy.ac.id/index.php/pkn/article/view/6402>

<sup>26</sup> Veri Junaidi and Muhammad Ihsan Maulana, "Menata Kelembagaan Penegakan Hukum Pemilu Serentak Tahun 2024," *Jurnal Bawaslu Provinsi Kepulauan Riau*, no. 2 (2020): 41-60. [https://ejurnal.kepri.bawaslu.go.id/upload/cover\\_jurnal/1629040360753.pdf](https://ejurnal.kepri.bawaslu.go.id/upload/cover_jurnal/1629040360753.pdf)

<sup>27</sup> Parlin Azhar Harahap, Gomgom T P Siregar, and Syawal Amry Siregar, "Peran Kepolisian Daerah Sumatera Utara (Polda-Su) Dalam Penegakan Hukum Terhadap Tindak Pidana Pemilihan Umum," *Jurnal Retentum*, no. 1 (2021). <http://jurnal.darmaagung.ac.id/index.php/retentum/article/view/906>

result, electoral breaches may go unmonitored, fostering an atmosphere of injustice that ultimately compromises the integrity of the entire electoral system.

The roles of Bawaslu (the Election Supervisory Body) and law enforcement agencies must be more clearly defined to effectively address this issue. Clearer regulations would facilitate better communication and cooperation among enforcement institutions, while also enhancing the efficiency of legal enforcement. For instance, it is essential to establish specific procedures for how law enforcement should respond upon receiving recommendations from Bawaslu, including defined timelines for acting on such reports. Consequently, each violation can be addressed in a more systematic and transparent manner, providing the public with assurance that every reported infraction will be taken seriously. Moreover, this approach would strengthen public trust in the institutions involved in the electoral process and reinforce a collective commitment to upholding Indonesia's democratic values.

In order to strengthen Bawaslu's supervisory function in both preventive and enforcement roles, it is essential to understand the distinction and scope of these responsibilities. Preventive measures are oriented toward deterring electoral participants from committing violations, primarily through public outreach and education regarding electoral offenses. In contrast, enforcement actions are carried out during the electoral stages, focusing on monitoring and addressing violations through processes that include the identification of infractions, receipt of reports, collection of evidence, clarification, legal analysis, and/or issuance of recommendations. These findings or reports are then forwarded to the appropriate authorities for further action. Based on this background, the present study aims to comprehensively examine the actualization of the Election Supervisory Body's role in preventing electoral violations in Indonesia.<sup>28</sup>

## 5. Conclusion

The regulation of authority between Bawaslu (the Election Supervisory Body) and law enforcement agencies in addressing electoral crimes highlights the critical importance of effective collaboration between these institutions to ensure a transparent, fair, and accountable electoral system. Based on the analysis conducted, several key challenges have been identified, including ambiguity in authority, differing interpretations of legal norms, lack of coordination mechanisms, and the need to uphold the principles of transparency and accountability. However, several obstacles remain, such as institutional misalignment among law enforcement agencies, limited resources, and low levels of legal awareness among the public and voters.

To enhance the effectiveness of addressing electoral criminal offenses in Indonesia, several recommendations can be proposed. First, there is a need to strengthen legal regulations and law enforcement to ensure that the applicable rules are clear,

---

<sup>28</sup> Sukimin, S., & Juita, S. R. (2023). Aktualisasi Badan Pengawas Pemilihan Umum Dalam Mencegah Pelanggaran Pemilu Di Indonesia. *JPeHI (Jurnal Penelitian Hukum Indonesia)*, 4(1), 84. <https://ejournal.undaris.ac.id/index.php/jpehi/article/view/463>

unequivocal, and not subject to multiple interpretations. Moreover, law enforcement must be carried out in a fair, transparent, and impartial manner to foster public trust. Second, optimizing the roles of supervisory and law enforcement institutions is essential to ensure that every violation is handled effectively. Inter-agency synergy should also be improved to avoid overlapping authorities and to ensure a faster and more efficient legal process. Third, the capacity of law enforcement personnel must be enhanced through targeted training and education on electoral regulations, enabling them to act more professionally and to gain a deeper understanding of the procedures for handling electoral crimes.

## References:

### Book:

- Anwar Alaydrus et al., *Pengawasan Pemilu: Membangun Integritas, Menjaga Demokrasi* (Penerbit Adab, 2023).
- Bambang Waluyo, *Penegakan Hukum Di Indonesia* (Sinar Grafika, 2022).
- Uu Nurul Huda, *Hukum Partai Politik Dan Pemilu Di Indonesia* (Bandung: Fokusmedia, 2018).
- Kepaniteraan dan Sekretariat Jenderal Mahkamah Konstitusi, *Negara Demokrasi Konstitusional; Praktek dan Pengalaman di 21 Negara*, Sekretariat Jenderal Mahkamah Konstitusi RI, Jakarta, 2012.  
<https://repository.penerbitwidina.com/publications/555976/penanganan-tindak-lanjut-temuan-dan-laporan-dugaan-pelanggaran-pemilu-oleh-badan>
- Rosady Ruslan, *Metode Penelitian Public Relations Dan Komunikasi* (Jakarta: Rajawali Pers, 2003).
- Rosidin, U., Huda, U. N., & Burhanuddin, B. (2021). *Penanganan Tindak Lanjut Temuan Dan Laporan Dugaan Pelanggaran Pemilu Oleh Badan Pengawas Pemilihan Umum Dalam Mewujudkan Pemilu Yang Berintegritas*.  
<https://repository.penerbitwidina.com/publications/555976/penanganan-tindak-lanjut-temuan-dan-laporan-dugaan-pelanggaran-pemilu-oleh-badan>
- Surbakti, R., Supriyanto, D., & Santoso, T. (2011). *Penanganan pelanggaran pemilu. Kemitraan bagi Pembaruan Tata Pemerintahan*.
- Sigit Pamungkas, *Perihal Pemilu, Cetakan pertama* (Yogyakarta: Laboratorium Jurusan Ilmu Pemerintahan dan Jurusan Ilmu Pemerintahan Fakultas Ilmu Sosial dan Ilmu Politik Universitas Gajah Mada), 2009. **Thesis:**
- Jamaluddin. "Penerapan Sistem Proporsional Terbuka pada Pemilu Legislatif Pasca Amandemen Undang-Undang Dasar Negara Republik Indonesia Tahun 1945". Tesis, (Pekan Baru: Universitas Islam Riau. 2021), <http://repository.uir.ac.id/id/eprint/14247>

### Journal:

- Caroline Paskarina & Firman Manan Ery Lilik Suryani Turnip, "Pelaksanaan Fungsi Pengawasan Pada Kampanye Pemilihan Kepala Daerah," *Jurnal Perspektif* Vol 10, No (2021),  
<https://doi.org/https://doi.org/10.31289/perspektif.v10i1.4137>
- Fayza Ayu Wulandari, Yufi Wiyos Rini Masykuroh, and Ahmad Fauzi Furqon,

- “Tinjauan Fiqh Siyasah Terhadap Penolakan Judicial Review Pasal 222 Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum Oleh Mahkamah Konstitusi,” *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora*1, no. 3 (2024).  
<https://journal.lpkd.or.id/index.php/Progres/article/view/520>
- Fusia Meidiawaty and Evita Isretno Israhadi, “Metafisika Hukum Pemilu: Refleksi Filosofis Terhadap Konsep Pelanggaran Dalam Konteks Pemilihan Umum,” *Innovative: Journal Of Social Science Research*4, no. 3 (2024).  
<http://j-innovative.org/index.php/Innovative/article/view/10442>
- Fauzi, M. O., & Prasetyoningsih, N. (2024). Pencegahan Pelanggaran Tindak Pidana Pemilu melalui Pendaftaran dan Verifikasi Partai Politik Berdasarkan Undang-Undang Pemilu. *Jurnal Penegakan Hukum dan Keadilan*, 5(1), 44-52.  
<https://journal.umy.ac.id/index.php/jphk/article/view/19125>
- Parlin Azhar Harahap, Gomgom T P Siregar, and Syawal Amry Siregar, “Peran Kepolisian Daerah Sumatera Utara (Polda-Su) Dalam Penegakan Hukum Terhadap Tindak Pidana Pemilihan Umum,” *Jurnal Retentum*3, no. 1 (2021).  
<http://jurnal.darmaagung.ac.id/index.php/retentum/article/view/906>
- Poppy Primadana Top Gea and Nailah Ariqah, “Menuju Demokrasi Yang Inklusif: Kajian Kritis Atas Upaya Meminimalisir Kecurangan Serta Politik Uang Dalam Pemilihan Kepala Daerah,” *Jurnal Kewarganegaraan*8, no. 1 (2024).  
<https://journal.upy.ac.id/index.php/pkn/article/view/6402>
- Rahman Yasin, “Hak Konstitusional Penegakan Hak Politik Pemilih Dalam Pemilu Serentak 2024 Berdasarkan Konstitusi: KPU, Bawaslu, DKPP, Dan MK,” *Jurnal Bawaslu Provinsi Kepulauan Riau*4, no. 2 (2022).  
[https://ejurnal.kepri.bawaslu.go.id/upload/cover\\_jurnal/1671181587853.pdf](https://ejurnal.kepri.bawaslu.go.id/upload/cover_jurnal/1671181587853.pdf)
- Raihan Dara Vonna and Muhammad Rayyan Abyan, “Implikasi Moral Hazart Dalam Pemilu Legislatif Serentak 2024,” *Bulletin of Community Engagement*4, no. 3 (2024).  
<https://attractivejournal.com/index.php/bce/article/view/1470>
- Retna Susanti and Utama, “Tindak Pidana Politik Uang Dalam Pemilu Dalam Perspektif Yuridis Sosiologis,” 2021.  
<https://dspace.uui.ac.id/handle/123456789/34636>
- Veri Junaidi and Muhammad Ihsan Maulana, “Menata Kelembagaan Penegakan Hukum Pemilu Serentak Tahun 2024,” *Jurnal Bawaslu Provinsi Kepulauan Riau*2, no. 2 (2020).  
[https://ejurnal.kepri.bawaslu.go.id/upload/cover\\_jurnal/1629040360753.pdf](https://ejurnal.kepri.bawaslu.go.id/upload/cover_jurnal/1629040360753.pdf)
- Hermana, M. A., & Jaya, D. P. (2021). Efektivitas badan pengawas pemilihan umum dalam penanganan pelanggaran pada pemilihan umum tahun 2019. *Al Imarah: Jurnal Pemerintahan Dan Politik Islam*, 6(2).  
<https://ejournal.uinfabengkulu.ac.id/index.php/alimarah/article/view/2711>
- Kurniawan, M. A., & Michael, T. (2023). Penyebaran Alat Peraga Kampanye Dengan Materi Kampanye Diluar Jadwal Sebagai Pelanggaran Pemilu. *INNOVATIVE:*

- Journal Of Social Science Research, 3(6). <http://j-innovative.org/index.php/Innovative/article/view/6820>
- M Reza Saputra and Wicipto Setiadi, "Analisis Potensi Implementasi Sistem Politik Tanpa Partai Di Indonesia Dan Dampaknya Terhadap Demokrasi Dan Tata Kelola Pemerintahan," Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara2, no. 4 (2024). <https://journal-stiayappimakassar.ac.id/index.php/Eksekusi/article/download/1531/1878>
- Sukimin, S., & Juita, S. R. (2023). Aktualisasi Badan Pengawas Pemilihan Umum Dalam Mencegah Pelanggaran Pemilu Di Indonesia. JPeHI (Jurnal Penelitian Hukum Indonesia), 4(1). <https://ejournal.undaris.ac.id/index.php/jpehi/article/view/463>
- Yuliawati, N. (2021). Efektivitas Penanganan Tindak Pidana Pemilu oleh Gakumdu Berdasarkan Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum. Literacy, 3(1). <https://www.academia.edu/download/102706413/52.pdf>
- Yuhandra, E., Rifa'i, I. J., Akhmaddhian, S., Budiman, H., & Andriyani, Y. (2023). Efektivitas fungsi pencegahan Badan Pengawas Pemilihan Umum dalam melakukan pencegahan pelanggaran pemilu. Jurnal Ius Constituendum, 8(1). <https://rama.uniku.ac.id/id/eprint/389/2/Efektivitas%20Fungsi%20Pencegahan%20Badan%20Pengawas%20Pemilihan%20Umum%20Dalam%20Melakukan%20Pencegahan%20Pelanggaran%20Pemilu.pdf>
- Zefanya, K. (2024). Penanganan Tindak Hukum Pidana Pemilu. Blantika: Multidisciplinary Journal, 2(11). <http://blantika.publikasiku.id/index.php/bl/article/view/232>