

DESIGN TO STRENGTHEN BAWASLU IN THE INTEGRATED ELECTION LAW ENFORCEMENT SYSTEM

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Abstract. This study aims to analyze the fragmentation of authority in Indonesia's electoral law enforcement system, particularly the institutional position of Bawaslu in relation to the Police and the Prosecutor's Office within the Integrated Law Enforcement Center, known as Sentra Gakkumdu. This research employs a normative juridical method using statutory, conceptual, and case approaches. The findings show that although Law Number 7 of 2017 grants Bawaslu authority to supervise elections, receive reports, examine violations, and adjudicate administrative electoral offenses, the handling of electoral crimes still depends heavily on inter-institutional consensus. This condition often prevents alleged violations from proceeding due to differences in evidentiary standards, limited procedural timeframes, and weak institutional coordination. The novelty of this study lies in its proposal for a proportional model of strengthening Bawaslu without transforming it into a superbody institution. The study suggests strengthening the binding force of administrative decisions, granting limited preliminary investigative authority, separating supervisory and adjudicative functions, and reformulating Sentra Gakkumdu to be more transparent and accountable. Practically, this model may improve the effectiveness of electoral law enforcement while maintaining the principles of the rule of law, due process of law, and institutional impartiality. This study contributes to the development of a more balanced institutional design for safeguarding electoral integrity in Indonesia.

Keywords: Bawaslu institutional strengthening; due process of law; electoral law enforcement; Gakkumdu coordination; institutional authority fragmentation.

I. INTRODUCTION

General elections constitute one of the most fundamental institutional mechanisms for translating popular sovereignty into legitimate public authority. In a democratic constitutional state, elections are not merely periodic political events, but also legal processes through which political representation, governmental legitimacy, and public accountability are continuously reproduced. Therefore, electoral integrity depends not only on the technical administration of voting, vote counting, and seat allocation, but also on the effectiveness of electoral law enforcement in preventing, detecting, and resolving violations that may distort the will of the people. In the Indonesian constitutional framework, the principles of direct, general, free, secret, honest, and fair elections require a legal enforcement system capable of ensuring that electoral competition is conducted within the boundaries of legality, fairness, and institutional accountability [1], [2].

In practice, electoral law enforcement in Indonesia remains a complex and recurring problem. Various forms of electoral violations continue to emerge across electoral cycles, including vote buying, campaign violations, misuse of state facilities, bureaucratic partiality, administrative manipulation, digital disinformation, and other practices that may undermine electoral fairness. These violations demonstrate that electoral

democracy cannot be protected solely through procedural rules governing electoral stages. It also requires an integrated legal enforcement architecture that is responsive, transparent, and capable of producing legal certainty. Recent studies on the 2024 simultaneous elections show that the supervision and enforcement functions of the Election Supervisory Body, or Badan Pengawas Pemilihan Umum (Bawaslu), remain central to maintaining electoral integrity, yet they continue to face structural, procedural, and coordination-related challenges [1], [2].

Bawaslu has a strategic position in Indonesia's electoral governance system. Law Number 7 of 2017 concerning General Elections grants Bawaslu authority to prevent and act against electoral violations, supervise all stages of election administration, receive and follow up reports, examine alleged violations, adjudicate administrative electoral violations, and resolve electoral process disputes. These powers indicate that Bawaslu is no longer merely a passive supervisory body. In certain matters, especially administrative violations and electoral process disputes, Bawaslu exercises quasi-judicial functions. This institutional development reflects the increasing need for a supervisory body that is not only able to monitor electoral processes but also to provide corrective legal responses when electoral procedures are violated [3], [4].

However, the institutional position of Bawaslu becomes more complicated when dealing with electoral crimes. In criminal electoral cases, Bawaslu cannot act independently because the process must involve the Police and the Prosecutor's Office through the Integrated Law Enforcement Center, known as *Sentra Penegakan Hukum Terpadu* or *Gakkumdu*. Conceptually, *Gakkumdu* was designed to integrate the work of electoral supervisors, investigators, and prosecutors so that criminal electoral cases could be handled quickly, accurately, and consistently within the short timeframe of electoral stages [5], [6]. Nevertheless, the existence of *Gakkumdu* has not fully resolved the problem of fragmented authority. Instead, coordination among Bawaslu, the Police, and the Prosecutor's Office often creates procedural dependency, especially when different institutions apply different evidentiary standards, legal interpretations, and institutional priorities [7], [8].

The fragmentation of authority in electoral law enforcement has practical consequences. Bawaslu is usually the first institution to receive reports, identify findings, and conduct preliminary assessments of alleged electoral violations. However, when the case concerns a criminal offense, Bawaslu's findings must be discussed with other law enforcement institutions. As a result, many alleged electoral crimes may stop at the preliminary stage because the elements of the offense are considered incomplete, evidence is deemed insufficient, witnesses are absent, or no common understanding is reached among *Gakkumdu* elements [8], [9]. This condition creates a structural paradox: Bawaslu is publicly perceived as the main institution responsible for electoral violations, but its authority in criminal cases remains dependent on inter-institutional consensus.

This problem is particularly visible in cases of money politics. Vote buying and material inducements are often difficult to prove because they are conducted informally, secretly, and through local social networks. In many cases, financial or material benefits are framed as transportation money, social assistance, campaign logistics, or community support. The evidentiary burden becomes more complicated when recipients are unwilling to testify, witnesses fear social pressure, or documentary evidence is unavailable [10], [11]. Consequently, the enforcement of electoral criminal law often faces a gap between normative prohibition and practical proof. Although the law prohibits money politics, the enforcement mechanism may fail to reach substantive accountability if institutional coordination and evidentiary standards are not sufficiently adapted to the specific character of electoral crimes [12].

The problem of Bawaslu's authority can also be understood through the broader perspective of institutional design. A strong electoral supervisory body is necessary to safeguard electoral integrity, but institutional strengthening must not automatically mean concentrating all enforcement powers in one body. If Bawaslu were given full authority to supervise, investigate, prosecute, and adjudicate electoral crimes, such a design could create a new problem of excessive institutional concentration. In a rule-of-law framework, effective law enforcement must remain compatible with due process of law, institutional impartiality, and checks and balances. Therefore,

the strengthening of Bawaslu should be designed proportionally: it must increase the effectiveness of electoral supervision and enforcement without transforming Bawaslu into a superbody institution that monopolizes all legal enforcement functions [3], [13].

A proportional model of strengthening Bawaslu may include several interrelated aspects. First, the binding force of Bawaslu's administrative decisions should be clarified and strengthened, especially in cases where administrative violations directly affect electoral stages. Second, Bawaslu should be granted limited preliminary investigative authority, such as the authority to request information, summon relevant parties, obtain documents, conduct clarification, and secure initial evidence before a case is discussed in *Gakkumdu*. Third, the internal functions of supervision and adjudication within Bawaslu should be institutionally separated to ensure impartiality and procedural fairness. Fourth, the *Gakkumdu* mechanism should be reformulated to include clearer evidentiary guidelines, written reasoning for case termination, transparent decision-making procedures, and mechanisms for resolving differences of opinion among its elements [4], [7], [8].

In addition to legal and institutional reform, the capacity of electoral supervisory institutions must also be strengthened through knowledge, literacy, and professional competence. Electoral violations today are no longer limited to conventional practices but also involve digital disinformation, online campaign manipulation, misuse of data, and technology-mediated political influence. Studies on technological literacy and digital learning led by Suchyadi and colleagues emphasize the importance of institutional actors' capacity to adapt to digital transformation, particularly in educational and social governance contexts [14], [15]. Although these studies are situated in the field of education, their relevance can be extended to electoral supervision in the sense that institutional effectiveness increasingly depends on human resource competence, digital literacy, and the ability to interpret social changes mediated by technology. For Bawaslu, strengthening human resources and digital monitoring systems is essential to support evidence-based supervision and transparent complaint handling.

Based on the above discussion, this article addresses two main problems. First, how does the fragmentation of authority among Bawaslu, the Police, and the Prosecutor's Office affect the effectiveness of electoral law enforcement in Indonesia? Second, what model of Bawaslu strengthening is proportionally appropriate within the integrated electoral law enforcement system? This article argues that strengthening Bawaslu should not be directed toward creating an institution that takes over all investigative, prosecutorial, and judicial functions. Instead, reform should focus on strengthening administrative enforceability, granting limited preliminary investigative authority, separating supervisory and adjudicative functions, reformulating *Gakkumdu*, and improving institutional capacity. Through this proportional model, Bawaslu may play a more effective role in safeguarding electoral integrity while preserving the rule of law, due process of law, and institutional impartiality.

II. RESEARCH METHODS

This study employed a normative juridical research method because the main issue examined concerns the legal construction of Bawaslu's authority within Indonesia's integrated electoral law enforcement system. Normative legal research is appropriate for analyzing legal norms, institutional authority, and the coherence of statutory provisions governing electoral supervision and electoral violation handling. The study did not primarily rely on field data collection but focused on the examination of positive law, legal doctrine, institutional design, and relevant legal principles. Accordingly, this research positioned law as a normative system that must be interpreted through statutes, principles, institutional functions, and legal reasoning. This approach enabled the study to assess whether the current regulation of Bawaslu's authority under Law Number 7 of 2017 has provided an effective legal basis for electoral law enforcement or still produces fragmentation in practice [13], [16], [17].

The research used three complementary approaches: statutory, conceptual, and case approaches. The statutory approach was applied by examining the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning General Elections, and relevant implementing regulations concerning Bawaslu, electoral administrative violations, electoral process disputes, and electoral crimes. Particular attention was given to the provisions regulating Bawaslu's supervisory, adjudicative, and coordination functions, including the provisions on the handling of electoral crimes through Gakkumdu. The conceptual approach was used to analyze the principles of the rule of law, due process of law, institutional impartiality, proportional authority, and integrated law enforcement. These concepts were necessary to evaluate whether strengthening Bawaslu should be designed as institutional expansion or as proportional reinforcement within a system of checks and balances. The case approach was used in a limited manner by examining selected examples of electoral violation handling in recent elections, especially cases involving Gakkumdu coordination, evidentiary difficulties, and the discontinuation of alleged electoral crimes [3], [5], [8], [18].

The legal materials used in this study consisted of primary, secondary, and supporting non-legal materials. Primary legal materials included constitutional provisions, election laws, and relevant technical regulations governing electoral supervision and electoral law enforcement. Secondary legal materials consisted of books, journal articles, legal research reports, and scholarly opinions related to Bawaslu, Gakkumdu, electoral crimes, administrative electoral violations, and institutional reform. Supporting non-legal materials included Bawaslu reports, electoral violation data, and civil society monitoring documents, insofar as they supported the legal analysis. The materials were collected through library research and analyzed using a prescriptive-analytical method. The descriptive stage was used to explain the existing legal framework and institutional problems, while the prescriptive stage was used to formulate a proportional model for strengthening Bawaslu. This model emphasizes stronger administrative enforceability, limited preliminary investigative authority, separation between supervisory and

adjudicative functions, and a more transparent and accountable Gakkumdu mechanism without disregarding due process of law and institutional impartiality [1], [2], [19], [20].

III. RESULTS AND DISCUSSION

Fragmentation of Authority in Indonesia's Electoral Law Enforcement System

The findings of this study show that the main problem in Indonesia's electoral law enforcement system lies in the fragmentation of authority among Bawaslu, the Police, and the Prosecutor's Office within the Integrated Law Enforcement Center, known as Sentra Gakkumdu. Although Bawaslu is institutionally mandated to supervise electoral stages, receive reports, examine alleged violations, and adjudicate administrative electoral violations, its authority becomes limited when the case concerns electoral crimes. In criminal electoral cases, Bawaslu cannot independently determine whether a case should proceed to investigation and prosecution because the process requires agreement among Gakkumdu elements. This creates an institutional dependency that affects the effectiveness of electoral law enforcement [1], [3], [5].

This fragmentation is not merely procedural but also epistemic and institutional. Bawaslu, the Police, and the Prosecutor's Office often operate with different legal perspectives, evidentiary thresholds, and institutional cultures. Bawaslu tends to interpret violations in relation to electoral integrity and the fairness of electoral stages. The Police emphasize the fulfillment of criminal elements, while the Prosecutor's Office evaluates whether the case is sufficiently strong to be brought before the court. These differences are reasonable in a system of separated law enforcement functions. However, they become problematic when there is no binding mechanism to resolve disagreement among institutions. Consequently, many alleged violations stop at the early stage because the elements of electoral crimes are considered incomplete, evidence is insufficient, witnesses are unavailable, or inter-institutional consensus is not achieved [7], [8], [10].

The institutional fragmentation is also strengthened by strict time limits in handling electoral violations. Electoral crimes are time-sensitive because they occur within electoral stages that move rapidly and cannot easily be postponed. Gakkumdu is expected to handle cases quickly, but the limited procedural timeframe often conflicts with the complexity of evidence gathering. Recent studies on the 2024 elections show that strict handling periods, weak coordination, limited human resources, and differences in legal interpretation have become major obstacles in ensuring effective electoral law enforcement [25], [26]. This finding confirms that the problem of Bawaslu's authority cannot be solved only by adding new legal norms. It requires a redesign of institutional relations and procedural mechanisms within the electoral law enforcement system.

Bawaslu's Administrative Authority and the Need for Stronger Enforceability

The study also finds that Bawaslu's strongest institutional foundation lies in its administrative and quasi-judicial authority. Law Number 7 of 2017 authorizes Bawaslu to receive, examine, review, and decide electoral administrative

violations. This authority is crucial because not all electoral violations should be processed through criminal law. In many cases, administrative sanctions are more effective because they can respond directly to violations affecting electoral stages, such as campaign procedure violations, misuse of administrative requirements, non-compliance with electoral schedules, or irregularities in candidate registration and vote counting procedures [13], [20].

However, the effectiveness of Bawaslu's administrative authority depends on the binding force of its decisions. If Bawaslu's administrative decisions are not followed by clear execution mechanisms, its quasi-judicial function may become weak in practice. Recent literature on electoral administrative law emphasizes that administrative law enforcement in elections should not rely solely on formal trial-like procedures. Direct administrative sanctions, enforceable decisions, and clear institutional follow-up mechanisms are needed to ensure that electoral administrative violations can be resolved efficiently and proportionally [23], [24]. Therefore, strengthening Bawaslu should begin with strengthening the enforceability of its administrative decisions rather than expanding its authority into all areas of criminal investigation and prosecution.

This finding is important because the effectiveness of electoral justice depends not only on punishment but also on the restoration of electoral fairness. Administrative violations often require immediate correction. A delayed decision, even if legally accurate, may no longer have practical value when the electoral stage has already passed. Therefore, Bawaslu's decisions on certain administrative violations should have binding and executorial force, particularly when the violations directly affect electoral stages, electoral rights, or the integrity of electoral competition. Such strengthening would allow Bawaslu to provide faster corrective justice without violating the separation of functions in criminal law enforcement.

Gakkumdu Coordination and the Problem of Evidentiary Standards

The findings further indicate that the Gakkumdu mechanism remains necessary but requires substantial reform. Gakkumdu was created to integrate Bawaslu, the Police, and the Prosecutor's Office in handling electoral crimes. Its purpose is to avoid overlapping authority and to ensure that electoral crime cases can be processed quickly and consistently [3], [5], [6]. Nevertheless, in practice, Gakkumdu often becomes a forum where institutional differences are negotiated rather than resolved through clear legal standards. This condition creates uncertainty for complainants, reported parties, and the public.

One of the most significant problems is the absence of a uniform evidentiary framework that is sensitive to the specific character of electoral crimes. Electoral crimes, particularly money politics, are difficult to prove because they are usually committed informally, secretly, and through social networks. Material inducements may be distributed indirectly through campaign teams, community leaders, informal brokers, or social assistance schemes. Witnesses may refuse to testify because of fear, social pressure, political loyalty, or personal benefit. As a result, many cases are terminated because the available evidence is considered insufficient [9], [10], [11].

The problem is not that criminal evidentiary standards should be weakened. Due process of law still requires that every accused person be protected from arbitrary prosecution. However, the initial assessment of electoral crimes should be supported by clearer guidelines regarding preliminary evidence, witness protection, digital evidence, and the classification of violations. Recent studies on Gakkumdu implementation in local contexts show that weak inter-agency coordination, limited public reporting, local social pressure, and evidentiary problems continue to hinder the enforcement of electoral crimes [25], [28]. Therefore, Gakkumdu reform should include written reasoning for case termination, clearer procedures for resolving different opinions, and transparent documentation of each stage of case handling.

Proportional Strengthening of Bawaslu: Avoiding the Superbody Model

The results of this study support the argument that Bawaslu should be strengthened proportionally, not transformed into a superbody institution. A superbody model, in which Bawaslu would hold all supervisory, investigative, prosecutorial, and adjudicative powers, may appear efficient at first glance. However, such a model would create serious risks for the rule of law, due process, and institutional impartiality. In a democratic legal state, institutional power must be distributed, limited, and subject to accountability mechanisms [3], [13], [27].

A proportional strengthening model requires balancing effectiveness and legal safeguards. Bawaslu must be strong enough to ensure that electoral violations are not ignored, but its authority must remain compatible with procedural fairness. This means that Bawaslu should not take over the full investigative and prosecutorial functions of the Police and the Prosecutor's Office. Instead, Bawaslu should be given limited preliminary investigative authority. Such authority may include the power to request clarification, summon relevant parties, obtain documents, access specific electoral data, secure initial information, and build preliminary case construction before the case is discussed in Gakkumdu [1], [27].

Limited preliminary investigative authority would improve the quality of Bawaslu's findings and reports. When Bawaslu enters Gakkumdu discussions with stronger initial evidence, the discussion can move beyond formal disagreement and focus on substantive legal assessment. This model does not eliminate the role of the Police and the Prosecutor's Office in criminal law enforcement. Rather, it strengthens Bawaslu's position as the institution closest to the electoral process while preserving checks and balances in criminal proceedings. Therefore, proportional strengthening is more consistent with the rule of law than institutional concentration.

Separation of Supervisory and Adjudicative Functions within Bawaslu

Another important finding concerns the need to separate supervisory and adjudicative functions within Bawaslu. At present, Bawaslu performs multiple functions: prevention, supervision, reception of reports, examination, assessment, recommendation, and adjudication of certain electoral violations. This multifunctional position is understandable because Bawaslu is designed as an active supervisory body. However, as Bawaslu's authority is strengthened, its internal

institutional design should also be improved to avoid potential conflicts of interest.

The separation of supervisory and adjudicative functions may be implemented by creating different chambers or units within Bawaslu. The supervisory unit would focus on prevention, field supervision, early detection, and public monitoring. The adjudicative unit would examine and decide cases based on reports or findings submitted through formal procedures. This internal separation is important because the same institution that detects a violation should not appear to have predetermined the outcome of adjudication. Procedural fairness requires that parties accused of violations be given the opportunity to present evidence, respond to allegations, and be examined by a forum that is institutionally impartial [13], [23].

This model would also improve public trust in Bawaslu. Strengthening Bawaslu without internal procedural safeguards could generate criticism that the institution has excessive authority. In contrast, strengthening Bawaslu while separating its internal functions would demonstrate that institutional effectiveness and due process can operate together. This is particularly important in electoral cases because every decision may directly affect political competition, candidacy rights, campaign rights, and public perceptions of electoral legitimacy.

Digital Supervision, Participatory Oversight, and Institutional Capacity

The findings also indicate that strengthening Bawaslu must include digital supervision and participatory oversight. Electoral violations today are increasingly complex. They are not limited to conventional practices such as vote buying, campaign violations, or misuse of state resources. Contemporary electoral violations may also involve digital disinformation, cyber manipulation, misuse of voter data, online campaign opacity, electronic electoral offenses, and social media-based political influence [14], [15], [29]. Therefore, Bawaslu's capacity should be strengthened not only through legal reform but also through digital literacy, data management, technological infrastructure, and human resource development.

Participatory oversight is also essential. Bawaslu cannot supervise all electoral processes alone because violations may occur in many locations and within short periods. Public participation, civil society monitoring, collaboration with universities, digital communities, and local monitoring networks can support Bawaslu's supervisory function. A study on participatory oversight in West Java shows that public involvement and monitoring initiatives may reduce electoral violations when supported by education, institutional collaboration, and digital tools [22]. This finding suggests that strengthening Bawaslu should not be limited to formal legal authority but should also involve society as part of the electoral integrity ecosystem.

However, participatory oversight must be supported by a transparent complaint-handling system. Citizens will be more willing to report violations if they can track the status of their reports, understand why a case proceeds or stops, and receive adequate protection from intimidation. Therefore, Bawaslu should develop a digital case-tracking system that allows complainants to monitor the progress of reports from submission to conclusion. Such a system would improve

transparency, accountability, and public trust. It would also help Bawaslu map patterns of violations across regions, electoral stages, and types of offenses.

Synthesis of Findings

The results of this study demonstrate that the problem of electoral law enforcement in Indonesia is not caused by a single factor. It results from the interaction of legal substance, institutional structure, and legal culture. From the perspective of legal substance, the regulation of Bawaslu's authority and Gakkumdu's procedures remains insufficiently clear in addressing disagreement, evidentiary standards, and executorial force. From the perspective of institutional structure, Bawaslu, the Police, and the Prosecutor's Office are integrated in Gakkumdu but remain separated by different institutional mandates and legal cultures. From the perspective of legal culture, public tolerance toward money politics and reluctance to report violations weaken the enforcement process.

Based on this synthesis, the most appropriate model is not to transform Bawaslu into an all-powerful electoral law enforcement body, but to strengthen it within a coordinated and accountable institutional framework. Bawaslu should be empowered in areas directly related to its institutional character: administrative enforcement, preliminary investigation, electoral supervision, public participation, and coordination within Gakkumdu. At the same time, criminal investigation and prosecution should remain within the authority of the Police and the Prosecutor's Office, subject to clearer coordination procedures. This model provides a balance between effectiveness and constitutional restraint.

Contribution to Electoral Law Reform

The contribution of this study lies in its formulation of a proportional strengthening model for Bawaslu. Previous studies have discussed the weaknesses of Gakkumdu, the challenges of electoral law enforcement, and the need to improve Bawaslu's authority [1], [2], [3], [7], [27]. However, this study emphasizes that institutional strengthening should not be understood as the accumulation of all enforcement powers in one institution. Instead, strengthening should be designed through functional clarification, internal separation, administrative enforceability, preliminary investigative authority, Gakkumdu reform, and digital-participatory supervision.

This model contributes to the development of electoral law reform in Indonesia in three ways. First, it provides a legal argument that Bawaslu's administrative authority should be strengthened because administrative remedies are often more suitable for restoring electoral fairness quickly. Second, it offers an institutional design that improves Bawaslu's position in Gakkumdu without eliminating the role of the Police and the Prosecutor's Office. Third, it connects electoral law enforcement with digital governance and participatory oversight, both of which are increasingly important in contemporary elections. Through this model, Bawaslu may become more effective in safeguarding electoral integrity while remaining consistent with due process of law, the rule of law, and institutional impartiality.

IV. CONCLUSIONS

Election law enforcement in Indonesia still faces a fundamental problem in the form of fragmentation of authority between Bawaslu, the Police, and the Prosecutor's Office in the Gakkumdu Center. Bawaslu has indeed been mandated to supervise, receive reports, examine, and decide on election administrative violations. However, in election criminal cases, Bawaslu's position still depends on inter-institutional understanding, so that many alleged violations are difficult to continue due to differences in evidentiary standards, time constraints, and weak coordination. Therefore, strengthening Bawaslu needs to be carried out proportionally. Bawaslu does not need to be made a superbody that takes over all investigation, prosecution, and judicial functions. A more appropriate reinforcement is to clarify the binding power of administrative decisions, give limited initial investigation authority, separate supervision and adjudication functions, and reformulate the Gakkumdu mechanism to be more transparent and accountable. With this model, Bawaslu can play a more effective role in maintaining the integrity of elections without ignoring the principles of the rule of law, due process of law, and institutional impartiality.

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