

## CONSTRUCTION OF THE ELECTION SUPERVISORY AGENCY AS AN EFFECTIVE ELECTION LAW ENFORCEMENT AGENCY

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### ABSTRACT

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*Law enforcement agency in election law is always problematic all the time. The urgency to expand Bawaslu's authority in conducting supervision of elections should not only be limited to administrative matters, but needs to be considered in the process of enforcing election law, limiting the time to 7 days in reporting and 14 days in handling post-indications of fraud that occurs in the election process becomes obstacles and obstacles. The method used in this paper is normative juridical legal research. The result are Bawaslu is not only as a maker of reports and recommendations to institutions that are authorized to handle criminal and administrative violations, and not as an institution that actually has a special authority that is in the realm of election law enforcement. Thus, Bawaslu is very urgent to transform so that his authority is strengthened in the process of enforcing electoral law for criminal and administrative violations.*

**Keywords:** *Law Enforcement, Election, Agency.*

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### INTRODUCTION

Before facing the general election in 2024, it is necessary to reorganize the concept of umum elections, especially in terms of law enforcement to be more effective, one of which is by optimizing the authority of the election supervisory agency (Bawaslu). That, for the concept of democracy in general elections (elections) accommodated through Article 1 paragraph (2) of the Constitution of the Republic of Indonesia contains that "sovereignty is in the hands of the people and implemented according to the Basic Law". Still on a constitutional basis, regarding elections is stipulated in Article 22 E paragraph (1) which stipulates that "elections are held, direct, general, free, and secret".

Pancasila as the philosophy of life of the nation which is also the source of all legal sources has high-dimensional values and is in accordance with the values that live in society, because Pancasila is also a national character that can distinguish Indonesian people from other nations so that Pancasila also becomes a reference against various rules which are then followed by the constitution and various other organic regulations.<sup>1</sup>

Indonesia as a democracy, of course, is not separated by the holding of elections as a form of guarantee of continuity of national development which in fact is one of the vehicles for the implementation of people's sovereignty that aims to produce a Democratic State Government and in accordance with the values of Pancasila and the 1945 Constitution, so that the implementation of good elections can show indirectly about an increase in democracy. Good enough from a country. Because based on the existing authority, where bawaslu function as only as a "postman", namely conveying recommendations for criminal violations to the police, there is not enough power to give encouragement or pressure to the Police agency in terms of enforcing election law such as criminal violations in the holding of elections. The conclusion to stop the investigation into the findings of the alleged TPP was taken by Sentra Gakkumdu because the evidence is "weak" and does not meet the elements in Article 184 of the Kuhap due to key witnesses who have not been successfully met and asked for clarification. The key witnesses in question are those who see for themselves, hear for themselves, feel for themselves and are present in the place of the matter during the incident.<sup>2</sup>

The limited authority of the Election Supervisory Agency (Bawaslu) in conducting the supervision process has limitations only on administrative matters only. In conducting law enforcement, of course, there is a gakkumdu authority (integrated law enforcement) with the mixing of elements from law enforcement if there is a criminal violation of the election.

In addition to limited authority, there are also time restrictions, that Bawaslu in reviewing reports of election violations, because by limiting reporting time only 7 (seven) days after the incident. In addition, the weakness of the evidence, the witnesses who escaped, the handling is also carried out within 14 (fourteen days) otherwise the case will be stopped. This leads to the dilemma of the position of

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<sup>1</sup> Cynthia Hadita, Regional Autonomy Political Politics Of Regional Liability Reports To Regional Representatives In The Implementation Of Local Government, *Nomoi Law Review*, Volume 1, Issue 1, May 2020, p. 91.

<sup>2</sup> On the one hand, public expectations are very large for the role of this institution in controlling various stages of elections, but, on the other hand, the limited authority that is owned makes the supervisory agency unable to function as expected. In addition, the public must also understand that Bawaslu is not an investigator like the police or prosecutors, so when there is a violation or criminal election, this institution can only report and make recommendations only. Angelo Emanuel Flavio Seac, Anwar Cengkeng, Lukman Hakim, Penguatan Bawaslu Dalam Penegakan Hukum Pidana Pemilu, *Electoral Research*, 2018.

bawaslu. The need for its authority is functioned effectively and technically ideal in exercising its authority to carry out effective election law enforcement.

## METHOD

The research method used is normative juridical,<sup>3</sup> through a statutory approach, so that solutions can be found to the enforcement of election law in Indonesia. Marzuki in Eka NAM Sihombing (2019) states that the normative juridical legal research method is a method that uses an approach that is based on the main legal material by examining theories, concepts of legal principles, norms, rules of legislation, court decision, agreement. The nature of the research used in this paper is prescriptive, adhering to the characteristics of legal science as an applied science, the prescriptions given in legal research activities must be able and possible to be applied. Therefore what is produced by legal research, even if it is not a new legal principle or a new theory, is at least a new argument.<sup>4</sup>

## DISCUSSION

### Election Law Enforcement

Satjipto Raharjo that law enforcement is essentially the enforcement of ideas or concepts about justice, truth, social expediency, and so on, so that law enforcement is an attempt to make these ideas and concepts come true. Ramlan Surbakti who also contributed an opinion on the importance of the role of Bawaslu, said that he said to enforce the law and resolve election disputes, it is necessary to reform the law enforcement system institutionally. The institutional reform in question is the transformation of Bawaslu into an Election Law Enforcement Commission (KPHP).<sup>56</sup>

In the provisions of Article 1 number 1 of Law Number 10 of 2008 concerning General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council, it is stated: General election is a means of exercising people's sovereignty which is carried out directly, publicly, freely, in secret, honest and fair in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. So that all election implementation processes must be carried out according to the principles of direct, general, free, secret, honest and fair

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<sup>3</sup> Ibid.

<sup>4</sup> Eka N.A.M Sihombing, Eksistensi Paralegal dalam Pemberian Bantuan Hukum bagi Masyarakat Miskin (The Existence of Paralegals in Providing Legal Aid to the Poor), *Jurnal Ilmiah Penegakan Hukum*, Vol. 6, No. 1, June(2019).

<sup>5</sup> Satjipto Rahardjo, *Masalah Penegakan Hukum (Suatu Tinjauan Sosiologis)*, Sinar Baru, Bandung, 2010), p. 15.

<sup>6</sup> Ramlan Surbakti, "Penegakan Hukum Pemilu", dalam Kompas, 16 Desember 2016, p. 3-5.

elections. Therefore, the implementation of elections in Indonesia should follow the principles contained therein.<sup>7</sup>

Electoral law enforcement means talking about two things: election violations and election disputes. Election violations consist of criminal violations, administrative violations, and violations of the election organizer's code of conduct. While election disputes are divided into disputed results and non-election non-result disputes or disputes in the election process. Law 7 of 2017 on General Elections (Election Law) contains a breakthrough in strengthening the authority of the Election Supervisory Agency (Bawaslu) in enforcing election law. In addition to the issue of electoral crimes, the most striking strong authority is to crack down and break administrative violations. Bawaslu up to the district / city level is authorized to issue a verdict on administrative violations. Although getting stronger, Rahmat Bagja, a member of Bawaslu, said he would not rely on the new authority. Bawaslu will also make maximum precautions before using the new authority to crack down on violations.<sup>8</sup>

In the organizers of the 2024 Simultaneous Election, at least it can be examined some of the law enforcement challenges that have the potential to decorate the process of holding simultaneous elections, including regulatory challenges, legal structures, and community legal culture. If you look at Law 7/2017 which is the basis for holding the 2019 Election and may still be used in the 2024 election. In this law there are some norms that are difficult to implement and enforce. For example, in the enforcement of money political law stipulated in several articles of Law 7/2017, namely article 278 paragraph (2), article 280 (1) letter j, article 284 and article 515 and criminal provisions stipulated in article 532 paragraph (1), (2), and (3). The above-mentioned arrangements are limited to the subject of the executor, participants, and campaign team. Restrictions on this subject can be used as a loophole for candidates who want to gain power by shortcuts and not right in elections. For example, those who do money politics are volunteers or teams of legislative candidates and they are not registered in the District / City KPU then law enforcement implementers (Gakkumdu) will have difficulty using or applying criminal provisions in article 523 paragraphs (1) and (2) because the subject element that does not register with the KPU. While the arrangement related to the subject of the law "everyone" only applies on the day of the vote only. Where on the day of the voting process and vote counting the team was successful, volunteers and the voting community and election organizers were

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<sup>7</sup> Eka N.A.M Sihombing, Pemberlakuan "Parliamentary Threshold" dan Kaitannya dengan Hak Asasi Manusia, *Jurnal Konstitusi*, Vol. 1, No. 1, Juni (2009), p. 31.

<sup>8</sup> Rumah Pemilu, Rezim Penegakan Hukum Pemilu di Tangan Bawaslu yang Makin Kuat, <https://rumahpemilu.org/rezim-penegakan-hukum-pemilu-di-tangan-bawaslu-yang-makin-kuat/>.

busy each voting. The enforcement of this money political law as one example, of course, there are still others in terms of regulations such as criminal acts for the State Civil Apparatus (ASN) in elections that are very different in Law 10/2016 on Elections. While in the election the challenge of law enforcement is the unknown in absenteeism or examination of cases without the presence of the defendant. This will make it difficult in the collection of evidence, not to mention handling with a very limited time in the election, a maximum of 5 days in the Bawaslu study process. Law enforcement officers in the context of holding elections consist of three elements, namely the Prosecutor's Office, Police, and Bawaslu who are members of the Gakkumdu Center.<sup>9</sup>

Bawaslu has the authority to appoint investigators, and conduct prosecutions, such as independent institutions such as the KPK and of course can be done by basing on a concept of legal comparison related to the enforcement of election law organized by other countries, one of the countries that then implements a system that serves to solve criminal problems that arise during the implementation of elections is the United Kingdom, where in this country is applied a special institution. Elections are special institutions "Special Crime Division" which one of its competencies is to resolve all forms of criminal violations from the stage of investigation and prosecution, this indicates that the strengthening of Bawaslu's authority in the enforcement of election law is based on the needs of a country, so that this form of strengthening is more important to the social and political dynamics that occur in a country, By looking at this fact, it is necessary to strengthen bawaslu's authority in resolving criminal and administrative violations in the holding of elections. The fundamental urgency behind the strengthening of Bawaslu's authority in law enforcement in the implementation of elections in Indonesia can be seen from the main point, namely, the high number of cases of administrative and criminal violations and ineffective restraint by the competent institutions in this case, namely the KPU and the Police in the implementation of elections, this is due to: first institutional supervisory elections at the District / City level that is committee (Ad Hoc) has implications. at the lack of maximum performance of election supervisors, especially in terms of the enforcement of election law. The two narrow time limits for Bawaslu in reviewing reports of election violations, because by limiting reporting time to only 7 (seven) days after the event will only mean "certainty", namely by "scorching" all reports carried out more than 7 (seven) days, in addition to the time limit in handling election violations in the Election Law is not accompanied by a definition and explanation of the day,

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<sup>9</sup> Bakri Abu Bakar, Menelisik Tantangan Penegakan Hukum Pemilu Serentak 2024 , <https://rumahpemilu.org/menelisik-tantangan-penegakan-hukum-pemilu-serentak-2024/>.



whether the working day or including holidays and those that are closed (shared leave).<sup>10</sup>

DKPP's rulings on violations committed by both the organizers and supervisors in this case, especially the Bawaslu Board which is being proposed to be expanded, if not accompanied by, 1) the standard as a rail that makes common ground in treating the same case and/or issue. For example, for case A in Aceh with in Papua, the settlement must be the same. The problem is that it's not the same way to solve it. So before issuing it, Bawaslu must evaluate himself first related to the problem. Then 2), about the supervisory capacity, whether indeed the pattern of recruitment and capacity building that exists, is sufficient or qualified for supervisors to be able to assume this new additional responsibility (expansion of authority). We know during the 2015 election, the DKPP issued many rulings dismissing members of Bawaslu Province, Panwas Kab / Kota, as well as rulings in the form of warnings and stern warnings. Well, if points 1 and 2 are not resolved, it would be nice to think again about the addition of the authority, especially panwas is currently adhoc so it is not closed the possibility of becoming a boomerang. Furthermore, no less important to be stated is the need for qualifications to become a member of Bawaslu and its ranks if it is expanded authority, such as the existence of expert elements in the field of ownership, criminal law experts and state governance, IT and so on. Fourth, other things that practically hamper the effectiveness of the performance of election organizers.<sup>11</sup>

The authority between the KPU and Bawaslu, including: 1) some electoral criminal delik does not simultaneously include the threat of criminal sanctions. The Law of Ownership only mentions convicted in accordance with the provisions of the legislation. By Gakumdu or law enforcement, this provision is considered unclear, because they think that the legislation is the Ownership Law. They do not dare to run away from the Criminal Code because it is not considered the Law of Ownership. 2) provisions regarding the terms of the implementation of the plenary of KPU and Bawaslu. In the current provisions, members of the KPU or Bawaslu can be threatened with ethical violations, if 3 (three) times in a row do not follow the plenary. There should be no need in a row, just 3 times not participating in the plenary for no justifiable reason. In practice, if the KPU or Bawaslu are divided or conflictual relations occur, they take each other hostage by taking turns not present plenary in the hope of not reaching the quorum. Fifth, it is necessary to consider the existence of other sanctions in elections besides administrative and criminal sanctions. It needs sanctions in the form of a reduction in the acquisition of paslon

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<sup>10</sup> Iwan Satriawan, Pengawasan Pemilukada oleh Rakyat, Jurnal Bawaslu Vo. 2 Edisi I Tahun 2016, p. 115.

<sup>11</sup> Girindra Sandino, Perluasan Kewenangan Bawaslu dan Penegakkan Hukum Pilkada , <https://rumahpemilu.org/perluasan-kewenangan-bawaslu-dan-penegakkan-hukum-pilkada/>.

votes if the violations committed are intended to get votes illegally or illegally. In elections, as the most feared deterrent effect is the reduction of the vote. It is the same with corruptors who fear being impoverished from imprisonment. The above exposure is a critical note if Bawaslu and its ranks are given breadth or strengthening their authority in carrying out their functions and duties, especially in handling disputes or cases and other election violations. And also a brief description of the effectiveness of the performance of election organizers, and sanctions for candidates who justify all means to win votes in unauthorized ways. The proposal to expand the authority of Bawaslu is a breakthrough that should be appreciated for the effectiveness of the implementation of elections / elections, especially in terms of handling cases or disputes of elections / elections. Absolutely necessary effectiveness of law enforcement against administrative violations and criminal acts of pilkada. The accumulation of administrative violations or criminal acts of elections that are not targeted by law enforcement has the potential to become legal conflicts or political conflicts after elections/ elections.<sup>12</sup>

Types of Electoral Crimes Types of electoral crimes are regulated in Chapter II on The Criminal Provisions of Elections Article 488 s.d. Article 554 of Law 7/2017, some of which are: Providing incorrect information in filling in the self-data of voter lists; Article 488 Any person who intentionally gives incorrect information about himself or others is owed something necessary to fill the voter list as referred to in Article 203, is punished with a maximum imprisonment of 1 (one) year and a maximum fine of Rp 12 million. Village heads who perform actions that benefit or harm election participants; Article 490 Any village head or other designation who intentionally makes a decision and/or performs an action that benefits or harms one of the Election Participants in the Campaign period, is punishable by imprisonment of a maximum of 1 (one) year and a maximum fine of Rp 12 million. Persons who disrupt, obstruct or disrupt the course of an election campaign; Article 491 Everyone who disrupts, obstructs, or interferes with the course of the Election Campaign is punished with a maximum imprisonment of 1 (one) year and a maximum fine of Rp 12 million. Persons who conduct election campaigns outside the schedule set by the KPU; Article 492 Any person who deliberately conducts an Election Campaign outside the schedule set by the Election Commission ("KPU"), provincial KPU, and district/city KPU for each election participant as referred to in Article 276 paragraph (2), is punishable by imprisonment of a maximum of 1 (one) year and a maximum fine of Rp 12 million. Executors of election campaigns who violate campaign bans; Article 493 Any implementer and/or election campaign team who violates the prohibition as referred to in Article 280 paragraph (2) is punishable by imprisonment of a

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<sup>12</sup> *Ibid.*

maximum of 1 (one) year and a maximum fine of Rp 12 million. Provide incorrect information in the election campaign finance report; Article 496 Election Participants who intentionally provide incorrect information in the election campaign fund report as referred to in Article 334 paragraph (1), paragraph (2), and/or paragraph (3) and Article 335 paragraph (1), paragraph (2), and/or paragraph (3) are punishable by imprisonment for a maximum of 1 (one) year and a maximum fine of Rp 12 million. Article 497 Everyone who intentionally gives incorrect information in the Campaign fund report, is punishable by a maximum prison term of 2 (two) years and a maximum fine of Rp 24 million. Causing others to lose their right to vote; Article 510 Any person who intentionally causes others to lose their right to vote is punished with a maximum prison term of 2 (two) years and a maximum fine of Rp 24 million. Establish the number of ballots printed beyond the specified number; Article 514 of the Chairman of the KPU who deliberately determines the number of ballots printed exceeds the amount specified in Article 344 paragraph (2), paragraph (3), and paragraph (4), is punishable by a maximum imprisonment of 2 (two) years and a maximum fine of Rp 240 million. Vote more than once. Article 516 Any person who intentionally at the time of voting casts his or her vote more than once at one Polling Station ("TPS")/Overseas Polling Station ("TPSLN") or more, is punished with a maximum imprisonment of 18 (eighteen) months and a maximum fine of Rp 18 million.<sup>13</sup>

The authority of the election criminal case related to this election crime, Article 2 letter b perma 1/2018 stipulates that the district court and the high court are authorized to examine, prosecute and decide election crimes arising from reports of alleged electoral crimes continued by Bawaslu, Bawaslu Province, Bawaslu Regency / City and / or District Panwaslu to the State Police of the Republic of Indonesia at least 1 x 24 hours (one time twenty-four hours), since Bawaslu, Bawaslu Province, Bawaslu Regency / City and / or Panwaslu Subdistrict stated that the alleged acts or actions are electoral crimes. The district court in examining, adjudicating, and deciding the criminal case of elections using the Criminal Procedure Law, unless otherwise specified in Law 7/2017. In the event that the district court's decision is appealed, the appeal is filed no later than 3 (three) days after the verdict is read. The high court examines and decides the appeal case no later than 7 (seven) days after the appeal is accepted. The high court's ruling examining and deciding appeals in electoral crimes is the final and binding ruling and no other legal effort can be made.<sup>14</sup> Because bawaslu is more

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<sup>13</sup> <https://m.hukumonline.com/klinik/a/perbuatan-perbuatan-yang-termasuk-tindakan-pidana-pemilu-lt5bc40aacc6160>.

<sup>14</sup> *Ibid*



know about the law enforcement, so that it is good if Bawaslu transform to become an enforcer in general election.

### **Urgency of Transforming The Election Supervisory Agency as an Effective Election Law Enforcement Agency**

Bawaslu Transformation as an Effective Election Law Enforcement Agency, In the context of enforcing election administration violations, and election criminals need to be done to simplify the law enforcement system and dispute resolution of elections in order to realize the effective enforcement of election law that has been the main problem. So the focus is noted that the settlement of administrative and criminal violations is processed through one door through Bawaslu where in the context of administrative violations, Bawaslu is authorized to receive complaints, investigate alleged violations, hear and determine whether there is a proven violation or not, and set the sanctions if proven temporarily to handle election criminal violations, Bawaslu becomes an investigator and prosecutor for alleged election criminal violations. In Bawaslu Body both in the Center, Province and Regency / City included elements of the police and prosecutors who are specifically assigned to handle election crimes so that the process of handling cases of election crimes runs effectively, this party is the one who actually conducts investigations and prosecutions based on Bawaslu's direction. The existence of election supervisors in political and administrative law reviews, is important to avoid delegitimization of the process and results of the implementation of elections, and anticipate the development of various violations of ownership based on the legal system in an integrated and comprehensive manner, in order to strengthen public trust in the midst of various problems of implementation of the electoral system.<sup>15</sup>

Bawaslu is expected to provide new breakthroughs in terms of election law enforcement in election organizers in Indonesia, so as to show the effectiveness of the presence of this institution in terms of enforcing election organizer law, to ensure the quality of election organizers who have integrity, accountability, and professionalism. An important note in Bawaslu's presence is that bawaslu's presence can be used as an answer to law enforcement problems in the implementation of elections in Indonesia, this is because in the process of law enforcement this election Bawaslu is only a report and recommendation to institutions that are authorized to handle criminal and administrative violations, and not as an institution that actually has a special authority that is in the realm of election law enforcement. With the high number of cases of electoral criminal violations and the many recommendations of cases from Bawaslu that are ignored

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<sup>15</sup> Iwan Satriawan, Pengawasan Pemilu oleh Rakyat, Jurnal Bawaslu Vo. 2 Edisi I Tahun 2016, p. 115.

by the Police, this proves that the serious problem facing the Indonesian nation lies in the quality of the enforcement of election law rules, especially in the implementation of elections in Indonesia, but this has not been supported by the concept of a functional election law enforcement system. Strengthening Bawaslu with the authority to enforce electoral criminal law in the holding of elections in Indonesia, is expected to be able to support the effective implementation of clean elections and away from fraud, where during the holding of elections in Indonesia, which has crossed 3 (three) eras, namely the old order, new order, and reform era, Indonesia has conducted elections as many as 12 (twelve) times, Starting from 1955-2019, but has not implemented a standard election law enforcement mechanism, as in law enforcement, moreover in every election there are very many violations of violations both administratively and criminally and many cases are abandoned.<sup>16</sup>

The need to strengthen Bawaslu with the authority to enforce electoral criminal law in the implementation of elections in Indonesia arises as a result of the high number of cases of electoral criminal violations and its ineffective handling by the competent institutions in this case, namely the Police in the implementation of elections, in addition to the above Strengthening of Bawaslu in line with the concept of the State Pancasila law applied in Indonesia, where the concept of the rule of law is affirmed in Article 1 paragraph (3) of the 1945 Constitution, which is derived from the main ideas of the opening of the 1945 Constitution, where it lays Pancasila as the philosophy of the State of Indonesia which has a "double position" in the national legal system, namely as a legal mind (*rechtside*) that has a constitutive function and regulative function, and domiciled as a basic norm (*grundnorm*).<sup>17</sup>

The need to strengthen Bawaslu's authority in the holding of elections, in order to improve the quality of elections, and create good election law enforcement practices in Indonesia. Strengthening this authority must be done by accompanying improvements in several other vital aspects. Namely the improvement of regulations regarding institutions and election organizing that provides decisive space for Bawaslu which is more ideal in the enforcement of election law.<sup>18</sup>

The form of strengthening Bawaslu's authority in the implementation of elections in Indonesia is the function of supervision strengthened by cooperation between Bawaslu Election monitors, election participants, voters, community organizations, mass media, pollsters, volunteers, and civil society organizations in

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<sup>16</sup> Angelo Emanuel Flavio Seac, Anwar Cengkeng, Lukman Hakim, Penguatan Bawaslu Dalam Penegakan Hukum Pidana Pemilu, *Electoral Research*, 2018..

<sup>17</sup> I Dewa Gede Atmadja, et.al, Membangun Hukum Yang Bermartabat (Malang, 2013), p. 115.

<sup>18</sup> Angelo Emanuel Flavio Seac dan Sirajuddin, Penguatan Kewenangan Lembaga Badan Pengawas Pemilu Dalam Penegakan Hukum Pemilu, *Artikel*, 2018.

general, secondly, simplification of the law enforcement system and resolution of election disputes yaitu Bawaslu authorized to enforce violations of election administration, and become investigators and prosecutors for alleged Election criminal violations that have a direct impact on the results of the Election and third, need to be given more time to Bawaslu in terms of handling the problem of election violations, considering the number of cases that exist every time the election is not relevant to the time limit given by the law in that context, this is in order to anticipate the occurrence of abandoned and unmanageable cases that have been encountered. The fourth position of the District / City Election Supervisory Committee must undergo changes that were originally Ad Hoc to be permanent.<sup>19</sup>

It can logically be said that Bawaslu and his ranks in carrying out law enforcement actually have no authority whatsoever. The important factor of the desire to strengthen this government is of course motivated because it wants the upcoming elections is a really quality election, meaning that everything can be guaranteed to be very measurable, where the holding of elections refers to the basic rules of the law of holding elections, election laws, and other related laws, where there are no more rules that cannot be implemented. On his way, Bawaslu is expected to provide new breakthroughs in terms of election law enforcement in election organizers in Indonesia, so as to show the effectiveness of the presence of this institution in terms of enforcing election organizer law, in order to ensure the quality of election organizers who have integrity, accountability, and professionalism. An important note in Bawaslu's presence is that bawaslu's presence can be used as an answer to law enforcement problems in the implementation of elections in Indonesia, this is because in the process of law enforcement this election Bawaslu is only a report and recommendation to institutions that are authorized to handle criminal and administrative violations, and not as an institution that actually has a special authority that is in the realm of election law enforcement.<sup>20</sup>

In comparison to Zimbabwe, the Election Supervisor has broad authority in the election management process. Scope or mandate may include: observation, involving gathering information and making information-based assessments; monitoring, which involves the authority to observe the electoral process and to

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<sup>19</sup> The realization of the form of strengthening Bawaslu's authority is certainly strongly influenced by political will (political will) from legislators and rulers, in seeing the urgency of Bawaslu's role in the holding of elections in Indonesia, as an answer to the high conditions of election violations and many cases that are not resolved properly that occur in Indonesia, so that it will be able to create political will from legislators and the ruler to realize the strengthening of Bawaslu's authority as an *ius constituendum* (the law aspired) in the holding of elections in Indonesia. In Iwan Satriawan, Pengawasan Pemilu oleh Rakyat, Jurnal Bawaslu Vo. 2 Edisi I Tahun 2016, p. 115.

<sup>20</sup> Angelo Emanuel Flavio Seac, Anwar Cengkeng, Lukman Hakim, Penguatan Bawaslu Dalam Penegakan Hukum Pidana Pemilu, *Electoral Research*, 2018.

intervene in that process if relevant laws or standard procedures are violated or ignored; Mediation, which is the intervention of a third party in an election dispute, is directed to assist the disputing party to find mutually acceptable outcomes and solutions to electoral disputes; technical assistance, which is generally in the form of technical support and advice to the Electoral Commission; supervision and auditing, which involves the certification process of validity of all or several steps in the selection process either before or after the election has taken place. According to the International IDE Code of Ethics: Ethical and Professional Observation of Elections, a foreign presence at elections may, in popular usage, be referred to as "observation".<sup>21</sup> We need to construct the election supervisory agency as an effective election law enforcement agency.

## CONCLUSION

The urgency to expand Bawaslu's authority in conducting supervision of elections should not only be limited to administrative matters, but needs to be considered in the process of enforcing election law, limiting the time to 7 days in reporting and 14 days in handling post-indications of fraud that occurs in the election process becomes obstacles and obstacles. Thus, Bawaslu is not only as a maker of reports and recommendations to institutions that are authorized to handle criminal and administrative violations, and not as an institution that actually has a special authority that is in the realm of election law enforcement. Thus, Bawaslu is very urgent to transform so that his authority is strengthened in the process of enforcing electoral law for criminal and administrative violations.

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<sup>21</sup> Ace The Electoral Knowledge Network, <https://aceproject.org/electoral-advice/archive/questions/replies/234934798>.

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