The Problems in Implementing the Function of the Integrated Law Enforcement Center (Gakkumdu) as an Election Law Enforcement Institution

Liky Faizal¹*,

¹Fakultas Syari’ah UIN Raden Intan Lampung, Indonesia
*Corresponding Author, Email: likyfaizal@radenintan.ac.id

Received: 2023-10-09 Revised: 2023-11-12 Accepted: 2023-12-15

Abstract

The Integrated Law Enforcement Center, hereinafter referred to as Gakkumdu, is the center of law enforcement activities for election crimes consisting of elements. The purpose of establishing Gakkumdu is to encourage the election judicial process to take place quickly and accurately. This research aims to analyze the implementation of the Sentra Gakkumdu function in Lampung Province and the inhibiting factors in the implementation of the Sentra Gakkumdu function in election law enforcement in Lampung Province. The results showed that the implementation of the function of the Sentra Gakkumdu in law enforcement of election criminal offenses by the Sentra Gakkumdu in the elections in Lampung Province was ineffective. This can be seen from the many cases handled; not all of them have been followed up on by the Gakkumdu center. The main problem in implementing the law enforcement function of election crimes by the Gakkumdu center is that there are often differences in legal perceptions among Gakkumdu members in determining whether a violation meets the elements of an election violation.

Keywords: law enforcement; general election; Gakkumdu
Introduction

According to Betham, as cited by Anwar Arifin\(^1\) elections are a minimum requirement for a democratic state. A democratic system is considered operational when several characteristics are met, such as fair and periodic elections, public accountability (responsibility) of the state to its citizens, and guarantees of freedom of expression and association. Elections are the most impartial platform for political parties to compete, assess how well they have performed their roles, and account for their performance to the voters who support them as one of the means to realize the sovereignty of the people in determining and choosing the political parties they believe are most trustworthy, capable of realizing their aspirations, and effective. Political parties are judged on their accountability as electoral participants every 5 (five) years by the public honestly and fairly, testing the continuity of their existence. As a tool of democracy, elections strive to approach the obsession of democracy, which is the government of, by, and for the people.\(^2\)

According to Cole\(^3\), elections are a means of competition to attain positions of power in government. Local elections represent a social contract between society and the state or government. In Thomas Hobbes' theory of social contract\(^4\), the formation of a state is based on a social contract between society and the state. Since humans are naturally social beings inclined to create chaos, there is a need for a state or government\(^5\) to regulate the lives of people as social beings. Hobbes views society, in this context, as individuals and groups, granting political power to the state or government to manage the lives of its citizens to create justice, peace, and prosperity.

---

1 Anwar Arifin, *Pencitraan dalam politik (strategi pemenangan PEMILU dalam perspektik komunikasi politik)* (Jakarta: Pustaka Indonesia Satu, 2006), 23.
The expectation from election results is the selection of political actors who govern the state and formulate public policies more aligned with the interests of the citizens. Public policies that favor the interests of citizens are greatly determined by the capacity, integrity, and commitment of the political actors elected in the elections. The quality of the electoral system, stages, and processes determine whether the election will have a positive impact.

Many factors influence the quality of elections. Among them is having a robust legal framework for conducting the election. This includes regulations that provide comprehensive guidelines on how to conduct high-quality elections. These regulations also serve as a manual for addressing any issues. In addition to not conflicting with other laws, these regulations should not be prone to misinterpretation between election organizers and participants.6

Independent organizers must conduct election administration.7 There should be no government intervention in the election process. Polling Stations (TPS) must have a structured and institutionalized setup from the central to the grassroots level. Independent entities with expertise in elections select the organizers to maintain professionalism, and an independent code of professional ethics binds the organizers.8 Furthermore, since elections are a competitive arena, more than one individual participates as a contestant. The election participants are political parties determined by the election organizers, and the preparedness of these participants defines the quality of the election.

The willingness to attend polling stations, cast votes, and actively participate in each stage or process of the election are all ways political participation can be exercised.9 If elections are considered a tool for the people's

sovereignty, the citizens' desire to participate in the electoral process must be facilitated. The government or election organizers are responsible for providing political education to voters to understand the purpose of elections, become informed voters, and recognize their rights and responsibilities. They must also ensure the availability of ballots at the polling stations.10

Finally, election fraud is a distinct possibility as elections are competitive. Participants in the election, voters, the government, and election organizers can all commit fraud. To prevent various types of violations or fraud, electoral law enforcement functions to (1) ensure a fair and honest electoral process, (2) prevent conflicts between participants and supporters, between participants and organizers, and among supporters and organizers, and (3) guarantee that the election results are trustworthy. Due to the perception that elections are rife with fraud, public recognition of the elected government is very low in some countries.11

In addition, the enforcement of electoral law in Indonesia is divided into two parts, according to the Election Law. The first part deals with violations, encompassing allegations of breaches of the electoral organizers' code of ethics, administrative violations, and criminal offenses. The second part handles disputes in the electoral process, including requests for corrections to decisions made by the General Election Commission (KPU).12

Election Law Enforcement Center, also known as Gakkumdu, was created to address criminal violations. Gakkumdu is comprised of the Election Supervisory Body (Bawaslu), the prosecution service, and law enforcement agencies. Gakkumdu was formed to expedite the electoral judicial process. The electoral process follows a strict schedule and stages that cannot be adjusted to fit conventional judicial processes. Article 486 of Law No. 7 of 2017 on Electoral Law Enforcement was enacted to expedite the handling of electoral criminal violations.

---

Article 486 paragraph (1) of Law No. 7 of 2017 states that the purpose of Gakkumdu is to ensure that the Election Supervisory Body (Badan Pengawas Pemilu, Bawaslu), the Indonesian National Police, and the Attorney General's Office of Indonesia understand and handle electoral crimes consistently. Members of Gakkumdu and public prosecutors are from the Indonesian National Police. Further detailed in Article 1 of the Regulation of the Election Supervisory Body (Bawaslu) of the Republic of Indonesia No. 31 of 2018 regarding the Integrated Law Enforcement Center, Gakkumdu is a law enforcement center for election crimes comprising elements from the Election Supervisory Body, Provincial Election Supervisory Body, District/City Election Supervisory Body, Indonesian National Police, Regional Police and/or Resort Police, as well as the High Prosecutor's Office and/or District Prosecutor's Office.

Previous researchers have researched Sentra Gakkumdu. One such study by Yandi discusses the strengthening of capacity and the placement of competent personnel in handling election crimes, which is expected to endorse a more professional performance of the Sentra Gakkumdu team. Ridwan Arifin, in his research, discusses a system that can reduce violations during elections through the synergistic process of Gakkumdu, aimed at realizing democratic elections in 2019, with hopes of bringing clarity and change in conducting general elections. Additionally, research by Hasni addresses the enforcement of criminal law in the regional head elections in South Konawe Regency and the implications of criminal law enforcement in these elections. Unlike the studies above, this research focuses on the issues surrounding the implementation of Sentra

---

16 Arifin, “Integrated Law Enforcement (GAKKUMDU) in Managing General Elections in Indonesia.”
Gakkumdu's functions in maintaining fair and clean elections in the Lampung Province. Therefore, this research is essential to understand and examine the problems in implementing the functions of Sentra Gakkumdu as an Election Law Enforcement Agency.

Research Method

This research is a normative juridical law study. It is based on the applicable laws and regulations and other documents related to electoral crimes handled by the Integrated Law Enforcement Center (Gakkumdu). The approach used is a legislative approach. The data sources used by the researcher are secondary data obtained from literature studies and other legal materials related to this discussion. These consist of a. Primary legal materials, in the form of basic norms or rules such as the preamble of the 1945 Constitution (UUD 45), legal materials including regulations related to this research, namely Law Number 7 of 2017 on General Elections, and other related regulations. b. Secondary legal materials in the form of books and scientific, legal writings related to the research object can provide explanations about the primary legal materials and are relevant to this research. c. Tertiary legal materials, including law dictionaries, general dictionaries, magazines, and scientific journals in the field of law, as well as other materials that explain the primary and secondary materials. The collected data is analyzed qualitatively and described descriptively.

Integrated Law Enforcement Center and Electoral Crimes

Article 22E of the 1945 Constitution, paragraphs (1) to (6), establishes the foundation for general elections in Indonesia as follows: (1) General elections are held every five years in a direct, general, free, secret, honest, and fair manner. (2) General elections are conducted to elect members of the People's Representative Council (DPR), Regional Representative Council (DPD),

---


President and Vice President, and Local People's Representative Councils (DPRD). (3) Participants in general elections to elect members of the People's Representative Council, Regional Representative Council, and Local People's Representative Councils are political party members. (4) General elections for electing general members of the People's Representative Council and the Regional Representative Council. (5) The general elections are conducted by the General Elections Commission (Komisi Pemilihan Umum - KPU).

Law No. 7 of 2017 on General Elections provides the legal basis for the conduct of the 2019 General Elections, encompassing 66 articles (from Article 488 to 544) which govern 77 types of electoral offenses. However, Law No. 10 of 2016, which is the Second Amendment to Law No. 1 of 2015 concerning the Establishment of Government Regulation in Lieu of Law No. 1 of 2014 on the Election of Governors, Regents, and Mayors as Law, provides the legal foundation for regional head elections.

In addition to the Election Law, the Criminal Code (KUHP) and other legislations govern electoral offenses. However, the KUHP and other legislations do not explicitly state that certain acts constitute electoral offenses. Provisions related to electoral offenses can be found in Chapter IV, titled "Offenses Against the Execution of Obligations."

For instance, in a case where a regional head candidate, deputy regional head, or their proxies falsify administrative requirements to be included in the candidate pair, Article 263 of the Criminal Code (KUHP) regarding document forgery can be applied. This enables the enforcement of electoral crimes outside the scope of the general criminal law, adhering to the Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana), following the same procedures as other general criminal offenses.

However, electoral offenses specific to local elections (Pemilukada) are crimes that occur during various stages of the electoral process for regional heads or their deputies. This includes stages such as voter registration, campaign period, voting, and voting counting. These offenses encompass a broad range of activities. They can include voting-buying, campaign violations, voter fraud, or
other actions that disrupt the integrity and fairness of the electoral process.20

The handling of electoral crimes is conducted in an integrated manner by the Integrated Law Enforcement Centre (Gakkumdu). The Gakkumdu is an ad hoc institution for law enforcement in cases suspected of being electoral crimes. As stipulated in Article 1 number 38 of Law Number 7 of 2017 on General Elections, the Gakkumdu is defined as a center for law enforcement activities for electoral crimes, consisting of the Election Supervisory Agency (Bawaslu), the Police, and the Prosecution Service.

The Chairperson of Bawaslu establishes and appoints the Gakkumdu after consulting with the National Police Chief and the Attorney General. Previously, the formation and regulations of Gakkumdu were governed by a joint regulation between the Election Supervisory Agency Bawaslu, the Police, and the Prosecution Service. This implies that Bawaslu functions as the coordinator in this context.

The Gakkumdu is headquartered at the central office of Bawaslu, with provincial Gakkumdu offices located at the provincial Bawaslu offices and the district/city Gakkumdu offices at the district/city Bawaslu offices. The overseas Gakkumdu operates from the overseas Panwaslu offices. The Ministry responsible for foreign affairs collaborates in establishing and appointing the overseas Gakkumdu. Gakkumdu is comprised of election supervisors, investigators, and public prosecutors, functioning as the center for election law enforcement.

The Gakkumdu institution consists of Advisors, Guides, Coordinators, and Members according to their respective levels. The advisors of the Provincial Gakkumdu include the Chairperson or Member of the Provincial Bawaslu, the Regional Police Chief, and the Head of the High Prosecution Service. The District/City Gakkumdu advisors include the Chairperson or Member of the District/City Bawaslu, the District Police Chief (Kapolres), and the Head of the

---

District State Prosecution Service.\textsuperscript{21}

**The Effectiveness of Gakkumdu as an Election Law Enforcement Institution**

A policy is considered effective if its set goals or targets are achieved, considering the risks and impacts incurred. Measuring effectiveness is determined by a program's end result and by considering whether the process involves high or low-risk levels. It is deemed effective if the objectives or goals are achieved as planned and can be considered effective if the activities are carried out correctly and yield beneficial results.\textsuperscript{22}

Rusdiana\textsuperscript{23} discusses effectiveness measurement in her article, highlighting three key aspects: first, the effort to achieve goals should be viewed as a process. Therefore, stages are necessary for reaching the final goal in terms of periodization and gradual progression. Key components in goal attainment include clear timeframes and objectives. Second, Integration. This aspect measures how well an organization can socialize, reach consensus, and communicate with other organizations. It emphasizes the importance of cohesive and coordinated efforts within and across organizational boundaries. Third, adaptation. This criterion assesses how well an organization can adjust to its environment. Organizations must be flexible and responsive to external changes. Benchmarks are employed in the recruitment and hiring processes to ensure they align with the organization's adaptability and integration capabilities to achieve these goals.\textsuperscript{24}

The Integrated Law Enforcement Centre (Sentra Gakkumdu)\textsuperscript{25} is a hub for the enforcement of election-related criminal laws, composed of elements from the


\textsuperscript{22} Iga Rosalina, “Efektivitas program nasional pemberdayaan masyarakat mandiri Perkotaan pada kelompok pinjaman bergulir di dsa mantren kecamatan Karangrejo kabupaten magetaan,” *Publika* 2, no. 2 (2014).


Election Supervisory Body (Badan Pengawas Pemilu) at national, provincial, and/or district/municipal levels, the Indonesian National Police (Kepolisian Negara Republik Indonesia) at national, regional, and/or local levels, and the Attorney General's Office of Indonesia (Kejaksaan Agung Republik Indonesia), including the High Prosecutor's Offices and/or District Prosecutor's Offices. The handling of election-related criminal offenses is conducted based on the principles of (1) justice, (2) certainty, (3) utility, (4) equality before the law, (5) presumption of innocence, and (6) legality.

In the discourse on law enforcement, the following factors can be considered effective: a) The law itself - in this context, it goes beyond just legislation; b) Law enforcement entities - these are the parties that formulate and implement the law; c) Supportive facilities and resources for law enforcement, d) Societal factors - these include aspects like public awareness, cooperation, and compliance with the law, e) Cultural factors - these are the creative outputs and sentiments based on human desires in social interactions.

According to Article 486 of Law Number 7 of 2017, the Election Supervisory Agency (Bawaslu), the Indonesian National Police, and the Attorney General's Office of the Republic of Indonesia form the Integrated Law Enforcement Center (Gakkumdu) to align understanding and handling patterns of election criminal offenses. Bawaslu, Bawaslu at the provincial level, and Bawaslu at the district/city level lead Gakkumdu. Investigators from the Indonesian National Police and prosecutors from the Attorney General's Office of the Republic of Indonesia are part of Gakkumdu. These investigators and prosecutors handle election criminal offenses on a full-time basis. While serving in Gakkumdu, they are temporarily seconded and are not given additional tasks from their original institutions.

The handling of election criminal offenses begins with a report of an alleged election crime from participants, voters, or monitors sent to the Indonesian National Police within one twenty-four-hour period (once every twenty-four

---

hours) after receipt of the report by the Election Supervisory Agency (Bawaslu), Bawaslu at the provincial level, Bawaslu at the district/city level, and/or the District Election Supervisory Committee stating that the alleged act or election criminal offense has occurred.

The Election Law Enforcement Center (Sentra Gakkumdu) often faces obstacles. For example, many reports do not enter the investigation process, or reports that meet formal and material requirements are discontinued. The reason for this is the diversity in the legal understanding and perception of Sentra Gakkumdu members regarding the provisions of criminal offenses related to the fulfillment of report elements. It is important to note that handling alleged election criminal offenses for the same incident often differs between regions.

Approaching the 2019 Election Day, several sting operations (OTT) related to allegations of political corruption during the campaign. Although one party has the authority to supervise, no consensus has been reached regarding the practice of sting operations.

In Lampung Province, several violations were handled that could not proceed to the next process. Among these was the cessation of a case related to a report from the Kedaton Sub-district Election Supervisory Committee (Panwaslu) regarding the alleged distribution of money during the quiet period in Penengahan Village. The Sub-district Election Supervisory Committee found evidence of envelopes confiscated from residents. The resident stated that a person with the AR initials gave a white envelope to a voter with the WJ initials containing cash of Rp100,000. However, the allegation of an election criminal offense was discontinued.

Another case occurred in Sukamenanti Village with AS as the complainant. Based on the initial review, the report met the formal and substantive requirements, and thus, Gakkumdu decided to proceed to the investigation stage. Witnesses were examined, but after two summons for clarification, the witnesses did not appear. Based on the Minutes of the Plenary Meeting, it was decided that the case could not proceed to the Investigation stage. Gakkumdu unanimously agreed not to escalate the case to the Investigation phase.

Several factors have hindered the effective functioning of the Integrated
Law Enforcement Center (Gakkumdu) during the 2019 elections in Lampung Province, including several article provisions, laws, and other regulations, which often impede the tasks of Gakkumdu. For instance, Article 523 of the 2017 Election Law (UU No. 7 Tahun 2017) states that any executor, participant, and/or campaign team intentionally promising or giving money or other materials as compensation to election campaign participants directly or indirectly, as referred to in Article 280 paragraph (1) letter j shall be punished with imprisonment for a maximum of 2 (two) years and a fine of up to Rp 24,000,000.00 (twenty-four million rupiah). However, this provision only applies to executors, participants, and/or campaign teams. At the same time, the majority of perpetrators come from among officials, businessmen, winning teams, family members, or close relatives of candidates. Furthermore, the object is limited to making promises or giving money or other materials as compensation. Often, promises made are accompanied by the promise of licenses, positions, or other promises. Despite physical evidence in community reports, Gakkumdu finds it difficult to process these cases if the subject and object do not meet the specified criteria.

Article 486, paragraphs 4 and 5 states that investigators and prosecutors carry out their duties full-time in handling election-related criminal offenses. While serving there, they are temporarily assigned to the Integrated Law Enforcement Center (Sentra Gakkumdu) and are not given other duties from their original institutions. However, the Bawaslu Regulation establishes how Gakkumdu is formed, consisting of structural officials in each institution. The membership of Sentra Gakkumdu is filled by officials who have other duties, indicating that this division of labor does not align with the situation on the ground. There have also been cases where officers are reassigned to other places even though they are in the process of handling a report.

Then, in handling reports, there is a difference in interpretation between Bawaslu, the Police, and the Prosecutor's Office, especially regarding meeting elements of the offense. This difference in interpretation also often occurs between prosecutors and police. There are several reasons for this, such as differences in education among members of Sentra Gakkumdu, experience in
Linky Faizal: *The Problems in Implementing the Function of the Integrated Law Enforcement Center (Gakkumdu) as an Election Law Enforcement Institution*

handling cases, or pressure from external parties, especially parties involved in litigation or the accused.

Finally, personnel constraints from each party. Although the rules emphasize that each party should not have other duties, this rule does not apply in certain cases because each institution may receive task calls. The police and the prosecutor's office lack staff due to these conditions, meaning investigators and prosecutors cannot work full-time.

**Conclusion**

Sentra Gakkumdu has been ineffective in handling allegations of electoral criminal offenses during the elections in Lampung Province for several reasons, namely: There are provisions in laws and other regulations that hinder its functioning; Gakkumdu members often have differing opinions on whether a report meets the elements of a violation or not; The trial process is constrained by time, and waiting for replacement officers takes quite a long time; Not all members of Sentra Gakkumdu understand the enforcement of electoral law.

**Authors’ Contributions**

LF, as the main author of this article, was responsible for the research activities, such as the data collection, presentation, and writing of the report and manuscript.

**Reference**


