

Between Justice and Certainty: Rethinking the Essence of Criminal Election Law Enforcement in South Sulawesi

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Citation: Firmansyah, H., Rahman, S., Husen, L. O. & Razak, A. (2025). Between Justice and Certainty: Rethinking the Essence of Criminal Election Law Enforcement in South Sulawesi, *Journal of Cultural Analysis and Social Change*, 10(4), 4920-4929. <https://doi.org/10.64753/jcasc.v11i1.4087>

Published: December 30, 2025

ABSTRACT

This study examines the urgency and effectiveness of criminal law enforcement in Indonesian general elections, with a case study in South Sulawesi Province. The research aims to: (1) analyze the importance of criminal election law enforcement in realizing justice, legal certainty, and utility, and (2) evaluate its effectiveness in practice. A normative-empirical mixed-methods design was employed by integrating doctrinal legal analysis with descriptive qualitative and quantitative approaches. Primary data were obtained through interviews, observations, and questionnaires administered to Bawaslu commissioners, members of the Gakkumdu Center, legal practitioners, academics, and community representatives across several districts/cities. Secondary data were derived from literature studies, official documents, and court rulings. The findings indicate that while the urgency of criminal election law enforcement is very high, its actual effectiveness in South Sulawesi remains low. Key constraints include: (1) legal provisions that impose relatively mild sanctions and short investigation deadlines; (2) weak institutional coordination within Gakkumdu and the absence of coercive authority, particularly detention powers. Drawing on the theoretical perspectives of Radbruch, Friedman, Soekanto, and Rahardjo, the study concludes that effective electoral criminal law enforcement requires a balanced interaction between legal substance, enforcement structures, and societal legal culture, supported by a progressive approach oriented toward substantive justice. The study recommends regulatory and institutional reforms particularly revisions to Law No. 7 of 2017 enhanced inter-agency coordination, and the development of a participatory legal culture to ensure fair, integrity-based, and dignified elections.

Keywords: Election crime; Criminal law enforcement; Electoral justice; Gakkumdu; Legal culture; South Sulawesi

INTRODUCTION

Indonesia is constitutionally established as a state based on law (Rechtstaat), governed by and subordinate to its Constitution, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The principle of a Rechtstaat requires that every exercise of public authority must be grounded in law and that law itself must function as the primary instrument in achieving justice, order, and social welfare. Consequently, all Indonesian citizens are obliged to obey, respect, and comply with the laws in force. The Constitution clearly asserts that the Republic of Indonesia is a legal state founded upon Pancasila and the 1945 Constitution, committed to upholding human rights, guaranteeing equality before the law and government, and obliging both the state and its citizens to

respect legal norms without exception. Articles 28 to 28J of the 1945 Constitution explicitly regulate the protection and fulfillment of human rights. Within this constitutional framework, the state represented by the government bears a dual obligation: first, to administer and implement laws properly; and second, to respect, protect, and fulfill the rights of citizens, individually and collectively. If the government fails to enforce the law fairly, or if citizens' rights are neglected or violated without adequate protection, such inaction may be perceived as a form of injustice. This moral and legal obligation is reinforced in Islamic teachings, including Surah Al-Maidah verse 8, which calls upon believers to stand firmly for justice, maintain fairness even toward those they dislike, and avoid injustice as it contradicts piety and integrity. Islamic ethics therefore encourage believers to act carefully, honestly, and sincerely in all fields of life, both religious and worldly. Law must, accordingly, stand as a guardian of truth and justice. In this context, general elections (Pemilu) occupy a central role as an institutional mechanism for the implementation of popular sovereignty. Elections in Indonesia are conducted directly, publicly, freely, confidentially, honestly, and fairly, in accordance with the principles of Pancasila and the 1945 Constitution. They serve not only as a procedural requirement of democracy but also as the most tangible manifestation of the people's sovereignty and political participation in governance. Democracy, in essence, implies government of the people, by the people, and for the people. Elections are therefore expected to produce legitimate leaders through a competitive and fair process, in which voters exercise their political rights without coercion or manipulation. Because of this strategic function, careful design and administration of the electoral system are essential. A high-quality electoral system should not only regulate procedures but also embody substantive democratic values, including fairness, accountability, transparency, and inclusiveness. Understanding the historical development of elections and analyzing available empirical data are necessary steps in evaluating the performance and integrity of Indonesia's electoral system. For instance, the 2019 General Election involved 14 political parties competing in the election of members of the House of Representatives (DPR) and Regional Legislative Councils (DPRD). The implementation of such a large-scale, simultaneous election requires coordination among numerous institutions, including the General Election Commission (KPU), the Election Supervisory Body (Bawaslu), and the Honorary Council of Election Organizers (DKPP), as well as the police, prosecutors, district courts, administrative courts, and ultimately the Constitutional Court. The 2019 simultaneous elections were governed by Law No. 7 of 2017 on General Elections, which consolidated and harmonized several previous statutes. This law categorizes election violations into four main groups: ethical violations, administrative violations, criminal offenses, and election result disputes. Ethical violations concern breaches of ethical codes committed by election officials and fall under the jurisdiction of DKPP, which may impose sanctions ranging from written reprimands to temporary suspension or permanent dismissal. Administrative violations concern failures to comply with procedures and mechanisms in various stages of the election process. By contrast, criminal election offenses constitute the most serious type of violation. They include deliberate acts intended to disrupt, obstruct, manipulate, or otherwise interfere with the lawful administration of elections. Criminal election offenses may be committed by individuals, political actors, organizations, or even election officials. They threaten not only procedural order but also the legitimacy of democratic outcomes. Law No. 7 of 2017 vests responsibility for addressing such offenses in Bawaslu, the Indonesian National Police, and the Prosecutor's Office through the Integrated Law Enforcement Center (Sentra Gakkumdu), while adjudication is conducted by district courts. Gakkumdu operates as a collaborative institution based on a memorandum of understanding among the Attorney General, the Chief of Police, and the Chair of Bawaslu. It functions at national, provincial, and district/city levels, with designated officers responsible for handling election crime cases. Theoretically, Gakkumdu is intended to ensure coordination, accelerate case handling, and reduce institutional conflicts. Nevertheless, in practice, challenges persist, including inconsistent interpretations of laws, evidentiary barriers, and coordination gaps among agencies. Election violations are not limited to voters or candidates; they may also involve election administrators at various levels. Therefore, legal instruments relating to elections are expected to act as normative guidance for all actors involved, ensuring that elections truly reflect democratic principles implemented in a fair, honest, and accountable manner. However, real-world practice reveals various obstacles. South Sulawesi, for example, is among the provinces with a relatively high recorded level of criminal cases, including those related to elections. Empirical observations show that many reported election violations fail to proceed to prosecution because they do not meet either formal or material evidentiary elements as defined by law. This pattern indicates possible weaknesses in substantive legal provisions, institutional practices, or both. Although Indonesia's electoral justice framework grants Bawaslu authority to manage violations and disputes, the implementation of these powers still encounters legal, institutional, and cultural challenges that need deeper scholarly examination. The enactment of Law No. 7 of 2023 which reaffirmed an earlier Government Regulation in Lieu of Law concerning amendments to Law No. 7 of 2017 primarily aimed to address electoral administration in newly created provinces and to adjust seat allocations and constituency arrangements. While legally important, this reform did not substantially modify core provisions regarding criminal election enforcement. Interestingly, empirical findings indicate that election contestants often perceive administrative sanctions, particularly disqualification, as more threatening than criminal penalties. Administrative

sanctions carry immediate political consequences, such as the loss of eligibility to compete, whereas criminal sanctions are frequently perceived as relatively light or negotiable. Court decisions from the 2019 and 2024 elections in South Sulawesi reinforce this perception. Numerous defendants convicted of election crimes received sentences of less than one year, many with probation, and several cases resulted in acquittal. Such lenient outcomes suggest that criminal sanctions do not consistently generate a deterrent effect. From a theoretical standpoint, ineffective sanctions undermine the preventive function of criminal law and may normalize electoral misconduct as a low-risk strategy for political gain. These empirical realities demonstrate a clear gap between legal norms and their practical implementation. While the law aspires to guarantee justice, legal certainty, and the integrity of elections, institutional capacity, procedural limitations, coordination issues, and social attitudes toward money politics often weaken enforcement. Consequently, criminal law enforcement in elections has not fully achieved its fundamental objectives, namely deterring violations, preserving fairness, and safeguarding democratic legitimacy. This complex situation underscores the significance of critically examining the essence of criminal election law enforcement, particularly its philosophical foundations, practical challenges, and institutional dynamics. South Sulawesi provides a meaningful case study because it reflects broader national trends while also presenting specific local characteristics. Investigating how law operates in this context offers valuable insights into the broader question of whether electoral justice in Indonesia remains largely procedural or is evolving toward substantive fairness. Accordingly, this research is motivated by the need to bridge the gap between law on the books and law in action, to evaluate the actual performance of criminal election law enforcement, and to formulate constructive recommendations. Through this inquiry, it is expected that a more responsive, just, and integrity-based electoral legal system can be realized in Indonesia, particularly in future elections.

METHOD

This study employs a normative–empirical legal research design framed within a mixed-methods approach. Legal research is understood as a scientific activity grounded in systematic methods and theoretical reasoning aimed at analyzing legal phenomena. Accordingly, this study integrates doctrinal (normative) analysis of statutes, legal principles, court decisions, and scholarly writings particularly those relating to criminal election law under Law No. 7 of 2017 with empirical field inquiry. The normative component examines the legal framework governing election crimes and evaluates its capacity to realize justice, legal certainty, and legal utility. The empirical component complements this analysis through observation, interviews, and documentation in South Sulawesi Province, focusing on how election crime provisions are implemented by the General Election Commission (KPU), the Election Supervisory Body (Bawaslu), and the Integrated Law Enforcement Center (Gakkumdu). Empirical findings are used to compare “law on the books” with “law in action,” revealing gaps between normative expectations (das sollen) and practical realities (das sein). Consistent with mixed-methods logic, integration occurs across the design, data collection, and interpretation stages, enabling a nuanced examination of effectiveness, institutional constraints, and socio-legal dynamics. The method therefore produces theoretically grounded yet policy-relevant insights, supporting reform recommendations aimed at strengthening criminal election law enforcement in Indonesia.

RESULT AND DISCUSSION

The Essence of Criminal Election Law Enforcement in Realizing Justice

The objectives of punishment can be viewed through several criminological theories. Retributive (absolute) theory regards punishment as moral retribution for wrongdoing, while utilitarian (relative) theory views punishment as an instrument for achieving useful purposes such as preventing future crimes. Justice-oriented theories, such as those proposed by John Rawls, emphasize the importance of guaranteeing equal opportunities and fair treatment for all.

The results of this study show that criminal sanctions imposed for election crimes generally below one year of imprisonment fail to produce a meaningful deterrent effect. This indicates that deterrence-based punishment has not operated optimally. Weak and inconsistent enforcement generates injustice, as offenders do not receive sanctions proportionate to the damage inflicted on the democratic process. The findings clearly demonstrate that the core problems of criminal election law enforcement in South Sulawesi are not limited to regulatory design, but also stem from institutional implementation failures and socio-legal culture.

From the standpoint of justice, interview data reveal that sanctions imposed for election crimes are still disproportionate and do not reflect social fairness. Light sentencing indicates that the law has not ensured equal protection for both offenders and the broader public harmed by electoral fraud. Questionnaire results distributed

to election administrators, law enforcement personnel, academics, and the public show the following distribution: 7.4% strongly agreed, 77.8% agreed, 11.1% disagreed, and 3.7% strongly disagreed with the statement that criminal election law enforcement has been functioning properly. Although the majority perceive the system as working, the relatively high dissatisfaction concerning fairness suggests that citizens still feel unequal treatment in the handling of election violations.

Legal justice is disrupted by inconsistent procedures that often fail to reach court proceedings. Justice is further weakened by the absence of deterrence and the limited level of public legal awareness. This issue becomes more critical when examined alongside the protection of voters' constitutional rights affirmed by Constitutional Court Decision No. 176/PUU-XXII/2024, concerning Article 426 paragraph (1)(b) of Law No. 7 of 2017, which emphasizes that electoral rights constitute fundamental rights requiring adequate protection through the judicial system.

Philosophically, elections are designed to realize popular sovereignty and the essence of democracy government of, by, and for the people. Criminal election law enforcement is therefore a prerequisite for guaranteeing citizens' constitutional rights, preventing abuse of power, and preserving the authenticity of votes as an expression of the volonté générale. The philosophical foundation of criminal election law enforcement in Indonesia is illuminated through Gustav Radbruch's triadic legal concept, which frames law as a unity of justice (Gerechtigkeit), legal certainty (Rechtssicherheit), and expediency (Zweckmäßigkeit). These values function as complementary normative pillars for democratic law enforcement.

In the electoral context, justice implies equal treatment of candidates, political parties, and voters. Every violation administrative or criminal should be handled objectively and without discrimination. However, substantive justice remains unfulfilled due to political interference, unequal access to justice, and disproportionate sanctions. Practices such as vote-buying and misuse of public resources directly erode democratic fairness and undermine voter rationality.

Criminal election law thus serves as a strategic instrument of electoral justice, ensuring lawful, ethical, and dignified elections. Electoral justice is not measured merely by procedural compliance, but also by the law's capacity to protect political rights and sanction misconduct that undermines electoral integrity.

An expert interview reinforces this point:

“...although the KPU appears normatively compliant with the legal framework, a deeper evaluation shows that its performance is not fully consistent with the principles of independence, honesty, fairness, transparency, and professionalism. This reveals a persistent gap between legal compliance and democratic performance, which if unaddressed threatens the legitimacy of constitutional democracy in Indonesia.”

This demonstrates that formal application of law does not automatically guarantee substantive justice or public trust. Consistent with Aristotelian distributive justice, criminal penalties should prevent oligarchic domination and ensure equitable political participation. Weak criminal enforcement ultimately jeopardizes democratic legitimacy. Therefore, the urgency of criminal election law enforcement is simultaneously juridical, philosophical, and sociological.

Asry Yusuf's Perspective on Weak Substantive Justice

Election-law expert Asry Yusuf emphasizes that, although the normative framework (Law No. 7 of 2017) is relatively complete, substantive justice remains unrealized:

“Criminal election law enforcement has not yet fully achieved justice especially for those harmed by fraudulent practices such as vote-buying, voter intimidation, manipulation of vote results, and abuse of power.”

Many cases are halted at preliminary stages because of formalistic reasoning, evidentiary challenges, or political intervention producing selective and fragmented justice. He further notes the absence of consistent evidentiary standards and the 14-day case-handling deadline, which causes numerous cases to stall within Gakkumdu before reaching court. As a result, enforcement becomes procedural rather than substantive.

Accordingly, Asry argues that reform must move beyond formal compliance toward substantive justice, through:

1. structural reform of Gakkumdu,
2. clearer formulation of electoral offenses, and
3. strengthened human resource capacity.

The Gap Between Legal Compliance and Democratic Performance

Integrated qualitative analysis reveals a consistent pattern: KPU and Bawaslu comply with regulations, yet democratic outcomes remain weak. Evidence demonstrates:

1. Problems with the Permanent Voter List (DPT) and technical failures in Sirekap created operational uncertainty.

2. Weak coordination within Gakkumdu particularly differing interpretations among Bawaslu, police, and prosecutors caused many cases to be discontinued.
3. A permissive political culture toward vote-buying and low legal literacy weakened social control.
4. Thus, there exists a separation between rules and practice: laws are followed procedurally, but fail to meaningfully influence political behavior.

Questionnaire Data: Support for Election Law vs. Deterrent Perception

Survey analysis reveals a dual perception:

1. 94–97% recognize KPU and Bawaslu as important and legally legitimate institutions.
2. Only 70% believe court decisions create deterrence.
3. Only 28% have ever reported election violations to Bawaslu.

On the deterrence question, responses split sharply. Out of 33 respondents answering item #7, 79% agreed that sanctions deter violations; however, when recalculated using the full sample (N=53), agreement drops to 49%. This discrepancy reflects missing data and requires careful interpretation.

Despite normative confidence in electoral institutions, there is skepticism regarding enforcement effectiveness a sign that justice remains procedural rather than substantive.

1. Interview results reinforce this conclusion. Two major empirical points consistently emerged:
2. Many reports stop at early stages and never reach court, denying victims substantive remedies.
3. Sentences imposed are generally light, diminishing deterrence and educational value.
4. In Radbruch's framework, legal certainty is compromised. Although regulations provide adequate mechanisms including Articles 488–554 of Law No. 7/2017 and Gakkumdu provisions under Article 486 coordination weaknesses, overlapping authorities, and strict deadlines hinder practical certainty.

Public perception mirrors this: while respondents acknowledge institutional legality, they criticize inconsistent case handling suggesting that *de jure* certainty exists, but *de facto* certainty does not.

Criminal law should also generate social utility, including public learning and deterrence. Yet interviewees noted that weak sentencing, minimal publication of cases, and permissive public attitudes toward money politics prevent criminal law from achieving its social function.

The Essence of Criminal Election Law Enforcement in Realizing Legal Certainty

The legal basis for criminal election law enforcement in Indonesia is primarily grounded in Law No. 7 of 2017 on General Elections, along with its implementing regulations and Bawaslu regulations. The constitutional foundation is set out in Article 22E of the 1945 Constitution, which mandates that general elections shall be conducted directly, publicly, freely, confidentially, honestly, and fairly every five years. This constitutional mandate is operationalized through Law No. 7 of 2017, which serves as the main legal framework for all stages of elections, including the enforcement of election law.

Law No. 7 of 2017 on General Elections systematically regulates the institutional architecture of electoral management bodies, the procedures for conducting elections, and the mechanisms for addressing violations and criminal offenses in elections. Articles 476 to 554 specifically address criminal provisions, types of violations, penalties, and procedures for law enforcement through the Integrated Law Enforcement Center (Sentra Gakkumdu). As an implementation of Law No. 7 of 2017, several key implementing regulations have been enacted, including:

1. Government Regulation No. 12 of 2018 on Procedures for Handling Violations and Disputes in the Election Process;
2. Bawaslu Regulation No. 7 of 2018 on Handling Findings and Reports of Election Violations;
3. Bawaslu Regulation No. 8 of 2018 on the Settlement of Administrative Election Violations;
4. Bawaslu Regulation No. 31 of 2018 on the Integrated Law Enforcement Center (Sentra Gakkumdu).

In addition, Bawaslu has issued various technical regulations and guidelines regarding campaign oversight, political finance, and criminal election violations. Taken together, these regulations form a comprehensive electoral legal framework covering all aspects of election administration and supervision, from planning to the determination of results.

In Gustav Radbruch's terms, legal certainty is closely related to the clarity of legal norms and the consistency of their application. Although Law No. 7 of 2017 provides a formally comprehensive legal basis, in practice there remain significant ambiguities, particularly regarding the distinction between administrative violations and criminal offenses. The lack of clear boundaries between these categories often results in differing interpretations among the components of Gakkumdu (Bawaslu, Police, Prosecution), which in turn leads to delays or even termination of legal proceedings in election cases.

Normatively, Indonesia's electoral legal framework provides a strong foundation for criminal election law enforcement. However, the findings of this research indicate a significant gap between the normative framework

and empirical implementation, especially at the regional level, such as in South Sulawesi Province.

First, in terms of substantive law, Law No. 7 of 2017 does not fully clarify the elements of election crimes, particularly in differentiating administrative, ethical, and criminal violations. As a result, legal events are often interpreted differently by Bawaslu, the Police, and the Prosecution within Gakkumdu. This situation leads to inconsistency in case handling and contributes to the relatively low number of cases that proceed to prosecution and trial.

Second, in terms of legal structure, Gakkumdu—conceptually designed as a forum for integrated law enforcement coordination—often encounters coordination problems in practice. Several cases in South Sulawesi show differences in perception among Gakkumdu members regarding the sufficiency of formal and material elements of reports, as well as differing interpretations of the constituent elements of election crimes. Consequently, many public reports have not proceeded to investigation because they were deemed not to meet criminal law requirements.

Third, from the standpoint of legal culture, the effectiveness of criminal election law enforcement is strongly influenced by local political culture. A permissive attitude toward vote-buying, patron-client relationships between candidates and voters, and low legal awareness mean that many violations are neither reported nor processed formally, but instead settled informally at the local level. This demonstrates that the effectiveness of law depends not only on the quality of legal norms, but also on collective awareness and the integrity of political actors and law enforcement institutions.

Even so, Law No. 7 of 2017 still has strategic value as a normative instrument for realizing electoral justice. It provides a legal basis for Bawaslu and Gakkumdu to act against criminal election violations and reinforces the principles of accountability and transparency in election administration. To make criminal election law enforcement effective at the local level, however, more precise reformulation of legal norms, extended time limits for case handling, and strengthened institutional capacity of Gakkumdu are required.

Criminal election law enforcement encompasses a wide range of objects, which can be broadly grouped into process-related and result-related objects. A clear understanding of these objects is essential to analyze the urgency and effectiveness of law enforcement, consistent with doctrines that distinguish between formal and material offenses. In normative terms, these objects align with the General Election Law regime, which adopts the integrity of the process as the foundation of constitutional democracy.

Process Disputes

Process disputes are disputes between election participants and election organizers arising from decisions of KPU, provincial KPU, or regency/municipal KPU. Article 466 of Law No. 7 of 2017 defines process disputes as:

“Process disputes in elections include disputes between election participants and disputes between election participants and election organizers resulting from decisions of KPU, provincial KPU, and regency/municipal KPU.”

The authority to examine and decide process disputes lies with Bawaslu. Article 2 paragraphs (1) and (2) of Bawaslu Regulation No. 9 of 2022 on Procedures for Settling Election Process Disputes provides:

“Bawaslu, provincial Bawaslu, and regency/municipal Bawaslu are authorized to settle election process disputes. Election process disputes include disputes among election participants and disputes between election participants and election organizers arising from decisions of KPU, provincial KPU, and regency/municipal KPU.”

Bawaslu must follow specific procedural stages in resolving such disputes. Article 8 of Bawaslu Regulation No. 9 of 2022 stipulates that Bawaslu and its provincial and regency/municipal branches settle disputes through the following steps:

1. receiving the application;
2. examining the application;
3. bringing together the disputing parties;
4. examining evidence; and
5. issuing a decision.

Applications must meet several formal requirements, including clear identification of the applicant and respondent, and a chronology of the respondent's actions deemed harmful to the applicant's rights as an election participant, and must be submitted using the designated PSPP-22 form. Applications may be submitted in writing or orally, in which case Bawaslu records them in the prescribed form.

Applicants in process disputes are election participants who are adversely affected by KPU decisions, such as parties or candidates declared ineligible as election participants or as legislative candidates. Article 16 of Bawaslu Regulation No. 9 of 2022 explains that applicants may include:

1. political parties declared ineligible as participants;
2. prospective DPD candidates;

3. presidential/vice-presidential candidate pairs;
4. political parties whose proposed legislative candidates are not included in the final candidate list; and
5. candidates already established but adversely affected by later KPU decisions.

After review, examination, and adjudication, Bawaslu's decisions in process disputes are binding, as affirmed in Article 12 of Bawaslu Regulation No. 9 of 2022:

"Decisions in disputes among election participants are binding. The decision shall be read publicly and must be accountable."

Where the substance of a Bawaslu provincial or regency/municipal decision is suspected of contradicting higher-level legislation, Bawaslu at the national level is authorized to correct the decision, and the relevant Bawaslu office must issue a new decision within one day of receiving the correction.

If the parties remain dissatisfied, they may file a lawsuit with the Administrative Court (PTUN). Article 470 of Law No. 7 of 2017 provides that process disputes heard by PTUN involve disputes between candidates or participants and KPU (at national, provincial, or regency/municipal level) arising from KPU decisions. Article 471 further stipulates that lawsuits may be filed within five working days after Bawaslu's decision is read, and only after administrative remedies at Bawaslu have been exhausted.

The Supreme Court Regulation (PERMA) No. 5 of 2017 on Procedures for Settling Election Process Disputes in the Administrative Court clarifies that:

- a. lawsuits must be submitted within five days after Bawaslu's decision is read;
- b. they must be accompanied by sufficient documentary evidence, including the contested KPU decision and the Bawaslu decision;
- c. the court must issue a decision within 21 days of the case being declared complete; and
- d. KPU must implement the decision within three days after it is pronounced in open court.

The object of the process in criminal election law enforcement thus includes:

1. Administrative Violations: violations of procedures and mechanisms established by KPU and Bawaslu, as regulated in Articles 462–465 of the Election Law;
2. Ethical Violations: breaches of ethical norms applicable to organizers and participants, as in Bawaslu Regulation No. 2 of 2018 on Codes of Ethics;
3. External Crimes: criminal acts generally regulated in the Criminal Code (KUHP) or other laws, but drawn into the electoral regime due to their relevance to election integrity (e.g., forgery under Article 263 KUHP, defamation under Article 310 KUHP, or violence under Article 351 KUHP).

Structured, Systematic, and Massive (TSM) Violations

Elections can initially be viewed as administrative processes, but in practice they are not limited to administrative violations; there are also criminal violations that directly damage electoral outcomes. A central concept here is Structured, Systematic, and Massive (TSM) Administrative Violations.

1. TSM administrative violations are serious abuses meeting three cumulative criteria:
2. Structured – involving state or government apparatus (civil servants, village heads, or officials) and/or election organizers acting collectively and in an organized manner;
3. Systematic – conducted under a well-planned, organized scheme, not sporadic or isolated;
4. Massive – having broad impact that significantly influences election results, often assessed by the proportion of affected regions (e.g., at least 50% of districts in a constituency).
5. According to Bawaslu regulations, the objects of TSM administrative violations include:
6. Actions that violate procedures or mechanisms in electoral administration and occur in a TSM pattern;
7. Acts of promising or giving money or other material benefits to influence voters or organizers in a TSM manner (TSM vote-buying).

The sanction for proven TSM administrative violations is severe: cancellation (disqualification) of the candidate or candidate pair, as decided by Bawaslu or recommended by Bawaslu and implemented by KPU. Candidates may file further legal remedies to the Supreme Court (MA), but the effect of such sanctions is politically and legally significant.

The handling authority lies primarily with Bawaslu, especially provincial Bawaslu for regional elections (Pilkada). Bawaslu receives, examines, and decides TSM cases within strictly regulated timeframes. In practice, however, TSM issues are also often raised in election result disputes before the Constitutional Court (MK), reflecting the close interrelation between process violations and result legitimacy.

Empirical findings in this research show that normative ambiguity, for instance in Article 507 of the Election Law, blurs the boundary between administrative and criminal sanctions, weakening the effectiveness of criminal enforcement. Document analysis reveals that some violations are pure criminal acts, while others originate from administrative violations, exacerbating classification ambiguity. This situation is compounded by vague norms and

generally lenient criminal sanctions.

Disputes Over Election Results

Disputes over election results (PHPU) are governed by Articles 473–475 of Law No. 7 of 2017 and by several Constitutional Court Regulations (PMK) issued in 2023.

Article 473 of the Election Law provides:

1. Disputes over election results involve disputes between KPU and election participants regarding the determination of national vote counts;
2. For DPR, DPD, and DPRD elections, such disputes concern vote determinations that affect seat allocation;
3. For presidential elections, disputes concern vote determinations that affect the determination of the President and Vice President.

Constitutional Court Regulation No. 2 of 2023 defines PHPU for DPR and DPRD as disputes between political parties and KPU over the national determination of vote counts. PMK No. 3 of 2023 sets out similar rules for DPD elections, and PMK No. 4 of 2023 governs PHPU for presidential and vice-presidential elections.

Law No. 7 of 2017 establishes the Constitutional Court (MK) as the competent judicial body to examine, adjudicate, and decide result disputes:

For DPR, DPD, and DPRD, Article 474 provides that election participants may submit an application for annulment of KPU's determination of vote counts to MK;

For Presidential and Vice-Presidential elections, Article 475 provides that candidate pairs may file objections to MK within three days of KPU's determination of national results.

Furthermore:

1. For DPR/DPD/DPRD disputes, applications must be filed within 3×24 hours of KPU's announcement of national results, as reiterated in PMK No. 2 of 2023 and PMK No. 3 of 2023;
2. For presidential disputes, MK must issue a decision within 14 days of receipt of the application;
3. For DPR/DPD/DPRD disputes, MK must decide within 30 working days from registration in the e-BRPK system.

These strict time limits highlight the tension between legal certainty and substantive justice: on the one hand, rapid resolution promotes stability and certainty; on the other, overly rigid deadlines risk limiting the court's ability to fully examine complex evidence, especially in cases involving TSM violations or intertwined administrative and criminal issues.

Legal Certainty and the Practice of Criminal Election Law Enforcement

Based on the above legal framework, it is evident that election contestants—whether presidential and vice-presidential candidates, DPD candidates, or legislative candidates—tend to be more afraid of administrative sanctions, especially disqualification, than of criminal sanctions. Disqualification directly eliminates their political opportunity, whereas criminal sanctions are often light and do not necessarily end political careers.

In practice, the imposition of criminal sanctions has not created a strong deterrent effect for election violators; penalties are generally not maximal and, in many cases, symbolic. This research therefore argues that, going forward, offenders in election crimes should receive more severe and proportionate sentences, and that criminal sanctions should be coupled with administrative sanctions such as disqualification for candidates found guilty. In the author's view, the combination of criminal and administrative sanctions would better protect democracy and minimize recurring violations.

The Role and Function of Gakkumdu in South Sulawesi

In the context of South Sulawesi Province, Sentra Gakkumdu plays a central role in criminal election law enforcement. It is a joint working group comprising three institutions:

1. Bawaslu (supervisory institution),
2. The Indonesian National Police (investigation and inquiry),
3. The Prosecutor's Office (prosecution).

Although each institution retains its formal statutory functions, within Gakkumdu they coordinate in receiving, processing, and following up reports and findings related to criminal election violations. The purpose of Gakkumdu is not simply to send people to prison, but to ensure that election-related criminal cases are handled efficiently, consistently, and in an integrated manner.

In the 2020 elections, Bawaslu noted that criminal election law enforcement was still relatively weak, due in part to insufficient regulatory support and lingering sectoral ego among institutions. To address this, Bawaslu RI, the National Police, and the Attorney General issued a Joint Regulation:

Bawaslu Regulation No. 5 of 2020, Police Regulation No. 1 of 2020, and Attorney General Regulation No. 14

of 2020 on the Integrated Law Enforcement Center in Regional Elections. This joint regulation represents a significant step forward in clarifying procedural roles, strengthening Gakkumdu's position, and streamlining joint handling of reports so that cases do not get stuck in inter-institutional loops.

Under this framework, all reports are processed through a single gateway at Gakkumdu. The status of each report—whether it constitutes a criminal offense, an administrative violation, or no violation at all—is determined jointly. Once Gakkumdu's process is completed, cases that meet the criminal elements are taken directly to court, while those that do not are concluded accordingly. This integration is intended to strengthen legal certainty by reducing back-and-forth file transfers and inconsistent decisions.

Nonetheless, the findings of this research indicate that, in practice, legal certainty remains fragile. The strict procedural deadlines (such as 14 days for handling criminal cases in Gakkumdu) often limit the depth of investigation, especially in complex cases. Moreover, differences in interpretation, limited resources, and local political pressures continue to hinder full and consistent enforcement.

CONCLUSION

This study concludes that narcotics law enforcement in the jurisdiction of the South Sulawesi Regional Police is a multidimensional process that integrates preventive, pre-emptive, repressive, and rehabilitative strategies. Law enforcement is not limited to punishment but aims to realize justice, utility, and legal certainty in accordance with Radbruch's legal philosophy. Although the legal framework provides modern investigative tools, the implementation still faces major structural and operational barriers. Limited numbers of investigators, inadequate technological support, sophisticated offender methods, and tightly protected criminal networks hinder the ability of police to dismantle higher-level traffickers. Consequently, most enforcement outcomes remain focused on users and low-level couriers. Preventive and community-based programs have been implemented, yet the continuous emergence of new cases indicates that narcotics circulation remains active and resilient. The decline in recorded cases cannot be fully interpreted as increased effectiveness but may instead reflect investigative constraints or shifting criminal patterns. In essence, effective narcotics enforcement in South Sulawesi requires stronger institutional capacity, greater inter-agency collaboration, improved community involvement, and a balanced approach between punishment and rehabilitation. Only through these integrated efforts can the region achieve a more effective, just, and sustainable narcotics control system.

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