



The Dynamics of 2024 Election Crimes in North Maluku

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Abstract

This research examines the characteristics of election crimes at each stage of the electoral process in North Maluku and analyzes the handling patterns employed by Sentra Gakkumdu, focusing on data that has been largely overlooked in previous research. Using an empirical legal research method with a conceptual and statutory approach, the research provides a comprehensive assessment of election crime enforcement. The findings reveal that the highest number of reported violations occurred during the plenary recapitulation stage (42 cases), followed by the voting and vote-counting stage (33 cases), the campaign stage (32 cases), and the nomination stage (2 cases). Despite the high number of reports, Sentra Gakkumdu faced significant challenges in case handling. Of the 109 reported cases, only 7 reached a court decision, while the majority were halted at the discussion, investigation, or administrative correction stages. These findings highlight the low success rate in prosecuting election crimes and underscore the need for improved coordination and enforcement mechanisms within Sentra Gakkumdu. This research contributes to the development of election law and provides valuable insights for strengthening the effectiveness of election crime enforcement.

A. Introduction

General elections serve as a crucial mechanism for assessing the quality of a country's democracy.¹ As a constitutionally regulated process, elections facilitate the selection of

¹ Ahmad Gelora Mahardika, "Potensi Pelanggaran Pelaksanaan Pemilihan Umum Dalam Politik Hukum Kewarganegaraan Indonesia (Potential Violation of Election in The Indonesian Political Citizenship Law System)," *Majalah Hukum Nasional* 53, no. 1 (2023): 126–227, <https://mhn.bphn.go.id>.



leaders and representatives for a defined term.² Consequently, electoral processes must adhere to fundamental constitutional principles, including direct, general, free, secret, honest, and fair elections. However, electoral integrity is often compromised by documented violations and irregularities. While political competition is inherently complex and rife with strategic maneuvering, adherence to ethical principles and integrity remains essential to ensuring fairness, transparency, and public trust in the political system. Moreover, ethical and integrity-based political processes contribute to effective social oversight.

The electoral process comprises several key stages, including voter registration and data verification, candidate nomination, campaigning, the quiet period, voting, vote tabulation, and the official determination of elected candidates. Each stage presents potential risks for violations and disputes. The 2019 general elections in Indonesia, for instance, witnessed widespread allegations of fraud across multiple voting districts.³

According to Refli Harun, electoral challenges in Indonesia can be categorized into six main areas: (1) election administration violations, (2) election crimes, (3) election disputes, (4) election administrative disputes, (5) violations of the election code of ethics, and (6) disputes over election results.⁴

The Election Supervisory Agency (Bawaslu), as a guardian of democracy, operates at both national and regional levels and has documented extensive evidence of electoral violations committed by election organizers, participants, government institutions, judicial bodies, and the general public. However, despite the prevalence of such violations, only a limited number are processed through legal channels. Even when certain cases gain public attention, others with similar patterns and methods remain unresolved, creating a perception of disparity or discrimination.⁵ This inconsistency in enforcement risks undermining public trust in both electoral supervisory bodies and the electoral system as a whole.

Election violations encompass any actions that contravene election laws and regulations, as stipulated in Article 454 of the Election Law. These violations may arise from official findings or public reports. This research focuses on electoral criminal offenses, which vary across different stages of the election process.

In the 2019 general elections, election supervisors handled numerous violations, with election-related crimes posing distinct challenges in enforcement.⁶ Under Law No. 7 of 2017 on General Elections, election crime enforcement falls under the jurisdiction of election supervisors, who coordinate through the Integrated Law Enforcement Center (Sentra Gakkumdu).⁷ Given the potential for violations at every stage of the electoral process, robust oversight and monitoring are essential to safeguarding the integrity and quality of elections.

Several prior studies have examined electoral crimes, including research on the enforcement of electoral crimes to uphold election integrity (Fitra & Fitri Wahyuni, 2024), law enforcement in electronic elections during the 2024 Simultaneous Elections (Redi

² Teguh Prasetyo, *Filsafat Pemilu* (Bandung, 2020).

³ Dedi Ramdani, "Analisis Peranan BAWASLU Dalam Penegakan Hukum Pemilu Serentak 2024," *Journal Pusat Studi Pendidikan Rakyat* 3, no. 1 (2023): 167–74, <https://pusdikra-publishing.com/index.php/jies>.

⁴ Ida Farida and Vera Fillinda Agustiana Dewi, "Pelibatan Anak Di Dalam Kampanye Politik Pada Pemilihan Bupati Dan Wakil Bupati Periode 2019-2024 Di Kabupaten Ciamis," *Jurnal Ilmiah Galuh Justisi* 6, no. 2 (2018): 144, <https://doi.org/10.25157/jigj.v6i2.1710>.

⁵ Edison Hatoguan Manurung and Ina Heliany, "Edison Hatogua Manurung, 2020," *Jurnal Usm Law Review* 3, no. 1 (2020): 182.

⁶ Bawaslu RI, *Buku 1 Desain Pengawasan Pemilihan Serentak* (Jakarta: Bawaslu RI, n.d.). Page 79

⁷ Alasman Mpesau, "Kewenangan Badan Pengawas Pemilu Dalam Penanganan Pelanggaran Administrasi Ditinjau Dari Perspektif Sistem Peradilan Indonesia," *Audito Comparative Law Journal (ACLJ)* 2, no. 2 (2021): 74–85, <https://doi.org/10.22219/aclj.v2i2.16207>.

Pirmansyah, J. Junaidi, & Merta, 2024), and the redesign of electoral crime handling in 2024 as an effort to achieve justice (Surahman et al., 2023). Most of these studies have analyzed electoral crimes at the national level, identifying common challenges related to legal substance and the overall law enforcement system. Given this national focus, the present research seeks to narrow its scope to North Maluku Province, providing a more localized and nuanced analysis. Specifically, this research aims to examine the trends and characteristics of electoral crimes unique to this province in the context of the 2024 General Election. By doing so, this research aspires to contribute to policy reform and enhance the effectiveness of election law enforcement through an evidence-based, region-specific approach.

Based on the aforementioned context, this research seeks to address the following research questions: (1) What are the dynamics and forms of electoral crimes at each stage of the 2024 election in North Maluku Province? (2) How has the GAKKUMDU Center handled these crimes?

The primary objective of this research is to identify the various forms of electoral crimes that occurred in North Maluku Province during the 2024 elections, with particular attention to their manifestation at different electoral stages. Additionally, this research aims to evaluate the effectiveness of the electoral crime handling mechanisms implemented by the GAKKUMDU Center. This evaluation includes an assessment of the coordination and collaboration patterns among the institutions comprising GAKKUMDU—namely, the Election Supervisory Body (Bawaslu), the National Police, and the Prosecutor's Office—as well as the effectiveness of the application of electoral criminal law. Through this analysis, the research seeks to identify the challenges and obstacles encountered in the enforcement of electoral criminal law.

This research employs an empirical legal research methodology, which is designed to assess how law operates within society.⁸ The choice of empirical legal research is based on the need to identify legal issues and phenomena related to electoral crimes in the 2024 election within North Maluku Province. The research adopts a descriptive approach, aiming to examine causal relationships between the variables under investigation. Furthermore, a statutory approach and a conceptual approach are utilized, employing content analysis techniques to systematically analyze relevant legal provisions and conceptual frameworks related to electoral crime enforcement.

B. Discussion

1. Trends and characteristics of election crimes in 2024 in North Maluku

Election crimes are a distinct category of violations that frequently occur alongside other infractions, such as administrative violations and breaches of ethical codes. Their characteristics differ from conventional criminal offenses, as their nature and form are closely tied to the sequential stages of the electoral process. Additionally, the defining features of election crimes can be analyzed in terms of their object, subject, temporal (tempus), and spatial (locus) dimensions.

The object of election-related criminal offenses generally pertains to actions that contravene the technical provisions governing the implementation of elections at various stages. Meanwhile, the subject of these offenses, as outlined in the Election Law, includes individuals, specific actors holding official capacities, and, in some cases, corporations. The diverse classification of subjects in the legal framework has significant implications

⁸ Irwansyah, *Penelitian Hukum, Pilihan Metode Dan Praktif Penulisan Artikel*, Edisi revi (Jakarta: Mirra Buana Media, 2020).

for the evidentiary process, requiring law enforcement authorities to establish the position and capacity of the perpetrators in relation to the specific violations they are accused of committing.

Furthermore, the locus and tempus dimensions of election crimes are shaped by the procedural structure of the electoral process. These offenses are typically linked to specific activities occurring within designated electoral stages and timeframes. The regulatory framework governing elections, which encompasses the entire electoral process, reinforces the classification of election crimes as administrative offenses.⁹ However, in practical terms, the enforcement of election laws is constrained by strict procedural time limits at various stages, including investigation, prosecution, and judicial examination. Given that election crimes must be resolved within a limited timeframe, legal proceedings must be expedited to ensure that the electoral process remains uninterrupted and that the objectives of electoral criminal provisions—namely, safeguarding the integrity of democratic elections—are achieved.

In the implementation of the 2024 General Election, especially in North Maluku, based on the data obtained by researchers, the characteristics of election crimes can be described both based on the stages, objects and subjects as follows:

a. Election crimes related to the nomination stage

The nomination stage is a continuation of the voter data updating stage. However, based on the research findings, no allegations of election crimes were identified during the voter data updating stage for the 2024 General Election in North Maluku. Given this, the discussion will proceed directly to electoral offenses occurring during the nomination stage, as there is documented evidence of election crimes at this stage. These cases were handled by the Election Supervisory Body (Bawaslu) of Tidore Islands City and the Election Supervisory Body of Central Halmahera Regency in coordination with the Gakkumdu Center in each respective region. One of the key electoral crimes identified during the nomination stage is the falsification of candidate requirements, an offense regulated under Article 520 of Law No. 7 of 2017 on General Elections, which states:

‘Every person who deliberately makes a false letter or document with the intention of using or ordering others to use, or every person who deliberately uses a false letter or document to become a candidate for members of the DPR, DPD, Provincial DPRD, Regency / City DPRD, to become a candidate pair for President and vice president as referred to in article 254 and article 260 shall be punished with a maximum imprisonment of 6 (six) years and a maximum fine of Rp.72,000,000.00 (seventy two million rupiah) ‘.

In the case handled by the Gakkumdu Center of Tidore Islands City, the legal proceedings resulted in a final court decision, in which the defendant was sentenced to one year of imprisonment and a fine of IDR10,000,000 (ten million rupiah), as stipulated in Decision Number 95/Pid.Sus/2023/PN Sos. This case originated during the registration process for legislative candidates, specifically in the context of fulfilling the mandatory quota for female candidates within a political party. At the stage of candidate requirement

⁹ Benjamin Buntu, La Ode Husen, and Nurul Qamar, “Penegakan Hukum Tindak Pidana Pemilihan Umum Oleh Sentra Penegakan Hukum Terpadu (Gakkumdu): Studi Di Kota Makassar,” *Journal of Lex Generalis (JLS)* 3, no. 3 (2022).

verification, party administrators falsified several documents, including passport photos, health certificates, and criminal record certificates (Surat Keterangan Catatan Kepolisian, SKCK) of a female candidate. These falsified documents were then uploaded to the Candidacy Information System (SILON) of the General Election Commission (KPU) of Tidore Islands City. Following a report, the Gakkumdu Center of Bawaslu Tidore Islands City conducted an investigation, which ultimately led to a court ruling.

Meanwhile, a similar case was handled by the Central Halmahera Bawaslu through the Gakkumdu Center. This case involved the unauthorized use of an identification card (Kartu Tanda Penduduk, KTP) for the support requirements of a Regional Representative Council (DPD) candidate. The ID card in question belonged to the chairman of the North Maluku Province Bawaslu and was used without the owner's knowledge. The case was investigated by the Gakkumdu Center; however, it was ultimately dismissed due to insufficient evidence.

b. Criminal offences related to Campaign Implementation

Election campaigns, as stipulated in Article 267 of Law Number 7 of 2017 on Elections, constitute a form of public political education that must be conducted responsibly. Furthermore, electoral crimes related to campaign activities are primarily regulated under Article 280, paragraphs (1) to (4) of the same law, which outlines various prohibitions during the campaign period. The penalties for violations of these provisions are distributed across multiple articles, specifically Articles 490 to 497 and Articles 521 to 528.

Based on the data collected, the highest number of election-related criminal offenses handled by the Regency/City Election Supervisory Bodies (Bawaslu) in the North Maluku region occurred during the campaign stage. A comprehensive overview of reported cases indicates the following distribution: Morotai Island Regency recorded 5 cases, North Halmahera Regency 7 cases, West Halmahera Regency 1 case, East Halmahera Regency 3 cases, Central Halmahera Regency 4 cases, South Halmahera Regency 3 cases, Sula Islands Regency 5 cases, Taliabu Island Regency 2 cases, Ternate City 1 case, and Tidore Islands City 1 case.¹⁰ These figures highlight the prevalence of electoral offenses during the campaign period, emphasizing the need for strengthened enforcement mechanisms and preventive measures to ensure compliance with electoral regulations.

Among the various forms of election-related criminal offenses, the most prevalent violations during the campaign stage include the involvement of village heads or village officials in campaign activities, destruction of campaign materials, obstruction or disruption of campaign events, and threats of violence. Despite the relatively high number of alleged offenses recorded during the campaign period, only one case reached a final court decision. This case, registered under Decision Number 17/Pid.Sus/2024/PN.Tob, was handled by the Gakkumdu Center in Morotai. The limited number of cases that proceeded to court can be attributed to challenges in gathering sufficient evidence and differing legal interpretations among the institutions comprising the Gakkumdu Center.

The high incidence of campaign-related electoral violations highlights the prevalence of unfair election practices. Violations at this stage are particularly visible due to the public nature of campaign activities, which frequently attract widespread attention, cause social unrest, and have the potential to escalate into conflict. The underlying causes of such violations include the limited knowledge and lack of discipline among election participants,

¹⁰ Recap data on handling violations in 2024, Bawaslu Violation Handling Division, North Maluku Province (2024).

campaign teams, party cadres, and even election organizers. Additionally, inadequate voter education and insufficient dissemination of electoral regulations contribute to the persistence of these violations.¹¹

The principle of legal fiction (*presumptio iuris de iure*), which assumes that all individuals are aware of and bound by the applicable laws, is a fundamental legal doctrine in Indonesia.¹² If election laws were to be strictly enforced, ignorance or misunderstanding of electoral regulations would not be a valid excuse for violations. Therefore, it is imperative to enhance legal awareness through intensified public education campaigns and targeted outreach efforts. Moreover, weaknesses in law enforcement are exacerbated by the lack of discipline among election participants, campaign teams, party cadres, and election organizers, as well as inconsistent enforcement by law enforcement officers.¹³

c. Criminal offences at the Voting and Counting stages.

Potential election crimes during the voting and counting stages were reported in almost all regencies and cities in North Maluku. According to data from the North Maluku Provincial Election Supervisory Body (Bawaslu), criminal offenses related to these stages were distributed as follows: Pulau Morotai (5 cases), North Halmahera (3 cases), West Halmahera (5 cases), East Halmahera (2 cases), Central Halmahera (4 cases), South Halmahera (6 cases), Ternate City (5 cases), and Tidore City (3 cases). In general, these election crimes involve violations of Articles 532 and 533 of Law Number 7 of 2017 on Elections.

Article 532, 'Every person who intentionally commits an act that causes a voter's vote to be worthless or causes certain election participants to receive additional votes or the vote acquisition of election participants to be reduced shall be punished with a maximum imprisonment of 4 (four) years and a maximum fine of IDR48,000,000.00 (forty-eight million rupiah)'.

Article 533, 'every person who intentionally at the time of voting claims to be another person and/or casts his/her vote more than once at 1 (one) or more polling stations shall be punished with a maximum imprisonment of 1 (one) year 6 (six) months and a maximum fine of IDR18,000,000.00 (eighteen million rupiah)'.

The handling of criminal offenses related to Articles 532 and 533 often did not result in a court decision. This is because these offenses are classified as material offenses, meaning that by the time the cases are processed, administrative corrections may have already been made at each stage, effectively restoring the consequences of the violations.¹⁴

According to available data, only five cases reached a court decision: one case in Ternate City (Decision Number 61/Pid.Sus/2024/PN.Tte), two cases in West Halmahera

¹¹ Christopher and Idean Salehyan Linebarger, "Electoral Integrity and Election-Related Conflict. Democracy and Security," *Democracy and Security*, 2020, 260–80, <https://doi.org/https://doi.org/10.1080/17419166.2020.1787158>.

¹² Abdurrohman, "Dampak Fenomena Politik Uang Dalam Pemilu Dan Pemilihan," *AWASIA: Jurnal Pemilu Dan Demokrasi* 1, no. 2 (2021): 142–59.

¹³ Asnawi Asnawi and Asih Gaduh Andriani, "Penegakan Hukum Pelanggaran Pidana Kampanye Pemilu Tahun 2019 Di Provinsi Banten," *Kertha Semaya : Journal Ilmu Hukum* 8, no. 10 (2020): 1661, <https://doi.org/10.24843/ks.2020.v08.i10.p15>.

¹⁴ Recap data on handling violations in 2024, Bawaslu Violation Handling Division, North Maluku Province.

(Decision Numbers 58/Pid.Sus/2024/PN.Tte and 59/Pid.Sus/2024/PN.Tte), and two cases in Pulau Morotai Regency (Decision Numbers 26/Pid.Sus/2024/PN.Tob and 27/Pid.Sus/2024/PN.Tob).

d. Criminal offences related to the plenary of vote acquisition recapitulation.

The regulation of criminal offenses related to the plenary stage of vote recapitulation is stipulated in Article 505, which states: "Members of the KPU, Provincial KPU, Regency/City KPU, PPK, and PPS, whose negligence results in the loss or alteration of the minutes of vote recapitulation and/or certificates of recapitulation of vote counting results, shall be subject to a maximum imprisonment of one (1) year and a maximum fine of IDR12,000,000.00 (twelve million rupiah)."

The provision identifies election organizers—specifically the KPU and its entire hierarchical structure, including the PPS—as the subjects of the criminal offense. The prohibited conduct pertains to any negligence that leads to the loss or modification of the official vote recapitulation minutes or the certificate of recapitulation of vote counting results.

Empirical data collected in this research indicate that alleged violations of this provision occurred in nearly all regencies and cities across North Maluku. The distribution of cases includes Morotai (4 cases), North Halmahera (4 cases), West Halmahera (6 cases), Central Halmahera (2 cases), East Halmahera (3 cases), South Halmahera (7 cases), the Sula Islands (5 cases), Ternate City (6 cases), and Tidore City (5 cases). In total, 42 reported cases were recorded across the regencies and cities of North Maluku. However, the overall handling of these cases was discontinued at the Sentragakkumdu discussion stage or at the investigation level. Various factors contributed to the termination of these cases, including the expiration of the statutory period for handling, failure to meet the elements of an election crime, and insufficient evidence.

2. Patterns of Handling Election Crimes in 2024 in North Maluku Province

The challenges in election law enforcement, as observed in past electoral practices, arise due to several key factors. First, the lack of clear boundaries in defining electoral violations leads to multiple interpretations, often resulting in legal controversy. Second, the mechanisms and procedures for handling such violations remain ambiguous, making enforcement challenging. Third, election law enforcement agencies are often inadequately prepared, limiting their capacity to effectively address violations. Fourth, the legal sanctions imposed for electoral offenses tend to be minimal, failing to create a deterrent effect.¹⁵

To ensure the effective administration of elections, a robust support system is essential. This includes: (a) a well-structured organization with professional personnel, (b) an appropriate budgeting system with sufficient financial resources, (c) an efficient procurement and distribution system for election logistics, and (d) a reliable data and information documentation system.¹⁶ Strengthening the Election Supervisory Institution is a crucial step in promoting and ensuring the quality of electoral processes in accordance with the principles of direct, general, free, secret, honest, and fair elections. One of the

¹⁵ Santoso, Topo, et al. *Penegakan Hukum Pemilu: Praktik Pemilu 2004, Kajian Pemilu 2009-2014* (Jakarta: Perludem, 2006). Page 4

¹⁶ Ramlan Surbakti, *Perekayasa Sistem Pemilu Untuk Pembangunan Tata Politik Demokratis* (Jakarta: Partnership for Governance Reform Indonesia, 2008).

fundamental aspects of a well-conducted election is the presence of a comprehensive and effective supervision mechanism.¹⁷

As the primary Election Supervisory Institution, Bawaslu plays a critical role in preventing, monitoring, and prosecuting electoral violations to safeguard the democratic integrity of the election process. In addition to Bawaslu's formal oversight function, broader democratic consolidation requires active participation from civil society. Civil society organizations serve as an essential counterbalance, contributing to election supervision and ensuring greater transparency and accountability in the electoral process.

In general, election violation prevention efforts are aimed at fostering awareness among both election contestants and the general public to minimize the occurrence of electoral infractions. However, in practice, violations continue to occur in every electoral cycle, including the 2024 General Election, involving not only the general public and election contestants but also election organizers. As part of its institutional mandate, Bawaslu is responsible for addressing all forms of election violations—whether administrative, criminal, ethical, or other legal infractions—to ensure fair and effective election law enforcement.

One of the most prevalent types of election violations in the implementation of the 2024 General Election, particularly in North Maluku Province, is election-related criminal offenses.¹⁸ Empirical data indicate that more than fifty such cases have been reported across ten regencies and cities in the region. These findings underscore the urgent need to strengthen law enforcement institutions, particularly the Gakkumdu Centers, at both the provincial and regency/city levels, to enhance their capacity in handling the increasing number of election crime cases. The enforcement of electoral law differs significantly from general criminal law enforcement, as it involves not only conventional law enforcement agencies but also election management bodies, including Bawaslu and its institutional structure.¹⁹

Sentra Gakkumdu is the sole institution tasked with enforcing election-related criminal law efficiently and impartially by fostering collaboration among election supervisors, investigators, and prosecutors. However, its effectiveness is often undermined by inconsistent responses to election violations and internal disagreements.

A significant issue is the disparity between the number of reported or identified election crimes and those prosecuted. In North Maluku, while Bawaslu reports numerous violations, most cases stall in Sentra Gakkumdu's deliberations due to differing interpretations of legal elements, such as crime classification, subject and object criteria, and evidentiary requirements. These disagreements, particularly regarding formal versus material offenses, hinder case progression.

Research by M. Herzegovin Laxamana and Sunny Ummul Firdaus highlights another challenge: investigators expect Bawaslu to present complete evidence and witnesses, despite its limited authority. Without the power to confiscate evidence, summon suspects,

¹⁷ Muhammad Takiyudin Ismail, Norazam Muhaamad Noor, Febriansyah, Muhammad, "Competing Not Complementing: KPU, Bawaslu, and the Dynamic of Election Monitoring in PEMILU 2019," *Asian Journal of Political Science* 28 (2020), <https://doi.org/https://doi.org/10.1080/02185377.2020.1781670>.

¹⁸ Recap data on handling violations in 2024, Bawaslu Violation Handling Division, North Maluku Province.

¹⁹ Aminuddin Kasim, Supriyadi, and Andi Intan Purnamasari, "Dekonstruksi Penanganan Pelanggaran Administrasi Yang Terstruktur, Sistematis Dan Masif Dalam Pilkada," *Mimbar Hukum* 33, no. 2 (2021): 494–520, <https://doi.org/10.22146/mh.v33i2.3730>.

or conduct searches, Bawaslu faces significant constraints in gathering proof.²⁰

These persistent challenges reveal institutional weaknesses within Sentra Gakkumdu, necessitating urgent reforms to enhance election law enforcement and ensure consistency in handling electoral crimes. Key areas requiring improvement include:

a. Coordination Pattern

Two major challenges in Indonesia's simultaneous elections are coordination and logistics, particularly in handling election violations. As an integrated unit, Sentra Gakkumdu requires strong coordination to maintain solidarity and prevent institutional disagreements. This coordination should be formalized in regulations to serve as a consistent reference in case handling.²¹

Bawaslu Regulation No. 3 of 2023 outlines coordination mechanisms for addressing election crimes, including investigator and prosecutor assistance in receiving reports, conducting clarifications, and supporting investigations. However, in practice, these provisions are often neglected, leading to challenges at various levels of discussion. This neglect stems from the regulation's lack of mandatory enforcement of institutional mentoring within Gakkumdu, resulting in reluctance to provide support at critical stages. Additionally, the regulation does not clearly define the structure and implementation of assistance in report handling, clarification, and research preparation, further complicating coordination efforts.

b. Decision-Making Pattern

Bawaslu Regulation No. 3 of 2023 on Sentra Gakkumdu outlines a four-stage decision-making process through discussion meetings at each level. The first stage assesses whether reports or findings meet formal and material requirements and identifies relevant legal provisions. The second stage determines whether the case qualifies as an election crime, the third facilitates the transfer of case files, and the fourth addresses further legal actions.

In practice, disagreements frequently arise, particularly in the first and second stages, often leading to case dismissals. The researcher argues that the regulation should include more detailed technical provisions for decision-making at each stage. A notable issue in the second stage is the requirement for the supervisory element to present a research result document and the investigator element to provide an investigation report as decision-making references.

Research by H.M. Dimiyati Huda et al.²² highlights key weaknesses in election crime regulations (Articles 476–487) and criminal provisions in Law No. 7 of 2017. These include: (a) legal loopholes hindering the prosecution of election crimes, particularly money politics; (b) Bawaslu's lack of authority to compel testimony; and (c) difficulties in reaching decisions on alleged election crimes within Sentra Gakkumdu. Addressing these gaps is essential for strengthening election law enforcement.

In practice, discrepancies often arise between the conclusions of the Supervisory

²⁰ M. Herzegovin Laxamana and Sunny Ummul Firdaus, "Optimizing Election Integrity: Strengthening the Role and Function of GAKKUMDU in One Part of the Election Supervisory Body (BAWASLU) in Indonesia" (Atlantis Press SARL, 2023), https://doi.org/10.2991/978-2-38476-148-7_21.

²¹ Deden Ilham Rahmani Ilham, "Tantangan Dan Harmoni Antara Keadilan Dan Kepastian Dalam Pemilu Serentak Di Indonesia," *JURNAL SULTAN: Riset Hukum Tata Negara* 2, no. 1 (2023): 54–60, <https://doi.org/10.35905/sultanhtn.v2i1.5620>.

²² H.M. Dimiyati Huda, Agus Edi Winarto, and Lestariningsih Lestariningsih, "Problematika Penegakan Hukum Tindak Pidana Pemilu Pada Pemilu Tahun 2019 Di Kabupaten Kediri," *Briliant: Jurnal Riset Dan Konseptual* 7, no. 2 (2022): 434, <https://doi.org/10.28926/briliant.v7i2.1012>.

element and the Investigation element within Sentra Gakkumdu. While the Supervisory element may determine that a report or finding meets the criteria for an election crime, the Investigation element may conclude otherwise. In such cases, the prevailing decision is often to terminate the case, despite both assessments being derived from the same subject, evidence, and clarification process.

To address this inconsistency, future revisions of Perbawaslu Sentra Gakkumdu should establish a clear decision-making framework for discussions at each stage. Additionally, there is a growing argument for strengthening Sentra Gakkumdu's institutional position, shifting its primary authority from election supervisors to an independent election law enforcement body.²³ This would enhance its autonomy and improve its ability to comprehensively assess and prosecute election crimes.

c. Capacity Building Model

Capacity building is essential to enhancing the technical capabilities of institutions within Sentra Gakkumdu. Professionalism and legal consistency can be strengthened through strategic placement of supervisory elements, refined recruitment models for investigators and prosecutors, and continuous training programs. While Law Number 7 of 2017 and Bawaslu Regulation Number 3 of 2023 set experience-based criteria for investigators and prosecutors, these do not account for the evolving nature of election laws. Therefore, recruitment should be complemented by ongoing capacity-building initiatives. Additionally, joint training forums beyond routine tasks should be established to foster synergy and a shared understanding among institutions before handling election crime cases.

C. Conclusion

The research findings indicate that the highest vulnerability to election crimes in the 2024 North Maluku election occurred during the plenary recapitulation stage, with 42 reported cases, followed by the voting and vote-counting stage (33 cases). The campaign stage also recorded 32 criminal violations, while the nomination stage had the least, with only 2 cases. These findings highlight that while all election stages carry risks of criminal violations, Bawaslu should use this data to refine and enhance its future supervision policies.

The handling of election crimes through Sentra Gakkumdu in the 2024 North Maluku election faced significant challenges. Of the 109 reported or discovered cases, only 7 progressed to a court decision, while most were halted at the discussion, investigation, or administrative correction stages. The low success rate in prosecuting election crimes reflects weaknesses in coordination, unclear decision-making parameters in Gakkumdu discussions, and inadequate capacity-building efforts for Gakkumdu personnel. These issues point to broader regulatory, resource, and governance shortcomings within Sentra Gakkumdu that require urgent attention for improved election law enforcement. an illustration of regulatory, resource and management and governance weaknesses at the Sentra Gakkumdu.

²³ Rianda Seprasia.Yoserwan. Ardyan, "ENFORCEMENT OF CRIMINAL LAW REGARDING GENERAL ELECTIONS (CASE RESEARCH ON THE 2009 ELECTION OF DPR, DPD AND DPRD MEMBERS IN WEST SUMATRA)," *Journal of Social and Economics Research* 6, no. 1 (2024): 1396–1406.

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