

The Responsive Law Paradigm in the Enforcement of Election Criminal Offenses: Reorientation of Bawaslu's Authority as an Independent Investigator

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ABSTRACT

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Enforcement of election-related criminal offenses in Indonesia continues to face various institutional obstacles due to the limited authority of the Election Supervisory Body (Bawaslu), which functions only as a supervisor and reporter, while investigative authority rests with the Police through the Integrated Law Enforcement Center (Gakkumdu). Data from the National Legal Development Agency shows that in the 2019 General Election, only 345 of 2,798 alleged election criminal offenses discussed at the Gakkumdu Center were declared to meet the elements of a criminal offense, indicating that the effectiveness of election criminal law enforcement remains low. This study aims to analyze the philosophical, juridical, and sociological foundations for strengthening Bawaslu's investigative authority through the perspective of the Responsive Law theory of Philippe Nonet and Philip Selznick. This research is normative legal research employing statutory, conceptual, and case approaches, supported by secondary empirical data in the form of official reports from Bawaslu and the National Legal Development Agency, as well as scholarly literature to reinforce the normative analysis. The results show that the current institutional design for enforcing election criminal offenses still reflects the character of autonomous law, oriented toward formal procedure, and thus does not yet fully guarantee substantive electoral justice. From the perspective of Responsive Law, effective law enforcement requires institutions that are adaptive, independent, and oriented toward protecting citizens' political rights. Therefore, reconstructing Bawaslu's investigative authority is regarded as a viable legal policy alternative worth considering through amendments to statutory regulations, while still upholding the principle of checks and balances within the criminal justice system, in order to strengthen electoral integrity and the quality of democracy in Indonesia.

1. INTRODUCTION

Election law enforcement is an important instrument in safeguarding the integrity of democracy and the rule of law in Indonesia (Sarkani et al., 2025). The Election Supervisory Body (Bawaslu), as the institution mandated to oversee the administration of elections, must ensure that elections are conducted in accordance with their fundamental principles — namely direct, general, free, secret, honest, and fair (Abdullah, 2022). In practice, however, the implementation of elections in Indonesia is still marked by numerous violations, ranging from code-of-ethics violations and administrative violations to criminal offenses (Is, 2024).

One area of election violations whose enforcement system is still considered ineffective is election criminal offenses. This is due to Bawaslu's limited authority in the law enforcement process, in which Bawaslu only performs a supervisory and reporting function (Seac, 2022). The Integrated Law Enforcement Center (Gakkumdu), which has long served as a coordination forum among Bawaslu, the Police, and the Prosecutor's Office in handling election criminal offenses, frequently encounters obstacles arising from overlapping authority. As a result, many election criminal cases stop at the initial discussion stage or fail to proceed to the investigation and prosecution stages (Junaidi, 2020).

As shown by monitoring reports from independent institutions and various Bawaslu evaluations, the number of election criminal cases that proceed through the legal process is very low. For example, a report by the National Legal Development Agency shows that of the hundreds of reports of alleged election criminal violations received during the 2019 General Election, only a small fraction reached the prosecution stage. Of the 2,798 alleged criminal offenses submitted by Bawaslu to Gakkumdu, only 345 allegations were followed up and declared criminal offenses at the Gakkumdu level — equivalent to only 12% of the alleged election criminal offenses reported by Bawaslu (BPHN Kemenkumham, 2020). This ineffectiveness in case resolution often occurs because many cases identified by Bawaslu as meeting the elements of an election criminal offense are deemed by the Police and the Prosecutor's Office to lack sufficient evidence (Jamaluddin, 2022).

The implications of these facts demonstrate the ineffectiveness of law enforcement against election criminal offenses, which undermines the fundamental principles of elections and the substance of democracy aspired to by the Indonesian nation. In addition, deterrent effects against perpetrators of election crimes are difficult to achieve (Lubis et al., 2023). Consequently, a reorientation of the election law paradigm toward a more responsive model of law is required. This reorientation necessitates granting investigative authority to Bawaslu so that it holds a stronger and more independent position in upholding electoral justice. Through a responsive-law approach, the enforcement of election criminal offenses is expected not merely to satisfy formal legal procedures, but also to guarantee substantive justice, public trust, and the legitimacy of election outcomes.

Beyond the issue of inter-institutional coordination, the structural weakness in enforcing election criminal law is also related to an institutional design that has not granted full authority to Bawaslu as the election supervisory body. Under the current system, Bawaslu must hand case-handling over to the Police for investigation, meaning that the effectiveness of law enforcement depends heavily on shared perspectives among members of the Gakkumdu Center (Daeli et al., 2024). When differences arise in assessing the elements of a criminal offense, case handling frequently stalls without legal certainty. This condition reflects an institutional dependency that has the potential to diminish the independence of election supervision.

Nevertheless, granting investigative authority to Bawaslu is not an idea free of institutional consequences. From an institutional design perspective, the potential for institutional expansion must be considered (*institutional expansion*), as it could create overlapping functions with the Police as the primary investigator within the criminal justice system. On the other hand, there is an argument that a model of election criminal law enforcement wholly dependent on

external institutions actually reduces the effectiveness of supervision, since Bawaslu has no control over the investigative process once a case is declared to meet the elements of a criminal offense. Therefore, the issue at stake is not merely whether investigative authority should be granted to Bawaslu, but how to design a distribution of authority that preserves the principle of checks and balances while simultaneously improving the effectiveness of election law enforcement.

Previous studies also reveal differing views on the institutional model for election law enforcement. Some research suggests that coordination through the Gakkumdu Center can still be maintained, provided it is supported by more effective coordination mechanisms, uniform evidentiary standards, and enhanced capacity among law enforcement officers (Wakid et al., 2026). Other research, by contrast, argues that the root of the problem lies in the limited authority of Bawaslu, which functions only as a supervisor and reporter and thus lacks full authority to ensure that law enforcement proceeds through to the investigation and prosecution stages. These differing views indicate that institutional reform of election law enforcement remains an open field of discourse requiring more comprehensive study.

Experience from several countries also shows that the institutional design of election law enforcement is not uniform. In Brazil, the administration and enforcement of election law is supported by the Electoral Justice system (*Electoral Justice*), which has broad authority to handle both electoral disputes and violations (T. Taufiqurrahman et al., 2023). In Mexico, election oversight is carried out by the Instituto Nacional Electoral (INE), while criminal enforcement is conducted in coordination with the *Fiscalía Especializada en Delitos Electorales* (FISEL), a specialized agency handling election criminal offenses (Yusuf et al., 2026). Meanwhile, the Philippines grants greater authority to the *Commission on Elections* (COMELEC) to investigate and handle various election violations before they are referred to the prosecution mechanism (T. Taufiqurrahman et al., 2023). These variations show that the effectiveness of election law enforcement is determined less by the choice of institutional model itself than by the clarity of authority distribution, institutional independence, and inter-institutional coordination. Accordingly, the proposal in this article to grant investigative authority to Bawaslu is not intended to wholly replicate the practices of other countries, but rather to serve as a form of institutional reconstruction tailored to Indonesia's constitutional system and the need to strengthen the effectiveness of election law enforcement.

From a philosophical perspective, elections are understood not merely as a procedure for the transfer of power, but also as a means of realizing popular sovereignty as mandated by Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia (Banjarnahor, 2024). Therefore, any violation that undermines the purity of the people's vote must be regarded as a violation of the principle of constitutional democracy. The state is obligated to provide an effective, swift, and just law enforcement mechanism to ensure that citizens' political rights are optimally protected. In this context, strengthening Bawaslu's authority forms part of the state's effort to ensure that the electoral process is conducted honestly and fairly.

Juridically, Law Number 7 of 2017 on General Elections has indeed granted Bawaslu fairly broad authority to prevent, supervise, examine, and adjudicate administrative election violations. However, this authority does not yet extend to the investigation of election criminal

offenses (Antari & Mahendra, 2025). In fact, within various special legal regimes in Indonesia, certain administrative bodies have already been granted investigative authority through the mechanism of Civil Servant Investigators (PPNS), such as in the fields of the environment, forestry, taxation, and fisheries. This precedent shows that granting investigative authority to Bawaslu would not conflict with the national legal system, but could instead be designed within a criminal procedural framework that continues to guarantee the principle of checks and balances.

From a sociological standpoint, the growing complexity of election violations — including money politics, abuse of authority, voter-data manipulation, and digital campaigns that breach regulations — demands a supervisory institution with more effective enforcement capability (Wicaksono & Han, 2026). The public often perceives that reports of violations submitted to Bawaslu do not result in concrete follow-up, creating a perception of impunity toward perpetrators of election crimes. If this condition persists, public trust in the integrity of elections and in the supervisory institution may decline, ultimately affecting the legitimacy of the government produced by the election.

Within the framework of responsive law, law must not be positioned solely as a rigid instrument of social control, but must be capable of responding to society's need for justice and legal certainty (Umam, 2026). Philippe Nonet and Philip Selznick assert that responsive law requires institutions that are open to public aspirations and capable of adapting to social dynamics (Rois, 2024). Accordingly, granting investigative authority to Bawaslu can be understood as a form of institutional adaptation aimed at strengthening the protection of citizens' voting rights and improving the effectiveness of election law enforcement.

Based on the foregoing discussion, this article not only examines the normative weaknesses in the system for enforcing election criminal offenses, but also proposes a reconstruction of Bawaslu's authority through the lens of responsive law. The focus of this study is directed at questions concerning the philosophical, juridical, and sociological foundations for granting investigative authority to Bawaslu, and how such authority can be designed within Indonesia's election legal system to produce law enforcement that is more effective, independent, and substantively just.

This reorientation is carried out through the idea of Responsive Law from the perspective of *Philippe Nonet* and *Philip Selznick* — a model of law that places substantive justice, public participation, and social adaptability at the core of both lawmaking and law enforcement. Granting investigative authority to Bawaslu, from the central to the regency/city level, is therefore a necessity in realizing this noble purpose, which will be elaborated philosophically, juridically, and sociologically throughout this article.

2. RESEARCH METHOD

This research is prescriptive normative legal research employing a conceptual approach (*conceptual approach*), a statute approach (*statute approach*), a case approach (*case approach*), and a sociological approach (*sociological approach*) (Wahdini, 2022). The conceptual approach is used to examine the paradigm of Responsive Law developed by Philippe Nonet and Philip Selznick as the theoretical basis for reorienting Bawaslu's authority as an independent investigator. The statute approach is carried out by analyzing the 1945 Constitution of the

Republic of Indonesia, Law Number 7 of 2017 on General Elections, the Criminal Procedure Code (KUHP), and various regulations governing investigative authority within state institutions. The case approach is used to analyze the practice of enforcing election criminal offenses, including the dynamics of case handling within the Gakkumdu Center and cases illustrating obstacles to law enforcement. The sociological approach, in turn, is used to understand the gap between normative regulation and the reality of election law enforcement, based on official reports and empirical facts from the conduct of elections.

The legal materials used in this research consist of primary legal materials, comprising statutory regulations, court decisions, and official documents from Bawaslu, BPHN, and the Gakkumdu Center; secondary legal materials, comprising books, scholarly articles, research findings, and expert opinions on election law, criminal law, and responsive-law theory; and tertiary legal materials, comprising relevant legal dictionaries and encyclopedias. In addition, this research also uses secondary empirical data in the form of evaluation reports on the conduct of elections, statistics on the handling of election criminal offenses, and official news coverage used to reinforce the normative argumentation.

Analysis was conducted qualitatively through grammatical, systematic, and teleological interpretation of legal norms (Simanjuntak et al., 2026), combined with philosophical, juridical, and sociological analysis based on the Responsive Law paradigm of Philippe Nonet and Philip Selznick. The results of the analysis are presented in a descriptive-analytical manner to identify the weaknesses of the current system for enforcing election criminal offenses, while at the same time formulating a reconstruction of Bawaslu's authority as an independent investigator, in order to achieve election law enforcement that is effective, responsive, and substantively just.

3. RESULTS AND DISCUSSION

1. Philosophical-Theoretical Foundation

Philosophically, criminal law enforcement in Indonesia is rooted in Pancasila as the foundation of the state and the nation's way of life. Pancasila requires that every application of law, including criminal law, focus on legal certainty (*rechtssicherheit*), justice (*gerechtigkeits*), and expediency (*zweckmassigkeit*) (Philona & Awaludin, 2025). This aligns with Gustav Radbruch's idea that justice must be the primary measure in the application of criminal law (Alexy, 2021). In the philosophical context of election law enforcement, every election criminal violation is understood as a violation of the values of social justice and political morality that form the foundation of national life (Novitasari et al., 2025). Therefore, election law enforcement must be based on the substantive value of justice mandated by Pancasila, as reflected in the purpose of criminal law, namely to "protect the legal interests of society" (Aermadepa et al., 2024).

In addition to being grounded in Pancasila, election law enforcement also has a philosophical foundation in the principle of the democratic rule of law (*democratic rule of law*) (Nurhakim & Huda, 2025). Article 1, paragraphs (2) and (3) of the 1945 Constitution of the Republic of Indonesia affirm that sovereignty rests with the people and that Indonesia is a state based on law (Kambu et al., 2025). These two principles indicate that elections are not merely a procedure for the transfer of power, but a constitutional mechanism for realizing popular sovereignty through a process that is honest, fair, and conducted with integrity. Therefore, every form of election criminal violation must be regarded both as a threat to democratic legitimacy and as a violation of citizens' constitutional right to a just electoral process.

From the perspective of legal philosophy, law functions not only as an instrument of social control (*social control*), but also as a means of social engineering (*social engineering*) as put forward by Roscoe Pound (Musdalifah et al., 2024). This conception positions law as an instrument that must be able to respond to societal developments and create a balance among individual, public, and state interests. In the context of enforcing election criminal offenses, the law should not stop at fulfilling formal procedures, but must be able to safeguard the integrity of the democratic process and provide effective protection for citizens' voting rights.

The Responsive Law paradigm of Philippe Nonet and Philip Selznick offers a progressive approach to criminal law enforcement. Under this paradigm, law is viewed as a moral instrument that must align with the values and aspirations of society, rather than merely a system of formal rules (F. Taufiqurrahman et al., 2023). This paradigm requires institutional flexibility, public participation, and moral accountability. In the context of Bawaslu, applying the responsive-law paradigm means making the enforcement of election criminal law a moral means of upholding electoral justice, rather than merely carrying out formal legal procedures. Bawaslu's investigative authority represents a manifestation of law that is responsive to the values of Pancasila, social justice, and the people's desire for honest and just elections.

Nonet and Selznick distinguish the development of law into three characters: *repressive law*, *autonomous law*, and *responsive law* (Selznick, 2024). Repressive law positions law as an instrument of power, while autonomous law seeks to maintain independence through strict procedures. However, autonomous law is often trapped in formalism, making it less capable of responding to society's needs. Responsive law, by contrast, views law as an institution open to public aspirations and oriented toward achieving substantive justice. Consequently, the success of law enforcement is not measured solely by compliance with procedure, but also by its capacity to produce justice that is genuinely felt by society.

When applied to the system for enforcing election criminal offenses in Indonesia, the Gakkumdu mechanism still displays the character of autonomous law, heavily dependent on formal procedure and inter-agency coordination. Differences in interpreting the elements of a criminal offense, evidentiary matters, and authority frequently cause reports of alleged criminal offenses to be discontinued, even when they have substantively undermined the integrity of the election. This condition reveals a gap between the purpose of the law and society's need for the protection of its political rights. From the perspective of responsive law, such a condition calls for institutional reform so that the law enforcement system becomes more adaptive to the demands of electoral justice.

In the context of Bawaslu, applying the responsive-law paradigm means making the enforcement of election criminal law a moral instrument for upholding electoral justice, rather than merely carrying out formal legal procedures. Strengthening Bawaslu's investigative authority represents a form of institutional reconstruction aimed at shortening the bureaucratic chain of law enforcement, improving the effectiveness of case handling, and strengthening the independence of the election supervisory institution. In this way, law is present not merely as a repressive or administrative set of rules, but as an instrument capable of guaranteeing protection for popular sovereignty and democratic integrity. Bawaslu's investigative authority ultimately represents a manifestation of law that is responsive to the values of Pancasila, social justice, and society's aspiration to realize elections that are honest, fair, and democratic.

2. Juridical-Normative Foundation

Juridically, Indonesia's criminal law enforcement system is based on the provisions contained in the Criminal Procedure Code (KUHP) as well as several special laws (*lex specialis*) (Hiariej, 2021). Law Number 7 of 2017 on General Elections is the principal law governing criminal law enforcement in elections through the Integrated Law Enforcement Center (Gakkumdu) (Faizal, 2023) (Sukma Wijaya, 2026). Normatively, however, this system faces a fundamental problem in that Bawaslu does not possess investigative authority. Bawaslu's role is limited to assessing alleged violations and forwarding reports to the Police. As a result, the

enforcement of election criminal law is often hampered by differing interpretations among the components of Gakkumdu, weak coordination, and the limited time available for case handling, as regulated in Articles 486–487 of the Election Law (Rusmana, 2024).

Constitutionally, strengthening Bawaslu's authority also has a strong foundation in the principle of the rule of law (*rule of law*), as affirmed in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. A consequence of this principle is that the state is obligated to provide an effective law enforcement mechanism to protect citizens' constitutional rights, including the right to vote and to be elected in general elections. This political right forms part of the human rights that receive constitutional guarantees, so that any violation with the potential to diminish the purity of the people's vote must be addressed through a law enforcement system capable of delivering both legal certainty and substantive justice. Accordingly, the institutional framework for election law enforcement cannot be built solely on administrative considerations, but must be designed to guarantee the protection of popular sovereignty.

This situation may also be examined through the lens of the principles of criminal law enforcement, as it conflicts with the principles of equality before the law and fair legal process. Ideally, criminal law enforcement should be carried out swiftly, simply, and justly. Furthermore, Article 28D, paragraph (1) of the 1945 Constitution affirms that everyone has the right to fair recognition and legal protection (Waluyo, 2022). Within the framework of responsive law, criminal law must be integrated with its social and moral context. Consequently, normative reorientation is needed to grant Bawaslu limited investigative authority over election criminal offenses. In the electoral context, special law may override general law (KUHP) under the principle of *lex specialis derogat legi generali* in order to achieve substantive justice and effectiveness, meaning that such a step does not conflict with the principle of legality.

From the perspective of state administrative law, Bawaslu is an *independent electoral management body* established to safeguard the integrity of election administration (Hayckel et al., 2024). This independence should be understood not merely as freedom in carrying out the supervisory function, but also as encompassing the capacity to carry out the law enforcement function effectively. When investigative authority rests entirely with another institution, Bawaslu's independence becomes limited, since the success of law enforcement depends heavily on the agreement of other institutions within the Gakkumdu Center. Such a condition risks creating institutional dependency (*institutional dependency*) that is inconsistent with the principle of independence upheld by election-administering bodies in modern democratic practice.

Amending the Election Law to grant Bawaslu investigative authority over election criminal offenses is a necessity. With a clear new legal basis, Bawaslu could function as an independent electoral investigator directly accountable to the public while coordinating with other law enforcement officers. This would strengthen the integrity of election criminal law enforcement and align with the constitutional mandate to uphold a just democracy.

Furthermore, the concept of a special investigator is not foreign to Indonesia's legal system. Various laws already recognize the existence of investigators outside the Indonesian National Police as an application of the principle of *lex specialis derogat legi generali*. The presence of special investigators is intended to improve the effectiveness of law enforcement in specific fields requiring particular expertise, independence, and handling characteristics distinct from ordinary criminal offenses. Granting investigative authority to Bawaslu thus represents an institutional development that remains within the corridor of the national legal system, so long as it is clearly regulated by law and remains subject to oversight mechanisms and the principle of *due process of law*.

This argument is reinforced by the fact that independent institutions in Indonesia already possess investigative authority — for example, the Financial Services Authority (OJK), through Law Number 21 of 2011, established to safeguard the stability of the national financial system (Heriyadi et al., 2023), and the Corruption Eradication Commission (KPK), under Law Number 19 of 2019, authorized to investigate corruption offenses (Ariani & Prasetyoningsih, 2022). Both institutions demonstrate that law enforcement can be more independent and effective when investigation does not rest solely with the Police, but is instead handled by an institution with

specific specialization and focus. This analogy shows that Bawaslu possesses strong legitimacy to obtain independent investigative authority.

Accordingly, reconstructing Bawaslu's authority as an independent investigator is not intended to diminish the authority of the Police or the Prosecutor's Office, but rather to build a more effective election law enforcement system through a proportional division of functions. The Police would continue to carry out general criminal law enforcement, while Bawaslu would focus on election criminal offenses that require particular understanding of electoral stages, norms, and the characteristics of electoral violations. Such a model would in fact strengthen the principle of *checks and balances* while improving the quality of protection for citizens' constitutional rights within the democratic process.

3. Sociological-Empirical Foundation

Sociologically, the success of law is determined both by its formal implementation and by public trust in law enforcement institutions (Karimullah, 2024). Based on the facts presented earlier, Gakkumdu has proven ineffective and unresponsive to society's expectations. Due to differing opinions on the elements of the offense, time constraints, and overlapping procedures, many election criminal cases are discontinued at the early stage.

From the perspective of the sociology of law, the effectiveness of a norm is determined not only by the existence of written rules, but also by the capacity of that norm to be applied and accepted by society. Soerjono Soekanto explains that the success of law enforcement is influenced by five main factors: legal substance, law enforcement officers, facilities and infrastructure, society, and legal culture (Iqsandri, 2022). If any one of these factors fails to function optimally, the purpose of the law becomes difficult to achieve. In the context of enforcing election criminal offenses, the core problem lies not in the absence of criminal norms, but in an institutional design that has not yet been able to translate those norms into effective law enforcement.

Concrete evidence was also found in the 2024 simultaneous elections. For example, the Repeat Voting (PSU) in North Barito was caused by various violations and weaknesses in law enforcement that occurred during the 2024 Regional Head Election. These violations included alleged money politics, disqualification of candidate pairs, and problems with the voting process. For instance, when Bawaslu of North Barito identified alleged criminal conduct by several village heads who expressed support for a particular regional-head candidate, supported by video evidence and witnesses, the Police, during discussion at Gakkumdu, insisted that video evidence must originate from the device originally used to record it, causing the case to be discontinued (Susanto, 2025). Yet the Election Law clearly stipulates that a lack of neutrality by village heads constitutes an election criminal offense (Ramadhani & Syafriyani, 2025).

This case illustrates the gap between *law in books* and *law in action*. Normatively, the elements of the criminal offense are clearly regulated in the Election Law, yet their implementation is often hindered by differing interpretations among Gakkumdu members regarding evidence and the elements of the offense. As a result, the public perceives that the law enforcement mechanism has not been able to protect their political rights. This perception has the potential to diminish the legitimacy of the election supervisory institution while also eroding public trust in the democratic process.

In addition to coordination problems, Indonesia's election criminal law embodies the principle of swift and summary case resolution. Under Article 486 of Law Number 7 of 2017, Bawaslu has only 14 days to follow up on reports of alleged election criminal violations received. After that, police investigation is likewise limited to 14 days, and prosecution must occur within 5 days after the Public Prosecutor receives the case file (Seac, 2022). This time limit is intended to ensure legal certainty throughout the stages of the election. In reality, however, as noted in the report of the National Legal Development Agency, the principle of speedy trial actually undermines substantive justice, because coordination among Gakkumdu components often fails to keep pace with the expected rapid rhythm (BPHN Kemenkumham, 2020). Multi-layered

verification processes, differing perceptions among agencies, and bureaucratic procedures cause cases to expire before they can be fully resolved.

From a good-governance perspective (*good governance*), the effectiveness of law enforcement is one of the key indicators of the quality of democracy. A state capable of resolving election violations swiftly, transparently, and accountably will earn a higher level of public trust than a state that allows violations to go unresolved without legal certainty. Institutional reform in the enforcement of election criminal offenses is therefore not merely a matter of procedural law, but also part of the effort to strengthen the quality of democracy and the accountability of governance.

Such a situation, according to the responsive-law theory of Nonet & Selznick, illustrates the "autonomous" phase of law — one that operates procedurally and remains closed off from social values. To become "responsive" law, the enforcement system must be open to society's genuine need for justice, rather than merely procedural certainty. In this context, the idea of granting Bawaslu investigative authority represents a legal response to a social reality showing that the existing system is not functioning properly. Society needs law enforcement that is swift, clear, and independent, particularly during election periods, when political conflict becomes an especially sensitive issue. By granting greater authority to Bawaslu, law becomes a public moral instrument that protects popular sovereignty from the manipulation of power.

Within the responsive-law framework of Philippe Nonet and Philip Selznick, these empirical facts show that society's needs have evolved beyond a purely procedural model of law enforcement. Society demands not only legal certainty, but also law enforcement capable of delivering real justice, producing a deterrent effect on offenders, and safeguarding the integrity of election outcomes. Granting investigative authority to Bawaslu therefore represents a form of institutional adaptation to social dynamics, as well as a transformation of the election law enforcement system toward a model that is more responsive, independent, and oriented toward the protection of popular sovereignty.

4. CONCLUSION

Philosophically, the idea of transforming Bawaslu into an independent investigative institution reflects an effort to revive the spirit of law within the context of substantive justice rooted in the principles of Pancasila. According to Nonet and Selznick, responsive law must not remain merely a formal instrument of power, but must advocate for moral and humanitarian principles. The investigative authority granted to Bawaslu represents the implementation of the principles of "just and civilized humanity" and "social justice for all the people of Indonesia" within the practice of election criminal law — not merely a technological innovation. Here, law is transformed into public ethics that protect the ethics of democracy and guarantee citizens' right to elections that are honest, fair, and dignified.

Viewed from juridical and sociological perspectives, the responsive-law approach demands a paradigm shift in law enforcement, from a bureaucratic model toward one that adapts to social reality. Empirical facts show that the model of law enforcement through Gakkumdu is often trapped in an "autonomous" pattern of law that is closed and slow-moving. As a result, it fails to meet society's need for swift justice. By granting Bawaslu the authority to conduct investigations, election law will move toward the "responsive" level proposed by Nonet & Selznick — that is, law that is open, participatory, and focused on substantive justice. This is not merely an institutional reform; it is a paradigmatic transformation of law toward a system that reflects the spirit of Pancasila, a just rule of law, and social responsibility in safeguarding popular sovereignty.

This article offers several recommendations. *First*, Law Number 7 of 2017 on General Elections should be revised to affirm the separation and integration of the Gakkumdu Center into Bawaslu. Investigative authority over election criminal offenses should be granted independently to Bawaslu, following the model of investigative authority held by the KPK and the OJK. *Second*,

Implementing regulations should be drafted to guarantee the professionalism and accountability of Bawaslu investigators through transparent internal and external oversight mechanisms, and to ensure that Bawaslu's institutional capacity and human resources are adequate to carry out the investigative function in accordance with criminal procedural standards, including training in investigation, digital forensic auditing, and election investigation ethics. These implementing regulations should also affirm the principle of *speedy justice* within election criminal procedure, with proportional and measurable investigative time limits to preserve the effectiveness of law enforcement and substantive justice. *Third*, Inter-institutional collaboration remains necessary at the prosecution and adjudication stages, but such coordination should be horizontal and functional in nature — rather than structural, as under Gakkumdu — so as not to obscure the independence of Bawaslu's investigators.

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