



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

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ABSTRACT

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The enforcement of election-related criminal offenses in Indonesia still faces various institutional obstacles arising from the limited authority of the General 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 show that, in the 2019 General Election, only 345 of the 2,798 alleged election offenses discussed at the Gakkumdu Center were declared to satisfy 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 grounds for strengthening Bawaslu's investigative authority through the perspective of the Responsive Law theory of Philippe Nonet and Philip Selznick. This study is a normative legal study using statutory, conceptual, and case approaches, supported by secondary empirical data in the form of official reports from Bawaslu and the National Legal Development Agency, and scholarly literature, to reinforce the normative analysis. The findings 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, the effectiveness of law enforcement requires institutions that are adaptive, independent, and oriented toward protecting citizens' political rights. Accordingly, reconstructing Bawaslu's investigative authority is regarded as a viable policy alternative worth considering through amendment of the relevant legislation, while continuing to observe 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

The enforcement of Election law is an important instrument for maintaining the integrity of democracy and the rule of law in Indonesia (Sarkani et al., 2025). The General Election Supervisory Body (Bawaslu), as the institution mandated to supervise the conduct of elections, must ensure that elections are carried out in accordance with their guiding principles, namely direct, general, free, secret, honest, and fair (Abdullah, 2022). In practice, however, the conduct of elections in Indonesia still involves numerous violations, ranging from ethical breaches and administrative violations to criminal offenses (Is, 2024).

One category of election violation whose enforcement system is considered still ineffective is the election criminal offense. This is due to the limited authority of Bawaslu in the law-enforcement process, in which Bawaslu functions only in a supervisory and reporting

capacity (Seac, 2022). The Integrated Law Enforcement Center (Gakkumdu), which has long served as the coordination forum among Bawaslu, the Police, and the Public Prosecution Service for handling election criminal offenses, frequently encounters obstacles arising from overlapping authority. As a result, many election criminal offenses come to a halt 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 offenses that pass 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 election criminal violations received during the 2019 General Election, only a small fraction reached the prosecution stage. Of the 2,798 alleged offenses submitted by Bawaslu to Gakkumdu, only 345 were followed up and declared to constitute a criminal offense at the Gakkumdu level, or only 12% of the alleged election offenses reported by Bawaslu (BPHN Kemenkumham, 2020). This ineffectiveness in case resolution often arises because many cases identified by Bawaslu as satisfying the elements of an election offense are nonetheless regarded by the Police and the Public Prosecution Service as lacking sufficient evidence (Jamaluddin, 2022).

The implication of these facts points to the ineffectiveness of law enforcement against election criminal offenses, which undermines the guiding principles of elections and the substance of democracy sought by the Indonesian nation. In addition, achieving a deterrent effect on perpetrators of election offenses becomes difficult (Lubis et al., 2023). A reorientation of the election-law paradigm toward a responsive model of law is therefore needed. This reorientation necessarily entails granting investigative authority to Bawaslu so that it occupies 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 procedure, but also to guarantee substantive justice, public trust, and the legitimacy of election outcomes.

Beyond the problem of inter-institutional coordination, the weakness in the structure of election criminal-law enforcement is also linked to an institutional design that has not yet granted Bawaslu, as the election supervisory body, full authority. Under the system currently in force, Bawaslu must hand over case handling to the Police for the investigation process, so that the effectiveness of law enforcement depends heavily on shared perspectives among the members of the Gakkumdu Center (Daeli et al., 2024). When assessments of the elements of an offense diverge, case handling is often halted without any 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, consideration must be given to the potential for institutional expansion, which could create an overlap of functions with the Police as the primary investigative body within the criminal-justice system. On the other hand, there is an argument that a model of election criminal-law enforcement that depends entirely on an external institution in fact reduces the effectiveness of oversight, because Bawaslu has no control over the investigative process once a case has been declared to satisfy the elements of an offense. The issue that arises, therefore, is not merely whether investigative authority should be

granted to Bawaslu, but rather how to design a distribution of authority that continues to safeguard the principle of checks and balances while also improving the effectiveness of election-law enforcement.

Previous studies have also shown differing views on the institutional model for election-law enforcement. Some research considers 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 officials (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 therefore lacks full authority to ensure that the law-enforcement process continues through to the investigation and prosecution stages. This divergence of views shows that institutional reform of election-law enforcement remains an open field of discourse requiring more comprehensive study.

The experience of several countries likewise shows that the institutional design of election-law enforcement is not uniform. In Brazil, the conduct and enforcement of election law is supported by the Electoral Justice system, which holds broad authority in handling both electoral disputes and violations (T. Taufiqurrahman et al., 2023). In Mexico, oversight of elections is carried out by the Instituto Nacional Electoral (INE), while criminal enforcement is carried out through coordination with the Fiscalía Especializada en Delitos Electorales (FISEL), a specialized institution that handles 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 referring them to the prosecution mechanism (T. Taufiqurrahman et al., 2023). This variation shows that the effectiveness of election-law enforcement is determined more by the clarity of the division of authority, institutional independence, and inter-institutional coordination than by the choice of institutional model alone. The proposal in this article to grant investigative authority to Bawaslu is therefore not intended as a wholesale imitation of other countries' practices, but rather as a form of institutional reconstruction tailored to Indonesia's constitutional system and to 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(2) of the 1945 Constitution of the Republic of Indonesia (Banjarnahor, 2024). Accordingly, every violation that disturbs the purity of the people's vote must be regarded as a violation of the principle of constitutional democracy. The state is obliged to provide an effective, swift, and just mechanism of law enforcement so 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 concerning General Elections has indeed granted Bawaslu fairly broad authority to carry out prevention, supervision, examination, and adjudication of administrative election violations. However, that authority does not yet extend to the function of investigating election criminal offenses (Antari & Mahendra, 2025). Yet, under various special legal regimes in Indonesia, certain administrative institutions 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 is not something that conflicts with the national legal system, but can instead be designed within a framework of criminal procedure that continues to guarantee the principle of checks and balances.

From a sociological standpoint, the increasing complexity of election violations, including vote-buying, abuse of office, voter-data manipulation, and digital campaigns that breach the applicable provisions, demands a supervisory institution with more effective enforcement capability (Wicaksono & Han, 2026). The public frequently perceives that violation reports submitted to Bawaslu do not result in any tangible follow-up, giving rise to a perception of impunity for perpetrators of election offenses. If this condition continues, public trust in the integrity of elections and in the supervisory institution may decline, which would ultimately affect the legitimacy of the government produced by the election.

Within the framework of responsive law, law must not be positioned merely as a rigid instrument of social control, but must be capable of answering society's need for justice and legal certainty (Umam, 2026). Philippe Nonet and Philip Selznick affirm that responsive law requires institutions that are open to public aspirations and capable of adapting to social dynamics (Rois, 2024). Granting investigative authority to Bawaslu can thus 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 does not merely examine the normative weaknesses in the system for enforcing election criminal offenses, but also offers a reconstruction of Bawaslu's authority through the lens of responsive law. The focus of the study is directed at the question of the philosophical, juridical, and sociological grounds for granting investigative authority to Bawaslu, and at how such an authority design might be realized within Indonesia's election-law system so as to create law enforcement that is more effective, independent, and substantively just.

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

2. RESEARCH METHOD

This study is a prescriptive normative legal study employing a conceptual approach, a statute approach, a case approach, and a sociological approach (Wahdini, 2022). The conceptual approach is used to examine the Responsive Law paradigm 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 through an analysis of the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning General Elections, the Code of Criminal Procedure (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 that

illustrate obstacles to law enforcement. The sociological approach, meanwhile, is used to understand the gap between normative regulation and the reality of election-law enforcement, based on official reports and empirical facts concerning the conduct of elections.

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

The analysis was conducted qualitatively through grammatical, systematic, and teleological interpretation of legal norms (Simanjuntak et al., 2026), and then 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 descriptively and analytically in order to identify the weaknesses in the current system for enforcing election criminal offenses, while at the same time formulating a reconstruction of Bawaslu's authority as an independent investigator, so as to achieve election-law enforcement that is effective, responsive, and substantively just.

3. RESULTS AND DISCUSSION

1. Philosophical-Theoretical Foundations

Philosophically, the enforcement of criminal law 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 (*Gerechtigkeit*), and expediency (*Zweckmäßigkeit*) (Philona & Awaludin, 2025). This is consistent with Gustav Radbruch's idea that justice must be the principal measure in the application of criminal law (Alexy, 2021). In the philosophical context of election-law enforcement, this envisions that every election criminal violation constitutes a violation of the values of social justice and political morality that form the foundation of national life (Novitasari et al., 2025). Election-law enforcement must therefore be grounded in the substantive-justice values mandated by Pancasila and reflected in the purpose of criminal law, namely “to protect the legal interests of society” (Aermadepa et al., 2024).

Beyond its grounding in Pancasila, election-law enforcement also rests philosophically on the principle of the democratic rule of law (Nurhakim & Huda, 2025). Article 1(2) and (3) of the 1945 Constitution of the Republic of Indonesia affirm that sovereignty resides in the hands of the people and that Indonesia is a state based on law (Kambu et al., 2025). Both principles show 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. Every form of election criminal violation must therefore be regarded as a threat to democratic legitimacy and, at the same time, 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, but also as a means of social engineering, as put forward by Roscoe Pound (Musdalifah et al., 2024). This conception positions law as an instrument that must be capable of responding to societal development and of creating a balance among individual interests, public interests, and state interests. In the context of enforcing election criminal offenses, the law should not stop at satisfying formal procedure, but must be capable of safeguarding the integrity of the democratic process and providing effective protection for citizens' voting rights.

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

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 preserve independence through strict procedure. Autonomous law, however, often becomes trapped in formalism and is thus less capable of answering society's needs. Responsive law, by contrast, views law as an institution open to public aspirations and oriented toward achieving substantive justice. The measure of successful law enforcement is therefore not determined solely by compliance with procedure, but also by its capacity to produce justice that is genuinely felt by society.

When related to the system for enforcing election criminal offenses in Indonesia, the current Gakkumdu Center mechanism still displays the character of autonomous law, being heavily dependent on formal procedure and inter-agency coordination. Differences in interpretation regarding the elements of the offense, evidentiary matters, or authority frequently prevent reports of alleged criminal offenses from proceeding, even where the integrity of the election has been substantially harmed. This condition reveals a gap between the purpose of the law and society's need for protection of its political rights. From the perspective of responsive law, such a condition demands institutional renewal 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 treating the enforcement of election criminal law as a moral instrument for upholding electoral justice, rather than merely carrying out formal legal procedure. Strengthening Bawaslu's investigative authority is 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 body. Law thus becomes present not merely as a set of repressive or administrative rules, but as an instrument capable of guaranteeing the protection of popular sovereignty and democratic integrity. Bawaslu's investigative authority is, in the end, a

manifestation of law that is responsive to the values of Pancasila, social justice, and society's aspiration to realize an honest, fair, and democratic election.

2. Juridical-Normative Foundations

Juridically, Indonesia's criminal-law enforcement system is grounded in the provisions contained in the Code of Criminal Procedure (KUHP) and several special laws (*lex specialis*) (Hiariej, 2021). Law Number 7 of 2017 concerning General Elections is the principal statute governing criminal-law enforcement through the Integrated Law Enforcement Center (Gakkumdu) in election matters (Faizal, 2023) (Sukma Wijaya, 2026). Normatively, however, this system faces a fundamental problem, since 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 process of enforcing election criminal law is frequently hindered by differences in interpretation among the members of Gakkumdu, weak coordination, and the limited time available for handling cases, as set out in Articles 486–487 of the Election Law (Rusmana, 2024).

Constitutionally, strengthening Bawaslu's authority also has a firm basis in the principle of the rule of law, as affirmed in Article 1(3) of the 1945 Constitution of the Republic of Indonesia. A consequence of this principle is that the state is obliged to provide an effective law-enforcement mechanism to protect citizens' constitutional rights, including the right to vote and to stand for election. This political right forms part of the human rights that receive constitutional guarantee, so that every 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. Election-law-enforcement institutions therefore cannot be built solely on administrative considerations, but must be designed to guarantee protection of popular sovereignty.

This situation may be examined through the lens of the principles of criminal-law enforcement, since it conflicts with the principle of equality before the law and the right to fair legal process. Ideally, criminal-law enforcement should be carried out swiftly, straightforwardly, and justly. Furthermore, Article 28D(1) of the 1945 Constitution affirms that every person is entitled to recognition and fair legal protection (Waluyo, 2022). Within a responsive-law framework, criminal law must be integrated with its social and moral context. As a result, a normative reorientation is needed to grant Bawaslu limited investigative authority over election criminal offenses. In the election context, special law may override general law (KUHP), under the principle of *lex specialis derogat legi generali*, in the interest of substantive justice and effectiveness, such that this 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 the conduct of elections (Hayckel et al., 2024). This independence should not be understood merely as freedom in carrying out a supervisory function, but should also encompass the capacity to carry out a law-enforcement function effectively. When investigative authority rests entirely with another institution, Bawaslu's independence becomes limited, because the success of law enforcement depends heavily on the agreement of other institutions within the Gakkumdu Center. Such a condition has

the potential to give rise to institutional dependency, which is inconsistent with the principle of independence of election-management bodies as embraced 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 and coordinating with other law-enforcement officials. This would strengthen the integrity of election criminal-law enforcement and align with the constitutional mandate to uphold a just democracy.

Moreover, the regulation of special investigators is not a foreign concept within the Indonesian legal system. Various statutes have already recognized the existence of investigators outside the National Police of the Republic of Indonesia, as an application of the principle *lex specialis derogat legi generali*. The presence of special investigators is intended to improve the effectiveness of law enforcement in particular fields that require expertise, independence, and handling characteristics different from those of ordinary criminal offenses. Granting investigative authority to Bawaslu is therefore an institutional development that remains within the corridor of the national legal system, provided it is expressly regulated by statute and remains subject to oversight mechanisms and the principle of due process of law.

This argument is reinforced by the existence of independent institutions in Indonesia that already hold investigative authority, namely the Financial Services Authority (OJK), under Law Number 21 of 2011, established to ensure the stability of the national financial system (Heriyadi et al., 2023), and the Corruption Eradication Commission (KPK), under Law Number 19 of 2019, which is authorized to investigate corruption offenses (Ariani & Prasetyoningsih, 2022). Both institutions show that law enforcement can be more independent and effective when investigation does not depend entirely on the Police, but is instead handled by an institution with particular specialization and focus. This analogy shows that Bawaslu has strong legitimacy to obtain independent investigative authority.

Reconstructing Bawaslu's authority as an independent investigator is therefore not intended to diminish the authority of either the Police or the Public Prosecution Service, but rather to build a more effective system of election-law enforcement through a proportionate division of functions. The Police would continue to carry out the function of general criminal-law enforcement, while Bawaslu would focus on election criminal offenses requiring special understanding of the stages, norms, and characteristics of electoral violations. Such a model would in fact strengthen the principle of checks and balances while also improving the quality of protection afforded to citizens' constitutional rights within the democratic process.

3. Sociological-Empirical Foundations

Sociologically, the success of law is determined not only by its formal implementation but also by public trust in law-enforcement institutions (Karimullah, 2024). Based on the facts set out earlier, Gakkumdu has proven ineffective and has failed to meet society's expectations. Owing to differences of opinion regarding the elements of the offense, time constraints, and overlapping procedures, many election criminal cases come to a halt at the initial stage.

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

Concrete evidence was also found in the 2024 simultaneous elections. For example, the Repeat Vote (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 vote-buying, the disqualification of candidate pairs, and problems with the voting process. For instance, Bawaslu North Barito had identified an alleged criminal offense involving several village heads who declared support for a particular regional-head candidate, supported by video evidence and witnesses; however, during discussion at Gakkumdu, the Police required that the video evidence come from the device originally used to make the recording, so that the case was not pursued further (Susanto, 2025). Yet the Election Law clearly stipulates that a lack of neutrality on the part of a village head constitutes an election criminal offense (Ramadhani & Syafriyani, 2025).

This case shows a gap between law in books and law in action. Normatively, the elements of the offense are clearly set out in the Election Law, yet its implementation is frequently 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 yet been able to protect their political rights. This perception has the potential to diminish the legitimacy of the election supervisory body while also eroding public trust in the democratic process.

Beyond the problem of coordination, Indonesia's election criminal law embodies the principle of swift and summary case resolution. Under Article 486 of Law No. 7 of 2017, Bawaslu has only 14 days to follow up on a received report of an alleged election criminal violation. Following that, police investigation is likewise limited to 14 days, and prosecution to 5 days after the Public Prosecutor receives the case file (Seac, 2022). These time limits are intended to ensure legal certainty throughout the stages of the election. In reality, however, as reported by the National Legal Development Agency, the principle of speedy trial in fact hinders substantive justice, because coordination among the components of Gakkumdu often fails to keep pace with the swift rhythm expected (BPHN Kemenkumham, 2020). Multi-layered verification processes, differing perceptions among agencies, and bureaucratic procedures cause cases to lapse before they can be handled to completion.

From the standpoint of good governance, the effectiveness of law enforcement is one of the principal indicators of the quality of democracy. A state capable of resolving election violations swiftly, transparently, and accountably will attain a higher level of public trust than a state that allows violations to end 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 government administration.

A situation such as this, according to Nonet and Selznick's responsive-law theory, 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 need for genuine justice, not merely procedural certainty. In this situation, the idea of granting Bawaslu investigative authority is a legal response to a social occurrence 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 topic. By granting Bawaslu greater authority, 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 developed beyond a purely procedural model of law enforcement. Society desires not only legal certainty, but also law enforcement capable of delivering genuine justice, producing a deterrent effect on offenders, and preserving the integrity of election outcomes. Granting investigative authority to Bawaslu is therefore a form of institutional adaptation to social dynamics, and at the same time a manifestation of the 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's function into that of an independent investigative body 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 become merely a formal instrument of power, but must advocate moral and humanitarian principles. The investigative authority granted to Bawaslu is an 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, rather than a mere technical innovation. Here, law is transformed into a public ethic that protects the ethics of democracy and guarantees the people's right to an honest, fair, and dignified election.

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

This article offers several recommendations. First, Law Number 7 of 2017 concerning General Elections needs to be revised so as to affirm the separation and dissolution 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 guarantee the institutional capacity and human resources within Bawaslu needed to carry out the investigative function in accordance with the standards of criminal procedure, 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 proportionate and measurable time limits for investigation, in order to preserve both 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 blur the independence of Bawaslu's investigators.

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