

MODEL OF STRENGTHENING GAKKUMDU CENTER AS AN ELECTION LAW ENFORCEMENT AGENCY Fiqh PERSPECTIVE SIYASAH DUSTURIYAH

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ABSTRACT

One of the important roles in the implementation of elections and regional elections is the Integrated Law Enforcement Center (Gakkumdu Center) formed with a function as an examining organ as well as a prosecutor in cases of alleged election crimes consisting of elements of Bawaslu, the Police and the Prosecutor's Office. This research is a field research that describes and describes the situation and phenomena more clearly about the situation that occurs. This study studies the strengthening of gakkumdu centers as election law enforcement agencies from the perspective of *fiqh siyasah dusturiyah*. The research method uses qualitative descriptive. This study used a *purposive sample*. The informants in this study are: Key Informants: 3 Bawaslu leaders, Main Informants: 3 Bawaslu leaders, Supporting informants: 6 gakkumdu members. Data sourced from primary data and secondary data, with interview data collection techniques and documentation. Data analysis by collecting data, data education, data presentation, and conclusions. The results of the study, namely the strengthening of the Gakkumdu Center Institution need to be improved in Lampung Province, which is planned by strengthening capacity and also the placement of capable personnel in the process of handling election crimes, which is expected to be a support in triggering the performance of the Gakkumdu Center team that is more professional and fair. The Gakkumdu Central Institution Strengthening Model needs to be improved in Lampung Province is the enforcement model carried out is the optimization of the Gakkumdu Central Institution by evaluating and trying to improve performance in handling electoral crimes towards fair law enforcement. In the review of *the fiqh siyasah Dusturiyah*, the strengthening of the institution of the Gakkumdu Center needs to be improved in Lampung Province in line with *the fiqh siyasah Dusturiyah*. Where it aims to uphold justice and deal with electoral crimes, to prevent or eradicate fraud in general elections in Lampung Province.

KataKunci: *Strengthening, Gakkumdu, fiqh Siyasah Dusturiyah*

1. INTRODUCTION

In order to create the principle of Direct, General, Free, Secret, Honest and Fair Elections (*LUBER JURDIL/Langsung, Umum, Bebas, Rahasia, Jujur dan Adil*) lawmakers have made a number of fraudulent acts (*malpractices*) as a criminal offence. Thus, the Law on Elections, in addition to regulating how elections are conducted, also prohibits a number of actions that can destroy the nature of free and fair elections and threaten the perpetrators with punishment.¹ Through a Memorandum of Understanding made by Bawaslu RI, the Indonesian Police, and the Indonesian Prosecutor's Office, a forum was formed containing three institutions involved in handling Election Criminal cases, namely the Police, the Prosecutor's Office, and the Election Supervisory Agency. To effectively handle cases of violations or crimes against elections involving crimes, Bawaslu, the Police, and the Prosecutor's Office formed an Integrated Law Enforcement Center (Gakkumdu). In addition, the mechanism used by the Gakkumdu center has its own procedural law as stated in Election Supervisory Board Regulation No. 9 of 2018 which was subsequently changed to Election Supervisory Board Regulation No. 31 of 2018. This rule in order and criminal justice process is not much different from the general criminal procedure law. However, some administrative procedures and processes are subject to the election supervisory body. The existence of the Gakkumdu centre which should facilitate the handling of criminal acts often hinders the handling of electoral crimes.

Law No. 7 of 2017 on Elections shows the government's seriousness in eradicating electoral crime

¹ International Electoral Standards, Guidelines for the Legal Framework of Elections, (Stockholm: International Institute for Democracy and Electoral Assistance, 2002), 93.

through the establishment of Gakkumdu. Gakkumdu as an integrated law enforcement centre has an important role in handling electoral crimes. Article 486 point (1) of Law No. 7 of 2017 explicitly explains that the establishment of Gakkumdu intends to equalize the understanding and pattern of handling election crimes by Bawaslu, the National Police of the Republic of Indonesia, and the Attorney General's Office of the Republic of Indonesia.

The Constitution has mandated that elections must be conducted honestly and fairly, as stipulated in the 1945 Constitution Article 22E Paragraph 1. Elections are used as a means and mechanism in a replacement of legislative and executive power. This replacement is certainly meant for better circumstances. Therefore, in the implementation of elections, there must be guarantees that they are carried out properly or what is called honest and fair. Voters, parties participating in elections and the people in general must be protected from fraudulent practices such as intimidation, bribery, fraud that will affect the purity of the results of the General Election.

Hope for a better state life, certainly do not want fraud in elections, because if the election is won by dishonest or fraudulent means, it will be difficult to expect that the people who become leaders and legislators are people who can really carry the interests of the people. How important it is to maintain the purity of the election, the legal basis has been established as a basis for standing, namely Law Number 7 of 2017 concerning General Elections. This law has regulated how the mechanism and there are also rules regarding prohibitions and criminal threats for violators² such as Indonesia³. In Law Number 7 of 2017 concerning Elections, there are 77 electoral crimes whose regulations are contained in 66 Articles. The subject of electoral crimes is of several kinds, namely everyone (as many as 22 crimes out of 77 election crimes). This is commonly called a common offense or *Commun*, meaning an offense that can be committed by anyone, and the remaining 55 crimes are *propria* offenses (crimes whose subjects are certain/not everyone).⁴

Data obtained from the Lampung Provincial Election Supervisory Committee⁵ showed that there were 164 reports of election crimes found by the Panwaslih of Lampung Province and reported, but only 15 reports were carried out in the investigation process, 8 cases were upgraded to the Prosecution stage and 8 cases were transferred to the Court. The lack of reports that proceed to the next process raises question marks, among others, who is the perpetrator and what category of criminal acts are committed. In addition, in law enforcement in general there are several factors that affect the enforcement of the law itself.

A commonly known theory is that put forward by Lawrence M. Freidmen⁶ that what must be considered in law enforcement is that there are three covering the structure, substance, and culture of the Law. The legal structure relates to institutions authorized in law enforcement such as in Indonesia The authorized institutions are the National Police, the Prosecutor's Office and the Courts. In substance, this is related to the rule of law that has been made and created by the ruler, this rule is made by the state and is coercive and must be obeyed by all people who regulate actions that can and cannot be done and norms some live and develop in social life (*living law* or *non state law*), the legal culture (legal culture) is different between each group between educated people and the legal culture that rural people have different, race, social status is not yet just, and efforts made towards just law enforcement are causes that affect the culture of a society or group. The question is how the strengthening of the Gakkumdu Central Institute needs to be improved perspective *fiqh siyasah dusturiyah*?, what is the model of strengthening the Gakkumdu Central Institute in law enforcement of electoral crimes?, the model of strengthening the Gakkumdu Central Institute in law enforcement of electoral crimes perspective *fiqh siyasah dusturiyah*?

2. THEORETICAL FOUNDATION

1. Integrated Law Enforcement Centre for Elections (Gakkumdu Centre)

The Gakkumdu engagement process uses the legal basis used refers to the existing local

² Nurul Huda, *Political Party Law and Elections in Indonesia* (Bandung: Fokus Media, 2018), 12

³ Mulyadi Dedi, *Legislation Policy on Criminal Sanctions for Legislative Elections in Indonesia* (Jakarta: Gramata Publishing, 2012), 23

⁴ Topo Santoso and Ida Budhiati, *Elections in Indonesia* (Jakarta: Sinar Grafika, 2019), 34

⁵ Documentation, Bawaslu Lampung Province 2019, March 22, 2023

⁶ Salim HS and Erlies Septiana Nurbani, *Application of Legal Theory to Thesis and Dissertation Research* (Depok: Raja Grafindo Persada, 2013), 45

election or election implementing law. There have been significant changes related to the strengthening of the Gakkumdu Centre as an instrument of electoral law enforcement. In this context, the Gakkumdu plays a central role because of its authority. In Perbawaslu Number 9 of 2018 concerning Integrated Law Enforcement Centers, in Chapter I of Article 1 (2) of the Integrated Law Enforcement Center hereinafter referred to as Gakkumdu is the center of law enforcement activities for electoral crimes consisting of elements of the General Election Supervisory Agency, the Provincial General Election Supervisory Agency, and/or the Regency/City General Election supervisory agency, the National Police of the Republic of Indonesia, Regional Police, and/or Resort Police, and the Attorney General's Office of the Republic of Indonesia, the High Prosecutor's Office and/or the District Attorney's Office. Some regulations that are referenced in election law enforcement, can be seen in the following table:

Law Number 7 of 2017 concerning General Elections

Year	Selection Type	Law/Undang-Undang
2018	<i>Pilkada/Pemilihan Kepala Daerah</i> (Regional Head Elections)	UU No. 1 Year 2015 About <i>Pilkada</i> UU No. 10 Year 2017 About the Changes UU No. 1 Year 2015 About <i>Pilkada</i> UU No. 15 Tahun 2011 About the Organizer <i>Pemilu</i>
2019	<i>Pemilu/Pemilihan Umum</i> (General Election)	UU Number 7 Year 2017 About <i>Pemilu</i>

Source: obtained from various sources, 2023

2. Definition of General Election (Election)

Election stands for general election, General Election is one way in a democratic system to elect people's representatives who will sit in the people's representative institution, as well as a form of fulfillment of citizens' human rights in the political field. Elections are held to realize people's sovereignty. Because, the people cannot rule directly. Therefore, a way is needed to elect representatives of the people in governing a country within a certain period of time. General elections have three main functions, namely as:

- Means of electing public officials (formation of government)
- Means of accountability of public officials, and
- Means of political education of the people.

According to Austin Ranney⁷

Elections are said to be democratic if they meet the following criteria:

- Holding periodic (*regular* elections)
- Meaningful choice (*meaningful choice*)
- Freedom to put forth candidate*
- Universal adult suffrage*
- Equal *weighting votes*
- Freedom of choice (*free registration of choice*)
- Honesty in vote counting and reporting of results.

3. Definition of Criminal Act

a) Criminal Terms

Before discussing the Electoral Crime, it should be mentioned about the criminal law in a broad sense. Criminal law in a broad sense consists of formal and material criminal law. Law is divided into public law and private law, then criminal procedural law and public law. In ancient societies, there was no boundary between public law and private law so there was no clear separation between civil and criminal.

"...The term criminal law means *ja-mak*. In an objective sense, which is also often called *jus peonale*:

⁷ Moch Zainal Abidin, "Conditional Criminal Perspectives of the Criminal Code and Jurisprudence," *Al-Jinayah: Journal of Islamic Criminal Law* 1, no. 2 (December 2015): 23, <https://doi.org/10.15642/aj.2015.1.2.342-382>.

(1) Orders and prohibitions, for which violations or omissions have been sanctioned in advance by competent state bodies; rules that must be obeyed and heeded by everyone. (2) Provisions specifying with what or what means a reaction may be made to a violation of such regulations; Sanctions Law (3) Rules determining the scope of the enactment of such regulations at the time and territory of a particular country...".⁸

From this description, it is clear that the state's right to prosecute must be based on material law, and therefore the existence of the Code of Criminal Procedure (KUHP) allows the enactment of material criminal law in reality. The two fields are closely related, the first determines what is forbidden and ordered to do, while the second determines the guidelines and how to find the deed.

An event in order to be said to be a criminal event must meet the following conditions:

- a) There must be an action, that is, an activity carried out by one or a group of people,
- b) Acts must be in accordance as formulated in the law. The perpetrator must have made a mistake and must be held accountable for his actions.
- c) There must be mistakes that are held accountable. So, the act can indeed be proven as an unlawful fight.
- d) There must be a legal threat, In other words, the violated legal provisions include sanctions.

A state of law is not enough to have a Code of Criminal Procedure that guarantees the social rights of mere human beings, but must have a Criminal Code and/or written criminal law or unwritten law and must not contradict the principles and principles of the rule of law.

b) Purpose of the Code of Criminal Procedure

Reformation means improving or rehabilitating to be good and useful people for society. The community will benefit and no one will lose if the official becomes good. Reforms need to be combined with other goals such as prevention, Criticism of reform can be said to be unsuccessful. For example, the real unsuccess of many recidivists after serving prison sentences. According to Wirjono Prodjodikoro, the Criminal Procedure Law is a regulation that regulates how government equipment carries out claims, obtains Court Decisions, by whom the Court Decisions must be implemented, if there is a person or group of people who commit criminal acts"⁹

Criminal procedural law is closely related to criminal law, therefore it is a series of regulations that contain the way in which powerful government bodies, namely the Police, Prosecutors, and Courts act to achieve state goals by conducting criminal law.

*"...the purpose of the criminal procedure law is to seek and obtain or at least approach the material truth, which is the complete truth of a criminal case by applying the legal provisions of the criminal procedure provisions honestly and precisely with the aim of finding who the perpetrator can be charged with committing a violation of the law, and then to request a court examination and decision to find whether it is proven that a criminal act has been committed and whether the person charged can be blamed"*¹⁰

In examining a criminal case in order to determine who is guilty and must be punished and who is guilty and must be punished and who is right must seek the truth thus requires a series of investigative actions, investigations, and ends in the execution of the crime. According to Law Number 8 of 1981 concerning the Code of Criminal Procedure, Investigation is a series of investigative actions to find and find an event that is suspected to be a criminal offense, Investigation is a series of actions of investigators in terms and according to the manner regulated in the Law of Criminal Procedure to search and collect evidence that occurs and to find the suspect. The Code of Criminal Procedure provides instructions to law enforcement officials on procedures for maintaining material criminal law, if a person or group of people is suspected/accused of violating the criminal law.

3. Types of Electoral Crimes

The definition of electoral crime in the literature as stated by Djoko Prakoso, *"...Election crime is any person or legal entity or organization that intentionally violates the law, disrupts, obstructs or*

⁸ Abidin, 24.

⁹ Kansil CST, *Four Pillars of Race And Country* (Jakarta: Rineka Cipta, 2011), 34.

¹⁰ Andi Hamzah, *Indonesian Code of Criminal Procedure* (Jakarta: Saptta Means Victory, 1996), 21.

*interferes with the course of elections held according to law...."*¹¹

The definition put forward by Djoko Prakoso is very simple, because if you look at some criminal provisions in the current Election Law, the act of disrupting, obstructing or disrupting the course of the general election is only part of the election crime.

The act of electoral crime can be simply said that there are three possible understandings and scopes of electoral crime: *First*, all criminal acts related to the holding of elections stipulated in the election law; *Second*, all criminal acts related to the holding of elections both inside and outside the election law (for example in the political party law or in the Criminal Code); *Third*, all criminal acts that occurred during the election (including traffic violations, persecution (violence), destruction and so on).

a) Scope of Electoral Crime

Election crimes are indeed very broad in scope, including all crimes that occur in the process of holding elections, including ordinary crimes during campaigning or financial administration that occur in tenders for the purchase of election equipment. So Topo Santoso provides a definition of electoral crime in three forms including: *First*, All criminal acts related to the holding of elections stipulated in the Election Law. *Second*, All criminal acts related to the holding of elections regulated within or outside the Election Law (e.g. in the Political Parties Law or in the Criminal Code). *Third*, All criminal acts that occurred at the time of the election (including traffic violations, molestation, violence, destruction and so on).

"...Legal disputes and election violations can be divided into six types, namely:

- (1) criminal violations of elections (electoral crimes);*
- (2) disputes in the electoral process;*
- (3) violation of election administration;*
- (4) violation of the code of ethics for election organizers;*
- (5) per dispute over election results; and*
- (6) other legal disputes"*¹²

Each of the electoral law issues was resolved by different institutions. Law Number 10 of 2008 concerning the General Election of Members of the DPR, DPD, and DPRD only expressly mentions three kinds of legal problems, namely: violations of election administration, criminal violations of elections, and disputes over election results. Two other types of legal problems although not expressly mentioned in other types of legal problems, although not expressly mentioned in Law No. 10 of 2008, namely the code of ethics for election organizers and disputes in the process or stage of elections. While other legal disputes are not explicitly regulated either in name or material, but the practice of acknowledging their existence, that is, other legal issues. It is important to remember that not all legal issues that occur are legal disputes or election violations, because if interpreted too broadly, it is very difficult to focus on election supervision. For example, traffic violations during the campaign period. This is not a violation of the election campaign because it is a violation of general legislation. A more comprehensive regulation is then accommodated by Law Number 7 of 2017 which states explicitly about the types of election violations, namely election criminal violations, disputes in the election process, violations of election administration, violations of the election organizer's code of ethics, disputes over election results and other legal disputes (Juhana and Taufik, 2019)

Similarly, if election organizers are accused of corruption and not election legislation. Based on international standards, the legal framework should regulate sanctions for violations of the Electoral Law. Many countries create electoral law laws in their election laws, any penal provisions established for legal purposes must reflect the purpose for which the law was drafted. For example, any efforts to prevent violations, corrupt practices, and illegal practices in elections and the flow of election lawsuits. In order to uphold democracy, efforts to protect the integrity of elections are very important. Therefore, lawmakers regulate several fraudulent practices in elections. In relation to election regulations, the law not only regulates the electoral process, but also prohibits treatment that could hinder the essence of free and fair elections.

¹¹ Ramdansyah, *The Dark Side of the 2009 Election* (Jakarta: Rumah Demokrasi 2010), 10.

¹² Abidin, "Conditional Criminal Perspectives of the Criminal Code and Jurisprudence," 45.

2. Election Violations Regulations

Based on the description above, it can be concluded that the purpose of drafting election violation regulations is not only to protect election participants (political parties or candidates), but also implementing institutions and voters. Provisions on election violations are intended to protect the election process from all forms of violations. This protection will improve the quality of services provided by elected representatives or government leaders in representing the aspirations of voters. To ensure free and fair elections, it is necessary to protect voters, for parties participating in elections, as well as for the people in general from all fear, intimidation, bribery, fraud, and other fraudulent practices that will affect the sustainability of the election results.

If elections are won through fraudulent means, it is difficult to say that the leaders or legislators elected to parliament are true representatives of the people and leaders. To protect the purity of elections, what is so important for democracy is openness and shock. The law has made some election fraud a criminal offense. Thus, the Law on Elections in addition to regulating how elections can be held also prohibits a number of actions that can contradict the essence *free and fair election*. That and punishes the culprit with punishment.

3. Limitation of Electoral Crime

To provide limitations on what is meant by election crime, this discussion refers to the provisions referred to in Article 252 of Law Number 10 of 2008, which broadly states as a violation of the criminal provisions of elections stipulated in the law. Based on the formulation in the provision, it can be interpreted that not all criminal acts that occur during the election period or related to the holding of elections, are classified as election crimes. For example, the assassination of a political opponent while campaigning, or a candidate for the House of Representatives who is suspected of fraud.

Although the incident occurred during the election stage or related to certain election contestants, the crime is not regulated in the Election Law. These acts are general criminal acts regulated in the Criminal Code. Likewise, other criminal acts that can be related to elections, but are not regulated in the Election Law. For example, financial irregularities in the procurement of votes are not electoral crimes, but corruption crimes. In short, the commitment that electoral crimes are seen as prohibited acts of a serious nature and must be resolved in order to achieve the goal of making criminal provisions to protect the democratic process through elections,

"Election crimes are regulated in Chapter XXI, starting from article 260 to article 311, article 252 of Law No. 10 of 2008 in full reads: Election criminal offenses are violations of the criminal provisions of elections stipulated in this Law whose settlement is carried out through courts in the general judicial environment" (Gaffar, 2012).

4. *Fiqh Siyasah Dusturiyah*

Political Düsturiyah is part of *The politics of fiqh* which addresses the issue of state legislation. This section discusses, among others, constitutional concepts (the country's constitution and the history of the birth of legislation in a country), legislation (how to formulate laws), democratic institutions and shura which are important pillars in the legislation.¹³ The purpose of making laws and regulations is to realize human benefit and to meet human needs.

Problems inside *Fiqh Siyasah Dusturiyah* is the relationship between the leader on the one hand and his people on the other and the institutions that exist in his society. Therefore, inside *Fiqh Siyasah Dusturiyah* It is usually limited to discussing only the arrangements and legislation required by state affairs in terms of conformity with religious principles and is the realization of human benefit and meeting its needs.¹⁴

Abul A'la al-Maududi defined *Dustur* with: "A document containing the main principles on which a state governs". From the above understanding, it can be concluded that the words lie are the same as *constitution* in English, or the Constitution in Indonesian, the words "basis" in the Indonesian are not impossible to derive from the word *Dustur* mentioned above. When understood the use of the term *Fiqh Prisoner*, to name one science that deals with matters of government in a broad sense, because in *Dustur* That is stated a set of principles of power regulation in the government of a country, as a lie in one country of course legislation and other rules that are lower must not conflict with the lie.

¹³ Muhammad Iqbal, *Contextualization of Islamic Political Doctrine*, (Jakarta: Kencana, 2014), 177

¹⁴ H.A.Djazuli, *Fiqh Siyasah Implementation of Community Welfare in Sharia Signs*, (Jakarta: Kencana, 2003), 47

Political Düsturiyah is part *The politics of fiqh* which addresses the issue of state legislation. In this case, it is also discussed, among others, constitutional concepts (the constitution of the country and the history of the birth of legislation in a country), legislation (how to formulate laws), democratic institutions and shura which are important pillars in the legislation. In addition, this study also discusses the concept of the rule of law in siyasah and the interrelationship between government and citizens as well as the rights of citizens that must be protected.¹⁵ Problems inside *Fiqh Siyasah Düsturiyah* is the relationship between the leader on the one hand and his people on the other and the institutions that exist in his society. Therefore, inside *Fiqh Siyasah Düsturiyah* It is usually limited to discussing only the arrangements and legislation required by state affairs in terms of conformity with religious principles and is the realization of human benefit and meeting its needs.¹⁶

3. LITERATUR REVIEW

On the subject of Gakkumdu as an Election Law Enforcement institution based on the authority it has under the law, many studies have come to the understanding of how important the role of Gakkumdu itself is in the process of maintaining the legitimacy of elections, and no longer just playing a role in law enforcement. It is this philosophical foundation that should be put forward as the ultimate goal of electoral law enforcement.

Every case that occurs can be seen as a deduction from election success points, in this goal the Gakkumdu provides an antidote to the existing events, so that anyone and from any institution does not escape the threat of election law enforcement. All of this is actually only a manifestation to make the election held with dignity and justice so that the legitimacy of the election is not only in the formal procedural aspect but has come to the substantial aspect of guarding the legitimacy of the election, so that the election results can be accepted by all parties.

A study written by Fisher (2020) which highlights the enforcement of criminal law for Regional Head Elections (Pilkada) in an election perspective to realize legal certainty. In his study, Fisher's most important juice in Gakkumdu was the role of Bawaslu. Context *leading sector* In election law enforcement, according to Fisher, it is the ranks of election supervisors who have initial authority in the election supervision process. This is the entrance in the process of electoral law enforcement through Gakkumdu. The point of power given to the election supervisory institution, according to Fisher, is central to the success of election law enforcement. However, Fisher did not comment that the institution of the Gakkumdu Centre is collegial collective so that the work carried out by the Gakkumdu Centre is not a mere contribution of one supervisory institution, but is a contribution of the three institutions in it.

The study of Gakkumdu has also been reviewed by Sani (2019). Sani raised about *Person* central prosecution as an important pillar in Gakkumdu. Although Sani acknowledged the Gakkumdu institution consisting of election supervisors, police and prosecutors, Sani explained that success in the process of deliberations in Gakumdu meetings to determine whether or not an act meets the elements of an election criminal offence requires the foresight of state attorneys. Election supervisory elements and the police only serve as bodyguards and supporters to strengthen evidence and also fulfill factual information that will strengthen decisions regarding the alleged criminal conduct of the election itself. The weakness of Sani's research is that the prosecutor's institution does not have the authority to find and process initial allegations of alleged election criminal violations, because that stage is the authority possessed by election supervisors and their ranks. Therefore, it can be said that it is not appropriate if the prosecutor's office has a large portion in the election law enforcement process.

The third study was conducted by Saputra (2019) which raised the effectiveness of election law enforcement in the Gakkumdu Center. According to Saputra, the existence of this institution is in accordance with the breath of election law enforcement, it's just that in the process of implementation in the field, the existence of the Gakkumdu Center has not been able to have a major influence on reducing the number of electoral crimes. This can be seen from legal regulations that still have the

¹⁵ Muhammad Iqbal, *Fiqh Siyasah'Constitutionalization of Islamic Political Doctrine*, (Jakarta, Prenadamedia Group. 2014), 177

¹⁶ A. Djazuli, *Fiqh Siyasah 'Implementation of the benefit of the Ummah in Sharia Signs'*, (Jakarta, Kencana, 2004), 47

potential for confusion in interpretation, as well as the morality of law enforcement that is still selective in law enforcement, and public awareness of the law is still low related to electoral crimes. On this occasion, the author sees a gap in the absence of stronger institutional support in the Gakkumdu Centre itself, so that all obstacles related to the supremacy of one of the institutions in election law enforcement occur (Sani, 2019) which emphasizes the prosecutor's office, or Fiscer (2020) which emphasizes election supervisors, as well as the low morality of election law enforcement due to the absence of law enforcement integrity in it (Saputra, 2019). The essence of everything the author argues that there must be an institutionalization mechanism, namely strengthening the role and institution of Gakkumdu so as to create certainty and also institutional authority which has been known as an institution *Hoc*.

4. DISCUSSION

Law enforcement is a series of efforts made by people in charge of enforcing the law. In this case, the judiciary as an institution that has great power in determining the direction of law enforcement is felt to be in a central position and has always been the center of public attention. On other occasions, experts have argued on law enforcement (*law enforcement*) is closely related to the criminal justice system. Barda Nawawi Arief argues that the criminal justice system is essentially identical to the criminal law enforcement system. The criminal justice system is the process of running a criminal case which then legal remedies are made against the crime, starting from investigation, investigation, prosecution in court, judgment and execution of court decisions (execution).

As stated in the introduction, the tendency to process and analyze and process the criminal act of an election or election, uses elements of the Gakkumdu Centre that are included in the core of the discussion. From some of the research submitted, there is still a pattern of ego secto ral that relies on one party to be *Core* in election law enforcement. This context will be closely related to how to view the Gakkumdu Centre entity as a unit in managing and achieving the goal of electoral law enforcement, which is to create dignified elections. On that occasion, the central issue was how to create synergy and institutional strengthening of the Gakkumdu Centre, and this is where this article was created (*standing position*).

As a complete and coherent unit, both Bawaslu, the Prosecutor's Office and the Police were supposed to be election law enforcers. Although in other discourses many state that Bawaslu is not or is not a law enforcer because it is not mandated in law as a law enforcer. Bawaslu's position is that of a supervisor and has no executory rights over alleged electoral crimes. The adoption of this paradigm can be seen from the involvement of election supervisory elements who cannot oversee the process of investigation, investigation, prosecution, to the verdict of the panel of judges in court. Bawaslu is only given authority up to the determination of whether an act has been considered to violate the provisions in the election crime. This was included in a joint decision between the police, the prosecutor's office and Bawaslu. Meanwhile, in the next process, both the police and the prosecutor's office use the mechanism of criminal procedural law. On the same occasion, if we look at things like this caseistically, it seems as if Baaslu will not be able and indeed not given the authority or space to enter the criminal "law enforcement" of elections as a whole. However, what if using a more comprehensive perspective see a single Gakkumdu Centre as an inseparable entity.

Giving perspective as suggested in the pattern above, illustrates the new colour that Gakkumdu Centre is an inseparable whole. In this pattern, there is no longer a weakness that is considered superior or greater than other institutions. Election law enforcement will focus on institutional structuring that does not rely solely on one institution. Within that framework, the concept of institutionalization of Gakkumdu Centre can be viewed from several perspectives. To borrow Hutington's term, institutionalization or institutionalization is a process of organizing or procedures to achieve stability or certain values. In this definition, binding means that if institutionalization cannot be established, then there will be egocentrism where each makes its own rules without agreement.

The institutionalization perspective will lead to several things that are considered important to form a single election law enforcement unit within the Gakkumdu Centre entity. In this definition, there are at least a number of things that need to be taken into account in realizing a stronger and sturdier Gakkumdu Center, including:

First, institutional framework. The Gakkumdu Centre is a separate part of the electoral body. The

Gakkumdu Centre pattern is only formed during the election stage, and will end when the election ceremony has been completed. This pattern will give rise to discontinuities that are consistent to *transfer of knowledge* and *transfer of case*. The pattern of knowledge transfer that does not arrive can occur if officers from the procuratorate and police undergo rotation or mutation. Enforcement of electoral laws that are *lex specialis* of course requires "flight hours". In this particular legal field, personnel who do understand the flow and pattern of professional handling are needed.

Please note that in the process of alleged election crimes is much different from general criminal acts, where in alleged election crimes time limits are very strict so that it is possible to occur *Mis-administration* or inability to handle cases due to non-fulfillment of elements and also the absence of evidence and witnesses. In progress *transfer of case* There are many non-linear patterns found in the enforcement of electoral law. Limited perspectives and also differences in views between entering the alleged criminal realm of elections or not ending in bias, so that it is not necessarily an act that is suspected of criminal violations of elections according to Bawaslu's perspective will also be accepted by the prosecutor's office and the police.

Second, legitimacy based on the rule of law. The laws and regulations, especially those governing elections and elections, place the Gakkumdu Centre as the sole authority in handling electoral criminal cases. No other institution is granted this attribution authority, except the Gakkumdu Centre. Even the police and the prosecutor's office are not given that authority, except within the framework of cooperation with tiered election supervisors. Both in Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the stipulation of Government Regulations in lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law, especially Articles 146 and 152, and Law Number 7 of 2017 concerning General Elections Article 486. Specifically regarding electoral crimes in Law 7 of 2017 contains at least 66 articles, which regulate a number of subjects such as organizers, public officials, and a number of other subjects. Operationally, the General Election Supervisory Board also issued General Election Supervisory Board Regulation Number 31 of 2018 concerning Integrated Law Enforcement Centers, which explicitly states that Gakkumdu Centers are the center of law enforcement activities for election crimes consisting of elements of the General Election Supervisory Board, Provincial General Election supervisory bodies, and/or District/City General Election Supervisory Bodies, The National Police of the Republic of Indonesia, Regional Police, and/or Resort Police, and the Attorney General's Office of the Republic of Indonesia, the High Prosecutor's Office and/or the District Attorney's Office (Article 1 Paragraph (2)).

Third, there is an increasing trend of electoral criminal violations from election to election. The increase in the pattern of electoral crime from election to election indicates the existence of a fraudulent political practice that requires elections to take place with no respect for integrity and far from the practice of honest elections. The violations created that led to the enforcement of electoral laws are a reflection that the Gakkumdu Centre cannot be given limited opportunities. Trends and patterns of violations must be viewed holistically as a marker of a systemic pattern of violations because they do not take place in one region only, even evenly distributed at almost all levels and regions that hold elections or elections.

Statistically, the trend of electoral criminal violations has increased significantly. For example, violations in the 2019 election have a significant upward trend of 65 percent compared to the 2014 election (see table 2).

335 cases in the Presidential Election and 13 cases in the

Year	Number of Cases Criminal	Information
2014	203	These 203 cases have been sentenced by the first and appellate courts (PT). 195 cases occurred during the Pileg period and as many as 8 other cases in the <i>Pilpres</i> /Presidential Election
2019	348	335 cases in the <i>Legislative</i> Election Stage and 13 cases in the <i>Presidential</i> Election

From the cases that emerged in the election crime, it can be seen that the number of cases that entered the stage has increased compared to the previous elections, except for the 2004 election to the 2009 election which experienced a significant decrease. Seeing the fact that criminal violations of elections have increased, at least provide *trigger* strong to support professional election criminal law enforcers who do have the competence to carry out enforcement in elections.

Fourth Gakkumdu Centre is considered institutionalised if it is able to implement independence rather than subordination from its original institution. The independence of the steps taken by Gakkumdu in handling electoral crime cases refers to decisions that have been the result of studies from the three institutions, namely Bawaslu, the police and the prosecutor's office. Independence in making this decision is absolutely necessary so that Gakkumdu's institutional involvement does not retreat back to the pattern of handling criminal acts in the Criminal Code which is indeed the authority of the two institutions, namely the prosecutor's office and the police. Therefore, the placement of special prosecutors and special police investigators who have competence in electoral crimes is an absolute demand. The pattern of coaching carried out and increasing knowledge and capacity in the process of investigating and fingerprinting election crimes needs its own attention, because besides not being an ordinary crime, there are very large implications in terms of determining leadership through electoral democracy mechanisms.

Based on the above, it is important to underline that there are at least three things that need to be fulfilled in the process of election law enforcement, especially related to election crimes, namely: legal certainty, justice and expediency. Law enforcement according to Gustav Radbruch must meet these three things (Fisher, 2020). Of the three justice, it is the main principle in law enforcement, because it relates to certainty and expediency must be based on the principle of justice. This position cannot be replaced and compromised, let alone related to election law enforcement mechanisms.

5. CONCLUSION

Based on the description that has been described above, there are several things that can be concluded as an integral part of this paper, including:

1. Strengthening the Gakkumdu Center Institution needs to be improved in law enforcement of electoral crimes in Lampung Province, there is disharmonization between institutions, so it is necessary to strengthen institutionalization and also the placement of capable personnel in the process of handling election crimes, it is expected to be a support in triggering the performance of the Gakkumdu Center team that is more professional and fair
2. The Gakkumdu Central Institution Strengthening Model in law enforcement of electoral crimes in Lampung Province is an enforcement model carried out on optimizing Gakkumdu central institutions by harmonizing and evaluating and striving to improve performance in handling election crimes towards fair law enforcement.
3. In the review of *the fiqh siyasah Dusturiyah*, the strengthening of the Gakkumdu Central Institute in law enforcement of electoral crimes in Lampung Province is in line with *the fiqh siyasah Dusturiyah*. Where it aims to uphold justice and deal with electoral crimes, to prevent or eradicate fraud in general elections in Lampung Province.

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