



LAW ENFORCEMENT OF 2024 ELECTION OFFENCES IN CONSTITUTIONAL LAW PERSPECTIVE: A CASE STUDY

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Abstract:

Research discusses the challenges and problems faced in law enforcement related to offences of the 2024 simultaneous general elections in Indonesia with a focus on Central Java Province. Through a constitutional law approach, this study explores how Badan Pengawas Pemilu (Bawaslu) plays a role in enforcing the law and preventing offences. The method used in this research is normative juridical with empirical and statutory approaches. Data were collected through a qualitative method by analyzing cases of offences that occurred in Central Java. The results showed that in law enforcement against election offences, Bawaslu Central Java Province focuses on efforts to prevent election offences, with handling offences as the last step if prevention fails. Handling of election offences can come from two sources: namely supervision by election supervisors and reports from the public. If the offence is registered, Bawaslu conducts clarification and if proven, the criminal case is forwarded to the police and the Gakkumdu center, while code of ethics offences are submitted to DKPP and for administrative offences, Bawaslu holds an examination hearing that results in a binding decision. Bawaslu in handling election offences is faced with three challenges, namely multi-interpretive election rules, criminal allegations and a culture of people who are reluctant to report. Constitutional law plays a role in setting clear procedures, such as clarification by Bawaslu, investigation by Sentra Gakkumdu and examination hearings for administrative offences. In practice, justice and consistency in the application of sanctions are still needed, strengthening firmer regulations, increasing institutional capacity and legal protection for reporters.

Keywords: *Law Enforcement; Elections; Constitutional Law.*

Abstrak:

Penelitian ini membahas tantangan dan problematika yang dihadapi dalam penegakan hukum terkait pelanggaran pemilihan umum serentak 2024 di Indonesia dengan fokus pada Provinsi Jawa Tengah. Melalui pendekatan hukum tata negara, studi ini mengeksplorasi bagaimana lembaga pengawas pemilu (Bawaslu) berperan dalam menegakkan hukum dan mencegah terjadinya pelanggaran. Metode yang digunakan dalam penelitian ini adalah yuridis normatif dengan pendekatan empiris dan perundang-undangan. Data dikumpulkan melalui metode kualitatif dengan menganalisis kasus-kasus pelanggaran yang terjadi di Jawa Tengah. Hasil penelitian menunjukkan dalam penegakan hukum terhadap pelanggaran Pemilu, Bawaslu di seluruh Provinsi Jawa Tengah berfokus pada upaya pencegahan pelanggaran pemilu, dengan penanganan pelanggaran sebagai langkah terakhir jika pencegahan gagal dilakukan. Penanganan pelanggaran pemilu 2024 dapat berasal dari dua sumber: yakni pengawasan oleh pengawas pemilu dan laporan dari masyarakat. Jika pelanggaran terdapat, Bawaslu melakukan klarifikasi dan jika terbukti, kasus pidana diteruskan ke kepolisian dan sentra Gakkumdu, sementara pelanggaran kode etik diserahkan ke DKPP dan untuk pelanggaran administrasi,

Bawaslu mengadakan sidang pemeriksaan yang menghasilkan putusan mengikat. Bawaslu dalam menangani pelanggaran pemilu dihadapkan dengan tiga tantangan, yakni aturan pemilu yang multitafsir, dugaan pidana dan budaya masyarakat yang enggan melapor. Hukum tata negara berperan dalam pengaturan prosedur yang jelas, seperti klarifikasi oleh Bawaslu, penyidikan oleh Sentra Gakkumdu dan sidang pemeriksaan untuk pelanggaran administratif. Pada prakteknya masih diperlukan keadilan dan konsistensi dalam penerapan sanksi, diperlukan penguatan regulasi yang lebih tegas, peningkatan kapasitas kelembagaan serta perlindungan hukum bagi pelapor.

Kata Kunci: *Penegakan Hukum, Pemilu, Hukum Tata Negara.*

A. Introduction

General elections as an instrument of democracy aim to realise the sovereignty of the people constitutionally, regulated in the framework of constitutional law through the 1945 Constitution of the Republic of Indonesia Article 22E - 22H and Law Number 7 Year 2017. With the existence of general elections that aim to enable the transition of government, the implementation of popular sovereignty and the implementation of citizens' human rights to be able to vote and be elected (Hamidah, n.d.). Badan Pengawas Pemilu (Bawaslu), as a supervisory institution, has quasi-judicial authority to enforce the law on election offences, including administrative, criminal and ethical aspects (Subiyanto, 2020). The term law enforcement of electoral offences refers to the process of identifying, clarifying, and imposing sanctions on offences such as voter bribery (Article 149 of the Election Law), voting fraud (Article 291 of the Election Law), or offences of ASN neutrality (Article 546 of the Election Law). (Amir et al., 2024). In the context of the 2024 simultaneous elections, Central Java is a crucial study locus due to its high demographic diversity and the complexity of recorded offences.

Legally, the challenges of law enforcement of election offences in Central Java are divided into three dimensions: substance, structure and culture. From the substance aspect, multi-interpretive articles such as Articles 520-523 of the 2017 Election Law create ambiguity in the interpretation of offences. Structurally, Bawaslu's collaboration with the Gakkumdu Centre (Police-Prosecutor's Office) has not been optimal, as evidenced by only 7 criminal cases completed out of 110 reports. Meanwhile, culturally, low public participation in reporting due to the lack of legal protection for reporters exacerbates the inefficiency of supervision. On the other hand, constitutional law demands law enforcement that is consistent with the principles of due process of law and constitutional justice, raising the question: to what extent does Bawaslu's mechanism guarantee this propriety?

Empirical data for the 2024 elections in Central Java shows that 271 cases of offences in all districts and cities in Central Java were successfully handled, with details: Administrative offences 200, Code of Ethics 33, Criminal 7 and Other Legal offences 31 including neutrality of ASN and Village Heads. This distribution reflects the dominance of procedural offences in the implementation of elections, such as non-compliance with the stages of voter administration or recruitment of organisers that do not comply with regulations. Meanwhile, the low number of completed criminal cases (only 7 cases) indicates the weak effectiveness of the Sentra Gakkumdu in handling election crimes, as observed in a case study in Temanggung Regency, where 3 criminal cases were stopped due to lack of evidence (Final Report on the Handling of Election Offences 2024 Bawaslu Temanggung Regency Central Java, n.d.).

Research that discusses law enforcement in election offences has certainly been carried out several times. Such as the research conducted by Dedi Ramdani (Ramdani

Kantor Hukum Kharisma Pilar Keadilan Corresponding Author, 2023) with the title Analysis of the Role of Bawaslu in Law Enforcement of the 2024 Simultaneous Elections examines in general the challenges faced in organising the 2024 elections throughout Indonesia. Another idea from research conducted by Kurniawan(Stie & Al-Mujaddid, 2021) with the title Strengthening Bawaslu in the Enforcement of the Simultaneous Election Law in 2024: Between Challenges and Efforts to Resolve which discusses the authority of Bawaslu and the need for settlement actions that can be taken by the lawmaking authority through revision of legislation, or through actions taken by the Election Organiser Bawaslu or KPU) through the establishment of technical regulations for the Election Organiser. Not only that, Veri Junaidi and Muhammad Ihsan (Jumaidi, Veri 2024, n.d.) with the title Structuring the Institutionalisation of Law Enforcement for Simultaneous Elections in 2024, discusses the structuring of the forms and types of election offences, especially regarding administrative and criminal matters of elections. Of the three studies, the originality of this research lies in the integrative analysis between constitutional law and Bawaslu's law enforcement practices at the Central Java level. This research fills this gap by focusing on the interaction of the constitutional legal framework and implementation at the provincial level.

The objectives of this study are: (1) to analyse the mechanism of law enforcement of 2024 election offences by Bawaslu throughout Central Java Province and its multidimensional challenges; (2) to construct the harmony of Bawaslu's actions with the principles of constitutional law; and (3) to find policy recommendations to strengthen the integrity of election law enforcement. Through an empirical juridical approach, this study is expected to provide a holistic perspective on the dynamics of election law enforcement in a constitutional frame.

Therefore, this research is entitled Constitutional Law Review of the Law Enforcement of Simultaneous Election Offences in 2024: Case Study of Election Implementation in Central Java and seeks to answer the following research How is the law enforcement and challenges in handling election offences by Bawaslu Central Java Province? How is the review of constitutional law in the application of sanctions for offences applied fairly and consistently?

B. Research Method

This research uses a normative juridical method with an empirical and statutory approach, which is one of the methods commonly used in legal studies. (Suganda, 2022). The normative juridical method focuses on analysing the applicable legal norms and regulations, as well as how they are applied in practice in society. In this context, the research aims to explore the application of sanctions for offences in the 2024 elections based on constitutional law in Central Java. Data collection was conducted through qualitative methods, by analysing cases of offences that occurred in the region. The data collection process involved document studies, interviews with relevant parties. This is in line with the empirical approach that emphasises the importance of primary data to understand the reality of law application in the field.(Liber Sonata, 2014). The analysis is conducted by comparing the applicable legal theory with the practice in the field, so as to obtain a comprehensive understanding of justice and consistency in the application of sanctions. This research is expected to contribute to the development of legal science, especially in the context of fair and effective law enforcement in Indonesia.

C. Discussion

1. Law Enforcement Election Offence in Central Java by Bawaslu Challenges in Handling

Bawaslu has an important role in law enforcement related to election offences in Indonesia, including in Central Java Province. This law enforcement is carried out through a structured and collaborative mechanism, namely the Integrated Law Enforcement Centre (Gakkumdu), which involves Bawaslu, the Police and the Attorney General's Office.

Bawaslu is tasked with overseeing and following up on election offences that occur. In the implementation of the 2024 General Elections, Bawaslu throughout Central Java Province has received and followed up on a number of reports of offences which then reported to the Provincial level. Election offences in Indonesia are classified into three main categories based on Law No. 7/2017 on General Elections and supervisory practices by Bawaslu. This classification aims to ensure fair and consistent law enforcement. There are 3 types of election offences, including Administrative Offences, Code of Ethics and Criminal and other laws.

Administrative Offences are Election administrative offences include offences of procedures, procedures, or mechanisms related to the administration of elections in each stage of the Election (Article 460 of the Election Law.). In handling alleged election administrative offences, in addition to being resolved through an examination hearing process which must be decided within a maximum of 14 (fourteen) working days after the findings and reports are received, there is also a method of resolving administrative offences through a fast event examination (Arafah 2022, n.d.). The settlement of general election administrative disputes, which is stated in Law Number 7 of 2017 concerning General Elections, is a step forward in efforts to improve democracy. Thus, Bawaslu not only functions as a supervisory institution, but also has the authority to decide a case, so as to reduce the number of offences, both criminal and administrative in nature (Hastun, 2021, n.d.).

In Central Java, 200 Administrative Offences have been resolved from a total of 227 reports, with details: Banyumas Regency 2, Batang Regency 15, Blora Regency 2, Boyolali Regency 4, Brebes Regency 10, Grobogan Regency 20, Jepara Regency 34, Karangnyar Regency 1, Kendal Regency 43, Kudus Regency 25, Purworejo Regency 34, Pekalongan City 1, Semarang City 1 and Surakarta City 1.

Of the 200 administrative offences handled in Central Java, each has its own type of offence. Bawaslu in Banyumas Regency successfully resolved 2 handling offences from 8 reports, because 6 reports were declared unproven. Administrative offences in the form of campaign activities at the Socialisation of Community Empowerment in Election Participation 2024 without an STTP (Notification Receipt Letter). This is a form of offence of Article 317 paragraph (1) letter b, paragraph (2) letter c of Law Number 7 Year 2017 Article 32 paragraph (1) and paragraph (3), Article 33 paragraph (2) letter l, Article 33 yat (3) PKPU Number 15 Year 2023 and another form of offence in Banyumas Regency is the alleged installation of APK in unlicensed private homes. Banyumas Regency followed up on these offences with recommendations from the Banyumas Regency KPU.

Bawaslu Batang Regency successfully resolved 15 administrative offences from a total of 15 reports with offences of Campaign Props (APK) installed in offence of PKPU No. 15 of 2023, Batang Regency KPU Decree No. 376 of 2023 then the

mechanism for handling offences is with the recommendation of the Batang Regency KPU.

Bawaslu Blora Regency managed to complete 2 administrative offences from a total of 2 reports with the form of offences of KPPS members who were allegedly included in the management of political parties, which certainly contradicted Article 72 letter e of Law Number 7 of 2017, Article 35 paragraph (1) PKPU Number 8 of 2022, KPU Decision Number 1669 of 2023. Then the mechanism for handling offences is with the recommendation of the Blora Regency KPU.

Bawaslu Boyolali Regency succeeded in resolving 4 administrative offences from a total of 4 reports with the form of offences of KPPS candidates who were included in the management of political parties, input errors on form C and inaccuracy in the process of administrative research of Pantarlih candidates, so that the elected Pantarlih had an incorrect residence status. This is contrary to Article 35 paragraph (1) PKPU Number 8 Year 2022. Then the mechanism for handling offences is with the recommendation of the Boyolali Regency KPU.

Bawaslu Brebes has successfully completed 10 administrative offences from a total of 11 reports in the form of campaign offences without STTP, which violates Article 36 paragraph (2) and paragraph (3) letter b of KPU Decree Number 15 of 2023, KPU Decree Number 365 of 2023 and other forms of offences, namely APK offences, where the installation of APK violates Article 36 paragraph (2) and paragraph (3) letter b of KPU Decree Number 15 of 2023 and KPU Decree Number 365 of 2023. Then the mechanism for handling offences is with the recommendation of the Brebes Regency KPU. The Grobogan Regency Bawaslu has successfully completed 20 administrative offences from a total of 23 reports in the form of campaign offences without STTP, in this case it certainly violates Article 30 paragraph (1) of KPU Decree Number 15 of 2023, Article 21 paragraph (1) of KPU Decree Number 11 of 2023, another offence is the installation of APK that does not comply with the provisions which violates the Grobogan Regency KPU Decree Number 851 of 2024. Then the mechanism for handling offences is with the recommendation of the Grobogan KPU.

Bawaslu Jepara succeed completed 34 treatments offence administrative from a total of 34 reports with form APK offences that are not in accordance which provisions are violated PKPU No. 15 of 2023 , Jepara Regency KPU Decree No. 140 of 2023 , and other offences , namely activity campaign without STTP which is a offence Article 30 Paragraph (1) of KPU Regulation Number 15 of 2023 as well as offence offence Material Campaigns that violate the PKPU and the Jepara Regency KPU Decree Number 140 of 2023 , Article 44 letter a of the Jepara Regency Regional Regulation Number 20 of 2012. Then mechanism Handling offence namely with recommendations of the Jepara KPU .

Bawaslu Karanganyar succeed complete 1 handling offence administrative from total 1 report with form offence namely No done attachment sticker coklit and then completed with Recommendations to the local PPK . Bawaslu Kendal Regency was successful completed 43 treatments offence administrative from a total of 43 reports with form offence installation APK location , thing the violate Decision of the Kendal Regency KPU Number 458 of 2023 which then mechanism Handling offence namely with recommendation of the Kendal Regency KPU .

Bawaslu Kudus Regency was successful complete 25 treatments offence administrative from a total of 26 reports with form offence A number of APKs installed do not comply with the provisions which violates KPU Kudus Regency Decree Number

405 of 2023 and offences Other KPPS recruitment is not in accordance with KPU Decree Number 1669 of 2023 concerning the Third Amendment to KPU Decree Number 476 of 2022. Then mechanism Handling offence namely with recommendation of the Kudus KPU.

Bawaslu Purworejo succeed completed 34 treatments offence administrative from a total of 34 reports with form offence distribution of transportation money containing party logos which is a offence Article 304 paragraph (1) and paragraph (2) letter d of Law Number 7 of 2023 , Article 25 paragraph (1) and paragraph (2) of KPU Regulation Number 23 of 2018 , form other offences namely APKs whose installation is suspected of violating the terms and conditions Article 36 paragraph (2) of KPU Decree Number 15 of 2023 , Article 71 paragraph (1) letter a of KPU Decree Number 15 of 2023 Second Dictum letters i and j, Third Dictum and Fifth Dictum of KPU Decision Purworejo Regency Number 566 of 2023. Then mechanism Handling offence namely with KPU Purworejo recommendation

Bawaslu of Pekalongan City succeed complete 1 handling offence administrative from total 1 report with form offence distribution of leaflets of letters that violate Article 79 paragraph (3) and paragraph (4) of KPU Decree Number 15 of 2023. Then mechanism Handling offence namely with recommendation of the Pekalongan City Election Commission . The Semarang City Election Supervisory Committee succeeded complete 1 handling offence administrative from a total of 2 reports with form offence APK installation without which permission is violated Decision of the Semarang City KPU Number 626 of 2023. Then mechanism Handling offence namely with recommendation of the Semarang City KPU. The Surakarta City Bawaslu succeeded complete 8 treatments offence administrative from a total of 9 reports with form Props Offence Socialization indicated violate Supervisory Body No. 11 of 2023 and Mayoral Regulation Number 2 of 2009 , the form other offences namely existence campaign without permission , no There is will For release APK on day calm that violates Law No. 7 of 2017 , PKPU No. 15 of 2023 , Bawaslu Regulation No. 11 of 2023 , Bawaslu Regulation No. 14 of 2023 , KPU Surakarta City Decree number 130 of 2023 , Mayor of Surakarta Regulation number 26 of 2023 , Bawaslu RI Circular Letter number 8 of 2024. Other offences were also found namely find the DPT at the TPS which contains the voter's NIK, KK, place and date of birth Of course matter the violate KPU Decree Number 66 of 2024. Therefore mechanism Handling offence namely with recommendation of the Pekalongan City Election Commission . Bawaslu Province Central Java where there were 3 reports offence administrative , but report offence administrative the No succeed completed Because No found sufficient evidence strong .

Temporary offence related code ethics elections which are moral, ethical and philosophical standards organizer election in carry out duties and obligations (Arifatuzzahra Firda, 2023). Through the Constitutional Court Decision Number 115/PHPU.D-XI/2013 Honorary Council Organizer Election (DKPP) is the institution given authority For to cut off offence code ethics organization election (Kiani et al., n.d.). The existence of code ethics applied in organization election own an important role , especially For arrange behavior organizer good at level center and area . (Bawaslu Provinsi Kepulauan Riau et al., 2022). Maintain independence , integrity and credibility not escape from existence code ethics organization elections . Independence interpreted organizer election in carry out task free without influence other party and hold on firm on law , ethics and morals. Integrity refers to consistency appropriate thoughts and

actions with position . Credibility means organizer election must own quality , commitment and capability For increase trust public (Pangestu Aji, 2022).

Throughout Central Java there were 33 reports offence code successful ethics handled Bawaslu all over Central Java from a total of 68 reports , including Bawaslu Province Central Java itself , which one of a total of 8 reports offence code ethics , no there is something that can completed Because No found proof offence , while Regency Blora succeed finish Handling offence code ethics a total of 6 out of 8 reports received with details form offence Devices Village At the same time PPS supports one of the participant which election violates provision Article 73 paragraph 2 of Law Number 7 of 2017 , Article 6 paragraph 2 letters a and c of DKPP Regulation Number 2 of 2017 , Article 8 letter a of DKPP Regulation Number 2 of 2017 , implementation of Ballot Boxes circumference that exceeds limit time that violates provision Article 3 of Law Number 7 of 2017 , Article 6 paragraph (3) of DKPP Regulation Number 2 of 2017 , carried out opening box voices at the PPS secretariat office that violate provisions Article 3 of Law Number 7 of 2017 , Article 6 paragraph (3) of DKPP Regulation Number 2 of 2017 , then Some ballot boxes were not sealed by the KPPS when they were returned, which is a offence. provision Article 3 of Law Number 7 of 2017 , Article 6 paragraph (3) of DKPP Regulation Number 2 of 2017 , Several ballot boxes were not sealed by the KPPS when they were returned, which is a offence provision Article 3 of Law Number 7 of 2017 , Article 6 paragraph (3) of DKPP Regulation Number 2 of 2017. Then mechanism Handling offence namely with KPU Regency recommendation Blora .

Bawaslu Regency Boyolali succeed completed 2 reports offence code ethics from a total of 2 reports received . Form offences that occurred that is Panwaslu which became member party politics , of course matter the violate provision Article 8 letter a of DKPP Regulation Number 2 of 2017 , other offences that occur namely uploads PPS image along with participant which election is the thing the violate provision Article 8 letter 1 of DKPP Regulation Number 2 of 2017. Then mechanism Handling offence namely with KPU Regency recommendation Boyolali .

Bawaslu Regency Brebes succeed complete 1 report offence code ethics from a total of 1 reports received . Form offences that occurred that is Allegation destruction of PPWP Ballot Papers during the ballot counting process by KPPS matter the violate PKPU Number 25 of 2024 , KPU Decree Number 66 of 2024. Then mechanism Handling offence namely with KPU Regency recommendation Brebes . Bawaslu Regency Demak where there was 1 report offence code ethics , but report offence the No succeed completed Because No found sufficient evidence strong .

Bawaslu Regency Jepara succeed complete 1 report offence code ethics from a total of 1 reports received . Form offences that occurred that is PKD participates in a healthy walk activity party politics which thing That contradictory with Article 8 letter L of DKPP Regulation No. 2 of 2017 , which then done Handling Sanctions for Offences of the Code of Ethics for Panwaslu (Warning). BawasluRegency Karanganyar where there is 1 report offence code ethics , but report offence the No succeed completed Because No found sufficient evidence strong .

Bawaslu Kebumen succeed complete 1 report offence code ethics from a total of 1 reports received . Form offences that occurred namely the PPS brandishing the candidate pair symbol at the time KPPS technical guidance which then done act continued by the KPU containing a stern warning to the Reported Party . Bawaslu Regency Klaten succeed complete 1 report offence code ethics from a total of 1 reports

received . Form offences that occurred that is The PPS chairman who did not neutral , then done mechanism Handling termination chairman of KPPS.

Bawaslu Kudus Regency was successful complete 1 report offence code ethics from a total of 2 reports received . Form offences that occurred that is delivery results PKD selection before timetable determination . Then done warning by the party Bawaslu . Bawaslu Regency Magelang succeed completed 7 reports offence code ethics from a total of 7 reports received . Form offences that occurred that is Inflation the sound of breaking provision Article 15 letters f, g, and h of DKPP Regulation Number 2 of 2017 which then followed up by the KPU with give sanctions warning written .

Bawaslu Pemalang succeed complete 1 report offence code ethics from a total of 2 reports received , the form offence namely existence the inauguration carried out by the Chairperson of the KPPS to the unseen pantarlilh selected , thing the violate provision Article 6 of DKPP Regulation Number 2 of 2017 which then done Handling giving sanctions warning by the KPU.

Bawaslu Pati Regency where there were 10 reports offence code ethics , but report offence the No succeed completed Because No found sufficient evidence strong . Bawaslu Regency Pekalongan where there are 3 reports offence code ethics , but report offence the No succeed completed Because No found sufficient evidence strong .

Bawaslu Rembang succeed completed 2 reports offence code ethics from a total of 2 reports received , the form offence namely the existence of KPPS which is not neutral violate Article 3 and Article 8 of DKPP Regulation Number 2 of 2017 which then done KPU handling . Other offences include No PPK's professionalism in operate task namely breaking Article 3 and Article 15 of DKPP Regulation Number 2 of 2017. Then done mechanism Handling recommendation to the KPU.

Bawaslu Sragen succeed completed 2 reports offence code ethics from a total of 3 reports received , the form offence namely PPS which is member party politics which violates provision Article 72 letter e of Law Number 7 of 2017 , then from That mechanism handling namely with recommend to the KPU and then the Regency KPU Sragen .

Bawaslu Tegal succeed complete 1 report offence code ethics from a total of 1 reports received , the form offence namely PPK which does not neutral , thing the violate provision Article 8 letter g Jo Article 15 letter d of DKPP Regulation Number 2 of 2017. Then mechanism handling namely with recommend to the KPU and then the Regency KPU Tegal give warning hard .

Bawaslu Temanggung succeed complete 1 report offence code ethics from a total of 1 reports received , the form offence namely TPS supervisors who do not neutral , which violates provision Article 3 letter a of Law Number 7 of 2017 Article 8 letter e and letter l of DKPP Regulation Number 2 of 2017. Then given sanctions dismissal by Bawaslu Regency Temanggung .

Bawaslu Wonosobo succeed completed 4 reports offence code ethics from a total of 4 reports received , the form offence namely No neutrality of PPS, KPPS and KPU members , which is the case the violate provision Article 2, 6 , 8 of DKPP Regulation Number 2 of 2017 which then done Handling recommendation to the Regency KPU Wonosobo and DKPP.

Semarang City Bawaslu was successful completed 2 reports offence code ethics from a total of 3 reports received , the form offence namely offences by Panwascam which violate provision Article 6 of DKPP Regulation Number 2 of 2017 , and then done Handling giving sanctions and guidance by the Semarang City Bawaslu .

Temporary offence criminal, which is action offence and/ or crime to provision act criminal which election procedures handling handed over to assembly special and center enforcement law integrated . (Isnawati, n.d.)Gakkumdu Center formed with objective equalization understanding and patterns Handling offence act criminal (Ramadhan, 2019). Existence center The Truth as center activity Handling offence act criminal Elections that are implemented investigation , inquiry and prosecution Where involving Bawaslu , Police and Prosecutor's Office (Nugraha, 2015). Settlement process act criminal election started with delivery file case by investigator to prosecutor general , then delegated to district court for examined , tried and decided within 7 days . Decision the district court can submitted to court tall as effort Lastly (Pemilu, n.d.). Sanctions applied for perpetrator act criminal election namely threat criminal prison , imprisonment and fines (Ginanjari Andiraharja, 2020).

Bawaslu throughout Province Central Java only succeed completed 7 reports related offence criminal from a total of 110 reports , due to only 7 reports can be proven enter in offence criminal . 110 reports offence criminal from all over Bawaslu in Central Java with details Province Central Java 4, Regency Banyumas 11, Regency Batang 3, Regency Boyolali 4, Regency Brebes 4, Regency Cilacap 5, Regency Demak 3, Regency Grobogan 1, Regency Jepara 5, Regency Karanganyar 3, Regency Kebumen 3, Regency Klaten 1, Kudus Regency 2, Kudus Regency Magelang 7, Pati Regency 1, Pekalongan 1 , Pemalang 3, Regency Purbalingga 4, Regency Purworejo 2, Regency Rembang 4, Regency Sragen 2, Regency Sukoharjo 2, Regency Tegal 3, Regency Temanggung 5, Regency Wonogiri 4, Regency Wonosobo 3, Magelang City 1, Pekalongan City 4, Salatiga City 3, Semarang City 10 and Surakarta City 2. From 110 reports the only 7 reports can be completed , including only 6 districts succeeded handle offence criminal , including BawasluRegency Bar 2 with form offence destruction of APK and campaign in schools , things the violate provision Article 521 in conjunction with Article 280 paragraph (1) letter g of Law Number 7 of 2017 and Article 280 paragraph (1) letter h of Law Number 7 of 2017. Then mechanism Handling offence namely forwarded to investigator .

Temporary That Bawaslu Regency Karanganyar which is successful finish 1 offence criminal with form offence PPK employees as executor campaign party politics which thing the violate provision Article 280 paragraph (2) letter f in conjunction with Article 280 paragraph (3) in conjunction with Article 494 of Law Number 7 of 2017. Then done Handling to investigator .

Bawaslu Kudus Regency was successful complete 1 report offence criminal with form offence picture candidate legislative containing the lure of money, things the is form offence Article 521 and Article 523 paragraph (1) of Law Number 7 of 2017 which then handling forwarded to investigator .

Bawaslu Regency Purworejo succeed complete 1 report offence criminal with form offence DPRD candidates who invite student For campaign through social media , things the is form offence Article 493 in conjunction with Article 280 paragraph (2) letter k of Law Number 7 of 2017 , which then the handler forwarded to investigator .

Bawaslu Regency Tegal succeed complete 1 report offence criminal with form offence obstruct somebody For choose and cause commotion , thing the is form offence Article 531 of Law Number 7 of 2017 , which then the handler forwarded to investigator . Bawaslu Regency Wonosobo succeed complete 1 report offence criminal with form offence KPU members who do not neutral , which is the thing the violate

provision Article 546 of Law Number 7 of 2017 , which then the handler forwarded to investigator .

Temporary That offence law other things that happened in the 02024 election throughout Central Java covers ASN neutrality , Head Village / Device Village / BPD / PKH / Community Empowerment . Neutral is a condition somebody No taking sides and not own attitude certain to others (Sudrajat et al., 2017). ASN in particular must own attitude neutral and not take sides to anyone on the chain activity election (Siagian et al., 2023).

Throughout Central Java has 47 reports of which only 31 can be proven . Handling offence ASN neutrality , Head Village / Device Village / BPD / PKH / Community Empowerment , namely with give recommendation to Respective leaders .

Referring from amount Handling the above offences by Bawaslu throughout Province Central Java through Bawaslu Province Central Java confirms in carrying out the function of handling offences, prioritizing prevention to avoid offences. Handling offences is only carried out as a last step if prevention is ineffective. The process of handling offences of the 2024 Election can come from two sources: first, findings from supervision by Election Supervisors, and second, reports from citizens, election participants, or election observers. After the report or findings are registered , Bawaslu will clarify by summoning the relevant parties. If a offence is proven, the criminal case will be forwarded to the Police through the Gakkumdu Center for investigation, while offences of the code of ethics will be forwarded to the DKPP. For administrative offences, after being registered, Bawaslu will hold an examination hearing which includes reading the report, the reported party's response, evidence, and a decision. The results of criminal and code of ethics offences are in the form of recommendations to the relevant agencies, while administrative offences result in binding decisions.

In handling offences , Bawaslu throughout Province Central Java of course No let go from challenge . challenge can seen from 3 dimensions that is structure , culture, substance . Substance : There is a number of chapter in the election law which is of a nature multi-interpretable or contradictory so that make it difficult election supervisory body in do enforcement law Structure : Many cases suspicion criminal acts that stop at the Gakkumdu Center body , which includes There is Bawaslu , Police , and Prosecutor's Office . Gakkumdu Centers that should be formed by the election law For equalize Handling act criminal precisely No capable For realize objective That with proven the amount case criminal law that stops at the discussion center gakkumdu . Out of 110 cases criminal offenses that have risen to discussion center gakkumdu , only 7 cases the goal and already have decision inkraacht . Culture : Society is impressed reluctant For report offence to Bawaslubecause No existence protection to reporter . Bawaslu Province Central Java admits limitations The number of Bawaslu human resources is very limited and seeing the amount offence happened at home a house that is indeed difficult accessible to supervision Bawaslu.

In do Handling offences , Bawaslu in Central Java is faced with with several challenges faced , including : Lack of Evidence: One of the main challenges is the lack of adequate evidence to support the investigation process. For example, in several cases handled by Gakkumdu in Temanggung, the investigation process was stopped due to the lack of sufficient evidence to proceed to the investigation stage. Inter-Agency Coordination: Although Gakkumdu was formed to improve synergy between Bawaslu, the police, and the prosecutor's office, sometimes there are obstacles in inter-agency coordination. This can hamper the case handling process and reduce the effectiveness of

law enforcement. Public Awareness: Low public awareness of the importance of reporting election offences is also a challenge. Without active participation from the public, monitoring of offences will be less effective.

2. Review constitutional law in implementation sanctions offences by Bawaslu Province Central Java

Constitutional Law is branch knowledge the law that discusses arrangement state structure , relations between organs or structure statehood , as well as connection between state structure with citizens . Constitutional (Buku Hukum Tata Negara APHTN-HAN, n.d.)Law plays a role a very important role in formation system supervision election common in Indonesia. As one of the branch knowledge the law that governs state structure , division power , and relationships between state institutions . Of course, Constitutional Law provides base constitutional support implementation supervision fair and efficient (Zulaika et al., n.d.)elections .

In Supervision elections , Constitutional Law has role important in a way constitutive with create and form institution supervisor election . Based on Article 22E of the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning Election General in a way clear forming a Badan Pengawas Pemilu (Bawaslu) as institutions that have authority constitutional For supervise every stages election (Sari Puspita, 2023). Function the Of course give base valid law for BawasluFor operate its function as bodyguard electoral democracy . As part from function constitutive said , Constitutional Law does not only to establish institution supervisor , but also regulate structure the hierarchy , starting from from level center until level On -site supervision Voting Vote (TPS). Structure institutional This reflect principle decentralization supervision , which is very important in an archipelagic country with complexity geographical (Yossi et al., 2021).

Not only function constitutive , constitutional law also plays a role his role in function distributive with allocate authority supervision election to institutions certain . Such as distribution authority between Bawaslu , Police , Prosecutor's Office and Honorary Council Organizer Election (DKPP) in settlement offence Election (Dhafa Raisa & Munandar, n.d.). Distribution authority in supervision election reflect the principle of checks and balances in framework democracy constitutional , where No There is institutions that have power single in enforcement law Elections. Bawaslu own authority For supervise as well as handle administrative offences , while offence criminal handled together with police and prosecutors through center Gakkumdu , and offences ethics finalized by the Honorary Council Organizer Election (DKPP). Implementation supervision election in line with function regulatory in constitutional law . Function regulatory This reflected in various regulations that govern mechanism supervision , handling offence as well as implementation sanctions in organization election . Regulations Bawasluis delegation from presence law , to be instrument law which is technical arrange implementation supervision . Regulation This covers aspect prevention , supervision and action are the main pillars in guard integrity election (Anwar, n.d.).

In system Indonesian state administration , supervision election own role important For ensure implementation democracy with integrity . Bawaslu Province Central Java as extension hands at level province own authority constitutional in operate function supervision and enforcement to offence election . Authority This reflect the principle of checks and balances in system Indonesian (Rahmalika et al., 2024)democracy .

In general constitutional , existence Bawaslu Province Central Java is based on Article 22E paragraph (5) of the 1945 NRI Constitution which states that election general hosted by a Commission Election General in nature national , permanent and independent . The provisions This Then explained more carry on in Constitution Number 7 of 2017 concerning Election General governing with clear position , duties , functions and authority Bawaslu including Bawaslu Province (Ja'far, 2018).

From the perspective of constitutional law, the authority of the Central Java Provincial Bawaslu in implementing sanctions is a form of delegation of authority (delegation). of authority) from the law to the election organizing institution. This delegation makes Bawaslu a quasi-judicial institution that has the authority to receive, examine, and decide on administrative election offence cases (Cornelia et al., 2024).

There are three main typologies in handling offences by the Central Java Provincial Bawaslu: Handling of Offences Administrative: In the case of administrative offences, the Central Java Provincial Bawaslu has the authority to issue a final and binding decision (final and binding) . binding). This decision has the same legal force as a court decision in the context of election administration, making Bawaslu a special adjudication institution in the realm of elections. Handling of Election Criminal Offences: For criminal election offences, the Central Java Provincial Bawaslu acts as an entry point (entry point). point) in the election criminal justice system through the Sentra Gakkumdu (Integrated Law Enforcement) (Lutfi Mahendra et al., 2024). Institutionally, Bawaslu functions as a supervisor and initial investigator who determines whether an action fulfills the elements of an election crime before being transferred to the police. Even in the 2024 election only there are 7 reports completed with reason report 103 reports other No fulfil condition in proof or absence reporter For clarification . Limitations time (14 days) for Handling beginning often No sufficient For gather proof strong . Offence like money politics or tough intimidation proven in a way law without witnesses . And the differences procedure Handling between Bawaslu , Polri and the prosecutor's office are the ones who become challenge enforcement law Criminal Election . Handling of Code of Ethics Offences : In the case of offences of the code of ethics, the Central Java Bawaslu serves as an institutional filter that recommends action to the Election Organizer Honorary Council (DKPP). In this context, Bawaslu carries out a quasi -investigative function in the election ethics enforcement system.

The implementation of sanctions by the Central Java Provincial Bawaslu has several important implications for the Indonesian constitutional system, including: Decentralization of Judicial Authority : The authority of the Provincial Bawaslu to decide on administrative offences reflects the decentralization of judicial functions in the Indonesian constitutional system. This supports the need for fast, simple, and low-cost resolution of election disputes. Strengthening Checks and Balance : The sanction authority held by Bawaslu strengthens the checks mechanism and balances in the implementation of elections, especially in supervision of the KPU and election participants, in line with the principle of separation of powers in the modern constitutional system. Protection of Constitutional Rights : By implementing sanctions, the Central Java Provincial Bawaslu plays a role in protecting the constitutional rights of citizens to elect and be elected (right to vote and be voted) as guaranteed in Article 28D paragraph (3) of the 1945 Constitution.

In matter The implementation of sanctions by the Central Java Provincial Bawaslu also faces several constitutional challenges: Potential Conflict of Authority :

Overlapping authority between Bawaslu, KPU, and judicial institutions in handling election offences can give rise to conflicts of authority. Due Process Issue of Law : The mechanism for implementing sanctions must guarantee the principle of due diligence. process of law as guaranteed in the constitution, especially the right to be heard fairly (right to be heard) and the right to legal certainty. Effectiveness of Sanctions : Another challenge is ensuring that the sanctions applied are effective and have a deterrent effect . effect), but remains proportional and does not violate constitutional principles. Development Prospects : From the perspective of developing constitutional law, the application of sanctions by the Bawaslu of Central Java Province has several prospective directions: Institutional Strengthening : Strengthening the institutional capacity of the Central Java Provincial Bawaslu is needed, both in terms of human resources and supporting infrastructure, to optimize the function of implementing sanctions.

Regulation Harmonization : It is necessary to harmonize regulations related to the authority to apply sanctions to avoid overlapping and conflicting norms in the election legal system. Digitalization of Supervisory System : Development of a technology-based supervisory system can increase the effectiveness and transparency in the application of sanctions by the Central Java Provincial Bawaslu.

D. Conclusion

Bawaslu own role crucial in enforcement law related offence election , good administrative offence , code ethics and criminal . Bawaslu throughout Central Java has succeed handled 200 administrative offences from a total of 227, 33 offences code ethics succeed completed of the total 68 reports , 7 were offences criminal succeed completed of a total of 110 reports , as well as 31 offences law other succeed handled from a total of 47 reports . Although Bawaslu has finish a number of offence said , still Lots unfinished report Can completed , especially case criminal election because faced with with significant challenges , such as lack of tool evidence , coordination between underdeveloped institutions effective , long term time , and awareness society For report offence . This is show existence hamnatan in the process of enforcement law . Therefore That required effort more carry on For increase effectiveness Handling offence elections and strengthening participation public in supervision election . Constitutional Law has role important in matter give benchmark implementation sanctions carried out by Bawaslu , especially in Central Java with give base constitutional For supervision fair and efficient elections . Bawaslu as institution supervisor election own authority For handle offence administrative , code ethics and criminal as form reflection the principle of checks and balances in system democracy in Indonesia. Although election supervisory body own quasi- judicial function that can emit binding decision , challenge like potential conflict authority , due process of law issues , and effectiveness sanctions still there is . Then from That For increase implementation sanctions required strengthening , harmonization institutions and regulations as well as digitalization system supervision . With step the expected election supervisory body can more effective in guard integrity elections and protect right constitutional citizen .

E. Recommendations

For improve Handling offence Elections by Bawaslu , especially in Central Java , are needed several strategies, including : First , Increasing Human resource capacity as function supervision and enforcement law , including training for officer supervisor

election . Second Coordination Inter- institutional between Bawaslu , Police and Prosecutor's Office in the Gakkumdu Center For ensure Handling offences to be more effective . Third , socialization and education public For increase participation active in supervision Elections . Fourth , Harmonization regulation related authority and procedures Handling offence For avoid overlapping and conflict norm in system law election . Fifth , the existence of development system supervision based on technology that can increase effectiveness and transparency in implementation sanctions by Bawaslu , as well as felt more make it easier public For report If happen offence electio

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