


The Existence of an Integrated Law Enforcement Center in the Settlement of General Election Crimes at the General Election Supervisory Agency

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Abstract

Introduction: The existence of Gakkumdu as an integrated law enforcement center has an important role in handling election crimes which aims to equalize understanding of the handling of election crime violations by Bawaslu, the Police and the Prosecutor's office. The presence of Gakkumdu as a manifestation of judicial power which is given attribution authority by Law Number 7 of 2017 concerning Election is a bright spot for legal certainty regarding the handling of criminal election violations; however, Gakkumdu's authority is not yet completely independent in handling election criminal violations because it is still tied to the respective agencies of origin so that sectoral subjectivity and ego can sometimes influence decision regarding handling election criminal violations.

Purposes of the Research: Examining and explaining the existence of the Integrated Law Enforcement Center (Gakkumdu) in resolving election crimes in the Tanimbar Islands Regency and reviewing and explaining the factors that influence the resolution of election crimes in the Tanimbar Islands Regency by the Integrated Law Enforcement Center (Gakkumdu).

Methods of the Research: The Research method used is empirical legal research. Research approaches are a case approach, a statutory approach and a conceptual approach. The sources of legal materials used are primary legal materials and secondary legal materials. Techniques for collecting legal materials through documentation studies and field research and then analyzed through perspective using qualitative methods.

Results Main Findings of the Research: The expected result is that when talking about alleged criminal election violations, that hope is in the hands of the Gakkumdu Center, the election supervisory institution only as an entry point, the analysis and subsequent decisions rest on the shoulders of the Gakkumdu center (Election supervisor, Police and Prosecutor's Office) and on their shoulders. Hopefully there is still a glimmer of hope for the enforcement of election crimes in Indonesia.

Keywords: Law Enforcement; Criminal; Election.


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INTRODUCTION

The Preamble to the Constitution of the Republic of Indonesia in 1945 expressly states that Indonesia is a sovereign country of the people. As a form of implementation of people's sovereignty in the framework of democratization, it is the holding of regular general elections (elections) based on direct, public, free, secret, honest and fair or commonly abbreviated as Luber and Jurdil.¹ One of the logical consequences of a democratic country

¹ Elfahmi Lubis Dan Mona Agustina Nedy, "Penegakan Hukum Tindak Pidana Pemilu Oleh Sentra Gakkumdu", *Jupank (Jurnal Pancasila Dan Kewarganegaraan)* 2, no. 2 (2022).

is to run a General Election (Election). General Elections are held in order to realize the sovereignty of the people as well as the application of democratic principles or values, which need to be carried out with careful readiness.² In Indonesia, General Elections (Elections) are held every 5 (five) years, which is in accordance with the mandate of Article 22 E paragraph (1) of the Constitution of the Republic of Indonesia 1945 (Constitution of the Republic of Indonesia) which reads that General Elections are held directly, publicly, freely and secretly, honestly and fairly every five years

General Elections are a means of legally changing state power as well as being the highest decision-making medium carried out by the People as sovereign holders to evaluate and determine the choice of the President, Governor, Regent and Mayor as well as the people's representatives in the DPR, Provincial DPRD, Regency/City DPRD and Regional Representative Council every 5 (five) years, therefore General Elections and Regional Head Elections must be held with uphold the principles of democracy as stipulated in Article 2 of Law 7 of 2017 so that the resulting leaders can represent the inspiration of the community and are better than the previous leaders. The success of the General Election is certainly the shared responsibility of all parties, be it the Government, the Community, stakeholders and the Organizer as the party who is given the attribution authority to carry out the technical implementation of the General Election stages as stipulated in Law Number 7 of 2017 concerning Elections. Thus, the existence of the Election Organizer has an important meaning because the success of the General Election depends on the process carried out by the Organizer as the party responsible for carrying out the stages, both technical in nature and supervision of the performance of the organizer itself.

The 2019 General Election is the first General Election in Indonesia to be held simultaneously, the simultaneity in question is because the General Election is held by combining the Legislative Elections of the House of Representatives of the Republic of Indonesia, DPD, Provincial DPRD and City Regency DPRD along with the Presidential and Vice President Elections as a follow-up to the Constitutional Court (MK) Decision on the judicial review of Law Number 42 of 2008 concerning the Election of the President and Vice President President, It is undeniable that the 2019 General Election (Election) in Indonesia, both the Legislative Election and the General Election of the President and Vice President as well as the Regional Head Election are often accompanied by election violations and fraud. Various modes of violations and fraud occur ranging from administrative categories to criminal violations such as vote buying and selling, manipulation of vote counting, use of public facilities, mobilization of state civil servants and use of public funds.³ Contemporary Indonesian political history records that every time a General Election is held, there are always protests that doubt the process and results of the election. The emergence of protests of dissatisfaction with the election process and results, on the one hand, is caused by the many violations of election regulations that are not resolved completely. One of the stages of the election that contributes to the biggest violations other than violations of election results is the campaign. In general, campaigns are self-socialization media used by Legislative Candidates at the central and regional levels which aim to gain sympathy and support from people who have the right to vote.⁴ Although the purpose of the campaign is to gain sympathy and support from people who have the right

² Ali Imran Nasution, Davilla Prawidya Azaria, Muhammad Fauzan, "Penguatan Fungsi Pengawasan Bawaslu Republik Indonesia Dalam Penyelenggaraan Tahapan Kampanye Pemilu Serentak 2024", *Ajudikasi: Jurnal Ilmu Hukum* 7, no. 2 (2023).

³ Irwan, Alexander and Edriana, *Pemilu, Pelanggaran Asas Luber*, (Jakarta: Sinar Harapan, 1995), p. 18.

⁴ Topo Santoso et.al, *Penegakan Hukum Pemilu, Praktek Pemilu 2004, Kajian Pemilu 2009 – 2014*, p. 1

to vote, the means used to achieve this goal are not as free, which is to maintain sportsmanship and provide equal opportunities fairly to all election participants, in this case political parties and legislative candidates in seeking support. To prevent campaign practices that injure the sense of justice and sportsmanship, provisions are regulated regarding prohibitions in the campaign.

In Law Number 7 of 2017 concerning General Elections, the provisions regarding the prohibition of campaigning are regulated in Article 280, as follows: Article 280: Implementers, participants and election campaign teams are prohibited: a) Questioning the basis of the state of Pancasila, the Preamble to the Constitution of the Republic of Indonesia in 1945, and the form of the Unitary State of the Republic of Indonesia; b) Carrying out activities that endanger the integrity of the Unitary State of the Republic of Indonesia; c) Insulting a person, religion, tribe, race, group, candidate or other election participant; d) Inciting and pitting individual sheep or the community; e) Disturbing public order; f) Threatening to commit violence or advocating the use of violence against a person, a group of members of the community, and/or other election participants; g) Damaging and/or eliminating campaign props of election participants; h) Using government facilities, places of worship and educational facilities; i) Carrying or using image marks and/or attributes other than the image marks and/or attributes of the relevant election participants; and j) Promising or giving money or other materials to election campaign participants.

Although it has been clearly and firmly regulated regarding the prohibition in campaigning, in practice not a few election participants of candidates for legislative members at the central and regional levels violate the provisions as referred to in Article 280, more specifically related to paragraph (1) letter j, namely "promising or giving money or other materials to election campaign participants" and affirmed in Article 280 paragraph (4) Violation of the prohibition provisions in paragraph (1) letter c, letter f, letter g, letter I and letter j, and paragraph (2) are election crimes. Such as the case that occurred in Tanimbar Islands Regency in accordance with the findings of the Tanimbar Islands Regency Bawaslu where the practice of giving money or other materials to election campaign participants is still carried out.

The results of the research conducted by Wiwik Afifah as a lecturer at the Faculty of Law at Untag Surabaya, there are several special characteristics inherent in election crimes, namely:⁵ 1) Transactional politics or better known as vote buying; 2) Buying a chair; 3) Manipulation in the election stages and processes; 4) "Binding" campaign funds make donations to parties or candidates as political investments. Election crimes can be seen as a serious prohibited act⁶. In contrast to the handling of administrative violations and violations of the code of ethics; Election Criminal violations the process involves Bawaslu, the Police and the Prosecutor's Office as a unit of duties and functions of each institution in carrying out the functions of Supervision, Investigation and Prosecution of alleged election crimes, which is called the Integrated Law Enforcement Center. Based on Bawaslu Regulation Number 31 of 2018 concerning Integrated Law Enforcement Centers, Article 1 number 2 provides the definition of an Integrated Law Enforcement Center (Gakkumdu) is a center for election criminal law enforcement activities consisting of elements of the General Election Supervisory Agency, the Provincial General Election Supervisory Agency,

⁵ Wiwik Afifah, "Tindak Pidana Pemilu Legislatif di Indonesia", *Mimbar Keadilan: Jurnal Ilmu Hukum*, (2014)

⁶ Benyamin Buntu, La Ode Husen & Nurul Qamar, "Penegakan Hukum Tindak Pidana Pemilihan Umum Oleh Sentra Penegakan Hukum Terpadu (Gakkumdu): Studi Di Kota Makassar", *Journal of Lex Generalis* 3, no. 3 (2022).

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.

The handling of election criminal violations as stipulated in Perbawaslu Number 31 of 2018 concerning the Integrated Law Enforcement Center begins with public reports and/or findings of alleged election crimes based on the results of active supervision of election supervisors at certain stages. After receiving public reports or findings, election supervisors identify and verify and clarify the complainants and witnesses. These violations can harm other election participants, harm the organizers and also the election.⁷ Furthermore, the Election Supervisor, the Police and the Prosecutor's Office held the first discussion meeting, the second discussion meeting, and the third discussion meeting to determine the fulfillment of the formal and material requirements, the articles suspected of the alleged criminal act, the determination of the suspect and the preparation of the investigation minutes for further prosecution at the court session, which is in accordance with the provisions of Articles 20 to 29 of Bawaslu Regulation Number 31 2018 About Integrated Law Enforcement Center.

Tanimbar Islands Regency (KKT) is one of the districts that contributed the most Election Crime Violations in Maluku province with the issuance of 10 decisions by the Tanimbar Islands District Court (KKT) based on findings and reports followed up by the Integrated Law Enforcement Center (Gakkumdu) of Tanimbar Islands Regency. On January 10, 2019, the Tanimbar Islands Regency Bawaslu (KKT) received initial information from the Supervisor of Kormomolin District, Yonas Romrome, S.Pd. as the District Commissioner of the Prevention and Inter-Institutional Relations Division (PHL) who explained that on Tuesday, January 8, 2019 as the Panwaslu of Kormomolin District had secured Christmas and New Year gifts distributed to the community in Lorwembun Village by the Candidate for Members of the West Southeast Maluku Regency DPRD from the Party Nasdem Number 10 of the West Southeast Maluku Constituency III in the name of Yohanis Rano Fatlolon which was distributed by Siprianus Bomaris. In accordance with the provisions of Perbawaslu Number 31 of 2018 concerning the Integrated Law Enforcement Center, the findings of alleged violations of election crimes are then identified and verified and a study is carried out to determine the fulfillment of the material formal requirements of the case of distributing Christmas gifts containing stickers of Candidates for Members of the Tanimbar Islands Regency DPRD and based on the results of the study in the plenary, the case of the distribution of Christmas gifts contains stickers in the name of Yohanis Rano Fatlolon was declared complete because he met the formal and material requirements and was then registered and forwarded to the Police element to carry out the investigation process and the results of the investigation into the results of the findings of the Tanimbar Islands Regency Bawaslu determined Yohanis Rano Fatlolon and Siprianus Bomaris as suspects in the election crime case.

The District Prosecutor's Office of Tanimbar Islands Regency, in the process, submitted a prosecution process through a court hearing for the suspect on behalf of Siprianus Bomaris while the suspect Yohanis Rano Fatlolon was suspended and after passing the stages of reading the indictment by the Public Prosecutor, demurrer by the defendant's legal counsel,

⁷ Sarah Bambang, Sri Setyadi and Aref Darmawan, "Penanganan Tindak Pidana Pemilu Dalam Sentra Penegakkan Hukum Terpadu (Gakkumdu)", *Jurnal Indonesia Sosial Teknologi* 2, no. 2 (2021).

response to the demurrer by the Public Prosecutor, proof, charges by the Public Prosecutor, Pledoi (memorandum of defense) by the Legal Counsel, replica by the Public Prosecutor, duplicate by legal counsel and finally the Judge of the Tanimbar Islands District Court issued a Decision with the following warning: (1). Declaring that the defendant Siprianus Bomaris alias Sipri has been legally and convincingly proven guilty of committing an election crime of giving or promising money or other materials to the election campaign/participant as in the first alternative indictment of the public prosecutor (2). Imposing a criminal sentence on the defendant Siprianus Bomaris alias Sipri with imprisonment for one (1) month in prison and a fine of IDR. 24,000,000.00 (twenty-four million rupiah) with the provision that if the fine is not paid, it will be replaced with imprisonment for four (4) months. Even though one of the suspects has been sentenced to prison based on the Saumlaki District Court Decision, it does not mean that the handling of the election crime case has been completed because it turns out that until today there is still 1 other suspect, namely Yohanis Rano Fatlolon whose file was not handed over to the Saumlaki District Court, of course the actions taken by the Integrated Law Enforcement Center (GAKKUMDU) are not in accordance with Article 29 of the Election Supervisory Agency Regulation Number 31 Year 2018 about the Integrated Law Enforcement Center.

METHODS OF THE RESEARCH

The research method used is empirical legal research. The Research Approach is a kasusu approach, a legislative approach and a conceptual approach. The sources of legal materials used are primary legal materials and secondary legal materials. The technique of collecting legal materials through documentation studies and field research and then analyzed through perspective using qualitative methods.

RESULTS AND DISCUSSION

A. The Existence of the Integrated Law Enforcement Center (GAKKUMDU) in Handling Election Crimes in Tanimbar Islands Regency

Elections are held by the State of Indonesia in order to realize the sovereignty of the people as well as the application of democratic principles or values, increase the political awareness of the people to actively participate in general elections for the realization of the ideals of a democratic Indonesian people. General Elections as a means of Pancasila Democracy are intended to form a power system based on the sovereignty of the people. Elections are an activity in which there are acts regulated by laws and regulations, namely election regulations, in election regulations are also inseparable from regulations related to crimes. The implementation of the election has an expiration of short-term election crimes according to the stages of the election, so it takes a fairly short time in the enforcement of election crimes. Law enforcement is a series of activities in the context of efforts to implement legal provisions both in the nature of enforcement and prevention which include all activities, both technical and administrative, carried out by law enforcement officials so that they can create a safe, peaceful, and orderly atmosphere to obtain legal certainty in society so that development in all sectors can be carried out by the government. Law enforcement requires four conditions, namely; the existence of rules, the existence of institutions that will implement the rules, the existence of facilities that support the implementation of the regulations; and the existence of legal awareness from the people affected by the regulation. Several factors affect the law enforcement process, including the

conflict between legal certainty and justice, this is due to the conception of justice is an abstract formulation, while legal certainty is a procedure that has been normatively determined. Therefore, in essence, the implementation of the law does not only include *law enforcement*, but also *peace maintenance*, because the implementation of the law is actually a process of harmonization between the value of methods and real behavior patterns that aim to achieve peace. Law enforcement comes from the community and aims to achieve peace within the community. Every citizen of the community or group has more or less legal awareness. The problem that arises is the level of legal compliance, namely high, medium, or low legal compliance.

The Integrated Law Enforcement Center (Gakkumdu) is only operational when the General Election is held. Gakkumdu has the task of investigating all election crimes reported through Panwaslu or Bawaslu. The position of the Gakkumdu is as the center of law enforcement activities for election crimes consisting of elements of the General Election Supervisory Agency, the Police and the Prosecutor's Office, where the Gakkumdu functions in terms of handling election crimes. Integrated Law Enforcement Center with the aim of equalizing the understanding and pattern of handling election crimes between Bawaslu, the National Police of the Republic of Indonesia, and the Attorney General's Office of the Republic of Indonesia. The function of the Gakkumdu is as a coordination forum in the process of handling every violation of election crimes, the implementation of the pattern of election crimes itself, data centers, competency improvement, and evaluation monitoring. Regarding the pattern of handling election crimes, it has been detailed in the Standard Operational Procedure (SOP) regarding election crimes at the Gakkumdu Center. It is expected to create a good and effective General Election System,⁸ to carry out its duties and authority, the Gakkumdu Center is supported by personnel from Bawaslu, the Prosecutor's Office, and the National Police. Bawaslu members who are stationed at the Gakkumdu Center are members of the violation enforcement division who serve as the leading sector. The investigation was carried out by the Gakkumdu Center Investigator from the National Police, especially the Election Crime Investigator at the Criminal Investigation Branch of the National Police. The prosecution and execution were carried out by the Gakkumdu Public Prosecutor from the Prosecutor's Office, especially the Public Prosecutor (JPU) under Jampidum. The number of police investigators and prosecutors has certain limits, both at the central, provincial, and district/city levels. Each investigator and prosecutor has their own qualifications, works full-time, and is not given any other duties by their parent institution while serving at the Gakkumdu Center.⁹

B. Mechanism for Handling Election Crimes by the Integrated Law Enforcement Center.

The Integrated Law Enforcement Center (Gakkumdu) was established as a gateway for the enforcement of criminal law in the Election in accordance with the provisions of Article 486 of Law Number 7 of 2017 concerning Elections. The function of the Gakkumdu Center is as a coordination forum in the process of handling every violation of election crimes, the implementation of the pattern of election crimes itself, data centers, competency improvement, and evaluation monitoring.¹⁰ The Gakumdu Center was established and

⁸ Budi Nuryanto, "Fungsi Sentra Penegakan Hukum Terpadu (Gakkumdu) Dalam Penegakan Hukum Tindak Pidana Pemilu Tahun 2019 Di Kabupaten Cianjur", *Journal Justiciabellen* 01, no. 02 (2021).

⁹ Fikri Rizki, Amsori, "Analisis Hukum Tentang Penerapan Undang-Undang Nomor 7 Tahun 2017 Mengenai Tindak Pidana Dalam Proses Pemilihan Umum", *Journal Evidence of Law* 2, no 2 (2023).

¹⁰ Hasrul Fitriyadia, H.M. Pangeranb, Amir Ilyasc, "Penanganan Tindak Pidana Pemilihan Umum Oleh Sentra Penegakan Hukum Terpadu (Gakkumdu)", *Jurnal Ilmu Hukum Fakultas Hukum Universitas Riau* 9, no. 1, (2020): 44-62

determined by the Decree of the Chairman of Bawaslu at the Central, Provincial and Regency/City levels, the Decision was determined after coordinating with the Police and the Prosecutor's Office at all levels. The handling of election crimes begins when there are reports or findings of alleged election crimes. Election law gives a very large role to the Gakkumdu for the enforcement of election crimes, even if there are election criminal violations that do not go through the Gakkumdu, it can be said to be procedural defects,¹¹ In receiving reports or findings of Bawaslu, Provincial Bawaslu and Regency/City Bawaslu must be accompanied and assisted by investigators and prosecutors who are members of the Gakkumdu. A maximum of 1 x 24 (once twenty-four) hours from the date the report/findings are received by the Election Supervisor, election crime investigators and prosecutors at the Gakkumdu center conduct the first discussion.

The first discussion is carried out to find the criminal events of the election, search and collect evidence and then determine the articles that will be suspected of the events reported/found to be followed up in the process of studying election violations by the Election Supervisor and Investigation by the Gakkumdu investigator in conducting the study, the Election Supervisor invites the complainant, the reported party, witnesses, and/or experts to be asked for information and/or clarification accompanied by the Investigator and Prosecutor Gakkumdu. The second discussion is carried out to determine whether the report/findings have met the elements or do not meet the elements of election crimes committed by the Gakkumdu center no later than 5 (five) days after the report/findings are received. The discussion was based on the study of the Election Supervisor and the report on the results of the investigation. Reports/findings that meet the elements of election crimes at the conclusion of the meeting discussion are mandatory to continue the report/findings to the investigation committee. Meanwhile, in the event that a report/finding does not meet the elements of an election crime, the conclusion of the discussion meeting must suspend the handling of the report/findings. The results of the second discussion are mandatory, studies and reports on the results of the investigation are the basis for the election supervisor to decide in the plenary meeting. A plenary meeting was held to decide whether the report/findings should be upgraded to the investigation stage or suspended.

Investigations are carried out by election crime investigators no later than 14 (fourteen) working days from the forwarding of reports/findings received from election supervisors and/or police reports. The prosecutor at the Gakkumdu center provides assistance and monitoring of the investigation process. The investigation of election crimes conveyed the results of the investigation in the third discussion. The third discussion resulted in a conclusion of transferring the case to the prosecutor. In the event that the investigation is incomplete, the maximum time of 3 (three) working days will be returned to the case file to the investigator of election crimes in the Gakkumdu accompanied by instructions on what must be done to be completed. The investigator returns the case file to the prosecutor no later than 3 (three) days from the date of receipt of the file. The Public Prosecutor shall transfer the case file to the court no later than 5 (five) working days from the time the case file is received from the investigator of the election crime and the handover cover letter signed by the Gakkumdu center supervisor from the Prosecutor's Office element according to the level. The Public Prosecutor makes a plan for indictments and indictments. District

¹¹ Alrhega Caesar Grestiano and Kolang Muhammad Dinul Akram, "Eksistensi Sentra Gakkumdu Sebagai Penegak Hukum Tindak Pidana Pemilu", *Jurnal Pettarani Election Review* 1, no. 2 (2020).

courts in examining, adjudicating and deciding cases of election crimes, where the trial of election crimes is carried out by a special assembly. The district court examines, adjudicates and decides cases of election crimes no later than 7 (seven) days after the transfer of the case file.

After the court decision was read, the Public Prosecutor reported to the Gakkumdu Center Trustee from the Prosecutor's Office. The results of the report from the Prosecutor's Office Gakkumdu Center Supervisor were then reported to the Gakkumdu Center. The Gakkumdu Center conducts a discussion no later than 1 x 24 (once twenty-four) hours after the court decision is read to take a stance to take legal remedies or follow up on the court decision. The Public Prosecutor appeals 3 (three) days after the verdict is read. The district court shall transfer the case file of the appeal application to the high court no later than 3 (three) days after the appeal application is received. The High Court examines and decides the appeal case no later than 7 (seven) days after the appeal application is received. The High Court's decision is the final and binding decision and no other effort can be made. The Gakkumdu Central Prosecutor carries out a decision that has permanent legal force no later than 3 (three) days after the decision is received by the Prosecutor and can be accompanied by an Election Crime Investigator and Election Supervisor.

C. Factors Affecting Law Enforcement of Election Crimes in Tanimbar Islands Regency

Law enforcement is an effort to tackle crime rationally, fulfill the sense of justice and be effective, in order to overcome crime against various means as a reaction that can be given to the perpetrators of crime, in the form of criminal and non-criminal law means, which can be integrated with each other. If criminal means are called to tackle crime, it means that criminal law politics will be implemented, namely holding elections to achieve the results of criminal legislation that are in accordance with the circumstances and situations at a time and for future times¹². Law enforcement can ensure legal certainty, order and legal protection in the current era of modernization and globalization can be implemented, if the various dimensions of legal life always maintain harmony, balance and harmony between civil morality. which is based on actual values in a civilized society. As a process of activities that includes various parties including the community in order to achieve goals, it is imperative to see criminal law enforcement as a criminal justice system. Criminal law enforcement is also known as the criminal law enforcement system, which is a system of power or authority to enforce criminal law that is manifested or implemented in 4 (four) subsystems in the criminal justice process. Therefore, the integration of the integral subsystem of criminal law norms is also carried out by 4 (four) subsystems, namely: a) Investigative power (by investigative bodies or institutions); b) Power of prosecution (by a public prosecutor's body or board); c) The power to adjudicate and impose judgments or penalties (by the court body or institution); and d) The power to execute judgments or penalties (by the implementing or executing agencies or officials¹³.

Relationship between Law Enforcement Agencies or Criminal Justice: a) The relationship between the police and the public prosecutor and the court, the position of the police in the criminal justice process plays the role of gatekeeper, namely through the existing power, this is the beginning of the criminal process. The police have the authority to determine who should be investigated. The public prosecutor only carries out his function after there is a

¹² Satjipto Rahardjo. *Masalah Penegakan Hukum*. (Bandung: Sinar Baru, 1983), p. 24.

¹³ Adri Husin and Budi Rizki Husin. *Sistem Peradilan Pidana*. (Bandar Lampung: Universitas Lampung, 2015), p. 59

submission of the results of the investigation by the investigator. The prosecutor makes an indictment based on the minutes of the investigation, so between the duties of the police and the duties of the public prosecutor, there is a relationship with each other. Investigators will influence the allegations; b) The relationship between the public prosecutor and the judiciary and the institution, the relationship between the public prosecutor, the judge or the court is seen in the examination before the trial. The court examination is based on the vein of the indictment is not or is not correct, then the judge can give the public prosecutor the opportunity to correct it. Meanwhile, in relation to correctional institutions, the public prosecutor is a person who is tasked with carrying out a verdict that has permanent power by including a person who has been convicted in a community institution (execution). In the event that the court decision is in the form of deprivation of independence, the role of the judge as an official is also expected to be responsible for the decision. This means that he must know whether the verdict that has been handed down by him is properly implemented by the authorized officers, namely both the public prosecutor and community institutions¹⁴. Law enforcement itself must be interpreted in the framework of three concepts, namely as follows: a) The concept of *total law enforcement* which demands that all values behind the legal norms be enforced without exception; b) The concept of *full enforcement* which realizes that the total concept needs to be limited by procedural law and so on for the protection of individual interests; c) The concept of actual law enforcement (*actual enforcement concept*) that arises after it is believed that there is discretion in law enforcement due to limitations, both related to facilities, the quality of human resources, the quality of legislation and the lack of community participation.

The legal desires referred to here are those that are the thoughts of the law-making bodies formulated in those legal regulations. The formulation of the lawmaker's thoughts as outlined in the legal regulations also determines how law enforcement is carried out. Thus, in turn, the law enforcement process culminates in its implementation by the law enforcement officials themselves. From this situation, in an extreme tone, it can be said that the success or failure of law enforcers in carrying out their duties has actually started since the legal regulations that must be carried out are made. Law enforcement policies are efforts taken by the government or an authority to ensure the achievement of a sense of justice and order in society by using several tools or tools of power, both in the form of laws, to law enforcers, including police, judges, prosecutors, and lawyers¹⁵.

Soerjono Soekanto stated that there are several factors that affect law enforcement in efforts to overcome criminal acts, namely: a) The legal factor itself, namely there is a possibility of incompatibility in laws and regulations regarding certain areas of life. Another possibility is the incompatibility between laws and regulations with unwritten laws or customary laws. Sometimes the incompatibility between written law and customary law and so on; b) Law enforcement factors, namely One of the keys to success in law enforcement is the mentality or personality of the law enforcers themselves. law enforcement, among others, includes judges, police, prosecutors, defenders, correctional officers, and so on; c) Factors of facilities or facilities that support law enforcement, such as including educated and skilled human resources, good organization, adequate equipment, and sufficient finances. Lack of adequate facilities causes law enforcement to not run properly; d) Community factors, which is the most important part in determining law

¹⁴ Kadri Husin and Budi Rizki. *Op. Cit*, p. 63

¹⁵ Budi Rizki H, and Rini Fathonah, *Op Cit*, p. 2.

enforcement is the legal awareness of the community. The higher the public's legal awareness, the more good law enforcement will be. On the other hand, the lower the level of legal awareness of the community, the more difficult it will be to carry out good law enforcement; e) Cultural factors, namely culture as the result of works, creations, and tastes that are based on human karsa in life associations. Indonesian culture is the basis for the enactment of customary law, so the enactment of written law (legislation) must reflect the values that are the basis of customary law¹⁶. On the other hand, Jerome Frank in Theo Huijbers, also talks about various factors involved in the law enforcement process. Some of these factors, in addition to the factors of the legal principles, also include political, economic, moral prejudice as well as personal sympathy and antipathy¹⁷.

Criminal law creates order in society through the imposition of criminal penalties in the abstract, meaning that by stipulating in the law certain acts as prohibited acts accompanied by criminal threats, or by stipulating certain acts as criminal acts in the Law, it is hoped that the community will understand and adjust so that they do not commit acts that have been prohibited and criminally threatened. Thus, with the enactment of a new Criminal Law in society, it is hoped that order will be created in society. In the findings of the election that occurred in Tanimbar Islands Regency, the Gakkumdu enforcement center of Tanimbar Islands Regency has obstacles in handling and resolving the problem of election crimes. These inhibiting factors include: There are people who know about election violations and do not report to the Integrated Law Enforcement Center (Gakkumdu). The prosecutor's office, which is a member of the Gakkumdu element, did not carry out its duties and functions in accordance with Article 29 of Perbawaslu Number 31 of 2018 concerning the Integrated Law Enforcement Center so that the suspect's file in the name of Yohanis Rano Fatlolan was not delegated to the Tanimbar Islands District Court. This is certainly very detrimental to the suspect because he has not received legal certainty on the issue of election crimes that he experienced, in addition to the existence of the Gakkumdu center in Tanimbar Islands Regency is also doubted by the community.

CONCLUSION

The factors inhibiting the role of the Gakkumdu center in overcoming election crimes in the Tanimbar Islands Regency include: a) Tanimbar Islands Regency is a Regency formed from sub-districts located on the outermost islands so that it has vulnerable control in order to forward criminal violations to the Regency Bawaslu with a relatively short time limit; b) Limited supervisory human resources at the sub-district and village levels that may result in criminal violations; c) Community culture or local wisdom is abused by certain individuals to legitimize criminal offenses; d) The Prosecutor's Office which is a member of the Gakkumdu element does not carry out its duties and functions in accordance with Article 29 of Perbawaslu Number 31 of 2018 concerning the Integrated Law Enforcement Center so that the suspect's file in the name of Yohanis Rano Fatlolan is not delegated to the Tanimbar Islands District Court. This is certainly very detrimental to the suspect because he has not received legal certainty on the issue of election crimes that he experienced, in addition to the existence of the Gakkumdu center in Tanimbar Islands Regency is also doubted by the community.

¹⁶ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, (Jakarta: Rajagrafindo Persada, 2002), p. 5

¹⁷ Theo Huijbers. *Filsafat Hukum*. (Yogyakarta: Kanisius, 1991), p. 122

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