

Administrative Enforcement of Electoral Violations in Indonesia: Redesigning Institutional Authority for Effective Election Governance

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Abstract. Structure that assigns the General Election Supervisory Agency, or Bawaslu, extensive authority over prevention, supervision, examination, sanctioning, and adjudication. The diversity of administrative misconduct, however, is not consistently matched by differentiated enforcement procedures, creating risks of excessive proceduralization for correctable violations and inadequate protection when governmental action directly affects electoral rights. This study examines the institutional configuration of administrative electoral enforcement and formulates an alternative governance model through qualitative legal and institutional analysis. The research examines electoral legislation, Bawaslu regulations, documented administrative violation practices, and peer reviewed literature concerning electoral management, administrative enforcement, institutional capacity, and election governance. The findings identify three structural problems: functional concentration within Bawaslu, insufficient differentiation between compliance restoration and rights adjudication, and the absence of systematic criteria for determining enforcement intensity. This study proposes a Differentiated Administrative Enforcement Model comprising the Corrective Compliance Track, Proportional Administrative Sanction Track, and Rights Protection Adjudication Track. Case allocation is determined through six variables consisting of legal actor, direct legal harm, seriousness, reversibility, recurrence, and electoral urgency. Functional separation between examination and adjudication complements this structure without requiring a new electoral institution. The model demonstrates that effective election governance requires administrative responses that are proportionate, timely, accountable, and capable of protecting electoral rights

Keywords: Administrative Enforcement; Bawaslu; Electoral Governance; Institutional Authority; Electoral Violations

Received:12-11-2023 **Revised:**11-12-2023 **Accepted:**28-12-2023

INTRODUCTION

Elections constitute a constitutional mechanism through which public authority acquires democratic legitimacy, but their credibility depends considerably on the quality of administration governing every electoral stage. Voter registration, candidate verification, campaigning, logistical preparation, voting, counting, supervision, enforcement, and dispute settlement require institutions capable of implementing detailed legal obligations within strict schedules. Administrative failures can influence political participation, competitive equality, confidence in electoral institutions, and acceptance of election outcomes. Organizational quality has consequently become an integral component of electoral integrity rather than a purely technical dimension of democratic procedures (James, 2019; van Ham & Garnett, 2019).

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The global development of specialized electoral management bodies demonstrates an increasing recognition that elections require permanent administrative capacity and institutional safeguards capable of protecting political competition from inappropriate governmental intervention. The diffusion of these institutions has been accompanied by considerable variation in autonomy, organizational resources, professional competence, and relationships with other public authorities. Formal institutional arrangements therefore provide only part of the explanation for differences in electoral performance (Langford et al., 2021).

Contemporary election governance requires institutions that combine legal independence with adequate organizational capacity. Electoral authorities must be able to mobilize personnel, interpret complex regulations, coordinate administrative functions, manage evidence, resolve procedural problems, and respond to violations before electoral deadlines eliminate opportunities for meaningful correction. Formal mandates do not automatically generate effective implementation because the performance of electoral institutions is influenced by administrative resources and organizational capability (Garnett, 2019; Kropf et al., 2020).

Professional competence is equally significant because complex electoral responsibilities are ultimately implemented by individuals working inside electoral institutions. Staff quality, organizational practices, training, and human resource management can influence the reliability of electoral administration and the ability of an institution to translate formal rules into consistent practice. Institutional design should consequently consider not only which organization possesses authority but also whether its internal structure enables specialized functions to be performed competently (James, 2019).

Indonesia has developed a distinctive architecture by separating election administration from electoral supervision. The General Election Commission, or KPU, performs the principal administrative functions of elections, while Bawaslu exercises preventive, supervisory, enforcement, and several adjudicative responsibilities. This construction provides external institutional control over election administration while creating specialized procedures for resolving violations within the electoral cycle. Bawaslu has consequently developed beyond a conventional monitoring organization into an institution possessing significant authority in electoral law enforcement and administrative adjudication (Yoga, 2022; Yuanita, 2023).

The principal statutory framework is contained in Law No. 7 of 2017 concerning General Elections as subsequently amended. Electoral problems are distributed across several legal regimes, including administrative violations, ethical breaches, electoral crimes, election process disputes, and disputes concerning final results. Administrative electoral violations encompass

acts or actions contrary to procedures, processes, or mechanisms associated with election administration. The breadth of this classification enables institutional intervention across numerous forms of noncompliance but simultaneously places materially different conduct within a common legal category (Law Number 7 of 2023 Concerning the Enactment of Government Regulation in Lieu of Law Number 1 of 2022 Concerning the Amendment to Law Number 7 of 2017 Concerning General Elections into Law, 2023).

The complexity of this category becomes more apparent when the identity of the violator and the consequences of misconduct are examined. A breach may be committed by an election organizer exercising statutory powers, an election participant pursuing political interests, a candidate, a government official, a voter, or another regulated subject. Some errors remain technical and reversible without altering another party's legal position. Other actions can affect candidate eligibility, verification, participation, or access to electoral procedures. These differences create distinct administrative problems even when the conduct is formally categorized as an electoral administrative violation.

Governmental electoral conduct deserves particular attention because election organizers exercise public authority capable of changing individual legal positions. Such power may be expressed through formal decisions or factual administrative actions occurring during verification, registration, implementation, or other electoral procedures. Administrative discretion remains subject to the competence, objectives, and legal limits governing the authority from which it originates, making accountability inseparable from the exercise of public power (Nalle, 2018).

Bawaslu's existing authority covers prevention, supervision, receipt of reports and findings, examination of alleged violations, decision making, and settlement of particular election process disputes. Perbawaslu No. 8 of 2022 structures the examination and determination of administrative election violations, while Perbawaslu No. 9 of 2022 regulates procedures concerning election process disputes. These instruments provide important procedural certainty but also demonstrate that violation handling and rights related dispute settlement have developed as closely connected components of the same broader institutional environment (Amal, 2019).

Institutional concentration offers several practical advantages. Information obtained through supervisory activities can facilitate rapid identification of misconduct, reduce coordination costs, and enable intervention before irregularities affect later electoral stages. Timeliness possesses particular significance in elections because a remedy delivered after candidate determination, voting, counting, or another decisive stage may retain legal validity while losing much of its practical value.

The accumulation of responsibilities nevertheless produces a governance challenge. Prevention seeks to reduce the possibility of violations before they materialize. Supervision detects deviation during implementation. Corrective intervention restores administrative legality. Sanctions impose legal consequences for noncompliance. Adjudication resolves contested legal positions through procedures requiring impartial assessment. Although these functions interact, they pursue different administrative purposes and require different levels of procedural intensity.

Administrative law does not require every form of noncompliance to receive the same enforcement response. Administrative sanctions possess distinctive legal characteristics and should remain connected to the nature, seriousness, and consequences of the underlying violation. Proportionality becomes particularly important where public institutions possess several regulatory instruments because enforcement should not automatically begin with the most burdensome procedure available (Susanto, 2019).

Recent developments in administrative sanction governance similarly emphasize the need for coherent standards capable of aligning governmental intervention with compliance objectives. Sanctions that lack proportional criteria can generate inconsistency, while weak responses can reduce deterrence and institutional credibility. Enforcement governance therefore requires an architecture capable of distinguishing restoration, discipline, and punishment according to the administrative problem involved.

Previous scholarship has examined Bawaslu decisions as a distinctive form of administrative enforcement and demonstrated that their characteristics increasingly resemble administrative adjudication. The capacity to examine violations and issue binding consequences has expanded the institutional role of election supervision beyond monitoring and prevention (Yoga, 2022). The development of adjudicative authority also raises questions concerning the relationship between supervision and impartial dispute settlement. Bawaslu's expanded powers strengthen access to electoral remedies but simultaneously create a need for organizational safeguards capable of differentiating fact gathering, enforcement, and final determination of contested legal rights (Yuanita, 2023). A broader institutional problem emerges from the distribution of election dispute authority among multiple legal forums. Fragmented jurisdictions can complicate the resolution of electoral problems and create uncertainty regarding which institution is competent to decide a particular controversy. Effective election justice therefore depends on clear allocation of authority and procedures that correspond with the substantive nature of the dispute (Siboy, 2021).

The existing literature provides an important foundation for distinguishing direct sanctions

from adjudicative settlement, but a further institutional question remains unresolved. Legal classification alone does not determine how Bawaslu should allocate incoming cases, when corrective measures should become sanctions, what level of seriousness justifies escalation, how repeated noncompliance should influence enforcement, or which safeguards are necessary when direct electoral rights are contested.

Research on regulatory enforcement provides a useful basis for addressing this gap. Graduated responses can strengthen compliance when institutions begin with measures appropriate to the behavior involved and retain the capacity to escalate where cooperation fails. Such models depend on predictable institutional practices because discretionary escalation without sufficient standards may undermine legitimacy and consistency (Gezelius, 2019).

Evidence from networked regulatory systems also indicates that lasting compliance requires more than formal rules. Accountability relationships, institutional interaction, and enforcement design can determine whether regulated actors merely display temporary conformity or internalize administrative obligations. These insights are relevant to election governance because recurring procedural violations can reflect weaknesses in regulatory design as much as isolated misconduct (van Erp et al., 2020).

The comprehensibility of electoral rules represents another institutional concern. Electoral laws are implemented by administrators working under time pressure, making clear procedural translation essential to reliable implementation. Regulatory complexity can increase the risk of inconsistency when administrators have difficulty converting general legal requirements into operational instructions (Krivonosova & Serrano-Iova, 2021).

Administrative performance also carries consequences for public confidence. Irregularities experienced directly by voters can reduce trust in election administration and influence perceptions concerning the legitimacy of electoral outcomes. Citizens frequently encounter democratic institutions through administrative processes, making procedural quality an observable indicator of institutional credibility (King, 2020). Failures within an election authority can influence assessments extending beyond an individual procedural mistake. Confidence in electoral administration can affect broader satisfaction with democratic performance, reinforcing the connection between competent public administration and political legitimacy (Lundmark et al., 2020).

The scientific novelty of this study lies in proposing a Differentiated Administrative Enforcement Model comprising three interconnected mechanisms: the Corrective Compliance Track, the Proportional Administrative Sanction Track, and the Rights Protection Adjudication

Track. The model develops existing legal distinctions into an institutional architecture that treats compliance restoration, administrative discipline, and protection of contested rights as separate enforcement purposes.

Six variables guide the allocation of cases within this architecture: legal actor, direct legal harm, seriousness, reversibility, recurrence, and electoral urgency. Functional separation between examination and adjudication complements these criteria where cases involve direct interference with electoral rights. This design does not require establishment of another national electoral institution because the proposed reform concerns the internal distribution and procedural use of authority already possessed by Bawaslu.

Based on this framework, the study addresses two research questions. First, why does the existing organization of administrative electoral enforcement generate a mismatch between the characteristics of violations and the institutional mechanisms used to address them? Second, how should Bawaslu's authority be redesigned to improve administrative effectiveness, accountability, impartiality, and protection of electoral rights? The study aims to formulate an institutional enforcement architecture capable of connecting the substantive consequences of electoral misconduct with proportionate administrative responses.

METHODS

This study employs a qualitative document-based research design combining normative legal analysis with institutional governance analysis. The combination is necessary because the research problem concerns both the legal allocation of electoral authority and the organizational consequences generated by its exercise. Legal analysis identifies the scope, object, procedure, and limits of Bawaslu's powers, while institutional analysis examines whether the configuration of those powers supports proportionality, administrative efficiency, accountability, impartiality, and rights protection.

Primary legal materials consist of Law No. 7 of 2017 concerning General Elections as subsequently amended through Law No. 7 of 2023, Law No. 30 of 2014 concerning Government Administration, Perbawaslu No. 8 of 2022 concerning the Resolution of Administrative Election Violations, and Perbawaslu No. 9 of 2022 concerning Procedures for Resolving Election Process Disputes. These instruments were selected because they define the relevant electoral enforcement regimes and establish the broader administrative principles governing the exercise of public authority (Peraturan Badan Pengawas Pemilihan Umum Nomor 8 Tahun 2022 Tentang Penyelesaian Pelanggaran Administratif Pemilihan Umum, 2022; Peraturan Badan Pengawas Pemilihan Umum Nomor 9 Tahun 2022 Tentang Tata Cara Penyelesaian Sengketa Proses

Pemilihan Umum, 2022).

Documented administrative enforcement practices described in peer reviewed research were used to examine the relationship between formal violations and institutional responses. Particular attention was directed to administrative verification cases involving procedures inconsistent with regulatory requirements because those cases illustrate the distinction between reversible noncompliance and governmental conduct capable of producing direct legal harm. Secondary materials consist of peer reviewed journal articles concerning electoral management bodies, administrative sanctions, election supervision, dispute resolution, organizational capacity, regulatory compliance, institutional independence, professional competence, and public confidence. Literature from the most recent ten-year period was prioritized to maintain contemporary relevance and satisfy the journal's emphasis on recent scientific sources.

Analytical consistency was maintained through triangulation among legislation, Bawaslu regulations, documented enforcement practices, and peer reviewed institutional scholarship. International governance concepts were used only where they clarified organizational problems observable within the Indonesian framework. The study does not assume that institutional models developed elsewhere can be transferred directly without attention to domestic statutory competence.

Table 1. Analytical Variables for Administrative Enforcement Classification

Analytical Variable	Analytical Focus	Institutional Relevance
Legal actor	Identity and legal capacity of the alleged violator	Identifies the relationship between misconduct and public authority
Direct legal harm	Effect on an identifiable electoral right or legal position	Determines whether stronger rights protection is required
Seriousness	Magnitude and institutional consequences of misconduct	Determines enforcement intensity
Reversibility	Possibility of restoring lawful administrative conditions	Determines suitability of corrective intervention
Recurrence	Repetition of comparable misconduct or failure to comply	Provides a basis for escalation
Electoral urgency	Proximity to a decisive electoral deadline	Determines procedural priority and remedial speed

The research is limited to institutional design and does not measure the statistical effect of the proposed model on electoral integrity, compliance, processing time, or public confidence. Interviews, surveys, and participant observations were not undertaken. The findings are consequently prescriptive and institutional, while subsequent empirical research is required to test the proposed architecture across national and regional Bawaslu offices.

RESULTS AND DISCUSSION

Institutional Mismatch in Administrative Electoral Enforcement

The analysis identifies an institutional mismatch between the broad range of administrative violations and the enforcement architecture used to address them. Bawaslu possesses extensive supervisory and enforcement authority, yet the legal framework does not consistently distinguish the administrative purpose performed by correction, sanctioning, and adjudication. The issue therefore concerns the organization of authority rather than a simple shortage of statutory competence.

Administrative electoral violations encompass conduct involving actors with fundamentally different legal positions. Election organizers exercise public power, while political parties, candidates, voters, and other participants generally operate as regulated subjects. The consequences of misconduct also vary. Some deviations concern internal procedural compliance, while others affect participation rights or individual electoral status. These differences indicate that a single administrative label does not automatically justify an equivalent procedural response.

The distinction becomes significant when misconduct is committed through public authority. Election administrators can influence access to political participation through verification, eligibility assessments, administrative implementation, and other governmental acts. The legality of these actions must be evaluated according to the competence and purposes supporting the relevant authority, particularly where administrative discretion affects individual rights (Nalle, 2018).

A procedural violation that does not change an identifiable legal position primarily creates a compliance problem. The central administrative objective in such circumstances is restoration of lawful procedure. Government action that directly deprives a participant of a protected electoral position presents a different problem because an affected subject requires an opportunity to challenge the legality of the exercise of public authority.

Administrative verification through video calls provides an illustrative example. The procedure departed from requirements concerning physical presentation, but the irregularity did not necessarily create direct electoral loss. The enforcement objective was therefore closely connected with correction and prevention of repetition rather than adjudication of an individualized rights dispute.

The institutional significance of this distinction lies in the cost and purpose of procedural intervention. Formal adjudication requires hearings, evidentiary management, legal argument, deliberation, and reasoned decisions. Those resources are justified when contested rights or

serious misconduct require intensive examination. They may generate unnecessary administrative burden when an uncontested and reversible error can be corrected immediately. Organizational capacity becomes critical because election authorities perform numerous statutory responsibilities within limited periods. Resources allocated to one enforcement mechanism cannot be used simultaneously for other supervisory priorities. Institutional design therefore influences whether legal authority can be transformed into reliable administrative outcomes (Garnett, 2019; Kropf et al., 2020).

The opposite risk arises when harmful governmental action is treated mainly as routine administrative noncompliance. Candidate exclusion, unlawful denial of participation, or factual conduct that substantially affects electoral status may require an impartial procedure capable of restoring the legal position of the affected subject. Corrective instructions directed only toward future administrative behavior would be insufficient where an existing right has already been impaired. Uncertainty involving factual administrative actions intensifies this problem. Public authority can produce legal consequences through concrete conduct even without a conventional written decision. A procedurally appropriate system should therefore evaluate substantive effects rather than allowing the formal appearance of an act to determine the availability of rights protection.

The existing enforcement architecture consequently faces two contrary governance risks. The first involves excessive proceduralization where correctable technical violations consume resources through intensive proceedings. The second involves insufficient procedural protection where harmful governmental conduct does not enter a mechanism suited to the protection of contested rights. Effective enforcement requires a transition from violation centered processing toward function centered administration. The initial question of whether a breach occurred remains necessary, but institutional analysis must also identify what the enforcement response is intended to achieve. Restoration, deterrence, and adjudication represent different public purposes and should be organized accordingly.

Differentiated Administrative Enforcement

Administrative institutions possess different instruments because not every regulatory failure creates equivalent risks. The enforcement response should therefore correspond with the consequences of the behavior, compliance history, public authority involved, and capacity for restoration. Responsive regulatory approaches support the use of differentiated intervention where institutions possess clear escalation mechanisms. Corrective responses can generate compliance without immediately imposing punitive measures, while stronger consequences

remain available when regulated actors refuse to cooperate or commit more serious violations. Predictability is essential because graduated enforcement loses legitimacy when escalation depends on unexplained administrative discretion (Gezelius, 2019).

Table 2. Differentiated Administrative Enforcement Model

Enforcement Track	Main Condition	Institutional Purpose	Core Procedure	Expected Outcome
Corrective Compliance Track	Reversible procedural noncompliance without direct legal harm	Restore lawful administration	Rapid verification, correction order, compliance period, monitoring	Timely restoration
Proportional Administrative Sanction Track	Serious, repeated, deliberate, disruptive, or unresolved noncompliance	Deterrence and administrative discipline	Formal examination, response opportunity, proportionality assessment	Sanction and remedial obligation
Rights Protection Adjudication Track	Public decision or action causing direct legal harm	Protect contested electoral rights	Adversarial examination with functionally separated adjudicators	Binding determination and effective restoration

Institutionalized compliance also requires an administrative environment in which regulated actors understand that corrective obligations are monitored and that persistent noncompliance creates identifiable consequences. Enforcement architecture therefore matters because it connects individual cases with wider patterns of organizational behavior (van Erp et al., 2020). This study proposes three interconnected pathways.

Corrective Compliance Track

The first track addresses procedural violations that remain reversible and do not directly deprive another subject of an electoral right. Its purpose is to return administration to lawful conditions as quickly as possible. The mechanism begins with verification of the relevant deviation. Once established, Bawaslu should issue a written correction order specifying the breached obligation, action required to restore compliance, implementation deadline, evidence needed to demonstrate completion, and consequences of refusal.

A formal corrective instrument differs from an informal recommendation. It recognizes that a violation has occurred and that an enforcement response proportionate to the administrative objective is warranted. Correction consequently becomes a legally recognizable component of enforcement rather than merely an extension of preventive supervision. The time-sensitive nature of election administration provides a strong justification for this approach. An error corrected before completion of a verification or registration stage may produce no lasting electoral prejudice. Waiting for a more elaborate proceeding may allow a reversible problem to become increasingly difficult to remedy.

The track also encourages cooperative compliance. A regulated actor that acknowledges an administrative mistake and promptly restores lawful procedure presents a different governance problem from an institution that intentionally refuses correction. Graduated enforcement allows administrative behavior after detection to influence subsequent institutional intervention (Gezelius, 2019).

Proportional Administrative Sanction Track

The second track applies where restoration alone cannot adequately address the administrative problem. Serious misconduct, recurrence, deliberate disregard of legal obligations, disruption of an electoral stage, or refusal to comply with a corrective order provide grounds for stronger intervention.

Administrative sanctions perform more than a restorative function because they impose adverse legal consequences and communicate institutional expectations to regulated actors. Their use should therefore comply with proportionality and should not depend solely on the formal existence of a violation (Susanto, 2019). Procedural safeguards should increase when sanctions become possible. The alleged violator must receive information concerning the relevant conduct and a meaningful opportunity to respond. The decision should explain the factual basis, legal provision, seriousness of the breach, relevant contextual factors, and reasons supporting the selected consequence.

Recurrence is particularly relevant because an enforcement system should not treat persistent disobedience in the same manner as an isolated administrative mistake. Previous corrective intervention places the actor on notice concerning the applicable obligation and can therefore justify escalation when the same behavior continues. Institutional risk should also inform sanctioning. Administrative conduct may threaten electoral integrity even before direct individual loss materializes. Systematic disregard of verification requirements or disruption of essential electoral processes can justify formal consequences because reliable administration constitutes a public interest independent from individual claims.

Rights Protection Adjudication Track

The third pathway applies when the exercise of public electoral authority directly affects an identifiable legal position. Cases involving candidacy, eligibility, verification status, participation, or equivalent interests require a procedure designed to resolve competing legal claims. Direct harm changes the administrative purpose of enforcement. The institution is no longer simply encouraging compliance with a regulatory obligation. It must determine whether governmental action lawfully altered the position of an affected electoral subject.

Adjudication should provide notice, access to relevant evidence, an opportunity to submit arguments, procedural equality, and a reasoned determination. Timing is particularly significant because legal protection becomes ineffective if a favorable decision is delivered only after the corresponding electoral stage can no longer be restored. Fragmented election dispute authority can complicate access to meaningful remedies, making classification an important component of electoral justice. Institutional arrangements should direct substantive rights disputes toward procedures capable of delivering effective relief rather than relying on formal categories that obscure the real consequence of governmental action (Siboy, 2021; Siboy et al., 2022).

Differentiated enforcement requires criteria capable of determining which pathway should receive a particular allegation. Institutional triage provides this gateway by examining the characteristics and consequences of misconduct before procedural intensity is determined. The triage process does not decide final liability. Its purpose is to identify the type of institutional procedure required to examine the allegation fairly and efficiently.

Table 3. Institutional Triage Criteria

Variable	Core Question	Institutional Consequence
Legal actor	Who committed the alleged misconduct and in what legal capacity?	Determines relationship with public authority and available instruments
Direct legal harm	Has an identifiable electoral right been affected?	Favors rights protection adjudication
Seriousness	How substantial is the threat to electoral legality or institutional integrity?	Determines enforcement intensity
Reversibility	Can lawful conditions still be restored without further prejudice?	Favors corrective compliance
Recurrence	Has comparable misconduct occurred previously or has correction been ignored?	Supports escalation
Electoral urgency	How close is the matter to a decisive electoral deadline?	Determines processing priority and remedial speed

The legal actor variable identifies whether conduct originates from the exercise of governmental electoral authority or from a regulated participant. This distinction matters because public actors possess powers capable of changing legal positions and are bound by principles governing administrative competence and discretion (Nalle, 2018). Direct legal harm functions as the principal boundary between general compliance enforcement and rights adjudication. Its presence does not prove illegality but indicates that the procedure must be capable of protecting an identifiable legal interest.

The variable operationalizes an important distinction within previous Indonesian research. Differences between violations that cause direct loss and those that do not can be transformed from doctrinal observations into procedural criteria governing how Bawaslu organizes

enforcement. Seriousness captures consequences extending beyond individual injury. Repeated procedural manipulation, systematic noncompliance, or misconduct capable of disrupting an electoral stage can threaten institutional integrity even without an immediately identifiable victim.

This criterion also prevents the corrective pathway from becoming a mechanism for minimizing serious violations. A breach may remain technically reversible while still justifying formal consequences because of its scale, intention, or institutional effect. Reversibility evaluates whether lawful conditions can still be restored. Election procedures occur sequentially, making the availability of practical correction dependent on the stage at which an irregularity is detected.

A verification problem discovered early may be corrected through repetition of the lawful procedure. The same problem identified after candidate finalization may produce consequences requiring stronger remedial intervention. The legal breach can remain similar while the appropriate institutional response changes because opportunities for restoration have narrowed. Recurrence introduces institutional memory into enforcement. A first administrative error corrected immediately should not automatically receive the same response as comparable misconduct occurring after previous official intervention.

Functional Separation Within Bawaslu

Differentiated enforcement requires corresponding organizational safeguards where direct rights disputes enter adjudication. The integrated nature of Bawaslu offers coordination benefits, but examination and final adjudicative determination should not become functionally indistinguishable. Functional separation does not require another electoral institution. It involves differentiating responsibilities through personnel assignment, panels, case transfer procedures, and decision authority within the existing organizational framework.

The distinction is necessary because examination and adjudication perform different cognitive functions. Investigators collect facts and develop an evidentiary understanding of alleged misconduct. Adjudicators evaluate competing arguments and determine the legal consequence of the established record. Institutional research on administrative adjudication indicates that decisional independence can be influenced by organizational relationships and procedural structures. Safeguards protecting adjudicators from pressures generated within their own agency can therefore support impartiality as well as confidence in administrative justice (Chand & Schreckhise, 2020).

The first safeguard should prevent personnel responsible for developing the enforcement case from exercising decisive authority over final adjudication of the same rights dispute. Investigative expertise can inform the evidentiary record without determining the conclusion. The

second safeguard concerns case transfer. Investigative conclusions and underlying evidence should be clearly distinguished so that adjudicators can independently evaluate the materials rather than treating an earlier institutional assessment as binding. The third requirement is procedural equality. Parties must be able to address evidence and legal arguments relevant to the determination. A final decision should explain why material submissions were accepted or rejected. The fourth safeguard concerns specialization. Supervisory personnel require competence in detection, evidence gathering, field administration, and rapid intervention, while adjudicators require stronger expertise in legal reasoning, procedural fairness, evidentiary assessment, and rights protection.

Workforce quality directly influences the capacity of electoral bodies to perform their functions reliably. Specialization can therefore strengthen both administrative performance and impartiality by ensuring that different tasks are assigned to personnel possessing appropriate competence (James, 2019). The proposal should not be interpreted as a reduction of Bawaslu's institutional powers. The organization would retain its integrated mandate while exercising distinct functions through procedures suited to their administrative purposes.

Accountability and Institutional Learning

Administrative variation does not necessarily indicate unfairness. Two procedural violations may legitimately receive different responses where one remains isolated and reversible while the other involves recurrence or serious institutional consequences. Written reasons demonstrate whether distinctions arise from relevant governance considerations. Enforcement produces data concerning recurrent violations, problematic regulations, compliance history, regional differences, execution of decisions, and recurring administrative weaknesses. These materials should be treated as institutional knowledge rather than archived only as individual case files. A structured database could classify cases by legal basis, actor, electoral stage, direct harm, selected enforcement track, remedial action, sanction, execution status, recurrence, and review outcome. Such information would enable comparison across Bawaslu offices and electoral cycles. Repeated movement of simple cases into intensive proceedings may reveal excessive formalization. Persistent disputes involving similar factual governmental actions may indicate uncertainty requiring regulatory clarification. Enforcement information can therefore contribute to policy feedback. Bawaslu can use case patterns to revise internal guidance, improve personnel training, refine regulations, and propose statutory reforms where jurisdictional deficiencies cannot be resolved administratively. Organizational characteristics play an important role in converting formal mandates into consistent electoral practice. Capacity, workforce competence, information

systems, and internal procedures collectively influence institutional performance (Garnett, 2019; James, 2019). Accountability should also extend to the comprehensibility of enforcement decisions. Clear reasoning makes the relationship between facts, applicable rules, and institutional consequences observable to regulated actors and the public. This quality can reduce uncertainty while strengthening predictability.

Effective Election Governance

A more substantive assessment should consider the time required to correct violations, implementation of correction orders, recurrence after intervention, proportionality of sanctions, processing time for rights disputes, consistency across jurisdictions, and execution of final decisions. These indicators connect enforcement with public administration outcomes. A supervisory institution that restores legality quickly and prevents recurrence may generate greater public value than one producing a larger volume of formal decisions without equivalent compliance. Public confidence reinforces the importance of administrative performance. Voters exposed to procedural irregularities can develop lower confidence in election administration, illustrating how administrative experiences shape perceptions of institutional reliability (King, 2020). Institutional mistakes may also influence satisfaction with democratic performance, particularly where citizens perceive that authorities responsible for elections cannot administer their functions reliably. Administrative competence therefore contributes indirectly to democratic legitimacy (Lundmark et al., 2020).

Effective governance should not be equated with maximizing public approval. Legal decisions may remain unpopular while being lawful and impartial. The relevant objective is to make electoral administration observable as consistent, reasoned, professional, and capable of correcting its own failures. Efficiency must remain constrained by fairness. A serious violation cannot be transferred to the corrective pathway merely because adjudication consumes greater resources. Institutional triage requires consideration of harm, seriousness, recurrence, and urgency to prevent managerial convenience from overriding legal protection. Graduated enforcement therefore combines regulatory flexibility with accountability. Bawaslu obtains a structured ability to tailor administrative responses but remains required to explain why each procedural pathway was selected.

Implementation can proceed through three institutional levels. The first involves internal governance reform through standardized triage documentation, differentiated personnel assignments, integrated compliance records, and performance evaluation. The second requires

regulatory refinement. Bawaslu regulations should distinguish corrective compliance from formal sanctioning and rights protection adjudication while specifying how failure to execute a correction order triggers escalation. The third concerns legislative clarification. Electoral law should provide greater certainty regarding factual governmental actions that directly impair electoral rights. The decisive consideration should be their substantive legal effect rather than merely whether the action takes the form of a written decision.

Incremental implementation offers greater feasibility than the creation of another enforcement institution. Indonesia already possesses multiple bodies dealing with election administration, ethics, criminal enforcement, administrative adjudication, and result disputes. Additional institutional proliferation could create new jurisdictional boundaries without correcting the internal enforcement mismatch identified in this study.

Table 4. Governance Implications of the Proposed Model

Governance Dimension	Existing Risk	Proposed Response	Expected Institutional Effect
Administrative efficiency	Intensive processing of reversible violations	Corrective Compliance Track	Faster restoration and reduced procedural burden
Proportionality	Similar treatment of violations with different consequences	Differentiated enforcement	Response aligned with seriousness and harm
Impartiality	Functional overlap in rights related disputes	Separation between examination and adjudication	Greater decisional neutrality
Accountability	Unclear basis for case classification	Documented institutional triage	Transparent exercise of discretion
Consistency	Variation across regional practices	Standardized criteria and integrated data	More predictable enforcement
Institutional learning	Fragmented case information	Structured database and policy evaluation	Evidence informed regulatory development
Rights protection	Inadequate pathway for harmful public action	Rights Protection Adjudication Track	More effective electoral remedies
Institutional credibility	Delay and unexplained procedural variation	Timely and reasoned enforcement	Stronger confidence in electoral administration

The broader theoretical contribution of this framework lies in repositioning administrative electoral enforcement within ****regulatory governance****, where enforcement extends beyond identifying violations and imposing consequences to encompass the selection of public instruments, management of institutional capacity and administrative discretion, promotion of compliance, protection of electoral rights, and accountability under strict temporal constraints. Its central institutional logic is organized around three questions: When should Bawaslu correct administrative conduct, impose sanctions, or adjudicate contested rights?. Moving beyond the

conventional binary between adjudication and direct administrative sanctions, the framework recognizes ****compliance restoration as an autonomous enforcement function****, operationalizes six triage variables, establishes procedural escalation, and links functional separation to administrative capacity and institutional learning. Electoral legality consequently acquires democratic significance through implementation, because effective administrative law depends not merely on the existence of institutional authority but on its prompt, proportionate, impartial, and consistent exercise. Redesigning enforcement around these principles therefore offers a pathway for strengthening Bawaslu's regulatory capacity and rights-protection function without unnecessarily expanding Indonesia's already complex electoral institutional structure.

CONCLUSION

Indonesia's administrative enforcement of electoral violations remains constrained by an institutional architecture that does not adequately differentiate procedural noncompliance, serious or recurrent administrative misconduct, and governmental actions directly affecting electoral rights according to their substantive consequences. This study therefore proposes a Differentiated Administrative Enforcement Model comprising three interconnected pathways: the Corrective Compliance Track, Proportional Administrative Sanction Track, and Rights Protection Adjudication Track, with case allocation determined by the legal actor, direct legal harm, seriousness, reversibility, recurrence, and electoral urgency. The model reconceptualizes electoral administrative enforcement as a continuum of regulatory governance integrating restoration, administrative discipline, and rights protection while maintaining functional separation between examination and adjudication to strengthen impartiality without creating a new electoral institution. Its implementation may proceed through standardized triage, differentiated personnel assignments, compliance records, escalation mechanisms, transparent decisions, and performance indicators focused on timeliness, restoration, consistency, and execution, followed by regulatory and legislative clarification of the three enforcement tracks and remedies for governmental actions affecting electoral rights. Future empirical testing across Bawaslu jurisdictions should assess processing time, corrective-order implementation, recurrence, sanction consistency, rights restoration, and perceived decisional impartiality to determine whether differentiated enforcement can translate Bawaslu's extensive legal authority into more responsive, accountable, and credible election governance.

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