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Effectiveness of Enforcement Against Election Violations by Indonesian Police Officers: Coherence, Independence, and Consistency

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ABSTRACT

Indonesian law prohibits members of the Indonesian National Police (Polri) from engaging in practical politics, yet the means of enforcing that prohibition remain fragmented. Until the Constitutional Court issued Decision No. 136/PUU-XXII/2024, the criminal provision of the regional election law did not name Polri members among the officials liable for breaching neutrality. This article examines whether the current legal framework enables effective enforcement against election violations committed by Polri members. Effectiveness is assessed through three criteria drawn from Friedman's account of the legal system, namely the coherence of norms, the independence of institutions, and the consistency of outcomes. The study uses normative legal research, combining statutory, conceptual, and analytical approaches with publicly reported enforcement data. The analysis identifies four liability regimes, which are electoral, criminal, ethical, and disciplinary, and reads their relationship as one of non-substitution. The findings show that prohibitions are stated consistently, but the criminal core is narrower than those prohibitions and differs between general and regional elections. Independence is the weakest criterion, because Polri investigators handle cases involving Polri suspects and first assessments are often made internally. Consistency cannot be confirmed because outcomes are not published in comparable form. The article offers an effectiveness-based account of police accountability in electoral law and proposes three prioritized reforms on criminal provisions, notification and review, and transparent reporting.

Keywords: *Election Violations, Electoral Integrity, Indonesian National Police, Law Enforcement, Police Neutrality*

INTRODUCTION

Indonesian law prohibits members of the Indonesian National Police (Polri) from taking part in practical politics, and this prohibition has been in force since the enactment of Law Number 2 of 2002.[1] The Election Law adds a further restriction by barring Polri members from acting as campaign participants or campaign-team members, with criminal consequences for violations.[2] Despite these provisions, the sanctioning framework has not always matched the clarity of the prohibition. Until the Constitutional Court issued Decision No. 136/PUU-XXII/2024, the criminal provision of the regional election law did not name Polri members among the officials liable for breaching the neutrality rule in Article 71 of that law.[3] The decision shows that a clear norm of neutrality can coexist with an incomplete system for enforcing it, and this tension is the starting point of the present article.

The problem is significant because electoral integrity depends on the conduct of state institutions as well as on the wording of electoral rules. Norris conceptualizes electoral integrity as adherence to international norms of appropriate electoral conduct across the whole electoral cycle, which extends well beyond the casting and counting of votes.[4] Within that cycle, security forces hold coercive powers and access to public resources, so partisan conduct by their members can distort competition without any formal breach of voting procedures. Research on Bangladesh shows how ruling parties can politicize the police and direct them against opposition actors under the cover of maintaining law and order.[5] Diamond treats developments of this kind as part of a broader global pattern of democratic regression.[6] Police neutrality therefore needs to be treated as a condition of electoral integrity and not only as a matter of professional conduct.

Indonesian scholarship indicates that this concern is not hypothetical. Siregar, Raffiudin, and Noor, applying Tilly's concept of low-capacity democracy, argued that the Polri was used as a political instrument between 2014 and 2020, with active officers placed in civilian positions and legal action applied selectively.[7] In practice, a single act by an officer, such as campaigning for a candidate on social media, may

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[1] Republik Indonesia, "UU No. 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia," Sekretariat Negara § (2002).
[2] Republik Indonesia, "UU No. 7 Tahun 2017 Tentang Pemilihan Umum," Sekretariat Negara § (2017).
[3] Mahkamah Konstitusi, "Putusan No. 136/PUU-XXII/2024" (2024).
[4] Pippa Norris, *Why Electoral Integrity Matters* (Cambridge University Press, 2014), https://doi.org/10.1017/CBO9781107280861.
[5] David Jackman and Mathilde Maitrot, "The Party-Police Nexus in Bangladesh," *The Journal of Development Studies* 58, no. 8 (August 3, 2022): 1516–30, https://doi.org/10.1080/00220388.2022.2055463.
[6] Larry Diamond, "Democratic Regression in Comparative Perspective: Scope, Methods, and Causes," *Democratization* 28, no. 1 (January 2, 2021): 22–42, https://doi.org/10.1080/13510347.2020.1807517.
[7] Sarah Nuraini Siregar, Riaty Raffiudin, and Firman Noor, "Democratic Regression in Indonesia: Police and Low-Capacity Democracy in Jokowi's Administration (2014–2020)," *Jurnal Ilmu Sosial Dan Ilmu Politik* 26, no. 2 (October 14, 2022): 197, https://doi.org/10.22146/jsp.72129.

engage electoral, criminal, ethical, and disciplinary responsibility at the same time. Each form of responsibility involves its own institution, procedure, and standard of proof. Bawaslu has stated that violations of neutrality by TNI and Polri personnel carry administrative, ethical, and criminal implications and require coordination with the security institutions.[8] Where these mechanisms are not sequenced or coordinated, a case may be treated differently depending on the channel it enters, which raises the question of whether similar violations receive similar outcomes.

Earlier studies address parts of this problem. Ishak, Famal, and Muin found that election-crime enforcement through the Integrated Law Enforcement Center (Gakkumdu) in Makassar had not been fully effective.[9] Tewu, Rondonuwu, and Sondakh reported comparable coordination weaknesses in the handling of legislative election offenses.[10] Neither study focused on cases in which the alleged offender belongs to one of the enforcing institutions. Budiarsih and Sushanty found that police officers who committed narcotics offenses were processed through the ordinary criminal justice system, while enforcement of the professional code of ethics remained incomplete and tended to follow the court's judgment.[11] Kosasih and colleagues argued, in the context of anti-corruption enforcement, that non-independent internal supervision limits effectiveness and that administrative sanctions should be applied without waiting for a criminal conviction.[12] Both studies concern offenses other than electoral violations, but they identify the same structural issues of sequencing between liability regimes and independence of internal oversight that arise when a police officer breaches electoral law.

The literature reviewed for this article therefore leaves a gap. Work on police neutrality often frames it in terms of professionalism and democratic policing, work on Gakkumdu concerns election offenses in general, and work on police accountability concerns other categories of misconduct. What has received little systematic attention is how the electoral, criminal, ethical, and disciplinary regimes relate to one another when a Polri member commits an election violation. It also remains unclear whether the resulting arrangement can be called effective.

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[8] Jaa Pradana, "Bawaslu Samakan Persepsi Penanganan Dugaan Pelanggaran Netralitas Dengan TNI-Polri," Badan Pengawas Pemilihan Umum, March 16, 2023, https://bawaslu.go.id/id/berita/bawaslu-samakan-persepsi-penanganan-dugaan-pelanggaran-netralitas-dengan-tni-polri.

[9] Muhammad Fakhril Alfandi Ishak, Andi Muin Fahmal, and Sri Amlinawaty Muin, "Penegakan Hukum Terhadap Tindak Pidana Pemilihan Umum Oleh Sentra Penegakan Hukum Terpadu," *LEGAL DIALOGICA* 1, no. 1 (September 2, 2025): 1–14, https://jurnal.fh.umi.ac.id/index.php/legal/article/view/1448.

[10] Richard David Tewu, Arpi R. Rondonuwu, and Efvendy Sondakh, "Peran Sentra Penegakan Hukum Terpadu Dalam Penanganan Pelanggaran Tindak Pidana Pemilu Legislatif," *POLITICO: Jurnal Ilmu Politik* 11, no. 3 (January 30, 2023): 1–19, https://doi.org/10.35797/jp.v11i3.46278.

[11] Budiarsih Budiarsih and Vera Rimbawani Sushanty, "LAW ENFORCEMENT AGAINST POLICE OFFICERS INVOLVED IN DRUG ABUSE BASED ON JUSTICE VALUES," *Journal of Court and Justice* 3, no. 4 (December 27, 2024): 25–40, https://doi.org/10.56943/jcj.v3i4.662.

[12] Ade Kosasih et al., "Beyond Criminal Law: Repositioning Administrative Law as the Primary Instrument of Anti-Corruption Enforcement in Indonesia," *Journal of Court and Justice*, May 15, 2026, 1–15, https://doi.org/10.56943/jcj.v5i2.993.

Addressing this gap requires a doctrinal account of the liability regimes and an assessment of the institutional conditions under which they operate.

The central research question is whether the Indonesian legal framework enables effective enforcement against election violations committed by Polri members. In a normative study, effectiveness cannot be measured through case statistics, so it is assessed here as a property of the legal system as Friedman describes it, which comprises legal substance, legal structure, and legal culture.[13] Applied to this topic, effectiveness has three criteria. The first is the coherence of the norms that govern electoral, criminal, ethical, and disciplinary liability. The second is the independence and impartiality of the institutions that apply those norms. The third is the capacity of the system to produce timely and consistent outcomes that sustain public confidence in police neutrality. These criteria correspond to the factors that Ishak, Famal, and Muin identified in their analysis of Gakkumdu, which allows the findings of this article to be compared with earlier work.[14]

Accordingly, this article analyzes the legal framework that governs election violations committed by Polri members and examines the juridical obstacles that arise in its implementation. It pursues three tasks. It sets out a taxonomy of the four liability regimes and explains how they relate to each other, it analyzes the institutional dynamics that shape the independence of enforcement within and between Bawaslu, Polri, and the Prosecutor's Office, and it proposes a limited and prioritized set of reforms. The analysis uses a normative juridical method based on statutory, conceptual, and analytical approaches, which is explained in the next section. The article contributes an effectiveness-based account of police accountability in Indonesian electoral law and positions police neutrality as a legal obligation whose enforcement must be coherent, independent, and consistent.

RESEARCH METHODOLOGY

This article uses normative legal research, which is also called doctrinal legal research. Hutchinson and Duncan describe the doctrinal method as research into law and legal concepts that explains and makes coherent a segment of law as part of a wider legal system.[15] In the Indonesian tradition, the method is associated with Marzuki's account of legal research, in which legal problems are examined through statutes, concepts, and cases, and law is treated as a body of norms and not as observed social behavior.[16] The method suits the research question because

[13] Lawrence M Friedman, *The Legal System: A Social Science Perspective* (Russell Sage Foundation, 1975).
[14] Ishak, Fahmal, and Muin, "Penegakan Hukum Terhadap Tindak Pidana Pemilihan Umum Oleh Sentra Penegakan Hukum Terpadu."
[15] Terry Hutchinson and Nigel Duncan, "Defining and Describing What We Do: Doctrinal Legal Research," *Deakin Law Review* 17, no. 1 (October 1, 2012): 83, https://doi.org/10.21153/dlr2012vol17no1art70.
[16] Peter Mahmud Marzuki, *Penelitian Hukum*, Revision Edition (KENCANA, 2021).

effectiveness is defined here as a property of the legal system, namely the coherence of its norms, the independence of its institutions, and the consistency of its outcomes. Each of these properties can be assessed through the examination of legal texts and institutional arrangements, which is the core task of doctrinal analysis. The method also has limits, since it cannot measure how often officers are actually sanctioned. Hutchinson observes that legal scholars increasingly supplement the doctrinal core with other evidence,[17] and this article follows that practice by drawing on published empirical findings on Gakkumdu as secondary evidence of how the norms operate.[18]

Three approaches were applied. The statutory approach was used to examine the content, hierarchy, and relationships of the provisions that govern police neutrality and election violations.[19] The conceptual approach was used to clarify the key concepts of the study, namely police neutrality, electoral integrity, and the four forms of liability, so that these concepts could be applied consistently throughout the analysis. The analytical approach was used to test how the norms interact, including whether the terms used in different regulations correspond to each other and whether institutional mandates overlap or leave gaps.

The primary legal materials were selected according to three criteria. A provision was included when it established the neutrality obligation of Polri members or restricted their involvement in elections, when it defined liability or sanctions for violations, or when it allocated authority among Bawaslu, Polri, and the Prosecutor's Office in handling those violations. On this basis, the primary materials comprised Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023,[20] Law Number 2 of 2002 concerning the Indonesian National Police,[21] the Regulation of the Indonesian National Police Number 7 of 2022 concerning the Professional Code of Ethics and the Code of Ethics Commission,[22] the Regulation of the Election Supervisory Body Number 3 of 2023 concerning the Integrated Law Enforcement Center,[23] and Constitutional Court Decision No. 136/PUU-XXII/2024.[24] The scope of the analysis was limited to election violations committed by active Polri members under the national framework for general elections. Regional election provisions were considered only where they bear directly on the liability of Polri members, as in the Constitutional

[17] Terry Hutchinson, "The Doctrinal Method: Incorporating Interdisciplinary Methods in Reforming the Law," ed. Sanne Taekema, *Erasmus Law Review* 8, no. 3 (December 2015): 130–38, https://doi.org/10.5553/ELR.000055.
[18] Ishak, Fahmal, and Muin, "Penegakan Hukum Terhadap Tindak Pidana Pemilihan Umum Oleh Sentra Penegakan Hukum Terpadu."
[19] Marzuki, *Penelitian Hukum*.
[20] Republik Indonesia, UU No. 7 Tahun 2017 tentang Pemilihan Umum.
[21] Republik Indonesia, UU No. 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia.
[22] Republik Indonesia, "Perpol No. 7 Tahun 2022 Tentang Kode Etik Profesi Dan Komisi Kode Etik Kepolisian Negara Republik Indonesia," Sekretariat Negara § (2022).
[23] Republik Indonesia, "Peraturan Bawaslu No. 3 Tahun 2023 Tentang Sentra Penegakan Hukum Terpadu Pemilihan Umum," Sekretariat Negara § (2023).
[24] Mahkamah Konstitusi, Putusan No. 136/PUU-XXII/2024.

Court decision, and the neutrality rules for the military and civil servants were excluded except where they clarified the position of the Police.

The secondary materials consisted of books, peer-reviewed journal articles, and legal doctrine on police law, electoral law, and administrative and criminal liability. They were included when they addressed police neutrality, electoral enforcement, or the relationship between internal and external accountability mechanisms. Recent scholarship was preferred, while foundational works on electoral integrity, legal systems, and legal methodology were retained as theoretical authorities. All materials were gathered through library research.

The analysis proceeded in five steps. First, the primary materials were inventoried and ordered according to their hierarchy and date, and the principles of *lex superior*, *lex specialis*, and *lex posterior* were used to resolve apparent conflicts between norms. Second, the provisions were classified into four liability regimes, namely electoral, criminal, ethical, and disciplinary. Each regime was described in terms of the interest it protects, the institution that applies it, the procedure it follows, and the sanctions it provides, and this classification became the taxonomy presented in the results. Third, the relationships among the regimes were interpreted systematically and teleologically in order to determine, for example, whether an internal proceeding may substitute for a criminal process or must follow it. Fourth, the resulting framework was evaluated against the three criteria of coherence, independence, and consistency, which derive from the components of the legal system described by Friedman.[25] Coherence asked whether the norms contain gaps, overlaps, or conflicts. Independence asked whether institutional arrangements prevent conflicts of interest in cases involving police officers. Consistency asked whether procedures allow timely and uniform outcomes for comparable violations. Fifth, the findings were synthesized and possible reforms were ranked according to their contribution to the three criteria and their feasibility within the existing legal framework. To limit reliance on a single source, statutory readings were cross-checked against Constitutional Court decisions and against the findings of earlier empirical studies.

RESULT AND DISCUSSION

A Layered Liability Framework with a Narrow Criminal Core

The analysis identifies four liability regimes that can apply to a single election violation committed by a Polri member. Table 1 summarizes each regime by the interest it protects, its legal basis, the institution that applies it, and the resulting sanction.

[25] Friedman, *The Legal System: A Social Science Perspective*.

Table 1 Liability regimes applicable to election violations by Polri members

Regime	Protected interest	Main legal basis	Applying institution	Sanction or outcome
Electoral (administrative)	Fairness of the electoral process	Neutrality and campaign provisions of Law 7/2017	Bawaslu	Findings and referral to the competent institution
Criminal	Integrity of elections as a public interest	Article 494 of Law 7/2017 and Article 178C(1) of the regional election law, and Article 188 of Law 1/2015 as extended by Constitutional Court Decision 136/PUU-XXII/2024	Gakkumdu and the courts	Imprisonment and/or a fine
Professional-ethical	Professional integrity of Polri	Law 2/2002 and Police Regulation 7/2022	Code of Ethics Commission	Ethical and administrative sanctions, which may extend to dismissal
Disciplinary	Order and discipline within Polri	Government Regulation 2/2003	Superiors and the internal professional and security division (Propam)	Disciplinary penalties

Source: Compiled by the authors from the instruments cited in this section

The prohibition of partisan conduct is stated consistently across these regimes. Law 2/2002 requires Polri to remain neutral in political life and bars its members from exercising the rights to vote and to be elected, Government Regulation 2/2003 prohibits practical political activity, and Police Regulation 7/2022 treats neutrality as part of the ethics of state life.[26][27][28] Internal directives go further by prohibiting officers from attending declarations or campaign events

[26] Republik Indonesia, UU No. 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia.
[27] Republik Indonesia, "PP No. 2 Tahun 2003 Tentang Peraturan Disiplin Anggota Kepolisian Negara Republik Indonesia ," Sekretariat Negara § (2003).
[28] Republik Indonesia, Perpol No. 7 Tahun 2022 tentang Kode Etik Profesi dan Komisi Kode Etik Kepolisian Negara Republik Indonesia.

without an assignment letter and from taking photographs with prospective candidates.[29]

The criminal core is considerably narrower than these prohibitions. Bawaslu describes the criminal implications of non-neutrality as attaching to registration as a campaign implementer or team member and to the use of voting rights, under Article 494 of Law 7/2017 and Article 178C(1) of the regional election law.[30] Conduct that is prohibited by the ethical and disciplinary rules but falls outside this description, such as attending a candidate's declaration, therefore engages only the internal regimes. The regional election framework covered a broader range of conduct but remained incomplete until the Constitutional Court extended Article 188 of Law 1/2015 to Polri members in November 2024.[31] Even after that decision, the penalty is imprisonment of one to six months and/or a fine of Rp600,000 to Rp6,000,000, which the Bawaslu chair himself described as relatively light.[32] The criminal consequence for partisan conduct thus differs between general and regional elections, and this difference is the main coherence gap in the substantive law.

The instruments reviewed do not contain an explicit rule on how the four regimes should be sequenced. Polri's own position is that a member who acts non-neutrally may face criminal punishment and, in addition, sanctions under the code of ethics.[33][34] This article reads that position as a rule of non-substitution. The regimes protect different interests, since criminal liability protects the fairness of elections as a public matter while ethical and disciplinary liability protect the professionalism and order of the institution, so the outcome of one regime cannot discharge the others. The reading does not give criminal proceedings automatic priority. It is consistent with the *ultimum remedium* principle and with Bawaslu's own warning against excessive criminalization under the Election Law, which indicates that criminal sanctions should be reserved for conduct that meets the

[29] Laily Rahmawaty and Hernawan Wahyudono, "Polri Menegaskan Netralitas Personel Kawal Pemilu 2024 - ANTARA News Sulawesi Tenggara," ANTARA News Kendari, January 15, 2023, https://sultra.antaranews.com/berita/438195/polri-menegaskan-netralitas-personel-kawal-pemilu-2024.
[30] Pradana, "Bawaslu Samakan Persepsi Penanganan Dugaan Pelanggaran Netralitas Dengan TNI-Polri."
[31] Mahkamah Konstitusi, Putusan No. 136/PUU-XXII/2024.
[32] Hendra Efison, "Bawaslu Surati TNI-Polri Ingatkan Sanksi Pidana Pelanggaran Netralitas, Bisa Dipenjara 6 Bulan Dan Denda Rp 6 Juta ," Padang Ekspres, November 18, 2024, https://padek.jawapos.com/nasional/2411180002/bawaslu-surati-tni-polri-ingatkan-sanksi-pidana-pelanggaran-netralitas-bisa-dipenjara-6-bulan-dan-denda-rp-6-juta.
[33] Nanda Perdana Putra, "Pastikan Netralitas Di Pilkada 2024, Polri Ancam Tindak Tegas Pidana Dan Etik Anggota Melanggar," Liputan6, November 18, 2024, https://www.liputan6.com/pemilu/read/5793126/pastikan-netralitas-di-pilkada-2024-polri-ancam-tindak-tegas-pidana-dan-etik-anggota-melanggar.
[34] Dian Purnamasari, "Polri: Anggota Yang Tak Netral Di Pilkada Diancam Sanksi Etik Dan Pidana," Kompas.id, November 18, 2024, https://www.kompas.id/artikel/polri-anggota-yang-tak-netral-selama-pilkada-bisa-dikenai-sanksi-etik-maupun-pidana.

statutory elements.[35] What the reading excludes is the use of an internal sanction as a reason not to process conduct that does meet those elements. It also implies that internal proceedings need not wait for a criminal verdict, which accords with the argument that administrative sanctions should be applied without awaiting a conviction.[36]

Institutional Dynamics and the Independence of Enforcement

Independence is the criterion on which the framework is weakest. In the Gakkumdu structure, Polri investigators handle election crimes, so a case against a Polri member is investigated within the same institution as the suspect. Bawaslu and the Prosecutor's Office provide external checks at other stages, but the investigative stage, where evidence is gathered and where a case can be discontinued, remains internal. Aggregate figures show how many cases leave the process at an early point. Polri reported that, of 322 reports of election crimes received up to 26 February 2024, 149 were still under review, 108 had been discontinued, and 65 were being handled by investigators.[37] The publicly available reports consulted for this article do not separate cases involving Polri members from these totals, which limits external scrutiny of precisely the cases in which independence is most in question.

Two episodes from the 2024 regional elections show how the first assessment of such cases tends to be internal. In South Sulawesi, the regional Propam took action against two officers who attended a candidate's declaration without leave or an assignment letter, and a Propam official stated that violations of discipline and of the code of ethics had been found and that an ethics hearing would follow if strong evidence of active involvement emerged.[38] In November 2024, the National Police Chief told the House of Representatives that members had been acted against for neutrality violations and invited reports to Propam, Bawaslu, or other channels.[39] A week later he stated that election crimes are regulated through

[35] Ranap Tumpal, "Rakernis Reserse Polri, Bawaslu Ungkap Sembilan Pelanggaran Pemilu Yang Sering Terjadi," Badan Pengawas Pemilihan Umum, March 14, 2023, https://www.bawaslu.go.id/id/berita/rakernis-reserse-polri-bawaslu-ungkap-sembilan-pelanggaran-pemilu-yang-sering-terjadi.
[36] Kosasih et al., "Beyond Criminal Law: Repositioning Administrative Law as the Primary Instrument of Anti-Corruption Enforcement in Indonesia."
[37] Rio Feisal and Agus Setiawan, "Polri Sebut Selama 2024 Terima 322 Laporan Pelanggaran Pidana Pemilu," ANTARA News, February 27, 2024, https://www.antaranews.com/berita/3985119/polri-sebut-selama-2024-terima-322-laporan-pelanggaran-pidana-pemilu.
[38] M Darwin Fatir and Didik Kusbiantoro, "Propam Polda Sulsel Tindak Dua Perwira Langgar Netralitas Pilkada," ANTARA News, September 20, 2024, https://www.antaranews.com/berita/4347379/propam-polda-sulsel-tindak-dua-perwira-langgar-netralitas-pilkada.
[39] Ahmad Farhan Faris and Yeni Lestari, "Kapolri Akui Anggotanya Tidak Netral Dalam Pilkada Serentak 2024, Makanya Ditindak Tegas," VIVA, November 11, 2024, https://www.viva.co.id/berita/nasional/1770597-kapolri-akui-anggotanya-tidak-netral-dalam-pilkada-serentak-2024-makanya-ditindak-tegas.

Bawaslu and Gakkumdu while the Police would also process violations internally.[40] These responses show active internal handling, which is a positive development. However, the characterization of the conduct as an ethical or disciplinary matter was made by the institution to which the officers belong, and the reports consulted do not indicate whether the conduct was referred to Gakkumdu.

The risk that follows is not that internal handling is inherently biased. It is that decisions on classification determine which regime a case enters. A case treated as a disciplinary matter may never reach the criminal track even where its elements are met, and the absence of an explicit referral rule leaves that decision to discretion. This is the practical form of the conflict of interest that arises when the enforcing institution and the suspect's employer are the same.

Evidence, Witness Protection, and Legal Implications

Evidentiary difficulty arises because violations of neutrality are often expressed through conduct that leaves little formal trace, such as presence at an event, a gesture of support, or a message in a closed group. Where such conduct is recorded, the record is typically electronic, and its probative value depends on how it was obtained and presented.[41] Election offenses must also be processed within short statutory periods, so evidence that is not secured early may no longer be available when investigators assess whether the elements are met. These conditions tend to favor the bodies with ready access to an officer's activities and records, which for a Polri member are internal bodies.

Witnesses and complainants face a particular risk because the person they accuse belongs to an institution with investigative and coercive powers. Fear of retaliation can reduce reporting, and each unreported violation leaves the neutrality standard unenforced in practice. The legislation on witness and victim protection provides the general framework, but the sources reviewed do not show a procedure designed for election reporters who accuse law enforcement officers.

These findings carry three implications for the legal system. First, deterrence is weakened when the criminal consequence for broader partisan conduct is absent in the general election regime or light in the regional regime, because officers can reasonably expect that only the internal regimes will apply. Second, equality before the law is at risk if comparable conduct produces different outcomes depending on whether it enters the Gakkumdu track or the internal track, since the classification rests on discretion and not on a stated rule. Third, public confidence in police neutrality depends on how fairly violations are seen to be handled. A meta-analysis

[40] "Kata Kapolri Terkait Netralitas Anggota Saat Pilkada Serenta," Tribatanews, November 18, 2024, https://tribratanews.polri.go.id/blog/nasional-3/kata-kapolri-terkait-netralitas-anggota-saat-pilkada-serentak-2024-81039.

[41] Dewa Gede Giri Santosa and Karell Mawla Ibnu Kamali, "ACQUISITION AND PRESENTATION OF DIGITAL EVIDENCE IN CRIMINAL TRIAL IN INDONESIA," *Jurnal Hukum Dan Peradilan* 11, no. 2 (July 31, 2022): 195, https://doi.org/10.25216/jhp.11.2.2022.195-218.

of 123 studies found that procedural justice is significantly correlated with police legitimacy,[42] which is consistent with Tyler's argument that compliance with and cooperation with legal authorities rest on the perceived fairness of their procedures.[43] When violations by officers are handled opaquely, the conditions for such perceived fairness are weakened. Because electoral integrity extends across the whole electoral cycle,[44] the loss of confidence reaches beyond the Police to the credibility of the electoral process. The link between enforcement practice and public confidence is inferred from this literature and has not been tested for Indonesian election cases.

The findings support the conclusion that weak coordination and differences in interpretation reduce the effectiveness of Gakkumdu.[45] They extend those studies in two respects. First, the analysis shows that the substance of the law is itself a source of difficulty, since the criminal provisions cover a narrower range of conduct than the ethical and disciplinary rules and differ between general and regional elections. Ishak, Famal, and Muin identify legal substance as one factor among several, and the present findings give it concrete content for Polri members. Second, the analysis adds a problem that studies of election offenses in general did not address, namely the position of the Police as both an investigating member of Gakkumdu and the employer of the suspect. Nothing in the findings contradicts the earlier studies, but they indicate that the weaknesses described there are likely to be more serious when the suspect is a police officer.

The findings are consistent with the observation of Budiarsih and Sushanty that ethics enforcement against police officers is less complete than criminal enforcement.[46] The election cases examined here differ in one respect. In the narcotics context, the ethics process tended to follow the court's judgment, whereas in the election context Polri has publicly stated that criminal and ethical sanctions may be applied together, and the Propam example shows an ethics process being prepared before any criminal decision. At the level of declared policy, the findings therefore partly diverge from that earlier pattern. Whether practice matches policy cannot be established from the available sources, because outcomes are not published in a form that allows comparison, and this limitation is itself a finding about transparency. The findings also support the claim of Kosasih and colleagues that non-independent internal supervision limits enforcement and that

[42] Angus Chan, Ben Bradford, and Clifford Stott, "A Systematic Review and Meta-Analysis of Procedural Justice and Legitimacy in Policing: The Effect of Social Identity and Social Contexts," *Journal of Experimental Criminology* 21, no. 2 (June 11, 2025): 349–406, https://doi.org/10.1007/s11292-023-09595-5.
[43] Tom R Tyler, "Procedural Justice, Legitimacy, and the Effective Rule of Law," *Crime and Justice* 30 (2003): 283–357, https://www.jstor.org/stable/1147701.
[44] Norris, *Why Electoral Integrity Matters*.
[45] Ishak, Fahmal, and Muin, "Penegakan Hukum Terhadap Tindak Pidana Pemilihan Umum Oleh Sentra Penegakan Hukum Terpadu."
[46] Budiarsih and Sushanty, "LAW ENFORCEMENT AGAINST POLICE OFFICERS INVOLVED IN DRUG ABUSE BASED ON JUSTICE VALUES."

administrative sanctions should not await conviction.[47] They qualify the emphasis on administrative law as a primary instrument, because in this context administrative and disciplinary sanctions are applied by the same institution to which the officer belongs. Administrative enforcement can serve as a primary instrument only where an independent actor, such as Bawaslu, can review or trigger it, and this is the condition that the present findings identify as missing.

Finally, the findings add an institutional dimension to the literature on police politicization. Siregar, Raffiudin, and Noor argued that the regime used the Police as a political instrument between 2014 and 2020,[48] and Jackman and Maitrot described how ruling parties in Bangladesh can direct the police against their opponents.[49] The present analysis supports their premise that police neutrality is a precondition of fair political competition, but it does not depend on proof of political instrumentalization. It shows that accountability gaps arise from the design of the enforcement framework, in the form of the narrow criminal core, the lack of a referral rule, and the internal first assessment, even when no actor intends to use the Police for partisan ends. The findings therefore extend the political explanation with a legal-institutional one. They also differ from the Bangladeshi case, where the central problem is the open dependence of the police on the ruling party, because Indonesia has formal prohibitions and external supervisory bodies whose operation is the issue. Taken together, the findings support earlier work on the existence of coordination problems, extend it by identifying the substantive and structural sources of those problems for police suspects, and qualify two propositions, namely that internal ethics enforcement lags behind criminal enforcement and that administrative law should serve as the primary instrument.

CONCLUSION

The framework for enforcing election rules against Polri members is only partly effective when judged by coherence, independence, and consistency. The prohibition of partisan conduct is stated consistently across the electoral, criminal, ethical, and disciplinary regimes, yet the criminal core is narrower than those prohibitions and differs between general and regional elections, which limits coherence. Independence is the weakest criterion, because Polri investigators handle cases in which a Polri member is the suspect and the first assessment of a case is often made inside the institution. Consistency cannot be confirmed, since outcomes are not published in a form that allows comparable cases to be traced.

Most of the accountability gaps identified here come from the design of the enforcement framework and not from any deliberate partisan use of the Police. The

[47] Kosasih et al., "Beyond Criminal Law: Repositioning Administrative Law as the Primary Instrument of Anti-Corruption Enforcement in Indonesia."
[48] Siregar, Raffiudin, and Noor, "Democratic Regression in Indonesia: Police and Low-Capacity Democracy in Jokowi's Administration (2014–2020)."
[49] Jackman and Maitrot, "The Party-Police Nexus in Bangladesh."

analysis supports this view through a taxonomy of four liability regimes and a reading of their relationship as non-substitution instead of sequential priority. In doing so, it extends earlier studies of Gakkumdu and of police accountability, which addressed election offenses in general or other forms of misconduct. The study is doctrinal and relies on aggregate figures and reported cases, so it cannot measure how often Polri members are actually sanctioned. Future research should therefore examine case-level outcomes across the four regimes and compare the Indonesian arrangement with jurisdictions that assign the investigation of police misconduct to an independent body.

Reform should begin with the substantive law and then move to institutions and transparency. The first priority is to harmonize the criminal provisions on the neutrality of Polri members across the general and regional election laws, because coherent norms are the condition for every other improvement. The second is to require internal bodies to notify Bawaslu of alleged violations by Polri members, to allow the regimes to proceed in parallel, and to provide independent review of any decision to discontinue a case. The third is to publish disaggregated data on how these cases are handled and to establish a reporting procedure that protects those who accuse officers, so that the effect of the first two reforms can be tested over time.

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