

## The Action Against of TNI Who Involved in the Election Campaign Reviewed from Institutional and Authority Theory



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**ABSTRACT:** The TNI is not included in the Gakkumdu Center institution. The TNI is one of the law enforcers in implementing general elections. As law enforcers who are not included in the Gakkumdu Center, violations committed by the TNI will be delegated to institutions authorized to handle TNI violations that are also involved in the campaign. The research method used is normative, namely researching and studying using statutory regulations. The results of the research are that action against the TNI who were involved in the election campaign is related to action against TNI neutrality, Bawaslu's role is to provide supervision related to preventing TNI non-neutrality and in this case Bawaslu can only make recommendations. TNI who are proven to be involved in practical politics are siding with and providing support to political parties and the candidate pairs being put forward will be dealt with firmly by the TNI commander. The authority to take action against the TNI who were involved in the campaign at the Gakkumdu Center rests with Bawaslu which only provides recommendations which are then delegated to the State Civil Apparatus Committee for follow-up. The design of the Gakkumdu Organization so that it can take action against the TNI even though there is military justice is that the prosecution of the TNI by the Gakkumdu organization must be designed in such a way, namely by making the handling of general election violations with an institution that has been created as a specialist for handling election crimes so that the handling of violations of the TNI's involvement in the campaign can be resolved in an efficient manner. effective and not complicated. It is necessary to add clauses to the Law on Elections by strengthening the tasks, authority, duties, obligations, roles and functions of institutions that lead to the transformation of their function as a control institution that handles general election crimes.

**KEYWORDS:** Enforcement, TNI, Elections, Institutions, Authority.

### I. INTRODUCTION

Democracy is a political system which shows that all matters related to policy in general are very dependent on the approval of the majority of the people through representatives who are elected by the people in general elections and are supervised based on the principles of political equality in principle and are held freely. to provide guarantees of political freedom itself. One form of democracy is general elections to elect the people's representatives. General elections are a democratic mechanism initiated and held in Indonesia which is carried out fairly and freely. In the 2004 elections, the TNI and Polri did not exercise their right to vote, so this required the TNI to be neutral on all matters relating to politics in line with applicable regulations. Neutral is defined as being impartial, having no political content, and standing in the middle as a referee so that this meaning shows the placement of the TNI as a guard, as a monitor, ready to secure, and be as fair as possible. TNI neutrality is a mandate in implementing internal TNI reforms based on the Law - Law Number 34 of 2004 concerning the Indonesian National Army, namely that the TNI is neutral in political life and does not involve itself in practical political activities.

In carrying out its duties, the TNI is prohibited from siding with one party in elections. The TNI must maintain its distance and not be influenced to be used as a tool for party interests. The neutrality of the TNI is one of the main demands for reform to support the democratic party, which includes elections, which must be implemented in the field by the TNI by prioritizing professionalism to carry out its main tasks and functions. It is necessary to believe that as a state agency to maintain national defense and sovereignty, the TNI will always stand on national interests, not on the interests of political parties. The politics of the TNI are state politics and national politics. To maintain TNI neutrality in general elections, supervision is carried out by Bawaslu. This is as regulated in article 93 letter f of Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections into Law states that Bawaslu is tasked with "overseeing the neutrality of the state civil apparatus, the neutrality of members of the Indonesian National Army, and the neutrality of members of the Indonesian National Police".

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Further provisions regarding TNI neutrality are regulated in article 95 letter e of Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the establishment of government regulations in lieu of Law Number 1 of 2022 concerning amendments to the Law – Law Number 7 of 2017 concerning General Elections becomes a Law stating that "Bawaslu has the authority to: recommend to the relevant agencies regarding the results of supervision of the neutrality of the civil-state apparatus, the neutrality of members of the Indonesian National Army, and the neutrality of members of the police of the Republic of Indonesia". In carrying out its duties, the TNI must maintain neutrality in the implementation of general elections. The TNI is also prohibited from involved in practical politics such as campaigns. Regarding the prohibition on campaigning in general election campaign activities, it is regulated in Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the establishment of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections into Law, namely in article 200 paragraph (2) which states that "Executors and/or campaign teams in Election Campaign activities are prohibited from including: g Indonesian National Police and the National Police of the Republic of Indonesia."

In article 306 paragraph (2) Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2022 2017 concerning General Elections into Law states that "provincial governments, district/city governments, sub-districts, sub-districts/villages, the Indonesian National Army, and the National Police of the Republic of Indonesia are prohibited from taking actions that benefit or harm election participants, campaign implementers, and teams." campaign". Furthermore, in article 317 paragraph 2 letter d Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to the Law Number 7 of 2017 concerning General Elections becomes a Law which states that "to forward findings and reports regarding election criminal violations to the National Police of the Republic of Indonesia". In the event that the TNI is proven to have violated the prohibition on being involved in the campaign, it will be subject to legal threats as stated in article 494 of Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the establishment of government regulations in lieu of Laws. Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections into a Law which states that: "Every state civil servant, member of the Indonesian National Army and the State Police of the Republic of Indonesia, village head, village apparatus, and/or "Village deliberative body members who violate the prohibition as intended in Article 280 paragraph (3) shall be punished with imprisonment for a maximum of I (one) year and a fine of a maximum of IDR 12,000,000.00 (twelve million rupiah)."

In the institutional handling of election crimes, article 2 of General Election Supervisory Body Regulation Number 3 of 2023 concerning the Integrated General Election Law Enforcement Center states that "Handling of Election Crimes is carried out under one roof in an integrated manner by Gakkumdu." Then, in Article 5 of the General Election Supervisory Agency Regulation Number 3 of 2023 concerning the Integrated General Election Law Enforcement Center, it is stated that "the Gakkumdu organization consists of Bawaslu, the Police and the Prosecutor's Office". In the provisions of articles 476 to article 487 of Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 In 2017 concerning General Elections, a law has been regulated regarding procedures for handling criminal acts in elections, starting from procedures for handling and special councils for election crimes to integrated law enforcement centers. In Law Number 7 of 2017 as has been amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections into Laws and Laws, there are no less than 67 articles containing election criminal provisions. If you look at it, the Integrated Law Enforcement Center is an institution consisting of 3 elements originating from Bawaslu, the Police and the Prosecutor's Office as the center for handling election crimes before they are submitted to court, starting from the inquiry, investigation and prosecution stages.

These provisions clearly state that the TNI is not included in the Gakkumdu Center institution. The TNI is one of the law enforcers in implementing general elections. As law enforcers who are not included in the Gakkumdu Center, violations committed by the TNI will be delegated to the authorized institutions. During the campaign period, if there are members of the TNI or their families who participate in the election to help under any pretext related to the campaign, it will be questionable regarding the mechanism for taking action against the TNI, because the TNI is not included in the Gakkumdu Center institution. Based on this, the author is then interested in discussing how to take action against the TNI who were involved in the election campaign in terms of institutional and authority theory and how the Gakkumdu organization should be designed so that it can take action against the TNI even though there is military justice.

## **II. THE ACTION AGAINST OF TNI WHO INVOLVED IN THE ELECTION CAMPAIGN VIEWED FROM INSTITUTIONAL AND AUTHORITY THEORIES**

Initially, the separate ABRI institutions were led by each Force Commander: Minister of Navy, Minister of Army Commander, Minister of Force Commander: Minister of Navy, Minister of Army Commander, Minister of Air Force, and Minister of Police

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Force. Subsequently, it was integrated into the Department of Defense and Security (Dephankam) overseeing the Chief of Staff A.L., Chief of Staff A.D., Chief of Staff A.U., and Chief of Police based on Law Number 20 of 1982. After the reform of the Indonesian Armed Forces it became the Indonesian National Army based on Law - Law Number 3 of 2002 and Law Number 34 of 2004. The TNI consists of the Army, Navy and Air Force. The political and legal situation of the TNI institution has led to the strengthening and birth of new institutions at the level below the Minister. The National Resilience Council and the Maritime Security Coordinating Agency are non-structural state institutions.

TNI officers who are involved in campaigns and practical politics will be given the threat of 1 year in prison and a fine of Rp. 12 million. The prohibition on involving TNI officers in election campaigns is one of the mandates that TNI officers must carry out. This is due to the neutrality of the apparatus in elections and local elections which applies within the TNI apparatus so that it can be understood, guided and implemented by all TNI soldiers. TNI officers are prohibited from providing comments, assessments, discussions, directions or anything related to election contestants to their families or the community. Officials are also prohibited from being present at election organizers and storing or attaching election attributes to institutions and equipment owned by the TNI. Based on the provisions in article 39 of Law Number 34 of 2004 concerning the Indonesian National Army, it is stated that: "Soldiers are prohibited from being involved in activities as members of political parties and practical political activities."

Professional soldiers are soldiers who are trained, educated, well equipped, do not engage in politics, do not do business, and are guaranteed their welfare, and follow the state's political policies. From this meaning it can be judged that the TNI is only allowed to participate in state politics. The TNI is subject to the policies and political decisions that have been made by the President through state procedures. TNI officers will be subject to sanctions, namely a criminal penalty of 1 year in prison and a fine of Rp. 12 million if it can be proven that the TNI was involved in the campaign. Meanwhile, these sanctions are contained in article 494 of Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 In 2017 concerning General Elections it became law. The next form of participation that the TNI is not permitted to carry out is carrying out, becoming a participant and campaign team participating in the election. The TNI is also prohibited from taking actions that benefit or harm campaign team participants in the elections. The TNI is also prohibited from exercising its right to vote in elections because it must act neutrally in elections. This is because the TNI has the function of preventing conflict in society, maintaining order, and maintaining national unity and integrity. All TNI personnel related to TNI neutrality are prohibited from providing TNI premises or facilities and infrastructure to candidate pairs and political parties to use as campaign tools. TNI who are proven to be involved in practical politics are taking sides and providing support to political parties and the candidate pairs being put forward will be dealt with firmly by the TNI Commander. The TNI institution as the TNI consists of the TNI Headquarters which oversees the TNI Army Headquarters, the TNI Navy Headquarters, and the TNI Air Force Headquarters. Action against the TNI which cannot maintain its neutrality in the implementation of general elections is carried out by the Army Chief of Staff (KSAD).

The TNI institution has values in an institutional order that are difficult to separate from social life. According to Scott, New Institutional Theory is related to the institutional approach in studying organizations. Institutions in the TNI include a group of TNI who work together with a certain division of tasks to achieve a desired goal. Thus, institutions or especially formal institutions such as the TNI place more emphasis on implementing the rules within them (the rules) which serve as guidelines for implementing the work of TNI institutions and collective activities in realizing the interests of society. Institutional theory explains that the TNI organization and its environment are related to how and why the TNI organization implements structures and processes as well as the consequences of the TNI institutional processes implemented. Institutional theory will explain the roles and decision making which are often influenced by the beliefs and rules adopted by the TNI organizational environment. If viewed through institutional theory, then taking action against the TNI involved in the election campaign must have a strong commitment in carrying out its duties to maintain neutrality in the implementation of elections so that the ultimate goal of a policy can be achieved.

With so many state institutions today, the functions and duties of implementers in one institution and another often overlap. So, in government there should be synergy between state institutions to organize things as a whole. The TNI is a state institution mentioned in the 1945 Constitution of the Republic of Indonesia. Its institutional arrangements must be based on law. To regulate TNI institutions in accordance with the reform mandate of political conditions, a legal product is needed that regulates TNI institutions in a structured manner based on the 1945 Constitution, Decree of the People's Consultative Assembly of the Republic of Indonesia Number VII/MPR/2000 concerning the role of the Indonesian National Army and the State Police. Republic of Indonesia and Law Number 3 of 2002 concerning National Defense. The DPR and the President issued Law Number 34 of 2004 concerning the Indonesian National Army to regulate the nature and institutions of the TNI.

In state institutions, the TNI does not function as a state administrator or government administrator, which during the New Order era covered all levels it could enter. The TNI plays a role as a state tool in the defense sector which in carrying out its duties is based on state policies and political decisions. In carrying out its role and duties as a state instrument in the defense sector, the TNI can only be deployed and used according to state political decisions. The TNI institution as a state instrument in the defense sector functions as follows:

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- a. Antidote to every form of military threat and armed threats from abroad and within the country against the sovereignty, territorial integrity and safety of the nation;
- b. Take action against every form of threat as intended in paragraph (1) letter a; And
- c. Voters regarding the country's security conditions which are disrupted due to security chaos.

The TNI institution is a product of legal politics as a crystallization of competing political wills in the implementation of law so that certain political backgrounds can give birth to laws with certain characters. The TNI has established a complaint post if the public finds its soldiers are not neutral in the 2024 elections. There are sanctions from reprimands to criminal penalties for TNI members who are involved in practical politics. Regarding enforcement of TNI neutrality, Bawaslu's role is to provide supervision regarding preventing TNI non-neutrality. Regulations for taking action against TNI non-neutrality are still weak in 2019. Weak regulations regarding action against TNI non-neutrality mean that Bawaslu can only submit recommendations to the State Civil Apparatus Committee (KASN). Next, KASN will also review again so that it can only issue recommendations to regional governments if there is TNI non-neutrality.

The authority to handle election violations generally lies with Bawaslu, for handling election crimes it must be through the Gakkumdu Center. If the procedures at the Gakkumdu Center are skipped, then the handling of election violations will be procedurally flawed. The authority and responsibility for deploying TNI forces lies with the President. Based on Law Number 3 of 2002 concerning National Defense, it is also regulated in article 17 of Law Number 34 of 2004 which states that "in terms of the deployment of TNI forces, I am responsible to the President".

Apart from having its own legal rules, in the military world there is a military justice body which has the authority to handle cases related to the TNI. Within the military sphere, there is a military justice body which has the authority to handle cases related to the TNI. The definition of military justice can be seen in the provisions of article 5 paragraph (1) of Law Number 31 of 1997 concerning Military Justice which states that: "Military justice is the executor of judicial power within the armed forces to uphold law and justice by taking into account the interests of maintaining state defense and security. ." The background to the formation and composition and organizational structure of the TNI in Indonesia means that the authority to handle if the TNI commits election violations will be delegated to the Military Court.

Previously, it was emphasized that the authority to take action in the context of prevention and enforcement in the prevention task of Law Number 15 of 2011 concerning General Election Organizers is the task of Bawaslu. In law enforcement, Bawaslu together with the Police and Prosecutor's Office are joined in carrying out law enforcement to prosecute general election crimes. The Gakkumdu Center has an important role in handling General Election crimes. In the provisions of article 486 paragraph (1) of Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 In 2017 regarding General Elections becoming law, it was stated that the formation of the Gakkumdu Center was intended to equalize understanding and patterns for handling election crimes by Bawaslu, the Police and the Prosecutor's Office. However, it is said that the existence of the Sentra Gakkumdu unit is not optimal due to its weaknesses and shortcomings. One of them is that the institutional status is still temporary, the personnel who are members of the Gakkumdu Center have not been able to allocate their skills and time for the process of handling election crimes, including taking action against the TNI involved in the campaign. There was disharmony in the process of suspected election crimes because supervision was carried out with the involvement of 3 institutions, namely Bawaslu, the Police and the Prosecutor's Office.

From an institutional perspective, there are several things that are considered important to form a unified election law enforcer within the Gakkumdu Center. Within this scope, there are 4 things that need to be taken into account in creating a strengthened Gakkumdu Center, including:

1. Institutional framework, that the Gakkumdu Center is a separate part of the Election institution. The Gakkumdu Center is only formed during the election stage and will be disbanded when the election stage has to be carried out. This form will give rise to counterproductive discontinuities in the transfer of knowledge and transfer of cases. This pattern of inadequate knowledge transfer can occur if officials from the Prosecutor's Office and the Police undergo rotation or transfer. Handling election law which is *lex specialist* in nature will take time, so fields that are considered more specialized become needed. It should be noted that the process of handling election crimes is different from general crimes, where in suspected election crimes the strict time limits provide the possibility of elemental mis-administration and the absence of evidence and witnesses. In the process of submitting cases, many non-linear patterns were found in general election law enforcement. The limited perspective and difference in assessment between entering and being suspected of being in the realm of election crime or not ending up being biased means that it is not certain that an act that is assessed as an election crime in Bawaslu's assessment will also be assessed as an election crime by the Prosecutor's Office and the Police.
2. Legitimacy according to statutory regulations. Legislation that specifically regulates matters related to elections places the position of the Gakkumdu Center as the sole authority to handle election crimes. Thus, no other institution is given this attribution authority, except for the Gakkumdu Center. Even the Police and Prosecutor's Office are not given this authority, except within the framework of cooperation with tiered general election supervisors. In Law Number 7 of 2017 concerning

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General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections into Law – The law relating to election crimes contains 66 articles, which regulate a number of subjects such as organizers, public officials and a number of other subjects. Operationally, the General Election Supervisory Body also issued General Election Supervisory Body Regulation Number 31 of 2018 concerning Integrated Law Enforcement Centers, in article 1 paragraph (2) states that:

The Gakkumdu Center is a center for law enforcement activities for election crimes which includes elements from the General Election Supervisory Agency, Provincial General Election Supervisory Agency, and/or Regency/City General Election Supervisory Agency, Indonesian National Police, 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.

3. There is a trend of criminal violations in General Elections which is increasing from year to year. The increasing pattern of electoral crimes in general elections provides an indication that there are political practices that require general elections to take place without upholding integrity and are far from practicing the principles of honest general elections. The violations that were created led to legal action against the election, which was a reflection of the fact that the Gakkumdu Center could not be given limited opportunities. Trends and patterns must be seen holistically as a sign that there is a systemic pattern of violations because they do not occur in just one region, in fact they are evenly distributed at almost all levels and regions where general elections are held.
4. Gakumdu centers are considered institutionalized if they can implement independence and not be subordinated to the institution of origin. The independence of the steps taken by Gakkumdu in handling general election criminal cases is guided by decisions that have been the result of studies from the three institutions, namely Bawaslu, the Police and the Prosecutor's Office. Independence in making this decision is absolutely necessary so that Gakkumdu's institutional involvement does not fall back on the form of handling criminal acts in the Criminal Code which is the authority of the two institutions, namely the Prosecutor's Office and the Police. Therefore, the placement of special prosecutors and police investigators who have competence in general election crimes is an absolute requirement. The form of guidance carried out as well as increasing knowledge and capacity in the process of investigating and investigating general election crimes requires attention, because apart from not being an ordinary crime, it has huge implications in terms of determining leadership through democratic procedures.

Law Number 15 of 2011 concerning General Election Organizers only provides regulations as a follow-up to the implementation of enforcement authority. These further provisions are then known as election law enforcement mechanisms which are known from election to election. These enforcement efforts include reporting and review mechanisms, follow-up to the results of studies in the form of criminal acts, administrative violations and codes of ethics. Following up on the task of taking action against violations, Bawaslu was then given the authority as regulated in article 73 paragraph (4) of Law Number 15 of 2011 concerning General Election Organizers. These authorities include:

- 1) Reports of alleged violations of the implementation of statutory provisions related to elections
- 2) Receive reports of alleged election administration violations and review the reports and findings, and recommend them to the authorities.

The implementation of the authority to receive and handle reports is further contained in article 249 of Law Number 8 of 2012 concerning General Elections of Members of the People's Representative Council, Regional Representative Council and Regional People's Representative Council, which states that: "Bawaslu and its subordinate ranks receive reports of election violations at every stage. Violation reports can be submitted by Indonesian citizens (WNI) who have the right to vote, election observers, or election participants. Reports of election violations are submitted no later than 7 days after the election violations are known and/or discovered. So, for the TNI involved in the campaign, the authority to take action is from Bawaslu. Then, on the report, Bawaslu follows up no later than 3 days after the report is received. Bawaslu can extend the time by 5 days to obtain additional information from the reporter. Then, election crimes based on the results of Bawaslu's study were forwarded to the Indonesian National Police. Election crime reports are forwarded to the police no later than 1 x 24 hours from the decision by Bawaslu and its staff. Bawaslu forwarded the alleged election crime violations to the police. The flow of action against allegations that the TNI is involved in the campaign is for investigators to convey the results of the investigation. Then he was handed over to a military court.

Thus, action against the TNI involved in the campaign is through the Gakkumdu Center, namely Bawaslu, which only provides recommendations which are then delegated to the State Civil Apparatus Committee for follow-up. The Gakkumdu Center is a center for handling election crimes under one roof in an integrated manner with election supervisors, investigators and prosecutors so that the handling of election crimes can be handled objectively, quickly, simply and provide a sense of justice. TNI action should be handed over to be resolved through the Gakkumdu Center so that the resolution is more effective, even though there is military justice for TNI who commit violations.

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### **III. THE DESIGN OF GAKKUMDU ORGANIZATION TO TAKE ACTION AGAINST THE TNI DESPITE MILITARY JUSTICE**

The TNI as a State apparatus in the defense sector, has a very important and strategic role in providing security in the implementation of general elections. As a security apparatus, the TNI should continue to play an active role in securing all stages of the election and should also act neutrally. The following are 5 orders from the TNI Commander regarding TNI neutrality, including:

1. Do not take sides and do not give preference to any political party and the candidate pairs they support and do not involve themselves in practical politics
2. Not providing premises or facilities and infrastructure belonging to the TNI to candidate pairs and political parties to be used as campaign tools.
3. Families of TNI soldiers who have the right to vote (individual rights as citizens) are prohibited from giving directions in deciding on voting rights
4. Do not provide any responses, comments or upload anything to the temporary quick count results issued by the survey institute
5. Take firm action against TNI soldiers and civil servants who are proven to be involved in practical politics, taking sides and providing support to political parties and their candidate pairs.

Along with the TNI leadership which has taken policy steps. This is in accordance with what is mandated in Law Number 34 of 2004 concerning the Indonesian National Army which is regulated in article 39 which prohibits every TNI soldier from becoming a member of a political party, participating in or being involved in practical political activities, as well as being elected as a legislative member in the General Election. or other political positions.

In general elections, the TNI also has strict rules for soldiers who violate the TNI's neutrality, for which sanctions will be given. The neutral attitude of the TNI has also been regulated in Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the establishment of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections becomes law. However, in the 2024 elections, specific regulations are needed that regulate the procedures and substance regarding handling violations of TNI neutrality in elections. Meanwhile, what needs to be anticipated is to strengthen existing regulations, especially regarding security for the 2024 election, where the implementation is not yet optimal, evaluation and improvements need to be carried out. Because according to experience in elections, there have been allegations of violations involving TNI soldiers who claimed they were carrying out their duties. In line with the duties and roles of the TNI, securing the implementation of elections and the TNI's assistance function to the Polri, the neutrality of the TNI in the upcoming general elections needs to be maintained and realized.

In election law enforcement, where discussing the involvement of the TNI in the campaign must look comprehensively at the issue of election law enforcement so that an institutional design can be presented that is considered effective in enforcing general election law for the TNI involved in the campaign and is proven to be not neutral. In designing law enforcement to be able to take action against the TNI, it is necessary to know the linkages in monitoring and encouraging election law enforcement. The issue of law enforcement is closely related to whether or not the election law enforcement process is running, in particular. This means that when the public sees and reports fraud in the implementation of elections, the legal mechanisms that have been provided can work or not. This is important to see the extent of the response of law enforcement and institutions to safeguard electoral rights and follow up on alleged election violations.

So, in this context it is necessary to evaluate the design of election law enforcement for the TNI which is involved in the campaign and cannot maintain its neutrality to reflect the operation of the law in holding general elections. Several problems in election law enforcement are:

1. The legal substance of the regulation of violations found many problems, giving rise to debate, unclear, overlapping, irrelevant rules and a number of other problems. The multiple interpretation rules have caused debate and have provided obstacles in the enforcement of election violations
2. Procedural law issues are also still found in handling violations. The issue of time limitations for handling criminal acts has contributed greatly to the failure to handle violations.
3. Problems with the design of law enforcement institutions which actually give rise to long, ineffective and convoluted law enforcement bureaucracies. Any suspected election violations must be reported through Bawaslu. The presence of Bawaslu is only an entry point because the respective institutions have the authority to follow up on violations. However, many alleged violations then end up at Bawaslu because they do not fulfill the elements or do not have sufficient initial evidence.

In terms of the issue of the institutional design of TNI action so that it can be effective and not complicated, action against the TNI should be given authority by the Gakkumdu Center to be able to take action against TNI violations involved in the campaign. The concept of the Gakkumdu Center as a center for law enforcement activities for election crimes involving Bawaslu, the Police and the Prosecutor's Office in carrying out inquiries, inquiries and prosecutions for election crimes in court as intended in article 1 point 38 of Law Number 7 of 2017 concerning elections In general, as changes have been made to Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017

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concerning General Elections into Law, it turns out that the explanation in the articles is different. related. In article 476 paragraph (2) Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2022 2017 concerning General Elections becomes law, the Gakkumdu Center only serves as a coordination forum for Bawaslu, with the Police and Prosecutor's Office in order to declare acts or actions that are suspected of being election crimes. Which coordination forum, in the provisions of article 481 paragraphs (1) and (2) of Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the establishment of government regulations in lieu of Law Number 1 of 2022 regarding amendments to Law Number 7 of 2017 concerning General Elections into a Law formed to equalize understanding and patterns of handling election crimes which are inherent in Bawaslu. So, even though it was formed by 3 institutions, the Gakkumdu Center is located or attached to Bawaslu, so that structurally the action against the TNI involved in the campaign is under the control of Bawaslu.

In Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections into Law – The law is quite clear about the existence of the Gakkumdu Center on the one hand and which institutions have the authority to carry out inquiries, investigations and prosecutions of criminal acts in elections. The Gakkumdu Center is only a coordination forum for Bawaslu and its staff with the Police and Prosecutor's Office in following up on reports or findings of alleged crimes. election crimes, to then be handed over to institutions authorized to carry out inquiries, investigations and prosecutions of criminal acts based on Law Number 8 of 1981 concerning Criminal Procedure Law. In taking action against the TNI, the presence of investigators from the police and prosecutors from the Prosecutor's Office in the Gakkumdu Center only serves as a coordination forum for Bawaslu, not a forum for making decisions.

Action against the TNI involved in the campaign and unable to maintain its neutrality can be considered effective if it is handled by a specialist law enforcement agency in the context of election crimes for anyone so that the resolution will not be complicated and take a long time because there is a need for delegation to handle violations against TNI involved in the general election campaign. The role and presence of the TNI in elections becomes stronger when it becomes part of the process of election violations and law enforcement. Even though there is military justice, action against the TNI who are involved in the campaign and are not neutral should be resolved by specialist legal institutions in the context of election crimes for anyone.

Based on research conducted by Sudi Prayinto, the existence of the Gakkumdu Center in the 2024 elections is considered effective because many reports or alleged findings of election crimes failed to be processed until the examination hearing at the court hearing due to disagreement over the three elements contained in the Gakkumdu Center as a result of unclear good arrangements. in Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections into Law – Bawaslu Law or Regulation Number 31 of 2018 concerning Integrated Law Enforcement Centers.

To overcome various obstacles in law enforcement for election crimes, it is necessary to strengthen the Gakkumdu Center through handling election law which is *lex specialist* in nature, so that areas that are considered more specialized become needed. *Lex specialist* law enforcement institutions in the context of election crimes for anyone who has the authority to carry out inquiries, investigations and prosecutions of election crimes without involving other law enforcement institutions in the process of making decisions. Handling of criminal acts for prosecution of the TNI involved in the campaign is based on supervisory duties with very limited authority as regulated in Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the establishment of government regulations in lieu of Laws. Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections into Law, that the handling of election crimes will be effective if the institution given the authority to do so is given sufficient authority to enforce the law independently without having to coordinate with other institutions. Thus, effective law enforcement should take action against the TNI involved in the campaign using the entire law enforcement process starting from inquiry and investigation to prosecution to court without involving other law enforcement institutions in the decision-making process in taking action against the TNI involved in the general election campaign. Thus, the existence of the Gakkumdu Center is not yet effective even though it is positioned as a law enforcement center because it is necessary to strengthen the Gakkumdu Center as a specialist legal institution in the context of election crimes for anyone in handling TNI violations involved in the campaign and unable to maintain its neutrality. TNI action by the Gakkumdu organization must be designed in such a way, namely by making the handling of general election violations with institutions created by specialists so that handling violations of TNI involvement in the campaign can be resolved effectively.

Strengthening capacity and also placing competent personnel in the process of handling election crimes to trigger a more professional performance of the Gakkumdu Center team. The Gakkumdu Center needs to be strengthened by adding clauses to Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the establishment of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections becomes law. Strengthening the Gakkumdu Center is needed in the context of general election crimes, namely by making the handling of general election violations an institution that has been created as a specialist for handling election crimes so that the

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handling of violations involving the TNI in the campaign can be resolved effectively and without being complicated. It is necessary to add clauses to Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections become a Law through strengthening the duties, authority, duties, obligations, roles and functions of institutions which leads to the transformation of their function as a control institution that handles general election crimes.

### IV. CONCLUSIONS

Taking action against the TNI who were involved in the election campaign in terms of institutional theory and authority is related to taking action against TNI neutrality, Bawaslu's role is to provide supervision regarding preventing TNI non-neutrality and in this case Bawaslu can only make recommendations. TNI who are proven to be involved in practical politics are siding with and providing support to political parties and the candidate pairs being put forward will be dealt with firmly by the TNI commander. The authority to take action against the TNI who were involved in the campaign at the Gakkumdu Center rests with Bawaslu which only provides recommendations which are then delegated to the State Civil Apparatus Committee for follow-up. The Gakkumdu Center is a center for handling election crimes under one roof in an integrated manner with election supervisors, investigators and prosecutors so that the handling of election crimes can be handled objectively, quickly, simply and provide a sense of justice. TNI action should be handed over to be resolved through the Gakkumdu Center so that the resolution is more effective, even though there is military justice for TNI who commit violations.

The design of the Gakkumdu Organization so that it can take action against the TNI even though there is military justice is that effective law enforcement should take action against the TNI who are involved in the campaign using the entire law enforcement process starting from inquiries and investigations to prosecution to court without involving other law enforcement institutions in the decision-making process. crackdown on the TNI involved in the general election campaign. Thus, the existence of the Gakkumdu Center is not yet effective even though it is positioned as a law enforcement center because it is necessary to strengthen the Gakkumdu center. It is necessary to strengthen the Gakkumdu organization to be able to take action against the TNI even though there is military justice. Action against the TNI by the Gakkumdu organization must be designed in such a way, namely by making the handling of election violations an institution that has been created as a specialist for handling election crimes so that the handling of violations involving the TNI in the campaign can be resolved effectively and without being complicated. It is necessary to add clauses to Law Number 7 of 2017 concerning General Elections as amended by Law Number 7 of 2023 concerning the stipulation of government regulations in lieu of Law Number 1 of 2022 concerning amendments to Law Number 7 of 2017 concerning General Elections become a Law through strengthening the duties, authority, duties, obligations, roles and functions of the institution which leads to the transformation of its function as a control institution that handles general election criminal acts only, so that the institutional strengthening of the Gakkumdu Center is made in a *lex specialist* manner.

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