



## Reconstructing the Role of the Election Supervisory Body in Upholding Substantive Electoral Justice in Indonesia

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### ABSTRACT

General elections serve as the primary instrument for realizing popular sovereignty within a constitutional democratic system. This study examines the reconstruction of electoral oversight in Indonesia by shifting the paradigm from a repressive, enforcement-oriented approach to a preventive model aimed at realizing substantive electoral justice. Using normative legal research with statutory and conceptual approaches, this article analyzes the limitations of repressive electoral supervision and highlights the strategic importance of prevention in protecting political rights. The findings indicate that electoral justice cannot be achieved optimally through post-violation enforcement alone. Preventive electoral oversight, emphasizing early detection of vulnerabilities, political education, system strengthening, and participatory supervision, is more effective in safeguarding electoral integrity.

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## **INTRODUCTION**

General elections serve as the primary instrument for realizing popular sovereignty within a constitutional democratic system. Through elections, the legitimacy of political authority is lawfully established on the basis of public participation, fair competition, and legal certainty. Accordingly, the democratic character of elections is not determined solely by formal procedural arrangements, but also by the assurance of electoral justice, which substantively guarantees the fulfillment of citizens' political rights..

In Indonesian constitutional practice, the implementation of general elections continues to encounter various challenges, ranging from administrative violations and electoral crimes to disputes over election results (Agustin et al., 2024; Zarkasi et al., 2025). Such violations not only have the potential to undermine the integrity of electoral processes, but also weaken public trust in democracy. This condition underscores that electoral justice should not be understood merely as post-violation law enforcement, but must be positioned as a principle inherent in all stages of the electoral process (Hosnah et al., 2024; Rizaldy, 2024).

Electoral law studies in Indonesia have predominantly positioned election supervision within a repressive law enforcement framework (Rusmana, 2024). The primary focus has been directed toward the enforcement of violations and the resolution of disputes after infringements have occurred. Although this approach remains important, it often neglects the preventive dimension as a central strategy for safeguarding the quality and fairness of elections. Consequently, election supervision is more frequently assessed based on the number of cases handled, rather than on the effectiveness of preventing violations from occurring.

The Election Supervisory Body (Badan Pengawas Pemilihan Umum—Bawaslu), as the institution responsible for election oversight, holds a constitutional mandate to ensure the conduct of honest and fair elections. However, in practice, Bawaslu's role is frequently reduced to that of an institution solely focused on sanctioning electoral violations (Febryanto & Hertati, 2024; Satria & Rahman, 2023; Widhiandono & Ningtyas, 2023). This paradigm places Bawaslu in a reactive position, thereby preventing election supervision from fully functioning as a systematic and sustainable preventive instrument.

Numerous previous studies have examined the role, authority, and institutional dynamics faced by the Election Supervisory Body (Badan Pengawas Pemilihan Umum) in the enforcement of electoral law. Nevertheless, these studies have generally not comprehensively integrated the function of election supervision with the concept of substantive justice, nor have they positioned the prevention of violations as the primary benchmark for supervisory effectiveness. Consequently, a scholarly gap remains regarding how election supervision should be reconstructed in order to align with principles of electoral justice that prioritize the substantive protection of political rights.

Building upon the foregoing discussion, this study is directed toward examining the importance of reorganizing the role of election supervision by shifting its orientation from a predominantly repressive approach to a more preventive one. A preventive approach is considered to possess stronger relevance in realizing electoral justice, as it does not merely concentrate on sanctioning violations, but emphasizes early-stage prevention through the strengthening of supervisory systems, the enhancement of political literacy, and the involvement of the public in election oversight.

This article makes a significant contribution to the development of electoral law scholarship by offering an alternative perspective on electoral justice that emphasizes prevention as the primary indicator of supervisory performance. The conceptual strength of this study is reflected in its effort to reconstruct the role of Bawaslu, repositioning it not merely as an electoral law enforcement body, but as a strategic institution in realizing substantive and sustainable electoral justice in alignment with the principles of constitutional democracy and the foundational values of Pancasila.

## LITERATURE REVIEW

### *The Concept of Electoral Justice*

Electoral justice constitutes an essential concept within democratic systems, functioning to ensure the equal fulfillment of citizens' political rights and to protect electoral processes from fraudulent practices (Alfarizi & Zwiki, n.d.; Purnama et al., 2023). From a normative perspective, electoral justice is understood as a set of legal mechanisms designed to prevent, rectify, and resolve violations that may occur throughout all stages of the electoral process (Abdullah, 2022; Kusuma & Budianto, 2025). This concept underscores the importance of a clear legal framework, effectively functioning supervisory institutions, and dispute resolution mechanisms capable of safeguarding the integrity of electoral processes (Jaidun & Jaang, 2024; Manik & Siregar, 2025; Siagian, 2024).

Nevertheless, electoral justice cannot be narrowly interpreted as a purely procedural and legalistic matter. Several democratic theorists emphasize that the quality of democracy is largely determined by the extent to which justice is genuinely experienced by electoral participants and voters. Within this framework, electoral justice is understood as substantive in nature, meaning that it is not measured solely by compliance with formal procedures, but also by the capacity of the electoral system to prevent injustice from emerging from the earliest stages of the electoral process.

### ***Election Supervision in the Perspective of Indonesian Electoral Law***

Within Indonesia's constitutional system, election supervision constitutes an integral element of the conduct of democratic elections. The establishment of the Election Supervisory Body (Badan Pengawas Pemilihan Umum – Bawaslu) is intended to ensure that all stages of elections are carried out in accordance with the principles of direct, general, free, confidential, honest, and fair elections (Wisnaeni et al., 2024). Normatively, Bawaslu's authority encompasses two principal dimensions, namely the prevention of electoral violations and the enforcement of electoral law..

Nevertheless, electoral law scholarship in Indonesia tends to position Bawaslu's role predominantly within a law enforcement framework. A number of normative studies highlight Bawaslu's function as a quasi-judicial institution authorized to handle administrative violations and disputes arising from electoral processes (Jamaludin, 2023; Nuribadah, 2023; Prasetyo, 2022). The focus of these studies is generally directed toward the effectiveness of Bawaslu's authority, procedural mechanisms for case handling, and institutional relationships between Bawaslu and other law enforcement bodies.

Such an orientation indicates that election supervision is still largely understood within a repressive paradigm, namely acting only after violations have occurred. Consequently, the performance of election supervision is often assessed based on the number of cases handled, rather than on the success of minimizing electoral violations.

### ***The Repressive Paradigm and Its Limitations***

The repressive paradigm in election supervision entails fundamental limitations. This approach tends to be reactive and sanction-oriented, and therefore fails to adequately address the underlying causes of electoral violations (Amin, 2024; Wahanisa et al., 2025). Excessive reliance on legal enforcement has the potential to weaken public trust, as the law operates only after the integrity of elections has already been compromised. In the Indonesian context, the repressive approach also generates institutional implications, including an increased workload for Bawaslu, the potential for inter-institutional authority conflicts, and public perceptions that reduce election supervision to a purely punitive instrument. These conditions underscore the urgency of shifting the supervisory paradigm toward a model that is more preventive and educative (Manihuruk & Sinaga, 2025; Zöllner, 2022).

### ***Preventive Election Supervision as an Alternative Approach***

Prevention-based election supervision positions preventive efforts as the primary strategy for ensuring the realization of electoral justice. Preventive measures are implemented through various instruments, including electoral vulnerability mapping, the strengthening of supervisory systems, the enhancement of political education, and the involvement of the public in participatory oversight. (Antari & Mahendra, 2025; Bachtiar et al., 2024; Masdiyanto et al., 2024) This approach emphasizes that the prevention of violations constitutes a crucial indicator for assessing the effectiveness of modern electoral justice systems.

Numerous international studies demonstrate that supervision oriented toward prevention is more effective in safeguarding electoral integrity than reliance on purely repressive approaches (Bay, 2025; Diepreye, 2024). Nevertheless, within the Indonesian context, studies that explicitly position prevention as the primary indicator of election supervisory performance remain relatively limited and have not yet been systematically developed within electoral law discourse.

### *Research Position and Scholarly Gap*

Based on a review of relevant literature, it can be concluded that electoral law studies in Indonesia are still predominantly dominated by normative and repressive approaches in understanding the role of election supervision. Previous research has not comprehensively examined election supervision as a strategic instrument for realizing substantive electoral justice through preventive approaches.

Accordingly, a gap in analysis remains regarding the need to reconstruct the paradigm of election supervision. This study seeks to address that gap by positioning prevention as the core of election supervision as well as the primary indicator of achieving electoral justice. This approach is expected to enrich the body of electoral law scholarship while also providing practical contributions to strengthening election supervisory institutions in Indonesia.

## **METHODOLOGY**

This study constitutes a normative legal research aimed at analyzing the concept of electoral justice and the role of election supervision within Indonesia's constitutional system (Dr. Jonaedi Efendi & Prof. Dr. Prasetijo Rijadi, 2022; Rizkia & Fardiansyah, 2023). The research employs both a statutory approach and a conceptual approach. The statutory approach is used to examine legal norms governing election supervision, while the conceptual approach is applied to analyze and reconstruct the paradigm of electoral justice, particularly the shift from a repressive approach toward a preventive one (Prof. Dr. I Made Pasek Diantha, 2016).

The legal materials utilized in this study consist of primary legal materials in the form of statutory regulations related to elections and electoral management bodies, secondary legal materials comprising books, journal articles, and scholarly publications relevant to electoral justice and election supervision, as well as tertiary legal materials serving as supporting references. All legal materials were collected through a comprehensive literature review by tracing credible and relevant academic sources.

The analysis of legal materials was conducted using a normative qualitative method through systematic interpretation and examination of legal norms and concepts related to election supervision. The analysis focuses on comparing repressive and preventive approaches to election supervision and on reconstructing the position of election supervision as a strategic instrument for realizing substantive electoral justice.

## **RESEARCH RESULT**

### ***The Paradigm of Election Supervision in Electoral Law Practice***

The analysis of the normative framework governing election supervision indicates that election supervision in Indonesia remains predominantly dominated by a repressive paradigm. Supervision is primarily understood as a mechanism for enforcing violations through legal procedures after infringements have occurred. This paradigm is reflected in regulatory orientations and institutional practices that place greater emphasis on case handling rather than on systematic efforts to prevent violations.

Such a repressive approach causes election supervision to operate in a reactive and fragmented manner. The effectiveness of supervision is frequently measured by the number of violations addressed, rather than by the success in preventing violations from occurring. This condition has implications for the weak protection of citizens' political rights and the declining level of public trust in electoral integrity.

### ***Limitations of the Repressive Approach to Electoral Justice***

An enforcement-oriented approach to election supervision exhibits inherent limitations in realizing substantive electoral justice. Legal enforcement mechanisms operate only after violations have taken place, and therefore are unable to fully restore the political harm experienced by voters and electoral participants. Consequently, the electoral justice produced under this approach remains formal and procedural, without adequately addressing justice as it is substantively experienced. The findings of this study demonstrate that electoral justice cannot be optimally achieved when election supervision functions solely as a punitive instrument. Electoral justice requires the protection of political rights from the earliest stages of the electoral process, rather than merely corrective measures after violations have occurred.

### ***The Urgency of a Preventive Approach in Election Supervision***

Normative analysis indicates that a preventive approach occupies a strategic position in realizing electoral justice. The prevention of violations through vulnerability mapping, political education, the strengthening of supervisory systems, and public participation can significantly reduce the potential for violations before they occur. This approach enables election supervision to function as an instrument for the protection of political rights, rather than merely as a law enforcement mechanism. The results of this study affirm that the prevention of electoral violations should be positioned as the primary indicator of election supervisory effectiveness. The lower the level of violations that occur, the higher the quality of electoral justice that is achieved.

### ***Reconstructing the Role of Election Supervision***

Based on the findings of the analysis, this study identifies the need to reconstruct the role of election supervision by shifting from a repressive paradigm toward a preventive one. Election supervision should no longer be understood solely as an enforcement function, but rather as a continuous process encompassing prevention, participatory oversight, and the strengthening of electoral integrity. This reconstruction positions election supervisory institutions as strategic actors in building substantive electoral justice. Accordingly, election supervision serves not only to enforce the law, but also to ensure the quality of democracy and the protection of citizens' constitutional rights.

## **DISCUSSION**

### ***Relevance of the Research Findings to the Theory of Substantive Electoral Justice***

The findings of this study affirm that electoral justice cannot be reduced merely to compliance with legal procedures and post-violation enforcement mechanisms. Theoretically, an approach to electoral justice that is oriented solely toward law enforcement after violations have occurred tends to produce justice that is formalistic in nature (Akbar, 2022; Wijayanti & Nabila, 2025).. In this context, the results of this study reinforce the view that electoral justice must be understood as a condition that is tangibly experienced by both electoral participants and voters, including guarantees that potential violations can be prevented from the earliest stages of the electoral process.

The preventive approach emphasized in this study is consistent with the concept of substantive justice in democratic theory, namely justice that is not only delivered at the final stage through rulings or sanctions, but is constructed through systems, processes, and institutional actions oriented toward prevention (HM et al., 2024; Koval, 2022; Wahid & Wahid, n.d.).. Accordingly, the findings of this research expand the meaning of electoral justice from a merely corrective mechanism into a strategic instrument for safeguarding electoral integrity in a sustainable manner.

### ***Reconstructing the Role of Election Supervision: From Repressive to Preventive***

The results of this study indicate that election supervision practices have thus far been dominated by a repressive paradigm, in which supervisory success is often measured by the number of violations handled and processed. This pattern implicitly positions election supervisory institutions as reactive bodies oriented toward legal enforcement. Such an orientation, however, risks obscuring the primary objective of election supervision, namely ensuring the conduct of elections that are fair and possess integrity.

This research proposes a reconstruction of the role of election supervision by placing prevention at the core of supervisory functions. Under a preventive paradigm, supervision is no longer understood as a response to violations, but rather as a systematic effort to identify, map, and mitigate potential violations before they occur. This reconstruction positions the General Election Supervisory Body not merely as an enforcer of electoral law, but as a strategic actor in safeguarding electoral integrity and substantive electoral justice.

Through this approach, election supervision is transformed from a mere control mechanism into an instrument of democratic development oriented toward the prevention of injustice. This paradigm shift reflects a fundamental change in how election supervision is conceptualized, moving from enforcement toward the protection of citizens' political rights.

### **Institutional and Policy Implications of Preventive Election Supervision**

The reconstruction of a prevention-based election supervision paradigm carries significant institutional and policy implications. First, the indicators for measuring the success of election supervision must be reoriented. Success should no longer be assessed by the quantity of cases or violations handled, but rather by the supervisory institution's capacity to suppress potential violations and to create a fair electoral climate from the planning stage through the determination of results.

Second, a preventive approach requires the strengthening of institutional capacity within election supervisory bodies, including regulatory frameworks, human resources, and supporting supervisory systems. Participatory supervision and political education become essential instruments within this paradigm, as the prevention of violations cannot be borne solely by supervisory institutions, but instead requires the active involvement of society and electoral participants.

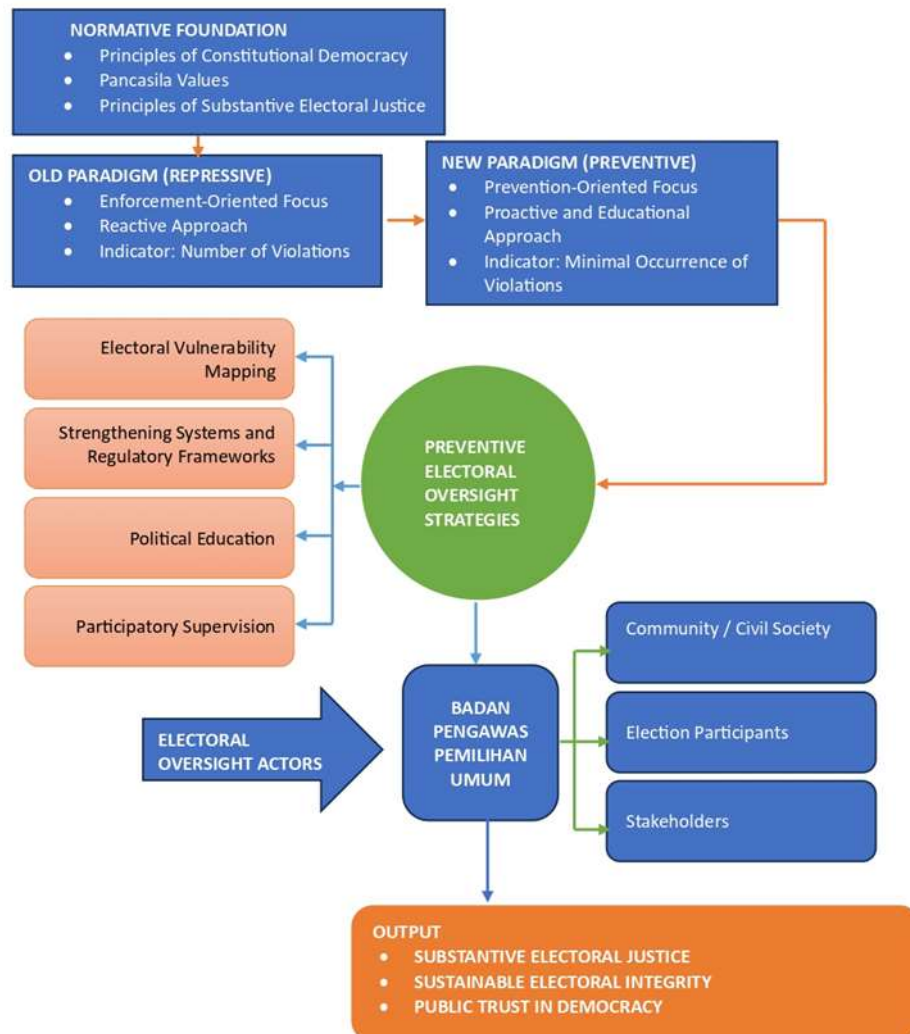
Third, from a legal policy perspective, the findings of this study indicate the need to adjust the regulatory framework governing election supervision so that it is more accommodating of preventive strategies. Regulations that overly emphasize sanctions and enforcement procedures risk constraining the space for more adaptive and contextual innovations in preventive supervision.

### ***Position and Contribution of the Study to Electoral Law Scholarship***

In contrast to previous studies that tend to situate election supervision within a normative-repressive framework, this research explicitly positions election supervision as a strategic instrument for realizing substantive electoral justice. Earlier studies generally focus on the effectiveness of authority, mechanisms for handling violations, and institutional relations within the context of electoral law enforcement. This study, however, broadens the scope of analysis by positioning prevention as the primary indicator of election supervisory performance.

The principal contribution of this research lies in the development of a conceptual framework for prevention-based election supervision that is integrated with the principles of substantive electoral justice. Accordingly, this article not only enriches academic discourse in the field of electoral law, but also offers an analytical framework that is relevant for strengthening election supervision practices in Indonesia.

As a synthesis of the findings and discussion presented above, this study formulates a conceptual model for reconstructing election supervision based on prevention. The model visualizes a paradigm shift in election supervision from a repressive approach toward a preventive approach that positions prevention as the primary indicator of supervisory success. Figure 1 presents an integrative framework illustrating the interrelationship between normative foundations, preventive supervision strategies, the roles of institutional actors, and the ultimate objective of achieving substantive electoral justice and sustainable electoral integrity.



**Figure 1. Preventive-Based Model for the Reconstruction of Election Supervision**

This figure illustrates a model for reconstructing election supervision that places prevention as the core supervisory strategy in order to realize substantive electoral justice. The model demonstrates a paradigm shift in election supervision from a repressive approach oriented toward the enforcement of electoral violations to a preventive approach that emphasizes electoral vulnerability mapping, system strengthening, political education, and participatory supervision. Within this model, Badan Pengawas Pemilihan Umum is positioned as a strategic actor that functions not only as an enforcer of election law, but also as a key driving force in building sustainable electoral integrity aligned with the principles of constitutional democracy and the values of Pancasila.

## **CONCLUSIONS AND RECOMMENDATIONS**

Based on the normative analysis and discussion presented, this study concludes that the practice of election supervision in Indonesia remains predominantly shaped by a repressive paradigm that places the enforcement of electoral violations as its primary orientation. This paradigm results in electoral justice being understood largely in procedural terms and has not yet been able to fully ensure the substantive protection of citizens' political rights.

This study affirms that electoral justice cannot be optimally realized when election supervision functions solely as a corrective mechanism after violations have occurred. Instead, a preventive approach that positions the prevention of violations as the core of election supervision is more relevant for ensuring substantive electoral justice, as it enables the protection of political rights from the earliest stages of the electoral process.

Accordingly, this study concludes that there is an urgent need to reconstruct and reposition the role of election supervision from a repressive paradigm toward a preventive paradigm. Such a repositioning frames election supervision as a strategic instrument for achieving sustainable electoral justice, strengthening electoral integrity, and enhancing public trust in constitutional democracy.

Based on these conclusions, this study recommends that election supervision in Indonesia be developed by positioning the prevention of violations as the primary indicator of supervisory performance. Preventive strategies should be implemented systematically through electoral vulnerability mapping, strengthening supervisory systems and regulatory frameworks, political education, and the development of participatory election supervision.

Furthermore, adjustments to policies and regulatory frameworks governing election supervision are necessary to make them more accommodative of preventive approaches. Strengthening the institutional capacity of election supervisory bodies is also essential, so that election supervision functions not merely as a mechanism of law enforcement, but as a means of protecting citizens' political rights and sustainably enhancing the quality of democracy.

## ADVANCED RESEARCH

This study is subject to limitations due to its reliance on a normative legal approach that focuses on conceptual analysis and regulatory frameworks of election supervision. Therefore, future research may adopt empirical approaches to examine the effectiveness of preventive-based election supervision models in actual electoral practices. Such empirical studies may explore the perceptions and experiences of election supervisory institutions, electoral participants, and the public regarding the implementation of preventive supervision strategies.

In addition, future research may develop comparative studies by examining election supervision models in Indonesia alongside those of other countries that have more systematically adopted preventive approaches. This comparative perspective is expected to enrich the conceptual framework of election supervision and provide relevant policy alternatives for strengthening the national election supervision system.

Further studies may also investigate the role of innovation and digital technology in supporting preventive-based election supervision, particularly in electoral vulnerability mapping, public engagement, and the enhancement of supervisory transparency. Such inquiries are crucial for assessing how technological integration can strengthen substantive electoral justice and increase public trust in democratic processes in the future.

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