

LAW ENFORCEMENT AGAINST ELECTION CRIMES

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Abstract: A successful general election can only be achieved if the formation of the Election Law takes in to account various aspects, including the maximum number of DPR members even though there is an increase in population. Balance between representation, simplification of the number of parties, integration of political power in the DPR, elections that bring representatives closer to the voters, encourage quality and broad-minded membership, optimize the function of parties in providing political education to their cadres, prevent the concentration of political power in one party, and prevent centrifugal processes or fragmentation between political powers, guarantee honest, fair, open, orderly and free elections and all forms of pressure. Based on the research above, it can be concluded that the regulatory regulations have been regulated in Law No. 7 of 2017 concerning elections. Election crimes are divided into violations and crimes, but the law does not clearly regulate the qualifications of these violations and crimes. This causes losses for citizens who feel their rights have been violated. Regulations regarding election crimes need to be clearly regulated to ensure legal certainty for violators. Sanctions and institutions authorized to handle this case are also regulated in Law No. 7 of 2017 concerning Elections. The institution is authorized to handle violations of the code of ethics, administrative violations, and election crimes. Sanctions for perpetrators of criminal acts have been regulated in the Election Law, with violations of the code of ethics regulated in Article 458 paragraph (12), administrative violations regulated in Article 461 paragraph 6, and election crimes regulated in Articles 448-Article 554. Furthermore, the election crime policy is regulated in Law No. 7 of 2017 concerning Elections with 66 Articles from Article 488 to Article 554. This regulation needs to be adjusted to the handling of criminal acts in elections.

Keywords: Enforcement, Law, Crime, Election.

Introduction

A successful general election can only be achieved if the formation of the Election Law takes in to account various aspects, including the maximum number of DPR members even though there is an increase in population. Balance between representation, simplification of the number of parties, integration of political power in the DPR, elections that bring representatives closer to the voters, encourage quality and broad-minded membership, optimize the function of parties in providing political education to their cadres, prevent the concentration of political power in one party, and prevent centrifugal processes or fragmentation between political powers, guarantee honest, fair, open, orderly elections and avoid all forms of pressure or other methods that are contrary to legal norms or morality, and guarantee the rights of minority representatives that cannot be achieved through elections. However, this does not mean that there are no problems in the general election process. In the election process, there are quite a lot of problems with administrative violations, election crimes, election disputes, violations of the code of ethics of election organizers, and disputes over general election results (PHPU) at the Constitutional Court of the Republic of Indonesia. The problem of violations in the election

is indeed not widely revealed and rarely receives serious attention and handling. Therefore, there are still many money politics mafias roaming around in the election.

Considering that Law Number 7 of 2017 has specifically regulated the types and severity of threats and how the handling of criminal acts in the 2024 Election must be carried out, from the start there should be no concern about the effectiveness of law enforcement against perpetrators of money politics in the 2024 Election. However, seeing the small number of reports of money politics in the 2024 Election that continued to the level of investigation, prosecution, and examination in court until a final and binding decision (*inkracht van gewisjde*) was issued, it proves that the handling of election crimes in the 2024 Election has not been effective even though there is a coordination channel between law enforcers in the *Sentra Gakkumdu* forum.

Based on the existing facts, there are people who do not want to report violations of money politics to Panwas as law enforcement officers. The weakness of the Election system that provides opportunities for legislative candidates to play money politics due to weaknesses in supervision. Violations of Article 301 paragraph (1) of Law Number 8 of 2012 that are often carried out by legislative candidates during the campaign period are money politics, which mostly involve distributing money or goods to prospective voters during the campaign period. To influence the public's decision to vote for the legislative candidate in the election. The practice of money politics is a practice that is very contrary to democratic values.

Literature Review

1. Election Crimes

Criminal law policies against election-based crimes can vary depending on the jurisdiction or country in question. This can include the implementation of strict rules to prohibit unauthorized influence and intervention in the election process, strict law enforcement against election violations, and strict enforcement of regulations against illegal campaign financing. In realizing law enforcement against election crime violations is very important for the sake of creating honest, clean and fair elections (Simamora, 2011). Election crimes are not only committed by legislative candidates or voters referred to here as political parties but can also be caused by election implementers based on their level. Such violations can be subject to criminal sanctions, including imprisonment, fines, or disqualification from the election process. Election crimes are not only committed by legislative candidates or voters referred to here as political parties but can also be caused by election implementers based on their level. Countries usually have laws that criminalize acts such as ballot falsification, manipulation of election results, voter intimidation, or other acts that violate election integrity (Prasetyo, 2011).

However, in this digital era, new challenges have emerged related to the dissemination of information, political communication, and manipulation of public opinion. Elections have an important meaning in a democratic country, because they are related to its three main functions, namely: Political legitimacy, Through elections, the legitimacy of the government or ruler is confirmed because the elected government is essentially the choice of the majority of people who have sovereignty. With elections, the circulation or change of the power elite is carried out more fairly, because citizens are the ones who directly determine who is still considered qualified as a political elite and who is not.

Method

A study cannot be said to be research if it does not have a research method (Koto & Faisal 2021). The research method is a process of collecting and analyzing data that is carried out systematically, to achieve certain goals. Data collection and analysis is carried out naturally,

both quantitatively and qualitatively, experimentally and non-experimentally, interactively and non-interactively (Koto, 2020). The research method used is normative juridical research, namely legal research conducted by examining literature or secondary data (Koto & Zainuddin 2022). In qualitative research, the process of obtaining data is in accordance with the research objectives or problems, studied in depth and with a holistic approach (Rahimah & Koto, 2022).

Result and Discussion

In the implementation of elections, violations and criminal acts certainly occur. The perpetrators of the crime are at least 2 (two) people, namely the perpetrator and the person who ordered it to be done. In their actions, both of them committed the crime. The regulation of election crimes is regulated in Articles 488 to 544 in Law No. 7 of 2017 concerning Elections. These articles only mention criminal acts and the imposition of sanctions on the perpetrators. However, the article does not discuss in detail about election crimes and whether these actions can be considered violations or crimes. If there is a violation of the code of ethics of election organizers, the institution authorized to handle the violation is the Election Organizer Honorary Council, also known as the DKPP. There is also an institution authorized to handle election crimes. To handle this problem, there is Bawaslu, both provincial, district, and/or city. Bawaslu is the Election Supervisory Body, also known as Bawaslu, is an Election Organizer institution that oversees the implementation of elections throughout the territory of the Unitary State of the Republic of Indonesia. In contrast to handling criminal acts in elections, there are several institutions that have the authority to handle crimes in election crimes.

These institutions are: Bawaslu, the Republic of Indonesia National Police, the Republic of Indonesia Attorney General's Office, the Special Criminal Tribunal and the Integrated Law Enforcement Center. The Integrated Law Enforcement Center, hereinafter referred to as Gakkumdu, is an institution that was created with the aim of aligning the understanding and pattern of handling election crimes, Bawaslu, the Republic of Indonesia National Police and the Republic of Indonesia Attorney General's Office. Gakkumdu consists of investigators from the Police and investigators from the Attorney General's Office, the investigators in question are fully tasked with handling election crimes, investigators in handling election crime cases are not given tasks from their original agencies while carrying out their duties from Gakumdu. Handling of Election Crime Violations is currently handled by forming Gakkumdu centers. The formation of Gakkumdu centers is expressly mandated in the provisions of Article 486 paragraph (1) of the Election Law, Gakkumdu centers are formed with the aim of aligning the understanding and pattern of handling election crime violations. The expectation of the existence of Gakkumdu centers in handling election criminal violations is inversely proportional to the facts of handling criminal acts handled by Gakkumdu centers (Mohd. Din, et al., 2020).

The existence of Gakkumdu centers as centers for handling election criminal violations involves Bawaslu, the Police, and the Prosecutor's Office to carry out the process of investigation and prosecution of election criminal violations in court as referred to in Article 1 number 38 of the Election Law. Talking about legal conflicts with facts or phenomena can be found in the process of handling election criminal violations, where in fact the legal norms in the Election Law provide space for such conflicts to occur. There is disharmony between the facts and the provisions of the Election Law norms, especially in several articles that have been described in the first sub-chapter. To avoid the presence of the same problems in the process of handling election criminal violations in the 2024 Election, it is mandatory to redesign the substance of the provisions of the articles in the Election Law that explain the problem of election crimes. The provisions in Article 492 of the Election Law regulate the campaign

process outside the schedule set by the KPU, both Regency/City and Provincial KPU. The use of the concept of "Campaigning in General Elections outside the schedule set by the KPU, Provincial KPU, and Regency/City KPU" is considered irrelevant, so that the proof of the provisions of this article is based on the determination of the schedule by the KPU.

Conclusion

Based on the research above, it can be concluded that the regulatory arrangements have been regulated in Law No. 7 of 2017 concerning elections. Election crimes are divided into violations and crimes, but the law does not clearly regulate the qualifications of these violations and crimes. This causes losses for citizens who feel their rights have been violated. Regulations regarding election crimes need to be clearly regulated to ensure legal certainty for violators. Sanctions and institutions authorized to handle this case are also regulated in Law No. 7 of 2017 concerning Elections. Institutions authorized to handle violations of the code of ethics, administrative violations, and election crimes. Sanctions for perpetrators of criminal acts have been regulated in the Election Law, with violations of the code of ethics regulated in Article 458 paragraph (12), administrative violations regulated in Article 461 paragraph 6, and election crimes regulated in Articles 448-Article 554. Furthermore, the election crime policy is regulated in Law No. 7 of 2017 concerning Elections with 66 Articles from Article 488 to Article 554. These regulations need to be adjusted to the handling of criminal acts in elections.

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