



Law Enforcement Against Political Crimes in Elections

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Abstract: This study aims to determine law enforcement against political crimes in elections. The method used in this study is research methodology. The type of research used is sociological, juridical, and this study uses a descriptive research approach and quality data analysis techniques. The results of this study show that law enforcement against political crimes within the scope of the 2019 legislative elections in Boalemo Regency has not been carried out optimally. From the series of cases that have been described in the discussion, which amounts to 7 cases, what can be solved by Bawaslu is only 2 cases. So that it can provide an understanding that law enforcement against election violations by Bawaslu is still not implemented properly, even though there are already regulations that regulate it. Supervision of political money should be increased by Bawaslu in the form of participatory supervision.

Keywords: Enforcement; Money Politics; Election; Making.

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1. Introduction

Power born through general elections is power born from Indonesian citizens who have the right to vote to choose their representatives who sit in the people's representative body under the conscience of the people with full hope and are used and carried out under the wishes and ideals of the people, to achieve prosperity and prosperity in state life. Voting is the most crucial stage of the election because all parties have concerns about the election results. For election participants, namely political parties and legislative candidates, this stage is a bet on whether the results of their efforts during the campaign period will be positively appreciated by voters by vote for them or not. All political parties do not recognize the cluster (old or new) to be the carrying party.¹ The state is firmly obliged to strive to fulfill the rights of every citizen.²

For voters, this stage will show them that they have an active role in choosing their representatives in the parliament in their direction and interests. Philosophically, this momentum is an actualization of the use of people's political human rights in state life. In essence, elections aim to create a clean and democratic government, create a democracy that guarantees the freedom of every citizen to exercise the right to vote/be elected as a form of political human rights, and improve government services, development, and people's welfare. These services can take the form of regulations as a limitation of the community in acting.³ Sehing will create a point of justice for the whole people. As Fenty Puluhulawa said that the government with its various policies through legislation, can create a value of justice based on the One True Godhead.⁴ Furthermore, to ensure the quality of election administration under election principles and applicable laws and regulations, supervision is formed. In this context, the election supervision agency (Bawaslu) becomes part of the election commission in charge of organizing election supervision, Bawaslu simply carries out the function of monitoring the conduct of elections, as well as carrying out the prevention and enforcement of violations.⁵

¹ Rahmat Teguh Santoso Gobel, "Rekonseptualisasi Ambang Batas Pencalonan Presiden Dan Wakil Presiden (Presidential Threshold) Dalam Pemilu Serentak." *Jambura Law Review*. 1, No. 1 (2019): 94-119.,100

² Julius Mandjo, "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations." *Jambura Law Review*. 3, No. 02 (2021): 365-77., 375

³ C.S.T. Kansil, *Hukum Tata Neagra*. (Jakarta: sinar Grafika, 2017)., 19-20

⁴ Sutrisno, Puluhulawa Fenty, and Lusiana Margaereth Tijow, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi." *Gorontalo Law Review*. 3, No. 2 (2020): 168-87., 184

⁵ Sodikin, *Hukum Pemilu: Pemilu Sebagai Praktek Ketatanegaraan*. (Bekasi: Gramatika Publishing, 2014)., 81

Before conducting an election, each election participant conducts a campaign, while in the campaign the participant (legislative candidate) offers his commitment or programs. The campaign was conducted during a predetermined time, ahead of polling day. In campaigning, every political party and legislative candidate can justify various ways and even negative impacts appear such as excessive ambition for power to commit various violations in elections such as money politics which is further mentioned in this study with money politics and black *campaigns*. and others this is done to vilify other candidates from being elected by the public at the polls. The form of violation of money politics in practice in society is by giving money or other materials, the goods given vary from clothes, groceries, scriptures, and so on. In addition, what is very worrying is that almost before election day or voting day, there is a dawn attack or what is known as money politics to get people to vote for a certain party or cadre for victory.⁶

For example, a candidate for the Dapil Boalemo-Pohuwato Provincial Parliament from the United Development Party is practicing money politics by distributing rice and money in Botumoito District, Boalemo Regency. Ahead of election day in April 2019. The illicit practice was reported by one of the residents of Botumoito District to the Bawaslu party of Boalemo Regency ahead of 20 days before the determination and inauguration of candidates for the Legislature. The complainant said that the raid occurred during a quiet period of D-3 days on polling day. However, due to the lack of evidence submitted by the complainant, the Bawaslu of Boalemo Regency did not register the report and immediately became the report as a finding. Bawaslu of Boalemo Regency followed up the report as a finding based on the provisions of Perbawaslu No. 7 of 2017 concerning the Handling of Findings and Reports of Election Violations. After conducting a preliminary investigation, the bawaslu found that there had been a practice of money politics in Botumoito District and it was carried out H-3 on the day of voting. The case has been registered and handled by the Integrated Law Enforcement Center (Gakkumdu) Bawaslu, Boalemo Regency.⁷

Based on the author's initial observations of holding simultaneous elections in the 2019 elections, many issues are heard to have occurred in money politics, but this is difficult to prove, so the impact of materialist behavior due to money politics in society is that a person chooses Caleg not because of his idealism or based on conscience but based on the surrounding environment that gives money or the like to the community.

⁶ "Data on the handling of violations derived from reports and encounters by Bawaslu of Boalemo District in the 2019 Elections."

⁷ "Data on the handling of violations derived from reports and encounters by Bawaslu of Boalemo District in the 2019 Elections."

2. Method

The type of research used is sociological juridical, which is a type of research based on norms or laws and regulations examining the process of working or interacting with the law in society. This study uses a descriptive research approach and qualitative data analysis techniques.

3. Law Enforcement Against Political Crimes in Elections

The 2019 General Election is a simultaneous General Election, where legislative elections and Presidential Elections are held simultaneously. This decision was made on the Decision of the Constitutional Court (MK) No. 14/PUU-11/2013 concerning Simultaneous Elections. The goal is to minimize the high nodes of elections and political biya, which is often experienced by every election participant. Another goal is to prevent the high practice of money politics (*money politics*) which often involves voters, and the use of power, or prevent the politicization of the bureaucracy and streamline government work schemes. Election crimes are classified into the realm of special criminal law or often also referred to as special crimes. The deviation from the provisions of the criminal law contained in the criminal regulation is an indicator of whether the criminal regulation can be said to be a special criminal act or not. So that criminal regulation or criminal law is regulated in a separate regulation. This statement is under the opinion of Pompe who said that special criminal law has its purpose and function.⁸ The absolute requirement of state sovereignty is the existence of a society that complies with the constitution and its government.⁹ Because of its essence, the constitution is a conception of the state that is the basis and limitation of the constellation of state administration systems.¹⁰

As a special criminal act, election crimes have their characteristics compared to criminal acts in general. Special characteristics in electoral crimes are defined as common characteristics or congenital and often occur during election preparation, the election process and after the general election takes place. Electoral crimes are usually committed by politicians before gaining power. Politicians engage in illicit practices during

⁸Teguh Prasetyo, *Criminal Law*. (Jakarta: Rajawali Pers, 2011), 229

⁹ Mellisa Towadi and Nur Mohamad Kasim, "An Indication of China ' s Policy towards Uighurs and Its Implications by International Law Aspects." *Jambura Law Review*. 3, No. 01 (2021): 55–71., 69

¹⁰ Ahmad dan Novendri M. Nggilu Fakultas, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution of the Constitution." *Jurnal Konstitusi*. 16, No. 4 (2019): 785–808., 791

elections to influence voters. The most common and striking manifestation of electoral crime is bribing voters directly.¹¹

The criminal characteristics of elections will provide a difference in how the parties in the scope of the election make strategies so as not to be entangled with election crimes during the implementation of elections. From the results of the study, there are several special characteristics inherent in election crimes, namely: Transactional politics or better known as buying and selling votes, where political parties or candidates buy voters' votes using money, goods, services, positions, or other financial benefits. And voters or a group of voters sell their ballots to candidates. Buying votes is a common mode, where a political party or candidate (as well as a campaign/success team) buys voters' votes by giving money or other financial benefits. This practice of buying votes is often referred to as money politics (money politics).

According to the author, the practice of money politics is an effort to mobilize voters during the electoral process. The practice of money politics seeks to get around *track record* competition between candidates by taking advantage of conditions that are not monitored intensively and taking advantage of the economic difficulties faced by society. In previous elections (whether presidential elections, regional elections, or legislative elections) the practice of money politics has always occurred, and this has caused some voters to depend on the provision of money, goods, and services. A change in the mindset of the masses that if their suffrage can be exchanged for a sum of money, is a profitable thing, even if it lasts for a moment. Where voters don't understand the risks of selling a censored ballot, candidates will seek to return. Mahfud M.D.'s opinion on politics essentially makes the law achieve the objectives of the State meaning that all legal instruments must be based on the objectives of the State.¹² Therefore, in legal politics, an invention of law and the creation of new laws under the objectives of the State is a value that must be implemented to achieve supermajority and legal justice.¹³ Quoting as said by Suwitno Yutye Imran Justice serves as a guideline to

¹¹ Wiwik Afifah, "Tindak Pidana Pemilu Legislatif Di Indonesia." *Jurnal Ilmu Hukum*. (2014): 13–28., 15

¹² Moh. Mahfud M.D, *Membangun Politik Hukum, Menegakkan Konstitusi*. (Jakarta: PT Raja Grafindo Persada, 2010)., 5

¹³ Mohamad Hidayat Muhtar, "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura Law Review*. 1, No. 1 (2019): 68-93., 73

distinguish between just and unjust acts the elements of the aspect of justice can be contained in the substance.¹⁴

Voting capital in various ways, one of which is corruption. The political mode of money in elections is usually carried out in various ways, including the distribution of money directly to individuals present in grand meetings or open campaigns, distribution of money through coordinators or group leaders as transportation and consumption costs, distribution of goods or providing services to groups (for example buying uniforms to kindergarten teachers, inviting religious tourism, and so on), providing assistance or donations for the construction of houses of worship and public facilities, providing scholarships to insurance cards that can be claimed after voting. This activity is carried out during the campaign period with the aim that the public is sympathetic to candidates who are competing in politics. The amount of money spent is very significant, ranging from Rp. 50,000,- (fifty thousand rupiah) to Rp. 300,000 (three hundred thousand rupiahs) depending on the type of meeting and services traded by individuals or constituents.¹⁵

This division of money cannot be called a political expense because it is not included in the attributes of the campaign (T-shirts, flags, posters, stickers, etc.). The political process of money is often carried out systematically and involves key figures within the group or society. In addition to giving money, goods and services directly, what is rampant is the distribution of luxury goods through lottery/door prizes. This gift-giving is another form of giving goods that are like making voters want to vote after getting the goods. Another mode used is to contribute to the construction of houses of worship and public facilities in the form of giving cement, sand, and so on. Infrastructure development carried out by candidates does not directly reach voters, but this is closely related to the facilities used by voters, so indirectly as an effort to attract sympathy. The use of political money in the implementation of elections is a criminal offense classified as a crime with a maximum prison sentence of between 2 - 4 years and a maximum fine of between Rp. 24,000,000,- up to Rp. 46.000.000,-.¹⁶ Furthermore, another mode of voting in the distribution of money is usually carried out after the election is carried out, this is along with the development of increasingly sophisticated technology, communication can only be done through social media, thus avoiding supervision from the panwas. The development of

¹⁴ Suwitno Yutye Imran, "The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments." *Jambura Law Review*. 3, No. 2 (2021): 395-410., 398

¹⁵ "Hasil Wawancara Dengan Amir DJ Koem Selaku Bawaslu Kabupaten Boalemo Pada Tanggal 23 Juni 2022 Pukul 13.00 Wita."

¹⁶ "Pasal 523 Undang Undang No. 7 Tahun 2017 Tentang Pemilu."

digitalization of information and communication technology in the form of social media exposes the public to a new reality, namely the mortal world that is visible from the screen of devices/gadgets but synchronized with real-world life.¹⁷ It is precisely in the development of this increasingly advanced technology that it is required to develop oneself.¹⁸ If you look at the various regulations that regulate the prohibition of election implementers:¹⁹

1. Any executor, participant, and/or election campaign team who intentionally promises or gives money or other materials in return to election campaign participants directly or indirectly as referred to in Article 280 paragraph (1) letter j shall be punished with imprisonment for a maximum of 2 (two) years and a maximum fine of Rp24.000.000,00 (twenty-four million rupiahs).
2. Any executor, participant, and/or election campaign team who intentionally during the Quiet Period promises or provides monetary or other material rewards to the Voter directly or indirectly as referred to in Article 278 paragraph (2) shall be punished with a maximum imprisonment of 4 (four) years and a maximum fine of Rp48,000,000.00 (forty-eight million rupiahs).
3. Any person who on the day of voting promises or gives money or other materials to the Voter not to exercise his or her right to vote or vote for a particular Election Participant shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of Rp36,000,000.00 (thirty-six million rupiahs).

Law enforcement of the practice of Money Politics in the 2019 Legislative elections in Boalemo District has been running under the laws and regulations of Bawaslu's duties, but it can be said that the enforcement of the law has not been maximized even though according to Bawaslu it is by the provisions of the existing regulations. The maximum and whether or not law enforcement can be seen from the status of the number of cases that can be solved, the data obtained by the researcher is 7 (seven) cases, but there are only (two) cases that can be solved. Therefore, in addition to enforcement as a repressive measure of bawaslu, preventive measures are carried out and also preventive measures are carried out to prevent the case from happening again. The existence of existing regulatory regulations provides equal rights for every citizen.²⁰ As it says:

¹⁷ Moh. Rusdiyanto U. Puluhalawa dan Riski Husain, "Body Shaming through Social Media as a Digital Crime in the Era of Disruption." *Jambura Law Review*. 3, No. 01 (2021): 112-123., 117

¹⁸ Dolot Alhasni, "Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right " Determination of The Legal Protection of Right-Holders To." *Jambura Law Review*. 2, no. 01 (2020): 65-82., 67

¹⁹ "Pasal 523 Undang Undang No. 7 Tahun 2017 Tentang Pemilu."

²⁰ Abdul Hamid Tome, "Dynamics of Village Head Election Arrangements." *Jambura Law Review*. 3, No. Spesial Issue (2021): 96-116., 101

"Bawaslu takes precautions by socializing the prohibited rules to the society, especially the rules regarding political money. The obstacle faced by Bawaslu is that not all acts committed are regulated in the criminal provisions of Law No. 7 of 2017 concerning elections, for example, related to the case Finding 06 alleged violations committed by one of the candidates for legislative members are clearly in violation but in the provisions of the person regulated is not regulated in the criminal provisions in question."²¹

Law enforcement is implemented as a form of legal protection for the community so that they no longer get involved in political money which is increasingly rampant among the community with various modes that are played by them. Legal protection is very necessary because it seeks to integrate various needs in the association so that there is no clash between needs and one can enjoy all the rights granted by law.²² Quoting what was said by Lisnawaty Badu where it is said that the Right to life must also be protected by the state especially the state of law.²³ The benefits are so as not to become clashes in social and state life.²⁴

Looking at the various factors above, it can provide an understanding that the task of handling election criminal violations is not only the task of Bawaslu but also the task of one agency "The Integrated Law Enforcement Center (Sentra Gakkumdu)". The institution consists of Bawaslu, the Police, and the Prosecutor's Office. Its existence is based on the mandate of Article 486 paragraph (1) of Law No.7 of 2017 which states that "to equalize the understanding and pattern of handling election crimes, Bawaslu, the National Police of the Republic of Indonesia, and the Attorney General's Office of the Republic of Indonesia formed Gakkumdu". Furthermore, under the provisions of Article 486 paragraph (11) issued Perbawaslu No. 31 of 2018 concerning Integrated Law Enforcement Centers as the basis for the establishment of this institution.

Article 1 number (2) states that the Gakkumdu Center is "the center of law enforcement activities of electoral crimes consisting of elements of the election supervisory agency, the provincial election supervisory body, and/or the district/city election supervisory agency, the national police of the Republic of Indonesia, the regional police, and/or the 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". Thus, the institutions of the

²¹ "Hasil Wawancara Dengan Amir DJ Koem Selaku Bawaslu Kabupaten Boalemo Pada Tanggal 23 Juni 2022 Pukul 13.00 Wita."

²² Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata, "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck The Legal Protection of The Leato Underwater Site / Japanese Cargo Wreck Abstract Laut Mempunyai Makna Besar Bagi Indonesia." *Jurnal Reformasi Hukum*. 24, No. 2 (2020): 189-208., 197.

²³ Badu Lisnawaty, "Euthanasia Dan Hak Asasi Manusia." *Jurnal Legalitas*. 5, No. 1 (2012): 1-11., 1

²⁴ Lusiana Tijow, "Perlindungan Hak Asasi Manusia Teriiadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah." *Jurnal Legalitas*. 3, No. 2 (2003): 79-90., 80

Gakkumdu Center include the "Gakkumdu Bawaslu Center, the Provincial Gakkumdu Center, the District/City Gakkumdu Center, and the Overseas Gakkumdu Center". Furthermore, in Article 2 paragraph (1) it is stated that the handling of election crimes is carried out under one roof in an integrated manner by Gakkumdu.²⁵

The process of handling violations of election crimes, Bawaslu Boalemo Regency carries out the process of handling election crimes both in the form of Findings and Reports referring to the strictness of Perbawslu number 31 of 2018 concerning Integrated Law Enforcement Centers. In the process, Bawaslu of Boalemo District has won 7 Findings of electoral crimes and has met the formal and material requirements so that registration and the process of handling the violations have been completed. The 7 (Seven) findings of alleged election crimes can be seen in the following table:

Table 1

Findings of the 2019 Election Crime Case in Bawaslu, Boalemo Regency

Alleged Misconduct	Alleged Perpetrators	Results of Investigation and Prosecution
4 candidates for members of the Boalemo Regency DPRD who came from Parta Kebangkita Bangsa (PKB) were passed by the Boalemo Regency KPU, who allegedly did not have time or took care of one of the nomination documents at all	4 Political Party Allegation Candidates	Found Guilty
The main culprit in the process of making false documents is an able-bodied certificate against 5 (five) candidates for DPRD members used in the nomination process	DPC Operator Boalemo Regency	PKB of Discontinued Because it does not meet the formal and material elements

²⁵ "Pasal 2 Ayat (1) Tentang Perbawaslu No. 31 Tahun 2018 Tentang Sentra Penegakan Hukum Terpadu Sebagai Dasar Pembentukan Lembaga."

The distribution of campaign materials in the form of stickers containing the Work Program / Promises belonging to the Candidate of the Boalemo Regency DPRD Member from the Partai Keadilan Sejahtera (PKS)	Candidates for Dprd Members from the Partai Keadilan Sejahtera (PKS)	Discontinued Because it does not meet the formal and material elements
The distribution of campaign materials in the form of stickers containing the Work Program / Promises belonging to the Candidate of the Boalemo Regency DPRD Member from the Partai Hati Nurani Rakyat (HANURA)	Dprd Candidate from the Partai Hati Nurani Rakyat (HANURA)	Discontinued Because it does not meet the formal and material elements
Provision of <i>political money</i> and other materials to the people in Dapil II (Dulupi-Wonosari) by dprd candidates from the Partai Persatuan dan Pembangunan (PPP)	Dprd Candidate from the Partai Persatuan dan Pembangunan (PPP)	Discontinued Because it does not meet the formal and material elements
7 (seven) programs and promises contained in the political contract agreement letter document offered by the Boalemo Regency DPRD Candidates which are circulated to supporters and other communities in Dapil I (Mananggu-Botumoito-Tilamuta)	Dprd Candidate from the Partai Demokrasi Indonesia Perjuangan (PDIP)	Discontinued Because it does not meet the formal and material elements
Distribution of stickers for Candidates for Members of the Gorontalo Provincial Parliament Dapil Boalemo Pohuwato and giving money in the amount of Rp. 50,000.00 to the community in Botumoito District	Candidate for Member of the Gorontalo Provincial Parliament Dapil Gorontalo VI Partai Persatuan dan Pembangunan (PPP)	Discontinued Because it does not meet the formal and material elements

Source: PPID Bawaslu Data Boalemo Regency

In addition to the findings, Bawaslu of Boalemo Regency also received 2 (two) Reports of alleged violations of election crimes which were officially reported to Bawaslu of Boalemo Regency. Both cases of reports of violations of electoral

crimes are because they have met the formal and material requirements so that registration is carried out and the process of handling these violations has been completed. Therefore, indirectly the perpetrator must and must be legally processed.²⁶ The 2 (two) reports of alleged election violations can be seen in the following table.

Table 2
Report of Election Crime Violations in 2019

Alleged violations	Reported	Results of Investigation and Prosecution
The vandalization of Campaign Props (APK) in the form of Billboards belonging to one of the Caleg Members of the Boalemo Regency DPRD from the Dapil I Democratic Party with Sequence Number 1 in West Pentadu Village, Tilamuta District	People	Found guilty
Involvement of Civil Servants (PNS) and Village Consultative Bodies (BPD) in the WhatsApp group of Volunteers for Prospective Members of the Boalemo Regency DPRD	Boalemo County Legislature Candidates	Discontinued Because it does not meet the formal and material elements

Source: PPID Bawaslu Data Boalemo Regency

From the two tables of Findings and Reports above, it can be seen that there are 2 cases of *money politics* handled by Bawaslu of Boalemo Regency conducted by Legislative Candidates in the 2019 Elections. Legislative Elections are "the mandate of the people to give birth to effective and quality leadership by prioritizing the principles of democracy, equality, justice, and legal certainty. Placing the people as the most important actors and must be the top priority in every process or stage of its implementation". Indeed, the essence of the exercise of democracy is that of the people. Democracy is a political process carried out at the will of the people in arranging their lives in a country. The people as "the main actors in agreeing on various consensuses and manners of the rules of the democratic game for common welfare".²⁷ The implementation of democratic elections can be one of the factors that are used as a benchmark for the extent to which government is carried out guided by democratic principles in every step

²⁶Fence M. Wantu, *Code of Criminal Procedure*. (Yogyakarta: Reviva Scholar, 2011)., 13

²⁷ Sukimin Sukimin, "Pemilihan Presiden Dan Wakil Residen Berdasarkan Undang-Undang Republik Indonesia Nomor 7 Tahun 2017 Tentang Pemilihan Umum." *Jurnal Usm Law Review*. 3, no. 1 (2020): 112-134., 114

and policy.²⁸ Policies are very important to take, as they can be a strong legal umbrella for local governments to protect.²⁹

Money politics is defined as a type of crime committed by a political party or candidate to influence the outcome of an election by promising to donate a commodity or money. The Integrated Law Enforcement Center (Gakkumdu), which enforces electoral law, plays a significant role in addressing electoral offenses such as money politics. According to Article 486 of the electoral law, Gakkumdu was formed to coordinate the approach of Bawaslu, the Police, and the Attorney General's Office in resolving electoral offenses. Given the flaws in the electoral law, Bawaslu is expected to play a major role, not only in overseeing the electoral process and preventing electoral offenses but also in cases of misconduct. However, not all election-related issues or violations, such as money politics, can be avoided or properly addressed during the actual electoral process.

The prevention of *money politics* carried out by Bawaslu in 2019 has been very optimal according to Bawaslu. However, if you look at the cases resolved, there are only two cases of money politics handled by Bawaslu Boalemo, while the number of cases as described by the researchers above amounts to 7 cases, therefore according to the researchers, the implementation of the enforcement of money politics cases has not been resolved optimally. Because in addition to the cases reported in Bawaslu, there are many cases scattered in the community that is not reported. Based on what it says:

"In our opinion, especially me personally, that in prevention we have worked optimally, plus we are socializing the dangers of political money to the community."³⁰

The prevention carried out by Bawaslu of Boalemo Regency is to carry out supervision in a tiered manner both from the district level to the village level and PTPS. In the implementation of prevention, Bawaslu conducted socialization on Law No. 7 of 2017, which is intended to convey criminal sanctions against *money politics*.

In 2019 Bawaslu of Boalemo Regency handled a case of *money politics* carried out by one of the Candidates for the Gorontalo Provincial Parliament Dapil Gorontalo

²⁸Eki Furqon, "The position of the State Civil Apparatus Commission in maintaining the neutrality of the state civil apparatus in the 2019 general elections is reviewed from Law Number 7 of 2017 concerning General Elections (Case Study on the 2019 Elections in Banten Province)." *Adjudication : Journal of Legal Sciences*. 4, No. 1 (2020): 15–28., 16

²⁹ Novendri Mohamad Nggilu, Lisnawaty Wadju Badu, and Suwitno Yutye Imran, "Legal Protection Bonda And Bulango Language : In Reality And Prospect." *Jambura Law Review*. 3, No. 1 (2020): 19–36., 32

³⁰ "The results of the interview with researchers with Yuyun Antu, SE as a member of Bawaslu as well as the coordinator of the PHL Bawaslu Division of Boalemo Regency on June 23, 2022 at 14.00 WITA."

VI of the United Development Party (PPP) initially this case originated from a report officially submitted by the RK Whistleblower, on the first day RK submitted a report related to alleged election violations regarding the provision of Rp 100,000.00 and 3 (three) liters of rice to the community in Botumoito District, the incident occurred during a quiet period that was D-1 before polling day. On the first day, the Complainant only presented a chronology of events and did not bring evidence and witnesses. Based on the provisions in Perbawaslu 7 of 2018 concerning the Handling of Findings and Reports of Election Violations, it is stated that the whistleblower must meet the formal and material requirements where the complainant in addition to conveying the chronology of the events of the alleged election offender also submits evidence and presents witnesses who know the incident.³¹

At that time, the officer who received the RC report decided to complete the file, submit evidence, and present witnesses until the specified time by the provisions in Perbawaslu 7 of 2018, which is 3 working days calculated at the time the complainant submits his Report. However, until the time specified the RC complainant did not present any witnesses who were presented by the Boalemo District Bawaslu, therefore the RC Report was not received or registered because it did not meet the material requirements of the report submitted on the Model Form B5 (Preliminary Review). Because this Report was not released, the Boalemo Regency Bawaslu followed up the Report as a Meeting therefore the Boalemo Regency Bawaslu conducted an investigation with the Gakkumdu Center to the scene to find information related to the alleged violations reported.³²

While at the scene we obtained some evidence and information directly from the consignee and the person in this case the Success Team of the Candidate who distributed the materials and money. After investigation and the results are poured into the Supervisory Results Report and followed up according to the plenary results of this case in registration as a Finding poured in the B2 model form (Findings) with Registration Number: 06 / TM / PL / Kab / 29.02 / V / 2019. Under the provisions of Article 10 Paragraph (2) point b states that "allegations of Election Crimes that have met the formal requirements and material requirements, are registered and discussed with Gakkumdu for follow-up". However, after examination and analysis, the case was stopped because it did not meet the elements of the article that was violated. As it says:

"We stopped the case of the alleged violation with registration number 06/TM/PL/Kab/29.02/V/2019 because the act committed met the element

³¹ "The results of the interview with researchers with Yuyun Antu, SE as a member of Bawaslu as well as the coordinator of the PHL Bawaslu Division of Boalemo Regency on June 23, 2022 at 14.00 WITA."

³² "The results of the interview with researchers with Yuyun Antu, SE as a member of Bawaslu as well as the coordinator of the PHL Bawaslu Division of Boalemo Regency on June 23, 2022 at 14.00 WITA."

of alleged violation but when we look at the content of the article that the money politics did during the quiet period only regulates the political money acts committed by the Presidential and vice Presidential Candidates, not the Legislative Candidates. That is our weakness in enforcing the law of electoral crimes, which sometimes there are acts committed that are not regulated in Law No. 7 of 2017, for example about *money politics* during quiet periods carried out by Legislative Candidates. In the provisions of Article 523 Paragraph (2) which is the principal of the act is in the junctokan in Article 278 Paragraph (2), in the said article it is clear The *politics of money* in the quiet period is regulated but the article only regulates the deeds in the election of the President and Vice President."³³

Discussion is an activity at Gakkumdu to follow up on findings or reports in the context of handling alleged election crimes aimed at equalizing opinions and making decisions. The discussion by Bawaslu is:³⁴

"The first discussion conducted by bawaslu, the investigator, and the prosecutor aims to conclude whether the findings or reports meet the requirements and material requirements, and determine the article to be presumed against the events of the findings or reports of alleged election crimes that have been received and registered by the Superintendent of Elections in this case Bawaslu. After that, we, together with the Gakkumdu Center, conducted a Klarifiction to the parties related to this event and we poured out the Clarification Minutes. After conducting the BAP we conducted a second Deliberation but because it was sufficient we took advantage of the handling time of 7 + 7 working days to find evidence and ask for expert witness testimony until the time determined and based on the testimony of the Expert Witness which was poured in the Minutes of Clarification, the case of alleged violators of criminal acts committed by one of the Clon Members of the Legislature carried out during the quiet period is not regulated in Law No. 7 of 2017 and The case was stopped at the level of investigation."³⁵

Therefore, the inequality of regulations that regulate and the absence of regulations that regulate the budget handled will have a bad effect on those who handle cases. Quoting as said by Erman I Rahim in his writing stated that the inaccuracy of the construction of laws and regulations governing the settlement of election disputes will have an impact on legal uncertainty, confusion among election organizers, and violations of laws and regulations. Looking at the

³³ "The results of the interview with Amir DJ Koem as Bawaslu of Boalemo Regency on June 23, 2022 at 13.00 WITA."

³⁴ "Article 1 Number 29 of Perbawaslu 31 of 2018 concerning Integrated Law Enforcement Centers."

³⁵ "The results of the interview with Aldiyanto Ahmad, HP3S Bawaslu Staff of Boalemo Regency on June 23, 2022, at 15.00 WITA."

various facts that have been described above, can provide an understanding that carrying out the task of dealing with election violations it cannot be done by one agency alone but must require the cooperation of all relevant ³⁶*stakeholders* to be able to carry out what is ordered by applicable laws and regulations. One of the collaborations must be carried out with the community, where the community is directly involved with the situation and conditions in the field. So according to researchers, this will be more effective in preventing violations of the law in elections, as is the case with Political Money which is increasingly rampant among the surrounding community when the election arrives.

4. Conclusion

Law enforcement of money politics practices in the 2019 legislative elections in Boalemo County has not been implemented to the fullest. Where from the series of cases that have been described in the discussion which amounts to 7 cases, what can be solved by Bawaslu is only 2 cases. So that it can provide an understanding that law enforcement against election violations by Bawaslu is still not implemented properly, even though there are already regulations that regulate it.

Supervision of money *politics* should Bawaslu increase supervision in the form of participatory supervision and establish anti-political money villages so that special election supervision of money politics can run smoothly and simultaneous elections in 2024 can be carried out by the people who want.

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³⁶ Erman I Rahim, "Model Dispute Resolution Nomination in the Election of the Governor." *International Conference on Technology, Education, and Social Science*. (2018). 341-350., 342

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