

Law Enforcement in Criminal Acts Regional Head Elections (Pilkada) 2020 in Binjai City by Center Integrated Law Enforcement

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ABSTRACT

Law enforcement is an important aspect that must be considered in the implementation of regional head elections. Bawaslu, the police, and the Prosecutor's Office at all levels must work together to oversee the regional head election process so that it takes place honestly and fairly. The 2020 regional head elections (Pilkada) in Binjai City were held amid the COVID-19 pandemic and experienced several violations, including election crime violations, resulting in several handling of election crime violations by the Election Integrated Law Enforcement Center (Sentra Gakkumdu). Criminal violations during the 2020 regional election campaign period were the most common offenses, including those related to the neutrality of State Civil Apparatus (ASN).

Keyword: law enforcement; election crimes; regional head elections; integrated law enforcement center

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1. INTRODUCTION

In principle, democracy requires a foundation of freedom. Two freedoms that are difficult to distinguish are individual freedom and socio-political freedom. Individual freedom naturally encompasses individuals, while socio-political freedom encompasses the people or a nation. The realization that people have political rights has ushered in a new chapter in democracy as a political system (Afifuddin, Grounding Election Supervision: A Mosaic of Critical Views and Notes from Within, 2020).

The implementation of elections is a concrete manifestation of the legal abstraction known as popular sovereignty, where the people can demonstrate their political will, most concretely by electing their leaders. There are channels for the people to express their desire to elect who they want to lead them. The people who vote may choose themselves. No one knows the true desires of every voter in the voting booth. Thus, elections are a concrete form of legal abstraction (Prasetyo, Election Philosophy, 2018).

One form of election carried out in Indonesia is the election of Regional Heads (Pilkada) as a vehicle for the democratization process in the regions. Regional head elections (Pilkada) are one form of activity that can influence political decision-making. Regional elections (Pilkada) as a form of implementation of participatory democracy which is used to carry out local leadership succession.

Direct election of regional heads (governors, district heads, and mayors) is one mechanism that is considered democratic for electing regional heads. This is a legal policy designed to strengthen the position of regional heads who receive broad legitimacy from the people. From a normative perspective, direct regional head elections require the availability of rules of the game containing detailed mechanisms and procedures, as well as sanctions and sound law enforcement. Furthermore, from a cultural perspective, it requires strong political readiness and awareness from organizers, contestants (candidates), and voters. Both aspects are crucial for achieving the ideal goals of direct regional head elections (Widodo, 2015).

In 2020, several regions in Indonesia held simultaneous regional head elections (Pilkada) amidst the COVID-19 pandemic. Although the government itself has established a policy regarding social distancing which results in social restrictions on all community activities, the government still held regional head elections (Pilkada) in 270 regions simultaneously on December 9, 2020. The purpose of the regional head elections

(Pilkada) was still carried out in the midst of a pandemic as a form of implementing democracy in Indonesia. And one of the regions that participated in the regional head elections (Pilkada) on December 9, 2020 was Binjai City, North Sumatra Province through the election of the Mayor and Deputy Mayor in 2020. Even though it was carried out in the midst of the COVID-19 pandemic, the 2020 regional head elections (Pilkada) in Binjai City still experienced several violations, including election crime violations, resulting in several handling of election crime violations by the Integrated Law Enforcement Center (Sentra Gakkumdu). Election crimes are criminal violations and/or crimes against the provisions of election crimes as regulated in the Law on the Election of Governors, Regents, and Mayors.

Criminal violations during the 2020 regional elections were recorded as the most common offenses, including those related to the neutrality of State Civil Apparatus (ASN). This is considered reasonable, because in addition to the relatively long campaign period, the campaign is also the most strategic stage for contestants to convince voters by conveying their vision, mission, and programs. Therefore, this stage has a high level of vulnerability to violations, including criminal violations (Pettalolo, 2021). Furthermore, regarding the neutrality of State Civil Apparatus (ASN), violations of neutrality by State Civil Apparatus (ASN) that violate the Election Law are recommended to the General Elections Commission (KPU) or to the Integrated Law Enforcement Center (Sentra Gakkumdu) if they involve election crimes. If the review results do not find any violations of neutrality by State Civil Apparatus (ASN), the handling process is stopped. And if it is a violation of provisions outside the Election Law, the General Election Supervisory Body will forward it to the authorized agency as stipulated in Article 36 of the General Election Supervisory Body Regulation Number 8 of 2020 concerning Handling of Violations in the Election of Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor (Edward, *Civil Servants in the Struggle for Power in Regional Elections*, 2020).

In the implementation of the 2020 regional head elections in Binjai City, there were 5 (five) handling of alleged election criminal violations, consisting of 2 (two) Findings based on the results of supervision by the Binjai City General Election Supervisory Agency and 3 (three) Reports from the public. Where the alleged election criminal violations occurred at the voter data updating stage, namely the alleged violation in the form of differences in signatures on the coklit evidence by the Voter Data Updating Officer (PPDP). Then, at the campaign stage where the involvement/participation of State Civil Apparatus (ASN) showed partiality to one of the candidate pairs. The type of alleged criminal violation that often occurred in the 2020 regional head elections in Binjai City was the involvement of State Civil Apparatus (ASN) in the campaign of the Candidate Pair by carrying out actions that benefit the Candidate Pair.

In Law Number 7 of 2017 concerning General Elections and Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law demonstrates the government's seriousness in eradicating election crimes through the establishment of the Integrated Law Enforcement Center (Sentra Gakkumdu). The Integrated Law Enforcement Center (Sentra Gakkumdu) has an important role in handling election crimes. Article 486 point (1) of Law Number 7 of 2017 concerning Elections explicitly explains that the establishment of the Integrated Law Enforcement Center (Sentra Gakkumdu) is intended to standardize the understanding and pattern of handling election and election crimes by the General Elections Supervisory Body, the Republic of Indonesia National Police, and the Republic of Indonesia Attorney General's Office.

The members of the Integrated Law Enforcement Center (Sentra Gakkumdu) themselves come from elements of the General Election Supervisory Body, the Provincial General Election Supervisory Body, and/or the Regency/City General Election Supervisory Body, the Indonesian National Police, the Regional Police, and/or Resort Police, as well as the Attorney General's Office of the Republic of Indonesia, the High Prosecutor's Office, and/or the District Prosecutor's Office. Ironically, of the many violations committed, it appears that only a few cases are processed through legal channels, and even then, if the violation becomes public opinion, even though some cases with the same motive and modus operandi in various regions, some are not resolved through legal channels, so that it seems disparate or even discriminatory.

Based on this description, comprehensive research is needed to be able to discuss or convey good ideas to reduce Criminal Violations in Regional Head Elections, especially during the campaign period.

2. LITERATURE REVIEW

Law enforcement is the stage of implementing efforts to uphold or make the function of legal rules more real as a benchmark for behavior in traffic and also legal relations in the life of society and the state.

Election Crimes are criminal acts of violation and/or crimes against the provisions of election crimes as regulated in the Law on the Election of Governors, Regents and Mayors.

Regional Head Elections (Pilkada) are the implementation of people's sovereignty in Provinces and Regencies/Cities to elect Governors, Regents and Mayors directly and democratically.

The Integrated Law Enforcement Center (Sentra Gakkumdu) is a center for law enforcement activities regarding election and election crimes which consists of elements of the General Election Supervisory Body, the Provincial General Election Supervisory Body, and/or the Regency/City General Election Supervisory Body, the Republic of Indonesia National Police, the Regional Police, and/or Resort Police, as well as the Attorney General's Office of the Republic of Indonesia, the High Prosecutor's Office, and/or the District Prosecutor's Office.

The General Election Supervisory Agency of Binjai City is an agency to supervise the implementation of the General Election and Election in the Binjai City area.

3. RESEARCH METHOD

This research is a legal study using a statute approach. The data used are secondary data obtained from the literature in the form of laws and regulations, books, and other literature related to the research problem. All collected secondary data were then grouped and analyzed qualitatively to obtain answers to the identified problems. The results of the data analysis are described and explained descriptively and analytically.

4. RESULTS AND DISCUSSION

A. *Forms of Criminal Offenses in the 2020 Regional Head Elections (Pilkada) in Binjai City*

General Elections, or "Pemilu" for short, are essentially activities to elect a person or several people to occupy a certain position (Erwinsyahbana, 2018).

A crime, a criminal act, or in other words, an act prohibited by law. If such an act is committed, there is a threat of punishment due to its unlawful nature. A crime is an act and can be punished, namely any act that is punishable by being classified as a crime or violation, whether mentioned in the Criminal Code or outside the Criminal Code (Effendi, 2011). The scope of criminal acts in regional head elections is very broad, namely all criminal acts that occur during the implementation of the regional head election stages, including (Santoso, 2006):

1. All criminal acts related to the implementation of regional head elections as regulated in the Regional Head Election Law;
2. All criminal acts related to the implementation of regional head elections which are regulated within and outside the Regional Head Election Law;
3. All criminal acts that occur during the Regional Head Election (including traffic violations, assault, violence, vandalism, etc.).

Based on data on handling violations of the 2020 Regional Head Election in Binjai City, there were 5 (five) cases of alleged election criminal violations, consisting of 2 (two) findings based on the results of supervision by the Binjai City General Election Supervisory Agency and 3 (three) reports from the public. Where the alleged election crime violation occurred at the voter data updating stage, namely the alleged violation in the form of a difference in signatures on the proof of verification by the Voter Data Updating Officer (PPDP). Then, at the campaign stage, the involvement/participation of State Civil Apparatus (ASN) shows their support for one of the candidate pairs. The type of alleged criminal violation that frequently occurred in the 2020 regional head elections in Binjai City was the involvement of State Civil Apparatus (ASN) in the campaign of Candidate Pairs by carrying out actions that benefited the Candidate Pairs.

Furthermore, when viewed and compared with the implementation of the 2024 regional head elections in Binjai City, there were only 2 (two) findings of alleged election criminal violations based on the results of supervision by the Binjai City General Election Supervisory Agency alone. Meanwhile, there were no reports from the public that were received and handled by the Binjai City General Election Supervisory Agency. Where the 2 (two) findings of alleged election criminal violations occurred during the campaign period in the form of money politics carried out by Candidate Pair Number 4, namely on October 21, 2024, and during the implementation of the Follow-up Voting on December 1, 2024, at TPS 10, Berngam Village, Binjai City District, which was carried out by five community members in the form of alleged criminal misuse of C. Notification. Where the entire handling of the alleged election crime violations was stopped during discussions at the Integrated Law Enforcement Center (Sentra Gakkumdu) on the grounds that it did not fulfill the elements of an election crime.

Thus, based on data on the handling of violations of the 2020 and 2024 Regional Head Elections in Binjai City, there are actually more allegations of election criminal violations handled by the Binjai City

General Election Supervisory Agency and the Integrated Law Enforcement Center (Sentra Gakkumdu), both in the form of Findings and Reports, even though in fact the implementation of the 2020 regional head elections in Binjai City was held during the COVID-19 pandemic, while the implementation of the regional head elections in 2024 in Binjai City was carried out under normal circumstances without any non-natural disasters (COVID-19) as occurred in the implementation of the regional head elections in 2020 in Binjai City.

B. Law Enforcement of Criminal Offenses in Regional Head Elections (Pilkada) 2020 in Binjai City

Democracy in today's national life has become a necessity, presented as a protector of all human rights. In theory and practice, statecraft also accompanies the growth and development of democracy in various parts of the world. Democracy is an institutional plan for reaching decisions. A political system in which individuals gain the power to decide the competitive struggle for the people's votes (Andryan, 2021). As a method or means of democracy, elections also have a timeframe. This means that elections are not held at all times, but rather within the timeframes stipulated by applicable laws and regulations (Prasetyo, 2018).

The rise in allegations of criminal activity in regional head elections often involves various types of violations that challenge the integrity and democratic process, which should be clean and transparent. One common violation is money politics, where regional head candidates or their campaign teams use money to influence voters. This includes vote buying, the distribution of money or goods, and promises of material rewards to voters in exchange for support. In addition to money politics, allegations of administrative violations also frequently arise in regional head elections. These violations can include voter data manipulation, document falsification, or the use of false identities for electoral purposes. For example, the use of duplicate voter data or ineligible voters can compromise the validity of election results (Novry Yardi, 2024).

Law enforcement of regional head election crimes is carried out under one roof in an integrated manner by the Integrated Law Enforcement Center (Sentra Gakkumdu). Handling of regional head election crimes is carried out based on the principles of justice, certainty, benefit, equality before the law, presumption of innocence, and legality, which then includes the principles of truth, speed, simplicity, low cost, and impartiality. Where the position of the Integrated Law Enforcement Center (Sentra Gakkumdu) itself is in the General Elections Supervisory Agency at the central, provincial, and district/city levels, as well as in Binjai City the Integrated Law Enforcement Center (Sentra Gakkumdu) is located in the Elections Supervisory Agency of Binjai City.

The following are several types of alleged crimes that often occur in the context of the regional head election in Binjai City in 2020, namely defamation, ASN who commit acts of bias and benefit candidates, abuse of power, misuse of government facilities and funds for campaigns, and voters who use their right to vote more than once. It is important to remember that all of these crimes are detrimental to the integrity of democracy and public trust in the election process. Firm and transparent law enforcement, as well as active public participation in election supervision, are important to ensure fairness and accountability in every stage of regional head elections.

It is important to remember that in the case of law enforcement of election crimes, especially in Binjai City, the principle of fast law enforcement is applied. This means that in the case of law enforcement of election crimes, it is carried out quickly and there is a relatively faster time limit compared to handling crimes in general, where the General Election Supervisory Body together with police investigators and prosecutors will conduct the first discussion within 1 x 24 hours at the latest from the date the findings or reports are received and registered by the General Election Supervisory Body. Then the General Election Supervisory Body will conduct a review of the findings or reports of violations no later than 3 (three) days from the date the findings or reports are received and registered by the General Election Supervisory Body.

In preparing the review as referred to above, if additional information is needed, the preparation of additional information and the review will be carried out no later than 5 (five) working days after the findings and reports are received and registered. If there are elements of election crimes, then it will be handled to be investigated by the police. Investigators conduct investigations no later than 14 (fourteen) days from the date of forwarding the report of alleged election crimes received from the General Election Supervisory Body, then investigators submit the results of the investigation accompanied by case files to the Prosecutor no later than 14 (fourteen) days from the date of forwarding the findings or reports received from the General Election Supervisory Body, and/or the police report is made and can be done without the presence of the suspect.

Then after the case files from the police reach the prosecutor's office, the district prosecutor's office no later than 5 (five) days the public prosecutor provides the results of his investigation and if the files are not complete then they must immediately return them to the police and the police no later than 3 (three) days submit

the case files again. And after the case files have been declared P21 or complete, then if according to the prosecutor the files are also complete, the public prosecutor submits the case files to the District Court no later than 5 (five) days from the date the case files are received from the investigator and the letter of introduction for the transfer signed by the Gakkumdu Supervisor from the Prosecutor's Office element according to the level.

The system for resolving election crimes can also be seen in the following image:

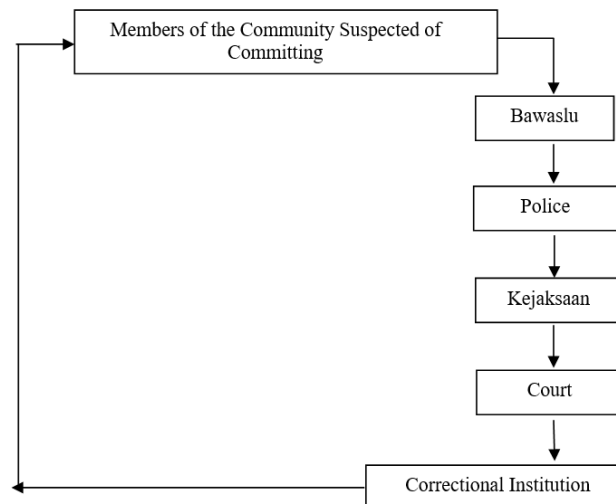


Figure 1. Election Crime Resolution System

The figure above shows the flow of the criminal justice system in resolving election crimes. This subsystem receives input, namely reports of election crimes committed by members of the public. These reports primarily come from the Elections Supervisory Agency, General Election Supervisory Agency (Bawaslu), or from other parties such as election observers or other members of the public.

C. *The Role of the Integrated Law Enforcement Center (Sentra Gakkumdu) in Handling Criminal Offenses in the 2020 Regional Head Elections (Pilkada) in Binjai City*

Regional head elections must be conducted democratically. A regional head election is considered democratic if it is held in accordance with the principles of honesty and fairness. The principles of honesty and fairness must not be violated in any way. Therefore, criminal articles are clearly stated in Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors. These criminal articles are clearly formulated to ensure that regional head elections are conducted fairly and equitably. The public need not be anxious or afraid to report any potential violations during regional head elections. Article 10 of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims stipulates that witnesses, victims, and reporters cannot be prosecuted, both criminal and civil law, for reports or testimony that will be, is being, or has been given (Prakoso, 1987). Thus, through the participation of supervision by the community as voters, at least the high number of violations in the implementation of regional head elections can be reduced.

The Integrated Law Enforcement Center, later shortened to Sentra Gakkumdu, is only operational when General Elections or Regional Head Elections are held. However, the Integrated Law Enforcement Center (Sentra Gakkumdu) itself has the task of investigating all election crimes reported by Panwaslu/Bawaslu. The position of the Integrated Law Enforcement Center (Sentra Gakkumdu) is as a center for law enforcement activities for election crimes consisting of elements of the General Election Supervisory Body (Bawaslu), the Police, and the Prosecutor's Office, where the Integrated Law Enforcement Center (Sentra Gakkumdu) functions in handling election crimes as regulated in the Compilation of Law Number 1 of 2015, Law Number 8 of 2015, Law Number 10 of 2016, Government Regulation in Lieu of Law Number 2 of 2020, and Law Number 6 of 2020 concerning the Election of Governors, Regents, and Mayors, as well as Joint Regulation of the Chairman of the General Elections Supervisory Agency of the Republic of Indonesia, the Chief of the Republic of Indonesia National Police, and the Attorney General of the Republic of Indonesia Number 5 of 2020 Integrated Law Enforcement Center for the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors.

Where these regulations are the basis for the formation of the Integrated Law Enforcement Center (Sentra Gakkumdu) to handle election crime cases so that they run fairly, transparently, and free from

irregularities. So it can be interpreted that the Integrated Law Enforcement Center (Sentra Gakkumdu) is a combination of three law enforcement institutions and has the authority to handle election crimes.

The Integrated Law Enforcement Center (Sentra Gakkumdu) of Binjai City in preventing and handling the occurrence of election crimes in the 2020 Binjai City regional head election is by coordinating between institutions related to security and order in the implementation of the 2020 regional head election in Binjai City, including coordinating with the Chairperson of the Covid-19 Acceleration Task Force, the Binjai City Government, Kesbangpol, Satpol PP, the Police regarding problems and obstacles in organizing the election, Brimob Battalion-A Pelopor Binjai City, and the Head of Binjai City Prison II.

The Integrated Law Enforcement Center (Sentra Gakkumdu) is necessary given that the orientation of handling election crimes aims to restore political rights impaired by unfair and fraudulent actions. Therefore, enforcement of these unfair and fraudulent actions is necessary, necessitating the involvement of the Police and Prosecutors, who are part of the Integrated Law Enforcement Center (Sentra Gakkumdu) in conjunction with the General Elections Supervisory Agency (Bawaslu). The role of Police and Prosecutors in the Integrated Law Enforcement Center (Sentra Gakkumdu) is very important, given the limited authority held by the Election Supervisory Agency (Bawaslu), which, given the limited time available, cannot forcibly summon the accused for questioning or seize evidence. Therefore, these shortcomings can be addressed by the Police and the Prosecutor's Office.

Given the challenging nature of handling election crimes, each element of the Integrated Law Enforcement Center (Sentra Gakkumdu), including the Election Supervisory Agency (Bawaslu), the Police, and the Prosecutor's Office, is required to improve its human resources in handling alleged election crimes. Regarding issues of vote manipulation, money politics, and voter intimidation, the Integrated Law Enforcement Center (Sentra Gakkumdu) has prepared law enforcement officers to deal with complex situations. The Integrated Law Enforcement Center (Sentra Gakkumdu) has the primary function and role of conducting case reviews to identify elements of election crimes and the evidence that must be collected. Furthermore, the relationship patterns and work procedures in handling election crimes, including receiving reports, initial discussions, second discussions, investigations, third discussions, and prosecutions, aim to establish a common understanding of how election crimes are handled.

The Integrated Law Enforcement Center (Sentra Gakkumdu) is a strategic step for the General Elections Supervisory Agency (Bawaslu) in optimizing its functions in handling election crimes. The establishment of the Integrated Law Enforcement Center (Sentra Gakkumdu) is mandated by the Regional Head Elections (Pilkada) Law, namely the effectiveness of work in standardizing understanding and patterns of handling election crimes. Therefore, with the General Elections Supervisory Agency (Bawaslu) as one of its implementing components, the Integrated Law Enforcement Center (Sentra Gakkumdu) has a strategic position in enforcing the law on regional head election crimes.

The Integrated Law Enforcement Center (Sentra Gakkumdu) is arguably not yet optimal due to various weaknesses and shortcomings. One of these is its temporary (*ad hoc*) institutional status, and the inability of personnel within the Integrated Law Enforcement Center (Sentra Gakkumdu) to allocate their skills and time to the process of handling election crimes. Furthermore, there is potential disharmony in the process of alleged election crimes due to the supervision of cases involving three institutions: Bawaslu, the Police, and the Prosecutor's Office (Yandi, 2021). Efforts made by the Integrated Law Enforcement Center (Sentra Gakkumdu) to address obstacles/barriers in handling election crimes include providing facilities and infrastructure related to the implementation of each discussion process, strengthening the capacity of Human Resources for personnel of the General Elections Supervisory Body, the Police, and the Prosecutor's Office, and continuing to carry out intensive coordination between institutions that are members of the Integrated Law Enforcement Center (Sentra Gakkumdu).

5. CONCLUSION

Regarding the 2020 Regional Head Election Violations in Binjai City, there were 5 (five) cases of alleged election crime violations, consisting of 2 (two) findings based on the results of supervision by the Binjai City General Election Supervisory Agency and 3 (three) reports from the public. Where the alleged election crime violations occurred at the voter data updating stage, namely alleged violations including discrepancies in signatures on the verification of voter data by the Voter Data Update Officer (PPDP). Furthermore, during the campaign phase, State Civil Apparatus (ASN) were involved in bias toward one of the candidate pairs. A common type of alleged criminal violation in the 2020 regional head elections in Binjai City was the

involvement of State Civil Apparatus (ASN) in the campaign of a candidate pair by engaging in actions that benefit the candidate pair.

In enforcing the law on election crimes, especially in Binjai City in the 2020 Election for Mayor and Deputy Mayor of Binjai, the principle of fast law enforcement is used, meaning that in terms of law enforcement on election crimes, it is carried out quickly and there is a time limit that is relatively faster than handling crimes in general.

The Integrated Law Enforcement Center (Sentra Gakkumdu) has the primary function and role of conducting case reviews to identify elements of election crimes and the evidence required. Furthermore, it outlines the relationship patterns and work procedures for handling election crimes, including receiving reports, initial deliberations, secondary deliberations, investigations, third deliberations, and prosecutions, with the goal of establishing a common understanding of how election crimes are handled.

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