



Policy on law enforcement of criminal acts in the general election of regional heads at the Medan city bawaslu office

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Abstract

This article aims to analyze the forms of violations in regional head elections, the role of the General Election Supervisory Body in law enforcement against regional head election crimes, as well as the obstacles faced by the Medan City General Election Supervisory Body in the law enforcement process related to regional head election crimes. The type of research used is empirical legal research with field data through interviews with the Medan City Bawaslu Leaders. Data analysis in this study by selecting secondary data from library research and primary data from field research were analyzed qualitatively. The results of this study are, First, the forms of election violations namely, criminal violations, administrative violations, election disputes. Second, Bawaslu has a key role in enforcing the law on Regional Head Elections (Pilkada) as an independent institution that oversees all stages of elections, from preparation to implementation. Its duties include supervising and enforcing regional head election violations. negative impact on decisions, political influence, limited coordination, technological constraints, and public awareness. Bawaslu needs to overcome this obstacle so that it can be effective in enforcing Pilkada laws.

Keywords: Law enforcement, criminal act, regional head election, bawaslu city of Medan

Introduction

The enactment of Law Number 22 of 2014 concerning the Election of Governors, Regents and Mayors is considered as a correction for the deficiencies in the implementation of direct regional elections. Based on the evaluation of the governor/deputy governor, regent/deputy regent, mayor/deputy mayor election organizers directly so far it shows the fact that the costs incurred by the state and by candidate pairs to organize and participate in the gubernatorial/deputy governor, regent and deputy regent elections, and the mayor and deputy mayor directly are very large and have the potential to increase corruption. The Ministry of Home Affairs recorded around 330 or around 86.22% of regional heads involved in cases (Tempo, 2014) [20].

The enactment of Law Number 22 of 2014 has resulted in a change in the election mechanism directly by the people to return to indirect elections through the DPRD. Improvements to the provisions of laws and regulations governing the election of governors, regents and mayors through the Provincial DPRD and Regency/Municipal DPRD are intended to place the mechanism for electing governors, regents and mayors in a democratic manner and strengthen local government governance that is efficient and effective in the construction of a government system The Unitary State of the Republic of Indonesia which is based on the principle of decentralization (Budiman, 2018) [5].

Pilkada based on Law Number 22 of 2014 has brought opposition from parties who prefer to organize direct regional elections. Some experts note that the regional head election chosen by DPRD can lead to public distrust of the regional head. Pilkada through DPRD is also a form of Indonesia's decline as a democratic country (Chakim, 2014) [6].

The existence of the state is rooted in a social agreement, in which individuals in society agree to surrender some of their

rights, freedoms and common power, as stated by Rousseau in social contract theory. This shared power forms the basis of the state which is mandated by the people to protect and maintain their security and property. State power is considered legitimate as long as it follows the wishes of the people who give it a mandate.

The people establish a social contract by delegating power to an elected government. This gave birth to the rules of the game in the form of a Constitution and legal regulations. The goal is that the government, which is run by elected officials, truly prioritizes the interests of the people, without being manipulated for personal gain. This process is carried out through general elections (elections), which are a tool for democracy to determine who will occupy political positions in the country, both in the legislature and the executive. Through elections, people choose individuals they trust to fill these positions, by making choices freely and secretly, according to their aspirations.

Community participation in elections and local elections as turnout voters is a source of pride as a manifestation of an active role in shaping direction democracy and the future of the nation. Although golput in Indonesia reflects political realities, it is a reminder of the need to significantly increase participation in the democratization process. The political participation of individuals and community groups has universal potential in meeting the needs of citizens. Higher involvement in elections or regional elections shows the strong foundation of the country's democracy. The principle of democracy demands people's participation in all aspects of state administration. Individuals play a key role because democracy depends on individual approval of government actions. Political participation can be individual or group action, organized or spontaneous, peaceful or confrontational, legal or illegal, and effective or not, with the aim of influencing government decisions.

The government amended the law to ensure public access and a legal basis for fair and honest general elections, in line

with the importance of transparency of public information in the process. This change changed the scope of the General Election, from previously only for some members of the DPR and DPRD, to involve all members of the DPR, DPD, DPRD, as well as direct election of the President and Vice President. Article 18 paragraph (4) of the 1945 Constitution stipulates that elections for regional heads such as Governors, Regents and Mayors must be democratic, although there are still questions about whether these elections are carried out directly or indirectly. To address this, Law Number 10 of 2016 was implemented, amending Law Number 1 of 2015 concerning the Election of Governors, Regents and Mayors to the Pilkada Law. Article 2 of the law emphasizes that regional head elections are carried out democratically with the principles of being direct, general, free, secret, honest and fair.

The direct and simultaneous election of regional heads is a reflection of people's sovereignty in the government system and supports political stability and national development goals, in line with the principles of democracy contained in the 1945 Constitution. 2015 became a historic moment with the implementation of the first direct and simultaneous PILKADA in December 2015 Regional head elections in Indonesia are held every five years with a maximum of two terms. The General Elections Commission (KPU) is responsible for administering elections, supervised by the non-structural state agency, the General Election Supervisory Body (BAWASLU). Bawaslu plays an important role in overseeing all stages of elections, taking action against administrative, ethical, criminal violations, and handling regional head election disputes at the district/city level.

Looking at the current world development situation, indirect democracy or representative democracy is the application of political reality. General election is a tool to elect representatives of the people. Therefore, if elections are not carried out in a competitive, honest and fair manner, it can be said that democracy is absent (Lubis, 2008) ^[10]. Democratic elections are the basis for legitimized government. If there are no democratic elections, the government will lose legitimacy and support from its people.

General elections are a selection for the birth of leaders and members of parliament in the context of realizing democracy which is a representation of the people, because elections are a series of political activities to accommodate the interests of society and the state, then formulated in various forms of policy. So that elections can be said as a means of democracy to form a system of state power that is sovereign by the people and deliberative representation outlined by the 1995 Constitution where the people are the highest authority in a country (Asshiddiqie, 2005) ^[4].

Closely related to free and fair elections is whether government resources are properly used during the electoral process; whether the military is neutral and acts as a professional organization, and whether the police and lawyers enforce their obligations and protect those exercising civil and political rights. Apart from that, another important issue is whether the judiciary acts impartially and effectively; does the media present accurate news and information and acts as a watchdog on government and political processes, and does the media provide access to candidates and a range of candidates' goals (Merloe, 1994)

^[11].

The strategic national political agenda and having broad government and social aspects with all the consequences for the future of the Indonesian political system is the implementation of simultaneous regional head elections (Pilkada). Not only pursuing the simultaneous nomination targets, campaign dynamics and inauguration, but also the dynamics in the regional development agenda proclaimed by the Center in order to achieve the target with maximum results. The political construction of the operation of a presidential system that does not the scattering of individual activities at the local level as a result of the diverse political backgrounds of their regional heads with a coalition government at the center is a major synthesis of discussing the important substance of election democracy as a national agenda (Thaib, 1989) ^[21].

Regency/City Election Supervisory Committee is a committee formed by the Provincial Election Supervisory Board (Bawaslu) whose task is to oversee the implementation of Elections in Regency/City areas (Article 1 number 17, Law of the Republic of Indonesia, Number 8 of 2015 concerning Amendments to Laws -Law Number 1 of 2015 Concerning the Stipulation of Government Regulations in lieu of Law Number 1 of 2014 Concerning the Election of Governors, Regents and Mayors to Become Laws). However, through the Constitutional Court Decision the name of the phrase Regency/Municipal Panwas in the Pilkada Law became unconstitutional unless it was interpreted as Regency/Municipal Bawaslu. This also means that the Regency/Municipal Bawaslu institution will not only change the name known to the Election Supervisory Committee, but the nature of the Bawaslu institution will change from ad hoc to permanent.

Any reporting of violations in regional elections must be forwarded by Bawaslu, but time constraints in processing violations are an obstacle in law enforcement for general elections, including regional head elections. Alleged Pilkada violations need to be reported within a maximum of 7 days after being found, in line with Law Number 8 of 2015 concerning Pilkada. After that, the election supervisor will evaluate the results of the supervisory plenary meeting and send a report on alleged criminal violations to the Gakumdu center within 1 x 24 hours. In the police force, these violations must be dealt with within a 14 day time limit. Furthermore, the handling of criminal violations will proceed to the prosecutor's office and finally to the court.

Law enforcement in supervising regional head elections can be divided into election criminal law enforcement, dispute resolution between participants and election administrators and handling administrative violations, this is a task for Bawaslu to take part in Indonesian democracy. Violations in the General Election are the shared responsibility of the Bawaslu and the community in maintaining the process. Bawaslu involves the community in supervision through socialization and Participatory Supervisory Cadre Schools (SKPP), especially by involving young people. It aims to increase public awareness and participation in maintaining the integrity of regional head elections.

From the observations made, the public considers that the General Election is still vulnerable to various forms of structured, systemic and massive fraud. However, at this time, the public also needs to understand electoral aspects so that they are not involved in election crime violations. In law enforcement for the Election of Regional Heads, every law enforcement agency has regulations made by the

Bawaslu. Bawaslu, as an institution that has self-regulatory authority in managing its duties, also encourages the active role of the community in enforcing the Election law, in accordance with the Bawaslu motto: "together with the people watch over the election, together with Bawaslu uphold election justice".

Based on the description above, the purpose of this study is to analyze what forms of violations in regional head elections, the position of the General Election Supervisory Agency in Enforcing Pilkada Criminal Law and the obstacles faced by the Medan City General Election Supervisory Body in solving criminal law enforcement Pilkada

Research methods

This type of research is empirical juridical, which is a method used to solve research problems by examining secondary data first and then proceeding with conducting research on primary data in the field (Ali, 2021) ^[1]. Empirical juridical research in this research means that this research is reviewed from the point of view of law and written regulations related to law enforcement in regional head elections.

The nature of this research is analytical descriptive, namely a study that aims to find out the matters contained in law enforcement in accordance with the Legislation in the Election of Regional Heads. As for what is meant by descriptive research is a research method that is intended to provide as precise data as possible about humans and their symptoms (Sunggono, 2007) ^[18].

The types of data used in this thesis are primary data and secondary data. The two types of data are primary data, namely data obtained by direct research of the object, which is carried out through interviews with sources and secondary data is data obtained through library research to obtain conceptions, theories or opinions or theoretical basis. closely related to the issues discussed (Sinamo, 2010) ^[17].

The technique used for collection legal data or materials in this study are library research; Field research (field research). Data analysis is a program of organizing processes and reducing data into categories and basic descriptive units so that themes are found and working hypotheses can be formulated, as suggested by the data (Moleong, 2016) ^[12]. Before the data is analyzed first, an examination and evaluation of all the data collected is carried out. After that the data in this paper will be analyzed and systematized qualitatively.

Qualitative method is a research method used to investigate, discover, describe and explain the quality or features of a research conducted by explaining in your own words the existing data, both primary, secondary and tertiary data. So as to produce qualifications that are in accordance with the problems discussed in this study, to obtain the correct answers to criminal law enforcement in regional head general elections based on Law number 10 of 2016 concerning Regional Head Elections.

After the data analysis is complete, the results will then be presented descriptively, namely by telling and describing what is in accordance with the problem being studied (Sutopo, 1998) ^[19]. From these results, conclusions were drawn which were the answers to the problems raised in this study.

Results and discussion

Forms of violations in regional head elections

In Law Enforcement of General Elections and/or Regional Head Elections, there are several types of violations that are often handled by the General Election Supervisory Board, the types of post-conflict local election violations that can be of three types, namely:

1. Pilkada crime violations

Post-conflict local election crime violations are violations or crimes against election provisions as stipulated in the Regional Head Election Law or Regulations related to Regional Head Elections. These forms include, among others: money politics, voting violations, document falsification, violence and threats in terms of preventing someone from being registered as a voter, use of state facilities in campaigns, involvement of officials to win certain pairs, vote manipulation, practices of money politics, partisanship and negligence of organizers and vote bloat

Partisanship and negligence regarding the requirements for regional head candidates, which generally occur in the form of

- a. Pass candidates who should not meet the requirements according to the Pilkada law.
- b. Disqualify regional head candidates who, according to the Pilkada law, are not supposed to meet the requirements.

The stages of prosecution of criminal offenses against regional election elections are as follows

- a. Investigators receive reports from both election observers, election participants and voters. Investigators searched, seized all evidence.
- b. The investigator submits the file to the public prosecutor, and the public prosecutor submits it to the court for 14 days. If the BAP is incomplete, it is returned to the complainant for 3 (three) days, if the BAP file is complete the investigator submits it back to the public prosecutor for 3 (three) days (Article 146 paragraphs 1 and 2 of Government Regulation in Lieu of Law of the Republic of Indonesia Number 1 2014 concerning the Election of Governors, Regents and Mayors).
- c. The public prosecutor examines the BAP for 5 (five) days and is delegated to the District Court and a trial is held by a panel of judges. The District Court has the right to examine, try and decide within seven days (Article 148 paragraph (1) Government Regulation in Lieu of Law of the Republic of Indonesia Number 1 of 2014 concerning the Election of Governors, Regents and Mayors).
- d. In the event that the applicant makes an appeal, the application must be filed within three days after the decision is read
- e. Furthermore, the District Court delegated the appeal to the High Court (PT) for three days
- f. Then the High Court examined, tried and decided for seven days
- g. The decision of the High Court is a final decision which is permanent and cannot be made through other legal remedies.
- h. The District High Court submits the decision to the Public Prosecutor (JPU) for three days and the Public

Prosecutor (JPU) is given three days to decide on the High Court's decision to be executed.

2. Administrative violations

Administrative Violations, i.e. Violations of the General Election Law which are not election criminal provisions, administrative violations include violations of procedures related to the administration of the implementation of elections for each election. For example, the chaos in the voter list against the DPT which caused some citizens to lose their right to vote, this kind of violation seems to be only an administrative problem and violation.

However, if you look closely, this could be election crime violations, if there is an intentional element as regulated in the criminal provisions in the regional government law (Zoelva, 2013) ^[23]. In terms of sanctions, for example, violations committed by candidate pairs or campaign teams in the form of violations of props or or attributes that are not in accordance with applicable regulations, campaigns involving children, covert campaigns in the form of social services, then the imposition of sanctions for violations this is very weak, that is, it only gives a warning so it doesn't have a deterrent effect.

Similarly, in the implementation of post-conflict local elections, violations committed by candidate pairs such as violations of campaign schedules, fake diplomas, and other types of violations, there are no strict sanctions for candidates who deliberately influence post-conflict local election implementation fraudulently. Administrative violations that are committed deliberately and with a certain weight should have implications for the disqualification of the candidate pairs, this is to minimize the violations that occur.

Provincial Bawaslu, Regency/City Bawaslu make recommendations on the results of their studies as referred to in Article 135 paragraph (5) regarding election administration violations. Provincial KPU and City KPU are required to follow up on recommendations from Provincial Bawaslu and Regency/Municipal Bawaslu as referred to in paragraph (1). Provincial KPU, Regency/Municipal KPU resolve election administration violations based on recommendations from Provincial Bawaslu and Regency/City Bawaslu according to their level.

The Provincial Election Commission, the Regency/City General Election Commission examines and decides on administrative violations as referred to in Article 137 paragraph (2) no later than 7 (seven) days after the Provincial Bawaslu and Regency/City Bawaslu recommendations are received. Further provisions regarding procedures for resolving election administration violations are regulated in Bawaslu regulations.

3. Violation of the code of ethics

Violation of the Code of Ethics is a violation of the ethics of Election organizers which is guided by oaths and promises before carrying out their duties as election organizers. Meanwhile, the purpose of the code of ethics is to ensure the holding of direct, public, free, confidential, honest and fair elections. Violations of the election organizers' code of ethics as referred to in article (136) are resolved by the DKPP. The procedure for finalizing the drafting of the election organizers' code of ethics as referred to in paragraph (1) is carried out in accordance with the

provisions of the laws and regulations concerning general election organizers.

The provisions in Law Number 7 of 2017 concerning General Elections show that there are two institutions that carry out post-conflict local election techniques and Bawaslu as an institution that oversees post-conflict local election stages. But apart from these two institutions, the election law also regulates or determines the existence of an institution that oversees or handles the ethical code of conduct for election organizers, namely the DKPP (Jurdi, 2018) ^[9]. In the Election Law it is stated that these three institutions are a unitary function of holding elections which are closely intertwined and cannot be separated (inherent).

The Election Organizer Honorary Council is an institution dealing with violations of the election organizers' code of ethics but is still a unitary function of the election administration. The birth of the DKPP is part of the determination of the legislators to realize honest, fair and democratic elections, in the context of producing national leaders with quality and integrity.

According to the Election Organizing Law (Law Number 22 of 2007), to examine complainants and/or reports of alleged violations of the code of ethics committed by members of the KPU and Provincial KPU members, a KPU Honorary Council (ad hoc) was formed which was appointed with the Commission's decision. The KPU Honorary Council consists of 5 (five) people consisting of 3 (three) KPU members and 2 (two) outside KPU members.

The KPU Honorary Council consists of a chairman and concurrent members and members. Based on the results of the examination, the KPU Ethics Council makes binding recommendations. KPU is obliged to implement the recommendation of the Honor Council (Indonesia, 2007) ^[8].

The position of bawaslu in law enforcement of regional head election crimes

The Election Supervisory Body has a very strategic legal position in handling criminal acts or other election violations both in the Pilkada and General Elections, this is because Bawaslu is the "gateway" in reporting Pilkada violations.

The position of Bawaslu in Indonesian legislation which gives the impression of being a supporting institution because it is limited by the authority of other institutions is a way of thinking that must be abandoned in handling election and local election disputes. It is said that in the implementation of the Sentra Gakkumdu, an agreement and good cooperation are needed to achieve the goal of taking action prosecution of election crimes. Therefore, collaboration is needed between the three member institutions of the Sentra Gakkumdu to realize good cooperation. However, in this case, there is a decision coordinate point, of course, namely the Bawaslu (Sani, 2019) ^[15].

Such an idea becomes an alternative form that is very appropriate in accordance with the spirit of the formation of the Center for Gakkumdu which is independent and not co-opted by the original institution, namely the police and the prosecutor's office, which are hierarchical in nature, which are involved in the Sentra Gakkumdu. Here it is necessary to place the Bawaslu as the final institution that makes decisions on the investigation and investigation process up to the prosecution process in court. By (Angelo & Rangel, 2021) ^[3] in terms of strengthening Bawaslu in terms of

simplifying the law enforcement system and election dispute resolution, namely Bawaslu has the authority to enforce election administration violations, and become investigators and prosecutors for alleged criminal election violations that have a direct impact on election results.

Efforts to consider the position of Bawaslu centrally is so that the Bawaslu institution is placed as a determinant in the initial handling process (investigation) starting from reports or findings, clarification, collecting evidence, and so on. Then the nature of recommendations that must be followed up from Bawaslu to police investigators and prosecutors, which is solely intended to be equal in accordance with the authority and responsibilities of each institution to Bawaslu by considering Bawaslu as an institution that has more independence capacity than other institutions.

The handling model, of course, aims to present a dignified regional election administration system by prioritizing aspects of legal certainty for election violations that occur. Institutional synergy is an important instrument in overcoming these problems. Apart from the idea of Bawaslu as a coordinating center and decisions on regional election violations through the Gakkumdu center, such an idea in solving "money politics" crimes, among other things, is that the Gakkumdu Center must become a coordinating institutional element in conducting research and studies through the mechanism of holding cases for every violation report received. from Bawaslu and other institutions that are members of the Gakkumdu center. So that in carrying out tasks at the Gakkumdu Center it is mandatory to apply the principles of coordination, integration and synchronization both in the implementation of tasks that are internal and external, in accordance with the principles of the Integrated Criminal Justice System (Muly, 2018) ^[13].

Repositioning Bawaslu is of course important in building public distrust from election to election due to the inconsistency of contestants who have been elected as leaders to realize their vision and mission in the last post-conflict local election, thus having the impact of causing public distrust of the post-conflict local election moment. The apathetic attitude of the residents was then "bought" through a transactional approach so that the finances of the contestants in the post-conflict local election increased in addition to the large amount of finance allocated for the procurement of political advertisements or visual aids (Sinaga, 2013) ^[16]. By strengthening election crimes through the central role of Bawaslu, of course, it will be more effective in enforcing election crimes and future regional elections.

This idea certainly needs to be supported legally, through the remodification of several laws and regulations. Here the role of political parties is very important to support. So political parties need to consider supporting the Sentra Gakkumdu policy. The role of such political parties is very important in participating in maintaining the quality of the implementation of elections and local elections as expected. On the other hand, this is important for political parties considering how political parties maintain their image in public and at the same time shape their patterns of interaction in government and parliament (Aminuddin *et al.*, 2015) ^[2].

Reports of alleged violations must be submitted to the Election Supervisor at the place where the reported violation occurred or based on the place where the violation occurred or according to the locus delicti. It must be remembered that

although there are several main institutions in the holding of elections or post-conflict local elections, for receiving and handling reports/findings of any alleged regional election violations, the first door authorized to receive and review any reports/findings or complaints in the field of post-conflict local elections is the election supervisor according to level and locus delicti -his.

In the prosecution of violations that lead to criminal acts in the election of Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu, Sub-district Panwaslu, PKD, TPS Supervisors are required to receive reports of alleged Pilkada violations at each stage of the General Election. Reports of alleged violations submitted to the Provincial Bawaslu

Reports of suspected Pilkada violations are submitted directly to the Bawaslu office or the Election Supervisory office as outlined in a certain form, namely form A.1 and enclosing a photocopy of an electronic identity card and/or other identity cards.

The election supervisory secretariat is obligated to designate a report receiving officer who is on duty every day to receive reports of suspected violations by observing the time limit for receiving reports, namely no later than 7 (seven) days after the Election violations are discovered and/or discovered.

Apart from handling alleged violations submitted through reports, the Election Supervisory Board also has the authority to handle alleged violations which are stated as findings of alleged violations. The findings of these alleged violations originate from the results of the supervision of the Election Supervisor and/or initial information on alleged violations obtained/submitted to the Election Supervisor, for example, such as alleged violations submitted in the form of oral information and/or written information to the Election Supervisor and/or reports of alleged violations that have been submitted to the election supervisor but does not meet the formal requirements so it cannot be registered.

In the event that the Election Supervisory Officer obtains initial information on alleged violations and/or finds alleged violations while carrying out active supervision, the Election Supervisory Officer will record the incident in the Election Supervision Report (LHPP) more complete and convincing regarding the alleged violation. After the investigation is complete, the supervisory division makes an analysis of the search results to be discussed in the plenary meeting of the Election Supervisors. If the results of the analysis contain elements of an alleged violation, it will be agreed through a plenary meeting and declared as a finding. It is important to explain the difference between the report and the findings, namely:

Reports of alleged violations are reports submitted in writing by the Reporting Party to the Election Supervisor regarding allegations of Regional Head Election violations Findings are the result of supervision by election supervisors and/or initial information on alleged violations that have been traced by the supervisory division/department and then discussed in a plenary meeting and decided (declared) as findings of alleged violations.

External constraints and internal obstacles in the law enforcement of pilkada

In law enforcement against criminal acts of regional head elections, there are a series of stages that must be followed before reaching the trial stage. The Police and the Attorney

General's Office play an important role in upholding this law, and legal views from both agencies are needed. In addition, reports and findings from the Medan City Bawaslu also have a role in uncovering election-related crimes.

Pilkada and general election criminal acts are the authority of the Sentra Gakkumdu (Integrated Law Enforcement) which is regulated in Law Number 7 of 2017 concerning General Elections. These crimes can be grouped into several categories, such as criminal acts involving certain individuals, criminal acts that can be committed by KPU, Provincial KPU, Regency/Municipal KPU, PPK, PPS, and PPLN officers, as well as criminal acts related to campaign implementation. This illustrates the complexity of law enforcement in the context of regional head elections.

In the implementation of this authority, if it is understood in the formal aspect so far in carrying out the authority, several things that can be felt related to the weaknesses of Gakkumdu include; first, the regulatory problem which requires that the decision of the Gakkumdu must be unanimous among the institutions that are members of the Gakkumdu center. Second, differences of opinion between institutions (dissenting opinion) are only a record in the decision. Third, prosecutors and investigators including police investigators who are members of Gakkumdu are still charged with the work responsibilities of their respective agencies so that it does not run optimally, and fourth, the authority of the Bawaslu which should have a central position will be on a par with other institutions (the prosecutor's office and the police). In fact, institutional independence is part of the executive power, which is often the executive parties themselves are part of the contestants in the implementation of regional elections from political parties. This weakness is of course the main problem of Gakkumdu in handling regional election crimes (Yeni, 2020) [22]. This is also a problem in the practice of integrity in the implementation of democratic elections and local elections which will be carried out in the future. Ideally, the Gakkumdu center is able to complete it, bearing in mind the role of the Integrated Law Enforcement Center (Gakkumdu) as an integrated law enforcement center that has an important role in handling regional election crimes, the formation of Gakkumdu intends to equalize understanding and patterns of handling regional election crimes by Bawaslu, the Indonesian National Police, and the Attorney General's Office of the Republic of Indonesia (Safitri, 2019) [14].

In the context of handling general election and regional election criminal offenses, it is important to be aware of the differences in various countries. Developing countries, in fact, have very specific criminal penalties in this regard. Research in a journal involves analysis of robust specifications, nonlinear models, and falsification exercises to distinguish among explanations for the increased stringency of sentences at the end of the judge's political cycle. These findings inform debates about the selection of judges and highlight the interaction between judge discretion and the influence of judge selection.

However, in Indonesia, the dynamics are different. There is a lack of understanding among the various apparatus of the Sentra Gakkumdu in discussing cases, such as determining whether a case fulfills the elements of a crime and whether it needs to be followed up to the investigation stage by the Police. There is often a long debate over this matter, which can slow down the case handling process.

Efforts to strengthen Gakkumdu are of course unavoidable. The evaluation of the current Gakkumdu Sentra must of course be viewed objectively within the framework of implementing a dignified regional election administration system. The most important aspect that must be improved is a law enforcement system that is clear and has a philosophy not as a general criminal act enforcement, but a law enforcement system related to regional election crimes which must be specific in nature as per the specificity of the laws and regulations. This is a challenge in itself that needs to be answered in another study, of course by looking at the challenges in regional election crimes. Contradictory statutory factors between the Election Law (Lex Specialist) and the time limit rules and the Criminal Code (Lex Generalis) which are limited by the Criminal Procedure Code (Ersan & Erliyana, 2018) [7].

In the 2020 Medan City Regional Head Election, the Medan City Bawaslu faced external obstacles due to the Covid-19 outbreak which affected health supervision and protocols. They handled 23 health protocol violations and issued warning letters to candidate pairs. On the other hand, there are internal obstacles in the implementation of Bawaslu's duties, related to the short time limit in dealing with allegations of election violations.

In addition, another obstacle in law enforcement for regional head elections is the lack of firmness in the Pilkada Law in the examination of alleged criminal acts. This condition can hinder the examination process, especially when the suspect refuses to cooperate or is not present when the investigator is summoned.

In examining criminal offenses, the existence of a special court or the training of ad-hoc judges is very important to assess whether the defendant's actions constitute a crime. The Supreme Court should consider establishing a special judiciary or training judges to deal with election crimes. This is relevant considering that the regional election crime is a specific violation involving the democratic process of the Indonesian state.

Conclusion

In Pilkada violations there are several violations, namely, criminal violations, administrative violations, election disputes. Pilkada criminal acts involve the Police and the Attorney General's Office in determining whether the reported and/or found actions are criminal acts. If the report and/or findings are not a violation of a criminal act, it will be determined whether the violation is a violation of the code of ethics, an administrative violation or a regional election dispute. Non-natural disasters (covid 19) are an external obstacle to Bawaslu in the process of escorting democracy in the 2020 Medan Mayor and Deputy Mayor Elections. Law 10 of 2016 did not give forced measures to Bawaslu in examining alleged criminal violations election.

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