

The Effectiveness of an Integrated Law Enforcement Center (GAKKUMDU) Policy on Handling 2019 Election Criminal Violations in North Sulawesi

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Abstract

In handling election criminal violations, the policies of the Election Law Enforcement Center or Gakumdu are regulated. Gakumdu consists of elements from Bawaslu, the prosecutor's office and the police. The aim of the establishment of Gakumdu is to encourage the election trial to take place quickly and accurately. This must be done because the election process is bound by a strict schedule and stages, so it is impossible for the election stages to be adjusted to the ordinary judicial process. This study aims to analyze whether the Sentra Gakkumdu Policy in North Sulawesi has had an impact on the effectiveness of election law enforcement in Indonesia. What are the obstacles to the Gakkumdu Sentra Policy in the electoral law enforcement process in Indonesia and what solutions can be made so that the role of the Gakkumdu Sentra Policy is more effective in enforcing election law. The results of the analysis concluded that the handling of alleged violations of election crimes by the Sentra Gakkumdu in the 2019 election in Sulawesi was not effective because there were provisions both in the election law and other regulations that hindered the work of the Sentra Gakkumdu. There are often differences in legal perceptions among members of the Gakkumdu in determining whether a request fulfills the element of a violation or not. Not all districts/cities have a Prosecutor's Office or a Police Office.

Keywords: Effectiveness, Election, Gakkumdu

Introduction

General Election (Election) is one of the consequences of a democratic country. It is impossible for a country to claim to be a democracy if it does not carry out elections. Although not all elections in countries that claim to be democratic countries carry out democratic elections. Elections and democracy are meanings that are difficult to separate from one another. Democracy is often described as people's sovereignty and elections are one means of that sovereignty (Hewison, 2015).

Elections are the arena of competition between political parties (political parties) to seize government power. Which political party will rule will largely be determined by the choice of the majority of citizens who have been designated as voters. Influencing the choice of voters, political parties offer three ways, namely first the political stance of political parties on policies that raise pros and cons. The second offers discourse or alternative public policies to address state problems. The third is to offer or nominate cadres to become candidates in election contests (Van Spanje, 2010).

The expected impact of the election results is the election of political actors who run the state, formulate public policies that are more in favor of the interests of citizens. Public policies that favor the interests of citizens are largely determined by the capacity, integrity and commitment

of the political actors who are elected in elections. Whether the election will have a positive impact will be largely determined by the quality of the election system, stages and process.

The political science literature mentions a number of variables that determine the quality of the election. The first is having a good legal framework or electoral law. The measure is that there are rules to provide complete guidelines on how to carry out quality elections. There are complete norms as a guideline for resolving all forms of potential problems that will be encountered. Regulatory norms do not have the potential to create multiple interpretations between administrators and election participants and do not conflict with other laws (Krivonosova & Serrano-Iova, 2021).

Both are organized by independent organizers. Election organizers are not subordinate to the government structure. Have a neat structure and institution from the central level to the executor at the polling station (TPS). They are selected by independent elements who have knowledge in the electoral field. To maintain independence and professionalism, organizers are bound by a professional code of ethics.

Third, there are participants as election contestants. Because elections are an arena of contestation, elections are followed by more than one election participant. Election participants are political parties determined by the election organizers. The quality of the election is not only measured by the number of contestants, but also by how far the contestants are prepared to take part in the election. The readiness is first about the political party's program in the recruitment process. Do the citizens who are recruited have a commitment to fight for the interests of citizens. Is the recruitment process carried out long before the stage begins. The second is about the regeneration program for political party members. Regeneration is carried out for citizens who have been recruited to become members of political parties. Cadreization is a form of planting ideology about the struggle and political vision of political parties. Regeneration is also a structured process related to coaching, strengthening individual capacity, leadership and knowledge of governance as the subject of supervision. The third is the cadre selection program to be nominated as candidates. Not all political party cadres have the ability to carry out political tasks in the arena of power. Therefore the selection process is a very important program. The process can be carried out openly and carried out through a public test process.

Fourth, there is the political participation of citizens. Political participation can be done through the willingness to attend polling stations and vote and be actively involved in every process or stage of the election. If elections are a means of people's sovereignty, then the will of citizens to participate, the access of citizens must be facilitated. Officers must record citizens who meet the requirements as voters, explain their rights and obligations, notify the time and location of the election, and provide ballot papers at TPS. The process of political education is the responsibility of the government or organizers so that voters understand the purpose of elections, become good voters and the risks that arise if voters are passive in the election process.

Fifth, there is election law enforcement. Because elections are contested arenas, the potential for fraud is likely to occur. Fraud can be committed by election participants, voters, the government or by election organizers. So that law enforcement functions to prevent the occurrence of various forms of violations or fraud. Election law enforcement functions to (1) ensure that the election process runs fairly and honestly, (2) prevent conflicts between participants and supporters, participants and organizers, supporters and supporters and prevent conflicts between organizers and (3) ensure that election results can be trusted. In some countries, public recognition of the elected government is very low due to the belief that the electoral process is fraudulent.

Elections in Indonesia also regulate the matter of election law enforcement. According to the Election Law, election law enforcement consists of two parts, namely the first is the handling of violations which consist of alleged violations of the organizer's code of ethics, alleged administrative violations and criminal violations. The second is the handling of election process disputes, namely requests for corrections to KPU decisions.

In terms of the process of handling criminal violations, a policy for the Election Law Enforcement Center or Gakumdu was formed. Gakumdu consists of elements from Bawaslu, the prosecutor's office and the police. The aim of the establishment of Gakumdu is to encourage the election trial to take place quickly and accurately. This must be done because the election process is bound by a strict schedule and stages, so it is impossible for the election stages to be adjusted to the ordinary judicial process. Article 486 of Law Number 7 of 2017 concerning Gakkumdu Elections was formed to expedite the process of handling election crimes, considering that the handling time for cases is relatively short. Law enforcement of election crimes can be resolved in accordance with the principles of justice, namely fast, simple and low cost as well as free, honest and impartial.

Article 486 point (1) of Law Number 7 of 2017 explicitly explains that the formation of Gakkumdu intends to equalize the understanding and pattern of handling election crimes by the Election Supervisory Body, the Indonesian National Police, and the Attorney General's Office of the Republic of Indonesia. The members of the Gakkumdu themselves come from the Indonesian National Police and the prosecutors come from the Attorney General of the Republic of Indonesia. 5 Further explained in Article 1 of the Regulation of the General Election Supervisory Agency (Bawaslu) of the Republic of Indonesia Number 31 of 2018 concerning the Integrated Law Enforcement Center, Gakkumdu is the center of activity law enforcement on election crimes consisting of elements from the Election Supervisory Board, Provincial Election Supervisory Board, and/or Regency/City Election Supervisory Board, the Indonesian National Police, Regional Police, and/or Resort Police, and the Attorney General of the Republic of Indonesia, High Court and/or State Attorney.

Results and Discussion

Opportunities for active community participation (in discussing problems, planning, decisions and implementation), and (4) ensuring sustainable development (Muhadjir, 2000).

The process of determining a policy includes five stages, namely (1) identifying public policy issues, (2) developing public policy proposals, (3) advocating public policies, (4) implementing public policies, (5) evaluating implemented policies. Meanwhile, according to Dunn, public policy is a complex pattern of interdependent collective choices made by government agencies and institutions (Dunn, 2015; William, 1994).

A policy will be called effective if the specified goals or targets can be achieved of course by taking into account the risks and impacts obtained. Measuring effectiveness is not only determined by the end of a program, but also by paying attention to whether the process has a high or low level of risk. It is called effective if the goals or objectives are achieved as determined and can be said to be effective if the activity is carried out correctly and produces useful results (Rosalina, 2014).

Richard M. Steers says about measuring effectiveness; (1) Achievement of goals is the overall effort to achieve goals must be seen as a process. Therefore, in order to ensure the achievement of the ultimate goal, phases are needed, both in terms of the stages in achieving the parts and in the sense of periodization. The achievement of goals consists of several actors, namely: The timeframe and targets which are concrete targets; (2) Integration, namely the measurement of the level of ability of an organization to conduct socialization, develop consensus and

communicate with various other organizations. Integration concerns the process of socialization; (3) Adaptation is the ability of an organization to adjust to its environment. For this reason, benchmarks for the process of procurement and filling of labor are used (Porter & Steers, 1973).

Sentra Gakkumdu is the center for law enforcement activities for election crimes consisting of elements from the Election Supervisory Board, Provincial Election Supervisory Board, and/or Regency/City Election Supervisory Board, Republic of Indonesia National Police, Regional Police, and/or Resort Police, and the Attorney General of the Republic of Indonesia, the High Court and/or the District Attorney. The handling of election crimes is carried out based on the principles of: a. justice; b. certainty; c. expediency; d. equality before the law; e. presumption of innocence; and f. legality.

In terms of law enforcement, it can be said to be effective if a) The legal factors themselves, which in this paper are not limited to laws. b) Factors of law enforcement, the parties that form and apply the law c) Factors of facilities and facilities that support law enforcement, if the law is good the person in charge of enforcing the law is also good but if the facilities are inadequate, then the law cannot go according to plan. d) Community factors, namely the environment in which the law applies or is enacted. e) Cultural factors, namely as a result of creativity and taste based on human initiative in social life (Soekanto, 1987).

Article 486 of Law Number 7 of 2017 states that in order to equalize the understanding and pattern of handling election crimes, Bawaslu, the Indonesian National Police, and the Attorney General's Office of the Republic of Indonesia form the Gakkumdu Center. Gakkumdu is attached to Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu. Gakkumdu consists of investigators from the Indonesian National Police and prosecutors from the Attorney General of the Republic of Indonesia. Investigators and prosecutors carry out their duties full time in handling election crimes. Investigators and prosecutors are temporarily assisted and are not given other tasks from their home agencies while carrying out their duties in Gakkumdu.

The handling of election crimes begins with reports of alleged election crimes from participants, voters or observers which are forwarded by Bawaslu, Provincial Bawaslu, Regency/City Bawaslu, and/or Sub-district Panwaslu to the Indonesian National Police no later than 1 x 24 (one x 24) twenty-four) hours after the Bawaslu, Provincial Bawaslu, Regency/City Bawaslu, and/or Sub-District Panwaslu declared that the alleged act or action was an election crime, after coordinating with the Indonesian National Police and the Attorney General's Office of the Republic of Indonesia in Gakkumdu.

Experience in organizing the 2019 Election, Bawaslu received 2,724 reports or findings of election criminal acts, far fewer than the 2009 Legislative Election, namely 6,017 cases of criminal violations throughout Indonesia. Of the 2,724 reports or findings, 582 cases continued to the investigation stage, 132 cases stopped at the investigation stage, and 41 cases stopped at the prosecution stage. Meanwhile, the total number of cases that continued to the examination stage at the trial court until a decision with permanent legal force (*inkracht van gewisjde*) was issued was only 320 cases. Although the cessation of cases at the stage of investigation and prosecution was caused by many reasons, the most dominant was the result of the lack of an understanding of perception between Bawaslu, the police, and the prosecutor's office simultaneously in handling election criminal cases.

In general, there are obstacles that often hinder the Gakkumdu Center from carrying out its functions. For example, there are many reports that cannot be forwarded to the investigation process or there are discontinuance of reports and findings that have met the formal and material requirements. The causative factor is that there are often differences in legal

perceptions regarding the provisions of criminal acts among members of the Sentra Gakkumdu related to the fulfillment of the elements of the report. The crucial thing is that it is often found that there are differences in the handling of alleged election crimes against the same incident, either in one unit in a region or from one area to another. In the 2019 election, just before voting day there were several OTT incidents of suspected money politics during the campaign period. However, there is no joint agreement regarding hand-catching operations even though one party has the authority to supervise.

In North Sulawesi itself there were a number of violations handled which could not be continued in the next process. Among them is the case of terminating the report on the results of Panwaslu monitoring of the West Tomohon Subdistrict on April 18 2019 regarding the alleged distribution of money during the quiet period in Tara-tara Tiga Village, Ward 7. The District Supervisory Committee found evidence in the form of an envelope that was confiscated by a local resident. The resident stated that an SS person gave a white envelope to one of the NP voters containing Rp. 250,000 in cash. However, the alleged election crime violation with Register Number: 04/TM/PL/KOTA/25.04/IV/2019 was stopped based on the Second BAP No: 003/SG2/TM/PL/PL.REG/25.04/05/2019 dated 2 May 2019.

Then the termination of the handling of reports on the results of Panwaslu supervision of East Tomohon Sub-District was related to the operation of hand-catching money politics in a quiet mass carried out by unscrupulous FS candidates for DPRD members for the electoral district I and the team. The Kumelembuai Sub-District Superintendent found a vehicle containing about 100 kilograms of rice inside and part of the team was found distributing 2.5 kg of rice. However, the alleged violation of election crime with the registration number 06/TM/PL/KOTA/25.04/IV/2019 was stopped based on the Second BAP Number: 007/SG2/TM/PL/PL.REG/25.04/05/2019 dated 15 May 2019.

There were allegations of money politics during the quiet period that also occurred in Southeast Minahasa Regency. The CS person who claimed to be a team from the MU Golkar Party Legislative Candidate gave Rp. 100 to NK voters by asking them to vote for the MU candidate. However, based on the Minutes of Discussion of the Two Sentra Gakkumdu, Southeast Minahasa Regency number 09/BA/SG.2/Kab 25.13/V/2019 which was held on Monday, 13 May 2019, Status of Findings Number 01/TM/PL/KEC.RT/25.13 /IV/2019 Concerning Alleged Violations of Money Politics Crimes Stopped Because They Did Not Meet the Elements of Election Crimes.

Still in the same area, during the quiet period there was a person named AB promising voters Rp. 150,000 in money to elect a candidate for the Regency DPRD on behalf of the FA. However, based on the Minutes of Discussion of the Two Sentra Gakkumdu, Southeast Minahasa Regency number 14/BA/SG.2/Kab 25.13/VI/2019 which was held on Tuesday, 11 June 2019, the Status of Findings Number 04/LP/Kab/25.13/V/ 2019 Concerning Alleged Violations of Money Politics Stopped Due to Not Fulfilling the Elements of an Election Crime.

The case that was reported by JB at the Bolaang Mongondow Bawaslu on April 16 2019 was that an individual named AP who was a political party administrator at the branch level who was a success team for the TT candidate offered an envelope to the wife of the hamlet head and to Mrs. YK and left an envelope containing money and the candidate's name card at the hamlet head's house. In Discussion I on 24 April 2019 the Sentra Gakkumdu agreed to raise this Alleged Violation to the Investigation stage. In the process of examination and review, no strong evidence was found to be raised in the investigation process, and the key witness in this alleged crime did not appear after 2 summons. Based on the Minutes of Study results number: 05/BAWASLU BM-/V/2019 dated 13 May 2019 decided that the alleged violation was not sufficient evidence to be followed up in an election crime. Based on the Discussion of the

Sentra Gakkumdu in Discussion II: The case report cannot be followed up to the Investigation stage because there is insufficient evidence at the SG II stage.

Another case was reported by JW on April 16 2019 in the same area with the same perpetrator as the person receiving JLW. Based on the initial study of the report fulfilling the formal and material requirements, on April 24 2019 it was registered with number 06/LP/PL/KAB/25.05/IV/2019 Based on the SG I Discussion on April 24 2019 Gakkumdu was determined to proceed to the investigation stage. An examination was carried out against the Witness, but after 2 invitations for clarification, the witness did not come. Based on BA Plenary 06/BAWASLU-BM/V/2015 dated 4 May 2019 it was decided that it could not proceed to the Investigation Stage. In SG II Number 02 dated 04 May 2019, Gakkumdu agreed not to raise it to Investigation.

Several reasons resulted in the not optimal work of the Gakkumdu Center in the 2019 elections in North Sulawesi, namely: first, there are still a number of article provisions, both in laws and other regulations, which have often disrupted the work of the Gakkumdu Center so far. These provisions, for example, are as stipulated in article 523 of Law 7 of 2017 concerning Elections. This article states that every campaign organizer, participant and/or team who intentionally promises or gives money or other materials as compensation to election campaign participants directly or indirectly as referred to in Article 280 paragraph (1) letter j shall be subject to criminal punishment. maximum imprisonment of 2 (two) years and a maximum fine of Rp. 24,000,000 (twenty-four million rupiah).

Subjects or actors who are threatened are only limited to election campaign executors, participants, and/or teams. In fact, most of the perpetrators came from the apparatus, businessmen, the winning team or relatives/close family of the candidates. Then the object is only limited to promising or giving money or other materials in return. Even though it is often found that there are promises of *bekriatan* with promises of granting positions, promises of granting permits or other promises. Even though there is physical evidence with community reports, if the subject and object are not met then it will be difficult for the Center for Gakkumdu to process.

Article 486 points 4 and 5 state that investigators and prosecutors carry out their duties full time in handling election crimes. Investigators and prosecutors are temporarily assisted and are not given other tasks from their home agencies while carrying out their duties at the Gakkumdu Center. However, the Bawaslu Regulation regulates the structure of the Sentra Gakkumdu, which consists of structural officials in each agency. The assignment of assignments turned out to be inconsistent with the facts on the ground because the membership of the Gakkumdu Sentra was also filled by officers who had other duties. Moreover, there are cases of officers being transferred to other places even though they are in the process of handling reports

Second, in the process of handling reports, there are still different interpretations or patterns of handling between Bawaslu, the Police or the Attorney General's Office, especially in terms of the fulfillment of elements. Differences in interpretation do not only occur between Bawaslu and the police and prosecutors. However, this often happens between prosecutors and the police. This happened due to several factors, including differences in the educational background of each member of the Sentra Gakkumdu, experience in handling cases or the existence of pressure factors from external parties, especially parties who are in litigation or parties who are being sued.

The three personnel constraints from each party. The rules emphasize that each party is not allowed to have other duties, however, the rules do not apply because under certain conditions

there is a call to duty from each agency. This condition causes a shortage of personnel in the police and prosecutors' offices so that investigators and prosecutors cannot work full time

It turns out that not all regions have offices, both the prosecutor's office and the police, because there are police offices and the prosecutor's office still serves more than one government area, especially in areas resulting from expansion.

Members of the police stationed at the Sentra Gakkumdu in the 2024 election are often transferred to be transferred and the members who replace them often have not attended election law enforcement training.

Another problem is the constraints on supporting facilities such as offices and financing. Most of them don't yet have a special office/room for takkumdu centers and limited budgets, he continued, the handling of election crimes and Gakkumdu by Bawaslu is still not in accordance with the needs of the field.

Conclusion

The handling of alleged violations of election crimes by the Sentra Gakkumdu in the 2019 elections in Sulawesi has not been effective due to a number of reasons; (1) There are provisions both in the election law and other regulations that impede the work of the Sentra Gakkumdu; (2) There are often differences in legal perceptions among members of Gakkumdu in determining whether a request fulfills the element of a violation or not; (3) Not all districts/cities have a Prosecutor's Office or a Police Office. So that members of the Gakkumdu Sentra who come from elements of the police and the prosecutor's office are not focused on one of the Gakkumdu Sentra in the region; (4) Members of the Gakkumdu who come from the police often undergo job transfers when the trial process is in progress. Waiting for replacement officers takes a long time while the trial process is limited by time; (5) Not all members in the Sentra Gakkumdu have an established knowledge of electoral law enforcement.

Suggestion

Requires identification of the rules that have often hindered the work of the Sentra Gakkumdu, such as in determining subjects or objects that fall into the category of election law violations. There is also a need for strengthening regulations which stipulate that all elements in the Sentra Gakkumdu do not receive other assignments from the agency of origin. It is also necessary to improve the handling time which is very short because many handling processes are unexpected so it must take a long time. Requires standard operating procedures and the same legal understanding regarding actions that fulfill elements of violations or vice versa. Without uniformity, it will have an impact on decisions or decisions requires special arrangements for regions that do not yet have a police office or prosecutor's office especially in the expansion areas. It is necessary to reinforce the rules that Gakkumdu members who come from the police may not be transferred during the trial process. Because waiting for replacement officers takes a long time while the trial process is limited by time. Strict selection is needed so that all members in the Sentra Gakkumdu have an established knowledge of electoral law enforcement. It is also necessary to establish an Election Code of Ethics that binds all elements in the Gakkumdu center. This is to prevent political pressures during the trial process.

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