



Implementation of Integrated Law Enforcement Center (Gakkumdu) In The Handling of Criminal General Election for 2019 in West Sumatera

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Abstract

Gakkumdu as an integrated law enforcement center has an important role in handling election criminal acts. In Article 486 point (1) of Law Number 7 of 2017 concerning General Election, the Gakkumdu establishment is explicitly intended to equalize the understanding and pattern of handling election criminal acts by the Bawaslu, the Indonesian National Police, and the Attorney General's Office of the Republic of Indonesia. There are 2 (two) problems in this research, firstly how the function and mechanism of the Gakkumdu Center in handling 2019 Election crime. Second, how the implementation of the Gakkumdu Center function in law enforcement in 2019 Election in West Sumatra. This research approach is empirical (sociological juridical) with a statutory approach. The data was collected by interviews and studies on primary, secondary and tertiary legal materials. The results showed that first, the function of the Gakkumdu Center was to equalize the understanding and pattern of election crime handling between the Election Supervisory Body, the Police and the Prosecutor's Office with the mechanism of work starting with the receipt of reports and findings of alleged acts which allegedly constituted an election criminal act which had been regulated in the Act Law No. 7 of 2017 concerning General Elections. Second, the implementation of the function of the Gakkumdu Center in law enforcement for the 2019 Election in West Sumatra is carried out under the Election Law and Bawaslu Regulation No. 31 of 2018 concerning the Gakkumdu Center. From all findings and reports of alleged election crimes that entered the Gakkumdu Center in West Sumatra based on studies and discussions as well as plenary meetings and the results of the investigation there were 101 cases that constituted criminal acts. Of these cases, 17 cases have been tried and decided by the court. Thus, this study recommends that coordination between law enforcement officers manifested in the Gakkumdu Center be further improved for the implementation of subsequent elections so that all reports and findings can be processed and the government can increase the active role of the community in overseeing the implementation of elections because it is needed to realize quality elections.

Keywords: *Elections; Election Crime; Integrated Law Enforcement Centers*

Introduction

Elections are one means for the people to take an active part in the political process, thus reflecting the basic principles of democratic state life. As a means of carrying out democratic life, the administration of elections is not immune to various acts and actions that can harm the purity of the

democratic values of the election itself. Violations of the essence of an election can occur from the preparation of the election to the implementation and results of the election itself. Such violations can be in the form of administrative violations, violations of the code of conduct of the election by the election organizer itself, and even the occurrence of acts that can be categorized as election crime.

The General Election Commission (KPU) is a national, permanent, and independent election management agency in the administration of elections. Elections Supervisory Board (Bawaslu) is the agency charged with overseeing the election organizers elections. Meanwhile, the Election Organizer Honorary Board (DKPP) is an institution tasked with handling violations of the code of ethics by the election organizers. These three institutions with their respective roles work together in realizing the election objectives.

In order to protect the purity of the administration of elections which is very important for democracy, lawmakers have made a number of fraudulent acts in the administration of elections as a criminal offense. So that the Election Law besides regulating how the election is held, it also prohibits acts that can destroy the nature of the election itself.

In organizing the General Election, it is possible that violations and deviations will occur against the rules contained in the Election Law. Any reports or findings of violations to or found by Bawaslu as election supervisors will be followed up in accordance with the violation criteria. Administrative violations on the holding of elections will be resolved by Bawaslu. Violations of the code of conduct of the election will be continued and resolved by DKPP. Furthermore, violations that fall into the category of Election criminal acts will be resolved by the Integrated Law Enforcement Center (Gakkumdu).

Election criminal violations are related to violations in the form of Election criminal acts, in 2014 occurred in almost all provinces in Indonesia. There are 203 election criminal cases which have been convicted in the court of first instance or appeal. Most of these cases occurred during the legislative elections of 195 cases, while the remaining 8 cases occurred during the Election of President and Vice President.

For the 2019 Election, the simultaneous implementation of the legislative elections with the presidential and vice presidential elections will certainly lead to situations and conditions that are different from the previous elections. The intensity of activities related to the general election certainly increases, including the potential for violations in the form of alleged election crimes. As of January 2019 the National Police Integrated Law Enforcement Center (Gakkumdu) has received 216 reports of alleged election crimes. Of these 45 diataranya has been proceeded to the investigation stage. These cases will certainly still increase, considering the implementation of the General Election was carried out precisely on April 17, 2019.

Of the several provinces in Indonesia, West Sumatra is the province with the most reports of alleged violations in election criminal offenses. In the 2019 Election Oversight Coordination Meeting, Bawaslu said that during 2018 there were 12 reports of alleged election crimes in West Sumatra. Of the total number of cases, one of them has been executed by the Court, precisely the election crime case that occurred in Solok. Meanwhile, in 2019, one case of election violations that occurred in Bukittinggi was sentenced by the court because it was proven to have committed an election crime.

There are several forms of election criminal offenses in the General Election Law, including:

1. Providing incorrect information in filling out the voter list data (Article 488);
2. Village heads who take actions that are favorable or detrimental to election participants (Article 490);
3. People who disrupt, obstruct or interfere with the election campaign (Article 491);

4. People who carry out election campaigns outside the KPU schedule (Article 492);
5. Implementing election campaigns violating campaign bans (Article 493);
6. Providing incorrect information in election campaign fund reports (Article 496, Article 497);
7. Causing others to lose their right to vote (Article 510)
8. Determine the number of ballots printed in excess of the specified amount (Article 514);
9. Vote more than once (Article 516)
10. Thwarting voting (Article 517).

In addition to the various forms of crime mentioned above, there are still a number of acts that are included in other forms of Election criminal acts in the law.

As for the objects of the formulation of election criminal offenses as formulated in Law Number 7 of 2017 Concerning General Elections, which are grouped in line with a number of qualifications of actions, such as: Province, Regency / City KPU, PPK, PPS and PPLN, criminal acts aimed at campaigners, criminal acts aimed at election participants proven to receive donations and / or assistance, criminal acts aimed at state officials / government officials and judicial institutions, Criminal acts aimed at ballot printing companies.

Law enforcement and the legal system are things that play an important role in creating a just and prosperous society in order to advance the nation's economy and national development. Efforts to uphold the law against election crimes are a way to achieve fair and fair elections, carried out using criminal law, in the form of imprisonment and confinement / fines.

The existence of the Gakkumdu Center shows that the Election Law specifically involves the Election organizer, in this case the Election Supervisory Body in the process of enforcing Election law. This is certainly different from the usual criminal law enforcement process in which the Police and Prosecutors have their respective duties in the stages of the criminal justice process in order to achieve the objectives of the criminal justice system itself.

The involvement of Bawaslu together with the Police and Attorney General's Office in the enforcement of laws against election criminal offenses certainly has consequences in terms of specificity in the stages of the law enforcement process including the provisions regarding the law of the event. If one of the regulations on organizing an election is aimed at realizing an effective and efficient election, then it is interesting to know about the relationship between the regulation of law enforcement against election crime with a model like this that involves the Gakkumdu center on achieving these goals.

The number of findings and reports of election violations in the form of alleged election crimes in 2019 in West Sumatra is 101 with 38 in the form of findings and 63 in the form of reports. Of the 101 findings and reports of alleged election criminal acts, only 17 cases had permanent legal force (inkracht) and the remaining 84 cases were stopped. This means that only about 17% of cases are completed until a court ruling is obtained and the remaining 83% of cases are stopped on the grounds that there is insufficient evidence or does not meet the material and formal elements of an election crime.

Thus the resolution of election crimes according to the existing laws and regulations takes place in the criminal justice system. Settlement outside this system is against the law because it does not comply with applicable laws and regulations. However, if seen from the settlement of election crime cases that have existed so far, not many cases reach the Court level.

Therefore, based on the background of the problem above, the author gives the title of the research "Implementation of Integrated Function of Law Enforcement (Gakkumdu) in Handling of Criminal Actions of General Election of 2019 In West Sumatera".

Research Methods

To answer the problem examined in this study, a method is needed so that the results of the research to be obtained can be justified. The method is a method used to obtain data that can later also be accounted for scientifically. The research method used here is Sociological Juridical, which is an approach that emphasizes field practice associated with aspects of the law or legislation in force. This research is descriptive-analytical in nature, that is, research that describes or depicts research objects which are then analyzed through qualitative juridical analysis.

Research Result

Election crime handling is different from law enforcement against general criminal acts. Election crime is handled in an integrated manner by the Integrated Law Enforcement Center (Gakkumdu). The existence of an integrated law enforcement center (Gakkumdu) is one of the characteristics known in law enforcement against cases that are suspected of being an election crime. As regulated in Article 1 number 38 of Law Number 7 of 2017 concerning General Elections regulates that the Gakkumdu Center is the center of law enforcement activities for election criminal acts consisting of Bawaslu, Police and Attorney General's Office.

In the provision of Article 486 paragraph 1 of Law Number 7 of 2017 concerning General Elections, the function of the Gakkumdu Center was established to equalize the understanding and pattern of handling election criminal acts between the Bawaslu, the Indonesian National Police and the Attorney General's Office of the Republic of Indonesia. Further provisions regarding the Gakkumdu Center are regulated by Bawaslu Regulation No. 31 of 2018 concerning Integrated Law Enforcement Centers.

Gakkumdu was formed and established by the decision of the Chair of the Bawaslu after coordinating with the National Police Chief and the Attorney General. Previously, the formation of Gakkumdu and its regulations was regulated in a joint regulation between the Election Supervisory Body, the Police and the Prosecutor's Office. That is, in this case Bawaslu as the leading sector.

Gakkumdu was formed in the Central which is domiciled in Bawaslu, Provincial Gakkumdu is domiciled in the Provincial Bawaslu, Gakkumdu Regency / City is located in the Regency / City Bawaslu, and Gakkumdu Overseas is domiciled in Panwaslu abroad. The formation and stipulation of foreign Gakkumdu is carried out in coordination with the minister in charge of foreign affairs. As the center of election law enforcement activities, Gakkumdu consists of election supervisors, investigators and prosecutors.

The Gakkumdu organization according to its level consists of the structure of Advisors, Guides, Coordinators, and Members. For the Gakkumdu Advisory position, the Center consists of the Chairman of the Election Supervisory Body, the National Police Chief, and the Chief Prosecutor General. Provincial Gakkumdu advisors consist of; Chairperson or Member of Provincial Bawaslu, Regional Police Head, and Head of the High Prosecutors Office. District / city Gakkumdu advisors consist of; Chairperson or Member of Regency / City Bawaslu, Kapolres / Polresta, Metro Kapolres and Head of the Public Prosecutor's Office.

The organizational structure of the Gakkumdu Trustees at the Center consists of members of Bawaslu, Head of the Indonesian Police Criminal Investigation Agency, Junior Attorney General for General Crimes. The Provincial Gakkumdu Trustees consist of members of the appointed Provincial Bawaslu, Director of the General Criminal Investigation of the Regional Police, and the Assistant Prosecutor's General Criminal Act. Organizational Structure of regency / city Gakkumdu Guidance consists of Members of Regency / city Bawaslu, Deputy Chief of District / City Police, Head of Public Prosecutor's Criminal Section.

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The organizational structure of the Gakkumdu Coordinator at the Central level consists of; The Coordinator of the Bawaslu Abuse Acting Division as the Chief Coordinator of Gakkumdu, the Director of Public Crimes at the Criminal Investigation Police, the Director of Criminal Acts for State Security and Public Order from the Prosecutor's Office. At the provincial level the Gakkumdu Coordinator consists of; Coordinator of the Bawaslu Violation Enforcement Division as the Provincial Gakkumdu Coordinator, Head of the Public Security Sub Directorate at the Regional Police Directorate, the Coordinator at the High Prosecutors Office. The District / City Gakkumdu Coordinator consists of the District Bawaslu Violation Enforcement Coordinator as the Gakkumdu Coordinator, Head of Criminal Investigation Unit for Polres / Polresta / Metro Polres, Kasubsi Pre-Prosecution of Public Crimes at the Public Prosecutor's Office.

The Gakkumdu member structure at the Central Level consists of; Bawaslu, an investigator at the National Police Criminal Investigation Body, the Public Prosecutor of the Junior Attorney General's General Criminal Acts. Provincial Gakkumdu members consist of; Member of the Provincial Bawaslu, Investigator at the Police Directorate General of Criminal Investigation, Public Prosecutor at the High Prosecutors Office. Regency / city gakkumdu members consist of; Regency / City Bawaslu, Investigators at the Metro / Polres / Polres Police Detective Unit, Prosecutors at the District Attorney Office determined by the Decree of the Chairperson of the Regency / City Bawaslu.

The function of the Gakkumdu Center is as a coordinating forum in the process of handling each election violation offense, the implementation of the election crime pattern itself, data center, competency enhancement, monitoring evaluation. The existence of Bawaslu together and integrated with the police and prosecutors in the Gakkumdu Center has a role in law enforcement against election criminal acts, especially at the beginning of a series of criminal justice processes.

Investigation and investigation are the initial stages that are also contained in law enforcement against alleged election crimes. Specifically and different from law enforcement in general, there are several stages or processes in which the police and prosecutors together with Bawaslu conduct a number of discussions and studies before then proceed to the investigation and investigation stages.

The mechanism of work of the Gakkumdu Center in handling election crime is based on and guided by Bawaslu Regulation No. 31 of 2018 concerning Integrated Law Enforcement Centers. The process of handling election criminal acts by the Gakkumdu Center is as follows:

1. Acceptance of Findings and Reports
2. First discussion
3. Election Violation Review

4. Second Discussion
5. Election Supervisory Plenary Meeting
6. Investigation
7. Third Discussion
8. Prosecution
9. Pre-trial
10. Trial
11. The Fourth Discussion

Based on the above stages, it can be seen the difference between the electoral criminal justice process and the general criminal justice process. Although the authority to investigate and prosecute still rests with the law enforcement agencies, namely the police and the prosecutor's office, in the process the series always coordinates and together with the Election Oversight / Bawaslu in the Gakkumdu Center. This can be seen from the beginning of the series of election criminal justice processes when there are reports or findings to the implementation of decisions by prosecutors.

The Gakkumdu Center as a center of activity in law enforcement for election criminal acts occupies a very crucial position in the resolution of election criminal cases. This is because the Gakkumdu Center as the frontline in determining the alleged election crime can be proceeded to the trial process or not. Therefore, good synergy between the three elements, namely election supervisors / Bawaslu, Police and Attorney General, is expected to realize effective and efficient election criminal law enforcement so as to guarantee the purity of election results.

Gakkumdu consists of investigators from the Police and public prosecutors from the Prosecutor's Office who have been specially appointed and temporarily seconded and not given other duties from their original agencies while carrying out their duties in Gakkumdu to carry out their full duties in handling election criminal acts. Nevertheless, from the results of the interview of the author with the investigator sources at the Solok City Police that his involvement in the membership of the Gokumdu City of Solok did not avoid the main tasks that remain his personal responsibility. This is due to the limited number of personnel in the Solok City Police Department so that the main workload remains the responsibility to be resolved.

After the National Police of the Republic of Indonesia receives a written report regarding an act or action that is suspected to constitute an election crime, for the subsequent provisions to be carried out pursuant to Law Number 8 of 1981 concerning Criminal Procedure Code unless otherwise stipulated in Law Number 7 of 2017 about General Elections. In accordance with the principle, namely *lex specialis derogat legi generali*, the special provisions that override or take precedence over the general provisions. In this case Law of the Republic of Indonesia Number 7 of 2017 formally constitutes a special provision (*lex specialis*) so that the provisions must take precedence over the provisions stipulated in the Criminal Procedure Code.

In organizing the 2019 elections, in West Sumatra there were findings and reports of election violations in the form of allegations of election crime as many as 101 (one hundred and one) reports and findings, with details of 38 (thirty eight) in the form of findings and 63 (sixty three) in the form of reports. Of the 101 (one hundred) number of findings and reports of alleged criminal acts in the election, only 17 (seventeen) cases were processed and had permanent legal force (*in kracht*) from the court.

The follow-up of reports and findings on violations suspected of being an election crime shows that law enforcement against violations of material provisions regarding this election has been proceeding as regulated by the Election Law. The purpose of law enforcement is to ensure the

implementation of elections as it should have been realized by the Gakkumdu Center through follow-up to any reports and findings of violations.

Sentra Gakkumdu has worked in following up on reports or findings of alleged violations of election crimes although not all of them ended with a ruling that the case proved to be a violation of the election. This is certainly influenced by several factors such as legal substance factors in the form of statutory provisions, factors of law enforcement apparatus or law enforcement, in this case the Gakkumdu Center or court, and facilities and infrastructure. The most important thing is of course the legal awareness of the people who determine the success or failure of law enforcement.

In law enforcement against the alleged election crime in 2019, the Gakkumdu Center found several obstacles which in general can be explained including the following, first the regulatory issues in which there are still perceptions / understanding differences between Gakkumdu Center members (Bawaslu, Police and Prosecutors) in implementing elements / fulfillment of elements of the article criminal offense. For example, related to the campaign outside the schedule and money politics. This difference is related to differences in the understanding of election supervisors, the police, and the prosecutor's office in understanding the articles alleged against the perpetrators of violations. Furthermore, there are alternating cases or returning case files from the prosecutor's office as public prosecutors to the police as investigators, which should only be done once as stipulated in Article 27 paragraph (6) of Bawaslu Regulation No. 31 of 2018 concerning Integrated Law Enforcement Centers. Next, there is a different understanding between Gakkumdu and the Court which results in election criminal cases which are declared free by the District Court although in a series of processes there have been several studies and discussions in the process of handling election criminal acts by Gakkumdu elements.

Furthermore, the second issue concerns human resources where the lack of and personnel assignments from the police / prosecutor's office are from their original agencies, so that the Gakkumdu discussion meeting cannot be carried out optimally (meeting the first discussion meeting held 1 x 24 hours after the report or findings are received and registered). Furthermore, police or prosecutors' personnel stationed in Gakkumdu often change before the completion of the case is carried out, so that discussions and studies conducted on a case conducted by the Gakkumdu Center are not continuous because it requires a further initial understanding of the personnel assigned as replacements. The third problem regarding the culture of the community to report that election crimes have taken place is still low. Public interest in reporting is still low because they are reluctant to be involved as witnesses in the discussion process until the trial.

Conclusion

Based on the discussion of the problems in this thesis, the following conclusions can be concluded:

The function of the Gakkumdu Center in Article 486 paragraph 1 of Law Number 7 of 2017 concerning General Elections is to equalize the understanding and pattern of handling election criminal acts between the Bawaslu, the National Police of the Republic of Indonesia and the Attorney General's Office of the Republic of Indonesia with the working mechanism of the Gakkumdu Center. receipt of reports and findings of alleged acts which allegedly constitute an election criminal offense that has been regulated in Law Number 7 of 2017 concerning General Elections. The determination of an act as an election crime or not is decided in a Gakkumdu center meeting which involves 3 (three) elements, namely Bawaslu, Police and Attorney General. That is, all elements must agree to determine an action is fulfilled material and formal elements as a crime. If even one of the elements does not agree, the case is stopped and cannot proceed with the trial process.

The implementation of integrated enforcement enforcement functions (Gakkumdu) in 2019 criminal law enforcement in West Sumatra is carried out based on the Election Law and Bawaslu Regulation No. 31 of 2018 concerning Gakkumdu Centers. From all findings and reports of alleged election crimes that came to the Gakkumdu center in West Sumatra, there were 101 (one hundred and one) cases which were alleged criminal acts. Of these cases, 17 cases have been tried and decided by the court. This shows that law enforcement on cases of alleged violations of election crimes reported or findings have been followed up by the Gakkumdu Center as law enforcement although not all cases continue until the trial process. This is because the case was stopped on the grounds that it did not meet the formal and material requirements which were mutually agreed upon by all Gakkumdu members involved.

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