

LAW ENFORCEMENT IN CRIMINAL OFFENCES IN THE 2020 REGIONAL HEAD ELECTIONS (PILKADA) IN BINJAI CITY BY INTEGRATED LAW ENFORCEMENT CENTER (Study on the General Election Supervisory Body of Binjai City)

Khairunnisa¹, Mirza Nasution², Abdul Aziz Alsa³

^{1,2,3}Universitas Sumatera Utara

Email Correspondence: khairunnisaaja888@gmail.com

Received: 22 November 2024

Revised : 30 November 2024

Accepted: 25 December 2024

Published : 15 January 2025

DOI : <https://doi.org/10.54443/ijset.v4i2.673>

Publish Link : <https://www.ijset.org/index.php/ijset/index>

Abstract

The Unitary State of the Republic of Indonesia is a constitutional state that places the highest sovereignty in the hands of the people, as referred to in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which reads: "Sovereignty is in the hands of the people and is implemented according to the Constitution". Based on the statement above, making Indonesia a democratic country, so that not only leaders but also all Indonesian people have full rights to determine the principles of good governance. Basically, a democratic system is a form of government where all citizens have the same rights in determining decisions that can change their lives. The democratic system allows citizens to participate, both directly and through representatives in the formulation, development and creation of laws. The research was conducted in Binjai City, precisely at the Binjai City Bawaslu Gakkumdu Center. This research uses an empirical legal approach method, data obtained in the field are presented descriptively using an empirical normative approach method. This study aims to determine the form of criminal acts in the 2020 regional head election (pilkada) in Binjai City, Law enforcement of criminal acts in the 2020 regional head election (pilkada) in Binjai City, and the role of the Integrated Law Enforcement Center (Sentra Gakkumdu) in handling criminal acts in the 2020 regional head election (pilkada) in Binjai City. Based on the results of the research that the author obtained, in the data on handling violations of the 2020 Regional Head Election in Binjai City, there were 5 (five) handling 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, In enforcing the law on election crimes, especially in Binjai City in the 2020 Binjai Mayor and Deputy Mayor Election, 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, where the General Election Supervisory Agency together with police investigators and prosecutors will conduct the first discussion within a maximum of 1 x 24 hours from the date the findings or reports are received and registered by the General Election Supervisory Agency, That the Integrated Law Enforcement Center (Sentra Gakkumdu) has the main function and role in conducting case titles to identify elements of election crimes and evidence that must be collected, then the work procedures in handling election crimes which include receiving reports, first discussion, second discussion, investigation, third discussion, and prosecution with the aim of achieving a common understanding in handling election crime cases.

Keywords: *Law Enforcement, Criminal Acts, Regional Elections, Gakkumdu Center*

INTRODUCTION

The Republic of Indonesia has the aims as stated in the Preamble to the 1945 Constitution, among others, to protect all Indonesian people and all of Indonesia's territory and to advance general welfare, improve the life of the nation and participate in implementing world order based on independence, eternal peace and social justice. The Unitary State of the Republic of Indonesia is a constitutional state which places supreme sovereignty in the hands of the people, as referred to in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which reads: "Sovereignty lies in the hands of the people and is implemented according to the Constitution."

Khairunnisa et al

Based on the statement above, making Indonesia a democratic country, so that not only the leaders but also all Indonesian people have full rights to determine the principles of good governance. Basically, a democratic system is a form of government where all citizens have the same rights in determining decisions that can change their lives. A democratic system allows citizens to participate, either directly or through representatives in the formulation, development and creation of laws. The concept of people's sovereignty places the highest power in the hands of the people based on Pancasila as the goal of the Republic of Indonesia is to form a just and prosperous society. The Republic of Indonesia is a state of law with characteristics as a modern state based on democracy and full sovereignty by the people.

In principle, democracy requires a foundation of freedom. Two freedoms that are difficult to distinguish are individual freedom and socio-political freedom. The scope of individual freedom is certainly the subject of an individual, while socio-political freedom has the subject of the people or a nation. And the awareness that the people have political rights has brought a new chapter of democracy as a political system. A democratic country is a country that adheres to a form or mechanism of government system by realizing the sovereignty of the people (citizen power) over the country to be run by the government of the country. One of the pillars of democracy is the principle of trias politica which divides the three political powers of the country (executive, judiciary and legislative) to be realized in three types of state institutions that are mutually independent and are in an equal rank to each other. The equality and independence of these three types of state institutions are needed so that these three state institutions can supervise and control each other based on the principle of checks and balances.

In a state of law everything must be done according to law. A state of law determines that the government must obey the law, not the law must obey the government. A state of law and democracy are two concepts of the mechanism of power in running the wheels of government. The two concepts are interrelated and cannot be separated from each other, because on the one hand democracy provides a foundation and mechanism of power based on the principle of equality and human equality, on the other hand a state of law provides a benchmark that what governs a country is not humans, but the law. The implementation of the Election as a concrete manifestation of the legal abstraction called the sovereignty of the people, where the people can demonstrate their will (political will), namely the most concrete is choosing a leader. There is a channel for the people to express their desire to choose who they want to lead them. It could be that the people who choose choose themselves. No one knows the desires of every person who has the right to vote in the voting booth. Thus the Election as a concrete form of legal abstraction.

One form of election conducted in Indonesia is the election of Regional Heads (Pilkada) as a forum for the democratization process to the regions. The election of regional heads (Pilkada) is one form of activity that can influence political decision-making. The election of regional heads (Pilkada) as a form of implementation of participatory democracy is used to carry out local leadership succession. Regional head elections (Pilkada) are the embodiment of Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Through regional head elections (Pilkada), the people of a region can determine who will occupy the position of regional head. Therefore, in the implementation of regional head elections (Pilkada), they must be carried out directly, generally, freely, secretly, honestly, and fairly in order to maintain the purity of the people's sovereignty.

As time goes by and democracy in Indonesia continues to improve, the election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors (which were originally the authority/elected by each Regional, Provincial and Regency/City People's Representative Council) has become a direct election by the Indonesian people. The implementation of regional head elections (Pilkada) which are essentially carried out directly is an increase in democracy at the local level, with the existence of democracy in a country, it means that the country is implementing democracy that upholds the aspirations, interests and voices of its people. The direct election system is the most realistic alternative to bring the democratic aspirations of the people closer to the power of the government and at the same time provide a basis for political legitimacy to the elected executive officials. The people have very important rights and obligations in the implementation of regional head elections (Pilkada), where the people's rights as voters are to cast their votes directly according to their conscience, and without intermediaries or pressure from any party. In addition, the people also have the right to be guaranteed security by the state so that they can vote according to their conscience. The people also have an obligation to guard and keep their choices secret so that they are not known by any party.

Direct regional head elections (Governor, Regent, and Mayor) are one of the mechanisms considered democratic to elect regional heads. That is the legal policy in order to strengthen the position of regional heads who obtain broad legitimacy from the people. In the normative aspect of the legal policy, direct regional head elections

require the availability of rules of the game containing detailed mechanisms and procedures as well as good sanctions and law enforcement, also in the cultural aspect, good political readiness and awareness are needed from the organizers, contestants (candidates), and voters. Both aspects are very important to be fulfilled so that the objectives of direct regional head elections can achieve their ideal targets. For this reason, in order to ensure the realization of direct regional head elections that are truly in accordance with democratic principles, their implementation must be carried out with a system that is based on the principle of free and fair through a good and integrative system, including:

1. The availability of a material and formal legal framework that is applicable, binding and serves as a guideline for organizers, contestants (candidate pairs), and voters in carrying out their respective roles and functions;
2. The implementation of all activities or stages directly related to the implementation of regional head elections based on statutory provisions;
3. The integration of the law enforcement process for regional head election regulations according to the stages at each level, both concerning administrative, criminal, ethical issues, and also disputes over results. The fulfillment of these four aspects greatly determines the extent to which the system's capacity can bridge the achievement of the process and objectives of direct regional head elections as a unified, complete system.

The election of regional heads (Pilkada or Pemilukada) is carried out directly by residents of the local administrative area who meet the requirements. The election of regional heads is carried out as one package together with the deputy regional head. The regional heads and deputy regional heads referred to include:

1. Governor and deputy governor for the province;
2. Regent and deputy regent for the district;
3. Mayor and deputy mayor for the city.

Democratic regional elections are always attempted so that their implementation is maximized and produces regional leaders who are representative of the interests of the people in the regions they lead. One effort to improve the quality of regional election implementation is by implementing the Simultaneous Regional Election system. The Simultaneous Regional Elections that are implemented in a planned manner are the first in the history of Indonesia and even the world, where the simultaneous election model is implemented comprehensively. This extraordinary job demands a high level of professionalism from the Election Organizers. Regional head elections (Pilkada) are held by the Provincial General Election Commission (KPU) and the Regency/City General Election Commission (KPU) supervised by the Provincial General Election Supervisory Body (Badan Pengawas Peralis Umum) and the Regency/City General Election Supervisory Body (Badan Pengawas Peralis Umum).

The General Election Supervisory Body (Badan Pengawas Pemilu) was deliberately formed to supervise the stages of the implementation of the General Election and Election, receive reports/complaints, handle cases of administrative violations and criminal violations based on Law Number 7 of 2017 concerning General Elections. The General Election Supervisory Body has a role that is no less important than the General Election Commission (KPU) in the implementation of the General Election and Election, where the General Election Supervisory Body has the task and function to act as a supervisor, as well as a judge or executor of problem solving in the General Election and Regional Election.

Thus, to realize quality Simultaneous Regional Elections, readiness is not only required for the KPU and Regional KPU as organizers. The Election Supervisory Body (Bawaslu) must also be more careful in supervising the regional head elections. The Election Organizer Honorary Council (DKPP) must also be more responsive in resolving various complaints regarding violations of the code of ethics and guidelines for election organizers. In 2020, several regions in Indonesia held simultaneous regional head elections (Pilkada) which were held in the midst of the Covid-19 pandemic. Although the government itself has set a policy regarding social distancing which resulted 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 the pandemic as a form of implementing democracy in Indonesia. And one of the regions that participated in holding 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. Although 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 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. In reality, over time, various problems often occur in the implementation of regional head elections (Pilkada) such as fraud in the form of adding or reducing votes, money politics, unclear (fictitious) voter lists, black campaigns and the existence of multiple voters which can have an impact on public trust which causes protests from the public and results in political instability. The development of the implementation of Pilkada has given rise to many complaints about its implementation, in the process and mechanisms which often invite suspicion and jealousy from some people (including Candidate Pairs). From this suspicion and jealousy, demands were born for the implementation of a Free and Fair Election. The public is less aware that the various incidents that have emerged can be categorized as election crimes for which the threat of sanctions is already firm.

Due to the many criminal violations that occur in regional head elections, it is necessary to enforce criminal acts in regional head elections in the form of maintaining the dignity and essence of regional head elections as a beneficial distribution of power, which is one of the most important aspects in ensuring the implementation of the principles of a democratic state. Law is one of the many political instruments by which the rulers of society and the state can realize their policies. While criminal law is part of the entire law in force in a country, which provides the basis and rules for:

1. Determining which actions may not be carried out, which are prohibited, accompanied by threats or sanctions in the form of certain criminal penalties for anyone who violates the prohibition;
2. Determining when and in what cases those who have violated these prohibitions can be subject to or sentenced to the penalties threatened;
3. Determining how criminal penalties can be imposed if someone is suspected of violating the prohibition.

Law enforcement is the main key in creating a clean regional head election free from violations. 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. Various violations in the implementation of regional head elections (Pilkada) above, of course can affect and even injure the purity of the people's voices to the point where it could result in a leader in a region not in accordance with the people's choice. As a result, at the end of each regional head election (Pilkada) there is often dissatisfaction among candidate pairs with the results of the vote count in the regional head election (Pilkada). Acts in the form of criminal violations during the campaign period in the implementation of the 2020 Pilkada were recorded as the most common crimes, including those related to the neutrality of the State Civil Apparatus (ASN). This is considered reasonable, because in addition to the fairly 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.

Then, related to the neutrality of the State Civil Apparatus (ASN), violations of the neutrality of the State Civil Apparatus (ASN) that violate the Election Law are recommended to the General Election Commission (KPU) or to the Integrated Law Enforcement Center (Sentra Gakkumdu) when in the form of a criminal election violation. Meanwhile, if the results of the study do not find any violations of the neutrality of the 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 forwards 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 of the Election of Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor.

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 a difference in signatures on the proof of verification by the Voter Data Updating Officer (PPDP). Then, at the campaign stage where the involvement/participation of the 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.

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

Khairunnisa et al

supervision by the Binjai City General Election Supervisory Agency alone. Meanwhile, there were no reports from the public that were received, 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 and during the Follow-up Voting in the form of alleged criminal misuse. 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, it shows the government's seriousness in eradicating election crimes through the establishment of Integrated Law Enforcement Centers (Sentra Gakkumdu). Integrated Law Enforcement Centers (Sentra Gakkumdu) have 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 Integrated Law Enforcement Centers (Sentra Gakkumdu) is intended to align the understanding and pattern of handling election and election crimes by the General Election Supervisory Body, the Indonesian National Police, and the Attorney General's Office of the Republic of Indonesia.

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 the 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 that is if the violation becomes public opinion, whereas of several cases whose motives and modus operandi are the same in various regions, some are not resolved through legal channels, so that it seems disparate or discriminatory. Based on the case and also the background description above, the author is motivated to conduct a study entitled "Law Enforcement in Criminal Acts of the 2020 Regional Head Election (Pilkada) in Binjai City by the Integrated Law Enforcement Center (Study at the Binjai City General Election Supervisory Agency)".

FORMULATION OF THE PROBLEM

Based on the description of the background above, several things can be identified which are the main problems in this research, namely:

1. What Forms of Criminal Acts in the 2020 Regional Head Elections (Pilkada) in Binjai City?
2. How is the Law Enforcement of Criminal Offenses in the 2020 Regional Head Elections (Pilkada) in Binjai City?
3. What is the Role of the Integrated Law Enforcement Center (Sentra Gakkumdu) in Handling Criminal Acts in the 2020 Regional Head Election (Pilkada) in Binjai City??

RESEARCH METHODS

This research is a normative juridical legal research, namely research that conducts analysis based on library materials and also document studies, and empirical legal research through field studies. While the nature of this research is descriptive analysis that aims to describe or illustrate more comprehensive problems. The main problem that will be studied and described by the author is related to Law Enforcement in Criminal Acts of the 2020 Regional Head Election (Pilkada) in Binjai City by the Integrated Law Enforcement Center (Study at the Binjai City General Election Supervisory Agency).

DISCUSSION

FORMS OF CRIMINAL OFFENCES IN THE 2020 REGIONAL HEAD ELECTIONS (PILKADA) IN BINJAI CITY

The implementation of regional head elections that are carried out simultaneously, because there are regions where the term of office of the regional head of the Governor and Deputy Governor has ended but the regional head election has not been held, the appointment of the Governor is carried out from the State Civil Apparatus who comes from the High Middle Leadership position until the inauguration of the Governor resulting from the election. And for the Mayor and Regent are appointed from the State Civil Apparatus with the rank of high pratama leadership until the inauguration of the Regent and Mayor resulting from the direct election. Election Supervisors, in this case the General Election Supervisory Body (Bawaslu) play a very important role in supervising all stages of the implementation of regional head and deputy regional head elections, receiving reports

Khairunnisa et al

of violations of regional head and deputy regional head election laws and regulations, resolving disputes that arise in the implementation of regional head and deputy regional head elections, forwarding findings and reports that cannot be resolved to the authorized agency and also regulating coordination relations between election supervisors at all levels. Often violations are found in the implementation of regional head elections, so in order to maximize the handling of these violations, especially in handling violations that contain criminal elements, Article 152 paragraph (1) of 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, determines that: "to standardize the understanding and pattern of handling criminal acts in the Election, the Provincial Bawaslu, and/or Regency/City Panwas, Regional Police and/or Resort Police, and the High Prosecutor's Office and/or District Prosecutor's Office form an integrated law enforcement center." The scope of criminal acts related to regional head elections is very broad, namely all criminal acts that occur during the implementation of the stages of regional head elections, including:

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

Based on the provisions 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 into Law, then There are 43 articles regarding Criminal Election Provisions, namely starting from Article 177 to Article 198A. Many criminal violations occur with the modus operandi of money politics or money politics in the form of money or goods, while administrative violations include the presence of campaign equipment that is still installed before voting, voters who have not received a C6 letter, voters who are not registered on the Permanent Voters List (DPT), and the presence of duplicate voters.

The forms of regional head election crimes that frequently occur are:

- a. Fake support for individual candidates;
- b. False documents or information regarding candidacy and candidate requirements;
- c. ASN or village heads carry out actions that benefit candidate pairs;
- d. Voters exercise their right to vote more than once;
- e. Campaigns in places of worship or places of education;
- f. Money politics or political dowry;
- g. Misuse of government facilities and budget for campaigns;
- h. Changing the vote tally is not in accordance with procedures.

Based on data on handling violations of the 2020 Regional Head Election 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 a difference in signatures on the proof of verification by the Voter Data Updating Officer (PPDP). Then, at the campaign stage where the involvement/participation of the State Civil Apparatus (ASN) showed partiality to one of the Candidate Pairs. The type of alleged criminal violation that often occurs in the 2020 regional head elections in Binjai City is the involvement of State Civil Apparatus (ASN) in the campaign of the Candidate Pair by carrying out actions that benefit the Candidate Pair.

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. Meanwhile, there were no reports from the public that were received, 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, Bergam Village, Binjai City District, which was carried out by five members of the public in the form of alleged criminal misuse. Where the entire

Khairunnisa et al

handling of the alleged election criminal violations was stopped during the discussion at the Integrated Law Enforcement Center (Sentra Gakkumdu) on the grounds that it did not meet the elements of an election crime.

Thus, based on data on handling 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 carried out during the Covid-19 pandemic, while the implementation of the 2024 regional head elections in Binjai City was carried out under normal conditions without any non-natural disasters (Covid-19) as happened in the implementation of the 2020 regional head elections in Binjai City.

LAW ENFORCEMENT OF CRIMINAL OFFENCES IN THE 2020 REGIONAL HEAD ELECTIONS (PILKADA) IN BINJAI CITY

The implementation of simultaneous regional head elections is a concept for organizing general elections that basically looks good because one of the things is that it can reduce the state budget, but this does not guarantee that there will be no election crimes committed, so on the contrary, in every implementation of regional head elections, election crimes often occur, in the case of election crimes every time a political year enters, this is even though it is clear in a statutory regulation that sanctions have been included for those who violate it. The inclusion of sanctions in various legal regulations, especially regional head election laws and regulations, is like an obligation that must be included, as if the relevant legal regulations are toothless or cannot be enforced or will not be obeyed if the final part does not include sanctions, there will be no point in enforcing legal rules when those rules cannot be enforced through sanctions and enforcing the rules in question procedurally. Sanctions themselves are generally a means of coercion, in addition to punishment, also to obey the laws stipulated in regulations or agreements. According to Philipus M. Hadjon, sanctions are a tool of power that is of a public legal nature used by the authorities as a reaction to non-compliance with legal norms, where the elements of sanctions include being a tool of power, being of a public legal nature, being used by the authorities and as a reaction to non-compliance. Therefore, the law is always used by the authorities in order to maintain their power, a tool to increase and develop it, meaning that the good and bad of the power must always be measured by its usefulness in achieving a goal that has been determined or based on the community first.

Thus, this sanction is always present in legal regulations, especially the legal regulations on regional head elections, which are qualified as mandatory legal regulations. Disobedience or violation of an obligation stated in the legal regulations results in irregularities that are actually not desired by the relevant legal regulations. This is in accordance with the function of sanctions used for law enforcement, especially law enforcement for criminal acts of regional head elections. In regional head elections, the task of supervising the implementation of the series of elections is entrusted to the General Election Supervisory Body (Bawaslu), but to assist Bawaslu in supervising each region, the Republic of Indonesia Bawaslu oversees the Provincial Bawaslu for the Provincial level and the Provincial Bawaslu oversees the City or Regency Panwaslu at the city and regency levels. The duties of the Provincial Bawaslu and the City or Regency Panwaslu are both tasked with supervising the implementation of the series of general elections, but what differentiates them is the scope of their supervision.

In carrying out its duties as a supervisor, Bawaslu is assisted by the Police and the Prosecutor's Office. The findings of Bawaslu's supervision that have criminal elements will be submitted or forwarded to the police if they meet the elements of criminalization and the police will continue to the investigation level if the elements of criminalization are proven true. Thus, it is clear that Bawaslu together with the police and the prosecutor's office have an important role as institutions that play a role in implementing the law and resolving criminal acts in regional head elections. 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 Election Supervisory Body at the central, provincial, and district/city levels, as well as in Binjai City the Integrated Law Enforcement Center (Sentra Gakkumdu) is in the Binjai City Bawaslu.

Overall, the rampant various types of alleged criminal acts in regional head elections show the need for strict supervision, firm law enforcement, and active community involvement in ensuring the integrity and fairness of the democratic process. The role of the KPU, Bawaslu, police, and other election monitoring institutions is

crucial in overcoming practices that damage the essence of democracy and public trust. The following are several types of alleged criminal acts that often occur in the context of regional head elections in Binjai City in 2020, namely defamation, ASN who carry out acts of bias and benefit candidate pairs, abuse of power, misuse of government facilities and budgets for campaigns, and voters who use their voting rights more than once. It is important to remember that all of these criminal acts are detrimental to the integrity of democracy and public trust in the election process. Strict and transparent law enforcement, as well as active community participation in election supervision, are important to ensure fairness and accountability in every stage of the regional head election. Although the Regional Election Law and a number of other laws and regulations have anticipated the potential for abuse of authority by state officials, regional officials, and other public office holders (ASN/POLRI/TNI members, and Village Heads/Lurah) in the implementation of the Regional Election, in practice it is not easy to assess whether an act or action can be categorized as abuse of authority/power in the regional election. In the context of the theory of the criminal justice system, the provisions on the time limit for investigating election crimes have profound relevance. The theory of the criminal justice system emphasizes the importance of a balance between efficiency, justice, and legal certainty in the law enforcement process. The regulation of the investigation time limit of 14 (fourteen) days, as stipulated in Law Number 10 of 2016, can be seen as an effort to increase efficiency in the criminal justice system. With a strict time limit, law enforcement officers are expected to work faster and more organized, so as to prevent unnecessary delays and ensure that the legal process runs according to the predetermined schedule. The theory of the criminal justice system also highlights the potential risks of implementing a time limit that is too tight. Pressure to complete the investigation in a short time can sacrifice the quality and thoroughness of the investigation, which can ultimately affect substantive justice. Investigators may feel compelled to take shortcuts or ignore important procedures in order to meet the deadline, which can result in a lack of validity of evidence or a disregard for the rights of the suspect. In this theory, efficiency should not be achieved at the expense of the principles of justice and human rights.

In addition, the legal certainty resulting from the application of the investigation time limit also has two sides. On the one hand, the time limit provides clarity and certainty for all parties involved, including the reporter, the accused, and the general public. They can know that the case will be resolved within a certain time, thereby reducing uncertainty and prolonged speculation. On the other hand, if the investigation cannot be completed properly within the specified time, this can lead to dissatisfaction and distrust of the criminal justice system. Therefore, it is important to ensure that the time limit set is accompanied by adequate resources and capacity for law enforcement officers. Law enforcement officers must ensure that every step of the investigation is carried out by considering the principles of justice and professionalism. The speed in resolving cases must not sacrifice the basic rights of suspects or reporters, such as the right to receive a fair and impartial examination. Investigators must optimize available methods and technologies to speed up the process of collecting evidence without reducing its accuracy and validity. In addition, good coordination between the various parties involved, including Bawaslu, the police, and the prosecutor's office, is very important to ensure that the investigation process runs smoothly and effectively.

Thus, the thing to remember is that in terms of enforcing criminal election laws, especially in Binjai City, is the principle of fast law enforcement, meaning that in terms of enforcing criminal election laws, it is carried out quickly and there is a time limit that is relatively faster than handling criminal acts in general, where the General Election Supervisory Body together with police investigators and prosecutors will conduct the first discussion within 1 x 24 hours 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 study of the findings or reports of violations within a maximum of 3 (three) days after the findings or reports are received and registered by the General Election Supervisory Body. In preparing the study as referred to above, if additional information is needed, the preparation of additional information and the study will be carried out within a maximum of 5 (five) working days after the findings and reports are received and registered.

If there are elements of election crimes, then the handling is continued to be investigated by the police, the investigator conducts the investigation no later than 14 (fourteen) days from the forwarding of the report of alleged election crimes received from the General Election Supervisory Body, then the investigator submits the results of the investigation accompanied by the case file to the Prosecutor no later than 14 (fourteen) days from the forwarding of 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 file from the police reaches the prosecutor's office, the district attorney's office no later than 5 (five) days the public prosecutor provides the results

Khairunnisa et al

of his investigation and if the file is not complete then it must immediately return it to the police and the police no later than 3 (three) days submit the case file again. And after the case file has been declared P21 or complete then if according to the prosecutor the file is also complete, the public prosecutor submits the case file to the District Court no later than 5 (five) days from the time the case file is received from the investigator and the letter of introduction of 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:

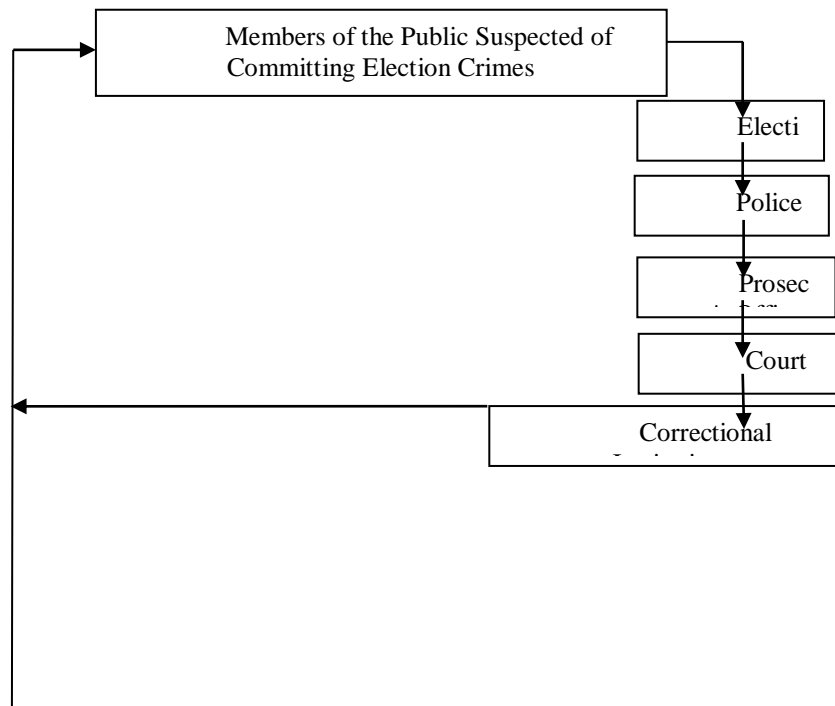


Figure 1.2. Election Crime Settlement System

Figure 1.2. above shows the flow of the criminal justice system in resolving general election crimes. That the sub-system in this system receives input, namely reports of election crimes committed by members of the public. These reports mainly come from the General Election Supervisory Body (Bawaslu) and from other parties such as election observers and other members of the public.

The Role of the Integrated Law Enforcement Center (Sentra Gakkumdu) in Handling Criminal Acts in the 2020 Regional Head Election (Pilkada) in Binjai City

The mechanism for filling the regional head position is carried out by being elected democratically. The definition of being elected democratically has a flexible meaning, it can be elected directly by the people or elected through the Regional People's Representative Council (DPRD). Being elected directly by the people is democratic, being elected through the Regional People's Representative Council (DPRD) is also equally democratic. However, Valina Singka Subekti, interprets being elected democratically as being elected directly by the people, as an effort to increase the accountability aspect of governors, regents, and mayors to the people. Regional head elections must be carried out democratically. Regional head elections are called democratic if they are held in accordance with the principles, namely honesty and fairness. The principles of honesty and fairness must not be tarnished in any way. That is why, criminal articles are clearly stated in Law Number 10 of 2016 concerning the Election of Governors, Regents and Mayors. Where the criminal articles are formulated clearly so that regional head elections are held fairly and justly.

The public does not need to be anxious and afraid to report potential violations in regional head elections. As Article 10 of Law Number 13 of 2006 concerning Protection of Witnesses and Victims confirms that witnesses, victims, and reporters cannot be prosecuted either criminally or civilly for reports, testimonies that will be, are being, or have been given. Thus, through the participation of supervision by the public as voters, it can at least

Khairunnisa et al

reduce the high number of violations in the implementation of regional head elections. The Integrated Law Enforcement Center, later shortened to Sentra Gakkumdu, is only operational when the General Election or Regional Head Election is 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), Police and 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 and Joint Regulation of the Chairperson of the General Election Supervisory Body of the Republic of Indonesia, the Head of the National Police of the Republic of Indonesia 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 deviations. 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.

As is known, the handling of election violations carried out by the Integrated Law Enforcement Center (Sentra Gakkumdu) is often faced with the absence of a common perception to determine the application of articles in the criminal provisions regulated by the Regional Head Election Law (Pilkada). This is because in the Integrated Law Enforcement Center (Sentra Gakkumdu) there are 3 (three) institutional elements that will determine decisions related to alleged election crime violations, namely the General Election Supervisory Body (Bawaslu), the Police, and the Prosecutor's Office. Thus, regarding the election crime violations handled by the three institutions, sometimes there are differences of opinion. On the other hand, the criminal procedure law that is often used in the Regional Head Election Law (Pilkada) has several parts of norms that are different from the parent criminal procedure law in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP). The differences lie, among others, in the implementing components, the handling flow, and the time limit. In addition, there are also similarities in the content of the material, so that it has the potential to experience duplication and level of effectiveness.

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, Binjai City Government, Kesbangpol, Satpol PP, Police regarding problems and obstacles in the implementation of the election, Brimob Battalion-A Pelopor Binjai City, and the Head of Binjai City Prison II. The Integrated Law Enforcement Center (Sentra Gakkumdu) is needed considering the orientation of handling election crimes aims to restore political rights that are disturbed by unfair and fraudulent actions. Therefore, there needs to be action against unfair and fraudulent actions, so that the role of the police and prosecutors who are part of the Integrated Law Enforcement Center (Sentra Gakkumdu) together with the General Election Supervisory Body (Bawaslu) is needed.

In practice, The Integrated Law Enforcement Center (Sentra Gakkumdu) will resolve urgent issues related to indications of election crimes with a common understanding of events or reports of indications of election crimes considering the limited time, so coordination is needed in resolving various problems and needs in handling each report of alleged election crimes. In the midst of the political process in this country, we realize that independent, transparent and dignified law enforcement is the hope and desire of the community. For that, let us together realize the hopes of the community by working professionally and with high integrity in handling election crime cases. The role of police and prosecutors in We really hope for the Integrated Law Enforcement Center (Sentra Gakkumdu) considering the limited authority, especially that of the Election Supervisory Body (Bawaslu). Which in a short time the Election Supervisory Body (Bawaslu) cannot forcibly summon the reported party for questioning and cannot confiscate evidence. So that these shortcomings can be completed by the police and the prosecutor's office

Considering that handling election crimes is not easy in its implementation, each element... The Integrated Law Enforcement Center (Sentra Gakkumdu), both the Election Supervisory Body (Bawaslu), the Police, and the Prosecutor's Office are also required to improve their human resources in handling allegations of election criminal

Khairunnisa et al

violations. In relation to the issue of vote manipulation, money politics, and intimidation of voters, of course the Integrated Law Enforcement Center (Sentra Gakkumdu) has prepared law enforcement officers to be able to face complex situations. Regional head elections (Pilkada) are held directly, publicly, freely, secretly, honestly, and fairly every five years. Of course, criminal acts of regional head elections only occur within that time frame. However, violations of criminal acts of elections that occur once every 5 (five) years need to be prosecuted. Although held once every 5 (five) years, regional head elections are essential or important in a democratic country and regional head elections must not be flawed or tarnished in their implementation.

The Integrated Law Enforcement Center (Sentra Gakkumdu) has the main function and role in conducting case titles to identify elements of election crimes and evidence that must be collected. Then, the pattern of relationships and work procedures in handling election crimes which include receiving reports, first discussion, second discussion, investigation, third discussion, and prosecution with the aim of aligning understanding in handling election crime cases. The Integrated Law Enforcement Center (Sentra Gakkumdu) is a strategic step for the General Election Supervisory Body (Bawaslu) in optimizing the functions of handling election crimes. In the establishment of the Integrated Law Enforcement Center (Sentra Gakkumdu) as mandated by the Regional Head Election Law (Pilkada), namely the effectiveness of work in aligning the understanding and pattern of handling election crimes. Therefore, with the existence of the General Election Supervisory Body (Bawaslu) as one of the components of its implementation, the Integrated Law Enforcement Center (Sentra Gakkumdu) has a strategic position in enforcing the law on regional head election crimes.

CONCLUSION

Based on the results of the discussion, the following conclusions were obtained:

1. The 2020 Pilkada in Binjai City cannot be separated from various forms of criminal acts that violate statutory provisions, such as money politics, spreading hoaxes, intimidation, campaign violations, and violations of health protocols. These forms reflect the challenges in maintaining the integrity of the Pilkada.
2. Law enforcement on Pilkada crimes is carried out through the central role of Bawaslu as a supervisor, the Gakkumdu Center as a forum for coordination between Bawaslu, the Police, and the Prosecutor's Office, as well as law enforcement officials to ensure that the legal process runs effectively and according to procedures.
3. The Gakkumdu Center plays an important role in ensuring the coordination of the handling of Pilkada violations is fast and precise, given the limited time available for case processing. However, the main challenge faced is proving violations, such as money politics, which often requires witnesses or concrete evidence that is difficult to obtain.

REFERENCES

- Abidin Farid, Zainal, *Hukum Pidana I*, Jakarta: Sinar Grafika, 2007.
- Afifuddin, M, *Membumikan Pengawasan Pemilu ; Mozaik Pandangan dan Catatan Kritis dari Dalam*, Jakarta: PT. Elex Media Komputindo, 2020.
- Alwi, Wahyudin, *Ilmu Negara dan Tipologi Kepemimpinan Negara*, Yogyakarta: Pustaka Pelajar, 2014.
- Edward, Fritz, *Aparatur Sipil Negara dalam Perebutan Kekuasaan di Pilkada*, Jakarta: Konstitusi Press, 2020.
- Effendi, Erdianto, *Hukum Pidana Indonesia*, Bandung: PT. Refika Aditama, 2011.
- Hamzah, Andi, *Asas-Asas Hukum Pidana*, Jakarta: Rineka Cipta, 2020, Cetakan IV, Edisi Revisi.
- Hanitidjo, Ronny, *Metode Penelitian Hukum dan Jurimetri*, Jakarta: Ghalia Indonesia, 1988.
- Haris, Syamsuddin, *Dinamika Politik Pilkada Serentak*, Jakarta: Pusat Penelitian Badan Keahlian DPR RI Sekretariat Jenderal DPR Republik Indonesia, 2017
- HR, Ridwan, *Hukum Administrasi Negara*, Jakarta: Rajawali Pers, 2014.
- J. Moleong, Lexy, *Metode Penelitian Kualitatif*, Bandung: PT. Remaja Rosdakarya, 2006.
- Latif, Abdul dan Ali, Hasbi, *Politik Hukum*, Jakarta: Sinar Grafika, 2018.
- Marzuki, Peter Mahmud, *Penelitian Hukum*, Jakarta: Kencana, 2017.
- Muhammad, Abdul Kadir, *Hukum dan Penelitian Hukum*, Bandung: Citra Aditya Bakti, 2004.

Khairunnisa et al

- Mulyadi, Dedy, *Perbandingan Tindak Pidana Legislatif Dalam Perspektif Hukum Di Indonesia*, Bandung: PT Refika Aditama, 2013
- M. Gaffar, Janedjri, *Politik Hukum Pemilu*, Jakarta: Konstitusi Press, 2013.
- Nainggolan, English *Pegawai Negeri Sipil Lepas Dari Partai Politik Terjebak Di Pilkada*, Jakarta : Kencana, Edisi Pertama, Cetakan Ke-1, 2021.
- Otje Salman & Anthon F. Susanto, *Teori Hukum (Mengingat, Mengumpulkan dan Membuka Kembali)*, Bandung: Refika Aditama, 2007.
- Pedoman Penulisan Usulan Penelitian dan Thesis, Medan: Universitas Sumatera Utara, 2018.
- Pettalolo, Ratna Dewi dan Fahmi, Khairul, *Kajian Evaluatif Penanganan Pelanggaran Pemilihan Kepala Daerah Serentak 2020*, Jakarta: Badan Pengawas Pemilihan Umum RI, 2021.
- Prakoso, Djoko, *Tindak Pidana Pemilu*, Jakarta: Rajawali, 1987.
- Prasetyo, Teguh, *Filsafat Pemilu*, Bandung : Nusa Media, 2018.
- Priyono, Herry, *Kratos Minus Demos Demokrasi Indonesia Catatan dari Bawah*, Jakarta : Perhimpunan Bantuan Hukum dan Advokasi Rakyat Sumatera Utara, 2012.
- Santoso, Topo, *Tindak Pidana Pemilu*, Jakarta: Sinar Grafika, 2006.
- Sinaga, Dahlan, *Tindak Pidana Pemilu, Dalam Perpektif Teori Keadilan Bermartabat*, Bandung: Nusamedia, 2018.
- Soekanto, Soerjono, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Jakarta: Rajawali Pers, 2013.
- Surya Brata, Sumardi, *Metodologi Penelitian*, Jakarta : Raja Grafindo Persada, 1998.
- Syamsuddin, Rahman dan Aris, Ismail, *Merajut Hukum Di Indonesia*, Jakarta: Mitra Wacana Media, 2014.
- Triwulan Tutik, Titik, *Konstruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945*, Jakarta: Prenadamedia Group, 2015.
- Widodo, Heru, *Hukum Acara Perselisihan Hasil Pilkada Serentak di Mahkamah Konstitusi*, Jakarta: Sinar Grafika, 2015, Cetakan Pertama.
- Wuisman, J. J. J. M, *Penelitian Ilmu-ilmu Sosial, Asas-asas*, Jakarta: FE UI, 1996.
- Winarno, *Dasar-Dasar Ilmu Politik*, Jakarta: Gramedia Pustaka Utama, 2002.