

An Examination of Factors Influencing Law Enforcement in Cases of Electoral Offenses During the 2020 Regional Head Elections in Northern Lombok Regency

Zahratul'ain Taufik¹, Titin Nurfatlah², Rahmadani³, Baiq Vira Safitri⁴

¹ Fakultas Hukum Universitas Mataram, Mataram, Nusa Tenggara Barat, Indonesia

Email: zahratulain.taufik@unram.ac.id

² Fakultas Hukum Universitas Mataram, Mataram, Nusa Tenggara Barat, Indonesia

Email: titinnurfatlah11@unram.ac.id

³ Fakultas Hukum Universitas Mataram, Mataram, Nusa Tenggara Barat, Indonesia

Email: rahmadanishmh@unram.ac.id

⁴ Faculty of Social Science, University of Antwerp, Antwerpen, Belgia

Email: baiq.safitri@student.uantwerpen.be

Received: 2023-11-23; Reviewed: 2024-04-29 Accepted: 2024-04-29, Published: 2024-04-30

Abstract

This study aims to explore the determining factors impacting the enforcement of electoral laws during the 2020 regional elections in North Lombok Regency. Regional head elections represent a direct mechanism for the populace to elect their leaders. Given the nature of elections as a platform for power acquisition, they inherently attract transgressions, unlawful deeds, irregularities, and other violations. The Final Report of the Election Supervisory Body (Bawaslu) of North Lombok Regency revealed that while eight instances of electoral infractions were probed, only one case was prosecuted, forming the focal point of this article. The research employed normative-empirical legal research with both conceptual and case approaches, by collecting primary and secondary data, which were subsequently qualitatively analyzed. The findings indicated various factors influencing the adjudication process of electoral offenses during the 2020 Pilkada in North Lombok Regency, including disparities in the interpretation of legal statutes among law enforcement entities handling electoral crimes, inadequate evidentiary support to establish electoral infractions, and challenges in procuring testimony from cooperative witnesses.

Keywords: Election Crimes; Law Enforcement; Regional Head Elections.

1. INTRODUCTION

The people have sovereignty, responsibility, rights and obligations to elect their leaders democratically for running the government functions.¹ Direct democratic election process, the supreme power of the people is vested in the executive and legislature through democratic election according to the constitution.² The Regional Head Election (*hereinafter referred to Pilkada*) is a significant

¹ Sri Sugeng Pujiatmoko, "Penanganan Pelanggaran Pemilu Dalam Teori Dan Praktik," *Karya Litera Indonesia*, Tuban, 2020., pg. 11

² Amzar Ardiyansyah, M Nur, and Mahfud Abdullah, "Kewenangan Penetapan Bakal Calon Legislatif Untuk Suatu Daerah Pemilihan Di Aceh," *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 2 (2020): 267-82., pg. 268

tool in determining the sustainability of the government system in the region in order to implement the real manifestation of a Democratic State.³ The implementation of people's sovereignty in the provinces and regencies/cities, to elect governors and deputy governors, regents, and deputy regents, as well as mayors and deputy mayors directly and democratically, is a regional election that occurs routinely every five years and as mandated by the constitution of the Republic of Indonesia as contained in Article 18 paragraph (4), which states that governors, regents and mayors as heads of provincial, district and city governments are elected democratically. As a form of realization of people's sovereignty in the frame of democratization is the holding of general elections (hereinafter abbreviated as elections) on a regular basis with the principles of direct, general, free, honest and fair.⁴

Regional elections are intended to elect regional heads at the provincial and district/city levels, namely governors at the provincial level and regents/mayors at the district/city level.⁵ Then to achieve the goal of organizing quality elections, it must be pointed out that the implementation of elections must be carried out with predictable procedures with unpredictable results, as well as consistency between candidates taking place *Luber* and *Jurdil* (free and fair).⁶ The implementation of the people's sovereignty as a precious ideal of democracy does not go easily without supervision. Ensuring respect for the rule of law and upholding and protecting the constitutional rights of Indonesian citizens must be a top priority in the democratic process. The government then regulates that the implementation of the democratic process must be supervised in order to achieve the noble goals of democracy. The supervision is then given to the Supervisory Board of General Elections, which is known as Bawaslu, which is positioned from the central level to the Regency and City regional levels in Indonesia, which has the main task of directly supervising the implementation at all stages of the Pilkada process.

The general election process carried out and supervised by state institutions established by law is not enough to make the process of implementing regional head elections go without any violations or mistakes and even crimes occurring. The source of the violation can arise from any party, both election, participants, election organizers and the public. This is in line with what was stated by Nur Hidayat Sardini⁷ that election as an arena for the struggle for power, is certainly stained by violations, unlawful acts, irregularities, and other electoral malpractices. So that it must be settled through the mechanism determined by the applicable election laws and regulations.⁸

3 Ega Sukma Firdaus, "Pola Komunikasi Organisasi Badan Pengawas Pemilihan Umum Dalam Meningkatkan Kesadaran Masyarakat Terkait Penyimpangan Pada Pilkada Tahun 2020 Di Kabupaten Lombok Utara" (2020). pg.1

4 Lalu Kuku Sekartadi, "Kewenangan Dewan Kehormatan Penyelenggara Pemilu (DKPP) Mengubah Keputusan Komisi Pemilihan Umum (KPU) Provinsi Jawa Timur (Study Kasus Putusan NO. 74/DKPP-PKE-II/2013)," *Jurnal IUS Kajian Hukum dan Keadilan* 3, no. 2 (2015). pg. 400

5 Eko Noer Kristiyanto, "Pelaksanaan Pemilihan Kepala Daerah Serentak Di Indonesia: Studi Di Batam," *Jurnal Penelitian Hukum De Jure* 17, no. 1 (2017): 48-56., pg. 49

6 Pujiatmoko, "Penangana Pelanggaran Pemilu Dalam Teori Dan Praktik.," pg. 34

7 Chairman of Bawaslu RI (2008-2011), Member of DKPP RI (2012-2017), and chairman of Central Java Provincial Panwaslu in the 2004 General Election.

8 Sri Sugeng Pujiatmoko, pg. xx

Law Number 1 Year 2015 on the Ratification of Government Regulation in Lieu of Law Number 1 Year 2014 on the Election of Governors, Regents, and Mayors into Law, as amended several times, most recently by Law Number 6 Year 2020 on the Stipulation of Government Regulation in Lieu of Law Number 2 Year 2020 on the Third Amendment to Law Number 1 Year 2015 on the Stipulation of Government Regulation in Lieu of Law Number 1 Year 2014 on the Election of Governors, Regents and Mayors into Law, is a regulation that regulates various Pilkada processes and notes that there are more than 20 Articles that regulate the types of criminal violations and their sanctions at each stage. Regional Head Elections in Indonesia in 2020 were held simultaneously throughout Indonesia, including in North Lombok Regency (hereinafter referred to KLU). In the contestation of the Regional Head Election in North Lombok Regency, Bawaslu of KLU along with Integrated Law Enforcement (hereinafter Gakkumdu) North Lombok Regency (KLU) has handled eight cases of election crimes, whereof the eight cases there was only one case that was successfully addressed until the trial process in court and was found guilty. This fact then becomes a question about the process of law enforcement in relation to the election crimes that occur in North Lombok Regency. this article will then further review on what an election crime is and the factors that influence the law enforcement process in the 2020 Pilkada in North Lombok Regency.

The research employed normative-empirical legal research examining not only normatively what is contained in laws and regulations, but also observes the reactions and interactions that occur when the norms function and are applied in society.⁹ The research was conducted by reviewing and analysing regulations related to elections and election crimes, as well as the documents on criminal cases that occurred in the 2020 Pilkada in North Lombok Regency, which documents were obtained from direct interviews with related parties, including the North Lombok Regency Bawaslu, the North Lombok Resort Police, and the Mataram District Attorney's Office, all of them are members of the North Lombok Regency Integrated Law Enforcement Task Force (Gakkumdu).

2. ANALYSIS AND DISCUSSION

2.1 General Review of Election Crimes

Election Crimes are criminal offenses and/or crimes against the provisions of election crimes as stipulated in the Law on General Elections and the Law on the Election of Governors, Regents, and Mayors.¹⁰ Meanwhile, according to Topo Santoso,¹¹ election crimes are acts or actions (active/passive) that violate the provisions in the stages of holding elections which are threatened with criminal sanctions in the Election Act.¹² In reviewing the various forms of election crimes today, several laws and regulations in

9 Muhaimin, *Metode Penelitian Hukum*, Mataram University Press, Mataram, pp. 118

10 Alur Penanganan Pelanggaran Pemilihan, <https://ntb.bawaslu.go.id/alur-penanganan-pelanggaran-pemilu/>

11 Professor of Criminal Law, University of Indonesia

12 Topo Santoso, Politik Hukum Tindak Pidana Pemilu di Indonesia, disampaikan pada Seminar Nasional Bawaslu dan penegakkan Hukum Pemilu, Jakarta, 28 November 2019

Indonesia formulate election crimes, including several criminal offenses in Chapter IV Book II of the Criminal Code, including:¹³

- a. Article 148, which punishes a person if he intentionally and violently or with the threat of violence prevents a person who will exercise his right to vote from being disturbed.
- b. Article 149, which at the time of an election, gives or promises or bribes someone not to exercise their right to vote, or to follow what the giver wants, and the recipient of the bribe can also be subject to punishment.
- c. Article 150, which is an act of deception that causes a voter's vote to be worthless.
- d. Article 151, which formulates the act of intentionally claiming to be another person.
- e. Article 152, regulates the act of wilfully failing the voting that has been carried out or committing a deceitful act that causes the results of the voting to be changed.

In contrast to election crimes regulated in Law Number 1 of 2015 on the Ratification of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents, and Mayors into an Act, as amended several times, with the latest amendment being Law Number 6 of 2020 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2020 on the Third Amendment to Law Number 1 of 2015 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents and Mayors into an Act.

The Election Crimes regulated in the law regulate more than 50 provisions that discuss what can and cannot be done by election participants, election organizers, and the general public, these provisions are certainly accompanied by threats of punishment. In these regulations the criminal provisions intended are contained in Articles 177 to 198, clearly regulated by distinguishing them in each stage of the election. Starting from the voter data updating stage, the registration stage of regional head candidates, the campaign period stage, the voting stage, the post-voting stage, to the announcement stage of the vote recapitulation results. Among the many provisions regulated at each stage, there is one provision that functions at all stages, namely the provision contained in Article 198A which discusses the prohibition and punishment of every person who intentionally commits acts of violence or obstructs the election organizers in carrying out their duties. The real problem of elections is not only limited to the technical process, which is often found in many violations, but the main problem is that the election results, which are substantial things from elections, are still not as expected.¹⁴

2.2 Examining the Factors Influencing the Process of Law Enforcement of Electoral Criminal Offenses During the 2020 Regional Head Elections in North Lombok Regency.

The regional head election, which is a grand event in the region to elect its leaders, is an event for the realization of democracy which is the mandate of the 1945

¹³ Dudung Mulyadi, Analisis Penerapan Bentuk-Bentuk Tindak Pidana Pemilu, *Ilmiah Galuh Justisi Journal*, Vol. 7 No. 1- March 2019, pp. 22

¹⁴ Daud M. Liando, 2016, *Pemilu dan Partisipasi Politik Masyarakat (Studi Pada Pemilihan Anggota Legislatif Dan Pemilihan Presiden dan Calon Wakil Presiden Di Kabupaten Minahasa tahun 2014)*, LPPM Bidang koSosBud-Kum Journal, Vol. 3 No. 2 October, year 2016

Constitution. The sanctity of this mandate, of course, cannot run smoothly and without misappropriation or violation of the implementation of the festival of democracy that occurs. The violations can happen to anyone, whether the election organizers (KPU and Bawaslu) or election participants, or the general public. Thus, every election violation should be prosecuted, because these actions have disrupted the noble ideals of democracy by making the election process no longer run with the principles of an honest and fair election. As it is known, Indonesia has provided constitutional rights for every citizen who has met the requirements to be elected and vote, and of course in the process of choosing their leaders, not under pressure or coercion from any party. The existence of this constitutional right gives more responsibility to the state to be able to ensure its security. In this regard, the state then established an election supervisory institution which is now called the General Election Supervisory Agency (Bawaslu) from the central level to the Polling Station Supervisor (TPS). The existence of Bawaslu is not only used as an election supervisor but also as a state institution that is obliged to resolve various election violations, including election crimes.

Discussing election crimes, it will also talk about those who do not realize that violating election crimes is an effort to tarnish the sanctity of the ideals of democracy. This condition is supported by the assumption that general elections have a high sensitivity value, something that is sensitive or taboo to be questioned so unlawful acts in general elections are increasingly sinking. Election crimes are possible to occur anywhere during regional head elections, including in North Lombok Regency which only consists of five sub-districts with around 33 villages. With a large number of areas such as in other districts/cities, it does not mean that North Lombok Regency is free from acts of election crimes that occurred during the 2020 regional head election process.

It is known that the North Lombok Regency Bawaslu in the 2020 Pilkada has processed around eight suspected violations of election crimes at several stages of the election. Some of them were at the nomination stage, there were two cases of election crimes handled, then at the campaign stage there were five cases handled and the '*Pungut Hitung*' stage handled only one case. However, there was only one case that resulted in a court decision. The following is a description of each case handled and the factors that influenced it.

Table of List on Election Criminal Violations in the 2020 Regional Head Election in North Lombok Regency

Stages	Brief Descriptions	Articles Violated	Notes	Reasons
Nomination-1	There is an allegation of using authority, programs, and activities that benefit or harm one of the candidate pairs both in their own region and in other regions.	Article 71 (Section 3)	Discontinued	Not proven and does not meet the elements of the article

Nomination-2	The Regional Head replaces officials (mutation) within 6 months before the determination of the candidate pair.	Article 71 (Section 2)	Discontinued	Cannot be continued for reasons of public interest
Campaign-1	There is one song as a campaign media through social media, in the song content there are several things that are underlined as a form of alleged black campaign violations.	Article 69 Point C	Discontinued	The elements of the article are not fulfilled
Campaign-2	The campaign team, volunteers, and other parties are suspected of intentionally promising in return to citizens if they can win one of the regent candidate pairs.	Article 73 Section (4) Point C	Discontinued	Not proven and does not meet the elements of the article
Campaign-3	The campaign team, volunteers, and other parties are suspected of intentionally giving several household items, a campaign prop from one of the candidate pairs that has been nominated, and a T-shirt to the citizens in the event.	Article 73 Section(4) Point C	Discontinued	Not proven and does not meet the elements of the article
Campaign-4	There was an incident of distribution of goods consisting of 3 (three) coconut grating machines, 10 (Ten) shirts, and stickers to the community of Terbis Hamlet, Andalan Village, Bayan Subdistrict, KLU which was carried out by one of the Candidates for Vice Regent of North Lombok Regency in the 2020 Regional Head Election.	Article 73 Section(4) Point C	Discontinued	Not proven and does not meet the elements of the article

Campaign-5		69 Point H	Discontin- ued	Differences in interpreta- tion of articles between the police, pros- ecutors and Bawaslu who are members of the North Lombok District Gak- kumdu com- mentary
There was an incident of using State facilities by using official vehicles in the cam- paign activities of one of the Candidate Pairs for Regent and Deputy Regent of North Lombok Regency.				
Voting mentation	Imple- There was an incident of voting for ballots more than 1 (one) time by one of the people of North Lombok Regency at 2 (two) different polling stations.	Article 178 B	Continued to Mataram District Court Deci- sion	The elements of the article have been met and there are two pieces of evidence

Source: Results of Analysis and Processing of Primary Data

The following is a further explanation of the reasons for stopping the handling of the North Lombok Regency Gakkumdu Election Crimes case processed, as previously illustrated in the table above, based on primary data obtained in the field:¹⁵

1. The activities carried out by volunteers or campaign teams and/or other parties that aim to benefit or harm one of the candidate pairs by using the authority, programs, and activities of the Regent of North Lombok Regency, are considered not an election crime, because from the results of supervision and assistance in joint investigations with the North Lombok Regency Gakkumdu Center. The activity concerned is an activity of distributing basic necessities to the elderly community which is the authority and program of the Regional Government of North Lombok Regency, which has only been carried out in several villages in the Tanjung and Gangga sub-districts, while the activity reported by the community as an alleged violation was an activity carried out in a village in the Bayan sub-district area which was actually an activity carried out using personal funds from a Regent candidate volunteer. So that the incident cannot be continued in the investigation process because proven that the incident mentioned has no relation, with the regent candidate as the reported party, and the act is considered not contradictory nor can it be fully proven and does not meet the elements of Article 71 paragraph (3) of Law Number 10 of 2016 on the Second Amendment to Law Number 1 of 2015 on the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents and Mayors into Law.

¹⁵ Final Report on Handling Violations of Bawaslu North Lombok Regency in 2020.

2. The incident of a replacement of officials carried out by the Regional Head of North Lombok Regency to the civil servants (ASN) at the North Lombok Regency Youth and Sports Office and the Mutation of Civil Servants in the North Lombok Regency Government within six months before the determination of the Regent/ Deputy Regent candidate. Based on the results of the action taken by Bawaslu North Lombok Regency, it is considered that the case is an act contrary to the provisions of Article 71 paragraph (2) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law, so that it can be continued in the investigation assistance process along with the Lombok Utara Regency Sentra Gakkumdu. However, the discussion process with the Sentra Gakkumdu of North Lombok Regency, generated considerations regarding the public interest and safety of the people. Because in the 2020 Regional Head election coincides with the handling of the Covid 19 and the subject being supervised is a Regional Head (Regent) who is also the Head of the Task Force in handling the Covid 19 in the North Lombok Regency area, it will affect the handling because it is possible that it will cause issues which have the potential for horizontal conflict and mass concentration. Besides that, in the process of handling violations of criminal law in this case it is also necessary to consider and adhere to the Principle of -Opportunity which is normatively contained in Article 35 letter c of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia which emphasizes that the Attorney General has the duty and authority to set aside cases in the public interest. Not only is the principle of opportunity considered and used as the basis and guidance in this case, but there are also other principles initiated by the philosopher and jurist Marcus Tullius Cicero, namely the principle of *Salus populi suprema lex esto* which means that the safety of the people is the supreme law of a country which then becomes the basis for determining that the case cannot continue to be handled.
3. Regarding a song of struggle that is used as a campaign media through social media, in which the song content contains several things underlined as a form of alleged black campaign violations, is an event that is not an election criminal event, because based on the results of supervision and assistance in joint investigations by the North Lombok Regency Gakkumdu Center on the content, there is no preliminary evidence explaining formally that it has passed the due date. Then it is not explained whether the person who created the content was the Success Team, Sympathizers, or ordinary people. because if the content is created by ordinary people who have no interest in any pair of candidates then it does not cause any legal consequences.¹⁶ The incident cannot be continued as an election criminal event that violates the rules of Article 69 letter c of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law.

4. Related to the campaign team, volunteers, or other parties were reported because there was an incident that was suspected of intentionally committing an act of promising in return to citizens, if they could win one of the regent candidate pairs, the incident could not be proven and after the handling process in the form of supervision and investigation assistance by the Gakkumdu of North Lombok district, there was no sufficient preliminary evidence to continue as an election crime, Then it was concluded that the incident did not meet the elements of Article 73 paragraph (4) of Law of the Republic of Indonesia Number 6 of 2020 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2020 concerning Third Amendments to Law Number 1 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning Elections of Governors, Regents and Mayors into Law, and could not be continued.
5. Regarding the campaign team, volunteers, or other parties reported for allegedly intentionally giving several household items, with campaign props of one candidate pair that has been given a number (nominated), and a T-shirt of the same candidate pair to the citizens. After supervising and assisting the investigation by the Gakkumdu of North Lombok Regency, it was found that the action had not yet fulfilled the provisions of Article 73 paragraph (4) of Law of the Republic of Indonesia Number 6 of 2020 concerning Stipulation of Government Regulation in Lieu of Law Number 2 of 2020 concerning Third Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning Elections of Governors, Regents, and Mayors into Law and there were no witnesses who could prove the reported incident.
6. The incident of distributing goods that consisted of 3 (three) coconut grating machines, 10 (Ten) shirts, and stickers to the people of Terbis Hamlet, Andalan Village, Bayan District, KLU, which was carried out by one of the Candidates for Deputy Regent of North Lombok Regency in the 2020 Regional Head Election. It was an event that was reported as an election criminal act, but the results of supervision and investigation assistance indicated that the report did not have sufficient evidence to strengthen the allegations of election criminal violations, so it did not meet the elements of Article 73 paragraph (4) letter C of Law of the Republic of Indonesia Number 6 of 2020 concerning Stipulation of Government Regulation in Lieu of Law Number 2 of 2020 concerning Third Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning Elections of Governors, Regents, and Mayors into Law.
7. There was an incident of using State facilities by using official vehicles in the campaign activities of one of the Candidate Pairs for Regent and Deputy Regent of North Lombok Regency, where the results of supervision and prosecution carried out by Bawaslu North Lombok Regency stated that the action was proven to be contrary to the provisions of Article 69 letter h of Law Number 1 of 2015 concerning Ratification of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regent and Mayor into Law, as amended several times, most recently by Law Number 6

of 2020 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2020 concerning the Third 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. However, it differed from the results of the investigation and assistance carried out by the North Lombok District Gakkumdu consisting of the prosecutor's office and the police where the results stated that the elements of Article 69 Point h "*Using government and local government facilities and budgets*" had not been met against the reported incident, because referring to the alleged article is cumulative where government facilities and budgets must be proven simultaneously and cannot stand alone. In this case, it showed that the ability to interpret the Articles carried out by Bawaslu North Lombok Regency and the Police and prosecutors who were members of the North Lombok Regency Gakkumdu Center were different.

8. The incident of the voting of ballots more than 1 time carried out by one of the people of North Lombok Regency at 2 (two) different polling stations was an incident that based on the results of the supervision and assistance of the North Lombok Regency Sentra Gakkumdu investigation was considered an election crime that had met the elements of Article 178 Point B of Law Number 1 of 2015 concerning the Ratification of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regent and Mayor into Law, as amended several times, most recently by Law Number 6 of 2020 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2020 concerning the Third 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 the Act.

The resolution of diverse election crimes was not solely undertaken by Bawaslu, as it is acknowledged that the Indonesian state organs also engage in law enforcement to address various criminal offenses. Indonesia has state organs that have been known as the Police as investigators and criminal investigators and Prosecutors as a prosecutor and judges as decision maker—and imposing sanctions. In terms of settling election crimes, an Integrated Law Enforcement Center (Gakkumdu) was formed which was a combination of the Police, Prosecutors, and Bawaslu. It was carried out to strive for the process of resolving election crimes to be simpler, shorter, and more efficient. Because the entire process of enforcing election criminal law from the stage of finding a criminal offense to proving that a criminal offense has occurred, all elements included in the Gakkumdu Center are directly involved. The design of the general election law contained in the policy brief on the Arrangement of Law Enforcement states that Gakkumdu is the center of law enforcement activities for election crimes. Then it is also stated that the purpose of establishing Gakkumdu is to equalize the understanding and pattern of handling criminal acts by Bawaslu, the Indonesian National Police, and the Attorney General's Office.¹⁷ Based on the description and handling of eight cases of violations

¹⁷ General Election Supervisory Board of the Republic of Indonesia, Policy Brief, Law Enforcement Arrangements within the framework of the amendment of Law No. 10/2016, Jakarta, 2019, pg. 7

of general election crimes handled by the North Lombok Regency Gakkumdu Center, it can be formulated that there are several factors that are the reasons for stopping the handling process including:

First, the Article of the case reported by the public was not fulfilled. Considering that in addition to the main task, the Regency/City Bawaslu in handling alleged violations is required to receive and follow up reports relating to alleged violations of the implementation of laws and regulations regarding General Elections and forward findings and reports which are not its authority to the authorized agency. So that Bawaslu does not have the authority to reject reports from parties authorized to file reports. The parties authorized to file reports on alleged election violations can be filed by voters, election observers or election participants.

Second, there are differences in interpretation of the Articles among law enforcers involved in handling election crimes. The divergence in understanding of laws and regulations related to elections can affect the law enforcement process. It can affect how election crime cases are handled. The difference in interpretation of the article is related to the ability to interpret the article among law enforcers, considering that the settlement of election crimes is carried out by law enforcement incorporated into the North Lombok Regency Gakkumdu Center which is a collaboration of the Police, Prosecutors' Office, and Bawaslu elements, and it is known that members of the Sentra Gakkumdu from the Bawaslu element are not people with Law Enforcement Apparatus backgrounds such as prosecutors and police who have gone through a lot of education and experience to settle various criminal cases.

Third, factors related to public interest, where the public interest is the highest legal ideal of a State, as the Opportunity Principle (*Asas Oportunitas*) which is normatively stated in Article 35 Point C of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia which emphasizes that the Attorney General has the duty and authority to override cases for the sake of public interest.

3. CONCLUSION

Based on the research conducted on the eight cases analyzed, it can be inferred that there was one case that reached the process of handling election crimes up to the trial in court. Then there was one case that was stopped due to public interest reasons. Besides that, there was also one case that was stopped due to differences in interpretation of the article between law enforcers who handled election cases joined in the Gakkumdu Center of North Lombok Regency. This study then concludes that several factors become obstacle in law enforcement related to election crimes in the 2020 Pilkada in North Lombok Regency, including failure to fulfil the elements of the article on cases reported by the public, differences in interpretation of articles among law enforcers involved in handling election crimes, and factors related to public interest. The factors that influence election crimes in the 2020 regional head elections in North Lombok Regency can be used as an evaluation tool in order to minimize cases of election criminal violations in the future.

REFERENCES

- Ardiyansyah, Amzar, M Nur, and Mahfud Abdullah. "Kewenangan Penetapan Bakal Calon Legislatif Untuk Suatu Daerah Pemilihan Di Aceh." *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 2 (2020): 267–82.
- Chairman of Bawaslu RI (2008-2011), Member of DKPP RI (2012-2017), and Chairman of Central Java Provincial Panwaslu in the 2004 General Election..
- Final Report on Handling Violations of Bawaslu North Lombok Regency in 2020.
- Firdaus, Ega Sukma. "Pola Komunikasi Organisasi Badan Pengawas Pemilihan Umum Dalam Meningkatkan Kesadaran Masyarakat Terkait Penyimpangan Pada Pilkada Tahun 2020 Di Kabupaten Lombok Utara," 2020.
- General Election Supervisory Board of the Republic of Indonesia, 2019, Policy Brief, Law Enforcement Arrangements within the Framework of the Amendment of Law No. 10/2016, Jakarta.
- Kristiyanto, Eko Noer. "Pelaksanaan Pemilihan Kepala Daerah Serentak Di Indonesia: Studi Di Batam." *Jurnal Penelitian Hukum De Jure* 17, no. 1 (2017): 48–56.
- Liando, Daud M. "Pemilu Dan Partisipasi Politik Masyarakat (Studi Pada Pemilihan Anggota Legislatif Dan Pemilihan Presiden Dan Calon Wakil Presiden Di Kabupaten Minahasa Tahun 2014)." *Jurnal LPPM Bidang EkoSosBudKum (Ekonomi, Sosial, Budaya, Dan Hukum)* 3, no. 2 (2017): 14–28. <https://ejournal.unsrat.ac.id/index.php/lppmekosobudkum/article/view/17190>.
- Ntb.Bawaslu. "Alur Penanganan Pelanggaran Pemilihan." <https://ntb.bawaslu.go.id/alur-penanganan-pelanggaran-pemilu/>
- Muhaimin. *Metode Penelitian Hukum*. Cetakan I. Indonesia: Mataram: University Press, 2020.
- Mulyadi, Dudung. "Analisis Penerapan Bentuk-Bentuk Tindak Pidana Pemilu." *Jurnal Ilmiah Galuh Justisi* 7, no. 1 (2019): 14–28.
- Pujiatmoko, Sri Sugeng. "Penangana Pelanggaran Pemilu Dalam Teori Dan Praktik." *Karya Litera Indonesia, Tuban*, 2020.
- Sekartadi, Lalu Kukuh. "Kewenangan Dewan Kehormatan Penyelenggara Pemilu (DKPP) Mengubah Keputusan Komisi Pemilihan Umum (KPU) Provinsi Jawa Timur (Study Kasus Putusan NO. 74/DKPP-PKE-II/2013)." *Jurnal IUS Kajian Hukum Dan Keadilan* 3, no. 2 (2015).
- Topo Santoso. *Politik Hukum Tindak Pidana Pemilu Di Indonesia, Disampaikan Pada Seminar Nasional Bawaslu Dan Penegakkan Hukum Pemilu*. Jakarta, 28 November 2019, n.d.
- Wahid, Abdul, Andi Intan, and Nurhayati Mardin. "Model Vicarious Liability Partai Politik Terhadap Tindak Pidana Pemilu." *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 1 (2020): 180–89.