
BAWASLU PERFORMANCE IN LAW ENFORCEMENT EFFORTS AGAINST MONEY POLITICS VIOLATIONS

Daud Daniel Balubun, Faisal Santiago
Universitas Borobudur, Indonesia

Email : advdanielbalubun@gmail.com, faisalsantiago@borobudur.ac.id

Abstract

Caesarean section is an act of delivery assistance through a surgical process that results in changes in tissue continuity and causes pain. The impact that occurs in post-cesarean section patients includes infection in the suture marks, uterine infections, keloids, blood vessel injuries, and amniotic fluid entering the blood vessels. In addition, the discomfort felt by post-sectional patients can cause mother's dependence on nurses and families in meeting the needs of activities and the relationship between mother and baby is disrupted because the mother is more focused on the pain of the surgical wound. In addition, the process of physical and psychological adaptation of the mother will be more severe when the mother undergoes a surgical delivery process. The pain felt by the mother after childbirth and the physical limitations in carrying out activities tend to have the potential to affect the mother's ability to care for her baby and breastfeed her baby. Mother's Milk (ASI) is the best nutrition for babies because it provides adequate nutrition and is in accordance with the baby's needs. The mother's lack of confidence in her ability to breastfeed her baby can be caused by the mother not making initial contact with her baby. This can affect the welfare of the baby in the future. This research is quantitative research. The design used is cross sectional or cross sectional. The sampling technique was done by consecutive sampling. This study aims to analyze the effect of breastfeeding self-efficacy on breastfeeding behavior of post-cesarean mothers. The results of statistical analysis using chy-square showed that breastfeeding self-efficacy for post-cesarean mothers affected poor breastfeeding behavior by 80.9%. On the other hand, mothers who had poor BSE only 31% had good breastfeeding behavior. These results indicate that there is an effect of BSE on the breastfeeding behavior of post-cesarean mothers at the source of life hospital in Ambon (p value = 0.012). There is an influence between breastfeeding self efficacy on the behavior of breastfeeding mothers after cesarean section at Sumber Hidup Hospital in Ambon.

Keywords : Performance, Bawaslu, Law enforcement, Money politic

INTRODUCTION

Elections are held by the election organizers. Election administrators include Bawaslu, KPU, and DKPP as a unified function. Each of these institutions has different main tasks and functions as stated in Law No. 7 of 2017 concerning General Elections. Bawaslu as the organizer of the election has duties and functions, which include supervising, resolving disputes, and handling violations. The handling of the violation itself includes the handling of administrative violations, violations of the code of ethics, violations of other laws and regulations as well as election criminal violations (Kusuma et al., 2020).

Specifically, in carrying out the task of handling election criminal violations, Bawaslu does not act alone but is part of an institution called the Integrated Law Enforcement Center (or for short, Sentra Gakkumdu) (Yuliyanti, 2016). This institution consists of Bawaslu, the Police, and the Attorney General's Office. Its existence is based on the mandate of Article 486 paragraph (1) of Law No.7 of 2017 which states that to equalize the understanding and pattern of handling election crimes, Bawaslu, the Indonesian National Police, and the Attorney General's Office of the Republic of Indonesia form Galkumdu. Furthermore, by the provisions of Article 486 paragraph (11) Perbawaslu is issued No.31 of 2018 concerning the Integrated Law Enforcement Center as the basis for the establishment of this institution.

In Article 1 point (2) it is stated that the Sentra Gakkumdu is the center for law enforcement activities for election crimes consisting of elements from the Election

Supervisory Board, Provincial Election Supervisory Board, and/or Regency/City Election Supervisory Board, Indonesian National Police, Regional Police, and/or Resort Police, and the Attorney General of the Republic of Indonesia, High Court and/or District Attorney. So thus the Center for Gakkumdu includes Centers for Gakkumdu and Centers for Overseas Gakkumdu. Furthermore, in Article 2 paragraph (1)

it was stated that the handling of election crimes was carried out under one roof in an integrated manner in Gakkumdu (Asshiddiqie, 2011). During the 2019 election, the Central Java Provincial Election Supervisory Body handled 11 cases of criminal election violations (Giovan, 2022). The 11 (eleven) cases occurred in 10 (ten) Regencies/Cities: Bawaslu, Provincial Gakkumdu Centers, Regency/City Gakkumdu Centers, as follows:

Table 1. Number of Election Violations in the Central Java Region.

No.	Area	Election Criminal Case
1.	Semarang Regency	Money politic
2.	Banjarnegara District	The executor includes the village head
3.	Wonosobo Regency	Use of Government Facilities for Campaigns
4.	Boyolali Regency	Money politic
5.	Tegal Regency	Action to Benefit One of the Candidate Candidates by the Village Head
6.	Malang Regency	Actions Benefit One of the Candidates by the Head of the Village
7.	Purworejo Regency	Use of Government Facilities for Campaigns
8.	Sukoharjo Regency	Use of Places of Worship For Campaigns
9.	Wonogiri Regency	Money politic
10.	Pekalongan Regency	Money politic

At the democratic level, the government must guarantee the freedom of its citizens, by establishing Bawaslu as a controller, so that fraud in the form of money politics does not occur (Kade et al., n.d.). Elections are access to a fair and prosperous country, because each office holder is directly elected by the people, and is considered competent in their field (Andriyan, 2016). Thus, the function of Bawaslu is considered very important in guarding the course of democracy, and Bawaslu is asked to continue to improve its performance so that there are no more fraudulent attempts in the form of money politics, and/or actions that harm one of the Paslon/Caleg candidates, as well as the use of State facilities that are not supposed to be.

METHOD RESEARCH

The method used in writing this applied paper is an analytical descriptive method, namely by using data that clearly describes the problems directly in the field, then the analysis is carried out and then concluded to solve a problem (Machmud, 2016). Methods of data collection through observation and literature study to obtain problem-solving in the preparation of this paper (Todd et al., 2011).

The sociological juridical approach, namely the juridical approach method used to examine problems from a legal and systematic point of view and as a guide to rules that can be used as a basis for analyzing legal phenomena that arise. Sociological approach, namely the approach used to study a problem in society or the community environment with the intent and purpose of obtaining facts, followed by finding problems, identifying problems, and finding solutions to problems (Kasim & Nurdin, 2020).

RESULT AND DISCUSSION

A. Bawaslu's Efforts to Suppress Money Politics Violations

Indonesia has two electoral systems, namely the proportional and district systems. The Proportional System is an open list system (Arif, 2019). With this system, voters not only choose the party, but also the candidate they want. Voters, in addition to voting for a picture sign, also vote for the picture and name of the candidate they want (Taufik, 2013). Whereas in the district system, a small area (electoral district) elects a single representative based on a plurality (most votes).

Related to current cultural factors, money politics still occurs due to, among other things, the absence of a culture of shame, the low morality of the giver and receiver, lack of trustworthiness, dishonesty, and so on (Syahroni & Sujarwadi, 2018). Therefore, corrective steps are needed. Bawaslu itself has conducted education and strengthened legal awareness in the form of awareness and development of national morality so that the holding of elections can run well.

The next step is to carry out administrative selection, accompanied by a series of initial fit and proper tests at the initial recruitment stage of candidates in each political party to recruit candidates who are honest and trustworthy in their duties and responsibilities (RI & KONSTITUSI, n.d.). Nonetheless, this Bawaslu activity must be supported by statutory provisions by the Indonesian government. The readiness of facilities and infrastructure also deserves attention and improvement, to facilitate law enforcers so that they can prevent and eradicate money politics effectively and efficiently (Maringka, 2022).

Creating a culture of obedience and awareness of the law in the minds of the people towards money politics is not an easy thing, because the basic motivation related to stomach problems is indeed very risky in changing people's views in judging what is wrong and right. The presence of the state is urgently needed to realize the welfare of its people because when one is caught in money politics, one's attack factor returns to the economic factor. If there are still many findings related to money politics, then this is also a reflection of the government's failure to prosper its citizens (Raditya, 2014).

Specifically, Bawaslu's performance in suppressing the rate of money politics violations has been quite good, as evidenced by good coordination with the Police and the Attorney General's Office in providing penal measures against the perpetrators of money politics crimes, as explained in the data below:

Table 2. Recapitulation of Criminal Law Decisions on Money Politics Violations in the Central Java Region

No.	Area	Case	Reported / Defendant	PN's verdict	PT's verdict
1.	Semarang Regency	Money Politics (Article 521 Jo Article paragraph 1 letter j of Law No. 7 of 2017 Concerning Elections)	1. Siti Ambar Fathonah (Central Java Provincial DPRD, Golkar Party) 2. Sarwono (Semarang Regency DPRD, Golkar Party)	Onstslag van alle rechtsvervolgung	Strengthening the PN's Decision
2.	Banjarnegara District	Campaign to Include Village Head (Article 493)	Jo Article 280 paragraph (2) letter h of Law no. 7 of 2017 concerning Elections)	Onstslag van alle rechtsvervolgung	Strengthening the PN's Decision

BAWASLU PERFORMANCE IN LAW ENFORCEMENT EFFORTS AGAINST MONEY POLITICS
VIOLATIONS

3.	Wonosobo Regency	Use of Government Facilities (Article 521 Jo Article 280 paragraph (1) letter h Law No. 7 of 2017 Concerning Elections)	1. Gusanda Sosia Nagoya (DPRD Prov. Nasdem Party) 2. Maryadi (DPRD Kab. Nasdem Party)	3 (three) months imprisonment, 6 (six) months probation and a fine of IDR 5,000,000.00 or 2 (two) months imprisonment.	No Appeal
4.	Boyolali Regency	Money Politics (Article 521 Jo Article 280 paragraph (1) letter j Law No. 7 of 2017 Concerning Elections)	Basuki (DPRD Kab, PKS Party)	Imprisonment for 10 (ten) days and a fine of Rp. 1,000,000.00 with conditions if the fine is not paid is replaced by imprisonment for 1 (one) month.	No Appeal
5.	Malang Regency	Village Head Involvement in Campaigns (Article 490 of Law No. 7 of 2017 Concerning Elections)	Suharti (Head of Mengori Village, Pematang District, Pematang Regency)	Imprisonment for 1 (one) month and a fine of 1 (one) million with the condition that if the fine is not paid it is replaced by imprisonment for 10 (ten) days. Ordering the prison sentence not to be carried out if at a later date there is an order in the judge's decision because the Defendant committed another criminal act before the probationary period of 2 (two) months ended.	Strengthening the PN's Decision
6.	Tegal Regency	Village Head Involvement in the Campaign (Article 490 Law No. 7	Sunitah (Head of Harjosari Kidul Village, Tegal Regency)	Imprisonment of 3 (three) months and a fine of Rp. 1,000,000.00 with the provision that if the fine is not paid by the defendant then it can be replaced by imprisonment for 1 (one) month. Ordering the prison sentence will	Strengthening the PN's Decision

BAWASLU PERFORMANCE IN LAW ENFORCEMENT EFFORTS AGAINST MONEY POLITICS
VIOLATIONS

				not be carried out, unless in the future there is another order in the Judge's Decision, because the Defendant has committed another criminal act before the probationary period of 6 (six) months ends.	
7.	Sukoharjo Regency	2017 Concerning Elections)	Nur Rochmi KurniaSari, S.Pd. (DPR RI Dapil 5 Central Java, Gerindra Party)	Prison sentence of 2 (two) months, probation period of 5 (five) months, fine of IDR 5,000,000.00, subsidiary of 1 (one) month imprisonment.	Improving District Court Verdict: 2 (two) months imprisonment, 5 (five) months probation and a fine of Rp. 2,000,000.00, subsidiary of 15 (fifteen) days' confinement.
8.	Wonogiri Regency	Campaign Using Places of Worship (Article 521 Jo Article 280 paragraph (1) letter h Law No. 7 of 2017 Concerning Elections)	Coat of arms of Purnomo (DPRD of Wonogiri Regency)	Imprisonment for 1 (one) month and 15 (fifteen) days, and a fine of IDR 6,000,000.00 with the condition that if the fine is not paid it is replaced with imprisonment for 1 (one) month	No Appeal
9.	Purworejo Regency	Money Politics (Article 521 Jo Article 280 paragraph (1) letter j Law No. 7 of 2017 Concerning Elections)	Endang Tavip Handayani (District DPRD Gerindra Party)	Imprisonment for 1 (one) month and a fine of IDR 10,000,000.00 provided that if the fine is not paid it is replaced by imprisonment for 15 (fifteen) days. Determining the punishment does not need to be served unless there is one in the future the judge's decision to determine otherwise is due to the convict	Improving District Court Decision: Imprisonment for 1 (one) month and a fine of Rp. 5,000,000.00 with the condition that if the fine is not paid it is replaced with imprisonment for 15 (fifteen) days

				committing a crime before the probationary period of 3 (three) months ends.	
10.	Purworejo Regency	Use of Government Facilities (Article 521 Jo Article 280 paragraph (1) letter h Law No. 7 of 2017 Concerning Elections)	Ghofuru Rochim (DPRD PKS Party district)	Imprisonment of 2 (two) months and a fine of IDR 5,000,000.00 subsidiary of 1 (one) month in prison.	Strengthening the PN's Decision
11.	Pekalongan Regency	Money Politics (Article 523 paragraph (1) Jo Article 280 paragraph (1) letter j Law No. 7 of 2017 Concerning Elections)	H. Faisol Khanan (DPRD of Golkar Party District)	Imprisonment for 2 (two) months and a fine of IDR 5,000,000.00 subsidiary to imprisonment for 2 (two) months.	Freed

B. Bawaslu Obstacles in Suppressing the Occurrence of Money Politics Violations

Given the difficulty of proving to uncover money political activities, the authors think that it is better to make a special law regarding money political activities so that they are in line with Law No. 11 of 1980 concerning the Crime of Bribery, UUTPE, UUTPK, and other laws other special laws where some of the principles may deviate from the principles of applicable criminal law. in general, especially regarding the matter of proof. In the principles of criminal law, a new act can be called a crime if it fulfills several elements, where one of them being the element " against the law", in particular for the criminal law in force in Indonesia, the unlawful act must include breaking the law both formally and materially. Regarding the meaning of an act that is unlawful in nature, it means that human action which can be active (doing) or passive (not doing/silent) is prohibited and punishable by law. In the law, some rules prohibit someone from doing something, and there is also a necessity or obligation that someone has to do something (Sari, 2021). Regarding the teaching of material lawlessness which has a negative role (absence of material lawlessness), in Indonesia, it has become jurisprudence (Mufid, 2018).

CONCLUSION

Specifically, the Bawaslu's performance in suppressing the rate of money politics violations has been quite good, as evidenced by good coordination with the Police and the Attorney General's Office in taking action against perpetrators of money politics crimes. Given the difficulty in proving money politics activities, according to the author, a special law should be enacted regarding money politics activities so that it is in line with Law Number 11 of 1980 concerning the Crime of Bribery, UUTPE, UUTPK, and other special laws. others whose principles may deviate from the applicable criminal law principles. in general, in particular regarding the issue of evidence. In the principles of criminal law, an act can only be called a crime if it fulfills several elements, where one of them is the element of "unlawful", especially the criminal law in force in Indonesia, then the unlawful act must include violating the law both formally and materially.

REFERENCES

- Andriyan, D. N. (2016). *Hukum Tata Negara Dan Sistem Politik: Kombinasi Presidensial Dengan Multipartai Di Indonesia*. Deepublish.
- Arif, M. S. (2019). Reformulasi Model Penyuaaraan Paska Pemilu Serentak 2019: Studi Evaluasi Sistem Proporsional Daftar Terbuka. *Jurnal Wacana Politik*, 4(2).
- Asshiddiqie, J. (2011). *Konstitusi Dan Konstitusionalisme Indonesia [Indonesian Constitution And Constitutionalism]*. Jakarta: Sinar Grafika.
- Giovan, A. (2022). *Peran Bawaslu Provinsi Jambi Dalam Menindaklanjuti Pelanggaran Pidana Pemilu Pada Tahun 2019*. Ilmu Politik.
- Kade, A. F.-A. M.-D., Riza, W. R. S.-F., Wayan, F. E. S.-H.-I., Wulandari, W. P.-L., Putrianti-Sutarmin, N. A.-S. D., & Wahyu, H. A.-Y. (N.D.). *Perihal Penyelenggaraan Kampanye*.
- Kasim, F. M., & Nurdin, A. (2020). Study Of Sociological Law On Conflict Resolution Through Adat In Aceh Community According To Islamic Law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 4(2), 375–397.
- Kusuma, L. S. T., Zuhadi, Z., Junaidi, J., & Subandi, A. (2020). Peran Badan Pengawas Pemilihan Umum Dalam Penegakan Hukum Pemilu (Studi Penanganan Pelanggaran Pemilu Pada Sentra Gakkumdu Provinsi Nusa Tenggara Barat). *Jurnal Ulul Albab*, 23(2), 110–116.
- Machmud, M. (2016). Tuntunan Penulisan Tugas Akhir Berdasarkan Prinsip Dasar Penelitian Ilmiah. *Research Report*.
- Maringka, J. S. (2022). *Reformasi Kejaksaan Dalam Sistem Hukum Nasional*. Sinar Grafika.
- Mufid, M. (2018). *Ushul Fiqh Ekonomi Dan Keuangan Kontemporer: Dari Teori Ke Aplikasi*. Kencana.
- Raditya, A. (2014). *Sosiologi Tubuh*. Kaukaba.
- Ri, S. H. K., & Konstitusi, S. J. M. (N.D.). *Studi Efektivitas Sistem Rekrutmen Dan*.
- Sari, I. (2021). Perbuatan Melawan Hukum (Pmh) Dalam Hukum Pidana Dan Hukum Perdata. *Jurnal Ilmiah Hukum Dirgantara*, 11(1).
- Syahroni, M., & Sujarwadi, T. (2018). *Korupsi, Bukan Budaya Tetapi Penyakit*. Deepublish.
- Taufik, K. S. (2013). Wujud-Wujud Tuturan Persuasif Dalam Kampanye Pemilihan Bupati Dan Wakil Bupati Pasuruan Tahun 2008 Ditinjau Dari Perspektif Tindak-Tutur. *Prosodi*, 7(2).
- Todd, A. W., Horner, R. H., Newton, J. S., Algozzine, R. F., Algozzine, K. M., & Frank, J. L. (2011). Effects Of Team-Initiated Problem Solving On Decision Making By Schoolwide Behavior Support Teams. *Journal Of Applied School Psychology*, 27(1), 42–59.
- Yuliyanti, S. (2016). Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Pemilu Legislatif Tahun 2014 (Studi Putusan Nomor: 70/Pid./2014/Pt. Tjk.). *Fiat Justisia: Jurnal Ilmu Hukum*, 10(1).

Copyright holders:
Daud Daniel Balubun
(2023)

First publication right:
Injury - Interdisciplinary Journal and Humanity



**This article is licensed under a Creative Commons Attribution-ShareAlike 4.0
International**
