

**JLPH:**
Journal of Law, Politic
and Humanities<https://dinastires.org/JLPH>dinasti.info@gmail.com

+62 811 7404 455

E-ISSN: 2962-2816
P-ISSN: 2747-1985DOI: <https://doi.org/10.38035/jlph.v5i3>
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Juridical Review of the Role of Medan City Bawaslu in Preventing and Monitoring Political Money Practices in the 2024 Election in Medan City

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Abstract: Indonesia is a country that adheres to a democratic system, which means that the supreme power is in the hands of the people and the people have the right to determine who becomes their leader or representative, through an election, hereinafter referred to as (Election). As stated in Article 1 paragraph (2) of the Constitution of the Republic of Indonesia that "Sovereignty is in the hands of the People and is exercised according to the Constitution". Thus elections are an important instrument in a democracy that adheres to a representative system. In this research the author uses a type of normative juridical research that is qualitative in nature, namely research that aims to examine legal principles, legal systematics, and legal synchronization. In this study the authors focus on discussing the juridical review of the role of Bawaslu Medan city in preventing and supervising the practice of money politics in the 2024 elections in Medan City. To examine this research, the authors make a formulation of the problem, namely, how is the regulation of Bawaslu's role in preventing and supervising the practice of political money in the 2024 elections in Medan city, how is the role of Bawaslu in preventing and supervising the practice of political money in the 2024 elections in Medan city, and what are the obstacles Bawaslu in preventing and supervising the practice of political money in the 2024 elections in Medan city. In organizing elections, it is carried out by the Election Organizing Commission (KPU), and supervised by the Election Supervisory Body (Bawaslu) which is adhoc. The institution carries out its duties, powers and obligations according to Law No. 7 of 2017 concerning General Elections and based on the 1945 Constitution of the Republic of Indonesia. Every election implementation often occurs various violations, criminal acts, and also election disputes, one of which is money politics. Money politics or known as money politics is an election crime regulated in article 280 paragraph (1) of Law No. 7 of 2017 concerning elections. The efforts of Bawaslu Medan City in preventing and supervising the practice of money politics in the 2024 elections in Medan city, conducting socialization to the community, students, and also election participants, and supervising reports of alleged money politics that occurred in the Medan city area. However, Bawaslu Medan City also experienced several obstacles in carrying out its role caused by economic factors, factors of habit, tradition, and opportunity, as well as factors of lack of public understanding of politics.

Keyword: Elections, Bawaslu, Money Politics.

INTRODUCTION

Indonesia is a country that adheres to a democratic system, which means that the highest power is in the hands of the people and the people have the right to determine who will be their leader or representative, through holding general elections, hereinafter referred to as (Pemilu). This is also stated in article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, hereinafter referred to as (1945 Constitution of the Republic of Indonesia), that "Sovereignty is in the hands of the people and is implemented according to the Constitution". According to one of the founders of sovereignty theory, Jean Bodin, sovereignty is the highest necessity in a state, where sovereignty is owned by the state and is the main characteristic that differentiates state organizations from other organizations within the state.

Elections are a fundamental element in a democratic country. Elections function as a means of political change regarding the pattern and direction of public policy and/or regarding the periodic and orderly circulation of elites. 4 In article 1 paragraph (1) of Law number 7 of 2017 concerning General Elections, what is meant by elections is a means of popular sovereignty to elect members of the People's Representative Council, members of the Regional Representative Council, President and Vice President, and to elect members of the Regional People's Representative Council, which is carried out directly, publicly, freely, confidentially, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and The 1945 Constitution of the Republic of Indonesia.

According to Constitutional Law, elections are political dynamics in constitutional life which are a means of forming a representative bureaucracy to carry out the mandate of the people. Carrying out elections should ideally be carried out in accordance with the principles of elections, namely direct, general, free, secret, honest and fair.

In organizing elections in Indonesia, there are three institutions that are referred to as election organizing institutions, namely, the Honorary Election Management Council (DKPP), the General Election Commission (KPU), and Bawaslu (General Election Supervisory Body). These three institutions carry out their duties, authority and obligations in accordance with applicable regulations which refer to the implementation of elections in Indonesia. Based on its duties, authority and obligations, Bawaslu is an institution that directly supervises every stage of elections held by the KPU and also supervises every individual according to statutory regulations.

From the duties, authority and obligations of Bawaslu, this research focuses on discussing the role of Bawaslu in preventing and monitoring the occurrence of money politics, which is carried out directly at Bawaslu in Medan City. This is in accordance with Law Number 7 of 2017, money politics is an offense which is classified as an Election Crime. Carrying out money politics is a deviation from the principles of elections, namely the principle of "honesty", this is a form of transactional politics which of course harms the spirit of democracy itself. As Gunawan Suswantoro said, transactional politics are actions that a person usually carries out to influence the choices of certain people. Vote buying is the exchange of goods, services or money for votes in elections.

Strengthening the research data that there were incidents of money politics found in the implementation of elections, one of the cases found was the alleged money politics carried out by one of the North Sumatra DPRD legislative candidates for the North Sumatra Electoral District I, from one of the political parties while campaigning in one of the alleys. in Medan City sub-district by distributing basic necessities in the form of cooking oil. Regarding the alleged money politics, Bawaslu summoned the relevant legislative candidates for clarification which was carried out on January 15 2024 at Bawaslu, Medan City.

In this research, Bawaslu is advised to carry out election monitoring techniques that are more careful and thorough, so that there is no more space or opportunity for perpetrators of money politics to take action in every democratic party.

METHOD

The type of research used in writing this thesis is Normative Juridical research. The term normative legal research comes from English, normative legal research, and Dutch, namely normative juridisch onderzoek. Normative legal research or doctoral legal research or dogmatic legal research or legislative research which in Anglo American literature is referred to as legal research is internal research in the discipline of law which is the study of documents using legal source materials such as statutory regulations, court decisions/decrees, contracts, legal theory, and the opinions of scholars.

The research method used in the research is a qualitative method, which is a research method that places more emphasis on the aspect of understanding in depth a problem rather than looking at the problem for generalization research. The problem approach method used in this writing is the statutory approach method. The descriptive approach method (descriptive approach), and the conceptual approach method (conceptual approach). So, basically this approach allows researchers to look at law from various points of view, understand legal contextualization, and study law using systematic and analytical methods.

RESULTS AND DISCUSSION

Regulation of Bawaslu's Role in Preventing and Supervising Political Money Practices in the 2024 Election

Regulation of the role of Bawaslu or also known as legal basis, is a legal norm that is used as the basis or basis for legal action by people or legal entities that fall into the category of legal subjects. With a legal basis, everyone acts and makes decisions carefully and is protected by law as long as their actions are based on legal norms. Thus, elections are a means of popular sovereignty to elect members of the People's Representative Council, members of the Regional Representative Council, President and Vice President, and to elect members of the Regional People's Representative Council, which is carried out directly, publicly, freely, confidentially, honestly and fairly in The Unitary State of the Republic of Indonesia is based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

In article 280 paragraph (1) letter j, Law no. 7 of 2017 concerning General Elections, money politics is prohibited: "implementers, participants and election campaign teams are prohibited from: promising or giving money or other materials to election campaign participants."

The legal basis for the Election Supervisory Agency (bawaslu) as an institution that supervises the implementation of election stages, in carrying out its role to prevent and supervise the occurrence of money politics practices during the implementation of election stages is as.

1. The 1945 Constitution of the Republic of Indonesia:

Article 22E paragraph (5) "General elections are held by a national, permanent and independent general election commission.

2. Law Number 7 of 2017 concerning General Elections:

3. Bawaslu Regulation Number 3 of 2023 concerning Integrated Law Enforcement Centers for General Elections, article 19 paragraph (1) to paragraph (4) of the Bawaslu Regulation.

The Role of Medan City Bawaslu in Preventing and Supervising Money Political Practices in the 2024 Election in Medan City

Indonesia's electoral democratic reforms, which have taken place in the last two decades, have brought much progress. The real impact of the progress in question is the

institution of Election Organizers. If previous election affairs were handled by only one institution, then the results of electoral reform require that election administration be handled by three institutions.

The first institution is the General Election Commission (KPU), which functions as the main election administrator. The second institution is the Election Supervisory Body (Bawaslu), which functions as a guarantee of election quality. The third institution is the Election Organizer Honorary Council (DKPP), which functions as the guardian and enforcer of the principles of independence, integrity and credibility of the KPU and Bawaslu ranks.

Bawaslu as the institution that oversees the implementation of the election stages, of course makes various efforts to prevent and monitor the occurrence of money politics practices. The most crucial stage of money politics is the campaign and voting/counting stages.

The list of outreach activities carried out by Bawaslu to the community and students is as follows:

1. Socialization of the role of Medan City Youth and Students in participatory supervision in holding the 2024 elections, at the Le Polonia Hotel Medan on Monday, 29 August 2022.
2. Socialization of participatory pre-election supervision to Medan city community groups in preparation for the 2024 simultaneous pre-election, at the Le Polonia Hotel Medan on Monday, December 6 2022.
3. Socialization of participatory election supervision by observers and Cipayung plus Medan city in the 2024 general election, at the Grand Mercure Maha Cipta Medan Angkasa Hotel on Friday, February 9 2024.

Medan City Bawaslu's socialization provides understanding to all relevant parties regarding the regulations for the 2024 election stages and also the norms that must be adhered to during the campaign, including that it is forbidden to engage in money politics in any form. If this is violated, they will be punished according to Law no. 7 of 2017 concerning General Elections. At this meeting, the Medan City Bawaslu signed a Memorandum of Understanding (MOU) with Cipayung Plus Medan City which was carried out at the Medan City Bawaslu Building on Monday, October 23 2023.

Apart from the above activities, the Medan City Bawaslu also monitors election violations, election disputes and election crimes, one of which is money politics through the election monitoring application, the use of which is in accordance with the directions of the Republic of Indonesia Bawaslu. The applications are as follows:

1. Siwaskam Application (Campaign Supervision Information System), this application is an application created directly by the Republic of Indonesia Bawaslu which can be used by Provincial Bawaslu, Regency/City Bawaslu, election supervisors at the sub-district level, and also at the Kelurahan/Village level which carries out campaign oversight duties. This application can also be accessed by the public to report to Bawaslu any campaign violations committed by certain parties during the campaign, especially money politics.
2. Siwaslu Application (Election Monitoring System), this application is a tool used as a means of information to collect voting and vote counting results as well as the election stage process from the quiet period to the national level vote recapitulation. This application is used by TPS supervisors, sub-district supervisors, sub-district supervisors, overseas TPS/KSK supervisors, Regency/City Bawaslu, and Provincial Bawaslu.

During the election campaign in Medan City, the Panwaslu of Medan Kota District carried out surveillance in the Medan Kota District area, during this supervision it was discovered that there were allegations of violations committed by one of the North Sumatra DPRD candidates from the Gerindra party, by distributing basic necessities in the form of cooking oil and also involvement children in the campaign. This is in accordance with article 19 paragraph (1) of Bawaslu Regulation Number 3 of 2023. For this report, the reported person can be imprisoned for 2 years in accordance with article 521 and article 523 of Law No. 7 of 2017 concerning General Elections.

Discussions regarding this alleged report were held on Tuesday, January 9 2024 at the Gakkumdu center in Medan City. As a result of this discussion, the Medan City Bawaslu issued a summons to the relevant legislative candidates at the Medan City Bawaslu, the first summons being on January 12 2024, however at the call the person concerned was unable to attend and asked for additional time so the summons was only carried out and attended by the person concerned on January 15 2024 at the Medan City Bawaslu office while providing clarification. the result of which was that the city Bawaslu stated that this did not fulfill the elements of money politics after clarification by the person concerned.

Obstacles Experienced by Medan City Bawaslu in Preventing and Supervising Political Money Practices in the 2024 Election

In carrying out its role, Bawaslu in preventing and supervising the practice of money politics often experiences various obstacles due to various factors that influence this situation, so that Bawaslu does not have enough information about violations committed by candidates participating in the election or the success teams of these candidates.

The following are several main factors that are obstacles for the Medan City Bawaslu in preventing and supervising the practice of money politics in the 2024 elections in Medan City:

1. Economic Factors

Economic factors are the main factors that hinder Bawaslu in preventing and supervising the practice of money politics during the election stages.

2. Factors of habit, tradition and opportunity

The habits and traditions of the people who only use their right to vote if they are given or promised something that constitutes money politics in the implementation of elections, are also an inhibiting factor for Bawaslu in preventing and supervising the practice of money politics at the election stages.

3. Lack of public understanding of politics

There is a lack of public understanding regarding the regulations on the election stages and the norms that must be adhered to during the campaign, especially regarding the prohibition of engaging in money politics in any form, which results in the giver and recipient being liable to be punished in accordance with what is regulated in Law no. 7 of 2027 concerning General Elections, is also an obstacle for Bawaslu to prevent and supervise the practice of money politics. This belief is not without reason. Because, as stated by the professor at Airlangga University, Soetandyo Wignjosoebroto, democracy requires an independent society, both economically and ideologically.

CONCLUSION

General Elections (Pemilu) are an important instrument in democracy to elect leaders and representatives of the people, who are elected directly by the people without any coercion or pressure from any party. Thus, the implementation of elections is in accordance with the principles of election administration, namely direct, general, free, secret, honest and fair as stated in Law Number 7 of 2017 concerning General Elections.

In organizing elections, Bawaslu acts as a supervisory institution that directly supervises the election stages carried out by the KPU and election participants in order to ensure that the stages carried out are in accordance with existing regulations without any violations or disputes arising during the implementation of these stages, especially regarding money politics practices that are prone to occur at the stage of campaign implementation up to the time of voting.

The success of an election is due to careful and thorough supervision carried out by Bawaslu as an institution formed to guarantee the right to vote for all Indonesian people so that a democracy can be realized in accordance with the mandate of the 1945 Constitution that the

sovereignty of the people is in the hands of the people and implemented according to the Constitution. 1945.

To strengthen the existence of Bawaslu as an Election Supervisory institution, a regulation should be made that can protect Bawaslu in carrying out supervision and also Bawaslu in supervising money politics practices must be more careful and careful in supervising individuals who try to carry out money politics practices with Bawaslu to establish coordination. which is good for several government institutions as well as educational institutions and even community organizations which can act as participatory supervisors in the stages of organizing elections.

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