

Law Enforcement Against the Implementation of the 2019 Election in Jayapura City

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ABSTRACT: This study aims to determine the description of the General Election Implementation Process and Law Enforcement against violations of the 2019 Election in Jayapura City. The method used is normative legal research, with a conceptual approach, namely to find and find the principles and rules that regulate the status, which is to be put forward is the compatibility between legal rules and legal norms. The results of the study indicate that: In the process of implementation election there is a lack of neutrality of the ad hoc organizers, namely the district election committee (PPD) and the voting committee (PPS) to the election participants. There is a delay in the organizers in distributing logistics to the polling stations (TPS) which resulted in the ballot papers not being collected according to the schedule set by the organizers. A re-vote (PSU) was carried out in the North Jayapura district because the organizers at the district level (PPD) did not carry out their roles and functions professionally. There is a delay in the recapitulation process of the vote acquisition at the district level by the district election committee (PPD). It is known that The Election Organizer Honorary Council (DKPP) has imposed sanctions ranging from warnings to severe warnings for violations of the Code of Ethics of election organizers in this case the Jayapura City General Election Commission. Based on the conclusion above, the suggestion is that as the organizer of the general election as following . Maintaining integrity as an organizer, it is mandatory to uphold the principles of independence, honesty, justice, legal certainty, order, public interest, openness, proportionality, professionalism, accountability, and efficiency, and effectiveness. As an organizer, it is necessary to maintain solidarity and togetherness between the chairman and members and members both internally and externally by prioritizing and prioritizing public interests and maintaining public trust. Working in accordance with applicable election laws and regulations and obeying the principles of election organizers to avoid violations that occur at each stage, namely the preparation of the election list, updating candidate voter data, campaigning, printing, and distribution of ballots, as well as the stages of voting, counting, and recapitulation of votes. Maintaining that there are no delays in the procurement of logistics, especially ballots in the printing process, involvement, and distribution or distribution of ballots and completeness have arrived and been received by the organizers at the lower level, namely the KPPS 2 days before the day and date of the vote.

KEYWORDS: Law Enforcement; Election; Jayapura.

A. INTRODUCTION

Indonesia is a country of law, ¹Indonesia is said to be a democratic country according to Article 1 paragraph (2), namely; sovereignty lies in the hands of the people and is implemented according to the constitution ². Democracy is essentially a government of the people (from the word *deemos* = people and *cratia* = government). Substantively, the reference is the principle of people's sovereignty. The people are sovereign, not the rulers. Democracy was born in the ancient Greek era around the fifth century BC, at that time the polis (city-state) of Athens practiced it with a population of only around 20-40 thousand people.

The journey of the Indonesian Democracy System continues to experience quite a long change and development starting from the Old Order Era, the New Order, to the Reformation era. The development of democracy in the Reformation Era is certainly a little drastically different compared to the Democracy system in the Old Order and New Order Eras where the people make radical choices regarding decisions in the state by prioritizing Human Rights in Indonesia.

Basically election , is embodiment people's sovereignty for produce democratic governance . Implementation elections that are of a nature direct , general , free , confidential , honest and fair , only can come true if organizer have high integrity as well as understand and respect rights political public civil from citizens . On the other hand , the implementation of elections that have weak integrity

¹ Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

² Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia

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of course , potential hinder realization dignified and quality elections . This is Of course follow determine figure and direction leadership area in period certain .

Beside that , election is A means for the people to participate in determine direction organization governance and development . Besides That elections are also means legitimacy political for the government in power , because through election idea that government need agreement from the ruled can associated in matter get mandate For operate wheel government .

The regional elections are also a activity from the democratic process that is not let go from organization election Because regional elections has output namely official politics (elected official), where after position official political obtained so there is authority full For organize and direct Where to a area both at the City, Regency , Province and Country levels below .

In the 1945 Constitution it is stated in Article 22E paragraph (5) that Election general organized by a the institution that mentioned Commission General Election (KPU) which is of a nature national , permanent , and general . Independent nature shows that the KPU is independent , namely carry out election general No based on pressure or intervention from other institutions but solely based on regulation applicable legislation , especially the main thing legislation about elections . In tiered commission General Elections are held at the Central level , Provincial KPU , Regency /City KPU.

In its development , the electoral system in Indonesia has experience improvement in matter implementation more organized good . On the other hand, the implementation elections Keep going experience more transformation and progressiveness Good from time previously . Transformation Good through regulation , order institutions , and personnel of the organizers elections . Transformed the based on demands and needs nation regarding the implementation process party ideal democracy according to order nation and state of the Republic of Indonesia.

With presence Law no. 7 of 2017 Concerning Elections , as well as KPU Regulation No. 8 of 2018 concerning Work Procedures , Provincial KPU , Regency /City KPU provides description in a way holistic related with system implementation organization more elections transparent and accountable . Besides that , the organizers are also required For operate mandate Constitution in accordance with applicable provision .

If we look at more Far that , changes the naturally based on the results data evaluation organization elections that have been implemented . Literacy and perspective studies general public to results implementation elections become source main determination direction and policy transformation and progressiveness organization elections in the future with hope that implementation elections must reach successful , quality and dignified , so that support various parties , especially consistency organizers and participants the election which is a mandatory.

However , in condition certain No can denied that Still just there is challenge in implementation ownership in Indonesia in general generally . Learn from implementation Election In 2019, still there is a number of disputes elections . As example , some case , related with election President and Vice President , Regent and Deputy Regent in several areas in Indonesia, even election member legislative Still show problems dispute elections that ended at the Constitutional Court (MK).

More explicit , learning from experience organization elections in Jayapura City, Papua Province in 2019. There are various case dispute law as example , the first , recommendation findings election supervisory body to complaint public in non-neutrality of the Organizing Body Ad hoc namely PPD and PPS throughout Jayapura City. The second , related to with delay distribution logistics to 710 polling stations in the South Jayapura District (Jayapura City DPRD Electoral District 1) and the District Abepura (Jayapura City DPRD Electoral District). The third is related with collection voice repeat in North Jayapura District . The fourth is delay in the recapitulation process voice at the District Level by PPD. The fifth is related with decision Bawaslu RI regarding Party Candidate Dispute Perindi who requires calculation repeat sound on some electoral district and still Lots Again problem unresolved dispute had time narrated .

Condition problem dispute law election 2019 in the working area of the Jayapura City KPU, Papua Province showed that challenge organization elections Still be one of matter important For intervened or even minimized . So in minimize issues dispute election need done A evaluation to election process disputes and disputes results elections that can become a profit to organizer as reference in carry out mandate the election that will be implemented in 2024 .

Based on the background of the problem above, the author is interested in writing and researching with the title "Law enforcement regarding the implementation of the 2019 Election in Jayapura City"

B. FORMULATION OF THE PROBLEM

In relation to the background of the problem, the problem formulation is:

1. What is the picture of the conditions of the election process disputes and election result disputes faced by the Jayapura City General Election Commission in the 2019 Election?
2. How is Law Enforcement against 2019 Election Violations in Jayapura City?

C. RESEARCH METHODS

The research method used in this study is normative juridical by basing its analysis on applicable laws and regulations.³ The research data used is secondary legal data consisting of primary legal materials, namely laws and regulations, including; The 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2017 concerning General Elections and 2. KPU Regulation No. 8 of 2018 concerning the Work Procedures of the KPU, Provincial KPU, Regency/City KPU. This study also uses secondary legal materials, namely literature related to the research problem. The legal data was obtained through a literature study which was then analyzed descriptively analytically⁴ to answer the research problem.

D. DISCUSSION:

A. Understanding Elections and Regional Elections, Principles of Elections and Election Disputes , Implementation of General Elections

1. Understanding Elections and Regional Elections

General elections are the process of electing people to fill certain political positions. These positions vary, from president, people's representatives at various levels of government, to village heads. Elections are one of the efforts to influence people persuasively (not coercively) by carrying out rhetorical activities, public relations, mass communication, lobbying, and others. Although agitation and propaganda in democratic countries are highly criticized, in general election campaigns, agitation techniques and propaganda techniques are also widely used by candidates or politicians as political communicators. Elections are conceptually a means of implementing people's sovereignty. Through general elections, the legitimacy of people's power is implemented through the "surrender" of some of their power and rights to their representatives in parliament or government. With this mechanism, the people can at any time demand accountability for their power to the government.⁵ According to Jimly Asshiddiqie, elections are a way to democratically elect people's representatives. Departing from the concept of people's sovereignty with a representative system or what is called *representative democracy*. While Dahlah Thaib said that elections are a process of peaceful change of power which is carried out periodically in accordance with the principles outlined in the constitution.⁶ According to Ali Moertopo, the definition of an election is as follows: "In essence, an election is a means available to the people to exercise their sovereignty in accordance with the principles contained in the Preamble to the 1945 Constitution. The election itself is basically a democratic institution that elects members of the people's representatives in the MPR, DPR, DPRD, who in turn are tasked with working together with the government to determine the politics and course of the country's government.

2. Principles and Principles that apply in General Elections and Regional Head Elections.

The implementation of the election in Indonesia adheres to the principle of "Luber" which is an abbreviation of "Direct, General, Free and Secret". The principle of "Luber" already exists since the New Order era. Then in the reform era, the principle of "Jurdil" also developed. In the implementation of general elections, the principles used include the following:

(a) **Direct**, meaning that the people as voters have the right to vote directly in the general election according to their own wishes without any intermediaries. (b) **General**, meaning that the general election applies to all citizens who meet the requirements, without distinction of religion, ethnicity, race, gender, class, occupation, region, and other social status. (c) **Free**, meaning that all citizens who meet the requirements as voters in the general election are free to determine who will be voted for to convey their aspirations without any pressure or coercion from anyone. (d) **Secret**, meaning that in determining their choice, voters are guaranteed the confidentiality of their choice. Voters cast their votes on ballots without anyone else knowing who their votes are given to. (e) **Honest**, meaning that all parties related to the election must act and behave honestly in accordance with applicable laws and regulations. (f) **Fair**, meaning that in the implementation of the election, every voter and general election participant receives the same treatment, and is free from fraud from any party.⁷ In addition, in the election, the principles of election implementation are known, namely: (a) Independent, (b) Honest, (c) Fair, Legal certainty, (d) Orderly, (e) Open, (f) Proportional, Professional, (g) Accountable, (h) Effective, & (i) Efficient.⁸

³. Kornelius Benuf and Muhamad Azhar, 'Legal Research Methodology as an Instrument for Analyzing Contemporary Legal Issues', *Echoes of Justice*, 7.1 (2020), 20–33. P. 24.

⁴. Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Review* (Jakarta: PT Raja Grafindo Persada, 2004). P. 35.

⁵ Fajlurrahman Jurdi, 2018, "*Introduction to General Election Law*", Kencana Publisher, Jakarta, Page 1

⁶ Ibid, Fajlurrahman Jurdi, 2018, "*Introduction to General Election Law*", Page 9

⁷ Frank Frank, "*Principles in the Implementation of General Elections in Indonesia According to Siyasah Fiqh*", *Principles of Sharia Law and Economics Journal*, Vol 8, No 1 (2016), p. 57.

⁸ Fajlurrahman Jurdi "Introduction to General Election Law" Kencana Prenada Media Group, Jakarta, 2018, pp. 67-76

3. General Election Controversy

Election violations can occur from planning, preparation, stages to counting the election results. Violations can be administrative violations and criminal violations. Administrative violations occur around the fulfillment of the rights of every citizen to participate in elections both as voters and to be elected, both individual candidates and political parties⁹. It is not uncommon for citizens who have met the requirements not to be registered as voters and/or vice versa, not a few citizens who have not met the requirements or have died are registered as voters or double voters. The output of these problems has implications for the voter list, voting rights, and vote counting.¹⁰

Election disputes are divided into 2, namely process disputes and election result disputes (PHPU). Law Number 7 of 2017 concerning General Elections states that legal issues in the implementation of elections are divided into 4, namely: Election violations Election process disputes Election result disputes (PHPU) Election crimes Article 466 of the Election Law states that the definition of process disputes is disputes that occur between election participants and disputes between election participants and election organizers as a result of the issuance of decisions by the General Election Commission (KPU), decisions by the Provincial KPU, and decisions by the Regency/City KPU¹¹. Meanwhile, Article 473 of the Election Law states that the term general election result dispute (PHPU) is a dispute between the KPU and Election Participants regarding the determination of the vote acquisition results of the national election. This election result dispute relates to the dispute over the determination of the vote acquisition results of the election of members of the People's Representative Council (DPR), Regional Representative Council (DPD), and Regional People's Representative Council (DPRD) nationally, which includes disputes over the determination of vote acquisition that can affect the acquisition of seats for election participants. In addition, disputes over the determination of vote acquisition results of the Presidential and Vice Presidential elections nationally include disputes over the determination of vote acquisition that can affect the determination of the results of the Presidential and Vice Presidential elections, which are also included in PHPU disputes. In the Election, what is meant by election violations, for example, cases of election administration violations, such as campaigns supported by the use of state-owned facilities or assets. Another example of an election violation is a political campaign involving minors, which is also a violation. The institution that has the authority to decide on election violation cases is the Election Supervisory Body (Bawaslu). They are tasked with examining, reviewing and deciding on related violations. Bawaslu's decision can be in the form of administrative sanctions in the form of cancellation of candidates for members of the DPR, DPD, provincial DPRD, district/city DPRD, and presidential and vice presidential candidate pairs.

4. Indications of disputes in the implementation of general elections/regional head elections both at the central and regional levels. Some of the stages include:

➤ Stages of compiling the voter list

(a) Manipulating the voter list of oneself or another person . (b). Removing the right to vote . (c) Forging letters. (d) Intentionally knowing that a letter is forged. (e) Preventing someone from registering as a voter. (f) Providing false information. (g) Anyone providing false data to support a candidate. (h) PPS, PPK/PPD, and KPU falsifying support. (i). PPS, PPK/PPD, and KPU intentionally not verifying and recapitulating individual candidates. (j) The voter data information system is not the same as the data updated by the voter data updating officer.

➤ Voter data updating stages.

(a) There are still PPS that do not announce voter data. (b) Lack of public concern. (c) Mismatch between official name and nickname. (d) Date of birth is guessed. (e) There is ownership of Duplicate KTP. (f) There are still many people/voters who do not have KTP. (g) Manipulation of voter list by election organizers.

➤ Nomination Stage

(a) Election organizers pass candidates with fake certificates. (b) Election organizers pass candidates who do not meet health requirements. (c) Election organizers pass candidates who do not submit a list of personal assets and are not willing to be announced. (d) Election organizers pass candidates who have not resigned from office. (f) Election organizers pass individual candidates who do not meet support requirements or meet fake support requirements. (g) PPS does not verify individual candidate support by proving support by visiting each one one by one. (h) The number of individual supports is correct in terms of quantity, the sequence of numbers is arranged correctly, but the signatures of support are forged. (i) Election participants or campaign teams bribe PPK/PPD and PPS not to do it, and so that they are declared to have met the requirements.

➤ Campaign Stage

(a) Election organizers are directly involved in campaign activities. (b) Election organizers are involved in money politics . (c) The KPU does not announce the results of the campaign fund audit. (d) There is still bias in the organizing secretariat . (e) elections entrusted to the incumbent in succession.

¹⁰Ibid

¹¹Teguh Prasetyo, "*Election Philosophy*" Publisher Nusa Media, Bandung, 2018, Page 225

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➤ **Printing and Distribution of Ballot Papers**

- (a) Delays in printing and distribution of ballot papers. (b) Destruction of defective ballot papers without using the ballot papers.
- (c) The KPU is directly involved in procurement, both through auctions and direct appointment.

➤ **Voting, Counting and Recapitulation of Votes Types of Violations that Often Occur.**

- (a) Unregistered voters, but vote. (b) Voters vote more than once. (c) Inflation and/or manipulation of votes (causing candidate pairs to increase votes.) (d) Claiming to be someone else to use their vote. (e) Not giving the opportunity to people who work to vote (for example: workers and factory employees). (f) Officers inform voters of their choice to other people. (g) Damaging or removing sealed voting results. (h) Changing the Minutes by not informing the candidate pair witnesses and election supervisors. (i) The ballot box seal is opened by the KPPS/PPS, and recounted. (j) Miscalculation, typos, wrong number

5. **Authority/Authorities of the KPU, BAWASLU, DKPP and Law Enforcement of Elections and Regional Elections.**

1. **Understanding the authority/power of the General Election Commission.**

Authority is power over a certain group of people or power over a certain comprehensive area of government (or area of affairs), while authority only concerns certain parts. The General Election Commission, hereinafter abbreviated as KPU, is an election organizing institution that is national, permanent and independent in implementing elections.¹² The Provincial General Election Commission, hereinafter abbreviated as the Provincial KPU, is the election organizer in the province.¹³ The Regency /City General Election Commission, hereinafter referred to as the Regency/City KPU, is the election organizer in district/city. ¹⁴In Article 13 of Law Number 7 of 2017 concerning General Elections, the KPU has a number of authorities, as follows : (a) Determining the working procedures of the KPU, Provincial KPU, Regency/City KPU, PPK, PPS, KPPS, PPLN, and KPPSLN, (b) Determining KPU Regulations for each stage of the election, (c) Determining election participants, (d) Determining and announcing the results of the recapitulation of the national level vote count based on the results of the recapitulation of the vote count at the Provincial KPU for the Presidential and Vice Presidential Elections and for the election of DPR members and the results of the recapitulation of the vote count at each provincial KPU for the election of DPD members by making a vote count report and a vote count result certificate, (e) Issuing a KPU decision to ratify the election results and announce them, (f) Determining and announcing the number of seats obtained for DPR members, provincial DPRD members, and district/city DPRD members for each political party participating in the election for DPR members, provincial DPRD members, and district/city DPRD members, (f) Determining standards and procurement and distribution needs for equipment, (g) Establishing the Provincial KPU, Regency/City KPU, and PPLN, (h) Appointing, developing, and dismissing members of the Provincial KPU, members of the Regency/City KPU, and members of PPLN, (i) Imposing administrative sanctions and/or temporarily suspending members of the Provincial KPU, members of the Regency/City KPU, members of PPLN, members of KPPSLN, and the Secretary General of the KPU who are proven to have committed acts that disrupt the ongoing stages of the election based on Bawaslu decisions and/or provisions of laws and regulations, (j) Appointing a public accounting office to audit election campaign funds and announce reports on election campaign fund contributions, and; (k) Exercising other authorities in the implementation of elections in accordance with provisions of laws and regulations.

2. **Understanding the Authority/authority of the General Elections Supervisory Body (BAWASLU)**

In the implementation of elections/regional elections there is an institution known as Bawaslu (Election Supervisory Body). The Election Supervisory Body, hereinafter referred to as Bawaslu, is an election organizing institution that supervises the implementation of elections throughout the territory of the Unitary State of the Republic of Indonesia. The ¹⁵Provincial Election Supervisory Body, hereinafter referred to as the Provincial Bawaslu, is an agency that supervises the implementation of elections in the provincial area ¹⁶. The Regency/City Election Supervisory Body, hereinafter referred to as the Regency/City Bawaslu, is an agency to supervise the implementation of elections in the regency/city area. ¹⁷Supervision is part of law enforcement from the perspective of state administrative law. Law enforcement is part of the power to govern (*besturen*). Therefore, supervision is subject to general principles related to government law; the principle of legitimacy (*rechtmatigheid van bestuur*), effectiveness and efficiency (*doelmatigheid en doeltreffendheid*), openness (*openbaarheid van bestuur*), and planning (*planmatigheid*). Therefore, according to P. Nicolas et al., supervision is a means of enforcing administrative law. Supervision ensures that government organs

¹²See Article 1 number 8 of Law No. 7 of 2017 concerning General Elections

¹³See Article 1 number 9 of Law No. 7 of 2017 concerning General Elections

¹⁴See Article 1 number 10 of Law No. 7 of 2017 concerning General Elections

¹⁵See Article 1 number 6 of the Regulation of the General Election Supervisory Body of the Republic of Indonesia Number 5 of 2019 concerning the Third Amendment to the Regulation of the General Election Supervisory Body Number 18 of 2017 concerning Procedures for Resolving Disputes in the General Election Process.

¹⁶Ibid See Article 1 number 7 of the General Election Supervisory Body Regulation Number 18 of 2017.

¹⁷Ibid See Article 1 number 8 of the General Election Supervisory Body Regulation Number 18 of 2017.

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obey and act according to regulations. ¹⁸In Article 5 (1) Bawaslu has the authority to resolve election process disputes resulting from KPU decisions. ¹⁹(2) Provincial Bawaslu has the authority to resolve election process disputes resulting from KPU Provincial decisions. ²⁰(3) Regency/City Bawaslu has the authority to resolve election process disputes resulting from KPU Regency/City Decisions. ²¹(4) Sub-district Panwaslu can resolve election process disputes that occur between Election Participants as an implementation of the mandate of Regency/City Bawaslu²²

a. Understanding the Authority/authority of the Election Organizing Honorary Council (DKPP)

The Election Organizer Honorary Council, hereinafter abbreviated as DKPP, is an institution tasked with handling violations of the Election Organizer code of ethics. The Election Organizer Honorary Council as an election organizer ethics judicial institution, DKPP members are also neutral, passive, and do not exploit cases that arise for personal popularity, DKPP is authorized to examine and see complaints and/or reports of alleged violations of the code of ethics which, are inaugurated by KPU members, provincial KPU members, members, Regency/City KPU, Bawaslu members, Provincial Bawaslu members and Regency/City Bawaslu members. DKPP has the authority to; (a) summon Election Organizers suspected of violating the code of ethics to provide explanations and defenses; (b) summon reporters, witnesses, and/or other related parties to be questioned, including, to be asked for documents or other evidence; (c) impose sanctions on election organizers who are proven to have violated the code of ethics; and (d) decide on violations of the code of ethics according to the Election Law, the Indonesian DKPP as part of the Election Organizing institution based in the country's capital. This institution was formed to examine and decide on complaints and/or reports of alleged violations of the code of ethics. The alleged violations of the code of ethics reported and complained about were allegedly committed by: (1) members of the KPU, (2) members of the Provincial KPU, (3) members of the Regency/City KPU, (4) members of Bawaslu, (5) members of the Provincial Bawaslu and (6) members of the Regency/City Bawaslu.

b. Law Enforcement of Elections and Regional Elections.

The definition of law enforcement according to the Big Indonesian Dictionary (KBBI) has a very broad meaning covering preventive and repressive aspects, suitable for the conditions in Indonesia where the government elements are actively involved in increasing public legal awareness. Law enforcement according to Satjipto Rahardjo, is a process to realize legal desires into reality ²³. Departing from Indonesia as a country of law, law enforcement must be based on the principle of legality, which means that the actions of law enforcement officers are based on the basis of laws and regulations that have been established. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that "The State of Indonesia is a country of law". This statement explicitly signals that the law in the state of Indonesia has a very basic and highest position (*supreme*). ²⁴Therefore, of course, every good deed carried out by the rulers and the people of Indonesia must be based on the legal corridor.²⁵

Based on the views of Friedrich J. Stahl, he stated that a state based on law is characterized by four main elements, namely:²⁶

1. There is a guarantee of human rights
2. There is a division of power
3. The government must be based on legal regulations (*wetmatig van bestuur*)
4. The existence of a state administrative court (PTUN) which is tasked with handling cases of unlawful acts by the government (*onrechtmatige overheidsdaad*).

In addition, Ismail Suny in his writing "Pancasila Democracy Mechanism" has the view that a country can be said to be a country of law if it fulfills certain elements which include:²⁷

1. Uphold the law
2. There is a division of power
3. There is protection for human rights and *procedural remedies* to maintain them.
4. Administrative justice is possible.

¹⁸Muhamad Saleh " *Integrated Supervision of Incumbent Premature Campaigns in Regional Head Elections* " , Bawaslu Journal Vol 7 No 2 Year 2020. Page 13

¹⁹See Article 6 paragraph (1) of the General Election Supervisory Body Regulation Number 18 of 2017 concerning Procedures for Resolving Disputes in the General Election Process

²⁰Ibid See Article 6 paragraph (2)

²¹Ibid See Article 6 paragraph (3)

²²Ibid see Article 6 paragraph (4)

²³Satjipto Rahardjo, 1983, *Problems of Law Enforcement* , Bandung: Sinar Baru, p. 24.

²⁴ Imam Syaukani , 2007, *Basics of Legal Politics* , Raja Grafindo Persada , Jakarta, p. 83.

²⁵ Ahmad Kamil, 2008, *Principles of Jurisprudence Law* , Kencana , Jakarta, p. 19.

²⁶ Dasril Radjab , 2005, *Indonesian Constitutional Law* , Rineka Cipta, Jakarta, p. 77.

²⁷ CST Kansil, et. Al, 2008, *Constitutional Law of the Republic of Indonesia* , Rineka Cipta, Jakarta, p. 87 .

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According to Sarjipto Rahardjo, law enforcement is essentially the enforcement of ideas or concepts about justice, truth, social benefits, and so on. So law enforcement is an effort to realize these ideas and concepts into reality.²⁸

Based on Webber's theory, Sarjipto Rahardjo said that when viewed from actions that are naturally carried out by people, on the other hand there is a law that forces people's actions to be carried out according to certain stereotypes that have been determined in advance. What is interesting about this is that each person actually wants to achieve a certain condition, namely order. So order is interpreted in terms of fulfilling certain normative procedures.²⁹

Law enforcement is an effort to enforce legal norms/rules and values that lie behind The legal value of this norm³⁰ is the achievement of conditions for preserving environmental capabilities³¹. To achieve good and healthy environmental preservation conditions, the ability of law enforcement officers and compliance of community members are required.

against the applicable regulations, the laws are administrative, criminal and civil laws. In relation to talking about election law, of course, talking about law enforcement in terms of law enforcement in organizing elections and regional elections which refer to sanctions based on their modes, namely:

a. Sanctions for Violators of Election Campaign Schedule

Based on Law No. 7 of 2017 concerning Elections, Article 492, election participants who campaign outside the official schedule can be fined or imprisoned. Here is the article:

"Any person who intentionally carries out an election campaign outside the schedule set by the KPU, Provincial KPU and Regency/City KPU for each election participant as referred to in Article 276 paragraph (2), shall be punished with imprisonment for a maximum of 1 (one) year and a maximum fine of IDR 12,000,000.00 (twelve million rupiah)."

b. Sanctions for ASN Partisanship in Election Campaigns

Every State Civil Apparatus (ASN) is prohibited from showing favoritism to one of the election candidates. Violation of this rule can result in a fine or imprisonment. This is regulated in Article 490:

"Every village head or other title who intentionally makes decisions and/or carries out actions that benefit or harm one of the Election Participants during the Campaign period, shall be punished with imprisonment for a maximum of 1 (one) year and a maximum fine of IDR 12,000,000.00 (twelve million rupiah)."

c. Sanctions for Fighting Against One another in Election Campaigns

Every election participant and campaign team is prohibited from inciting, inciting conflict, or committing violence against other parties. The punishment can be seen in article 523:

"Every implementer and/or Election Campaign team who violates the prohibition as referred to in Article 280 paragraph (2) shall be punished with imprisonment for a maximum of 2 (two) years and a maximum fine of IDR 24,000,000.00 (twenty four million rupiah)."

d. Sanctions for Money Politics in Election Campaigns

The perpetrators of money politics in the Election are threatened with a maximum imprisonment of two years and a maximum fine of Rp. 24,000,000. Beyond that, there are additional penalties in the form of administrative sanctions, as regulated in Article 286:

1. Candidate pairs, candidates for members of the DPR, DPD, provincial DPRD, district/city DPRD, campaign implementers, and/or campaign teams are prohibited from promising and/or giving money or other materials to influence election organizers and/or voters.
2. Candidate pairs and prospective members of the DPR, DPD, provincial DPRD and district/city DPRD who are proven to have committed violations as referred to in paragraph (1) based on Bawaslu recommendations may be subject to administrative sanctions in the form of cancellation as candidate pairs and prospective members of the DPR, DPD, provincial DPRD and district/city DPRD by the KPU.

e. Sanctions for Election Campaigns in Places of Worship

Election campaigns may not be conducted in places of worship, educational institutions, and government facilities. Violation of this rule will be considered a criminal act and is subject to a maximum imprisonment of 2 years. As written in article 521:

"Every implementer, participant, and/or election campaign team who intentionally violates the prohibition on implementing election campaigns is subject to a maximum prison sentence of 2 years and a maximum fine of IDR 24,000,000."³²

²⁸Sarjipto Rahardjo, 2009. *Law Enforcement* .. Yogyakarta: Genta Publishing page 12

²⁹ Sarjipto Rahardjo, 2009. *Law Enforcement* .. Yogyakarta: Genta Publishing page 12

³⁰ *Guidelines for Environmental Criminal Law Enforcement*, First Edition, published by the Ministry of Environment and the Faculty of Law, Padjadjaran University, 2003, p. 3

³¹Ibid

³²Adi Ahdiat, Friday, January 11, 2019 18:01 WIB "This is a List of Sanctions for Election Campaign Violations", source link: https://kbr.id/nasional/01-2019/ini_daftar_sanksi_untuk_pelanggaran_kampanye_pemilu/98681.html , accessed on Saturday, November 26, 2022 | 13.00 WIP.

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B. Overview of the conditions of election process disputes and election result disputes.

1. Findings of the Jayapura City BAWASLU regarding public complaints regarding the non-neutrality of the Ad Hoc Organizing Bodies, namely PPD and PPS throughout Jayapura City

that there has been a lack of neutrality or independence of the election organizing committee in this case, defendant VII to defendant VIII, where the South Jayapura District Supervisory Committee in electoral district II has accepted bribes from election participants in the name of Saharudin, DPRD Candidate for Electoral District II, Gerindra Party, where currently the election crime case has been handled by the Jayapura City Police and has been named a suspect;

2. Delay in Logistics Distribution to 710 TPS in the South Jayapura District (Jayapura City DPRD Electoral District 1) and Abepura District (Jayapura City DPRD Electoral District 4) .

Delay in Logistics Distribution to 710 TPS in South Jayapura by the organizers. This was caused by the lack of people to work on logistics both directly and in plenary meetings. In addition, the delay in the election was caused by the delay in packing and distributing logistics.

3. Re-voting (PSU) in the North Jayapura District .

The re-vote was caused by an error in the results of the vote count used or received by witnesses and Bawaslu sourced from the PPD in the DKPP hearing, while according to the Jayapura City Bawaslu Recommendation Letter Number; 301/K.Bawaslu –Jayapura City.JPR/V2019 has been taken by experts by the Jayapura City KPU. So there are two versions of the results of the ballot papers. Each party has an advantage and some are disadvantaged .

4. The delay in the process of recapitulation of votes at the district level by the PPD in Jayapura City resulted in the Jayapura City Bawaslu issuing a recommendation letter to withdraw and take over the recapitulation process. carried out by the PPD .

Lack of understanding of PPS and PPD, and the place where the recapitulation was carried out at the district level. Inadequate facilities resulted in the delay in the recapitulation of the number of votes for election participants which was quite long, taking up the recapitulation time at the Jayapura City KPU level. The steps taken by the Jayapura City KPU were to withdraw election logistics from 4 (four) districts in Jayapura City. (South Jayapura District, North Jayapura District, Abepura District, and Heram District).

5. BAWASLU RI's decision regarding the CALEG process dispute PERINDO PARTY requires a recount to be carried out at 3 (three) TPS in the Jayapura City DPRD Electoral District Area

That in the implementation of the recapitulation of vote acquisition at the PPD level, both in electoral district II which includes South Jayapura District and electoral district III which includes Abepura District, there has been a difference in vote acquisition in the determination of the plenary results at the PPD level. Where the Respondent VI to the Respondent VIII have made changes to the DAI form which has been issued 4 times without being able to show the DAA1 form, and have held more than 1 (one) plenary session, this Party .

6. Dispute over the Determination of the Results of the Vote Acquisition of Candidates at the Level of the Jayapura City DPRD, Papua DPRD, and the Indonesian House of Representatives and the Indonesian Regional Representative Council. However, all of these were rejected by the Constitutional Court. (Jayapura City KPU Wins the Case

There is dissatisfaction with the results of the vote acquisition, indicating public doubts about the unprofessionalism of the Election Organizers who are subordinate to the Constitutional Court. Dispute over the General Election Results for the votes of the CALEG at the Jayapura City DPRD, Papua DPRD, and the DPR RI and DPD RI levels. However, all of these were rejected by the Constitutional Court . This is because the petition for an exception, in essence, the applicant is unclear and vague according to the Law and the beliefs of Judge M K.

7. There was a complaint regarding alleged violations of the Code of Ethics of Election Organizers by the Jayapura City KPU Commissioner in the 2019 election.

From the complaint, there was neglect and no reprimand by the KPU City against the PPD of Heram District who had committed violations. In addition, before the Heram plenary session was held, the Heram District Voice City was moved to an empty room by the Chairperson of the Jayapura City KPU and the PPD of Heram District for unclear reasons, the Chairperson of the Jayapura City KPU. based on evidence and complaints from the public, regarding the unprofessionalism of the Implementation of the General Election in Jayapura City in 2019.

2. Law Enforcement Against Violations

Based on the description of the Conditions of the Election Process Dispute, the Election Implementation Honorary Council enforces the law by issuing recommendations in the form of DKPP Trial Result Decision No. 323-PKE-DKPP/XI/2019 by Imposing a Warning sanction; in addition, the DKPP Trial Result Decision No. 305-PKE-DKPP/XI/2019; provides a Strong Warning Sanction;

Law Enforcement Against the Implementation of the 2019 Election in Jayapura City

DKPP Trial Result Decision No. 253-PKE-DKPP/XI/2019; Strong Warning Sanction against the perpetrators of the Election Implementation in this case the Jayapura City General Election Commission . In addition, the Jayapura City KPU also followed up on the Jayapura City Bawaslu Recommendation by conducting Clarification, Dismissal of the accused who were proven and inaugurating the Inter-Time Replacement (PAW) as in the following document:

1. KPU Decree No. 068/HK.04.1/Kpt/9171/KPU/IV/2019 concerning the Dismissal of Members of the South Jayapura District Election Committee who were involved with political parties in the 2019 Election;
2. KPU Decree No. 069/HK.04.1/Kpt/9171/KPU/IV/2019 concerning the Dismissal of Members of the Voting Committee of Entrop Village, Vim Village, Yabansai Village, and West Koya Village who were involved with political parties in the 2019 Election;
3. KPU Decree No. 073/HK.04.1/Kpt/9171/KPU/IV/2019, concerning the Appointment of Interim Replacements (PAW) of Members of the District Election Committee (PPD) of South Jayapura District in the 2019 General Election;
4. KPU Decree No. 074/HK.04.1/Kpt/9171/KPU/IV/2019, concerning the Appointment of Interim Replacement (PAW) Members of the Entrop Village Voting Committee (PPS) in the 2019 General Election;
5. KPU Decree No. 075/HK.04.1/Kpt/9171/KPU/IV/2019, concerning the Appointment of Interim Replacement (PAW) Members of the Voting Committee (PPS) for Vim Village, Yabansai Village and West Koya in the 2019 General Election

E. CONCLUSION AND SUGGESTIONS

Based on the background and discussion above, the author concludes that:

(1) In the election process, there was a lack of neutrality of the ad hoc organizers, namely the district election committee (PPD) and the voting committee (PPS) towards election participants. (2) There was a delay in the organizers in distributing logistics to the polling stations (TPS) which resulted in the ballot papers not being collected according to the schedule set by the organizers. (3) A re-vote (PSU) was carried out in North Jayapura district because the organizers at the district level (PPD) did not carry out their roles and functions professionally. (4) There was a delay in the recapitulation process of the vote acquisition at the district level by the district election committee (PPD). (5) It is known that the Election Organizer Honorary Council (DKPP) imposed a warning sanction to a severe warning sanction for violations of the code of ethics of the election organizers in this case the Jayapura city general election commission. Based on the conclusions above, the following suggestions are made as the general election organizers . (1) Maintaining integrity as an organizer, it is mandatory to uphold the principles of independence, honesty, justice, legal certainty, order, public interest, openness, proportionality, professionalism, accountability, efficiency and effectiveness. (2) As an organizer, it is necessary to maintain solidarity and togetherness between the chairman and members both internally and externally by prioritizing and prioritizing public interests and maintaining public trust. (3) Working in accordance with applicable election laws and regulations and adhering to the principles of election organizers to avoid violations that occur at each stage, namely the preparation of the election list, updating candidate voter data, campaigning, printing and distribution of ballot papers, as well as the stages of voting, counting and recapitulation of votes. (4) Maintaining that there are no delays in the procurement of logistics, especially ballot papers in the printing process, involvement and distribution or distribution of ballot papers and completeness have arrived and been received by the organizers at the lower level, namely the KPPS 2 days before the day and polling date

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