

## Reconstruction of Article 280 Section 1 Law Number 7 of 2017 concerning Election

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### Abstract

This study aims to analyze the regulation of Article 280 paragraph (1) of Law Number 7 of 2017 concerning general elections by the Gorontalo Province Election Control Board. This research belongs to the type of sociological or empirical research with a qualitative research approach. The data analysis technique used in this research is using qualitative data analysis. The results of this study indicate that the form of regulation carried out by Election Control Board is through 2 (two) things, namely prevention which includes socialization to the community, political parties, government, related to early prevention of violations of Money Politics. and coordinate with related parties as well as take action against the alleged practice of Money Politics in the 2019 legislative elections covering the entire area of the Election Control Board of Gorontalo Province. The urgency of the ideal regulation of preventing the practice of Political Money in the Legislative Elections is 1). Revise article 280 paragraph (1) of Law Number 7 of 2017 concerning Elections by changing the redaction of the sentence "Executor, Participant or Campaign Team" to "Everyone"; 2). Implementation of political education to the public involving political parties, Election Control Board, Electoral Commission, Attorney General's Office, and the National Police; 3). As well as increasing the time for handling violations of Money Politics practices by the Election Control Board.

Keywords: Regulation; Money Politics; election.

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### Introduction

The general election is held by a general election commission that is national, permanent, and independent and is held every five years, is a form of circulation of giving new mandates by the people to their representatives

in the Legislature and to the President and Vice President as a manifestation of population sovereignty.

The transfer as well as the implementation of the highest state power in the hands of the people must not be carried out unfairly. In a sense, the will or the voice of the people in the election should not be betrayed by fraudulently turning it into the will of the elite, either through deception in the preparation of election rules or through the implementation of elections by using methods that are not justified according to legal and moral standards. (Amri 2016)

The 2019 elections that have taken place have left several problems in the implementation process, apart from the many victims who died, they are also still colored by various frauds and violations in the implementation stages, one of which is the violation of money politics during the campaign period. The real impact of the Regional Head Election being entered by fraud is certain that it produces regional heads who are elected by the community not based on proper criteria. (Nuvazria Achir 2021) This is an important note to be improved in the future.

Law Number 7 of 2017 concerning Elections has not yet comprehensively regulated the regulation of violations during the campaign stage for each election participant as stipulated in Article 280 paragraph (1) whose legal subjects are limited to implementers, participants, and campaign teams.

A general election is a democratic agenda that must be implemented to carry out the transformation of leadership for a region. Every contestant who advances will certainly use various methods, both constitutional and unconstitutional methods. (Ahmad 2020)

The provisions of Article 280 paragraph (1) only regulate the implementers, participants, and campaign teams. This then became a [Date]

dilemma for Election Control Board during the campaign implementation stage, which often found reports of alleged violations committed by supporters of election campaign participants. The text of Article 280 paragraph (1) of Law Number 7 of 2017 concerning Elections is as follows:

Article 280 Paragraph (1) :

1. Election Campaign Operators, Participants, and Teams are prohibited from:
  - a. Questioning the state foundation of Pancasila, the preamble to the 1945 Constitution of the Republic of Indonesia, and the form of the Unitary State of the Republic of Indonesia;
  - b. Carry out activities that endanger the integrity of the Unitary State of the Republic of Indonesia;
  - c. Insulting someone, religion, ethnicity, race, class, candidate, and/or other Election Contestants;
  - d. Instigating and pitting individuals or communities against each other;
  - e. Disturbing public order;
  - f. Threatening to commit violence or advocating the use of violence against a person, group of community members, and/or other election participants;
  - g. Damaging and/or eliminating campaign props for Election Contestants;
  - h. Using government facilities, places of worship, and places of education;
  - i. Bring or use picture marks and/or attributes other than picture marks and/or attributes of the election participants concerned and<sup>[Date]</sup>

- j. Promising or giving money or other materials to election campaign participants.

Campaign implementers are parties appointed by election participants in conducting campaign activities. Meanwhile, Election Contestants are political parties in the General Election for House Of Representatives members, provincial Regional House Of Representatives members, Regency/Municipal Regional House of Representatives members, individuals for the general election for Regional Representative Council members, and pairs of candidates proposed by political parties for presidential and vice-presidential elections. Meanwhile, the campaign team is a team formed by a pair of candidates together with a political party or coalition of political parties that propose pairs of candidates, who are registered with the Electoral Commission and are responsible for the technical implementation of the campaign. (See Article 1 Numbers 15, 23 and 25 of Electoral Commission Regulation Number 23 of 2018 concerning General Election Campaigns).

Therefore, perpetrators of money politics violations who are not included as executors, participants and campaign teams, be they sympathizers, supporters, success teams of candidate pairs or other parties, are difficult to be charged with criminal sanctions as regulated in Article 280 paragraph (1) letter j of the Law. Law Number 7 of 2017, because it is not included as a legal subject in this provision

### **Problem Statement**

The widespread practice of money politics in the implementation of general elections, especially at the campaign stage carried out by supporters of election campaign participants, shows that regulations are inadequate and have many shortcomings. For this reason, researchers on this occasion

try to propose to conduct a study in order to improve regulations related to political money violations. The focus in this research is to reconstruct Article 280 paragraph 1 letter (j) of Law Number 7 of 2017 related to money politics violations at the campaign stage which according to the researcher needs to be refined in order to produce quality elections with integrity in accordance with the principles of the principle of elections in the constitution of the 1945 Constitution. How is the effectiveness of the regulation on preventing Political Money in the 2019 Legislative Election in Gorontalo Province, and what is the urgency of regulating Article 280 paragraph 1 of Law No. 7 of 2017 concerning Elections.

### Method

This type of research is sociological or empirical. empirical legal research is data obtained from respondents in the field. because this study aims to identify the effectiveness of the regulation of Article 280 paragraph 1 of Law No. 7 of 2017 concerning Elections in Gorontalo Province. And the research approach used is a qualitative approach. The qualitative research approach is a way of analyzing research results that produce descriptive data analysis.

The data analysis technique used in this research is qualitative data analysis. Qualitative data analysis is data that is collected naturalistically consisting of words that are not processed into numbers but in the form of words or sentences. **Discussion**

#### 1. Regulation of the 2019 Legislative Elections in Gorontalo Province

Based on Election Control Board Number 7 of 2018 concerning Handling of Findings and Reports of General Election Violations, it stipulates that the handling of violations in the General Election is through 2 (two) things, namely Prevention and Enforcement.

[Date]

a. Prevention of Political Money Practices in the 2019 Legislative Election in Gorontalo Province

The stages that are vulnerable to fraud, especially Money Politics, are as follows (Utari 2016):

a) Campaign Stage

There are often donations made by candidates to gain public sympathy, examples for money, necessities, projects, and even certain religious scriptures. However, this weakness also occurs because the existing regulations do not explicitly formulate the act, including violating the law. b) Voting Stage

There are frequent dawn attacks, bribery to the public, community leaders, and even supervisors. Cases of vote inflating, Regional Electoral Commission cooperation to win certain candidates through inflated votes. c) Vote Recapitulation Stage

The occurrence of Political Money through cooperation between certain candidates and the organizers, so that the results of the recapitulation of voting and vote counting. However, the election law does not regulate Political Money in vote recapitulation. Proving itself is difficult because the secrecy of the voter's choice is guaranteed by the constitution.

Several results of supervision carried out by the Gorontalo Province Election Control Board on the 2019 General Election stages have corrected the process of implementing the Election stages. In addition, the results of supervision are also the main consideration in the process of handling and resolving disputes by Election Control Board at the Gorontalo Province level. The results of the inherent supervision resulted in several recommendations to ensure that the elections were conducted honestly and fairly.

[Date]

The Gorontalo Province Election Control Board in terms of carrying out the mandate of the legislation has implemented and implemented the supervisory management standards that have been prepared by the RI Election Control Board at every stage in the form of supervisory work tools and supervisory guidelines, starting with the stages of registration, administrative research, and verification. factual political parties as candidates for the 2019 General Election, then enter the stages of Updating voter data and compiling the Voter List, monitoring the stages of the 2019 Election Campaign and Campaign Funds, the stages of Supervising the Procurement and Distribution of Election Logistics, up to the final stage, namely the supervision of Voting and Vote Counting.

In maximizing the role and function of supervision and prevention, the Gorontalo Province Election Control Board through its secretariat has prevented the occurrence of violations of the Political Money Crime by strengthening the capacity of the Election Supervisory Apparatus and coordinating the 2019 Election Supervision as a form of preventing election violations. Some of these activities are as follows: (Gorontalo Province Election Control Board Data for 2019.)

1. Coordination Meeting for the Preparation of the 2019 General Election Supervision by involving the supervisory ranks of the Election Supervisors in 6 (six) Regencies/Cities;
2. Technical Meeting for the Preparation for Supervision of the 2019 General Election Stages; and
3. Supervision of the Implementation of Supervision of the 2019 General Election, starting from the Regency/City level to several sub-districts throughout Gorontalo Province.

In addition, the Gorontalo Provincial Election Control Board has [Date] coordinated with related parties to optimize the task of supervising the 2019



Election, namely: (Gorontalo Province Election Control Board Data for 2019.)

1. Coordination with the Gorontalo Provincial Electoral Commission, related to the technical implementation of the preparation for the general election at each stage;
2. Coordination with the Office of KesbangPol Gorontalo Province, related to the Pre-Campaign Discussion, Control of Election Campaign Props that are not in accordance with the provisions and control of Campaign Props during the Quiet Period;
3. Coordinates with the Gorontalo Province Satpol PP and Fire Department, related to the Pre-Campaign Discussion, Control of Election Campaign Props that are not in accordance with the provisions and control of Campaign Props during the Quiet Period;
4. Coordination with the Gorontalo Provincial Government regarding the design and strategy of preventing and monitoring ASN Neutrality in the 2019 General Election;
5. Coordination with the Child Protection Agency of Gorontalo Province, related to the Discussion on Election Campaigns involving children;
6. Coordination with the Gorontalo Regional Police, related to the follow-up to the Establishment of the Gorontalo Province Gakkumdu Center in the 2019 General Election;
7. Coordination with the Gorontalo High Prosecutor's Office, related to the follow-up to the establishment of the Gorontalo Province Gakkumdu Sentra in the 2019 General Election;
8. Coordination with the Village Community Empowerment and Population Agency (BPMD), related to the supervision and preparation of the progress of recording the E-KTP and the accuracy of the 2019 Election Voter data;



9. Coordinate and carry out MOA with the Regional Indonesian Broadcasting Commission of Gorontalo Province, related to the follow-up to the formation of a task force and joint signing of the supervision and monitoring of news, broadcasting, and advertising campaigns for the 2019 General Election in  
Gorontalo Province;
10. Coordinating and conducting MOA with the Faculty of Law, University of Ichsan Gorontalo, related to the Supervision/Prevention of Alleged Election Violations of the HOUSE OF Representatives, Regional Representative Council and Regional House Of Representatives as well as the 2019 President and Vice President;
11. Coordinating and conducting MOA with the Regional Quarters of the Scout  
Movement of Gorontalo Province, related to the Supervision/Prevention of Alleged Election Violations of the House Of Representatives, Regional Representative Council, and Regional House Of Representatives as well as the 2019 President and Vice President;
12. Coordinate and carry out MOA together with Elements of the Student Movement (EGM) throughout Gorontalo Province, related to the Supervision/Prevention of Alleged Election Violations of the House Of Representatives, Regional Representative Council and regional house of representatives as well as the 2019 President and Vice President;
13. Coordinate and conduct MOA together with the Student Executive Board (BEM) of the State University of Gorontalo, related to the Supervision/Prevention of Alleged Election Violations of the House Of Representatives, Regional Representative Council and regional house of representatives as well as the 2019 President and Vice President;

[Date]

14. Coordinating and conducting MOA together with the Student Executive Council of the State Islamic Institute (DEMA IAIN) Sultan Amai Gorontalo, related to the Supervision/Prevention of Alleged Election Violations of the House Of Representatives, Regional Representative Council and Regional House Of Representatives as well as the 2019 President and Vice President; and
15. Coordinating and conducting MOA together with the Student Executive Board (BEM) of the University of Gorontalo, related to the Supervision/Prevention of Alleged Election Violations of the House Of Representatives, Regional Representative Council and regional house of representatives as well as the 2019 President and Vice President;
16. Coordination Meeting with the Political Parties Contesting the Election at the Gorontalo Province level,

Then in order to maximize the prevention process at the 2019 General election stage, the Gorontalo Province Election Control Board has carried out several preventive activities including; (Gorontalo Province Election Control

Board Data for 2019.)

- a. Supervision Socialization Activities,
- b. Stakeholder Coordination Meeting, and
- c. Early warning to election participants,

The Gorontalo Province Election Control Board, during the supervision of the 2019 general election stage, has delivered an early warning as a form of prevention of election violations.

b. Prosecution of Findings and Reports of Alleged Political Money Violations in the 2019 Legislative Elections in Gorontalo Province

Handling of violations of money politics in general elections as [Date] regulated in Law number 7 of 2017 concerning general elections and Law

number 8 of 2012 concerning General Elections for members of House of Representatives, Regional Representative Council and Regional House of Representatives. Therefore, the Gorontalo Provincial Election Control Board has taken action against money politics violations in the election of legislative candidates by following up on reports from the public, in addition to the Gorontalo Provincial Election Control Board also making findings of money politics violations by legislative candidates which are the result of Election Control Board supervision as regulated in the provisions of Article 454 Law Number 7 of 2017 concerning general elections.

The handling of the findings of alleged election crimes that are handled in the Gorontalo Province comes from the results of supervision and initial information submitted to Election Control Board starting from the Village Panwaslu, Sub-district Panwaslu, district/city Election Control Board, to Provincial Election Control Board. The events that became the findings of alleged election crimes were all criminal acts that allegedly violated the provisions of Articles 488 - 554 of Law Number 7 of 2017 concerning General Elections, including the giving of money/other materials, the use of fake diplomas, destruction of campaign props, profitable actions, and/or harming one of the election contestants, insulting, inciting, and other criminal offenses in accordance with the election laws.

The tendency of finding alleged violations of criminal acts in Gorontalo Province is mostly found at the campaign stage, related to alleged violations of campaign prohibitions as contained in the Election Law.

Based on the results of interviews with Mr. Idris Usuli, S.pd M.AP. as Election Control Board/ Coordinator of the Legal, Public Relations and Information Data Division, explained that;( Interview results on June 25, 2021)

[Date]

"In handling the settlement of election violations, especially money politics, carried out by candidates for the Election Control Board legislative members of Gorontalo Province, they use Law Number 7 of 2017 concerning General Elections and Election Control Board Regulation Number 7 of 2018 concerning Handling of Findings and Reports of General Election Violations for procedures for resolving criminal cases. money politics."

The research data related to the handling of Political Money violations by Election Control Board in the 2019 Legislative Elections in the regions of Gorontalo Province are as follows:

1. Handling Political Money Violations in Legislative Elections at Election Control Board of Gorontalo Province.

The results of the 2019 General Election Process that the Election Control Board of Gorontalo Province has handled 4 (four) reports of alleged violations of money politics by legislative candidates. Of the 4 reports, only 3 (three) reports were registered by the Gorontalo Province Election Control Board and 1 (one) was not registered. Of the 3 (three) reports registered, only 1 (one) was forwarded and 2 (two) was dismissed. Then from 1 (one) report that was forwarded only to the SP3 stage because it did not meet the elements of a criminal act of violating Money Politics, so that in the case of alleged violations of money politics by legislative candidates in Gorontalo province, no one came to an inkrah decision. (Gorontalo Province Election Control Board Data for 2019.)

2. Handling Political Money Violations in the legislative election in Gorontalo City

The results of the 2019 General Elections Process that the Gorontalo City Election Control Board has handled 6 (six) reports/findings of alleged violations of money politics by legislative candidates consisting of 4 (four) findings and 2 (two) reports of money politics violations. Of the 6 (six) Findings/Reports by the Gorontalo City

Election Control Board, only 4 (four) were registered and 2 (two) were not registered. Of the 4 (four) Findings/Reports of Alleged Violations of the Crime of Money Politics by registered legislative candidates, 3 (three) were dismissed for not meeting the elements and 1 (one) was forwarded to the investigation stage of the Gorontalo City Police and the results of the investigation were decided at the Gorontalo

District Court. with an inkrah decision.( Gorontalo City Election Control Board Data for 2019.)

### 3. Handling Political Money Violations in the 2019 legislative elections in Gorontalo Regency

The results of the 2019 General Election Process that the Gorontalo Regency Election Control Board has handled 14 (fourteen) reports/findings of alleged violations of money politics by legislative candidates consisting of 9 (nine) reports and 5 (five) findings of money politics violations . Of the 14 (fourteen) Findings/Reports by the Gorontalo Regency Election Control Board, only 12 (twelve) were registered and 2 (two) were not registered. Of the 12 (twelve) Findings/Reports of Alleged Violations of the Crime of Money Politics by registered legislative candidates, 10 (ten) were dismissed because they did not meet the elements and 2 (two) were forwarded to the investigation stage of the Gorontalo District Police and the results of the investigations of the two Reports/ The findings were decided at the Limboto District Court with the Inkrah Decision.( Gorontalo Regency Election Control Board Data for 2019.)

### 4. Handling Political Money Violations in the legislative elections in Bone Bolango Regency

The results of the 2019 General Election Process that the Election Control Board of Bone Bolango Regency has handled 8 (eight) [Date]

reports/findings of alleged violations of money politics by legislative candidates consisting of 1 (one) report and 7 (seven) findings of money politics violations . Of the 8 (eight) findings/reports by the Election Control Board of Bone Bolango Regency, 8 (eight) were registered. And of the 8 (eight) Findings/Reports of Alleged Violations of the Crime of Money Politics by registered legislative candidates, 7 (seven) were dismissed because they did not meet the elements and 1 (one) was forwarded to the investigation stage of the Bone Bolango District Police and the investigation results from the Report/ The findings were decided at

the Gorontalo District Court with the Inkrah Decision.( Data from Election Control Board of Bone Bolango Regency in 2019.)

5. Handling Political Money Violations in the legislative election in Boalemo. Regency

The results of the 2019 General Election Process that the Boalemo Regency Election Control Board has handled 5 (five) Reports/Findings of Alleged Violations of Money Politics by legislative candidates consisting of 0 reports and 5 (five) findings of money politics violations. Of the 5 (five) findings by the Election Control Board of Bone Boalemo Regency, 5 (five) were registered. And of the 5 (five) findings of alleged violations of money politics by registered legislative candidates, 3 (three) were dismissed because they did not meet the elements and 2 (two) findings were only continued to the SP3 stage. so that in the case of alleged violations of money politics by candidates for legislative members in Boalemo Regency, no one has come to an inkrah decision, (Boalemo Regency Election Control Board Data for 2019.)

6. Handling Political Money Violations in the legislative elections in North  
Gorontalo Regency [Date]

The results of the 2019 General Election Process that the Election Control Board of North Gorontalo Regency has handled 10 (ten) reports/findings of alleged violations of money politics by legislative candidates consisting of 6 (six) reports and 4 (four) findings of money politics violations . Of the 10 (ten) Findings/Reports by the Election Control Board of North Gorontalo Regency, 10 (ten) are registered. And of the 10 (ten) Findings/Reports of Alleged Violations of Money Politics by registered legislative candidates,(North Gorontalo Regency Election Control Board Data for 2019.)

#### 7. Handling Political Money Violations in the Legislative Election in Pohuwato Regency

The results of the 2019 General Election Process that the Pohuwato Regency Election Control Board has handled 4 (four) Reports/Findings of Alleged Money Politics Violations by legislative candidates consisting of 2 (two) reports and 2 (two) findings of money politics violations. Of the 4 (four) Findings/Reports by the Election Control Board of Pohuwato Regency, 4 (four) were registered. Of the 4 (four) Findings/Reports of Alleged Violations of the Crime of Money Politics by registered legislative candidates, 3 (three) were dismissed because they did not meet the elements and 1 (one) was forwarded to the Pohuwato District Police investigation stage and the investigation results from the Report/Findings alleged Money politics violations were decided at the Boalemo District Court with the Inkrah Decision.(Pohuwato

Regency Election Control Board Data for 2019.)

Regarding candidates for legislative members who have been found guilty by the Court and the decision has been made, the Electoral Commission may take action to cancel the elected candidates in accordance [Date]



with article 285 of Law Number 7 of 2017 concerning General Elections that Article 285 of Law Number 7 of 2017 concerning General Elections)

#### Article 285

"Court decisions that have obtained permanent legal force" are imposed on the organizers of the Election Campaign for members of House of Representatives, Regional Representative Council, Provincial Regional House Of Representatives, and Regency/Municipal Regional House Of Representatives with the status as candidates for members of House of Representatives, Regional Representative Council, Provincial Regional House Of Representatives, and Regency/Municipal Regional House Of Representatives are used as the basis for Electoral Commission , Provincial Electoral Commission, and Regency/Municipal Electoral Commission to take actions in the form of:

- a. Cancellation of names of candidates for members of House of Representatives, Regional Representative Council, Provincial Regional House Of Representatives; and Regency/Municipal Regional House Of Representatives from the final list of candidates; or
- b. Cancellation of the stipulation of candidates for members of House of Representatives, Regional Representative Council, Provincial Regional House Of Representatives, and Regency/Municipal Regional House Of Representatives as elected candidates.

According to Mr. Yusnandar Karim, SHI. as the head of the Division of Handling Violations of Dispute Settlement Processes and Laws of the Gorontalo Province Election Control Board explained that (Interview Result [Date] Data on June 25, 2021);

“One of the problems with taking action against money politics by legislative candidates is the difficulty of catching money political actors, both those who distribute money/goods and those who give orders and supply money/goods to intermediaries to be distributed to residents. The mechanism for the practice of giving money or other materials is not directly provided by legislative candidates or campaign teams to voters, so there are difficulties in catching legislative candidates who commit money politics.”

Law Number 7 of 2017 concerning General Elections provides an opening for money politics actors. Article 523 of Law Number 7 of 2017 concerning elections divides three periods in the stages of the election, namely (*Article 523 of Law Number 7 of 2017 Regarding Elections*):  
Article 523

(1.) Every election campaign implementer, participant, and/or election campaign team who intentionally promises or gives money or other materials as compensation to election campaign participants directly or indirectly as referred to in Article 280 paragraph (1) letter j shall be punished with imprisonment for a maximum of 2 (two) years and a maximum fine of Rp.

24,000,000.00 (twenty four million rupiah).

(2.) Every election campaign implementer, participant, and/or election campaign team who intentionally during the Quiet Period promises or provides monetary or other material rewards to voters directly or indirectly as referred to in Article 278 paragraph (2) shall be punished with imprisonment for a maximum of 4 (four) years and a maximum fine of Rp.48,000,000.00 (forty eight million rupiah).

(3.) Any person who intentionally promises or gives money or other materials to a voter on voting day not to exercise his/her right to vote [Date]

or to vote for a particular election contestant shall be punished with imprisonment for a maximum of 3 (three) years and a fine of a maximum of Rp36,000,000.00 (three) twenty six million rupiah).

Based on the article above, which states that the legal subjects are different at each stage of the election, namely during the campaign period, the perpetrators of political money that can be snared are the election campaign implementers. During calm days, the perpetrators of Money Politics who can be ensnared are the organizers, participants and/or election campaign officers. On election day, anyone who commits Money Politics can be snared, including election participants. The difference in the legal subjects of the perpetrators of Money Politics opens regulatory loopholes for election participants to take advantage of so that they can escape the snares of the law.

According to Jaharudin Umar, S.Pd., SH., M.Pd., MH. As Chair/Coordinator of the Division for Handling Violations of the Gorontalo Province Election Control Board, who said that related to the handling of reports or findings regarding alleged money politics by legislative candidates received by the Gorontalo Province Election Control Board, they are as follows (Interview Result Data on June 25, 2021):

"Reports or findings regarding allegations of money politics by candidates for legislative members received by Election Control Board will be examined directly, if it is in the form of a report, Election Control Board will first summon the reporter for questioning, then summon witnesses and proceed with conducting (deploying the case) inside a team called the Integrated Law Enforcement Team (GAKKUMDU), with the aim of equating the understanding and pattern of handling election crimes between Election Control Board, the Police and the Attorney General's Office."  
[Date]

After there is an agreement from the team that it really is a money political election crime, the Election Control Board will submit the file for the election crime that has been reviewed and handled to the police for investigation and investigation.

Based on the results of interviews with Mr. AKBP Sahrul, SH. as Head of sub unit 1 Directorate of General Criminal Reserse Polda Gorontalo as well as an investigator in money politics, he explained that(Interview Result Data on June 25, 2021):

"Election Control Board carried out this proof, so when the money politic crime has been transferred to the police, it is accompanied by the evidence, the police only follow up on the case files that were handed over to the police. In fact, police investigators only position themselves as the party who receives the clean report without conducting further investigations. Whereas according to Law Number 7 of 2017 concerning Elections, it is the police investigators who should carry out investigations into allegations of election crimes."

Law enforcement is expected to be able to create justice, honesty, legal certainty, qualified legislative candidates and clean elections.

## 2. Urgency of Regulation of Article 280 paragraph 1 of Law Number 7 of 2017 concerning Elections

Based on the results of interviews with Mr. Yusnandar Karim, SHI. as the head of the Division of Handling Violations of Dispute Settlement Processes and Laws of the Gorontalo Province Election Control Board explained that regulations related to law enforcement efforts against money politics in general elections (Pemilu) still have weaknesses. The statements submitted are as follows (Interview Result Data on June 25, 2021):<sup>1</sup>

[Date]

“In the Election Law, there are weaknesses that can lead to the escape of certain legal subjects from the criminal snares of the Election Law. When compared with Law Number 10 of 2016 concerning Regional Elections, the provisions regarding money politics in Law Number 7 of 2017 concerning elections have experienced a setback. If we compare the regulation of Law No. 7 of 2017 (Election Law) with Law No. 10 of 2016 (Election Act), the issue of Money Politics is more progressive the Regional Head Election Law”.

The Gorontalo Province Election Control Board cannot continue the case to the investigation stage because the legal subject referred to in Article 280 paragraph (1) of Law Number 7 of 2017 is only limited to implementers, participants or campaign teams, while during the arrest operation The Election Control Board of Gorontalo Province only found ordinary people and because the Election Control Board of Gorontalo Province did not find sufficient evidence that the legislative candidate had committed money politics, so the case was not continued on the grounds that the suspect or legal subject was only ordinary people, which is not regulated in Article 280 paragraph (1) Law Number 7 of 2017.

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[Date]

Therefore, based on these obstacles, the researcher will recommend reconstructing Article 280 paragraph (1) of Law No. 7 of 2017 concerning Elections. The ideal regulatory concept in preventing and handling political money violations are as follows:

1. Revise article 280 paragraph (1) of Law Number 7 of 2017 concerning Elections by changing the editorial sentence from "Executor, Participants or Campaign Team" to "Everyone" so that all parties who practice money politics in legislative elections can be subject to sanctions imposed stipulate in laws and regulations in order to provide a deterrent effect for

[Date]

perpetrators, both the community and implementers, participants, or campaign teams.

Law Number 7 of 2017 concerning Elections does not mention “Everyone” as a legal subject, only restricting legal subjects to the names of implementers, participants and campaign teams. So, in this study, it is recommended that the legal subject change from the term “Implementers, Participants, and Campaign Teams” to “Everyone” with the following explanation:

- a) The provisions of the criminal act of violating Money Politics still follow the understanding of the general Criminal Code with the principle of an act that can be punished because the criminal law is aimed at an individual or every person
  - b) Referring to Article 2 of the Criminal Code, it is stated that criminal provisions in Indonesian legislation are stipulated for every person who commits a crime in this country.
  - c) The word "Everyone" is used as a legal subject for violations of Money Politics practices so that the scope is broad to include all people or anyone who commits acts against the law or violates Money Politics practices in elections.
  - d) What is meant by "everyone" is everyone without knowing boundaries who has committed an act of violating the practice of Money Politics, both the giver and the recipient, will be subject to sanctions in accordance with the applicable laws and regulations.
2. Legislation related to elections, the terms and conditions for candidates for Election Control Board members who are not only experienced in elections but also have competence in the field of law and a background in the discipline of Legal Studies are also regulated.
  3. The implementation of political education to the public involving political parties, Election Control Board, Electoral Commission, the Prosecutor's

Office, and the National Police so that the culture that has occurred during the general election does not happen again.

Changes in the laws and regulations related to elections by increasing the time for handling violations of Money Politics practices by the Election Control Board so that the handling of violations can run effectively and efficiently.

### Conclusion

The regulation of money politics violations in the Legislative general election in the Gorontalo Province is based on Laws and Regulations Number 7 of 2017 concerning General Elections and Law Number 8 of 2012 concerning General Elections for members of the house of representatives, regional representative council and Regional House Of Representatives. Therefore, the Provincial and Regency/City Election Control Board in Gorontalo have handled through prevention and prosecution of money politics violations in the election of legislative candidates by following up on reports from the public, in addition to making findings of money politics violations by legislative candidates which are the result of supervision. Election Control Board as regulated in the provisions of Article 454 of Law Number 7 of 2017 concerning general elections.

The urgency of regulating Article 280 paragraph 1 of Law Number 7 of 2017 concerning Elections is 1) Revise article 280 paragraph (1) of Law Number 7 of 2017 concerning Elections by changing the redaction of the sentence from "Executor, Participant or Campaign Team" to "Everyone"; 2). Legislation related to elections, the terms and conditions for candidates for Election Control Board members are also regulated; 3). Implementation of political education to the public involving political parties, Election Control Board, Electoral Commission, Attorney General's Office, and the National Police; 4). Increase the time for handling violations of Money Politics practices by the Election Control Board.

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