

The Role of Law Enforcement Center in Purworejo Regency Towards Criminal Violations of the 2024 General Election Based on Legal Certainty (Case Study of Purworejo District Court Decision Case Register Number 6/Pid.Sus/2024/Pn.Pwr Juncto Number 108/Pid.Sus/2024/Pt Smg)

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Abstract. *General Election is the main instrument in the democratic system that guarantees the sovereignty of the people, but in its implementation, violations often occur involving vulnerable groups such as children. This study examines criminal election violations in cases involving children in Purworejo Regency in the 2024 Election, and analyzes the role of Sentra Gakkumdu in handling it based on the principle of legal certainty. The approach method used in compiling the thesis is normative legal research. Specifications in this study descriptive analysis. The theories used include the theory of punishment and the theory of legal certainty. The results of this study are (1) The Integrated Law Enforcement Center (Gakkumdu) of Purworejo Regency plays a central role in ensuring the supremacy of law during the implementation of the 2024 Election through pre-emptive, preventive, and repressive approaches. The pre-emptive role is through legal education, internal coordination, and outreach to participants and the community. The preventive role is carried out through supervision, early detection of violations, and joint patrols to stop potential violations. The repressive role is realized through firm action against criminal election violations, starting from investigations, inquiries, to prosecution and execution of decisions. These three roles reflect efforts to fulfill the principle of legal certainty. (2) The considerations of the Semarang High Court Judge in imposing probationary criminal sanctions on the defendant in the case of involving children in the 2024 Election campaign are based on an approach that prioritizes a balance between law enforcement and humanitarian considerations.*

Keywords: Criminal; Election; Prosecution.

1. Introduction

Indonesia is one of the largest democracies in the world. Democracy is essentially the power of the people, by the people and for the people. One of the instruments of democracy is the General Election (Pemilu). Countries that adopt a democratic system place the general election (Pemilu) as a symbol and benchmark of democracy itself. The basic principle of democratic state life is that every citizen is sovereign and has the right to actively participate in the political process, which is concretely manifested in honest and fair elections (free and fair elections).¹

In addition to national elections in the Indonesian context, regional head and deputy regional head elections are also held as a manifestation of democratic people's sovereignty at the local level of regional government. As stated in the 1945 Constitution, Article 18 paragraph (4) "Governors, Regents and Mayors, respectively as heads of provincial, district and city regional governments, are elected democratically."²

The Election of Regional Heads and Deputy Regional Heads (Pemilukada) is a means of implementing people's sovereignty at the provincial and district/city levels based on Pancasila and the 1945 Constitution of the Republic of Indonesia. The Election is held directly as a manifestation of the democratic system. Based on Law Number 7 of 2017 concerning the Organizer of General Elections, Article 1, the Election is a means of implementing people's sovereignty which is carried out directly, generally, freely, secretly, honestly, and fairly in the Unitary State of the Republic of Indonesia.³ Elections aim to create people's sovereignty, because in essence all people are not able to govern at once directly or simultaneously. Therefore, a way is needed to elect representatives from the people so that they can govern both in a region and a country, such as electing members of the People's Representative Council (DPR), members of the Regional Representative Council (DPD), president and vice president and to elect members of the Regional People's Representative Council (DPRD) for a certain period of time that has been set for 5 (five) years in every 1 (one) period.⁴

¹Ruslan Husen, et al., eds., *Simultaneous Elections 2019 Data and Dynamics of Election Supervision in Central Sulawesi Province*, Bawaslu Sekretariat, Palu, 2020, p. 1

²Sarbaini Sarbaini, *The Implementation of Direct and Democratic Regional Head Elections as a Form of Realization of the Political Human Rights of the People in Indonesia*, *Legality: Journal of Law*, Vol. 12, No. 1, 2020, pp. 106-136

³Marissa Marlein Fenyapwain, *The Influence of Political Advertisements in the Minahasa Regional Election on the Participation of New Voters in Tounalet Village, Kakas District*, *Acta Diurna Komunikasi*, Vol. 2, No. 1, 2013, pp. 1-15

⁴Citra Monalisa Wowor, Herlyanty JA Bawole and Altje Agustin Musa, *Law Enforcement Against Black Campaigners in General Elections Through Social Media in the Context of Legislation Concerning General Elections*, *Lex Crimen*, Vol. 12, No. 5, 2024, pp. 1-11

A fair and honest election is the foundation of a democratic country. In ensuring the smooth running of the election process, the most fundamental thing that must be strengthened is a law that is able to regulate the election process, protect organizers, candidates, voters, observers, citizens and can provide full protection to voters against fear, danger, deviation, fraud, intimidation, bribery and other fraudulent practices that can occur either intentionally or unintentionally during the election. General Elections (Pemilu) in a democratic country play a role as an instrument in implementing a democratic system. Democracy is a form of government of the people, by the people, and for the people.

Sentra Gakkumdu is a coordination and collaboration forum consisting of Bawaslu, the Police, and the Prosecutor's Office. Its main function is to handle criminal election violations quickly and accurately to ensure a fair election process free from all forms of fraud. Gakkumdu plays an important role in the campaign implementation stage, where the intensity of violations often increases as the voting day approaches. In Central Java Province, Gakkumdu's role in supervising and handling election violations during the campaign period is very significant considering the high political dynamics and potential for conflict.⁵

Sentra Gakkumdu has a strategic role. As a collaborative forum between Bawaslu, the Police, and the Prosecutor's Office, Gakkumdu aims to accelerate the process of handling election violations, from the investigation stage to prosecution. Good coordination between these three institutions is expected to produce effective and targeted actions in handling various forms of election violations.⁶

2. Research Methods

Method is the process, principles and procedures for solving a problem, while research is a careful, diligent and thorough examination of a phenomenon to increase human knowledge, so the research method can be interpreted as the process of principles and procedures for solving problems faced in carrying out research.⁷ The approach method used in this study is the normative legal approach. The normative legal approach is a legal research conducted by examining library materials or secondary data as basic materials for research by

⁵Sarah Bambang, Sri Setyadi and Aref Darmawan, Handling of Election Crimes in the Integrated Law Enforcement Center (Gakkumdu), Indonesian Journal of Social Technology, Vol. 2, No. 2 2021, pp. 281-291

⁶Amal Akbar et al., PKM Synergy of Academics with Gakkumdu Bawaslu in South Sulawesi in Handling Alleged Election Crimes, Abdimas, Vol. 2, No. 2, 2024, pp. 195-216

⁷Soerjono Soekanto, Introduction to Legal Research, UI-Press, Jakarta, 1985, p. 6

conducting a search for regulations and literature related to the problems being studied.⁸

3. Results and Discussion

3.1. The Role of Law Enforcement Centers in Purworejo Regency in the Implementation of the 2024 Elections When There Are Criminal Election Violations Based on Legal Certainty

Elections are implemented by the State of Indonesia in order to realize the sovereignty of the people as well as the application of democratic principles or values, increasing the political awareness of the people to actively participate in general elections in order to realize the ideals of a democratic Indonesian society. General Elections as a means of Pancasila Democracy are intended to form a system of power based on the sovereignty of the people.⁹ Election is an activity in which there are acts regulated by laws and regulations, namely election regulations. Election regulations are also inseparable from regulations related to criminal law. In the implementation of the election, there is an expiration of the short-term election crime according to the election stages, so it takes a very short time to enforce the law on election crimes.

Law enforcement is a series of activities in the framework of implementing legal provisions, both in the form of enforcement and prevention, which include all technical and administrative activities carried out by law enforcement officers so that they can create a safe, peaceful, and orderly atmosphere to obtain legal certainty in society so that development in all sectors can be carried out by the government. Law enforcement requires four conditions, namely; the existence of rules, the existence of institutions that will implement the rules, the existence of facilities that support the implementation of the rules; and the existence of legal awareness from the community affected by the rules. Several factors that influence the law enforcement process, including the conflict between legal certainty and justice, this is caused by the concept of justice being an abstract formulation, while legal certainty is a procedure that has been determined normatively.¹⁰

The implementation of law does not only include law enforcement, but also peace maintenance, because the implementation of law is actually a process of harmonization between values and real behavioral patterns that aim to achieve

⁸Ronny Hanitijo Soemitro, *Legal Research Methodology and Jurimetrics*, Ghalia Indonesia, Jakarta, 1990, p. 33.

⁹Made Sutrawan and Putu Sugi Ardana. "The Role of the Election Supervisory Committee of Buleleng Regency in the Election of Regent and Deputy Regent in 2017 in Buleleng Regency". *Kertha Widya Journal of Law*, Vol. 5 No. 1 August 2017.

¹⁰Made Sumertana et. al., *The Role of the Integrated Law Enforcement Center (GAKKUMDU) in the Implementation of Law Enforcement Related to General Election Crimes (Study at the General Election Supervisory Agency of Buleleng Regency)*, Vol. 9, No. 2, 2021, pp. 25-53

peace. Law enforcement comes from society and aims to achieve peace in society. Every citizen or group has more or less legal awareness. The problem that arises is the level of legal compliance, namely high, moderate, or low legal compliance. The degree of legal compliance of society to the law is one indicator of the functioning of the law in question.

Elections are specifically regulated as contained in Articles 488 to 554 of the Election Law, which, if explained, contain:

- 1) Criminal acts directed at every person which includes 25 acts;
- 2) Criminal acts that can be committed by election organizers are 18 acts;
- 3) Criminal acts aimed at implementing the campaign 4 acts;
- 4) Criminal acts aimed at election participants who are proven to have received donations and/or assistance 2 acts;
- 5) Criminal acts directed at state officials/government officials and judicial institutions which include 2 acts;
- 6) Criminal acts aimed at ballot printing companies include 2 acts.

The Integrated Law Enforcement Center (Gakkumdu) of Purworejo Regency, which consists of Bawaslu, Police, and Prosecutor's Office elements, has a strategic position in overseeing all stages of the election. Its function is not only limited to supervision, but also provides protection to election organizers and participants, as well as enforcing the law against any election criminal violations that occur. This role also strengthens communication and synergy between elements within the Gakkumdu Center in enforcing election law. However, the implementation of Gakkumdu's function is not solely focused on law enforcement through sanctions, but also includes political education to the public, especially election participants, so that they do not commit violations in order to gain support. In addition, Gakkumdu is also actively conducting socialization regarding efforts to prevent election crimes. This effort is considered important to realize honest and fair law enforcement, provide legal certainty, and guarantee a sense of justice for all parties.¹¹

The Integrated Law Enforcement Center (Gakkumdu) of Purworejo Regency in assessing an alleged violation may have different points of view between elements, especially in determining the law enforcement steps to be taken. However, these differences do not change the understanding that every election violation basically has legal consequences in the form of sanctions. If the

¹¹Benyamin Buntu and Nurul Qamar. "Enforcement of Election Crimes by the Integrated Law Enforcement Center (Gakkumdu): A Study in Makassar City." *Journal of Lex Generalis (JLG)* Vol. 3. No. 3, 2022, pp. 375-390.

violation that occurs contains elements of a criminal act, further assessment will be carried out through a case title mechanism involving the police and the prosecutor's office. Therefore, in carrying out its duties, the Gakkumdu Center of Purworejo Regency is required to always prioritize the principles of coordination, integration, and synchronization, both in the context of carrying out tasks internally and in external relations, in order to ensure the effectiveness of law enforcement against election crimes.

The initial subsystem in the criminal election law enforcement system plays a role in receiving input in the form of reports of alleged violations committed by members of the public. These reports generally come from the Election Supervisory Committee (Panwaslu Purworejo Regency), but can also come from election observers or other members of the public. The first task lies with Bawaslu as the initial subsystem tasked with verifying and testing the truth of the report, to determine whether the reported event contains elements of an election crime or not. If it is proven to contain criminal elements, the report is forwarded to investigators from the Police for follow-up.

The police then carry out the investigation process. If at this stage no criminal elements are found or there is insufficient preliminary evidence, the case will be terminated. However, if there is a strong indication that a crime has occurred, the process continues to the investigation stage. In the investigation stage, if sufficient evidence is not obtained, the investigation will be terminated and the party previously named as a suspect will be restored to its position as an ordinary citizen. Conversely, if the investigator succeeds in collecting sufficient evidence and the investigation process is considered complete, the case file and the suspect will be submitted to the Prosecutor's Office, which has the authority to prosecute in court.¹²

The existence of the Gakkumdu Center as a component that is viewed as a system has fulfilled the characteristics of the system itself, namely:

- 1) There are parts that are part of the system;
- 2) There is an interrelation (connectedness), mutual influence of the existing parts;
- 3) The existence of an integrated unity that creates an entity (unique and different);
- 4) There is a direction to achieving certain goals;
- 5) The purpose that gives meaning to the existence of the system

¹²Parlin Azhar Harahap et. al., "The Role of the North Sumatra Regional Police (Polda-Su) in Law Enforcement Against General Election Crimes." *Retentum Journal* Vol. 3. No. 1 2021, pp. 90-98

The Integrated Law Enforcement Center (Gakkumdu) has a strategic role as the vanguard in ensuring the enforcement of election law through the implementation of pre-emptive, preventive, and repressive functions, the author describes these roles as follows:

1) Pre-emptive

The pre-emptive role is an anticipatory law enforcement effort carried out before a violation occurs, with the main aim of building legal awareness and preventing the intention or potential for violations early on.¹³ The pre-emptive role is realized through activities such as socialization of election regulations, legal education for participants and voters, and internal coordination between law enforcers to align perceptions regarding the rules and mechanisms for handling violations. The pre-emptive actions of the Purworejo Regency Gakkumdu Center are:

a. Internal Strengthening and Initial Coordination:

Ahead of the 2024 Election, Bawaslu Purworejo actively initiated coordination meetings of the Gakkumdu Center to align perceptions between law enforcement elements. For example, on October 17, 2023, Bawaslu Purworejo held a coordination meeting with the ranks of the Police and the Prosecutor's Office as an effort to strengthen Gakkumdu in overseeing the Election supervision. The Head of Bawaslu Purworejo, Purnomosidi, stated that Bawaslu together with Gakkumdu will continue to coordinate to prevent violations in the 2024 Election.

This pre-election coordination activity is pre-emptive in nature because it aims to prepare related officers to face potential cases, align understanding of the law (for example what is meant by money politics, black campaign, involvement of children in campaigns, etc.), and ensure that each element knows its role and procedures. The Purworejo District Attorney's Office in the meeting emphasized the importance of a shared understanding of the elements of election crimes and is committed to handling alleged violations proportionally and professionally. With this kind of early preparation, Gakkumdu Purworejo seeks to prevent differences in interpretation in the middle of the road that could hinder case handling. This is in line with the principle of legal certainty where the rules of the game are clear from the start for law enforcers.

b. Election Law Socialization and Education:

¹³Safrudin, Safrudin et. al., Criminal Law Enforcement in the Traffic Examination Process Based on Law Number 22 of 2009 Concerning Traffic and Road Transportation in Pekanbaru City. Online Journal of Law Faculty Students, University of Riau, Vol. 1, No. 2, 2014, pp. 1-14

Pre-emptive efforts also target election participants and the community. Bawaslu Purworejo, supported by the Police and the Prosecutor's Office, socialized campaign regulations and election criminal prohibitions to political parties, campaign teams, and local stakeholders. For example, reminding legislative candidates (caleg) to understand things that are prohibited in campaigns (such as involving minors, using government facilities, money politics, etc.). The case that befell one of the Purworejo DPRD candidates, MA, who had to deal with Gakkumdu because the campaign content involved children, is a real example that was socialized so that it would not be repeated by other candidates.

Through election law education, it is hoped that contestants will be more careful so that potential violations can be prevented before they occur. The police also contribute to public education by appealing to the public not to be tempted by money politics or commit other violations, for example by installing banners with appeals or providing public order and security education ahead of the election (although Purworejo is not specifically mentioned in detail in the source, this kind of approach is commonly carried out by the Police in various regions as a pre-emptive measure). All of these efforts aim to create a culture of obeying the rules from an early age.

c. Community Approach by Police:

Purworejo Police implemented pre-emptive measures by approaching and conducting dialogue with the community before and during the election stages. Purworejo Police Chief AKBP Eko Sunaryo emphasized that his staff are ready to oversee the election process by approaching the community. Dialogue with community leaders, religious leaders, and local organizations is carried out to absorb aspirations and reduce potential vulnerabilities before they become real violations. For example, if there are signs of friction between supporters, the police can immediately facilitate mediation. This is a typical pre-emptive action of the police that is oriented towards problem solving before the problem escalates into a violation of the law.

2) Preventive

The preventive role focuses on prevention during the election stages, so that violations that begin to appear can be immediately stopped or prevented before they continue further. Unlike pre-emptive which tends to be anticipatory in general, preventive steps are usually taken when there are symptoms or real potential for violations in the field.¹⁴The preventive role of Gakkumdu Purworejo in the 2024 Election includes:

a. Close Supervision and Early Detection by Bawaslu:

¹⁴Suwari Akhmaddhian et. al., "The role of society in realizing the implementation of quality general elections." Proceeding of Conference on Law and Social Studies. 2021, pp. 1-9

As the spearhead of prevention, Bawaslu Purworejo deployed supervisors up to the sub-district (Panwascam) and village/sub-district (Panwasdes) levels to monitor all campaign activities and election stages. Any findings of indications of violations were immediately reported and reviewed together with the Gakkumdu Center. During the campaign period, Bawaslu Purworejo conducted surveillance patrols, including supervising the installation of campaign equipment (APK) and face-to-face campaign activities. As a result, if administrative violations were found (for example, APK was installed in a prohibited location or exceeded the provisions),

On January 23, 2024, the MA case began to be tried at the Purworejo District Court with the agenda of reading the indictment. The public prosecutor charged the defendant with violating Article 493 of Law No. 7/2017 concerning Elections (criminal sanctions for violations of certain campaign prohibitions) in conjunction with Article 280(2)(k) of the Election Law. During the trial, the public prosecutor presented video evidence and witnesses supporting the charges that the defendant did involve children (who in fact do not yet have the right to vote) in the campaign.

The panel of judges at the Purworejo District Court finally handed down a verdict at the end of January 2024, declaring the defendant guilty of committing an election crime. The judge's decision sentenced MA to 3 months in prison and a fine of Rp6 million (subsidiary 1 month in prison). This verdict was lighter than the prosecutor's demand of 6 months in prison, but still confirmed the defendant's guilt.

Based on the description of the pre-emptive, preventive, and repressive roles and the facts of violations in the 2024 Election in Purworejo Regency, it can be concluded that the Purworejo Integrated Law Enforcement Center (Gakkumdu) shows a role in enforcing election law. This role is reflected in various aspects that are closely related to the principle of legal certainty. Gakkumdu is able to present clear procedures and coordinated workflows between institutions. With a one-stop shop structure, every report or finding of violations can be followed up immediately without waiting for overlapping bureaucratic flows. In Purworejo, the coordination carried out between Bawaslu, the Police, and the Prosecutor's Office from the preparation period to after the voting creates certainty for all parties, both reporters, election participants, and the wider community.

Consistency in law enforcement is also Gakkumdu's strength in realizing legal certainty. Gakkumdu Purworejo enforces the rules without discrimination, starting from minor violations such as installing campaign props in prohibited places, to serious criminal violations such as money politics and involving children in campaigns. Handling of legislative candidates who involve children in their campaigns is proof that Gakkumdu dares to take legal action against

anyone who is proven to have violated the law, even if the person concerned is an election contestant.

Gakkumdu Purworejo not only works behind closed doors, but also opens up information to the public regarding the handling of violations. The decision to continue or stop a report is conveyed openly and accompanied by clear reasons. This prevents the development of negative prejudice or wild speculation in the community, which often arises in a heated political atmosphere. Accountability demonstrated through periodic reporting and press conferences is a means of public control over the performance of election law enforcement in the area.

Fulfillment of the legal rights of the parties involved also shows that Gakkumdu not only upholds legal certainty from a substantive perspective, but also from a procedural perspective. The reported party is given space to defend itself, receive legal assistance, and the right to a fair legal process. On the other hand, the reporter also gets certainty about the ongoing process, both when the report is followed up and when it is stopped for legally justifiable reasons. Court decisions that have been executed, both in the form of fines and removal of names from the list of permanent candidates, show that law enforcement does not stop at the courtroom, but continues to the implementation of strict sanctions.

3.2. Considerations of the Semarang High Court Judge in Imposing Probationary Criminal Sanctions on the Defendant in the Case of the Purworejo District Court Decision, Case Register Number 6/Pid.Sus/2024/PN.Pwr Juncto Number 108/PID.SUS/2024/PT SMG.

Elections are an inseparable part of a country that recognizes the sovereignty of its people. As the principle of sovereignty is stated in Article 1 paragraph (2) of the 1945 Constitution that "Sovereignty is in the hands of the people and is implemented according to the Constitution". This is also implied fundamentally in Pancasila, namely the 4th (fourth) principle which states that "Democracy is led by the wisdom of deliberation/representation". The process of choosing the best sons and daughters of the nation to become people's representatives through a mechanism called elections can be considered something constitutional. Constitutional for citizens, especially in terms of recognizing the rights of the people to determine the course of the wheels of government organizations. Elections are the most basic form of political participation of the people or citizens to determine the government and programs that are in accordance with their wishes, at least the government or programs that they can accept.¹⁵

¹⁵Putu Eva Served Antari Disparity of Judges' Considerations in Sentencing KPPS in Election Crimes, *Jurnal Analis Hukum (JAH)*, Vol. 3, No. 2 September 2020, pp. 156-168

Election crimes in law enforcement are carried out through general criminal justice mechanisms. Within the framework of enforcement, it can be seen that there is involvement of the police, prosecutors, courts and correctional institutions with each other who utilize criminal law. Where the process of investigation, prosecution, examination, judge's verdict is carried out until the implementation of criminal decisions in correctional institutions in accordance with the Election Law which has a time limit. Election crimes are resolved through the General Court mechanism, at the first level by the district court, at the appeal level and finally by the high court. District courts and high courts examine, try, and decide election crimes using the Criminal Procedure Code, plus several special provisions in the Election Law. The examination is carried out by special judges, namely career judges who are specifically appointed to examine, try, and decide election crimes. High court decisions cannot be subject to other legal remedies.¹⁶

The second element analyzed is the prohibited act, namely involving Indonesian citizens who do not have the right to vote in campaign activities. It was found that two boys, each under the age of 17, appeared in a 16-second campaign video uploaded by the defendant. The children did not qualify as voters in the 2024 Election because they were not old enough and did not have married status. One of the children even verbally invited the public to vote for the defendant in a straightforward and persuasive language. This form of invitation shows that their involvement was not merely appearing as supporting figures, but as an active part of the campaign. Thus, the prohibited element in the article was materially proven.

The third element related to campaign facilities or media is also clearly proven. The video containing the campaign was uploaded on December 2, 2023, which was during the official campaign period set by the KPU. The media used was not an ordinary personal account, but a TikTok account that had been registered in the KPU's SIKADEKA system as part of the official NasDem Party campaign tool managed by the defendant himself. This strengthens that the campaign action was carried out in the context and using campaign facilities that had been regulated and supervised by the election organizers, not a personal incident.

The last element is intent or at least negligence that can be criminally accounted for. Although the defendant in his defense stated that the video was made and uploaded by his child without his knowledge, the evidence presented at the trial showed otherwise. The account belongs to and is under the control of the defendant, Bawaslu has also given an informal warning and requested that the content be deleted immediately. However, the defendant did not show good faith, instead responding in a relaxed tone and allowing the video to continue to

¹⁶ Khairul Fahmi. Election Crime Handling System. Constitutional Journal, Vol. 12, No. 2, 2015, pp. 264-283.

air for more than 10 days. This passive action can legally be considered a form of active negligence (negligent omission) which according to criminal doctrine can still be held criminally accountable. Thus, the element of error both *dolus* (intentional) and *culpa* (gross negligence) is fulfilled.

Judge's considerations in sentencing

The Panel of Judges stated that the defendant was proven to be a campaign implementer from the NasDem Party, whose name was listed in the official campaign documents and his TikTok social media account used to upload campaign content was also registered as an official account at the KPU. In the 16-second video, two children who do not yet have the right to vote appear and one of them makes an explicit invitation to the public to vote for the defendant. The judge considered that the elements of a criminal act, namely "involving Indonesian citizens who do not have the right to vote in the campaign", had been fulfilled legally and convincingly.

In answering the defendant's defense stating that the video was uploaded by his son without his knowledge, the Panel of Judges rejected the argument. The defendant was proven to be aware of the upload, as shown by his statement to the Bawaslu officer that the video was "cool". The judge considered this statement to indicate that the defendant approved and even wanted the video to be on his campaign account.

Another consideration is that the video upload was broadcast for almost two weeks, from December 2 to December 14, 2023, which means it has spread widely to the public. This is an indication that the defendant did not immediately take steps to delete or fix the problematic content even though he had received a warning from Bawaslu

Consider the aggravating and mitigating circumstances. Aggravating: the defendant did not admit his actions. Mitigating: the defendant was polite during the trial the defendant has experienced social sanctions in the form of shame and pressure as a public figure.

In his decision, the judge sentenced him to 6 months in prison, which need not be served unless the defendant commits a crime again during the 1-year probation period. The fine was also increased to Rp12,000,000.00, with a subsidiary provision of 2 months in prison.

Analysis of the judge's considerations in imposing sentences when analyzed using the theory of punishment

The judge's considerations in sentencing the defendant Muhamad Abdullah in the case of involving children in the 2024 Election campaign in Purworejo can be analyzed using a criminalization theory approach. Criminalization in the

Indonesian criminal law system is not solely oriented towards retaliation (retributive justice), but has developed towards preventive punishment. Classical criminalization theories such as the absolute theory (retributive) emphasize that punishment is imposed solely because of violations of the law, while the relative theory (utilitarian or preventive) emphasizes the function of punishment to protect society through prevention. In this case, the judge carefully adopted a mixed approach (a combination of absolute and relative theories), where the imposition of punishment is still carried out because the defendant's actions violate election law norms, but the form of punishment is adjusted by considering aspects of humanity and utility.

The elements of the crime have been proven in court and are irrefutable, including the involvement of two minors in campaign activities uploaded through the defendant's official TikTok account. The judge firmly stated that the action violated Article 280 paragraph (2) letter k of Law Number 7 of 2017 concerning Elections in conjunction with Article 493 which threatens criminal penalties for campaign implementers who include Indonesian citizens who do not have the right to vote. In this case, the judge emphasized the importance of enforcing election law as a form of protection for a healthy democratic process. The theory of legal certainty is the background to the judge's thinking when stating that the defendant must be sentenced so that the law does not become a dead norm. By finding guilty, the panel of judges intended to emphasize that every violation of election provisions, especially those concerning children's rights, must have legal consequences.

However, in imposing the form of punishment, the judge also seems to adopt elements of the theory of relative punishment, which emphasizes the aspect of prevention. This can be seen from the change in imprisonment previously imposed at the first level, to a conditional sentence (probation) at the appeal level. This approach is in line with the provisions of the Criminal Code, especially Articles 14a to 14c, which allow for the granting of a probationary sentence if the judge considers that the defendant does not need to serve a prison sentence in order to achieve substantive justice. The judge considered that the defendant had experienced quite severe social sanctions as a public figure, and that a conditional sentence could function as a stern warning without having to completely revoke the defendant's social rights.

The decision reflects the balance between *ius constitutum* (the applicable positive law) and *ius constituendum* (the legal objective to be achieved). The judge not only imposed a criminal sentence as a form of retribution for the defendant's actions, but also as a means of legal education for election participants and the community. This approach shows the integration between normative provisions in the Election Law, principles in the Criminal Code, and theories of punishment that are oriented towards justice. The judge's

considerations in this case can be considered to have fulfilled the principles of justice, certainty, and legal benefits.

4. Conclusion

The Integrated Law Enforcement Center (Gakkumdu) of Purworejo Regency plays a central role in ensuring the supremacy of law during the implementation of the 2024 Election through pre-emptive, preventive, and repressive approaches. The pre-emptive role is through legal education, internal coordination, and socialization to participants and the community. The preventive role is carried out through supervision, early detection of violations, and joint patrols to stop potential violations. The repressive role is realized through firm action against criminal election violations, starting from investigations, inquiries, to prosecution and execution of decisions. These three roles reflect efforts to fulfill the principle of legal certainty.

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