

ABSTRAK

Penyelenggaraan Pemilu tahun 2019 juga harus diikuti dengan penegakan hukum terhadap pelanggaran dalam pelaksanaan Pemilu.. Berdasarkan data yang dikeluarkan oleh Badan Pengawas Pemilu (Bawaslu) terdapat 2.724 laporan dan temuan dugaan pelanggaran tindak pidana Pemilu, yang berlanjut ke penyelidikan 582 kasus, berhenti di tahap penyelidikan ada 132 kasus, kemudian berhenti di penuntutan 41 kasus, disidangkan dan diputus oleh pengadilan 319 kasus. Sedangkan dari data Indonesian Legal Rountable (ILR) dari keseluruhan perkara yang disidangkan di pengadilan dalam perkara tindak pidana Pemilu terdapat 170 atau 53 % divonis pidana bersyarat atau percobaan. Berdasarkan hal-hal tersebut di atas, penanganan terhadap pelanggaran pidana Pemilu sampai tahap persidangan oleh Bawaslu menjadi cermin bahwa penegakan hukum pelanggaran tindak pidana Pemilu tahun 2019 dirasakan belum optimal. Penyelenggaraan Pemilu serentak semestinya diimbangi dengan penegakan hukum yang mampu memberikan efek jera melalui penjatuhan pidana bagi pelaku pelanggaran tindak pidana pemilu, tidak sekedar bentuk hukuman percobaan sehingga dapat memberikan kewibawaan hukum pidana Pemilu sekaligus sebagai *deterent effect* agar orang lain tidak melakukan perbuatan yang sama, sehingga perlu formulasi hukum tindak pidana pemilu untuk masa yang akan datang melalui perumusan aturan secara pasti, jelas, tidak multitafsir, lebih efektif serta dilaksanakan oleh sumber daya penegak hukum yang kompeten putusan hakim dalam perkara tindak pidana pemilu juga memperhatikan semua pihak dalam kesetaraan hak setiap dan mencerminkan rasa keadilan, demi terwujudnya Pemilu yang jujur dan adil.

Kata Kunci: Penegakan Hukum, Tindak Pidana Pemilu, Pemilu 2019

ABSTRACT

The implementation of the 2019 General Election shall be followed by the law enforcement against violations in the conduct of the General Election. Based on data released by The General Election Supervisory Agency (Bawaslu) there were 2,724 reports and findings of alleged violations of election crimes, which continued with the investigation of 582 cases, closed at the investigation stage there were 132 cases, then closed at prosecuting 41 cases, and adjudicated by the court in 319 cases. Meanwhile, based on the Indonesian Legal Roundtable (ILR) data, overall 170 or 53% of cases on trial regarding to the election crime cases were sentenced to conditional or probationary. Based on the above matter, in tackling of criminal election violations up to the trial stage by Bawaslu was being a reflection that law enforcement of the election crime in the General Election 2019 was not worked optimal. Implementation of the simultaneous General Elections shall be balanced with law enforcement that is able to provide a deterrent effect through the imposition of criminal penalties for violators of election crimes, not just a form of probation, hence it could provide the authority of election criminal law as well as a deterrent effect so that others do not committed with the same act. Therefore, it is necessary needed a legal formulation of election crimes in the the future is needed through the formulation of rules which are definite, clear, not multi-interpretive, more effective and implemented by competent law enforcement resources. Moreover, the judge's decision in the case of the election crimes shall pay attention to all parties in the equality of the individual rights before the law and able to reflects a sense of justice, in order to establish a General Election which would be honest and fair as well as legitimate.

Keywords : Law enforcement, Election Criminal Law, General Election 2019