

Implementation of The Application of Election Crime Sanctions in South Sulawesi Province

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ABSTRACT

The application of sanctions for election crimes in South Sulawesi Province is guided by Government Regulation instead of Law Number 1 of 2022 and Article 1, Number 1, concerning election offenses related to election administration violations. This study adopts a descriptive qualitative research approach. It aims to gather field information through questionnaires distributed to employees and Acting KPU (General Election Commission) officials, specifically focusing on cases of fraud and political money during the election process in Makassar City, South Sulawesi Province. Makassar City was chosen as the research location due to its strategic role as a political center in South Sulawesi and its favorable conditions for supporting the study.

Keywords: Election Crime Sanctions, South Sulawesi Province, Political Money.

I. Introduction

In general, general elections are an attempt to solve contemporary democratic problems to represent the votes represented in general elections. Representative democracy is essential in a democratic country like Indonesia to maintain the welfare of the people. This is done through its representatives in the legislature and executive to ensure that the interests of the people are truly prioritized (Agus Pramono, 2005). In general, general elections serve as a means to address contemporary democratic challenges by determining representation through the electoral process. Representative democracy plays a crucial role in a democratic nation like Indonesia, ensuring the welfare of the people. This is achieved through elected representatives in the legislature and executive branches, who work to prioritize the interests of the people (Agus Pramono, 2005). People expect members of parliament to prioritize the public interest over the interests of specific groups or factions. Their ability to address societal issues effectively is crucial to ensuring that welfare and justice are realized across all aspects of national and state life.

Elections should be conducted honestly and transparently, ensuring that democracy does not devolve into mere rule by law (nomocracy). This highlights the reality that, in practice, electoral processes from the New Order era to the 2019 elections have often faced challenges (Moh. Mahfud MD, 2017). In a rule-of-law country like Indonesia, such occurrences are not uncommon; these issues are often attributed to the unprofessionalism of political elites in managing the government. Throughout its history of independence, Indonesia has frequently faced crises stemming from the primordial attitudes of its political elites. These crises arose because politicians failed to adhere to the nation's commitments. The emergence of a feudalistic culture

serves as an example of the consequences of the political and administrative chaos that has occurred (Agus Pramono, 2005).

Indonesians expect elections to be more than just a ritualized change of leadership; they embrace a modern democratic system. A crucial aspect of elections is the presence of the Election Commission, which is explicitly established by state law. The success of this electoral body relies heavily on its organizers, making the role of General Election organizers essential. The KPU is well-known as a state institution responsible for organizing fair and independent elections, operating free from any external influence. In addition to the KPU, which is tasked with overseeing and organizing elections, other bodies collaborate with the KPU to ensure the smooth conduct of elections. The General Election Commission (KPU) plays a pivotal role in managing various aspects of the electoral process, including the election of members of the DPR, DPD, and DPRD, as well as the President, Vice President, regional heads, and their deputies. The KPU is also mandated to maintain neutrality as an election organizer, particularly in South Sulawesi, with a specific focus on the city of Makassar (Rozali Abdullah, 2009). One of the most prevalent election violations is the practice of money politics, which frequently occurs at the electoral level and has become a widely known issue during elections. In Makassar City, investigations have identified money politics as the most common violation.

It is crucial to prevent and combat various election-related crimes during the elections of the President, DPR RI, DPD, and others. If such practices persist, they risk undermining a fundamental aspect of Indonesia's democracy. The state has established regulations to ensure that citizens can live in safety and comfort. Based on the context above, the researcher seeks to address questions regarding the role of the South Sulawesi Provincial KPU in implementing Law Number 1 of 2022 concerning election violations related to administrative breaches. The problem is formulated as follows: What is the process for implementing the Election Law in Makassar City, South Sulawesi Province, and what role does the South Sulawesi KPU play in reducing election violations?

II. Research Method

This study employs a descriptive qualitative research method. It was conducted to gather field information through questionnaires distributed to employees and Acting KPU members involved in organizing the general election, particularly the chairman, focusing on issues such as fraud and money politics during the South Sulawesi provincial election in Makassar City.

III. Results and Discussion

3.1. The Role of the South Sulawesi Provincial KPU in Enforcing Election Law

Election organizers play a central role in ensuring that democratic processes are conducted fairly and transparently. Based on interviews with key informants, the South Sulawesi Provincial General Election Commission (KPU) is recognized as having both responsibility and authority to maintain the integrity of electoral administration. According to Andi Muhammad Yasir Arafat, Chairperson of the South Sulawesi Provincial KPU, the institution's role is not limited to managing elections as a contest for power, but rather as a medium to promote social welfare and strengthen democratic participation among citizens. He stated that the KPU must serve as a neutral body dedicated to the public interest, ensuring that every voter can exercise their rights with integrity and confidence in the electoral system.

When asked whether the organizers themselves could be held accountable for potential election violations, Yasir Arafat firmly rejected such allegations, emphasizing that the KPU of South Sulawesi, particularly in Makassar City, has consistently upheld professionalism and transparency. According to him, suspicions of bias or irregularities often emerge during democratic events, but maintaining public trust is a core commitment of the institution. The KPU enforces regulations designed to minimize fraudulent activities and unethical practices within the electoral process, as stipulated in the Government Regulation, instead of

Law Number 1 of 2022 and Article 1, Number 1, concerning election offenses related to administrative violations.

3.2. Electoral Violations and Public Perception

Despite the KPU's professional stance, several violations were reported during the November 27, 2024, election in Makassar City. Testimonies from informants, including members of the NGO Forum Pemerhati Nasional Indonesia (FPNI), indicated that instances of political misconduct—particularly money politics and vote-buying—were still prevalent. One FPNI representative stated that corrupt practices during the election have the potential to produce representatives or leaders who are equally corrupt, thereby undermining the democratic mandate. This reflects a significant gap between the existing legal framework and its implementation at the field level. The persistence of money politics has contributed to ongoing public skepticism toward election organizers. Several respondents expressed doubts about the credibility of the KPU, arguing that “there is no smoke without fire,” indicating that suspicions often arise from observed irregularities. Nevertheless, the KPU maintains that it responds to all credible public reports of electoral misconduct and collaborates with the police and prosecutor's office in cases involving criminal elements. This inter-agency cooperation represents a critical mechanism in ensuring that serious election offenses are handled within the legal system.

3.3. Efforts of the South Sulawesi KPU in Reducing Election Violations

In response to the persistence of election violations, the South Sulawesi Provincial KPU has implemented several preventive and corrective strategies. These include intensifying voter education programs, strengthening institutional coordination with supervisory bodies (Panwaslu), and enhancing transparency in electoral administration. The researcher found that the KPU's preventive measures—such as community outreach, dissemination of legal awareness, and ethical training for electoral staff—have contributed to reducing instances of voter fraud and political bribery. An official from the South Sulawesi KPU stated that “education is key to reducing the likelihood of electoral fraud or practices that exceed established standards.” This aligns with legal principles frequently emphasized in academic discourse: prevention is more effective than punishment. Furthermore, under the KPU's supervision, each member of the Panwaslu has been adequately prepared to identify, report, and mitigate electoral violations at the field level.

Although some civil society groups and NGOs remain skeptical of the KPU's responsiveness to public complaints, other informants acknowledged that the KPU has demonstrated professionalism and integrity in addressing such issues. This indicates that the effectiveness of election law enforcement in South Sulawesi depends not only on legal instruments but also on continuous collaboration between the KPU, law enforcement agencies, and the community. The researcher concludes that while challenges such as political money and administrative violations persist, the KPU's commitment to preventive education, institutional coordination, and transparent governance represents a positive step toward improving electoral integrity in South Sulawesi Province.

IV. Conclusion

The researcher draws two conclusions based on the discussion and research conducted. First, the implementation of Law Number 1 of 2022 regarding election violations and administrative violations at the electoral level indicates that the General Election Commission (KPU) has not fully carried out its duties professionally. The public, particularly voters and non-governmental organizations, continues to question the KPU's professionalism due to several identified cases of election violations.

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