

ANALYSIS OF THE LAW AGAINST CRIMINAL ACTS OF ELECTORAL DISTRICTS

(Study of a general election the Mayor and Vice Mayor of Makassar)

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ABSTRACT

This research aims to know the effectiveness of the law enforcement against criminal cases in the general election for mayor of the city as well as the factors which affected analysis in this study using the method of the qualitative nature of the approach, that approach with a way to learn, pay attention to the quality and depth of the data obtained. After data analysis is finished, the results will be presented in a descriptive, i.e. with speak and describing what it is in accordance with the problems examined. The effectiveness of the law enforcement against criminal cases in the general election for mayor of the city is still very weak. The mechanism of reporting, and discussion of the results of the report on the level of integrated law enforcement (Gakkumdu), as well as the report of the examination to find out the criminal element in violation of 2005, Makassar city thus increasingly adds to the complicated handling of the crime in 2005. Factors that affect the police in tackling and dealing with criminal acts in 2005, in the city of Makassar is the length of the process of examination of an alleged criminal offence occurrence in 2005, has been with the examination report having to wait for the outcome of the recommendations of the report are Gakkumdu can be forwarded at the stage of investigation or not.

Keywords: Crime-Election-Districts.

INTRODUCTION

Background Problem

The general election is an institution that serves as a means of delivery of democratic rights of the people. Institutional existence elections are already recognized by the countries that the principle of popular sovereignty. Elections on two key issues have always questioned the practice of parliamentary life, namely regarding the teaching of the doctrine of popular sovereignty and democracy, where democracy as the embodiment of popular sovereignty as well as the general election is a reflection of democracy.

Election of regional heads as a means to give the legitimacy of to those who will serve in the Government, also serves as a means of learning democracy (politics) for the people. In 2005, a media learning practice of Westernization of the people who are expected to form a collective

consciousness of all elements of the nation about the importance of choosing the correct corresponding leader.

In addition, in 2005, is also expected to strengthen the autonomy of the region. The success of the autonomous region, one of which is also determined by local leaders. The better the local leader is produced, then the commitment of the local leaders in realizing the welfare of the community by always paying attention to the interests and aspirations of society can be realized.

Thus in 2005, is an important means for national leadership cadre recruitment process in Indonesia involving all citizens in determining options related to officials who will administer the Affairs of Government in its territory. Although the objectives and implementation in 2005 was implemented in order to realize the order of a democratic State and sovereign.

However, in reality there are a series of problems that arise in implementing in 2005. Things happen because of unpreparedness in 2005, organizers of the contestants, and voters in 2005 itself. Problems arise in the implementation of various shape in 2005. In law No. 8 year 2012, mentioned that the dispute in the election code of conduct Violations may take the form of elections Organizers, violations of Election Administration, Election Disputes, criminal act of the election, The State Election Disputes, and Disputes the election results.

Determination of the characteristics of the matter in order to be categorized as a criminal offence in 2005, is still a debate, this is because even the legislation did not provide clear restrictions linked to the category of offence in law that occurred in 2005. In addition to the related, handling is still not yet enforced optimally, since the perpetrators of criminal acts in 2005, usually protect by officials that in fact was a candidate in 2005. Police, until now still not firmly in cracking down on any report related to the presence of criminal acts in 2005.

Research Issues

Based on the background of the above, the authors take the formulation of the problem is how the effectiveness of the law enforcement against criminal cases in the general election for mayor of Makassar?

Research Objectives

As for research purposes in writing this paper is to find out how the effectiveness of the law enforcement against criminal cases in the general election for mayor of Makassar.

RESULT OF THE RESEARCH

The effectiveness of the law enforcement against criminal cases in the general election for mayor of Makassar

In General, effectiveness can be interpreted as a success in achievement of objectives have been set. The effectiveness of having a variety of types, one of which is its effectiveness in terms of law enforcement. Same is the case with the theory of effectiveness in General, experts also have diverse views related to the concept of effectiveness of law

enforcement. Achmad Ali (2010: 375) argues that when we want to find out to what extent the effectiveness of the law, then we must first be able to measure "the extent to which the rule of law is adhered to or not adhered to". In General, the factors that influenced the effectiveness of the legislation is a professional and optimal implementation of the role, authority and function of law enforcers, both in explaining tasks charged against themselves as well as in enforcing the legislation. The theory of the effectiveness of law according to Soerjono Soekanto (2008: 8) is that effective or whether a law is determined by five factors, i.e. :

1. Legal factors alone (legislation).
2. Factors in law enforcement, i.e. the parties that make up as well as applying the law.
3. Factor means or facilities that support law enforcement.
4. Community factors, namely the legal environment in which applies or applied.
5. Cultural factors, i.e. as a result of the work, copyright and flavor that is based on the intention of the human life in the Association.

The five factors are interrelated with the above eratnya, because the essence of the rule of law, is also a benchmark rather than the effectiveness of law enforcement. On the first element, which determine the functioning of the law can be written well or not is subject to the rule of law itself.

The effectiveness of the law enforcement against criminal cases in the general election for mayor of Makassar, relies heavily on the harmonization of work between related institutions in the handling of violations in 2005. Elections of Mayor and Deputy Mayor of Makassar that just took place, resulting in a number of reports of alleged infringement of the community, both performed by the participants in 2005, as well as conducted by organizers of the elections.

Based on research conducted the author on May 6, 2014 in the Office of the Committee of Trustees Elections Makassar city, writers conduct interviews with Agus Salim as the head of the field supervision of Panwaslu Makassar city, argued that the number of Reports received Panwaslu Makassar city at the general election of Mayor and Deputy Mayor of the city of Makassar 2013 there are 41 (forty-one) in case of violation. Each report is received will be evaluated by Panwaslu Makassar city, henceforth conducted investigations related to the report of the truth.

Agus Salim added that of the total Reports received by Panwaslu Makassar city, not all proceed at this stage of the meeting Gakumpu (integrated law enforcement) because of a report that examined, there are violations of the administrative offence, the nature and elements of the criminal offences contained pidananya. Integrated law enforcement law enforcement elements of the combination in this case consists of a Supervisory Committee for elections, the police and the Prosecutor's Office in charge of conducting the discussion towards the existence of reports and findings relating to the electoral districts in the city of Makassar. The following is a report forwarded on phase Gakkumdu Discussion Meeting.

Table 2:
Report data Results discussion of Gakkumdu (Integrated law enforcement) at the general election of Mayor and Deputy Mayor of Makassar 2013

Number	Description and Discussion Report
<p>The Report I</p>	<p>A. Subject Matter : A report conducted by the institutions devotee of top civil Busranuddin Baso Tika statement on media regarding "reject the import leaders" that are considered offensive about religion, race, ethnicity, group.</p> <p>B. Review/Discussion :</p> <p><i>a.</i> That by law Number 32 of 2004 concerning Regional Governments as amended several times, the last by Act No. 12 of 2008 about the second amendment law Number 32 of 2004 concerning Regional Governments. Article 116 paragraph (2) "any person who intentionally infringes the provisions prohibiting the execution of campaigns referred to in Article 78 a; the letter b, letter c, letter d, letter e and the letter f was threatened with imprisonment most short 3 (three) months old or at least 18 (eighteen) months and/or a fine of at least \$ 600,000.00 (six hundred rupiah) or at most \$ 6,000,000 (six million rupiah for)".</p> <p><i>b.</i> That by law Number 32 of 2004 concerning Regional Governments as amended several times, the last by Act No. 12 of 2008 about the second amendment law Number 32 of 2004 concerning Regional Governments. Article 78: "the letter b in the campaign is prohibited: insulting someone, religion, <i>the tribe, race, class, regional head of candidate/Deputy Head of the region. That in the application of article 78 letter b element that has to be supplied is :</i></p>

	<p>1. <i>In the course of the campaign</i> That form A 1 based on KWK, events reported were carried out not on the campaign as scheduled stages established by the city of Makassar, the stages that have set the Election Commission Election Makassar city that Stages of candidate's campaign Chief and Deputy Chief of The regional city of Makassar 2013 starts on 1-14 August 2013 so that the element is not met.</p> <p>2. <i>Insulting someone, religion, tribe, race, class, regional head of candidate/Deputy Head of area.</i> The second element of panwaslu Makassar city did not make further clarifications regarding the item because it does not satisfy the elements performed during the campaign "referred to the letter a in the events that led to the intention in the report to be not the authority of the supervisor of elections. The event became the authority of election if done during the campaign.</p> <p>C. Conclusions and recommendations :</p> <p>1. Acts committed by Mr. Busranuddin Baso Tika (Chairman of the PPP City Makassar) about the existence of the alleged statement Reported Brother who allegedly insulted someone, religion, tribe, race, class, regional head of candidate/Deputy Head of the region, is not a violation of the elections because the element is done during the Campaign are not met.</p> <p>2. Based on point 1 as mentioned above, if it was committed during the campaign then all elements as in the meaning of in article 116 paragraph (2) are met is therefore Panwaslu Makassar city performs its function to do the prevention of criminal acts.</p> <p>3. Based on the above study to be categorized as a criminal offence the elections then all the elements contained in Article 116 paragraph (2) of article 78 points Jo b based on</p>
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	<p>law No. 32 of 2004 concerning Regional Governments as amended several times, the last by Act No. 12 of 2008 about the second amendment law Number 32 of 2004 concerning Regional Governments must be fulfilled due to the application of this chapter are cumulative.</p> <p>4. That based on the deliberations of the meeting show the Central News Gakkumdu "it can be concluded that the incident was not reported to authorities that Panwaslu Makassar city.</p>
<p>Report II</p>	<p>A. Subject Matter: The existence of the alleged mass mobilization activities in a series of marches round the and handing out cards that display paslon the Mayor and Vice Mayor of Makassar Muhyina Muin-Syaiful Saleh complete with number sort paslon</p> <p>B. Discussion The Process Of Receipt Of Reports/Findings The findings of the Tmn-10/Panwaslu-Mks/VIII/10 August 2013 2013 was reported in the Central Secretariat for the Gakkumdu on Monday the 12th of August 2013 at 14.00 Wita by Panwaslu Makassar city and accepted by the Secretariat staff of the Central Gakkumdu.</p> <p>a. Process Cases The existence of the alleged mass mobilization activities in a series of marches round the takbir and handing out cards that display paslon the Mayor and Vice Mayor of Makassar Muhyina Muin-Syaiful Saleh complete with the paslon sort number this is allegedly a violation of pidan in 2005 the u.s. Constitution Number 32 In 2004 about local governance as amended several times, the last by Act No. 12 of 2008 about the second amendment in the Law Number 32 of 2004 concerning Regional Governments</p>

	<p>of article 116 points (1) "any person intentionally do campaigns outside of the schedule has been set on for each pair of candidates as stipulated in article 75, paragraph (2) was threatened with imprisonment briefest 15 (fifteen) days old or at least three (3) months and/or a maximum fine of Rp sdikit. 100,000 (one hundred thousand rupiah) or at most Rp. 1,000,000 (one million rupiah).</p> <ol style="list-style-type: none"> 1. Advice and opinions 2. The Watchdog Election City Of Makassar <p>a. That one of the items in article 116 points (1) Act No. 32 of 2004 concerning Regional Governments as amended several times, the last by Act No. 12 of 2008 about the second amendment in the Law Number 32 of 2004 concerning Regional Governments is not met i.e., "understanding the campaign" which is set in the legislation. Understanding the campaign as in the meaning of in article 5 paragraph (3) of the regulation the number 69 in 2009 about the technical guidelines General election campaign Head and Deputy Head of the region as it has changed with the ELECTION COMMISSION Regulation No. 14 in 2010 about the changes to the regulation of ELECTION COMMISSION number 69 in 2009 about the technical guidelines General election campaign Head and Deputy Head of the regional area which is "to be categorized as campaign activity as in the meaning of subsection (1) and paragraph (2), must meet the cumulative nature of the elements, namely:</p> <ol style="list-style-type: none"> b. performed by the candidate or the candidate's campaign team c. voters in order to get the maximum support in the form of an offer vision, mission and programs are written and/or oral as well as d. props or of candidate attributes <ol style="list-style-type: none"> so based on the facts and information that is obtained even though such activities were carried out but there was no such activities because of the exposure the
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	<p>program mission and vision in writing and/or orally so that the top of the element is not met.</p> <p>2. Kepolisihan Resort City Of Makassar That one of the items in article 116 points (1) Act No. 32 of 2004 concerning Regional Governments as amended several times, the last by Act No. 12 of 2008 about the second amendment in the Law Number 32 of 2004 concerning Regional Governments is not met i.e., "understanding the campaign" which is set in the legislation. Understanding the campaign as in the meaning of in article 5 paragraph (3) of the regulation the number 69 in 2009 about the technical guidelines General election campaign Head and Deputy Head of the region as it has changed with the ELECTION COMMISSION Regulation No. 14 in 2010 about the changes to the regulation of ELECTION COMMISSION number 69 in 2009 about the technical guidelines General election campaign Head and Deputy Head of the regional area which is "to be categorized as campaign activity as in the meaning of subsection (1) and paragraph (2), must meet the elements are cumulative, i.e., :</p> <ol style="list-style-type: none"> a. performed by the candidate or the candidate's campaign team b. voters in order to get the maximum support in the form of an offer vision, mission and programs are written and/or oral as well as c. props or of candidate attributes <p>so based on the facts and information that is obtained even though such activities were carried out but there was no such activities because of the exposure the program mission and vision in writing and/or orally so that the top of the element is not met.</p> <p>3. State Prosecutor Makassar</p>
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	<p>That one of the items in article 116 points (1) Act No. 32 of 2004 concerning Regional Governments as amended several times, the last by Act No. 12 of 2008 about the second amendment in the Law Number 32 of 2004 concerning Regional Governments is not met i.e., "understanding the campaign" which is set in the legislation. Understanding the campaign as in the meaning of in article 5 paragraph (3) of the regulation the number 69 in 2009 about the technical guidelines General election campaign Head and Deputy Head of the region as it has changed with the ELECTION COMMISSION Regulation No. 14 in 2010 about the changes to the regulation of ELECTION COMMISSION number 69 in 2009 about the technical guidelines General election campaign Head and Deputy Head of the regional area which is "to be categorized as campaign activity as in the meaning of subsection (1) and paragraph (2), must meet the elements are cumulative, i.e., :</p> <ul style="list-style-type: none"> a. performed by the candidate or the candidate's campaign team b. voters in order to get the maximum support in the form of an offer vision, mission and programs are written and/or oral as well as c. props or of candidate attributes <ul style="list-style-type: none"> so based on the facts and information that is obtained even though such activities were carried out but there was no such activities because of the exposure the program mission and vision in writing and/or orally so that the top of the element is not met. <p>C. Conclusions and recommendations :</p> <ol style="list-style-type: none"> 1. Conclusion : <ul style="list-style-type: none"> Based on the facts and information as well as evidence, the offender in this case tim winning candidates for mayor and Deputy Mayor Muhyina muin-Syaiful saleh not
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	<p>proven the crime article 116 points (1) Act No. 32 of 2004 concerning Regional Governments as amended several times, the last by Act No. 12 of 2008 about the second amendment in the Law Number 32 of 2004 concerning Regional Governments, of the items in the article as above "element of the campaign" not met.</p> <p>2. Recommend :</p> <p>That finding number: Tmn-10/Panwaslu-Mks/VIII/2013 based on studies and discussions on the Central Gakkumdu findings were not passed on.</p>
<p>Report III</p>	<p>A. Subject Matter : The opening of the voice.</p> <p>B. Review/Discussion : Facts and evidence: Facts : That according to the information reported and witnesses that in the subdistricts of Tama-maung took place the opening of the ballot box to enter C1 is not entered by the officer as much as 3 voice box KPPS witnessed by PPL village Tama-maung, reporters and police. Description : 1. Drs. Thebecker.com. Basir (Rapporteur) - That the complainant was a successful team of candidate Irman Yasin Limpo of Bosra and Abdullah (Candidate No. 9) and is the Coordinator of the winner in kelurahan masale. - That the complainant was not the witnesses and the complainant is unable to demonstrate because of the designation SK as collectively.</p>

	<ul style="list-style-type: none"> - That opening the ballot box in the Office of neighborhood Tama-maung conducted by Chairman of the PPS Tama-maung and witnessed by the PPK and the police. - That the reason the opening of the ballot box after I protested, Chairman of the PPS village Tama-maung give a pedestal that forgot to include a recapitulation of the calculation of the sound. - That I see there are 7 ballot box opened. - As rapporteur, that the complainant was given a task by a team to win to go to the head office in order to keep an eye on the whereabouts of the ballot box. - The present head of the Office at the time was Chairman of the PPS and its members, sister Wahidah and police. - There are no witnesses to the candidate at the time. - According to the rapporteur that he was not aware of any changes made to the recap of the results when entering because the reporters for not the result in question but there is a process that should be wrong because the ballot box not opened. <p>2. Muhiddin (Chairman Of The PPS Tama-Maung)</p> <ul style="list-style-type: none"> - Reported that right is the Chairman of PPS Village Tama-Maung as well as CIVIL SERVANTS in the Ministry of religious affairs (KUA) - That there were 43 POLLING STATIONS in the village Tama-maung. - That right has been the opening of the ballot box is done at the village as much as 3 voice box and 1 box for PPS is indeed open for reserved create archive PPS. - The Ballot Box Is Opened It Came From 11 Polling Stations, Polling Stations And Polling Stations, 21 43. - That are present at that time were 3 members of the PPS, PPL Tama-maung and
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	<p>two police officials as well as Mr. basir.</p> <ul style="list-style-type: none"> - That the opening of the ballot box on the initiative of my own because to enter C1 That forgot to put in the ballot box. - The C1 forgot that entered by the KPPS into ballot box because according to their fatigue so forget kecapean or entering the voice box. - That I opened the ballot box over the approval of the other members of the PPS, PPL I called Wards Tama-maung to witness and asked police who conducted a safeguard agreement in PPS. - That the parties who were present that on-site agreed to open the ballot box and witnessed the opening of the ballot box until it closed again and sealed. - That reported not to call witnesses because of the opening of candidate only to enter a C1 forget included and already seen PPL and police. - That the opening of the ballot box is made for 1-2 minutes after it closed again and conducted repeated sealing as well as any news of events that made. - That signed in the news the event was I as the Chairman of the PPS and witnesses, namely sisters wahidah as PPL dikelurahan ektp Tama-maung. - That at that time no one objected to including Mr. basir (Rapporteur) to present at this time. - That before the opening of the first ballot box I berkordinasi with the PPK subdistrict panakukang Mr. Thunder Indonesia and Rahmi Damis and Amir and Jonah, they allow the entry to be coordinate with PPL and police. <p>1. Discussion/Study :</p> <p>That is based on the Model form a-1 KWK and results reported against reporters, clarification and examination of evidence found the fact that the opening of the ballot</p>
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	<p>box made by PPS village Tama-maung against three ballot box i.e. ballot box 11 Polling Stations and Polling Stations in 43 21 the form C1 from the ballot box to forget is entered by the clerk KPPS due to fatigue. The opening of the ballot box after the coordination with the PPK panakukang district attended by PPL village Tama-Maung and Parat Police who were at the venue so that Panwaslu Makassar City considers that deeds done by PPS Village Tama-maung breach in 2005, as witnessed by the PPL as a supervisor at the level of administrative and police authorities as well as the opening is not to amend but only enter C1.</p> <p>2. Conclusions and recommendations :</p> <p>Based on the results of the study and the discussion then it can be inferred that the report number: Lap-35/Panwaslu-Mks/IX/2013 breach in 2005, as stipulated in the regulations because such openings have created the news event opening the ballot box to enter C1 into ballot box 3 TPS, TPS 11 21 43 POLLING STATIONS and witnessed by PPL and the police so that these reports are not forwarded.</p>
<p>Report IV</p>	<p>A. Subject Matter :</p> <p>Allegations of the use of the logo of one of the candidates in the Polling Station 8.</p> <p>B. Review/Discussion :</p> <p>1. Facts and information :</p> <p>Facts :</p> <p>That report number: Lap-36/Panwaslu-Mks/IX/2013 in ask by the complainant on September 24, 2013 and escorted by a pair of no. 9 Team in the Pnawaslu city of Makassar. That of photographic documentation of evidence obtained Panwaslu Makassar city found the fact that in the photo are the words "Remember ki ' disnimi tps 8 Ta Kel. Panaikang ”</p>

	<p>Description :</p> <p>That panwaslu Makassar city has done a follow-up to that report by inviting Brother SYAMSUDDIN S (RAPPORTEUR), the Chairman 08 EX. KPPS.PANAİKANG and brother ILYAS (witnesses) based on the invitation letter Number 279/B/Panwaslu-Mks/IX/2013, 280/B/Panwaslu-Mks/IX/2013 and 279/B/Panwaslu-Mks/IX/2013 to do but each party did not attend the invitation .</p> <p>2. Review :</p> <p>That is based on the Model form a-1 KWK and proof of documentation posed that the venue is the location of the polling station (TPS) No. 8 village Panaikang. That the words "Remember ki ' disnimi tps 8 Ta Kel. Panaikang "not be interpreted (construed) that is the symbol of a certain candidate because based on the fact that the TPS TPS 08 Kelurahan Panaikang so that the reported incident was not a violation of legislation in 2005, as is its interpretation only because of these writings in seeing Rapporteur while the actual fact that the location of polling stations were indeed a TPS 08 Village Panaikang.</p> <p>b) Conclusion :</p> <p>Based on the results of the study, documentation and discussion of the photo then it can be inferred that the report number: Lap-36/Panwaslu-Mks/IX/2005 infringement not 2013 Legislation so that the report can be in does not continue.</p>
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Data source: Secretariat of Panwaslu Makassar city, 2013

Based on the above data that the number of reports received by the Committee of Trustees Elections not all reports may be filed at Gakkumdu levels for discussed related about the existence of a criminal offense. In addition, the report data that is entered in the Gakkumdu, also it turns out none of which are included in the category of criminal acts of election. This shows that, the level of public knowledge about the infringement in the category of criminal acts of the general election is still very weak. Based on the results of the interviews the author on 6 may 2013 with Andi Sukarno Arsyad as members of the Election Committee, argued that the difficulties faced in the general election Supervisory Committee handling the crime in 2005 is due to not the community in providing information related to any report it receives. The Election Committee has no authority investigation and investigation like the police. So that review mechanism could not be performed optimally. Andi Sukarno Arsyad added that the Election Committee could not immediately resume reports received for follow up to the police before the on the stage of the examination Gakkumdu. With its limited authority, certainly very difficulty in performing the panwaslu examination of a report on a criminal offence indicate the election, especially not society in providing information related to the reported statements of testimony.

The author argues that, what is expressed by Andis Sukarno Arsyad is an inhibitor of panwaslu in carrying out its work in conducting the examination of a report the crime in 2005. In contrast to the Police Department, which has authority to conduct inquiries and investigations, panwaslu doesn't have the same power in the conduct of the examination of a witness or party infringing any one could expect. Of course, in terms of conducting the examination of reports in the community related to the mortar had violations in 2005, Panwaslu assisted by police assigned to while in the Organization Committee for the election of Trustees. It is intended that in the review process, the public can be more and in certain circumstances can also be done calling which is forced to witness that does not. System which the author intended in this case is the same with the institutional concept of the corruption eradication Commission in terms of doing the handling of criminal acts of corruption. Where in the body the institutional investigators of the KPK, there are police who have had Adequate Resources in the examination of the alleged criminal act. It will also address human resources in terms of examination of reported violations in the party in 2005.

In different occasions, the author did an interview with Andi Mm as the Election Committee Level Sub Biringkanaya Makassar city. He argued that the examination of the report, the violations in 2005, it is very difficult to do. The main barrier is a factor because the parties file a report, usually come along with evidence that inadequate. Examples of the most frequently reported offense is a violation to share that moment ahead of the election. When the panwaslu checks at the scene of the Crime, authorities did not find any evidence as it meant the rapporteur. If there is evidence, no one is claiming ownership of the item. And when asked for any information, local people indifferent and not in providing information to the Election Committee. While the Election Committee has no authority to make arrests or forced against calling witnesses who allegedly knew the incident reported by reported.

In different occasions, the author did an interview with Mr. Akbar as Investigators at Police Resort City of Makassar. He points out that, the police are only authorized to conduct the examination of allegations of criminal acts in 2005, when discussed in integrated law enforcement meetings (GAKKUMDU). Usually in these meetings, each report will be examined in the qualification of the offences that are reported to be a violation of administrative or criminal acts fall into the category in 2005. If there are violations that meet the crime in 2005, then GAKKUMDU will give recommendations to the police to immediately conduct investigation of such reports. But in the general election for mayor of the city who recently carried out all the reports that allegedly constitute a criminal offence in 2005 cannot be forwarded at the stage of investigation because of insufficient evidence or reports submitted a blur because of the vagueness of the identity of the complainant nor reported.

Responding to the results of the interview above, the author argues that the length of time lag between the alleged violations have come to the stage of the examination of the very negative impact of the examination. This is because the time holding or cooling can be utilized by perpetrators to remove onion proof. Thus the reports examined in the end can not to continue because there is no evidence or witnesses were found.

Later writers conduct interviews with Mr. Agus Salim as Commissioner Panwaslu Makassar city, which oversees the control associated with the effectiveness in 2005, the Mayor of Makassar. Agus Salim posited that, in 2005, handling criminal not streamline, related apparatus has sought to

do sinegritas in the handling of the crime in 2005. Challenges in enforcing the law in the conduct of the election did not only talk about how that process, is the Administration going to do, but is also related to its substance. Law enforcement efforts undertaken since the occurrence of an action, which is suspected of a criminal offence and to identify when an action that includes a criminal offence. This identification process then continues with a mechanism to find parties who alleged to be the perpetrators of criminal acts that occurred, along with tools of evidence to support these allegations.

It further points out that Agus Salim, as known, the Election Committee has the authority to conduct surveillance, and with one form of the result is the alleged infringement findings in 2005 and holding the authority to receive reports of alleged violations in 2005. If the infringement is found to be included in the qualifying in 2005, criminal acts, it is then submitted to the Investigator.

In response to the opinion of the above, the authors argue that the process of seeking and finding an event alleged criminal acts performed in order to determine which can be done or whether the investigation, or referred to as the inquiry process has been completely carried out by the Supervisory Pemiliu. This is in contrast to the handling of criminal acts in general the process of investigation and Investigation by 1 (one) institutions, the State police of the Republic of Indonesia. With such a mechanism, it will potentially on the difference in perception categorizes as a criminal offence an act of election or an ordinary criminal act. To avoid the occurrence of such differences, then the Gakkumdu, where the related law enforcement authorities exchanged thoughts for proclaiming the Committee has received reports that Election.

However, the authors stress that once again by establishing gakkumdu as container police agencies, Prosecutor's Office and to avoid the occurrence of Panwaslu perception in law enforcement criminal act election instead led to another, i.e. the impact of the delay in the process of the investigation of an offence which has been thought to be a criminal offence. Because the process of discussion at the level of gakkumdu, may not necessarily be able to do at any time. The period of time between the reporting and the discussion on the level of gakkumdu, then the very opening opportunities for Parties reported to strategize to avoid trapping the law. For example, by removing evidence or by preparing false testimony. This can be seen from the absence of reports received incoming Panwaslu Makassar city

in the category of criminal acts in 2005, with the final conclusion that the report is received is not sufficient evidence to meet the criminal element or a criminal offence in 2005.

The author argues that, the current mechanism is related to the discussion of the report on the level of GAKKUMDU needs to be reviewed. Considerations related to sinegritas in 2005, related law enforcement agencies must be realized by a different mechanism. Because of the current mechanism, apparently even inhibit the process of examination of reports of alleged criminal acts in 2005, occurrence have been.

The authors suggest that the mechanism of integrated law enforcement in 2005, done through the mechanism of the temporary placement of investigators from the national police and the Prosecutor's Office in the institutions of the Committee of Trustees election. Thus, the mechanism of plenary session in order to review the reports referred to above, there is no longer done by collecting the incoming reports in advance, but rather is done instantly at the time of the report that led to the violations in 2005, which qualifies the crime in 2005.

CONCLUSION

Conclusion

Based on the research and discussion of results as already in describe, the author concludes that enforcement of the law against criminal cases in the general election for mayor of Makassar were still less effective. The mechanism of reporting, and discussion of the results of the report on the level of integrated law enforcement (Gakkumdu), as well as the report of the examination to find out the criminal element in violation 2005, Makassar city thus increasingly adds to the complicated handling of the crime in 2005. This happens because law enforcement mechanisms through Gakkumdu, just make room for reported to prepare themselves with propositions that distanced himself from the alleged violations in 2005. Starting from eliminating the evidence up on attempts to renegotiate with reported to change testimony that reported to the Supervisory Committee for public Makassar city.

Recommendations

The author's recommendations related to the problems that needs to be done is a review of the mechanism of acceptance, examination and discussion of the reports of the alleged criminal act in 2005. It's good to realize the sinegritas between law enforcement agencies of the election, do not do with a separate mechanism from the vetting process conducted by the Supervisory Committee for the general election. The involvement of the police and the Prosecutor's Office in terms of law enforcement should be carried out in 2005 by placing each institution personnel stationed temporarily at the election Supervision Committee agencies. So that review process against alleged criminal acts carried out by the Election Committee Election Makassar city can be done quickly and right on target.

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