

ABSTRACT

APPLICATION OF CRIMINAL SANCTIONS FOR PROSPECTIVE MEMBERS LEGISLATIVE POLITICAL WILL TAKE MONEY UNDER THE LAW NO. 8 IN 2012 ON ELECTORAL (Studi Putusan No. 34/pid.B/2014/PN.LW)

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Indonesia uses a democratic political system characterized by the implementation of a relatively fair elections, and the presence of more open space for citizens who have different political views. Elections is an important instrument in the system of representative democracy embrace. Implementation of democracy is always littered with ways that are not either one of them is money politics. Money politic is defined as a form of gift or promise bribe someone good that the man did not exercise their right to vote and that he may exercise this right in a particular way at the time of elections. In the case of money politics of this kind need to know how to process the application of criminal sanctions and what are the factors inhibiting the adoption of such cases.

The method used in this study is the juridical approach to normative and empirical. As for the sources and types of data are primary data obtained from field studies, this data was obtained by interviewing law enforcement officials, and academics related to the application of criminal sanctions for legislative candidates who do the politics of money. While secondary data obtained from the literature. The data obtained is then processed by examining and correcting the data, then the data is processed and held a qualitative analysis.

Based on research that has been done it is known that the application of criminal sanctions against legislative candidates who do political money stipulated in Article 301 Paragraph (1) of the Act. No. 8 of 2012 on the general election members of the House of Representatives, Regional Representatives Council, and the House of Representatives has been run in accordance with the provisions exist only sanction given to Efan Taulani still less severe sanction the defendant to imprisonment for 4 months and set of imprisonment is not necessary unless undertaken in the future there are other commands in the decision of the judges because the defendant has melakukan a criminal offense before the trial

period ends for 6 months and impose a fine of 6 million dollars. Supposedly the defendant may be subject to more severe sanctions as stated in the content of Article 301 Paragraph (1). While the factors that most affect the application of criminal sanctions against legislators who do politics society money is a factor. Community factors greatly influence the political process of law enforcement money because people can judge good or bad an action that has occurred in their neighborhood, so far most people assume that money politics favorable to them, so that people who are victims reluctant to report political action money. The rule of law as a social process is not a closed process, but a process that involves the environment. Therefore, law enforcement will interact with its environment with elements that the human, social, cultural, political, and others.

Dalam penerapan sanksi pidana kasus *maney politic* ini, seharusnya terdakwa dikenai sanksi hukum yang lebih berat dan benar-benar sesuai dengan isi Pasal 301 Ayat (1) Undang-Undang No. 8 Tahun 2012. Sehingga dapat memberikan efek jera bagi pelaku *money poltic*. Perlu adanya kesadaran dari seluruh lapisan masyarakat, jika ada kasus kasus *money poltic* sebaiknya masyarakat melaporkan kepada pihak yang berwajib, karena faktanya dalam kasus ini masyarakatlah yang nantinya menjadi korban.

Key Word : Application, Members, Money Politic, Under The Law