Design of Election Criminal Enforcement Through A Restorative Justice Approach in Nort Sumatra

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Abstract
The large number of cases of suspected election crimes at every stage of the elections in Indonesia are not balanced with a fair law enforcement design and legal certainty. The establishment of the Integrated General Election Law Enforcement Center (Sentra Gakkumdu Pemilu) apparently did not have a significant impact in effectively prosecuting perpetrators of election crimes. This research aims to examine the design of law enforcement for election crimes and analyze the application of the concept of restorative justice as an approach to law enforcement for election crimes. The results of the research, firstly, are that the complexity of the law enforcement mechanism for election crimes causes the number of reports of election crimes submitted by the public to election supervisors to be meaningless. Second, that the current law enforcement design for election crimes still prioritizes punishment, even though law enforcement prioritizes the principle of ultimum remedium in its implementation. The absence of legal loopholes in prioritizing the concept of restorative justice in enforcing election criminal law is an obstacle for the Gakkumdu Center in enforcing election criminal law. The large number of cases of suspected election crimes that occur while the resolution time is relatively short makes it difficult for law enforcement to promote election crimes to promote justice and legal certainty. So there is a need to design technical regulations in implementing restorative justice in handling election crimes in the future.

Keywords: Restorative Justice; General Election Crimes; General Elections.

INTRODUCTION

Pancasila Democracy is a constitutional democracy because it is the exercise of a people’s sovereignty which is organized on the basis of a constitution. (Huda, 2018). The characteristics of pancasila democracy can be seen from two aspects: the formal aspects and the material aspects. (Huda, 2018).

The essence of Indonesian procedural democracy is the conduct of democratic general elections. Democracy and democratic elections are a “conditio sine qua non, the one can not exist without the other” which means that elections is a procedure for achieving democracy or the procedure for transferring popular sovereignty to a particular candidate to occupy political posts in government. (Prasetyoningsih, 2014).

The purpose of the general election is to elect people's representatives in both executive and legislative circles. Elections are the measure of the success of the political system of a country and the democratic system of the country. (Aris, 2021).

The 2019 general election, held on April 14th, has an important place in the history of Indonesian independence. The 2019 elections have implemented two previously unknown new rules of play, namely five-box simultaneous elections and the allocation of parliamentary seats with the formula sanie lague. (Budiarti, 2020).

Realising democratic elections is not without barriers and barriers as well as the dynamics of issues that arise such as violations of electoral administration, the occurrence of electoral disputes, electoral criminal issues and issues of electoral ethics. I mean, in order to get a quality election outcome, we have to prevent problems in the election. Electoral participants will do anything even if they do anything against the law to win the election. According to Lopez Pintor, which divides the conduct of general elections into two types: Outcome determinative fraud and non-outcome determinitive fraud. (Rahmatunnisa, 2017). One of the most frequent electoral problems is the issue of electoral crimes.

Based on the normative provisions of Act No. 7 of 2017, it has been regulated that the issue of electoral criminal offences is a form of crime that must be promptly prosecuted and resolved by the General Election Oversight Body. (Bawaslu). Election criminal proceedings are regulated in the fifth book, articles 476 to 554 of Act No. 7 of 2017. Criminal.

Determination of the offender remains a reference to article 1, paragraph 14, and article 184 of the Code of Criminal Procedure. (KUHAP). The arrangement was subsequently reinforced by the Constitutional Court of the Republic of Indonesia Decision No. 21/Law-XII/2014 which affirmed that the establishment of a suspect must be based on at least two (two) means of proof as provided for in Article 184 of the Constitution and with the examination of a prospective suspect. The Constitutional Court’s ruling applies to any type of criminal offence without exception, so in the case of enforcement of electoral criminal law, investigators remain guided by the provision.

The legal subjects who are perpetrators of electoral crimes as prescribed by law are:

a. Natural persons (Article 448, Article 491, Article 492, Article 497, Article 498, Article 500, Article 504, Article 509, Article 510, Article 511, Article 515, Article 516, Article 517, Article 519, Article 520, Article 523, Article 525, Article 526, Article 532, Article 533, Article 534, Article 535, Article 536, Article 544, Article 548)

b. Election organizer (Article 489, Article 499, Article 501, Article 502, Article 503, Article 505, Article 518, Article 521, Article 523, Article 524, Article 537, Article 538, Article 539, Article
The classification of perpetrators of election crimes as determined by law cannot be separated from the subjective and objective elements of the criminal acts they commit in order to fulfill the requirements. The requirements for fulfilling an act said to be an election crime still refer to the elements of a criminal act.

The determination of perpetrators of criminal acts still refers to Article 1 point 14 and Article 184 of the Criminal Procedure Code (KUHAP). This arrangement was then strengthened by the Decision of the Constitutional Court of the Republic of Indonesia Number 21/PUU-XII/2014 which emphasized that the determination of a suspect must be based on a minimum of 2 (two) pieces of evidence as regulated in Article 184 of the Criminal Procedure Code and by examining potential suspects. The Constitutional Court’s decision applies to every type of criminal act without exception, so that in terms of enforcing election criminal law, investigators are still guided by these provisions.

How to handle election crimes that are still suspected can be reported to the integrated election law enforcement (Gakkumdu) in accordance with their respective regional authorities, whether at the provincial or district/city level as well as election supervisory institutions at the sub-district level.

Based on experience from the election law enforcement process in the field, whether directly experienced or obtained as research report data, election law enforcers sometimes misunderstand how they handle it. As in one case, when receiving a report on an election crime, the receipt of the report was not attended by all elements of election law enforcement (Election Supervisor, Police and Prosecutor's Office) or when carrying out discussions in the first and second stages, the presentation and explanation was dominated by the Election Supervisor. In essence, this is not justified because it causes "procedural defects" because the presence of police and prosecutors has the function of identification, verification and consultation in accordance with Election Supervisory Body Regulation Number 31 of 2018 concerning Integrated Law Enforcement Centers. Discussion regarding the pattern of handling alleged criminal election violations (Syarifudin, 2018).
Since the first general election was held in Indonesia, namely the general election in 1955, since then there have also been problems in organizing elections such as fraud and so on. In general, issues of election violations or crimes that occurred from the 1955 general election to the 1997 general election were merely acts of coercion against voters, especially voters who worked in the government or companies affiliated with the government, to vote for parties supported by the government at that time. However, acts of election violations or election crimes have become more widespread and varied since the first general election was held after the collapse of the new order, namely the 1999 general election (S.E.M. Nirahua: 2009).

The 1999 general election was attended by 48 political parties participating in the election, which was the first multi-party election since the implementation of the 3 party system in the general election system in Indonesia (Juri Ardianto:5). Then in the 2004 general election, a new era of direct general elections began where the people directly chose legislative and presidential candidates, whereas in previous elections the people only chose political parties. In the 2004 general election, there was widespread campaign practice that used the method of distributing basic necessities, clothes and pocket money to attract voters' interest in choosing election participants. This caused large political costs incurred by an election participant, thus potentially causing criminal acts of corruption when the candidate was selected. The practice of distributing basic necessities, clothes and money is known as money politics and this practice is prohibited and declared an election crime through the Election Law (antikorupsi.org)).

Then in the 2009 general election, a new model of election violation or criminal act became popular, namely the black campaign. A black campaign is an action in the form of spreading propaganda news carried out by individuals or groups against one of the election participant candidates with the aim of eliminating public sympathy and public hatred towards the election participant candidate. The practice of black campaigns at that time was spread by word of mouth or also through anonymous letters among the community.

The next general election, namely the 2014 general election, was a general election held at the beginning of the modern digital era. Political party campaigns began to be carried out massively through social media such as Facebook, Instagram and Twitter (which has now changed its name to "X"), in this election election violations in the form of black campaigns were carried out through the distribution of edited images with the aim of bringing down one of the election participants and memes with devastating narratives being spread on social media internet networks. And then the 2019 general election is the era of smartphone social media, almost all Indonesian people have smartphones so people can easily access the internet and social media. This is exploited by irresponsible individuals to carry out black campaigns through WhatsApp and Telegram groups, therefore there are many election violations and criminal acts committed by irresponsible individuals such as village heads or state civil servants who appeal to the public to choose one of the election participants, the spread of fake news (hoaxes) through fake news links or social media, racist identity politics such as suggesting that general elections are an opportunity to maintain the faith and dominance of certain religions over the unitary state of the Republic of Indonesia, using the issue of the rise of communism and the Indonesian Communist Party (PKI) as a means of gaining votes and bringing down other election participants who are accused of being members or sympathizers of the Indonesian Communist Party. The forms of issues spread in black campaigns can
certainly cause conflict and division among the Indonesian people. Apart from that, a black campaign that attacks and vilifies one of the election participants is an unhealthy form of politics. General election politics should educate the public about the concept of democracy and healthy competition by prioritizing the vision and mission and work programs that will be used to develop the country and improve the welfare of the people.

Violations of election crimes seem to be commonplace in every election held in Indonesia. Even at this time before the 2024 general election, there have been many general election violations such as stealing campaign starts before the start of the campaign period, distribution of basic necessities by political parties where in the basic food packages there is an encouragement to choose the party or candidate participating in the election, statements that dropping one of the potential election participants such as accusing someone of being a human rights violator or a cadre of the Indonesian communist party, abuse of office by public officials who urge the public to vote for one of the potential election participants and so on (Perludem, 2024).

To handle and overcome the practice of election crimes, based on the mandate of Article 886 Paragraph (1) of Law Number 7 of 2017 concerning General Elections, an Integrated General Election Law Enforcement Center (Sentra Gakkumdu Pemilu) was formed which consists of the General Election Supervisory Body (Bawaslu), the National Police of the Republic of Indonesia, and the Attorney General’s Office (Prayinto, 2019). Even though there is an Election Gakkumdu Center, up to now it is still difficult to catch perpetrators of election crimes. There have been many public reports regarding election crimes to Bawaslu, the results of which have not resulted in criminal sanctions being imposed on the perpetrators. This of course causes a decrease in public trust in the enforcement of election crimes and there is no change in the implementation of elections for the better.

Based on these findings, the author believes that to overcome obstacles to law enforcement for election crimes in Indonesia, a restorative justice approach must be taken. Restorative justice is an approach to handling criminal acts that focuses on restoring the damage caused by a criminal act through psychological and social sanctions to obtain the best results for victims, perpetrators and society as a whole.

Restorative justice is a case-resolution process where parties concerned about a particular violation come together to jointly resolve the problem and how to deal with the consequences and future consequences of the violation (Sukardi, 2020). The restorative justice approach encourages perpetrators to think about solutions or accountability for the crimes they have committed against victims and society (Satria, 2018). If the approach of restorative law in the legal defense of electoral crimes can be well applied, it has the potential to be a solution to prevent the occurrence of election crimes in the future. Therefore, based on the description above, the author wrote a scientific work with the title: "Election Criminal Enforcement Design Using a Restorative Justice Approach".

The problem formulation in this writing includes the following:
1. What is the design of law enforcement for election crimes?
2. What is the concept of applying restorative justice as an approach to law enforcement for election crimes?

RESEARCH METHODS

The type of research applied in this research is normative legal research, because it focuses on the supervision and
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law enforcement of general election crimes. This research uses a conceptual approach (conceptual approach, as well as a statutory regulation approach. Sources of legal materials were obtained from literature studies sourced from authoritative primary legal materials consisting of statutory regulations in force in Indonesia, secondary legal materials consisting of doctrines), (expert opinions) contained in textbooks, scientific publications, and scientific articles and tertiary legal materials which are supports in the form of Indonesian dictionaries and legal dictionaries. The problems studied are analyzed prescriptively to find answers to problems comprehensively. This research was conducted in North Sumatra.

RESULTS AND DISCUSSION
Design of Law Enforcement for Election Crimes

Election crime is one of the problems that is still a priority to be resolved. It is very important to find a solution to this problem immediately because the general election is an important moment for the Indonesian nation as a means of leadership succession and an opportunity to find the best leader who can lead the nation and state for the next five years (Sudi Prayinto: 2019). To get a good leader, of course, good selection and supervision must also be carried out. During the campaign period, future leaders of the nation and state are given the opportunity to convince the people through their vision and mission in leading the nation as well as state development plans through their work programs. Therefore, all stages of holding elections must be carried out honestly and fairly without any negative elements in them. Not only as a means of electing a state leader, general elections are also a means of political education for citizens, especially regarding democracy, diversity, tolerance for differences of opinion and unity. So the general election is a sacred moment for the entire nation and state of the Republic of Indonesia, let this sacred moment not be tarnished by election crimes committed by dishonest and bad people.

We can conclude that the perpetrators of election crimes can come from election participants, election organizers, state officials, and even from the community itself. If an election crime is committed by an election participant, then the election participant is a bad and dishonest person and if such a person is elected as a leader or representative of the people, of course he will betray and not carry out his mandate, and such people generally become candidates. future corruption convicts. (Muridah Isnawati: 2018). To prevent unscrupulous election participants who commit election crimes from being free from election crime law enforcement, a strong election crime law enforcement design is needed so that it can provide protection for the sanctity of the election process and produce honest and trustworthy leaders in the future.

In principle, the design of criminal election law enforcement follows the design of criminal law enforcement in general. If we look at the design of criminal law enforcement, it is realized within the framework of a justice system that utilizes material criminal law and formal criminal law in an integrated legal system. Therefore, all elements of the law enforcement sub-system consisting of the police, prosecutor's office, courts and correctional institutions are integrated through a work network that is symbiotically connected to one another. The electoral criminal design has such a working system. The difference is that there are several special characteristics contained in the enforcement of election criminal law, such as in terms of the material law used, election crime is specifically regulated through the Election Law as well as the Regional Election Law. Several election crimes were also previously identified as general crimes, such as: committing violence or threatening
violence (Article 293 of the Legislative Election Law); falsification of documents (298 Legislative Election law); and committing acts of vandalism (Article 311 of the Legislative Election Law). The difference is, because it is related to the implementation of elections, these criminal acts are specifically regulated through the Election Law so that these criminal acts become special criminal acts (Fahmi, 2015).

By including these prohibited acts in the Election Law, the sanctions contained in these acts can be rearranged so that they can be imposed more severely and implemented more firmly. The basis for thinking is as follows, even though the act originates from a general criminal act, there is an element of special conditions in the making of it which differentiates it from a general criminal act, namely that the act is an act carried out within time and related to the holding of elections.

From a formal legal perspective, enforcement of election criminal law is subject to and follows the applicable provisions in the Criminal Procedure Code (KUHAP). This is because district courts in examining, adjudicating and deciding election crime cases use the Criminal Procedure Code, unless otherwise stipulated in the Election Law. The phrase "unless otherwise provided in this law" in the provisions of Article 262 of the Election Law is a clause that provides specificity for the process of examining suspected election crimes. The investigation, prosecution and investigative time are particularly limited. The deadline for the investigation and trial of election crimes is actually aimed at the fact that the legal enforcement of election crimes can ensure legal certainty during the election stages. Apart from that, the specificity of election crimes can also be seen in the limitations of legal remedies for people who are found guilty of committing election crimes. We can see this, through the provisions regarding court decisions that can only be appealed and the decision of the appellate court (High Court) has the final and final character and no other legal remedies can be taken. So, cassation as an ordinary legal remedy is not available in examining election crimes (Fahmi, 2015).

The provision of limitations on the implementation of legal remedies such as cassation aims to ensure that the implementation of law enforcement for election crimes does not become an obstacle in the implementation of the election implementation process, which includes the inauguration of election participants selected in the democratic process. This is a form of guarantee that the process of holding elections and leadership succession will not stop or be delayed. Because, if the election holding process is delayed, it can cause chaos and political unrest in society, as well as additional expenses to complete the election holding process.

In enforcing election criminal law, it does not only involve law enforcement officers in the ordinary criminal justice system, but also involves election management institutions, such as Bawaslu and. The process of investigating election crimes must begin with a public report to Bawaslu which is then continued through recommendations from Provincial Bawaslu and Regency/City Panwaslu. With this system, election violations must be reviewed by Bawaslu first. If the results of Bawaslu's study conclude that there has been an election crime, then the study and Bawaslu's recommendations will be forwarded to police investigators. Due to the involvement of a number of institutions in handling election crimes, for the purpose of equalizing the understanding and pattern of handling election crimes by Bawaslu, the Police and the Prosecutor's Office, an integrated law enforcement center (Sentra Gakkumdu Pemilu) was regulated and formed. This center serves as
a place to align views between institutions involved in handling election crimes. However, in its technical and practical settings, Gakkumdu is actually positioned as an institution tasked with carrying out integrated handling of election crimes. At the same time, it also assesses whether the evidence of alleged actions submitted by Bawaslu and its staff has been fulfilled or not. In this context, in certain circumstances, police investigators only position themselves as the party who receives the clean report without carrying out further investigations (Fahmi, 2015).

The current law enforcement design for election crimes is very complex. The complexity of the law enforcement mechanism for election crimes causes the number of reports of election crimes submitted by the public to election supervisors to be meaningless. When the public submits a report, the public hopes that the perpetrators of election crimes can be processed fairly and if they are proven to have committed election crimes, then the public hopes that the perpetrators will be given criminal sanctions and if the perpetrators are election participants, that their status as election participants will be canceled or disqualified as participants. 

Apart from that, it is very rare for public officials with active status who commit election crimes in which the official carries out a campaign to support one of the candidates participating in the election to receive criminal election sanctions. 

There are many loopholes that can be used by public officials to escape election criminal sanctions, for example by asking the Ministry of Home Affairs for leave so that when the leave is granted, the public official cannot be subject to election criminal sanctions. This happened during the 2014 General Election, where President Susiilo Bambang Yudhoyono took leave to campaign with the Democratic party and campaign for legislative candidates from the Democratic party. To prevent the involvement of active public officials in campaigns which ultimately leads to the loss of public officials' neutrality, it is best for every public official, whether on active status or on leave, to be completely prohibited from carrying out campaign activities and given strict sanctions.

The Role of Restorative Justice as An Approach in Law Enforcement for Election Crimes

Handling election crimes using restorative justice means paying attention to aspects of personalism, reparation, reintegration and participation. Through a restorative justice system, the approach to overcoming crime is through a balance between the rights and responsibilities of victims, perpetrators, communities and government. There are a number of regulations that open up space for "alternative" resolution of criminal cases that are not only oriented towards prison sentences. In other words, the implementation of a restorative justice system opens up non-prison sanctions for perpetrators, including in election criminal matters.

Based on the provisions of Law Number 7 of 2017, it regulates criminal acts in Articles 488 to Article 554. The penalties applied in these articles are varied, starting from a criminal sentence of 6 months in prison and a fine of up to Rp. 6 million rupiah, up to a sentence of 6 years in prison and a fine of up to IDR 100 billion.

Referring to Article 554, the threat of punishment for election organizers, both the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu), is increased by 1/3 of the criminal provisions in the Election Law. The types of violations are stated in Article 488, Article 491, Article 492, Article 500, Article 504, Article 509, Article 510, Article 511, Article 518, Article 520, Article 523, Article 525 paragraph (l), Article 526 paragraph (1), Article 531, Article 532, Article 533, Article 534, Article 535, and Article 536.
Based on the provisions of Law Number 7 of 2017, there are several categories of legal subjects for election crimes, namely "any person" community offenses, which are 22 criminal acts out of 77 election crimes. The remaining 55 criminal acts are personal offenses, the subject of which is certain/not everyone, from lower to upper level election organizers, state officials, law enforcers and others. There are 23 general election crimes out of 77 election crimes whose subjects are the election organizers themselves. Meanwhile, election campaign implementers, election campaign participants, election participants, presidential and vice presidential candidates and political party leaders are the subjects of 13 election crimes (Andiraharja, 2020).

The quantity of election crimes that are threatened against election organizers when compared with other legal subjects. Of course, this is a problem in itself for election organizers who are haunted by the threat of imprisonment, imprisonment and fines. The application of criminal penalties to perpetrators of election crimes can be applied cumulatively. However, the Election Law does not clearly distinguish between criminal acts and election violations.

If viewed in terms of the element of error, it can be seen that there are election crimes that include elements of error in the form of intentional misconduct or also known as dolus offenses. Then there is also the element of error in the form of negligence/negligence which is also known as culpa offense. Furthermore, there is one offense of pro parte dolus pro parte culpa because there are elements of intention and negligence at the same time in the article. In Law no. 7 of 2017 concerning Elections, which clearly uses elements intentionally in 42 criminal acts, out of 77 criminal offenses in the General Election. Apart from the 42 criminal offenses which are dolus offenses, there are also related to dolus offenses but do not use the word intentionally, but use other words which are can be interpreted intentionally (Andiraharja, 2020).

The implementation of the handling of election criminal violations carried out by the Gakkumdu Center can prioritize restorative justice in the handling of election crimes against perpetrators, especially for the community, except for perpetrators of election crimes, officials or participants/candidates/candidate who will run in general elections both in the Legislative Assembly (DPR, DPD, DPRD,) as well as Presidential/Vice Presidential Candidates as well as Regional Head Candidates. Restrictions on the application of restorative justice only apply to lower level communities who are not directly involved in the election.

Handling cases of suspected election violations is carried out by the Integrated Law Enforcement Center (Sentra Gakkumdu), which consists of Bawaslu, the police and the prosecutor's office. After the inquiry and investigation stage, according to Supreme Court Regulation (Perma) Number 1 of 2018, cases are transferred to the district court (PN) and high court (PT) if there is an appeal (Christian & Sidiq, 2023).

In the 2019 election, in North Sumatra there were several reports of election crimes which were handled by the North Sumatra Regional Police, investigating 20 cases, and 11 of these cases occurred during the voting period. In the West Nias Regency area, the integrated law enforcement center (Gakkumdu) there were reports of acts election crime, but after an investigation, Gakkumdu West Nias was of the opinion that 4 (four) cases of election crime violations did not meet the criminal elements, so they were stopped (Irwanoto, 2019).

Even though it did not take a restorative justice approach, the election crime case report was terminated after
discussion by the Gakkumdu Center team. This shows that the Gakkumdu Center has a central role in determining whether the perpetrator’s actions fall into the category of election crime or not.

Currently, in the 2024 Election stages, based on Bawaslu data there are several stages of registration, verification and registration of political parties (political parties), 93 alleged violations occurred from findings, and 41 from reports. Meanwhile, for the stage of support for DPD RI candidates, there have only been 16 alleged violations originating from reports (Tumpal HS, 2023). As of February 10 2023, there were a total of 127 alleged violations in the 2024 Election. A total of 91 cases were findings from Bawaslu and the remaining 36 cases were from public reports. "The results of handling 14 violations were not registered, 37 were not election violations. Meanwhile, the largest number of violations were violations of election administration with 69 cases, the remaining six cases were violations of other laws and regulations, and one case was a violation of the code of ethics (Tumpal HS, 2023)

Bawaslu carries out two mechanisms for handling election violations in two ways, namely preparing studies and recommendations and through open examination hearings. Currently, Bawaslu has made Perbawaslu Number 7 of 2022, and Perbawaslu Number 8 of 2022 and Perbawaslu Number 3 of 2023 concerning Gakkumdu Centers. Through the Bawaslu Regulation, it is hoped that election criminal law enforcement can proceed fairly and with legal certainty.

The provisions of Perbawaslu Number 3 of 2023 regulate that the stages in law enforcement against election crimes are centralized by the Gakkumdu Center through the following stages:

1. Study of Election Fraud
   This stage consists of receiving, registering findings and reports of alleged election crimes; and Preparing a study of findings and reports of alleged election crimes by election supervisors, together with investigators and prosecutors for discussion. In terms of discussion, it is carried out by the Gakkumdu Center no later than 1 x 24 hours after the findings and report are received and registered.

2. Investigation Stages
   This stage is carried out by Bawaslu and National Police Investigators by issuing an investigation warrant regarding the findings and reports of alleged election crimes.

3. Stages of the Election Supervisory Plenary Meeting
   At this stage, the election supervisor holds a plenary meeting to decide whether the findings or report will be forwarded to the police or terminated within a period of 7 days. This plenary meeting was based on the results of the Election Supervisor’s study which took into account the report on the results of the investigation and the results of the discussion. In the event that the plenary meeting decides that the Findings or Report on handling Election violations will be discontinued, the Election Supervisor will announce the status of the Findings or Report accompanied by the reasons for the discontinuation and notify the Reporting Party. In the event that the plenary meeting decides that alleged election violations are forwarded to the Police, the Election Supervisor forwards the findings or report to the investigator and issues a letter of assignment to carry out the investigation. Forwarding is carried out no later than 1x24 (one time twenty four) hours from the decision of the plenary meeting.

4. Stages of continuation
   At this stage, the findings and reports are forwarded by the election supervisor to the Gakkumdu Center. Forwarding of findings and reports accompanied by violation files consisting of:
   a. cover letter;
b. letter of assignment to carry out an investigation issued by the Election Supervisor;
c. list of contents;
d. Findings or Report form of suspected Election Crimes;
e. study results;
f. Investigation results report;
g. clarification invitation letter;
h. clarification minutes;
i. minutes of oath;
j. minutes of discussion;
k. list of witnesses and/or experts;
l. reported list
m. list of evidence;

n. evidence; And

o. investigation administration

After the forwarding is carried out, the Integrated Police Service Center makes an administrative reception of forwarding Findings or Reports in the form of police reports of suspected Election Crimes; and letter of proof of report. In the event that the forwarding originates from a report of suspected election crime, the reporter acts as a reporter at the Integrated Police Service Center.

5. Investigation Stages

At the investigation stage, Bawaslu, Provincial Bawaslu, Regency/City Bawaslu and Investigators from the Police Element issue a letter of assignment for the investigation. Investigators presented the results of the investigation in a discussion led by the Gakkumdu Coordinator from the National Police. After that, the investigator conveys the results of his investigation to the public prosecutor. In the event that the submission of the results of the investigation is carried out without examining the suspect, the submission must be accompanied by an administrative search for the whereabouts of the suspect in the case file in accordance with the provisions regulated in the Law on Elections.

Submitting the results of the investigation without examining the suspect as carried out because the suspect never appeared after being properly and properly summoned and was not found after a maximum search was carried out in the investigation process.

The Public Prosecutor follows up on the results of the Investigation in accordance with the provisions stipulated in the Law on Elections. In the event that based on the results of the Public Prosecutor's research the case file is incomplete, the Public Prosecutor returns the case file to the Investigator accompanied by instructions for completion. Returning case files as intended can only be done 1 (one) time. In the event that there are problems in fulfilling the completeness of the case files resulting from the investigation which are returned, Gakkumdu will conduct a discussion.

After the case file is received by the Public Prosecutor and declared complete, the Investigator hands over responsibility for the suspect and evidence to the Public Prosecutor.

6. Pretrial Stages

At this stage, pretrial efforts are carried out by the suspect. In the event that there is a pretrial, Gakkumdu members other than the respondent provide assistance.

7. Stages of prosecution

The Public Prosecutor carries out the prosecution by handing over the case files to the district court in accordance with the provisions of the Law governing Elections.

8. Stages of implementing the court decision

In the event that there is a court decision that has permanent legal force regarding election crimes, Gakkumdu conducts discussions to prepare for the implementation of the decision. The execution of the decision is carried out by the Prosecutor. The implementation of court decisions can be accompanied by Election Supervisors and Investigators.
Based on a letter of assignment signed by the Chair of Bawaslu, Chair of Provincial Bawaslu, or Chair of Regency/City Bawaslu. Based on Perbawaslu technical regulations Number 3 of 2023, it is stipulated that in carrying out the handling of election crimes, the Gakkumdu Center can actually apply the concept of restorative justice at the discussion stage. At the discussion stage between Bawaslu and the National Police, members of the Gakkumdu Center can analyze in detail and objectively the case being examined. This is of course based on an agreement between Bawaslu, Polri and the Prosecutor’s Office.

Normatively, Perbawaslu Number 3 of 2023 does not yet regulate the handling of election crimes through restorative justice. Currently, the implementation of the restorative justice system in handling election crimes is still hampered by technical regulations. The handling of alleged criminal election violations still considers that punishment is the ultimum remedium. Apart from that, we are still waiting for technical instructions and regulations to support the implementation of Restorative Justice (RJ) in handling criminal violations in the 2024 election. Through the implementation of restorative justice, it is hoped that election justice can be realized, both procedurally (formally) and substantively (materially). Achieving electoral justice is not simply by prioritizing imprisonment for perpetrators of election crimes.

**CONCLUSION**

The current law enforcement design for election crimes is very complex. The complexity of the law enforcement mechanism for election crimes causes the number of reports of election crimes submitted by the public to election supervisors to be meaningless. When the public submits a report, the public hopes that the perpetrators of election crimes can be processed fairly and if they are proven to have committed election crimes, then the public hopes that the perpetrators will be given criminal sanctions and if the perpetrators are election participants, that their status as election participants will be canceled or disqualified as participants. election. Apart from that, it is very rare for public officials with active status who commit election crimes in which the official carries out a campaign to support one of the candidates participating in the election to receive criminal election sanctions.

There are many loopholes that can be used by public officials to escape election criminal sanctions, for example by asking the Ministry of Home Affairs for leave so that when the leave is granted, the public official cannot be subject to election criminal sanctions. This happened during the 2014 General Election, where President Susilo Bambang Yudhoyono took leave to campaign with the Democratic party and campaign for legislative candidates from the Democratic party. To prevent the involvement of active public officials in campaigns which ultimately leads to the loss of public officials' neutrality, it is best for every public official, whether on active status or on leave, to be completely prohibited from carrying out campaign activities and given strict sanctions.

The current law enforcement design for election crimes still prioritizes punishment, although law enforcement prioritizes the principle of ultimum remedium in its implementation. The absence of legal loopholes in prioritizing the concept of restorative justice in enforcing election criminal law is an obstacle for the Gakkumdu Center in enforcing election criminal law. The large number of cases of alleged election crimes that occur while the resolution time is relatively short makes it difficult for law enforcement to promote election crimes to promote justice and legal certainty. So there is a need to design technical regulations in implementing restorative justice in handling election crimes in the future.
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