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Criminal Law Policy in Election Criminal Act Enforcement

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Abstract

The regulation of election crimes in the Pilkada Law and the Election Law, especially in terms of the definition and mechanism for handling election crimes, has juridical implications, both formal and material. In terms of the definition of election crime, the emergence of the classification of election crimes and violations, does not necessarily emphasize the difference between the regulation of offenses and sanctions between crimes and violations, so that there tends to be over-criminalization in terms of criminal law enforcement. On the other hand, the mechanism for handling election crimes is limited by the time of handling, making many cases of alleged election crimes unfinished. In this context, the urgency of classifying election crimes into crimes and violations as well as establishing a mechanism for handling election crimes must be seen and measured from the perspective of criminal law policies. This study uses a normative law research approach, namely normative case studies in the form of products of legal behavior, in this case the legal products studied are the Pilkada Law and the Election Law. The research specification in this article is descriptive analytical research, which describes the applicable laws and regulations associated with legal theories and practices of implementing positive law concerning the enforcement of criminal law for election crimes in the perspective of criminal law policies. Based on the results of the study, the classification of election crimes into violations and crimes at the formulation level does not have clear boundaries and standards both qualitatively and quantitatively. This causes at the level of implementation and execution, the distinction between violations and crimes is no longer important. Thus, the classification of election crimes into violations and crimes does not have significant implications for law enforcement efforts for election crimes. In addition, the mechanism for handling election crimes regulated in the Pilkada Law and the Election Law is not able to maximally encourage the fulfillment of the legal objectives of law enforcement regulations in the Pilkada Law and the Election Law.

Keywords
law enforcement; criminal law; election crime; criminal law policy; and legal politics

I. Introduction

In the Election Law and the Pilkada Law, it is regulated about election crimes. In general, the term election crime is the same terminology in the criminal law regime. Another term for "crime" is "criminal act" or "delict". which in Dutch is called strafbaar feit (Hamzah, 2012: 119). If it is associated with elections, it can be termed an election offense or election crime.

By using the term offense or election crime, it will be more specific, namely only related to criminal acts that occur in the process of holding elections. In a sense, the term election crime is intended for criminal acts that occur in or are related to the implementation of the stages of the election.

In the Election Law, there is no definition of election crime or election crime, even though the Election Law still regulates the mechanism for handling election crimes along with the types of election crimes and their sanctions. The only definition of election crime in election law instruments can only be found in the provisions of the Pilkada Law which is defined as "criminal acts of violation and/or crimes against the provisions of election crimes as regulated in the Election Law". Based on this definition, acts/actions that can be judged as election crimes are those that are criminalized under the Election Law.

In terms of definition, election crimes are in line with the general definition of criminal acts. However, this does not apply to the categorization of election crimes. There are several forms of actions which are not recognized or regulated in the Criminal Code (KUHP), but are defined as acts that contain criminal elements in the Pilkada Law and the Election Law.

For example, in Article 186A paragraph (1) of Law no. 10 of 2016 there is a category of acts related to violations of the requirements for candidacy that can be criminalized, where the Chair and Secretary of a Political Party at the Provincial or Regency/City level who register a Candidate Pair for Regional Head not based on the decision of the Political Party management at the central level, is threatened with imprisonment. 36 (thirty six) months and a maximum of 72 (seventy two) months and a minimum fine of Rp 36,000,000.00 (thirty six million rupiah) and a maximum of Rp 72,000,000.00 (seventy two million rupiah) .

The process of registering candidates both at the political party level and at the KPU level is included in the administrative area, which means that violations of the process fall into the category of administrative violations and the sanctions imposed should also be administrative sanctions, not criminal sanctions.

If we refer to the description of the difference between criminal sanctions and administrative sanctions, it will become clearer that the application of criminal sanctions in administrative violations is a mistake and will result in confusion in the law enforcement mechanism. The nature and purpose of criminal sanctions and administrative sanctions are very different, therefore criminal sanctions cannot be applied in an administrative violation, because it will be contrary to the nature and purpose of the law.

Administrative violations that are subject to criminal sanctions are also found in the actions of election organizers, both intentionally and unintentionally. For example in Article 193 paragraph (5) of Law no. 10 of 2016 which states that those who can be subject to criminal sanctions in administrative violations are the Vote Counting Organizing Group (KPPS) which intentionally provides a copy of the official report on voting and vote counting; and also the provisions of Article 505 of Law no. 7 of 2017 where the KPU and its staff who due to their negligence caused the loss and/or damage to the official report on the recapitulation of voting and vote counting may be subject to criminal sanctions.

In this case, the imposition of criminal sanctions on administrative violations in the Pilkada Law and the Election Law is not conceptually appropriate. This is because from the start the act that was subject to criminal sanctions was included in the category of violation and not a crime. Next, the application of criminal sanctions is not complementary, but autonomous and immediate, in the sense that it does not first see the effectiveness of the application of administrative sanctions.

Regarding the complementary approach, Muladi stated that the tendency of administrative law legislation to include criminal sanctions is to strengthen administrative sanctions (administrative penal law) (Muladi, 2002:42). These criminal sanctions are utilized

when administrative sanctions are no longer effective, especially with regard to perpetrators of criminal acts that have gone too far and caused great losses.

The application of criminal sanctions in administrative law or in an administrative action can be justified if it meets the requirements of the complementary approach as stated by Muladi above. For example, in the case of abuse of authority by the Village Head in the simultaneous regional elections in 2018, especially in the 2018 West Java Governor Election (Pilgub Jabar) in Karawang Regency, West Java. The Karawang District Court sentenced 6 village heads who were proven to have abused their authority by making decisions (administrative areas) that benefited one of the candidates for governor in the 2018 West Java gubernatorial election. The judge's decision refers to the provisions of Article 71 paragraph (1) of Law no. 10 of 2016.

In the context of the implementation of the Regional Head Elections (Pilkada), Legislative Elections (Pileg) and Presidential Elections (Pilpres), the application of criminal sanctions in the administrative area is directed at all parties involved in the process of Pilkada, Pilleg, and Presidential elections, starting from the participants (along with parties) political bearers), election administrators, voters, quick count organizers, to election observers and election logistics providers, tend to show excessive aggressiveness from lawmakers in ensuring that the electoral process runs fairly, effectively and efficiently.

For example, regarding special arrangements in the mechanism of criminal law enforcement against election crimes, Article 146 paragraphs (3-6) of the Pilkada Law regulates the time limit for investigation and examination of election crime files. In the article it is stated that the period of submission of the results of an election crime investigation by the police to the public prosecutor is no later than 14 (fourteen) days after the report on the election crime is received by the Provincial Bawaslu and/or Regency/Municipal Panwaslu. Furthermore, in cases where the case file is incomplete, the public prosecutor has 3 (three) days from the time the file is received to return the file to the investigator, and the investigator has 3 (three) days to complete the case file and hand it back to the public prosecutor. Furthermore, The public prosecutor has a maximum of 5 (five) days to transfer the case file to the court. The provisions for the same time limit are also regulated in the Election Law, so that in the Pilkada Law and the Election Law, the total time required for the investigation process until the case files are transferred to the court is a maximum of 25 (twenty five) working days. We do not find such restrictions in the Criminal Procedure Code.

The special character in the process of enforcing the criminal law on election crimes regulated in both the Pilkada Law and the Election Law shows the inconsistency of the arrangements in the Pilkada Law and the Election Law. On the one hand, the Pilkada Law and the Election Law stipulate that the mechanism for handling election crimes refers to the Criminal Procedure Code, but on the other hand the Regional Election Law and the Election Law stipulate different handling arrangements from the Criminal Procedure Code.

From the search for research and studies related to the theme of criminal law enforcement for election crimes, the authors found several problems related to criminal law enforcement against election crimes, including the following:

1) At the norm level, the electoral laws and regulations are not clear and complete enough to regulate material law and formal law. Even the existing formal laws are not sufficient to effectively enforce electoral criminal law. Meanwhile, at the structural level, law enforcement is faced with the problem of inadequate understanding of the apparatus for the types of election crimes that are not yet professional and the occurrence of "rejections" which lead to deadlock in handling election criminal cases. Meanwhile, in the realm of legal culture, interested parties, especially election participants, still tend to “outsmart” the existing regulations so that the three problems of law enforcement for election crimes are intertwined in such a way that election law enforcement is

completely paralyzed (just not to say suspended animation).

2) The pendulum of political power is full of coloring the electoral law system that leads to the negation of democratic values, so it is necessary to direct a special codification related to election crimes that have been in effect for a long time and are able to provide a clear direction of certainty in law enforcement (Nindyahwati, 2013: 113).
3) The legal substance (material law) and procedural law (formal) of election crimes is not yet clear so that it opens up space for debate that hinders the criminal law enforcement process (Junaidi, 2015: 170175) (Santoso, 2006).

Efforts to enforce the criminal law on election crimes can be seen as part of the policy of preventing and preventing crime in election activities, thus, the implementation of criminal law enforcement on election crimes must be viewed comprehensively, including the most important, seen and studied from the perspective of criminal law policies.

Criminal law policy can be seen as a series of processes for preventing and overcoming crime by means of:rules, where in the process the values that guide and what are the goals of the criminal law are used as basic considerations in determining aspects of regulation and sanctions (Arief, 2005:5). Crime is a negative externality with enormous social Costs (Champbell-Phillips, 2020). Within the scope of the law, if someone commits a crime, then that person must comply with the positive legal procedures (Tumanggor, 2019). In addition to the development of globalization which underlies the urgency of regulating criminal provisions (Kartika, 2020). This is important in order to implement effective and efficient criminal law enforcement for election crimes and in order to achieve state goals related to the implementation of elections.

Based on the background of this research, the authors found 2 important problems in law enforcement for election crimes, namely the classification of election crimes and the mechanism for handling election crimes.

II. Research Methods

The data analysis method used is a qualitative method, namely the data obtained are arranged systematically and then analyzed qualitatively in order to obtain clarity of the problems discussed. The purpose of using this qualitative analysis is to obtain views on efforts to enforce criminal law for violations and non-criminal elections in the perspective of criminal law policies.

This research uses a normative law research approach, namely normative case studies in the form of products of legal behavior, for example reviewing laws. The subject of the study is the law which is conceptualized as a norm or rule that applies in society and becomes a reference for everyone's behavior. So that normative legal research focuses on an inventory of positive law, legal principles and doctrines, legal findings in cases in concreto, legal systems, synchronization levels, legal comparisons and legal history (Muhammad, 2004: 52).

The research specification in this article is descriptive analytical, which describes the applicable laws and regulations related to legal theories and positive law implementation practices concerning the above issues. This study describes how the categorization and handling mechanisms of election crimes are regulated in the Pilkada Law and the Election Law. Furthermore, this study will analyze whether the categorization and handling of election criminal acts in the Pilkada Law and the Election Law are in accordance with the objectives of criminal law and what are the implications for efforts to achieve the legal objectives of the Pilkada Law and the Election Law itself. While the data collection technique using literature study.

III. Discussion

3.1 Implications of Classification of Election Crimes on Law Enforcement Efforts on Election Crimes in the Perspective of Criminal Law Policy

a. Classification of Election Crimes

In terms of regulation, there are 3 laws that regulate the implementation of regional head elections, where the three laws can be seen as one unit because they are a series of changes that regulate the same thing. The three laws are Law no. 1 of 2015, Law no. 8 of 2015, and Law no. 10 of 2016.

In Article 145 of Law no. 1 of 2015 states that “election crimes constitute a crime or prohibition against election provisions as regulated in this law”. Referring to these provisions, election crimes can be categorized into 2 classifications of criminal acts, namely violations (against prohibitions) and crimes.

Regarding election crimes and their division into violations and crimes, the law does not provide further explanation or clear definition of what constitutes a violation and what constitutes a crime. In the chapter "criminal provisions" of special criminal laws outside the Criminal Code which are intra-criminal rules or extra-criminal rules basically formulated actions that are prohibited and threatened with criminal sanctions or known as "criminal acts" or "criminal acts". In this regard, Eddy OS. Hiariej, quoting his book, Piere Beire and James Masserschmidt, stated that the crime or criminal act is called the legal definition of crime which can be divided into mala in se and mala prohibita. Mala in se, which is referred to as a crime, is an act that from the beginning was felt as an injustice because it was contrary to the rules in society before it was stipulated by law as a criminal act.

Furthermore, Pompe explained that the division of crime into crimes and violations can be explained more by a quantitative measure than a qualitative one. By referring to the provisions in the Criminal Code, the difference between a crime and a violation can be seen from whether there is an element of intentional (opzet) or not, where an act that is included in the qualification of a crime always requires proof of a deliberate element. On the other hand, an act that is classified as a violation does not require proof of the existence of the intentional element. Pompe then concluded that the offense was a lesser offense than a crime. Nevertheless, Pompe emphasized that the division of offenses as in the Criminal Code is clearly not at all suitable for special criminal law.

Election crime is one of the special forms of crime whose stipulations only exist in the Pilkada Law and the Election Law if referring to Pompe's opinion, even in the formulation stage the classification of election crimes into crimes and violations by referring to the Criminal Code is not correct if the formulation stage is not right, then the implementation and execution stages will experience difficulties.

Pompe's opinion at least provides an explanation as to why in the Pilkada Law and the Election Law there is no clear formulation of what constitutes a crime and what constitutes a violation. In order to further test whether the classification of election crimes into crimes and violations is correct or not, this discussion can be seen from the Criminal Code as a reference.

The division of election crimes into violations and crimes follows the classification in the Criminal Code (KUHP). Determination of a crime as a crime is regulated in the Second Book of the Criminal Code, while the determination of a crime as a violation is placed in the Third Book of the Criminal Code.

By referring to the category of crimes in the Criminal Code, the authors can classify the provisions of election crimes in the Pilkada Law which are included in the classification of crimes. Meanwhile, the provisions of election crimes in the Pilkada Law that are not included in the classification of crimes in the Criminal Code are included in the category of violations

Likewise in the Pilkada Law, the Election Law does not specifically state the definition of an election crime. However, the Election Law contains provisions regarding election crimes. In the Election Law there are provisions regarding administrative violations which are distinguished from election crimes, where in the Pilkada Law there is no term administrative violation. This shows that the legislators want to reiterate that election crimes which include violations and crimes are acts or acts that are different from violations in the administrative area, although some election crimes also occur in the electoral administrative area.

b. Implications of Classification of Election Crimes on Enforcement Efforts Election Crime Law

In determining election crimes, both in the Pilkada Law and in the Election Law, it can be seen that what is in principle defined as an election crime by lawmakers is quite broad. From the classification above, there are at least a number of acts that are punishable by crime in the election stages, which are as follows:

1) Counterfeiting;
2) Violence and Vandalism;
3) Money politic;
4) Campaign Violations;
5) Administrative Violations;
6) Election Violation;
7) Vote Counting Cheating.

In the perspective of legal politics, at the formulation stage, several types of actions that are designated as an election criminal act by the law must be in accordance with the objectives of the legal product. In the context of election crimes, at the formulation stage, the determination of an act to become an election crime is carried out in order to ensure the implementation of a good election through the fulfillment of the principles of election administration in the implementation of each election stage.

The relevance of giving criminal sanctions in several acts at the election stage with the principles of organizing elections will be an indicator of the rationality of determining the criminal act. This is in line with what was conveyed by Marc Ancel that criminal law policy is a rational effort from the community in controlling crime (Arief, 2011:1).

Article 22E paragraph (1) of the 1945 Constitution states that the principle of elections is direct, general, free, confidential, honest and fair. The principle of elections is a basic reference in the implementation of elections, where in the framework of democracy, elections are one part of the absolute requirements for the operation of empirical democracy, in which there is a guarantee of the constitutional rights of citizens to be elected and to vote (Gaffar, 2006: 3). The constitutional rights of citizens are very important in democracy because the guarantee and fulfillment of these rights will have an impact on the results of political choices which are represented in the creation of the executive and legislature, both of which regulate people's lives through policies and the rule of law.

The Pilkada Law and the Election Law provide protection and guarantees for the fulfillment of all election principles, one of which is by giving criminal threats to acts that have the potential to injure election principles. However, in the context of criminal law enforcement, the imposition of criminal sanctions evenly on crimes and violations without clear measures, shows that the classification of election crimes into crimes and violations is actually irrelevant to law enforcement efforts themselves.

The legislators in this case, at the formulation stage, do not have the awareness that the determination of the definition of an election crime as a crime and a violation has the consequence that furthermore in the formulation of an election criminal act, it is necessary to

determine which acts are included in crimes and which are into offense. The next consequence is the need to stipulate different sanctions for actions that are included in crimes and acts that are classified as violations.

Although technically this standard is quite clear, in practice, there are formulations in the Pilkada Law and the Election Law which are inconsistent in applying these standards, making it difficult to determine the classification of whether the act in question is classified as a crime or violation. For example, the formulation of Article 511 of the Election Law states:

Anyone who by force, with threats of violence, or by using the power available to him at the time of voter registration prevents a person from being registered as a voter in an election according to this law, shall be punished with imprisonment for a maximum of 3 (three) years and a fine of a maximum of Rp36. ,000,000.00 (thirty six million rupiah).

If referring to the Criminal Code, the formulation of the act is included in the qualification of a crime against carrying out state obligations and rights. The formulation of the crime in essence is an act that makes or prevents a person from obtaining and exercising his or her right to vote in elections, as stated in Article 148 of the Criminal Code. However, if we look at the formulation of Article 511 of the Election Law above, we cannot find any determination of the element "intentionally" and/or "negligence", so that referring to the standard of difference set by Utrecht, the formulation of the act is included in the classification of violations.

In the absence of a clear formulation of actions related to crimes and violations, from the perspective of criminal law policies, legal rules that are not clear and relevant in their formulation will have implications for hampering criminal law enforcement efforts at the implementation and execution stages.

Furthermore, in terms of the size of the quantitative difference, Sudarto stated that the difference quantitatively distinguishes crime and violation from the side of the criminal threat where the criminal threat for an offense is lighter than the criminal threat for a crime (Sudarto, 1990:33).

In terms of this quantitative difference, where the criminal sanctions threatened for criminal offenses are lighter than criminal acts, they also do not apply to the classification of violations and crimes in election crimes. For example, in the Pilkada Law, the offense of an election crime which falls into the category of violation of “deliberately committing an unlawful act, failing to verify and recapitulate the data and voter list” is subject to the same criminal sanctions as an election crime offense in the crime category of “deliberately committing an act of against the law claiming to be someone else to exercise their right to vote”. The two offenses for election crimes in the category of violations and crimes in the Pilkada Law are threatened with the same criminal sanctions, namely “A minimum imprisonment of 24 (twenty four) months and a maximum of 72 (seventy two) months and a minimum fine of Rp. 24,000,000.00 (twenty four million rupiah) and a maximum of Rp. 72,000,000.00 (seventy-two million rupiah)”.

If analyzed further, the classification of election crimes as crimes and violations as regulated in the Pilkada Law and the Election Law, which do not show any difference from election crime offenses and election violation offenses, at the implementation level, will not have any impact on law enforcement efforts election crime. This is because in all the formulations in the Pilkada Law and the Election Law which regulates election crimes, both crimes and violations, there are no significant qualitative and quantitative differences.

3.2 Implications of Mechanisms for Handling Election Crimes in Achieving the Legal Objectives of the Election Law and the Election Law in the Perspective of Criminal Law Policy

To guarantee the protection of the rights of citizens in channeling their aspirations to elect regional heads, members of the legislature, and elect the president and vice president from the occurrence of irregularities or criminal acts, a comprehensive and integrated policy is needed in general crime prevention efforts. Therefore, the guarantee of protection can be understood as one part of a criminal policy or a policy of crime prevention (criminal policy) which is essentially an integral part of efforts to protect society (social defense) and efforts to achieve public welfare (social welfare). Therefore, it can be said that, the main purpose of criminal politics is the protection of society to achieve public welfare.

If detailed further, the objectives of law enforcement on election crimes in the Pilkada Law and the Election Law based on the above perspective are as follows:

1) Guaranteed the right to vote and the right to be elected by citizens
1) Indonesia;
2) The existence of legal certainty over the election results; and
3) Punishment for perpetrators of election crimes.

The stipulation and regulation of the mechanism for handling election crimes, both in the Pilkada Law and the Election Law, in the perspective of legal policy must be able to fulfill the three specific objectives above. If it turns out that the mechanism for handling election crimes is not able to achieve these goals, then there needs to be an evaluation related to the handling of election crimes as regulated in the Pilkada Law and the Election Law. Therefore, it is important to further analyze the extent to which the mechanism for handling election crimes is able to have an impact on efforts to achieve the three legal policy objectives of the Pilkada Law and the Election Law above.

The mechanism for handling election crimes, as previously stated, uses a fast judicial mechanism, where all stages of settlement from receiving reports or findings of alleged criminal acts to court decisions only take a maximum of 51 (fifty one) days, much different from the handling mechanism criminal acts in the Criminal Procedure Code where the time required from the investigation process to the completion of the examination in the district court takes 130 days.

With such a short time, it actually creates problems that hinder efforts to achieve the objectives of the law itself, especially in protecting the rights of citizens to vote and be elected.Some of the problems or implications of the application of the short handling time for election crimes are as follows:

1) The number of reports or findings that were not processed due to time constraints;
   The process of handling reports or findings not being completed due to time constraints usually occurs at the discussion level of the Gakkumdu Center and the investigation process. For example, in the 2015 simultaneous regional elections, Bawaslu said that there were 1,090 reports submitted. Of all the reports that came in, only 60 cases were able to be handled to court.
2) In this case, the then Commissioner of Bawaslu, Nelson Simanjuntak, stated that the main reason for not processing all reports was due to the very limited time in processing these reports, causing the reports to expire.
   Investigators do not have sufficient time to carry out further investigations to ensnare intellectual actors in election crimes;
3) The emergence of election crimes in a political perspective only has one motive, namely winning the regional head candidate pair, presidential candidate pair and/or legislative candidate. Therefore, it is very likely that behind an election crime there is

an intellectual actor who bridges the interests between the running of an election crime and the effort to win one candidate pair and/or candidate.

The inability of the mechanism for handling election crimes to complete all reports or findings submitted to election supervisors is an indication that there are Indonesian citizens' right to vote and to be elected which cannot be guaranteed by law, in this case the Pilkada Law and the Election Law.

Furthermore, the inability of the mechanism for handling election crimes to ensnare all intellectual actors of election crimes causes there to be a beneficiary on the one hand and a disadvantaged party on the other. Thus the election that should be fair is not fulfilled. This then becomes an indication that the right to vote and the right to be elected by citizens does not get maximum legal protection through existing legal instruments, in this case the Pilkada Law and the Election Law.

Looking at the lack of ability of the mechanism for handling election crimes in dealing with all reports or findings that are submitted to election supervisors, it is also an indication that the mechanism for handling election crimes has not been able to provide legal certainty regarding the settlement of cases of election crimes. The fast handling of election crimes does provide legal certainty for cases that have already been processed, but for other cases that cannot be processed, there is no guarantee of legal certainty at all.

Furthermore, in terms of imposing sanctions on perpetrators of election crimes, if it refers to the criminal provisions contained in the Pilkada Law and the Election Law, the sanctions imposed on perpetrators of election crimes are considered to be quite balanced with the actions taken. In practice, it turns out that the electoral criminal justice system prefers to give light sanctions, both in terms of probation, detention, and fines, for perpetrators of election crimes.

In the context of law enforcement for election crimes, from the point of view of the policy and politics of criminal law, it should be in the formulation stage, the legislators pay close attention to what the objectives to be achieved from the establishment of the Pilkada Law and the Election Law, as well as the objectives of the formulation of criminal acts elections and their sanctions in the two laws.

In relation to the formulation stage, at least the formation of law (positive/written) is based on 3 (three) basic considerations, namely considerations of justice (gerechtigkeit) as well as legal certainty (rechtssicherheit) and expediency (zweckmassigkeit) (Darmodiharjo & Shidarta, 2006:154).

Thus, the application of criminal sanctions in election crimes should also consider the three things above which are then linked to the legal objectives of the establishment of the Pilkada Law and the Election Law. In this context, the consideration of the benefits of applying criminal sanctions to election crimes equally against crimes and violations, in the author's view, does not provide significant benefits in an effort to achieve the legal objectives of the establishment of the Pilkada Law and the Election Law..

Referring to the classification of election crimes above, in the author's view, both crimes that are classified as crimes and violations can be subject to action sanctions. All election crimes formulated in the Pilkada Law and the Election Law, if referring to efforts to achieve the legal objectives of the establishment of the Pilkada Law and the Election Law, may be subject to action sanctions as priority sanctions, furthermore they do not even require the imposition of criminal sanctions, except for acts that fulfills the elements of criminal acts in general, such as forgery, vandalism, and acts of violence.

IV. Conclusion

Based on the focus of this research and the previous discussion, the following conclusions can be drawn: First, the classification of election crimes into violations and crimes does not have significant implications for efforts to achieve the objectives of criminal law. In the formulation stage, there is no standard difference both qualitatively and quantitatively that can be applied to the classification of election crimes in the Pilkada Law and the Election Law. This results in the implementation and execution level, the classification of election crimes into crimes and violations does not have any meaning and in the end does not have any implications for efforts to enforce the law on election crimes.

Then, secondly, the mechanism for handling election crimes regulated in the Pilkada Law and the Election Law is not able to maximally encourage the fulfillment of the three legal objectives of law enforcement in the Pilkada Law and the Election Law, namely the protection of the right to vote and the right to be elected by citizens, the existence of legal certainty. , and the imposition of sanctions on perpetrators of election crimes. In the case of sentencing as part of the mechanism for handling election crimes, the application of criminal sanctions equally to all election crimes is considered ineffective and not in accordance with the legal objectives to be achieved by the law.

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