

## Criminal Policy in The Formulation of Article 523 Paragraphs 1 & 2 of Election Law No. 7 of 2017 Related to DPRD Elections

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**Abstract.** *Violations before elections committed by non-formal actors in mobilizing the masses are an interesting mechanism to discuss. This study aims to explain related to criminal policies against electoral criminal offenses in Article 523 paragraph 1 and Article 523 paragraph 2, factors that influence criminal policies in the implementation of Article 523 paragraphs 1 and 2 and criminal policies against electoral crimes Article 523 paragraph 1 and Article 523 paragraph 2 in the future. Research methods used in empirical normative research. The results of this study show that: First, criminal policies against electoral criminal violations in Article 523 paragraph 1 and Article 523 paragraph 2 can be pursued in various ways. Several ways that can be done as a form of criminal policy in solving the problem of electoral criminal violations in Article 523 paragraph 1 and Article 523 paragraph 2 include using penal methods, without using penal means (prevention without punishment) and efforts to form public opinion. Second, several factors that influence criminal policy in the implementation of Article 523 paragraphs 1 and 2 include the following: ineffective judicial implementation, unauthoritative laws, uncoordinated supervision and prevention and lack of participation from the public. Third, criminal threats in the electoral law were revised by changing criminal sanctions to administrative sanctions. Administrative sanctions are considered the most effective where the provision of sanctions will facilitate the enforcement of these norms and in turn we will see the usefulness or results of these laws and regulations. In addition, the inclusion of sanctions is also an effort to make someone comply with the provisions of laws and regulations.*

**Keywords:** *Crime; Electoral; Policy.*

### 1. INTRODUCTION

In most democracies, elections are considered a symbol, as well as a benchmark of democracy (Mitha Larasati and Vidya Ningtiyas, 2017). General elections are essentially a means of people's sovereignty, so that no country in the world claims to be a democratic country that does not hold elections (Karmanis, 2021). Elections are presented as an instrument to ensure a democratic transition and rotation of power.

Elections become an arena of contestation for political elites to advance to become leaders both at the local and national levels (Bulqiyah et al., 2019). In addition, elections are also a means to encourage public accountability and control over the state.

People's sovereignty as a reflection of democracy in Indonesia emphasizes that the people must directly elect their leaders as representatives in a government (Pakpahan, 2019). One of the elections that must be held is the election of the DPRD angkota. DPRD elections are regulated in Law Number 8 of 2012 concerning the general election of members of the DPR, DPD and DPRD. Members of the DPRD are members of political parties that shelter themselves where the role of political parties is the vehicle for candidates in delivering them to formal seats of government.

Candidates who run for DPRD even if they belong to a political party cannot rely on a political party to achieve an election victory. This is because political parties have failed as political machines that can seek votes (Towar et al., 2017). Therefore, candidates use local figures who have a reputation to become their political machine in winning contests (Asmawati, 2021).

Local figures were one of the central actors in the candidate's victory. They are believed to be reputable figures in their area where the reputation is believed to be able to attract voter loyalty. They are known as reliable voters and are able to know grassroots voters well (Asmawati, 2020). The transaction played by the local actor is by exchanging materials to voters to vote for the candidate they are carrying.

The practice of political transactions that occur between local leaders and communities is very difficult to capture. Local tokoks live and coexist with other communities and mingle with each other in everyday life. It would be very difficult to find people reporting local figures playing into the whirlpool of illegal politics. Each other of them will protect each other considering that the transaction between them is a transaction that is considered profitable because the community gets rewards both long and short term.

The practice of material exchange that occurs between voters and voters is one of the phenomena that commonly occurs in the democratic order in Indonesia. The legality of elections in Indonesia has been regulated in Law No. 7 of 2017 concerning General Elections (Election Law). Systematically, the provisions on money politics can be found in Book V Chapter II under the title Electoral Criminal Provisions, in Article 523. To be more concrete, the author will quote these provisions in full, namely as follows:

Article 523 paragraph (1) reads: every implementer, participant, and/or Election Campaign team who intentionally promises or provides money or other materials in exchange for election campaign participants directly or indirectly as referred to in Article 280 paragraph (1) point j shall be punished with a maximum imprisonment of 2 (two) years and a maximum fine of IDR. 24,000,000, 00 (twenty-four million rupiah).

Article 523 paragraph (2) reads: Every executor, participant, and/or election campaign team who intentionally during quiet periods promises or provides monetary or other material rewards to voters directly or indirectly as referred to in Article 278 paragraph (2) shall be punished with a maximum imprisonment of 4 (four) years and a maximum

fine of IDR. 48,000,000.00 (forty-eight million rupiah).

Article 523 paragraph (3) reads: Any person who intentionally on the day of voting promises or gives money or other materials to Voters not to exercise their right to vote or vote for certain Election Participants shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of IDR. 36,000,000.00 (thirty-six million rupiah).

Article 280 paragraph (1) letter j reads: it is forbidden to promise or give money or other materials to election campaign participants

Article 278 paragraph (2) During the quiet period, the executors, participants, and/or teams of the Presidential and Vice Presidential Election Campaigns are prohibited from promising or rewarding Voters for:

- a. not exercising his right to vote;
- b. Choosing a Candidate Spouse;
- c. elect a Political Party participating in a particular election;
- d. elect candidates for members of the DPR, provincial DPRD, and certain district/city DPRD; and or
- e. elect a specific DPD candidate.

Further explanation related to the article above can be seen in table one below.

**Table 1. Article Explanation**

No.	Subject	Settings		Information
		Article 1	Article 2	
1.	Prohibited acts	promising or giving money or other materials	promise or reward money or other materials	The provision of rewards and materials is intended for voters whether done directly or indirectly
2.	Circumstances related to the article	Campaign	Quiet Period	
3.	Subject Article	implementers, participants, and/or election campaign teams	implementers, participants, and/or election campaign teams	New criminal provisions can be treated to persons whose names are listed in the Implementing Decree, SK and/or Campaign team reported to the KPU, Provincial KPU, District/City KPU.
4.	Threat of Legal Subjects	imprisonment for a maximum of 2 (two) years and a maximum fine of IDR24,000,000.00 (twenty-four million rupiah).	punishable with a maximum imprisonment of 4 (four) years and a maximum fine of IDR48,000,000.00 (forty-eight million rupiah).	
5.	Related Article	About 280 words (1) type j	Pasal 278 Import (2)	The existence of related articles in determining legal threats

6.	Elemen actus reus	Promising, giving money or other materials in exchange for participating in elections, carried out either directly or indirectly	In quiet periods, give or promise money to voters either directly or indirectly.	Criminal acts
7	Mens Rea	The phrase "intentionally"	The phrase "intentionally"	Criminal misconduct

Source: Data processed by researchers, 2023

According to the implementation of the regulation, Article 523 paragraphs 1 and 2 are still not in accordance with what is mandated. Looking at the data on the ground, there are still many legislative candidates who still use money as a path to the seat of power. In addition, the community is still ignorant of this (Saputri, 2019).

Furthermore, the regulation of political crimes in article 523 paragraphs (1) and (2) is very difficult to implement properly. many cases are dismissed on the grounds of vagueness of legal subjects where the perpetrators who allegedly commit alleged violations by distributing money are not executors, participants or candidate campaign teams (Ridwan et al., 2020).

Scientists around the world have paid a lot of attention to the practice of material transactions that occur in Indonesia. First, Aspinall in his research emphasized the contribution of material intended for voters to gain voter loyalty (Aspinall, 2014). Aspinall highlighted the practice of brokers who play a role in Indonesian politics as actors who are able to have greater autonomy than candidates in controlling voters. Second, research conducted by Tawakkal in which his research emphasizes material transactions in local political elections as a practice that is not opposed in Indonesia (Towar et al., 2017). Tawakkal also places emphasis on non-formal actors who have full involvement in the candidate's victory. Third, research conducted by Asmawati in her research shows that the practice of voice brokers in developing democracies is one of the processes that must be passed because the country still does not have maturity in democracy (Asmawati et al., 2021).

The purpose of mentioning literacy that has been studied is one of the mechanisms that can guarantee the originality of ideas and the authenticity of studies in this study. Some of the above studies show that the process of exchanging material carried out by political brokers is common in Indonesia as a practice that has no contradiction. Moreover, in a country that does not have maturity in democracy this practice is something that is understandable even though the regulations have clearly violated the constitution. There needs to be an emphasis that previous literacy has concentrated on the practice of material transactions that occur in Indonesia. This is where researchers intend to fill the literacy gap by filling a gap in terms of law where the regulations governing the practice of violations committed in political constellation are still untouched.

## 2. RESEARCH METHODS

This research is a Normative-Empirical Law research (applied law research). In this legal research, the author uses descriptive legal research. This study uses secondary

data where data is obtained from literature studies related to electoral crimes. The data obtained is then collected, analyzed and clarified data and information. The purpose and usefulness of literature study is basically to show the way to solve a research problem.

### **3. RESULTS AND DISCUSSION**

#### **3.1. Criminal policy against electoral criminal violations in Article 523 paragraph 1 and Article 523 paragraph 2**

Crime prevention policies or efforts are essentially an integral part of community protection efforts (*social defense*) and efforts to achieve community welfare (*social welfare*). Therefore, it can be said that the main purpose of criminal politics is the protection of society to achieve public welfare. Some ways that can be done as a form of criminal policy in solving the problem of electoral criminal violations in Article 523 paragraph 1 and Article 523 paragraph 2 include the following:

1. Using the penal way (*criminal justice system*)

As an effort to choose and establish criminal law as a means of tackling crime by taking into account all factors that can support the work of criminal law in reality. The direction is to formulate better criminal legislation, in order to protect the community from crime which in turn can give birth to public welfare. Clearly said by Ancel, the viewpoint of criminal law can be called an effort to make and formulate a good criminal law. This formulation aims to provide protection to the community (social defence) and to achieve social welfare.

The implementation of the criminal policy, in theory, consists of 3 stages, namely formulation policy, application policy and execution policy. Policy formulation is the most strategic initial stage of the overall planning process of functionalization or operationalization of criminal law. This stage is the domain of the legislature to determine two main things, namely the determination of what actions should be made a criminal offense and what sanctions should be used or imposed on the violator. Furthermore, the application policy is the stage of execution of criminal regulations by the judge. Then, the policy of execution is the imposition of a crime to a person exercised by administrative power. Dogmatically legally, the first stage is often also referred to as the criminal award stage in abstracto. While the second and third stages are called the criminal administration stage in concreto.

Based on the description above, it can be said that the focus of criminal policy or criminal politics is to produce a criminal regulation that has effectiveness so that it can be used for crime control. This method, it is also hoped that it can protect the community from crime, as well as be able to prosper the community. Systematically, criminal policy rests on policy formulation at an abstract level, as well as application and execution at a concrete level. This mechanism can also be applied in resolving criminal acts in electoral violations by brokers which by representing the above stages correctly can provide progress from the proper democratic direction.

## 2. Policy without using penal means (*prevention without punishment*)

The implementation of criminal justice is only one aspect, namely community efforts in tackling community crimes using criminal law (penal) means, in addition, community efforts are still known to respond to crimes through non-criminal law (non-penal) means. These non-criminal law efforts greatly support the implementation of criminal justice in achieving its goals. In terms of non-criminal law (non-penal) business, according to Barda Nawawi Arief, rational efforts to control or overcome crime (criminal politics) are certainly not only by using penal means (criminal law), but can also be used by non-penal means. Non-penal efforts include social education and assistance in the context of developing social responsibility of community members, cultivating community mental health through moral, religious and so on education. (Hattu, 2014) This mechanism can be taken where good direction is needed to the community related to various crimes and the impact of political money. This is expected to make the public aware and the practice of political money can gradually be minimized.

## 3. Community opinion formation efforts

Efforts in forming public opinion about violations of electoral crimes can be carried out using legal socialization both conventionally and mass media. Legal socialization in this mechanism can be achieved by providing education on political money and clientelism transactions during the campaign. Clientelism or patronage in this mechanism is closely related to several things including the following:

- a. Contingency or reciprocity means that every service or material provided by patrons and clients is a form of giving oriented to receiving profits, the form of exchange carried out by politicians or their supporters is material exchange in the form of political support.
- b. Hierarchical is a condition of an unequal emphasis on power between patrons and clients, so that there is one party who has a sense of attachment to the other party, this feeling arises because one party wants to continue to get support, help, and material. This is an important point in clientelism relationships, because there are relationships that are built between related actors. These relations consist of parallel relations and vertical relations. Parallel relations are described as relationships in which both parties have interests and do not dominate each other. Then vertical relations are found in relationships between actors and parties who do not have authority and power so that the relationship is unequal and there is dependence from one party to another.
- c. Repetition is a relationship that is not sporadic, spontaneous, and only takes place on one political agenda, but a relationship that continues on other political agendas even in everyday life, it occurs because one party feels that it has gained experience from the ability of the other party to carry out political actions.

If examined in depth, the public needs educational resources related to the practice of clientelism where this mechanism occurs when there is material exchange before elections. First, the reciprocity that occurs between voters and patrons has an orientation towards receiving benefits where the benefit obtained by the patron is the loyalty of voters by casting their votes where in this case there is a material exchange that occurs. The relationship established in this mechanism will have a long-lasting impact on patrons whose political bosses are able to win political contests and serve for a long time. Voters, on the other hand, gain little from material exchanges. Of course, this relationship does not have a good impact on voters where it is likely that the length of time after becoming leader will use his office for personal gain.

Second, there is no vertical relationship between the two actors in making transactions. In fact, clientelism has a form of parallel relations where between both parties have dependencies and attachments that are mutually beneficial. But in reality, the relationship between voters and patrons cannot be said so because people only feel rewarded only at one time while elected officials will benefit throughout their time in office. No wonder there are also many officials who forget themselves to their voters by not providing programs that are pro to the community.

Third, relationships that should not occur at one time but must continue on political agendas on a daily basis are often ignored which is often done by candidates when they have entered the seat of power. Thus, there is a need for awareness from the public that clientelism that has no correlation between theory and practice cannot be carried out. Some of the negative impacts above certainly need socialization that can make people understand where it can be done by providing information both conventionally and through social media. The provision of this information is believed to be able to have a good impact and progress on people's political education.

### **3.2.Factors affecting criminal policy in the implementation of Article 523 paragraphs 1 and 2**

Some factors that influence criminal policy in the implementation of Article 523 paragraphs 1 and 2 include the following:

1. Ineffective administration of justice

The judiciary is viewed starting from the arrangements, institutions, and procedural procedures so that in this case the procedural procedure in court also cannot be viewed as only starting when the judge examines the case until the verdict is handed down, but must be seen from the lawsuit registered at the registrar of the relevant district court until the decision is carried out either voluntarily or by force (Rosady & Harticlei, 2021). Based on the argument above, it is clear that there is a need for a mechanism that must be taken so that the practice runs effectively. However, in fact, regulations and punishment for non-criminal election perpetrators do not run optimally where it can be seen from the rampant political money that occurs everywhere and cannot be resolved properly. In fact, for now a lot of non-formal actors in playing their roles are spiced up with voice buying and selling activities.

## 2. Unauthoritative laws

Good law enforcement is inseparable from the working of the legal system. It consists of substance, structure and culture, each of which must work in a system. In order for the legal system to work well, law enforcers must be able to increase knowledge about the law including divine science, so that law enforcers are able to understand the law more broadly, the law is not only understood as a text in the law. As a system, the most important aspect is legal culture, because legal culture serves as a driving engine so that everyone obeys the law. In addition to creating a good legal system, in order to build the integrity of law enforcement, it is also necessary to implement an integrated justice system. Barda Nawawi Arief believes that improving the quality of law enforcement human resources will create law enforcers who are clean and authoritative, who are honest and moral, not corrupt and can be trusted to uphold the values of truth and justice, improving the quality of education will create law enforcers who are al-amin (trustworthy), because they not only understand homo juridicus law) but also have ethics / morals or what is called "homo etichus" (Arief, 2000). Therefore, upholding the authority of the law essentially upholds the value of trust in society.

Improving education to improve the quality of law enforcement human resources as conceptualized by Barda Nawawi Arief shows a close relationship between legal science and divine science, so it is precisely what Moeljatno said that science (including legal science) that is not accompanied by divine science is incomplete (Moeljatno, 1985). Through this integral scientific improvement, it is hoped that law enforcers really understand the law and at the same time comply with legal values. Sophocles argued that no one has the most sacred obligation to obey the law more than those whose job it is to make and live the law. The observance of the law by law enforcement is certainly expected as a form of the relentless search for the values of truth and justice, Hegel stated that "Life is very short, but truth is long and long-lived, therefore, let us speak of truth (Abidin, 2006).

Through a good understanding of law as a result of the process of increasing education and knowledge about legal science and the science of divinity Almighty, will create a good culture owned by law enforcers, this understanding of law will produce a complete thought for every law enforcer, that the law is not merely a very rigid legal text and only works based on legal certainty alone. A complete understanding of the law will prevent law enforcers from acting and acting outside the control of the law, so that engineering and other negative behaviors will be avoided.

## 3. Uncoordinated surveillance and prevention

Election supervision and monitoring is one part of efforts to control the election process. Both are the same function as an effort to maintain honest and fair elections. According to Topo, monitors and supervisors both carry out the mission of holding honest and fair elections. The difference is that election monitors work only to monitor the implementation, while election supervisors have broader duties and authorities to resolve election violations and election disputes. So, monitoring work is a form of community participation that must be reported and forwarded to election supervisors so that they can be followed up (Topo Santoso and Didik Supriyanto, 2004).



The supervisory mechanism in this case is delegated to Bawaslu where this is placed because Bawaslu has been given a statutory mandate to carry out supervisory functions. Institutionally, based on Article 1 number 7 of the Law. General Elections, the General Election Supervisory Board is positioned as one of the general election organizing institutions in addition to the General Elections Commission (KPU) and the Election Organizing Honor Board (DKPP), and according to the provisions of Article 1 number 17 of the General Election Law, the General Election Supervisory Board is a General Election organizing institution that oversees the Implementation of General Elections throughout the territory of the Unitary State of the Republic of Indonesia (NKRI). Bawaslu has also been equipped with a strong institutional structure, even to the lowest level. Likewise, the supervision budget, given by the state to control periodically. This means that the burden of control over the conduct of elections is greater for Bawaslu.

However, in conducting supervision Bawaslu cannot run optimally where this is because Bawaslu as an institutionalized structure has limitations, especially personnel and structures in charge of supervising. Bawaslu is only filled by five people at the central level and three people at the provincial level who serve five years while the district/city Election Supervisory Committee has three members who are ad hoc, as well as some members at the sub-district and field levels who are very limited in number. Therefore, as an organ in charge of supervision, it is necessary to encourage participation efforts to strengthen control of election administration.

Furthermore, the challenges of holding elections are increasingly complex where there are many tendencies to birth various kinds of violations. Election violations interfere not only with the work of organizers, but also the political rights of citizens. Violations in the form of manipulation of voter votes seem inevitable. This is evidenced by the rampant systematic-structured and massive violations in every election and regional head election. This form of violation has manifestly betrayed the sovereignty of the people, betrayed the votes of voters by making the votes of voters meaningless. Bawaslu's inability to supervise has an impact on massive election violations, especially for campaign teams where campaign teams still carry out some practices of promising material to voters in order to give loyalty to their political bosses in the DPRD elections. This mechanism certainly violates Article 523 paragraph (1) which states that: Article 523 paragraph (1) reads: any executor, participant, and/or Election Campaign team who intentionally promises or provides money or other materials in exchange for election campaign participants directly or indirectly as referred to in Article 280 paragraph (1) point j shall be punished with a maximum imprisonment of 2 (two) years and a maximum fine of IDR. 24,000,000, 00 (twenty-four million rupiah).

The rampant violation of articles for successful teams clearly explains that there is an ineffectiveness of Bawaslu's duties in supervising the implementation of general elections which has the authority, including supervising the implementation of the stages of general elections, receiving reports of alleged election violations, and following up findings or reports to the competent agency. The existence of Bawaslu in the process of conducting general elections from time to time is increasingly considered important. Therefore, with every change in electoral law, the regulation regarding Bawaslu also changes. The change shows nothing but to strengthen Bawaslu's existence as an election supervisory agency (Fauzi & Wahyono, 2020). Some of these changes include increasing the number of Bawaslu members, expanding

Bawaslu's authority. Given that 2018 and 2019 are general election years and by looking at the history of Indonesian general elections where there are still many violations, of course, the new regulation on Bawaslu contained in Law Number 7 of 2017 will affect the performance of Bawaslu in the future which is expected to be better when compared to the previous regulation.

#### 4. Lack of Community Participation

Public participation in conducting election practices is also needed as one of the elements in helping Banwaslu considering that Banwaslu has shown its inability to carry out the election supervision and monitoring process. Bawaslu has issued Bawaslu Regulation Number 13 of 2012 concerning Procedures for Election Supervision (Perbawaslu 13/2012). This regulation specifically regulates public participation in supervision, namely in Article 22. The provision states that public participation in election supervision can be carried out in four ways, namely monitoring, submission of initial reports and/or preliminary information on findings of alleged violations, studies, surveillance campaigns, and other forms that do not violate the law.

This regulation also provides guidance to Banwaslu in order to increase public participation in election supervision as follows:

- a. actively encourage the role of the community to monitor elections,
- b. provide adequate information, facilities or facilities to facilitate the public to access information about election surveillance, and
- c. prepare facilities or facilities that are easy for the public to submit information, complaints and / or reports of election violations.

However, in reality, the results of public surveillance cannot necessarily be followed up, because only election supervisory agencies are authorized to receive public reports and follow up on them.

Sardini said there were several weaknesses of the community in carrying out the supervision, namely (Surbakti et al., 2008):

- a. has not been able to be an effective counterweight to state power,
- b. Society is preoccupied with elementary domestic affairs, and
- c. Critical mass has not yet formed.

Some of these obstacles that cause violations of the driver are still widely found. The community is still unable to utilize its role optimally because of the various limitations it has. Meanwhile, the active and critical role and participation of the community is needed, because without the role and participation of the community will lead to open electoral irregularities. Regarding the role of this community, especially election monitors, Sardini mentioned 5 (five) roles as follows (Surbakti et al., 2008):

- a. Provide legitimacy to the electoral process,
- b. increase respect and trust in human rights, especially civil and political rights,
- c. increase trust in the electoral process,
- d. Building trust in democracy, and
- e. support efforts to resolve conflicts peacefully,

Therefore, it is necessary to think about community involvement mechanisms in order to carry out their roles optimally.

### **3.3. Criminal policy against electoral crimes Article 523 paragraph 1 and Article 523 paragraph 2 in the future**

When we talk about the politics of money in elections, it means that we look at the electoral law in the perspective of criminal law. Related to that, there are 3 important parts commonly referred to as the triad of criminal law, namely criminal acts, criminal responsibility and criminal stelsel. Specifically regarding the criminal act of money politics, regulated in Article 523, namely: Article 523 paragraph (1) reads: any executor, participant, and/or Election Campaign team who intentionally promises or provides money or other materials in return to Election Campaign participants directly or indirectly as referred to in Article 280 paragraph (1) point j shall be punished with a maximum imprisonment of 2 (two) years and a maximum fine of IDR. 24,000,000, 00 (twenty-four million rupiah).

Article 523 paragraph (2) reads: Every executor, participant, and/or election campaign team who intentionally during quiet periods promises or provides monetary or other material rewards to voters directly or indirectly as referred to in Article 278 paragraph (2) shall be punished with a maximum imprisonment of 4 (four) years and a maximum fine of IDR. 48,000,000.00 (forty-eight million rupiah). Article 523 paragraph (3) reads: Any person who intentionally on the day of voting promises or gives money or other materials to Voters not to exercise their right to vote or vote for certain Election Participants shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of IDR36,000,000.00 (thirty-six million rupiah)).

Relying on the above article, it can be said that the article, uses the maximum criminal threat. This is the same as the regulation of criminal threats in the Criminal Code (KUHP). In theory, such a criminal threat is often referred to as the indefinite sentence system is a system in which each criminal act is determined its own weight or quality, namely by determining the minimum and maximum criminal threat of each crime (Arief, 2011). Doctrinally this is related to strafmaat or light weight. The indefinite sentence model is considered too giving freedom to judges. At this point, a special minimum criminal threat or indeterminate sentence began to be prepared so that judges were no longer free to impose crimes on perpetrators but must be in accordance with the minimum criminal threat (Frankel, 1993). Therefore, the author believes that the framer of the law should look at socio-political conditions when formulating the threat of criminal sanctions in a law so that it does not seem out of

date but sees the needs and development of people's lives that are targeted for the implementation of the law so that it can be up to date.

The author proposes that in the future, criminal threats in the election law be revised by changing criminal sanctions to administrative sanctions. Some of the reasons the author provides solutions for these changes include the following: There are times when civil sanctions or administrative sanctions in law enforcement of a law and regulation are a more appropriate and effective choice than criminal sanctions. If the substance of laws and regulations is the scope of administrative law, it is not appropriate if it is forced to apply criminal sanctions. It is incorrect to argue that in order for laws and regulations to apply effectively it is always accompanied by criminal sanctions.

For substance related to administrative matters, administrative sanctions are most effective. A norm that contains prohibitions, orders (musts), or obligations will generally have difficulty in enforcing if they are not accompanied by sanctions. The provision of sanctions will facilitate the enforcement of these norms and in turn we will see the usefulness or results of these laws and regulations. In addition, the inclusion of sanctions is also an effort to make someone comply with the provisions of laws and regulations.

#### **4. CONCLUSION**

Criminal policy against electoral criminal violations in Article 523 paragraph 1 and Article 523 paragraph 2 can be pursued in various ways. Several ways that can be done as a form of criminal policy in solving the problem of electoral criminal violations in Article 523 paragraph 1 and Article 523 paragraph 2 include using penal methods, without using penal means (prevention without punishment) and efforts to form public opinion. Some of the factors that influence criminal policy in the implementation of Article 523 paragraphs 1 and 2 include the following: ineffective judicial implementation, unauthoritative laws, uncoordinated supervision and prevention and lack of participation from the public. Criminal threats in the electoral law were revised by changing criminal sanctions to administrative sanctions. Some of the reasons the author provides solutions to these changes include over capacity when there are so many non-formal actors in committing electoral criminal violations. Second, administrative sanctions are considered the most effective where the provision of sanctions will facilitate the enforcement of these norms and in turn we will see the usefulness or results of these laws and regulations. In addition, the inclusion of sanctions is also an effort to make someone comply with the provisions of laws and regulations.

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