

## Election Crimes and the Architect of Restorative Justice to Achieve Electoral Justice

Mustafa Ali Fahmi<sup>1</sup>, Aidul Fitriada Azhari<sup>2</sup>, Natangsa Surbakti<sup>3</sup>, Arief Budiono<sup>4</sup>, Zainur Wula<sup>5</sup>

### Abstract

This study examines the effectiveness of restorative justice in handling electoral crimes in Indonesia, with a focus on East Java. Elections are a cornerstone of democracy, requiring fairness, transparency, and integrity. However, elections often involve violations such as vote buying, voter intimidation, and ballot manipulation. Conventional legal approaches that emphasize punishment often fail to address the social roots of such offenses. Thus, restorative justice is proposed as a more humane and participatory alternative involving perpetrators, victims, and communities in the resolution process. This research's methodology is that it applied the sociolegal methods, emphasizing the importance of recognizing legal unawareness among offenders. The key result of this research suggests that restorative justice has the potential to enhance electoral justice if it is implemented collaboratively among law enforcement, electoral oversight bodies, and civil society. Implementation challenges—such as limited public awareness and institutional support—are significant barriers that must be systematically addressed. The conclusion is that the effectiveness of restorative justice is influenced by a number of factors, including community understanding and awareness of the principles of restorative justice, support from the government and relevant institutions, and training for mediators and facilitators. The research purpose is that strengthening political education and interagency cooperation is essential to establish a fairer, more accountable electoral system in Indonesia. The scientific contribution from this research is that it provides the latest concept on the settlement of election crimes through restorative justice as part of criminal resolution in general elections.

**Keywords:** *Election, Electoral Crime, Restorative Justice, Law Enforcement, Social Justice.*

### Introduction

Criminal violations in elections in East Java are complex phenomena and require serious attention from various parties. In general, these violations include various types of criminal acts, ranging from money politics and the intimidation of voters to vote manipulation. The most prominent type of violation is money politics, where candidates or political parties provide money or goods to influence voters' choices. (Firdaus & Anam, 2020). The main cause of rampant violations can be linked to a lack of political education among the public, weak supervision, and a lack of firm sanctions from law enforcement (Suwardi, 2023). Data from the East Java Election Supervisory Agency (Bawaslu) show a significant increase in the number of reported violations, with hundreds of reports coming in from various regions. The impact of these criminal violations is very damaging to the integrity of the election process, eroding public trust in the election results and ultimately harming democracy itself. To address this problem, various law enforcement efforts have been made, including the formation of a special team to handle reports of violations, increasing surveillance patrols, and cooperation with other law enforcement agencies (Haq et al., 2021). However, challenges in law enforcement remain, including bureaucratic obstacles and a lack of evidence that can be accounted for in court, requiring more structured and comprehensive efforts to ensure fairness and transparency in every election in the future (Nurhasim, 2018).

---

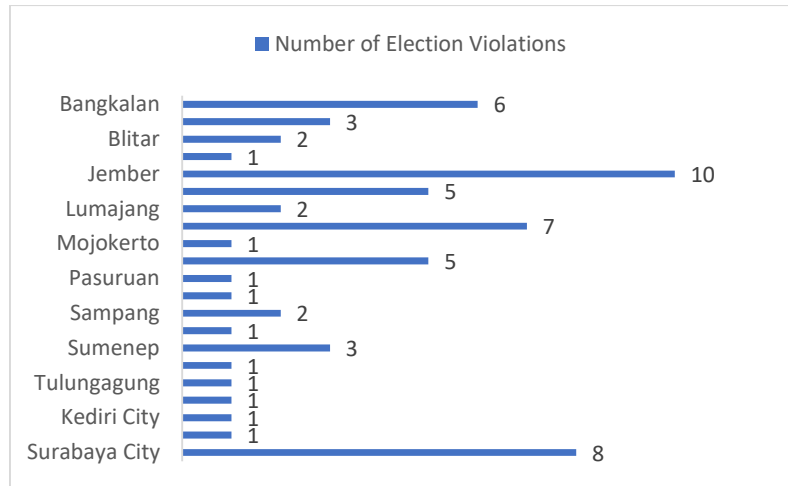
<sup>1</sup> Faculty of Law, Universitas Muhammadiyah Surakarta, Indonesia, EMAIL: [mustofahmami@gmail.com](mailto:mustofahmami@gmail.com)

<sup>2</sup> Faculty of Law, Universitas Muhammadiyah Surakarta, Indonesia, EMAIL: [aidul.f.azhari@ums.ac.id](mailto:aidul.f.azhari@ums.ac.id)

<sup>3</sup> Faculty of Law, Universitas Muhammadiyah Surakarta, Indonesia, EMAIL: [natangsa\\_surbakti@ums.ac.id](mailto:natangsa_surbakti@ums.ac.id)

<sup>4</sup> Faculty of Law, Universitas Muhammadiyah Surakarta, Indonesia, EMAIL: [ab368@ums.ac.id](mailto:ab368@ums.ac.id) (Corresponding Author)

<sup>5</sup> Faculty of Psychology, Universitas Muhammadiyah Kupang, Indonesia, EMAIL: [zainurwula@yahoo.com](mailto:zainurwula@yahoo.com)



**Figure 1: Data on election violations in East Java.**

Source: East Java Provincial Election Commission (2024)

Handling election crimes also requires active participation from the community. Public awareness and courage to report any violations they witness are very important. Therefore, complaint facilities are made more accessible, and the follow-up process is more transparent to give the community confidence that their reports will be followed up seriously (Kartabrata, 2020). With the implementation of these steps, it is hoped that in future elections, especially in East Java, there will be a significant decrease in the number of criminal election violations. Maintaining election integrity not only strengthens democracy (Absori et al., 2019) but also ensures that people's voices are truly valued and treated fairly. This is a long-term investment for a cleaner, more transparent, and more accountable political future in Indonesia (Rusdiana & Hikmah, 2020).

In the context of elections, law enforcement with a restorative justice approach can provide several benefits (Santoso, 2006). First, this approach upholds community participation in resolving election violations. In the restorative process, the community is actively involved, either as victims, perpetrators, or facilitators, to achieve reconciliation and cleansing. In addition, the restorative justice approach also allows for the restoration of social relations and the restoration of losses that occur due to election crimes (Din et al., 2020). This approach allows victims and perpetrators to communicate openly and express pain, regret, and agreement to improve social conditions together.

Overall, the success of the restorative justice approach depends on the commitment to continuously evaluate and refine the program (Iksan et al., 2023). Comprehensive, collaborative, and data-based research can provide a strong foundation for overcoming various obstacles and optimizing the benefits of restorative justice. Thus, the main goal of restorative justice, namely, to achieve more humane and rehabilitative justice, can be more easily achieved (Yuspin et al., 2023). The objectives of this study include analyzing the effectiveness of the use of restorative justice in handling election crimes, understanding what factors influence the effectiveness of restorative justice and compiling a model for the use of restorative justice as a form of handling criminal acts with justice. The **scientific contribution** of this research is that it provides the latest concept on the settlement of election crimes through restorative justice as part of criminal resolution in general elections.

## Methodology

This was a type of sociolegal research. Zainudin explained that law can be studied and researched as a study of law that actually lives in society as a non-doctrinal and empirical study. Sociological legal research emphasizes the importance of empirical observation, observation and analytical steps or what is better known as sociolegal research. Starting from the view that law is a manifestation of the symbolic meanings of social actors as seen from the interactions between them (society) (Wardiono, 2019), the data obtained by researchers, both primary and secondary data, are analyzed qualitatively and presented descriptively, namely, by explaining, describing and describing problems and their solutions that are closely related to this research (Ali, 2016).

On the basis of the problems studied by the researcher, the research approach used is the sociological approach method or sociolegal research, namely, a research approach that examines the

perception and legal behavior of people (humans and legal entities) that occur in the field. The researcher also uses a descriptive qualitative approach. According to Moleong, the qualitative approach produces descriptive data in the form of written or spoken words from informants and observed behavior that is not stated in variables or hypotheses (Bachtiar, 2021).

Data collection was carried out via the following procedures (Ali, 2016) Library Research was accomplished through a series of activities, such as reading, reviewing and quoting from the literature, as well as conducting studies on the provisions of laws and regulations related to the subject matter and Field research This is done by looking at interview activities with respondents as an effort to collect data related to the problems in the research.

The research was conducted in 3 (three) cities/regencies in East Java with the highest number of election crime violations and 2 (two) cities/regencies in East Java with the lowest number of election crime violations. The cultural area of interest, namely, Tapal kuda, especially Banyuwangi Regency, and Mataraman, especially Pacitan Regency, should be considered.

Data analysis techniques are the process of collecting data systematically to make it easier for researchers to draw conclusions (Bangsawan & Budiono, 2021). Data analysis is the process of systematically searching for and compiling data obtained from interviews, field notes, and other materials so that they can be easily understood and the findings can be communicated to others (Rifa'i et al., 2023).

Qualitative data analysis is inductive, namely, analysis is based on the data obtained. According to Miles and Huberman, analysis consists of three streams of activities that occur simultaneously, namely, data reduction, data presentation, and conclusions/verification. The three streams are described in more detail below (Asikin, 2017):

Data reduction is defined as the process of selecting, focusing on simplifying, abstracting, and transforming raw data that emerge from written field notes. Data reduction is an ongoing process throughout a qualitative research project. Anticipation of data reduction is evident when the researcher decides (often without fully realizing it) the conceptual framework of the research area, the research problem, and the data collection approach to be chosen. As data collection progresses, further reduction stages occur (summarizing, coding, tracing themes, creating clusters, creating partitions, and making memos) (Chusniatun, 2020). This data reduction/transformation continues after the fieldwork until a complete final report is compiled.

## **Literature and Analysis**

The following are the factors that influence the application of the restorative justice model in the context of electoral justice:

### **1. The Relationship between Restorative Justice and Electoral Justice**

Restorative justice and electoral justice have different definitions and goals, although they can complement each other in the context of conflict resolution. Restorative justice aims to restore relationships and reconcile the parties involved in the violation, emphasizing the importance of dialog, healing, and reconciliation. This approach focuses on the need for victims to be heard and to receive reparation and encourages perpetrators to take responsibility for their actions and commit to improving themselves. On the other hand, electoral justice focuses on resolving problems related to elections, such as fraud, vote rigging, or unfairness in the electoral process. In this context, the restorative justice model can be applied to address violations that occur in the electoral process in a more constructive manner.

By prioritizing the restoration of public trust in the electoral system, restorative justice seeks to uphold justice in an inclusive manner, where all parties involved, both victims and perpetrators, have the opportunity to participate in the resolution process. This approach not only helps address the violations that have occurred but also contributes to strengthening the integrity and legitimacy of the electoral system. Thus, the application of restorative justice in the context of electoral justice can create a more just and transparent environment and increase public trust in the democratic process as a whole.

### **2. Community and Stakeholder Participation**

The success of the restorative justice model in the electoral context is highly dependent on the active involvement of various parties involved in the election process, including legislative candidates, political parties, election organizers, and the general public.

### **3. Openness and Transparency of the Election Process**

Transparency can be achieved through various means, such as involving independent observers, providing adequate access to information to the public, and using technology that allows real-time monitoring of the election process. In this way, all parties involved, including voters, legislative candidates, and political parties, can see and understand how decisions are made and results are determined. This openness not only helps prevent fraud but also provides space for constructive dialog and discussion in the event of disputes.

### **4. Access to Justice and Resources**

Implementing a restorative justice model in the context of electoral conflict resolution requires adequate resources, including training for facilitators, mediators, and institutions involved in the process. Trained facilitators and mediators play a critical role in managing the dialog between the parties involved, ensuring that the process is fair, transparent, and inclusive. Without proper training, they may not have the skills necessary to handle the complex dynamics of electoral conflict, which can lead to dissatisfaction and failure to reach constructive agreements.

### **5. Commitment of Government and Dispute Resolution Institutions**

The success of implementing restorative justice in resolving electoral disputes depends heavily on the commitment and support of the government and related institutions, such as the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu). This support is essential to ensure that the restorative approach is recognized as an alternative or complement in resolving electoral disputes. The government and these institutions need to provide a clear legal framework and mechanisms that enable the effective implementation of restorative justice. This includes training facilitators and mediators, as well as providing the necessary resources to support the restorative process.

### **6. Cultural Readiness to Adopt a Restorative Approach**

The success of the restorative justice model in handling electoral crimes is strongly influenced by the culture of the community related to conflict resolution. In a society that tends to prioritize revenge or punishment as a form of resolution, the implementation of restorative justice faces significant challenges. This attitude can hinder the acceptance of a more humane and rehabilitative approach, where the focus is on restoring relationships and dialog between the parties involved. Conversely, if the community has a culture that is more accepting of a dialog-based and recovery-based conflict resolution approach, then restorative justice will be more easily accepted and implemented. In this context, it is important to conduct socialization and education about the benefits of restorative justice so that the community can understand the values contained in this approach.

### **7. Technology Readiness and Supporting Infrastructure**

Advances in information technology play a significant role in facilitating restorative justice processes in resolving electoral disputes. The use of online platforms for mediation, for example, allows parties involved in an election dispute to communicate and dialog efficiently without having to meet physically. This not only facilitates community participation but also reduces geographical and time barriers, which often become obstacles in the conflict resolution process. In addition, technology can be used to increase election transparency through real-time monitoring, where the public can access information related to the election process, vote counting, and election results directly.

### **8. Social and Economic Justice**

The restorative approach encourages dialog and active participation from all parties, including those who do not usually have a platform to express their views. By involving marginalized groups in the conflict resolution process, restorative justice not only helps to restore damaged relationships but also contributes to the strengthening of a more inclusive democracy. In addition, this model can help identify and address issues underlying inequality, such as systemic discrimination or unequal access to education and information.

## **Results and Discussion**

### **Effectiveness of Using Restorative Justice in Handling Election Crimes**

Restorative justice can be used in election crimes; although it is not regulated rigidly, the restorative justice approach is open to all courts, including election courts. Law enforcement officers can prioritize the restorative justice approach in enforcing election law. This opportunity is very open, especially for cases that have been corrected for the consequences caused by an action. Restorative justice is the resolution of criminal acts fairly by involving perpetrators, victims, their respective families, and stakeholders through peace by emphasizing restoration to the original state (Budiono et al., 2023). The legal basis is Article 310 of the Criminal Code, Article 205 of the Criminal Procedure Code, and Perma Number 2 of 2012. Several types of election crimes in Articles 488--554 of the Election Law:

- Make actions/decisions that benefit/harm one of the candidate pairs;
- Carrying out insults, slander, and incitement or black campaigns;
- Damaging campaign props;
- Committing forgery;
- Giving money, promises, or other materials (money politics);
- Voting more than once;
- Off schedule campaign;
- Involving State Civil Servants and village heads/subdistrict heads in the campaign;
- Disrupt, obstruct, or disrupt the campaign;
- Asking someone who is not entitled to vote to cast a vote;
- Intentionally voting, even though one is not entitled to vote;
- Thwarting the vote;
- Abusing authority/position;
- Causing others to lose their right to vote;
- Removing a person's right to be a candidate;
- Violating campaign finance rules;
- Preventing election organizers from carrying out their duties;
- Registering a candidate pair that does not comply with the political party (parpol) decree;
- The use of violence/the threat of violence in a campaign;
- Changing, damaging and/or eliminating the results of voting and vote counting;
- Transfer of officials 6 months before the election; and
- Campaign by means of a parade.

Threat of punishment for criminal violations:

- The maximum prison sentence of 6 months and a maximum fine of IDR 6 million are regulated in Article 489 and Article 495 paragraph (2).
- Maximum imprisonment of 1 year and a maximum fine of IDR 12 million (Article 488, Article 490--494, Article 495 paragraph (1), Article 496, and Article 498--509).
- Maximum imprisonment of 18 months and a maximum fine of IDR 18 million (Article 516, Article 524, Article 533, Article 537, and Article 540 paragraph (1) and paragraph (2)).
- Maximum imprisonment of 2 years and a maximum fine of IDR 24 million (Article 497, Article 510, Article 513--514, Article 521--522, Article 523 paragraph (1), Article 524 paragraph (1), Article 531, Article 538--539, Article 541, Article 543, and Article 549--551).
- Maximum imprisonment of 3 years and a maximum fine of IDR 36 million (Articles 511--512, Article 515, Articles 518--519, Article 523 paragraph (3), Article 527, Articles 534--536, and Articles 545--548).
- Maximum imprisonment of 4 years and a maximum fine of IDR 48 million (Article 523 paragraph (2) and Article 532).
- The maximum imprisonment is 5 years, and the maximum fine IDR is 60 million (Article 517 and Article 542).
- Maximum imprisonment of 6 years and a maximum fine of IDR 72 million (Article 520 and Article 544).
- Maximum imprisonment of 2 years and a maximum fine of IDR 500 million (Article 525 paragraph (1) and paragraph (2) and Article 526 paragraph (1) and paragraph (2)).

Law enforcement is an effort to realize the ideas and legal concepts that people expect to become reality. Concrete law enforcement is the implementation of positive law in practice, as it should be obeyed, providing justice in a case means deciding the law in concrete order to maintain and guarantee the obedience of material law by using procedural methods determined by formal law (Iriani et al., 2022).

In essence, law enforcement embodies values or principles that contain justice and truth. Law enforcement is not only the task of conventionally known law enforcers but also the task of everyone. In essence, law enforcement embodies values or principles that contain justice and truth. Law enforcement is not only the task of conventionally known law enforcers but also the task of everyone.

The measure of the success of a democratic country is its success in organizing elections and enforcing the law. Law enforcement in the field of elections has changed in every election, be it legislative elections, presidential elections or regional elections. Law number 7 of 2017 states that there are 4 institutions involved in handling criminal election cases, namely:

- a. Election supervisory body.
- b. Prosecutor's Office.
- c. Police
- d. Court.

The parties, often referred to as stakeholders, are parties that are directly or indirectly related to the crime that occurred. The main stakeholders are the perpetrator, the victim, and the community where the incident occurred (Ibrahim, 2007).

To enforce election violations, Bawaslu, the police and the prosecutor's office formed an integrated law enforcement center (Sentra Gakkumdu) (Perbawa, 2019). The Gakkumdu Center discussion is carried out for a maximum of 14 (fourteen) days. Furthermore, investigators conduct investigations for a maximum of 14 days since the report of alleged election crimes is forwarded from the election supervisor. Then, the public prosecutor submits the case files to the district court no later than 5 (five) days since the files are received from the investigator.

Furthermore, the district court conducts an examination in the trial, with a limited system of 7 (seven) days since the case was received, and the panel must read its decision. The time limit for handling election crimes is intended solely to provide legal certainty at the election implementation stage. In addition, the large number of institutions related to the resolution of election crimes can certainly result in their own legal complexity because it is not uncommon for differences of opinion to arise between the parties involved in the Gakkumdu Center. In addition, Law Number 7 of 2017 is formulated in one chapter entitled provisions on election crimes, in which there is no distinction between violations and crimes. Qualifications must be made of the form of offense and the sanctions threatened, as well as the conditions of the perpetrator, victim, and community in the environment where the election crime occurred.

From a community perspective, evaluation is essential for assessing whether restorative justice contributes to reducing crime and increasing a sense of safety in the community. By involving the community in the evaluation process, we can build trust and support the restorative approach. Therefore, comprehensive and ongoing evaluation not only helps improve the restorative justice process itself but also contributes to the development of better policies and more effective practices in law enforcement. Thus, systematic evaluation ensures that restorative justice can provide maximum benefits to all parties involved and the community as a whole.

The factors that influence the effectiveness of restorative justice are problems in handling election crimes. Problems from the cultural or cultural side of society in handling election crimes, especially due to the lack of public understanding of various information in enforcing election crimes, cause reports to often not meet formal and material requirements. In addition, people who become reporters or witnesses sometimes find it difficult to ask for information to clarify the handling of election crimes. This is usually because there are threats or intimidation from the reported party or other parties.

Regardless of all the existing problems, legal instruments and procedures for enforcing election crimes must be present in the implementation of elections. This is intended to protect election participants, organizing institutions, and citizens as voters. In addition to being a form of legal protection, the existence of instruments and procedures for enforcing election crimes is also intended to uphold legal order (Fahmi, 2015). The losses experienced by participants can include the following:

- a. Failure to obtain a seat is due to cheating by other participants, either directly or indirectly.

b. The losses experienced by the organizers can be in the form of failure to fulfill the implementation process, the integrity of the organizers, or even the implementation of the election, which is the responsibility of the organizers.

c. Losses to voters can occur through the process of converting votes into seats that do not correspond to the wishes of the voters when they cast their votes.

Furthermore, the effectiveness of the use of restorative justice in handling election crimes is influenced by several factors. Among them are:

### **1. Availability of Law-Enforcement Institution Support**

Restorative justice requires close coordination between the police, prosecutors, and judiciary to implement an approach that focuses on restoration rather than punishment. The role of the police in this model is crucial because they are the front line of law enforcement and are responsible for identifying and addressing violations in a way that supports the recovery of victims and perpetrators. On the other hand, the prosecutors also have an important function in the restorative justice process, where they can facilitate dialog between the parties involved and ensure that justice can be achieved without having to rely on harsh criminal sanctions.

### **2. Capacity and Understanding of Legal Officers**

The effectiveness of restorative justice is strongly influenced by officers' understanding of the concept, as early understanding of the basic principles of restorative justice is key to successful implementation. Law enforcement officers, as the primary implementers, need to have thorough knowledge of how this approach differs from the traditional justice system, where the focus is on punishment rather than restoration. Adequate training provides law enforcement officers with the tools and techniques needed to implement restorative justice effectively, including the ability to communicate with victims and perpetrators and facilitate constructive dialog. Successful cases in various regions show that when officers are well trained, they are able to create an environment that supports conflict resolution and reduces recidivism rates.

### **3. Victim and Perpetrator Satisfaction**

The role of victims is very important in this process because they are given the opportunity to convey their experiences and feelings, which can help in the healing process. Perpetrators and victims are given an understanding that elections are activities that will continue to take place every five years in Indonesia so that they will always be dynamic in their political behavior.

### **4. Social and Cultural Barriers**

In this modern era, the challenges in implementing restorative justice among Indonesian society are becoming stronger, especially due to the tendency of some people who still prioritize the retributive punishment approach over the recovery process. The retributive legal approach is often considered more effective in providing direct consequences for violators but can have a profound negative impact on society, such as increasing dissatisfaction and distrust of the legal system. The public perception of restorative justice is often influenced by a lack of understanding of its benefits, such as its ability to improve interpersonal relationships and reduce recidivism rates. On the other hand, the advantage of the restorative process lies in its ability to provide an opportunity for offenders and victims to communicate and understand each other, although this process is also faced with weaknesses, such as the potential for injustice if one party feels pressured to forgive.

Restorative justice is an approach in the justice system that emphasizes the importance of direct communication between the perpetrator and the victim with the aim of reaching a mutual agreement. In this context, restorative justice functions as an alternative to resolving conflicts outside the courts through a mediation process involving various parties, including the perpetrator's family, the victim's family, and the local community. Open and constructive communication between the two parties allows them to mutually understand the impact of the actions taken, which in turn can accelerate the healing process for both the victim and the perpetrator. The involvement of the family and community in mediation not only strengthens social support but can also identify solutions that are more sustainable and in line with community values. The benefits of restorative justice, including reducing the rate of recidivism for perpetrators and increasing victim satisfaction with the resolution achieved, have been proven significant. Various countries have implemented these principles in their justice processes, demonstrating that restorative justice is not only an ideal but also an effective practice for rebuilding social relationships and addressing the impact of crime more holistically.

Repair of the harm suffered by victims, both emotional and material, is an important aspect in the context of social justice. Emotional harm often includes trauma, loss of safety, and long-lasting psychological impacts after a harmful event. Therefore, it is important for perpetrators to acknowledge their responsibility and commit to providing adequate compensation. This compensation can take the form of not only material payments but also emotional support that helps the victim's healing process. Furthermore, negotiations between the perpetrator and the victim need to be carried out to reach an agreement on a form of compensation that is considered fair and adequate by both parties. This healing process, if managed properly, has a significant positive effect on the well-being of victims, allowing them to return to living their lives better and improving their overall quality of life. Thus, reparation carried out appropriately and responsibly not only returns the situation to the point before the harm occurred but also creates new opportunities for growth and reconciliation.

This social reconstruction model has the important goal of reducing the stigma that is usually attached to criminals by facilitating their reintegration process into society after they have fulfilled their obligations to the victim. This reintegration is not only about returning the perpetrators to their social environment but also involves a systematic approach that prioritizes fulfilling their responsibilities to the victim as the first step in creating peace. By ensuring that the perpetrators fulfill their obligations, it is hoped that this process can prevent future criminal acts from happening and encourage the perpetrators to contribute positively to society. Therefore, it is important to understand that social harmony can be achieved when the perpetrators are given a second chance supported by the community and are motivated to maintain good behavior. On the other hand, the success of this reintegration also has a positive effect on victims, who feel that justice has been upheld, thus creating a safer environment and supporting the recovery of both parties. Thus, this model plays an important role in rebuilding trust and harmony in society, leading to reduced stigma and improved quality of life for all individuals involved.

The principle of active involvement in the mediation and conflict resolution process plays a fundamental role in creating humane justice for all parties involved. In this context, the perpetrator is not only considered the source of the problem but also an individual who actively contributes to the dialog and decision-making. The involvement of the perpetrator in this process allows them to understand the impact of their actions and to repair disturbed social relationships. On the other hand, the victim has a clear interest in reaching a fair agreement because such an agreement not only acknowledges their suffering but also provides an opportunity for better recovery. The role of the family in addition to the victim is also very important because they often act as mediators who help in the mediation process, creating a constructive dialog between the perpetrator and the victim. Furthermore, community involvement in this process facilitates the creation of a sense of collective justice, where the community feels responsible and plays a role in creating a safer and more harmonious environment. By prioritizing the concept of humane justice, the agreement reached is not only oriented toward a quick resolution of the problem but also seeks to create better and more sustainable relationships between all parties, thus producing mutually beneficial solutions and increasing social trust in society.

One of the approaches in restorative justice carried out on election crimes in Indonesia is the maximalist model. The maximalist model in restorative justice is a more comprehensive approach and involves many parties to achieve a just settlement of criminal acts. In this model, the focus is not only on the perpetrators and victims but also on the community, family, and legal institutions to create a broader positive impact. Some characteristics of the maximalist model are as follows:

In the context of social conflict, it is important to understand that restoring relationships involves not only perpetrators and victims but also community leaders, families of both parties, and community representatives. Community leaders act as facilitators of conflict resolution by providing objective insights and perspectives so that both parties can better understand each other's perspectives. Families also play a crucial role, as they can provide emotional support and encourage constructive dialog between perpetrators and victims. In addition, community representatives often play a mediating role, aiming to ease tensions and facilitate the reconciliation process. The ultimate goal of all these efforts is to restore disrupted social relationships and foster understanding and harmony within the community. Thus, these collaborative steps not only contribute to conflict resolution but also strengthen existing social ties and create a more harmonious environment for all parties involved.

A holistic approach to crime management focuses not only on victim recovery but also on the importance of preventive measures to prevent the recurrence of crime. The significance of victim recovery is enormous, as this process helps them recover emotionally and psychologically, as well as providing support in reintegrating into society. In this context, the role of the community is crucial; through preventive education programs, community members can be taught how to recognize signs of

potential crime and how to participate in prevention efforts. Surveillance strategies, such as community patrols and the use of technology, are also effective in creating safer environments. Collaboration between social institutions and law enforcement leads to synergies that can strengthen preventive efforts, as in the case of successful programs in various regions that show a decrease in crime rates. However, challenges in implementing preventive measures remain, including a lack of public awareness and limited resources. Therefore, synergy is needed between related parties to ensure The maximalist model in the context of recovery is known to require a longer and more sustained period of time to achieve effective integration for all parties involved. This approach not only focuses on the individual in need of rehabilitation but also considers the broader impact on the family, community, and society as a whole. A lack of adequate time in the recovery process can result in ineffective outcomes and make social reintegration difficult. Therefore, close supervision is essential to ensure that the recovered individual receives the necessary support to reintegrate into society.

This support includes a variety of resources, such as counseling, skills training, and community support programs designed to strengthen social networks. These strategies not only serve to restore the individual but also to prepare them for the challenges that may arise during the reintegration process. Ultimately, the success of reintegration depends largely on the combination of appropriate support, supervision, and sufficient time for recovery, resulting in a sustainable positive impact for the individual and the community.

The maximalist model is based on the concept of restorative justice formulated by Lode Walgrave: "all activities are oriented to realize justice by restoring harm brought by a crime." (Crafword & Goodey, 2020) The term "all activities" in this sense is expanded to mean all efforts that can be made to restore justice. Thus, all efforts can be made, including efforts that can be forced without looking at whether the perpetrator agrees or disagrees with a decision regarding him.

The implementation of the maximalist model can be applied in the form of a judge's decision that forces the accused/defendant to make improvements/recoveries to the victim and other parties affected by their actions. Interestingly, at a time when the maximalist stream was still a development of discourse among supporters of restorative justice, the election organizer honorary council (DKPP) was able to carry out restorative justice within a maximalist framework. The DKPP was formed on the basis of Law Number 15 of 2011 concerning election organizers, and its authority is regulated in Chapter V, Articles 109--115. The DKPP is an institution tasked with handling violations of the election organizer's code of ethics.

The election organizer itself is an institution that organizes elections consisting of the general election commission and the election supervisory body as a single function of organizing elections to elect members of the People's Representative Council, Regional Representative Council, Regional People's Representative Council, President and Vice President, Governor, Mayor, and Regent democratically.

Therefore, the DKPP plays an important role in ensuring the independence, integrity and credibility of the implementation of general elections, ensuring that the ethics of election organizations are maintained to produce quality general elections. To realize and uphold the honor of the election organizers, the DKPP is given the authority stated in Article 112 of Law Number 15 of 2011 to impose sanctions in the form of written warnings; temporary suspension; or permanent suspension of election organizers who violate the Election Organizer Code of Ethics. In practice, the DKPP imposes sanctions according to the level of the error.

In the framework of restorative justice, all of the sanctions above can be attached as a form of recovery for victims (complainants) from the policies or behavior of election organizations that violate the code of ethics. The needs of complainants (victims' needs) vary widely, from light to heavy demands for permanent dismissal. Sometimes, the complainant only asks to be heard by the respondent so that they can complain and vent all their frustrations that have not been accommodated in a forum. The values of restorative justice can essentially be applied at every level of sanction as long as they are still within the criteria of restorative justice, which is intended to restore the situation. The DKPP, for example, can impose a temporary dismissal sanction on the condition that, as much as possible, the election organizer who is given the sanction makes improvements, recovery for the consequences that have been caused. This can be done considering the nature of the dismissal sanction Article 8 paragraph 5 of Law 15 of 2011.

While conditional. The condition relates to the recovery that must be carried out, both for the victim (complainant), the election organizing institution, and even for himself to be able to correct the mistakes

he has made related to unethical conduct. Therefore, in the temporary suspension sanction, the respondent is given the opportunity to 'return to the right path' by restoring justice to the parties who have been harmed. The order or obligation to correct the situation is stated in the decision without considering the respondent's consent.

This model is actually a maximalist model in restorative justice, something that is still being discussed among the initiators and proponents of the maximalist restorative justice model. In the end, the DKPP can impose a permanent dismissal sanction on the election organizer as a form of restoring the honor of the election organizing institution, restoring public trust. This is indeed outside the understanding of restorative justice in general because it eliminates the role of the 'perpetrator' in restoring the situation. However, this step is taken when the respondent's mistake is very fatal in violating the code of ethics and is considered unable to restore the situation so that the recovery efforts that should have been carried out by the respondent are taken over. No fewer than 336 election organizations (as of November 10, 2015) were permanently dismissed from their positions as a way to restore the honor of the election organizing institution.

The model of using restorative justice as a way of handling electorally just crimes in line with the principles of electoral justice is an innovative approach that aims to create a justice system that is fairer and more responsive to the needs of all parties involved. Restorative justice focuses on restoring relationships between perpetrators, victims, and the community and emphasizes the importance of dialog and reconciliation. In the context of crimes related to the general election process, this approach can help address various problems that arise, such as election fraud, intimidation, and voting rights violations, in a more constructive and inclusive manner.

One important aspect of this model is the recognition that crimes committed in the context of elections not only harm individuals but also undermine public confidence in the democratic system. Therefore, restorative justice offers a more humane alternative to the traditional punitive approach. In this process, perpetrators are expected to admit their mistakes, show remorse, and commit to improving themselves. Meanwhile, victims are given the opportunity to convey the impact of the perpetrator's actions so that they feel heard and respected. This process not only helps in the recovery of individuals but also contributes to the restoration of public confidence in the electoral system.

The implementation of the restorative justice model in handling electoral crimes requires support from various parties, including law enforcement agencies, election organizers, and civil society. Training law enforcement officers and restorative justice facilitators is essential to ensure that they have the skills and knowledge needed to manage this process properly. In addition, there needs to be an effective monitoring and evaluation mechanism to assess the success of the restorative process and ensure that the agreement reached between the perpetrator and victim is implemented properly.

In the context of electoral justice, this model can also help reduce the stigma that often attaches to perpetrators of electoral crimes. By providing opportunities for perpetrators to participate in the recovery process, they can learn from their mistakes and contribute positively to society. This is important for creating a supportive environment for individuals who want to improve themselves and participate again in the democratic process.

## **The Relationship between Restorative Justice and Electoral Justice**

Restorative justice and electoral justice have different definitions and goals, although they can complement each other in the context of conflict resolution. Restorative justice aims to restore relationships and reconcile the parties involved in the violation, emphasizing the importance of dialog, healing, and reconciliation. This approach focuses on the need for victims to be heard and to receive reparation and encourages perpetrators to take responsibility for their actions and commit to improving themselves. On the other hand, electoral justice focuses on resolving problems related to elections, such as fraud, vote rigging, or unfairness in the electoral process. In this context, the restorative justice model can be applied to address violations that occur in the electoral process in a more constructive manner.

By prioritizing the restoration of public trust in the electoral system, restorative justice seeks to uphold justice in an inclusive manner, where all parties involved, both victims and perpetrators, have the opportunity to participate in the resolution process. This approach not only helps address the violations that have occurred but also contributes to strengthening the integrity and legitimacy of the electoral system. Thus, the application of restorative justice in the context of electoral justice can create a more just and transparent environment and increase public trust in the democratic process as a whole

The success of the restorative justice model in the electoral context is highly dependent on the active involvement of various parties involved in the election process, including legislative candidates, political parties, election organizers, and the general public. Transparency can be achieved through various means, such as involving independent observers, providing adequate access to information to the public, and using technology that allows real-time monitoring of the election process. In this way, all parties involved, including voters, legislative candidates, and political parties, can see and understand how decisions are made and results are determined. This openness not only helps prevent fraud but also provides space for constructive dialog and discussion in the event of disputes.

Implementing a restorative justice model in the context of electoral conflict resolution requires adequate resources, including training for facilitators, mediators, and institutions involved in the process. Trained facilitators and mediators play a critical role in managing the dialog between the parties involved, ensuring that the process is fair, transparent, and inclusive. Without proper training, they may not have the skills necessary to handle the complex dynamics of electoral conflict, which can lead to dissatisfaction and failure to reach constructive agreements.

The success of implementing restorative justice in resolving electoral disputes depends heavily on the commitment and support of the government and related institutions, such as the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu). This support is essential to ensure that the restorative approach is recognized as an alternative or complement in resolving electoral disputes. The government and these institutions need to provide a clear legal framework and mechanisms that enable the effective implementation of restorative justice. This includes training facilitators and mediators, as well as providing the necessary resources to support the restorative process.

The success of the restorative justice model in handling electoral crimes is strongly influenced by the culture of the community related to conflict resolution. In a society that tends to prioritize revenge or punishment as a form of resolution, the implementation of restorative justice faces significant challenges. This attitude can hinder the acceptance of a more humane and rehabilitative approach, where the focus is on restoring relationships and dialog between the parties involved. Conversely, if the community has a culture that is more accepting of a dialog-based and recovery-based conflict resolution approach, then restorative justice will be more easily accepted and implemented. In this context, it is important to conduct socialization and education about the benefits of restorative justice so that the community can understand the values contained in this approach.

Advances in information technology play a significant role in facilitating restorative justice processes in resolving electoral disputes. The use of online platforms for mediation, for example, allows parties involved in an election dispute to communicate and dialog efficiently without having to meet physically. This not only facilitates community participation but also reduces geographical and time barriers, which often become obstacles in the conflict resolution process. In addition, technology can be used to increase election transparency through real-time monitoring, where the public can access information related to the election process, vote counting, and election results directly.

The restorative approach encourages dialog and active participation from all parties, including those who do not usually have a platform to express their views. By involving marginalized groups in the conflict resolution process, restorative justice not only helps to restore damaged relationships but also contributes to the strengthening of a more inclusive democracy. In addition, this model can help identify and address issues underlying inequality, such as systemic discrimination or unequal access to education and information.

By providing an opportunity for all parties to participate in the dialog, restorative justice creates an environment where all voices are valued and decisions are made with broader interests in mind. This is important for building public trust in the electoral system and encouraging more active participation. When people feel that their voices are valued and recognized, they are more likely to engage in the democratic process and contribute to social stability. Therefore, the application of the restorative justice model in the context of elections serves not only to resolve conflicts but also as a tool to address social and economic inequalities, creating an electoral system.

## **Conclusion**

The effectiveness of the use of restorative justice in handling election crimes lies in its ability to restore the relationships among the perpetrator, the victim, and the community. With a more humane and dialogical approach, restorative justice not only resolves conflicts but also raises public awareness

of the importance of integrity in the democratic process, creating a more just and harmonious environment.

The effectiveness of restorative justice is influenced by a number of factors, including community understanding and awareness of the principles of restorative justice, support from the government and relevant institutions, and training for mediators and facilitators. In addition, the culture of conflict resolution in the community also plays an important role; communities that are more open to dialog and reconciliation tend to be more receptive to this approach. The availability of resources, such as access to information and adequate facilities, is also a key factor. By addressing these challenges and increasing collaboration between all parties, restorative justice can be implemented effectively, providing constructive solutions to conflicts and violations of the law.

The model of using restorative justice as a form of handling electorally just crimes is in line with the principles of electoral justice, which emphasize transparency, accountability, and community participation. By prioritizing dialog between perpetrators, victims, and the community, restorative justice not only resolves conflicts but also strengthens public trust in the electoral system. This approach allows for the restoration of relationships and creates a collective awareness of the importance of integrity in the democratic process. Thus, restorative justice can be an effective tool for achieving more inclusive and sustainable electoral justice, supporting the creation of a more stable and harmonious political environment.

## **Acknowledgment**

The authors would like to thank Universitas Muhammadiyah Surakarta and Universitas Muhammadiyah Kupang.

## **REFERENCES**

- [1] Absori, Yulianingrum, A. V., Dimyati, K., Harun, H., Budiono, A., & Disemadi, H. S. (2019). Environmental Health-Based Post-Coal Mine Policy in East Borneo. *Scientific Foundation SPIROSKI, Skopje, Republic of Macedonia Open Access Macedonian Journal of Medical Sciences*, 9(E). <https://doi.org/10.3889/oamjms.2021.6431>
- [2] Ali, Z. (2016). *Metode Penelitian Hukum*. Sinar Grafika.
- [3] Asikin, A. & Z. (2017). *Pengantar Metode Penelitian Hukum*. Jakarta: Rajawali Pers.
- [4] Bachtiar. (2021). *Mendesain Penelitian Hukum*. Deepublish.
- [5] Bangsawan, M. I., & Budiono, A. (2021). Welfare-Based Natural Resource Policy in the Land Sector: Maqasid Asy-Syari'ah Perspective. *Review of International Geographical Education Online*, 11(3), 453–459.
- [6] Budiono, A., Absori, Wardiono, K., Yuspin, W., & Gulyamov, S. S. (2023). Cyber Indoctrination Victims in Indonesia and Uzbekistan: Victim Protection and Indoctrination in Practice. *Journal of Human Rights, Culture and Legal System*, 3(3), 441–475. <https://doi.org/10.53955/jhcls.v3i3.127>
- [7] Chusniatun, C. (2020). Legal protection for child criminals at the juvenile detention center: Study of psychiatric health. *Journal of Global Pharma Technology*, 12(8), 91–95.
- [8] Crafword, A., & Goodey, J. (2020). *Integrating a Voctim Perspective within Criminal Justice*. Internasional Debate Ashgate Publishing.
- [9] Din, M., Rizanizarli, R., & Jalil, A. (2020). Model Penegakan Hukum Tindak Pidana Pemilu di Provinsi Aceh yang Berkeadilan. *Jurnal Penelitian Hukum De Jure*, 20(3), 289. <https://doi.org/10.30641/dejure.2020.v20.289-300>
- [10] Fahmi, K. (2015). System for The Crime of Election. *Jurnal Konstitusi*, 12(2), 264–283.
- [11] Firdaus, S. U. T., & Anam, S. (2020). Peran Badan Pengawas Pemilihan Umum Kabupaten Pamekasan Dalam Menangani Pelanggaran Pemilu 2019. *Reformasi*, 10(2), 164–177. <https://doi.org/10.33366/rfr.v10i2.1915>
- [12] Haq, H. S., Achmadi, A., Budiono, A., & Hangabei, S. M. (2021). Management of National Judicial System Control Based on Local Laws: A Case Study at the Mediation Center in Lombok, Indonesia. *Lex Localis: Journal of Local Self Government*, 19(3), 485–501.
- [13] Ibrahim, J. (2007). *Teori dan Metodologi Penelitian Hukum Normatif*. Bayumedia Publishing.
- [14] Iksan, M., Surbakti, N., Kurnianingsih, M., Budiono, A., Fatih, S. al, & Ramon, T. M. (2023). Fulfilling the Restitution Rights of Crime Victims: The Legal Practice in Indonesia. *Academic Journal of Interdisciplinary Studies*, 12(4), 152–160. <https://doi.org/10.36941/ajis-2023-0101>
- [15] Iriani, D., Mahfiana, L., & Ningrum, E. (2022). Political Power and Politic Ethical Integrity of Election Organizers: A Study of the Development of the Philosophy of Science. *Journal of Transcendental Law*, 4(1), 56--70. <https://doi.org/10.23917/jtl.v4i1.18888>
- [16] Kartabrata, A. (2020). Optimalisasi Kewenangan Badan Pengawas Pemilu (Bawaslu) \ Dalam

- Penegakan Pelanggaran Administrasi Secara Terstruktur, Sistematis Dan Massif Dalam Pemilihan Kepala Daerah (Pilkada). *Jurnal Keadilan Pemilu*, 4(5), 1–17.
- [17] Nurhasim, M. (2018). Koalisi Nano-Nano Pilkada Serentak 2018. *Jurnal Penelitian Politik*, 15(2), 129. <https://doi.org/10.14203/jpp.v15i2.760>
- [18] Perbawa, S. L. P. (2019). Penegakan Hukum Dalam Pemilihan Umum. *Jurnal Ilmiah Dinamika Sosial*, 3(1), 80. <https://doi.org/10.38043/jids.v3i1.1765>
- [19] Rifa'i, I. J., Purwoto, A., Ramadhani, M., & Muksalmina. (2023). *Metodologi Penelitian Hukum*. Banten: PT Sada Kurnia Pustaka.
- [20] Rusdiana, E., & Hikmah, N. (2020). Implementasi Gerakan Anti Korupsi Sebagai Upaya Pencegahan Korupsi Pada Lembaga Anti Korupsi Di Propinsi Jawa Timur. *Perspektif Hukum*, 20(1), 20. <https://doi.org/10.30649/phj.v20i1.237>
- [21] Santoso, T. (2006). *Tindak Pidana Pemilu*. Jakarta: Sinar Grafika.
- [22] Suwardi, S. (2023). Kajian Berpolitik Berdemokrasi Dalam Meminimalisir Konflik Dalam Pilkada Di Jawa Timur. *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum*, 2(4), 442–452. <https://doi.org/10.55681/seikat.v2i4.805>
- [23] Wardiono, K. (2019). Prophetic: An Epistemological Offer for Legal Studies. *Journal of Transcendental Law*, 1(1), 17–41. <https://doi.org/10.23917/jtl.v1i1.8797>
- [24] Yuspin, W., Fauziyyah, A. N., & Budiono, A. (2023). The Impact of Deforestation on Sustainable Development Goals Regulations: An Empirical Studies on Tawangmangu. *International Journal of Sustainable Development and Planning*, 18(7). <https://doi.org/10.18280/ijstdp.180715>