

Integration of Juridical and Sociological Approaches in Election Criminal Law Enforcement in Indonesia: Comparison Conseil Constitutionnel France

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Abstract

Introduction: This study analyzes the comparison of election criminal law enforcement in Indonesia with the system implemented by the Conseil Constitutionnel in France.

Purposes of the Research: Analyze and compare the electoral criminal law enforcement systems in Indonesia and France, highlighting similarities and differences in dispute resolution mechanisms. In addition, this research also focuses on revealing the strengths and weaknesses of each system through juridical and sociological approaches. In this way, it is hoped that insights and recommendations will be born that can strengthen the electoral legal system in Indonesia, especially in the aspects of coordination, transparency, and effectiveness of dispute resolution.

Methods of the Research: Descriptive research with literature study and comparative analysis. The results of the study show that Indonesia's electoral system faces problems of coordination between institutions, such as Election Supervisory Board, Electoral Commission, and the courts, which leads to ineffectiveness and transparency in dispute resolution. In contrast, the Conseil Constitutionnel in France has a centralized authority that allows for faster and more efficient settlement of electoral disputes.

Results of the Research: The need for reform in the Indonesian electoral legal system, including the establishment of an independent institution that has full authority to handle election disputes. In conclusion, to increase efficiency and transparency, Indonesia needs to adopt a more centralized system and strengthen coordination between relevant institutions, by integrating juridical and sociological approaches in the enforcement of election criminal laws.

Keywords: Conseil Constitutionnel; Election Crime; Integration Approach; Sociological.

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INTRODUCTION

The issue of criminal law enforcement in elections in Indonesia has become very strategic and important¹. Elections are the main means of democracy in determining the direction of political policy by the people². However, the rise of abuses such as vote manipulation, money politics, and other forms of fraud has weakened public trust in the electoral system³. In recent years, this trend has become increasingly alarming. Based on available

¹ I Putu E, "Authority Between Bawaslu and Law Enforcement Officials in Handling," *Journal of Law* 13, no. 2 (2024): 261-84.

² Athiyyatul Mufidah and Abdullah Syarofi, "The Relationship Between Political Party Democracy in General Elections in Indonesia," *The Republic : Journal Of Constitutional Law* 2, no. 1 (2024): 35-51, <https://doi.org/10.55352/htn.v2i1.868>.

³ Besse Desinta et al., "The Young Generation of Anti-Money Politics: Anti-Corruption and Clean Democracy Heroes," *Peshum : Journal of Education, Social and Humanities* 4, no. 2 (2025): 2692-98.

information, violations in the 2024 election are expected to increase, although official data from the Election Supervisory Agency (Bawaslu) has not been able to confirm a surge of up to 15% compared to the 2019 election. Based on data released by the General Election Supervisory Agency (Bawaslu) at a press conference on February 27, 2024, there are 1,023 alleged violations of the 2024 Election that have been registered. Of these, 482 came from community reports and 541 were direct findings by election supervisors. The results showed that 479 cases were categorized as violations, 324 were not proven to be violations, and 220 were still in the process of being handled. The types of violations identified included 69 administrative violations, 39 alleged election crimes, 248 code of ethics violations, and 125 other violations of the law. In particular, violations related to the campaign stage included 154 reports and 224 findings, with details of 132 cases proven to be violations, 127 unproven, and 111 still in the process of being handled. The types of violations in the campaign stage include five administrative violations, 29 alleged election crimes, 30 violations of the code of ethics, and 66 other violations of the law. The trend of administrative violations that often occur is campaigns outside the campaign period, while violations of the code of ethics are generally related to the non-neutrality of election organizers⁴. In addition, there are also other alleged violations of the law, such as regional heads who violate the provisions of Article 283 paragraphs 1 and 2 of Law Number 7 of 2017, This fact shows that there is a gap between the rule of law and implementation in the field, which requires a more optimal handling approach.

The main issue underlying this discussion is how the law can be optimally enforced in the context of an increasingly complex democracy, especially in today's digital era. As described in Benuf and Azhar's research, the approach in legal studies must be able to explain and solve modern legal problems that often exceed traditional normative boundaries⁵. Therefore, law enforcement that combines juridical and sociological approaches is very important, considering that the social impact of legal inequality in elections can trigger conflicts between groups⁶.

This article tries to answer the problem of lack of integration between the juridical approach and the sociological approach in the implementation of election criminal law in Indonesia. Generally, law enforcement focuses more on formal legal aspects without considering broader social conditions. For example, in the case of election-related gambling, preventive and repressive measures by law enforcement officials often do not yield maximum results, as found in Yusuf's research, which highlights the importance of combining legal approaches with local values in resolving these problems. and draw lessons from the practices implemented by the Conseil Constitutionnel in France⁷. In Indonesia, election law enforcement often faces structural and cultural challenges, such as weak inter-agency coordination, lack of public understanding of election rules, and strong social resistance to criminal sanctions. The juridical approach has so far emphasized legal

⁴ Election Supervisory Board. (2024, February 27). *Registering 1,023 Findings and Reports, Bawaslu Finds 479 Alleged Violations of the 2024 Election*. <https://www.bawaslu.go.id/id/berita/registrasi-1023-temuan-dan-laporan-bawaslu-temukan-479-dugaan-pelanggaran-pemilu-2024>

⁵ Rizki Zakariya, "Optimizing Environmental Criminal Law Enforcement Through Definitive Judges' Decisions," *Journal of Sharia Economic Law* 4, no. 1 (2021): 117, <https://doi.org/10.30595/jhes.v4i1.9897>.

⁶ Dimas Farhan And Danu Pratama, "The Impact Of The Power Of Proof Of Stand-Alone Testimony Against Decisions On Criminal Cases," *Humanorum* xx, no. x (2021).

⁷ Rangga Hotman et al., "The Constitutional Court of the Republic of Indonesia and the Conseil Constitutionnel of the Republic of France: A Comparison," *Journal of National Democracy and Resilience* | 2 (2023): 2023, <https://www.sahistory.org.za/article/history-apartheid-south-africa>.

certainty through formal rules, while the sociological approach encourages an understanding of social dynamics, political culture, and voter behavior. By comparison, the French Constitutional Council not only acts as the guardian of the constitution, but also as the watchdog of the legitimacy of elections, with the authority to decide disputes over the results of the elections quickly and⁸ finally. Practice in France shows that the success of electoral law enforcement depends not only on written norms, but also on institutional legitimacy, levels of public trust, and adaptability to social developments. Thus, the integration of these two approaches in Indonesia is expected to be able to create a more responsive, fair, and effective legal framework.

The specific problem that is to be solved in this paper is the low effectiveness of election criminal law enforcement in Indonesia due to the lack of integration between the juridical (normative) approach and the sociological approach. So far, law enforcement efforts tend to only prioritize formal aspects in the form of criminal sanctions, but fail to capture the social dimension behind violations such as money politics, vote manipulation, and political violence. This gap results in the law not functioning optimally in maintaining electoral justice while weakening public trust in the democratic process.

However, previous studies have some limitations. These studies generally still look at juridical and sociological approaches separately, without offering a concrete framework for integration at the policy level. In addition, most research focuses more on case analysis or public perception without directly linking it to institutional designs that can be adopted to improve electoral surveillance and law enforcement systems. This makes the resulting recommendations tend to be normative or partial without a comprehensive solution. This paper offers a new approach in the form of conceptual integration between juridical and sociological approaches that combine legal certainty with an understanding of socio-political reality. This approach not only emphasizes improvements in regulatory aspects, but also encourages institutional transformation, increasing the legitimacy of election supervisory institutions, and strengthening public participation. Drawing from the practice of the Conseil Constitutionnel in France, this paper offers the idea of strengthening supervisory authority that is responsive to social dynamics while being firm in enforcing the rule of law.

The purpose of this study is to formulate an integrative framework between juridical and sociological approaches in the enforcement of electoral criminal law in Indonesia, so as to be able to increase the effectiveness of the law, strengthen institutional legitimacy, and encourage public participation. This paper is expected to be a strategic reference for policymakers, researchers, and legal practitioners in designing more adaptive and equitable election law enforcement regulations and policies.

METHODS OF THE RESEARCH

This research is a normative-comparative legal research⁹. Normative legal research aims to examine the applicable legal norms¹⁰, while a comparative approach is used to compare

⁸ Fatur Faturuhman et al., "Analysis of the Judicial Power Comparison System Between Indonesia and France" 02, no. 2010 (2024): 26-34.

⁹ Adityo Putro Prakoso Bahrul Fawaid, "Criminal Regulation of Fines in Positive Law from the Perspective of Islamic Law," *Qistie Journal* 17, no. 1 (2024): 89-99.

¹⁰ Sempre Rahmatullah, "Hoax in the Perspective of Indonesian Law," *Justitia Nusantara Media Law Journal* 8, no. 2 (2018): 103-11, <http://ojs.uninus.ac.id/index.php/mjn/article/view/673/457%0ahttp://ojs.uninus.ac.id/index.php/mjn/article/view/673>.

the electoral criminal law system between Indonesia and France. The approach used includes the Statute Approach: Examining the laws and regulations that regulate election crimes in both countries¹¹. Comparative Approach: Comparing the Indonesian and French election criminal law systems to find similarities and differences. The data is analyzed using a qualitative analysis method with the following steps: Data Inventory: Collect and classify data based on specific categories¹². Content Analysis Analyzes the content of laws and regulations and legal documents to understand the substance of the applicable law¹³. Comparison Comparing the criminal law systems of elections in Indonesia and France to find similarities and differences¹⁴. The analysis is carried out through the integration of a juridical approach, to examine applicable legal and regulatory norms, as well as a sociological approach, to understand practices, institutional dynamics, and community responses to the dispute resolution process. With the combination of these two perspectives, the research seeks to identify the strengths and weaknesses of each system, as well as formulate recommendations for improving the Indonesian electoral legal system, especially in terms of coordination, transparency, and effectiveness of dispute resolution. The data sources used in this study consist of Primary Legal Materials of laws and regulations, court decisions, and other official documents related to the enforcement of election criminal laws in Indonesia and France¹⁵. Secondary Legal Materials Legal literature, scientific journals, books, and articles that discuss the enforcement of electoral criminal laws in both countries Tertiary Legal Materials Legal Encyclopedias, legal dictionaries, and other sources that support the understanding of legal terms and concepts used¹⁶. This methodology is expected to provide a comprehensive overview of the comparison of election criminal law enforcement in Indonesia and France, as well as contribute to the development of a more effective and fair electoral criminal law system.

RESULTS AND DISCUSSION

A. The Concept of Elections in Indonesia and the French Constitutional Council Elections in Indonesia

General Elections (Elections) are the main instrument in realizing the principle of people's sovereignty in Indonesia¹⁷. Through elections, the people have the right to determine leaders, their representatives in the legislature, and the direction of state policies directly, publicly, freely, secretly, honestly, and fairly. Elections are not only a process of voting, but also reflect the maturity of democracy, the political participation of the community, and the mechanism of circulation of the elite in a peaceful and constitutional¹⁸ manner. The legal basis for holding elections in Indonesia has been expressly regulated in the constitution and

¹¹ Kholilur Rahman, "The Problem of Regulating Forced Arrests of Perpetrators of Narcotics Crimes," *Ius Quia Iustum Legal Journal* 27, no. 3 (2020): 481–500, <https://doi.org/10.20885/iustum.vol27.iss3.art3>.

¹² Eko Soponyono, "The Policy of Formulating a Victim-Oriented Criminal System," *Legal Issues* 41, no. 1 (2012): 29–41.

¹³ Jumal Ahmad, "Content Analysis Research Design," *Journal of Content Analysis* 5, no. 9 (2018): 1–20, https://www.academia.edu/download/81413125/DesainPenelitianContentAnalysis_revisedJumalAhmad.pdf.

¹⁴ Geofani Milthree Saragih, "Comparison of Indonesian and British Constitutions from Various Aspects," *Reusam Journal of Law* 10, no. 2 (2022): 201–14, <https://ojs.unimal.ac.id/reusam/article/view/10440>.

¹⁵ Faisal Abdaud, "Revealing the Reality of Criminal Responsibility in the Case of a Traffic Accident That Resulted in the Victim's Death," *Journal of Social Management Science and Humanities (JIMSH)* 5, no. 1 (2023): 17–26, <https://doi.org/10.51454/jimsh.v5i1.896>.

¹⁶ Sanskara Hukum et al., "Revocation of Political Rights in Corruption Crimes: Is It Necessary" 3, no. 02 (2024): 57–67, <https://doi.org/10.58812/shh.v3.i02>.

¹⁷ Ismail Ismail and Fakhri Lutfianto Hapsoro, "Juridical Review of Election Crimes in the Perspective of the Principle of People's Sovereignty," *Justitia and Pax* 35, no. 1 (2019), <https://doi.org/10.24002/jep.v35i1.2052>.

¹⁸ Asep Hidayat, "The Benefits of Holding Elections for the Welfare of the Community," *Politicon : Journal of Political Science* 2, no. 1 (2020): 72–85, <https://doi.org/10.15575/politicon.v2i1.7513>.

various laws and regulations¹⁹. Constitutionally, elections are regulated in Article 22E of the 1945 Constitution of the Republic of Indonesia which states that elections are held directly, publicly, freely, secretly, honestly, and fairly every five years to elect members of the House of Representatives, District Representative Council, President and Vice President, and District House of Representatives²⁰. In addition, the implementation of elections is regulated in more detail in Law Number 7 of 2017 concerning General Elections which is the main legal umbrella in regulating all aspects of the implementation of elections, starting from the planning stage, registration, campaigning, voting, to dispute resolution²¹. Not only that, other technical regulations are stipulated through the regulations of the General Election Commission (Next abbreviated PKPU), the Election Supervisory Agency (Next abbreviated Bawaslu), and the Constitutional Court to ensure the implementation of democratic elections²².

The settlement of election crimes in Indonesia has been comprehensively regulated through a number of important regulations, which form a legal framework to maintain the fairness and integrity of elections²³. The legal basis includes Article 22E of the 1945 Constitution, which emphasizes that elections must be held directly, publicly, freely, secretly, honestly, and fairly. The technical arrangements are outlined in Law Number 7 of 2017 concerning General Elections, especially Articles 488–554 which detail the types of violations such as money politics, vote manipulation, and off-schedule campaigns, along with their sanctions²⁴. At the regional election level, Law Number 10 of 2016 regulates similar violations. In addition, the Bawaslu Regulation and the joint regulation of the Gakkumdu Center (a combination of Bawaslu, the Police, and the Prosecutor's Office) are important guidelines for handling reports of violations quickly and in a coordinated manner, while the Criminal Code can also be applied to general offenses that arise in the context of elections²⁵.

The settlement mechanism begins with public reporting or Bawaslu findings, which are then examined to determine whether they fulfill formal and material elements. If there are strong indications of criminal violations, the case is forwarded to the Gakkumdu Center for inter-agency coordination. This process involves clarification, investigation by the police, prosecution by the prosecutor's office, and adjudication in court. However, several challenges hinder effective settlement, including time constraints, weak evidence, low public awareness to report violations, and inadequate inter-agency coordination. These challenges cannot be fully understood through a juridical lens alone. For instance, low public awareness may reflect limited legal knowledge (juridical) but also deeper sociological factors such as cultural attitudes, political trust, and community perceptions toward reporting mechanisms. Similarly, weak evidence may not only relate to procedural issues

¹⁹ Abdhy Walid Siagian, Habib Ferian Fajar, and Rozin Falih Alify, "The Constitutionality of the Postponement of the Implementation of the 2024 General Election," *Legislative Journal* 5, no. 2 (2022): 101–14, <https://www.bbc.com/indonesia/indonesia-60561290>.

²⁰ Rikardo Office, "The Application of People's Sovereignty in General Elections in Indonesia Based on the Constitution of the Republic of Indonesia in 1945," *Sasana Law Journal* 6, no. 1 (2020): 51–71, <https://doi.org/10.31599/sasana.v6i1.228>.

²¹ Henri Wijaya, "Measuring the Degree of Legal Certainty in Elections in Law Number 7 of 2017," *Scientific Journal of Social Dynamics* 4, no. 1 (2020): 82, <https://doi.org/10.38043/jids.v4i1.2276>.

²² Allan Fatchan Gani Wardhana, "The Implications of the Constitutional Court Decision Number 92/PUU-XIV/2016 on the Independence of the General Election Commission," *Invite: Legal Journal* 1, no. 1 (2018): 1–20, <https://doi.org/10.22437/ujh.1.1.1-20>.

²³ Mudiayati Rahmatunnisa, "Why Election Integrity Is Important?," *Bawaslu Journal* 3, no. 1 (2017): 1–11.

²⁴ T Susilo, "The Design of the Judicial Institution for Disputes in the Election of Regional Heads in Indonesia to Realize Democracy and Constitutional Justice," *Al-Manhaj: Journal of Law and Institutions* ... 5, no. 1 (2023): 899–906, <https://doi.org/10.37680/almanhaj.v5i1.2844>.

²⁵ Misbakhuss Sholihin and Iskandar Wibawa, "The Problem of Legal Substance in Election Law Enforcement," *Legalite : Journal of Islamic Laws and Criminal Law* 8, no. 2 (2023): 91–105, <https://doi.org/10.32505/legalite.v8i2.6890>.

but also to voter behavior and reluctance to testify. Therefore, an integrated approach is required: the juridical perspective ensures legal certainty, while the sociological perspective captures social dynamics, political culture, and patterns of public participation—together enhancing the overall effectiveness of election law enforcement.

The following are some articles on the enforcement of election crimes in Indonesia: a) Article 496 of the Election Law, provides incorrect information in the Election Campaign fund report. Election participants who violate this rule receive a maximum of 1 year of imprisonment and a maximum fine of IDR 12 million; b) Article 497 of the Election Law, Every person who deliberately provides false information in the campaign fund report is sentenced to a maximum of 2 years in prison and a maximum fine of Rp24 million; c) Article 488 of the Election Law, provides incorrect information in filling in the personal data of the voter list. Article 203 regulates criminal sanctions with imprisonment for a maximum of 1 year and a maximum fine of Rp12 million; d) Article 490 of the Election Law, the Village Head benefits or harms election participants. The threat of action taken is in the form of imprisonment for a maximum of 1 year and a maximum fine of IDR 12 million; e) Article 491 of the Election Law, disrupting, obstructing, or interfering with the election campaign. Criminal sanctions for people who disrupt, obstruct, or interfere with the course of the election campaign are punishable by imprisonment for a maximum of 1 year and a maximum fine of Rp12 million; f) Article 492 of the Election Law, campaigns outside the schedule set by the KPU. Article 276 paragraph (2) regulates criminal sanctions for perpetrators with a threat of imprisonment for a maximum of 1 year and a maximum fine of IDR 12 million; g) Article 280 paragraph (1) of the Election Law regulates the form of prohibition for election campaign implementers, participants, and teams to use government facilities, places of worship, and educational places; questioning the basis of the state Constitution and Pancasila; inciting and pitting sheep; threatening and committing violence against the community or other election participants; damaging and/or eliminating campaign props of election participants.

Research on the application of judicial and sociological approaches in election criminal law enforcement in Indonesia shows a significant correlation between law enforcement strategies and the effectiveness of monitoring election violations. The effectiveness of law enforcement, which was recorded at an average of 78.5%, indicates that coordination between institutions, especially Bawaslu and the Gakkumdu Center, is able to increase responses to various forms of violations. The results of the hypothesis test with a significance value of $p < 0.01$ strengthen the argument that collaborative strategies and the use of legal instruments have had a positive impact on case resolution. However, this effectiveness figure also reveals the limitations of the Indonesian system: there are still gaps in terms of coordination consistency, limited handling time, and low public participation, including the use of social media as a means of reporting. These findings show that the integration of a juridical approach—which emphasizes legal and procedural certainty—with a sociological approach that captures social dynamics, political culture, and participatory behavior of the community is an urgent need to strengthen the effectiveness of election law enforcement in Indonesia.

These findings are in line with previous research findings that highlight the importance of close oversight in the electoral process to ensure transparency and accountability. The success of elections is not only determined by normative regulations, but also by the effectiveness of the implementation of legal supervision mechanisms in the field. Cross-

agency cooperation in the Gakkumdu is a crucial element in overcoming obstacles in the election law enforcement process. One of the new aspects found in this study is the active contribution of the community through social media. Law-aware people have begun to use digital platforms to report alleged violations, disseminate information related to election integrity, and directly monitor the democratic process. This role is considered increasingly important because social media functions as an information channel as well as a social control tool for irregularities that occur during the election stage. From a legal perspective, the dynamics of election law enforcement in Indonesia show a paradigm shift from a top-down approach to a more participatory and responsive model to the public vote. This is in line with the development of digital technology that allows the public to be more actively involved in the election supervision process through various digital platforms. This change requires adaptation in legal policies, including adjustments to legal instruments to be able to accommodate people's digital participation more comprehensively and effectively. As revealed by Sahran Raden in his study, election organizing institutions need to utilize digital-based technology to facilitate performance and avoid election fraud. The implications of the results of this study are very relevant in the context of national legal development. Successful law enforcement is not only influenced by the strength and clarity of legal norms, but also by public support, procedural transparency, and consistency in the implementation of election regulations. As expressed by Iqbal (2020) and Andiraharja (2020), the effectiveness of the legal system is highly dependent on the synergy between legal structures, law enforcement actors, and public legal awareness. Therefore, an understanding of juridical and sociological approaches is very important to create an electoral legal system that is fair and has integrity. Thus, these findings underscore the importance of the involvement of all parties - both formal institutions and elements of civil society - in creating a clean, honest, and fair electoral environment. An interdisciplinary approach that combines legal and social perspectives provides a more complete understanding of the challenges and opportunities in enforcing election laws optimally in Indonesia. This research also emphasizes the need for reformulation of legal policies that are adaptive to social changes and information technology developments in the practice of electoral democracy in the future.

B. Elections in France

Elections in France have an important place in the democratic life of the country, which is regulated in the French Constitution of 1958 (Constitution of the Fifth Republic)²⁶. Elections in France include presidential, parliamentary elections (National Assembly and Senate), as well as regional, departmental, and local elections. Presidential elections are conducted directly every five years with a two-round system, which ensures that the elected candidate obtains a majority of the legitimate vote²⁷. In addition, legislative elections for the National Assembly also use a two-round system, while Senate elections are conducted indirectly by local representatives²⁸. The electoral process in France is closely monitored to safeguard democratic principles such as freedom of choice, fairness, and transparency²⁹. An

²⁶ Elisabeth Dupoirier and Nicolas Sauger, "Four Rounds in a Row: The Impact of Presidential Election Outcomes on Legislative Elections in France," *French Politics* 8, no. 1 (2010): 21–41, <https://doi.org/10.1057/fp.2009.41>.

²⁷ Gabriel Goodliffe, "Europe's Salience and 'owning' Euroscepticism: Explaining the Front National's Victory in the 2014 European Elections in France," *French Politics* 13, no. 4 (2015): 324–45, <https://doi.org/10.1057/fp.2015.19>.

²⁸ Camille Gélis and Philippe Chassé, "Are Young Candidates 'Sacrificial Lambs'? Evidence from the 2012, 2017, and 2022 French Legislative Elections," *Electoral Studies* 90, no. September 2023 (2024), <https://doi.org/10.1016/j.electstud.2024.102829>.

²⁹ Monika Bauhr and Nicholas Charron, "'It's the Quality of Government Stupid' Explaining Patterns in Support for Far Right in the 2022 French Presidential Election," *Electoral Studies* 84, no. 2019 (2023): 102644, <https://doi.org/10.1016/j.electstud.2023.102644>.

important institution that plays a role in resolving electoral disputes in France is the Conseil Constitutionnel (Constitutional Council), which has the authority to oversee the validity of presidential and legislative elections, as well as to decide disputes over the results of elections in a final and binding³⁰ manner. The main regulations governing elections in France include the Electoral Code (Code électoral) and various implementing decrees, which regulate the stages of elections, campaigns, political financing, and sanctions for offenses such as vote manipulation or campaign fund violations. The settlement of election violations involves administrative, judicial, and constitutional mechanisms, in which the Conseil Constitutionnel is the last bastion that maintains the integrity of elections as well as public trust³¹. This approach shows that the success of elections in France depends not only on formal rules, but also on institutional legitimacy and adaptation to socio-political developments.

The legal basis for the settlement of electoral crimes in France is regulated mainly in the Constitution of the Fifth Republic of 1958, the Electoral Code, and several provisions in the general criminal law. The Electoral Code details rules regarding the conduct of elections, campaign funding, prohibition of fraudulent practices such as bribery, abuse of power, or manipulation of voter lists³². In addition, French criminal law also regulates sanctions for criminal acts that occur in the context of elections, such as fraud or vote fraud. What distinguishes France from many other countries is the role of the Conseil Constitutionnel (Constitutional Council), which is authorized to examine and decide disputes over the results of national elections (especially presidential and parliamentary elections), including receiving reports or lawsuits related to alleged serious violations that could affect the results of elections³³.

In the practice of resolving alleged election crimes, it is usually handled through two administrative channels and criminal justice channels. Administrative violations, such as violations of campaign fund restrictions or administrative errors in the conduct of elections, are examined by the electoral authorities and the Conseil Constitutionnel. Meanwhile, for alleged criminal acts such as bribery or voter intimidation, legal proceedings are carried out by the police, prosecutor's office, and criminal courts in accordance with the provisions of the Penal Code (French Criminal Code). The Conseil Constitutionnel plays a central role in disputes over the results of national elections because its decisions are final and binding. This settlement model demonstrates the importance of a combination of administrative oversight, constitutional settlement, and criminal enforcement to maintain the integrity of elections in France. In the French legal system, sanctions for electoral crimes are regulated in the *Electoral Code*, in particular in Chapter VII (Articles L.86 to L.117-2). The following is a summary of some of the important articles that govern sanctions for election violations: a) Article L.89: Prohibits the use of campaign panels for purposes other than the presentation and defense of the candidate's program. Violations are subject to a fine of €9,000; b) Article L.92: Imposes a prison sentence of 6 months to 2 years and a fine of €15,000 for anyone who deliberately provides a false identity or conceals legal incompetence while running for

³⁰ Y. Le Bodo et al., "Conditions Influencing the Adoption of a Soda Tax for Public Health: Analysis of the French Case (2005–2012)," *Food Policy* 88, no. August (2019): 101765, <https://doi.org/10.1016/j.foodpol.2019.101765>.

³¹ Stanislaw Tosza, "Internet Service Providers as Law Enforcers and Adjudicators. A Public Role of Private Actors," *Computer Law and Security Review* 43 (2021): 105614, <https://doi.org/10.1016/j.clsr.2021.105614>.

³² Victor Gay, Paula E. Gobbi, and Marc Goñi, "The Atlas of Local Jurisdictions of Ancien Régime France," *Journal of Historical Geography* 84 (2024): 49–60, <https://doi.org/10.1016/j.jhg.2024.03.008>.

³³ Francisca Castro and Renata Retamal, "Does Electoral Behavior Change after a Protest Cycle? Evidence from Chile and Bolivia," *Electoral Studies* 89, no. February (2024): 102777, <https://doi.org/10.1016/j.electstud.2024.102777>.

office; c) Article L.94: Regulates sanctions for election officials who deliberately alter, add, or omit ballots. This violation is punishable by up to 5 years in prison and a fine of €22,500; d) Article L.97: Establishes a prison sentence of 1 year and a fine of €15,000 for individuals who, through fake news or other fraudulent maneuvers, influence voters to abstain or change their choice; e) Article L.100: If the offense is committed by force or weapons, the punishment can be increased to 10 years in prison.

These sanctions reflect the firmness of French law in maintaining the integrity of the electoral process and preventing various forms of fraud that can undermine democracy. In the French context, the Conseil Constitutionnel not only serves as the guardian of the constitution in a formal juridical sense, but also implicitly integrates sociological aspects in its decisions, especially on electoral disputes. Studies have shown that constitutional courts in Europe, including in France, have a legitimacy-conferring capacity that can affect public trust in legal institutions and democratic systems³⁴. This means that the decision taken is not only about procedural legal certainty, but also has an impact on how the public assesses the fairness and integrity of the political process. In addition, a study of election statistics in France found that there has been a consistent pattern of participation since 1992, which is influenced by the so-called "cultural field", namely local cultural factors that shape voter behavior. Thus, when the Conseil Constitutionnel assesses disputes over election results, its decisions indirectly take into account political stability, the perception of justice, and public trust. This integration of juridical aspects with the social dimension makes the role of the Conseil Constitutionnel not only to maintain legality, but also to sustain the legitimacy and stability of French democracy as a whole.

C. Comparison of Election Criminal Law Enforcement in Indonesia and France

Election criminal law enforcement in Indonesia and France has similarities in efforts to maintain election integrity, but there are significant differences in the structure and implementation of their resolution. In Indonesia, the enforcement of election criminal law is regulated through Law Number 7 of 2017 concerning General Elections and other related laws, with Bawaslu as the main institution that plays a role in supervising and handling violations. The process of resolving disputes and election violations in Indonesia involves institutions such as the Gakkumdu Center (a combination of Bawaslu, the Police, and the Prosecutor's Office), which focuses on preventive and repressive measures against administrative and criminal violations. However, a major challenge in Indonesia is the lack of inter-agency coordination and low public understanding of election rules, which often hinder the effectiveness of law enforcement.

In France, although there are similar rules in terms of the supervision and handling of electoral violations, their legal system is unique in that the Conseil Constitutionnel (Constitutional Council) plays a major role in resolving electoral disputes. This council not only oversees the results of elections, but also decides disputes related to serious violations in elections, especially at the national level, such as presidential and legislative elections. In addition, France relies on the Electoral Code and general criminal law to deal with abuses in elections, which involve administrative procedures and criminal justice. With a constitutional institution with final authority, France is able to resolve electoral disputes quickly and more structured, giving greater legitimacy to the election results. These differences reflect how each country's legal system adapts to their political and social

³⁴ ejpr.onlinelibrary.wiley.com

characteristics in maintaining the integrity of elections. Comparison Table Based on Legal Basis and Settlement of Election Crimes in Indonesia and France:

Table 1: Comparison of Settlement of Election Crimes

Aspects	Indonesia	France
Legal Basis	1) Law No. 7 of 2017 concerning Elections 2) Criminal Code (Criminal Code) 3) Bawaslu Rules	1) 1958 Constitution (Fifth Republic) 2) Electoral Code (Election Code) 3) Penal Code
Settlement	1) Supervision by Bawaslu, KPU, and Gakkumdu Center (Bawaslu, Police, Prosecutor's Office) 2) Handling of violations by criminal courts and administrative courts	1) Settlement of electoral disputes by the Conseil Constitutionnel (Constitutional Council) 2) Settlement of electoral disputes by the Conseil Constitutionnel (Constitutional Council)
Settlement Procedure	Settlement through the Gakkumdu Center for election crimes	Quick and final settlement by the Conseil Constitutionnel for disputes over election results, while criminal offenses are handled by criminal courts
Authority of the Institution	Bawaslu supervises, Gakkumdu Center investigates violations, court decides	The Conseil Constitutionnel has the authority to decide electoral disputes and maintain the legitimacy of elections

In the electoral dispute resolution system in Indonesia, there are several weaknesses that need to be considered to increase its effectiveness. Based on the existing legal basis, such as Law Number 7 of 2017 concerning Elections and the provisions in the Criminal Code, election supervision in Indonesia involves Bawaslu, KPU, and the Gakkumdu Center. Dispute resolution procedures through the Gakkumdu Center for election crimes do provide room for handling violations, but they often face challenges in terms of transparency, inter-agency coordination, and time constraints in dispute resolution.

Another weakness lies in the overlap of authority between institutions involved in the process of resolving election disputes, such as between Bawaslu, the Gakkumdu Center, and the court. The authority of Bawaslu in supervising elections, the Gakkumdu Center in investigating violations, and the role of the court in deciding cases can cause confusion in terms of the division of duties, as well as slow down the dispute resolution process. On the other hand, compared to the system in France that uses the Conseil Constitutionnel for the settlement of disputes over election results and criminal offenses handled by criminal courts, Indonesia's system can be faced with longer procedural complexities.

To improve this system, it is necessary to strengthen coordination between institutions, as well as improve in terms of a clearer and more structured division of authority. One of the models of the concept of reform that can be applied is the establishment of a special independent institution that has full authority to handle election disputes, both election results and related criminal offenses. This model could refer to a more centralised French system, with the Conseil Constitutionnel having the authority to resolve all types of

electoral disputes, as well as ensuring transparency and fairness in the process. In addition, strengthening the capacity of institutions such as Bawaslu and the Gakkumdu Center in terms of human resources, as well as the development of technology to accelerate dispute resolution, is also an important step in increasing the effectiveness of the election dispute resolution system in Indonesia.

CONCLUSION

Enforcement of election criminal law in Indonesia still faces major challenges, especially due to the complexity of authority and weak coordination between institutions such as Bawaslu, KPU, Gakkumdu Center, and courts. This condition makes the dispute resolution process slow and less transparent, even though it has been regulated in Law Number 7 of 2017 concerning Elections and the Criminal Code. When compared to France, which through the Conseil Constitutionnel has centralized authority so that it is able to provide a more efficient and final process, the Indonesian system clearly still needs improvement. In this case, the integration of juridical and sociological approaches is an important key to building a more effective system, as it can provide a clear legal basis while taking into account social and cultural factors. Therefore, the establishment of a special independent institution with full authority, accompanied by strengthening coordination between existing institutions, is expected to be able to create a more efficient, transparent electoral legal system and maintain the integrity of democracy in Indonesia.

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