

**EFFETIVENESS OF IMPLEMENTING E-VOTING AS A  
REPRESENTATION OF ELECTION LAW DEVELOPMENT IN  
INDONESIA**

**EFEKTIVITAS PENERAPAN *E-VOTING* SEBAGAI  
REPRESENTASI PEMBANGUNAN HUKUM PEMILU DI  
INONESIA**

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**ABSTRACT**

This study aims to understand how effective the implementation of e-voting in the election system in Indonesia by analyzing based on the statue approach and a conceptual approach. By using this approach, it can be concluded that if you look at it in terms of needs, it is undeniable that the Indonesian nation is currently in the midst of the current of modernization, it really needs a more up-to-date system with various conveniences and practicalities in its fulfillment. Of course, the application of e-voting must be designed in such a way that elections can be held optimally. In the context of democracy, the voting system through the e-voting method must prioritize, respect, and guarantee the credibility of the election. The development of democratic places in media and the development of technology with a fast flow is one of the strong reasons for the idea of an e-voting system in the implementation of elections in Indonesia. Thus, it is necessary to conduct normative and conceptual studies to be able to build issues and ideas and answers related to the effect of e-voting in the election system in Indonesia as a form and process of building election law in Indonesia, but still in accordance with the principles of holding elections and the provisions of laws and regulations.

**Keywords: General Election, E-Voting, Democration.**

**ABSTRAK**

*Penelitian ini bertujuan untuk memahami bagaimana efektifitas penyelenggaraan e-voting dalam sistem Pemilu di Indonesia dengan*

menganalisa berdasarkan pendekatan peraturan perundang-undangan serta pendekatan konseptual. Dengan menggunakan pendekatan tersebut maka dapat disimpulkan jika menelisik dari sisi keterbutuhan, tidak dapat dipungkiri apabila bangsa Indonesia saat ini ditengah terpaan arus modernisasi sangat membutuhkan suatu sistem yang lebih mutakhir dengan berbagai kemudahan dan kepraktisan dalam pemenuhannya. Tentu dalam penerapan e-voting harus dirancang sedemikian rupa agar dapat terselenggara Pemilu dengan optimal. Dalam konteks berdemokrasi sistem pemungutan suara melalui metode e-voting harus mengedepankan, menghormati, dan menjamin kredibilitas penyelenggaraan Pemilu. Perkembangan tempat berdemokrasi pada media masa serta perkembangan teknologi dengan arus yang cepat menjadi salah satu alasan kuat lahirnya gagasan sistem e-voting dalam penyelenggaraan Pemilu di Indonesia. Dengan demikian perlu dilakukan kajian normatif dan konseptual untuk dapat membangun isu dan gagasan serta jawaban terkait efektifitas e-voting dalam sistem Pemilu di Indonesia sebagai bentuk dan proses pembangunan hukum Pemilu di Indonesia, namun tetap berkesesuaian dengan Asas penyelenggaraan Pemilu dan ketentuan peraturan perundang-undangan.

**Keywords: Pemilihan Umum, E-Voting, Demokrasi.**

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## I. INTRODUCTION

The amendment of Constitution of The Republik Indonesia, which is more than 20 years old, provides its own dynamics in the state process. Various issues of constitutional law became a separate discussion and study in the course of amendments to the Indonesian constitution. It is undeniable that the constitution is required to always be able to live and develop in accordance with the life that exists in society, so that a basic law is not only considered as a documented constitution but can be transformed into living constitution. Thus, there is a need to always live the constitution so that the constitution can last a long time and be able to adapt to the developments and demands that exist in society.<sup>1</sup> In the concept of an Indonesian democratic state as mandated by the constitution, the highest transfer of sovereignty is in the hands of the people, which in the concept of statehood in Indonesia is known as General Elections or what is then referred to as elections. In general, John Locke and Rosseau interpret elections as an idea of democracy that provides guarantees, justice and equality for individuals in all fields.<sup>2</sup> In the context of elections, democratic and participatory values must be upheld and carried out by citizens in order to create election instruments in democracies.

General elections are the main source of legitimacy from the public to the government with the aim of realizing the state life system as referred to by

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<sup>1</sup> Fakhris Lutfianto Hapsoro, (2020). Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan *The Living Constitution* | *Jurnal Jambura Law Review*, Vol. 2 No. 02, p. 141-142. <https://doi.org/10.33756/jlr.v2i2.5644>.

<sup>2</sup> Farahdiba Rahma Bachtiar, (2020), Pemilu Indonesia: Kiblat Negara Demokrasi Dari Berbagai Representasi, *Jurnal Politik Profetik*, Vol. 3, No. 1, p. 2, <https://doi.org/10.24252/profetik.v2i1a3>.

Pancasila and the Constitution. General elections are an integral part that cannot be separated from the national legal development system. Legal development as an effort to uphold justice, truth, and ensure public order in a legal state based on Pancasila and the Constitution.<sup>3</sup> The government through the Election Administration Commission (KPU) and the Election Supervisory Agency (Bawaslu) has the responsibility to provide the best facilities so that all people can experience the democratic party in their own country. The conceptual implementation of elections in force in Indonesia currently refers to Law Number 7 of 2017 concerning General Elections, on the basis of which the law is generally regulated regarding the implementation of elections in Indonesia.

Along with the development of the times, legal development is felt to be necessary as a form of sensitivity of the government or election organizers by remembering the social needs for their people. In the theory of legal development created by Mochtar Kusumaatmadja, two benchmarks have been mentioned that are the dimensions of legal development in Indonesia, namely:

- 1) Order or order in the context of renewal or development is something that is desirable, even seen as absolute.
- 2) Law in the sense of legal rules or regulations can indeed function as a regulatory tool or means of development in the sense of channeling the desired direction of human activities towards renewal.<sup>4</sup>

Thus, as an accent in legal society life it is also necessary to grow and develop in accordance with the conditions and social symptoms that exist in society. In the context of general elections, until now in Indonesia there have been many dynamics of holding elections from the beginning of the first election implemented in 1955 to the last in 2019. As is known if it has been more than half a century since the first one in 1955 the Indonesian nation held elections with various dynamics, technological advances to the latest the pandemic *Covid-19* virus in Indonesia forced a change in the order of life. A new era in the development of the times is starting to be created, with the use of technology and human intelligence, it is possible that the General Election system will be held directly through the *e-voting* method by optimizing existing technological networks in order to create efficiency and effectiveness in the implementation of elections in Indonesia while still paying attention to the needs of the community and the constitutional basis for holding elections in Indonesia.

## II. METHOD

This research was conducted through a normative juridical methodology with a statutory and conceptual approach. Through normative juridical research, it is hoped that it can understand the problems and needs of legal

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<sup>3</sup> Achmad Edi Subiyanto, (2020) Pemilihan Umum Serentak yang Berintegritas sebagai Pembaruan Demokrasi Indonesia *Jurnal Konstitusi*, Vol. 17, No. 2 , p. 358, <https://doi.org/10.31078/jk1726>.

<sup>4</sup> Lilik Mulyadi, Teori Hukum Pembangunan Prof. Dr. Mochtar Kusumaatmadja, S.H, LL.M., Kajian Deskriptif Analitis, p. 5 [https://badilum.mahkamahagung.go.id/upload\\_file/img/article/doc/kajian\\_deskriptif\\_analitis\\_teor\\_i\\_hukum\\_pembangunan.pdf](https://badilum.mahkamahagung.go.id/upload_file/img/article/doc/kajian_deskriptif_analitis_teor_i_hukum_pembangunan.pdf) (accessed November 11, 2022).

development related to the application of the e-voting system in the implementation of elections in Indonesia. With the approach of laws and regulations, it is hoped that laws and regulations can be found that are related to the validity of the implementation of e-voting in Indonesia, in addition to that through a conceptual approach, it is expected to gain an understanding of the effectiveness of the application of e-voting in the implementation of elections as part and effort to form the development of election law in Indonesia.

### **III. ANALYSIS AND DISCUSSION**

#### **a. Understanding the E-voting System in Relation to the Effectiveness of Election Implementation**

The Indonesian nation as a democracy that gives full sovereignty to all citizens, in the implementation of the government state as a party given by the people must be able to regulate and master the legal needs that exist in the community, especially the election law as a close reflection of the status of the Indonesian nation as a sovereign democracy. In the system of people's sovereignty. Moh Kusnardi and Harmailu Ibrahim, gave an opinion if it is the people who are considered the owners and holders of the highest power in a country. It is the people who determine the pattern of government of a country, and the people who determine the goals to be achieved in the government itself. This is what can then be represented through the holding of elections as a means of absorbing the sovereignty of the entire community in the state process.<sup>5</sup>

The implementation of elections is one of the important state agendas that is always carried out in each period. Prof. Jimly Asshiddiqie stated that there are several reasons why elections should be held regularly, namely:

- 1) People's opinions or aspirations regarding various aspects of diversity in a dynamic society, and develop over time, in the sense that over a period of time, may occur if some people change their opinions about a state policy.
- 2) In addition to people's opinions that can always change, the conditions of common life in society can also change, either due to international dynamics or internal domestic factors themselves.
- 3) Changes in people's aspirations and opinions can also be possible due to the increase in the number of people and the age of the people who mature as a new voter (*new voter*).<sup>6</sup>

So far, the process of holding elections in Indonesia still uses conventional methods, people who have the right to vote come directly to the polling place and vote directly on the prepared ballot paper. After the voting is over, then the process of counting votes manually is immediately carried out by reopening the ballot papers one by one. The election model as it is happening today certainly causes a lot of dynamics in its implementation. One example is that in 2019 the elections caused a lot of casualties, especially the KPPS committee and law enforcement aparat who participated in

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<sup>5</sup> Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, (Jakarta: Rajawali Pers, 2014),

<sup>6</sup> Ibid p. 414.

monitoring the course of the 2019 simultaneous elections.<sup>7</sup> The dynamics and the problems of holding the election, certainly opens up space for innovation and legal development in applying the e-voting method to the voting process. The policy needs to be reviewed and reviewed by the election organizers whether it is in accordance with the existing election concept in Indonesia and whether it will reduce the effectiveness and efficiency of holding elections in Indonesia. In this regard, Article 3 of Law Number 7 of 2017 concerning General Elections, it has been explained regarding the principles of holding elections, namely:

- a) self-sufficient;
- b) honest;
- c) fair;
- d) legal certainty;
- e) orderly;
- f) open;
- g) proposal;
- h) Professional;
- i) Accountable;
- j) effective; and
- k) efficient<sup>8</sup>

The principles of holding elections above become a corridor for election organizers so that the practice of elections in Indonesia can be carried out as it should be. Focusing on effective and efficient principles are two principles that must be put forward by election organizers whether the *e-voting* system really represents these principles. Then further it is necessary to understand in the understanding that the Agency for the Assessment and Application of Technology (BPPT) as a pioneer in the development of e-voting in Indonesia provides a definition related to the meaning of e-voting. E-voting is a method of voting in an election using electronic devices.<sup>9</sup> So it can be understood that *e-voting* in its application utilizes electronic devices that are directly affiliated with the election organizers and permanent voters.

In general, Zafar and Pikjaer provide an understanding related to the use of e-voting in the democratic process, namely E-voting combines technology with the democratic process, to make voting more efficient and convenient for voters. E-voting allows voters to vote via a computer from their home or at a polling station.<sup>10</sup> In relation to the above opinion, Zafar and Pilkjaer argue

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<sup>7</sup> Beni Willia Saputra & Bahder Jogan Nasution, (2021). Tindak Lanjut Terhadap Penerapan Elektronik Voting Dalam Pelaksanaan Pemilihan Kepala Daerah Berdasarkan Peraturan Perundang-Undangan Lingabo: Journal of Constitutional Law, Vol. 1, No. 2, <https://doi.org/10.22437/limbago.v1i2.14377>.

<sup>8</sup> Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum, (Lembaran Negara Republik Indonesia Tahun 2017 Nomor 182, Tambahan Lembaran Negara Republik Indonesia Nomor 6109).

<sup>9</sup> Juniar Hendri Wijaya dkk, Implementasi Sistem *E-voting* Untuk Meningkatkan Kualitas Demokrasi di Indonesia, Article, p. 53, <https://journal.umy.ac.id/index.php/jpk/article/view/7841/4812> (diakses pada 13 November 2022).

<sup>10</sup> Laura Hardaloka dan Varida Megawati S. (2011) "E-voting: Kebutuhan vs Kesipan (menyongsong) E-Demokrasi", *Jurnal Konstitusi*, Vol. 8, No.4, 582, <https://doi.org/10.31078/jk847>.

that in the democratic process in the current digitalization era, the *e-voting* method is quite ideal to be carried out considering the effectiveness and efficiency of the election itself. Furthermore, Zafar and Pilkjaer provided a more rigid explanation regarding the benefits of implementing *e-voting* in the election process, including:

- 1) Cost: related to resources and investments that are more efficient than traditional systems that are complicated, complex and inefficient.
- 2) Time: regarding faster election timing and more precise calculation of results than traditional systems.
- 3) Results: related to the calculation of more precise and accurate results and minimization of the occurrence of human error cases as long as the system built is guaranteed from various threats of crime.
- 4) Transparency: related to the transparency of all processes because everything is done by an automated system and.<sup>11</sup>

Apart from the aspects of expediency offered in applying the *e-voting* method to elections in Indonesia. The government and election organizers need to recall the dynamics of e-voting in Indonesia, which has indeed begun to be implemented within the scope of village head elections in several villages in Indonesia. The problem related to the implementation of e-voting in Indonesia itself was disputed in the case of testing the Local Government Law which regulates the regional head elections. In this case, a judgment has been reached, namely Court Decision No. 147/PUU-VII/2009. In this decision, several court legal opinions related to the implementation of *e-voting* in relation to the election system in Indonesia were found, namely:

*“That in the exercise of popular sovereignty through direct elections, the manner of voting is a very important factor to determine the quality of democracy. Ways of voting or voting that can minimize vote-counting errors, double voting, and other violations, will improve the quality of elections. In several general elections in Indonesia, voting or voting is carried out by voting and also by polling. With the advancement of technology, in addition to being held in these two ways, namely voting and voting, it can also be done in other ways according to technological developments between by means of e-voting; This new method has been used in various countries and this method if prepared properly can significantly reduce the weakness of the voting and ticking method.”*

Furthermore, in the same judgment on the amar part of the judgment gives an interpretation of the phrase “voting” which can be attributed to the *e-voting* method on cumulative terms as follows:

- a) does not violate the principles of direct, general, free, confidential, honest, and fair;
- b) Regions that apply the e-voting method are ready in terms of technology, financing, human resources and software, community readiness in the area concerned, and other necessary requirements.<sup>12</sup>

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<sup>11</sup> *Ibid*, pp 583-584.

<sup>12</sup> Verdict Constitutional Court No. 147/PUU-VII/2009 concerning the Testing of Law of the Republic of Indonesia Number 32 of 2004 concerning Regional Government against the Constitution of the Republic of Indonesia of 1945, March 30, 2004.

Based on the court's legal opinion in the decision above, it can be analyzed if the application of *e-voting* in practice keeping in mind the development of the times and technology is indeed reasonable to be applied with a record of not forgetting the juridical basis for holding elections in Indonesia and paying attention to the social needs that exist in society. So it is necessary to realize that the times and technology often run faster when compared to the legal system in society. Laws are often considered ancient because they cannot adjust to the symptoms and needs that exist in society. This includes the problem of implementing election law in Indonesia. Elections, which are a means of democracy for all Indonesian citizens, must obviously be felt by every society. The General Election Commission (KPU) certainly received demands to reach every community that has the right to participate in the democratic process in the election contestation.

In this case, the application of technological developments in the modern era needs to be transmitted to the public, including the renewal of the election system through the *e-voting* method over time, it can be assumed that it will be more practical and efficient to be held amid the large number of people who have the status of a permanent voter list. Election organizers feel the need to pay attention to the aspects of integrity and expediency that exist in the community by prioritizing the principle of prudence considering that the *e-voting* system has never been implemented in the National Elections. Because elections are a means that is presented to the people, the use of *e-voting* must be carefully conceptualized and supported by the existing readiness of the community.

#### **b. Analysis of the Application of *E-voting* In Relation To Directly Principles In Elections**

Elections are an important component that cannot be separated from the representation of democracies. Elections are an important instrument in a democratic country that adheres to a representative system like in Indonesia, in this case elections can function as a means of selection and filtering for politicians to statesmen who will represent the voices and aspirations of the people in a representative institution.<sup>13</sup> With the election, it proves that sovereignty remains in the hands of the people. Democracy and democratic elections are "*qonditio sine qua non*", *one cannot exist without the other*, in the sense that elections are interpreted as a procedure for achieving democracy or are a way to transfer the exercise of popular sovereignty to representatives of the people occupying political office.<sup>14</sup> Therefore, the implementation of the elections must be carried out as well as possible so that the process of transferring the implementation. People's sovereignty can really happen as it should.

Discussions about the *e-voting* system in the process of holding elections in Indonesia will not be separated from the principles of holding elections themselves. The provisions of Article 2 of Law Number 7 of 2017 concerning General Elections have stated the principles of holding elections in Indonesia,

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<sup>13</sup> Moh. Mahfud, MD, *Politik Hukum di Indonesia*, (Depok: Rajawali Pers, 2020), 60.

<sup>14</sup> Mushaddiq Amir, (2020). Keserentakan Pemilu 2024 yang Paling Ideal Berdasarkan Putusan Mahkamah Konstitusi Republik Indonesia, *AL-ISLAH: Jurnal Ilmiah Hukum*, Vol. 23, No. 2, Tahun, p. 116.

namely elections are carried out based on direct, general, free, confidential, honest, and fair principles. Especially in this matter, the direct principle in elections is closely related to the application of e-voting in the election system. As we all understand until now in the implementation of elections in Indonesia, it is still carried out through the conventional election system in the sense that voters who vote for rights and are recorded as a permanent voter list come directly at the Polling Station (TPS) of their respective constituencies. In practice, the application of the e-voting system in elections remains in line with the direct principle in elections, considering that those who have the right to vote in elections still choose their preferred candidates directly without any representation from other parties. Thus, it can be said that e-voting can meet the principle directly in elections because in reality only the difference in means distinguishes the e-voting system from the conventional system of coming directly to the polling place like the elections of previous periods.

The e-voting method and system in the implementation of elections in Indonesia clearly need to be thought about whether the application is in accordance with the needs in the community or in fact its application seems so hasty without paying attention to the access to facilities and infrastructure in the community. Not long ago, for example, the holding of national simultaneous elections was certainly the subject of evaluation by election organizers, the consequences of budget and human labor are things that must be considered. As we know even in the 2019 elections, many election officials who died were exhausted by the working methods of conventional elections. Quoted from [kompas.com](http://kompas.com) the Chairman of the KPU at that time Arief Budiman explained that there were 894 officers who died and 5,175 other officers were sick due to the holding of elections.<sup>15</sup>

That events like what has happened in the 2019 elections are certainly a lesson and evaluation material for the government or the election organizers themselves. Elections, which are the greatest means of democracy for citizens, should not be carried out as intended. Related to the problem of elections that often occur in democratic countries such as in Indonesia, Thomas Edward Flores argued that elections are interpreted as colossal administrative activities involving a large part of the population in a country. As is well known if the function of elections as a mechanism for choosing leaders, then *mutatis mutandis* the process of holding elections must be a milestone in the continuity of leadership in a country. Thus, the successful holding of elections in demoralized countries will have a major effect on the success of democracy in a country. This is important because elections are a reflection of the guarantee of the fulfillment of the right to democracy for every citizen.<sup>16</sup>

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<sup>15</sup> Sania Mashabi, (2020) "Refleksi Pemilu 2019, Sebanyak 849 Petugas KPPS Meninggal Dunia", , <https://nasional.kompas.com/read/2020/01/22/15460191/refleksi-pemilu-2019-sebanyak-894-petugas-kpps-meninggal-dunia>. Retrieved on 20 November 2022.

<sup>16</sup> Imas Novita, dkk. (2020). "Penerapan *E-voting* Dalam Sistem Pemilihan Umum Sebagai Optimalisasi Pelayanan Publik di Era Revolusi Industri 4.0", Salam; Jurnal Sosial & Budaya Syar-I, : 151, <https://doi.org/10.15408/sjsbs.v7i2.14720>.

**c. Juridical aspect of Generak Elections in Relation to the Concept of E-voting as a Solution to The Development of Electoral Law in Indonesia**

For modern democracies, including the Indonesian nation. The desire to effectively guarantee the political rights of citizens and regulate the orderly exercise of state power has encouraged every country to adhere to constitutionalism as a form of guaranteeing the establishment of the rule of law by placing the law in the highest position to be able to protect the rights of all citizens without being excluded. In this regard, Richard S. Kay gave a further opinion regarding the importance of understanding constitutionalism in a democratic country, namely constitutionalism implements the rule of law; It brings predictability and security in the relationship of the individual and the government by first defining the powers and limitations of that government.<sup>17</sup> Based on the opinion of Richard S. Kay mentioned above, it can be analyzed if constitutionalism presents a situation that can foster a sense of security, because of the restrictions on government authority that have been determined in advance, thus the Indonesian nation as a country of law must be able to spell out the existing constitution as evidence of the establishment of the rule of law in Indonesia, including in terms of fulfilling the political rights of citizens themselves.

The application of election law in Indonesia, which is the basis for holding elections itself, has clearly been regulated in the constitution as mandated by Article 22 E paragraph (2) of the 1945 Constitution. Furthermore, a derivative of this is the preparation of regulations to regulate related to elections, namely Law Number 7 of 2017 concerning General Elections. The legal basis for the implementation of elections in Indonesia is a corridor for election organizers to be able to implement election practices that still prioritize the principle of legal certainty for every citizen as it is known if normatively the implementation of elections is regulated in the Constitution. That means, every process of holding elections must be in line with the rights that have been guaranteed in the constitution.

Elections, which are a means of decision-making in order to create a general consensus, are needed as part of the existing constitutionalism based on the general agreement of the majority of citizens' votes. In line with this, William George Andrew gave an affirmation regarding the importance of the common commonality of citizens in terms of the government taking every decision, namely The members of the political community have, definition, common interests that they want to promote or protect through the creation and use of the mandatory political mechanism that we call the State. So in terms of decision-making as a representation of the state based on constitutionalism based on the opinions above the key word here is consensus or general agreement. Furthermore, in the same opinion William George Andrew argued that the consensus or general agreement in more detail included:

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<sup>17</sup> Bachtiar, (2016), *Esensi Paham Konsep Konstitusionalisme Dalam Konteks Penyelenggaraan Sistem Ketatanegaraan*”, *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan*, Vol 6. No. 1: 124, <http://dx.doi.org/10.32493/jdmhkdmhk.v6i1.342>.

- a) the general purpose of society or the general acceptance of the same philosophy of government;
- b) the basic rule of law of government;
- c) Reform Institutions and Procedures.<sup>18</sup>

Based on the opinions mentioned above, it can be studied if in terms of decision making, a form of mutual agreement is needed that can be realized through the three points of William George's opinion above it is necessary to ensure the fulfillment of the majority vote from the public, including in the issue of *e-voting* which will definitely cause a lot of debate, then the middle ground that can be taken by the election organizers is to see the general agreement as decision-making opportunities.

The process of holding elections with conventional voting methods as happened in elections in Indonesia is considered necessary to be used as an evaluation material whether it is still relevant to be applied by considering the social symptoms that exist in society. Is it then possible to update the electoral law at the level of democracy in Indonesia. In this regard, Mochtar Kusumaatmadja brilliantly changed the notion of law as a *tool* to law as a means (*instrument*) to build society. The points of thought that underlie the concept are that order and order in the business of development and renewal are desirable, even absolutely necessary, and that law in the sense of norms is expected to direct human activities in the direction desired by development and renewal. Thus, it is necessary to have a means in the form of unwritten legal regulations that must be in accordance with the laws that live in society.<sup>19</sup>

The e-voting system besides being able to play a role in carrying out legal development for the democratic and electoral system in Indonesia, with the enactment of the e-voting system in the implementation of elections is considered to be able to minimize election fraud. Steven F Huefner, argued that vote fraud can be done by dishonest candidates who have a motive to do so if they can find the opportunity to do so. This can also be done by voting judges or other election officials, who usually have a much greater chance, provided they have a motive. Cheating can also be perpetrated by isolated individuals or organized groups among voters, whose motives and opportunities are more weakened.<sup>20</sup> The opinion provides an affirmation that vote rigging can usually be committed by candidates who are on dishonest political contestation and have a motive to commit election fraud if they can find the opportunity to do so. In relation to election fraud, Steven F. Hucher conducted a further analysis of his opinion that election violations can usually occur through several things that affect it, such as:

- 1) *Fraud*. Vote rigging can be caused by fraudulent candidates, where they have the desire and opportunity to commit the fraud. It can also be done by vote counters and other Election officers
- 2) *Mistake*. An oversight committed by election officials. The mistakes of these officers will not be a big problem if they can be addressed before the election or through the recalculation process.

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<sup>18</sup> *Ibid*, pp 130-131.

<sup>19</sup> Lilik Mulyadi, *Op. Cit.* p. 3.

<sup>20</sup> Imas Novita, *Op. Cit.* p 144.

- 3) *Miscounduct* is non-fraudulent. This act does not constitute fraud in the election, but an act that can cause a decrease in public trust in the results of the election. For example, a group of candidates deliberately performs the act of splitting the votes of other candidates in order for a particular candidate to increase their vote share.
- 4) *An ecttrinal event or an act of God*. Another cause of problems arising in the election results is the existence of *acts of God* beyond the humane ability of election administration officers.<sup>21</sup>

In Indonesia, there have been many reports of election violations, especially in the national elections which were last held in the 2019 elections, quoted from the official Bawaslu website. Bawaslu released data that there were 16,134 election administrative violations, 373 code of conduct violations, 582 criminal offenses, and 1,475 related to other violations of electoral law.<sup>22</sup> Thus, the record needs to be a further study and study for the Government and election organizers so that in the next election practice the election violations recorded as recorded above can be assessed and especially in this discussion, of course, the election organizers must also see opportunities whether then the implementation of the *e-voting* system is considered to be a solution to the problems and needs that exist in the community while still paying attention to the corridors based on the juridical foundation of election law in Indonesia.

In the end, it can be said that if necessary, a clear legal construction is built related to the implementation of the *e-voting* system in the implementation of elections as a form of development and legal development in Indonesia. The Indonesian nation has amended the 1945 NRI Constitution and has been amended for 20 years. The ideal of amending one of the amendments is to be able to guarantee the emergence of a democratic political system with several points of actualization such as democracy that has been confirmed must be carried out with morality and the amendments that have been carried out are the product of agreement (*resultante*).<sup>23</sup> Thus, 20 years of amendments to the NRI Constitution have created various state dynamics including in terms of holding elections as an effort to build laws that remain alive in society.

#### IV. CONCLUSION

Democracy in Indonesia has now entered a new era. This law, which lives and grows simultaneously with technology in the era of digitalization, is certainly a challenge for its enforcers so that they can still grow in existence and adapt to the needs that exist in society. Focusing on the electoral law system in Indonesia itself, the Indonesian nation already has a long way to go and a large track record in holding elections. In the current era of modernization and technological advances, many new system bids are launched and suggested through the *e-voting* method in fulfilling the right to vote for permanent voter lists in their respective regions. The demands of the

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<sup>21</sup> *Ibid*, p. 152.

<sup>22</sup> Tim Bawaslu, (2019). Update Data Pelanggaran Pemilu Tahun 2019 per 4 November 2019, <https://www.bawaslu.go.id/id/hasil-pengawasan-pemilu/update-data-pelanggaran-pemilu-tahun-2019-4-november-2019> Retrieved on 15 November 2022.

<sup>23</sup> Moh. Mahfud MD, *Op. Cit*, p. 380.

times and technology are considered to be one of the references. This is what indirectly also demands that the legal system must be able to develop like technology that always meets the needs that exist in society.

If you look at it in terms of needs, it is undeniable that the Indonesian nation today in the midst of modernization currents really needs a more up-to-date system with various conveniences and practicalities in its fulfillment. Including in the issue of elections, in its implementation to be able to fulfill the right to vote for every citizen *e-voting* can be a solution, with the main note still prioritizing the principles of elections, namely the principles of direct, general, free, confidential, and honest and fair as mandated in the torso of the 1945 NRI Constitution and the Election Law itself. In a sense, if implemented with prudence, this e-voting method can provide benefits for the fulfillment of voting rights for citizens, if it is successful in its implementation, it will certainly build a good image of the Indonesian nation as a sovereign democracy. The plan to implement *the e-voting* method in elections in Indonesia will certainly add innovation and legal reform, especially in election and regional election law. Rule breaking is certainly considered necessary as proof that the legal system is not outdated and no less progressive than technology in the current era of digitalization and modernization.

The implementation of *e-voting* must be designed in such a way that it can be carried out optimally. In the context of democracy, the voting system through the e-voting method must prioritize, respect, and guarantee the credibility of the implementation of the elections, lest the hasty implementation of the e-voting system for the renewal of the legal system actually damages the honor of elections in Indonesia. Thus, there are many notes and studies that must be launched by election organizers in Indonesia, especially thinking about a middle ground in the concept of legal renewal with the application of the e-voting method, then election organizers must pay attention to the needs and readiness if indeed the *e-voting* system in elections in Indonesia will really be implemented.

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