

CRITICAL STUDY OF ELECTION FRAUD IN THE PERSPECTIVE OF ELECTION LAW

Jovanda Renatha Dias

Universitas 17 Agustus 1945 Surabaya,
jovandarenatha@gmail.com;

Mardiana Ainurrohma

Universitas 17 Agustus 1945 Surabaya,
mardianaainurrohma60@gmail.com;

Margareta Candra Lolita

Universitas 17 Agustus 1945 Surabaya,
margarethacandra96@gmail.com;

Nairah Kayana Putri

Universitas 17 Agustus 1945 Surabaya,
nairahkayanaputri@gmail.com

ABSTRACT

Election fraud is one of the crucial issues that can damage the integrity of democracy in Indonesia. This study aims to critically examine various forms of election fraud from the perspective of the Election Law, especially how existing regulations regulate prevention, supervision, and handling. Using a juridical-normative approach, this study analyzes related legal provisions, including Articles in Law No. 7 of 2017 concerning Elections, and their relevance to implementation in the field. The results of the study indicate that although regulations have been designed to create honest and fair elections, weaknesses in aspects of law enforcement, supervision, and transparency are still loopholes for violations. In addition, the involvement of political figures and the weak legal awareness of the community have exacerbated this problem. This study recommends strengthening regulations, optimizing technology-based supervision, and political steps to the community as strategic steps to prevent election fraud in the future.

Keywords: *Election fraud, Election Law, Democracy, Regulation, Supervision.*

A. PRELIMINARY

General Election (Pemilu) is one of the important mechanisms in the Indonesian democratic system which aims to directly elect leaders and representatives of the people. Elections are also the main means to express the sovereignty of the people, where every citizen who meets the requirements has the right to vote and be elected. The 2024 Election, which will be the largest election in Indonesian history, brings major challenges related to the integrity and quality of fair, honest, and transparent elections. Although there have been various improvements in the election administration system, fraudulent practices remain a

threat that needs to be watched out for to maintain the quality of democracy (Lubis, 2022).

Fraud in elections can occur in various forms and involve various parties, be it organizers, participants, or voters themselves. Some types of fraud that often occur are vote manipulation, money politics, intimidation of voters, and abuse of authority by election organizers (Effendi, 2021). Based on previous election records, this kind of fraud has damaged public trust in the election system and caused injustice in the democratic process. Therefore, it is important to conduct an in-depth study of the potential for fraud that may occur in the 2024 Election and identify preventive measures.

Law Number 7 of 2017 concerning Elections is the main legal basis for the implementation of the 2024 Elections. This law regulates various technical aspects of elections, from voter registration to vote counting, with the aim of creating democratic, transparent, and accountable elections. Various provisions in the law also regulate criminal acts for any perpetrators of fraud, both from the organizers and election participants (Pratama & Anwar, 2023). Thus, strict supervision of the election process and consistent law enforcement are key to preventing fraud.

Although the regulations are quite complete, the biggest challenge in implementing the Election Law is implementation in the field. In practice, the implementation of elections is often marked by technical problems that open up opportunities for fraud. The technology and information systems used in elections must be able to ensure transparency and accountability, and involve the public in monitoring the election process. Therefore, a critical review of the implementation of the Election Law in the 2024 Election is very necessary, with a focus on identifying and preventing forms of fraud that have the potential to occur.

This article aims to conduct a critical study of fraud in the 2024 Election through the perspective of the applicable Election Law. This study will discuss the types of fraud that may occur, an analysis of the legal provisions that regulate it, and preventive and mitigating steps that can be taken to maintain the integrity of the election. Thus, this article is expected to contribute to efforts to create a more transparent, fair, and fraud-free 2024 Election, as well as strengthen Indonesia's democratic system.

Elections as the main instrument of democracy in Indonesia are very vulnerable to various forms of fraud that can disrupt the integrity and legitimacy of election results. One of the most common forms of fraud is vote manipulation, which can include vote inflation or manipulation of vote counting results at the election organizer level. According to a study by Rahmawati and Iskandar (2020), vote manipulation often occurs at the vote counting stage at the Polling Station (TPS) level, which can lead to changes in election results that do not reflect the people's voice. In this study, Rahmawati and Iskandar suggest that stricter supervision be carried out at the TPS level to reduce the potential for such manipulation.

In addition to vote manipulation, the practice of money politics is also a form of fraud that can damage the quality of elections. Research by Lubis (2021) shows that money politics is often used to influence voters' choices, either directly through giving money or through political promises that are not fulfilled after the

election. According to Lubis, money politics can damage the principle of freedom of choice and make elections no longer reflect the will of the people honestly. In the study, Lubis emphasized the importance of implementing stricter sanctions against perpetrators of money politics to prevent such practices.

Supervision of the election process is also an important aspect in preventing fraud. A study by Hasanah (2019) highlighted the role of the Election Supervisory Body (Bawaslu) in conducting supervision during the election process. According to Hasanah, although Bawaslu has the task of supervising and overcoming fraud, the biggest challenge is the limited resources and ability to supervise all stages of the election. In his research, Hasanah recommends the use of information technology to strengthen supervision and ensure transparency in the election process.

An increase transparency and reduce the risk of fraud, such as vote manipulation or inaccurate vote counting. They stated that the implementation of a technology-based system that is secure and can be audited in real time will provide assurance that election results are more accountable. Salim and Sulaiman reminded that the adoption of technology must be accompanied by protection against potential cybersecurity threats that can damage the integrity of the election.

In addition, voter education also plays a very important role in preventing fraud. In a study by Nugroho (2020), it was revealed that well-educated voters tend to be more aware of their rights and are more willing to report fraudulent acts that they witness. This study shows that voter education that involves an understanding of fraudulent practices such as money politics and voter intimidation can increase active public participation in election supervision. Nugroho also suggested that voter education be carried out more intensively, especially ahead of the 2024 Election, so that the public is more aware of the potential for fraud that occurs.

B. METHOD

This study adopts the Library Research and Internet Searching methods, both of which are relevant to the topic raised. In the Library Research method, the author utilizes various scientific literature from books, articles, and other library sources that are directly related to the research topic. Meanwhile, the Internet Searching method is carried out to complete references through digital sources available on the internet. The author searches for online articles, e-journals, and the latest publications that are relevant to the research topic. This method allows the author to obtain the latest information and additional data that not only enriches insight, but also strengthens research arguments with more up-to-date sources.

C. DISCUSSION

Types of Violations:

Violation of the code of ethics is a violation of the ethics of election organizers regarding the oath and promise before carrying out their duties as election organizers. Violations of the code of ethics are handled by the Election

Organizer Honorary Council (DKPP) and the decision is in the form of a written warning sanction, temporary suspension, permanent suspension or rehabilitation.

Administrative violations are violations of the procedures, procedures or mechanisms related to the administration of the implementation of the election stages. Administrative election violations are handled by Bawaslu and the decision is in the form of administrative improvements to the procedures, procedures or mechanisms in accordance with laws and regulations, written warnings, not being included in certain stages in the implementation of the election or other administrative sanctions in accordance with the election law.

Election criminal violations are criminal acts of violation and/or crimes against the provisions of election crimes as regulated in the election law and the law on the election of regional heads and deputy regional heads.

Efforts to Prevent Violations in Elections:

Efforts to prevent violations in elections are identify and map potential election vulnerabilities; Coordinate, supervise, guide, monitor, and evaluate the implementation of elections; Coordinate with related ministries/institutions or local governments; and Increase public participation in election supervision.

D. CONCLUSION

The election fraud crisis, according to the Election Law, violates the basic principles of democracy that guarantee honest, fair, and transparent elections. Fraud such as vote manipulation or money politics damages public trust, threatens the legitimacy of election results, and violates the law stipulated in Law No. 7 of 2017 concerning Elections.

To prevent and prosecute fraud, the law regulates the role of institutions such as the KPU, Bawaslu, and the courts. Public participation is also important to maintain the integrity of the election. With strict law enforcement, this crisis can be prevented and democracy maintained.

From the perspective of the Election Law, the election fraud crisis is a serious threat to democracy and the rule of law. Therefore, a commitment from all election organizers, participants, the community, and law enforcement officers is needed to maintain transparency, integrity, and accountability throughout the election process.

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