

# Legal Politics Of Digitalization Policy In The Implementation Of General Elections In The Context Of Prevention Of General Election Disputes In Indonesia

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## *ABSTRACT*

The research aims to examine and explain the Political Law of Digitalization Policy in the implementation of general elections in the context of preventing General Election disputes in Indonesia. General elections in Indonesia have undergone a significant transformation with the adoption of information technology and digitalization in the implementation process. In this context, the legal politics of digitalization policy is crucial to prevent and overcome potential disputes in general elections. This study aims to investigate the role of digitalization policy in efforts to prevent election disputes in Indonesia. The problem to be discussed in this study is how urgent is the Digitalization Policy in the implementation of general elections in the context of preventing General Election disputes in Indonesia. The research method used is a normative research method with a statute approach and analyzed using content analysis

Keywords: Political Law, Digital Policy, Election Disputes

## **INTRODUCTION**

General elections in Indonesia are a democratic process that involves public participation in electing leaders and representatives of the people. General elections are one of the important mechanisms in the Indonesian government system to determine policy and political decision making. General elections can be considered a "party" people" because it involves the active participation of all citizens in determining the leaders and representatives of the people who will hold strategic positions in the government. The electoral process is a manifestation of democratic principles, where political decisions are taken by the majority through a voting mechanism. Elections serve as a means

for the people to convey their aspirations, thoughts, and hopes about the future of the country and the welfare of the people. In the process, citizens have the opportunity to vote for candidates or political parties that they think have a vision, program, and commitment to realizing prosperity and progress for the whole society. In Indonesia, there are several types of general elections, including:

- 1) Presidential and Vice Presidential Elections: These elections are conducted every five years by the Indonesian people to elect the president and vice president.
- 2) Election of Members of the House of Representatives: elected by the people to represent certain constituencies. Elections for members of the People's Representative Council are held every five years.
- 3) Election of Members of the Regional Representative Council: is the legislative body representing regions in Indonesia. Its members are elected by popular vote.
- 4) Regional Head Elections: Regional head elections, such as governors, regents, and mayors, are conducted to elect leaders at the provincial and district/city levels. Regional elections are held every five years.
- 5) Legislative General Election: Apart from electing a president or regional head, the Indonesian people also elect members of the People's Legislative Assembly and the Regional Representatives Council through legislative general elections.

The election process in Indonesia is controlled by the General Elections Commission which is responsible for supervising, organizing, and conducting elections in a fair and transparent manner. In addition to the Election Commission, there is also an Election Supervisory Board that functions as an independent watchdog to ensure the integrity and credibility of elections. General elections in Indonesia have also undergone various changes along with the times and the demands of people's needs. In general elections, active participation from the public is essential to ensure the election process runs well and produce leaders who represent the aspirations of the people. However, please note that this information is within knowledge up to September 2021. To get the latest information about the general election in Indonesia, it is recommended to look for more reliable news sources.

Elections are prone to disputes. Disputes in elections can occur for a variety of reasons, including differences in political views,

alleged violations of election rules, allegations of fraud, election-related issues that sensitive, and intense competition between candidates or political parties. Some factors that cause disputes in elections include that elections often witness intense competition between candidates or political parties. When competition becomes fierce, the losing parties tend to be more easily dissatisfied with the outcome of the election and can trigger disputes. Sometimes, in the election process, there are allegations of violations of election rules by one of the parties involved. These violations can include illegal campaigns, money politics, ineligible voters, or manipulation of voter data. Distrust of the integrity of the electoral system, both on the part of election participants and voters, can lead to disputes. This can be triggered by a lack of transparency, unfairness, or concerns about errors in the vote counting process.

Elections are often filled with sensitive issues that include religious, ethnic, racial, and other identity politics. Issues like these can fuel tensions between communities and contribute to disputes. To deal with potential disputes in elections, it is important for states and election administration agencies to take transparent and accountable measures in regulating and implementing election. Clear rule implementation, active participation from independent supervisory bodies, and a balanced role of the media can help reduce the risk of disputes occurring. In addition, political leaders and parties must also have a commitment to respect the results of elections and resolve disputes by legitimate and peaceful means through channels applicable law. General elections in Indonesia, which are prone to disputes, especially related to ballots in the presidential election, require the role and function of technology, namely by implementing Digitalization policy in voting. Indonesia's general elections, including presidential elections, can be vulnerable to disputes especially over ballots and the voting process as a whole. The application of technology and digitalization policies in voting can be an important step to address some of the problems that may arise in elections, and increase the transparency and efficiency of the process. Here are some of the benefits and roles of technology and digitalization policies in elections in Indonesia, especially in terms of ballots and voting:

- 1) Reduction of Fraud Potential: By implementing technology such as electronic systems, voting can be done more accurately and automatically. This can reduce the potential for

ballot manipulation or other fraudulent actions that may occur in manual voting.

- 2) **Improved Accuracy:** The use of technology in voting can help reduce human error in the vote counting process. Thus, the accuracy of election results is increased and the risk of errors that can lead to disputes can be minimized.
- 3) **Transparency and Public Trust:** Digitalization policies can increase transparency in elections. Information about the voting process and its results can be more accessible to the public, thereby increasing public confidence in the integrity of the election.
- 4) **Efficiency and Speed of Vote Counting:** With digital technology, vote counting can be done more quickly and efficiently. This helps reduce the waiting time for election results and reduces the risk of discontent from the parties involved.
- 5) **Monitoring and Surveillance:** Technology can be used to monitor the electoral process from a variety of viewpoints, including monitoring by independent agencies, civil society organizations, or international monitors. This can increase accountability and help reveal potential violations.

However, it is also important to understand that the application of technology in elections also implies certain challenges and risks. Voter data security, the availability of technology infrastructure evenly across the region, and the risk of cyberattacks are some of the things that must be taken seriously and addressed in implementation of digitalization policy. In this regard, cooperation and commitment from various parties, including governments, electoral institutions, information technology experts, and civil society, are needed to ensure successful implementation of digitalization policy in general elections in Indonesia.

## **REVIEW OF LITERATURE**

In the context of legal theory, the conflict between legal facts and evidence that does not meet the requirements in general election disputes can be studied from several perspectives. Some theories that could be relevant to this situation are as follows:

### **1. Sufficiency of Evidence Theory:**

This theory focuses on the adequacy of evidence needed to prove a claim or demand. In the case of general election disputes, there is a question as to whether the evidence presented by the

disputing parties is sufficient to prove that the legal facts mentioned do not meet the requirements. This theory can assist a court or electoral body in assessing whether the evidence presented is strong enough to prove the claim.

## **2. Acceptance of Evidence Theory:**

This theory discusses the criteria or standards used to assess whether evidence is admissible in legal proceedings. In the case of election disputes, evidence that does not meet the requirements, such as forged or invalid evidence, may not be admissible under applicable evidence acceptance standards. This theory helps ensure that the decision-making process is based on legal and valid evidence.

## **3. Legal Certainty Theory:**

This theory emphasizes the importance of legal certainty in the legal system. In the context of general election disputes, this theory highlights the need to maintain clarity and certainty regarding the legal requirements that must be met by candidates and voters. Conflicts between legal facts and evidence that do not meet the requirements can disrupt legal certainty and threaten the integrity of the general election process.

## **4. Theory of Justice and Proportion:**

This theory deals with aspects of justice and proportion in the legal system. In the case of election disputes, this theory can help in assessing whether the sanctions or decisions taken against the candidates or the election results are fair and proportionate to the violations committed. If substandard evidence is used to support a claim, it can affect the overall fairness and proportion of the proceedings.

## **5. Democratic Process Integrity Theory:**

This theory highlights the importance of maintaining integrity and transparency in democratic processes, including elections. In cases of disputed elections, the use of evidence that does not meet the requirements can threaten the integrity of the entire process and reduce public confidence in the election results. This theory underscores the need to maintain public trust and ensure that the electoral process is fair and open.

## **6. Accountability Theory:**

This theory discusses the responsibility and accountability of the parties involved in a legal process. In general election disputes, this theory emphasizes the need for the disputing parties to provide valid and qualified evidence. The use of substandard

evidence can undermine accountability and can negatively impact trust in democratic institutions.

Of course, these are just a few examples of theory that could be relevant to the situations you mention. In your review of the literature, you can further detail and analyze how these theories can be applied in the context of election disputes involving clashes of legal facts and inadequate evidence. Be sure to refer to relevant legal literature to support your argument.

## **METHODOLOGY**

The research method used is a normative research method, using a statute approach related to the Political Law of Digitalization Policy in the implementation of general elections in the context of preventing General Election disputes in Indonesia. The statute approach is to examine matters concerning legal principles, legal views and doctrines, and laws and regulations related to General Election disputes, with accurate and accountable data. In addition, an in-depth examination of the legal facts is also held to then seek solutions to the problems that arise in the symptoms concerned.

## **RESULTS AND DISCUSSION**

### **1. Election Disputes in Indonesia**

Electoral disputes are one of the challenges faced in the democratic process in Indonesia. Although elections are an important mechanism to determine leaders and representatives of the people, it is not uncommon for disputes, conflicts and tensions to occur due to controversial election results. This essay will discuss some of the factors causing election disputes in Indonesia and steps that can be taken to overcome them. One of the factors causing election disputes in Indonesia is intense political competition. General elections often witness fierce competition between candidates and political parties. As competition gets fiercer, the losing side tends to be dissatisfied with the outcome of the election and can trigger disputes. This dissatisfaction can arise from allegations of fraud, differences in political views, or accusations of manipulation of voter data.

In addition, violations of election rules are also a contributing factor to disputes. General elections shall be held in accordance with established rules and procedures. However, sometimes there are allegations of violations such as illegal campaigning,

money politics, or voters who are not eligible to vote. Such violations can undermine the integrity of the electoral process and trigger disputes among election participants. Distrust of the electoral system has also fueled disputes. Some may doubt the integrity and fairness of the electoral system, especially if there is a poor record in previous elections. This kind of mistrust can erode the legitimacy of election results and lead to higher political tensions.

Steps that can be taken to resolve election disputes in Indonesia are as follows:

- a) **Strengthening Leadership and Transparency:** Strengthening leadership in electoral institutions and law enforcement is important in handling electoral disputes. Transparency in the electoral process, including monitoring and counting votes, must also be enhanced to ensure the fairness and integrity of elections.
- b) **Strict Law Enforcement:** Violations of election rules must be dealt with firmly and fairly. Consistent and indiscriminate enforcement will provide a deterrent effect and reduce potential future violations.
- c) **Community Participation and Political Education:** The public should be encouraged to actively participate in the electoral process and election monitoring. Adequate political education is also important to raise awareness about the importance of elections and the role of society in preventing disputes.
- d) **Improving the Quality of Technology Infrastructure:** The application of technology in elections must be improved, but it must also be balanced with improving the quality of technology infrastructure evenly throughout Indonesia to ensure the security and efficiency of voting.
- e) **Consolidating Democracy:** Strengthening democratic institutions and consolidating democracy as a whole will help reduce political tensions and potential electoral disputes.

Elections in Indonesia are a challenge that must be overcome in an effort to maintain and improve the quality of democracy. Measures to strengthen electoral institutions, law enforcement, active public participation, and the judicious application of technology are key to reducing the risk of disputes and strengthening fair, transparent, and democratic electoral processes. The problem of election disputes related to ballots is indeed an important concern in the general election process in

Indonesia. Ballots as one of the main instruments in elections are often a source of potential disputes for a variety of reasons. In overcoming these problems, there is a need for a renewal policy that optimizes the role of technology in general elections. Here are some issues related to ballots and solutions that can be implemented through technology update policies:

- a) **Physical Ballot Issues:** Large, heavy stacks of physical ballots require extra time and effort in the distribution and counting of votes. Risk of ballots being damaged or lost during the process of voting, counting, and counting votes. It is therefore necessary to optimize the role of technology by considering the use of electronic ballots or electronic voting systems (e-voting) as alternatives to reduce the physical limitations of ballots. Electronic ballots can be accessed online through secure platforms and can help in a more efficient and precise vote counting process.
- b) **Ballot Validity Issues:** Sometimes, physical ballots can be marked invalidly or tampered with, which can raise doubts about their validity. Misuse and duplication of ballots can become a problem if the system does not verify the authenticity of voters. Using biometric technology or electronic identity verification systems to ensure voter legitimacy and reduce the risk of multiple voters. The technology can help identify voters based on fingerprints or other unique features so that each voter can cast only one valid vote.
- c) **Ballot Violations and Manipulation:** Risk of physical manipulation of ballots, such as multiple voting, forced voting, or fraudulent ballots. Potential injustice if some voters experience intimidation or pressure in voting. Utilizing blockchain technology to record every vote and secure its integrity. This technology can provide a transparent trail that is difficult to manipulate and provide authentic evidence about the electoral process, reducing the potential for ballot-related disputes.
- d) **Slow Counting and Announcement of Results:** Physical vote counting takes a long time, and often results can only be announced for a considerable period of time after the election takes place. The application of distributed computing technology and advanced data processing can help speed up the process of counting votes and announcing results accurately. This system can help simplify and speed

up the overall electoral process.

Through the policy of technological renewal in general elections, it is hoped that various problems related to ballots and the voting process can be better addressed. The implementation of smart and appropriate technology will bring benefits to the integrity, transparency, and reliability of elections in Indonesia, as well as reduce potential disputes that may occur. However, keep in mind that the use of technology must also be balanced with strong voter data protection and cybersecurity to maintain the integrity of the entire election process.

## **2. The Urgency of Digitalization Policy in the Implementation of General Elections in the Context of Preventing General Election Disputes in Indonesia**

General elections are a major pillar in the democratic system in Indonesia. However, elections are also prone to various problems and disputes that can threaten the integrity and stability of the democratic process. In order to prevent potential election disputes and improve the efficiency of their implementation, digitalization policies play an important role. This paper will discuss the legal politics of digitalization policies in the implementation of general elections in Indonesia to prevent disputes. Digitalization policies in elections involve the use of sophisticated information and communication technologies to increase transparency, accuracy, and public participation in the electoral process. One of the main steps in this policy is to replace traditional voting methods with electronic voting systems (e-voting). E-voting systems can reduce the risk of disputes associated with physical ballots, such as forgery, loss of ballots, or difficulty in counting sound. With e-voting, every vote can be electronically recorded and verified more easily, making the election process more accurate and legitimate. The digitization policy also includes the use of biometric technology for voter identity verification. Biometric systems, such as fingerprint or facial recognition, can be used to ensure that each voter has only one vote and prevent double voters or fictitious voters. By using biometric technology, voter legitimacy can be better guaranteed, reducing the risk of manipulation and associated conflicts.

In addition, the digitalization policy in elections also includes the use of blockchain technology. Blockchain is a technology that can store data transparently and securely, without the need for a central authority. In elections, blockchain technology can be used

to record every vote transparently and irreversibly. Election results recorded on the blockchain can be accessed by the public easily, thus increasing transparency and public trust in the election process. In addition, blockchain technology can also help resolve disputes by providing authentic evidence of election results. However, the implementation of digitalization policies also faces several challenges. First, there needs to be a large investment in technology infrastructure to support the implementation of this policy. The availability of technology infrastructure that is evenly distributed throughout Indonesia is important to ensure the success of election digitalization. Second, the protection of voters' personal data and cybersecurity are also key focuses in implementing this policy. As sensitive voter data is involved in the digitization process, there needs to be clear policies in place to protect personal data and address cybersecurity threats. In conclusion, the legal politics of digitalization policy in the implementation of general elections in Indonesia has great potential to prevent election disputes and improve integrity of the democratic process. Through the use of e-voting, biometrics, and blockchain technologies, transparency, accuracy, and public participation can be improved. However, the implementation of this policy also requires cooperation between various relevant parties and careful data protection to achieve optimal results. With the adoption of appropriate digitalization policies, Indonesia can strengthen the electoral process and maintain the quality of the country's democracy.

The transformation of the digitalization of the electoral process from conventional to modern has a very important urgency in order to realize an honest, fair, and efficient democracy without involving the courts constitution. Here are some reasons why the transformation of election digitalization is urgently needed:

- a) **Transparency and Public Trust:** Digitalization transformation can increase transparency in the electoral process. The use of modern technology, such as electronic voting systems (e-voting) or blockchain, can record each vote transparently and irreversibly. The information recorded in this technology is accessible to the public, thereby increasing public confidence in the integrity and legitimacy of elections.
- b) **Efficiency and Accuracy:** Digitalization allows the election process to be more efficient and accurate. By replacing physical ballots with e-voting, the process of voting and counting votes can run more quickly and precisely. This helps

avoid human error and minimizes the risk of disputes resulting from incorrect calculations.

- c) **Accurate Data Logging:** The application of technology in elections ensures accurate and consistent data recording. Voter data, vote data, and election results can be recorded precisely, making it easier to analyze and supervise.
- d) **Fraud Prevention:** Digitalization transformation can reduce the risk of fraud in elections. Biometric systems and electronic identity verification can ensure voter authenticity, thereby reducing the potential for multiple voters or fictitious voters.
- e) **Simplification of the Electoral Process:** With digitization, the electoral process can become simpler and more accessible to all voters. Voters can use technology, such as smartphones or computers, to cast their ballots without having to physically walk to the polling station.
- f) **Reducing the Burden on the Constitutional Court:** With a fairer and more accurate electoral process, there is a possibility of reducing the number of electoral disputes that must be decided by the Constitutional Court. This can help reduce the agency's workload and ensure their focus on more pressing matters.

However, keep in mind that the digitization of elections also faces challenges and risks. Protection of voters' personal data, cybersecurity, and the availability of technology infrastructure that is evenly distributed throughout the region are some of the things that must be considered and handled properly. serious in digitalization transformation. In conclusion, the transformation of digitalization of the electoral process from conventional to modern has great urgency in realizing an honest, fair, and efficient democracy. By optimizing technology, transparency and public participation can be improved, disputes can be avoided, and trust in the electoral system can be improved. However, keep in mind that the implementation of digitalization policies must be carried out carefully and carefully to ensure the success and success of its implementation.

## **CONCLUSION**

Based on the description of the related to legal politics and digitalization policies in the implementation of general elections, it can be concluded that digitalization policies in the

implementation of general elections have a high urgency in preventing election disputes in Indonesia. By utilizing modern technology, transparency and public participation can be improved, disputes can be avoided, and public trust in the electoral system can be improved. Although challenges and risks remain, careful and cautious measures in the implementation of digitalization policies will have a positive impact on the quality of the country's democracy. Digitalization policy in the implementation of general elections has a very important urgency in the context of preventing election disputes in Indonesia. Transformation from conventional to modern systems using information and communication technology can bring various benefits to achieve an honest, fair, and efficient democracy.

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