

CHAPTER ONE

INTRODUCTION

A. Background

On 7th of May 2019, based on data on General Election Commission (KPU) the death of polling station officials has increased until 440 people and 3.788 people became an ill.¹ Before that, in 2014 the death of polling station official in general election is 157 people.² Working hours of polling station officials which are not regulated on Indonesian Law make them work exceed the working hours limit. They work from morning till drop, even in some voting places the polling station officials work from morning to the next morning again. Uncertain working hours had caused polling station officials to become exhaustion and heart attack³ which caused the main factor of death. That factor was influenced by the manual ballot calculation

After the death of polling station officials' news spread, and it was enough to make Indonesian people drawn in grieve, another problem arises because of the long term decision on the results of presidential elections which makes the conflict between two supporters of the presidential candidates heating up,

¹ Anonymous, 2019, "Total 554 Orang KPPS, Panwas dan Polisi Tewas di Pemilu 2019", published on <https://www.cnnindonesia.com/nasional/20190507084423-32-392531/total-554-orang-kpps-panwas-dan-polisi-tewas-di-pemilu-2019>, accessed on 10th May 2019 at 14.32 PM.

² Erik Purnama Putra, 2014, "Penghargaan Terakhir KPU Untuk 157 Pejuang Demokrasi", published on <https://nasional.republika.co.id/berita/nasional/umum/14/12/17/nggagz-penghargaan-terakhir-kpu-untuk-157-pejuang-demokrasi>, accessed on Friday 10th May 2019, 23.30 PM.

³ Devianti Faridz, et. al, 2019, "More than 300 Workers Dead After Indonesian Election", published on <https://edition.cnn.com/2019/04/28/asia/indonesia-election-death-intl/index.html>, accessed on Wednesday 15th May 2019, 23.11 PM.

specifically the utilization of the riots by some people during the decision on the results of the vote for presidential and vice-presidential candidates by general election commission which accused of manipulation during the election ballot calculations. Some people are alleged to set up riotous demonstration, because there was reports that ambulance filled with stones and money⁴, from the riots, it was reported that 7-8 people died and several were seriously injured.⁵

Electing a new president with a general election in Indonesia began in 2004, at that time Susilo Bambang Yudhoyono and Jusuf Kalla were elected as President and Vice President replacing the President Megawati Sukarno Putri. On the other hand, the House of Representatives (DPR) and the Regional House of Representatives (DPRD) already existed before the amendment of 1945 Constitutions on 2002. Before the 1945 Constitution was amended, the election was conducted through People Consultative Assembly (MPR) which determined or decided Soekarno as President for life.⁶

In the process of electing president whose term of office has been expired in Indonesia, the system used is the system of a general election which means there is no other mechanism except the general election to facilitate or provide

⁴ Marguerite Afra Sapiie and Nurul Fitri Ramadhani, 2019, "Police Warn of Violent Groups After Jakarta Riots", published on <https://www.thejakartapost.com/news/2019/05/23/police-warn-of-violent-groups-after-jakarta-riots.html> accessed on Thursday 23rd May 2019, 15.30 PM

⁵ Sausan Atika, 2019, "More than 300 Workers Dead After Indonesian Election", published on <https://www.thejakartapost.com/news/2019/05/24/anies-tough-spot-wake-jakarta-riot.html>. accessed on Thursday 23rd May 2019, 16.20 PM..

⁶ Ign Ismanto and Legowo TA, 2005, *Pemilihan Presiden Secara Langsung 2004*, Jakarta, Kedeputan Dinamika Masyarakat Menristek RI, p. 9.

the shift of power democratically and peacefully. The General election in Indonesia is arranged to be able to realize constitutional system with integrity and democratic. General election is also arranged so the people aspiration can be delivered through general, freedom, secret, honest, and fair election.⁷

Until today, Indonesia carries out the mechanism of the general election by perforating or punching the ballot and manual ballot calculation. The electoral mechanism in Indonesia that was held made the period of estrangement so long which causes the number of death of polling station officials in large amount and brings about political tension. However, in some other democratic states, they have already used electronic voting which is based on their strategies, stages and methods, such as United State of America, Austria and Switzerland that election's use the system of e-voting machine election (available on the voting place); Estonia and France use the system of internet voting (election by internet and personal computer).⁸ In line with that, it is interesting to discuss the urgency of using electronic voting mechanism like other democratic states in Indonesian election.

⁷ Consideration point c of Law Number 7 of 2017 concerning General Election.

⁸ Andrew Ellis, et. al, 2007, *Voting from Abroad "The International IDEA Handbook"*, Mexico, Federal Electoral Institute of Mexico, p. 218-220.

B. Problem Formulation

1. What are the urgency of using Electronic Voting in Indonesian election?
2. What are the obstacles in the use of electronic voting in Indonesia?

C. Objective Research

1. To understand the concept of electronic voting in Indonesia.
2. To analyze the urgency of electronic voting in Indonesia.
3. To recommend some suggestion regarding the use of electronic voting in Indonesia.

D. Benefit of Research

1. Theoretical Aspect

The research gives new perspective on developing of Constitutional law science on Indonesian election system, particularly in using electronic voting.

2. Practical Aspect

The research gives contribution to the policy maker on using electronic voting in election system.