
ELECTRONIC-VOTING (E-VOTING) POLICY IN CONSISTENT GENERAL ELECTIONS TOWARDS A DEMOCRACY SYSTEM IN INDONESIA

Karmanis Karolan¹

Abstract

Indonesia as a democratic country has entered the era of the millennium in the implementation of general elections simultaneously, therefore it is necessary to utilize computer technology using the Electronic-Voting (E-Voting) method. Several regions in Indonesia have used the E-Voting method as a means of democracy which is applied at the hamlet and village head election levels. Village Head election policy with E-Voting as a new means of democracy through a touch of the monitor screen and E-Verification through voters' E-KTP. For example: Pemalang Regency (Ujunggede Village), Jembrana Regency in Bali (Mendoyo Daging Tukad Village). Elections through e-voting must be designed as best as possible to realize the principles of direct elections, namely direct, general, free, secret (overflow) and honest and fair (fair) in direct elections. Electronic voting systems (e-voting) must be taken seriously and ensure transparency, certainty, security, accountability, and accuracy. In addition to technology readiness, of course, it must be supported by the readiness of the community in implementing this e-voting system in the future. The government's unpreparedness and lack of socialization of e-voting can also be a factor triggering failure in implementing this system.

Keywords: *E-Voting; Elections; Democracy*

INTRODUCTION

General elections are a means of political succession in a democratic country. The success of a country in holding direct, general, free and secret elections will be a measure of the value of the success of implementing democracy. The voice of the people in a democratic country is a very valuable value because the people determined the government itself.

General elections in article 1 of Law Number 7 Year 2017 concerning General Elections is defined as “The means for people's sovereignty to elect members of the People's Representative Council, members of the Regional Representative Council, the President and Vice President, and to elect members of the Regional People's

¹ Departemen Administrasi Publik, FISIP, Universitas 17 Agustus 1945

Representative Council, direct, public, free, secret, honest, and fair in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia". This decree explains that every Indonesian citizen is guaranteed to have a representative sitting in a representative institution who will voice his/her aspirations. People are represented at every level of government, from the central level to the regions.

Elections that are held directly, publicly, freely, secretly, honestly, and fairly are an absolute prerequisite for realizing quality people's representatives. This principle will create the right man in the right place to foster a sense of public trust in the government.

In a democratic country, elections for the president and representatives of the people's assembly are usually carried out by voting. Voting as a way of determining choices by voting or checking the choices. Voting is usually used in determining an option to get the result of an election process.

However, in the implementation of voting, it is full of fraud. Cheating usually occurs in the vote counting process (marking up the results of votes). With today's technology, voting can be done electronically. Voting conducted using information technology is called electronic voting (e-voting). The application of e-voting is expected to be able to overcome the problems that occur when using a conventional system (voting). Apart from overcoming problems in voting, e-voting is also able to save implementation costs. The use of e-voting does not use ballots anymore. The method used in the e-voting process is clicking or touching the screen (touch screen) to make choices.

Concerning fraud and its impact in holding general elections, Steven F. Huefner, explained that voting fraud can be committed by dishonest candidates who have a motive to commit it if they can find an opportunity to do so. It also can be committed by polling judges or other election official, who typically have much greater opportunity, provided they have a motive. Fraud can also be committed by isolated individuals or organized groups among the electorate, whose motives and opportunities may not be more attended (Huefner, 2007; 271)

Election fraud can destroy the principles of democratic elections. Another problem in the implementation of the election is mostly related to human errors, such as there are a number of invalid votes because many voters gave wrong signals in the election process, the slow tabulating process from the regions (Viva, 2019), and the size of the budget (Ministry of Finance, 2019) is considered as a result of the ineffective implementation of

the election so as not to create an optimal democratic party. Not optimal election implementation has implications for a decrease in the level of satisfaction in the election administration.

Likewise, the 2019 simultaneous elections have left a bad precedent in the history of holding elections in Indonesia. This is because many elections officers fell ill and even died while carrying out their obligations. According to the head of the General Election Commission, Arief Budiman, there were 849 officers who died and 5,175 officers who experienced illness. Heavy and stressful workloads are suspected to be the main cause of this problem (Mashabi, 2020). In order to prevent this problem from recurring, a discourse has emerged regarding the application of e-voting which aims to simplify and speed up the voting and counting process so as to avoid casualties. E-voting itself is often seen as a tool for advancing democracy, building trust in election administrators, adding credibility to election results, and increasing the effectiveness and efficiency of the entire electoral process (International Idea, 2011: 6).

In Indonesia, e-voting has been implemented in 981 regions and has used the e-voting system in hamlet head elections, the existence of regions in Indonesia that use an electronic system gives us a glimmer of hope for the use of e-voting in larger elections. For example, Jembrana Regency in Bali has implemented an electronic system in the election of the hamlet head. Since April 2009, 54 hamlets in 31 villages in Jembrana have used Direct Recording Electronic (DRE) technology that uses a touch screen. A total of 70 hamlet heads were selected using DRE technology in May 2011. The E-Voting system was also implemented in the Village Head election event in Boyolali Regency, Central Java in March 2013, to the hamlet head election, Pemalang Regency, Central Java. in September 2016.

In a democratic rule of law, the activity of electing a person or group of people to become a leader is ideally carried out through general elections based on the principles of direct, general, free, secret, honest and fair elections. Along with the development of technology and information came the term e-voting (electronic voting) which made it easier to vote. The voting system e-voting provides several different characteristics from traditional voting techniques and also provides enhanced features of voting systems over traditional voting systems such as accuracy, convenience, flexibility, privacy, verifiability and mobility.

In ensuring the smooth running of the electoral process, the most fundamental thing that must be strengthened is the implementation and system that can provide full protection to voters against worries, fears, dangers, irregularities, fraud and other fraudulent practices that can occur during election administration (Singh, 1996; 11). Based on these problems, seeing the current election implementation is not optimal, an idea of improving the implementation mechanism is needed. To spur effectiveness and efficiency in the implementation of elections, this is in line with the development of the industrial revolution 4.0 by utilizing technology in various fields (Prasetyo, 2018; 5). The existence of the concept of general election by e-voting which in its implementation has changed the way of organizing modern conventional elections.

Electronic Voting (E-Voting) in a Democratic System.

A democratic country is a country that puts the highest power in the hands of its people. People are involved in determining every policy in government. A democratic government will certainly refer to the concept of democracy which is evolutive and dynamic in accordance with its socio-historical context and dynamics (Suhelmi, 2000: 297). Democratization is defined as the act or process of making or becoming democratic (Legowo, 1994). The concept of democracy (Dahl, 2001; 9) as a form of government has long been known, which is thought to have been first applied in ancient Greece, about 2500 years ago.

As stated by Abdul Rahman Assegaf (2004: 140) who defined democracy from the origin of the word, which comes from the word *demos* which means people, and *kratos* which means power. Harris Soche (Winarno, 2010: 91) stated that democracy is a form of people's government, because the power of government is inherent in the people.

According to Zamroni (2001: 32) which stated the value of democracy, namely, (a) tolerance, (b) freedom of expression, (c) respecting differences of opinion, (d) understanding diversity in society, (e) openness in communication, (f) uphold human values and dignity, (g) self-confidence or not depending on others, (h) mutual respect, (i) able to restrain oneself, (j) togetherness, and (k) balance.

Hans Kelsen in Talha, (2009: 418) regarding a state characterized by democratic principles, among them are: (1). The will of the majority and the will of the minority (2). The will of the majority cannot become absolute domination (3). There is a compromise between the will of the majority and the will of the minority in addressing a problem and

in forming an order (4). There is no compulsion in religion and belief (5). There is freedom of speech, freedom of the press, and opinions to express opinions are guaranteed to exist, either through the constitution or through customary agreements that occur in a country (6) A healthy compromise means that there is no conflict of interest between the will of the majority and the will of the minority which will usually result in anarchy.

The value of democracy is not directly implanted in a person, but step by step. The application and implementation of democratic ideology in the political system requires limitations that will keep the political system democratic. There are also principles as the implementation of a democratic political system, namely: (a) The existence of a political mechanism, namely between the political life of the government and the political life of society, (b) The existence of supervision of the state administration, (c) Justice or law that is free and does not take sides with one party / group, (d) There is protection of basic human rights, (e) Regulations or policies imposed by the government are made by a political representative body and without coercion or threats from other government agencies, (f) Government officials those elected are placed in positions and departments according to their abilities, this placement uses a concept called merit system and politics, (g) If there is a dispute in a political institution, it will be resolved by peaceful means, not compromise, (h) providing guarantees for individual freedom, but still accompanied by certain limits (such as the freedom of press), (i) The application and implementation of a democratic constitution, and (j) Agreement is an important principle in a democratic political system, especially in determining decisions concerning the public interest.

The approach to democracy and its relevance to general elections is to look at democracy in terms of the scope and intensity of citizen participation in the making and implementation of political decisions. Electronic Voting (e-voting) or electronic voting, as a voting process that allows voters to cast their votes safely and confidentially via the internet voting. E-voting itself means the use of computer technology in the implementation of voting.

E-voting has a legal basis for the decision of the Constitutional Court Number 147 / PUU-VII / 2009 in article 5; guidelines for implementing village head elections using E-Voting in Indonesia issued by the Agency for the Assessment and Application of Technology; Article 85 Government Regulation in Lieu of Law Number 1 of 2014

concerning Elections for Governors, Regents and Mayors, voting for elections can be done by voting through electronic voting equipment.

In Indonesia, voting is often done although still in a traditional way. Whether in the election for President, Governor, Mayor or Regent. Then the public will come to the Voting Place to vote or vote on the candidate they will vote for. Broadly speaking, we can see the difference between e-voting systems and traditional voting which has 8 differences (M. Q. Khan, F. Mehmood, D. Khan, and W. Hussain, 131, 2011) as follows:

Table 1. The Difference Between Traditional Voting and E-Voting

Traditional Voting System	Electronic Voting System
Paper Based	Electronic System
Number of Polling Agents required	Web Connectivity Needed and ICT Infrastructure required
Operating cost of papers and ballots, on each election.	First time operating cost of ICT infrastructure
Lack of transparency	More transparent
Delay in output result	The output result is very quick
Lots of political influence	Lack of political influence
Requirement of human resource at the place of voting	Direct recording electronic (DRE) system
Physical presence of voter in polling station	Usable voting system by mobile/handheld device

Source: Sanjani, Hartati, and Sudarmaningtyas, 2011

Thus E-voting is essentially the implementation of voting conducted electronically (digitally) starting from the voter registration process, the implementation of elections, counting votes and sending the results of votes. The application of E-voting is expected to be able to overcome problems arising from conventionally held elections.

Electronic-Voting (E-Voting) as Public Policy

Public policy is an action that has a specific purpose, which is carried out by government agencies and their staff to solve a particular problem. The problems in society are very broad, covering various fields and sectors of life, so that appropriate and targeted

public policies are needed so that the goals of people's welfare can be achieved (Rahardjo, 2011: 13). In today's democratic life, we cannot be separated from what is known as public policy, such as in the field of social welfare (Winarno, 2002: 15).

Thus public policy is a series of actions taken by the government which is oriented towards certain goals in order to solve public problems in the public interest. The policy to do something is contained in the provisions or laws made by the government so that it has a binding and compelling nature.

Based on the above description, the implications of the explanation of public policy can be stated as follows according to (Rahardjo, 2011: 13), namely: (1). Public policy always has a specific purpose. (2). This public policy contains actions that serve as directions for the related agencies to be implemented. (3). Public policy is an action that is really to deal with an important problem in society. (4) Public policy is positive in nature, in the sense that it is an act of the government regarding a certain problem, or prohibits doing something. (5). The public policy is made based on binding statutory regulations.

Electronic Government (E-Government)

The World Bank defines e-Government as follows: E-Government refers to the use by government agencies of information technologies (such as wide area networks, the internet, and mobile computing) that have the ability to transform relations with citizens, businesses and other arms of government.

The United Nation Development Program (UNDP) defines e-government as follows: E-Government is the application of information and communication technology (ICT) by government agencies. In the concept of e-Government, there are four types of classifications, namely: (1) Government to Citizens (G-to-C). The G-to-C type is the most common e-government application, where the government builds and implements various portfolios of information technology with the main objective of improving interaction relations with the public (the people). One of the manifestations of Government to Citizens is the application of electronic voting (e-voting) in the election of the Village Head, as has been implemented in Jembrana Regency, Bali; Boyolali Regency, Central Java, Bantaeng Regency, South Sulawesi, and the election of the village head in Pemalang Regency, Central Java. (2) Government to Business (G-to-B). One of the main tasks of a government is to establish a business environment that is conducive to a country's

economy running as it should. In carrying out daily activities, business entities such as private companies need a lot of data and information that is owned by the government. An example of this G-to-B e-Government application is: Taxpayers can easily run a web-based application to calculate the amount of taxes paid to the government and make payments via the internet. (3) Government to Government (G-to-G). The need to interact between one government and the government every day does not only revolve around diplomacy, but also e-government to facilitate cooperation between countries and cooperation between state entities (society, industry, companies, and others) in conducting matters related to trade administration, political processes, social and cultural relations mechanisms, and so on. Examples of this type of G-to-G application are: Administrative relations between local government offices and a number of embassies or general consultants as accurately as required by foreign nationals residing in the country. (4) Government to Employees (G-to-E). In the end, the application of e-Government applications is also intended to improve the performance and welfare of civil servants or government employees who work in a number of institutions as public servants.

Various types of applications that can be built using the G-to-E format include: Government employee career development systems which, in addition to ensuring an improvement in the quality of human resources, are also needed to support the process of mutation, rotation, demotion, and promotion of all government employees.

By realizing the various types of applications, the strategic function of various e-government applications developed by a country can be realized. Its existence is not only to improve the performance of government services to its people, but also to improve the quality of the administration of a country's government, which in turn will lead to the progress of the country itself. Of the four types of applications, e-voting is a government to citizen application. This application has information disclosure to the public which provides a level of public confidence in government performance.

E-Voting is closely related to e-government, e-government itself is an information technology system developed by the government in providing options to the people when and wherever they can get easy access to information and services that the government provides to them. This is a form of government function to provide alternative channels of choice through this information technology (internet media). The implementation of e-Voting in the general election system is the embodiment of a democratic government.

General Election as People's Sovereignty

An election democracy is carried out regularly, every adult citizen has the right to vote and be elected and is free to exercise this right according to his conscience (Gaffar, 2006; 9). He is free to determine which candidate or political party he will support without fear or coercion from other people. The voters are also free to participate in all kinds of election activities including campaign activities and witnessing the vote count.

Election is a mechanism for selecting leaders who are elected by the people. In the view of Huntington (1976) the selection of government leaders through competitive elections by the people its governed. The main procedure is that top decision makers in government are selected periodically through fair elections, where the candidates freely compete for votes. Of course the selection of government leaders as meant by Gaffar and Huntington is a selection that applies to both the central (central) and regional (decentralization) levels.

In the context of decentralization, one of the most universal goals of decentralization is to encourage the creation of democratization in the Huntington government (1976). The meaning of the principle of decentralization has become a debate among experts in examining and observing the application of this principle in the implementation of regional government. The debate that has arisen is due to the perspective on articulating which side of decentralization is positioned in the implementation of local governance.

From the meaning of the decentralization principle of each expert, it can be clarified in several ways, including: (1) decentralization as the transfer of authority and power; (2) decentralization as the transfer of power and authority; (3) decentralization as the distribution, distribution, distribution and granting of powers and authorities; (4) decentralization as a means of division and formation of regions of the government of Huntington (1976).

The government in power has a function that stands above all interests, which Rasyid (2000; 59) has stated as the main tasks of government, namely: Service, empowerment and development. Service will produce justice in society, empowerment will promote community independence, and development will create prosperity in society. Meanwhile, according to Ndraha (2000; 85) the government functions are

primary function or service function, secondary function or empowerment function, as the organizer of development and carry out empowerment programs.

Law Number 32 Year 2004 does not regulate “dynasticism” in which the legal incumbent "encourages" his family; be it his wife, son, son-in-law, to run for regional head. Both incumbents and non-incumbents alike have the opportunity to run for themselves, either through political party channels or through individual (independent) channels.

Because of his position in office, there are opportunities for the incumbent to use his network of power (bureaucratic and financial) in an effort to "encourage" his family to become an official to replace his position. From this it can be seen several factors that support dynastism take place in which the incumbent family member(s) can succeed in becoming the winner in the election process.

Elections are essentially a means of people's sovereignty, so that no country in the world claims to be a democratic country that does not hold elections. Elections are presented as an instrument to ensure a democratic transition and rotation of power. In addition, elections are also a means to promote accountability and public control of the state. On a bottom-up basis, there are three functions of elections: First, as a means of political recruitment, in which every citizen has the right to be elected as a public official. Second, as a means of forming a government; and third, as a means of limiting official and policy behaviour. Meanwhile, in top-down terms, elections have (four) functions: First, as a means of building legitimacy; Second, as a means of strengthening and circulating the elite periodically; Third, as a means of providing representation; and fourth, as a means of political education.

RESEARCH METHOD

This research uses a descriptive qualitative approach. Data sources: Primary (interview results and observations) and Secondary data sources (local legal products and literature books, as well as documents related to the problem). Data collection techniques with interviews, focus group discussion and library research. Data analysis techniques using interactive model analysis, namely data reduction, data display and conclusion drawing. Data validity, using criteria, namely: Credibility, Transferability, Dependability, and Confirmability.

RESULT AND DISCUSSION**Election as the Embodiment of a Democratic System in Indonesia**

Elections are a mechanism for selecting and delegating or transferring sovereignty to people or parties that are believed to be representatives of the people (Surbakti, 1992; 181). According to Thomas Edward Flores (2016; 3) elections are interpreted as colossal administrative activities that involve a large proportion of the population in a country. As has been explained that the function of elections is as a mechanism for selecting leaders, the process of organizing elections must become a milestone for the sustainability of leadership in a country. The success of holding elections will have a major effect on the success of democracy (Handoyo, 2012; 5).

The current election administration is still running conventionally, where voters come to the polls on the election day. They voted or checked the ballot papers then put them into the ballot box. After the voting process is complete, the vote counting process is then carried out (General Election Commission; 2019). However, in its implementation. This process it still causes ineffectiveness and efficiency, causing several problems such as wasteful budget in the implementation of elections, slow tabulation of the results of vote counts, many human errors, many casualties from the polling station committee and fraud conducted by the election organizer.

The first problem is the wasteful budget issued by the organizers. In the 2014 election, the Minister of Finance noted that he had disbursed IDR 15.62 trillion 53, which experienced a massive increase in 2019, namely IDR 25.2954 trillion or around 61% of the previous election funds. The majority of the funds were used to print a large number of ballots. In addition, the election budget is increasing every year due to providing wages to polling station committees and their logistics. Meanwhile, in 2020, the Minister of Finance Sri Mulyani Indrawati said that the budget for regional head elections, which was originally allocated to Rp. 15.23 trillion and funded by the Regional Revenue and Expenditure Budget, rose to Rp. 20.46 trillion due to the need for health protocols.

The second problem is the slow rate of vote counting from the regions to the election center. During the 2019 elections, voting was conducted on April 17, 2019, (General Election Commission; 2019) but the election results was only completed and announced to the public on May 22, or 36 days after the voting was held. This happened because of the long flow of recapitulation as can be seen in the Picture 1.



Picture. 1 Flow of the 2019 Election Vote Recapitulation

The third problem is related to human error, such as in Aceh Province which made mistakes in the exchange of 500 ballot papers between regions. This is reinforced by the perspective of Steven F. Huefner (2014; 218), the causes of problems with the election results can be caused by several things, namely: (1) Fraud. Voting fraud can only be caused by fraudulent candidates, where they have the desire and opportunity to commit the fraud. This can also be done by vote counters and other election officials who have the opportunity to make it easier for them to do so. (2) Mistake. Errors made by election officials. Mistakes from these officers will not be a big problem if they can be corrected before the election or through a recalculation process. (3) Non-fraudulent misconduct. This act does not constitute cheating in the Election, but rather an act that can lead to lower public confidence in the election results. For example, a group of candidates deliberately took the action of dividing the votes of other candidates so that certain candidates would increase their vote acquisition. (4) Electronic events or acts of God. Another cause of problems in the election results is the occurrence of natural events (acts of God) that are beyond the human capacity of election administration officers.

The implementation of a democratic party where errors in vote counting often occur will cause dissatisfaction with the public. Moreover, there are always human errors in

each area. In Sumatra, 612 of the ballots were swapped, many people were not satisfied with the service, there were technical problems, the regulations made by the committee were unclear. So that complexity also occurs in the vote counting process.

The fourth problem is the number of polling committee officers who died or ill in the 2019 elections, which were said because of the exhaustion while doing the election process. A total of 557 officers died and 11,239 fell ill. The number of death and illness among these officers was allegedly due to the heavy workload of election administration. (Ardipandanto, 2019; 27).

As for the problems in the Election, namely related to fraud, there was 24 frauds in the implementation of the Election in North Sumatra. A number of 20 frauds in North Maluku, 41 in South Sulawesi, and 19 in Gorontalo committed by the polling station committee in the regions (Bawaslu; 2019).

According to Bawaslu Decision Number 21 / LP / PL / ADM / RI / 00.00 / V / 2019, there had been a violation of the election implementation at the time of recapitulation at the Regional General Election Commission (KPUD), Empat Lawang. The Nasdem Party was said to have a vote mark-up for the election of the People's Representative Council for the Electoral District of South Sumatra II, namely between DA1 at the district level that has been determined and DB1 during the recapitulation at the Regency level at the Empat Lawang Regional General Election Commission (KPUD) (Bawaslu; 2019).

This is contrary to Article 2 of Law No. 7 of 2017 concerning Election Implementation which says "General elections are held directly, publicly, freely, secretly, honestly and fairly every five years", the more fraud the higher the level of vulnerability which will undermine the integrity of the Election. A collapsed Election integrity also means the collapse of the legitimacy and credibility of the government that is generated through the holding of direct, general, free, secret, and honest and fair elections. Of all the problems described above, it has had a significant impact on the level of public satisfaction with the election administration. Where in 2014 the level of community satisfaction was at the point of 70.7% and then that number decreased in 2019 to 57.7%. It is feared that the level of satisfaction will continue to decline in line with the implementation of conventional elections. Satisfaction level is one of the factors that reflects public service. Therefore it is deemed necessary to change the administration of

elections which are currently still being carried out conventionally into modern election administration.

E-Voting Countries: Brazil, India, and Switzerland

The comparison of E-voting with Brazil, India and Switzerland is an urgency to change the concept of conventional general elections to modern ones (E-voting). Electronic Voting (e-voting) as an act of exercising the right to vote in an election activity. Quoting Evans, voting is related to an election. E-voting can be defined as using the right to vote in an election that is supported by electronic means. Electronic voting at polling stations is already being carried out in some of the largest democracies in the world, and Internet voting is used in some countries, especially in small and historically conflict free countries. Many countries are now introducing e-voting systems with the aim of improving various aspects of the electoral process. For example, Brazil, India and Switzerland are the comparisons to use e-voting in the implementation of elections in Indonesia.

The e-voting mechanism is not only seen as a form of modernization of the electoral process but can increase public participation based on information and communication technology (ICT). In practice, the e-voting system prioritizes the transparency process, which aims to increase trust in the electoral system which is based on Luberjurdil (Siti Chaerani, p. 27). Discourse on the Use of E-voting in Elections, Research Center for the Expertise of the House of Representatives of the Republic of Indonesia, Vol XI, No. 10, Central Jakarta, h. 27). Countries that have succeeded in implementing standards, techniques and mechanisms that are then accepted by the public and proven effective, such as Brazil, India, and Switzerland where they have used the e-voting system well. (International IDEA, 2007).

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Furthermore, the authors construct in order to find the convergence point of three systems, namely: first, the Brazilian State which has the same thing, a developing country which is developing into a developed country, a democratic country, and a civil law legal system. The Brazilian state has developed the concept of Brazilian democratic election through e-voting since 2000. In fact, the e-voting mechanism was first introduced in Brazil in 1996 during local elections in the City of Santa Catarina (Rokhman, 2011; 6). Then in 1998, the e-voting mechanism was introduced nationally in the Election arena as an election management system.

However, historically the context according to the ACE Project, (2006; 24) the e-voting mechanism was implemented in 1985 when the election of the chairman of the Supreme Court of Brazil was computerized. In 1986, the Brazilian government conducted a feasibility study (Diego and Jeroen, 2007; 16) on the use of e-voting technology. The background for the application of e-voting is focused on the desire of the state to combat endemic fraud in the ballot tabulation process and overcoming problems related to election accessibility and damaged ballots in the conventional electoral system (Diego and Jeroen, 2007; 16). In use, the e-voting machine in Brazil has several purposes, including: identifying voters, voting processes, and counting votes (Centinkaya, 2005; 87-90). As a form of transparency, all political parties and election participants have access to the e-voting machine program for auditing.

Brazil has also made a long journey in implementing the e-voting system, which initially used paper trail technology before started using a microcomputer specifically designed for election purposes. Physically this machine has good power, small, light, does not depend on the power supply because it uses batteries, and has some sufficient safety. This e-voting machine has 2 parts, namely the control panel which is operated by the polling station officers and the voting panel for voters. The Control Panel for Voting Place officers has a keypad consisting of numbers with which the officer records the voter registration number. In addition to the keypad, there is a screen that displays the voter's name when the voter's number has been input and this panel also has a voter identification feature with biometric technology. especially the implementation of e-voting to combat endemic fraud in the ballot tabulation process and to overcome problems related to election accessibility and damaged ballots in conventional electoral systems (Dantas, 1994; 13).

Second, the Indian state which uses the civil law legal system, has the same area and population. India has implemented e-voting since 1989-1990 by conducting trials in local elections in several parts of the country (Jordi Barrat, 2015; 5). India's e-voting was officially carried out and implemented in 1998 on a small scale to elect members of the House of Representatives in Kerala and then gradually in 2004 it was held nationally. Since the 2004 Election, India has implemented e-voting consistently and continuously, both for local elections and national elections in all regions of India. The background of the application of e-voting, among others, is economic growth and an aspect of preventing fraud against the high election results. The e-voting technology implemented in India is known as the Electronic Voting Machine (EVM), which is a small machine, a set of simple computers that can record voters' choices without using letters or ballots. This EVM is placed in every Voting Place. The EVM that India currently uses is the third generation EVM in 2006, namely the EVM that uses paper evidence for each voter who has exercised their voting rights, namely (VVPAT- The Verified Paper Trail Audit) (Thomas Jeffrey, 2010; 20). The use of EVM with VVPAT is carried out as an answer and concrete evidence of public criticism that EVM is not transparent and cannot be audited on every voter choice.

This e-voting machine consists of two parts or units that are connected to each other. The first unit is the control unit used by the election executive officer, while the second unit is the ballot unit which is used by voters to make their choice in the voting booth, the voter determines his choice by pressing a button that has the candidate's name written on it. and the logo of his political party (Alvarez, p. 24). This has again increased the participation of the people or their political parties in the election, seen from the second largest population in the world with a population of more than 1.210 billion in the 2011 census (look for the latest data from the Indian General Election Commission regarding data on increasing election participation). Data on the high number of voter turnout in India shows that the application of electronic voting is successful which brings benefits to the population and minimizes the occurrence of errors in voting and abstention (Pippa Norris, 2004; 5)

Third, the State of Switzerland as a comparison material, in February 1998 marked the beginning of the use of e-voting in that country. At that time the Swiss federal government formulated a strategic paper entitled "Strategy for an Information Society in

Switzerland" to create an information society in Switzerland. In January 2002 the report "Rapport sur le vote électronique" was published. The aim of this report is to show what is needed to implement e-voting in Switzerland (Giampiero, p. 4).

Vote électronique is a form of cooperation between the confederation and the regions. These regions are obliged to conduct elections and referendums and develop and operate an e-voting system. During 2004-2006 trials were carried out in three regions of Geneva, Neuchâtel and Zurich (Nadja Braun, 2003; 12). After conducting a pilot phase, the federal council decided on May 31, 2006 that e-voting would be implemented in stages. The change of regulations and regulations on January 1, 2008 marks a further probationary period. Then in the 2012 Eidgenössische Volksabstimmung (*Pemilu*), 12 regions conducted e-voting, in which 122,000 citizens who had entered the voting age could determine their votes online (Schweizerische, 2012).

The voting process using e-voting in Switzerland is done online. The following are the procedures for online e-voting in Switzerland (Marcel Egli, 2012; 10): (1) Every voter who meets the requirements receives a letter post with proof of right to vote. The letter has an id number which is used for authentication and e-voting. To start e-voting, you need a computer or mobile device that has a connection to the internet and a browser. (2) Using an internet browser is the next step for casting virtual votes, by typing the URL "https://e-voting.zh.ch" in the browser address window. (3) After gaining access to the web site, voters fill in the user id column with the id number listed in the letter. (4) In the next stage, voters will be informed about the explanation and related regulations. To continue the e-voting process, voters are required to read and confirm by pressing a button that is available on the screen. (5) The next stage, voters must fill out the template by pressing the "yes" or "no" button regarding the question related to the election. When finished the selector (6) At a later stage the voters must confirm their choice. Every voter who has entered will be registered for inspection. (7) As additional security is required to enter the date of birth. (8) At this stage, the pin which can be found on the proof of voting rights must be entered. (9) To send the vote, the send button is pressed, after which the voter would receive a. Based on various e-voting system from several countries above, it can be concluded that Indonesia is qualified enough to implement e-voting as a general election system in the future.

CONCLUSIONS

First, the implementation of elections using conventional methods is considered not going well. This can occur due to several things such as a lot of fraud, human error, swelling of the election budget, a long recapitulation process, and the number of committees who died. Therefore, that the level of public satisfaction with the implementation of the election has decreased.

Second, Electronic-Voting (E-Voting) in concurrent General Elections is promising during the Covid 19 pandemic. The concept of E-Voting can support the realization of direct elections that are effective and efficient, and minimize the potential for manipulation of vote counts.

RECOMMENDATION

So as not to create a legal vacuum for (regional) governments that are not ready to conduct e-voting. Through the results of the Court's decision, a new breakthrough emerged in the realm of general elections to implement new electoral methods which are considered to make an effective elections in terms of cost, time and energy but still strive to meet the principles of overflow and fairness. Thus, it is hoped that e-voting can lead Indonesia towards democracy.

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