



ISSN Print: 2541-5298  
ISSN Online: 2541-6464

# SRIWIJAYA

Law Review

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## Indonesia's 2024 Election: Constitutional Court Perspectives on Electoral Violations

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| Article   | Abstract  |
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| <p><b>Keywords:</b><br/>Electoral disputes;<br/>Indonesian Constitutional Court; Electoral violation;<br/>Election Supervisory Body; General Election Commission.</p> <p><b>Article History</b><br/>Received: Jan 8, 2025;<br/>Reviewed: Jul 11, 2025;<br/>Accepted: Jul 20, 2025;<br/>Published: Jul 31, 2025.</p> <p><b>DOI:</b><br/>10.28946/slrev.v9i2.4584</p> | <p>In 2024, Indonesia held a historic general election in which, for the first time, presidential, vice-presidential, and legislative elections were conducted simultaneously across all regions of the country. However, the election was marred by indications of various violations that raised concerns about its integrity. This study investigates violations that occurred during Indonesia's 2024 general elections by analysing Constitutional Court rulings on electoral disputes. Employing a qualitative case study approach supported by NVivo 12 Plus for data analysis, the research identifies key institutional actors involved in the disputes, including the General Election Commission, the Election Supervisory Body, political parties, and other stakeholders. The findings categorize electoral violations into three major types: administrative, ethical, and criminal. Administrative violations are largely attributed to procedural complexities, inadequate preparation, and limited time for implementation, leading to errors in electoral management. Ethical violations arise from misconduct by election officials and political actors, often breaching the standards outlined in the Indonesian Electoral Law. Criminal violations, the most severe, include state apparatus interference, vote-buying, and voter disenfranchisement, all of which severely compromise electoral integrity and democratic principles. These violations have resulted in significant legal consequences, such as mandated re-voting in specific regions, vote recounts, and the disqualification of candidates. The study highlights systemic weaknesses in Indonesia's electoral governance and underscores the urgent need for institutional reforms to ensure fair, transparent, and accountable electoral processes. Ultimately, the research contributes to a deeper understanding of the challenges facing democratic consolidation in Indonesia and the legal mechanisms available to address electoral disputes.</p> |

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## INTRODUCTION

Elections are a fundamental pillar in a democratic state. The importance of elections in a democratic system cannot be underestimated, as they are the primary mechanism for realizing

popular sovereignty and ensuring the legitimacy of government.<sup>1</sup> At the heart of the concept of democracy lies the principle that government must originate from and be run by the people's will, with elections being the primary means of realizing this principle. Elections must be organized on the principles of free, fair, and periodic.<sup>2</sup> Expressing people's political preferences in electing representatives who will make rulings on their behalf in a governance mechanism becomes a scheme of political accountability because elections are part of a democratic system.<sup>3</sup>

The 2024 general election in Indonesia is a crucial democratic event. For the first time, Indonesia will hold presidential, vice presidential, and legislative elections simultaneously in all regions of the country.<sup>4</sup> The scale and complexity of these elections demand high accountability and professionalism from all parties involved, especially the election organisers. The organisation of professional and accountable elections plays a vital role in several aspects, including ensuring the integrity of the democratic process.<sup>5</sup> Well-organized elections will produce leaders and representatives whose legitimacy is not in doubt.<sup>6</sup> This is important for political stability and future governance.<sup>7</sup> Without solid accountability and professionalism, electoral results are likely to be doubted and lead to prolonged political conflict, thus encouraging higher public participation. When people believe their votes count and matter, they will be more encouraged to participate actively in elections.<sup>8</sup> A high level of participation reflects the excellent quality of democracy and guarantees the legitimacy of the government elected through the democratic process.<sup>9</sup> In addition, the quality of the election organization can also build public trust<sup>10</sup> in democratic institutions and become a fundamental pillar in the democratic process to ensure that the election results truly reflect the people's will.<sup>11</sup>

The extent to which the quality of the implementation of the General Election in Indonesia in 2024 can be analysed from the rulings of the Constitutional Court, where the Constitutional Court is where the cases of the implementation of the general election are sought for the truth.<sup>12</sup> A lot of information can be obtained, ranging from administrative violations of the law and violations of the code of ethics to criminal breaches<sup>13</sup> that can provide a complete picture of the extent to which the quality of the organization of general elections in Indonesia in 2024. The

<sup>1</sup> Nimatul Huda, *Penataan Demokrasi Dan Pemilu Di Indonesia* (Kencana, 2017).

<sup>2</sup> Robert A Dahl, *On Democracy* (Yale university press, 2020).

<sup>3</sup> Joseph A Schumpeter, *Capitalism, Socialism and Democracy* (routledge, 2013).

<sup>4</sup> Presiden Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 7 Tahun 2017 Tentang Pemilihan Umum," 7 § (2017).

<sup>5</sup> David Beetham et al., *Assessing the Quality of Democracy: A Practical Guide* (International IDEa, 2008).

<sup>6</sup> Seymour M Lipset, "Political Man: The Social Bases of Politics," *The Democracy Sourcebook* 17 (2003): 56.

<sup>7</sup> Adam Przeworski, *Democracy and Economic Development, The Evolution of Political Knowledge. Democracy, Autonomy, and Conflict in Comparative and International Politics*, 2004.

<sup>8</sup> Samuel P Huntington, *The Third Wave*, vol. 199 (Norman: University of Oklahoma Press, 1991).

<sup>9</sup> John Stuart Mill, *Considerations on Representative Government* by John Stuart Mill (Longman, Green, Longman, Roberts, and Green, 1865).

<sup>10</sup> Novembri Yusuf Simanjuntak, "Pemantauan Dalam Proses Penyelenggaraan Pemilu," *Jurnal Bawaslu* 3, no. 3 (2017): 2443–2539.

<sup>11</sup> Valina Singka Subekti, *Dinamika Konsolidasi Demokrasi: Dari Ide Pembaruan Sistem Politik Hingga Ke Praktik Pemerintah Demokrasi* (Yayasan Pustaka Obor Indonesia, 2015).

<sup>12</sup> Maruarar Siahaan, *Hukum Acara Mahkamah Konstitusi Republik Indonesia (Edisi Kedua)* (Sinar Grafika, 2022).

<sup>13</sup> Harry Setya Nugraha, "Redesain Kewenangan Mahkamah Konstitusi Dalam Penyelesaian Sengketa Perselisihan Hasil Pemilihan Umum Presiden Dan Wakil Presiden Di Indonesia," *Jurnal Hukum Ius Quia Iustum* 22, no. 3 (2015): 420–41.

more electoral violations that appear as facts in the Constitutional Court, the lower the quality of implementation<sup>14</sup> because they are only revealed after the violations have occurred. During the trial, the panel of judges will explore the material truth by asking questions to all parties ranging from the disputing election participants, the General Election Commission to the level of the District Election Committee (PPK), the Voting Committee (PPS) to the lowest level is the Voting Organizing Group (KPPS) at the Polling Station (TPS), the General Election Supervisory Agency, not to mention the expert witnesses presented at the trial.<sup>15</sup> All of these testimonies are reliable information, ensuring a high-quality analysis of the implementation of the 2024 General Election in Indonesia.

In the rulings of the Constitutional Court regarding the dispute over the results of the general election in 2024, some variables influence the court's rulings, starting from events that appear as evidentiary findings such as vote shifts during recapitulation at the KPPS level to the plenary at the General Election Commission at the City District and Provincial levels,<sup>16</sup> then about the intervention of government or executive elements, neglect of procedures and procedures for implementing elections and even cases such as intimidation and neglect of recommendations from the Election Supervisory Body.<sup>17</sup>

One of the main issues is the integrity of the voter list data<sup>18,19</sup> given the importance of a credible voter list in ensuring that voting is held correctly.<sup>20</sup> Voter list manipulation during DPT determination is a violation early in Indonesia's long series of elections.<sup>21</sup> The analysis of election violations in the determination of DPT is only seen from one perspective, namely verification of DPT data collected from the national population system and the results of voter registration by the Voter Registration Committee (Pantarlih).<sup>22</sup> then the problem of violations related to the use of technology<sup>23</sup> whose analysis base comes from the KPU's SIREKAP application and then causes public sentiment towards election organizers.<sup>24</sup>

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<sup>14</sup> Syamsuddin Haris, *Partai, Pemilu, Dan Parlemen Era Reformasi* (Yayasan Pustaka Obor Indonesia, 2014).

<sup>15</sup> D Suhariyanto et al., *Hukum Acara Mahkamah Konstitusi* (CV. Gita Lentera, 2024).

<sup>16</sup> Muhammad Reza Winata, "Judicial Restraint Dan Constitutional Interpretation Terhadap Kompetensi Mengadili Pelanggaran Pemilihan Umum Terstruktur, Sistematis, Dan Masif," *Jurnal Legislasi Indonesia* 17, no. 4 (2020): 423–36.

<sup>17</sup> Ferdian Ferdian, Asrinaldi Asrinaldi, and Syahrizal Syahrizal, "Perilaku Memilih Masyarakat, Malpraktik Pemilu Dan Pelanggaran Pemilu," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 6, no. 1 (2019): 20–31.

<sup>18</sup> Wahid Megantoro and Aditya Perdana, "Implementasi Kebijakan Penyusunan Daftar Pemilih Pemilu 2024 Di Kota Tangerang Selatan," *Jurnal Syntax Admiration* 5, no. 7 (2024): 2655–66.

<sup>19</sup> Fachrur Razi Juned, Marlon Sihombing, and Abdul Kadir, "Analisis Formulasi Pendaftaran Pemilih Pemilihan Umum Tahun 2019 Pada Komisi Pemilihan Umum Kota Medan," *PERSPEKTIF* 10, no. 2 (2021): 481–97.

<sup>20</sup> Zainal Arifin Hoesein, *Penetapan Pemilih Dalam Sistem Pemilihan Umum* (PT. RajaGrafindo Persada-Rajawali Pers, 2023).

<sup>21</sup> Sarfan Tabo et al., "Analisis Proses Pemutahiran Daftar Pemilih Dalam Daftar Pemilih Tetap (DPT) Pada Pemilu Tahun 2019 Di Kabupaten Gorontalo," *Jurnal Sosio Sains* 7, no. 2 (2022): 139–52.

<sup>22</sup> Ahmad Zairudin et al., "Upaya Korektif Penguatan Sistem Pemilu Melalui Mekanisme Penentuan Dpt Oleh KPU," *Dewantara: Jurnal Pendidikan Sosial Humaniora* 1, no. 4 (2022): 9–22.

<sup>23</sup> Ica Angger Pradesa, "Analisis Penggunaan Sistem Rekapitulasi Suara (Sirekap) Dalam Menghadapi Problematika Pemilu 2024," *Triwikrama: Jurnal Ilmu Sosial* 3, no. 4 (2024): 47–57.

<sup>24</sup> Dafa Setyo Nugroho et al., "Analisis Sentimen Dugaan Pelanggaran Pemilu 2024 Berdasarkan Tweet Menggunakan Algoritma Naïve Bayes Classifier: Sentiment Analysis of Alleged 2024 Election Fraud Based on Tweets Using the Naïve Bayes Classifier Algorithm," *MALCOM: Indonesian Journal of Machine Learning and Computer Science* 4, no. 3 (2024): 1169–76.

Violations that occur in the next election are administrative matters handled by the Election Supervisory Agency (Bawaslu), where the election organizers do not carry out the procedures and procedures that have been determined, which are then given a written warning based on the results of the Bawaslu examination, but in reality, the warning does not have extraordinary implications or make a deterrent.<sup>2526</sup>

Then, the violation of the code of ethics centred on the Honorary Board of Election Organizers (DKPP)<sup>27</sup> where the recruitment process of the *Ad hoc* Election Organizers is still very dependent on the Village Head and the Head of neighbors.<sup>28</sup> Although the DKPP rulings is final and binding<sup>29</sup> it does not have a formal or normative relationship with the election itself<sup>30</sup> because it only concerns the persona of election organizers.<sup>31</sup> However, other problems due to multiple interpretations of ethical issues cause DKPP to exceed its authority in deciding the ethical cases of election organisers.<sup>3233</sup> However, ethical violations are seen as very influential on public perceptions.

The last is criminal violations in implementing elections, which are included in Law Number 7 of the 2017 on Indonesian Electoral Law.<sup>34</sup> The obstacles in handling criminal violations are the very short time limit in handling violations and the minimal role of the community in reporting electoral offense<sup>35</sup> and electoral offense that occur during vote recapitulation in the form of shifting the vote count of election participants to benefit other election participants.<sup>36</sup>

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- <sup>25</sup> Iqbal Nasir, "Analisis Hukum Penanganan Pelanggaran Adminitrasi Pemilu/Pemilihan," *Khazanah Hukum* 2, no. 1 (2020): 41–50.
- <sup>26</sup> Arif Maulana Et Al., "Peran Bawaslu Dalam Pengawasan Dan Penindakan Pelanggaran Administrasi Pemilu Melalui Media Sosial: Analisis Yuridis Normatif Di Kabupaten Pinrang," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 4, no. 1 (2024): 176–89.
- <sup>27</sup> Khoirul Anam, "Tantangan Penegakan Kode Etik Penyelenggara Pemilu Oleh Dewan Kehormatan Penyelenggara Pemilu (DKPP): Analisis Perspektif Undang-Undang No. 7 Tahun 2017 Tentang Pemilihan Umum," *Journal of Contemporary Law Studies* 2, no. 1 (2024): 85–98.
- <sup>28</sup> Febry James Langkun, Dani R Pinasang, and Jemmy Sondakh, "Analisis Juridis Penanganan Pelanggaran Kode Etik Badan Adhoc Penyelenggara Pemilu Oleh Komisi Pemilihan Umum Kabupaten/Kota Di Sulawesi Utara," *Jurnal Tana Mana* 4, no. 1 (2023): 219–36.
- <sup>29</sup> Zulkifli Aspan and Wiwin Suwandi, "Analisis Final Dan Mengikat Putusan Dewan Kehormatan Penyelenggara Pemilihan Umum," *Japhtn-Han* 1, no. 1 (2022): 92–104.
- <sup>30</sup> Shadli Shadli, Mukhlis Mukhlis, and Yusrizal Yusrizal, "Analisis Putusan Dewan Kehormatan Penyelenggara Pemilu Dalam Pengawasan Etik Penyelenggara Pemilu Di Aceh," *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh* 11, no. 1 (2023): 185–200.
- <sup>31</sup> M Edi Saputra et al., "Analisis Potensi Pelanggaran Etika Menuju Pemilu Serentak Tahun 2024," *Gudang Jurnal Multidisiplin Ilmu* 1, no. 6 (2023): 30–34.
- <sup>32</sup> Imron Rosadi and Adhitya Widya Kartika, "Analisis Yuridis Terhadap Penyelesaian Perkara Pelanggaran Kode Etik Penyelenggara Pemilihan Umum (Studi Putusan DKPP Nomor 317-Pke-Dkpp/X/2019): Legal Analysis Of The Settlement Of Cases Of Violations Of The Code Of Ethics Of General Election Organizers ," *Journal Presumption of Law* 6, no. 2 (2024): 158–76.
- <sup>33</sup> Nora Feriyani, "Analisis Yuridis Terhadap Putusan Dewan Kehormatan Penyelenggara Pemilu Bagi Komisi Pemilihan Umum Sebagai Penyelenggara Pemilu," *Badamai Law Journal* 4, no. 1 (2019): 1–16.
- <sup>34</sup> Athiifah Hanum, Atiikah Hanum, and Dewi Hariyanti, "Analisis Yuridis Tindak Pidana Pelanggaran Pemilu Dalam Undang-Undang Nomor 7 Tahun 2017," *Mandub: Jurnal Politik, Sosial, Hukum Dan Humaniora* 2, no. 2 (2024): 201–11.
- <sup>35</sup> Hanafi Hanafi, "Analisis Yuridis Penanganan Pelanggaran Tindak Pidana Pemilihan Umum Badan Pengawas Pemilihan Umum Tahun 2019," *VOICE JUSTISIA: Jurnal Hukum Dan Keadilan* 7, no. 1 (2023): 1–20.
- <sup>36</sup> Luthfi Hamzah Husin et al., "Malpraktik Pemilu Dan Korupsi: Analisis Terhadap Proses Penghitungan Dan Rekapitulasi Pada Pemilu Indonesia 2019," *Integritas: Jurnal Antikorupsi* 7, no. 1 (2021): 57–78.

The previous research had a gap limited to the analysis that comes from a narrow scope of perspectives and tends to be with general methods that have been widely used and discussions that are less specific. Therefore, this study tries to complete deep previous research to look at violations of election administration from a broader perspective, namely from the PHPU rulings of the Constitutional Court, where many parties are involved in the rulings, starting from the implementing elements from the central level to the TPS level, elements of election supervisors, elements of election participants to expert views whose competence and understanding of the substance have been recognized by the state through hearings held by the Constitutional Court so that the focus of the study can lead to a more collective conclusion based on normative legal rules. This study seeks to answer what violations occurred during the 2024 general election in Indonesia and their implications.

## RESEARCH METHODS

This article's research type is qualitative<sup>37</sup> with a case study approach<sup>38</sup>. The case study of this research is the appointment of the organisation of the 2024 general election results dispute hearing in Indonesia at the Constitutional Court (See Table 1). The data collection technique used is a literature study. Therefore, the data source of this research is the rulings of the Constitutional Court from the trial of the dispute over the general election results, with the verdict granting the entire petition of the applicant and partially granting the petition of the applicant as contained in the main petition as well as journal articles relevant to the research topic coupled with the results of the study of relevant election observers.

**Table 1: *Constitutional Court of General Election Rulings***

| No | Rulings Number                       | Status            |
|----|--------------------------------------|-------------------|
| 1  | 03-03/PHPU.DPD-XXII/2024             | Granted Entirely  |
| 2  | 284-01-02-20/PHPU.DPR-DPRD-XXII/2024 | Granted Entirely  |
| 3  | 225-01-01-04/PHPU.DPR-DPRD-XXII/2024 | Granted Entirely  |
| 4  | 143-01-03-29/PHPU.DPR-DPRD-XXII/2024 | Granted Entirely  |
| 5  | 20-01-04-01/PHPU.DPR-DPRD-XXII/2024  | Granted Entirely  |
| 6  | 05-01-12-38/PHPU.DPR-DPRD-XXII/2024  | Granted Entirely  |
| 7  | 290-01-04-06/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 8  | 275-01-05-06/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 9  | 269-01-08-15/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 10 | 261-01-12-15/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 11 | 258-02-16-31/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 12 | 251-01-17-04/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 13 | 247-01-04-04/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 14 | 234-01-03-04/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 15 | 226-01-17-24/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 16 | 221-01-12-37/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 17 | 219-01-14-21/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 18 | 202-01-08-33/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 19 | 185-02-16-37/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 20 | 184-01-04-02/PHPU.DPR.DPRD-XXII/2024 | Partially granted |
| 21 | 183-01-14-16/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 22 | 177-02-16-37/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 23 | 170-01-03-26/PHPU.DPR-DPRD-XXII/2024 | Partially granted |

<sup>37</sup> J W Creswell and J D Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (SAGE Publications, 2017).

<sup>38</sup> Gary Thomas, "How to Do Your Case Study," 2021.

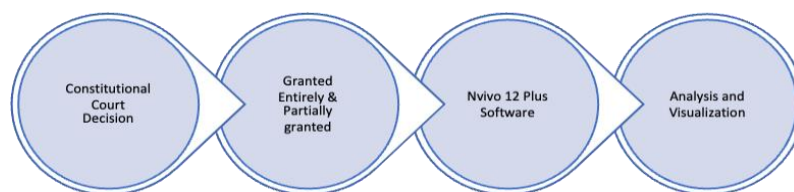
|    |                                      |                   |
|----|--------------------------------------|-------------------|
| 24 | 158-02-16-37/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 25 | 153-01-12-01/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 26 | 151-01-10-20/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 27 | 149-01-16-02/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 28 | 140-01-03-33/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 29 | 139-01-17-29/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 30 | 129-01-14-33/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 31 | 128-01-05-34/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 32 | 125-01-08-29/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 33 | 118-01-14-15/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 34 | 105-01-18-01/PHPU.DPR-DPRD-XXII/2024 | Partially granted |
| 35 | 98-01-05-26/PHPU.DPR-DPRD-XXII/2024  | Partially granted |
| 36 | 94-01-04-12/PHPU.DPR-DPRD-XXII/2024  | Partially granted |
| 37 | 74-01-12-12/PHPU.DPR-DPRD-XXII/2024  | Partially granted |
| 38 | 73-01-03-05/PHPU.DPR-DPRD-XXII/2024  | Partially granted |
| 39 | 55-02-02-12/PHPU.DPR-DPRD-XXII/2024  | Partially granted |
| 40 | 54-01-05-01/PHPU.DPR-DPRD-XXII/2024  | Partially granted |
| 41 | 21-02-08-18PHPU.DPR-DPRD-XXII/2024   | Partially granted |
| 42 | 17-01-05-33/PHPU.DPR-DPRD-XXII/2024  | Partially granted |
| 43 | 16-01-22-01/PHPU.DPR-DPRD-XXII/2024  | Partially granted |
| 44 | 09-01-14-11/PHPU.DPR-DPRD-XXII/2024  | Partially granted |
| 45 | 01-01-05-32/PHPU.DPR-DPRD-XXII/2024  | Partially granted |

*Source: Constitutional Court the Republic of Indonesia*

### Analysis and Visualisation Techniques

Furthermore, this research uses descriptive analysis techniques as a follow-up to data collection, selection, analysis, interpretation, and conclusion formulation.<sup>39</sup> In addition, this research also used NVivo 12 plus software for data analysis and visualisation<sup>40</sup> as described in Figure 1. The NVivo 12 Plus features used in this research are crosstab query and project maps. The Crosstab Query feature is used to analyse violations of election administration committed by Election Participants, in this case, candidates or Political Parties, KPU, PPK, PPS, KPPS and Bawaslu, as well as Parties outside the Election Organizers who are involved in violations such as elements of government and society and the implications of violations committed result in the election process including the cancellation of the results of the KPU Decree on vote count, Revoting, Vote Matching, and Re-vote Recapitulation. The project maps are used to see the relationship between the types of election violations and the perpetrators of violations as contained in the rulings, which contains the evidentiary findings.

**Figure 1: Research Flow**



*Source: Developed by the Author*

<sup>39</sup> Abdul Majid, *Analisis Data Penelitian Kualitatif* (Penerbit Aksara Timur, 2017).

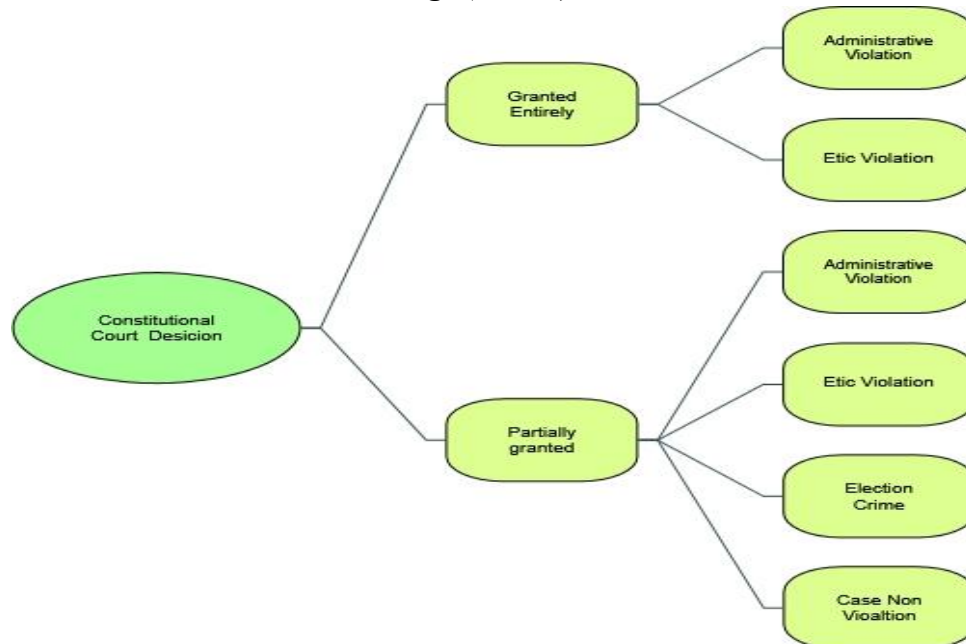
<sup>40</sup> K Jackson, P Bazeley, and P Bazeley, *Qualitative Data Analysis with NVivo* (SAGE Publications, 2019).

## ANALYSIS AND DISCUSSION

### Types of Election Violations

The results of the data coding using NVivo 12 Plus found that there are several types of violations based on the rulings of the constitutional court in the trial of the dispute over the results of the general election in Indonesia in 2024, as described in Figure 2.

**Figure 2: General Election Violations Based on General Election Result Disputes Rulings (PHPU)**



*Source: Processed by Author Using the Mind Map Feature NVivo 12 Plus*

From Figure 2, it can be seen that the Constitutional Court Rulings related to the General Election Results Dispute (PHPU) are categorised based on two groups, namely the group of fully granted petitioners' requests in the main petition and partially granted.<sup>41</sup> The determination of these categories is based on the consideration that each case submitted to the trial must receive the court's attention, so that the cases heard contain elements of election violations.<sup>42</sup>

Many legal facts have emerged in court, including not following election procedures, vote shifting that occurred during vote recapitulation, which was considered an administrative violation by election organisers<sup>43</sup>, violations of ballot box opening procedures outside the provisions, election organizers at the KPPS level who are also election participants or legislative candidates who are decided as violations of the code of ethics to criminal events that occurred where the village head intervened in the election process which was later found guilty and convicted and the imposition of the will of election participants during the voting process<sup>44</sup> to the intervention of community groups in the distribution process of vote recapitulation results.

<sup>41</sup> Rudy Rudy and Charlyna Purba, "Karakteristik Sengketa Pemilu Di Indonesia Evaluasi 5 Tahun Kewenangan MK Memutus Sengketa Pemilu," *Jurnal Konstitusi* 11, no. 1 (2014): 194–211.

<sup>42</sup> Muhammad Fauzy Ramadhan, "Menggagas Penerapan Constitutional Complaint Di Mahkamah Konstitusi," *Padjadjaran Law Review* 6 (2018).

<sup>43</sup> Winata, "Judicial Restraint Dan Constitutional Interpretation Terhadap Kompetensi Mengadili Pelanggaran Pemilihan Umum Terstruktur, Sistematis, Dan Masif."

<sup>44</sup> Veri Junaidi, Firmansyah Arifin, and Fadli Ramadhanil, "Evaluasi Penegakan Hukum Pemilu 2014," Jakarta: Yayasan Perludem, 2015.

The facts of the trial influence the judge's rulings. In addition to the above events, the Constitutional Court also considers violations that have been decided by Bawaslu, especially if the violation is proven as a fact in the trial.<sup>45</sup>

When Bawaslu's decision regarding election violations is presented in the General Election Results Dispute trial at the Constitutional Court and becomes part of the evidentiary findings, the judge then considers several vital aspects, especially the direct relationship with the disputed vote count, because there is a causal relationship between the violation that occurred and a significant change in the vote count.<sup>46</sup> In addition, judges also assess the impact of the violation on the integrity of the election as a whole because it results in harming the principles of democratic, direct, general, free, secret, honest and fair elections, significantly affecting the constitutional rights of citizens in elections due to the loss of citizens' voting rights.<sup>47</sup> This is based on the principle that the Constitutional Court assesses the quantitative aspects of vote counting and considers the qualitative aspects of the electoral process.

From the figure above, it can also be seen that the rulings of the Constitutional Court, which decided to grant all of the petitioners' requests, only contained two types of violations, namely administrative and ethical violations; this is different from the types of violations found in the Constitutional Court's rulings which partially granted the petitioners' requests where in addition to administrative and ethical violations there were also Criminal Violations and non-violation events as regulated in Law Number 7 of 2017 concerning General Elections but influenced the Judge's decision. From these findings, it can be understood that, although no violations were found in the trial, the court can base its decision on events that appear in the trial and become facts after verifying each data and witness testimony.<sup>48</sup> The events that are the points at the heart of the applicant's petition were not decided to violate the electoral process by Bawaslu or KPU even though indications of violations such as changes in vote count, issues of violation of vote recapitulation procedures and the non-accommodation of witness objections include material types of violations as stipulated in Law Number 7 of 2017. However, many still need to meet the material requirements to be processed to the next stage of hearing election violations at Bawaslu.

In addition to the many shortcomings of material requirements in the process of examining alleged violations by Bawaslu from the information contained in the Constitutional Court's rulings regarding the 2014 General Election Results Dispute, there were also time restrictions in examining the alleged violations so that the trial process was not objective due to time limitations,<sup>49</sup> indicating that the complexity of the 2024 Election in Indonesia is not proportional to the period for organising, specifically from the voting stage, vote recapitulation and Plenary.

<sup>45</sup> Aprilian Sumodiningrat, "Rekonstruksi Penyelesaian Sengketa Pemilu Dan Paradigma Hakim Dalam Putusan MK Nomor 2/PHPU. PRES-XXII/2024," in *Prosiding Seminar Hukum Aktual Fakultas Hukum Universitas Islam Indonesia*, vol. 2, 2024, 168–83.

<sup>46</sup> Marsela Marissaha Adil, "Tinjauan Yuridis Mengenai Pelanggaran Pemilihan Umum Legislatif Di Indonesia," *Lex Administratum* 8, no. 1 (2020).

<sup>47</sup> Wilma Silalahi, "Integritas Dan Profesionalitas Penyelenggara Pemilu Demi Terwujudnya Pemilu Yang Demokratis," *Jurnal Bawaslu Provinsi Kepulauan Riau* 4, no. 1 (2022): 71–83.

<sup>48</sup> Hamdan Zoelva, "Problematika Penyelesaian Sengketa Hasil Pemilukada Oleh Mahkamah Konstitusi," *Jurnal Konstitusi* 10, no. 3 (2013): Zoelva-Zoelva.

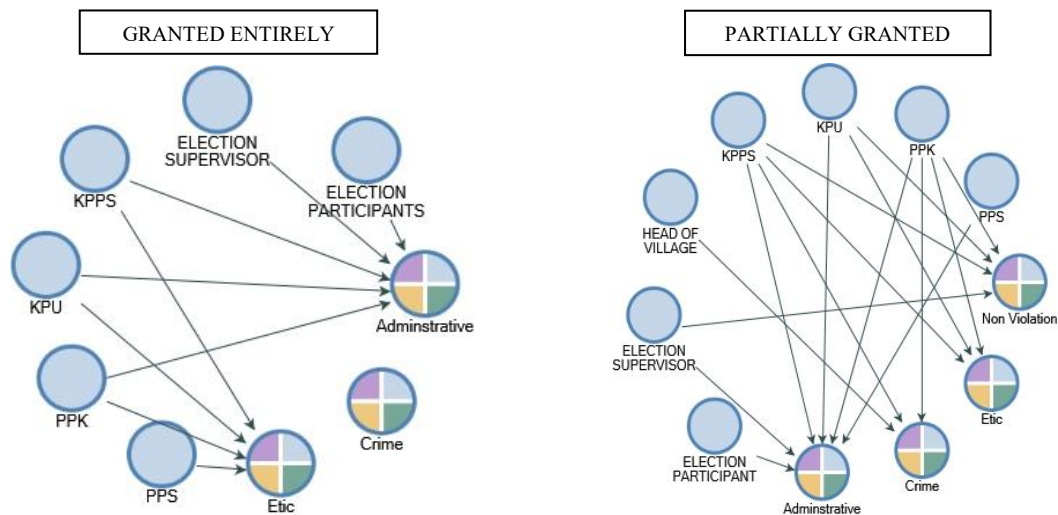
<sup>49</sup> Sumodiningrat, "Rekonstruksi Penyelesaian Sengketa Pemilu Dan Paradigma Hakim Dalam Putusan MK Nomor 2/PHPU. PRES-XXII/2024."



### Parties Committed Violations in the Election

According to the results of the codification of the Constitutional Court's rulings in the 2024 General Election Results Dispute trial, violations in the General Election process are categorised as either full or partial. From the analysis of the decision, it is known that the parties committed violations based on the classification of the types of violations described earlier. Violations of election implementation are committed by election organizers starting from the lowest level, namely the KPPS, the PPS, the PPK, and the KPU, but there are no violators from the supervisory elements, namely Bawaslu and TPS. However, there are also election violations committed by parties outside the organisers, as stipulated in the Law 7 of 2017, namely the Village Head. Village Heads who commit Election Violations are included in the criminal realm because they commit acts that cause a Voter's vote to be worthless or cause certain Election Participants to receive additional votes.<sup>50</sup> The role of the village head is a form of intervention of power or position in the electoral process, thus undermining the values of democratic elections.<sup>51</sup> In addition, there are also violations committed by election participants, namely legislative candidates, where the person concerned does not qualify as a permanent candidate on the permanent candidate list for members of the Regional House of Representatives of Tarakan City, Tarakan 1 Election District, due to his status as a former prisoner has not passed the time limit to regain his political rights.<sup>52</sup> The perpetrators of election violations can be seen through the visualisation in Figure 3.

**Figure 3: Election Violators**



*Source: Processed by Author Using the Project Map Feature NVivo 12 Plus*

Figure 3 describes that the perpetrators of violations in the elections are pretty evenly distributed among each stakeholder, given the high complexity of holding elections and the short

<sup>50</sup> Christo Samuel Junior Kilapong, "Pertanggungjawaban Pidana Bagi Pelaku Tindak Pidana Pemilihan Umum Menurut Undang-Undang Nomor 7 Tahun 2017," *Lex Crimen* 9, no. 3 (2020).

<sup>51</sup> Bambang Sugianto, "Analisis Yuridis Penerapan Dan Bentuk-Bentuk Tindak Pidana Pemilu Menurut Undang-Undang Nomor 7 Tahun 2017," *Al-Adl: Jurnal Hukum* 9, no. 3 (2018): 295–318.

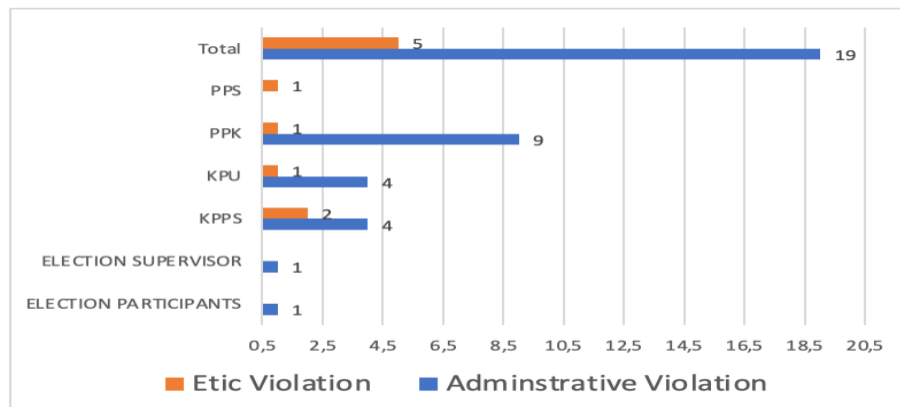
<sup>52</sup> Syakhira Jasmine Muntasya et al., "Menyoal Hak Narapidana Korupsi Dalam Pemilihan Umum," *Jurnal Anti Korupsi* 4, no. 2 (2024): 96–110.

period so that almost all parties are involved as election violators, administrative, ethical, and criminal.<sup>53</sup>

### Analysis of Election Violations Based on Constitutional Court-Granted Entirely Rulings

Violations of the 2024 General Election in Indonesia based on the rulings of the dispute over the results of the general election (PHPU) in the Constitutional Court with the verdict granted entirely the principal petition of the applicant, which was then processed using Crosstab NVivo 12 Plus can be visualized in Figure 4.

**Figure 4: Crosstab Query Violation by Constitutional Court Granted Entirely Rulings**



*Source: Processed by Author Using the Crosstab Query Feature NVivo 12 Plus*

Based on Figure 4, it can be seen that violations based on court rulings were granted. There were 24 violations, including 5 ethical violations and 19 administrative violations. These two categories have different distributions of coding references for the various components involved in the election process. In the Ethics Violations category, the distribution of coding references shows a relatively even and low pattern. PPS, PPK, and KPU each have one coding reference, while KPPS has two. This indicates that from the perspective of Ethical violations, attention to the various components of election organisers tends to be balanced, with a little more emphasis on KPPS. The ethical violations in question were committed as many as two violations at the KPPS level in Malawe Village, Sorong Regency, Southwest Papua, where the KPPS member was also a Legislative Candidate from the PKS Party. This action violates the provisions that require KPPS members to be free from individual and political interests, especially as election participants.<sup>54</sup> The practice of these violations undermines the principles of clean, honest and fair elections<sup>55</sup> and violating the oath of office as stipulated in Article 134 (2) of Law Number 7 of 2017 because it can benefit those concerned about their involvement as election participants, such as manipulation of vote count at the recapitulation stage at the KPPS level and intervention in voter lists and actions that can direct people's choices. The violations committed by KPPS members also dragged the Head of PPS Malawe Village.

<sup>53</sup> Syarifuddin Jurdi, "Format Pemilu Serentak Pasca Putusan MK NO. 55/2019: Kajian Dan Analisis Sosiologi Politik," *Jurnal Sosiologi Reflektif* 15, no. 1 (2020): 117–48.

<sup>54</sup> Andreas Pandiangan, "Kelompok Penyelenggara Pemungutan Suara (KPPS) Pemilu 2019: Tanggungjawab Dan Beban Kerja," *The Journal of Society and Media* 3, no. 1 (2019): 17–34.

<sup>55</sup> Sun Fatayati, "Relevansi Asas-Asas Pemilu Sebagai Upaya Mewujudkan Pemilu Yang Demokratis Dan Berintegritas," *Tribakti: Jurnal Pemikiran Keislaman* 28, no. 1 (2017): 147–63.

A very different and more varied pattern emerges when moving on to the Administrative Violations category. The most striking is the high number of coding references for PPK, which reached nine references. This shows that PPK has a very significant and complex role in administrative aspects. This high number can be interpreted as an indication that PPK has greater administrative responsibilities than other components.<sup>56</sup> The complexity of the workload at the PPK level indicates the potential for violations to occur, so that administrative violations dominate<sup>57</sup> as happened in Aceh. In addition to the high and complex PPK workload, the election model held in Aceh, as a particular region<sup>58</sup> is also different from other regions where there are legislative elections for local parties, increasing the PPK workload in addition to having to complete the workload of organising legislative elections that apply nationally.

Then, each KPU and KPPS in the administrative category have four coding references. This identical number is interesting to note as it suggests that, although these two institutions operate at different levels, their administrative burdens are of comparable complexity.<sup>59</sup> Cases of administrative violations at the KPPS level related to the procedures that were violated varied, ranging from the vote recapitulation process at the polling station level to not giving ballots by the rights of voters and violating Article 510 of Law Number 17 of 2017, which dominated the violations committed by KPPS.<sup>60</sup> Violations that occur at the KPPS level are due to the lack of in-depth training and socialisation regarding the workload and responsibilities of KPPS<sup>61</sup> in organising elections, plus the lack of time for KPPS to complete these burdens and tasks in just 1 day during the implementation of voting and vote counting at polling stations.<sup>62</sup> The KPU needs to reform the voting and recapitulation system at the polling station level to be more proportional in order to minimise violations that may occur due to KPPS errors in duty<sup>63</sup>. Many alternatives can be taken as a form of follow-up to the high number of violations at the KPPS level, such as adding KPPS personnel who must be adjusted to the ratio of the number of voters in the TPS area<sup>64</sup> to extend the voting and counting time at the TPS.<sup>65</sup>

Meanwhile, administrative violations at the KPU level are born from events that need to implement Bawaslu's findings<sup>66</sup>, such as not conducting re-voting in areas where voting errors

<sup>56</sup> Budi Darma and Kasiyati Yunita Wulansari, "Pengaruh Budaya Organisasi Terhadap Kinerja Panitia Pemilihan Kecamatan (PPK) Pemilu 2024 Se-Kabupaten Batang Hari," *Jurnal Ilmiah Universitas Batanghari Jambi* 24, no. 2 (2024): 1753–57.

<sup>57</sup> Nasir, "Analisis Hukum Penanganan Pelanggaran Administrasi Pemilu/Pemilihan."

<sup>58</sup> Mutiara Fahmi, Zuhlul Pasha, and Khairil Akbar, "Sengkarut Pola Hubungan Lembaga Penyelenggara Pemilu Di Daerah Otonomi Khusus," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 10, no. 1 (2020): 1–31.

<sup>59</sup> Uncianus Teti Nahak, Kristi Fosa Akwila, and Lely Mahartina, "Hubungan Kerja KPU Dengan KPPS Dalam Penyelenggaraan Pemilihan Umum Tahun 2019," *Perspektif* 24, no. 3 (2019): 147–55.

<sup>60</sup> Andrie Susanto, "Disproporsionalitas Beban Tugas KPPS Studi Integritas Pemilu," *Jurnal Politik Indonesia* 2, no. 1 (2017): 9–19.

<sup>61</sup> Aryojati Ardipandanto, "Permasalahan Penyelenggaraan Pemilu Serentak Tahun 2019," *Jurnal Ilmu Pemerintahan* 11, no. 11 (2019): 25–30.

<sup>62</sup> Pandiangan, "Kelompok Penyelenggara Pemungutan Suara (KPPS) Pemilu 2019: Tanggungjawab Dan Beban Kerja."

<sup>63</sup> Susanto, "Disproporsionalitas Beban Tugas KPPS Studi Integritas Pemilu."

<sup>64</sup> Kornelius Benuf, "Harmonisasi Hukum: Pemilu Serentak Dan Ketenagakerjaan, Analisis Yuridis Terhadap Kematian KPPS Tahun 2019," *Gema Keadilan* 6, no. 2 (2019): 196–216.

<sup>65</sup> Santi Hariati, "Analisis Faktor-Faktor Yang Mempengaruhi Beban Kerja Kpps Pada Pemilihan Umum Tahun 2019 Di Kecamatan Binjai Utara Kota Binjai" (Universitas Sumatera Utara, 2020).

<sup>66</sup> Fauzi Heri and Retna Elyasari, "Frase Kata Memerintahkan Dan Merekomendasikan Dalam Putusan Bawaslu Terkait Pelanggaran Administratif Pemilu," *Jurnal Adhyasta Pemilu* 2, no. 2 (2019): 49–65.

occur. This reflects the importance of accuracy and accountability at both levels so that election violations do not occur at this level.<sup>67</sup> It is also interesting to note that Election Supervisors and Election Participants have only one coding reference in the administrative violation category. This low number indicates that their administrative role is more limited or focused than other components, which minimises the occurrence of election violations. However, this does not mean their role is less critical; it is more structured and clearly defined.<sup>68</sup>

In considering the implications of the distribution of coding references, as shown above, several key points are worth noting. First, the high coding reference for PPK in administrative aspects indicates the complexity of procedures or responsibilities that need to be reviewed for efficiency. Second, the balance of coding references between KPU and KPPS in administrative aspects may indicate a sound check and balance system between the upper and lower levels. Another consideration that needs to be taken into account is how this distribution affects the overall effectiveness of the electoral process. Although PPK has the highest coding reference in administrative violations, ensuring that this complexity does not hinder the smooth running of the electoral process is essential. Conversely, it could indicate that PPK needs additional support or simplification of procedures, as mandated in Article 3 of Law Number 17 of 2017, to optimise its performance.<sup>69</sup>

From a system development perspective, this data can be the basis for evaluating and improving the organisation of general elections in Indonesia.<sup>70</sup> Efforts are needed to balance the administrative burden on PPK to minimise the potential for violations in the administration of elections<sup>71</sup> as stipulated in Article 460 of Law Number 17 of 2017. The large gap between the reference coding of violations committed by PPK and other violators in the administrative aspect can also be considered for system evaluation.<sup>72</sup> An in-depth study is needed on whether this high number reflects system inefficiency or the logical consequence of PPK's vital role in the electoral process. Overall, this analysis shows that the administrative violation aspect is more complex than the ethical violation aspect, with PPK as the component with the most significant burden.<sup>73</sup>

<sup>67</sup> Amrullah Amrullah, Subhilhar Subhilhar, and Muryanto Amin, "Profesionalisme Penyelenggara Adhoc Dalam Keberatan Saksi Di Tahapan Rekapitulasi Hasil Penghitungan Suara Tingkat Kecamatan," *PERSPEKTIF* 10, no. 2 (2021): 321–44.

<sup>68</sup> Akhmad Hairil Anwar, "Peran Bawaslu Dalam Penegakan Hukum Dan Keadilan Pemilu," *Voice Justisia: Jurnal Hukum Dan Keadilan* 3, no. 2 (2019): 73–89.

<sup>69</sup> Ardyanti Ahmad, Muhammad Solihin, and Linayati Lestari, "Kinerja Panitia Pemilihan Kecamatan (PPK) Dalam Pemilihan Umum (Umum) Serentak Tahun 2019 Di Kecamatan Sagulung," *Jurnal Trias Politika* 4, no. 2 (2020): 238–49.

<sup>70</sup> Komisi Pemilihan Umum, "Pentingnya Evaluasi Sistem, Proses Tahapan Dan Tata Kelola Pemilu," *Berita KPU*, 2019, <https://www.kpu.go.id/berita/baca/7718/Evaluasi-tahapan-pemilu-penting-dilakukan-setelah-semua-tahapan-selesai-dilaksanakan--baik-di-tingkat-KPU-RI--maupun-KPU-provinsi-dan-KPU-kabupaten-kota>.

<sup>71</sup> Arham Arham, Muhammad Hidayat, and Fatmasari Fatmasari, "Pengaruh Kecakapan Profesional, Kompleksitas Tugas Dan Integritas Terhadap Efektivitas Penyelenggaraan Pemilihan Umum," *Cash Flow Jurnal Manajemen* 2, no. 1 (2023): 1–13.

<sup>72</sup> M Najib Husain, Muhammad Nasir, and Dewi Anggraini, "Analisis Evaluasi Badan Penyelenggara Ad Hoc Pemilihan Umum 2019 Di Sulawesi Tenggara," *Journal Publicuho* 3, no. 1 (2020): 131.

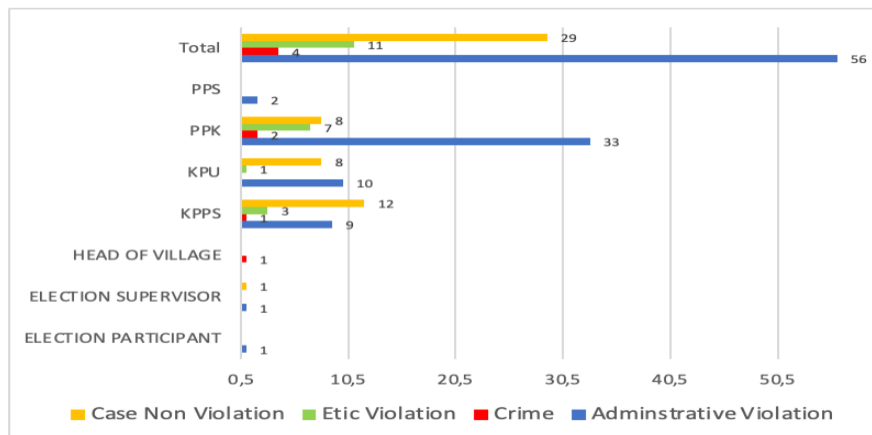
<sup>73</sup> Komisi Pemilihan Umum, "Menjawab Problematika Hukum Dugaan Pelanggaran Administratif Pemilu 2024," 2022.

This understanding can be the basis for developing more effective policies and procedures for organizing future elections to eliminate violations.<sup>74</sup>

### Analysis of Election Violation Based on Constitutional Court Partially Granted Rulings

Violations of the 2024 General Election in Indonesia based on the rulings of the dispute over the results of the general election (PHPU) in the Constitutional Court, with the verdict partially granting the applicant's request, which was then processed using Crosstab NVivo 12 Plus, can be visualised in Figure 5.

**Figure 5: Crosstab Query Violation by Constitutional Court Partially Granted Rulings**



*Source: Processed by Author Using the Crosstab Query Feature NVivo 12 Plus*

Based on Figure 5, it can be seen that election violations occurred based on the rulings of the Constitutional Court, which partially granted the petition. These violations included ethical, administrative, criminal, and non-violent events, as stipulated in Law Number 7 of 2017 concerning General Elections, with a total of 100 violations. There were 56 administrative violations, four criminal violations, 11 ethical violations, and 29 non-violation events, as stipulated in Law Number 7 of 2017, concerning General Elections that influenced the Constitutional Court's rulings.

The most prominent administrative violations are those committed by the PPK (Sub-district Election Committee), which has 33 cases. This indicates a severe problem in administrative management relating to the procedures and procedures<sup>75</sup> of elections and administrative violations committed by the KPU, with 10 cases, and KPPS (Voting Organising Group), with 9 cases. This data indicates that there are still obstacles in the implementation of administrative tasks at various stages of organising elections, ranging from data collection and determination of voter lists, voting, and vote recapitulation processes to plenary at the Regency and Provincial KPU levels, concentrated in the aspects of administrative violations.<sup>76</sup> In the category of non-violation events regulated in Law 7 of 2017 concerning General Elections but influencing the

<sup>74</sup> Rendy Sueztra Canaldhy, Suandi Suandi, and Umi Purwanti, "Perbandingan Sistem Pemilihan Umum Presiden Amerika Serikat Dengan Indonesia," *Jurnal Ilmiah Ilmu Administrasi* 13, no. 1 (2023): 47–63.

<sup>75</sup> Titi Anggraini, "Perludem: Indonesia Akan Hadapi Pemilu Paling Rumit Dengan Biaya Tinggi," *Perludem.Com*, 2022, <https://perludem.org/2022/01/04/perludem-indonesia-akan-hadapi-pemilu-paling-rumit-dengan-biaya-tinggi/>.

<sup>76</sup> Indra Pahlevi, "Lembaga Penyelenggara Pemilihan Umum Di Indonesia: Berbagai Permasalahannya," *Jurnal Politica Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional* 2, no. 1 (2016).

constitutional court rulings, the highest number was recorded with 12 cases, followed by PPK, KPU, and KPPS, each of which had 8 cases. Non-violation events, as stipulated in Law 7 concerning General Elections, are events that become facts of the trial of disputes over general election results at the Constitutional Court but are not supported by rulings on violations determined either by Bawaslu, KPU or the Honorary Council of Election Organisers (DKPP). In this context, the Court does not rely on evidence of a violation decision by authorised institutions but considers cases that occur and their impact on the implementation of elections.<sup>77</sup>

In the category of ethical violations, PPK recorded seven cases, and KPPS recorded 3 cases. These ethical violations indicate problems in terms of the professionalism and integrity of election organisers, such as those committed by the South Ternate PPK for opening the box not according to the provisions<sup>78</sup>, vote manipulation related to the principle of accountability carried out by the chairman and members of the PPD (PPK-level election organiser) of South Yapen District<sup>79</sup> then there are two different versions of the Model C Form. Results where PPK is a party involved, as happened in the Banyuasin electoral district, to violations of the Election Organiser Code of Ethics for PPK's actions during the Deliberation Meeting, plus not making the Minutes of the meeting.<sup>80</sup> At the lowest level, ethical violations occurred because KPPS members used other people's voting rights when there were voters whose attendance lists were signed by others. KPPS should have signed the first sheet of C. Plano results. This was due to careless actions in giving ballots to voters. At a higher level, the event of not being careful in the process of calculating the procedures for women's representation of at least 30 per cent during the nomination of legislative members became an ethical violation contributed by the KPU.<sup>81</sup> This needs special attention because ethical violations can affect public trust in the electoral process.

The criminal category showed a relatively lower number than the others, with the PPK recording two cases and the Village Head one case. The involvement of the Village Head in criminal offences, although only one case, indicates the potential for abuse of authority at the village level. This may reflect broader challenges in maintaining the neutrality of village officials during electoral processes<sup>82</sup>. More robust mechanisms are needed to ensure village officials do not engage in practices that could affect electoral integrity.<sup>83</sup> Although fewer in number, criminal

<sup>77</sup> Roli Pebrianto and Syarif Dahlan, "Analisis Sengketa PHPU Pilpres Tahun 2024 Dalam Perspektif Hukum Progresif: Studi Kasus Putusan MK No: 1/PHPU. PRES-XXII/2024," *Jurnal Risalah Kenotariatan* 5, no. 1 (2024): 84–103.

<sup>78</sup> Amrullah, Subhilhar, and Amin, "Profesionalisme Penyelenggara Adhoc Dalam Keberatan Saksi Di Tahapan Rekapitulasi Hasil Penghitungan Suara Tingkat Kecamatan."

<sup>79</sup> Silalahi, "Integritas Dan Profesionalitas Penyelenggara Pemilu Demi Terwujudnya Pemilu Yang Demokratis."

<sup>80</sup> Firda Arifatuzzahrah and Irham Bashori Hasba, "Kepastian Hukum Putusan Dewan Kehormatan Penyelenggara Pemilu Terhadap Pelanggaran Kode Etik Penyelenggara Pemilu," *Jurnal USM Law Review* 7, no. 1 (2024): 70–83.

<sup>81</sup> Annisa Alfath, "Modifikasi Sistem Pemilu Untuk Cita 30% Keterwakilan Perempuan - Perkumpulan Untuk Pemilu Dan Demokrasi" (Perludem, 2024), <https://perludem.org/2024/05/28/modifikasi-sistem-pemilu-untuk-cita-30-keterwakilan-perempuan/>.

<sup>82</sup> Ramli Mahmud et al., "Netralitas Birokrasi (ASN, Kepala Desa Beserta Perangkat Desa) Di Kecamatan Botupingge Dan Kecamatan Suwawa Selatan," *Journal Of Human And Education (JAHE)* 4, no. 5 (2024): 1144–51.

<sup>83</sup> Edward Aspinall and Ward Berenschot, *Democracy for Sale: Pemilihan Umum, Klientelisme, Dan Negara Di Indonesia* (Yayasan Pustaka Obor Indonesia, 2019).

offences should still be taken seriously as they have the potential to affect election outcomes significantly<sup>84, 85</sup>.

The role of the Bawaslu, which recorded two administrative violations, and one non-violation event as stipulated in Law Number 7/2017 on General Elections, also needs special attention. As the institution responsible for overseeing the electoral process, violations by election supervisors raise serious questions about the effectiveness of the existing supervisory system. This indicates the need for structural reforms in the electoral oversight system<sup>86</sup>, including the possibility of strengthening independent oversight mechanisms or engaging civil society more actively.<sup>87, 88</sup>

An in-depth analysis of this data reveals several vital patterns and implications. First, the high number of administrative violations, especially by PPKs, indicates systemic weaknesses in election management<sup>89</sup> at the sub-district level. This is particularly evident in the issue of errors in vote tabulation due to inaccuracies where PPKs make mistakes in inputting voting results data from each polling station into the system, plus procedural violations related to the involvement of witnesses from election participants in the recapitulation process. These issues, which should be an administrative obligation, are caused by a lack of understanding of procedures. It is crucial that we emphasise the importance of understanding these procedures to ensure the integrity of the electoral process.<sup>90</sup>

The high rate of administrative violations compared to other categories indicates excessive complexity in electoral administrative procedures that need to be simplified without compromising the integrity of the process<sup>91</sup>, Indonesia's 2024 simultaneous election model has a high correlation as a contributor to the violations that occur.<sup>92</sup> A thorough evaluation of existing administrative procedures may be needed to identify and address hotspots for violations that can be resolved through a shift to a more digital electoral system.<sup>93</sup> to reduce some types of traditional administrative violations so that the physical workload can be reduced, especially at the KPPS level. However, it cannot be denied that new forms of violations need to be anticipated. Although some violations are technical or procedural, the accumulation of violations can erode public

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<sup>84</sup> Ali Rizky, "Tindak Pidana Pemilu Di Indonesia," *Journal Publicuho* 6, no. 4 (2023): 1643–57.

<sup>85</sup> Benyamin Buntu and Nurul Qamar, "Penegakan Hukum Tindak Pidana Pemilihan Umum Oleh Sentra Penegakan Hukum Terpadu (Gakkumdu): Studi Di Kota Makassar," *Journal of Lex Generalis (JLG)* 3, no. 3 (2022): 375–90.

<sup>86</sup> Erga Yuhandra et al., "Efektivitas Fungsi Pencegahan Badan Pengawas Pemilihan Umum Dalam Melakukan Pencegahan Pelanggaran Pemilu," *Jurnal Ius Constituendum* 8, no. 1 (2023): 1–18.

<sup>87</sup> Mazlan Mazlan, Hasim As'ari, and Nur Laila Meilani, "Network Governance Badan Pengawas Pemilihan Umum Provinsi Riau Dalam Pengawasan Pemilu Tahun 2024," *Innovative: Journal Of Social Science Research* 4, no. 4 (2024): 5430–37.

<sup>88</sup> Ratnia Solihah, Arry Bainus, and Iding Rosyidin, "Pentingnya Pengawasan Partisipatif Dalam Mengawal Pemilihan Umum Yang Demokratis," *Jurnal Wacana Politik* 3, no. 1 (2018): 14–28.

<sup>89</sup> Muhadam Labolo and Teguh Ilham, *Partai Politik Dan Sistem Pemilihan Umum Di Indonesia* (Rajawali Pers, 2015).

<sup>90</sup> Meita Istianda and Andi Zastrawati, "Evaluasi Penyelenggaraan Pemilu Serentak 2019 Kota Makassar," *Sebatik* 25, no. 1 (2021): 92–101.

<sup>91</sup> Titi Angraini, "Perludem: Indonesia Akan Hadapi Pemilu Paling Rumit Dengan Biaya Tinggi."

<sup>92</sup> Kaharuddin, "Mengurai Kompleksitas Pemilu 2024," *Detiknews* (Kompas, 2022), <https://news.detik.com/kolom/d-5914928/mengurai-kompleksitas-pemilu-2024>.

<sup>93</sup> Puadi, "Jenis Pelanggaran Pemilu Yang Sering Terjadi Dan Kendala Penanganan Pidana," Bawaslu (Badan Pengawas Pemilu, 2023), <https://www.bawaslu.go.id/id/berita/puadi-ungkap-sejumlah-jenis-pelanggaran-pemilu-yang-sering-terjadi-dan-kendala-penanganan>.

confidence in the integrity of elections as a whole<sup>94</sup> which needs to be resolved through more effective sanctioning mechanisms and revisions to the legal and regulatory framework to ensure that sanctions are proportional and have an adequate deterrent effect<sup>95</sup>.

Second, although nonviolent events stipulated in Law No. 7/2017 on General Elections are evenly distributed among the various organising bodies, the dominance of KPPS in this category indicates the existence of specific pressures at the polling station level that need to be addressed. This relates to direct interaction with voters and pressure from various interested parties.<sup>96</sup> Third, ethical violations dominated by PPK indicate the need to strengthen the code of ethics and supervision at the sub-district level.<sup>97</sup> While ethical violations may not always directly impact election results, they can reduce public trust in democratic processes.<sup>98</sup>

These findings imply the need for systemic reform in the administration of elections, especially in strengthening the administrative capacity of PPK and KPPS.<sup>99</sup> Improving the quality of training and mentoring for election organisers at all levels is also necessary, with a focus on administrative and ethical aspects. In addition, this data also shows the importance of strengthening the system of monitoring and reporting violations, as well as the need for more effective prevention mechanisms.<sup>100</sup> The involvement of civil society and the media in monitoring and reporting violations also needs to be strengthened as a form of support for the successful organisation of elections in Indonesia.<sup>101</sup> The data suggests that more than formal oversight systems may be required to prevent violations, making the oversight role of civil society and the media all the more critical.

Overall, the 2024 election violations data provide a complex picture of the challenges of holding free and fair elections in Indonesia. While some indicators show progress in some respects, continued efforts are needed to improve the integrity and efficiency of the electoral process in the future.<sup>102</sup>

### **Implications of Election Violations for Court Rulings Affecting the 2024 Election Process**

The violations that occurred during the implementation of the 2024 General Election in Indonesia, as revealed in the trial concerning the dispute over the election results at the Constitutional Court, have significant implications for the overall election process. These

<sup>94</sup> Rio Gustrinanda, "Pentingnya Kepercayaan Masyarakat Terhadap Pemilu," *Journal of Practice Learning and Educational Development* 3, no. 1 (2023): 100–106.

<sup>95</sup> Asbudi Dwi Saputra, "Penerapan Sanksi Pelanggaran Administratif Pemilu Bagi Penyelenggara Pemilu," *Pleno Jure* 9, no. 2 (2020): 129–42.

<sup>96</sup> Pandiangan, "Kelompok Penyelenggara Pemungutan Suara (KPPS) Pemilu 2019: Tanggungjawab Dan Beban Kerja."

<sup>97</sup> Utang Rosidin, "Penguatan Dewan Kehormatan Penyelenggara Pemilu Dalam Penegakan Hukum Kode Etik Penyelenggara Pemilu," *LITIGASI* 25, no. 2 (2024): 384–406.

<sup>98</sup> Cantika Dhea Marshanda Zulqarnain, Nararya Salsabila Zamri, and Raesa Mahardika, "Analisis Pelanggaran Kode Etik Dalam Kasus Pemberhentian Ketua MK Anwar Usman Terkait Putusan Batas Usia Capres Dan Cawapres Pada Pemilu 2024," *Kultura: Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 1, no. 2 (2023): 85–94.

<sup>99</sup> (Alfilia 2023)

<sup>100</sup> Anwar Alaydrus, Jamal, and Niken Nurmiyati, *Pengawasan Pemilu: Membangun Integritas, Menjaga Demokrasi* (Penerbit Adab, 2023).

<sup>101</sup> Solihah, Bainus, and Rosyidin, "Pentingnya Pengawasan Partisipatif Dalam Mengawal Pemilihan Umum Yang Demokratis."

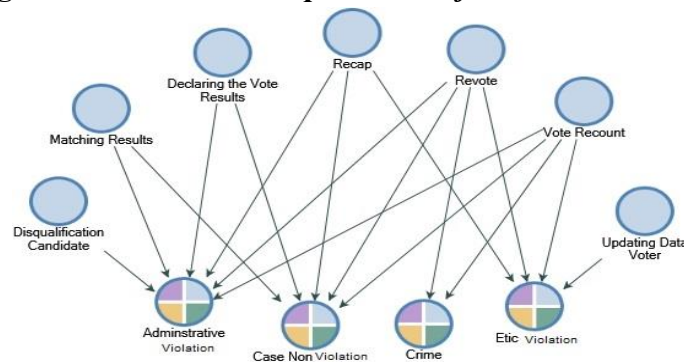
<sup>102</sup> Mahpudin Mahpudin, "Pemanfaatan Teknologi Pemilu Di Tengah Era Post Truth: Antara Efisiensi Dan Kepercayaan," *Jurnal PolGov* 1, no. 2 (2019): 157–97.



implications may include the need for a recalculation of results, re-voting, and the disqualification of certain legislative candidates, as described in Figure 6.

From Figure 6, it can be seen that administrative election violations have an impact on re-voting, re-vote counting, re-vote tabulation, disqualification of legislative candidates and the determination of vote count results based on vote counting in the constitutional court, which is almost the same as the implications of ethical violations, except updating voter data. This indicates that the procedures for organising elections are crucial and should be carried out carefully because they can have consequences for the following stages of organising elections.<sup>103</sup>

**Figure 6: Distribution Implications of Election Violations**



*Source: Processed by Author Using the Project Map Feature NVivo 12 Plus*

When there is an error in the provision of ballots at the polling station, it can result in a repeat of the vote, as well as an error in entering data on the vote tabulation forms, which results in a recount of votes.<sup>104</sup> This indicates that the complexity of organising elections is very complicated at the TPS level, so there is a high potential for errors in its application, and competent resources are needed to carry out the workload at that level.<sup>105</sup> In contrast to administrative and ethical violations, criminal electoral actions only have implications for voting and recounting without disqualifying candidates who benefit from these actions, considering that the perpetrators of criminal elections are not participants or candidates for legislative members, so it is difficult to prove their motives in favour of specific candidates even though they have an impact on the loss of other voters' voting rights and undermine the purity of elections.<sup>106</sup>

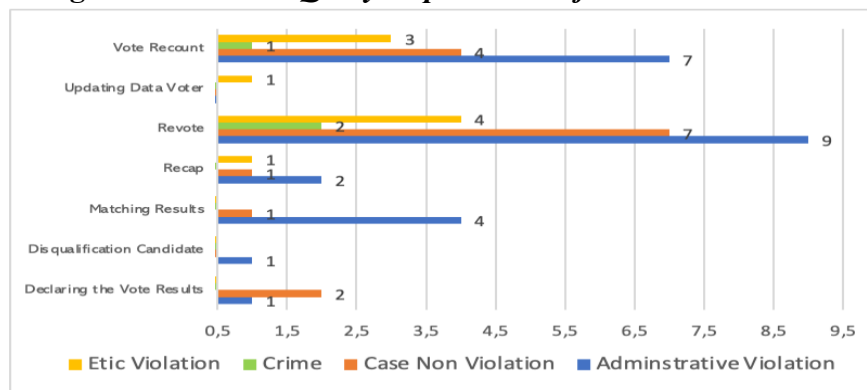
For a more detailed view, the implications of violations of the electoral process can be visualised in Figure 7. It can be seen that there are severe implications of violations of the 2024 elections that require a vote recount with a total of 15 cases spread in the category of ethical violations in 3 instances, Electoral offense in 1 case, non-Violation events as stipulated in Law No. 7 of 2017 concerning Elections in 4 cases and administrative violations in 7 cases. Meanwhile, the implications of violations of the election process that require updating voter data only occurred in 1 case, namely as a result of ethical violations in Riau Electoral District 3.

<sup>103</sup> Perludem, "Pemantauan Pemungutan Dan Penghitungan Suara Pemilu 2024," 2024, <https://perludem.org/2024/02/15/pemantauan-pemungutan-dan-penghitungan-suara-pemilu-2024/>.

<sup>104</sup> Hendry Gunawan and Yudi Faturohman, "Application of SDLC Model In The Real Count Information System Of The Legislative Election DPR RI Regional Election Banten II 2019," *LèKTORAS* 1, no. 01 (2019): 11–19.

<sup>105</sup> Dede Nuryayi Taufik, "Problematisa, Tantangan Dan Solusinya Perekrutan Badan Ad Hoc Pada Penyelenggaraan Pemilu 2024," *Jurnal Ilmu Sosial Dan Humaniora* 1, no. 2 (2023): 108–17.

<sup>106</sup> Dewi Ayu Puspita Sari and Henry Arianto, "Analisis Yuridis Tindak Pidana Pemilu Terkait Hilangnya Hak Pilih Dalam Pemilihan Umum (Studi Kasus Putusan Nomor: 973/Pid. Sus/2019/PN. Mks)," *JCA of Law* 3, no. 1 (2022).

**Figure 7: Crosstab Query Implications of Election Violations**

*Source: Processed by Author Using the Crosstab Query Feature NVivo 12 Plus*

Twenty-two revotes correlate with ethical violations in 4 cases, criminal elections in two instances, non-violation events as stipulated in Law No. 7/2017 on Elections in 7 cases and administrative violations in 9 cases. Events revealed as facts of the trial of disputes over general election results in the Constitutional Court that require revoting, such as revoking of the Determination of the Permanent Candidate List of Members of the Regional House of Representatives of the West Sumatra Electoral District who were passed by the KPU but did not meet the requirements to become candidates as decided by the Administrative Court (PTUN) to be revoked and the case of KPPS members who also became legislative candidates in the Sorong 3 Electoral District. These events show that the ethical violations that occur are severe enough to affect the validity of the voting results, as well as a form of non-neutrality of election organisers and abuse of authority that directly affects the purity of the democratic process<sup>107</sup>. In addition, there are criminal violations that require re-voting, such as what happened at TPS 08 Tabona Ternate Village due to the Head of KPPS not signing the ballots so that the ballots that voters have used are considered invalid and re-voting of several votes for candidates for members of the Regional Representatives Council (DPRD) of Cianjur Regency Dapil 3 at the Polling Station (TPS) 15 Mentengsari Village, Cikalongkulon District, Cianjur Regency so that it is considered as an act of eliminating voters' voting rights<sup>108</sup>.

The financial implications of having to conduct a re-vote are very significant because it requires a significant additional budget allocation<sup>109</sup>, including the cost of procuring new logistics (ballots, ink, and polling station equipment), honorarium for KPPS, PPK, and PPS officers, security costs, and various other operational costs. In the context of the 2024 simultaneous elections, which are already very costly, these additional expenses will undoubtedly burden state finances and potentially disrupt budget allocations for other government programs<sup>110</sup>.

<sup>107</sup> Dimas Ramadhan and Bayu Mardinta Kurniawan, "Limitasi Etika Pemilu," *Jurnal Bawaslu Provinsi Kepulauan Riau* 4, no. 1 (2022): 16.

<sup>108</sup> Kilapong, "Pertanggungjawaban Pidana Bagi Pelaku Tindak Pidana Pemilihan Umum Menurut Undang-Undang Nomor 7 Tahun 2017."

<sup>109</sup> Media Keuangan Kementerian Keuangan, "Menghitung Biaya Demokrasi" (Kementerian Keuangan Republik Indonesia, 2023), <https://mediakeuangan.kemenkeu.go.id/article/show/menghitung-biaya-demokrasi>.

<sup>110</sup> Titi Angraini, "Anggaran Pemilu 2024 Rp76 Triliun, Perludem Bikin Merinding" (Perludem.org, 2022), <https://perludem.org/2022/02/20/anggaran-pemilu-2024-rp76-triliun-perludem-bikin-merinding/>.

From the aspect of public trust, having to conduct a re-vote can lead to deep scepticism about the capabilities of the EMB. People will doubt the competence and integrity of the EMB when they have to repeat a process that could have been done right the first time; scepticism can reduce participation rates in subsequent elections.

Four cases of re-recap correlated with ethical violations in one case, one case of non-violation as stipulated in Law No. 7/2017 on Elections, and two cases of administrative violations. The cause of re-recap is dominated by errors in guiding the recapitulation form at the TPS, PPK, to the KPU level, which has a cascading effect on the next recapitulation stage <sup>111</sup> causing inflation of votes between election participants <sup>112</sup> with different vote differences from the data held by witnesses and election supervisors, as happened in many electoral districts in the Papua region. The recount is not as simple as simply reopening the recapitulation form from the polling station level to the General Election Committee (KPU) but also requires a Matching Result process as a result of the Constitutional Court's rulings, and 5 cases intersect with non-violation events as stipulated in Law No. 7 of 2017 concerning Elections as many as 1 case and Administrative Violations as many as 5 cases. Technically, the results of the vote tabulation at the polling station level must be compared side by side with the results of the PPK level recapitulation and so on; if there is a difference or dispute over the vote count, then the stage must be repeated from the beginning which of course is very draining and requires a high level of concentration. Although not as much as re-voting, re-vote counting also has profound implications because it can cause doubt or uncertainty in the results of the initial count <sup>113</sup>. While this process does not require voters to return to polling stations, it does require additional time, effort, and resources. It can potentially create political tension if the results differ significantly from the initial count <sup>114</sup>.

From the overall electoral timeline perspective, re-voting and recounting can cause delays in determining the final election results <sup>115</sup>. This delay can create a domino effect that affects various aspects of politics and governance, such as the inauguration of elected legislators, the establishment of commissions, or the planning of government programs. In the context of simultaneous elections, these delays can affect political stability and continuity of government and have implications for socio-political stability. The process of re-voting or recounting can

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<sup>111</sup> Bonefasius Bao and Rando Sentana Padang, "Analisis Pemungutan Suara Ulang Pada Pemilihan Kepala Daerah Kabupaten Jayapura Tahun 2017," *Papua Review: Jurnal Ilmu Administrasi Dan Ilmu Pemerintahan* 4, no. 1 (2020): 290–303.

<sup>112</sup> Rosy Febriani Daud and Slamet Haryadi, "Membangun Citra Positif Masyarakat Terhadap Penyelesaian Sengketa Pilkada Dalam Upaya Memperkuat Legitimasi," *Joels: Journal Of Election And Leadership* 3, no. 2 (2022): 102–11.

<sup>113</sup> Taufiqurrahman Taufiqurrahman, Siti Hasanah, and Firzhal Arzhi Jiwantara, "Sistem Penyelesaian Sengketa Pemilihan Umum Di Negara Hukum Demokrasi (Studi Komparatif)," *JATISWARA* 38, no. 2 (2023): 241–54.

<sup>114</sup> aryojati Ardipandanto, "Tantangan Dalam Menghadapi Pemungutan Suara Ulang Pilkada 2020: Perspektif Profesionalisme Kpu Challenges In Facing Re-Election Of Local Election 2020: Perspective From Professionalism Of KPU," *KAJIAN DPR-RI* 4 (2021): 1.

<sup>115</sup> Ilham Kurniawan Ardi and Zico Junius Fernando, "Desain Peradilan Penyelesaian Sengketa Perselisihan Hasil Pemilihan Umum Presiden Dan Wakil Presiden Di Mahkamah Konstitusi," *Al Ijarah: Jurnal Pemerintahan Dan Politik Islam* 7, no. 2 (2022): 230–45.

trigger horizontal conflicts between supporters of competing candidates or political parties<sup>116</sup>. Each party has a different interpretation of the cause and needs to repeat the process, which can cause tension in the community.

The implications of violations of the electoral process that require disqualifying candidates only occur in 1 case, namely administrative violations in the determination of candidates for the Tarakan City Regional House of Representatives, due to the Tarakan KPU misunderstanding the provisions of the Legislative Candidates who have been convicted and have not exceeded five years<sup>117</sup>. While declaring the vote result based on the vote count in the Constitutional Court occurs in 3 cases, which correlate with administrative violations in 1 case and non-violation events as regulated in Law No. 7 of 2017 concerning Elections in 2 cases.

The Constitutional Court directly carried out the determination of vote counting. This occurred in the election of Members of the House of Representatives of Sarimi Regency Electoral District 2, the Election of Members of the Regional House of Representatives of Donggala Regency Dapil Donggala 4 and the Election of Members of the Regional House of Representatives of Lahat Regency Electoral District Lahat 4. The Court's role was to determine the correct vote count for the Indonesian Democratic Party of Struggle and other parties. This determination was based on the results of the recount of valid ballots that have been carried out in the Constitutional Court trial, as a follow-up to consideration of the evidence presented in the trial, including testimony from witnesses presented, official documents related to the implementation of elections, as well as the results of investigations and examinations conducted by constitutional judges<sup>118</sup>.

The description of the above cases points to the need for a thorough evaluation of the electoral legal framework, which requires a review of the effectiveness of the application of sanctions, clarity of procedures for handling violations, and better prevention mechanisms<sup>119</sup>. Current regulations must be strengthened to prevent similar violations in future election editions. There is a need to comprehensively strengthen the system for preventing election violations<sup>120</sup> which includes improving the quality and intensity of training for election organisers at all levels, improving internal and external monitoring systems, tightening voting and counting procedures, and increasing Bawaslu's capacity to detect and handle violations early on.

## CONCLUSION

The analysis reveals several points. First, there are four types of violations in the conduct of the 2024 General Election in Indonesia: administrative, ethical, criminal, and non-violation cases. Referring to PHPU rulings, it can be seen that administrative, ethical, criminal, and non-violation

<sup>116</sup> Ardipandanto, "Tantangan Dalam Menghadapi Pemungutan Suara Ulang Pilkada 2020: Perspektif Profesionalisme KPU Challenges In Facing Re-Election Of Local Election 2020: Perspective From Professionalism of KPU."

<sup>117</sup> Muhammad Anwar Tanjung and Retno Saraswati, "Demokrasi Dan Legalitas Mantan Narapidana Dalam Pemilihan Kepala Daerah Dan Pemilihan Umum," *Jurnal Hukum Ius Quia Iustum* 25, no. 2 (2018): 379–99.

<sup>118</sup> Jeremy L C Sanger, "Kewenangan Mahkamah Konstitusi Dalam Menyelesaikan Perselisihan Hasil Pilkada," *Lex Administratum* 6, no. 4 (2019).

<sup>119</sup> Nurmaida Saana, "Evaluasi Pemilu 2019 Dalam Rangka Penataan Skema Pemilu Serentak 2024," *JURNAL PENGAWASAN PEMILU Provinsi DKI Jakarta* 2 (2020): 163.

<sup>120</sup> Yuhandra et al., "Efektivitas Fungsi Pencegahan Badan Pengawas Pemilihan Umum Dalam Melakukan Pencegahan Pelanggaran Pemilu."

cases can be identified from rulings that partially grant the petition. Meanwhile, rulings that fully grant the petition only involve administrative and ethical violations. Second, violations were committed by almost all organisers, namely the KPU, the PPK, the PPS, the KPPS, Election Participants, and government officials (Village Heads) which illustrates the failure of the Election Supervisory Agency to fulfil the mandate of Law Number 7 of 2012, Article 93(b)(1). These violations were dominated by administrative violations committed by the PPK and KPPS due to the high complexity procedure to elect the DPD, DPR RI, and DPRD, which are held simultaneously as stipulated in Articles 1 and 167 of Law Number 7 of 2017, as well as ethical violations reflected in the attitudes and behavior at the KPU and KPPS levels, which undermine the integrity and abuse of authority<sup>121</sup> Which should be terminated as stipulated in Article 37 (2)(b) of Law Number 7 of 2017. Third. Based on rulings that were entirely granted, there are 24 violations, divided into five ethical violations and 19 administrative violations. Regarding ethical violations, the distribution of violations among election organisers was relatively even. This reflects a balanced focus on all components, although the KPPS received slightly more attention. Fourth, there are 100 election violations based on the Constitutional Court's rulings to grant some of the petitions, consisting of 56 administrative violations, 11 ethical violations, four criminal violations, and 29 non-violations, most of which were dominated by PPK, indicating weak election governance. Fifth, Administrative and ethical violations in elections have serious consequences, such as revoting, recounting, and disqualifying legislative candidates. Technical errors at polling stations, such as the distribution of ballots or data entry, can have significant consequences, which need to be followed up with a digitalisation approach. The complexity at the polling station level requires competent resources. Meanwhile, Criminal violations only result in a re-vote and recount, without disqualifying candidates, because it is difficult to prove their direct involvement in the election, thus requiring the vigilance of law enforcement agencies by strengthening the enforcement of election laws through the second revision of Law No. 7 of 2017.

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<sup>121</sup> Perludem, "Menyongsong Pemilu 2024 Dan Seleksi Penyelenggara Pemilu: Beberapa Catatan Kritis," *Perludem.Org*, 2022, <https://perludem.org/2022/10/16/menyongsong-pemilu-2024-dan-seleksi-penyelenggara-pemilu-beberapa-catatan-kritis/>.

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