

FRAUD PREVENTION AND SUPERVISION FOR ACCOUNTABLE ELECTION

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ABSTRACT

This research describes the vulnerabilities in the 2019 election and the efforts of the Election Supervisory Board (Bawaslu) of Wonosobo Regency to prevent as well as to supervise and take action against violations in the 2019 election. The data collection used the interview and documentation study; the data analysis stage through organizing data, coding, finding data themes and their relationship to each other; as well as data interpretation for drawing conclusions. The research findings show that Bawaslu's efforts in election supervision include prevention efforts by focusing on vulnerabilities that have the potentials to lead to fraud; and efforts to prosecute violations as a follow-up to election supervision. The vulnerability in holding elections includes vulnerability in campaigns, voting, neutrality of the civil service apparatus, money politics, and politicization of ethnic, religious, racial and inter-group sentiments. To prevent violations in elections, it is carried out by forming participatory supervisory cadres and forming anti-money politics villages by involving community participation.

Keywords: Fraud Prevention, Election Supervision, Accountable Election

INTRODUCTION

An important aspect related to elections is accountability which makes elections truly a means of manifesting democracy. In the context of democracy, elections embody the essential value to present a ruler who is responsive to the will of the people through competition for regular voter approval. In reality, however, this is not always the case. Election is unable to produce state leadership and policies that are in accordance with the will of the people because there are other forces that also influence the election results, in addition to the factors that are often discussed. The elections in Indonesia 2019 are election to elect the president/vice president and election to elect members of the legislature which are held simultaneously. The presidential/vice presidential election was attended by 2 (two) candidate pairs, namely Joko Widodo/Ma'ruf Amin & Prabowo Subiyanto/Sandiaga Uno. In accordance with the applicable law, a candidate pair can only be nominated by a party or a coalition of parties that gets 25 percent of the vote in the national election or gets 20% of the seats in the DPR. Meanwhile, the election for legislative members was attended by 16 political parties to elect members of the central legislature, members of the provincial legislature, and members of the Regency/City legislature.

Elections must be held freely, honestly and fairly in accordance with applicable regulations. For this reason, election in Indonesia is supervised by the Election Supervisory Board (Bawaslu) which consists of the Central Bawaslu, the Provincial Bawaslu, Regency/Municipal Bawaslu, and the District Election Supervisory Committee (Panwaslu). These institutions are responsible for the election to run according to the applicable regulations. The focus of this research is to find out how election supervision was carried out in order to

achieve accountable elections. The research was conducted in Wonosobo Regency, Central Java Province, as one of the regencies/provinces in Indonesia. This study addresses problems that can be formulated, what are the vulnerabilities in the 2019 election and the efforts to prevent fraud by Bawaslu; and how to supervise and take action against election violations carried out by Bawaslu.

LITERATURE REVIEW

Election Accountability

In societies where democracy has been accepted as a principle in the political system, elections are considered the most appropriate way to elect political leaders. With elections, competition is considered to be something that inspires enthusiasm in political life by candidates. In his writing, Ezrow states that in a democracy what people hope is channeled through elections to elect people's representatives who will make policies according to their expectations. In other words, in a democracy the people's participation and voting will have implications for policies in their interests. Election accountability has a very close relationship with election transparency. According to Young (2009), a transparent electoral process is an election process in which every step in the election is open to supervision, and stakeholders can independently verify whether the electoral process is carried out honestly and accurately.

In this regard, Morlino (2011) states that election accountability is expressed through free and fair election activities and the contribution of political parties in the electoral process. Election accountability is known as "vertical accountability" because of the interconnectedness of functions between citizens and representation. Efforts to achieve electoral accountability are often hindered by a variety of violations that is not always easily identified or controlled through legal or administrative measures. The violations include "vote buying," misuse of official position, and misuse of state resources. Buying votes in elections is commonly called electoral corruption or money politics, The danger of electoral corruption lies in the fact that there is no adequate response from various parties about it, whereas ineffective efforts to combat this type of corruption will lead to a failure of the electoral system.

Particularly in Indonesia, Hidayat (2009) classifies the practice of money politics into two types, namely direct money politics and indirect money politics. Direct money politics refers to the cash payments made by candidates to individuals to get votes, whereas indirect money politics involves various ways which candidates give goods in various forms to get the people's votes. In addition, the candidate's promise to provide benefits to individuals so that they can be elected in the election can also be considered a practice of money politics. Efforts to achieve election accountability are also often disturbed by the negative campaigns carried out by election contestants. The results from the researches show that negative campaigns can only affect voter confidence when they do not have sufficient experience in participating in competitive elections. This means that the negative campaign has less significant effect on voters who have been involved in the election several times.

Election Supervision

Lawsuit and complaints on elections that frequently arise are related to the arrangement of voter lists, candidate's lawsuit, appointment of election organizing committees, intimidation, campaign violations, voting and vote counting violations, as well as tabulation and seat allocation violations. In addition to the violations mentioned above, technological developments in the information and communication sector also pose challenges for election observers. Digital technology does have a positive influence on democracy. But, on the other hand, social media can also echo public conversation to bring down opponents. Most democratic governments are trying to prepare legal instruments to respond to these social media problems. However,

excessive regulation can also have unintended consequence which is the deterioration of democratic development. For this reason, election supervision is needed with the aim of minimizing the occurrence of fraud so that election results can be accounted for and election becomes an accountable democratic mechanism. Although researches that have been conducted show that, for voters at the grassroots level, the most expected thing is the political parties chosen actually fulfill their promises in the campaign, and whether political parties fulfill their promises or not is beyond election supervision. In general, election supervision is divided into three typologies, namely Electoral Observation,

Electoral Monitoring, and Electoral Supervisory. The mandate of election observers is to gather information and make right decisions without disrupting the electoral process. Election monitors' mandate is to observe the electoral process and intervene if any rule of law is violated. The election supervisor's mandate is to decide the legitimacy of the electoral process. By the Electoral Supervisory, in addition to having the authority to oversee the implementation of each election stage, they also have the authority to declare the validity of the election stages, from preparation to the determination of the election results.

Based on the actors conducting the supervision, Bjornlund distinguishes three types of election observation, that is international observation or international monitoring, domestic monitoring carried out by national organizations, and international surveillance managed by intergovernmental organizations in post-conflict elections, taking into account the practice in many countries, these election observers are placed under the jurisdiction of ordinary courts, and some are placed under the jurisdiction of special courts, when special courts for general elections have been established.

There are also those which authorize the constitutional court to intervene in that matter, either exclusively or at a final stage after the ordinary appeals process has ended. In the context of regulation, the electoral law should provide clear rules and procedures for where, when, how and in what form that a complaint or legal charge can be filed, including a standard of evidence adequacy. The law should be clear about who can file lawsuit and who is entitled to administrative or judicial remedies. Likewise, it must be encouraged to create transparency in the process of receiving and resolving complaints on the occurrence of fraud in elections.

METHOD

The approach of this research is a qualitative approach with a case study method. Data collection was carried out by interviewing technique and documentation study. The research was conducted by interviewing commissioners of district KPU and village heads. This research process can be presented in the following Figure 1.

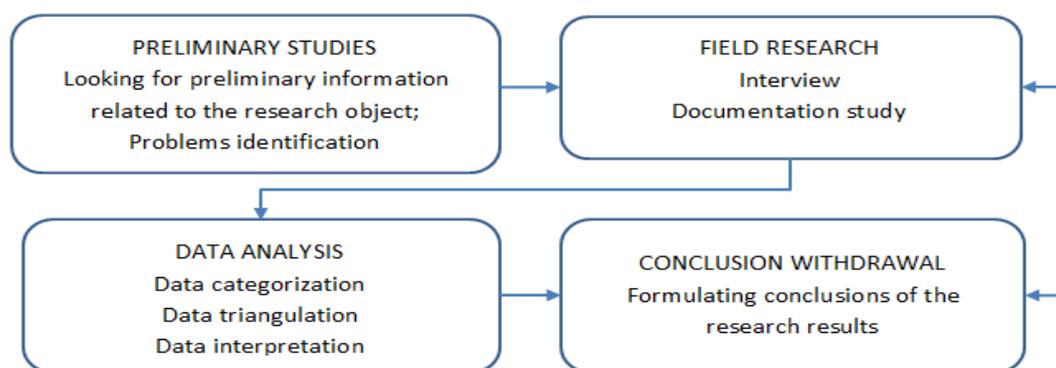


FIGURE 1
RESEARCH PROCESS

VULNERABILITY IN THE 2019 ELECTION AND PREVENTION EFFORTS BY BAWASLU

The vulnerability of election administration in this research is described as situation and condition that have potential for violations to occur in the election. Thus, it needs to be watched out by the election management institution. Vulnerability in election administration includes vulnerability at the campaign stage, vulnerability at the voting stage, neutrality of the state civil apparatus, money politics, and politicization of ethnic, religious, racial and inter-group sentiments.

The results show that the vulnerability in the campaign stage occurred with regard to campaign material delivered to the public, namely material prohibited by Law No.7 Year 2017 concerning General Elections (Article 280), which among others prohibited to question Pancasila as the foundation of the state and Indonesian Constitution 1945, the form of the Unitary State of the Republic of Indonesia; insult someone, ethnicity, religion, race, or class; to pit one person/group against another person/group; to disturb public order; to threaten others with violence; and to promise or give money or other materials to campaign participants.

Vulnerability in the voting stage is in the form of manipulation of voter data; aberration in the distribution of voting equipment and vote counting equipment; giving money or other materials as a form of political transaction; and mobilization of voters by intimidation/violence. Apart from that, other aberrations are aberration in the procedures for voting and counting votes; voters who use their voting rights more than once; as well as aberration in the administration of voting and counting votes.

The other vulnerability is related to the neutrality of the state civil apparatus in the general election such as taking sides with one of the election participants using the powers they have. Vulnerability also occurred related to money politics. This vulnerability occurs due to the lack of vision and mission delivery in the campaign and it even emphasizes the practice of giving money or materials to voters to get votes.

Meanwhile, vulnerability in the form of politicization of issues on ethnicity, religion, race and class is carried out using meeting forums, print and electronic media, as well as visual media or images placed in public places. Through this media, contestants insert messages that evoke ethnic, religious, racial and inter-group sentiments to influence voters to direct their choices towards certain contestants or candidates.

Efforts made by Bawaslu to prevent violations were by taking various actions, such as conveying messages through local cultural art education activities, social activities, religious activities and community organizations'; submitting a letter of prevention to participants and stakeholders of elections; conveying messages through social media. In addition to these messages, Bawaslu also conducted socialization on the preventing election violations to government institutions/agencies as well as the public. The dissemination material presented was related to administrative violations, the ethics code violations, violations of criminal acts and other violations.

The novelty of the preventive efforts undertaken by Bawaslu as described above, is the efforts to prevent violations by formation of participatory supervisory cadres involving people's participation and the formation of anti-money politics villages. In this regard, the village head generates community participation by giving gifts to anyone who reported the occurrence of money politics. The public response to these efforts is quite large, especially from the younger.

Election vulnerability in the research location is more complex in nature, and does not concern only "vote buying", misuse of the official position of the state civil apparatus, and misuse of state resources as identified by The Carter Center. Issues of religious, racial and ethnic sentiments, for example, still greatly influence elections in Indonesia, and are often exploited for the purposes of election contestation.

ELECTION SUPERVISION AND ENFORCEMENT BY BAWASLU

Supervision by Bawaslu is carried out at the electoral stages which are the stage of updating the data in the voter list; the nomination stage; the campaign stage; the stage of procurement and distribution of election equipment, the stage of voting and votes counting; supervision of campaign funds, as well as supervision of the stages of voting, counting and votes recapitulation. In addition to monitoring the electoral stages, supervision is also carried out on the neutrality of the state civil apparatus, monitoring of money politics, and monitoring of the politicization of ethnic, religious, racial and inter-group sentiments.

Related to election transparency, as stated by Young (2009), a transparent electoral process is an electoral process in which every step in the election is open to supervision, and stakeholders can independently verify whether the process is carried out honestly and accurately. As mentioned in the theoretical framework, lawsuit and complaints on election that often arise are usually related to the arrangement of voter lists, candidate's lawsuit, appointment of election organizing committees, intimidation, campaign violations, voting and vote counting violations, as well as tabulation and seat allocation violations. Referring to the theoretical framework, the supervision carried out by Bawaslu is quite comprehensive and covers the possibility of violations in the election, even violations that are typical in Indonesia that may not occur in many other countries.

According to the prevailing laws and regulations, violations that are the target of election supervision can be divided into 4 types, namely administrative violations, violations of the code of ethics in election administration, election criminal violations, and other violations of the law.

Supervision of Stage of Updating Voters List Data

Supervision at the stage of updating voter list data is supervision carried out by Bawaslu of all activities in the data updating stage in the 2019 Election voter list, to ensure that all citizens who meet the requirements have been registered in the Final Voters List (DPT) and to ensure the suitability of the voter list with the applicable laws and regulations.

From the supervision carried out by Bawaslu, it is found that there were voters who did not meet the requirements; community members who met the requirements but they had not been registered in the voter list, so they had to be included in the new voter list; the existence of multiple voter data; as well as the existence of invalid voter data or data anomalies. The resolution form of these findings is to submit recommendation to the Regency Election Commission to improve the voters list.

Supervision of Nomination Stage

The supervisory activities carried out by Bawaslu at the nomination stage are focused on the issue of nominating candidates for legislative members by political parties. Supervision is carried out through verification of party membership at the district level based on the law. The results of the supervision show that the nomination stages were carried out in accordance with the prevailing laws and regulations. Responding to the supervision carried out by Bawaslu, at this stage there were several candidates who were dropped from the candidacy because they did not meet the requirements.

Supervision of Campaign Stage

Supervision at the campaign stage focuses on campaign activities carried out by participants and the campaign team by conveying the vision, mission and self-image at the

meetings they hold. In addition, campaign props are also installed and the distribution of campaign materials is done by candidates.

From the supervision carried out by Bawaslu, violations were found in the props installation and the distribution of campaign materials, as well as 1 (one) meeting activity that was suspected of violating the provisions concerning the campaign. In relation to the campaign props installation and the campaign materials distribution that violated the provisions, Bawaslu issued a warning letter to the parties participating in the election concerned. Meanwhile, the meeting that allegedly violated the campaign provisions was handled by Gakkumdu (Integrated Law Enforcement).

According to the literature relating to campaign design and management, in reality campaigns are not designed only to directly influence voting choices. However, it is designed to influence votes indirectly, by influencing their relative importance in relation to the factors that drive them. The effect of any campaign depends on the characteristics of the campaign information and the characteristics of the voters. In other words, the variation of both characteristics, voters in decision making and the candidate's strategy, should form expectations about the expected campaign effect.

Research conducted by the University of Maryland on the effects of negative campaigns on voters shows that allegations which voters perceive to be unfair place attackers in serious trouble, regardless of whether or not the other party responds to the negative campaign. Conversely, allegations that are considered fair cause problems for the candidate who is attacked, especially if he does not respond to them. The best outcome for an attacked candidate is to retaliate with a "fair fee" in return.

Regarding the issue of who should campaign and how effective the state civil apparatus is, Schiller's (2009) research on regional elections in Indonesia finds that campaign teams formed at the village level are more influential in attracting voters than the influence of political parties, because people recruited into the campaign team are people and figures in the village. Therefore, parties and candidates for legislative members are very dependent on their success teams in attracting voters.

Supervision of Procurement and Distribution of Vote Voting and Counting Equipment

Supervision was carried out by visiting the companies that won the equipment procurement auction, to ensure the conformity of company documents with the factual conditions of the company. In addition, the supervision also checked the company's compliance with the technical specification standards of voting equipment, the timeliness of processing, and the suitability of the number of equipment. When the general election logistics were sent to the Wonosobo KPU by the company, Bawaslu ensured that the number of ballot papers was matched with the number of printed orders and that the vehicle box was still sealed. In addition, Bawaslu needed to check the conformity of the number of goods with the Official Report of Handover (BAST) made by the company with the KPU.

The next supervision activity was to ensure the timeliness of the delivery of equipment and ballot papers to users, starting from Provincial KPU or procurement companies to Regency KPU, distribution from Regency KPU to District level up to polling stations, namely TPS. At this stage, Bawaslu did not find any violations, either administrative violations, violations of the code of ethics, or violations of election crimes.

Supervision of Campaign Funds

Supervision of campaign funds by the Bawaslu of Wonosobo Regency was carried out through submission of Special Accounts of Campaign Funds (RKDK) from political parties; submission of Initial Campaign Funds Report (LADK); submission of Revenue Report of Campaign Funds Donation (LPSDK); as well as the closure of the LPPDK (Revenue and

Expenditure Report of Campaign Funds). The supervision results of campaign funds found no administrative violations or violations of the code of ethics.

Supervision of Voting, Votes Counting and Votes Recapitulation Stage

For voting purposes, Bawaslu supervises the availability of logistics and other voting equipment by ensuring that Polling Stations (TPS) are in place prior to the voting implementation as well as ensuring that voting equipment and other supporting equipment have been received by KPPS for a maximum of 1 (one) day and they are in good condition and sealed. The polling supervision process at TPS is fully carried out by the TPS Supervisor, with supervision carried out by the District Bawaslu. The supervision that has been carried out at this stage did not find any violations of the Code of Ethics and violations of election crimes.

Supervision of the Neutrality of the State Civil Apparatus

Monitoring activities on the neutrality of the state civil apparatus are carried out at all stages of the election. Supervision of the neutrality of the state civil apparatus found that there were no violations. Bawaslu also did not receive reports from the public or any institutions regarding violations of the neutrality of the state civil servants.

Supervision Related to Money Politics

One opinion states that the most important resource in mobilizing voters is money. Money is like fuel for political parties and candidates to run the political machine which is their campaign team. In Malaysia, buying votes as well as getting campaign funds from individuals and organizations who want rewards is a criminal act. In Indonesia, buying votes is strictly prohibited and is considered a criminal act.

Overall, monitoring activities on money politics are carried out at all stages. The results of the supervision show that based on Bawaslu's supervision, there was no money politics practice. However, vote buying in the election which is also called money politics is indeed an election violation that is difficult to handle. There are those who argue that the danger of electoral corruption lies in the fact that various parties respond to the problem inadequately. This ineffective effort to fight corruption will lead to a breakdown in the electoral system.

Supervision of the Ethnicity, Religion, Race and Inter-Groups Politicization

Ethnic, religious, racial, and inter-group politicization is the political manipulation of understanding and knowledge of religion/belief, ethnicity/race and between groups using propaganda, indoctrination, disseminated campaigns, and socialization in the public sphere, so that there is a shift in understanding, in an effort to incorporate certain interests into a political agenda. This politicization can harm certain parties and create unfair competition which makes elections far from safe, fair and dignified. As long as the supervision carried out by Bawaslu, there were no cases in the delivery of campaign material containing ethnic, religious, racial and inter-group politicization for the victory of certain contestants.

The reality indicates the election results both in the legislative and presidential elections always show the influence of ethnic and religious factors on the election results. A study shows that since entering the reform era the political elites in Indonesia, especially the old political elites, have tried to gain power through clientelistic networks of local figures to become an extensive vote-gathering machine. Relations with voters are not built through the distribution of personal wealth, but through religion and other social identities.

During the implementation of the 2019 Election stages, Bawaslu has received and followed up the findings of 9 (nine) cases of suspected election violations. The findings of these violations are presented in the following Table 1.

No.	Election Implementation Stages	Administrative	Violations Election Organizer Code of Ethics	Election Crime	Other Legal Rules
1	Verification of Political Parties	-	-	-	-
2	Nominations	-	-	-	-
3	Supervision of Voter List	-	-	-	-
4	Campaign	2	-	6	-
5	Supervision of Campaign Funds	-	-	-	-
6	Supervision of Voting	1	-	-	-
7	Supervision of the Votes Recapitulation	-	-	-	-
8	Process of Election Result	-	-	-	-

As stated in the theoretical framework, election supervision can be under the jurisdiction of ordinary courts or under the jurisdiction of courts specially formed to resolve election cases. In some other systems, the constitutional court is empowered to settle electoral cases when the appeal process in ordinary courts has ended. In the election law system in Indonesia, the resolution of disputes related to the electoral process is the authority of Bawaslu to decide, while the resolution of disputes related to election results is the authority of the Constitutional Court.

CONCLUSION

From the description above, it can be concluded that the efforts made by Bawaslu in election supervision include prevention efforts by focusing on vulnerabilities that have the potential to lead to fraud in elections; and efforts to prosecute violations that occur in the election. The vulnerability in election administration includes vulnerability in campaigns, vulnerability in voting, vulnerability regarding the neutrality of the state civil apparatus, vulnerability in the form of money politics, and vulnerability in the form of politicization of ethnic, religious, racial and inter-group sentiments. Meanwhile, supervision in the form of prosecution for election violations includes the action against violations in the stages of updating voter data, nominations, campaigns, procurement and distribution of election equipment, voting and votes counting, and monitoring of campaign funds. In addition to monitoring for prosecution of these violations, it is also monitoring the neutrality of the state civil apparatus, money politics supervision, and supervision of the politicization of ethnic, religious, racial and inter-group sentiments. There is an element of novelty in the supervision of the electoral stages at the research location, namely the form of community participation in election supervision by declaring several anti-money politics villages.

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