

## **The People's Voice is Manipulated through Election Vote Counting: Indications of Structured Fraud and Its Impact on Democratic Integrity**

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**Abstrak:** Kecurangan perhitungan suara merupakan kejahatan pemilu yang dapat merusak legitimasi hasil pemilu yang akan menurunkan kepercayaan publik terhadap penyelenggaraan demokrasi. Penelitian ini bertujuan untuk menganalisis pengaturan hukum mengenai tindak pidana kecurangan perhitungan suara dalam pemilihan umum di Indonesia, mengkaji mekanisme penanganan dan penegakan hukum terhadap pelanggaran tindak pidana kecurangan perhitungan suara pemilu serta penerapan sanksi pidana berdasarkan peraturan dan perundang-undangan yang berlaku. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan legislasi sebagai sumber referensi, dan berbagai ketentuan hukum lainnya yang relevan. Temuan dalam penelitian ini bahwa perbuatan pidana berupa manipulasi hasil perhitungan suara dalam pemilu merupakan tindakan yang secara eksplisit dilarang dan diancam pidana berdasarkan regulasi kepemiluan yang berlaku. Mekanisme penindakan atas pelanggaran pidana pemilu diselenggarakan melalui wadah Sentra Penegakan Hukum Terhadap (Gakkumdu) yang memadukan sinergi antara Bawaslu, Kepolisian, dan Kejaksaan demi terwujudnya efektivitas penegakan serta kepastian hukum dalam penanganan perkara pidana kepemiluan. Penelitian ini merekomendasikan perlunya menguatkan profesionalitas aparat penegak hukum dalam kecurangan perhitungan suara pemilu.

**Kata Kunci:** Tindak Pidana Pemilu, Perhitungan Suara, Gakkumdu.

**Abstract:** *Vote-count manipulation is an electoral crime that can undermine the legitimacy of election results and reduce public trust in democratic processes. This study aimed to analyze the legal framework governing the criminal offense of vote-count fraud in general elections in Indonesia, to examine the mechanisms for handling and enforcing the law against such violations, and to assess the application of criminal sanctions under the applicable laws and regulations. This research used a normative legal method with a statutory approach and examined relevant legislation, legal principles. The study found that manipulation of vote-count results was explicitly prohibited and subject to criminal sanctions under Indonesian electoral laws. The enforcement mechanism for electoral crimes was carried out through the Integrated Law Enforcement Center (Sentra Gakkumdu), which integrated the roles of the Election Supervisory Body (Bawaslu), the Police, and the Prosecutor's Office to ensure effective enforcement and legal certainty in handling electoral criminal cases. This study concludes that strengthening the professionalism and integrity of law enforcement officials is essential to prevent and effectively address vote-count fraud in elections, thereby safeguarding democratic legitimacy and public trust in the electoral system.*

**Keywords:** *Electoral Crime, Vote Counting, Gakkumdu.*

## **A. INTRODUCTION**

General elections are the primary means of implementing popular sovereignty in a democratic state. This principle is affirmed in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that sovereignty rests with the people and is exercised according to the Constitution. As an implementation, the implementation of elections is further regulated in Law Number 7 of 2017 concerning General Elections, which emphasizes that elections must be carried out directly, generally, freely, secretly, honestly, and fairly. Within this framework, each stage of the election, especially the counting and recapitulation of votes, has a very important position because it determines the validity of the final results that reflect the will of the people. In exercising their rights, every citizen is guaranteed security by the state, so they can vote according to their conscience. In casting their vote, voters are guaranteed that their choice will not be known by any party. Voters cast their votes on ballots that cannot be known by others.[1]

However, the implementation of the 2024 Election shows that the vote counting stage still has the potential for violations, including manipulation or alteration of recapitulation data. This problem becomes serious when fraud is not only committed by election participants but also involves lower-level organizers. This phenomenon is reflected in Decision Number 133/Pid.Sus/2024/PN.Sgm, which concerns the alteration of vote count data through an electronic recapitulation application. This situation raises legal issues regarding how election criminal provisions regulate vote counting fraud and how it should be handled within the Indonesian criminal justice system. The potential for vote counting fraud can manifest itself in various forms. At the simplest level, fraud can include adding or subtracting votes for certain election participants, filling out results forms that do not align with the facts, or removing supporting documents.[2]

Normatively, election crimes are regulated in Law Number 7 of 2017. These provisions prohibit actions that could alter or remove minutes and certificates of vote counting results. Furthermore, technical regulations, such as KPU Regulation Number 25 of 2023, emphasize the principles of honesty, openness, and accountability in the voting and vote counting process. Although these regulations are sufficiently detailed, practical problems remain, including differences in interpretation between administrative violations and criminal offenses, weak oversight of the use of electronic systems, and challenges in providing evidence in cases involving digital data. Previous studies generally discuss general election crimes, such as money politics, campaign violations, or the neutrality of state officials. These studies focus more on institutional aspects and the effectiveness of general law enforcement, without providing an in-depth analysis of the construction of elements of fraud during the electronic vote counting stage. Thus, there is a gap in research regarding legal analysis that specifically examines the application of election criminal norms to the manipulation of vote recapitulation data using a case study approach based on court decisions. This study aims to analyze the legal provisions governing the criminal act of fraud in the counting of general election votes, including the elements of the crime and

its criminal sanctions, and to examine the form of handling of these violations in the election criminal justice system, emphasizing the importance of distinguishing between administrative errors and criminal acts. Furthermore, this study also seeks to critically examine the effectiveness of law enforcement mechanisms in addressing electoral fraud, particularly in the context of increasingly complex digital-based recapitulation systems. The use of electronic applications in vote counting, while intended to enhance efficiency and transparency, simultaneously introduces new vulnerabilities that can be exploited for manipulation if not supported by a robust supervisory and verification framework. In this regard, the role of election supervisory bodies, law enforcement agencies, and the judiciary becomes crucial in ensuring that any alleged violations are processed in accordance with due process of law. The handling of election crimes must not only prioritize procedural correctness but also uphold substantive justice, considering that any distortion in vote counting directly undermines the principle of popular sovereignty. Moreover, the distinction between administrative negligence and intentional criminal conduct must be clearly articulated to avoid legal uncertainty and inconsistent application of sanctions. A failure to properly categorize such acts may result in impunity for serious violations or, conversely, the over-criminalization of minor procedural errors. Therefore, through a normative and case-based analysis, this research is expected to contribute to the development of a more precise legal framework and enforcement model that is capable of responding to the challenges of modern electoral processes.

In addition, this study places emphasis on the importance of strengthening institutional coordination among stakeholders involved in the election criminal justice system, including the Election Supervisory Agency (Bawaslu), the General Election Commission (KPU), the police, prosecutors, and the courts, particularly within the framework of the Integrated Law Enforcement Center (Sentra Gakkumdu). Effective coordination is essential to ensure that reports of alleged violations, especially those involving vote counting manipulation, can be promptly followed up, properly investigated, and adjudicated in a timely manner. Weak coordination often leads to delays, loss of evidence, or even the dismissal of cases on procedural grounds, which ultimately undermines the credibility of the electoral process. Therefore, improving the capacity, professionalism, and integrity of these institutions is a key factor in ensuring effective enforcement of election law. At the same time, clear standard operating procedures and unified interpretations among institutions are necessary to avoid overlapping authority and conflicting legal conclusions that may hinder the resolution of cases.

Moreover, the evidentiary aspect in cases of vote counting fraud deserves particular attention, especially when the alleged violations involve digital systems and electronic data. The reliance on electronic recapitulation applications requires a legal framework that is capable of accommodating digital evidence, including data logs, system records, metadata, and audit trails, as valid and reliable forms of proof in court. However, challenges often arise in terms of data authenticity, integrity, chain of custody, and the technical expertise required by law enforcement officers and judges to properly assess such evidence. Differences in digital literacy among legal practitioners can create disparities in legal reasoning and outcomes. Consequently,

there is a pressing need to develop clear guidelines and technical standards for handling digital evidence in election crime cases, as well as to enhance the technical competence of relevant actors through specialized training, certification programs, and cross-sector collaboration with information technology experts. From a regulatory perspective, this study also highlights the urgency of harmonizing election law with other relevant legal regimes, such as criminal law, administrative law, and laws governing electronic information and transactions. Disharmony between these legal frameworks often creates loopholes that can be exploited by perpetrators or, conversely, creates ambiguity that complicates law enforcement efforts. Legal reform should therefore aim not only to strengthen sanctions but also to clarify the formulation of offenses, particularly regarding the elements of intent, participation, and responsibility in collective or organized fraud. This is especially relevant in cases where manipulation is conducted systematically and involves multiple actors across different levels of election administration.

From a broader perspective, this research also underscores the need to balance repressive and preventive approaches in addressing electoral fraud. Preventive measures may include strengthening transparency in the vote counting process, ensuring public access to recapitulation data, implementing real-time monitoring systems, and encouraging community participation in overseeing elections. The involvement of civil society organizations, independent observers, and the media can serve as an additional layer of oversight that deters potential violations. By increasing transparency and public scrutiny, the opportunities for manipulation can be significantly reduced. In addition, the adoption of technology must be accompanied by strict cybersecurity protocols, periodic system audits, risk assessments, and independent oversight mechanisms to ensure that the digital infrastructure used in elections remains secure and trustworthy.

Another important dimension examined in this study is the impact of vote counting manipulation on public trust and democratic legitimacy. When the integrity of vote counting is questioned, it not only affects the outcome of a particular election but also erodes citizens' confidence in the entire democratic system. This can lead to political apathy, decreased voter participation, and even social unrest in extreme cases. Therefore, addressing electoral fraud is not merely a matter of legal compliance, but also a strategic effort to preserve political stability and social cohesion. In this context, transparency, accountability, and consistency in law enforcement are key factors in rebuilding and maintaining public trust. Finally, this study emphasizes that safeguarding the integrity of vote counting is fundamentally linked to the protection of constitutional rights and democratic values. Elections are not merely procedural events, but represent the concrete manifestation of the people's sovereignty. Any form of manipulation in the vote counting process constitutes a serious violation of constitutional principles and undermines the legitimacy of government formed through such processes. Therefore, ensuring the integrity, transparency, and accountability of every stage of the electoral process, particularly vote counting and recapitulation, is an absolute necessity. Through a comprehensive legal analysis, this research aspires to provide both theoretical contributions in the development of election law and practical recommendations for

policymakers, law enforcement agencies, and election organizers, thereby strengthening the foundation of a democratic system that genuinely reflects the will of the people and upholds the rule of law.

## **B. METHOD**

The research method used in this study is normative legal research. Normative legal research is a type of research that focuses on the study of applicable legal norms or rules, both contained in statutory regulations. This method was chosen because the problem being studied relates to the analysis of legal provisions and their application to the crime of vote counting fraud in the 2024 General Election. This study uses three approaches. First, the legislative approach, which examines and analyzes various regulations governing election crimes, specifically Law Number 7 of 2017 concerning General Elections, provisions in the Criminal Code (KUHP), and technical regulations such as General Elections Commission Regulation Number 25 of 2023 concerning Voting and Vote Counting. This approach aims to understand the construction of norms, elements of crimes, and criminal sanctions stipulated in positive law. Second, the conceptual approach, which examines legal concepts developed in doctrine and scientific literature, such as the concept of crime, objective and subjective elements, criminal liability, and the characteristics of election crimes as part of special criminal law. This approach helps researchers in providing a theoretical foundation for the analysis conducted. Third, a relevant case approach. Through this approach, the study examines how judges apply election criminal provisions to the facts revealed in court, and assesses the appropriateness of the elements of the crime to the defendant's actions. The analysis is conducted descriptively and analytically, outlining the applicable legal provisions and then linking them to the facts in the decisions studied. Through this method, this study is expected to provide a systematic and easily understood analysis of the regulation and enforcement of laws against vote counting fraud, thereby contributing to strengthening election integrity and legal certainty in Indonesia.

## **C. DISCUSSION**

### **1. Provisions Concerning Criminal Violations of Vote Counting Fraud in General Elections**

There are many challenges and obstacles in the implementation, both from the election organizers (KPU, BAWASLU) and the candidates (President and Vice President, Regional Heads, and legislative candidates). Comprehensive oversight and monitoring are needed throughout the election process, from preparation to implementation. The election system designed always has the potential for violations that can affect the quality of the election. Therefore, within the election system, there is always a reliable institutional mechanism in place to resolve election disputes, but it becomes a problem in fighting for and protecting citizens' rights from violations. It then functions as an institution to repair and straighten out, while restoring the dignity of elections as the foundation for the formation of a

legitimacy of a trusted government. Election disputes are a series of resolutions and remedies for election violations. Election violations can occur from the planning, preparation, stages, to the vote count.[13]

Understanding criminal acts alone is not enough to understand criminal offenses in elections. It is important to distinguish between violations and crimes that occur before, during, and after an election. To date, Indonesian law does not provide a clear definition of election crimes. However, according to Topo Santoso, election crimes are defined as all crimes related to the implementation of elections as stipulated in the Election Law and other laws related to elections.[14]

The principle of preference itself is defined as a legal principle used in order to determine which legal provisions are chosen to be applied, if in a particular concrete legal event, there are several applicable regulations.[15]

In this context, the election administration system essentially provides institutional mechanisms for resolving election disputes, such as through the Election Supervisory Agency (Bawaslu), the Constitutional Court, and general courts. However, the effectiveness of these mechanisms often faces various obstacles, both normative and practical, such as limited authority, differing legal interpretations, complex evidentiary procedures, and time constraints in resolving cases that are often disproportionate to the complexity of the cases at hand. This ultimately results in suboptimal protection of citizens' constitutional rights, particularly the right to vote and be elected freely from interference and fraud. Yet, the existence of these institutions serves a strategic function not only as a forum for dispute resolution but also as a corrective instrument to correct irregularities, rectify flawed processes, and restore public confidence in election results as the basis for the legitimacy of legitimate government.

Furthermore, election disputes are essentially a series of processes for resolving and redressing violations that can arise at every stage of the election, from planning and participant registration, campaigning, the cooling-off period, voting, vote counting, and the determination of the results. These violations can be committed by various parties, including election organizers, election participants, and other parties with an interest in the election results, including non-state actors. Therefore, a comprehensive understanding of the classification of election violations is necessary, including administrative violations, violations of the code of ethics, and election crimes. Each category of violation has different characteristics, legal consequences, and resolution mechanisms, so errors in classifying an act can lead to inappropriate case handling.

Understanding the concept of criminal acts in general is not sufficient to identify crimes in the context of elections, as election crimes have specific characteristics closely related to the democratic process and the broader public interest. It is important to clearly distinguish

between violations occurring before, during, and after the election, as each stage presents different vulnerabilities and potential for violations. To date, Indonesian laws and regulations do not provide an explicit and comprehensive definition of election crimes. However, according to Topo Santoso, election crimes can be understood as all acts classified as criminal offenses related to the administration of elections, whether regulated by the election law or other relevant laws and regulations. This definition shows that the scope of election crimes is very broad and includes various forms of acts that can damage the integrity of the democratic process, ranging from money politics, voter intimidation, to manipulation of vote counting results.

In practice, law enforcement against election crimes also faces various challenges, such as limited evidence, low public participation in reporting violations, and political pressure that can affect the independence of law enforcement officials. Furthermore, developments in information technology present new challenges, particularly in the context of the use of electronic systems for vote counting and recapitulation, which are vulnerable to manipulation if not accompanied by adequate security and audit systems. This requires a renewed approach to law enforcement, including increasing the capacity of officials to understand and handle digital evidence and strengthening regulations governing the use of technology in elections.

In relation to determining applicable legal norms, the principle of preference plays a crucial role in resolving conflicts of norms that may arise in election administration practices. The principle of preference is a legal principle used to determine which legal provisions should take precedence when more than one regulation governs the same legal event. The application of this principle is particularly relevant in the context of elections, given the existence of various interrelated regulations, both general and specific, national and technical. By using preference principles, such as *lex specialis derogat legi generali* and *lex superior derogat legi inferiori*, law enforcers can determine the most appropriate norms to apply, thereby creating legal certainty, consistent law enforcement, and substantive justice.

Furthermore, strengthening the election law enforcement system depends not only on the completeness and clarity of regulations, but also on the integrity, professionalism, and independence of all actors involved in the process. Without a strong commitment to upholding democratic principles and the rule of law, various well-designed mechanisms will be difficult to implement effectively. Therefore, comprehensive and sustainable improvement efforts are needed, including through regulatory reform, institutional strengthening, human resource capacity building, and increased public participation in election oversight.

Ultimately, a quality election is measured not only by the orderly conduct of the voting process, but also by the extent to which the process ensures fairness, transparency, and accountability at every stage. Success in handling election disputes and violations fairly and effectively will determine the level of public trust in the election results and the legitimacy of the resulting government. Therefore, strengthening the dispute resolution system and enforcing election law is an absolute prerequisite for the realization of substantive democracy, where the sovereignty of the people is not only formally recognized, but also truly realized in the practice of state administration.

## **2. Forms of Handling Criminal Violations of Fraud in General Election Vote Counting**

The role of the Election Supervisory Agency (Bawaslu) in the implementation of elections has become increasingly important over time. Therefore, with each amendment to the Election Law, regulations regarding Bawaslu have also undergone changes, further strengthening Bawaslu as an election supervisory institution. As an election supervisory institution, Bawaslu plays a crucial role in maintaining the integrity of election implementation and ensuring direct, general, free, secret, honest, and fair election processes and results. However, in reality, various problems often arise in the implementation of elections, such as fraud in the form of adding or subtracting votes, money politics, unclear (fictitious) voter lists, black campaigning, and the presence of multiple voters, all of which can impact public trust, lead to protests from the public, and ultimately lead to political instability.[16]

Handling criminal violations in general elections is a crucial part of maintaining the integrity and fairness of the democratic process. Any violations occurring during the election stages, including the vote counting and recapitulation processes, must be addressed through a clear and structured legal mechanism. In practice, handling election crimes is carried out through an integrated mechanism known as the Integrated Law Enforcement Center (Sentra Gakkumdu). The Sentra Gakkumdu serves as a coordinating body between the General Elections Supervisory Body (BK), the Indonesian National Police (Polri), and the Indonesian Attorney General's Office (AGO) in handling election crimes. Through this mechanism, any reports or findings related to alleged election crimes are handled jointly to ensure the law enforcement process is effective, expeditious, and coordinated. Handling vote counting fraud often faces various challenges, such as limited timeframes, difficulties in providing evidence, and the complexity of using electronic systems in vote recapitulation. Therefore, coordination between election supervisory bodies and law enforcement officials is crucial in ensuring the effective implementation of the law enforcement process. Handling election crimes is essentially aimed not only at punishing the perpetrators, but also at safeguarding the integrity of the people's voice and ensuring

that election results truly reflect the will of the voters. With a clear and integrated handling mechanism, it is hoped that any violations occurring during the election process can be dealt with firmly in accordance with applicable legal provisions.

#### **D. CONCLUSION**

Based on the results of research and discussion regarding the crime of fraud in vote counting in general elections, it can be concluded that the provisions regarding the crime of fraud in vote counting have been strictly regulated in Law Number 7 of 2017 concerning General Elections which contains a prohibition on actions that can change, eliminate, or cause changes to the minutes and certificates of vote counting results. This regulation aims to maintain the principles of honesty and fairness in the election process as a manifestation of the implementation of people's sovereignty. Therefore, any action that results in changes to the vote counting results, whether done intentionally or through negligence, can be subject to criminal sanctions in accordance with applicable legal provisions. The handling of violations of the crime of fraud in vote counting is carried out through an integrated law enforcement mechanism through the Gakkumdu Center involving the General Elections Supervisory Body, the Indonesian National Police, and the Indonesian Attorney General's Office, the process starting from reports or findings of violations, studies by Bawaslu, investigations by the police, prosecutions by the prosecutor's office, to examinations and decisions by the courts, so that it is hoped that it can provide legal certainty and maintain the integrity of the election results so that they continue to reflect the will of the people honestly and fairly..

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