



The Urgency of Policy Legitimacy in the E-voting System in Bantaeng Village Elections

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Abstract: Digitization has touched various aspects of community life in Indonesia, including the implementation of e-voting in several regions' village head elections (Pilkades). This study aims to determine the urgency of policy legitimacy in e-voting in Bantaeng Regency. The implementation of the e-voting system is seen as a response to the efforts of digital democracy transformation and a manifestation of political innovation. This study is based on qualitative research, gathering data through observation, interviews, and questionnaires. Qualitative data analysis begins with data display or presentation, data triangulation, and interpretation of data and findings. The results of this study indicate that the stages from formulation to implementation in the e-voting system must be followed based on policy legitimacy. Hence, policy formulation is born, which is enshrined through the Regent's Regulation. The legitimacy process of e-voting through the Regent's Regulation provides authority or authorization for a formulated policy to be made official and enforceable. Regulations born through the Regent's Regulation provide valid legitimacy for the implementation of the e-voting system in e-voting Pilkades in Bantaeng Regency.

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Introduction

The digitalization transformation of democracy through e-voting systems provides a solution to the issues of manual election voting systems. The primary considerations for e-voting systems are accuracy and speed. Another fundamental aspect of e-voting systems is ensuring the democratic process by enhancing participation levels and accessibility in political engagement. Therefore, electronic voting (e-voting) is considered a form of e-democracy that is increasingly popular and attractive in boosting public participation, seen as a new innovation in political contestation.

The transformation towards digitalizing democracy through e-voting systems in the practice of election management in Indonesia should have been implemented. Transitioning from conservative systems that have only left weaknesses and are considered unable to keep up with rapid technological advancements. The election

management process should be revised by seeking innovative steps to produce quality election processes, as done in Bantaeng Regency and in several more innovative countries that adopt e-voting systems.

E-voting systems involve the use of electronic devices for vote collection. Various electronic devices include electronic voter registration, electronic vote counting, and lately, channels for remote voting, particularly internet voting. Though the implementation of e-voting systems in Bantaeng Regency is still relatively new and garnering attention, it has been implemented in various democratic countries worldwide.

Implementing e-voting systems at present can be carried out for archipelagic countries like Indonesia, as it saves time and costs. Bantaeng Regency in South Sulawesi Province is the only regency in South Sulawesi that has implemented e-voting systems in the village head elections (Pilkades) from 2015 to 2019. The e-voting method for Pilkades was first conducted in 2015. This policy is outlined in the Bantaeng Regent Regulation Number 15 of 2015 concerning Guidelines for the Implementation of Village Head Elections. In Chapter II regarding the Implementation of Village Head Elections, as stated in Article 2, it is mentioned that "Village Head Elections are conducted simultaneously using the e-voting method."

In addition to the Regent's Regulation, it is also affirmed in Bantaeng Regency Regional Regulation Number 5 of 2015 concerning Villages, in the third part of the Voting Article 50, paragraph (2) that: "Voting is carried out using ballot papers and/or electronic devices (e-voting)."

These two regulations serve as the legal basis for implementing e-voting in village head elections in Bantaeng Regency. Furthermore, e-voting systems are also used in the implementation of regional head elections. However, they are still in the trial phase due to the lack of a permanent and binding legal basis, so the policy implementation has not been carried out. The trial is limited to the simulation of e-voting systems in several polling stations, conducted simultaneously with the voting process for regional head elections in Bantaeng Regency. The trial is only intended to

demonstrate the operation of the e-voting system and to observe public responses to it.

From 2013 to 2021, the implementation of village head elections through e-voting systems has continued in Bantaeng Regency. The implementation of e-voting systems in village head elections, which began with the simulation of voting, involved various stakeholders collaborating with the Bantaeng Regency Government, including the Bantaeng District Election Commission (KPUD Bantaeng), the Bantaeng Election Supervisory Body (BAWASLU), and the Indonesian Institute of Sciences. Although the implementation of the e-voting system in village head elections has involved various stakeholders to date, the policy must provide certainty regarding the legal foundation to obtain clear legitimacy. This legitimacy is crucial for the community because with legitimacy, the community can feel the impact and benefits after obtaining it.

Therefore, the implementation of village head elections through e-voting systems in Bantaeng Regency is of particular interest for research. Various issues related to the legitimacy of e-voting systems in village head elections in Bantaeng Regency are expected to provide a comprehensive understanding not only limited to technical or technological aspects but also clear regulations that enhance public acceptance and participation, as well as the digital ecosystem formed in the democratization process, ultimately leading to the establishment of good democratic quality in Bantaeng Regency. Thus, the importance of this research is to address these issues.

Research Methodology

This research is an empirical study employing a qualitative approach. The research method, as previously asserted, involves both qualitative and quantitative research, where qualitative research is exploratory, such as in the social sciences, culture, and humanities, while quantitative research is generally used for "measuring" phenomena, commonly employed by mathematicians and natural scientists.

Additionally, qualitative research design is often used as a method in research because it is comprehensively elaborated, making it easy to understand for researchers and academics.

Result

Policy legitimization is a subsequent step following policy formulation aimed at granting authorization or power to the fundamental processes of government. If the legitimacy action in a society is regulated by the sovereignty of the people, citizens will follow the government's directives. Legitimization also becomes a crucial factor in formulating a policy. However, citizens must believe that government actions are legitimate. This is what the Bantaeng government did by materializing government actions through regulations to strengthen government legitimacy in implementing e-voting policies in the Bantaeng Village Head Election.

The idea of an e-voting system policy originated from the desire of the Bantaeng local government through the Regent to explore cooperation with BPPT RI. This exploration is a form of involvement of various parties in formulating the implementation of the e-voting system in Bantaeng Regency. This exploration is also aimed at promoting development in various technology-based sectors. The form of cooperation between the Local Government and BPPT RI is the use of the e-voting system in Village Head Elections and Regional Elections, which are the main targets of this cooperation. However, this desire must be realized through policies based on clear juridical grounds or legal frameworks.

According to Subarsono, public policies can take the form of laws, government regulations, provincial government regulations, public participation to produce the best decisions, city/district government regulations, and Mayor/Regent Decrees. Additionally, public participation must be involved to generate the best decisions. Therefore, every policy formulation must result in regulations that serve as the foundation of that policy.

Fundamentally, the implementation of Village Head Elections (Pilkades) refers to the Village Law as the legal basis. The Village Law at least provides space for the implementation of the e-voting system, but in terms of technical guidelines, clear and concrete regulatory formulations are required as the legal basis for the implementation guidelines of the e-voting system.

The formation of policies related to regional head or village head elections using the e-voting system initially faced obstacles related to regulations or policy foundations. Thus, it was decided that e-voting implementation could only be carried out in village head elections, while for regional head elections, it would only be limited to simulations or trials. This was because regional head elections must refer to the Regional Elections Law, and in that law, provisions regarding e-voting are not yet regulated. This is different from village head elections, where the provisions are regulated through Ministerial Regulations and based on policies issued by the Regional Heads.

Ultimately, the implementation of the e-voting system was only carried out in Village Head Elections based on the Regent's Regulation specifically regulating the guidelines for village head elections. In 2019, this policy was realized with the issuance of Regent Regulation of Bantaeng Number 32 of 2019 concerning Guidelines for the Implementation of Village Head Elections. This regulation contains various provisions regarding the implementation of village head elections. In Chapter II on the Implementation of Village Head Elections, it is clearly stated in Article 2 paragraph (1) which states that:

"The Village Head Election Is Conducted Simultaneously Using The E-Voting Method".

The policy foundation for the implementation of e-voting, realized through the above Regent Regulation, is based on the Village Law Number 6 of 2014 concerning Villages; Government Regulation Number 43 of 2014 concerning the Implementation of Village Law Number 6 of 2014 concerning Villages and Minister of Home Affairs Regulation Number 112 of 2014 concerning Village Head Elections, which authorize

the village head election based on Ministerial Regulations and the policy for the simultaneous implementation of village head elections with Regional Regulations.

Regulations governing the e-voting implementation process include the Regent of Bantaeng's Decision Number 140/33/II/2019 Regarding the Formation of the District Level Village Head Election Committee for the Year 2019; Regent of Bantaeng's Decision Number 140/347/VII/2019 Regarding the Formation of Assistants and Technical Personnel for E-voting Activities Facilitation and Development of Sub-District Level Government Administration in Bantaeng Regency for the Year 2019; and the Regent of Bantaeng's Decision Regarding the Determination of the Schedule for the Implementation of the Simultaneous Village Head Election Phase E-voting System. This is the third evidence of the formation of several more specific policies regarding the implementation of e-voting in village head elections in Bantaeng Regency.

Furthermore, with the policy through the Regent's decision regulating the implementation of Village Head Elections using the e-voting method, it provides a clearer picture of the birth of more structured regulations and legal certainty. The e-voting method itself is expected to provide solutions to various problems that occur in Village Head Elections in Bantaeng Regency. The utilization of electronic devices to process digital information for creating ballots, casting votes, tallying votes, displaying vote counts, and maintaining and producing audit trails in the implementation of polling in village head elections is the main objective. At least it impacts time and budget efficiency.

If we reflect on the implementation of Village Head Elections (Pilkades) using conventional voting methods, it certainly requires a significant amount of time and budget. As expressed by Harmoni, Acting Head of the Department of Community Empowerment, Women Empowerment, and Child Protection of Bantaeng Regency, who stated that:

The time efficiency in conducting this election would indeed be achieved if carried out according to the SOP. E-voting is very efficient, but there are challenges in its implementation, such as when committees at the village level face obstacles, not just technical ones. Usually, the psychological conditions in the village significantly affect budget efficiency. Perhaps some are still debating about it, but actually, if we look at and compare the figures, initially they might be large due to the procurement of large quantities of equipment. Moreover, since 2017, there have been 25 villages and it continues to increase until 2019. The allocation of funds for verification also faces limitations due to the capacity of regional budgets. Therefore, we rented some devices. However, after seeing it so far, the implementation of village head elections through e-voting has shown a positive trend. And it is evident from various aspects. We have also received awards from the central government several times."

The urgency of the implementation of the e-voting system is an effort to reduce the significant financial burden in conducting political contests or democratic events, including village head elections. The time and budget efficiency, which are the goals of the Bantaeng District Government in implementing the e-voting system, have been realized in several village head elections that have been conducted. However, the SOP for e-voting implementation remains a challenge. In addition, the allocation of funds for the procurement of e-voting equipment remains an issue, even though procurement is only carried out at the initial stage of implementing the e-voting system.

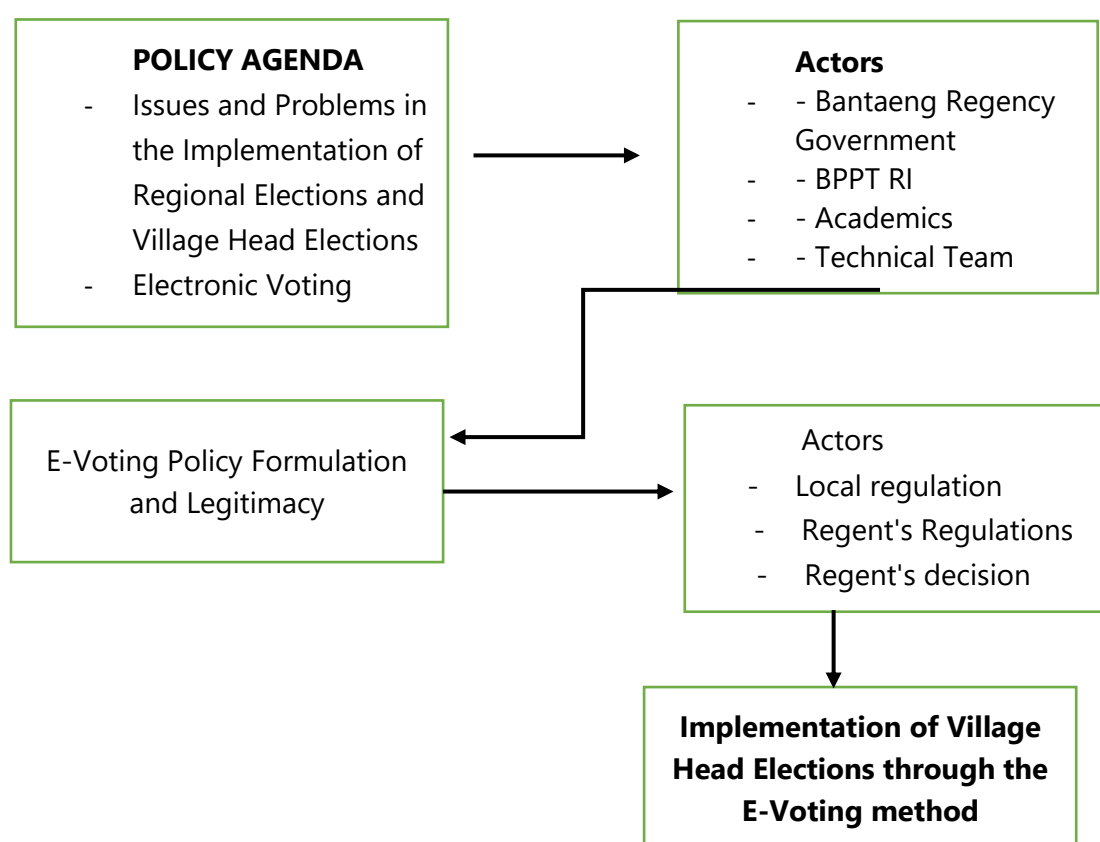
Thus, the description related to the implementation of village head elections through the e-voting system in Bantaeng District has basically gone through a process of formulation and policy-making that emphasizes stages such as Agenda Setting, Government Agenda, Formulation and Legitimization, as well as policy-making in line with the goals mentioned above. Moreover, these policy-making

steps serve as a reference for the government in conducting village head elections through the e-voting system.

Furthermore, it is important to view these policies as a cohesive unit in implementing the e-voting system because each policy cannot stand alone and is a continuity of existing policies, as well as an inseparable sequence to find relevant and beneficial patterns for the community's interests.

The following are the steps in policy formulation as shown in the figure below:

Figure 1. Steps in E-voting Policy Formulation



Source: adopted from Steps for policy preparation (Randall B. Ripley. 1985)

This research provides an overview of the process of formulating effective e-voting policies that align with the stages of policy formulation. Policy formulation begins with mapping out the issues and problems that have occurred during political contests or elections. Reflecting on various issues, the government sees solutions to these problems by utilizing the e-voting system. Subsequently,

stakeholders are identified who can directly participate in formulating and articulating e-voting policies up to the trial stage.

Furthermore, the stages of formulation up to the completed formulation must be followed by a basis of policy legitimacy. Hence, the policy formulation is articulated through a Regent Regulation. The outcome of the e-voting policy is an ideal and normative concept containing values and innovative solutions to election issues, and the implementation of the e-voting system is a new initiative carried out in South Sulawesi or outside of Java, especially in Bantaeng District.

From this trend, it is evident that stakeholder involvement is necessary in mapping out policy agendas, formulation, legitimacy, and implementation. In this context, stakeholders are defined as actors with authority based on governing regulations. These actors include the Bantaeng District Government, the Agency for the Assessment and Application of Technology (BPPT-RI), Academics, and Technical Teams.

Thus, the e-voting system policy has been implemented thus far with various supporting systems. Mapping out policy agendas, formulation, legitimacy, and implementation essentially form the basis for the implementation of this system. Additionally, regulations established through local regulations and regent decisions provide valid legitimacy for the implementation of the e-voting system in village head elections in Bantaeng District.

Conclusion

The legitimacy of the e-voting policy in village head elections is crucial so that the community can adhere to the policies established by the Bantaeng District Government. The legitimization process of e-voting provides authority or authorization for a formulated policy to be recognized as official and valid, thus allowing its enforcement. The existence of legitimacy in policy formulation is extremely urgent because without legitimacy in the formulation of e-voting policies in village head elections, the e-voting system policy in village head

elections cannot be properly implemented. If the policy is enforced without legitimacy, it can directly lead to conflicts post-election.

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