



## RESEARCH ARTICLE

# Analysis Of Criminal Liability Of Perpetrators Of Election Crime Vote Manipulation (Decision Number: 120/Pid.Sus/2024/PN Kot)

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### Abstract

This study specifically examines the manipulation of election recapitulation documents by election officials in Tanggamus Regency (Decision No. 120/Pid.Sus/2024/PN Kot). This case violates fundamental principles of election administration, highlighting the need for strict law enforcement. The research uses a normative juridical approach, focusing on statutory regulations, legal doctrines, and court decisions. Primary data include relevant laws such as the 1945 Constitution, Election Law No. 7 of 2017, and the Criminal Code, while secondary data comprise court rulings and related literature. Data were collected through document analysis and processed using the Miles, Huberman, and Saldana model. The study concludes that criminal law enforcement is essential to uphold justice, protect human dignity, and ensure compliance with election laws. The manipulated votes meet the elements of a criminal offense, with the defendants deliberately violating election regulations by altering official vote recapitulation records. The court imposed penalties, including imprisonment and fines, emphasizing no justification or excuse for the offenses. Thus, vote manipulation is a serious crime requiring firm sanctions to deter violations, maintain electoral justice, and guarantee legal certainty in election administration.

**Keywords:** Criminal liability, Election law enforcement, Election fraud, Vote manipulation

### Introduction

Elections according to Law Number 7 of 2017 are a means of people's sovereignty to elect people's representatives and state leaders directly, publicly, freely, secretly, honestly, and fairly. Since it was first held in 1955, elections have experienced various dynamics. During the New Order period, the neutrality of officials in elections began to be questioned, especially since 1971 when state officials were allowed to participate as participants.

As time goes by, the implementation of elections in Indonesia continues to face challenges. The 2004 election, post-reform, was marked by technical problems such as errors in the recording and distribution of ballots, as well as the unpreparedness of the General Election Commission (KPU). Inequality in campaign access and abuse of power also still occur. The 2014 election again showed logistical and administrative problems. The main highlight emerged from the dispute over the results of the presidential election between Joko Widodo and Prabowo Subianto which was submitted to the Constitutional Court.

The 2019 election raised more complex problems, including the high death rate of election workers due to physical fatigue, as well as complaints related to the high cost of logistics and manual counting systems. In addition, the record of election violations has also increased. Based on Perbawaslu Number 7 of 2022, more than 20 thousand reports and findings of violations were found, with thousands of cases that were not registered.

Meanwhile, according to Perbawaslu Number 8 of 2022, out of 900 registered reports, as many as 832 preliminary decisions were received.

This series of problems shows that even though elections continue to be held regularly, fraudulent practices, inequality, and weak oversight systems are still serious challenges in realizing a healthy democracy with integrity in Indonesia.

Elections are a means of people's democracy in electing representatives and leaders directly, publicly, freely, secretly, honestly, and fairly as stipulated in Law Number 7 of 2017. Since the first election in 1955 until now, the implementation of elections in Indonesia has continued to face various problems, ranging from technical and logistical to abuse of power. The 2019 election recorded a significant number of violations, both administrative, criminal, and code of ethics violations, even causing the death of hundreds of election officials due to heavy workload.

In the 2024 election, despite a decrease in the number of cases, violations still occur, especially in the form of manipulation of vote recapitulation results. Based on Law Number 7 of 2017 and Number 8 of 2012, election violations are classified into administrative violations, code of ethics, criminal, and disputes over election results. In this case, criminal accountability is important to ensure legal certainty and justice.

The 2024 election which will be held in February is an election that will be held with the same system as the 2019 election, but the problem that arises in the 2024 election is the simultaneity between the election and the regional elections. The implementation of the election itself is a means of electing presidential and deputy candidates, 575 members of the House of Representatives, 2,207 members of the Provincial DPRD, 17,610 members of the Regency/City DPRD, and 136 members of the DPD. Meanwhile, the Regional Elections are a means of election for 33 pairs of Governor Candidates, 415 Pairs of Regent Candidates, and 93 Pairs of Mayoral Candidates who were elected. In its implementation, the 2024 election still raises cases like the previous election, although the number of cases

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has decreased, which is only around 273 cases, with cases examined up to the proving stage of 122 cases. The problem of disputes over the results of the general election is inseparable from the problem of violations of election administration, and also election crimes, which distinguish the three, namely the type of problem, and also the institution that solves it.

Based on the data of findings related to election problems, it shows that in a democratic contest, law enforcement is needed in dealing with existing problems. In addition to the law which is also guaranteed as a tool that can be used to make social changes. Meanwhile, law enforcement is needed to prove the enactment of laws that must be obeyed by the community. Therefore, providing justice in a case means punishing the perpetrators of criminal acts by making a legal decision in concreto to maintain and guarantee that the law is complied with materially using the procedural means stipulated by formal law.

Meanwhile, the provisions of general election crimes regulated in Law Number 7 of 2017 concerning General Elections are regulated in the fourth book which is divided into three chapters regarding the handling of election violations, disputes over the election process, and disputes over election results, which are contained in Articles 488 to 554. In addition, it was also discussed about the settlement of problems of election violations contained in Law Number 8 of 2012 concerning the General Election of Members of the House of Representatives, the Regional Representative Council, and the Regional House of Representatives, in CHAPTER XXI contained in Articles 251 to 265. Including solving problems in elections include:

1. Violation of the Code of Ethics of Election Organizers,
2. Election Administration Violations, Election Disputes,
3. Election Crimes,
4. Disputes over the administration of the State of Elections, and
5. Disputes over Election Results

Based on Law Number 7 of 2017 Chapter II Article 488 which discusses the provisions of election crimes, it is discussed in full about election crimes. In the concept of criminal liability, liability is imposed on the perpetrator of a criminal offense related to the basis for imposing criminal sanctions. In this study, the element of deeds is one of the main elements of criminal liability, because a person cannot be convicted if he does not commit an act that is prohibited by law in accordance with the principle of legality adopted in Indonesia, namely the principle of legality *nullum delictum nulla poena sine praevia lege poenali* which means that an act is not punished if there is no law or regulation that regulates the prohibition of the act.

The purpose of this study specifically discusses the case of manipulation of minutes by election organizers at the Tanggamus Regency KPU (Decision No. 120/Pid.Sus/2024/PN Kot). This case violates the basic principles of election administration and shows the need for strict law enforcement. Therefore, the author is interested in examining the form of criminal responsibility for the perpetrators of election crimes.

## Method

This research uses a normative juridical approach, which is an approach that focuses on the study of laws and regulations, legal doctrines, and court decisions. According to Jhony Ibrahim and Soerjono Soekanto, this approach is carried out through literature studies to research primary and secondary legal materials.

Peter Mahmud Marzuki emphasized that this approach is prescriptive and analytical, using a statute *approach*, without the need for empirical field data. This approach was chosen to examine the legal norms that govern criminal liability for perpetrators of election crimes.

The research data consisted of:

- Primary Data: in the form of laws and regulations, including:
  - 1) 1945 Constitution;

- 2) Law No. 7 of 2017 concerning Elections;
- 3) Law No. 1 of 2023 concerning the Criminal Code;
- 4) Perbawaslu No. 7 of 2022;
- 5) Perma No. 1 of 2018.

- Secondary Data: includes:

- 1) Tanggamus District Court Decision No. 120/Pid.Sus/2024/PN Kot;
- 2) Books, journals, articles, and other relevant documents.

Data is collected through document studies, namely tracing and analysis of relevant legal materials and court decisions. The data is then classified and processed to support the analysis of the legal issues being studied.

Data analysis uses the Miles, Huberman, and Saldana models, with three stages:

- Data Condensation: filtering and sorting data to fit the focus of the research.
- Data Presentation: organizing data in narrative form to facilitate analysis.
- Conclusion Drawn: formulation of analysis results to answer the formulation of the problem, as well as verification of the data.

## Results and Discussion

Law enforcement according to Yoseph Goldstein is one of the efforts to overcome criminal acts, namely first "total enforcement" (full / total law enforcement), especially substantive law enforcement (substantive law of crime), this total law enforcement also has limitations, because law enforcement officials are strictly limited by the criminal procedure law which includes the rules of arrest, detention, search, seizure and preliminary examination and other matters.

The law enforcement system can be understood as a system of enforcement of the substance of the law which in criminal law is classified into material criminal law, formal criminal law, and criminal implementing law. Law enforcement is also a process to make legal wishes come true. Meanwhile, the understanding of law enforcement in a broad sense includes the implementation and application of or becoming a legal deviation committed by the subject of law, both through arbitration procedures and other dispute resolution mechanisms (alternative disputes or conflicts resolution).

In the context of criminal law, law enforcement is an effort to realize the ideas of justice in criminal law in legal certainty and social benefits become legal reality in legal certainty and social benefits become legal reality in every legal relationship. Criminal law enforcement is an effort made by law enforcement officials in accordance with laws and regulations in carrying out their main duties and functions in the criminal justice system.

Criminal law enforcement is an effort to realize the ideas of justice in criminal law, in legal certainty and social benefits become legal reality in legal certainty and social benefits become legal reality in every legal relationship. In the enforcement of criminal law, there are 3 elements that must always be considered, namely: Legal certainty (*Rechtssicherheit*), Justice (*Gerechtigkeits*) and Utility (*Zweckmassigkeit*).

Criminal liability based on the theory of error presented by Sudikno Mertokusumo means that a person can be held accountable if proven mentally guilty, or with malicious intent (*mens rea*) in committing a criminal act. The elements that need to be accounted for are not only the actions taken but include the intentions and mental attitudes of the perpetrators.

The term criminal liability is embedded in the term "baarheid, criminal responsibility, criminal liability," this criminal liability is intended to determine whether a person can be held accountable for his crime or not for the act committed. Based on these terms, it is clear that the relationship between the person who commits a criminal act that is valid as a subject

and the object committed is in the form of a criminal act, which is understood as a subjective and objective element in criminal liability.

In criminal liability, these two elements have relevance if a person is held criminally liable for having committed a criminal act. If further understood about the elements of criminal liability, it can be understood as follows:

1. Objective elements, namely acts that are contrary to the law or acts with unlawful elements, including unlawful acts and natures;
2. Subjective elements, according to Martiman Prodjhamidjojo that subjective elements are the existence of a mistake in the form of intentionality and forgetfulness, so that the unlawful act can be accounted for. Subjective elements are: mistakes, intentionality, forgetfulness, acts, and unlawful nature, including elements that cause the perpetrator to commit mistakes in the form of intentionality and/or legal omission, so that the act can be accounted for to him.

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Meanwhile, according to the theory of objective responsibility put forward by J.C Van Den Berg, a person can be held accountable for his actions that result in or harm society, even if it is not accompanied by malicious intentions from the perpetrator. According to Moeljatno, criminal liability is a relationship between a person and his or her unlawful acts, which can be criminally punished in accordance with applicable legal rules. In the application of criminal liability, there are four elements that must be met so that a person who commits a criminal act can be held criminally responsible. The elements of criminal liability according to Sudarto are:

- a. The existence of a criminal act (*actus reus*);
- b. There is a mistake (*mens rea*) in the form of intentionality (*dolus*) or negligence (*culpa*);
- c. The absence of an excuse or justification (e.g., self-defense or emergency);
- d. The perpetrator is able to take responsibility, that is, he has the mental ability to understand the consequences of his actions.

In Indonesian criminal law, the basis for criminal liability refers to the principle of no crime without fault (*geen straf zonder schuld*). According to P.A.F. Lamintang, this principle emphasizes that a person can only be punished if he commits a criminal act with a real mistake. In addition to paying attention to the elements that a person can be held criminally responsible for his actions, there are exceptions to criminal liability. Some of the conditions that can exempt a person from criminal liability according to the Criminal Code include:

- a. Incapable of Responsibility: what is meant by being unable to be responsible in the Criminal Code are minors (Article 45 of the Criminal Code) and people with mental disorders (Article 44 of the Criminal Code);
- b. Justifiable Reasons (acts that still occur but do not violate the law): emergency defense (Article 49 of the Criminal Code), and the act committed is an order or in order to carry out an order of office (Article 50 of the Criminal Code);
- c. Excuse for Forgiveness (unlawful acts but the perpetrator cannot be blamed): this situation occurs in an emergency (*overmacht*, Article 48 of the Criminal Code), and there is coercive force (Article 48 of the Criminal Code).

In order for an act to be criminally accountable, it must contain a mistake. These mistakes consist of two types, namely intentionality (*opzet*) and negligence (*culpa*). According to

Indonesian criminal law theory, intentionality consists of three types, which are as follows:

- a. Intentionality that is objective is understood that the perpetrator can be accounted for and can be easily understood by the public. If this kind of intentionality exists in a criminal act, the perpetrator deserves to be subject to criminal punishment. Because with this intentional intention, it means that the perpetrator really wants to achieve an outcome that is the main reason for this threat of punishment.
- b. Intentionality by incognizance of certainty This intentionality exists when the perpetrator, with his actions, does not aim to achieve the result that is the basis of the deliction, but he knows very well that the consequences will definitely follow the act.
- c. Intentionality by incognizance of possibility This intentionality is clearly not accompanied by the shadow of a certainty that the result will occur, but only imagines a mere possibility of that effect. Furthermore, regarding forgetfulness because it is a form of error that results in being held accountable for the actions of a person who is committed.

There are rules related to election law issues in Indonesia, so there must be an anticipation of compliance and law enforcement. Compliance and law enforcement will realize election justice. Legal problems in elections have been explained in Election Law Number 7 of 2017 Article 93 letter b, including legal problems in elections are election violations, and election disputes. Then what is included includes election violations as referred to in Article 454 paragraph (7) and paragraph (8) including: violations of the code of ethics committed by election organizers, namely the KPU, Provincial KPU, Regency/City KPU, Bawaslu, Provincial Bawaslu, and Regency/City Bawaslu, administrative violations, election crimes, and violations of other laws and regulations that are not election violations, not election disputes, and not an election crime. Meanwhile, those that are included in disputes in elections include process disputes, and election results disputes. Process disputes mean disputes that arise during the process of implementing elections, while disputes over election results include disputes related to the results of election implementation.

The concept of election crime is a development of the concept of criminal acts which are understood as an act regulated in the formulation of the law which contains obligations or prohibitions for legal subjects who if violated receive sanctions in the form of criminal sanctions. Several types of crimes as referred to in article 10 of the Criminal Code are divided into 2, namely the main crime and additional crimes. The main crimes include the death penalty, imprisonment, imprisonment, fines, and cover penalties. Meanwhile, additional crimes include the revocation of certain rights, the confiscation of certain goods, and the announcement of the judge's decision. Meanwhile, the elements of a criminal act to qualify as a criminal act are as follows:

1. The existence of a Legal Subject (the person responsible);
2. The existence of acts, active (doing) or passive (not doing or letting go);
3. The acts committed are "Unlawful" (some prohibit and oblige);
4. The existence of "Mistakes" whether committed intentionally or negligently; and
5. Able to be accounted for or there is no justification or excuse for forgiveness.

That in criminal theory to determine a person's fault there are 2 (two) types of error, namely, intentional or *dolus* and *culpa*, to determine intentionality there are 2 (two) theories:

- a. The theory of will, which explains intentionality, is the will to create elements of a criminal act in the formulation of the law and the purpose achieved that the maker wants; and
- b. Theory of Knowledge states that the element of intentionality means that it can be understood based on his thoughts or can imagine based on his knowledge that will arise as a result of his actions and it turns out that the consequences really occur;

That based on the two theories mentioned above, there are 2 (two) types of intentionality, namely:

- a. Intentionality as an intention or intentional with the intention that the perpetrator wants the intended result and the result actually occurs, in the formulation of the criminal law this type of intentionality is included in the criminal act intentionally or even planned;
- b. Intentionality with a conscious certainty or deliberately with certainty, that is, the maker knows and realizes that it will cause other consequences before the intended act is achieved.

Meanwhile, what is meant by election crimes appeared for the first time after the law was made. No. 8 of 2012. This is because previously in the Law. No. 10 of 2008 does not use the term election crime but election criminal offense. is a criminal offense as I mentioned in the above information related to general elections, and election crimes based on Article 1 number 2 of Supreme Court Regulation Number 1 of 2018 concerning Procedures for Settlement of Election and General Election Crimes (Perma 1/2018) are criminal offenses of violations and/or crimes as stipulated in Law Number 7 of 2017 concerning Election.

As a special crime, election crimes have their own characteristics compared to criminal acts in general. Special characteristics in election crimes are interpreted as characteristics or innate that are common and often occur during the preparation of general elections, the general election process and after the general election takes place. Election crimes are usually committed by politicians before gaining power. Politicians carry out illegal practices during elections to influence voters. The most common and striking manifestation of electoral crimes is the direct bribery of voters.

Based on the General Election Law Number 7 of 2017, election crimes are acts or actions that violate the criminal acts regulated in the Election Law. According to Article 1 number 2 of Perma 1/2018, election crimes are criminal acts of violations and/or crimes as in the Election Law. According to Moeljatno, election crimes are acts that are prohibited by a rule of law accompanied by threats (sanctions) in the form of certain criminal offenses, for anyone who violates the prohibition. Election crimes are violations of election criminal provisions as stipulated in Election Law Number 7 of 2017.

Djoko Prakoso defines election crimes as acts committed by any individual, agency/legal entity, or organization that aims to disrupt, disrupt, or hinder the general election process that is in accordance with legal procedures. Prof. Dr. Topo Santoso defined election crimes as a number of fraudulent acts committed in the general election process that are specifically regulated to protect the purity and integrity of elections as an important part of democracy. These criminal acts include a variety of practices that can undermine the principles of direct, public, free, secret, honest, and fair elections, such as fear, intimidation, bribery, fraud, and other fraudulent acts. According to Prof. Dr. Topo Santoso, there are three possible definitions and scope of election crimes, namely:

- a. All criminal acts related to the holding of elections regulated in the election law;
- b. All criminal acts related to the holding of elections that are regulated both inside and outside the election law (for example, in the Law on Political Parties or in the Criminal Code);
- c. All criminal acts that occur during elections (including traffic violations, persecution (violence), vandalism, and so on).

In the view of Prof. Dr. Topo Santoso, election crimes are not only committed by election participants or voters, but can also be committed by election organizers, monitors, security forces, and other parties involved in the election process. He emphasized that the subject of this criminal act is the individual perpetrator, not the institution, because institutions cannot be subject to imprisonment, only fines. Furthermore, Topo Santoso highlighted that in practice, election criminal law covers various criminal acts that can be committed by various actors, including election participants, voters, election organizers, monitors, and security forces. However, he criticized the tendency in election legislation in Indonesia, especially Law Number 8 of 2012, which is too easy to apply criminal threats against election organizers, including the KPU and its staff. According to him, this happened because of the reactive attitude of lawmakers who prioritized criminal sanctions rather than improving administrative systems and mechanisms. As a result, election organizers work under excessive criminal threats, both intentionally and negligently, so that they can hinder the optimal implementation of their duties.

The provisions of election crimes in material law are not only regulated in Law No. 7 of 2017, but also regulated in the Criminal Code (KUHP) which regulates election crimes, both norms and sanctions. The rules regarding election crimes in the Criminal Code are contained in Article 148, Article 149 paragraph (1) and paragraph (2), Article 150, Article 151 and Article 152 of the Criminal Code (KUHP).

The criminal acts discussed in this study include criminal acts in criminal verdict number 120/Pid.Sus/2024/PN Kot which in Law Number 7 of 2017 concerning General Elections Article 551 Jo Article 55 Paragraph (1) 1 of the Criminal Code states "Members of the KPU, Provincial KPU, Regency/City KPU, PPK, and/or PPS who due to their intentions result in the loss or change of the minutes of the recapitulation of the results of the vote count and/or the recapitulation certificate of the results of the count votes, those who do, who order to do, and who participate in doing" as regulated and criminally threatened in Article 551 of Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections Jo Article 55 Paragraph (1) 1 of the Criminal Code.

In this case, 19 pieces of evidence were found, with the beginning of this case being in the period before the Plenary was held at the Bulok District PPK approximately in February 2024 or still within the period of Defendant I Andreas Dasilfa Iswari, S.Pd. bin Muslim Iswari in the position of PPK, Andreas Dasilfa Iswari was visited by Andri Setiawan's brother who is a legislative candidate from the Golkar Party constituency 6 (six) which covers the constituency in Bulok District, Klumbayan District, West Klumbayan District, Limau District, Cuku Balak District asked Andreas Dasilfa Iswari to change the results of Andri Setiawan's votes, but the request was rejected by Defendant I, but on February 20, 2024 Defendant I was summoned by Mustofa's brother along with witness Eko Budi Susanto and witness Efi Hardianto who is a member of the Bulok District PPK, and at that time Mr. Andri Setiawan said that he had met the legislative candidate from the PDIP Party, namely the witness Rita Suri and the legislative candidate from the Nasdem Party, namely the witness Saprudin who allowed his votes to be changed and transferred as the votes obtained by Andri Setiawan's brother.

Based on the statement later, Andri Setiawan's brother gave a plastic package which was received and opened by Andreas.



The plastic contained cash in the amount of Rp35,000,000.00, which was then brought and distributed to several PPS and KPPS in Bulok District.

Furthermore, on the night before the Plenary of the District-level votes from the Regency/City DPRD legislative candidates, precisely after the plenary of the votes of the Provincial Legislative Candidates took place at the Bulok District PPK Secretariat on Wednesday, February 21, 2024 at around 02.00 WIB, Defendant I Andreas Dasilfa told Defendant II Jitur Priyadi and Defendant III Sukur bin Emed Rozaq who were still at the Bulok District PPK Secretariat to change the votes of the DPRD legislative candidates Andri Setiawan's sister regency/city by transferring the votes obtained from Rita Suri (PDIP) and Saprudin (Nasdem) to Andri Setiawan (Golkar). Defendant I also tried to convince Defendants II and III to be willing to carry out his orders, saying that he would be responsible if the two legislative candidates had problems with the votes that were transferred. This statement made Jitur Priyadi and Sukur willing to carry out Andreas' orders.

Andreas then changed the votes obtained from the legislative candidate of the Regency/City DPRD Andri Setiawan by changing the Form C as a copy of the results of the votes obtained at the polling station in Pekon Banjarmasin, then ordered Defendant II Jitur to change the copy of Form C at the Pekon Suka Agung Barat and Pekon Napal polling stations, and Defendant III Sukur to change the copy of Form C at the Pekon Pematang Nabak polling station with the following details:

a. In Pekon Suka Agung Barat Bulok District which consists of 7 polling stations in total, the copy of Form C was amended by Defendant II Jitur by extinguishing (erasing) the votes obtained by Rita Suri and changing the votes by transferring Rita Suri's votes to Andri Setiawan from each polling station so that Rita's votes became zero and Andri's votes became 186.

b. In Pekon Pematang Nebak which consists of 6 polling stations, the copy of Form C was amended by Defendant III Sukur by deleting the votes of Golkar candidate Andri Setiawan from 5 to 455, and the votes of Nasdem candidate Safrudin from 662 to 212.

c. Pekon Banjarmasin consisting of 8 polling stations, the copy of Form C was amended by Defendant I Andreas by deleting, changing, and moving Rita Suri's vote to Andri Setiawan so that Rita's vote became zero and Andri's vote became 348.

d. Pekon Napal, which consisted of 9 polling stations, 2 polling stations, was changed by Defendant II Jitur by deleted, changed, and transferred Safrudin's votes to Andri Setiawan, so that Safrudin's votes were reduced from 116 to 16 and from 127 to 27 in two different polling stations, and Andri's votes increased from 9 to 109 and from 4 to 104.

After the three defendants changed the votes, the copied Form C was put back into a brown envelope and put in the copied Form C storage box. During the sub-district plenary, the defendant read the results of the amended votes, which were outlined in the Form D of the sub-district results, then copied and distributed to each witness of the legislative candidate and other witnesses, then the Form D of the sub-district results was put into the PPK box and submitted to the Tanggamus Regency KPU.

The change in the results of the vote recapitulation at the sub-district level recapitulation plenary had an impact on the acquisition of seats for the Tanggamus Regency DPRD, where the votes from the United Development Party decreased, while the votes and seats for the Golongan Karya Party increased. This act was a deliberate act carried out by the defendants with the intention of changing the Form C-Result in the recapitulation stage of the results of the vote count and the determination of the results of the election of legislative candidates for the district/city DPRD at the sub-district level. As a result of this change, the minutes and certificates of recapitulation of the results of the vote count at the sub-district level, which are stated in Form D-Results, have changed and are not in accordance with the results of the ballot counting on the actual Form C-Results. This fact shows that there was conscious

manipulation of the vote by the defendants to achieve certain goals. The evidence found in the form of original and amended Form C-Results and D-Results documents from several pekons in Bulok District, Tanggamus Regency, became a strong basis for stating that there was vote manipulation in the recapitulation process.

## Discussion

The discussion of this case illustrates how vote manipulation is carried out in a planned manner and involves several parties in the sub-district vote recapitulation stage. The case began with the efforts of a legislative candidate from the Golkar Party, Andri Setiawan, who asked Defendant I, Andreas Dasilfa Iswari as a member of the Bulok District PPK, to change the results of his votes. Although Andreas initially refused, in the end pressure and intervention from other parties, including meetings with legislative candidates from other parties, made Andreas accept the request, especially after being presented with cash of Rp35 million which was then distributed to several officers at the polling station and PPS levels. This shows the existence of bribery practices that affect the integrity of election organizers.

This vote manipulation process takes place systematically and technically, where the copy of Form C, which is the official document of vote acquisition at the polling station level, is amended by deleting and transferring votes from other legislative candidates to Andri Setiawan. This change was made by three defendants in several different pekons using the same method, namely using tip-ex to remove the votes of other candidates and add votes to Andri Setiawan. This resulted in significant changes in the results of the vote recapitulation at the sub-district level, which were then stated in Form D of the results of the sub-district plenary and distributed to the witnesses.

The change in the vote results clearly changed the political map at the Tanggamus Regency DPRD level by reducing the votes of other parties and increasing the votes of the Golkar Party illegally. This action not only violates the election rules that govern the honesty and transparency of vote counting, but also undermines public trust in the democratic process. The fact that the original and altered documents were found as evidence strengthens the evidence of deliberate vote manipulation.

From a legal point of view, the defendants' actions constitute a serious violation of Article 505 of Law No. 7 of 2017 concerning General Elections, which regulates the prohibition of eliminating or altering the minutes of the recapitulation of the results of the vote count. The case also shows how election organizers can be involved in corruption and manipulation that is detrimental to electoral justice. Therefore, the court decision imposing criminal sentences on the defendants is an important step to uphold the rule of law, provide a deterrent effect, and maintain the integrity of the implementation of elections in Indonesia.

Based on Decision Number 120/Pid.Sus/2024/PN Kot, several things that can be understood more deeply are:

### 1. Key Findings

#### a. Case Handling Process

The handling of the case is carried out according to the legal procedure procedure, starting from public reports, investigations by Gakkumdu, to trials at the Supreme City District Court. The defendant was legally and convincingly proven to have violated Article 551 of Law No. 7 of 2017 concerning Elections, namely deliberately changing the minutes of the vote recapitulation.

#### b. Judge's Consideration

The judge considered evidence in the form of documents, witness statements, and the defendant's confession. The element of intentionality and legal consequences of the defendant's actions stated that it was proven. The judge imposes a prison sentence and/or fine, taking into account the existence of an apology, confession of guilt, and having never been convicted before.

#### c. Impact of the Decision

This decision has a deterrent effect on election organizers to be more careful and maintain integrity in carrying out their duties. The public considers this decision a positive step in maintaining the fairness and transparency of the election, although some parties still expect heavier sanctions.

## 2. Law Enforcement Related

### a. Law Enforcement Effectiveness

Law enforcement against election violations is ongoing, but there are still challenges in proving the element of intentionality and involvement of other parties. Coordination between Bawaslu, the Police, and the Prosecutor's Office is needed is good enough, but it needs to be improved in the internal supervision of the KPU.

### b. Barriers Found

Lack of legal understanding by PPK and PPS members is one of the main factors in the occurrence of violations, besides that pressure from outside parties and weak supervision systems are also supporting factors for violations.

## 3. Implications

For Election Organizers: More intensive legal training and socialization is needed so that PPK and PPS members understand the legal consequences of each action. For the Community: Increasing public participation in election surveillance is critical to preventing similar abuses. For Law Enforcers: The need to strengthen coordination and reporting mechanisms for election violations so that the handling process is faster and more transparent.

## Limitation Of The Study

The limitation in this study is that it only discusses one issue that focuses on the issue of election criminal law, namely the change of votes that occurred during the general election of legislative candidates, while based on several existing reviews, criminal acts and problems related to election law are quite a lot, including the problem of administrative violations, money politics, and disputes over the election process, to disputes over election results. However, the scope of this research generally only includes the study of criminal law, especially those related to election crimes. In this context, the main focus of the research is on the aspect of criminal accountability of perpetrators involved in vote manipulation in general elections. The research relied solely on court decision documents and did not involve direct interviews with defendants, witnesses, or other related parties. This has the potential to limit a deep understanding of the motives, pressures, or social dynamics behind events. The research emphasizes more formal legal aspects (elements of articles, evidence, and judges' considerations), so it does not explore non-juridical factors such as organizational culture, political pressure, or the internal supervision system of the KPU/Bawaslu.

## Conclusions and Recommendations

The conclusion of the vote manipulation that occurred is that the enforcement of criminal law is an important effort in upholding the law, justice, and protecting human dignity in accordance with the 1945 Constitution. This law enforcement aims to ensure that laws and regulations are complied with and implemented seriously, especially through the criminal justice process involving law enforcement officials. Criminal liability is the main aspect in law enforcement, where a person must be responsible for his actions, whether accompanied by intentions or without intention. In the context of the theory of objective responsibility and the theory of success, a person can only be

convicted if his or her actions produce consequences that are prohibited by law.

In the case of voice manipulation discussed, the elements of criminal acts have been met. The defendants involved in the transfer of votes deliberately violated the provisions of election law, especially Article 505 of Law No. 7 of 2017 concerning General Elections jo Article 55 Paragraph (1) 1 of the Criminal Code. Their actions resulted in the loss or change of the minutes of the recapitulation of the vote count, and the perpetrators who committed, ordered, or participated were legally responsible. The court decision confirmed that the act had no justification or excuse, so the defendants were sentenced to eight months in prison and a fine of four million rupiah, with the provision of replacement of imprisonment if the fine was not paid. Research on this decision shows that law enforcement against election violations by organizers has been running, but there is still room for improvement, especially in the aspects of prevention and supervision. This decision is an important precedent for the enforcement of election integrity in the regions.

Vote manipulation is a serious crime and must be sanctioned strictly in order to provide a deterrent effect, maintain justice and legal certainty in the implementation of elections, and prevent the recurrence of similar violations in the future.

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