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# Election Risk Management during the COVID-19 Pandemic in Indonesian General Election

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Abstrak: Penyelenggaraan Pilkada 2020 menyisakan banyak persoalan di tengah pandemi COVID-19. Banyak peserta pemilu yang tidak mematuhi protokol kesehatan. Kajian ini menjelaskan evaluasi Pilkada di masa pandemi. Dalam evaluasi ini akan dilihat sejauh mana manajemen risiko yang telah dilakukan dan dampaknya. Penelitian ini juga menjelaskan model manajemen risiko yang dapat dilakukan dalam tata kelola pemilu di Indonesia mendatang berdasarkan SVA. Metode yang digunakan dalam penelitian ini adalah studi literatur dengan menggunakan model tinjauan sistematik. Hasil penelitian ini menunjukkan bahwa terdapat permasalahan belum memadainya payung hukum dalam penyelenggaraan pemilu di masa krisis. Peningkatan anggaran menambah permasalahan baru karena adanya tantangan diskusi antara penyelenggara dan pemerintah daerah. Selain itu, koordinasi antar lembaga dan penanganan pelanggaran terkait protokol kesehatan juga belum maksimal. Penggunaan SVA dalam metode pemungutan suara dapat secara signifikan mengurangi risiko penularan virus dalam suatu wabah atau risiko lain yang disebabkan oleh krisis.

Kata kunci; manajemen risiko pemilu; pengaturan pemungutan suara khusus; pilkada; covid-19

Abstract: The 2020 Pilkada implementation leaves many problems in COVID-19 pandemic. Many election participants did not comply with health protocols. This study explains evaluation of Pilkada during pandemic. In this evaluation, extent of risk management that has been carried out and its impact will be seen. This study also describes risk management model that can be carried out in future election governance in Indonesia based on SVA. Method used in this study is a literature study using systematic review model. Results of this study indicated that there is a problem of inadequate legal umbrella in organizing elections in crisis. Increased budget added new problems due to challenging discussions between organizers and local government. Also, coordination between institutions and violations' handling related to health protocols has not been maximized yet. Use of SVA in voting method can significantly reduce the risk of virus transmission in an outbreak or other crisis-induced risk.

**Keywords:** election risk management; special voting arrangement; pilkada; covid-19

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# INTRODUCTION

The COVID-19 pandemic has impacted electoral governance worldwide (Baccini, Brodeur, & Weymouth, 2021; Landman & Splendore, 2020). Not a few countries have decided to postpone or continue to hold elections by adjusting several methods of electoral management according to the needs of health protocols amid the COVID-19 Pandemic situation (James & Alihodzic, 2020a). Indonesia is one of the countries that hold regional head elections (Pilkada) during the COVID-19 pandemic situation in 2020 (Habibi, 2021). Previously, several stages of regional elections had been postponed following the presence of COVID-19 in Indonesia. However, the government, House of

Representatives (DPR), and election organizers agreed that the 2020 Simultaneous Regional Head Elections in 9 Provinces, 224 Regencies, and 37 Cities would still be held on Dec. 9, 2020 (Prabowo, Syafri, & Juanda, 2021a).

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Several regulations were adjusted, especially at the election stage, where there was a risk of becoming an arena for COVID-19 transmissions, such as candidate registration, campaigning, voting, vote counting, and vote recapitulation (Marisa et al., 2020). For example, almost every stage of an election that involves direct interaction between election organizers and voters or with candidate pairs must comply with health protocol procedures and prohibit meetings involving large numbers of people (Widodo et al., 2021). For example, in the registration of candidates, pairs of candidates are prohibited from marching or involving many people in registering pairs of candidates to the General Elections Commission (KPU). Likewise, campaign participants may not exceed 50 people at the campaign stage (Rosanti, 2020).

However, there are a few problems that arise in the implementation of elections during the COVID-19 pandemic. Many of the election participants did not comply with the health protocol provisions made by the election organizers (Ramadani & Rezah, 2021). There were 375 cases of health protocol violations due to the increasing number of face-to-face campaigns found by The Election Supervisory Body (Bawaslu). In addition, Bawaslu also dissolved 83 campaigns that violated the health protocol (Bawaslu RI, 2020).



Figure 1. Elections Postponed due to COVID-19.

In this situation, election regulations in natural and non-natural disaster crises such as the COVID-19 pandemic must be more adaptive (Nargis & Satriawan, 2021). Several countries have successfully held elections in a pandemic situation, with adaptive and competent regulations and Special Voting Arrangement (SVA). In the German State of Bavaria, which held the first round of local elections, elections were held in person (Plümper et al., 2021). When the spread of the virus is getting higher, the second round is carried out by postal vote. The local election was successfully held, with a much higher level of community participation than the previous election (Wagner, 2020).

The use of SVA has become the choice of many countries holding elections during a pandemic. Several SVA models, such as postal voting, early voting, and mobile voting, are options aimed at protecting voters' right to vote in situations of natural or non-natural disasters (Heinmaa &

Kalandadze, 2020; *Holding or Postponing Elections During a COVID-19 Outbreak: Constitutional, Legal and Political Challenges in France*, 2020). Similarly, South Korea also uses SVA in the 2020 National Election. Interestingly, voter participation increased to 66%, and 41% of voters used SVA facilities (Heinmaa & Kalandadze, 2020). From some of these experiences, it can be concluded that the existence of SVA has a positive effect on voter participation and convenience in voting.

SVA is an alternative to risk management-based electoral governance. This study will explain the evaluation of the 2020 Pilkada during the COVID-19 pandemic situation. In this evaluation, it will be seen how far the risk management has been and its impact. This study also describes a risk management model that can be carried out in future election governance in Indonesia using the SVA basis.

### RESEARCH METHOD

This study uses a qualitative approach based on a literature study. The selected literature study is a systematic review (SRs). A systematic review is a way to identify, observe, and interpret everything available relevant to the research question, topic, or phenomenon of interest. This study uses primary data and secondary data (Kitchenham, 2004). The data and arguments built in this paper use various scientific reference sources from primary and secondary sources through a search for related writings such as journal articles, reports, and mass media news about election risk management and potential election risks during disasters in Indonesia, especially related to with the 2020 Pilkada risk management.



Figure 2. Research Stages.

This qualitative design aims to understand the analytical framework based on the reality that occurs between risk management and the implementation of Pilkada during the COVID-19 pandemic. Data analysis was carried out by descriptive analysis by examining the dynamics of the complexity of implementing the 2020 Pilkada during the COVID-19 pandemic. Through a systematic review, empirical evidence is collected according to the eligibility criteria to answer particular research questions. This study aims to minimize bias to provide reliable findings for formulating conclusions and making decisions (Liberati et al., 2009). The procedures used are (a) literature review, mainly qualitative and quantitative data. (b) explore data/information related to the latest developments from the source of problems in implementing the 2020 Pilkada during the COVID-19 pandemic. (c) analyze and interpret data; (d) conclude (see figure 2).

# RESULT AND DICUSSION

This section contain the data characteristic of subject/object/sample/ research respondent, data analysis result, testing instrument and hypothesis (if any), answer of research question, findings and findings interpretation. This section if possible, can be graphed for each research variable. Furthermore the descriptive statistic value was presented (Eg; Mean, SD, Maximum, Minimum) with its inter-pretation. In the end of thie section showed the hypothesis research result and its discussion com-pletely.

# The Concept of Risk Management in Elections

Electoral risk management is a systematic effort undertaken to develop knowledge about and situational awareness of internal and external risks to the electoral process to initiate timely prevention and mitigation actions. In prevention and mitigation policies, election risk management is a dynamic and complex election mechanism (James & Alihodzic, 2020b). In a disaster situation, the task usually uses a prospective approach oriented towards prevention and risk reduction and avoids increased risk. Risk management must pay attention to the degree of danger, vulnerability, and capacity (UNDRR, 2020). The danger factor is seen from the potential impact of the disaster, while capacity is seen from management, human resources, and the completeness of election logistics.

The risk itself is strongly influenced by the vulnerabilities that occur. The vulnerability factor itself is divided into internal and external vulnerability (Alihodžić et al., 2020). External vulnerabilities relate to the social environment in the conduct of elections. This can include disaster awareness, disaster impacts, disaster damage, and available legal frameworks. Meanwhile, internal vulnerabilities relate to technical administration, election officials, budgets, and other risks related to the administration of elections. Internal vulnerabilities are closely related to the health and safety of officers, human resources owned by the organizers, and the increasing need for funding for implementation.

Election risk management during a disaster has several elements, such as risk identification and measurement, reporting, and policy formation (Alihodžić et al., 2020). Furthermore, risk identification is divided into internal and external factors. Regarding elections in crises, internal factors can be related to the legal framework, planning, training of organizers, as well as election dispute resolution. Meanwhile, external factors relate to socio-economic conditions and environmental hazards. The second element is risk measurement related to data collection and analysis, which will indicate a measure of potential risk. Risk measurement requires an operational plan in its implementation that can be seen from the geographical and gender aspects (Alihodžić et al., 2020).

The next element is reporting, which relates to the notification of issues that require the attention of the EMB. In this element, the response to risk warning reports is critical in increasing the effectiveness of risk management. The last element is a decision-making mechanism related to the discussion, consultation, and coordination. The aim is to immediately focus attention and resources on high-risk areas (Alihodžić et al., 2020).

Along with its development, risks in electoral governance are no longer narrowly defined in the context of natural disasters but non-natural disasters such as COVID-19. The non-natural disaster character of the COVID-19 pandemic has a unique character in the context of massive transmission through patient droplets to other individuals (Angretnowati & Anggraheni, 2021). In many cases, sufferers have no symptoms but can transmit the virus. In addition to droplets, the coronavirus can also be transmitted through indirect contact (fomite). This occurs through human contact with surfaces contaminated with the coronavirus. Once transmitted, this virus attacks the respiratory system and other body systems and can even cause death (Li et al., 2020). Therefore, in reducing the rate of spread of the virus, it must be done by reducing direct interactions between individuals. In addition, it is also necessary to reduce surface contamination of objects that are used in general and reduce the interaction of people with these objects (Davies et al., 2020).

Amid the special character of the non-natural disaster of the COVID-19 pandemic, election risk management needs to be adjusted to minimize transmission. Moreover, the primary character of elections is a meeting between election organizers, election participants, and voters who are vulnerable to becoming an arena of transmission. In risk management planning, the International Foundation for Electoral Systems (IFES) divides it into two phases, namely pre-voting and voting day (Buril et al., 2020). The first phase is the adjustment of election management during a pandemic at the stages of legal framework development, budget support, additional logistics, voter registration, registration of election participants, to campaign methods. Meanwhile, the second phase is more concerned with anticipating risks at polling stations, such as setting up the poll station, the number of voting days, and SVA.

Furthermore, the special treatment for some of these stages can be seen in the following table: Table 1. Stages of Pilkada Risk Management and Special Treatment.

| Activity                               | Risk Management and Special Treatment  |  |  |  |  |  |
|--|--|--|--|--|--|--|
| Election<br>Implementation<br>Planning | Building a legal framework that is compatible and adaptive to the pandemi situation can be done by postponing elections until the legal framework is read to be used;  |  |  |  |  |  |
| Voter                                  | Recalculate the election budget that has been determined; Adjusting the procedures for technical electoral regulations to reduce the risk of spreading the virus. Reducing the interaction of officers and voters in the voter registration process; |  |  |  |  |  |
| Registration                           | Develop protocols for touchless verification of voter identity, if necessary virtually;  |  |  |  |  |  |
|  | When meeting face-to-face, ensure the health of the officers with regular swab tests.  |  |  |  |  |  |
| Candidate<br>Registration              | Develop a virtual participant registration information system;<br>Minimize the presence of potential participants at the organizing office. Make sure there are no crowds;   |  |  |  |  |  |
|  | Increase the nomination period, and provide a different schedule for each candidate to reduce the potential for crowds.  |  |  |  |  |  |
| Campaign                               | Incorporating rules related to COVID-19 in campaign regulations to avoid crowds, along with strict sanctions for candidates who violate them;  |  |  |  |  |  |
| Officers<br>Recruitment                | Develop virtual campaign methods and remote campaigns.  Acceptance of officers can be sought using online methods, such as in receiving and filling out forms, as well as submitting forms;  |  |  |  |  |  |
|  | If the reception is face-to-face, the facilities must be adaptive to preventing the risk of virus transmissions, such as with a large, open room, hand sanitizer, and the use of tight masks;  |  |  |  |  |  |
|  | Release officers belonging to vulnerable groups;<br>Provide training on COVID-19 prevention as one of the mandatory training materials.  |  |  |  |  |  |
| Collect Count                          | The location of the poll station in an open place, as well as the completeness of logistics to meet health protocols, must be guaranteed;  |  |  |  |  |  |
|  | Reducing the number of individuals in electoral facilities by scheduling or extending voting times;  |  |  |  |  |  |
|  | Arrange the layout of each item at the poll station. It is according to the flow of voters' movement and spaced out so that less time is needed at the poll station; Using a unique voting mechanism (Special Voting Arrangement) such as postal     |  |  |  |  |  |
|  | voting, mobile voting, and early voting;<br>Guarantee the voting rights of voters who are positive for COVID-19, whether<br>in the hospital or isolation at home, by visiting voters and maintaining strict<br>procedures.                           |  |  |  |  |  |
| General Election<br>Observation        | Vulnerable groups are not allowed to be election observers/witnesses by representatives of participants and civil society;   |  |  |  |  |  |
| Ouser varion                           | The process of accreditation of monitoring groups should be tightened, reducing  |  |  |  |  |  |
|  | the possibility of vulnerable groups of COVID-19 joining them; The object of monitoring can also be developed and is related to the collection   |  |  |  |  |  |
| 0 0 0                                  | mechanism and compliance with health protocols.  |  |  |  |  |  |

Source: Buril, Darnolf, & Asersa, (2020)

Referring to the table at the planning stage, it can be seen how the need for a legal framework and flexibility of budget support to make elections more adaptive. The legal framework helps provide the basis for policies and technical regulations and the flexibility of organizers in adapting elections to deal with the pandemic. The rearrangement of the implementation budget is also essential, especially

for the procurement of logistics and other procurements that may arise due to adjustment to the context of the COVID-19 pandemic situation.

In addition, in the context of the stages of the election before voting, the emphasis is on preventing transmission. Therefore, regulations that avoid crowds and strengthen information technology systems are essential at every stage. The same thing can be seen in risk management at the collection stage, which is oriented towards reducing crowds and ensuring the implementation of health protocols. In addition, SVA is also an essential option in preventing crowds at polling stations. Unfortunately, in the 2020 Pilkada in Indonesia, the SVA was not fully used.

Special Voting Arrangement itself has become an option for various countries in Europe and America in holding elections during a pandemic to minimize interactions between individuals so that they are more adaptive. SVA also broadens the reach for disabled voters, especially those belonging to vulnerable groups (Heinmaa & Kalandadze, 2020). However, due to the indirect nature of elections, the impact on infrastructure requirements, increased costs, and more robust safeguards ensure election principles and electoral integrity.

The Special Voting Arrangement is divided into three types, namely postal voting, early voting, and mobile voting (Heinmaa & Kalandadze, 2020). These three forms of SVA are used in his study to see the adaptation of elections in Europe during the pandemic. Postal voting is an election that gives voters the right to send their ballots by post to the organizers. This method requires the strength of security for ballots and good postal infrastructure. In Europe, several countries, such as Iceland, the UK, Germany, Poland, and Spain, provide postal voting options to all voters.

Then an early vote was understood as a direct election to poll station at an earlier time. The advantage is that the election time is not only one day so that it can avoid crowds. The security must also be tight because the storage of the ballots that have been selected will not be counted on the same day. This model is considered the easiest because it does not leave the tradition of direct elections, so several Scandinavian countries have adopted this model. The last model, mobile voting, is where the organizer brings the ballot box to the voter's residence. This type cannot be chosen arbitrarily by voters because there must be exceptional reasons for COVID-19 patients in hospital or isolation at home.

The three types of SVA are oriented towards reducing human interaction in the voting process. There are still weaknesses in the application of this system, in addition to many advantages. The implications need to be seen further. SVA also has drawbacks because it is different from voting in general. However, its advantages are significant in creating elections adaptive to crises, especially during a pandemic. Therefore, each type of SVA, such as postal voting, early voting, and mobile voting, needs to be considered for future elections. This will significantly assist the implementation of elections, especially in emergencies, to overcome the risks that could potentially occur.

# Lessons from the 2020 Election during the COVID-19 Pandemic

Indonesia's only precedent in holding elections during a non-natural disaster crisis is the 2020 Simultaneous Pilkada. 9 provinces, 224 regencies, and 37 cities participated in the Pilkada (Habibi, 2021). This certainly has an impact on the handling of COVID-19 in almost all regions. Therefore, the refusal of various parties arose due to public concern about the potential to increase the rate of COVID-19 transmission in Indonesia (Johan et al., 2021).

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The public highlights various problems—first, the problem of an inadequate legal framework. Law 10 of 2016 concerning Pilkada does not regulate election governance during a non-natural disaster crisis (Rangkuti, 2020; Rasyidin & Aruni, 2021). The arrangement is only related to the postponement of the Pilkada stage in conditions of natural disasters. Therefore, the President issued Perppu 2/2020, which unfortunately only added a non-natural disaster clause as one of the delay factors. Finally, there was a legal vacuum in implementing the regional elections amid a pandemic.

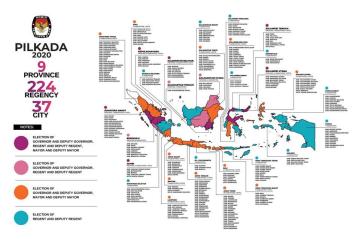


Figure 3. Regions that Held the 2020 Pilkada in Indonesia.

The legal framework is inadequate in regulating mobile ballot boxes (Saksono, 2020). The regulation of voting time is also a problem because it cannot accommodate voters who cannot attend polling stations, especially in self-isolation. In addition, the handling of cases in absentia is also unknown in the Pilkada, so the defendant cannot be absent from the trial, even though he is in self-isolation (Hamdani & Fauzia, 2021). The legal vacuum also makes it impossible for Bawaslu to take immediate action against health protocol violations during the Pilkada stage. Second, the problem of budget support. Kompas reported that the total budget agreed upon by the regions participating in the 2020 Pilkada almost reached Rp. 10 trillion, with funding from the APBD of each region (Wisanggeni, 2019). According to Detik.com's report, after the outbreak of the COVID-19 Pandemic, the budget doubled to IDR 20.4 trillion and was assisted by IDR 4.77 trillion by the state budget (see figure 4) (Hikam, 2020). In the report, the Minister of Finance, Sri Mulyani, explained that the increase in the budget was due to the fulfillment of health protocols.

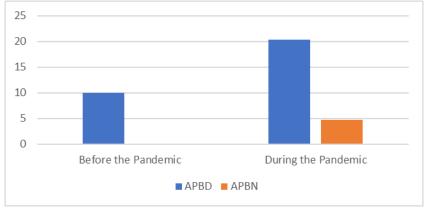


Figure 4. 2020 Regional Election Budget Before and During the Pandemic.

Even though it has been budgeted, it turns out that there are still many problems that arise in the regions. The KPU said that two regencies/cities in West Sumatra had challenging budget discussions between the KPU and the local government. This discussion was finally mediated by the Indonesian KPU and the Ministry of Home Affairs (Habibi, 2021). Meanwhile, Perppu 2/2020 only contains a matter of postponing the Pilkada stage during a pandemic, so the issue of a legal vacuum still overshadows the financing of the Pilkada. Bawaslu also experienced the same t. There were 6 (six) regions whose election budgets were cut by the Regency/City Regional People's Representative Assembly (DPRD) so that it was not following the regional budget value listed in the Regional Grant Agreement (NPHD) between the Regional Government and Regency/City Bawaslu (see Table 1) (Habibi, 2021).

Table 2. Regions that Receive 2020 Regional Election Budget Cuts.

|    | Regions that Get a Budget Cut                             |           | Regional Grant Value (Rp) |                |                |                 |
|----|---|-----------|---------------------------|----------------|----------------|-----------------|
| No |   |           | Beginning (As per NPHD)   | Become         | Difference     |                 |
|    | Bawaslu Kabupaten Ogan Ilir                               |           |                           | 19.350.000.000 | 15.350.000.000 | - 4.000.000.000 |
|    | Bawaslu<br>Timur  | Kabupaten | OKU                       | 16.500.000.000 | 15.000.000.000 | - 1.500.000.000 |
|    | Bawaslu<br>Muko   | Kabupaten | Muko-                     | 7.000.000.000  | 4.000.000.000  | - 3.000.000.000 |
|    | Bawaslu<br>Lebong   | Kabupaten | Rejang                    | 9.500.000.000  | 5.500.000.000  | - 4.000.000.000 |
|    | Bawaslu Kabupaten Purworejo<br>Bawaslu Kabupaten Kotabaru |           |                           | 15.607.227.500 | 14.900.000.000 | - 707.227.500   |
|    |   |           |                           | 15.100.000.000 | 13.200.000.000 | - 1.900.000.000 |

Source: Manuscript of KPU Hearing Meeting with DPR

Third, the use of technology and information systems. During the pandemic, it is crucial to reduce the mobility and interaction of citizens so that the use of technology becomes mandatory. The KPU has prepared several information systems, such as the Nomination Information System (Silon) and the Recapitulation Information System (Sirekap) (Femiliona, 2020; Prabowo et al., 2021b). Silon can reduce interaction by facilitating individual prospective candidates to register themselves through the system (Femiliona, 2020). Meanwhile, Sirekap is used by officers to recapitulate votes. Even so, Sirekap operations are not optimal, so that 80% of sub-districts still use manual recapitulation (Maharani, 2020). Apart from not being optimal, the information system needs budget support and a clear legal umbrella. The problem is that the Election Law and the Regional Head Election Law were not revised this year, leaving a legal vacuum for optimizing technology.

The KPU also encourages legal certainty related to the content of KPU Regulations which are the basis for implementing elections. Elections based on electronic systems that have been developed/implemented by the KPU, including the Political Party Information System (SIPOL), Voter List Updating Information System (SIDALIH), Election Results Recapitulation Information System (SIREKAP), Nomination Information System (SILON), Campaign Fund Information System (SIDAKAM) which will be used as tools in the administration of Elections and Simultaneous Elections in 2024 (KPU RI, 2021).

Fourth, inter-institutional relations related to the enforcement and coordination authority of related Ministries and Institutions also leave several problems. The vacuum of electoral law in the crisis of the COVID-19 pandemic is the leading cause. During the 2020 Pilkada, the pandemic conditions involved more institutions and ministries, such as the National Disaster Management Agency (BNPB), the COVID-19 Task Force, the Indonesian National Police, the Ministry of Health, and the Ministry of Finance, and other institutions (Mutiarasari & Herawati, 2020). However, due to the absence of a legal umbrella, coordination between institutions and ministries is not optimal and impacts the lack of solid guarantees for the health and safety of voters and officers.

The case that was highlighted was the violation of health protocols when registering candidates in Surakarta. When registering, the Surakarta City Election Candidate, Gibran-Teguh, was accompanied by thousands of sympathizers and supporters (Muhlis, 2021). These violations have not been dealt with until now because Police stated that prosecution was the domain of Bawaslu because they were at the election stage (Husnulwati, 2021). Prosecution becomes difficult because these violations are included in the realm of general crimes, while Bawaslu is only authorized to handle election crimes. However, in general, because prokes violations are a new type of violation and a lack of clear regulations, it is possible to shift responsibilities between institutions.

Fifth, human resources, health and, the safety of election officers. Recruitment of organizers and supervisors is challenging because of the virtual recruitment procedures that are not easy for prospective officers to access. In addition, the rapid test facility for officers is only before the activity takes place. Tasks that require direct interaction, such as the stages of voter registration and

verification of voter data, can cause officers to be exposed to COVID-19. If the test is not immediately carried out, it can cause a family cluster within the officer's environment.

At updating the voter list, several Voter Data Update Officers (PPDP) did not comply with health protocols when carrying out their duties. Some of these officers came to voters' homes without wearing masks or other equipment. This resulted in people's reluctance to accept officers for fear of contracting COVID-19 (Dairul et al., 2021).

Sixth, the issue of election integrity. In a pandemic, the classic election violations keep repeating themselves. This can be seen from the 2020 Election Results Dispute (PHP) at the Constitutional Court, where the Panel of Judges decided 16 regions to re-vote. This figure is the highest compared to the PHP local election in the Constitutional Court after the Simultaneous Pilkada. Some cases are monumental, such as foreign candidates in the Sabu Raijua Pilkada, who won the election (Muzayanah et al., 2021). In addition, the Nabire Pilkada has also become a polemic because the number of Permanent Voters List is larger than the population. Then in the Boven Digoel Pilkada, Yusak Yaluwo, who had just finished serving a sentence of fewer than five years, was still passed as a participant, even though he did not meet the nomination requirements (Hajri, 2017).

In addition, several arguments from the petitioner continually appear, such as money politics, the politicization of social assistance, to the issue of a particular poll station. After the COVID-19 pandemic broke out, people's economic activities stagnated and impacted increasing poverty rates. Several candidates exploited this issue by doing vote-buying. In addition, social assistance in economic recovery, which is being intensified in all regions, is often politicized by incumbent candidates to increase electability. This is the impact of the lack of a legal framework that can accommodate similar incidents. When money politics or the politicization of social assistance were delegated to Bawaslu, the majority were declared ineligible or an element of a violation.

Several other arguments, also repeated but with a new "COVID-19 pandemic" motive. As seen in the 2020 North Morowali Pilkada, a company was proven to have prevented its workers from voting by requiring a rapid test for employees who would vote without being borne by the company. In this case, the Constitutional Court decided on the repeat vote (PSU) in the Pilkada. The fluctuating period for each stage was one of the reasons for the high number of PSU decisions in the 2020 PHP-Pilkada yesterday. This also impacted the quality of ad hoc officers, so that orders for personnel replacement also accompanied several PSU orders by the Panel of Judges.

These six issues are only a few of the many other issues that are pretty significant in influencing elections during a pandemic. The issue of the legal framework becomes a very significant problem because it will have an impact on the legality of each risk management policy. Lack of regulation that is adaptive to crises makes it difficult for organizers to produce adaptive policies. Therefore, some of these problems can be overcome by evaluating the legal framework first, then formulating the right policy in dealing with elections in a time of crisis.

#### **Election Risk Management and Utilization of SVA**

Based on the learning of the 2020 Pilkada, which is the latest precedent in holding elections during a critical situation, several important things can become preventive policies or election risk management in crises, whether during the COVID-19 pandemic or other potential disasters. The broad framework of risk management needs to be included in every consideration of the implementation of elections, both at the policy (beschikking) and regulatory (regelling) levels.

Since the discussion of the draft election law has been withdrawn from the 2021 priority national legislation program, efforts need to be made to push the law back into the discussion in the DPR. The legal umbrella for holding elections in an emergency period does not appear in the existing election law. Emergency regulations need to be included by giving flexibility to the organizers. This flexibility is important so that election risk management during a crisis can be implemented. It should also be noted that the context of an emergency that should be regulated by law is not only a response to the COVID-19 pandemic but must be more general.

In addition, the Election Law only recognizes natural disasters as a factor of delay, in contrast to the Election Law, which has included non-natural disaster factors after Perppu 2/2020. It should also be explained. Delays can mean two things: delaying the stages until the crisis ends and delaying

the stages until a legal framework and adaptive election risk management are found in crises. On the other hand, relations between institutions also need to be regulated. So far, the Election Law only regulates relations between organizing institutions such as KPU, Bawaslu, and Honorary Council of Election Organizers (DKPP), plus other ministries and institutions such as the Ministry of Home Affairs, the Police, and the Attorney General's Office. Therefore, it is also necessary to regulate relations between other institutions organizing elections during a crisis, such as the Ministry of Health, Meteorology Climatology and Geophysics Council (BMKG), Indonesian National Board for Disaster Management (BNPB), and others. However, the regulation also needs to be provided with flexible spaces because of various crises, the relevant agencies or ministries, and their coordination lines will also be different.

Therefore, it is necessary to have a law with some content material adaptive to abnormal situations. The contents of the law include the status of the post-delay election stage, the implications of delays on personnel and organizing institutions, budget reallocation mechanisms, and sources of election financing (Wahyunita et al., 2020). In addition, conventional campaign and voting provisions also need to be rearranged. In times of crisis, such as money politics and the politicization of social assistance, potential election violations should also be given the proper legal framework.

In the 2020 Pilkada, Sirekap was officially implemented as a vote recapitulation tool. However, there are several problems faced by Sirekap, such as the lack of sufficient time to prepare the technology infrastructure, the readiness of human resources, and the legal framework. In addition, the problem of limited time for testing, system testing and cyber security, certification and auditing, technical guidance, and socialization to all officers is also an obstacle for Sirekap (Mustofa et al., 2021). These obstacles became several reasons that ultimately made Sirekap only a tool. The presence of Sirekap at that time could reduce interactions between officers, thereby reducing the risk of being exposed to COVID-19.

Lessons from the implementation of Sirekap are the strengthening of the legal framework and adequate technology infrastructure. So far, the Election Law and the Pilkada Law do not provide a clear legal umbrella, so that the application of information technology does not have vital legality. Therefore, provisions related to information technology in elections are needed, which guarantee the seven principles of election technology, transparent, participatory, accurate, accountable, safe, easy, and efficient (Habibi & Suswanta, 2019). Other institutions need to be involved in using this technology, especially in the supervision, certification, and auditing of technology systems.

In addition, technology infrastructure must also be evenly distributed. In some areas, especially urban areas, technology can be implemented quickly. However, technology is difficult or even impossible to use in other areas due to internet network constraints. The application and web systems used must also be easy and equipped with cyber security systems, and the capacity of servers and IT personnel must be sufficient in quality and quantity (Maharani, 2020). In addition, human resources, especially election officers, must be skilled in the use of technology. This can be guaranteed if the recruitment pattern is oriented to the ability to use technology. Good human resources can also be guaranteed by providing sufficient technical guidance and socialization (Mustofa et al., 2021).

The public is most worried about voting in the 2020 Pilkada because it will result in large-scale human interaction. In fact, tackling COVID-19 means avoiding and minimizing interactions between humans. Unfortunately, voting management in abnormal situations still uses conventional mechanisms where voters still have to simultaneously come to the polling station. The difference is, there are only queue numbers and health protocol completeness.

Two factors can impact the risk of transmission, namely, the time factor and the place factor. The direct presence of voters and only six hours available for voters to cast their ballots can cause a buildup. These factors need to be responded to with possible voting solutions without physical presence and for a more extended period (International IDEA, 2020). Therefore, SVA is needed significantly to reduce risks when conducting elections during the COVID-19 pandemic and other crises.

In the application of SVA, three types of voting are commonly used by European countries to reduce voting risk, as described previously. The three types of SVA include postal voting, early

voting, and mobile voting, which usually use mobile ballot boxes. The explanation of the three can be seen in the section on the electoral risk management concept framework above.

There are success stories in several countries. For example, in Bavaria, Germany, the high rate of transmission of COVID-19 there prompted the German Chancellor, Angela Markel, to use radical measures to contain its spread. Therefore, the second round of local elections in Bavaria may only use postal votes in total. This step can be said to prevent the spread of the coronavirus successfully (IFES, 2020). The United States Presidential Election also uses postal voting to protect the health and safety of voters and officers. Vote-by-mail has even become a campaign that intensified by-election participants in various states to suppress the spread of the coronavirus (IFES, 2020).

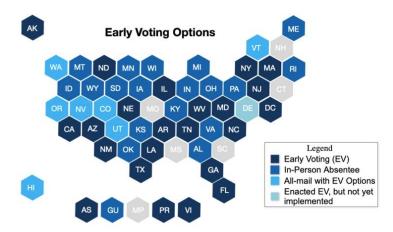


Figure 5. Early Voting Options in the USA.

The United States also uses early voting, with a timeframe that varies from state to state, from 55 days to 10 days before voting (see figure 5) (NCSL, 2021). The South Korean Legislative Election also carried out early voting by prioritizing self-isolating voters due to exposure to the coronavirus. In practice, the organizers send messages to isolation to confirm their presence at the polling station a few days before the vote. This is used to arrange the scheduling of isolation voters, to keep voting by ensuring the safety and health of all parties (IFES, 2020).

Besides postal and early voting, SVA is also commonly used, is a transferable vote or mobile-ballot box. In practice, this model is implemented by election officials who carry the logistics of voting to voters who cannot attend. The Czech Republic is one country that uses this model. However, mobile voting is only used for voters who are undergoing quarantine or isolation. Uniquely, the Czech Republic has introduced a private vehicle election mechanism for voters who are in isolation (IFES, 2020). Latvia also uses mobile voting, specifically for voters who cannot attend polling stations, mainly due to exposure to the coronavirus (Heinmaa & Kalandadze, 2020). In practice, mobile votes are counted separately to ensure their validity.

In the 2020 local elections, there was a time to implement a mobile ballot box or the mobile ballot box. However, mobile ballot boxes do not have a clear legal umbrella, both in the Election Law and the Pilkada Law. The use of mobile ballot boxes is only regulated by PKPU 9/2019. In addition, the lack of solid supervision of voting through this mobile box is also prone to fraud. However, this does not mean that mobile ballot boxes effectively facilitate voters who cannot attend polling stations, especially voters who have been exposed to COVID-19 and are currently self-isolating either at home or in the hospital.

Based on these experiences, SVA can be used as an option. This option can be chosen to minimize the risk of holding elections during a crisis. However, some things need to be guaranteed. For example, there needs to be accurate voter data, especially those that will use special voting channels such as postal voting, early voting, and mobile voting. Especially for mobile voting, the provisions for voters who can use this mechanism must also be explicit, for example, being exposed to a virus that is easily transmitted, suffering from a severe illness, disability, vulnerable groups

exposed to viruses, or in accordance following the crisis experienced during the election. The counting of ballots through this unique mechanism must also be carried out separately to ensure the counting results' validity of SVA also has different infrastructure requirements. Postal voting requires a qualified postal infrastructure that can guarantee confidentiality and security. Meanwhile, mobile voting requires infrastructure to support the mobility of officers to visit each eligible voter.

Meanwhile, early voting required infrastructure, primarily to ensure the security of ballots that have been given before polling day. So in the early voting mechanism, ballots must be counted first after the early voting time is over. With the increasing need for infrastructure, the cost of organizing it will also increase, so that the preparation for election financing must also be more mature than before.

The issue of security and integrity of elections using SVA also needs to be guaranteed. The potential for fraud will be even more significant because the supervision is not in one place simultaneously to raise public suspicion. Therefore the burden of supervision will be even more significant. Supervision needs to be strengthened by involving the community and adding supervisory personnel. Even so, SVA still needs to be a severe consideration for policymakers, especially in election risk management policies during a crisis.

#### **CONCLUSION**

Based on the explanations that have been made, it is concluded that the 2020 Pilkada then became an essential precedent for holding elections during a crisis in Indonesia. Therefore, several evaluations need to be noted in order to produce adaptive elections. For example, in the case of an inadequate legal umbrella in organizing elections in a crisis, the available legal framework does not allow the administration to shape risk management policies in conducting elections. On the other hand, the increased budget also adds new problems due to challenging discussions between the organizers and the local government. Coordination between institutions and handling violations related to health protocols is also not optimal. In addition, the recruitment of organizers and the limited availability of human resources also occur due to inadequate preparation.

Therefore, election risk management during a crisis needs to be discussed further. The provision of the correct legal framework can reduce potential losses due to crises. Increasing and restructuring the budget for election financing also requires convenience, careful preparation, and a clear legal umbrella. In addition, optimizing the use of electoral technology also needs to be improved. This is important to reduce the potential for interaction between individuals, organizers, and voters, especially in a crisis. The last recommendation is the use of SVA in the voting method. With various types of SVA that can be used as options, the risk of transmitting the virus in an outbreak or other crisis-related risks can be significantly reduced. However, prone to fraud, SVA requires vital infrastructure and supervision to maintain public trust and election integrity.

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