

Preventing Electoral Fraud in Indonesia: Protecting the Social Security of Election Management Personnel

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ABSTRACT

Indonesia's Election Management Bodies (EMBs), constitutionally mandated to manage legislative and presidential elections, face substantial risks, including accidents and fatalities. However, their social security rights are often overshadowed by the focus on civil servants and private-sector workers. This study, employing normative legal research, urges the need for state protection of EMBs' social security rights, drawing on secondary data sources. EMBs should receive comprehensive work-related accident benefits, death benefit programs, and old-age protection schemes from the Workers Social Security Agency (BPJS Ketenagakerjaan). The legal basis for these social security rights can be found in several legislative provisions, including the Indonesian 1945 Constitution, the National Social Security System Law, and other related regulations. Recognizing EMBs as state-serving workers is a crucial step in safeguarding their social security rights. This recognition is not merely a matter of legal interpretation; it is a necessity to ensure a fair and secure electoral environment. By ensuring that EMBs are accorded the same rights and protections as other workers, the state can create a more equitable electoral process and reinforce the integrity of its democratic institutions.

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1. Introduction

Elections, as a corner stone of statehood, serves as the primary mechanism for political leadership change and are indicative of a nation's democratic quality.¹ Regulated by the

¹ Yashar Tarverdi, Shrabani Saha, and Neil Campbell, 'Governance, Democracy and Development', *Economic Analysis and Policy*, 63 (2019), 220–33. <https://doi.org/10.1016/j.eap.2019.06.005>.

constitution,² elections are managed by Election Management Bodies (EMBs)³ following specific constitutional and regulatory guidelines. The main objective is to ensure a systematic and uninterrupted transfer of political authority, which occurs periodically in a fair and democratic manner. EMBs, entrusted with this process, play a vital role in sustaining democratic ideals.⁴

Democratic elections are characterized by conflict-free proceedings, smooth execution, well-established conflict resolution mechanisms, fair competition, and widespread public engagement facilitated by trustworthy EMBs.⁵ The state's proficiency in conducting these processes is a measure of its democratic maturity. However, if electoral proceedings are flawed or irregular, the state's democratic practices can be considered undemocratic.⁶

In democratic states, elections are managed by state-established bodies that demonstrate professionalism, accountability, a commitment to democratic principles, and a dedication to fairness.⁷ These EMBs operate as extensions of the state and receive financial support from the state budget.⁸ They are responsible for complex tasks such as human resource management, logistical coordination, and technology integration.⁹ However, the effectiveness of EMBs in promoting democratic elections can vary between countries. Concerns may arise regarding their impartiality, with allegation of favoritism towards incumbents and exceeding their constitutional.¹⁰ authority.¹¹ Unfortunately, some EMBs may struggle to fulfill their intended role of preventing electoral violence. Despite these challenges, it is important to recognize that, in general, EMBs play a crucial role in the success of electoral democracy.

In Indonesia, the regulation of EMBs is based on Article 22E Paragraph (5) of the Indonesian 1945 Constitution. This constitutional provision establishes the General Election Commission

² Ali Coşkun Tunçer and Leonardo Weller, 'Democracy, Autocracy, and Sovereign Debt: How Polity Influenced Country Risk on the Peripheries of The Global Economy, 1870–1913', *Explorations in Economic History*, 85 (2022), 101449. <https://doi.org/10.1016/j.eeh.2022.101449>.

³ Mark Tushnet, 'Institutions for Protecting Constitutional Democracy: An Analytic Framework, with Special Reference to Electoral Management Bodies', *Asian Journal of Comparative Law*, 16.S1 (2021), S10–22. <https://doi.org/10.1017/asjcl.2021.27>.

⁴ Malcolm Langford, Rebecca Schiel, and Bruce M. Wilson, 'The Rise of Electoral Management Bodies: Diffusion and Effects', *Asian Journal of Comparative Law*, 16.S1 (2021), S60–84. <https://doi.org/10.1017/asjcl.2021.29>.

⁵ Holly Ann Garnett and Toby S. James, 'Electoral Backsliding? Democratic Divergence and Trajectories in The Quality of Elections Worldwide', *Electoral Studies*, 86 (2023), 102696. <https://doi.org/10.1016/j.electstud.2023.102696>.

⁶ Pablo Brañas-Garza, María Paz Espinosa, and Ayca E. Giritligil, 'On the Transmission of Democratic Values', *Journal of Economic Behavior & Organization*, 200 (2022), 885–96. <https://doi.org/10.1016/j.jebo.2022.06.036>.

⁷ Charles Manga Fombad, 'Election Management Bodies (EMBs) in Eastern and Southern Africa: Some Reflections on Their Legal Framework', *African and Asian Studies*, 15.2–3 (2016), 289–335. <https://doi.org/10.1163/15692108-12341365>.

⁸ Carolien van Ham and Holly Ann Garnett, 'Building Impartial Electoral Management? Institutional Design, Independence and Electoral Integrity', *International Political Science Review*, 40.3 (2019), 313–34. <https://doi.org/10.1177/0192512119834573>.

⁹ Toby S James and others, 'Electoral Management and The Organisational Determinants of Electoral Integrity: Introduction', *International Political Science Review*, 40.3 (2019), 295–312. <https://doi.org/10.1177/0192512119828206>.

¹⁰ Håvard Mogleiv Nygård, 'Timing Matters: The Impact of Regularity of Election Cycles on Autocratic Stability', *Electoral Studies*, 66 (2020), 102167. <https://doi.org/10.1016/j.electstud.2020.102167>.

¹¹ Rubén Ruiz-Rufino and Sarah Birch, 'The Effect of Alternation in Power on Electoral Intimidation in Democratizing Regimes', *Journal of Peace Research*, 57.1 (2020), 126–39. <https://doi.org/10.1177/0022343319885171>.

(KPU) as the administering body for elections, characterized by three distinct characteristics: national, permanent, and independent. The national characteristic implies that the KPU operates on a national scale, with responsibilities spanning the entire territory of the Republic of Indonesia. The permanent characteristic means that the KPU is a continuous institution, diligently carrying out its duties within defined term limits. The independent characteristic grants the KPU autonomy and ensures that it is free from external influences during elections, thereby ensuring impartiality and fairness throughout the process. It is worth noting that Indonesia's evolution of election regulations has been influenced by global developments in electoral law, reflecting the nation's commitment to align its electoral practices with international standards and best practices.

KPU in Indonesia holds a distinct and constitutionally significant position and is mentioned in Article 22E of the Indonesian 1945 Constitution.¹² Its duties, principles, and functions are meticulously defined in Law Number 7 of 2017 on General Elections. According to this law, the EMBs responsible for organizing elections in Indonesia include the KPU, the General Election Supervisory Agency (Bawaslu), and the Election Organizer Ethics Council (DKPP). These EMBs oversee the elections for various positions, including the House of Representatives, Regional Representative Council, the President and Vice President, and members of the Regional House of Representatives, actively involving the people in the electoral process. It is worth noting that there are three EMBs in Indonesia: KPU, Bawaslu, and DKPP. Among these, the KPU and Bawaslu have hierarchical structures at the regional levels, including provinces, regencies/cities, districts, and villages, while DKPP operates exclusively at the national level.¹³

Within this framework, Article 6 of Law Number 7 of 2017 on General Elections outlines the hierarchical structure of the KPU. It includes of KPU of the Republic of Indonesia, Provincial KPU, Regency/Municipal KPU, District Election Committee (PPK), Village Voting Committee (PPS), Polling Station Committee (KPPS) and Overseas Polling Station Committee (PPSLN), and Overseas Voting Polling Station Committee (KPPSLN). The KPU comprises both permanent and temporary (*ad hoc*) members. Permanent memberships pertain to the KPU of the Republic of Indonesia, Provincial KPU, and KPU in regencies/cities, with fixed terms. On the other hand, *ad hoc* memberships apply to PPK, PPS, KPPS, PPSLN, and KPPSLN, which are formed on a temporary basis during elections. Unfortunately, it is often observed that these *ad hoc* EMBs, referred to as Election Committees, are more susceptible to engaging in election fraud practices.

These *ad hoc* Election Committees shoulder the arduous responsibilities of various election stages, which can be physically and psychologically demanding.¹⁴ The most challenging and precarious phase of the electoral process is the result tabulation stage for political parties and candidates vying for positions in Indonesia's legislative bodies. KPPS dedicate over 30 hours to this task, subjecting them to risks such as fatigue, illness and even death.¹⁵ In the 2019

¹² Fajar Laksono and others, 'Relation Between the Constitutional Court of The Republic of Indonesia and The Legislators According to the 1945 Constitution of The Republic of Indonesia', *Constitutional Review*, 3.2 (2018), 141 <<https://doi.org/10.31078/consrev321>>.

¹³ Camden Kelliher and others, 'Unconstitutional Authority of Indonesia's Constitutional Court: The Resolution of Pilkada Result Disputes', *Election Law Journal: Rules, Politics, and Policy*, 18.3 (2019), 297–308. <https://doi.org/10.1089/elj.2018.0535>.

¹⁴ Trapsi Haryadi and Suswanta Suswanta, 'Implementation of Enforcement of The Integrity of Ad Hoc Election Organizers in the 2020 Sleman Regent and Deputy Regent Elections', *Politik Indonesia: Indonesian Political Science Review*, 7.3 (2022), 408–24. <https://doi.org/10.15294/ipsr.v7i3.39870>.

¹⁵ M. Faishal Aminuddin, 'Electoral System and Party Dimension Assessment in Democratic Indonesia', *Jurnal Ilmu Sosial Dan Ilmu Politik*, 20.1 (2017), 1. <https://doi.org/10.22146/jsp.17956>.

elections, a staggering 894 officers lost their lives, and 5,175 officers fell ill, mainly due to the intense workload before, during, and after election day.

Scholars have conducted extensive research on EMBs across the world, revealing the diverse election systems and practices. Martin Lundstedt's (2020),¹⁶ Toby S James (2019),¹⁷ Kildea P (2020),¹⁸ Bhat, M. M. A (2021),¹⁹ and Katju, M (2020)²⁰ have explored the functioning and integrity of EMBs in countries such as France, the United Kingdom, the United States, Norway, Hungary, Mexico, Albania, Ghana, Kosovo, Iraq, Afghanistan, Australia, and India.

These studies reveal that in countries like France, the UK, the US, Norway, Hungary, Mexico, Albania, Ghana, Kosovo, Iraq, and Afghanistan, EMB employees do not face risks of illness, accidents, or death during electoral processes. However, these countries prioritize enhancing EMB integrity through technical aspects such as voter registration ease, ballot security, and ink quality improvement. On the other hand, studies on Australia and India highlight the absence of accidents, illness, and death risks during elections, emphasizing the high integrity maintained by EMBs in these countries.²¹

The article takes a distinctive stance by highlighting the unique risks faced by EMBs in Indonesia, such as accidents, illness, and death, which are unparalleled in other parts of the world. It emphasizes the urgent need for the state to provide social security protection for EMB workers, including the KPU, PPK, PPS, KPPS, PPSLN, and KPPSLN. The forthcoming 2024 elections in Indonesia should not witness alarming rates of illness and deaths among EMB workers. Therefore, it is a moral obligation for the state to ensure social protection for EMBs and address the legal void regarding this issue.²²

The concept of a welfare state aligns with the commitment to social security, empowering the state to intervene in all aspects of society while adhering to the principle of legality (*freies ermessen*). The welfare state aims to alleviate the suffering of citizens, addressing issues such as poverty, unemployment, and health concerns through public policies, services, assistance, protection, and initiatives. In the context of Indonesia, where elections and EMBs play a crucial role, there is a growing demand to extend social security protection to EMB employees. This protection serves as a form of safeguarding, providing financial compensation for income loss and services in response to work-related accidents, illnesses, pregnancy, childbirth, old age,

¹⁶ Martin Lundstedt and Amanda B. Edgell, 'Institutions of Electoral Integrity and Clientelism: The Role of Electoral Management Bodies', *SSRN Electronic Journal*, 2020. <https://doi.org/10.2139/ssrn.3697281>.

¹⁷ Toby S James, 'Better Workers, Better Elections? Electoral Management Body Workforces and Electoral Integrity Worldwide', *International Political Science Review*, 40.3 (2019), 370-90. <https://doi.org/10.1177/0192512119829516>.

¹⁸ Paul Kildea, 'The Constitutional Role of Electoral Management Bodies: The Case of The Australian Electoral Commission', *Federal Law Review*, 48.4 (2020), 469-82. <https://doi.org/10.1177/0067205X20955097>.

¹⁹ M. Mohsin Alam Bhat, 'Governing Democracy Outside The Law: India's Election Commission and The Challenge of Accountability', *Asian Journal of Comparative Law*, 16.S1 (2021), S85-104. <https://doi.org/10.1017/asjcl.2021.30>.

²⁰ Manjari Katju, 'Institutional Initiatives Towards Expanding Democracy: The Election Commission of India and Electoral Mobilisation', *Contemporary South Asia*, 29.2 (2021), 147-61. <https://doi.org/10.1080/09584935.2020.1775179>.

²¹ Yordan Gunawan and others, 'Does the Protection of Minority Groups in Xinjiang Fail?', *Sriwijaya Law Review*, 4.2 (2020), 205-20. <https://doi.org/10.28946/slrev.Vol4.Iss2.432.pp205-220>.

²² Ahmad Harakan, Riccardo Pelizzo, and Nygmetzhan Kuzenbayev, 'Traditional Beliefs and Electoral Behavior in Indonesia', *World Affairs*, 186.4 (2023), 896-924. <https://doi.org/10.1177/00438200231203005>.

and death.²³ However, the national social security system in Indonesia, regulated by Law Number 40 of 2004, has limited coverage and does not extend to EMB workers.²⁴ In the 2019 elections, the employment social security for election organizing officers was not implemented, and it only began to be rolled out in the 2024 elections. However, the implementation by Social Security Administrator for Employment or *BPJS Ketenagakerjaan* was ineffective.²⁵

This article highlights the importance of providing social security protection to EMB employees, similar to other sectors or civil apparatus. Without this protection, EMB workers are vulnerable to election fraud, which often occurs at the district, village, and polling station levels. EMB often takes the form of manipulating votes for specific candidates or political parties through the abuse of administrative authority and transactional means. In countries like Mexico, a lack of integrity and lax enforcement of election laws has led to rampant vote-buying and selling among voters, candidates, and election organizing bodies.²⁶

The article aims to safeguard the integrity and independence of EMBs and ensure the integrity of elections in Indonesia. By extending social security protection to EMBs, the nation can fortify its defenses against election fraud and foster elections characterized by integrity and transparency. By delving into key aspects such as safeguarding the workload of EMBs through social security rights, the implication of neglecting such protection, the legal and constitutional frameworks, and policy choices, this article seeks to promote the protection of EMBs through social security rights in Indonesia. This study also aims to review the implementation of *BPJS Ketenagakerjaan* in 2024 election for Indonesia's election management bodies (EMBs) or election organizing officers.

2. Research Method

This study employed a normative methodology, with a primary focus on legal principles, legal systematics, and legal synchronization in relation to the imperative need for social security protection for EMBs. The approach taken was doctrinal, as the research sought to address the absence of legal policies safeguarding social security rights for EMBs. The study was conducted in a descriptive and prescriptive manner, analyzing the structure and content of social security protection policies for EMBs. Secondary research data were collected through literature reviews and data analysis techniques, utilizing the logical deductive principle to derive general insights from specific issues.

3. Result and Discussion

In Indonesia, EMBs are categorized into two groups: permanent and *ad hoc*. Election 2019 permanent EMBs consist of 7 individuals in the KPU, 238 members in provincial KPUs across 34 provinces, 2,570 regency/city KPUDs from 514 regencies/cities. *Ad hoc* EMBs include PPK

²³ I Wayan Gde Wiryanan, 'The Protection of Social Workers in The Perspective of The Principles of Humanity and Justice', *International Journal of Law Reconstruction*, 6.2 (2022), 185. <https://doi.org/10.26532/ijlr.v6i2.24686>.

²⁴ Luhur Sanitya Pambudi, 'Bagi Pekerja Bukan Penerima Upah di Wilayah Kota Semarang Ditinjau Dari Permenaker Nomor 1 Tahun 2016', *Indonesian State Law Review (ISLRev)*, 1.2 (2019), 205–28. <https://doi.org/10.15294/islrev.v1i2.38439>.

²⁵ Manuel Campos Lago Muhamad Haris Aulawi, Yordan Gunawan, M. Hanaan Alfarizi, 'Governing Indonesia's Plan to Halt Bauxite Ore Exports: Is Indonesia Ready to Fight Lawsuit at the WTO?', *Bestuur*, 11.1 (2023), 26–42. <https://doi.org/10.20961/bestuur.v11i1.69178>.

²⁶ Gilles Serra, 'Vote Buying with Illegal Resources: Manifestation of a Weak Rule of Law in Mexico', *Journal of Politics in Latin America*, 8.1 (2016), 129–50. <https://doi.org/10.1177/1866802X1600800105>.

comprising 36,005 members from 7,201 districts, PPS with 7,385,500 members, KPPS comprising 810,159 members, PPSLN with 650 members from 130 countries, and KPPSLN comprising 22,239 members from 3,177 Ballot Stations, Drop Boxes and Posts. Election 2024 permanent EMBs consist of 7 individuals in the KPU, 266 members in provincial KPUs across 38 provinces, 2,570 regency/city KPUDs from 514 regencies/cities. *Ad hoc* EMBs include PPK 36,440 members from 7,288 districts, PPS with 251,913 members from 83,971 villages, KPPS comprising 5,741,127 members, PPSLN with 647 members from 130 countries, and KPPSLN comprising 21,413 members from 3,059 ballot station, Drop Boxes and Post.

The total number of election organizers 2019 in Indonesia is 7,697,421 individuals serving in 904,616 centers, spanning provinces, regencies/cities, districts, villages, national ballot stations, and even other countries. The total number of election organizers 2024 is 6,054,383 individual serving in 915,161 all election procedure. This represents the largest number of election organizers in the world.²⁷

Table 1. Number of Indonesian EMBs 2019 and 2024 Election

No	Institution	Level	Count 2019	Count 2024	Members 2019	Members 2024
1	KPU	National	1	1	7	7
2	Provincial KPU	Province	34	38	238	266
3	Regency/Municipal KPU	Regency/Municipality	514	514	2,570	2,570
4	PPK	District	7,201	7,288	36,005	36,440
5	PPS	Village	83,400	83,971	250,212	251,913
6	KPPS	Ballot Station	810,159	820,161	7,385,500	5,741,127
7	PPSLN	Embassy/Consulate	130	130	650	647
8	KPPSLN	Ballot Station, Drop Box, and Post	3,177	3,059	22,239	21,413
Total			904,616	915,161	7,697,421	6,054,383

Ad hoc election organizers play a crucial role in electoral process but are particularly susceptible to accidents, illnesses, and even fatalities due to their strenuous workloads at the District, Village, and Polling Station levels. These *ad hoc* election organizers include PPK, responsible for overseeing elections at the district level; PPS, in charge of elections in villages; KPPS, managing elections at Polling Stations; and *Pantarliah* officers involved in voter data updates.

The budget for PPK, PPS, KPPS, and TPS order officers is covered by the KPU budget from the State Budget, as stated in Article 74 of General Election Commission Regulation Number 3 of 2018. Financing for the General Elections is allocated from the State Budget, as outlined in Law Number 7 of 2017 on Elections. Additionally, assistance and facilities from local governments can be provided to PPK and PPS, as stated in Article 75 of General Election Commission Regulation Number 3 of 2018.

EMBs face substantial workload and must complete their responsibilities within specific timeframes. This includes planning and procuring election logistics. The KPU is responsible for planning, establishing standards, and determining the requirements and distribution of voting equipment. The procurement and distribution of voting equipment are executed by the Secretary General of the KPU, the Secretary of the Provincial KPU, and the Secretary of the

²⁷ Eny Kusdarini, v Priyanto, and others, 'Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia', *Heliyon*, 8.12 (2022), e11932. <https://doi.org/10.1016/j.heliyon.2022.e11932>.

Regency/City KPU. *Ad hoc* EMBs handle numerous tasks and responsibilities, serving a staggering 192,062,761 voters in 2019 election and 204.807.222 in 2024 election with diverse issues. These tasks include managing political party organizations, overseeing national political parties and local political parties, providing assistance to polling stations, handling contested seats, candidates, and the printing of ballots.²⁸

Table 2. Indonesian EMBs' workload in 2019 and 2024 Election

Workload	Count 2019 Election	Count 2024 Election
Registered Voters	192,062,761	204.807.222
Political Parties	14 nationally and 4 locally in Aceh	17 nationally and 6 locally in Aceh
Ballot Station	810,329	820.161
All District Magnitudes	2,492	2.710
District Magnitudes of DPR	80	84
District Magnitudes of DPD	34	38
District Magnitudes of Provincial DPRD	272	301
District Magnitudes of Regency/City DPRD	2,206	2.325
All Seats	20,528	20.462
Seats of DPR	575	580
Seats of DPD	136	136
Seats of Provincial DPRD	2,207	2.372
Seats of Regency/City DPRD	17,610	17.510
Ballots	939,879,651	1.0272.133
All Candidates	291,504	272.173
DPD	1,116	668
DPR	11,225	9.917
Provincial DPRD	32,263	29.166
Regency/City DPRD	246,558	232.422

Voting equipment used at polling stations includes items such as mark of choice and ballot boxes, ballots, ink, voting booths, seals, tools for marking choice, and polling stations. Subsection (2) of voting equipment support includes provisions for paperback, identification for KPPS/KPPSLN, identification for TPS/TPSLN officers, witness identification, ballot binding, glue/adhesive, plastic bags, ballpoint, markers, padlocks, forms for minutes and certificates, ballot box number stickers, straps for the preferred marking device; and aids for people with visual impairment.

For the 2019 elections, the number of required ballots was calculated based on the registered voters (DPT), with an additional 2% allocated for reserves. An allowance of 1,000 ballot sheets per vote was provided for re-voting. The total number of ballots for the 2009 elections was 701,871,980, accompanied by bottles of ink, seals, sheets of templates of blind aids, and sheets of forms C and D. Additionally, sheets were dedicated to the List of Permanent Candidates (DCT).²⁹ For the 2024 election, the numbers of required ballots was calculated based on the registered voters (DPT) 204.807.222 and the numbers of ballot for the 2024 election 1.0272.000.

²⁸ Diego Fossati and others, 'Ideological Representation in Clientelistic Democracies: The Indonesian Case', *Electoral Studies*, 63 (2020), 102111. <https://doi.org/10.1016/j.electstud.2019.102111>.

²⁹ Ward Berenschot and Peter Mulder, 'Explaining Regional Variation in Local Governance: Clientelism and State-Dependency in Indonesia', *World Development*, 122 (2019), 233-44. <https://doi.org/10.1016/j.worlddev.2019.05.021>.

Filling out minutes forms was a significant task for officers, particularly KPPS.³⁰ This involved various attachments, including certifications and records of vote counting results different categories, using specific models such as C-1 DPR-DPRD, Appendix C-1 DPR, Appendix C-1 DPD, Model C-2 DPR, and Model C-2 DPD.

Preparing duplicate forms and distributing them to various entities, including the Voting Committee, witnesses, and DPD representatives. KPPS officers faced a challenging endeavor during the vote count and minutes documentation, handling multiple sheets for different categories of ballots. The vote-counting process and subsequent recapitulation process were time-consuming and required attention to detail.

Throughout the counting process, the KPPS meticulously examined various types of polling from voters for validity and presented to witnesses. The workload posed risks such as fatigue and psychological problems. Unfortunately, there were 894 reported cases of *ad hoc* election organizers who lost their lives during the 2019 elections.³¹ In the 2024 Indonesian general election, the death toll among election organizers rose to 181, with an additional 4,770 suffering from accidents and illnesses. The data are presented in Table 3:

Table 3. Indonesian *Ad hoc* EMBs Affected by Lines and Mortality in the 2019 and 2024 Election

Number of Deaths	Number of Those Falling Ill	Cause
894 Individuals (2019 Election)	11,239 Individuals (2019 Election)	Heavy workload
181 Individuals (2024 Election)	4,770 Individual (2024 Election)	Fatigue Psychological conditions Congenital diseases

The workload of KPPS members before the calculation process was indeed substantial. They often worked longer hours than the ideal average of 7.5 hours. Mentally, they operated under high expectation, requiring precise and flawless work. Leading up to the polling day, they had significant responsibilities in preparing the event.

3.1. Implications of EMB's Not Being Protected by Employment Social Security: Election Fraud

The strenuous and risky nature of election organizers' duties, as previously outlined, coupled with the absence of state-provided social security protection, leaves them vulnerable to resorting to election fraud. The risks they face, including fatigue, psychological stress, accidents, and illnesses, make them susceptible to such temptations.³² In order to mitigate this, workers' social security could serve as compensation, providing financial support and services to help alleviate the impact of events or circumstances experienced while they are on duty.

Various forms of fraud that *ad hoc* election organizers might engage in include: altering the certificate of the results of vote recapitulation counting; disposing of the C1 form; withholding the distribution of passages or copies of the results of vote recapitulation; using the C6 form to fraudulently add votes not entitled to certain candidates; conducting recapitulation

³⁰ Eny Kusdarini, Sunarso Sunarso, and others, 'Addressing Challenges in Simultaneous Implementation of Regional Head Elections During the Covid-19 Pandemic', *Jurnal Civics: Media Kajian Kewarganegaraan*, 20.1 (2023), 189–96. <https://doi.org/10.21831/jc.v20i1.60128>.

³¹ Risa J. Toha, Dimitar D. Gueorguiev, and Aim Sinpeng, 'The Normalization of Intolerance: The 2019 Presidential Election in Indonesia', *Electoral Studies*, 74.2 (2021), 102391. <https://doi.org/10.1016/j.electstud.2021.102391>.

³² Högström and Jerhov.

counting in secluded or non-transparent locations; and involvement in money politics. It is important to note that election fraud can only occur if the Election Committee is involved in these activities.³³

The shortcomings of election organizers can be categorized into intentional misconduct, known as election malpractice, and unintentional errors, referred to as malpractice.³⁴ The distinction between these terms has been debated among scholars. Fraud in elections is considered a subset of vote manipulation or vote theft, primarily targeting the election administration process. Examples of election fraud include obstructing candidate nominations, manipulating voter lists, inadequate voting facilities, manipulating votes, tampering with the counting process, misappropriating seats, obstructing supervisor access, and mishandling electoral disputes.³⁵

Table 4. Forms of Fraud by Indonesian *Ad hoc* EMBs during the 2019 Elections

No.	Types of Cheat	Cheating Location	Offender
1	Voting of residual ballots	North Sumatera	KPPS
2	Embezzlement of KPPS Salaries	North Sulawesi and Central Sulawesi	PPK
3	Siding with Certain Election Participants/Non-Netra	North Sumatera, Central Kalimantan, North Sulawesi, Banten, Bengkulu, West Kalimantan, North Kalimantan, East Kalimantan, and Riau	PPK, PPS, and KPPS
4	Registered as a Political Party Administrator	North Sulawesi and Bengkulu	PPK, PPS, and KPPS
5	Campaigning for Election Participants	North Sulawesi	PPK, PPS, and KPPS
6	Opening Ballot Boxes Without the Presence of Witnesses and Polling Station Supervisors	Banten	KPPS
7	Not providing district supervisory committee with a copy of the DAA1-KPU form	Bengkulu	KPPS
8	Manipulating/inflating a particular candidate's votes	North Sumatera, North Kalimantan, Central Sulawesi, West Sumatera, East Kalimantan, Maluku, and East Nusa Tenggara	KPSS
9	Casting ballots belonging to absent voters	East Nusa Tenggara	KPSS

A detailed breakdown of the forms of election fraud committed by *ad hoc* EMBs during the 2019 elections will be provided in Table 4. This information is based on complaints received

³³ Muhammad Iqbal, 'Integritas Penyelenggara Pemilu Adhoc, Praktik Electoral Fraud oleh Panitia Pemilihan di Provinsi Sumatera Utara', *Electoral Governance Jurnal Tata Kelola Pemilu Indonesia*, 1.2 (2020), 1–22. <https://doi.org/10.46874/tkp.v1i2.69>.

³⁴ Yordan Gunawan, M. Fabian Akbar, and Eva Ferrer Corral, 'WTO Trade War Resolution for Japan's Chemical Export Restrictions to South Korea', *Padjadjaran Jurnal Ilmu Hukum*, 9.3 (2022), 408–31. <https://doi.org/10.22304/pjih.v9n3.a6>.

³⁵ Firman Noor and others, 'The Implementation of Direct Local Election (Pilkada) and Money Politics Tendencies: The Current Indonesian Case', *Politik Indonesia: Indonesian Political Science Review*, 6.2 (2021), 227–46. <https://doi.org/10.15294/ipsr.v6i2.31438>.

by the KPU, investigative findings, and observations from across Indonesia.³⁶ As for the incidents of electoral misconduct in 2024 involving election organizers (KPPS, PPS, PPK) and cases of administrative infractions at ballot stations (TPS), villages, and districts, these have not yet been formally assessed and disclosed by the KPU and the Bawaslu.

This data provided indicate that election fraud, often involving the abuse of authority, occurs within *ad hoc* election agencies like PPK, PPS and KPPS. Such actions constitute violations of electoral laws, and the Code of Conduct for EMBs, undermining the integrity of electoral process and eroding public trust.³⁷ To address these issues, the KPU has taken measures to respond to election fraud and maintain electoral integrity. The table below presents the data

Table 5. Indonesian *Ad hoc* EMBs' Violation of Handling

No	Sanction	Number of Cases
1	Warning	325 individuals
2	Temporarily Dismissal	78 individuals
3	Permanent Dismissal	239 individuals
4	Conviction	3 individuals
5	In Examination	165 individuals
	Number	542 individuals

The data show that a total of 542 cases of election fraud were reported by *ad hoc* election organizers throughout Indonesia. The potential motivation behind these violations of election law appears to be the desire for monetary rewards, which could serve as compensation for the risks they face while working, including illness, injury, and even death.

3. 2. Regulation on Social Security at International and National Levels

At the international level, social security has been recognized as a human right by the United Nations in the Declaration on Human Rights. This declaration asserts that every person has the right to social security, covering aspects such as unemployment, illness, disability, inability to work, widowhood, and old age. The International Labor Organization (ILO) has also played a pivotal role in advocating for social security. Convention Number 102 of 1952, a key ILO instrument, calls on all countries to provide basic protection to their citizens in alignment with the United Nations (UN) Declaration on the right to social security.³⁸

The Convention serves stands as a global instrument governing the administration of social security. It sets minimum standards for the implementation of nine social security programs, including medical care, sickness benefits, unemployment benefits, old age protection, employment injury benefits, family benefits, maternity benefits, invalidity benefits, and survivors' benefits. While the Convention encompasses all nine programs, each member

³⁶ Sebastian Dettman, Thomas B. Pepinsky, and Jan H. Pierskalla, 'Incumbency Advantage and Candidate Characteristics in Open-List Proportional Representation Systems: Evidence from Indonesia', *Electoral Studies*, 48 (2017), 111–20. <https://doi.org/10.1016/j.electstud.2017.06.002>.

³⁷ Martin Lundstedt and Amanda B. Edgell, 'Electoral Management and Vote-Buying', *Electoral Studies*, 79 (2022), 102521. <https://doi.org/10.1016/j.electstud.2022.102521>.

³⁸ Keihan Barzegar and Fatemeh Sarreshteh Izadmoosa, 'The Right to Social Security in International Documents', *Juridical Tribune Journal*, 7.1 (2017), 39–52. <<https://doi.org/10.1177/0022343319889657>>.

country is allowed to focus on at least three of them, providing flexibility for countries to tailor their social security systems to their unique circumstances.³⁹

In Indonesia, the principle of welfare is foundational, as stated in the Preamble to the 1945 Constitution. This principle emphasizes the role of the state in promoting prosperity for its citizens and allows for comprehensive state involvement in various aspects of people's lives to ensure well-being.⁴⁰ The 1945 Constitution, particularly Chapter XIV on social welfare, and Article 33 and Article 34, highlight the state's responsibility in promoting social justice and welfare. Article 28H Paragraph (3) guarantees citizens' right to social security, and Article 28I Paragraph (4) places the responsibility on the state, especially the government, to fulfill this right. Article 34 Paragraph (2) mandates the state to develop a social security system for all people. These constitutional provisions clearly establish the duty of the state, particularly the government, to create and maintain a comprehensive social security system in Indonesia.⁴¹

In Indonesia, social security protection historically has provided to workers with fixed and non-fixed salaries but has not extended to workers fulfilling state duties in organizing elections. This exclusion is evident in the Law Number 40 of 2004 on National Social Security System and the Law Number 24 of 2011 on Social Security Organizing Agency, which do not directly address social security provision for election organizers.

When examining the issue from a labor perspective, election organizers meet the criteria of an employment relationship as defined in the Law Number 32 of 2003 on Manpower. They receive wages or honoraria from state budget funds, are given work orders by the KPU of the Republic of Indonesia based on the Law Number 7 of 2017 on General Elections and agree to perform specific tasks related to organizing elections. Thus, election organizers fulfill the elements of an employment relationship as stipulated in labor law.

The 1945 Constitution does not explicitly specify the types of social security programs that the state should implement. However, it emphasizes the universal right to social security for every individual. Article 28H Paragraph (3) guarantees everyone's entitlement to social security, promoting their complete development as dignified human beings. Article 34 Paragraph (2) instructs the state to establish a social security system for the entire population, with a focus on empowering vulnerable and incapacitated individuals in line with dignity of humanity. This constitutional framework highlights the importance of ensuring social security rights for all and advocates for an inclusive social security model applicable to the entire Indonesian population.⁴² Detailed regulations regarding the implementation of social security provisions are established in specific legislation. In response to Article 34, the government enacted the Law Number 40 of 2004 on National Social Security System, which establishes a

³⁹ Ministry of National Development Planning and Dharendra Wardhana, 'Decentralization, Democratization, and Social Protection in Indonesia: A Systematic Review of the Literature', *Jurnal Perencanaan Pembangunan: The Indonesian Journal of Development Planning*, 3.2 (2019). <https://doi.org/10.36574/jpp.v3i2.7>.

⁴⁰ Khudzaifah Dimiyati and others, 'Indonesia As a Legal Welfare State: A Prophetic-Transcendental Basis', *Heliyon*, 7.8 (2021), e07865. <https://doi.org/10.1016/j.heliyon.2021.e07865>.

⁴¹ Stefanus Hendrianto, 'Constitutionalized but Not Constitute: The Case of Right to Social Security in Indonesia', *Constitutional Review*, 6.2 (2020), 241. <https://doi.org/10.31078/consrev623>.

⁴² Muhammad Rafi'i and Zaid Zaid, 'Building Social Welfare Through Social Security Based on The Socio-Economic Justice During Covid-19 Pandemic Crisis', *Jurnal Sosial Humaniora*, 14.2 (2021), 138. <https://doi.org/10.12962/j24433527.v14i2.9477>.

comprehensive national social security system encompassing various aspects of social security, including health insurance and employment insurance.⁴³

The BPJS Law establishes BPJS as a public legal entity responsible for administering social security programs. BPJS operates under the oversight of the President and fulfills its functions, duties, and authorities in the organization and management of social security programs for the entire population.⁴⁴ *BPJS Ketenagakerjaan*, on the other hand, operates as a state-formed public legal entity with the specific mandate of overseeing a comprehensive social security program for workers. It has transformed from a state-owned company as *Jamsostek* into a state public legal entity. *BPJS Ketenagakerjaan* focuses on organizing security program for workers, as mandated by the constitution, and its coverage extends to all Indonesian citizens.⁴⁵

As a public legal entity, *BPJS Ketenagakerjaan* operates based on distinct principles that set it apart from typical companies (Persero) or State-Owned Enterprise (BUMN). According to Article 4 of Law Number 24 of 2011 on The Social Security Management Agency states that these principles, rooted in the constitutional framework, include cooperation, non-profit, openness, caution, accountability, portability, mandatory participation for trust funds, and maximizing benefit. They emphasize *BPJS Ketenagakerjaan's* commitment to providing a robust and equitable social security system that prioritizes the well-being and security of the workforce in Indonesia

These principles are aligned with constitutional provisions such as Article 28H Paragraph (3), which guarantees the right to social security for everyone, enabling their full development as dignified human beings. Article 34 Paragraph (2) mandates the state to develop a social security system that empowers vulnerable individuals based on the principles of human dignity. As a public entity, BPJS embodies the right to social security and executes the state's responsibility to create a comprehensive social security system for all Indonesians. The primary objective of establishing BPJS is to realize the provision of guarantees that enable participants and their family members to meet their basic living needs adequately. *BPJS Ketenagakerjaan* fulfills this mandate by organizing various programs, including work-related accident benefits (*Jaminan Kecelakaan Kerja/JKK*), old-age protection (*Jaminan Hari Tua/JHT*), pension guarantees (*Jaminan Pensiun/JP*), and death benefits (*Jaminan Kematian/JKM*).⁴⁶

From a legal perspective, social security is part of the public services for which the state is responsibility. The state is obligated to cater to the needs and rights of every citizen and resident by providing essential services, as outlined in the Indonesian 1945 Constitution. *BPJS Ketenagakerjaan* can be categorized as an institution established exclusively for the purpose of engaging in public service activities, specifically organizing social security programs for workers.

Participation in the Social Security program is mandatory for everyone, including foreign individuals who have been working in Indonesia for a minimum of six months. Employers are

⁴³ Heniyatun Heniyatun, Retno Rusdijjati, and Puji Sulistyaningsih, 'Protection of Informal Workers as Participants Through the Magelang Regional Social Security System', *Varia Justicia*, 14.2 (2018), 78–86. <https://doi.org/10.31603/variajusticia.v14i2.2379>.

⁴⁴ Diah Arimbi, 'Legal Status of The Social Security Administrator (BPJS) As A Public Legal Entity', *Jurnal Dinamika Hukum*, 19.3 (2020), 829. <https://doi.org/10.20884/1.jdh.2019.19.3.2700>.

⁴⁵ Muhamad Hasan Muaziz, 'Analysis of Investment Management Law at The Employment Social Security Organizing Agency (BPJS)', *Al Wasilah Jurnal Ilmu Hukum*, 3.1 (2022), 13–26. <https://doi.org/10.47776/alwasath.v3i1.330>.

⁴⁶ Yordan Gunawan and others, 'Command Responsibility Of Autonomous Weapons Under International Humanitarian Law', *Cogent Social Sciences*, 8.1 (2022), 1–16. <https://doi.org/10.1080/23311886.2022.2139906>.

progressively required to enroll themselves and their employees as participants in BPJS. They must provide furnish accurate and complete information about themselves, their employees, and their respective family members. Individuals who meet the eligibility criteria for participation in the Social Security program are also obligated to register themselves and their family members as participants.⁴⁷

Contributions, in the form of regular monetary payments, are required from participants, employers, and, in some cases, the government. Employers collect contributions from their employees and deposit their own contributions directly to BPJS. Employers play a vital role in ensuring the adequate funding of the Social Security program and the fulfillment of financial commitments by all participants and stakeholders.

The provisions in the Indonesian 1945 Constitution, SJSN Law, and BPJS Law emphasize the principles and priorities of protecting social security as a constitutional right and establishing the state as the provider of social security. Based on Article 19 of Law Number 24 of 2011 on the Social Security Management Agency state that participants in social security programs include all individuals, including foreign workers who have been employed in Indonesia for a minimum of six months and have fulfilled their payment obligations. The social security framework for employment is deliberately structured to encompass all categories of workers, including those employed by state organizers and those engaged in employment outside of state organizers.

According to Article 65 of the Regulation of the Minister of Manpower of the Republic of Indonesia Number 5 of 2021 on Procedure for Implementing the Work Accident Insurance Program stated the commitment of ensuring social security protection for all workers, regardless of the duration of their service, is evident in the laws and regulations governing labor rights and social security. That regulation specifically mandates that all workers, including those with varying work arrangements, such as freelance day laborers and individuals engaged in specified time agreement employment, must receive state-guaranteed employment social security protection.

While the election organizers may not be classified as State Civil Apparatus (ASN) based on Law Number 20 of 2023 on the State Civil Apparatus, the fundamental principle of state policy regarding social security for employment should be extended to include them. This extension is based on the constitutional rights guaranteed by the state to all individuals, including those involved in organizing elections.

Government Regulation Number 66 of 2017 on Amendments to Government Regulation Number 70 of 2015 on Work Accident Insurance and Death Insurance for State Civil Apparatus Employees on Optimizing the Implementation of the Employment Social Security Program stated that on Accident Insurance and Death Insurance for Employees of the ASN is instrumental in extending work-related accident benefits (JKK) and death benefits (JKM) to non-ASN participants, which would include election organizers. This regulation aims to provide protection in the form of JKK and JKM for individuals who are not classified as ASN. Given the important and sometimes risky tasks performed by the election organizers in the electoral process, it is reasonable and justifiable for them to be entitled to work-related accident benefits and death benefits.⁴⁸

⁴⁷ Mutia Hadini and Lanny Ramli, 'Benefits of Employment Social Security Agency for Foreign Workers in Indonesia', *PalArch's Journal of Archaeology of Egypt/Egyptology*, 17.3 (2020), 1723–30. <https://doi.org/10.1088/1755-1315/175/1/012128>.

⁴⁸ Manuel Campos Lago Muhamad Haris Aulawi, Yordan Gunawan, M. Hanaan Alfarizi, 'Governing Indonesia's Plan to Halt Bauxite Ore Exports: Is Indonesia Ready to Fight Lawsuit at the WTO?', *Bestuur*, 11.1 (2023), 26–42. <https://doi.org/10.20961/bestuur.v11i1.69178>.

Based on Presidential Instruction Number 2 of 2021 on Optimizing the Implementation of the Employment Social Security Program stated reinforced the obligation to provide employment social security for election organizers. This instruction outlines policies for election organizers, governors, and regents/mayors, mandating specific actions to ensure that all individuals, including government employees with Non-ASN status and election, are registered as active participants in the employee social security program. The instruction also specifies that funding for the employment social security program should be allocated from various sources, including State Budget, regional budget, and other legitimate and non-binding sources, in accordance with relevant laws and regulations.

3.3. Evaluation of the Protection Policy for the 2019 Elections Implementation

The implementation of employment protection in the form of compensation for election organizers in 2019 elections differs from the comprehensive social security for employment guaranteed in the constitution, SJSN Law and BPJS Law. To align with constitutional and legal frameworks, it would be more appropriate for election organizers to be included in the social security for employment programs administered by *BPJS Ketenagakerjaan*.

In 2019, the mechanism for providing compensation to election organizers was based on the Letter of the Minister of Finance Number S-316/MK.02/2019 on Cost and Structure Standard Guidelines Year 2019, which outlined the Proposal of Other Input Cost Units (SBML) for Work Accident Compensation for *ad hoc* Election 2019 organizers. This letter specified various compensation amounts based on the type and severity of the injury sustained by the organizers. The compensation amounts were as follows: IDR 36,000,000 for those who died, IDR 30,800,000 for those with permanent disability; IDR 16,800,000 for those with serious injuries; and IDR 8,250,000 for those with moderate injuries.

It is important to note that based on Letter of the Minister of Finance Number S-316/MK.02/2019 stated the approval of the unit cost amount for compensation did not result in an increase in the budget allocation but rather optimized the utilization of the existing budget allocation. The specified compensation amounts represent the upper limit and cannot be exceeded. The exact compensation for each case is determined by the Decree of the Chairman of the KPU. These compensation arrangements were valid from January 2019 for the KPU's *ad hoc* officers throughout their service period, as specified in the appointment decrees.

Currently, according to Letter of the Minister of Finance Number S-647/MK.02/2022 on Other Input Cost Units (SBML) for the General Election Stages and Election Stages, which explains several essential things, the compensation mechanism outlined in the Letter of the Minister of Finance regarding SBML for the General Election Stages and Election Stages is still in use. It covers essential aspects such as the determination of standards for honorarium fees and compensation for *ad hoc* EMBs and elections.⁴⁹ The letter also addresses honorarium provisions for Provincial and Regency/City KPU Member Selection Teams and Working Groups (*Pokja*). According to Letter of the Minister of Finance for the General Election Stages and Election Stages Number S-647/MK/02/2022 on Other Input Cost Units (SBML) stated that he technical details regarding unit fees are specified through the Decree of the Chairman of the KPU. It is worth noting that the approval of the SBML did not result in an increase in the budget

⁴⁹ Mohammad Hazyar Arumbinang, Yordan Gunawan, and Andi Agus Salim, 'Prohibition of Child Recruitment as Soldiers: An International Regulatory Discourse', *Jurnal Media Hukum*, 30.1 (2023), 21-32. <https://doi.org/10.18196/jmh.v30i1.19322>.

allocation but rather utilized the available budget allocation as outlined in the Regional Grant Agreement (NPHD). Adjustments can be made to align with the financial capabilities of each region if the allocated budget is insufficient. These adjustments are regulated by the decision of the Chairman of the KPU to ensure that the electoral process is carried out within the available financial resources.

Based on Letter of the Minister of Finance Number S-647/MK/02/2022 in cases where there are multiple stages in the implementation of elections, such as the election of governors, regents, and mayors, it is important to avoid duplicating honorariums. The responsibility for ensuring compliance with formal, material, and regulatory requirements when using the SBML lies with the KPU Budget User. This ensures efficient resource allocation in accordance with established guidelines.

Efficiency measures and innovative approaches in various activities or stages are crucial for the KPU to optimize resources and enhance cost-effectiveness. These measures should aim to reduce costs, streamline processes, save time, and optimize personnel utilization. While implementing these provisions, the KPU should uphold principles of justice, fairness, propriety, and consider budget considerations for related activities. This will help maintain a balanced and efficient electoral process.

The Letter from the Minister of Finance Number S-647/MK/02/2022 addresses several important aspects, including the establishment of the highest limit for unit costs related to election stages, eligibility for honorarium, and specific provisions regarding compensation for work-related accidents within *ad hoc* agencies. These aspects ensure transparency and fairness in the compensation process for election organizers.

Based on the information provided, the letters from the Minister of Finance in 2019 and 2022 do not specify the choice of protection policies for election organizers, whether it involves compensation schemes or employment social security. Instead, this policy choice falls under the authority of the KPU to determine.

3.4. Review of the Employment Social Security (BPJS Ketenagakerjaan) for Election Organizers Officers in the 2024 Elections

The 2024 general elections in Indonesia were aimed at electing the President and Vice President, members of the DPR, DPD, Provincial DPRD and Regency/Municipal DPRD. These elections, held on February 14, 2024, were significant not only for their democratic function but also for the implementation of employment social security measures for election organizers, based on two primary considerations.

Firstly, the constitutional framework, as outlined in Article 28H Paragraph (1) and Article 34 Paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia, Law Number 40 of 2004 on the National Social Security System, Law Number 24 of 2011 on the Social Security Organizing Agency, and Government Regulation Number 82 of 2019, which amends Government Regulation Number 44 of 2015 on the Implementation of Work Accident Insurance and Death Insurance programs.

Secondly, the sociological rationale aimed at preventing the recurrence of the unfortunate events of the 2019 elections, in which numerous members of the KPSS at the ballot stations (TPS) died, had accidents, or passed away during their duty in the 2024 elections.

These considerations led the government to enact policies ensuring employment social security for election organizers through Presidential Instruction Number 2 of 2021 on the Optimization of the Implementation of the Employment Social Security Program (*Jamsostek*), directed at various ministers and all regional heads, including Governors, Regents, and

Mayors. Specifically, provisions 24 and 25, letter b, of Presidential Instruction No. 2 of 2021, mandate regional heads at the regency/city and provincial levels to ensure that all workers, including non-wage earners, government employees with non-civil servant status, and election organizers, are registered as active participants in the Employment Social Security Program.

The need for election organizers to receive employment social security stems from two main reasons: Firstly, the state does not provide special insurance for citizens serving the state's interest for short periods, such as KPPS officers at ballot stations. Secondly, these KPPS officers, as community members employed by the government to conduct elections, are also workers who deserve protection beyond honorariums. Thus, registering all election organizers with *BPJS Ketenagakerjaan* is vital for their protection.

In response, in January 2024, the KPU collaborated with the Presidential Staff Office, the Ministry of Home Affairs, and *BPJS Ketenagakerjaan* to sign a Memorandum of Understanding (MoU) outlining concrete efforts to provide employment social security for the 2024 election organizers. *BPJS Ketenagakerjaan*, as the lead sector, committed to offering JKK and JKM benefits to at least the KPPS officers. For JKK, participants are entitled to cash benefits and/or healthcare services for work accidents or diseases caused by the work environment.

For instance, KPPS officers are entitled to various benefits from *BPJS Ketenagakerjaan*, including a death benefit of 48 times their salary, amounting to approximately IDR 48 million. The honorarium for KPPS officers ranges between IDR 1.1 million and IDR 1.2 million. In the event of permanent total disability, the compensation is valued at 56 times the salary, equating to about IDR 56 million. Additionally, KPPS officers are eligible for scholarship benefits up to IDR 174 million for two children through to university level.⁵⁰

Regarding JKM, KPPS officers are entitled to cash benefits for their heirs in the event of death not related to a work accident or occupational disease. These benefits include death compensation, funeral expenses, and periodic compensation for 24 months, totaling IDR 42 million, along with scholarship benefits for two children valued up to IDR 174 million. However, the implementation of employment social security for the 2024 Election organizers through *BPJS Ketenagakerjaan* encountered several challenges:

Firstly, *BPJS Ketenagakerjaan*'s coverage was limited to KPPS officers at ballot station (TPS) and did not extend to all election organizing officers, such as PPS officers at the village/neighborhood level, PPK officers at the district level, and officers of the District/City, Provincial, and National Election Commissions. Ideally, employment social security should include all election organizers at every level.

Secondly, *BPJS Ketenagakerjaan*'s provision of social security to KPPS officers was predicated on a minimum monthly contribution of IDR 10,000 for the JKK program and IDR 6,800 per month for the JKM program. This required employers to register with *BPJS Ketenagakerjaan*. Owing to this policy, not all KPPS officers were registered and had their contributions paid, leading to only about 315,000 KPPS officers, or 5.52 percent of the approximately 5.7 million serving at 820,161 ballot stations, being registered with *BPJS Ketenagakerjaan*. Consequently, 5,385,360 officers lacked employment social security coverage.

Thirdly, not all District/City Governments adhered to Presidential Instruction No. 2 of 2021 on optimizing the *Jamsostek* by allocating funds from the Regional Budget to cover monthly contributions for KPPS officers to *BPJS Ketenagakerjaan* and the absence of sanctions for Local

⁵⁰ Yordan Gunawan, 'Arbitration Award of ICSID on the Investment Disputes of Churchill Mining PLC v. Republic of Indonesia', *Hasanuddin Law Review*, 3.1 (2017), 14-26. <https://doi.org/10.20956/halrev.v3i1.948>.

Governments that do not comply. As a result, a significant number of 5,385,360 KPPS officers remained unregistered with *BPJS Ketenagakerjaan* due to the lack of Regional Budget allocation by the District/City Governments.

Looking ahead, the state is tasked with implementing reforms in the Election Law and the National Social Security System Law to ensure employment social security is mandatory for all election organizers. Funding should be sourced from the National Budget, with *BPJS Ketenagakerjaan* designated as both the regulator and executor.

4. Conclusion

The state must be present and accountable for providing employment social security protection to election organizers or EMB's. This group includes officer of the KPPS, officers of the PPS, officers of the PPK, officers of the Provincial KPU, City/District KPU officers, and National KPU officers. The primary aim of this employment social security is to ensure that election organizers can perform their duties with peace of mind, secure in the knowledge that they are covered for work-related accidents and death, and are discouraged from engaging in administrative fraud and vote buying. Social security is mandated by the 1945 Constitution, the National Social Security System Law, the Social Security Administering Body Law, Government Regulations, and Presidential Instructions. In the 2019 elections, the employment social security for election organizing officers was not implemented, and it only began to be rolled out in the 2024 elections. However, the implementation by *BPJS Ketenagakerjaan* was ineffective, as it only covered KPPS officers working at ballot station (TPS) and failed to include all election organizers or EMB's such as PPS, PPK, City/District KPU, Provincial KPU, and National KPU. Contributing factors include the policy's voluntary nature, reliance on contributions and registration, the reluctance of Local Governments to finance contributions for KPPS officers to *BPJS Ketenagakerjaan* due to a lack of budget allocation in the Regional Budget, and the absence of sanctions for Local Governments that do not comply.

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